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SENATE—*Tuesday, April 20, 2004*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign shepherd, who guides and protects us, hallowed be Your name. We praise You for Your love and wisdom. Lord, You are compassionate and gracious, full of loving kindness, ready to forgive, and generous beyond imagining. We find refuge in the shadow of Your wings.

Thank You for the gift of Yourself and for teaching us how to live and serve. Forgive us when we fail to live in complete dependence upon You so that Your power can work through us.

Strengthen our Senators today in every good work and every good word so that they may honor You in their labors. Give them joy in doing Your will. Help them to be attentive to Your voice and sensitive to Your movements.

Transform each of us into Your instruments, enabling us to help bring peace to our world.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for 60 minutes. The first 30 minutes will be under the control of the Democratic leader or his designee, and the final 30 minutes will be controlled by this side of the aisle. That hour of morning business will begin after leader time is used.

Prior to the Easter break, I mentioned our intention to begin consideration of the asbestos legislation. I understand there will be objection from the other side of the aisle and, therefore, I will move to proceed to the asbestos measure.

I do ask Members to come to the floor today to debate this motion. If we are unable to begin consideration of the bill, it may be necessary to file cloture on the motion to proceed. Discussions will be underway over the course of this morning across the aisle and among various interested Senators as to specific plans.

UNANIMOUS CONSENT REQUEST—S. 2290

Mr. FRIST. Mr. President, I ask unanimous consent that immediately following the morning business period today, the Senate begin consideration of Calendar No. 472, S. 2290, the asbestos bill.

Mr. DASCHLE. I object.

The PRESIDENT pro tempore. Objection is heard.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED

Mr. FRIST. Mr. President, I now move to proceed to the consideration of S. 2290, and I ask unanimous consent that the motion be set aside until the conclusion of the use of leader time and the 1 hour period of morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ASSISTANT DEMOCRATIC LEADER

The PRESIDENT pro tempore. The deputy leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, very briefly, under our controlled one-half hour, we yield 15 minutes to Senator HARKIN, 7½ minutes to Senator CORZINE, and 7½ minutes to Senator SARBANES.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I am going to make a 10-minute statement. I would be happy to turn to the Democratic leader for any opening comments.

Mr. DASCHLE. I have a statement as well. It would require about the same length of time. I will defer to the majority leader and make my comments after he has completed his.

ASBESTOS LITIGATION REFORM

Mr. FRIST. Mr. President, for Senators who are going to be here for morning business, it will probably be another 20 minutes or so, total time between the two leaders' time, before morning business begins.

As I said in my opening comments, our intention is to go to asbestos and to bring to closure a very important piece of legislation that a lot of people across the aisle have worked on and are dedicated to addressing.

I believe now is the time to do that. I want to briefly introduce my view of the current status of the asbestos litigation debate and how I think we can bring that debate to closure.

This body—both sides of the aisle—has recognized that asbestos litigation has run amok. It is time to fix what has become an embarrassing, inadequate system that we have, the purpose of which is to compensate victims. The current system is broken. It fails to compensate victims fairly, while at the same time imposes huge costs on our economy and thus on jobs and job creation.

We now have a choice, and it is a choice I very much think we should face right now, and that is to either leave the sick asbestos victims to suffer the vagaries of this system as it works today or put our very best work together to give them a better and more reliable and more secure system. There will be a lot of comments made over the course of the day and the

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

week, but I think it is important to understand that we have made substantial progress, meaningful progress toward creating a better system. With all of this progress, it is now time to bring it to a focal point and bring it to closure.

The chairman of the Judiciary Committee, Chairman HATCH, has brought S. 1125, the FAIR Act, the Fairness in Asbestos Injury Resolution Act, from its introduction through that Judiciary Committee, and a number of parties have participated in the various negotiations to get it to the floor.

Now is the time to take very deliberate action—it is going to be difficult over the next several days to do that—and to finish the process and bring relief to victims and stop the devastating impact the current system is having on our economy. Although we have made real breakthroughs and we have moved forward through a lot of continued discussions among the various stakeholders and various Senators, a lot of which has occurred since Senator HATCH's work with the committee, there are still a lot of calls to delay and put things off until some indefinite time in the future. Since I have been involved, pretty much after it came out of committee, there have been calls for delay—we need another week or 4 days or month or 2 months or 3 months. Now we need to stop talking about it and actually do it. We need to fix the system, which we know—I think there is a general consensus—is broken; that it is unfair and it hurts the economy. It is a detriment to our economy.

I have made it a leadership priority for the Senate to help resolve this issue. We have given parties, again and again, additional time to work out some of the issues. But now we need to take decisive action. As I said, there is wide agreement. If you look at the problem itself—that the current system is a disaster for victims and for jobs and a disaster for the impact on the economy—we are pouring vast amounts of money into this defunct system. But as we pour money into it, the system is getting worse and worse. More than 700,000 individuals have filed claims and, right now, there are 300,000 claims out there pending—300,000 claims. We have spent $70 billion trying to resolve these claims.

You must ask, with 300,000 claims out there and having spent $70 billion, what do we have to show for it today? Well, we have a system where sick victims of asbestos exposure have to wait in line with thousands of unimpaired claimants. We have the sick and people who have not been hurt at all, and they are all waiting. Sick victims wait too long for an award. The ones we need to focus on, the ones who are sick, now have to wait a long time. It is almost like a lottery system where few claimants—there are a few who get very large awards, but many get little, often based on simply where, for example, the claim was filed. The big winners are always the trial lawyers who have taken billions of dollars out of the system, which is money that should be going to the sick victims.

As much as half of every dollar spent in the system goes to the trial lawyers and to other expenses. If we say there is $70 billion, we say half is not going to the victims, the people being hurt, not to the potential victims. Obviously, it is clear that system needs to be fixed. It is inequitable, a wasteful system, and nothing is being done to make it better. In fact, you can see it is getting worse.

Future funds that should be preserved to compensate sick victims are simply being drained away by frivolous claims today. I keep hearing more and more of the large number of unimpaired claims that are filed based on questionable, so-called "diagnoses" that are obtained through these mass screenings. That process simply has to come to an end.

As business after business has gone bankrupt paying these claims, sources of revenue to pay the claims are drying up. Already more than 70 companies have filed for bankruptcy after being flooded by asbestos claims. The companies that actually manufacture asbestos products have long been bankrupt. Today we have the lawyers zeroing in on new companies in order to keep funding their suits. Many of these companies have little to do with asbestos. Right now, 8,400 companies have been named in asbestos suits. That includes mom-and-pop companies all the way to Fortune 500 firms. That is 8,400 companies that have been named right now in asbestos suits.

When companies collapse under this asbestos suit pressure, not only do resources for the sick victims dry up, for the people who have been affected physically by asbestos, but now there is a whole new class of victims that has been created. This new class of workers at these companies lose their jobs and lose not only current payments but also their retirement savings. Bankruptcies have affected 200,000 people who worked at bankrupt companies. Sixty thousand people lost their jobs, and these people will lose an estimated $50,000 in wages each because of the disruption. Workers also see retirement savings plummet when a company files for bankruptcy.

In the end, the American economy suffers. That, of course, means the loss of new jobs and investment, as well as the loss of companies that are literally pulled under by these asbestos claims. If the current situation holds, it will cost as many as 400,000 new jobs that could be created in this time of economic recovery but will not be because of the failure to invest. So we have watched this deterioration and we have talked about it for all too long. Now we must act.

So as we move forward, we need to move forward understanding there is bipartisan general agreement that the litigation challenge before us, which has run amok, must be cleaned up. Rationality and justice must be restored and we must get the compensation to those who need it. We must do it through a system that preserves jobs, preserves economic growth for current workers, and stewards funds for future claimants.

Indeed, this body has been struggling with these issues for some time, and it has met with success despite the difficulty of reaching agreement in some very specific contentious areas. Chairman HATCH did yeoman's work in July getting S. 1125 through the committee. There were a whole range of successes worked out by the committee. Chairman HATCH led a major bipartisan solution on a linchpin issue of medical criteria; and without agreement on this issue, we simply would not have been able to move forward at all. This issue, over time, has proven very difficult, very controversial. I commend him for his leadership in bringing the resolution to this particular issue. That is just one of the many examples of issues that have been overcome.

Chairman HATCH noted that as many as 50 changes were made at the urging of Democrats before—really between the bill's introduction and the time of markup—and there have been many ongoing discussions in the wake of that success.

I also thank Members on the other side of the aisle. Senator LEAHY has worked hard on this bill, and it simply would not have been possible to get as far as we have—even though we have a long way to go—without his work on the other side of the aisle, as well as the various stakeholders who have an interest in this bill.

The commitment of many parties has created the momentum for change, for cleaning up the system, and the good faith that has led to a number of key breakthroughs that have been seen today and that I am confident will continue to make success possible.

Following the committee markup, I became deeply involved in negotiations on S. 1125, working closely with Senator DASCHLE, as well as Chairman HATCH and Senators LEAHY, DODD and CARPER, and others on both sides of the aisle.

My colleague from Pennsylvania, Senator SPECTER, has been particularly instrumental working on key elements of the bill, so I wish to recognize him for that.

Under S. 1125 and current agreements which are embodied in S. 2290, we will replace the current adversarial asbestos litigation system with a new streamlined no-fault system where sick victims will be compensated fairly and efficiently. A national trust fund will pay claimants, cutting out waste and providing certainty and rationality for claimants and for businesses. Most importantly, this system will end the bankruptcy spiral, therefore preserving future funding for victims who need it.

S. 1125, as reported out of committee, represents an unprecedented achievement in forging consensus on issues like medical criteria that stalled previous attempts at similar legislation. Nonetheless, a number of issues were left open for further discussion, and additional concerns were raised that were not addressed by the committee. I identified these issues on the floor on November 22, 2003, and they include adequacy and security of funding, claims values, administration of the system, and protection of claimants from the risk of a funding shortfall.

Since the bill was reported out of committee, various stakeholders and members from both parties have continued negotiations. There have been more than 20 meetings starting last July at which my staff and Senator SPECTER's staff have negotiated these issues with staff representing the minority. What has emerged from all these collective efforts is a proposal that retains the key elements of S. 1125, and includes some critical modifications that address concerns that were raised by stakeholders. Today's proposal embodies the best thinking on these issues and represents an aggressive yet feasible solution to the crisis.

These negotiated agreements make it possible to bring a bill to the floor, and the bill is better for these changes, difficult as they were to hammer out.

First, we had to make sure the system contained claims values that would fairly and adequately compensate victims. Second, we had to make sure funding was adequate—and that any risk of shortfalls rests on defendants and insurers, and not on claimants. The bill also provides the administrator with more flexibility to ensure that any short term bulges in claims can be accommodated. Third, we had to make sure the new system would be easy for claimants to use, and that it could be funded and up and running quickly. Fourth, the bill now contains a number of additional provisions requested by organized labor to protect the rights of claimants. I am also submitting an expanded description of these changes for the RECORD.

The top priority of this bill is to compensate claimants, and under any analysis, more money reaches claimants under the bill than under today's flawed tort system. Even so, we know that we needed to reach a number that Democrats felt comfortable with, so S. 2290 raises claims values.

We agreed to raise the claims values in order to get consensus even though the claims values in S. 1125 as reported represented a bipartisan proposal, and included some of the highest values found in similar Federal compensation programs. We raised the values even though S. 1125 already puts more money into the pockets of claimants than the current tort system, where more than half of the resources go into the pockets of attorneys and consultants. Under the revised bill, S. 2290, approximately $111.5 billion of the expected $114 billion in fund expenditures will be available for victims. Compare this with Tilinghast's actuarial study of the current system, where only $61 billion goes to plaintiffs and the rest to legal fees. Or the Milliman study, where they estimate as much as $92 billion could go to plaintiffs and the rest to legal fees. So the bill gets more money to victims than the leading studies estimate could go to them under the current system.

What's more, S. 2290 actually gets this money to sick victims, whereas much of the money paid into the system today goes to unimpaired claimants. Under the current system, much of the compensation is drained away from the truly ill to fund these unimpaired mass lawsuits. Right now, the sickest victims, those with mesothelioma, are receiving only 17 to 20 percent of the funds in the system, with nonmalignant cases getting about 65 percent. The proposed bill would prioritize the sickest victims—over half of the funding would be directed to those with mesothelioma. Nonmalignant claimants would receive about 20 percent. The new system would also increase the share of funds that are directed to pay cancer claims from about 16 or 18 percent to 24 percent. Under S. 2290, funds are properly directed at the sickest victims. And the determination of the medical criteria that should be used is a result of the landmark bipartisan agreement made in Committee.

S. 1125 also presents a substantially better means of obtaining compensation than through bankruptcy trusts. The trusts being created in bankruptcies today discriminate between present and future claims, and give preferential treatment to certain claimants, not because of their medical condition, but because they were first in line. Let me also point out that S. 1125 provides significantly more money than claimants could receive from bankruptcy trusts, many of which are paying pennies on the dollar. Johns-Manville pays 5 cents on the dollar, UNR 9 cents, Celotex 11.3 cents, and topping out at 15.5 cents is Eagle Picher. So while some claimants may appear to win big court cases, if the defendants are in bankruptcy, which many are, claimants will likely only get pennies on the dollar. In today's bankruptcy compensation system, the risk that a trust may be inadequate falls on the victims, and that is not fair. Unlike these bankruptcy funds, the claims values in S. 1125 will be 100 percent paid or victims will be able to return to the tort system.

Despite these generous values in the bill as reported, organized labor and Democrats urged that the values were not high enough. So we have agreed to raise the values because it is so important to create consensus and move this bill forward.

It is crucial that the fund has the faith and confidence of claimants, and that it can fulfill its mandate to compensate them. Funding must be adequate, it much be secure, and provisions must be made for any shortfall. And any risk must fall on defendants and insurers, not claimants.

To ensure funding adequacy, the bill establishes a new overall funding framework, which makes available $114 billion for direct victim compensation. The funding provided is substantially more than what is estimated to reach victims if the current tort system is allowed to continue.

Let me say a few words about how this relates to the overall funding structure that came out of committee. The mandatory funding in the bill as reported was $108 billion, which is similar to what S. 2290 offers. That funding proposal represented a very fair amount to solve the problem. The committee, however, went well beyond this benchmark during markup. The net effect of the committee modifications to S. 1125's financial structure was dramatic. S. 1125 as reported could have required businesses and insurers to provide compensation at up to two times the most credible estimates of total future plaintiffs' recoveries under the tort system. As a result, insurers almost uniformly withdrew their support for the act, calling it "dangerously unaffordable" and "potentially worse then the existing system."

In order to get the legislation back on track, I initiated a mediation process between insurers and defendant companies. We reached agreement whereby $114 billion would be made available for victims. To help ensure this funding is obtained, enforcement provisions of the bill were further strengthened.

To address concerns that there will be early stress on funding, the revised schedule requires money from insurer participants to be infused in the first years, where it is expected that the highest demands will be placed on the Fund.

To protect against any shortfalls, an additional $10 billion contingent funding is also available from defendants if necessary to pay claims in the out years of the fund's operation.

Furthermore, the bill gives the administrator more time and more flexibility to deal with a short term bulge in claims, if necessary. Under the bill as reported, the fund could have unnecessarily sunsetted due to a short term liquidity problem if a large number of claims were filed at once. Alternative sunset provisions have been provided, and the borrowing authority has been expanded to increase the funds's liquidity. Sufficient funds will now be available to pay in full all claims found eligible before the fund sunsets, and any debt incurred by the fund will be paid by monies in the fund and not the United States Treasury.

Finally, and critically, under S. 2290 the risk of underestimating the amount of funds needed will not fall on the victims, but on the defendants and their insurers. Historically, rates of asbestos victims' claims filing are uncertain and difficult to predict. Given the creation of the new compensable disease categories in S. 1125 and the streamlined no-fault administrative system, this problem is even more acute. But under the proposal, if future claims exceed estimates and the mandatory funding, including the contingency funding, is not enough the fund will end and victims will be able to seek compensation in the Federal courts. Ensuring that the risk of underestimation does not fall on the claimants was a linchpin in organized labor's proposals.

There is, however, one particular risk to the fund that must be addressed, and that is the lack of predictability of claims by individuals, particularly smokers, who have occupational exposure, but not enough exposure to have caused asbestosis.

S. 1125 is careful to provide the highest levels of compensation to claimants whose illness has the greatest causal connection to asbestos. It is not and cannot be a tobacco compensation bill. With that said, the bill sets out within the consensus medical criteria a level VII category, a new and untested category for lung cancer cases, that may end up compensating large numbers of individuals whose illnesses are not caused by asbestos, but by smoking. There are experts who believe the eligibility criteria for this category will reliably screen for asbestos-caused lung cancers. But we just don't have enough experience with these claims. With 87 percent of overall lung cancer cases caused by smoking, they could inundate and sabotage the fund.

Accordingly, I want to put all Senators on notice that I intend to offer an amendment, after consultations with all interested parties, to provide a mechanism to protect the solvency of the fund if claims from level VII's dramatically exceed expected levels.

At its heart, today's proposal represents a policy choice. On the one hand, we have the status quo, with its delays, failure to compensate victims, bankruptcies, litigation costs, wasteful transaction spending, and major negative impact on the economy.

On the other hand, we have an opportunity to rationalize this broken system. It is true that there is some uncertainty in projecting future claims filing rates, but we are putting over $100 billion into the system. And any risk that this is not enough would fall back on defendants. There would be a reversion to the Federal tort system, and defendants would have to essentially pay twice—after staking over $100 billion they would still be subject to tort claims. And claimants would get their day in court. This bargain is a reasonable policy choice.

Another fundamental way S. 1125 improves the current tort system is that it is more accessible and simpler for claimants to use. Organized labor, however, had expressed a concern that the administrative structure in S. 1125 as passed out of committee was too adversarial and cumbersome. This was a key concern for labor, so in order to address this concern, industry and labor representatives agreed under the auspices of Senator SPECTER and Judge Becker of the Third Circuit Court of Appeals, to simplify the process. I commend Senator SPECTER for this leadership in that process, and thank Judge Becker for his expertise and commitment.

Under the new proposal, claims processing will be moved from the Court of Federal Claims to an executive office situated in the Department of Labor. Now a single administrator will be responsible for both the claims handling and the management of the fund. The fund will benefit from the experience the Department of Labor has garnered from administering similar compensation programs over the past 90 years. The infrastructure already created under these programs will help with prompt program initiation.

The claims application process will now be more user friendly, there are fewer levels of administrative review, and the claimant assistance program will be expanded. The new structure provides for advisory committees with expertise on a host of issues to advise the administrator, and allows for contracting with entities who have knowledge and experience with asbestos-related injuries and compensation programs to assist in the processing of claims.

The new administrative structure also will help address concerns about how quickly funds will begin flowing to claimants—especially those with the most serious diseases, such as mesothelioma, who may only have a short time to live.

The new administrative structure will help to ensure that the program is up and running quickly and managed efficiently to the benefit of claimants, including providing for interim regulations and interim authority to begin processing claims as soon as possible. The interim administrator may prioritize claims so that the victims with the most severe injuries, especially mesothelioma victims, have their claims processed first. Money will flow into the system faster, since S. 1125 now requires upfront funding from participants. Money from defendants will be available within 3 months from the date of enactment from certain defendant participants and within 6 months from the remaining defendant participants, which will be in addition to the monies received from the bankruptcy trusts. There also is authority to require upfront money from the insurer participants so that there is no delay in obtaining money from the insurers.

As an additional protection against an influx of early claims, the bill also provides the administrator with expanded borrowing authority to ensure that there are sufficient funds available to initiate the program and to pay claims in short order. The borrowing would be 100 percent collateralized against the mandatory payments from participants in the Fund.

These changes are designed to address concerns raised by Senator FEINSTEIN in the committee's consideration of the bill. Senator FEINSTEIN raised valid concerns that a delay in creation of the claims system would harm claimants. However, her amendment would have essentially left the current system in place for an indefinite amount of time and would allow credits for monies to be paid to the fund, having the unintended effect of perpetuating the status quo with its gross misallocation of payments to unimpaired claimants and its excessive attorney fees. Furthermore, it would have threatened the Fund itself, by diverting Fund assets to cover these unwarranted claims and fees.

Given the improvements that have been made to the claims processing system, good public policy demands expedited termination of the broken system and commencement of payments to the most worthy claimants, as defined by the consensus medical criteria.

Organized labor has an important role to play in protecting the interests of working people in the congressional debate. In addition to numerous concessions associated with the new administrative structure, representatives of organized labor aggressively advocated for a number of changes, which were adopted. These changes were aimed at ensuring that the program established under S. 1125 was the most fair to victims, as the intended beneficiaries of the program.

S. 2290 now provides for medical monitoring reimbursement for costs of physical examinations as well as costs for x-rays and pulmonary function testing.

S. 2290 explicitly extends the protections of HIPAA to ensure that claimants cannot be discriminated against for provision of health insurance solely as a result of filing a claim with the Fund.

This bill also requires the use of presumptions for satisfying the exposure criteria for certain industries, occupations, and time periods.

While I have outlined some major changes here, literally dozens of additional changes have been made to S. 1125 since the introduction of the bill. These changes clarify language and strengthen provisions to ensure that sick claimants are promptly and fairly compensated, that the burden and risk on claimants is reduced to the extent possible, and that participants can obtain certainty with respect to their asbestos liabilities as necessary to promote the creation of jobs and the economy.

And it was recognized, as the bill was being considered by committee, that even as we are dealing with the aftermath of asbestos, the substance itself is still in limited use. The committee adopted Senator MURRAY's landmark asbestos ban, and this country's workers will be safer for it. It simply did not make sense to create a compensation system and continue to allow workers to be exposed.

We also addressed the terrible situation in Libby, MT, where many workers and residents have become ill from asbestos and the manufacturer, W.R. Grace has filed for bankruptcy leaving victims with little recourse. S. 1125 contains special provisions so that Libby victims can readily gain compensation from the Fund.

In addition, we must not forget this Nation's veterans. Veterans have been long overlooked when talking about the asbestos litigation crisis. Men and women who served in the Armed Forces were often exposed to significant amounts of asbestos while serving our country, particularly during World War II and while serving on ships. S. 1125 provides a better avenue, and may be the only avenue, for veterans to receive fair and prompt compensation, while still preserving the veterans' benefits that are currently available.

We have set forth a rational system, offering a positive alternative to today's broken system. It is one of the largest, boldest compensation programs in this Nation's history. The choice here is not about the mechanics of the program, the final dollar amount, or any individual provision. We can work those things out. The choice is whether to offer victims a better system than we have today, and at the same time rationalize the system to stop the havoc it is causing to jobs and the economy.

Indeed, we have made major progress in getting this bill ready for the floor, especially considering the controversial issues involved. We've had literally dozens of stakeholder meetings. During this process, all of the issues have been visited and revisited. All parties have been heard, and all concerns have been heard. While such a sweeping bill will inevitably contain compromises that are not perfect in the eyes of each stakeholder, we have listened to all concerns and come up with the best solutions possible.

I had hoped to bring the bill up for a vote before the last session ended. At that time, a lot of stakeholders felt that was premature. On November 22 of last year, I announced that I would wait, but that the bill would be considered by the end of March. Again on February 27 I made it clear that the bill would be brought up by the end of March. To continue the discussions among the stakeholders, I again extended this time to the week of April 19, and, thus, we are here. It is time to stop talking and bring these issues to resolution.

We have waited long enough and worked to create consensus, and now we have significant support to wrap up the outstanding issues—challenging as they are—and hold a vote. There have been suggestions almost from the start that we need more time to come up with better answers. We have very few legislative days remaining, and as we feared, we are nearly out of time. Senator HATCH and I have consistently offered realistic scheduling and frankly have allowed too much delay already. Now we have run the clock out and we must act.

Standing still is not an option, as the situation continues to deteriorate. Victims wait for unpredictable and inequitable compensation, companies continue to declare bankruptcy, and jobs and the economy suffer.

For many Members, it will require courage and leadership to change the status quo, but I am calling on this body to give the American people a better system for compensating asbestos claimants. Inaction—allowing the status quo—is in itself a choice that harms victims and American workers.

I believe it is time to move forward by offering the changes I have described here in an amendment in the nature of a substitute.

Mr. President, I ask unanimous consent that a detailed summary of the major changes in a section-by-section description be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. FRIST. Mr. President, there will no doubt be constructive proposals from Senators on both sides of the aisle to refine and improve this bill. That is what the amendment process is all about.

I encourage this process. It is my hope the process will be constructive and it will result in a bill that can pass this body. I look forward to the debate and consideration of S. 1125.

I yield the floor.

EXHIBIT 1

S. 2290—SUMMARY OF CHANGES FROM S. 1125 AS REPORTED

S. 1125, the Fairness in Asbestos Injury Resolution Act, as reported out of the Senate Judiciary Committee, represents an unprecedented advance on complex and difficult issues that have stalled previous attempts at similar legislation. Landmark agreements were reached on asbestos injury compensation issues such as medical criteria, and over 50 consensus-building changes were adopted overall. Nonetheless, a number of issues were left open for further discussion, and additional concerns were raised that were not addressed by the Committee. Since the bill was reported out of Committee, various stakeholders and members from both parties have continued negotiations. The substitute bill being introduced reflects agreements on some of these difficult issues reached during these negotiations, and attempts to address a number of concerns that have been raised but have not yet been subject of agreement. In particular, the First/Hatch bill: raises claims values, creates a more streamlined administrative system that can be up and running quickly, provides increased liquidity and upfront funding so that claims can be paid in short order, and places the risk that the Fund runs out of money on the defendants and insurers and not on the claimants. These are just some highlights of the numerous changes that were made to make a fairer system for claimants. The following provides a section-by-section summary of the changes in the First/Hatch bill from S. 1125 as reported with explanations as to the need for the changes.

SEC. 3. DEFINITIONS

Changes were made to various definitions under this section to conform with other amendments in the bill to provide clarifications.

Sec. 3(3) Definition of "asbestos claim." S. 1125 seeks to replace the current broken tort system with a streamlined, administrative system. S. 1125, therefore, must preempt and supersede all asbestos claims filed in the current tort system. Concerns were raised that the definition of "asbestos claim" in S. 1125 as reported may have been interpreted as unduly limited, failing to cover some types of asbestos claims that are currently overburdening the tort system today, which were intended to be preempted and superseded by the Act. This definition was amended to help ensure that the definition is interpreted broadly to encompass all types of claims that are being filed in the system today. This definition has also been amended to make clear that claims alleging damage to tangible property are left intact.

[Sec. 3(6) Definition of "collateral source compensation." The disease categories under S. 1125 are not easily translatable from those filed in the tort system. The definition of "collateral source compensation," therefore, was clarified to more clearly encompass awards in the tort system.]

Sec. 3(9) Definition of "insurance receivership proceeding." A new definition for "insurance receivership proceedings" was added to S. 1125. This definition accompanies changes made to section 402 that would give the Fund a priority for collection of assessments from insurers in state insurance receivership proceedings. These provisions track those provided for insolvent companies in bankruptcy. This definition describes the state law proceedings to which the priority applies. This, like the bankruptcy provisions, help to ensure that the payments made to the Fund are continued despite any subsequent insolvencies of insurer participants.

[Sec. 3(11) Definition of "participant." One of the exceptions to "participant," defined in section 3(11), are companies who have completed their bankruptcy proceedings. This exception was amended to ensure that the bill is in concert with the United States Bankruptcy Code. A company is not "out of bankruptcy" until the plan of reorganization becomes effective in accordance with its terms. Under the Bankruptcy Code, changes to the plan can occur until the date on which the plan is "substantially consummated," as defined in section 1101(2) of that Code. Conforming changes were made to applicable sections in the funding provisions under title II.]

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

The Frist/Hatch bill incorporates a new administrative structure for the processing and paying of claims, which was part of an agreement between representatives of labor and industry groups negotiated under the auspices of Senator Specter and Judge Becker. This new structure responds to concerns raised by representatives of organized labor, who wanted a more streamlined and more non-adversarial system than that in S. 1125 as reported. Various aspects of the new structure promote the efficient management of the program and crate a less burdensome system for claimants. Old title I, subtitle A, which created a claims processing structure within the Court of Federal Claims, was replaced with new subtitle A, which creates an executive office situated in the Department of Labor to administer the program. Subtitle B in S. 1125 as reported, which outlined the claims handling process, also was substantially amended to respond to requests by stakeholders. The new administrative structure also contains provisions to ensure that the program is processing claims as soon as possible, which were added as part of the alternative to the Feinstein startup amendment. Conforming changes were made throughout the bill.

Sec. 101. Establishment of Office of Asbestos Disease Compensation Program. New section 101 establishes within the Department of Labor, an Office of Asbestos Disease Compensation. This section clarifies that all administrative expenses of the program are to be paid from the Fund. The office is headed by an Administrator, who will be responsible for both the claims handling and the management of the Fund. The Administrator is appointed by the President with the advice and consent of the Senate, and reports directly to the Assistant Secretary of Labor for the Employment Standards Administration. The general duties of the Administrator are provided in this section, and provisions regarding the Administrator's fund management duties found in section 222 of S. 1125 as reported (p. 168–69) were incorporated into this general authority provision. Civil penalties up to $10,000 for false statements and fraudulent acts against the Office are also provided for under this section. Two Deputy Administrators will be selected by the Administrator—one to carry out the Administrator's claims processing responsibilities, and one to carry out the Administrator's Fund management responsibilities. Finally, a general provision with respect to the application of the Freedom of Information Act ("FOIA") was added to section 101.

Placing the office within the Department of Labor was requested by labor representatives. In addition, much of the provisions in the Frist/Hatch bill are based on provisions from statutes and implementing regulations for compensation programs administered by the Department of Labor. The Administrator, therefore, can utilize the 90 years of experience the Department has in administering similar compensation programs and the infrastructure already created for these programs.

Sec. 102. Advisory Committee on Asbestos Disease Compensation. New section 102 provides for the establishment of an Advisory Committee on Asbestos Disease Compensation within 120 days after the date of enactment of the Act. The Advisory Committee will advise the Administrator on general policy and administration matters. The Advisory Committee is composed of 24 members with 3-year staggered terms. Sixteen members are to represent the interests of the claimants (at least 4 of which are recommended by recognized labor federations), defendant participants, and insurer participants. The remaining 8 members are appointed by the Administrator and cannot have earned more than 25% of their income for each of the 5 years prior to their appointment by serving in asbestos litigation as consultants or expert witnesses. The Administrator selects a Chairperson and Vice Chairperson. The Advisory Committee must meet at least 4 times a year for the first 5 years of the program and at least twice a year thereafter. The Administrator must provide information and administrative support as may be necessary and appropriate for the Advisory Committee to carry out its functions. The members are entitled to travel and meal expenses. An advisory committee was provided for under the Energy Employees Occupational Illness Compensation Program Act ("EEOICPA"), 42 U.S.C. §7384o, which served as a model to the new administrative structure. The size and scope of the Advisory Committee was outlined by labor representatives in order to provide stakeholders with the opportunity to provide the Administrator with input on the compensation program.

Sec. 103. Medical Advisory Committee. New section 103 is permissive rather than mandatory, granting the Administrator the authority to create a Medical Advisory Committee to provide general medical advice relating to the review of claims that cannot be adequately addressed by the larger Advisory Committee on Asbestos Disease Compensation. To help ensure objectivity on the part of the members of this Committee, individuals who earned more than 25% of their income for each of the 5 years prior to their appointment by serving in asbestos litigation as consultants or expert witnesses cannot be appointed to the Committee.

Sec. 104. Claimant Assistance. New section 104 expands the claimant assistance program under section 116 of S. 1125 as reported (p. 39). At the request of labor representatives, the program was expanded to include, among other things, the requirement to establish resource centers and to contract with labor and community based organizations. Aspects of this more expansive program are modeled on Section 7384v of the EEOICPA, for which several resource centers have already been established by the Department of Labor.

The streamlined administrative structure and the claimant assistance program, which includes assistance in finding pro bono legal representation, both reduce the burden on the claimant seeking compensation and the need for a lawyer. Although legal representation is allowed, the goal of S. 1125 is to reduce the high transaction costs of the current tort system, which can be upwards of 40% for legal fees to the plaintiff's attorney alone. As such, the Frist/Hatch bill provides for reasonable limits on attorneys fees to reflect this streamlined process, allowing for higher percentages for more complex cases. Penalties are provided for to ensure that these limits are followed.

Sec. 105. Physicians Panels. The Physicians Panels were established in order to perform the functions of the Medical Advisory Committee originally contemplated under S. 1125 as reported, section 114(j) (p. 37). The Physicians Panels will provide necessary medical advice in the adjudication of individual claims, as opposed to the newly created Medical Advisory Committee which would advise on general medical policy. While the Administrator still chooses how many panels are required, the statute now requires that each panel be composed of 3 physicians. The third physician is only to be consulted in the event the other two physicians cannot agree. The qualification that physicians serving on the panels be actively practicing was replaced by a limitation that such physicians cannot have earned more than 25% of their income for each of the 5 years prior to their appointment as an employee of a participant or a law firm representing any party in asbestos litigation or as a consultant or expert witness in matters related to asbestos litigation. The previous qualification was deleted in order to allow doctors who are retired but have knowledge and experience with diagnosing asbestos-related illnesses may serve on the Physicians Panels. It was replaced by a requirement that sought to ensure objective doctors were placed on these panels. Labor representatives also requested less restrictive compensation provisions due to its impression that it is currently difficult to retain qualified doctors under the EEOICPA because of a limitation on compensation. A provision ensuring that Physicians Panels are exempted from the Federal Advisory Committee Act was also included at the request of labor representatives.

Sec. 106. Program Initiation. New section 106 was inserted in order to address concerns raised by labor representatives that the program could take an inordinate amount of time to start paying claims. This section requires the establishment of interim regulations, including regulations for the processing of exigent claims, within 90 days from the date of enactment in order to allow for an expeditious program startup, addressing concerns raised that victims do not have time to wait through undue delays until a whole new administrative program is established. The Secretary of Labor is required to provide the Administrator with temporary personnel and other resources as necessary to facilitate the initiation of the program. This section also defines "exigent health claims" as those made by individuals who are living mesothelioma claimants and others who have been diagnosed as terminally ill from an asbestos-related illness and having a life expectancy of less than one year. The Administrator has the discretion to identify additional exigent health claims as well as extreme financial hardship claims to be handled on an expedited basis.

Stakeholders recognized that an interim administrator may be appointed in the event that the Administrator is a presidential appointee to avoid any delays related to the Presidential appointment and Senate confirmation of an Administrator. To address this issue, the Frist/Hatch bill provides that the Assistant Secretary of Labor for the Employment Standards Administration serve as Interim Administrator, until the Administrator is appointed. The Interim Administrator may begin processing and awarding claims without regard to the time limits set forth in the title I, subtitle B. The Interim Administrator also may prioritize claims processing based on severity and causation, so that living mesothelioma victims or terminally ill claimants, who may not have much time, can be placed first in line and be paid as quickly as possible. The provisions, along with placing the Office within the Department of Labor, help to ensure that the program can be up and running in short order and effectively administered in the long run.

Sec. 107. Authority of the Administrator. New section 107 was added to provide the Administrator with general authority to issue subpoenas and conduct hearings, and is derived from the Federal Employees Compensation Act ("FECA"), 5 U.S.C. §8126. Such authority is necessary to implement the Administrator's responsibilities under the Act.

Subtitle B—Asbestos Disease Compensation Procedures

Subtitle B lays out the claims handling process. Although it incorporates many of the same provisions found in title I, subtitle B, of S. 1125 as reported, new subtitle B represents the more streamlined process requested by labor representatives and includes changes which labor felt would create a fairer process for claimants.

Sec. 111. Essential Elements of Eligible Claim. Section 111 amends old section 113 from S. 1125 as reported (p. 28) as requested by labor representatives, by collapsing the requirements that were listed separately into a general reference to the "medical criteria" section in subtitle C, which includes latency, exposure, diagnostic and medical criteria requirements.

Sec. 112. General Rule Concerning No-Fault Compensation. No change from old section 112 in S. 1125 as reported (p. 28).

Sec. 113. Filing of Claims. New section 113 revises section 111 from S. 1125 as reported (p. 23). Section 113(a)(1) incorporates the definition of "personal representative" as the term is defined in 28 C.F.R. §104.4, which contains the regulations governing the September 11th Victim Compensation Fund of 2001. This change was made to avoid some of the difficulties that may be encountered in defining who may file on behalf of a deceased claimant and sorting through potential familial disputes. Also at the request of labor representatives, new provisions defining the "date of filing" and clarifying the procedures for handling incomplete claims were added. These provisions were based on the Radiation Exposure Compensation Act, 42 U.S.C. §2210 note, section 6(d), and regulations implementing the EEOICPA, 20 C.F.R. §30.100(c), and the Black Lung Act, 20 C.F.R. §§725.404(d), 725.409.

Statute of Limitations. Labor representatives raised a concern with respect to the statute of limitations section in S. 1125 as reported, which would allow setoffs in multiple injury cases of recoveries for all prior claims made with the Fund (section 111(c)(3), p. 27). New section 113(b) clarifies that a claimant who files a second injury claim with the Fund for a subsequently diagnosed malignant disease does not receive a setoff for prior recoveries from the Fund in cases where the claimant has already filed and resolved a claim with the Fund for a nonmalignant injury. This new provision is based on the 2002 Trust Distribution Procedures for the Manville Trust, which recognizes that claimants who develop and receive awards for a nonmalignant claim should not receive setoffs in the event that claminant is subsequently diagnosed with a malignant disease.

Another change was made to the statute of limitations for pending claims. Although S. 1125 creates a specific statute of limitations for "pending claims" timely filed in the courts or with a bankruptcy trust, S. 1125 does not seek to revive stale claims. As such, a definition of "pending claims" with bankruptcy trust was added to clarify when such a claim is "pending" for purposes of the statute of limitations. The new definition provides that only claims that have not yet been resolved with the trust be allowed to take advantage of the relaxed statute of limitations, and that claims will not be considered pending simply because they are awaiting additional payment installments or may have the potential to have increased payment.

Required Information. Additional changes were made to the required information provision of S. 1125 to reflect concerns raised by labor representatives that the application requirements were too strict, and to clarify certain require information at the request of labor representatives.

Sec. 114. Eligibility Determinations and Claims Awards. New section 114 replaces the claims handing provisions of S. 1125 as reported, including the administrative appeals process, largely in response to requests by labor representatives. It establishes a more streamlined system, eliminating at least one level of review from S. 1125; thereby resulting in the deletion of subtitle E of title I (En Banc Review) in S. 1125 as reported. Subsection (a) authorizes the Administrator to render decisions on claims for compensation. This language is based on provisions found in FECA, 5 U.S.C. §8124. Subsection (a) also clarifies that costs associated with any additional medical evidence or testing requested by the Administrator as part of the individual's claim shall be borne by the Fund.

Proposed and Final Decisions. The Administrator is required to issue a proposed decision, containing findings of fact and conclusions of law as well as an explanation of the procedures for review, within [90] days of the filing of a complete claim. The claimant then has the opportunity to request, in writing within [90] days of issuance of the proposed decision, an informal hearing or review of the written record. If a hearing is requested, it is to be conducted before a representative of the Administrator, and claimants have the right to request a subpoena, which may be granted or denied at the sole discretion of the representative hearing the claim. If no review has been requested, the Administrator issues a final decision. If the final decision in such cases materially differs from the proposed decision, the claimant may then seek review. If review of the proposed decision is requested, the Administrator is required to issue a final decision within [180] days after the request for a hearing, and [90] days after the request for review on the written record. A claimant may authorize an attorney or other individual to represent him or her in any proceeding under this Act. The provisions in new section 114 are largely based on FECA and its regulations and on regulations implementing the EEOICPA.

Sec. 115. Medical Evidence Auditing Procedures. New section 115 consolidates various program-wide and individual claims auditing provisions found in S. 1125 (sections 115(a), (b), p. 38, sections 114(c)(3)(B)(1), (c)(4), p. 31-32), with some modifications. The general auditing authority was clarified to require the development of methods for auditing and evaluating medical evidence and other types of evidence submitted to the Office (new section 115(a)(1)).

Independent Certified B-Readers. The provisions providing for review of x-rays by independent certified B-readers was amended to allow the Administrator to consider the findings of the independent certified B-readers rather than denying the claim in the event the independent B-readers disagree with the reading submitted by the claimant as was previously provided. This change was made to account for potential disagreements between the independent certified B-readers (new section 115(b)(3)). The purpose of this review, however, is still to ensure that questionable x-ray readings submitted by claimants are not considered when determining eligibility.

Smoking Assessment. Provisions on the assessment of claimant representations as to their smoking status was amended to clarify that such review applies only to other cancer claims, lung cancer claims, and exceptional medical claims. Based on past experience of claims filing, this section also now provides that the review of claims on smoking status should address at least 5 percent of the claimants asserting status as nonsmokers or ex-smokers because of the potential for fraud in such cases.

Subtitle C—Medical Criteria

In order to preserve the bipartisan agreement reached with respect to medical criteria, no changes have been made to this subtitle except where necessary to conform to the revised administrative structure under title I. One substantive change that was made as part of the agreement between labor and industry representatives on the administrative structure was to add a requirement that the Administrator develop presumptions for satisfying the exposure criteria for certain industries, occupations, and time periods. A similar provision was included in S. 1125 as introduced, but was dropped from the medical criteria in S. 1125 as reported.

Subtitle D—Awards

Several major changes were made to Subtitle D (p. 81) of title I in S. 1125 as reported. [First, section 131(b)(1) adjusts the claims values to reflect those proposed by the Majority Leader (and to correct one apparent typographical error for nonsmoker, Level VIII claims). This bill raises claims values above S. 1125 in several categories.] Second, section 132(b) now provides medical monitoring reimbursement for costs of physical examinations by the claimant's physician as well as costs for x-rays and pulmonary function testing. A physical examination is another important element for obtaining a proper diagnosis, and should also be covered by the fund. Finally, although providing for payments over a three-year period was provided for in Committee at the request of labor and democrats, it was further clarified, also at the request of labor and democrats, that such payments should be made in the following amounts: 40% the first year, 30% the second year, and 30% the third year. The statute now provides a standard by which the Administrator must comply to extend such payments to 4 years—that is, if warranted in order to preserve the overall solvency of the Fund.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

In addition to technical amendments, Subtitle A was amended to reflect the new funding allocation to defendant participants proposed by the Majority Leader, to provide a structure that would guarantee the $2.5 billion (net of hardship and inequity adjustments) in defendant participant annual contributions, and to incorporate a funding proposal that would infuse the Fund with monies within months of enactment.

Aggregate Payment Obligations Level. As part of the Majority Leader's funding proposal, section 202(a) now provides that the defendant participants be required to pay $57.5 billion to the Fund, subject only to a contingent call for additional payments. Section 204(h) requires annual aggregate payments to the Fund of $2.5 billion a year for 23 years or until such time as the requirement in section 202(a) is reached (if it is reached in less than 23 years). In the event there are insufficient monies collected from defendant participants to reach this annual requirement (net of any hardship and inequity adjustments) in any given year, the Administrator is granted the authority to obtain the balance from a guaranteed payment account established pursuant to section 204(k). If there are insufficient funds in the guaranteed payment account to raise the balance required, the Administrator is granted the authority to impose a guaranteed payment surcharge under section 204(l) on all defendant participants, on a pro-rata basis in accordance with the liabilities under sections 202 and 203, as necessary to raise this minimum aggregate payment obligation (net of hardship and inequity adjustments) in any one year.

Financial hardship and Inequity Adjustments. Unlike S. 1125 as reported, the defendant funding formula now guarantees that funding will be available for hardship and inequity adjustments up to the annual limit of $250 million. Section 204(d) was clarified to ensure that adjustments in effect in any one year made for both financial hardship and inequity are subject to a combined $250 million cap. Although limits based on a fixed percentage roughly equating to $150 million for severe financial hardship and $100 million for demonstrated inequity were originally provided, the Administrator is now given the discretion to use the $250 million for demonstrated inequity adjustments and for financial hardship adjustments as deemed necessary. It is anticipated that the severe financial hardship adjustments will increase in importance in the future as companies become confronted with unanticipated and unpredictable financial hardships. The Administrator's discretion would be broad enough to allow the Administrator to reallocate monies from inequity adjustments to accommodate future financial hardships. [In addition, unlike S. 1125 as reported, such adjustment determinations would be subject to review.]

A financial hardship and inequity adjustment account under section 204(j) replaces the orphan share reserve account in S. 1125 as reported (section 223(h), p. 189). Under section 204(k), any excess monies above the $2.5 billion minimum aggregate annual payments are to be placed into the financial hardship and inequity adjustment account up to $250 million in any given year. Any monies not used in the account in any given year are carried over for use in the next year. Any additional excess funds (after the $250 million) go to the guaranteed payment account established under section 204(k) to be used to ensure that the defendant participants reach the minimum annual aggregate payment amount (net of hardship and inequity adjustments) in future years. The monies in the financial hardship and inequity adjustment account are now to be used only to the extent the Administrator grants a financial hardship or inequity adjustment, and not in the event a defendant participant files for bankruptcy and cannot meet its obligations as previously provided in S. 1125 as reported. The guaranteed payment account provided for under section 204(k) (plus the potential surcharge) is meant to address any potential shortfalls due to such bankruptcies.

Contingent Call. Pursuant to the new Frist funding proposal, only defendant participants are subject to a contingent call for additional payments and, therefore, the contingent call provisions in S. 1125 as reported (section 223(f), p. 179–87) were moved to subtitle A of title II and amended to reflect the new Frist funding formula. Due to the increased liquidity provided for under the Frist funding proposal, the back-end payments provisions (section 223(g), p. 187–89) were deleted. The amended contingent call provision, section 204(m), grants the Administrator the authority to require up to $10 billion in additional payments to be allocated based on the defendant allocation scheme in sections 202 and 203. To invoke the contingent call authority, the Administrator must certify, after consultation with appropriate experts, that such monies are required to meet the Fund's obligations. Although the Administrator may invoke the contingent call authority at any time for purposes of borrowing monies, the additional payments may not be assessed against defendant participants until after the total aggregate payment amount has been reached.

Upfront funding. Subtitle A also reflects changes that would require defendant participants to provide upfront funding to infuse the Fund with monies to begin paying claims within months of enactment. Section 204(i) requires a defendant participant to make a good faith determination as to its prior asbestos expenditures and/or payments made to pay claims brought under the Federal Employees Liability Act ("FELA"), and submit payments to the Administrator within 90 days of the date of enactment for Tiers I and VII and within 180 days of the date of enactment for Tiers II through VI. It is believed that 90 days is sufficient time for debtors and Tier VII defendant participants to determine their liability under this section and make initial payments. Due to the greater complexity of determining prior asbestos expenditures for Tiers II through VI, however, 180 days is allowed for defendant participants to be able to make an initial, good-faith determination and payment, conforming to the 6 month requirement for bankruptcy trusts to assign their assets to the Fund. The Administrator would still make a final determination as to a defendant participant's tier and subtier, and request additional payment or rebate for year 1 if necessary. After the initial payment, defendant participants must then make payments and submit information as prescribed by the Administrator. The right to an administrative rehearing was also clarified, and the statute now expressly requires the exhaustion of such administrative remedies prior to seeking judicial review.

Clarifications for Debtors. The superseding provisions related to debtors under section 202(e) were clarified to ensure that a plan of reorganization or other agreement associated with asbestos claims are superseded.

Subtitle B—Asbestos Insurers Commission

Subtitle B in S. 1125 as reported has been amended to reflect the new Frist funding proposal and to address potential constitutional problems that were inherent in Subtitle B of S. 1125 as reported. [Additional changes to further clarify these provisions may be necessary.]

Establishment of Asbestos Insurers Commission. Given the authority granted to the Commission, the appointment provisions in S. 1125 as reported allowing for Presidential appointment of the members after mere consultation with certain members of Congress, present potential appointments clause problems. Section 211, therefore, now provides that the members of the Commission are appointed by the President with the advice and consent of the Senate. In addition, Section 211 now provides that the Commission may act based on the participation of a majority of the members. S. 1125 as reported had required all the members be present for the Commission to be able to act, which was not practical and could have resulted in unnecessary delays in the allocation process.

Aggregate Payment Obligation Levels. As part of the Majority Leader's funding proposal, section 212(a)(2) provides that the insurer participants be required to pay $46.025 billion to the Fund, and section 212(a)(3) outlines the annual aggregate payments. Insurer participant payments are front loaded, but are to be paid over a period of 27 years. Additional conforming changes were made to reflect the new funding provisions and to clarify the allocation process and criteria.

Upfront Funding. Similar to the defendant participants, the insurer participants are now required to provide upfront funding to help infuse the Fund with monies to begin paying claims quickly. Sec. 212(e) grants the Administrator the authority to require insurer participants to pay interim contributions to the Fund to assure adequate funding by insurer participants during the period between the date of enactment of the Act and the date when the Commission issues its final determination of contributions. Contributions required by the Administrator will be credited to the insurer participants subsequent payment obligations established by the Commission.

Guaranteed Payment. [To be determined.]

Subtitle C—Asbestos Injury Claims Resolution Fund

As described above, various provisions were moved to other parts of the bill and deleted from subtitle C in S. 1125 as reported. In addition to provisions previously identified, the provisions relating to violations of environmental and occupational health and safety requirements (section 222(c), p. 171) were moved to Title IV—Miscellaneous Provisions. Various substantive changes, as well as other conforming changes and technical corrections, were made to this subtitle to help increase the Fund's liquidity and to help protect the integrity of the Fund.

Borrowing Authority. As part of the Majority Leader's funding proposal, the borrowing authority provision of S. 1125 as reported (section 223(c), p. 177) was amended to provide more expansive authority to increase the Fund's liquidity. Under new section 223(b), the Administrator is now authorized to borrow against up to seven years of expected payments by the participants. The new borrowing provisions clarify that any debt incurred is to be paid solely by amounts available in the Fund. To help ensure that the fund is up and running quickly, monies may be borrowed from the Federal Financing Bank during the first two years of the Fund. The increased liquidity will also help to fix short-term funding problems in the event there is a bulge in claims to ensure that the Fund is not unnecessarily subject to an early sunset.

Increased Enforcement. Additional provisions were added to subtitle C to strengthen the Administrator's authority to enforce the participants' payment obligations. New audit authority has been provided for under section 223(d). This audit authority is for the following purposes: (a) ascertaining the correctness of any payments made to the Fund; (b) determining whether a person who has not made a payment to the Fund was required to do so; (c) determining the liability of any person for a payment to the Fund; (d) collecting any such liability; or (e) inquiring into any office connected with the administration of enforcement of title II. In addition to the criminal penalties already provided for in S. 1125 as reported, civil penalties for false statements and fraudulent acts against the Administrator have been added under this section. The enforcement provisions in section 225 now provide that the Administrator may enforce the provisions of this Act in proceedings outside of the United States to ensure the ability to go after recalcitrant foreign companies subject to the liabilities under the Act. Additional enforcement provisions aimed at insurer participants were also added to section 225. New section 226 provides that interest be paid on any amount of payment obligation that is not paid on or before the last date prescribed for payment.

TITLE III—JUDICIAL REVIEW

The judicial review provisions in S. 1125 were largely replaced to reflect changes in the administrative structure and to simplify the provisions. These changes were largely as a result of negotiations between representatives of labor and industry.

Sec. 301. Judicial Review of Rules and Regulations. Section 301 now applies to judicial challenges of rules and regulations promulgated by the Administrator or the Asbestos Insurers Commission pursuant to the Act, granting the United States Court of Appeals for the District of Columbia Circuit exclusive jurisdiction over such actions. Any petition for review must be filed within 60 days of the date the notice of such promulgation appears in the Federal Register.

Sec. 302. Judicial Review of Award Decisions. Section 302 now applies to judicial review of eligibility determinations made by the Administrator. Any claimant adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation may petition for judicial review within [90] days of the issuance of a final decision of the Administrator. Such petition may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order. At the request of labor representatives, the standard of review of such eligibility determinations was changed from the usual arbitrary and capricious standard to a substantial evidence standard.

Sec. 303. Judicial Review of Participants' Assessments. Section 303 now applies to judicial challenges of participants' assessments made by the Administrator or the Asbestos Insurers Commission. The United States Court of Appeals for the District of Columbia Circuit, rather than the United States District Court for the District of Columbia as was provided in S. 1125 as reported, has exclusive jurisdiction over such actions. A petition for review must be filed within 60 days of the final determination giving rise to such action. Defendant participants must file a petition for review within 30 days of the Administrator's final determination (after rehearing), and insurer participants must file a petition for review within 30 days of receiving notice of a final determination.

Sec. 304. Other Judicial Challenges. Section 304 provides that any action challenging the constitutionality of any provision of the Act must be brought in the United States District Court for the District of Columbia. The provision also authorizes direct appeal to the Supreme Court on an expedited basis. An action under this section shall be filed within 60 days after the date of enactment or 60 days after the final action of the Administrator or the Commission giving rise to the action, whichever is later. The District Court and Supreme Court are required to expedite to the greatest possible extent the disposition of the action and appeal.

Sec. 305. In General. As provided in S. 1125 as reported, section 305 also states that no stays of payments into the Fund pending appeal are allowed. In addition, no judicial review other than as set forth in sections 301, 302 and 303 is allowed. Any decision of the federal court finding any part of the FAIR Act to be unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court within 30 days of such ruling.

TITLE IV—MISCELLANEOUS PROVISIONS

The following provisions in Title IV have been amended from S. 1125 as reported.

Sec. 402. Effect on Bankruptcy Laws. Various changes were made to section 402 for clarifications and to address possible constitutional arguments that may affect the ability of the Fund to receive assets from current bankruptcy trusts.

Sec. 403. Effect on Other Laws and Existing Claims.

Asbestos Claims Barred. Section 403(d)(2) is changed to address a variety of unconventional asbestos claims that plaintiffs have asserted directly against both defendant participants and insurer participants in the tort system.

Subsection (d)(6) is added to permit parties to obtain a credit in the event that a court ignores or misapplies the exclusive remedy provisions of the Act, and erroneously awards a judgment in favor of asbestos claimants outside of the federal compensation program.

Initiation of the Fund. Because the new administrative structure and the new funding provisions were amended to ensure that the program is up and running in a matter of months, section 403(d)(5) (p. 211) was deleted from the bill.

Sec. 404. Effect on Insurance and Reinsurance Contracts. Section 404 (Section 406 in the Committee Bill) deals with the effect of the Act on insurance and reinsurance contracts. Section 406 as it came out of Committee accounted for "erosion" of insurance policies that cover not only asbestos liabilities, but also potentially other liabilities. The section established how contributions to the fund by insurers and reinsurers would reduce the limits of existing insurance policies held by the defendant participants.

Erosion. Changes have been made in section 404(a), dealing with erosion of insurance coverage limits, in order to account for the possibility of an early sunset of the Fund. Based upon the assumption that insurers and reinsurers will be required to make payments into the Fund for 27 years after enactment, erosion of the policy limits is deemed to occur at enactment. If the Act sunsets early, however, the insurers may not be required to pay the full amount for which they have been given erosion credit. In order to treat this situation, section 404 has been amended to provide for the restoration of unearned erosion that exists at the time of an early sunset.

Additionally, section 404(a)(2)(B) has been amended to conform the Act to the revised funding structure. The Bill that passed out of Committee deemed certain erosion to occur upon a contingent call because the contingent funding was shared equally by the insurer participants and the defendant participants. Any required contingent funding is now to be required solely of defendants, and therefore no erosion will be deemed to occur upon contingent payments.

Finite Risk Policies Preserved. The Frist/Hatch bill includes a new section 404(d), dealing with finite risk policies. Finite risk policies are non-traditional insurance and reinsurance vehicles that have in recent years been obtained by a relatively small number of defendants in asbestos litigation and some of their insurers in an effort to responsibly manage their asbestos liabilities. These contractual arrangements were specifically designed because traditional asbestos coverage was no longer available after the mid-1980s. Generally, finite risk policies provide coverage with respect to events that occurred in the past and are already known to both parties to the contract. Commercial General Liability insurance provides coverage usually for injuries that may occur in the future.

Because of the unique nature of these kinds of contractual arrangements, it is appropriate that finite risk insurance be excluded from the legislation. This will avoid the danger that participants that have entered into these arrangements could be required to pay twice. Without the exclusion, participants that have entered into finite risk arrangements would be required to pay substantial amounts to the trust fund and also be subject to a potential forfeiture of their rights to funds comprised, in effect, mostly of their own money used to prepay their asbestos liabilities. The participants that have obtained finite risk insurance should not be penalized by the legislation. If the finite risk arrangements are not excluded from the legislation, the insurance carriers issuing the finite risk insurance policies would reap a substantial windfall at the expense of such participants.

Treatment of Other Insurance and Reinsurance Rights or Obligations. A new section 404(e) has been added to specify the effect of the Act on certain reinsurance and insurance claims. Generally, no participant may pursue coverage claims against another participant or captive insurer for required payments to the Fund. Certain insurance assignments are voided. Otherwise, the Act does not affect insurance or reinsurance rights or obligations unless a person voluntarily pays a claim superseded by the Act or otherwise available limits are deemed eroded.

Sec. 405. Annual Report of the Administrator. The sunset provisions in S. 1125 as reported (section 404(3), p. 214) created an inflexible trigger that could cause the Fund to terminate unnecessarily because of a short-term bulge in claims to the detriment of claimants. Section 405 amends old section 404 to provide a workable alternative to the sunset provisions, giving the Administrator more time and more flexibility, such as through the increased borrowing authority, to deal with a short term aberration in claims and available funding. S. 1125 only gave the Administrator a mere 90 days to correct for short-term liquidity problems. S. 1125 as reported also would have only ensured that 95% of the award amounts owed for the prior year and 95% of eligible claimants be paid prior to sunset. The alternative now in the bill would require that sufficient funds be available to pay all resolved claims in full. Moreover, the bill now makes clear that any debt incurred by the Fund is paid by monies in the Fund and not the United States treasury. These provisions also ensure that the risk that the Fund runs out of money is borne by the participants, providing that, in the event of sunset, a federal cause of action is created and the claimants may file their claims in federal court.

Sec. 406. Rules of Construction Relating to Liability of the United States. This section was previously section 405 in S. 1125 as reported [with one change to conform to the new administrative structure].

Sec. 407. Rules of Construction. Provisions found in section 101(d) of S. 1125 as reported (p. 23) can now be found under new section 407.

Sec. 408. Violations of Environmental and Occupational Health and Safety Requirements. Provisions found in section 222(c) of S. 1125 as reported (p. 171) are now placed in new section 408.

[Sec. 409. Tax Treatment. Currently, insurers have tax-deductible status for reserves originally set aside for payment of asbestos claims. Under S. 1125, these reserves would now be used to pay assessments required by the Act. New section 409 would maintain the tax deductibility of these reserves until such time as the insurer makes payment to the Fund.]

Sec. 410. Nondiscrimination of Health Insurance. New section 410 incorporates a proposed amendment by labor representatives and Democrats that explicitly extends the protections of HIPAA to ensure that claimants cannot be discriminated against for provision of health insurance solely as a result of filing a claim for medical monitoring reimbursement with the Fund.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

RECOGNITION OF MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DEBATING ASBESTOS LITIGATIONS REFORM

Mr. DASCHLE. Mr. President, I will address a couple of issues. I am disappointed we have come to debate the asbestos issue under these circumstances. I agree with much of what the majority leader has said about the need for the Senate and our country to constructively address this problem. I agree there has been a negative economic impact on many of our most prestigious businesses throughout the country. I agree in many ways the current system has been deficient. So there is much of what the majority leader said in his description of the situation with which I agree.

He did not mention, but I think it ought to be noted, that as we speak the estimate is 1.3 million Americans are still exposed to asbestos in their places of work; that asbestos is still legal in this country; and that we import 29 million pounds of asbestos each year, a 300 percent increase in the last decade.

He did not mention, but I think it also is noteworthy, the peak death toll for asbestos is not likely to occur for approximately 15 years. The primary asbestos-related illnesses could cause at least 100,000 deaths: mesothelioma, asbestosis. An average 10,000 victims per year die from asbestos exposure. More Americans die of asbestos-related illness than drownings and fires combined already. Estimates range that current and future victims could be—and this is a stunning number—1.2 million to 2.6 million people.

So we are called upon to write legislation that will become law that projects our best guess on how to address those numbers, not this year but for the next 20 to 30 years. If we are going to do this, I would hope in the deepest sense of what it means to be a Senator we do it right. I must say we are far from that point as we begin this debate this morning. We are not doing this right.

I want to talk a little bit about why I do not believe we are, but it is not just the view expressed by some of us on this side—I will go into procedures and lost opportunities over the next couple of minutes—but there was an article in the paper this morning quoting a prestigious and engaged Member of the Senate, Senator SPECTER, who says the current plan is counterproductive and argues about why this legislation is not ready for the consideration the majority leader insists we give it today. I ask unanimous consent this article be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, Apr. 20, 2004]

SPECTER SAYS FRIST'S ASBESTOS PLAN IS 'COUNTERPRODUCTIVE'

(By Klaus Marre)

A centrist Republican is speaking out against a Senate leadership plan to force a vote this week on a controversial asbestos reform bill.

In his first interview on asbestos litigation legislation, Specter said that it would be "counterproductive to force a cloture vote" on a bill recently introduced by Senate Majority Leader Bill Frist (R–Tenn.) and Senate Judiciary Committee Chairman Orrin Hatch (R–Utah). The measure, which would set up a trust fund to pay victims of asbestos exposure, is expected to be debated on the Senate floor this week.

Frist spokeswoman Amy Call said Republicans would seek a cloture vote if Democrats object to a unanimous consent agreement on the legislation. "Senator Frist feels that providing compensation for asbestos victims is an urgent and important piece of legislation that the Senate needs to act on, which is why he is bringing it to the floor this week," Call said.

Asbestos reform has failed to move in the Senate for a number of reasons, but the major dispute centers on the amount of the planned trust fund. The new bill would be able to pay $114 billion in claims and has a $10 billion contingency fund, which organized labor says kicks in too late.

The previous legislation had a total value of $153 billion, including a larger contingency fund that the unions had approved.

Specter credited Frist for pressing for action on asbestos reform but said a vote on the new bill would be premature. He added that continuing the long-running negotiations between industry groups, unions and other affected parties is more likely to succeed than a cloture vote.

The Pennsylvania senator, who faces an April 27 primary against Rep. Patrick Toomey (R–Pa.), stressed that he was not criticizing Frist. But he said that his weekly meetings with stakeholders on asbestos reform have yielded "a tremendous amount of progress," adding that he is "afraid that cloture will hurt efforts to continue the negotiation process."

Sen. Tom Carper (D–Del.) agrees. Before the April congressional recess, Carper said Frist was moving too quickly on asbestos and urged him to continue negotiating and bring a compromise to a vote later in May.

Various stakeholders have come out against the Frist-Hatch bill. In an April 15 letter to Frist, several insurance companies, such as The Chubb Group and the American International Group said the legislation contains some improvements, but is "inequitable, unaffordable, and provides no finality or certainty to victims, defendants, insurers and reinsurers."

The groups add the proposed trust fund approach is "fatally flawed and can't be made to work."

Three insurance- and reinsurance-industry groups—the National Association of Mutual Insurance Companies, the Property Casualty Insurers Association of America and the Reinsurance Association of America—said in a joint statement that the bill "is absolutely essential to insurers that the Senate resist attempts to bid up the insurance share" as the legislation makes its way through the Senate.

The AFL–CIO strongly objected to the bill, saying it would shrink the trust fund and the "result is a bailout for big business that fails to provide fair and certain compensation for asbestos disease victims."

The Asbestos Alliance, a coalition of influential business groups that include the National Association of Manufacturers, has endorsed the legislation and is lobbying for its passage.

Hatch said last week that he believes his new bill, which he introduced prior to the recess, will likely not attract enough Democratic support to pass. An earlier asbestos reform bill he introduced passed the Judiciary Committee by a 10–8 vote.

In an April 8 speech to the U.S. Chamber of Commerce, Frist said the new bill has significant improvements over the one that passed out of committee. He said it has additional compensation for victims and has more protections for the proposed trust fund.

Frist stressed that Congress needs to act on this issue, pointing out that the lack of a solution has caused victims to go uncompensated and led 70 companies to go bankrupt and to the loss of 60,000 jobs.

Specter said he is committed to reaching a compromise this year. He believes that if the amount of the asbestos trust fund is agreed upon, the other pieces will fall into place because "there would be a sense that it will really happen.'

He added that passing a bill this year is crucial because it would provide "a boost to the economy to take companies out of reorganizations and bankruptcy." Specter praised the work of Hatch and Senate Judiciary Committee ranking member Patrick Leahy (D-Vt.) for their work on the bill.

Mr. DASCHLE. It is counterproductive. We are concerned that in many respects the legislation before the Senate actually is a step backward from what was passed out of committee, and that was viewed by people in our country and in the Senate on both sides of the aisle as insufficient. One thing we do know is attempts to address this problem in other cases affecting other diseases has been an absolute fiasco. Ask the black lung victims today whether we did any good when we passed the black lung victims fund. If they are still alive, they will shake their heads in disbelief. Ask those victims of uranium whether we solved the problem, and again they will shake their heads and say how deeply disturbed they are with the outcome.

I can recall how many Senators acclaimed these responses as finally having addressed the issue. Well, now people get sick, they die, and they have no recourse. While we know perhaps 2.6 million people could be affected by this over the next several decades, the bill before us actually reduces the compensation fund from $153 billion—and I might add parenthetically that the potential range of how much this could cost reaches $300 billion, so we are locking in a bill already that may be deficient—but we go from $153 billion down to $109 billion in the bill currently pending, which maybe one-third of what will be required to adequately deal with the compensation we already know will be needed.

Then there is the issue of claims. For somebody working brake linings in an auto mechanics shop, filled with asbestos, 15 years of asbestos exposure, what this bill says is if they have lung cancer after having been exposed to asbestos for 15 years we are going to give them as little as $25,000, and that is it. Who conscientiously could look that victim in the eye and say, I am sorry, $25,000 is the best we could do? I cannot say that.

We also have the problem of pending cases in this bill. I actually know victims who have attempted to do their best under the current system, have gone through approximately 10 years of extraordinarily complicated legal process to get to a verdict, they finally reach a verdict, there is finally some light at the end of the tunnel, they are going to get their award, and this bill says forget it, they have to start over. We are going to use a new system. All those years of waiting, all that pain and that agony, all of that potential for loss of life, it is over. We are going to make them reapply. Sorry about that.

At least the committee bill acknowledged we do not know how much this is going to cost. This could be $300 billion. I know we only have $153 billion in the bill and now $109 billion if we look at this bill. Because of the work of Senator BIDEN we said, all right, if we run out of money, at least people ought to be able to go back to the courts. This bill says, you can go back to the courts, but only if you meet the strict new limits that we've added, and only Federal court. Your recourse is limited. Oh, yes, we put a $10 billion contingency in there, but it's not available until year 24. How cynical is that.

Democrats want a bill. I want very much to resolve this matter, as Senator FRIST has noted. I wanted to do it so badly that I asked my staff to meet with Senator FRIST last fall, right after the August recess. They did meet five times at the staff level. Then Senators DODD and LEAHY and I met with a number of Republicans in November.

My staff has participated in virtually all, if not all, of the meetings hosted by Senator SPECTER since the new year—and I must say what admiration I have for Senator SPECTER and the work he has done on this bill. He has been diligent, he has been studious, he has been thoughtful, and he has been inclusive. It is too bad it took a Senator from Pennsylvania to create that kind of environment for real work and progress, but he deserves a lot of credit, and I hope I am not getting him in more trouble for praising him this morning on the floor. But he deserves credit.

Senator DODD and Senator LEAHY and I met with the manufacturers and insurers on several occasions through September, October, November, December, January, February, and March. We have met with advocates of the victims. I went to Senator FRIST last year and I said: Could we meet? Could we resolve these issues, you and I? Let's see if we can put a draft together.

That was impossible in December. I was told we just couldn't do it in January or in February or in March. I was hoping, at least at the staff level, that might afford us an opportunity to begin work together, but even at the staff level our efforts were repelled until mid-February.

Finally, I was told I had a meeting on the 31st of March. I was very pleased, at long last, having waited 4 or 5 months to get one, we had one. I got there, to Senator FRIST's office, and was told I had 10 minutes—10 minutes—to discuss this issue that we know will last decades.

We stand ready to work out this legislation in a bipartisan way. There are many on both sides of the aisle who truly and deeply want a resolution. I am puzzled, mystified that without any warning, without any consultation this bill was laid down, put on the calendar, and is now called before us. It makes a mockery of the system and of any real serious and sincere effort to resolve this matter in a truly bipartisan way.

I think those of us who are truly interested in a resolution ought to continue to meet with Senator SPECTER as should those who believe a solution can be negotiated. But this is not the way to do it. This is nothing more than a—well, it is nothing more than a lost opportunity. I could say more but I don't think incendiary language helps this process and I will forgo that.

But I must say I am troubled that yet again, on an issue of this importance, there are those who will put politics and political posturing ahead of finding a real solution.

Mr. SARBANES. Will the distinguished leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Maryland.

Mr. SARBANES. Do I understand after repeated efforts to hold, I take it, a thorough and comprehensive meeting with Senator FRIST, which was to discuss this matter, when the time for the meeting had arrived—which had been delayed, I gather, repeatedly—it was scheduled then for only 10 minutes?

Mr. DASCHLE. It was actually scheduled for a longer period of time, but once the meeting began, I was told the majority leader had about 10 minutes, correct.

Mr. SARBANES. Hardly enough time to say hello and goodbye, I might observe.

Mr. DASCHLE. That is just about all that happened at that particular meeting. The Senator is correct.

Mr. SARBANES. The other question I wanted to put, do I understand the proposal that has now been brought—sprung to the floor, so to speak, because I don't know that it represents the culmination of any consultative process—for people who have been working their way through the existing system toward getting some recovery for the illness and the harm they suffered, they would be required to go back and start all over again under this? Is that correct? I find that very difficult to accept. I just wanted to be clear on that particular point.

Mr. DASCHLE. The Senator is correct. Under this new proposal, those who have already been given a judgment, have done everything within their power to resolve this matter using the current system, will be told that effort is now nullified and they will have to restart under this new system for whatever compensation they might be awarded.

I would say again—I don't know if the Senator was in the Chamber when I illustrated or described one particular case, a case involving someone who had been exposed to asbestos for 15 years—under this bill, that person, who has lung cancer, who smoked, who was exposed to asbestos for 15 years, is entitled to as little as $25,000.

Mr. SARBANES. It is pretty brutal treatment, it seems to me, to people who have suffered real harm. But for people to have worked their way through the system with all of the stress and strain involved in doing that, and to have either come up to the point of judgment or, as I understand it, perhaps even achieved judgment, then to be required to go back and begin all over it seems to me is just a completely unacceptable procedure. I am very concerned to hear that.

I thank the leader.

Mr. DASCHLE. I thank the Senator from Maryland.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I am delighted to have this discussion now because I think what the distinguished Democratic leader and Senator SARBANES pointed out is that we have a problem. Whether the problem is one outlined—it may be in the bill. I don't know the specifics of that particular case and didn't hear the particular case. But the problem, and it goes on both sides of the aisle, is that we have an inequitable system today. It is not working. It is broken. We are falling down on process.

The accusations of 10 minutes in my office, which I resent—I called the Democratic leader this morning. I knew he was at a meeting and I didn't get a call back from him. If the Democratic leader is going to make accusations that I haven't discussed this enough, let's discuss this today. I set aside this whole week and I set it aside starting in—the bill came out in July. I said shortly after that, specifically in November, we were going to do this in March.

People, mainly from the other side of the aisle, came forward and said we needed more time. I said, OK, we will have more time. Then we went to the end of March and we said, OK, another month, or April. Here it is April.

We can go back and look. I pointed out in my statement that I knew the Democratic leader and others were either present or present in part of it. We had over 20 meetings with staff on both sides of the aisle since the bill came out, going through this bill again and again and again.

We can argue process throughout. My only objective is to make sure the patients with mesothelioma—and I have had the privilege to treat patients with mesothelioma. I have treated a lot of patients with mesothelioma, both as a surgeon in England and in this country, and it is a devastating disease, secondary in large part to asbestos. I treated thousands—if not thousands, over a thousand—of people with lung cancer, so I know lung cancer. I know it is devastating. I know what it does to the families. I know the tragedy. I know the causal factors. There are correlations. Some are causal factors. It is difficult in terms of what causes cancer, what doesn't. There are limitations to the science itself. That is something we need to debate and discuss and to build upon. That is one of the things that makes it hard, because you are projecting out and the science is not just perfect itself.

But I will make almost a plea to the other side of the aisle: We have a week. The stakeholders, the people who are affected, the various constituents—they know because I said months ago that we were going to do this—are around this week. If it is an argument over whether I personally haven't spent enough time with either the Democratic leader or others, we will spend the time. The stakeholders are here. Senator SPECTER spent so much time and he has done a tremendous job. Senator HATCH has. And Democrats and Republicans.

Why don't we take this week, which I set aside weeks ago and said we were going to have a week—let's put everybody in a room. There are rooms here in the Capitol right now—right now. Take some Democrats, take some Republicans, take mediators, take Judge Becker, take our staff—us. There are rooms right now.

Again, I said starting yesterday we have 5 days to resolve the problem. In truth, each one of these issues—this particular bill people worked on 360 days. It was marked up in the committee before. It has been improved again with Democratic and Republican input. It can be improved more.

I have told everyone from day one the modifications Senator HATCH, I, and others have made with input of labor and others are still not perfect, but until we bring it to the floor of the Senate or until right now, today, over the next 8 hours today, 12 hours tomorrow, 12 the next day, and 12 the next day, I am convinced we can resolve the differences. All this talk about being excluded from meetings or not, we have rooms in the Capitol; the "person" power is here. People are prepared to debate. As I said in my opening statement, nobody is stuck on particular clauses or amounts.

I suggest—and that is a reason I called this morning, about 10 minutes before we started; I knew he was in the leadership meeting—over the course of today we figure out a process by which we can come to resolution of the problem we all know exists, that we have bipartisan support on fixing, have some process outlined. I would say we start today because I said 2 weeks ago it would be this week, that we would take a week, so this is no surprise. I went through my statement. I was on the floor of the Senate November 22, March, April, the day before we left. I told everybody it would be this week. People are here—if they are not here, they can get here by tomorrow—to sit down and go through the issues.

I respond to the Democratic leader's comments that we have a shot. We have a responsibility of addressing this issue. We only have 79 legislative days left. To put this off further is not going to be the way to do it. We need to start to put our heads together and put together a process to do that and fix the system we know has run amok.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I am pleased the majority leader came back to the floor to reiterate his desire to find a solution. It will take more than just reasserting over and over that we want to find that answer, that compromise, that legislative approach that will generate the kind of support in the Senate that is possible.

It takes what he just said. It will take a willingness to meet, a willingness to work through these issues. That is my frustration. I truly believe the majority leader is sincere when he says he wants to find a way to solve the problem.

What I don't feel has been done, except in the offices of the good Senator from Pennsylvania, is that concerted effort to try to address these issues in an inclusive way. That has been done, but it has been done in large measure by Senator SPECTER, not by the leadership.

We are prepared today, tomorrow, tonight. We will be happy to meet, as I have offered to do on many occasions. The sooner we do it, the sooner that opportunity for resolution can be achieved.

I yield the floor.

Mr. FRIST. If the Democratic leader will yield for a question, if we start right now and we work through today, Wednesday, Thursday, and Friday on issues we debated and talked about—a lot of people are a lot more expert than me—why can't we do that? Why can't we resolve this huge problem? If we send it off to never-never land for an unlimited period of time, this will not come back. I know that. This is the fourth date I have set as a final date that we will come in just for consideration, so we can get on the bill. Even if we were on the bill, talking about the merits of the bill, debating it, we can be having discussions with Democrats and Republicans. I ask that Senator LEAHY and Senator HATCH also be in the room as well.

Now is the time. Now is the time for action. Would that be possible?

Mr. DASCHLE. If the Senator is asking me a question, I respond by saying, absolutely. But let me give him one illustration of my skepticism about his question.

There must have been now, as he said, 20—maybe more—staff meetings over the course of the last 6 or 8 months. As he and I discussed this matter and as our staffs discussed this matter, attention has turned to the compensation trust fund. We were absolutely startled, surprised, deeply troubled by this remarkable movement away from the trust fund number the committee had included: $153 billion. The pending bill has $109 billion.

My staff and I have both asked staff of the majority leader on several occasions, Is there a way to find a reasonable number? We have been stonewalled every single time when that issue has been discussed. It has not been discussed. It is not even discussable on the other side.

It does not do any good to sit and look across each other at the table if we cannot have a meaningful discussion about some of the differences we have. If all we do over the course of the next week is to say this is our number, with some expectation that maybe by saying it 100 times we will concede that then has to be the number, this will be one of the most fruitless experiences he and I will have had in our time in the Senate.

So yes, there has to be a willingness to meet; but if those meetings have meaning, there also has to be willingness to negotiate. Frankly, we have not seen much of that except in the Specter meetings. Again, I am hopeful we can finally move off these hard positions and find some common ground. If that can be achieved, then, yes, I think this week could be a productive week.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I think we need to get on to our morning business as we go forward. Hopefully, our colleagues have seen this play out. Both the Democratic leader and I are committed to this. We will have to have a process to get through it. I am absolutely convinced we can do it this week if we get the appropriate process. He and I will talk, the leadership will talk, and talk to the relative parties over the course of the day. I hope by the end of the day we will figure out what the process will be that would be fair and appropriate negotiation, to come to a resolution for the American people.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the period of the transaction of morning business for up to 60 minutes, with the first 30 minutes of time under the control of the Democratic leader or his designee, and the final 30 minutes of time under the control of the majority leader or his designee.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand I am recognized for up to 10 minutes.

The PRESIDING OFFICER. Fifteen minutes.

Mr. HARKIN. Mr. President, I say to my friend from New Jersey I will not take that long.

CONGRATULATIONS TO CHERI BLAUWET FOR WINNING WOMEN'S WHEELCHAIR DIVISION OF BOSTON MARATHON

Mr. HARKIN. Mr. President, I want to talk about the news this morning about the issuance of the proposed final rules on overtime. Before I do that, on a more happy note, I note that an Iowan, of whom we are all very proud, Cheri Blauwet, from Larchwood, IA, crossed the finish line of the Boston Marathon yesterday in 1 hour 39 minutes 53 seconds to win first place on the women's side in the Wheelchair Division of the Boston Marathon.

Last year she finished second. This has added to her long list of accomplishments as a wheelchair competitor in races. She is a three-time Paralympic medalist. Again, she won the Boston Marathon yesterday.

As I said, Cheri Blauwet, whom I know well, is from Larchwood, IA. She is now a medical student at the Stanford University Medical School. We are all proud of Cheri and wish her the best as she continues to win more and more marathons.

PROPOSED FINAL REGULATIONS ON OVERTIME

Mr. HARKIN. Mr. President, the news reports of this morning are that the Department of Labor will shortly publish the final regulations regarding changing the overtime rules that have been in existence since 1938.

Frankly, given its past track record, the Bush administration is simply not trustworthy on this issue. This administration has gone out of its way, time and again, to undercut working families' rights to time-and-a-half pay for overtime.

Now, it is possible that the administration has had an election-year conversion on overtime, but I hope you will pardon me if I remain a little skeptical. I will remain skeptical until I see the regulations and have a chance to analyze them and read the fine print. I have asked the Department of Labor to provide me with a copy of the regulations this morning. I am eager to see them as soon as possible. As of a few minutes ago, they still have not been posted on the Department of Labor's Web site.

Let's be clear about one thing: The draft regulations that came out a year ago were a radical rewrite of the Nation's overtime rules and a frontal assault on the 40-hour workweek. Millions of American workers were slated to lose their right to time-and-a-half overtime pay as a result of those proposed regulations.

Since passage of the Fair Labor Standards Act in 1938, overtime rights and the 40-hour workweek have been sacrosanct, respected by Presidents of both parties—until now.

This administration rammed through these new regulations a year ago without a single public hearing. It has dismissed public opinion polls showing Americans' overwhelming opposition to changes in overtime law. The White House brushed aside the will of the Senate and the House, both of which voted in support of my amendment last year to block implementation of these new rules.

There is no question the proposed new rules will hurt job creation. If employers can more easily deny overtime pay, they will simply push their current employees to work longer hours without compensation. With 9 million Americans currently out of work, why give employers yet another disincentive to hire more workers?

Again, while a limited number of low-income workers technically were given the right to overtime pay—and that base was increased—at the same time, the Department of Labor also gave employers advice on how to avoid paying overtime compensation to the lowest paid workers. So the administration gave on the one hand and took it away with the other.

The Department of Labor is poised to issue its final regulations. But I can assure you, this will not be the final act. We will be back. I look forward to reading them. We will look over the fine print, as I said.

For example, last year when the proposed regulations came out, it took some months before everything came out about how bad these proposed regulations really were. So we are going to go over these proposed regulations and take a look at them.

But I know the administration yesterday and in a press report today said this is a good deal; they are going to expand the eligibility for overtime pay; this is going to include more people. Well, we heard the same kind of "happy talk" a year ago when they first put out the proposed regs. However, public exposure showed the real facts of the proposed regulations. Up to 8 million Americans were going to lose their right to overtime pay. Again, it is just one in a series of assaults on working Americans by this administration.

Again, if you look at this chart, the red line is what the White House forecast for job creation for 2002. The blue line is what they forecast in 2003. The purple line is what they forecast for 2004. Here is where we really are down here with the green line. So this is "happy talk." The administration says, oh, they are going to forecast more jobs. It is all going to get better. But the facts are not so. Job creation has stayed stagnant. So when you hear all this "happy talk" about how these final new regulations on overtime are going to be so wonderful for everyone working in America, take a look at this chart. It is just more "happy talk."

We will look them over. But unless this administration has done almost a complete revision of what they proposed, we are going to still be back on the Senate floor asking that these rules not go into effect, and we will have a vote on that.

Finally, I think an article by Bob Herbert in the New York Times of April 5 says it all: "We're More Productive. Who Gets the Money?" What Mr. Herbert points out in his article is that an awful lot of American workers have been had, fleeced and taken to the cleaners, as he said. He said:

> . . . there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs.

He said: What happened to all the money from the strong economic growth? Well, he said:

> The bulk of the gains did not go to workers, "but instead were used to boost profits . . . or increase C.E.O. compensation."

Well, it is the first time on record where the bulk of the increase has gone to corporate profits and not to labor.

Mr. President, I ask unanimous consent this article of April 5 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 5, 2004]

WE'RE MORE PRODUCTIVE. WHO GETS THE MONEY?

(By Bob Herbert)

It's like running on a treadmill that keeps increasing its speed. You have to go faster and faster just to stay in place. Or, as a factory worker said many years ago, "You can work 'til you drop dead, but you won't get ahead."

American workers have been remarkably productive in recent years, but they are getting fewer and fewer of the benefits of this increased productivity. While the economy, as measured by the gross domestic product, has been strong for some time now, ordinary workers have gotten little more than the back of the hand from employers who have pocketed an unprecedented share of the cash from this burst of economic growth.

What is happening is nothing short of historic. The American workers' share of the increase in national income since November 2001, the end of the last recession, is the lowest on record. Employers took the money and ran. This is extraordinary, but very few people are talking about it, which tells you something about the hold that corporate interests have on the national conversation.

The situation is summed up in the long, unwieldy but very revealing title of a new study from the Center for Labor Market Studies at Northeastern University: "The Unprecendented Rising Tide of Corporate Profits and the Simultaneous Ebbing of Labor Compensation—Gainers and Losers from the National Economic Recovery in 2002 and 2003."

Andrew Sum, the center's director and lead authority of the study, said: "This is the first time we've ever had a case where two years into a recovery, corporate profits got a larger share of the growth of national income than labor did. Normally labor gets about 65 percent and corporate profits about 15 to 18 percent. This time profits got 41 percent and labor [meaning all forms of employee compensation, including wages, benefits, salaries and the percentage of payroll taxes paid by employers] got 38 percent."

The study said: "In no other recovery from a post-World War II recession did corporate profits ever account for as much as 20 percent of the growth in national income. And at no time did corporate profits ever increase by a greater amount than labor compensation."

In other words, an awful lot of American workers have been had. Fleeced. Taken to the cleaners.

The recent productivity gains have been widely acknowledged. But workers are not being compensated for this. During the past two years, increases in wages and benefits have been very weak, or nonexistent. And despite the growth of jobs in March that had the Bush crowd dancing in the White House halls last Friday, there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs. There are fewer payroll jobs now than there were when the recession ended in November 2001.

So if employers were not hiring workers, and if they were miserly when it came to increases in wages and benefits for existing employees, what happened to all the money from the strong economic growth

The study is very clear on this point. The bulk of the gains did not go to workers, "but instead were used to boost profits, lower prices, or increase C.E.O. compensation."

This is a radical transformation of the way the bounty of this country has been distributed since World War II. Workers are being treated more and more like patrons in a rigged casino. They can't win.

Corporate profits go up. The stock market goes up. Executive compensation skyrockets. But workers, for the most part, remain on the treadmill.

When you look at corporate profits versus employee compensation in this recovery, and then compare that, as Mr. Sum and his colleagues did, with the eight previous recoveries since World War II, it's like turning a chart upside down.

The study found that the amount of income growth devoured by corporate profits in this recovery is "historically unprecendented," as is the "low share . . . accruing to the nation's workers in the form of labor compensation."

I have to laugh when the I hear conservatives complaining about class warfare. They know this terrain better than anyone. They launched the war. They're waging it. And they're winning it.

Mr. HARKIN. Mr. President, again, we will look over these proposed regulations. But nothing the administration has done in the last couple, 3 years with regard to job creation, with regard to treating labor fairly in terms of getting its fair share of any economic gains, or the proposed regulations last year that would have literally cut off at the knees American workers' right to overtime pay changes my mind; I remain skeptical that this administration really wants to help work workers get overtime pay.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

THE TAX BURDEN IN AMERICA

Mr. CORZINE. Mr. President, first of all, let me congratulate the distinguished Senator from Iowa for pointing out and being so persistent in dealing with this issue of overtime pay and how working Americans are being treated by the economic policies of the current administration.

I have been on the Senate floor a number of times over the last several months talking about the status of the American economy—the job losses that we have had: 2 million, roughly, generally, and 2.6 million private sector jobs. We have talked about the pressure on the middle class. Good gracious, we are now talking about cutting overtime pay for 8 million working Americans in the middle class.

Goodness knows, the budget situation in this country, under this administration, has been a fiasco. We have gone from projections of $5.5 trillion worth of budget surpluses to $5 trillion of budget deficits over the next 10 years—$18,000 of debt per American to $24,000 now, and projections it will get up to $35,000 over the next 10 years—an incredible failure of economic policy.

But today I want to talk about another indicator that is showing the weaknesses and the failures of this policy. Last week, millions of Americans paid their income tax. A lot of us struggled to figure out how to do that and send it in by the April 15 deadline. But the fact is, when all is said and done, about 30 percent of Americans' income was paid in Federal, State, and local taxes—about 30 percent. But while the average American is paying 30 percent of their income in taxes, the majority of corporations are paying far less. In fact, about 60 percent of all corporations reporting income did not pay income tax at all. That is according to the General Accounting Office. Sixty percent of corporations did not pay any Federal tax at all.

Moreover, about 95 percent of corporations pay less than 5 percent of their income in taxes. As a share of corporate profits, corporate taxes are now at their lowest level since World War II. There has been a dramatic shift in the tax burden from corporations and high-income folks to those middle-class folks who are now going to have their overtime cut. It is an incredible change in the direction of this country and in fairness.

While corporate taxes have declined, as the good Senator from Iowa pointed out, corporate profits have increased dramatically over the last several years, much greater than wages. Median income during the Bush administration has fallen about 3 percent for the average worker in America. Corporate profits, by contrast, have increased by 26 percent. There has been a huge growth in corporate profits at the same time median income for working Americans is down. In other words, workers have received relatively little benefit from the increase in corporate profits. With all this "hootin' and hollerin'" about GDP growth, it is not showing up in the paychecks of working Americans.

In the early 1990s, when you had an increase in the economy as we are seeing now, 60 percent of those increases in income went to wages, and about 40 percent went to corporate profits. In today's recovery, the one that has occurred over the last several years, only 13 percent has gone to working men and women, and almost 87 percent has gone to corporate profits or corporate wages, to the CEOs. It is incredible, 60 percent versus 13 percent. There is something afoul here.

It fits into an overall flow of facts that middle-class income workers are getting hurt in this economy. The fact is, we have seen median income decline 3 percent for the average worker in America. And by the way, at the same time income has fallen for real families in America, the costs are going up. For example, a couple of items that go on in everybody's budget: Health insurance is up 14 percent at the same time these median incomes are going down. Corporate profits are going up. Gasoline prices are up 19 percent. College tuition, something that gives access to the American promise, is up 28 percent at the same time. I hate to get into property taxes, but in many parts of our country, all we have done is shift the tax burden from the Federal Government to the local level. The Bush record includes income falling for middle-income families and rising costs on things that matter in their lives.

It is incredible, particularly when put in the context that we haven't been creating jobs. The fact is, we have 8.4 million Americans without jobs. That is the latest survey. We have been hearing a lot of hootin' and hollerin' about growth and jobs. There are 8.4 million Americans without jobs. That is 2.4 million more jobs lost during this administration's tenure and stewardship of the economy. Something is wrong here. Income is going down. Jobs are going down. Costs are going up.

What is happening is we are putting incredible pressure on the average American. By the way, even when people get jobs after they have lost a job, there is an incredible loss of real income for those individuals. That is how that median income came down.

According to survey, for workers who lost jobs in 2001, the average salary was $44,570. Today, for those who have found jobs, the average salary an individual ultimately was able to get was $35,410. That is another 21-percent drop for those people who lost jobs and then ultimately reentered the workforce.

We have median income going down. We see job losses going up. We see corporate profits going up, and no sharing of that going on in the economy.

There is a real problem. The administration's proposals and policies have done an incredible job of actually undermining the well-being and quality of life for middle-income Americans.

Many people have different views about fairness, but since the tax date was last week and we talked about the fact corporations are not paying their fair share, I want to mention the fact for the middle 20 percent of Americans, a range of people who have an adjusted gross income from filings and income tax, the average tax break for that middle 20-percent, middle-class America, was $647. That is not something to throw out the window, but it is not a great amount of money given what tuition costs are doing, and given gasoline prices and health care costs. But it is a break. But if you were in the top 1 percent of Americans, on that same scale of adjusted gross income, you got an average tax break of about $35,000.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Mr. President, I yield the Senator 1½ minutes of the time allocated to me.

Mr. CORZINE. I thank the Senator from Maryland.

Finally, if you look at those individuals in America who have been blessed with good earnings and opportunity, with $1 million of earnings or more, a tax cut of $123,500. I don't understand why anyone would think this is going to be stimulative to the economy, efficient to the economy. Let alone does it relate to the fairness most Americans expect. Here we have $1.5 trillion in tax cuts and a whole bunch of it is going to the people making $1 million or more, and the middle class is getting a very small portion. We have a major problem with economic policy. We clearly are not creating jobs. We clearly are undermining the quality of life of middle-income Americans.

There is a classic fairness issue that is going on here which I wanted to relate with regard to corporate income taxes and certainly with regard to how tax breaks work.

It is time for a rethink. The IMF and the OECD this week released reports that said the current administration's policies are going to end up undermining growth for the rest of the world because we are running such big deficits. There is something wrong. It is time for us to address it. I will come out here and talk about these kinds of pressures on the middle class, on our budget, on what is fair. We need to make sure the American people know they are not getting a fair shake.

We need to pass the legislation for which the Senator from Iowa has so assiduously fought to make sure 8 million people are protected on overtime. We need to make sure we change this tax policy so all Americans benefit from the great bounty we have. The choice is clear.

We were able in the 1990s, with a different set of policies, to create 22.5 million jobs, the greatest increase in wealth for all Americans, not just middle class but all Americans. We decreased poverty. All good indicators of what happened.

Now we have lost 2.6 million private sector jobs; 8.4 million people are unemployed; and we have a distribution of income that makes no sense for the middle class.

Mr. SARBANES. Mr. President, I commend the very able Senator from New Jersey for his very powerful statement and for putting everything in context.

First of all, I appreciate his taking the April 15 filing deadline, which most of us have just confronted in terms of filing our tax returns, and pointing out that corporations are paying hardly anything in income taxes. As I understand it, 60 percent of corporations filing show no tax liability. As I understand it, 95 percent were paying 5 percent or less.

Secondly, the Senator has pointed out this huge discrepancy in the tax benefit from the Bush tax cuts. His chart shows middle-income people were getting about $600, as I recall the figure. And for the top 1 percent, what was the figure?

Mr. CORZINE. That was $124,000.

Mr. SARBANES. That is the millionaires.

Mr. CORZINE. Excuse me, $35,000.

Mr. SARBANES. And the millionaires were getting $124,000. This is classic trickle-down economics. It doesn't work. Proof that it does not work is where we are on the jobs front. We have an administration that claims it has a successful economic policy, and it is not producing jobs. In fact, we have now over 2 million fewer jobs than we had when this administration took over in January of 2001.

The last time we had an administration that failed to produce a net increase in jobs over the course of the administration was the Herbert Hoover administration. Now, stop and think about that. I say to the Senator, is it not his understanding that every administration since Herbert Hoover has been able to show a net increase of jobs over the course of their administration—until this administration which now is over 2 million jobs in the hole below where we were when they came into office?

Mr. CORZINE. The Senator from Maryland is absolutely correct. If you look at private sector jobs where a real economy is broadly creating wealth for individuals, 2.6 million jobs have been lost, and it is a horrific record relative to the performance of what should be enormous productivity and job growth in this country.

Mr. SARBANES. Furthermore, it is my understanding, I say to the Senator, that this recession we have experienced began 36 months ago. As we have said, we have fewer jobs now than we did when the recession first started. This is the first recession since the Great Depression in which 36 months after the recession began we have failed to come back and recover or recreate the jobs that were lost in the recession.

Stop and think about that. It is 36 months after the recession began. In every other economic downturn since the Great Depression, 36 months after the recession began we had recovered all the jobs lost and gone well beyond that in most instances in job creation. We have not done that in this business cycle. In fact, if we had grown at the job growth equal to the worst on record following a recession—I am just taking now the worst performance of previous economic downturns—if we had just the job growth now that we had in the worst recovery period, we would have 3.4 million more jobs than we have today. It is incredible what is happening on the jobs front. We are not closing this jobs gap. This administration doesn't seem to understand it or face up to it.

In fact, in the 2002 Economic Report of the President, the administration forecasted that in 2004—the year we are in—the economy would have 138.3 million jobs. Last year, the President lowered that estimate for the number of jobs we would have in 2004. In 2003, he predicted only 135.2 million jobs. In the most recent economic report, the administration lowered it again to 132.7 million jobs. In 2 years, they lowered the number of job predictions by 6 million jobs.

Mr. CORZINE. Will the Senator yield for a question?

Mr. SARBANES. Yes.

Mr. CORZINE. The Senator from Maryland understands supply and demand. But if there are 6 million more Americans looking for jobs than is demand, what usually happens when there is excess supply of labor or any other element of our economic system versus demand?

Mr. SARBANES. You can see the effect on the earnings of workers that is taking place in the economy, for one thing.

Mr. CORZINE. It is a most important element. This jobs issue is not only impacting people who don't have jobs, it is impacting people who do have jobs.

Mr. SARBANES. Exactly.

Mr. CORZINE. It is undermining the ability of working Americans to actually get good wages. That is why median income is down. That is why you go from $45,000 for a job lost to picking up a job worth $35,000.

Mr. SARBANES. The Senator is right to focus on the inadequacy of demand. If he would put up the chart that shows how much of the benefit goes to workers' wages as opposed to corporate profit in this so-called recovery, we can see that if you go back to the early 1990s, during that recovery, a majority—85 percent—of the benefits were going to workers. In this recovery, the workers are getting only 15 percent.

Mr. CORZINE. It is 13 percent.

Mr. SARBANES. So 87 percent of it is going to corporate profit. That is one of the big differences. That is one of the reasons we are not creating jobs. When it goes to workers' wages, it makes its way back into the economy, stimulates economic activity. As a consequence, it helps produce jobs. Now it is so heavily weighted away from workers and toward the corporations that are showing these record profits that we are not getting the same economic stimulus.

Then they say, well, if the corporations make big profits, they will invest in plant and equipment. But the corporations won't invest in plant and equipment if they don't think there is going to be a demand for what that plant and equipment will produce. The major source of the demand comes from workers' wages, which is being grossly shortchanged in this so-called economic recovery. It is no wonder we are facing such a severe economic situation.

Twenty-four percent of the people who are unemployed have been unemployed for more than 26 weeks. They are the so-called long-term unemployed. We are now at a record in that this percentage has been above 20 for 18 consecutive months. The last time we had long-term unemployed at that level for such a long period of time was in the 1982 recession, when the unemployment rate went up to close to 10 percent. So what is happening is a lot of the impact is being concealed or disguised. People have dropped out of the workforce. The workforce participation rate now is at a 16 year low, despite having previously risen almost every year in this postwar period. That is the situation we confront.

The Senator is absolutely right to put his finger on these gross inequities in the workings of the economy because more and more of its benefits are being pushed to the very top of the income and wealth scale. As a consequence, they do not get recirculated back through the economy to create jobs and meet the tremendous challenge that working people in this country are facing, which the Senator has very thoroughly outlined in the course of his statement. I commend my colleague from New Jersey for his very strong and powerful statement in underscoring this shift in economic benefits.

There is one strata up at the top that is reaping the benefits, and all the rest of us are feeling the economic burdens, stress and strain of this economy.

Mr. CORZINE. Will the Senator yield?

Mr. SARBANES. Yes.

Mr. CORZINE. I think the Senator from Maryland probably realizes—and correct me if I am wrong—I think there are 1.4 million or 1.6 million Americans that have even dropped out of looking for work.

Mr. SARBANES. That is right.

Mr. CORZINE. The Senator most appropriately talked about the pain that is being inflicted on the unemployed because they are unemployed for a much longer period of time. But what is just as serious is that there are a lot of people who have said the heck with it; there is no chance of actually getting a job.

Mr. SARBANES. I thank the Senator for his very strong presentation.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). There will now be 30 minutes for the majority.

The Senator from Wyoming is recognized.

THE ECONOMY

Mr. THOMAS. Mr. President, before I talk on the subject I came to talk about, I want to react a little to what has been said in terms of the economy. It is surprising, because the economy has grown substantially, that we find some complaining about it over there. It is not a surprise that the person who pays the most taxes gets a tax cut. That should not be a surprise. The idea is that encouraging business is how you create jobs. But I guess we have a different view of what it is.

I think we have a political aspect to what is going on here. This place has become almost like a political rally, when what we ought to be doing is talking about issues. I hope we can do that.

COURT JURISDICTION

Mr. THOMAS. Mr. President, this has little to do with the idea of establishing a venue search for various court actions.

I would like to address an issue that is very important to all of us, particularly the Western States that have a good amount of public lands. First, there are many suits being filed. People are trying through suits, or the threat of suits, but even worse, if there is a suit, to be able to pick a venue they think is more sympathetic to their point of view than going to the venue in which the issue occurs. That is what I am talking about.

That has particularly been the case with environmentalists who have sought to manage public lands and public facilities largely through suits rather than the issues.

In recent years, we have been steamrolled quite a bit by Federal issues that go to judges completely out of the area rather than dealing with them in the circuit in which the issue occurs. Specifically, we have had some experience with suits involving issues with Yellowstone Park or Teton Park.

We have a circuit court system. We are in the Tenth Circuit. I need to review what I am talking about. The Federal judiciary is set up on a system of circuit courts. It is set up with a number of circuits throughout the country and based on geography. The reason for that, of course, is so everyone has access to the legal system and it is fairly available to them.

If you go to a circuit court and you appeal that decision, it goes to the appeals court and then to the Supreme Court. The fact is, the circuit court in Cheyenne, WY, is a Federal court, just as the circuit court in Washington, DC. It certainly is more appropriate to go to them. That is why those circuit courts are there.

Our Constitution includes many checks and balances, and the authority for Congress to limit judicial jurisdiction is clearly needed.

I have introduced a bill that would provide original jurisdiction to the appropriate court venue in the impacted area for matters involving Federal lands. I cannot continue to watch issues that happen in particular parts of the country—in this case in Wyoming and Montana—to be taken to a Federal court in Washington, DC, when, in fact, there are Federal courts in our area. That is why they are there.

My intent is nondiscriminatory. It simply underscores my strong belief that Federal judges in the area should have the first crack at cases that have a direct impact on that particular area. Certainly that is something on which we need to continue to work. It is a matter, of course, that affects a lot of Federal lands.

Half of the State of Wyoming belongs to the Federal Government. It is similar in Arizona and other States in the West. The circuits we are in are the ones that should, in fact, deal with those Federal land issues when the issue is in that particular State. Of course, the appeals go on the same as anywhere else.

When I introduced the bill, some folks were shocked and said it was a waste of time. I think it is more shocking to skirt the jurisdiction of judicial courts and venue shop and go somewhere they think will give a better result to the lawsuit that has been filed.

The justices need to be fair. Everyone deserves their day in court. Certainly we have an issue now where the local court has been involved at one time, and they went around the local court and went to Washington, DC. We have two courts on the same level with two different points of view on the same issue. It has caused us a great deal of problems.

I ask unanimous consent that an article written by Judge Robert Ranck, a retired judge, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jackson Hole News & Guide, Mar. 24, 2004]

FEDERAL JUSTICE AND YOUR DAY IN COURT

(By Robert Ranck)

No one should be shocked. And particularly no one should be confused by the editorial that ran in this paper last week.

Apparently, what is needed is a review of our civics.

The federal judiciary is set upon a system of circuits based on geography. Each action that leads to a case in a particular geography area must generally be filed in that circuit. If there is an appeal of a case within that circuit from federal district court, it is directed to the federal appeals court of that circuit. If appealed from that federal circuit's appeals court, it then goes to the U.S. Supreme Court in Washington.

Why are the federal circuits based on geographic lines? Our judicial system is founded on the premise that everyone deserves their day in court. To have your day in court, you need to be able to get to the court and not be required to travel thousands of miles to do so. That's why the jurisdiction of our federal circuit courts are such—it's called access to justice. And no one—least of all our litigious community—should be shocked or upset by access to justice.

Loopholes in the rules of federal venue are being currently exploited by those who want to pick the federal judge who best suits their politics. They do that by twisting the allegations describing the nature of the case. If there is an issue involving snow machining in Yellowstone, for example, some groups think the action arises not in Wyoming or Montana, but in D.C. Why? Because the Park Service is headquartered in D.C. But that's not how the federal system was designed. That is not the intent of the system. That takes justice further from the people most impacted by the matter in question. And that is wrong.

In many ways, a federal judge is a federal judge. Brimmer or Sullivan, they are of the same federal rank, with the same federal powers. Here's the difference: one was born, raised, and spent his entire professional career in the jurisdiction where the snowmobiling controversy arose. The other was born, raised and practiced his entire career in Washington, D.C.—a heck of a long way from the Tetons. I am disappointed that this paper, and other usually thoughtful people, are advocating venue concepts that result in justice being less accessible to people most impacted by controversies. I wonder if these people think a Wyoming federal judge should have the power to decide a federal challenge to marriage licenses issued to gay couples in San Francisco? I doubt it.

Senator Thomas is seeking to close the venue loopholes that currently allow district judges in Washington, D.C. to decide issues that should be heard and decided where they arose. In doing so, he is a populist—bringing the opportunity for access and justice closer to people. That some are uncomfortable with this idea is disturbing. But for some litigants, the ends always justify the means. In this case, the anti-snowmachining lobby will continue to try to have their case heard as far from Wyoming as possible in front of the most sympathetic judge they can find, even if their tactics are unfair to the people who live and work in the West.

Two thousand miles is a long way for voices to carry—particularly for people who are too busy earning a living and raising a family to file or defend litigation in Washington, D.C. Federal venue loopholes should be closed in the interest of fairness. Don't be confused by those who are more interested in their desired political outcome than the fairness and integrity of the judicial process.

Mr. THOMAS. Mr. President, I hope we can take a look at the idea of directing these various court activities to the circuit court in which it arises. It seems a reasonable approach. I have introduced a bill to do that, and I look forward to pursuing it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINGERPRINT COMPATIBILITY

Mr. GREGG. Mr. President, I rise today to address an issue which I have been working on for many years, regrettably, about how we control our borders. The issue is how we deal with terrorists or people with criminal intent or who have a history of criminal activity who threaten our Nation by coming into our country. Either way, these are individuals who really should not be coming into our country.

Back in the nineties, as chairman and ranking member of the Commerce-Justice-State Appropriations Subcommittee, we began funding a major effort by the Federal Bureau of Investigation to organize its fingerprint database, called IAFIS. At the same time, the Immigration and Naturalization Service, now part of the Department of Homeland Security, was beginning to set up a fingerprint database for people coming into the country, called IDENT.

The problem has arisen that these two fingerprint databases do not communicate with each other. This, of course, was a function of history. In the nineties when the FBI was setting up IAFIS, which has now grown to 44 million identifying fingerprint records, their purpose was to create a national repository of criminal fingerprint records to identify a person who committed a crime by their fingerprint match with the system and to assist local law enforcement efforts to do the same. It was a law enforcement tool.

The INS, when it began its system in the nineties, was basically trying to find people who were illegally coming into the country or who had been deported and had criminal backgrounds. The purpose was also for law enforcement but a different type of law enforcement. They were not looking for people who actually committed a crime. They were looking for people coming into the country who should not be coming into the country because of their background.

These two protocols were set up independent of each other. We noticed this in our committee in the late nineties and directed the two organizations to integrate their fingerprint identification systems. This was done by the Commerce-Justice-State Subcommittee, which I and Senator HOLLINGS chaired off and on during that period. We exchanged chairmanships, depending on the control of the Senate, but our policies were exactly the same.

We directed in the late nineties that these two agencies begin to integrate their fingerprint databases. It was pretty obvious to me and Senator HOLLINGS at that time that this was important not from a law enforcement standpoint, but from an antiterrorism standpoint, and that is what drew us in this direction.

Regrettably, that was not accomplished. Today we are in a situation which is extraordinarily inappropriate and, to some degree, ironic if it were not so sad and unfortunate. And that is that the FBI is sitting over here with 44 million fingerprints of people we know have a background that required them to be fingerprinted and, therefore, maybe we have some issues with them. We know within that 44-million-person database there are at least 12,000 individuals who are identified as terrorists. We know the FBI has this IAFIS database which we have spent $1.1 billion—billion dollars—to put in place. Our committee has funded this over the years.

It had some fits and starts. It took the FBI a while to get it going right but now they have it set up. Then we know Homeland Security, which has now taken over INS, has the IDENT Program, which is the baseline for something called the US VISIT Program, which is a fingerprint program, the purpose of which is to fingerprint people coming into the United States for identification and have a database of those people.

What we also know is these two major fingerprint databases do not talk to each other. So if someone is coming into our country who is a terrorist with fingerprint records in the FBI's IAFIS database, and they are fingerprinted as they would be required to be to get a visa to come into this country, that fingerprint they had for the visa would not show up in the FBI database as a terrorist because the systems cannot communicate. The databases of IDENT and US VISIT, which is being set up, are not structured to communicate with the FBI database.

In the late 1990s, as I mentioned, our committee directed these two databases start to be integrated and figure out some way to communicate. There was minor progress made in this effort, and a lot of money put into it, over $41 million. Yet the reorganization of the Homeland Security Department, which took INS out of the Justice Department, created an atmosphere which was not maybe so convivial to the two groups communicating with each other. Also, the INS has a different goal, which is to move people quickly through the fingerprinting process. Therefore, they only use as their fingerprinting system the fingerprints of two flat digital fingerprints of the index fingers. By using the 2-fingerprint system, they can move people through their identification process very quickly, and that is important at a border entry from the standpoint of making the border entries tolerable to individuals to go through. The INS therefore was not willing to go to a roll process of all 10 fingerprints, which would require a great deal more time. The FBI, however, because it is interested in a more intensive capacity to review the fingerprints, has something called rolled fingerprints of all 10 fingerprints.

So today we still have 44 million fingerprints which have no relevance, for all intents and purposes, to who is coming in and who is leaving our country because DHS is only fingerprinting individuals in a manner which is not compatible with the 10-fingerprint procedure of the 44-million-person database.

Now some folks in the administration appear to be aware of this problem and are talking about it. There are a number of things that have been done, and I want to acknowledge them for having done some things. Every 2 weeks they are extracting certain fingerprint records from IAFIS to IDENT, including certain wanted individuals and potential terrorists. Those 12,000 terrorists I mentioned in IAFIS is now supposedly in the IDENT system and accessible to the US VISIT Program. There is an attempt to get NIST, which is the organization which has the capacity to technologically address this issue, to take a look at this issue to see if there is not some way to cross-reference these records. Even under the most optimistic game plan, however, it is now the position of the administration it will not be until 2008 that they are able to integrate IDENT and IAFIS, assuming they are able to integrate them at all. To make them compatible, most likely it will mean DHS will have to go from a 2-fingerprint system to an 8-fingerprint system, digital flat fingerprints.

We need to focus on this as a government. This is one of those situations where one learns about it and understands it and says, why is this happening?

We understand the history of it. As I mentioned, the history is INS and FBI had different purposes for their fingerprint systems when they set up these two major databases. Those two purposes have been totally overshadowed and left in the wake as a result of September 11. The FBI no longer has as its primary function catching people after they commit a crime. The FBI's primary function now, although maybe they do not totally appreciate this, is they are supposed to catch people before they commit a terrorist act. They are supposed to be an intelligence agency. That is their primary purpose, to find out who is going to harm us and get to them before they get to us. They have this huge resource of 44 million fingerprints of people who are potential problems, and it should be a resource, but is instead just sitting there. If someone commits a bank robbery or a Federal crime, it is still a very functional database, but for the primary purpose of the FBI, which is intelligence in anticipation of terrorist threat, it is not very functional at all.

Then there is the INS which set up the IDENT system under the theory that people were repeatedly entering the country illegally and in some cases after they had been deported and they wanted to get them out of the country or they wanted to know who they were. They did not see them as terrorists back in the 1990s. They set up a system to address that. Now they have such a system and they are adding to it the U.S. VISIT system. That system is set up in a manner which, yes, expedites people through our borders, which I appreciate is important, but, no, it does not tell anybody at DHS whether that person who just got through the border, having been fingerprinted with the two index fingers, is in the FBI database as a terrorist or a criminal, unless that name happens to have been moved over to IDENT as a result of basically a manual decision.

We cannot afford that historic anomaly to continue. We cannot continue to have these two systems which do not communicate. It is my hope the administration, again working with the various technical experts who are out there—and I suspect they have to be independent of these two agencies because these two agencies have vested interests which cause them to dig in their heels on occasion—that somebody will sit down and say merge these databases and do it before 2008. I hope they will come up with some system which allows us to do that.

As an appropriator, I know this is going to cost a lot of money. I suspect Senator HOLLINGS would agree with me on this, and I know Senator BYRD would because it is a big issue for him and Senator STEVENS too, who are the chairman and ranking member of the committee, I am willing to put in whatever money is necessary in order to accomplish this integration on a faster timeframe than 2008 because we need it done. I hope the administration will pursue this effort.

Fingerprint compatibility is an issue that affects all Americans. It relates to counterterrorism and protecting our borders; ensuring that taxpayer resources are not squandered; and ensuring that Federal agencies actually work as a unified Government rather than a set of fiefdoms. The issue is fingerprints how they are taken, processed, and accessed.

The Department of Homeland Security, DHS, has started a new initiative, US VISIT, to better control who is coming into the country and tracking them once they have arrived. The plan calls for the collection of personal data, photos, and fingerprints by the Department of State at U.S. consular offices abroad and by the Department of Homeland Security at our ports of entry. The fingerprints taken will be 2 "flat" fingerprints, a simple, one-touch of the index finger of each hand.

Those 2 flat fingerprints, however, cannot be searched against the 44 million contained in the FBI's national repository of fingerprints of terrorists, wanted individuals, and of convicted criminals. That is because the repository, known as IAFIS, contains 10 "rolled" fingerprints, a more complete capture of each finger.

If the purpose of US VISIT is to better determine who should enter the country, what is more important than knowing if they are terrorists or criminals?

This is not a new problem. For nearly 15 years, the Immigration and Naturalization Service, INS—now the Department of Homeland Security—and the Federal Bureau of Investigation, FBI, have been developing and operating separate and incompatible fingerprint-based identification systems. INS has IDENT, which takes 2 flat prints and was created to identify repeat immigration offenders and deported aliens who should be detained and prosecuted. FBI has IAFIS, which takes 10 rolled prints and was created to automate the FBI's paper-based fingerprint identification system of criminal records. Without integration if you check IDENT, you do not have access to the prints of all criminals. If you check IAFIS, you do not have access to immigration law violators.

We raised this issue as early as 1999. In the fiscal year 2000 CJS appropriations conference report, we directed the Department of Justice, DOJ, to develop a plan to integrate the INS and FBI systems. Five years later, the effort "remains years away" according to a March 2004 report by the DOJ Inspector General.

Each year, millions of aliens are apprehended trying to illegally enter the United States. Many are voluntarily returned to their country of origin without further action. Some, however, are detained for prosecution if suspected of: multiple illegal entries, a prior deportation, a current arrest warrant, an aggravated criminal record, or alien smuggling.

Before IDENT, INS had difficulty verifying identities of the apprehended aliens. False names and spelling errors were common making it difficult to check for immigration or criminal histories. An automated fingerprint identification system was the obvious solution. It provided a faster, unique biological measurement for individuals. Funding was first provided to develop IDENT in fiscal year 1989.

At about the same time, in 1990, the FBI began to overhaul its paper-based fingerprint card system. The FBI had maintained a central repository of tenprints of criminal offenders' fingerprints since the 1920's. The FBI wanted a system that would allow for electronic searches for fingerprint matches against criminal histories, wanted individuals, as well as stolen articles, vehicles, guns, and license plates. Over $1.1 billion has been spent on building and maintaining IAFIS to date. IAFIS now contains over 44 million criminal records, including 12,000 terrorist records.

From 1990–1994, INS and FBI discussed integrating their systems, but they had conflicting priorities and interests. INS focused on the need to process apprehended aliens quickly and therefore only wanted to take 2 fingerprints. FBI wanted INS to take 10 fingerprints so they could match apprehended aliens against the ten fingerprint records in the law enforcement databases or latent fingerprints obtained at crime scenes.

There were also capacity concerns. FBI did not know if their system would have the capacity to meet INS's high volume of fingerprints in a quick response time. FBI did not believe their system would be able to search and match 2 fingerprints against 10 fingerprints in a timely manner.

By 1994, INS began proceeding with its separate system, IDENT. IDENT was developed to match 2 fingerprints of detained individuals against fingerprints in two IDENT databases: 1, apprehension database: includes each recorded apprehension of illegal border crossers; and 2, lookout database: contains information on deported and criminal aliens and therefore ten-print cards.

Problems with IDENT quickly emerged. A March 1998 Inspector General report found INS was enrolling less than two-thirds of the aliens apprehended into the IDENT system; INS was only entering 41 percent of all aliens deported into the IDENT lookout database; the data entered into the system was of poor quality because employees did not have sufficient training.

In 1999, the case of Rafael Resendez-Ramirez reemphasized the need for the integration of IDENT and IAFIS. Resendez-Ramirez was apprehended by INS for an immigration violation in June 1999 and was voluntarily returned to Mexico because INS was unaware that he was wanted for murder. Shortly after his voluntary return, he returned to Oregon and committed four more murders. Had IDENT been linked to IAFIS, immigration officials would have known Resendez-Ramirez was wanted for murder, had an extensive criminal history and prior deportation, and could have detained him for prosecution.

That year, in the fiscal year 2000 conference report, the CJS Appropriations Subcommittee responded by directing DOJ to prepare a plan for the integration of IDENT and IAFIS databases and fingerprint systems.

DOJ submitted a plan for integration in March 2000. The plan focused on conducting several studies to determine the impact, scope, and technology needed to integrate the two systems.

Good news is the project has slowly moved forward.

Records are now extracted from IAFIS and added to IDENT every 2 weeks, including those of wanted persons likely to be picked up by immigration officials, birthplace outside of U.S. Over 140,000 wanted individuals have been downloaded into IDENT. There are, on average, 400 hits per month, meaning 400 apprehended aliens have active wants or warrants for their arrest. There are also over 12,000 fingerprint records of known or suspected terrorists extracted from IAFIS and put into IDENT.

A workstation has been developed and deployed to DHS field sites, border patrol stations and ports of entry, that has a ten print scanner that can capture ten rolled prints; and a computer that can simultaneously search IDENT and IAFIS and provide an integrated response from both systems.

The CJS appropriations subcommittee provided $1 million in fiscal year 2003 for National Institute for Standards and Technology, NIST, the Federal agency charged with establishing fingerprint standards, to research fingerprint search compatibility. Preliminary results show 8 flat prints can be searched against 10 rolled prints with the same accuracy as 10 rolled prints, but the search takes 2–3 times longer. Compare that to 2 flat prints, in which case the search has an "unacceptable reduction in identification accuracy" and takes 35 times longer.

The bad news: 5 years have passed and $41 million has been provided and the systems are still not integrated. Extracting a sampling of IAFIS information every 2 weeks is not enough.

Wanted individuals who are apprehended by DHS could be mistakenly returned to their country of origin if their warrants are submitted to IAFIS during the 2 week lag time. DOJ and DHS claim they will begin to extract information daily, but it is unclear when, how and whether that can happen. Even daily extracts cannot substitute real-time information or full interoperability.

The extracts do not include criminal histories. The need for criminal histories was made apparent in the 2002 case of Victor Manual Batres. In that case, Batres was deported following a conviction for an aggravated felony. Batres reentered, but information about his deportation was not known because the systems are not integrated, and he was voluntarily returned to Mexico. He illegally entered the country again, at which time he raped two nuns, resulting in the death of one of them. Had IDENT and IAFIS been integrated, the immigration officials would have had immediate access to Batres' deportation and criminal history, and could have detained him for prosecution, thereby saving lives. Reentry after deportation alone can carry up to 20 years imprisonment.

Workstations are only a one way solution. Workstations give DHS access to IAFIS, but they do not give law enforcement access to immigration records. FBI and State and local law enforcement believe there are situations that require access to immigration records, such as: Fingerprints captured at a crime scene cannot be checked against immigration violators; and an individual can apply to a sensitive position, security at a nuclear power plant, and there is no way to verify his or her country of birth or immigration history.

Workstations are only partially deployed. Two hundred and ninety-three workstations have been deployed to only 115 DHS field sites, which means less than one-third of DHS' field sites have workstations. It is unclear whether there is a plan to deploy workstations at the remaining field sites.

The administration has no timeline to move to capturing 8 flat prints. Eight flat prints would significantly improve the chances of interoperability.

The bad news also is that any plans for integration have been delayed at least 2 years, with final deployment now not expected until August 2008 due to fear that the Government could not absorb the impact of integration, the increases in detention, prosecution and imprisonment of aliens. There is no agreement between DOJ and DHS on how to collectively proceed with IDENT/IAFIS integration. Personnel and resources were diverted from IDENT/IAFIS integration to build US VISIT.

Now, DHS is creating its new system, US VISIT, with the same traps as IDENT and then some. Problems are already apparent. US VISIT has not been fully defined. No policy has been identified for Mexico and Canada or the "exit" aspect of the program, for example, will U.S. citizens be checked every time they leave the country. US VISIT was built on IDENT because that was the only way DHS could meet its December 2003 deadline to deploy the program. That means US VISIT continues to capture only 2 flat prints and is not interoperable with IAFIS. There has been no mention of whether and how IAFIS would access the US VISIT fingerprint records. It is unclear whether IDENT alone is robust enough to handle the additional workload that comes with US VISIT.

The State Department, whose job it is to take the photos and fingerprints of visa applicants, appears to be on track to meet the October 26, 2004 deadline to enroll 2 flat prints of all visa applicants between the ages of 14 and 79 at all 211 posts. However, there has been some question regarding the quality of the fingerprint images the State Department is enrolling, which we are looking into.

In summary, knowing the background of individuals entering the United States is our first line of defense against terrorism. We have spent hundreds of millions of dollars to build a criminal database, IAFIS, and should take full advantage of the information it contains. The administration should make the integration of IDENT and US VISIT with IAFIS a number one priority. These agencies must work together to determine what is needed to integrate these systems. The administration should submit a statement of policy and a plan, agreed to by FBI, DHS, and State, which provides the technology and funding requirements as well as a time line for integration.

The PRESIDING OFFICER. The Senator for North Carolina.

THE ADMINISTRATION IS SUCCEEDING IN IRAQ

Mrs. DOLE. Mr. President, I want to address the repeated attacks towards the Bush administration's role in Iraq. Yesterday, one critic claimed that our unilateral policy in Iraq has steadily drifted from tragedy to tragedy and made America less safe. The very mention of Iraq and the current situation there incites what I have begun to call the "liberal naysayers" to launch into steady streams of empty rhetoric against our plans in Iraq. Just this week these critics said that our troops are paying the price for flawed policy. These brazenly political claims have no basis, in fact, and serve no purpose other than to undermine the administration in a time of war.

In liberating Iraq, we have rid the nation and the rest of the world from the danger of Saddam Hussein. 46 of the 55 of his most wanted regime members have been captured or killed. In removing this tyrant from power and undermining his regime, we have brought about increased security in a nation that at one time barely comprehended the term. Today, over 150,000 Iraqis, including 75,000 new police personnel, are protecting the Iraqi people. Recently the Iraqi Governing Council signed the Transitional Administrative Law. This unprecedented framework promises long overdue civil rights for all Iraqis. It ensures freedom of religion and worship, the right to free expression, the right to peacefully assemble, the right to be treated equally under the law, the right to stand for election and cast a ballot secretly, the right to privacy, and the right to a fair, public and speedy trial. We have removed many barriers in the Iraqi society and allowed women to finally play a role in every day life—including the new Iraqi government.

To abandon our mission in Iraq today would undermine all we have accomplished up until now. We would leave behind a devastating breeding ground for terrorists. More importantly, it would give the insurgents in Iraq reason to believe they have won—that they finally succeeded in driving us out and halting the process of peace. The recent surge of violence in Iraq is not indicative of failed policy—rather it is proof that terrorists see freedom arriving there—and it terrifies them. Just recently I read of that fear firsthand in a memo written by captured al Qaida operative Zarqawi. Concerned that the Mujahidin may lose its footing in Iraq he wrote:

> There is no doubt that our field of movement is shrinking and the grip around the throat of the Mujahidin has begun to tighten. With the spread of the Army and the police, our future is becoming frightening.

The very idea of freedom incites fear in the hearts of terrorists across the world. Insurgents from Syria, Libya, Iran and other countries continue to cling to the fruitless hope that their violence will force the coalition forces out and allow the eradicated reign of terror back in. They don't just hate freedom—they fear it. These terrorist cells infiltrating Iraq know that the introduction of democracy and peace in the Middle East is only the beginning of the annihilation of terrorism worldwide.

The accomplishments are many, and the truth is the liberation of Iraq is just one battle in the war on terror. The process of creating a democracy and turning the government over to an entire new governing council will take time. But we are a nation of our word. President George Bush has told the world that we would return power to the Iraqi people on June 30, and we intend to stick to that deadline. Our desire is to restore sovereignty to the people of Iraq—and ensure peace and stability in the transfer. To abandon Iraq prior to either of those goals being accomplished would be a failed mission—and that simply is not an option.

While it is important to note the administration's successes in Iraq, Americans should also be aware that our actions in Iraq have made us safer here in the U.S. President Bush recognized that in order to contain the growing threat of terrorism from Iraq we had to eliminate it at its source. Our President chooses to allow the war on terror to be fought in Kabul and Baghdad, rather than Washington, DC, or New York. As he so boldly explained just recently, his desire was not to stand idly by. He said:

> I made a pledge to this country; I will not stand by and hope for the best while dangers gather. I will not take risks with the lives and security of the American people. I will protect and defend this country by taking the fight to the enemy.

I applaud our administration for carrying out their mission in Iraq so effectively. Our role in Iraq has brought about freedom to 50 million Iraqis and Afghans and underscored America's character in keeping our word. Former secretary of State George Shultz said it best this week when he wrote:

> Above all, and in the long run, the most important aspect of the Iraq war will be what it means for the integrity of the international system and for the effort to deal effectively with terrorism. The stakes are huge and the terrorists know that as well as we do. That is the reason for their tactic of violence in Iraq. And that is why, for us and for our allies, failure is not an option. The message is that the U.S. and others in the world who recognize the need to sustain our international system will no longer quietly acquiesce in the take-over of states by lawless dictators who then carry on their depredations—including the development of awesome weapons for threats, use or sale . . . September 11 forced us to comprehend the extent and danger of the challenge. We began to act before our enemy was able to extend the consolidate his network.

The war on terror will not easily be won, but America is up to the task. May God bless our brave men and women in uniform fighting for democracy and freedom—and God bless this land of the free, America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There remain 3½ minutes.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASBESTOS LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the issue of asbestos, the legislation which is about to be called to the Senate floor, offered by the distinguished chairman of the Judiciary Committee, the senior Senator from Utah. The Judiciary Committee reported out a prior bill in July of last year, and it was supported largely along party-line votes. One Democrat joined in the vote to send it out of committee, and I supported the vote to send the bill to the floor, having stated a number of concerns I had on specific provisions.

In August, during the August recess, I enlisted the aid of the former Chief Judge of the Court of Appeals for the Third Circuit, Judge Edward R. Becker, who had taken senior status preceding May 5. For 2 days, in Judge Becker's chambers, he and I met with representatives of the manufacturers, the insurers, the reinsurers, the AFL/CIO, and the trial lawyers, starting to go through a wide range of issues. Since that time, we have met on 18 occasions in my office here in the Hart Building, virtually every week, with those representatives, and they had meetings in between.

During the course of our extensive discussions, we have come to significant agreements on streamlining the administrative process, early startup, defining the exigent health claims, moving through the language on judicial review, and dealing with the issue of medical monitoring. A good number of those provisions were inserted in a new bill introduced by Senator HATCH and Senator FRIST on April 7. The majority leader has listed the asbestos bill on a number of occasions, and each time has deferred it pending the negotiations which have been in process and I think are making good progress.

I have attended all of these meetings. They have lasted, most of them, for several hours supplementing the 2 days in Judge Becker's chambers, which were both all-day events. All the parties have been very, very cooperative. The manufacturers have talked to the AFL/CIO. In between, meetings have been had with the AFL/CIO. The trial lawyers have been cooperative. There is no doubt that some among the trial lawyers may feel they have some contrary interests. I think there has been an overall view—clearly by the trial lawyers and the AFL–CIO—that there are many injured people who have suffered from mesothelioma, which is a deadly ailment, who are not being compensated because their companies were bankrupt. In excess of 70 companies have gone bankrupt. There are hundreds of thousands of claims and there are numerous parties who have been named as defendants. The specific statistics are that the number of claims is now over 600,000. There are 8,500 companies which have been named as defendants. As I say, more than 70 companies have been bankrupt.

The courts have held that someone is entitled to compensation for exposure to asbestos even though the injuries are not yet demonstrable; that even though the injuries are speculative, a jury may return a verdict based on what injuries may be sustained. That decision was made by the Supreme Court of the United States. That stands at the same time the people who have mesothelioma, which is a deadly disease, are not compensated.

So it is a very serious matter on all ends: On the end of the claimants who are not being compensated because the companies are bankrupt; on the end of companies which have gone bankrupt spending a lot of money on litigation.

When a request is made, when legislation is structured to give up the right to jury trial, that is a very serious matter with our common law tradition for right to trial by jury, a right which is specified in the seventh amendment to the U.S. Constitution, the right to jury trial in a civil case. We are dealing with very weighty matters. We have established a scale of compensation, a schedule which is patterned along the lines of workers' compensation, but there are very weighty matters to be considered.

It is my thinking that a cloture vote this week would be counterproductive. I understand the thinking to the contrary, that a cloture vote may put some pressure on the parties to move forward. There are many on both sides of the aisle who want a bill. I see the distinguished junior Senator from Delaware having risen. He probably wants to make some comments but is waiting patiently, or impatiently, but at least waiting. Senator DASCHLE has been a participant. His people have been in these discussions. Senator LEAHY, of course, the ranking Democrat, has been an active participant, and Senator DODD has been. Senator CARPER keeps calling over the weekend, concerned about these matters. Senator HATCH has been a leader, having constructed the idea of the trust fund and having gotten $104 billion in it initially. That figure may be up to $114 billion. Senator HATCH commented about the legislation reported out, if I am incorrect—Senator HATCH is in the Chamber and can correct me—at $139 billion. So there are a lot of people who want a bill.

Some of the thinking is if there is a cloture vote it will put people on record, people whose constituencies would like to see a bill, who may not want to vote against cloture, so there may be that pressure.

My own view is progress has been made. I can represent emphatically that these are very complex issues. Judge Becker was the judge who wrote the opinion on the class action case brought on asbestos several years ago. His opinion was upheld by the Supreme Court. He is very knowledgeable in the field. He happens to be the winner of the outstanding jurist award among Federal judges, about 1,000 judges. He really knows the field.

I have had substantial experience in litigation and legislation and have examined these complex issues and say emphatically that there has been no dawdling. Progress has been made on the complex issues, as much as could be made, at the meetings presided over by Judge Becker and myself and meetings in between time.

So my view is a cloture vote is premature. Earlier today the majority leader in the Senate talked to Senator

DASCHLE and raised the possibility about a delay but not committed to a delay. His inclination, fairly stated, is to go ahead with a cloture vote unless there can be some good reason there will be a way to expedite negotiations.

Judge Becker has some commitments this week which he cannot break, but he is available part of the week and is available all of next week. I have a commitment next Tuesday that I have to work toward. It is called a primary election. I am only in town today, breaking my campaign schedule, which is very important. I have a tough fight on my hands—it is well within my pay grade—a tough fight. But I met earlier today with the parties to the asbestos matter, attended a leadership meeting, and spoke with Senator HATCH earlier today.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous agreement, morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The pending business is the motion to proceed to the consideration of S. 2290.

The Senator from Utah.

Mr. HATCH. Did the distinguished Senator from Delaware have a desire to speak?

Mr. CARPER. Just for 5 minutes.

Mr. HATCH. I ask I be given the privilege of speaking thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What was the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent is that Senator CARPER be given 5 minutes, after which Senator HATCH will be given 5 minutes.

The Senator from Delaware.

Mr. CARPER. Before Senator SPECTER leaves the Chamber, I express my thanks to him and certainly to Judge Becker for the willingness to enter into what many people describe as one of the most complex issues we will face this year or any year in the U.S. Congress to try to see if there is a way to ensure that people who are sick and dying from asbestos exposure get the help they need; folks who are not sick, who become sick, get the help they need, and that the companies which have a fair amount of exposure, whether they be manufacturers or insurance companies, get some certainty with respect to their financial obligations.

I am more encouraged at this moment than I have been for some time that we may have the beginning of a negotiating process. I realize these negotiations are going under the sponsorship of Senator SPECTER and the leadership of Judge Becker. If we are fortunate enough to get the buy-in from both leaders, Senator FRIST and Senator DASCHLE, these negotiations, led by Judge Becker, should be the vehicle.

We do not have to go out and invent a new negotiation process. This is one that works. Judge Becker is smart as a whip. He got the involvement of the leadership staff on both sides. Senator HATCH's staff, Senator LEAHY's staff, Senator DODD, myself, and others have been actively involved in these negotiations through Judge Becker.

This is a good process. We ought to build on this process. I have encouraged our leader to take ownership of the process—not to take away from Judge Becker but to ask him to continue to work. Judge Becker, for reasons that are beyond my pay grade, enjoys the confidence of labor. He enjoys the confidence of the insurers. He enjoys the confidence of the manufacturers, the defendants in these cases, and I think the respect of the trial bar. What we need to do is take him up on the offer, on his willingness to stay here and work with us.

My hope is we will end up with a negotiation that will lead not to further negotiation but a bill, another bill in the Senate, building on what has come to the Senate already.

I had a chance to talk with Senator HATCH a few minutes ago off the floor. He expressed a willingness to wait for as much as a month before we actually take up the bill. That gives this negotiating process another 4 weeks to bear fruit, further fruit—it has already borne a lot—and for us to take up at a date certain—I suggest maybe the week before the Memorial Day recess—to take up the bill, to negotiate, to debate, to amend it, and to pass it.

I am, again, more encouraged than I have been in some time. I express my thanks, again, to the Senator from Pennsylvania for his leadership.

I thank Senator HATCH. I know this is near and dear to his heart, and Senator LEAHY and both of our leaders. We can get this done, and we have to.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. However, I am not as sure we are going to get this done as he is. I have to say, we have been working on this for 15 months. We have met innumerable times with our friends on the other side. We have met with every party involved here. I have tried to do everything I possibly can to bring everybody together. This is mired in politics. There is no question about it.

We are talking about a motion to proceed. How often in the Senate have we had a filibuster against a motion to proceed to a bill, when you can filibuster the bill, too? So you would have two filibusters on this bill, assuming we were to invoke cloture on a motion to proceed. It shows the lengths to which some will go in an election year to play partisan politics.

Look, we have done everything in our power to accommodate Democrats. We have made so many changes to accommodate the Democrats on this that I have gotten excoriated by the Wall Street Journal and others who I do not think have looked at these negotiations or understand what is going on.

Keep in mind, there are 8,400 companies that would like to resolve this problem, many of which are going to go into bankruptcy. Seventy have already gone into bankruptcy. Those jobs are lost. Those pensions are lost. The money we could have here to help settle this is lost. Those were the main companies that handled asbestos. The remaining companies are those that have some peripheral experience with asbestos but really did not do the wrongs. But under this system, which is out of whack according to the Supreme Court of the United States of America, and any reasonable person who looks at it, we have unjust litigation going on all over this country for people who are not even sick. A high percentage of the cases brought are for people who have never had a sick day in their lives—certainly not from asbestos. It is another scam, in many respects. Not all of them; some of these cases are valid. That is why we want to come up with $114 billion, that we have had to force the companies to come up with, to try to solve these problems.

This has not been easy, and it has not been fun for me or anybody else in this process. The fact of the matter is, there is a high percentage of these lawsuits that are unjustified that are costing us an arm and a leg. Let's be honest about it, 60 percent of all the money we are talking about here—assuming we cannot get this bill passed—will go for attorneys' fees and transaction costs, not to the people who need help. Mesothelioma victims are getting 5 cents on the dollar, if that, about $17,000 for an absolute cancer that has destroyed their lives and has caused them death.

I do have some comments to make about the comments my good friend, the distinguished minority leader, made this morning. I would like to make some comments with regard to Senator DASCHLE's statements this morning. He stated a lung cancer victim with 15 years of exposure would receive only $25,000 in compensation. That is painting a very incomplete picture, which I would like to finish. If we are going to paint the picture, let's paint the whole picture.

First, that picture is the bottom range of compensation. Under the claims values in the FAIR Act we have come up with, claimants who were exposed to asbestos and still smoking will receive between $25,000 to $75,000 in compensation. And for the record, Senators LEAHY and KENNEDY have stated they want $50,000 for claimants falling into this category. But it is between $25,000 and $75,000.

Mr. President, I have come here to discuss the FAIR Act. We have a chance to help those who have suffered from asbestos-related injuries for far too long. Many people have spent months getting us to this point. I want to assure we have a complete picture of the bill for the record. We owe at least that much to the victims.

By the way, these are people who do not have any markers, do not have any evidence through X-rays or any other reason to show asbestos has caused their cancer. Yet we are willing to give $25,000 to $75,000 to them. If they get mesothelioma, they have a right to go and get the million dollars under the schedule we have agreed to in the Judiciary Committee. It does not stop them from getting fair compensation. But it certainly is a misrepresentation to say they are only getting $25,000. These are heavy-duty smokers. Almost everybody knows their cancers come from smoking, but we bent over backwards to give consideration that possibly there may be some connection to asbestos, even though there is no evidence.

Senator SARBANES, the distinguished Senator from Maryland, stated we, and I quote, "sprung" the bill on the Democratic Senators and their staff. Come on. Senator DASCHLE called attention to the total fund value. I want to state for the record Senator DASCHLE's staff was informed of the new numbers last October. That was 6 months ago. Since October, there have been repeated and continuing discussions of these numbers over the ensuing months, and we had many months of discussion prior to that. We have been on this for 15 solid months on a daily basis, and we have worked with Democrats on the other side. We have worked with everybody involved, including the personal injury lawyers who do not want to lose this bird in the cage.

Now we repeatedly asked the Democrats for a response to the numbers. Repeatedly we have asked. We have received none. We repeatedly asked the Democrats for a legislative proposal they would like to make, a concept of a structure, something, anything. We have received nothing. As Senator DASCHLE knows, this so-called new bill we allegedly "sprung" on him includes the very numbers we released months ago, the changes demanded by the Democrats and the changes demanded by the unions. We have all kinds of changes we have made for these parties in this matter. This is not some little sprung deal. The Democrats have had every right to participate in these processes, and some have. Some have been kept from these processes by their own party members.

I would like to respond to a few of the statements made by my colleague from South Dakota, Senator DASCHLE, earlier this morning regarding S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004. If I recall it correctly—and I was watching as Senator DASCHLE stated there was no reversion to the tort system should the moneys not be there—and the moneys are there. Virtually everybody who has effectively studied this says this amount of money we have in this bill will take care of the problem. In fact, though, there is a reversion to the tort system should it not. Should the fund become insolvent, then claimants with asbestos injuries who have not received compensation under the fund may pursue their claims in the courts at that time. So that statement there is no reversion is simply wrong. Again, we have worked closely with our colleagues on the other side. That was their idea, and we accepted it.

Naturally one of the problems in this matter is some of these personal injury lawyers, who really know better, have been forum shopping to special jurisdictions that are out of whack that literally do not care what the law says and literally do not care about justice or doing what is right. Some say—I hope this is not true—but some say they are bought and paid for by the personal injury lawyers in their respective jurisdictions.

There are at least four or five jurisdictions in this country where you can go in and get whopping verdicts for no injuries, like one verdict in one of these counties in one of these preferred jurisdictions by, I think, dishonest personal injury lawyers, or at least those who are exploiting the system, where there was $150 million granted for five plaintiffs, not one of whom had been sick a day from asbestos. That money is not going to those who really are sick, which this bill does. Even the Supreme Court has said this system is broken.

I am not against further negotiations. We are happy to do it. That is one reason why this bill is on the floor right now, because we are going to have a vote on this. It might be a cloture vote on a motion to proceed, of all things, but at least we are going to have a vote so people know where some of these folks stand. Some people have used this bill to raise money for their campaigns, saying they are going to be for it, and yet when push comes to shove, they are never for it, it is never good enough, there is never enough money. Yet, as I have said, we have not had a proposal, we have not had a dollar figure, except outrageous figures nobody can meet, off the top of the head.

We can talk about 15 months of very heavy-duty slogging here. Now they want more time?

I would like to take a couple minutes to talk briefly about some of the improvements in the Fairness in Asbestos Injury Resolution Act. We worked our guts out to get a bill out of committee. It was a very tough thing. I remember staying into the, I think it was the wee hours of the morning or at least pretty close to midnight that night debating this bill. There were some amendments added that I have to admit I didn't like and that would have made it impossible for this bill to pass on the floor. But we have worked very hard. Since then, we have had countless meetings with unions, with personal injury lawyers, with victims, with companies, with insurance companies, trying to bring everybody together.

This bill was reported by the Senate Judiciary Committee after a lengthy committee markup spanning four separate meetings. S. 1125, the bill reported out of committee, included, among other unprecedented achievements, a major bipartisan solution with respect to medical criteria where all of the committee members—and this committee is ideologically divided, very tough—agreed on eligibility requirements for determining asbestos-related injuries compensable under the act and over 50 other consensus-building provisions. It and other bipartisan agreements remain in S. 2290, the bill we are discussing today.

S. 2290, as many have noted, makes additional significant improvements over the committee bill from a lot of hard work. I praise Senator LEAHY, Senator SPECTER, the majority leader, and others who have worked so hard. Of course, their staffs have worked so hard on a day-in-day-out basis to try to solve these problems. These improvements reflect agreements reached in continuing negotiation among representatives of organized labor and industry that were mediated by our colleague from Pennsylvania, Senator SPECTER. I praise our mutual friend, chief judge emeritus of the Federal Third Circuit Court of Appeals, Judge Edward Becker, who has played a pivotal significant role here.

First, let me briefly highlight some of the key provisions of this important legislation. S. 2290 ends the broken asbestos litigation system and replaces it with a privately funded asbestos victims compensation program for the payment of asbestos claims.

The key elements of the asbestos victims compensation program include an office of asbestos disease compensation headed by an administrator for processing and paying claims; a no-fault system based on sound and fair eligibility requirements. That no-fault system will not require attorneys in most instances and will save the attorney's fees. Sixty percent of the moneys here go to the people who are really sick. That no-fault system is a very important step. It includes a nonadversarial, streamlined, and less burdensome claims process with only two levels of review. In most cases, the claimant probably will not need an attorney or if the claimant has an attorney, we provide for attorney's fees under the bill, but on a scaled down basis.

There is still $2.5 billion in this bill for attorneys, even under this system. It provides for over $100 billion in funding assured over a period of 27 years, actually $114 billion with a $10 billion contingent fund added on. So you could look at it as $124 billion that we are forcing these companies, including the insurance companies, which have limited liability by the way, we are forcing them to pay into this fund upwards of $124 billion, if it is needed. But $114 billion will be made available, and it does have that $10 billion in contingent funding for defendants.

S. 2290 bans future asbestos use to eliminate the dangers caused by asbestos exposure. It provides grants for mesothelioma research and treatment centers, hopefully to find a way to resolve some of the problems.

This represents a good-faith effort to improve this fine legislation. That is just some of the changes. No piece of legislation is perfect, but I am certain that with these changes a very good piece of legislation got better.

Let's go to the improvements over S. 1125. We had to get a bill out of committee. It was a hard-fought battle. It took us four markups and a major all-day session. Let me list some of the improvements.

This is less adversarial. It provides for a less adversarial, more streamlined administrative process, including less levels of review than the original bill. This bill has a more user-friendly application process and expanded claimant assistance program, where you might not even need lawyers to eat up the funds, although you could have a lawyer if you want one.

This provides interim authority, interim regulations, upfront funding, and increases borrowing to facilitate the prompt startup of paying these folks who have suffered—the real claimants, not these people who haven't suffered who are getting moneys from these false jurisdictions.

This bill increases claims values. Mesothelioma victims are now getting, in many cases, 5 cents on the dollar. This bill resolves that problem, just to mention one thing.

This has more secure funding because it guarantees mandatory funding from funding participants. It gives audit authority and civil penalties for false statements and fraud. It has stronger enforcement authority, and it has additional safeguards to ensure priority of payments to the fund.

It also increases liquidity and provides more flexibility to address short-term funding problems. It has a more orderly wind-up of the fund and transition back to the tort system in the event of a sunset, with payment in full for all resolved claims. It also provides grants for mesothelioma research and treatment centers that are also required to participate in a mesothelioma disease registry. All of these would be wonderful.

This new bill increases compensation going to victims over what they are getting today. The attorneys do real well, but the victims aren't doing quite as well. It revises the funding provisions to help guarantee funding and to protect the solvency of the fund, while ensuring that any risk or shortfall rests on defendants and insurers, not on claimants. It establishes a more streamlined, less adversarial and less burdensome administrative system than provided in our original bill, S. 1125, that will be up and running more quickly. It provides grants for mesothelioma research and treatment to help find a cure for this deadly disease.

I emphasize that S. 2290 puts even more money in the hands of victims than provided in S. 1125 as reported by the committee, which was already estimated to put over one and one and a half times more money into the pockets of victims than they would have received under the current tort system where more than half of the resources now go into the pockets of the plaintiffs' and defendants' lawyers.

I am pleased to say, with the leadership of our majority leader, Senator FRIST, S. 2290 raises award values in certain categories, focusing those diseases that are most clearly caused by exposure to asbestos.

I might add that as a thoracic surgeon Senator FRIST brings a unique perspective on this legislation. I think it is fair to say that he is the only Member of this body who has performed surgery on mesothelioma patients. The values from the negotiations conducted by Senator FRIST led to an increase of $100,000 for severe and disabling asbestosis, among other increases.

Values for smokers and ex-smokers with lung cancer under levels 8 and 9 were also notably increased, although most likely their cancers came from their heavy-duty smoking. That involves a lot of union members who probably would get nothing if it weren't for this bill. For the life of me, I don't understand why the union leaders have not been totally for this. I have heard them privately say this is a good bill. I commend Senator FRIST for his insight and efforts in this process.

Although some Democrats and some affected parties assert that values in S. 2290 are not enough, they generally only focus on the values for exposure-only lung cancers. Most experts believe these claimants have no clearly established link that the lung cancer was caused by asbestos exposure, such as underlying asbestosis, and may have been heavy smokers all their lives. There is no evidence in these cases that their cancer or lung problems have come from asbestos exposure, but we give them the benefit of the doubt in this bill. Some conservatives think that goes way too far. Even though these people have been heavy smokers all their lives and we know that leads to cancer, we have been willing to go this far in the bill. Some of these experts provided testimony to the Judiciary Committee that an exposure-only lung cancer disease category runs an extremely high risk that lung cancer falling within this category are, in fact, not conclusively attributable to asbestos exposure. That is putting it mildly. Providing increased compensation for these smoking-related claimants could frustrate the purpose of the fund and put the fund at risk. In fact, lung cancer claimants with no markers or impairment from asbestos currently receive nothing from today's bankruptcy trusts—zero. This bill gives them the benefit of the doubt. These claims with no markers and no impairment—meaning no indications at all that asbestos was involved—almost always result in defense verdicts in today's tort system.

Here we provide the benefit of the doubt to them in the bill. Some have criticized that, but that is how far we have gone to try to get the other side to do something and debate this bill. If they don't like provisions of it, file amendments and bring them up. We are willing to debate them. They may win on some of these amendments. I can live with that. But to just continue to filibuster everything that can help this country immeasurably at this time seems to me to be hitting below the belt.

Upon close consultation with organized labor, S. 2290 contains additional changes to ensure that more money is put into the hands of victims more quickly. Specifically, this entailed locating the program at the Department of Labor. The Wall Street Journal doesn't like that idea and neither do some of my fellow Republicans. But that is how far we have gone to accommodate them and try to bring this to closure. This is a major change from the bill as reported by the committee—which assigned the claims processing function to the Court of Claims. I have to admit, I don't particularly like that provision. I thought the Court of Claims would do a better job. I think any court would probably do a better job. On the other hand, these people are expert in some of these things. The Government is not making these payments. Payments have to come from the companies. So it is not something like black lung that goes off the charts year after year. It is no secret that the administration has serious reservations about this change. In fact, I have questions about these provisions myself, but in the spirit of good faith and compromise, we decided to include this new administrative mechanism in order to attempt to put more funds into the hands of the families suffering from asbestos-related illness. We did this in an attempt to accommodate our friends on the other side—attempt after attempt after attempt—and here we are with a filibuster on the motion to proceed. We have acted in good faith. I think a filibuster is in bad faith.

Reimbursement of costs for physical examinations are now provided as part of the medical monitoring program, and structured payments are now required to be made in a 40/30/30 split over a 3-year period, unless a stretch out to 4 years is required to protect the solvency of the fund.

The Hatch-Frist-Miller FAIR Act also improves the committee bill by providing more secure funding and additional protections in the fund's solvency, while maintaining that the risk of insolvency falls onto the various industries involved. Most of them should not be here. Most of them are companies that hardly ever did anything with asbestos, but because they have either acquired a smaller company, or had some contact with asbestos, although not significant, they are hauled into all these cases, and they are going to have to come up with moneys they should never have had to come up with. The mandatory funding for defendants is guaranteed, and moneys from insurers are infused into the fund in the early years where the most claims are anticipated. The increased enforcement authority of the Attorney General to compel payment and other additional safeguards, such as requiring a priority for payment obligations to the fund in State insurance receivership proceedings, further bolsters the fund's solvency. Also, increased borrowing authority provides more liquidity and will help with the short-term funding problems.

Let me talk about some of the safeguards: We have over $100 billion in guaranteed mandatory funding; $114 billion plus $10 billion contingency; a strong enforcement measure for underpayment and nonpayment; borrowing authority of 7 years future revenue ensures liquidity; regular program reviews, including claims and funding analysis with recommendations for improvements; annual reports to Congress on the status of the fund, with recommendations for improvements—Congress can make changes if it has to; and $10 billion in contingent funding; a risk of insolvency placed on companies with a sunset provision.

Those are all safeguards we put into the bill, much to the credit of our friends on the other side, who now appear to be filibustering this bill—even the motion to proceed. Of course, they are now asking for even more time for discussion.

Look, I have been told by people who know—or at least think they know—some who have speculated that we are never going to get a bill this year because it is an election year, and there is a lot of money involved from the personal injury lawyers. By the way, like the bankruptcy bill, a lot of money is involved by the companies who tend to pour it into people objecting to the bill, hoping they will somehow or other do what is right and support the bill. I hope that is not the case, but the more this drags out and the more we have filibusters on motions to proceed; and on this bill, after all the concessions we have made and the negotiations we have had, the more I come to the conclusion maybe these rumors are true. In fact, I know a lot of people who believe they are true.

Because of these new financial safeguards I have discussed, the Hatch-Frist-Miller bill was able to modify the amendment proposed by Senator BIDEN and adopted in committee, which allowed for a reversion to the tort system in the event the fund becomes insolvent. Many members of the committee—and I thought Senator BIDEN himself—recognized that the provisions in his amendment, voted on late with little discussion with the committee, needed further review. We are pleased our new language satisfies the problem the Biden amendment addressed in the first place, but do so in a more flexible and deliberative fashion.

Simply stated, the Hatch-Frist-Miller bill replaces these provisions with an alternative program review that will give the administrator more time and more flexibility to address any unanticipated short-term funding problems. Under the new bill, full payment of all resolved claims is required. To create a smoother transition and to avoid recreating the current manifest shortcomings in a handful of State courts, the fund will revert to the Federal court system. We must not lose sight of the fact that it is the aberrational result in the courts of a few States—especially Mississippi, Illinois, and West Virginia—that has triggered this national crisis.

Let me emphasize that under the new language, any risk that the funding is insufficient would still fall on defendants with claimants able to get their day in court.

Members and other interested parties need not worry that any risk of insolvency will fall on the claimants.

I can give you cases that are 20 years long without any resolution to the people who have been injured. This solves those problems almost instantly.

Another significant change I would like to discuss further is the new administrative structure and claims handling procedures provided in the Hatch-Frist-Miller bill. While the committee bill created a more accessible and simpler claims processing system for claimants than found in the tort system, organized labor continued to express concerns that the administrative structure under S. 1125 was too adversarial and cumbersome.

The agreement mediated by Senator SPECTER and Judge Becker to move claims processing from the Court of Federal Claims to an executive office situated in the Department of Labor included numerous refinements made in consultation with labor union representatives. They were brought in in every way, and they are the ones who demanded this. Senator SPECTER and Judge Becker have negotiated it.

In addition to placing the office within the Department of Labor—against the preference of the Department of Labor, I might add—or an independent executive agency, as requested by industry who lost on this issue, the new language also includes simplifying the claims application process, expanding the claimant assistance program, and requiring the creation of exposure presumptions to reduce the burden of proof for claimants in high-risk employments.

We made further refinements addressing concerns raised by Senator FEINSTEIN and others that there may be an undue delay in starting up a new claims system, forcing mesothelioma victims and victims whose claims have been sitting in court for years to wait even longer to receive compensation. Senator FEINSTEIN's amendment could have unintentionally threatened the fund itself by diverting resources away from the fund and to unimpaired claimants.

Instead, the Hatch-Frist-Miller bill provides interim regulations for the processing of claims, including exigent claims, interim authority, upfront funding, and increased borrowing authority, which all go toward ensuring the system is up and running as soon as possible after the date of enactment. Good public policy demands expedited termination of the broken tort system and preservation of funds so that payments can go to the most worthy claimants, as defined by the consensus medical criteria.

As a final note, proposals for research moneys for mesothelioma were circulated in committee. Mesothelioma victims generally live only a year or so after diagnosis of this horrible disease. More research is needed on mesothelioma to find better treatments and even a cure, and I am pleased this bill addresses this problem.

Our bill now provides up to $50 million—and I am willing to consider increasing that amount—in grants to mesothelioma research and treatment centers. In addition, these centers must be associated with the Department of Veterans Affairs medical centers to provide research benefits and care to veterans who have suffered excessively from mesothelioma. These, along with the asbestos ban, are important and vital pieces of legislation that must not be overlooked.

Again, I tried to highlight here some of the major changes from S. 1125 as reported, many of which were made to address the concerns raised by various members in committee, especially on the Democratic side. These revisions are aimed at ensuring that the program established under the FAIR Act is fair to victims.

In short, the Hatch-Frist-Miller bill represents a reasonable and fair solution to the asbestos litigation crisis and may be the only solution to it. Members from both sides of the aisle recognize that an equitable compensation program is necessary.

I believe S. 2290, the Hatch-Frist-Miller bill, meets the test. I urge all of my colleagues to support this bill and at least support debate on this bill and bring up amendments so we can see what further changes the Senate, in working its will, will require. We should certainly see that this bill is fully considered by the Senate.

Having said all of that, I am very concerned that this bill is being treated only politically; that there are those who are afraid to vote on this matter; that there are those who do not want to be involved in this matter right now; that there are those who want to stop this matter because of political pressure by special interest groups.

We now have 8,400 companies that are being sued, and it may go as high as 15,000. I might add that we have about 16 major insurance companies that are being sued, some of which should not have the liabilities we are imposing upon them. Nevertheless, the more companies that go into bankruptcy, the more jobs are lost, the more pensions are lost, the more this economy will suffer, and the more all of us will be worse off.

I might also add that the courts have not proven to be effective here and that the tort system has failed. Even the Supreme Court of the United States says this requires a legislative solution. This is the only legislative solution that is available, and if we want to get something done, we are going to have to work on this bill.

Personally, rather than have a filibuster on the motion to proceed, I think we should go to the bill. I personally would be willing to grant more time if we would have a definite date. I cannot speak for the majority leader, naturally, but I would personally be willing to grant more time, as Senator SPECTER was, to have further negotiations outside the context of debate on the bill where usually those negotiations help bring about a bill. But I would be willing to go another 2 weeks to a month in intensive 9 to 6 negotiations every day, which we have been doing now for 8 months, if we had a definite time to bring up amendments and a definite time for final passage of the bill or a final vote on the bill. Maybe we will vote it down in the end. I doubt it. In fact, I am sure we will not.

The fact is, in other words, if we do not have to face another filibuster and if everybody in good faith works to try to bring this about and we have a debate on the floor and people have amendments they want to bring up, they can do it. I cannot speak for the majority leader, but I certainly would be willing to recommend that, again bending over backwards to try to accommodate our colleagues on the other side.

If that is not acceptable, then I have to conclude that the statements made by some of the folks outside of the Senate who are knowledgeable about this that politics is more important than solving this problem, that money is more important than solving this problem, that the personal injury lawyers are more important than solving this problem happens to be true. I hope that is not true. I hope we can get our colleagues to work together. I would like to work with them, as we have. We have not rejected or failed to consider any idea that has come up, and we will continue to do so. But if not, then let's go to cloture on this bill and let's let everybody know who wants to stop even a reasonable debate, even a reasonable time to file amendments, even the reasonable position the Senate ought to always take, and that is the Senate should work its will and we should vote on the amendments one way or the other, vote on this bill one way or the other, and let the chips fall where they may.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, will the Senator withhold?

Mr. HATCH. I will be happy to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, is the parliamentary situation that we are going to recess for the party caucuses at 12:30 p.m.?

The PRESIDING OFFICER. The Senator is correct, until the hour of 2:15 p.m.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be recognized at 2:15 p.m. to speak on the asbestos legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Vermont.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED—Continued

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is on a motion to proceed to S. 2290.

Mr. LEAHY. Before we recessed, was there a unanimous consent request made for the Senator from Vermont to be recognized?

The PRESIDING OFFICER. The order is the Senator from Vermont be recognized.

Mr. LEAHY. That was without any time limitations, as I recall?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the distinguished Presiding Officer, my good friend from Ohio.

DIVERSION OF FUNDS FOR MILITARY OPERATIONS IN IRAQ

Mr. LEAHY. Mr. President, I want to take a moment to respond to the very serious allegations contained in Bob Woodward's book about the use of counterterrorism funds to support preparations for the U.S. military invasion of Iraq.

As a Senator and a taxpayer, I am very troubled by this information. The Constitution gives Congress the sole power of the purse. The Founding Fathers did this for good reason. It is a responsibility that I take very seriously.

As a member of the Appropriations Committee for more than two decades, I know there is a long, bipartisan tradition of administrations—of both political parties—informing Congress when money is going to be used for purposes different than what it was intended for, especially if it is part of a major change of policy.

We do not yet know all of the facts, and we need to get the whole story as soon as possible. But I will say that in the wake of September 11, the Congress moved very quickly in a bipartisan way to appropriate billions of dollars to respond to the threat of international terrorism.

In doing so, we gave the administration a great deal of flexibility, but we also made clear that we expected the administration to keep the Congress informed on the use of these funds. And administration officials gave us their word that they would keep us informed.

We now learn, as a result of Bob Woodward's book, that millions of dollars that we thought we were appropriating for Afghanistan, or to respond to other terrorist threats, may have been used by the Defense Department to begin preparations for the invasion of Iraq.

The problem is that there is not a shred of evidence linking Saddam Hussein to the September 11 attacks. Even the President has acknowledged this.

In effect, it appears that the administration has treated the Congress with much the same disdain as it treated our European allies. Remember? They were the "old Europe," who were out of touch, whose support we did not need. Like the United Nations, they were "irrelevant."

So too the Congress: What do they know? They just appropriate money. They do not need to know what it is being used for.

We also have learned, in even more detail, how this administration rushed into war without making adequate post-war plans or building a real international coalition. As a result, the reconstruction efforts are a mess, our credibility is in tatters, and America's soldiers are shouldering a grossly disproportionate share of the burden and the casualties.

The proper use of taxpayers' money is not a Democratic or a Republican issue. As representatives of the American people, it is something that we should all be concerned about, and it may force us to change the way we do business around here.

Mr. President, we also have before us an asbestos bill, the Asbestos Injury Resolution Act of 2004. This partisan asbestos bill is not ready for floor consideration. It is not ready for prime time, not by a long shot. I do believe the Senate should pass legislation to establish a national trust fund to fairly compensate asbestos victims. After all, I held the first hearing ever held by the full Senate Judiciary Committee in an effort to get a resolution to the problem facing victims of asbestos poisoning. But, despite the title of this bill, it is far from fair. It is very partisan. This partisan bill creates a trust fund that provides unfair compensation for asbestos victims. This partisan bill creates a trust fund with inadequate funding, no startup protections, and major solvency problems. This partisan bill contains a warped sunset provision that could trap victims in a failed trust fund for 7 years or more without having access to compensation.

Look at this chart. This fund says victims could be trapped in a failed trust fund for 7 years or more and would have no compensation. If the fund becomes insolvent, then the Hatch-Frist substitute provides for a reversion to the tort system, but only after 7 years from when the fund begins processing claims, and then only in Federal court, and then only for some limited disease categories. So victims could be trapped for 7 years or more with no compensation. That is not fair.

Some have claimed this bill provides for contingency funding to try to address the many uncertainties of future projections for asbestos victims, but the $10 billion for continued funding only kicks in after year 2023 and only if the funds still exist at this time. Let me show you on this chart. It is only after year 2023. We are in the year 2004. There will be very few in the Senate who will still be around to try to correct the mischief of this bill. You have contingency funding available after 2023. That means a lot will not be available to pay the pending 300,000 claims on day one. That is not a fair trust fund.

So I would say it is a mistake for the Republican leadership of the Senate to insist on proceeding to a bill and have so many major problems still unresolved. The bill is not ready for prime time. Let's work at making it ready, not work at scoring partisan points. Let's do something for the victims of asbestos.

Creating a fair national trust fund to compensate asbestos victims is one of the most complex legislative situations I have seen in 29 years in the Senate. The interrelated aspects necessary for a fair national trust fund is like a child's Rubik's Cube. So it is all the more necessary that a bill be a consensus piece of legislation for it to become law. I am not looking for a Democratic or Republican piece of legislation; I am looking for a bipartisan one that would work. That is why I worked so hard in months of bipartisan negotiation, why I worked so hard to encourage the interested stakeholders to reach agreement on all the critical details. I have had so many meetings in my office and in other Senators' offices with the major stakeholders across-the-board, and this is where we are. We have Senator HATCH and the majority leader introducing a partisan asbestos bill.

I hoped the bipartisan dialog over the past year would yield a fair and efficient compensation system that we could in good conscience offer to those suffering today from asbestos-related diseases and to the victims yet to come. Our leader, the senior Senator from South Dakota, Senator DASCHLE, was entrusted by all of us to speak for our caucus and to try to negotiate an agreement. Time and again he made that attempt. Time and again he was put off.

I stood there with him when he spoke to the leadership on the Republican side saying, Can't we get together on a piece of legislation? But unfortunately the Senate majority leadership decided to walk away from those negotiations and resort to unilateralism by introducing a partisan bill without Democratic support. That is a shame. They ought to pull this bill and sit down with Senator DASCHLE, knowing Senator DASCHLE will go to the table and negotiate a real bill, because the introduction of this bill raises many questions, most notably what the sponsors are trying to achieve, because it certainly is not a fair compensation model for asbestos victims. By breaking off bipartisan negotiations and pushing this bill to the floor, they have turned their backs on those of us who have worked so long for a fair solution.

I was encouraged to learn this week from a news wire report that a colleague, the senior Senator from Pennsylvania, Senator SPECTER, who played an important role in the negotiations, favored resumption of negotiations. Senator SPECTER told the Associated Press:

> I declined to join with Senator FRIST and Senator HATCH in their substitute bill because I think it is the better practice to try to work through these problems. Senator SPECTER, of course, has put in untold hours with retired distinguished Judge Becker in trying to work through the points of such a bill.

We have all learned a great deal about the harms caused by asbestos exposure since that first hearing that convened in September of 2002. Asbestos is the most lethal substance ever widely used in the workplace. Between 1940, the year I was born, and 1980, more than 27.5 million workers in this country were exposed to asbestos on the job and nearly 19 million of them had high levels of exposure over long periods of time. Unbelievably, asbestos is still used today.

What we face is an asbestos-induced disease crisis. Hundreds of thousands of workers and their families have suffered debilitating disease and death due to asbestos exposure. The disease and the death are among the most horrible ways of being sickened or to die. These are the real victims of the nightmare and they must be the first and foremost focus of our concern and effort. These are people who, simply by showing up for work and doing their job as they are supposed to, endured lives of extreme pain and suffering.

Not only do they continue to suffer, and their number will grow, but the businesses involved in the litigation, along with their employees and their retirees, are suffering from the economic uncertainty created by the situation.

More than 60 companies have filed for bankruptcy because of their asbestos-related liabilities. These 60 bankruptcies have a devastating human economic effect. Asbestos victims deserving fair compensation do not receive it and bankrupt companies do not create new jobs or invest in our economy.

In working with Senators DASCHLE, DODD, FRIST, HATCH, and SPECTER, we encouraged representatives from organized labor, the trial bar, and industry help reach consensus on a national trust fund to compensate asbestos victims. We wanted to give financial certainty also for the defendants and their insurers.

Now a successful trust fund—by that, I mean one that would provide fair and adequate compensation to all victims—would bring reasonable financial certainty to defendant companies and their insurers. To be successful, it has to have four essential components. It has to have appropriate medical criteria, it has to have fair award values, adequate funding, and an efficient, expedited system for processing claims.

During the markup session of the Judiciary Committee on the first FAIR Act, we unanimously adopted the Leahy-Hatch amendment on medical criteria. This created 10 categories of disease. The medical criteria represent bipartisan agreement the national trust fund should provide monetary compensation to claimants who suffered impairment and it should provide medical monitoring to those individuals with less serious asbestos-related conditions. The bipartisan medical criteria are in this new bill. I agree with them.

During the mediation process established by Senator SPECTER and Judge Becker—I referred to him earlier as Judge Edward Becker, retired chief judge for the United States Third Circuit Court of Appeals—the interested stakeholders tried to craft a streamlined administrative process. Senator SPECTER and Judge Becker worked very hard on this process. They deserve the thanks of all Members. I believe their very inclusive process was crucial to the establishment of a national trust fund at the Department of Labor.

Even that agreement, the agreement between the interested stakeholders, left many details unresolved. In fact, as this chart shows, Judge Becker listed 22 outstanding issues. Many involved administrative process. That list of 22 outstanding issues did not include the 2 other major components of a fair trust fund: fair award values and adequate funding to pay for it. These are the remaining issues.

We cannot zip to the Senate floor and because we could not find anything else to do, we bring it up. There are many issues, including startup language, sunset time, timeframe, reversion to tort system, in what forum, pending cases, settlements in pending cases, treatment of existing trusts, worker's compensation, medical screening of high-risk workers, transparencies, setoff rules, statute of limitation language, exclusive default judgments, bankruptcies, FELA, exclusivity for asbestos-related claims, and on and on.

I mention this because this is a highly complex area. Simply putting something on the Senate calendar to say we put something on the Senate calendar is a lot different than actually being legislators and trying to pass something. What we want is a decent piece of legislation, not a headline. The people who are suffering from asbestos-induced injuries and illness are not helped by a headline. They are helped by real legislation which requires real Senators doing—guess what—real work.

The changes made to a few award values by Majority Leader FRIST moved in the right direction. His partisan bill does not move far enough toward providing fair compensation to all impaired victims of asbestos exposure. In fact, seriously ill victims of exposure would receive significantly less compensation on average under the current version of this act than they would in the tort system. The so-called FAIR Act is not yet fair.

The gravest injustice to the bill is to lung cancer victims. A victim with at least 15 years of asbestos exposure could receive only $25,000 in compensation for his or her asbestos-related disease under the new bill. Goodness gracious. I ask any Member of this committee, if somebody's negligence caused them to have lung cancer, would they feel satisfied with a $25,000 award? I don't have to poll the other 99 Senators. I know it would be a resounding no. Don't do it to the victims of asbestos just because they do not serve in the Senate.

My chart underscores the fairness of the award value for asbestos-related lung cancer victims compared to compensation available in the tort system and under the proposal offered by Senator KENNEDY and myself during the committee markup.

The legislation we are considering today provides as little as $25,000 in compensation for victims suffering asbestos-related lung cancer. What a cruel joke on these lung cancer victims, especially those who are going to die within the next 2 years. What a cruel joke on their families who see this as the punishment because the breadwinner in their family went to work every day in one of these industries.

When there is smoking and asbestos combined, the likelihood of the resulting disease is greater than the sum of the parts.

Dr. Laura Welch is a well-respected medical expert who helped us craft medical criteria which was accepted by an overwhelming bipartisan majority in the committee. She said:

> Smoking and asbestos act in concert together to cause lung cancer, each multiplying the risk conferred by the other.

There is a synergistic relationship between asbestos exposure and smoking. Smokers who meet the bill's exposure requirements face a risk of lung cancer that is up to five times greater than smokers not exposed to asbestos. But they receive only $25,000 under this bill.

In other words, if you go to work at W.R. Grace or Halliburton or some of the other companies that are getting a real, real big deal under this bill, and they say, "OK, guys and gals, you can take a 10-minute cigarette break," if they are foolish enough to do it, that combination of asbestos and smoking—at whatever company it might be; I picked W.R. Grace and Halliburton only because they benefit so greatly under the bill; others do, too—then their risk is much greater, and then they may have their awards reduced or even eliminated to repay any insurance carrier.

Now, that is a lot different than what happens now. Usually, under these programs, you do not have to repay your insurance carrier, you do not have to repay workman's compensation. Under the Radiation Exposure Compensation Act, you do not have to do that. Under the Energy Employees Occupational Illness Compensation Program Act, you do not have to do that. Under the Ricky Ray Hemophiliac Relief Fund Act, you do not have to do that.

But what bothers me is that when we made the medical criteria, we got a bipartisan consensus on the medical criteria. We did it in a way to guarantee that we were eliminating what were the most troublesome claims. We were setting a roadmap on which business and everybody else agreed. We all say we need to compensate the truly sick, but fair compensation is not free.

The Judiciary Committee's bipartisan agreement on medical criteria will be meaningless if the majority, in effect, rewrites the categories by failing to fairly compensate many who fall within them. You cannot come to the floor and say, look, you have Republicans and Democrats who came together and worked out the medical criteria that they are all very happy about—and we met with labor, and we met with businesses, and we met with insurers, we met with the victims themselves, and we worked out a fair medical criteria—and then come to the floor and say, see, we worked it all out. However, we made one little change. And what is the little change? The little change is to take away all the money or much of the money that was going to pay these victims.

If the award values are unfair, the bill will be unfair. And if the bill is unfair, it is unworthy of our support. In this case, with this partisan bill, it is unfair. It is unworthy of the support of Senators.

Since the first hearing, the hearing I held, we have had one bedrock principle: It has to be a balanced solution. Whatever solution we have, it has to be balanced. I cannot support a bill that gives inadequate compensation to victims. I will not adjust fair award values into some discounted amount just to make the final tally come within a predetermined and artificial limit. That is not fair, and I will not vote for a bill that is not fair. Remember, we are taking away people's most cherished right, the right of a jury trial. If we are going to do that, we cannot do it in a bill that is not fair.

Now, my friends on the other side of the aisle have insisted for months they will only support a bill that contains funding with a goal of raising $109 billion over 24 years. But it is very clear from projections of future claims that this funding is inadequate to pay fair award values. You cannot have good legislation, successful legislation, fair legislation if it is based on a false promise. The promise we have to make is, if we are going to take away the rights of a jury trial to these victims, then we have to promise them fair compensation. This bill does not do that.

On the Judiciary Committee, we reported a bill that contained total funding of $153 billion. But this new partisan bill, introduced less than 2 weeks ago, contains mandatory funding of only $109 billion. All of a sudden, we have lost—we have lost—over $40 billion from the total funding approved by the Judiciary Committee under contingency funding amendments by Senators FEINSTEIN and KOHL.

Senator FEINSTEIN—she can speak for herself; she is in the Chamber—but she worked night and day on this issue to get a fair agreement. I do not know the number of times she buttonholed me at the committee or elsewhere, and every other Senator on both sides of the aisle, to reach an agreement; and she got it. That has been taken out.

Look at this chart. Is this fair? We reported a bill, which many questioned whether it had enough money, S. 1125, at $153 billion. Now it comes back and it is $109 billion. The first bill, many complained, did not have enough money; the current bill drops $44 billion out.

We also know there has to be adequate funding at the beginning of a national trust fund. Why? There are more than 300,000 asbestos claims in our current legal system, so you are going to have to have enough money in there to handle the claims that are going to be there on day 1 of this fund. However, this new bill actually provides less upfront funding than the bill reported by the Judiciary Committee.

It strikes what we passed in the committee, by bipartisan majorities, a commonsense requirement that directs insurers—who, after all, have billions of dollars sitting today in current asbestos reserves—to contribute their funding within the first 3 years of the fund because that is when most of the claims would come.

Another fundamental unfairness in this bill is it provides a corporate bailout for certain companies with serious asbestos liability.

Take a look at another chart. I ask if this is fair. The present value of Halliburton's asbestos liability is $4.8 billion. Under this bill, they would only pay $75 million a year to a national trust fund. The reason I mention this is Halliburton told their shareholders sometime ago they could handle this $4.8 billion, they could handle the amount of money set aside for their liability. They knew they were liable. They knew they would have to pay for it. They could set this money aside. In fact, when they thought they had a settlement of that amount, their stock actually went up.

But, lo and behold, by the time the Republican majority got the amount Halliburton would owe—the $4.8 billion—by the time our friends on the Republican side of the aisle got it, they only have to pay $1.2 billion. They saved $3.6 billion overnight. Not only that, they only had to pay it over 24 years. They are going to make that on the interest on their money. I am not even going to point out how much money they are making in profits in Iraq at the moment. I will leave that for another day. But they suddenly go from the $4.8 billion that basically they knew they were going to have to pay, and as soon as this Republican bill came up, it is down to $1.2 billion. No wonder Halliburton likes some of my friends on the other side of the aisle.

Let's take W.R. Grace, another good friend of some of my friends on the other side of the aisle. W.R. Grace was a company that was responsible for poisoning an entire community. Some of these companies only poison a few hundred or 200 or so of their employees when they come to work. They only poison a few hundred by hiding what they are doing. W.R. Grace goes big time, to quote one of the people they support.

W.R. Grace was responsible for poisoning an entire community, the whole community, whether you worked for them or not. They poisoned the whole community from its asbestos mining facilities in Libby, MT. W.R. Grace must love their Republican friends because while they had total asbestos liabilities of about $3.1 billion, under this bill they suddenly have to only make payments of $27 million over 24 years, which is pocket change for them. Instead of paying the $3.1 billion they are liable for today, they will pay only $424 million. No wonder they love Republicans. I mean, this is a walkaway.

And the irony is, with a straight face there are those who call this the FAIR Act. I am sure they probably call it the FAIR Act at the board of directors of W.R. Grace. I am sure they call it the FAIR Act at the board of Halliburton. But I can tell you, in the families where they see the breadwinner with the oxygen tank suffering, coughing up blood, suffering a horrible death, they don't call it the FAIR Act. They might call it the Halliburton Relief Act. They might call it the W.R. Grace Relief Act. They don't call it the FAIR Act.

As presently written, the FAIR Act would completely negate all legally binding settlement agreements between asbestos defendants and victims. It would take away their right to the courthouse. Even settlements that have already been partially paid, even those settlements—whether it is W.R. Grace or Halliburton, anybody else—where they have agreed they are liable, where they have started to make payments, all of a sudden comes the FAIR Act, and it is like Christmas in April because they can void those agreements even though they have been making payments.

In other words, if a victim agreed to take a settlement over a period of time from a defendant in return for dismissing the case, and even though that settlement agreement is an enforceable contract, the defendant, whether it is Halliburton or W.R. Grace or anybody else, gets the right to walk away.

Victims are actually punished under this legislation for agreeing to settlement terms proposed by asbestos defendants. Is that fair? Absolutely not.

In addition, the FAIR Act would retroactively extinguish all pending asbestos cases regardless of the stage in the litigation. The asbestos cases currently in trial or on the verge of trial would immediately be brought to a halt. Cases with jury verdicts or judgments would end, and all appeals would be suspended. Is that fair? No. It is not fair to the victims. It might be fair to W.R. Grace or Halliburton; it is not fair to the victims at home coughing out their lungs.

The partisan emphasis in this bill on behalf of the interests of the industrial and insurance companies involved, to the detriment of the victims, has predictably produced an imbalanced bill. This bill is a reflection of the priorities that went into it. Remember, many of us wanted to bring certitude to the companies, to bring fair compensation to the victims. Instead, this is totally skewed.

For us to succeed in reaching the consensus solution we sought for so long, a workable bill should fairly reflect and not discount the significant benefits that a fair solution would confer on the companies involved. A trust fund solution would offer these firms reasonable financial security. Even a casual glance at the way the stock values of these firms have closely tracked the Senate's work on this issue are enough to make it crystal clear.

I think forcing this new asbestos bill through the Senate would prove counterproductive, even fatal, to the legislative effort. The near party-line vote within the committee on the earlier bill was more of a setback than a step forward. Proceeding further without consensus would make it worse.

Many of us have worked very hard. Senator DASCHLE has worked extremely hard. Many of us have worked very hard for more than a year toward the goal of a consensus asbestos bill. This new partisan bill is especially saddening to me, and it is confounding. The obvious question that all of us, including those who brought this new bill to the floor, should be asking is, Does the partisan turn that the sponsors of this bill have taken help or hurt our efforts to produce and enact a consensus bill? I think the answer is clear.

Instead of writing a bill that will make Halliburton and W.R. Grace very happy with some in this partisan exercise, let's restart our work to achieve the common ground needed to enact a good and fair law. That is the best way to move it forward. Remember, we are not legislating as an arm of Halliburton or W.R. Grace or a few others. We are legislating for the good of this country. The 100 of us represent 280 million Americans. We want to be fair. Let's represent them.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member for his comments, most of which—I think all of which I agree with.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes, of course.

Mr. HATCH. I ask unanimous consent that I be recognized immediately following the distinguished Senator from California.

Mr. REID. Reserving the right to object, does the distinguished chairman of the Judiciary Committee know approximately how long he might speak when he does get the floor?

Mr. HATCH. I think it would be less than a half hour.

Mr. REID. We want to let other people come and speak. So it does not matter how long he speaks, just so we have some general idea. I withdraw the reservation of objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, as a member of the Judiciary Committee who voted for the bill in committee and worked out two amendments that are substantial, I regretfully rise to urge my colleagues to vote no on cloture on the motion to proceed to this bill. In the course of my remarks, what I hope to do is indicate my reasons for opposing cloture and make some positive suggestions as to how to close the gap on the unresolved issues.

There are only two ways to get a bill on asbestos. I say this to everybody out there who has a legitimate concern and need for a bill. That is, one, unless the two leaders agree or, two, a bill that goes back to the Judiciary Committee and is worked out as a product of that committee's work.

Last July, nearly 9 months ago, the Judiciary Committee passed out a comprehensive asbestos bill. We deliberated and had hearings over several years.

The bill wasn't perfect, but it reflected a substantial step forward in crafting a legislative compromise. A few issues were unresolved. They were to be worked out by members in the intervening time. Since July, labor representatives, defendant companies, insurers, and others have engaged in multilateral negotiations, not only to settle these few unresolved issues, but to renegotiate the entire bill.

The legislation proposed by Senator HATCH, the distinguished chairman of our committee, and Senator FRIST, the distinguished majority leader, actually sets the debate backward by taking positions directly contradictory to the will of the majority of the Judiciary Committee. It is a substantially different bill that is on the Senate floor today than was the bill that I voted for in committee.

I don't believe the bill is ready for the floor and I hope to technically explain why. In fact, I have written the chairman of the Judiciary Committee requesting that the bill be returned to committee for future deliberations. We, the Senators serving on that committee, did do our job, and we should be allowed to finish that job and work through the issues necessary to forge a bill that can pass in this body.

Let me explain my concerns. Specifically, the bill Senator FRIST proposes to bring to the Senate floor eliminates a crucial startup amendment that guaranteed asbestos victims would continue to have their legal rights until the Trust Fund is fully operational. This was a major deletion. It will cost the Trust Fund an additional $5 billion.

Let me read to you from the CBO letter on that point, which is dated today and sent to Senator NICKLES. "You"—meaning Senator NICKLES—"also requested that CBO explain the major differences between our cost estimates for S. 1125"—that is the bill that came out of committee—"and S. 2290"—that is the Hatch-Frist bill on the floor. "On March 24, 2004, in a letter to Senator HATCH, CBO updated its October 2, 2003, cost estimate for S. 1125, principally to reflect new projections about the rate of future inflation, and it assumed a later enactment date for the bill. That letter explains that we now estimate enactment of S. 1125 at the end of fiscal year 2004 would result in claims payments totaling $123 billion over the lifetime of the asbestos fund (about 50 years)."

The bill that came out of committee was originally projected to cost $108 billion. An amendment I made put in a contingency reserve of $45 billion in case more money was needed. What this CBO letter shows is that money would, in fact, be needed. CBO's projections indicate that a $10 billion contingency fund would not be enough to cover the cost. That is major in scope.

The bill we are considering today would cost, according to CBO, $17 billion more than the Committee passed bill. Eleven billion of this increase comes from higher awards values.

Five billion of that $17 billion increase is due to the elimination of my startup amendment. Here is why it costs $5 billion. The startup amendment guarantees that asbestos victims would continue to have their legal rights until the Trust Fund is operational. In other words, they could go to court until the Trust Fund was fully operational. CBO estimates that the Fund would save $5 billion by allowing the private settlement of these claims during this start-up period. That is the implication of eliminating the Feinstein startup amendment made in the Judiciary Committee.

Secondly, the Hatch-Frist bill, as I have said, reduces the asbestos victims' trust fund's contingent reserve from $45 billion to $10 billion. The reason for the original $45 billion contingent reserve was to ensure the solvency of the Trust Fund if the estimates are wrong. If the reserve is not necessary, it is not used. But if it is necessary, it is there. I have already shown you by this CBO letter that it would likely be necessary. CBO predicts that the $108 billion bill we passed last July would actually costs $123 billion because of revised projections. Thus, at the get-go, CBO predicts the Trust would need an additional $15 billion, which is already greater than the $10 billion reserve in the new bill. So why pass a bill that, at its beginning, is not going to have adequate funds?

Thirdly, this bill wipes out final asbestos settlements and trial court judgments granting victims awards. This was one of the points that was left hanging when we passed it out of committee, and the members were supposed to get together and solve this. Well, the members—at least this member—didn't get together. But I gather a judge and one member did get together and, up to this point, there is no solution. The bill before us simply says to everybody that has a trial court judgment that that judgment is wiped out. That is wrong.

This bill also prevents individuals from returning to the tort system for 7 years after the administrator starts processing the claims, even if the trust fund goes bust in its first years of operation.

In contrast, the bill we passed out of committee said that if there is not adequate money, individuals could revert to the tort system at any time.

Now, I am not going to vote for cloture, but I recognize that 18.8 million U.S. workers were exposed to asbestos between 1940 and 1979. The best way to look at asbestos is tiny spears, smaller than grains of sand, that lodge in your lungs, guts, stomach, and, over a period of time, in your organs. It is bad stuff and it ought to be prohibited. This bill ought to prohibit it, for starters.

Our courts are overloaded with claims arising from these exposures. Individuals have brought more than a half million asbestos suits over the last 20 years against 8,400 companies. Approximately 71 companies have filed for bankruptcy due to asbestos lawsuits.

Moreover, the current system doesn't ensure compensation for the sickest victims. Currently, nonmalignant cases get 65 percent of the compensation awards, compared to 17 percent for mesothelioma, and 18 percent for other causes. That is wrong on its face.

As this tidal wave of asbestos cases goes forward, serious questions remain whether existing victims will ever receive the compensation they deserve. For example, because of the extraordinary influx of claims, the Manville trust is only paying 5 cents on the dollar.

So I am one who believes we need a comprehensive solution to the asbestos crisis so that victims who are truly sick get compensated in a timely and fair manner.

I recognize negotiations over the asbestos bill have proceeded at a pace that is satisfying no one, and to advance the debate, I would like to ask the Senate to consider the following core proposals, and let me mention what they are.

The fund must be fiscally prudent. Clearly, it has to have a contingent fund of more than $15 billion. Whether that fund is $20 billion or $25 billion or $30 billion, I think we need to go back in the Judiciary Committee and work the values versus the other provisions in the bill. I showed how eliminating my startup amendment cost the fund $5 billion. That is not my analysis. That is the CBO analysis.

Second, the risk of a delay in the start of a national asbestos trust fund should not be borne by asbestos victims. What do I mean by that? I pointed out the bill eliminates the startup I authored in committee that permitted asbestos claimants to pursue asbestos claims in court until the administrator of the trust fund certifies the fund is fully operational.

The reason this amendment is so necessary is to protect the legal rights of plaintiffs, and it should be restored. Without it, asbestos victims could be left without any recourse if there is a delay in starting up the fund. Under this bill, they cannot go to court. So if the money is not there right upfront or the money is short upfront, they are out in the cold.

The amendment I offered serves as a hammer to get defendant companies and insurers to cooperate with the new trust administrator. And for the third time, I point out, it saves $5 billion, according to the CBO.

I recognize the concern of some in the industry that asbestos claimants who are not yet ill will use the interim period to press a host of lawsuits against defendant companies. To address this, I would like to propose modifying the Feinstein amendment to allow a 6-month stay on asbestos claims upon enactment, except for those claimants facing life-threatening, asbestos-related illness. Thus, the stay would only apply to those who are not ill. I think that is a way out of the problem. For those who are ill, there would be no stay.

Thirdly, I would like to suggest if claims exceed projections and the trust runs out of money, plaintiffs should have immediate access to the tort system in both State and Federal court. The current proposal on the floor would prevent victims from filing claims for 7 years after the trust starts processing them, even if the trust expires in the first or second year of operation. We cannot leave victims in this kind of legal purgatory.

So to address legitimate concerns by defendant companies about forum shopping, I would also like to propose plaintiffs who return to court, if the trust fund collapses, would only be able to file as a member of a class or as an individual in State court jurisdictions where they were exposed or where they currently reside. This would handle the great bulk of forum shopping, if you think about it.

Fourth, I would like to suggest award values should have a sliding scale in order to reflect the individual circumstances of victims. The current asbestos bill applies a one-size-fits-all solution to asbestos awards. An 83-year-old asbestos victim without dependents and a 37-year-old single mother with three small children would both receive $1 million for mesothelioma under the bill, but if we look at the awards given by asbestos trusts, such as the Western MacArthur trust, individual circumstances are definitely taken into account.

For example, mesothelioma victims, under that trust, can receive between $52,000 and $4 million, with an average value of $524,000 in this particular Western MacArthur trust. This sliding scale brings fairness to individual victims' awards. It works in this trust.

I have talked with the managers of the trust. They believe this half-a-million-dollar average takes care of the younger victims and balances that in a fair way against older victims.

Fifth, award values for the trust should be set in a way that prioritizes compensation for the sickest victims whose illnesses can clearly be traced to asbestos. This is the hobgoblin of this whole thing. All of the companies I have spoken to are concerned the trust will be abused, and it will be abused in this way: that smokers would have access without the defined connection to asbestos. Specifically, I think we should not allow the asbestos trust fund to be overwhelmed by smoking claims. This is a deep and valid concern.

In the committee-passed bill—and I want to speak to it—awards in category 7 of the medical values raise the largest specter of uncertainty in terms of smoking claims. This category grants awards to smokers with lung cancer with 15 years of weighted exposure to asbestos but no obvious evidence of asbestos disease, such as pleural plaques or asbestosis.

To prevent these claims from overwhelming the trust resources, I propose title VII, smoking cases, revert to the tort system, both State and Federal court, if the administrator determines at the year-end review that the incidence rates of those smoking claims will exceed projections by greater than 50 percent.

Why do I say that? The tort system historically has been able to handle those cases. So it seems to me if there is a smoking case and it shows neither the evidence of asbestos disease, such as pleural plaques or asbestosis, let a court make that decision. This would deter smokers from misusing the trust fund for illnesses caused by smoking rather than asbestos.

This is the most difficult part of the bill. In all of the medical values and all of the hearings and the medical testimony we heard back and forth, it is clear there is a difficult line of definition here, and that is why the trust fund, which is supposed to be a kind of no-fault fund where a medical valuation can be made quickly and scientifically, may not always be able to make that valuation.

So if the fund is going to be overburdened by smoking cases and the administrator at the end of the year says, Look, we are not going to be able to make next year, he can then file in that year-end review with the Congress the request that those cases go to court.

We would give him that authority. I believe this is a solution to that problem. I am not wed to it, but to my knowledge it is the only one that anyone has come up with so far.

Six, a fair asbestos bill must exempt from the trust fund final settlements as well as trial court verdicts that compensate victims. The Hatch-Frist bill fails to do this. Specifically, the bill would overturn any final settlement that "requires future performance by any party." Thus, if an individual received a $½ million award 5 years ago to be paid in 10 annual installments, this bill would wipe out the last 5 installments.

Of equal concern, the Hatch-Frist bill would wipe out lawsuits unless they were "no longer subject to any appeal or judicial review before the day of enactment of the act." In other words, this bill would erase any trial verdict favorable to plaintiffs still on appeal.

We should not undermine a litigant's reasonable expectation that he or she can pursue a favorable trial court verdict to its conclusion.

I am also concerned the bill would overturn the final bankruptcy settlements that have formed the $2.1 billion

Western Mac Arthur trust. Award recipients of Western Mac Arthur, 90 percent of whom are Californians, include 8,000 claimants who will be paid hundreds of millions of dollars in a very few weeks. The Mac Arthur trust has also set aside funds for 30,000 future claimants. All of this money is taken by this bill and put in the national fund. So this final bankruptcy trust is totally wiped out and 8,000 individuals who are going to be paid in a matter of weeks lose their settlements. It is just not right.

Unlike some other settlements, the Mac Arthur trust places priorities on the sickest patients. A minimum of 80 percent of the awards paid out under the trust goes to asbestos cancer victims. These awards will be based on historical rates of asbestosis awards in California, which are higher than the rest of the nation.

According to attorneys involved with the Mac Arthur trust, almost every present claimant expecting payment under the Mac Arthur trust will do worse under the Hatch bill than under the trust because of the Hatch bill's requirement that collateral sources of compensation be subtracted from any award.

Remember, this trust is not the only defendant for many of these plaintiffs. Many of the claimants have cases against other defendants and those are all wiped out as well.

Now, I have policy concerns about wiping out the settlements and the fairness, but it is an open question as to whether such a transfer of assets is constitutional. Let me speak about that for a moment. Legal scholars such as Harvard law professor Elizabeth Warren have argued that the bill's expropriation of money from settlement trusts would violate the takings clause of the U.S. Constitution, which prohibits the taking of "private property . . . for public use, without just compensation."

Specifically, there are a number of individuals with a confirmed court order allocating money to them who will have these awards taken away without receiving comparable compensation from the national trust fund. If I have ever heard of a takings case, that is it.

Additionally, the Mac Arthur trust, which is an independent legal entity in its own right, may have a takings claim if its assets are transferred to a national fund without receiving comparable assets in return.

Renowned legal scholar Laurence Tribe takes an opposing view and argues that the conversion of trust assets would be constitutionally permissible. The ultimate outcome of this debate is unknown. But it is clear that the trustees managing the Fuller-Austin and other asbestos trusts have indicated they will file constitutional challenges against the proposed legislation as soon as it is enacted unless changes are made.

I will read from a letter dated July 2, 2003, to me from the Fuller-Austin asbestos settlement trust:

> Passage of this legislation undoubtedly will set-off a firestorm of litigation challenging its constitutionality. The Trustees' present view is that their mandates under the Fuller-Austin Trust agreement and the Fuller-Austin plan of reorganization would require them to file litigation to challenge the taking of the Trust's assets and the violation of the rights of its claimants. Other existing trusts doubtless will reach the same conclusion. The resulting litigation will likely take years to resolve. In addition, it will take years to establish the claims handling facility mandated by the bill and for that entity to become operational.

We have $4 billion in this fund from bankruptcy trusts, and $2.1 billion additional dollars from the Western Mac Arthur trust. So that tells us something about how this bill is going to start up and whether the money is actually going to be there to pay the people.

In this bill, the people lose their right to go to court. It is a little bit diabolical if one thinks about it for a few minutes. That is why the startup amendment I offered in committee was so important, because it said nothing begins until the fund has its money and is operational. Therefore, those people had recourse. Once the start-up amendment was taken out, they had no recourse, and the CBO report says that is a $5 billion cost item right off the top.

Now, I offer the principles as a basis for compromise on this legislation. I offer this as one who sat through the hearings and the medical testimony and committee debates and participated in bipartisan amendments offered on the bill.

Thanks to Goldman Sachs, we ran numbers after numbers and Goldman Sachs has been good enough to run another set of numbers for me. We have changed some of the values to try to meet some of the concerns. I have those numbers with me.

I ask unanimous consent that the Fuller-Austin asbestos settlement letter to me dated July 2 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FULLER-AUSTIN ASBESTOS
SETTLEMENT TRUST,
Greenville, TX, July 2, 2003.

Hon. Senator DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

Re: S. 1125, The Fairness In Asbestos Injury Resolution Act Of 2003

DEAR SENATOR FEINSTEIN: The Fuller-Austin Asbestos Settlement Trust (the "Fuller-Austin Trust") was established in December 1998 by order of the United States District Court for the District of Delaware (the "Court") in connection with the confirmation of the Chapter 11 plan of reorganization of Fuller-Austin Insulation Company ("Fuller-Austin"). The purpose of the Fuller-Austin Trust is to review and pay allowed asbestos claims of individuals who were exposed to asbestos-containing materials sold, distributed, installed or removed by Fuller-Austin Insulation Company. Pursuant to the plan of reorganization, the Fuller-Austin Trust was funded with limited cash and other assets and received the right to the proceeds of insurance policies that covered Fuller-Austin's asbestos liabilities. The purpose of this letter is to express the concerns of the Trustees regarding the application of Senate bill 1125 to the Trust.

The Trustees, pursuant to Section 524(g) of the Bankruptcy Ccde, are mandated to provide fair and equitable treatment to all beneficiaries of the Fuller-Austin Trust over the expected claims period, which is anticipated to be the next 35 to 40 years. These are beneficiaries who must provide proof of their asbestos-related illness and exposure at one of approximately 360 sites where Fuller-Austin worked from 1947 through 1986. There is a finite amount of funding available to the Fuller-Austin Trust to fund its current and anticipated future liability to claimants. The claims procedures for the Trust, as approved by the Court, require the Trustees to make provision for equivalent treatment for present known claimants and the currently unknown claimants who will make claims in the future as their asbestos-related diseases are diagnosed. This requires a careful analysis and balancing by the Trustees to assure the long-term solvency of the Fuller-Austin Trust to meet the anticipated claims. In addition to the trustees, there is a Trust Advisor, whose mandate is to provide advice and consent to the Trustees with respect to issues regarding present, known claimants, and a legal Representative, whose mandate is to provide advice and consent to the Trustees with respect to issues regarding currently unknown claimants, including safeguarding their rights to equivalent treatment.

Since 1998, the Trustees have managed the Trust's small base of liquid assets to pay a small percentage of the allowed liquidated value of allowed claims and to cover the cost of insurance coverage litigation to pursue the major asset of the trust—the insurance available to Fuller-Austin to fund its asbestos liabilities. The litigation has been active since 1994. A second phase followed in September 2001, and a jury trial (the final phase) was just completed in May 2003. The litigation resulted in (i) settlements with nine insurers for approximately $200 million, some to be paid over the next few years, and (ii) a $188 million jury verdict against the remaining insurers in favor of Fuller-Austin on May 6, 2003. As a result of the settlements, the Trustees have increased the percentage of payments for each established disease value paid to holders of valid asbestos claims. The claims facility that receives, reviews, determines and pays these claims has been fully operational since August 2001.

Senate Bill 1125 presents the Trustees with several conflicts. First, the proposed law would take away the cash, property and insurance assets that were dedicated or transferred to the Fuller-Austin Trust pursuant to the Fuller-Austin plan of reorganization confirmed by the Court, undermining the orders of the Court. It would take away the assets in the form of settlements and verdicts the Trustees carefully have fought to muster for the beneficiaries of the Fuller-Austin Trust. The foreign insurers that are now the subject of a jury verdict, will argue that they now escape all liability under the proposed law, avoiding their contractual obligations as affirmed by the verdict of a dedicated jury, who spent more than eleven weeks hearing and deciding the Fuller-Austin case. Fuller-Austin's insurers used and abused the court system for nine years to delay paying their obligations under the policies they issued. The proposed law would reward that behavior. In return, the proposed law cannot provide any assurances when the national fund will be in a position to begin paying claims or what those payments will be, and it cannot provide any assurances that the national fund will be solvent and able to provide equivalent benefits to future claimants when their claims are asserted.

Second, passage of this legislation undoubtedly will set-off a firestorm of litigation challenging its constitutionality. The Trustees' present view is that their mandates under the Fuller-Austin Trust agreement and the Fuller-Austin plan of reorganization would require them to file litigation to challenge the taking of the Trust's assets and the violation of the rights of its claimants. Other existing trusts doubtless will reach the same conclusion. The resulting litigation will likely take years to resolve. In addition, it will take years to establish the claims handling facility mandated by the bill and for that entity to become operational. Finally, the limited annual funding provided by the bill will result in the need for years of build-up in the fund before current claim obligations can be paid. In the meantime, the beneficiaries of the Fuller-Austin Trust, many of whom gave up valuable rights in the tort system in exchange for the promised certainty of being paid by the Trust, would not be paid. Many would die before payments began from the federal fund and many more would not have funding for much-needed medical care over the next few years. Please remember that most of our beneficiaries are senior citizens, and a delay of a few years could be critical.

The Trustees realize that many oppose the bill on a number of grounds, including constitutional challenges and concerns as basic as that the proposed funding levels will be insufficient to pay expected claims over the life of the trust. However, if the Committee decides to approve the bill, the Fuller-Austin Trust urges that existing asbestos trusts be exempted from the legislation or at least given the option not to participate. As a solution to (i) the issue that the proposal would take away the rights of beneficiaries of trusts established by court order under confirmed plans of reorganization and (ii) the funding crisis that would result for many present and future asbestos claimants, we suggest that existing trusts be allowed the option of continuing to function as intended and funded, leaving in place the obligations of the insurers to fund existing policies, settlements and judgments.

While we personally have concerns about the constitutional issues, the proposed funding levels for the trust, the medical criteria to be utilized, the award values and the potential windfall to certain insurers, our primary concern is to be able to continue to meet our mandate using funds and assets provided by Fuller-Austin's court-approved plan of reorganization through its fully operational trust and claims processing facility. The Fuller-Austin Trust is currently receiving, reviewing, determining and paying valid asbestos claims that meet the requirements of the procedures established by its plan. Senate Bill 1125 would completely derail this efficient and effective process to the extreme detriment of the beneficiaries of the Fuller-Austin Trust. In an effort to find a global solution to the asbestos litigation problem, pleas do not ignore the workable solutions already confirmed, in place and funded in the form of the existing trusts.

Sincerely yours,

ANNE M. FERRAZZI,
Trustee.
W.D. HILTON, Jr.,
Managing Trustee.
MARK A. PETERSON,
Trustee.

Mrs. FEINSTEIN. I also ask unanimous consent that the CBO report dated as of today to Senator DON NICKLES also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 2004.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, CBO has prepared a cost estimate for S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004, as introduced on April 7, 2004. The bill would establish the Asbestos Injury Claims Resolution Fund (Asbestos Fund) to provide compensation to individuals whose health has been impaired by exposure to asbestos. The fund would be financed by levying assessments on certain firms. Based on a review of the major provisions of the bill, CBO estimates that enacting S. 2290 would result in direct spending of $71 billion for claims payments over the 2005–2014 period and additional revenues of $57 billion over the same period. Including outlays for administrative costs and investment transactions of the Asbestos Fund, CBO estimates that operations of the fund would increase budget deficits by $13 billion over the 10-year period. The estimated net budgetary impact of the legislation is shown in Table 1.

S. 2290 contains both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate direct cost of complying with the intergovernmental mandates in S. 2290 would be small and would fall well below the annual threshold ($60 million in 2004, adjusted annually for inflation) established in UMRA. CBO also estimates that the aggregate direct cost of complying with the private-sector mandates in S. 2290 would well exceed the annual threshold established in UMRA ($120 million in 2004 for the private sector, adjusted annually for inflation) during each of the first five years those mandates would be in effect.

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF S. 2290

	By fiscal year, in billions of dollars—									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Claims and administrative expenditures of the Asbestos Fund:										
Estimated budget authority	*	18.5	12.8	12.9	5.3	5.3	5.3	5.2	5.0	4.9
Estimated outlays	*	7.5	10.7	14.6	9.8	7.6	5.3	5.3	5.2	5.0
Investment transactions of the Asbestos Fund:										
Estimated budget authority	5.4	2.0	−4.8	−3.3	0	0	0	0	0	0
Estimated outlays	5.4	2.0	−4.8	−3.3	0	0	0	0	0	0
Total direct spending:										
Estimated budget authority	5.4	20.6	8.0	9.6	5.3	5.3	5.3	5.2	5.0	4.9
Estimated outlays	5.4	9.5	5.9	11.3	9.8	7.6	5.3	5.3	5.2	5.0
CHANGES IN REVENUES										
Collected from bankruptcy trusts[1]	1.0	0	0	4.6	0	0	0	0	0	0
Collected from defendant firms	3.3	2.8	2.8	2.8	2.7	2.7	2.7	2.7	2.7	2.6
Collected from insurers	2.7	7.5	2.2	1.6	1.6	1.6	1.6	1.6	1.6	1.6
Total revenues	7.0	10.3	5.0	9.0	4.4	4.3	4.3	4.3	4.3	4.3
Estimated net increase or decrease (−) in the deficit from changes in revenues and direct spending	−1.5	−0.8	1.0	2.3	5.5	3.2	1.0	1.0	0.9	0.8

[1] Cash and financial assets of the bankruptcy trusts have an estimated value of about $5 billion. The federal budget would record the cash value of the noncash assets as revenues when they are liquidated by the fund's administrator to pay claims.

Notes.—Numbers in the table may not add up to totals because of rounding. * = less than $50 million. CBO estimates that by 2014 the Asbestos Fund under S. 2290 would have a cumulative debt of around $15 billion. Borrowed funds would be used during this period to pay claims and would later be repaid from future revenue collections of the fund. We estimate that interest costs over that period would exceed $2.5 billion, and CBO's projections of the fund's balances reflect those costs. However, they are not shown in this table as part of the budgetary impact of S. 2290 because debt service costs incurred by the government are not included in cost estimates for individual pieces of legislation.

Major provisions

Under S. 2290, a fund administrator would manage the collection of federal assessments on certain companies that have made expenditures for asbestos injury litigation prior to enactment of the legislation. Claims by private individuals would be processed and evaluated by the fund and awarded compensation as specified in the bill. The administrator would be authorized to invest surplus funds and to borrow from the Treasury or the public—under certain conditions—to meet cash demands for compensation payments. Finally, the bill contains provisions for ending the fund's operations if revenues are determined to be insufficient to meet its obligations.

S. 2290 is similar in many ways to S. 1125. A more detailed discussion of the fund's operations and the basis for CBO's estimates of the cost of compensation under these bills is provided in our cost estimate for S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003, which was transmitted to the Senate Judiciary Committee on October 2, 2003.

Budgetary impact after 2014

CBO estimates that S. 2290 would require defendant firms, insurance companies, and asbestos bankruptcy trusts to pay a maximum of about $118 billion to the Asbestos Fund over the 2005–2031 period. Such collections would be recorded on the budget as revenues.

We estimate that, under S. 2290, the fund would face eligible claims totaling about $140 billion over the next 50 years. That projection is based on CBO's estimate of the number of pending and future asbestos claims by type of disease that would be filed with the Asbestos Fund, as presented in our cost estimate for S. 1125. While the projected number of claims remains the same, differences between the two bills result in higher projected claims payments under S. 2290. The composition of those claims and a summary of the resulting costs is displayed in Table 2.

Although CBO estimates that the Asbestos Fund would pay more for claims over the 2005–2014 period than it would collect in revenues, we expect that the administrator of the fund could use the borrowing authority authorized by S. 2290 to continue operations for several years after 2014. Within certain limits, the fund's administrator would be authorized to borrow funds to continue to make payments to asbestos claimants, provided that forecasted revenues are sufficient to retire any debt incurred and pay resolved claims. based on our estimate of the bill's likely long-term cost and the revenues likely to be collected from defendant firms, insurance companies, and certain asbestos bankruptcy trust funds, we anticipate that the sunset provisions in section 405(f) would have to be implemented by the Asbestos Fund's administrator before all future claimants are paid. Those provisions would allow the administrator to continue to collect revenues but to stop accepting claims for resolution. In that event, and under certain other conditions, such claimants could pursue asbestos claims in U.S. district courts.

TABLE 2.—SUMMARY OF ESTIMATED ASBESTOS CLAIMS AND AWARDS UNDER S. 2290

[Dollars in billions]

	Initial 10-year period		Life of fund	
	Number of claims	Cost	Number of claims	Cost of claims
Claims for malignant conditions	59,000	$36	127,000	$82
Claims for nonmalignant conditions	627,000	17	1,230,000	36
Pending claims	300,000	22	300,000	22
Total	986,000	75	1,657,000	140

Major differences in the estimated costs of claims under S. 1125 and S. 2290

You also requested that CBO explain the major differences between our cost estimates for S. 1125 and S. 2290. On March 24, 2004, in a letter to Senator Hatch, CBO updated its October 2, 2003, cost estimate for S. 1125, principally to reflect new projections about the rate of future inflation and an assumed later enactment date for the bill. That letter explains that we now estimate enactment of S. 1125 at the end of fiscal year 2004 would result in claims payments totaling $123 billion over the lifetime of the Asbestos Fund (about 50 years).

Three factors account for the difference between the estimated cost of claims under S. 1125 and that under S. 2290 (see Table 3):

The award values specified in S. 2290 are higher for certain types of diseases. That difference would add about $11 billion to the cost of claims, CBO estimates.

Under S. 2290, most asbestos claims could not be settled privately once the bill is enacted. In contrast, under S. 1125, asbestos claims could continue to be settled by private parties between the date of enactment and the date when the Asbestos Fund is fully implemented; defendant firms could credit any payments made during that period against required future payments to the fund. Consequently, CBO estimates that the fund created by S. 2290 would face about $5 billion in claims that, under S. 1125, we anticipate would be settled privately.

S. 2290 specifies that administrative expenses of the program would be paid from the fund. Under S. 1125, in contrast, administrative costs would be appropriated from the general funds of the Treasury. That difference would increase costs to the fund by about $1 billion over its lifetime.

In the limited time available to prepare this estimate, CBO has not evaluated the differences between the two bills in administrative procedures. Under S. 2290, the Asbestos Fund would be operated by the Department of Labor rather than the U.S. Court of Federal Claims. This and other differences between the two bills could affect the cost of administration, the timing and volume of claims reviewed, and the rate of approval for claims payments.

TABLE 3.—DIFFERENCES IN ESTIMATED CLAIMS AGAINST THE ASBESTOS FUND UNDER S. 1125 AND S. 2290

	In billions of dollars
Estimated cost of asbestos claims under S. 1125:	123
Added costs due to higher award values under S. 2290	11
Additional claims not privately settled after enactment under S. 2290	5
Administrative costs under S. 2290[1]	1
Total estimated claims against the fund under S. 2290	140

[1] Under S. 1125 administrative costs would be appropriated from the general fund of the Treasury.

Major differences in estimated revenue collections under S. 1125 and S. 2290

CBO estimates that the Asbestos Fund under S. 2290 would be limited to revenue collections of about $118 billion over its lifetime, including contingent collections. CBO has not estimated the maximum amount of collections that could be obtained under S. 1125, but they could be greater than $118 billion under certain conditions. In our cost estimate for S. 1125, we concluded that revenue collections and interest earnings were likely to be sufficient to pay the estimated cost of claims under that bill. That is not the case for S. 2290.

Over the first 10 years of operations, we estimate that revenue collections under S. 1125 would exceed those under S. 2290 by $7 billion. Thus, under S. 2290 we estimate that there would be little interest earnings on surplus funds and that the Asbestos Fund would need to borrow against future revenues to continue to pay claims during the first 10 years of operations.

Estimates of the cost of resolving asbestos claims are uncertain

Any budgetary projection over a 50-year period must be used cautiously, and as we discussed in our analysis of S. 1125, estimates of the long-term costs of asbestos claims likely to be presented to a new federal fund for resolution are highly uncertain. Available data on illnesses caused by asbestos are of limited value. There is no existing compensation system or fund for asbestos victims that is identical to the system that would be established under S. 1125 or S. 2290 in terms of application procedures and requirements, medical criteria for award determination, and the amount of award values. The costs would depend heavily on how the criteria would be interpreted and implemented. In addition, the scope of the proposed fund under this legislation would be larger than existing (or previous) private or federal compensation systems. In short, it is difficult to predict how the legislation might operate over 50 years until the administrative structure is established and its operations can be studied.

One area in which the potential costs are particularly uncertain is the number of applicants who will present evidence sufficient to obtain a compensation award for nonmalignant injuries. CBO estimates that about 15 percent of individuals with nonmalignant medical conditions due to asbestos exposure would qualify for awards under the medical criteria and administrative procedures specified in the legislation. The remaining 85 percent of such individuals would receive payments from the fund to monitor their future medical condition. If that projection were too high or too low by only 5 percentage points, the lifetime cost to the Asbestos Fund could change by $10 billion. Small changes in other assumptions—including such routine variables as the future inflation rate—could also have a significant impact on long-term costs.

Intergovernmental and private-sector mandates

S. 2290 would impose an intergovernmental mandate that would preempt state laws relating to asbestos claims and prevent state courts from ruling on those cases. In addition, the bill contains private-sector mandates that would:

Prohibit individuals from bringing or maintaining a civil action alleging injury due to asbestos exposure;

Require defendant companies and certain insurance companies to pay annual assessments to the Asbestos Fund;

Require asbestos settlement trusts to transfer their assets to the Asbestos Fund;

Prohibit persons from manufacturing, processing, or distributing in commerce certain products containing asbestos; and

Prohibit certain health insurers from denying or terminating coverage or altering any terms of coverage of a claimant or beneficiary on account of participating in the bill's medical monitoring program or as a result of information discovered through such medical monitoring.

S. 2290 contains one provision that would be both an intergovernmental and private-sector mandate as defined in UMRA. That provision would provide the fund's administrator with the power to subpoena testimony and evidence, which is an enforceable duty.

CBO estimates that the aggregate direct cost of complying with the intergovernmental mandates in S. 2290 would be small and would fall well below the annual threshold ($60 million in 2004, adjusted annually for inflation) established in UMRA. CBO also estimates that the aggregate direct cost of complying with the private sector mandates in S. 2290 would well exceed the annual threshold established in UMRA ($120 million in 2004 for the private sector, adjusted annually for inflation) during each of the first five years those mandates would be in effect.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker (for federal costs, who can be reached at 226–2860, Melissa Merrell (for the impact on state, local, and tribal governments), who can be reached at 225–3220, and Paige Piper/

Bach (for the impact on the private sector), who can be reached at 226-2960.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Mrs. FEINSTEIN. Where we have made some changes—and I would suggest them—is in the second class, raising the Hatch-Frist values from $20,000 to $25,000; in class III, raising the values for asbestosis/pleural disease B from $85,000 to $100,000; in class VI, other cancers, going from $150,000 to $200,000; in class VII, giving nonsmokers with 15 years weighted exposure a range of $225,000 to $650,000—that is $50,000 more than in the Hatch-Frist proposal; in class VIII, lung cancer with pleural disease, giving nonsmokers a range of $600,000 to $1.1 million—a $100,000 increase; in class IX, giving nonsmokers a range of $800,000 to $1.1 million a $100,000 increase; and for mesothelioma, the last category, a $1.1 million average award on a sliding scale.

These numbers have been run by Goldman Sachs. They total $123.6 billion, as opposed to the $114.4 estimated for the Hatch-Frist proposal.

Because I have not been party directly to any of the discussion, regretfully, the only way I can get my views through, it appears, is through the floor of the Senate. I believe this is much more fair to nonsmokers and I believe the methodology of giving the trust administrator the ability that, if nonsmoker cases rise above a certain percent in the next year, at the end of the previous year the administrator be given the power to put all of those cases into the tort system which will not only act as a deterrent, but will also provide the ability to fund this.

One other point I want to make before I yield the floor has to do with the CBO letter. The CBO letter, in addition to the additional $5 billion that removing my startup amendment would cost the fund, also points out the bill on the floor is different from the bill we passed out of committee because in the bill we passed out of committee, administrative costs would be appropriated from the general funds of the Treasury. That difference increases costs to the fund $1 billion over its lifetime.

So those are the reasons why CBO determined that the Hatch-Frist bill will cost $17 billion more than the Committee-passed bill.

By way of conclusion, I would very much hope this bill will go back to the Judiciary Committee. I very much hope all members of the Judiciary Committee would have input into this bill. Or a bill should be negotiated between the two leaders, so it is bipartisan. There is no way I see a bill being written in private passing this body. Too many of us have put in too much time to try to get a fair solution to let that happen.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

Mr. DODD. Will the Senator from Utah yield for 1 minute?

Mr. HATCH. I am delighted to yield.

Mr. DODD. I commend the Senator from California for her statement and comments. She has been deeply involved in this effort, as have many of us over the last number of months, if not years. She has made a very comprehensive set of suggestions, to which I think our colleagues want to pay serious attention. I know my colleague from Utah will. He is a fairminded individual who cares deeply about this legislation as well. But I commend her for her comments.

Mrs. FEINSTEIN. Thank you very much.

Mr. DODD. At an appropriate time, I say to the distinguished chairman of the committee, I will ask unanimous consent that following the remarks of the Senator I may have some time, too. I don't know what the order is, but is such a request appropriate, Mr. President?

The PRESIDING OFFICER. The Senator can seek consent.

Mr. DODD. I ask unanimous consent at the conclusion of the remarks by the chairman of the Judiciary Committee, the Senator from Utah, that the Senator from Connecticut be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I listened to the distinguished Democratic leader on the Judiciary Committee, Senator LEAHY. He made a number of statements I feel need to be corrected. I know he sincerely made them. I am not trying to disparage him in any way, but he has made the same mistake I think the minority leader made this morning, that only $25,000 is given to these people who are heavy smokers, who have no sign of asbestosis, no markers, no signs on their X-rays, where we have $25,000 to $75,000 for these people, even though in all likelihood their maladies have come from their smoking.

If smoking and asbestos work in concert, together, why don't any of the bankruptcy trusts pay any money for lung cancer claims that do not present any markers or impairment at all? They do not.

Here we are giving $25,000 to $75,000 for complaints that get absolutely zero in court. Why are these same claims almost always met with a defense verdict in the tort system? Even the tort system, as out of whack as it is, will not give these people money. Yet we do. You would think it was a crime that it is not more. That is typical of the arguments on the other side. You will never have enough money here to satisfy some on the other side no matter what you do. What we are trying to do is resolve this problem so the country can go forward, so these businesses don't all go belly up, so the jobs are not lost, pensions are not lost, and so people can get money without paying 60 percent of the recoveries to attorneys and for transaction fees.

By the time you add the defense attorneys' costs, the plaintiffs' attorneys' contingent fees, and the transaction costs, it is 60 percent of every dime that is raised in these horrendous court decisions that are paying people who are not sick to the exclusion of people who are. This bill solves that problem.

Isn't it true this bill pays up to $1 million to lung cancer claims where there is more certainty it was caused by asbestos exposure? The fact is, it is true. That is $1 million some of these—a lot of these people will never get under the current tort system. But a lot of people who have never suffered 1 day of impairment in these jurisdictions I have been talking about will wind up with millions of undeserved dollars because this system is out of whack.

I am getting a little sick and tired of hearing my colleagues blast Halliburton. There is only one reason they do that. That is because, even though he has nothing to do with it, even though he has long been gone from it, even though everything he has had to do with it has been finalized and closed, the Vice President used to work for Halliburton. It gets old. I mean it is cheap shots, there is no question about it. Frankly, let me say I have to respond to the dubious argument that Halliburton is gaining a windfall by this fund. Anybody who believes that should call them and ask how they feel about this fund. The truth is they may actually be better off by not having this legislation.

Even some personal injury lawyers involved in the settlement with Halliburton believe that is the case, that they are better off not being part of raising the $124 billion.

The truth has not stopped some of my colleagues from making exaggerated statements about this bill. I suppose it is no surprise that when they get the chance to take a shot, truthful or not, at their favorite whipping boy, they are not going to pass it up. That is what they do—as if all big businesses are bad and all big businesses screw their employees and all big businesses are out to hurt the economy.

Let me state for the record how this bill compares to the Halliburton settlement. The conditional settlement reached with the plaintiffs' lawyers is just over $4 billion. There is a conditional settlement that Halliburton entered into that is a little over $4 billion. Only $2.7 billion of that amount is cash. Of this $2.7 billion, about $2.3 billion may be recovered by Halliburton from insurers. The remaining amount of the settlement, about $1.3 billion, involves issuing shares of stock. If the legislation is adopted, it seems likely the stock value will increase so that any dilution of stock values in the short run will be offset by medium- and long-term capital gains. So the actual cost to Halliburton is not the $4 billion they throw in, which some of my colleagues claim.

We understand the firm believes recoveries from insurers in issuing new stock—two elements that those who argue this is a bailout always neglect to mention—will act together to create an actual out-of-pocket liability to the firm of less than $1 billion.

How does their fund liability compare? As a tier 1 company in this bill, under the fund they would pay $86.5 million per year. The total nominal value of their liability under the fund would be just short of $2 billion. This is a bailout? It is a lot more than they would have to pay under their settlement. I hesitate to even say this in the Senate because if I were with Halliburton, I would take care of the settlement, the heck with this. But it would take some real effective money away from this trust fund. Halliburton is not the only one.

Again, it appears some of my colleagues are not interested in hearing details such as these. They would rather confuse the facts and do anything they can to make sure the personal injury lawyers who support them do not lose out on their more than $60 billion of projected fees—just from asbestos litigation—if this bill is not passed.

No wonder they can afford to run these stupid ads all over America, acting as if they are fighting for little individual people. Give me a break. The fact is, everybody in this body knows there is a tremendous rip-off of a lot of people who have suffered from mesothelioma and other related asbestos diseases who are not going to get anything, or will get relatively nothing, if this bill does not pass.

Now, we are faced today with a historic opportunity to right a serious wrong being committed against victims of asbestos exposure, as well as the thousands of companies and individuals who stand to lose out in terms of potential bankruptcies, loss of jobs, loss of pensions, under today's downright irrational system of compensation under our current tort system.

For more than 20 years, our compensation of legitimate asbestos victims has been unacceptably diminished and delayed. It has become quite evident to the Judiciary Committee that tens of thousands of true asbestos victims, including their families, are faced with agonizing pain and suffering, with uncertain prospects of any meaningful recovery in the existing tort system.

These inequitable results are particularly troubling when viewed against the reality that large dose exposures to asbestos, associated with asbestos-related diseases, ended in the 1970s. That is when they ended. Asbestosis is considered by many as a "disappearing disease." These victims are left with little to nothing because, among other things, precious resources are being diverted toward the defense and payment of a massive influx of asbestos claims brought largely by a group of overzealous personal injury lawyers on behalf of these many unimpaired plaintiffs, people who have never suffered from anything to do with asbestos.

Cardozo law school professor, Lester Brickman, found that more than 80 percent of claims made in recent years and 90 percent at present do not involve a medically recognizable injury. You wonder what is going on. That would not happen but for courts that literally are not abiding by the law, where judges are bought by trial lawyers, and where they are totally plaintiffs oriented and the jurors come from areas where it is not their money, so they will put up any amount of money for people who are not even injured.

In other words, a great majority of asbestos lawsuits today are brought by those who are not even sick. These claimants show lung conditions similar to the general population, including that of individuals with absolutely no asbestos exposure at all.

To put the asbestos litigation problem in perspective, I will share the story of Mary Lou Keener, the daughter of an asbestos victim, who has spoken out in support of this legislation. Mary Lou knows all too well how the current asbestos crises has failed some of our Nation's true patriots, our veterans.

Mary Lou Keener's father served in the engine rooms of the USS *Mayrant*, *Lindsey*, and *Columbus* in World War II in the Pacific. Both the *Mayrant* and *Lindsey* suffered serious damage from enemy attacks. Mary Lou's father had the dangerous assignment of helping to bring these crippled ships back to port, spending months fighting to keep them afloat, and beginning massive repair work while they were still at sea. He then spent months at the shipyard helping to finish the repairs.

What Mary Lou's father did not know was that the countless hours spent in the engine rooms and boilers would cost him his life. The same is true of thousands of veterans like him. These ships, like almost every vessel in our fleet at the time, contained massive amounts of asbestos. Every moment he spent working to return these ships to battle, breathing the contaminated dust and debris, worsened his condition and guaranteed that he would never ever be able to recover.

Not surprisingly, he developed mesothelioma, ultimately succumbing to this horrible, painful, and deadly disease on—guess what—Veterans Day, 2001.

Mary Lou's father was more fortunate in one way than many veterans: He had a daughter, a truly exceptional woman who is a nurse, a lawyer, and a Navy Vietnam veteran. She is also a member of the Veterans Rights Commission.

When she learned of her dad's condition, she rushed to help him and her mother navigate the complicated maze of regulatory and legal systems that he faced. Unwilling to take no for an answer, Mary Lou pushed to have him examined at the National Cancer Institute, part of the National Institutes of Health. It was there that Mary Lou's father received the definitive diagnosis that he suffered from mesothelioma. Mary Lou made sure he received the best treatment available from experts throughout the country.

After his death, Mary Lou helped her mother fight through the regulatory requirement to obtain dependent indemnity compensation from the Federal Department of Veterans Affairs for a service-connected death. She helped her mother find an asbestos plaintiffs law firm to file a tort and wrongful death claim. Now, despite Mary Lou's efforts, her father's lawsuit, even with a resourceful and tenacious advocate like his daughter, has been languishing in the courts for over 18 months.

As most veterans learn, there are few viable defendants left who are responsible for supplying asbestos to the Navy. Mary Lou's mother received three checks from defendant companies, but they are all bankrupt and the amounts are very tiny. She can only cling to the hope that there may be other viable defendants, but the reality is that far too many veterans will go uncompensated under the current tort system.

Perhaps this is why Mary Lou Keener spoke out in support of S. 2290, stating:

> The courts are clogged with asbestos cases, and even if [my mother] finally has her day in court, the law firm will collect almost half of any jury award. That's why passage of [the FAIR Act] is so important. The Trust Fund solution to this problem envisioned by [the FAIR Act] will bring much needed compensation to veterans suffering from asbestos related diseases and end the vagaries and lengthy delays of the current/tort wrongful death systems.

Last year, Mary's mother received a call from her attorney. Unfortunately, it was not about her husband's case. Instead, she was told she should consider contacting her Senators immediately and ask them to vote against the asbestos legislation. Needless to say, she declined that request. She understands that for veterans like her husband, while the status quo might benefit a handful of personal injury lawyers, it completely fails the one group that should be given the ultimate priority; that is, the asbestos victims.

Now, let me refer to this chart: What is wrong with asbestos litigation? This is for the Navy veteran I have been talking about with mesothelioma. Under the tort system, he gets nothing. Under the FAIR Act, each of them gets $1 million. I have to say, no amount of money will compensate people for what they have gone through, but that is so much more than any of them are ever going to get without this bill.

Now, as I say, unfortunately, the asbestos litigation problem reaches beyond our veterans and into the lives of everyday, hard-working Americans who are victimized by asbestos and the very system designed to vindicate their rights. One matter I find particularly troubling is the case of Huber v. Taylor. That is a class action lawsuit currently pending in the Western District of Pennsylvania. The suit was filed by 2,644 plaintiffs in asbestos personal injury suits against the personal injury lawyers who represented them. The suit charges that the lawyers treated their clients as mere inventory, distributing only a few thousand dollars to each plaintiff for their injuries, while retaining tens of millions of dollars in attorneys' fees.

Now, I bring this case to the Chamber's attention because it underscores the severity of the asbestos litigation crisis and why it is imperative we, as a legislative body, must now act to address this problem.

Ronald Huber spent 35 years as a steelworker, inhaling asbestos fibers while working on the job. In 1995, he joined a class action against nearly 200 companies that made or distributed asbestos or asbestos-containing products. Although that class action settled for approximately $140 million, Mr. Huber has not seen a single penny from this award. How much did Mr. Huber's lawyers walk away with? They received $56 million.

Look at this chart: What is wrong with asbestos litigation? Huber v. Taylor. The trial lawyers got $56 million; asbestos victims basically nothing. Think about it. That is right, the lawyers received $56 million and the asbestos victims received nothing.

In response to this severe injustice, Mr. Huber and over 2,000 of his fellow class members filed a lawsuit on February 7, 2002, in the U.S. District Court for the Western District of Pennsylvania against the personal injury lawyers who represented them in the first action. As of today, the court is still hearing arguments on various motions.

The complaint charges the defendants with breach of fiduciary duty; failure to disclose the identity and nature of the actions they had joined; false representation to deprive the plaintiffs of funds belonging to the plaintiffs; failure to exercise the degree of competence and diligence exercised by lawyers in similar circumstances; and misrepresentation of material facts. The plaintiffs are seeking compensatory and punitive damages.

All of the plaintiffs to this action are described as "hard-working union members in blue-collar trades." All of them were exposed to asbestos during their working years. All, to a large extent, have little knowledge or experience in the legal system. All state they were "recruited" by plaintiffs' law firms for inclusion in "mass actions," and all say their lawyers told them nothing about the lawsuits in which they were involved.

Their complaint arises from what they call the "corruption of the personal injury bar." The lawsuit states that, as early as the early 1980s, the prosecution of asbestos personal injury claims had evolved into an industry and the lawyers who were prominent in that industry had accumulated a vast amount of wealth. To quote the complaint:

> The promise of such wealth drew additional plaintiffs' lawyers into the field, and this resulted in more and more aggressive efforts to recruit asbestos personal injury plaintiffs.

I think it is a sad state of affairs when asbestos victims have to sue their own lawyers to receive compensation for their injuries. We cannot allow the current, broken system to continue in this manner. It deprives victims of a meaningful remedy and diminishes public confidence in our civil justice system.

I think we have to do something now to ensure there are no more Robert Hubers who are left with no recourse other than to sue their own lawyers.

We must also act now to ensure that the tireless efforts of everyday Americans such as Mary Lou Kenner are not taken in vain. These are two of just thousands and thousands of people.

It is because of these problems that I urge my colleagues to support S. 2290. Under this bill, victims will receive prompt and certain compensation through a privately funded trust administered by the Department of Labor. Moving existing claims to the fund will significantly cut out the exorbitant transaction costs inherent in our tort system—especially given the no-fault nature of the new system being proposed.

In today's tort system, victims bear the heavy burden of proving that a specific product caused their illness. They must show culpability through causation and connect the dots that lead to the ultimate defendant. Unfortunately, few victims today are capable of producing sufficient evidence to show their illnesses were caused by a particular company's products. In fact, because of the long latency period associated with these asbestos-related diseases, the quality of evidence will inevitably degrade over time where memories fade and documents get lost. Thus, for the scores of victims who do not have an ironclad case against any one defendant, a no-fault system is an extremely important component when crafting a solution to the asbestos problem.

Now, to illustrate my point, I would like to share the story of siblings Paul and Suzanne Verret. After being diagnosed with plural mesothelioma, both brought suit against four defendants, each a potentially responsible party under tort law. But after hearing evidence presented by the defense, a Texas jury ruled, just last month, that the Verrets' conditions were not caused by any of the four defendants who were likely to have been the result of exposure to asbestos from a Johns Manville factory in the neighborhood.

Asbestos tailings from the plant have been used for driveways and parking lots in the neighborhood where the Verrets grew up. Johns Manville, however, is now bankrupt and its asbestos trust is paying pennies on the dollar on all claims. As a result of the jury's verdict, the Verrets are unlikely to recover any compensation for their injuries, but under S. 2290 they stand to recover $1 million each in compensation.

Now, look at these Texas mesothelioma victims, Paul and Suzanne Verret. Under the current tort system, as shown on the chart on the left, victims hire lawyers and sue defendants. After years of trial processes and delays, victims are unable to prove causation. They use trial lawyers and collect zero. But under this bill, S. 2290, with the trust fund—if enacted—each of these people will collect $1 million in compensation.

By the way, unless they are lucky enough to get a lawyer who is going to forum shop for them into a jurisdiction where the judges are basically in the pockets of the plaintiffs' lawyers, the personal injury lawyers, they might get something that way, but there are going to be very few who get that, and most of those people are not going to be ill. They are not going to have suffered and not going to be able to prove their case in other courts of law in the country. It is pathetic.

Naturally, there are some great lawyers who do what is right here. I do not mean to find fault with them. I find fault with these phonies who use forum shopping jurisdictions and really what I consider to be corrupt judges and, in many cases, corrupt juries, to obtain humongous verdicts for people who are not even sick, taking the moneys away from those who are sick, which this bill would solve.

In the coming days, we will be engaged in a historic debate regarding the asbestos litigation crisis facing this country. The outcome of this debate will have very real consequences on the victims of asbestos and their families. These victims are counting on us, their elected Senators, to do the right thing and address the problems in our tort system that is badly broken by asbestos litigation.

I have to say, when you folks out there see these phony ads about how this bill is bad and the tort system is good, those ads are paid for by these attorneys who have already taken $20 billion in fees away from victims, and will take another $40 billion more, for a total of $60 billion, out of their pockets. It is easy to see why they do not want this bill. It is a gravy train they do not want to stop.

They certainly don't want it to be stopped by this bill, which is where the gravy train would end for lawyers and recoveries that are worthy will begin for victims.

Let me say, although the stakes in this debate are high, the risk of not acting or allowing a broken system to remain broken is even more consequential. We at the very least owe it to people such as Mary Lou Kenner and Ronald Huber to make this bill the pending business of the Senate. We really need to do that.

Let me tell you one more story about the impact of the current asbestos system on American business. The reach of the personal injury lawyers—I am talking about the dishonest ones—and their web of abusive litigation practices appears to have no limit. At last count these personal injury lawyers have cast their asbestos net to include some 8,400 defendant companies representing virtually every industrial sector of the U.S. economy.

Approximately 70 companies, 35 since the year 2000 alone, have now been driven into bankruptcy as a result of asbestos litigation. Disturbingly, most of these companies that now find themselves named as defendants in asbestos cases had little or nothing to do with the manufacture, sale, or distribution of asbestos or asbestos-containing products. Under the "deep pocket" theory of law now commonly subscribed to by many personal injury lawyers, liability is not based on culpability; instead, it is based on the nearest available pot of money.

What is more, an estimated 90 percent of the claims now being filed are on behalf of persons with no discernable illness, many of whom were recruited by for-profit, mass- screening operations being sponsored by enterprising trial lawyers.

I would like to talk about a company that has facilities in my home State of Utah. Philadelphia-based Crown Cork & Seal is representative of all too many of the businesses that have found themselves targeted by the personal injury lawyers over asbestos.

In 1963, Crown Cork & Seal, a consumer products packager in the can and bottle cap business, purchased, for $7 million, the stock of Mundet Cork Company, a New Jersey-based firm that made cork-lined bottle caps and insulation that contained asbestos. Because Crown was only interested in the bottle-cap business, Mundet sold its insulation division approximately 90 days after the purchase of its stock by Crown. Thereafter, Mundet, consisting only of its bottle cap business, was merged into Crown.

Crown never operated Mundet's insulation business, nor had it ever intended to operate its insulation business. Crown was only interested in acquiring Mundet's bottle-cap assets; no Mundet insulation managers ever worked for Crown, and no Mundet stockholders ever had any ownership interest in Crown.

The trial lawyers have made Crown Cork & Seal pay dearly for the 90 days it owned the insulation division of Mundet. To date, Crown has had to pay out over $400 million in asbestos claims. To give this some context, that is over 57 times what Crown paid for Mundet in 1963. In fiscal year 2003 alone, Crown paid over $200 million in asbestos-related costs, of which only $25 million—or 12.5 percent—went to real victims of asbestos-related diseases, and that is what is going on.

It is a rip-off. That is what is going on. That is what our colleagues are arguing for. It is a rip-off. Why? Some say it is because these personal injury lawyers are going to put up $50 million or $100 million for their nominee for President. I hope that is not true, but it is all too evident that that probably is.

Here are these victims who should not have been able to sue Crown Cork & Seal to begin with. Crown Cork paid over $200 million in asbestos-related costs last year alone, and the victims got $25 million out of $200-plus million or 12.5 percent. All the rest went to lawyers, claimants who were not ill, and other costs.

Look at this Crown Cork & Seal chart. What is wrong with asbestos litigation? Crown Cork & Seal: $25 million out of $200 million total. Of the more than $200 million paid by Crown Cork & Seal in 2003, actually only $25 million went to individuals impaired with asbestos-related illnesses. Where did the $175 million go? It is a rip-off. That is what is happening.

This bill will stop that. It is an expensive bill for the companies involved. They are going to have to pay for 27 years and pay through the nose. Many of them are in the same position as Crown Cork. They should never have had to pay a dime to begin with. The story of Crown Cork & Seal is just one of thousands of examples why we cannot put off fixing this problem any longer. Our current system is one that does not serve businesses and their employees whose livelihoods depend on them. Our current system surely has not served the victims of asbestos.

I urge my colleagues to join me in supporting the FAIR Act, to vote for cloture so that we can stop this obstructionist filibuster being led by some of my Democratic colleagues. Think about it. They are filibustering a motion to proceed to this bill so we can debate the bill itself, filibustering it so we cannot add amendments to the bill. If they have good amendments, bring them up. We will listen to them and hopefully pass them, if they are good. If they are not, they might get them passed anyway. The point is, let's at least allow the Senate to work its will. Let's not stop even a motion to proceed this bill.

I would like to respond to claims that were made earlier today that the Hatch-Frist-Miller bill is not fair to pending plaintiffs. This bill preempts and supersedes those claims pending in the tort system today, including verdicts that are still subject to appeal or judicial review. Preemption of such claims assures an end to a broken tort system that everyone agrees is slow, unwieldy, and fundamentally unfair to asbestos victims.

The opponents' solution to their concern that the FAIR Act is unfair for pending plaintiffs is to keep the tort system open for pending claims. These critics are asking Congress to perpetuate the very problem this bill is seeking to rectify; that is, a broken system that is failing victims by misallocating resources away from the truly sick, where such victims receive too little because so much is going to the unimpaired and to attorneys who take most of the money.

We all know the statistics. The vast majority of the claims being filed today, as high as 90 percent, are by individuals with little or no current functional impairment. Let me tell you how this translates into real money. Using the values cited by the minority views in the report of the Judiciary Committee on S. 1125 for unimpaired claimants, it is $40,000 to $125,000. Allowing pending claims to continue could direct anywhere from $10.8 billion to $33.8 billion or more to unimpaired claimants.

How many of these claims are based on mass screenings? It has been estimated that the abuse of mass screenings has resulted in $28.5 billion having been paid for meritless claims. That is almost $30 billion that has gone to people who don't really have claims. This completely undermines the consensus public policy decision to redirect these funds to those who are truly sick from asbestos exposure and the whole purpose of this asbestos legislation.

The bipartisan medical criteria argument forged in the Judiciary Committee recognizes unimpaired claimants should be monitored but should not be paid for illnesses they have not and may never develop. But we will pay for monitoring.

Opponents of the bill who seek to perpetuate the tort system would also preserve the exorbitant attorney's fees associated with such claims. As much as 40 to 50 percent of awards go to the personal injury plaintiffs' lawyers fees and costs. Indeed, while we debate the bill, personal injury attorneys likely will file a large number of claims in the tort system, most of which undoubtedly will be for unimpaired claimants which would be allowed to continue if these opponents have their way. The rest, probably another 10 percent, goes to the defendant attorneys who have to defend these companies, many of which should not have any liability at all.

There is no justification for allowing personal injury lawyers to continue to siphon significant resources out of the system when these resources could be dedicated to compensating those who are truly sick from asbestos exposure. The intent of the FAIR Act is to fix a system that everyone agrees is badly broken and in desperate need of repair.

John Hyatt, the counsel for the AFL–CIO who testified before the Judiciary Committee in 2002, described the tort system as having "high transaction costs, inequitable allocation of compensation among victims, delays in payment to victims, and a general climate of uncertainty that is damaging business far more than it is compensating victims." That is the counsel for the AFL–CIO. I have often heard Democratic colleagues make similar statements perpetuating the tort system, claims that undermine the bill, saying that would be better or more "fair" treatment than they would get under the FAIR Act. "Fair" has to be in quotes in that manner.

In fact, the Hatch-Frist-Miller bill provides relief to current pending claims. Any claimant who has filed a lawsuit in any State would be eligible for prompt compensation from the fund provided they meet the eligibility criteria set forth in the bill. These criteria are quite wrong. We should not treat plaintiffs in court as second class citizens. Cases filed in the tort system take years to process, and there is no guarantee that even with the trial date, a case will proceed. Cases in New York City given trial dates in 2002 have yet to go to trial. Even then, in most jurisdictions, cases that actually have been tried are often appealed, and years pass before the case is formally resolved. In the interim, plaintiffs are without relief, and money is being spent on lawyers, with no relief. There is no reason to leave this type of system in place. Moreover, the mere fact that a case is filed is no guarantee it will proceed. Claimants' cases proceed sometimes based on how many slots the trial has for your lawyer, where the cases were filed, what defendants are left, and other vagaries completely out of a claimant's control. That day will stop with the passage of this bill, which now provides expedited payments to anyone who can demonstrate a hardship, who has been diagnosed—anybody who can demonstrate a hardship or who has been diagnosed with mesothelioma or with another asbestos-related disease who has less than a year to live or can otherwise establish a circumstance requiring accelerated payment. The money is there now, when it is needed, and it can be paid out quickly to help these families. This bill also fixes the judicial system, unclogs the courts, allowing these judges to deal with other matters, not asbestos cases in the wings waiting for court time that is precious and, at this point, unavailable.

There is no need or benefit to leave these cases which have been clogging the courts pending in the courts. These cases are the very reason we are seeking to fix a broken system. There is no evidence the courts can or will handle them properly and not prejudice the litigants waiting their turn. Creating a two-track process is likewise unfair to victims and defendants. Despite all the rhetoric from opponents to the bill, when compared to what the current tort system will provide, legitimately ill claimants will fare much better under this FAIR Act.

We will have victims who get immediate relief through the fund, while those with litigation pending must wait and hope for a court date and then hope the company responsible is still solvent and can afford the cost. What will we say to them when we have left a system that we agree is broken, and they are sitting in court for years? Great care has been made to ensure that the compensation program would be processing and paying claims soon after the date of enactment. There are no assurances that plaintiffs would have claims resolved in the tort system within this same amount of time. Indeed, experienced staffs say they are likely to continue to sit in court even longer.

Furthermore, awards in the tort system are disparate and depend largely on where the claim was filed, what judge is presiding, rather than the severity of the illness. In other words, it is a phony system.

Professor Laurence Tribe described the system as resembling a lottery, noting: Some victims receive astronomical awards, while others receive little or nothing. Quite a few severely injured victims die before their cases could can be heard. Plaintiffs point to the larger awards in some cases and cannot be denied, so some have been able to win in this lottery system, or win the lottery. These awards, however, are the exception and reserved for the few claimants who can survive through a long and hard trial, as well as appeals, often taking many years to see any moneys at all. Then they will find that about 60 percent of the moneys are gone anyway.

The plaintiffs bar doesn't point to the majority of claims receiving significantly less money for more severe claims or even up to 40 percent taken out for attorneys' fees. As a stark example, a 2001 asbestos verdict awarded Mississippi plaintiffs $25 million each, where none of the plaintiffs claim prior medical expenses or absences from work due to any related illness with the case of a cancer victim who underwent a lung removal operation. This cancer victim grudgingly agreed to join a class action suit against an asbestos company. He never lived to see the outcome of the case, and after 7 months his estate was awarded a mere $3,000. The others didn't even have injuries.

Substantial judicial proceeds dating back to the early 20th century supports the constitutionality of Congress' authority to preempt tort claims when it believes it is in the public interest. It is clearly in the public interest, and especially in the interest of asbestos victims, that Congress used the full extent of its powers to preempt the current asbestos litigation system.

Finally, Mr. President, allowing personal injury lawyers and the unimpaired to continue to drain resources out of the system and away from those who deserve the resources would not only be unfair to the truly ill, it is likewise unfair to defendants who ask them to pay into a no-fault system, give up some of their insurance company, and still expose them to the litigation lottery. We cannot expect the defendants to bear the costs and risks if it fails the judicial process. This system will continue to take 60 percent of every dollar and waste it on lawyers' experts and administrative costs.

The Hatch-Frist-Miller bill will stop the litigation lottery in its tracks and instead replace it with a fair administrative process that treats all participants fairly and consistently.

I want to respond to a few statements made by my friend and colleague from South Dakota earlier this morning regarding S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004.

Senator DASCHLE stated there was no reversion to the tort system. In fact, there is reversion to the tort system. It is one of the concessions we made. Should the fund become insolvent, then claimants with asbestos injuries who have not received compensation under the fund may pursue their claims in the courts. The statement that there is no reversion is simply wrong. I want to correct the record.

Senator SARBANES stated that we "sprung" the bill on the Democratic Senators and their staffs. Senator DASCHLE called attention to the total fund value. For the record, Senator DASCHLE's staff was informed of the new numbers last October. That was 6 months ago. Since October, there have been repeated and continuing discussions of these numbers over the ensuing months. We repeatedly asked the Democrats for a response to the numbers. We have received absolutely none.

We repeatedly asked the Democrats for a legislative proposal—some language, an outline, a concept of a structure, something, anything. We received nothing.

As Senator DASCHLE knows, this so-called new bill that we allegedly "sprung" on him includes the very numbers we released months ago, the changes demanded by the Democrats, and the changes demanded by the unions. We have had 8 months of serious negotiations. I don't think it is justified for anybody to say they have been kept out of the process, we have not tried to accommodate them about these matters.

Mr. President, I have one more comment that I would like to make to senator DASCHLE's statements this morning. He stated that a lung cancer victim with 15 years of exposure would receive only $25,000 in compensation. He painted an incomplete picture which I would like to finish. First, that figure is the bottom of the range of compensation. Under the claims values in FAIR Act, claimants who were exposed to asbestos and still smoking will receive between $25,000 to $75,000 in compensation. And for the record, Senators LEAHY and KENNEDY have stated that they want $50,000 for claimants falling into this category. Mr. President, I have come here to discuss the FAIR Act. We have a chance to help those who have suffered from asbestos-related injuries for far too long. Many people have spent many months getting us to this point and I want to ensure that we have a complete picture of the bill for the record. We owe at least that much to those victims.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFFEE). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me begin by, first of all, commending my colleagues on the Judiciary Committee. I am not a member of this distinguished committee. I had the good fortune of serving on the Judiciary Committee in the other body years ago, in the House of Representatives. I have great respect for my colleagues who serve on the Senate Judiciary Committee in either body because they deal with some of the most contentious issues before the American public.

It is not easy to be the chairman of that committee, regardless of which party is in the majority in the Senate. I have the utmost respect for my friend from Utah. He and I have spent many years serving in this body together. There have been countless pieces of legislation that we have worked on together that are the law of the land today. I have great admiration for him.

He is a legislator. I say that because there seems to be a shrinking number of legislators around here regardless of party affiliation. He is a legislator. That means someone who is willing to sit down and work out issues. I wish to begin by thanking and commending him for his efforts on this difficult subject matter, asbestos. This is an area in which I have had a longstanding interest, as many of my colleagues know, going back a number of years. This issue is of critical importance to my State of Conneticut, because it is the home of numerous small and large manufacturers, as well as several major insurance companies. They have a strong interest in the outcome of a resolution of this very perplexing problem of asbestos litigation and related issues.

I have a strong interest in trying to come up with a solution for, first and foremost, victims of asbestos exposure. It is estimated that more than 27 million people who have been exposed to asbestos over the years.

Regrettably, we know there are many who will die prematurely because of their exposure to this product. In fact, last year alone, 10,000 people in this country died as a result of their exposure to asbestos. The numbers are truly staggering. We know there are over 600,000 past and pending cases involving over 6,000 businesses, that have been cited as defendants in these cases. And we know there are going to be literally millions of people who are going to suffer.

So we must attempt to provide a better answer than the present system which has clogged up our courts, which has denied too many victims—seriously impaired victims—of the kind of compensation they deserve. I have had a longstanding interest in trying to come up with a solution. We have gotten very close to such a solution.

Let me begin by reporting on the progress that has been made. There is a tendency to only discuss the areas where there is still disagreement, and I think that only tells part of the story. People such as Senator HATCH and Senator LEAHY, have worked tirelessly on this issue. The majority leader, Senator FRIST, and the minority leader, Senator DASCHLE and their staffs have also spent a great deal of time on this legislation. Senator DASCHLE has always kept his door open, and repeatedly tried to see if we could proceed with a meaningful negotiation process. Such a process must occur in order to bring the various parties together around a resolution of this issue.

There are many others who have been critically involved in this issue. We heard from Senator FEINSTEIN earlier and other members of the Judiciary Committee. Senator NELSON from Nebraska has also worked hard on this issue. Senator CARPER has also worked on this issue. There are many others who care about this issue and have spent a great deal of time on it. Senator SPECTER has been performing an invaluable service in trying to work out the administrative structure of the proposed compensation fund. I am sure I am leaving some of my colleagues out, and I apologize for that, knowing, as I do, that almost every State, without exception, is affected by this lingering question. When there are over 600,000 total cases, every State and Senator is affected.

Seventy companies have already declared bankruptcy on this issue alone because of the judgments that have come in against them.

As a result of those 70 bankruptcies, over 70,000 jobs have been lost from these companies. This is a major economic problem, as well as a major health issue that needs and demands resolution.

The good news is this: There are about five or six major issues involved in the question of whether we can establish a bona fide trust that would allow for fair and equitable compensation to those who have been determined to suffer from diseases related to exposure of asbestos. The five or six major issues are the following:

One, can we establish medical criteria which would make it possible to determine who has been exposed and to what extent have they been adversely affected as a result of that exposure. I thought that issue would never get resolved. This has not been an easy task. Can you imagine trying to bring doctors together with organized labor, manufacturers, and insurance companies, all sitting down and agreeing on what the medical criteria for this legislation should be? I am pleased to announce that months ago we were actually able to reach an agreement on the medical criteria. Amazingly, the issue of medical criteria has been resolved.

The second issue is whether we could create an administrative system to process and review claims. This is also not an easy undertaking. Thanks to Senator ARLEN SPECTER of Pennsylvania and thanks to his constituent, Judge Becker, and, by the way, the involvement of a number of our Senate colleagues under the auspices of Senator SPECTER's leadership—we have reached an agreement in this area we think is going to work.

Creating an administrative system is a major accomplishment. Many people thought we would never be able to resolve this issue. On two of the major five or six issues, we have already achieved results. But it took weeks to work out the details behind these agreements.

An asbestos compensation trust fund idea is complex. It is very complex. When we envision a trust fund that might have to last for 30 years or more, that must deal with thousands and thousands of cases of people who have been exposed to asbestos, it is a serious undertaking. Every comma, every period, every semicolon can and does mean something. So we have to be very careful in how we draft this legislation.

We have hundreds of manufacturers who have been, and continue to be affected by what we are doing. There are major insurance companies that clearly must be involved and will contribute to a trust fund, as the manufacturers will be. Organized labor, representing the hundreds of thousands of victims, must ensure that a trust fund is going to have adequate funding, and that monetary awards are fair and efficiently provided.

We have seen the consequences of the current system. In fact, in the Johns-Manville trust resolution, the trust that was established under the name of that particular company, is a example of the problems with the current system. They believed that the amount of money initially placed put into that trust was going to more than adequately provide for the victims who have been exposed under the Manville situation. As it turns out today, the Manville trust is only paying about 5 percent of the compensation victims should be receiving.

It went very wrong, not because the people who put it together planned it that way, but nevertheless that is what happened. No one I know of wants that to happen here, but it makes my point that this is a complex issue. And that getting this right is very important. We must be sure that this solution is going to work well. So it takes a little time—and in my opinion, it is time well spent.

I do not know why at this very hour we have this legislation before us. It is not ripe yet. It has not matured enough yet. There are still huge issues outstanding.

Obviously, one of the major open issues is the overall dollar amounts. I know it sounds like a lot of money—and there is a lot of money at stake here. But when we start talking about 25 or 30 years of a trust fund's existence, the difference is somewhere around $115 billion and $155 billion, give or take a billion here and there. As Senator Everett Dirksen said: A billion here and a billion there and pretty soon you are talking about real money. This is real money. We are not talking about hundreds of billions of dollars difference. We are talking $20 to $30 billion or so over 30 years, spread among a large number a defendant companies and insurers who face greater losses and greater uncertainty under the current system.

It seems to me if we get actuaries together, and agree at the universe of potential claimants, and provide them fair compensation, we should be able to come up with a neutral number to satisfy the needs of expected claimants.

We have changed approaches from where we started at the outset of this debate. We initially tried to create a bill that was "evergreen," that is, that it would be the complete solution to this problem for as far as the eye could see in the future. However, we began to realize the difficulties of creating a fund that lasts forever. Several factors caused us significant uncertainty. For example, we still import asbestos in this country. There is still asbestos being used, or at least people are being exposed to it even though we now know the problems that result from exposure. So the idea that we are going to have a final number in perpetuity, I think, was abandoned by all sides.

We have contended that this number is somewhere between $115 billion and $155 billion. If that does not end up being right at the end of the day, then we ought to resort back to the present tort system to solve the problem.

I just heard my colleague from Utah say his bill includes that provision. With all due respect, I must disagree with my friend from Utah because the provision in the bill being offered by the Senator from Utah and the Senator from Tennessee, the majority leader, has a 7-year gap between when the trust fund may run out of money and when the tort system could be used by a victim.

Now, that is hardly reassuring to the victims and their families that the system that presently is in place which provides them some financial relief will be taken off of the table in the event that the trust fund becomes insolvent.

Let me quickly point out as well, that these numbers of 115 or 155—if one takes the high end or the low end, are hardly unreasonable. The Rand Corporation, which is hardly an organization that identifies ideologically with the left or right or Democrats or Republicans, has estimated that the cost of the current problem is somewhere around $300 billion. So at the outset we are talking about a trust of only $155 billion.

While we disagree over actual dollar amounts at this point, I believe that people of good will, sitting down, can come to an honest compromise that would satisfy all parties involved in this debate.

Another open issue is the value of the claims themselves. If we are able to reach agreement on the medical criteria and able to reach agreement on an administrative system, it seems to me, again, that good people who care about this should be able to resolve this issue and provide fair compensation to victims of asbestos.

Another outstanding issue that needs resolution is what to do with pending claims. There are some claims that have been adjudicated. Some are completely adjudicated, others are only in the discovery process. I do not want to get too technical legally, but I think most people would understand there are some cases that are already mature in the judicial system. Determining at what point in the judicial process, should cases be abrogated and claimants directed into the trust fund is a difficult question. When is the judicial process allowed to be completed where those claims exist? I do not have an answer for that one today, but, again, I think people of good will who care about this issue and realize what a huge problem this is could come to some thoughtful, reasonable compromise on how to deal with pending claims.

That is not the complete universe of all the problems, but those are the major ones. Two of them we have solved. Three or four of them deserve additional time and effort to resolve. Certainly the intent of the amendments adopted in Committee by Senators FEINSTEIN and BIDEN that addresses pending claims and returning back to the tort system in the event of insolvency are ideas that should be reconsidered and adapted. There may be others ideas that are also helpful.

The point is there are people making suggestions to resolve these questions. I do not understand why this body is being asked to make a definitive decision on this bill that none of us have seen because it was introduced only 2 or 3 days before the last senatorial recess. We are being asked to accept voting on cloture on this matter on Wednesday or Thursday of this week. I might point out that last November or early December we reached an agreement, a compromise, on how to proceed to the class action issue. I happened to be one of those involved in that negotiation. Why do we not bring up that bill? That bill is ripe and ready to go, not that many of my colleagues would support it. But for those of us who are willing to support a class action reform bill, we reached an agreement on that 4 or 5 months ago, and yet that bill is not being brought up. Why not? That bill is ready to go. This bill is not ready to go.

Why are we taking 3 days in a very abbreviated session of the Senate, when we do not have much time remaining, some 30 days, to bring up a matter where there is so much disagreement that could be resolved if we would spend the time doing it as Senator SPECTER has done, as Senator DASCHLE has done, and as Senator LEAHY has done? I know Senator HATCH and his staff have also worked tirelessly on this topic.

Legislating on a matter like this is hard work. It is labor intensive. Any one of my colleagues, Republican or Democrat, who has been in the Senate for any length of time will say that on major legislation, particularly legislation that is precedent setting such as this is, people are required to roll up their sleeves and put in a tremendous amount of hours to resolve these matters. In my view, it cannot be done thoughtfully or carefully by engaging in open-ended floor debate with amendments flying around that no one really knows the implications of, some of which are passed 51 to 49, others defeated 51 to 49. When we are dealing with something as serious as this, where literally thousands and thousands of lives depend upon receiving adequate compensation, we know we are dealing with a very complex problem.

I urge that a cloture motion not be filed. I know one has not yet been filed, and my strong appeal to the majority leader would be please do not file this cloture motion. There is still time. This is only April. I presume we are going to be here until sometime in early October. Give us the chance, insist upon people meeting and trying to resolve these issues. It may come down that a few of these matters are not resolvable through negotiation, and the only way to resolve them is by having some floor votes on them. I accept that may be the final determination. But we ought not to jump to that when there still is an opportunity to resolve some of these outstanding questions.

I have spoken to organized labor, John Sweeney, and his representatives. They want a bill. It is their membership, many of them, who suffer from the exposure to asbestos. It is their membership that is losing jobs in companies that are declaring bankruptcy. They want a bill, but they want to make sure when they have a bill that the resources will be there to provide adequate compensation.

By and large, the insurance industry, with some exceptions, wants a bill because they realize that the current system is flawed and could cause untold economic hardships on some of these companies. It could cause some of them to collapse, and I am not exaggerating when I say that. They are very interested in getting a bill. I know the overwhelming majority of manufacturers, those that were either involved in the production or use of asbestos over the years, in most cases before anyone knew of the great harms caused by this product, they want a bill.

This is one of those unique situations where all of the parties, all of them, and including, I might add, many of the trial lawyers involved in this area, understand some different resolution of this issue is needed other than the present tort system. Obviously, that is not the view of everyone who is a trial lawyer, but many of them have already spoken out on this issue.

So we have a unique political environment where the major participants are anxious to get a bill. I rarely find that. Normally one finds people highly divided where labor or business is at complete opposite ends of the spectrum on a matter that is before us. Here, nearly all stakeholders want a bill. Instead of sitting down and keeping people at the table and working it out, we are prematurely bringing up something causing this bill likely to fail, and fall before we have an opportunity to resolve the differences. As I said a moment ago, why not bring up class action? Why not bring that up? That is ready to go. Where is the business community that has said to me over and over again: Why don't we get a class action bill here? We have been ready since November and December. Here it is April and nothing has happened on class action. Yet you bring up and consume 3 days of time on the floor of the Senate with a bill that everyone knows, if you invoke cloture or file a cloture motion on the motion to proceed, it is going to fail. And it should fail. It should fail. I say that with deep regret.

I have committed the time of staff members and my own time over the last number of years on this issue. I think to come this close to resolving a major issue affecting the lives of hundreds of thousands of people and their families and attempt to address it in a premature fashion is a huge mistake.

So my appeal to my colleagues is: Sit back and work this out. It is hard, but it can be done. And, if we get near the end of the session and we have not been able to resolve everything, either wait until we get back in January or bring it up and leave a smaller number of issues out on the floor to be resolved by votes on the floor and healthy debate. But don't jam this now, particularly when we know the outcome, taking up the valuable time of this body on the floor where the time can be better used to take up issues where there has been agreement, at least agreement by a significant majority of us to move forward on the legislation. That has been done now on class action.

Why doesn't the majority leader come over and move to proceed to that bill so we can vote on it? We have been ready for that now, as I said, since 3 or 4 or 5 months ago. There has been no action at all. No action. Why not? Why is that bill not on the floor right now, being debated and discussed?

Of course we have seen the same thing with medical malpractice. There is no effort to negotiate it out. There is a proposal on the Democratic side. It is different from what the majority has proposed, but not that different. You could bring those two sides together and resolve the issue. Doctors deserve better than they are getting. They are being told the Democrats are stopping everything. Why is it the majority refuses to even sit down and try to work out the differences?

I stand ready. My staff does. Again, I am not a member of the committee. Obviously, Senator HATCH and Senator LEAHY, as I mentioned earlier, have done a tremendous amount of work on this and deserve a great deal of credit for trying their best at this.

The leader on this side, politically, is Senator DASCHLE. I have been with him on numerous occasions when we met with the manufacturers, met with the insurance industry. As Senator DASCHLE has said over and over again, his door has been open to do whatever it takes to try to get a bill done. I know from personal knowledge he has offered on numerous occasions to meet with the majority leader and others to try to figure these things out.

I mentioned Senator SPECTER already. Senator BIDEN, obviously, Senator FEINSTEIN, and a number of others have been involved in this, trying to get this done. My hope is that the majority leader will not wait until Thursday. Listen to us over here. We can get this done. It could be a proud moment of this Senate's session, to have actually come up with an answer to a major problem in this country. We are getting very close to resolving it. It will take a little more work, in my view, over the next coming weeks, but it could be done.

My plea this afternoon would be that filing a cloture motion on the motion to proceed would be withheld, that we bring up other matters that are ripe and ready to go forward, and send the people back to work on this bill and let's see if we cannot draft a piece of legislation of which America can be proud.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOBS ACT

Mr. REID. Mr. President, right before we had our break we were asked, Senator DASCHLE and I, to see what we could do to move the FSC bill along. The majority has affixed the name the jobs and opportunity bill, or something like that.

We have always known the importance of this legislation, and we did our very best to move this along. It was held up initially because we wanted a vote on overtime. The majority, for reasons I fully don't understand, refused to allow us to have a vote on this.

As the Chair will recall, this amendment passed previously. What our amendment would do is say the President does not have the right to take away the ability of American nurses, firemen, police, and a total of 8 million people, from getting overtime. In effect, what we have been told by the administration is they were going to promulgate a rule that would take away overtime pay for people who make more than $22,000 a year.

We wanted a vote on this. You can't do that. It passed once; it was stricken in a Republican-only conference. The House passed a resolution saying they wanted their conferees to do the same thing the Senate did and stop the President from doing this.

We have been told by the majority—the distinguished majority leader has come out here on a number of occasions and said this is a must-pass bill. American businesses are getting hurt. So Senator DASCHLE and I worked for the better part of a day calling individual Members. We had 75 amendments. We worked to get them cut down. We not only cut down the amendments to 18, but we have time agreements on these amendments, as little as 5 minutes on some of the amendments. We clearly could have finished all of these amendments in 1 day. All of them wouldn't require votes but, if they did, we would be willing to put in an extra-long day. Therefore, we, through our Democratic leader, went to the Republican leader and said, Here is what we have. Some of these amendments, quite frankly, would not require votes and some would not even be offered. So we wait one night, come back to the majority and say, We are willing to do this deal. We know this is an important bill, that tariffs are being applied against American manufacturers and other business people; what is the problem?

To make a long story short, we were told the majority had 50 amendments with no time limits on them whatever.

The FSC bill is not going forward not because of anything we have done. It is because this Congress, I am sorry to say, using the Harry Truman term, is a do-nothing Congress. We do not do anything. If we have to work past 5 or 6 o'clock at night, that is not a good idea. We cannot even consider coming in and voting at noon on Monday. To think we could vote past 9 or 10 o'clock on Friday, even on a bad day, is out of the question. We usually vote Tuesday afternoon and finish the votes as early on Thursday as we can. This is not a good way to accomplish things. That is why this Congress is doing nothing.

I don't want another word ever said about the FSC bill not going forward because of the Democrats. We want to go forward. We have done everything we can to move this forward. We have wasted on this piece of legislation many days of legislative business when we could be working on things that need to be done in addition to that.

Gasoline prices in Nevada have increased 46 cents a gallon since the beginning of the year, almost 50 cents a gallon. I have not checked today. They may be up another 4 cents. Since the first of the year the prices in Nevada have gone up 46 cents per gallon.

I talked to a contractor who is the largest contractor, he says, in northern Nevada, the Reno area. Diesel fuel prices for his company are costing his company $7,500 a day in addition to what he was paying at the first of the year. This is in addition to the mess we have with steel prices. This is a tremendous burden.

There is no doubt the price of crude oil has contributed to higher prices in Nevada and throughout the country. However, the outrageous 46-cent-a-gallon increase in Nevada since January is not driven by crude oil but corporate greed and profit.

We are used to it in Nevada because during the Enron debacle we were told it was supply and demand. It had nothing to do with supply and demand. It had everything to do with Enron reaping windfall profits. Enron told consumers it was a matter of supply and demand. But it turned out Enron was manipulating the supply of electricity.

In Nevada we get all of our gasoline from California refineries, so any problem with the supply in California is a problem for Nevada. This is a lot of talk about the tight California gasoline market, where prices are typically 20 to 30 cents above the national average. We hear about the law of supply and demand all the time driving prices higher.

One thing I know for certain about the law of supply and demand with the Enron situation, is that it cost the Nevada ratepayers nearly $1 billion during the electricity crisis almost 3 years ago. Based on this bitter experience which is still being litigated in the courts, I was concerned Nevadans might be getting ripped off again when gasoline prices went through the roof early this year. I asked the Federal Trade Commission to investigate these wild price increases, particularly with an eye toward any possible manipulation of gasoline markets. After 5 weeks, the FTC responded by saying prices in Nevada were "unusually high" and above predicted norms. An informal FTC investigation is still looking into the cause of the price hike.

There are spikes FTC says they cannot understand. They are having a hard time showing collusion or market manipulation, but they know something is wrong. As they said, the usually high prices are above predicted norms.

I don't need an investigation to tell me big oil profits have soared at the expense of working families. These markets are not competitive when a handful of companies can decide what price they are willing to sell for and what price a consumer is forced to pay.

As a nation, we need to address both the supply and demand side of the energy equation to promote a truly competitive market. On the demand side, we have to increase the fuel efficiency of cars and promote public transit. Maybe that is wishful thinking. On the supply side, we can increase the use of alternative fuels and renewable energy.

In the short term, we have to increase supply. We can do that, in my opinion, by having the President at this time, when the Saudis and others are turning off the spigots and making the supply less—we can increase supply by pulling oil from our petroleum reserves. We need to do that. President Clinton did it. The first President Bush did it.

In the long term, we have to do something with alternative energy. We have to. It is important. I was encouraged before the recess when the energy tax incentives were added to the FSC bill, which I just talked about. I applaud Senators GRASSLEY and BAUCUS for the excellent provision dealing with section 45 production tax credit for renewable energy resources that expands and extends the credit for wind, geothermal, solar, and biomass energy. We must harness the brilliance of the sun, the force of the wind, and the heat within the Earth. By using the bountiful resources to diversify our energy supply, we protect the air we breathe and we protect consumers from these wild price swings.

We cannot lose sight of the fact renewable energy will make our Nation more secure because it is made in the United States of America. I was disappointed to learn we will put off consideration of the FSC bill, even though we have agreed to the finite list of amendments.

The other thing the President can do on a short-term basis is have the Saudis provide more oil. We are told in Woodward's book he has a deal to do this in the fall. Move it up, make the deal a little earlier.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, it is time for us to bring the asbestos bill to a floor vote and to bring it to discussion so we can continue the progress that needs to be made on this important bill. As I said earlier this morning, every day we do not act is a day victims are not receiving appropriate compensation for what they need and deserve.

The bill we put forward provides a reasonable solution to the asbestos litigation crisis and has numerous consensus-building changes that have been added to the underlying bill, many made at the request of Democrats and representatives of organized labor.

What has emerged is a collective effort to date on a proposal that comes from the original S. 1125 and has critical modifications that have been added on the counsel of stakeholders. As I said this morning, there will be a lot of constructive proposals put on the table through the amendment process from Senators on both sides of the aisle to further refine and improve this bill.

I encourage this process. We have had numerous discussions throughout the day, solidly since this morning. I have had the opportunity to talk to the Democratic leader on several occasions discussing both options and how we can best bring this bill to appropriate closure. We will continue these conversations over the course of this evening and tomorrow. A lot of stakeholders are at the table discussing issues that are very important.

Reference has been made to Judge Becker on numerous occasions and over the course of the day and in the statements this morning, and of the mutual respect both sides of the aisle have of the work he has done to date. I would like to continue those discussions tonight and tomorrow to see if there is some way we and the Democratic leadership can put a process in order where we can help mediate some of the differences we all know exist.

My colleagues on the other side of the aisle say we need more time, and I respect that. In truth, we have made real progress, and we are getting real focus on a very important bill. We have been discussing and negotiating and changing and working on this bill for over a year now, and I believe all our colleagues are coming to the table in earnest at this point.

We are going to be filing a cloture motion. The cloture vote will give everyone an opportunity to put their views on the record as we go forward and continue to work on this bill.

Again, every day we do not reach an agreement on this bill is another day victims of asbestos litigation malfunction are suffering. Therefore, I believe working together we are going to be able to bring resolution.

Having said that, we will be filing a cloture motion.

CLOTURE MOTION

Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 472, S. 2290, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Bill Frist, Orrin Hatch, Gordon Smith, Lamar Alexander, Saxby Chambliss, Ted Stevens, Michael B. Enzi, Trent Lott, Kay Bailey Hutchison, Susan M. Collins, Pete Domenici, Rick Santorum, Jon Kyl, George Allen, George Voinovich, John Ensign, Wayne Allard.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we will continue discussions tonight and tomorrow. We will talk with the Democratic leadership as we go forward over the next several days. I am very hopeful we are going to work out a suitable and appropriate process to address these important issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, I have been listening to the discussions today on asbestos litigation, and there have been some provocative statements made on both sides. This is a very important issue. I have to say I have some sympathy for the businesses. But the sympathy I have for the businesses is overwhelmed by what I have seen in the personal suffering of the people who have been injured, some of whom are dead. We do not know how many thousands will die this year. Estimates are probably 10,000 from asbestos.

We still import thousands of pounds of this poison into our country. So I hope all the people who have good intentions—I know they all do—talking about this asbestos reform will, first of all, understand Judge Becker, whom I have never met, is not a Senator. It is nice he has agreed to come in and work on these proposals, but Judge Becker is not a Senator, I repeat. He is not a member of the staff. I do not know who he is meeting with, why he is meeting with them. There are a lot of judges in America, retired judges. It so happens this one is from Pennsylvania. There are retired judges in other places who have the same expertise he has.

I listened to Senator HATCH speak today. I listened to Senator LEAHY speak today. We cannot write an asbestos bill in the Senate. We cannot write it outside here in some office building downtown. The only way I will ever feel comfortable about legislation dealing with asbestos is if it goes through the channels it is supposed to go through: the Judiciary Committee.

We have men and women on the Judiciary Committee, both from the majority and the minority, who have spent years working on this issue. They are certified experts. They not only understand litigation, they understand legislation.

So I hope everyone understands it is good people who are interested in this legislation do everything they can to weigh in on this issue, but I hope we all look to the Judiciary Committee to come to us with a product. It cannot come out of the Environment and Public Works Committee that I work on. It cannot come out of the Appropriations Committee. It cannot come out of the Governmental Affairs Committee. It cannot come out of any other committee. It has to come out of the Judiciary Committee.

But we have people who have worked on this issue—not only the two leading members of the committee; that is, the ranking member and the chairman—but also people on that committee who have listened to hours and hours and days of testimony. Maybe they should listen to some more. But this is legislation we are talking about that is going to have a price tag on it from $150 billion—I should say, the figure in this bill is a very ridiculously low figure of $109 billion, to maybe as much as $700 billion or $800 billion, maybe $1 trillion. So this is not something we need to rush into.

We need to help victims of asbestosis, mesothelioma. I would hope we would do as the State of Illinois has done, have some type of pleural registry so people who have worked around asbestos and are afraid they are going to get sick would be able to go on to that registry so the statute of limitations is not tolled.

In short, the Judiciary Committee has jurisdiction over this legislation, and this is from where the legislation should come that we deal with on the floor, not some retired judge, or not a Senator who feels he knows more about it than others. I am not pinpointing any Senator. I am saying there are a lot of people who think they have an interest in this issue. Everyone has an interest in this issue. All 100 Senators care greatly about this issue. Some feel more strongly about the businesses than I do; others feel for the victims.

But I would hope we do not try to rush into this and do something that is written here or downtown someplace; that whatever we do, whatever suggestions, whatever people feel will improve our ability to pass this legislation, they will work through Senators HATCH and LEAHY and have the full committee vote on what we do.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I did not hear all the Senator from Nevada had to say about this subject. I have listened to some of the presentations this afternoon. I want to make a couple of comments about the asbestos issue and then I want to talk about a couple of other unrelated matters.

First, on the asbestos issue, I am one of those Senators who has in the past year or year and a half written letters to my colleagues, to Senator FRIST and to Senator DASCHLE, in support of efforts to find a negotiated solution.

On July 31 of last year, I sent a letter to our joint leadership urging that we reach a bipartisan compromise on the issue of asbestos. That letter was signed by a number of other colleagues: Senators MILLER, BREAUX, BEN NELSON, BAUCUS, CARPER, KOHL, LINCOLN, LEVIN, and STABENOW.

In late October, I sent another letter to Senators FRIST and DASCHLE urging that we seize the moment and pass an asbestos bill, but recognizing that in order to do that, there needs to be serious negotiation. All of the stakeholders—and there are big stakeholders on this matter—need to come together to resolve the issues in a way that reflects a true compromise.

There are a couple of things that are necessary to say at this point. One, I believe there is an urgency to deal with this issue. The failure to deal with it causes great economic uncertainty for companies and for our economy. The failure to deal with it means there are some who are sick as a result of having contact with asbestos during their lifetime and who will not be compensated. There are others who are not sick who will receive compensation. There are lawyers in the middle of some of these suits who will receive a disproportionate percentage of awards. I don't think this system works at all. The system is broken.

For that reason, I believe it is in the interest of everyone for us to have legislation in the Senate that can truly reflect a bipartisan compromise. But the bill before us now is not such legislation.

I was surprised, frankly, the week before last, just before the Senate took a 1-week break, to read statements made on the floor of the Senate. I shall not ascribe them to any particular colleague, but those who want to know can look in the RECORD.

One of the colleagues who brought this bill to the Senate floor suggested that the asbestos negotiations were being blocked because the personal injury bar would not otherwise put up $50 million for JOHN KERRY in the election. This colleague of mine said that such a suggestion, if true, was "pathetic." Well, these words are an affront to all those colleagues on my side of the aisle who have been working very hard to get a good asbestos bill through the Senate this year. And these words are hardly appropriate from someone bringing a bill to the Senate floor, for which he seeks bipartisan support.

This is not a serious proposal. We understand that. Senator SPECTER, who I think has done much of the serious work in the Senate trying to bring people together and reach a compromise, does not support this proposal. Let me read what Senator SPECTER said, again a Member of the majority party:

> I decline to join with Senator FRIST and Senator HATCH in their substitute bill because I think it is the better practice to try to work through these problems.

I completely agree with Senator SPECTER. I think the approach to have taken on this would have been for Senator FRIST to have engaged with Senator DASCHLE and have all of the stakeholders work over a period of months to reach a compromise. And it is not too late to do that.

In recent months, Senator DASCHLE has attempted numerous times to meet with Senator FRIST to hammer out these issues, but those meetings have not taken place. I don't know all that has happened with respect to that, but I do know this: Putting a bill on the floor of the Senate that is far short of a true compromise with the stakeholders is not going to solve the problem.

Yet this is an urgent problem that needs solving. I believe, as some of my colleagues do—Senator CARPER, for example, on my side, who has worked very hard on this issue, who believes very strongly, as do I—that there needs to be a solution. I certainly believe that if we end this session of the Congress without addressing this issue, without passing some legislation, we will have failed. All of us will have failed.

It is simple enough to bring legislation that is unacceptable to the Senate floor so you can then have a press conference and say: Well, the other side killed this legislation. That is simple enough, but it does not address any problem or solve any issue.

My hope is that in the coming days, the joint leadership—Senator FRIST, Senator DASCHLE—might join with the stakeholders in this issue around a table and have some hardnosed negotiating and hammer out and develop a proposal that represents a true bipartisan proposal that represents a true compromise by all of those engaged in this issue so that we can pass legislation. Bringing what has been brought to the floor of the Senate the week before last and filing cloture on it is not a way to legislate. They know and we know that this means this legislation does not advance. I fail to see how that solves a problem or begins to address an issue that I believe is urgent.

Once again, there are some principles involved. One, I don't believe that people who are not sick and have never been sick should be compensated. Two, I believe those who are sick should be compensated and compensated fairly and not have to go through a tort system and spend a lot of money for lawyers to be compensated. Three, I believe that the American business community deserves some certainty and that certainty does not exist at this point. That is why I believe a trust fund of sorts that is set up and established with appropriate medical criteria and other definitions is the best way for us to resolve the issue. I believe we should get to that point—the sooner, the better. But we have wasted a great deal of time.

The process that has now been embarked upon by the majority leader will almost certainly guarantee we will not get to that point. I regret that because I hope at the end of this process, this Congress will understand the urgency for workers, for business, for all of the stakeholders to pass asbestos legislation.

THE OFFICE OF FOREIGN ASSET CONTROL

Mr. DORGAN. Mr. President, I would like to speak for a moment about a subject I discussed with the Treasury Secretary this morning when he testified before my Appropriations subcommittee. We are fighting terrorists who want to attack this country. They have killed thousands of innocent Americans. They wish to attack this country and kill innocent Americans once again. It is an enormous challenge to fight and defeat terrorism. It takes all of our energy every day in our law enforcement areas, in the intelligence community. It takes a lot of coordination and good work. It takes getting it right.

So we have the homeland security office. We have the CIA. We have the FBI, the Defense Department. We have everybody working on these issues—the U.S. Customs Service, and a little agency in the Treasury Department called OFAC, the Office of Foreign Asset Control. These are the people whose principal responsibility is to try to track the financial transactions happening between terrorists, to shut down the financial connections that finance terrorist activities.

But that is not all that is done in the Treasury Department with respect to OFAC. This rather small office is doing other things. Their principal job ought to be to track terrorism and to shut down the financial root that funds terrorist activities. But there are some at the OFAC who are doing other things. Let me describe them.

First, from a speech in December by the Under Secretary of Homeland Security, in Miami, a speech by Asa Hutchinson, where he talked about the crackdown on enforcement of the U.S. embargo against Cuba and goes into some detail; and then the Secretary of the Treasury, also in Florida, on February 9 gives a speech. The Office of Foreign Assets Control at Treasury, he said, is working closely with customs agents inspecting all direct flights to Cuba at Miami, JFK airport, Los Angeles Airport. That is hundreds of aircraft, tens of thousands of passengers, and agents are being meticulous.

Well, I wonder if we are checking quite so closely with respect to trying to track terrorists. You know what they are looking for? I will give you an example. They are enforcing the embargo that we have with respect to Cuba, and part of that embargo is to prohibit Americans from traveling in Cuba, so we have all of these resources and personnel at airports tracking every passenger and every plane to see if someone has done something wrong. This is an example of what they discovered.

This agency in the Treasury Department that is supposed to track terrorism tracked down Joanie Scott. She went to Cuba 4 years ago to distribute free Bibles. Four years later, the folks who wear suspenders at OFAC at the Treasury Department decide they are going to slap her with a $10,000 fine because 4 years ago she went to Cuba to give away free Bibles. She said she didn't know she needed to get a license. Four years later, they slapped her with a $10,000 fine. That is not all of it.

This is a picture of Joan Slote, a 74-year-old grandmother, who is a bicyclist. She is a senior olympian. She rides bicycles all over the world. She happened to ride one in Cuba with a bicycling group from Canada. Guess what happened to Joan Slote? She got fined by OFAC, this little agency in Treasury that is supposed to be tracking terrorists. They are tracking little grandmothers who are riding bicycles in Cuba, in order to punish Castro and enforce the travel ban. They fine American citizens for traveling in Cuba. So she gets fined $7,630 for riding a bicycle in Cuba.

These are some folks who are disabled athletes. They got to go to Havana about 2 years ago for the games for disabled athletes, the world games. They applied again this year, but as the Treasury Secretary and Mr. Hutchinson and others have said, including President Bush, we have this crackdown now on travel to Cuba; so these folks were denied a license to compete in the games for disabled athletes in Havana. The result is that they lost the $8,000 they paid to a travel agency for transportation to Havana to participate in world team sports for disabled athletes. Quite the terrorists, aren't they?

So we have people down at the Treasury Department tracking these folks, a retired grandmother, a woman who takes free Bibles for distribution in Cuba, to see if we can find them. That is what is going on—levying fines of $5,000, $10,000.

There is another man from the State of Washington who decided his father's last wish was to be buried or have his ashes distributed in the church he once ministered at in Cuba. Cevin Allen of Washington State traveled to Cuba to bury his father's ashes on the church grounds where his father once ministered. They decided to fine him $20,000.

That is what they are tracking down at OFAC. They ought to be ashamed of themselves. Their job is to track terrorists.

Let's look at what they have done. They have people stationed at airports. They have trained Homeland Security agents. Hundreds have been trained to do this. Here is what they have nabbed with 45,000 passengers. They have actually worked overtime to thwart terrorists importing cigars from Cuba.

On October 10 of last year, they had this directive from the President and, boy, they went at it. Homeland Security and OFAC at Treasury grabbed this issue. They found that 215 of the 45,461 travelers to Cuba were suspected of taking a vacation. Maybe that is a felony. They were suspected of taking a vacation. What an awful thing. And 283 tobacco and alcohol violations were found. The Homeland Security spokesperson, Christine Halsey, said each violation involved a small amount of rum or cigars; 245 are going to take a vacation, and a small number are bringing in rum. There were 42 narcotics seizures, but it involved prescription drugs, not heroin. There was one hazardous material violation. We have this ramp-up and we are supposed to protect America against terrorism, and you have these folks in green eyeshades trying to levy fines on Americans, and you have agents at airports trying to see who comes back from Cuba, and who traveled illegally so we can fine them. One hazardous material violation was discovered. It was apparently a carbon bioxide canister, which was probably used to add fizz to seltzer water.

Does this sound stupid? It does to me. That is a harsh word. Sometimes our public policies seem flatout dumb. We are confronted with the specter of terrorists who want to kill Americans, cross our borders and commit acts of terror. Yet we have people at airports, Homeland Security agents, and OFAC trying to track little old ladies that went on bicycle trips in Cuba. What are they thinking at the Department of Treasury? Is that the way they want to use their resources?

All of us know that lifting the travel ban to Cuba would happen instantly if we had a vote in the House and Senate. The only way they prevent it is to prevent a vote. But to use assets at the Department of Treasury, agents are supposed to be tracking terrorists, but instead are tracking little grandmothers riding bicycles, or women distributing Bibles, or a son who wants to bury his father's ashes at his home church in Cuba. That defies description to me.

So I am going to find a way during the appropriations process to find out how many resources they are using at the Department of Treasury to do this, and if they don't want to use them properly, they should lose them. If they want to keep them, they ought to use them to protect us against terrorists, not to slap a fine on a grandmother who rode a bicycle in Havana. I think that is nuts.

As we go into the appropriations process, I want to bring attention to that single issue. That is an important issue, and one that I think ought to be dealt with.

I wish to make a comment on an additional issue today. We are heading into an appropriations process. We have a huge budget deficit, significant fiscal policy problems. Three years ago, it looked as if there were going to be surpluses forever. Now we have the biggest budget deficit in the history of this country. There is no prospect in sight of anything resembling a surplus for the next 10 years and beyond. Despite all that, we still have some needs in this country. We need to find a way to meet them.

With respect to a number of functions, it is Katie bar the door, whatever they need. We are spending $100 billion more for defense than we used to spend. I understand that. We are spending $130 billion already in Iraq, $5 billion a month, $4 billion in Iraq, $1 billion in Afghanistan. Nobody is being asked to pay for it. Increases in homeland security spending, I understand that. Tax cuts, tax cuts, and more tax cuts, and a President who says: Let's make all of them permanent. I understand why he is saying that as well. I don't support it.

I think someone who makes $1 million a year is fortunate, and good for them. I am all for them, but suggesting they should have a $123,000 tax cut per year on their $1 million salary, at a time when we are up to our neck in deficits, in my judgment, defies description.

Let me mention one other issue that I think we need to deal with—the issue of the Indian Health Service. I want to show a picture of a little girl named Avis Littlewind. She died 2 weeks ago. Her aunt said she took her own life around noon in her home. She missed 90 days of school since the start of the school year. She is a 14-year-old girl who apparently felt there was no hope. She lives on an Indian reservation. On the reservations, there are precious few resources to deal with the kinds of problems this young girl obviously confronted—one psychologist, a social worker, no psychiatrist, no automobile to provide necessary transportation.

There is a crisis in resources to deal with these issues. A young girl takes her own life and nobody seems to say much about it. It is just what happens. The fact is, this should not happen. It should not ever happen.

I remember speaking one day on the floor of the Senate about another young girl, a Native American, a young Indian girl, age 3, placed in a foster home, but they did not check out the foster home before they placed her there. The caseworker worked 150 separate cases and did not check out the foster home.

This young girl had her nose broken, her hair pulled out by its roots, and her arms broken at a drunken party. She will never outlive the scars of that beating she took. Why? Because one person was handling 150 cases involving children.

We have a full-blown crisis on Indian reservations in this country dealing with the basic social services that every American family ought to be able to expect to access. When a young girl has serious problems, serious emotional difficulties, and needs help, that young girl ought not to take her own life at age 14 because help is not available. This is a better country than that.

When we come to funding the Indian Health Service this year, we can no longer pretend Third World conditions do not exist on some of the Indian reservations in this country when it comes to health care for kids. We just cannot any longer pretend. Lives are being lost, lives are being ruined, and we can do something about it.

I am going to have more to say as we get into the appropriations process, but I did want to simply say there is a tragedy that is unfolding every day, every hour in parts of this country that are in America's shadows. Out of mind, out of sight for some, but not for all. We, in this Congress, must shine a light on these problems and begin to solve them.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. CORNYN. Mr. President, I rise to speak about the PATRIOT Act, a subject which has been much misunderstood. I think some of the misunderstanding has been perhaps just from lack of information or has been misinformation that has been spun in an effort to confuse people and perhaps even to scare people about what is in this important legislation. Indeed, we are all committed to making sure not only that our Nation is secure, and I believe the PATRIOT Act has contributed tremendously to improving the security of the United States of America, but at the same time we have a fundamental commitment in this country to civil liberties. I believe, and I think the American people believe, the Founders of this country believed firmly that we can have both our national security and our civil liberties. Particularly, in a time of war such as we are in now, while there will be some tension, we need not sacrifice our civil liberties.

Nevertheless, there are those who would play politics with this issue in an effort to score political points, or I think others who perhaps for more benign reasons might just be not very well informed and kind of go along, not really knowing the truth. So I want to talk just a few minutes about the PATRIOT Act and what it has done.

Of course the PATRIOT Act has passed overwhelmingly, just a short time after the terrible events of September 11. Indeed, the purpose of the PATRIOT Act was to give law enforcement the tools and our counterterrorism experts and agents the tools they needed in order to prevent future 9/11s.

Indeed, the evidence is clear that the PATRIOT Act has served that important purpose. The Department of Justice has broken up four terrorist cells in the United States since September 11, in Buffalo, Portland, Detroit, and Seattle. It has filed criminal charges related to terrorism against more than 300 individuals. So far it has secured 176 convictions or guilty pleas. Perhaps the best evidence of the success of the PATRIOT Act has been the fact that, thank goodness, America has not suffered another horrific event like 9/11 since that terrible day some 2½ years ago.

I might add we have also been successful in freezing some of the funding that has been essential to financing terrorism around the world. In fact, the PATRIOT Act has allowed us to freeze more than $200 million in funds from organizations that have been sponsoring and funding international terrorism.

Particularly, last week, I guess it was, when we heard the testimony of the former FBI Director Louis Freeh, the former Attorney General Janet Reno, and the current Attorney General John Ashcroft, the American people became introduced more or less the same way that law students are to fundamental principles of law enforcement and due process. Even more than that, the American people were introduced to something that was referred to as "the wall."

The wall was the subject of a 1995 memo by Jamie Gorelick, then Deputy Attorney General, now on the 9/11 Commission. Indeed, as she has pointed out, the wall between our antiterrorism and intelligence-gathering efforts and our law enforcement efforts has been longstanding. But it is not a matter that is constitutionally required; it is something the American Government had done to itself. It is a limitation that Congress had placed on information sharing between law enforcement officials. Some only investigate crimes after they have occurred, trying to root out the guilty and then to convict the guilty of the crimes they have committed. The wall is between those law enforcement officials and those intelligence agencies, counterterrorism officials whose job it is to prevent a terrorist attack from even occurring and to preempt that terrible event from occurring. So it was through the PATRIOT Act that we saw this wall come down that has been so important to information sharing.

Indeed, this is not a partisan issue. Attorney General Janet Reno said just a few short days ago, on April 13, with respect to the problems of information sharing within the FBI and other Federal officials, that:

> Many of these issues will be or have been resolved by the passage of the PATRIOT Act or other statements.

Indeed, to my recollection, that is not the same words but essentially the same testimony that was presented by former FBI Director Louis Freeh. Former FBI Director Louis Freeh, who served during the previous administration, in talking about this wall that had been brought down as a result of the PATRIOT Act said:

> . . . the wall is not an appropriate one with respect to counterterrorism, and that's been repaired both by the PATRIOT Act and the court of review.

I believe the court of review he is referring to is the Foreign Intelligence Surveillance Act, which creates a court of seven Federal judges who review requests for various intelligence mechanisms that try to make sure or, in fact, do make sure as much as is humanly possible that the rights of people who are accused of crimes are not unfairly jeopardized in this process.

The point is that the wall that had been erected separating our law enforcement personnel and preventing them from sharing information with our counterterrorism officials has now been torn down and we now allow information sharing which, indeed, has made America safer.

The PATRIOT Act specifically makes it easier to track terrorists in the digital age. When journalist Daniel Pearl of the Wall Street Journal was kidnapped in Pakistan, the terrorists made the mistake, as it turned out, of sending the ransom demands by e-mail. The PATRIOT Act, having brought our laws into the information age, allowed investigators to quickly obtain essential information from the Internet service provider that the terrorists were using. This in turn led them to cybercafes in Pakistan and then to some of Daniel Pearl's killers, who are now in prison thanks to the expanded tools provided by the PATRIOT Act.

Some have worried aloud that we are jeopardizing our civil liberties by creating a law which allows expanded authority to law enforcement and counterterrorism authorities. But what many people don't understand, or don't know—there is no reason they should know other than the fact that they have now learned more about it—is the PATRIOT Act actually applies tools that have already been in use in other contexts. For example, before September 11, investigators had better tools to fight organized crime than they did to fight terrorism. For example, for years law enforcement officials used roving wiretaps to investigate organized crime. I think it was Senator JOE BIDEN who said if roving wiretaps are good enough for the mob, then they are good enough for terrorists. He, of course, advocated, as many on this floor did, for that. Here is a copy of his remarks. I paraphrased it. Let's go to the exact quote. He said:

> . . . the FBI could get a wiretap to investigate the Mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy. What's good for the Mob should be good for terrorists.

Those are statements with which I agreed, made by Senator JOE BIDEN on October 25, 2001, which I submit were true then and remain true today.

I already mentioned that aspect of the PATRIOT Act which has made it easier for us to cut off the financial support that has been used to support terrorist acts. Osama bin Laden, when he first left Saudi Arabia and went to Afghanistan as part of the anti-Communist Jihad, after the Soviets invaded Afghanistan, he and other Jihadists declared holy war against the Soviets at the time. The way he got started in his terrorist activities was financially supporting the acts of other Jihadists, other Muslim extremists. At that time, he directed their fire at the Soviet Union until, of course, the Soviet Union left Afghanistan. Then they turned their fire on America and other freedom-loving countries.

My point is, getting at the financial support for terror was very important. Indeed, the PATRIOT Act has made it much easier to get to that and was responsible for capturing some $200 million in terrorist financing, which has been very important.

One of the things that has concerned me, and no doubt others, about the PATRIOT Act has been the way people have used the PATRIOT Act as almost a dirty word. It has been used to scare people. It has been used to mislead people about what the act does. It is important to understand what the act does and what it does not do.

It has also been used to raise money. This is part of the scare campaign the American people deserve to know about and we as Members of this body need to remind ourselves of and make ourselves aware of. I happened to get a solicitation from the American Civil Liberties Union at my home. This is an excerpt. It caught my eye because I thought, now I understand why there are so many people who are misled and frightened by the PATRIOT Act because there are organizations such as the ACLU that are misleading people about what it does. They are using that fear to raise money. We know one of the strongest motivations there is for human beings is to scare them. Indeed, that is exactly what is happening by misleading the American people about what the PATRIOT Act does, by organizations such as the ACLU.

This solicitation letter I received at my residence said in part:

> We need your immediate help to stop radical anti-liberty proposals from becoming radical anti-liberty laws of the land with Congress' and the White House' seal of approval.

Indeed, that sort of statement is not alone. We have another chart that talks specifically about the PATRIOT Act, and another excerpt from the same solicitation by the ACLU:

> The USA PATRIOT Act expands terrorism laws to include "domestic terrorism" which could subject political organizations to surveillance, wiretapping, harassment, and criminal action for political advocacy.

If that were true, I would be standing and saying we need to look at this twice. We need to do something about it. We need to look further to see whether perhaps we have done something wrong or it needs correction or review.

I was at a hearing of a subcommittee of the Senate Judiciary Committee, and Senator FEINSTEIN put her finger on this and pointed out the kind of hysterical scare tactics the ACLU and others have used in mischaracterizing what the PATRIOT Act does are flatly unfounded. I was there at this hearing, but I had the statement made into a chart so the quote is clear. Senator FEINSTEIN, to her credit, is always a Senator who does her homework. She does her homework in every case, sometimes to my aggravation when she is on the other side of an issue, but sometimes I am glad she does. This is a case where I am glad she did her homework as she always does.

> I have never had a single abuse of the PATRIOT Act reported to me.

She was not just sitting passively back waiting for people to write or call as they do to our offices to complain or to register some concern about legislation or some Federal activity.

She went on to say:

> My staff e-mailed the ACLU and asked them for instances of actual abuses. They e-mailed back and said they had none.

It is very disturbing that the same organization that mails solicitations to houses of not just Members of Congress but to people all across America, trying to frighten them, mislead them, and scare them into believing Congress has acted without concern for civil liberties or perhaps some law we passed has been abused by Attorney General John Ashcroft and others, when, in fact, it is just not true. Everyone should be concerned about that. It ought to be exposed for what it is.

Notwithstanding the comments of people like Senator BIDEN, who supports the PATRIOT Act, Senator FEINSTEIN, who has done this investigation to find out whether, in fact, there has been abuse—and there has been none reported, even when asked for examples to support their scare tactics—there are some now who say it is time to eliminate the PATRIOT Act or to replace it, using other similar scare tactics.

I might point out this is not limited to the Congress. I had my staff refresh my recollection because I had remembered—indeed, the Presiding Officer may remember, too—there are press reports about city councils around the United States that passed resolutions condemning the PATRIOT Act based on the disinformation and scare tactics the ACLU and others have used to mislead them about whether there was, indeed, a threat to the civil liberties of their constituents. In fact, 287 local governments across the United States of America have passed such resolutions condemning the PATRIOT Act. I am sad to say, three of those were in Texas: If my recollection is correct, the Dallas City Council, Austin City Council, and one from a smaller municipality.

So we know at least there is some evidence that the kind of scare tactics and misinformation people have been spreading, people at the ACLU have been spreading, is, unfortunately, working, because not enough people like me and others in this body are standing up and correcting the record and providing the truth.

Unfortunately—it is not unfortunate; it is our system. We have elections for President every 4 years. We have elections for the House every 2 years and every 6 years for the Senate, but it should not be too surprising some of this disinformation and misinformation and scare tactics have gotten into the Presidential campaign.

Indeed, I listened with some concern during the race for the Democratic nomination for President where various candidates for that Democratic nomination for President continued along this line of disinformation, misinformation, and scare tactics specifically regarding the PATRIOT Act. The current nominee for President of the Democratic Party participated in that, what I call "piling on." He said in a speech at Iowa State University:

> So it is time to end the era of John Ashcroft.

Unfortunately, this is an instance, I will interject in the quote, in which Attorney General Ashcroft has been reviled, he has been called all sorts of names, held up as a boogeyman in part of the scare tactic for doing his job, for enforcing the laws Congress has passed and the President has signed. If the Attorney General of the United States of America will not enforce the laws Congress passes and the President signs in order to make America more secure, who will? Thank goodness, we have a courageous individual who is willing to stand up against unwarranted criticism and this sort of misinformation or disinformation campaign and enforce the law Congress passes because he believes, as Congress believed when it passed the law, as the President believed when he signed the law, the PATRIOT Act makes America more secure.

Going back to the quote by Senator KERRY at the Iowa State University:

> So it is time to end the era of John Ashcroft.

He goes on to say:

> That starts with replacing the PATRIOT Act with a new law that protects our people and our liberties at the same time.

He later had an interview on "Morning Edition" on National Public Radio on August 18, 2003. He said:

> If you are sensitive to and care about civil liberties, you can make provisions to guarantee that there is not this blind spot in the American justice system that there is today under the Patriot Act.

Unfortunately, this disinformation campaign, which stands in stark contrast to the lack of any evidence that Senator FEINSTEIN found in her investigation about abuses, continues now into the Presidential campaign, now that the Presidential nominee of the Democratic Party has been chosen.

Indeed, this is on Senator KERRY's Web site, John Kerry for President Web site. He said:

> John Ashcroft has used new authority under the Patriot Act to perform "sneak and peek" searches without ever notifying anyone and without any judicial oversight.

Well, besides this campaign of disinformation and misinformation and scare tactics, I can assure you neither the Attorney General nor any other United States attorney or Federal law enforcement official can legally perform any kind of search without judicial oversight. That is wrong. It is a false statement.

Even if we pulled this out of all the other contexts I have talked about—the disinformation, the misinformation, and the scare tactics—this is a flat misstatement. I hope Senator KERRY will correct that on his Web site because no search under any kind of warrant can be conducted without the approval of a judge or an impartial magistrate. That is a basic part of our criminal law. But, here again, I am worried that unless people stand up and correct the record, this kind of disinformation will continue.

But the worst part of it is this: Notwithstanding the kind of statements I covered by Senator KERRY and others, these are some of the same people who voted for the PATRIOT Act when it passed. Indeed, on October 25, 2001, Senator KERRY said:

> I am pleased at the compromise we have reached on the antiterrorism legislation, as a whole, which includes the sunset provision on the wiretapping and electronic surveillance component.

Then later, more specifically to the subject at hand, this quote is talking generically about the laws that changed included in the PATRIOT Act and others. But he was interviewed on Fox News on October 25, 2001. John Gibson of Fox News said:

> Senator KERRY, today, Attorney General Ashcroft said that terrorists have reason to be afraid, very afraid of this new terror legislation. Why? What's in it that has so much sharper teeth?

Senator KERRY said:

> It streamlines the ability of law enforcement to do its job. It modernizes our ability to fight crime.

Well, I agree with the comments of Senator KERRY in October of 2001 about the benefits of the PATRIOT Act. And I disagree with the comments Senator KERRY—the same person—made when he decided to run for President, and now that he is a Presidential nominee, where he is using the misinformation, this disinformation, these scare tactics; unfortunately, in contrast to the lack of evidence Senator FEINSTEIN was able to glean from even the ACLU about any evidence of abuses.

The fact is, the PATRIOT Act has made America a safer place. And no political campaign, no fundraising goal justifies misleading the American people about what is good about the PATRIOT Act and how it has contributed to bringing down this wall separating law enforcement and counterterrorism officials from sharing information. Indeed, as I said, the best evidence about why the PATRIOT Act is good law, good public policy, is the fact we have not been hit like we were on 9/11. Thank God for that. I know, of course, we hope and pray we never will again be hit in that way. But we are not going to be safer if we play politics with our national security, even in a Presidential year when the attraction is so irresistible, it appears, to some.

The PATRIOT Act has made America safer. Janet Reno, John Ashcroft, Louis Freeh, people on both sides of the aisle, people who have put their hand on a Bible and sworn to uphold the laws of the United States of America, to protect the Constitution—these are people who have testified under oath the PATRIOT Act has made America safer.

So I say, let's not play politics with this important law. Let's not play politics and risk American lives by continuing the disinformation and misinformation and the scare tactics to the point where we would go back and eliminate or revise or neuter this important protection which has made our country so much safer.

So, Mr. President, with that, I would like to turn to some additional matters on behalf of the majority leader.

I see Senator REID on the floor. At this time, on behalf of the majority leader, I would ask——

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ALEXANDER). The assistant Democratic leader.

Mr. REID. If the Senator would yield for a comment?

Mr. CORNYN. I would be happy to yield.

Mr. REID. The staffs are not quite ready to do the close yet. They should be ready in a matter of a few minutes. So if the Senator would allow us a few more minutes?

Mr. CORNYN. Under the circumstances, Mr. President, I ask——

Mr. REID. I will make a statement that will take a couple minutes. Senator DASCHLE is going to make a statement. We can go ahead and do the close, and he can speak after the close, but we are not quite ready on this side to close. It will take another few minutes.

Mr. President, if the Senator will yield for me to make a very brief statement?

Mr. CORNYN. I will be glad to yield.

The PRESIDING OFFICER. The assistant Democratic leader.

PATRIOT ACT

Mr. REID. Mr. President, I would agree with my friend, the former attorney general of Texas, the PATRIOT Act has made America a safer place. I think that is a fair statement. But I would also say the PATRIOT Act is something we have to watch very closely. We realized when we passed this legislation there may be provisions in it that went too far, not far enough. As a result of that, we have put a provision in this very important bill, the PATRIOT Act, that it would sunset; that if we did not renew that legislation, it would fail; therefore, next year we have to renew this act.

I am confident, based on what is going on around the country, in spite of the statement from the American Civil Liberties Union—we can look to Las Vegas, my home, on one criminal prosecution, what the authorities did there. It is my understanding they used the PATRIOT Act. A person bought a car with global positioning in it. The reason they bought that, of course, is in case something went wrong you could press a button and come and find out where the car is, or, if it was an emergency, someone trying to hijack the car, emergency authorities would be notified. The person never realized law enforcement authorities could focus on that vehicle and listen to everything that went on in that car. That is what they did.

I would have to think without getting a judge's order, without doing some things in addition to what I have described, that was probably going a little too far. The point being, the PATRIOT Act is something we need to take a look at. That is why we have this legislation that will sunset.

I hope the Judiciary Committee and other committees that believe they have jurisdiction will begin as soon as possible taking a look at this legislation to see if there are provisions that should be revised, eliminated, added to. I don't think we need to criticize Senator KERRY because he thinks we need to take a look at the PATRIOT Act. I believe we do, and that is certainly appropriate. The Senate agreed. That is why we included a sunset provision in this most important legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— S.J. RES. 1

Mr. CRAPO. Mr. President, on behalf of the majority leader, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 271, S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRAPO. Mr. President, the majority leader has been attempting to clear this request to allow us to proceed to the consideration of the constitutional rights for victims resolution. Given the objection, and on behalf of the majority leader, I now ask unanimous consent to withdraw the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONAL AMENDMENT TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED

CLOTURE MOTION

Mr. CRAPO. Mr. President, I now move to proceed to S.J. Res. 1, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 271, S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

Bill Frist, Jon Kyl, Gordon Smith, Ted Stevens, Trent Lott, Kay Bailey Hutchison, Susan Collins, Pete Domenici, Rick Santorum, George Allen, John Ensign, Wayne Allard, Mitch McConnell, Jim Inhofe, C. Grassley, Mike DeWine.

Mr. CRAPO. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. I now withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL PAY DAY

Mr. REID. Mr. President, today, April 20th, is being observed as Equal Pay Day.

I wish I could say it is a celebration of Equal Pay for women. But it isn't.

Instead, this day symbolizes the fact that women continue to earn only 77 percent as much as men, 77 cents on the dollar.

Today, April 20, marks how many extra days a woman has to work to earn as much money as a man earned last year.

Women are paid less than men even when they have the same experience, the same education, the same skills, and live in the same parts of the country.

And they are paid less for doing the same jobs.

For example, women lawyers and women doctors both have median weekly earnings that are nearly $500 less than those of male lawyers and doctors.

Women food service supervisors are paid about $100 less each week than men in the same job, and waitresses earn about $50 less than waiters.

Women professors' weekly earnings are nearly $300 less each week than men's, and the median weekly salary for women elementary school teachers is $70 per week less than that of male elementary school teachers.

When women are short-changed in their paychecks, it doesn't just hurt them. It hurts their whole family, including their children and spouses.

Lower pay for women means a family can't afford as nice of a home, or give their children the same opportunities, as they could if women were paid as much as men.

If married women were paid the same as comparable men, their family incomes would rise by nearly 6 percent. And the poverty rate among families of working women would decline from 2.1 percent to 0.8 percent.

On average, every working family loses $4,000 every year because of unequal pay for women.

If single working mothers earned as much as comparable men, their family incomes would increase by nearly 17 percent, and their poverty rates would be cut in half, from 25.3 percent to 12.6 percent.

If single women earned as much as comparable men, their incomes would rise by 13.4 percent and their poverty rate would fall from 6.3 percent to 1 percent.

Women lose 23 cents on the dollar compared to men—almost a quarter.

Over a lifetime of work, that 23 cents adds up fast. It adds up to real money.

For an average 25-year old working woman, it adds up to about $523,000 during her working life. That's more than a half-million dollars less than a man will be paid.

Because women are paid less when they work, they can't save as much toward their retirement. Half of all older women who received a private pension in 1998 got less than $3,486 per year, compared with $7,020 per year for older men. In other words, the pensions for women were less than half of the pensions for men.

The figures are even worse for women of color. African-American women earn only 67 cents and Latinas 55 cents for every dollar that men earn. Asian Pacific American women still earn only 83.5 cents on the dollar compared to men's salaries.

These statistics remind us that we still have a long way to go, even though we have been fighting for decades to win equal pay for women.

When President Kennedy signed the Equal Pay Act in 1963, it became illegal for companies to pay women less than men who were doing exactly the same work.

Unfortunately, other forms of discrimination have continued, including relatively low wages for jobs that have traditionally been considered "women's work," like teaching, nursing and child care.

Some recent legal settlements provide insight into the kind of discrimination that women still face in the workplace: In 1997, Home Depot and Publix Supermarkets each agreed to pay more than $80 million to settle major lawsuits charging them with sex discrimination against thousands of working women. The lawsuits alleged that, among other things, the companies had assigned women to lower-paying jobs, refused to give them raises, and denied them promotions. In 1999, Texaco agreed to pay $3.1 million in a "glass ceiling" settlement to women who alleged they were consistently paid less than their male counterparts in similar positions. In 2000, Ford Motor Co. agreed to pay $3.8 million to women and minority applicants who claimed they were denied jobs as entry-level assemblers. In 2002, American Express Financial Advisors Inc. agreed to pay $31 million to settle a sex discrimination case alleging that female professionals were paid less and unfairly denied promotions.

Everyone agrees that women deserve equal pay. But we still haven't reached that goal.

That's why we must vigorously enforce the equal pay laws that are already on the books. Pass stronger and better equal pay laws, such as the Paycheck Fairness Act, which I am proud to co-sponsor. And protect the rights of workers to organize and bargain with employers.

It is simply not fair that a young woman beginning a career in the workplace today will earn a half-million dollars less than a man.

It isn't fair that pensions for women are half as much as pensions for men.

And it isn't fair that the families of working women are penalized in every paycheck.

Let's pass the Paycheck Fairness Act, and let's work to finally ensure that women who work get paid as much as men.

ENVIRONMENTAL ACHIEVEMENT AWARD

Mr. REID. Mr. President, I rise today to congratulate the Washoe Tribe and Stephanie Lefevre of Nevada on receiving the 2004 Environmental Achievement Award from the U.S. EPA's Region 9 Office.

One of the greatest legacies we can bequeath to our children is a clean and protected environment. I take this opportunity to recognize the Washoe Tribe and Ms. Lefevre for their strong commitment to preserving our State's rich natural heritage.

Headed by Marie Barry, the Washoe Tribe Environmental Department has helped restore a section of the Carson River corridor through Jacks Valley in Douglass County, NV.

The tribe has contributed significantly to the environmental health of its ancestral land, while engaging the local community in a constructive and educational experience. Its "Washoe on the River Day" events attracted dozens of volunteers to participate in the restoration process, and learn about the environmental history of the Carson River and its cultural connection to the Washoe people.

As Director of the Nevada Outdoor School, Stephanie Lefevre has developed an environmental education plan to teach students about the problems posed by illegal dumping in local areas. She has also created several other environmental programs in Winnemucca, including a community garden and composting program and a volunteer community recycling program. The recycling program expands conservation efforts and teaches students about responsible environmental stewardship.

Please join me in congratulating the Washoe Tribe Environmental Department and Stephanie Lefevre on their outstanding work and well-earned recognition.

HONORING OUR ARMED FORCES

PVT NOAH L. BOYE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of PVT Noah L. Boye, a Nebraskan serving in the United States Marine Corps. Boye was killed on April 13 when he came under enemy fire near Fallujah, Iraq. He was 21 years old. Boye served in the 1st Battalion, 5th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force based in Camp Pendleton, CA.

A resident of Grand Island, NE, Private Boye was a proud and dedicated soldier who was committed to his country. Private Boye enlisted in the Marine Corps when he was 17 years old. He died courageously performing his duty. Our thoughts and prayers are with his family at this difficult time. All of America mourns Noah Boye and is proud of his service.

Private Boye and thousands of brave American service men and women confront danger every day in Iraq and their tremendous sacrifices must never be taken for granted or forgotten. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring PVT Noah L. Boye.

Mr. NELSON of Nebraska. Mr. President, PVT Noah Boye was a dedicated Marine who served his country with honor. He joined the Marine Corps right after he graduated from high school in 2001. He was deployed to Kuwait in February 2003 and was part of the initial coalition forces that helped bring down Saddam Hussein in March. Private Boye spent 4 months in Iraq that year and redeployed to Iraq last month. He is described as a caring person who was always there for everybody and anybody. His family remembers him as the life of the party and a genuine and gentle man. The last contact he had with his mother was a letter that she received from him 3 weeks ago that was dated March 7. When his mother showed concern about her son going to Iraq, he told her, "Mom, that's my job. It's what I have to do." Private Boye fought for his country with no regrets and with great honor.

I would like to express my deepest sympathy for the Boye Family, and I know all Nebraskans join me in remembering and honoring Noah's contributions to Grand Island and his sacrifice on behalf of his country. Private Boye's sacrifice will forever remind this Nation of the danger that comes with the duty to protect our Nation's interests and the freedoms of others around the world. As a nation, we are grateful to Marines like Private Boye who make the ultimate sacrifice so that all Americans can live in freedom.

SP DENNIS MORGAN

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of SP Dennis Morgan, a Nebraskan serving with the South Dakota National Guard. Specialist Morgan was killed on April 17 south of Baghdad, Iraq when a roadside bomb exploded as a convoy passed. He was 22 years old. Specialist Morgan was a member of the 153rd Engineer Battalion based in Winner, South Dakota.

Specialist Morgan, of Valentine, NE, worked to protect others by finding and disarming explosive devices along the roads. He died courageously performing his duty.

Specialist Morgan is survived by his wife, Cassie; his mother, Diane Mangelson; and his grandmother, Doris Morgan. Our thoughts and prayers are with all of them at this difficult time. All of America mourns Dennis Morgan and is proud of his service.

Specialist Morgan and thousands of brave American service men and women confront danger every day in Iraq and their tremendous sacrifices must never be taken for granted or forgotten. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring SP Dennis Morgan.

PFC ANTHONY P. ROBERTS

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Marine PFC Anthony P. Roberts. Anthony epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country and, above all else, honor. In the way he lived his life—and how we remember him—Anthony reminds each of us how good we can be.

A resident of Middletown, Anthony's passing has deeply affected the community. A 2003 graduate of Middletown High School, Anthony was the son of Emma Roberts and the late William Roberts, Jr. Friends, family, and school officials recalled Anthony Roberts as a bright young man who saw military service as a way to give something back to his country. He viewed the Marine Corps as an opportunity to get away from a small town, meet new people, and start a career.

Anthony always had a strong interest in the military. He was a member of Middletown High School's Air Force Junior ROTC program. His participation in that program enabled me to meet him and many of his fellow cadets several years ago when I visited their high school. Friends and family remember Anthony as standing extra tall after earning his Marine Corps uniform.

After graduating from school, Anthony underwent basic training at Camp Lejeune, NC, before being stationed at Camp Pendleton, CA. Anthony became a member of the 2nd Battalion, 4th Marine Regiment. He died in fighting around Ramadi.

Anthony was a remarkable and well-respected young soldier. His friends and family remember him as an honorable man. He enjoyed spending time in Philadelphia, writing rap music lyrics, reading automobile magazines, and playing computer games.

I rise today to commemorate Anthony, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

1LT ROBERT HENDERSON II

Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor the service of 1LT Robert Henderson II of Alvaton, KY. His death while performing his duty to his country is a great loss to us all.

On April 17, 2004, LT Henderson was leading a convoy near Diwaniyah. As they were passing through, they were ambushed and LT Henderson was wounded. He later died at a field hospital. I offer my sincerest condolences to LT Henderson's family and loved ones.

His service with the Kentucky Army National Guard's 2123rd Transportation Company was exemplary and duly appreciated. Lieutenant Henderson, according to reports, showed bravery by continuing to drive his lead vehicle toward safety after he was wounded. As one of the U.S. Senators from Kentucky, I know that Lieutenant Henderson served as a fine example of what it means to be a true patriot and an American of the highest caliber.

We are humbled and honored by the sacrifice Lieutenant Henderson has made. His loss reminds us of the heavy cost exacted for our freedom. We must remember that the American way of life has been made possible by the bravery of men and women like Lieutenant Henderson. When freedom has been challenged many like him have answered the call to arms. We must never forget that.

ARMY SERGEANT DAVID MCKEEVER

Mr. NELSON of Nebraska. Mr. President, SGT David McKeever was a soldier who fought honorably for his country. He joined the Army in 1997, right after graduation from South Park High School in South Buffalo, NY. Before going to Iraq to try to help keep peace, he served proudly in Bosnia. He just recently reenlisted to serve his country. He was also approved for a promotion from army specialist to the rank of sergeant just before his death. This well-deserved honor was given to him posthumously.

David had 15 days remaining before he would have left Iraq for Germany, and then return home. His family describes him as a dedicated soldier, proud American, and hero who was fully aware of the high cost of freedom.

SGT David McKeever will be greatly missed and our thoughts and prayers will be with his family and friends. He leaves behind a wife, a one-year-old son, his parents and his four sisters. As a nation, we are grateful to David McKeever and other soldiers like him who make the ultimate sacrifice so that others can live free.

* * *

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through April 8, 2004—the last day that the Senate was in session before the recent recess. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $7.6 billion in budget authority and under the budget resolution by $13 million in outlays in 2004. The current level for revenues is $3.1 billion above the budget resolution in 2004.

Since my last report dated March 23, 2004, the Congress has cleared and the President has signed the following acts: the Welfare Reform Extension Act of 2004, Pub. L. 108–210; an act to reauthorize certain school lunch and child nutrition programs through June 30, 2004, Pub. L. 108–211; and, the Pension Funding Equity Act of 2004, Pub. L. 108–218. In addition the Congress has cleared for the President's signature S. 2057, an act to require the Secretary of Defense to reimburse certain transportation expenses of members of the U.S. Air Force. These actions changed the level of budget authority, outlays or revenues for 2004.

I ask unanimous consent that the report, with its accompanying letter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 19, 2004.
Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2004 budget and are current through April 8, 2004 (the last day that the Senate was in session before the recent recess). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last letter dated March 23, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Welfare Reform Extension Act of 2004 (Public Law 108–210);

An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (Public Law 108–211); and

The Pension Funding Equity Act of 2004 (Public Law 108–218).

In addition the Congress has cleared for the President's signature S. 2057, an act to require the Secretary of Defense to reimburse certain transportation expenses of members of the U.S. Air Force. Also, a correction was made to the final scoring of the Surface Transportation Extension Act of 2004 (Public Law 108–202), reducing the budget authority that had been scored for that legislation.

The effects of these actions are detailed in Table 2.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF APRIL 8, 2004

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/ under (-) resolution
ON-BUDGET			
Budget Authority	1,873.5	1,881.1	7.6
Outlays	1,897.0	1,897.0	*
Revenues	1,331.0	1,334.1	3.1
OFF-BUDGET			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	*

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.— * = Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF APRIL 8, 2004

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation[1]	1,117,131	1,077,938	n.a.
Appropriation legislation	1,148,942	1,179,843	n.a.
Offset receipts	−365,798	−365,798	n.a.
Total, enacted in previous sessions	1,900,275	1,891,983	1,330,756

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF APRIL 8, 2004—Continued

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	58	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
Total, enacted this session	2,126	749	3,363
Passed, pending signature:			
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057)	13	7	0
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−21,334	4,221	n.a.
Total Current Level[1, 2]	1,881,080	1,896,960	1,334,119
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	7,621	n.a.	3,119
Current Level Under Budget Resolution	n.a.	13	n.a.

Notes.—n.a. = not applicable; P.L. = Public Law.

[1] Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $82,460 million in budget authority and $36,644 million in outlays from previously enacted bills.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 3, 2002, a 17-year-old transgender woman, Gwen Araujo, was viciously killed and buried in a shallow grave near South Lake Tahoe. Gwen was beaten severely—with fists, canned goods and a metal skillet—then strangled to death. Before driving her to a remote location to be buried, the attackers wrapped her body in blankets and hit her in the head with a shovel to make sure she was dead.

After a confession to police by one of Gwen's attackers, her body was finally found 2 weeks later. Currently, three men—Michael Magidson, 23, and Jose Merel and Jason Cazares, both 24—stand trial for her murder. A fourth man was also charged with her murder but pled guilty to manslaughter in exchange for testifying against the others. Despite this confession and eyewitness testimony in this case, defense attorneys have suggested that Gwen's murder was a result of something the victim provoked because of her lifestyle choice. The defense has asserted that Gwen "deceived" her attackers. Once learning of her biological sex, it caused one defendant to become enraged "beyond reason," thereby resulting in her attack. One attorney has even claimed that no hate crime has been committed in this case.

Clearly, the murder of Gwen was motivated by hatred. I believe that the government's first duty is to defend its citizens, and to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become one of substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

* * *

1139TH MILITARY POLICE COMPANY OF MOBERLY, MO

Mr. TALENT. Madam President, I rise today to express my appreciation for the service and the sacrifice of the service men and women of the 1139th Military Police Company of Moberly, MO, for their contributions to Operation Iraqi Freedom.

The 1139th was mobilized in January 2003, and served in Iraq from May to December 2003. Their missions included convey security, securing the flow of personnel and material to sustain the U.S. mission in Iraq; ensuring the security of fixed-site locations in Iraq, performing law enforcement and presence missions to maintain law and order, and to train Iraqi police as they prepare to assume an ever-greater share of the day-to-day duties of stabilizing the country.

Their efforts, and their willingness to leave their families and homes, to assist in the larger effort to stabilize and return Iraq to the family of freedom- and peace-loving nations, says much regarding their understanding of the word service, and their appreciation for the obligations of citizenship.

The United States is a wealthy and powerful Nation, but it is the willingness of young men and women such as these that makes us great. In a dangerous world, they make the difference, both here and overseas. Their efforts will set men free. Their efforts will break the shackles of despotism. Their efforts will secure the safety of Americans here at home.

To the 65 service men and women of the 1139th, you have my respect and my heartfelt thanks for your service.

May God bless these fine young men and women and their families. And may God bless the United States of America.

REAUTHORIZE THE ASSAULT WEAPONS BAN

Mrs. FEINSTEIN. Mr. President, a little before noon 5 years ago today, Dylan Klebold and Eric Harris began a killing spree at Columbine High School that left a dozen of their fellow students and a teacher dead, and more than two dozen others wounded.

The Columbine incident was a wake up call to a nation awash with guns, and showed us all once again what one or two grievance killers or malcontents can do with powerful, semi-automatic assault weapons.

Klebold and Harris were troubled young men who chose, tragically, to take out their angst on fellow students.

Twenty or thirty years ago, that decision might have simply led to a fist fight during recess outside on the playground. But now, with the prevalence of high-capacity, high-powered firearms, that decision quickly led to the deaths of more than a dozen innocents, and then the two shooters themselves.

Using several long guns and a TEC-DC9 semi-automatic assault pistol, Klebold and Harris were able to move through their high school with impunity, firing shot after shot in rapid succession, and quickly ending the hopes and dreams of so many youngsters.

Nobody could take them down, because their weapons made them, for all intents and purposes, invulnerable.

And while Columbine was tragic, it was not unique.

Similar grievance killings have occurred across the nation, in every forum:

In a San Ysidro, CA McDonald's in 1984, when a gunman with an Uzi killed 21 and wounded 15 others.

In Stockton, CA, in 1989, when drifter Patrick Purdy walked into a schoolyard with an AK-47 and killed 5, wounding 30 others.

In Long Island, NY, in 1993, when a gunman killed 6 and wounded 19 others on a commuter train—he was only brought down when he finally stopped to reload.

In Pearl, MS, in 1997 when two students were killed.

In Paducah, KY, in 1998 when three students were killed.

In Jonesboro, AR, in 1998 when five were killed, and ten more wounded.

In Springfield, OR, in 1998 when two were killed, and 22 wounded.

In Atlanta, GA, in 1999 when a troubled day trader killed his wife, two children and several people trading stocks.

At a Granada Hills, CA Jewish Community Center when a gunman wounded three and killed one.

At a Fort Worth, TX Baptist church where seven were killed and seven more wounded at a teen church event, all by a man with two guns and 9 high capacity clips, with a capacity of 15 rounds each.

And the list goes on, and on.

Just last week, I spoke at the funeral of San Francisco Police Officer Isaac Espinoza, who was shot and killed by a gang member armed with an AK–47 and a 30-round clip. Officer Espinoza took three shots in his back as a gunman fired 15 rounds in just seconds, giving Officer Espinoza and his partner, who was also shot, no time to seek refuge.

Officer Espinoza was a bright young star in the San Francisco Police Department, and he had a promising future and loving family. Now, that future is gone. His wife Renata is without a husband. His beautiful three-year-old girl Isabella is without a father.

These are the real consequences of assault weapons. This is not a political debate about a theoretical issue. This is about the death, and tragedy, and loss.

That is why Senator WARNER, Senator SCHUMER and I are seeking to pass legislation to reauthorize the federal assault weapons ban for another 10 years, before it expires on September 13 of this year.

This amendment received 52 votes in this body just last month, but the NRA scuttled the underlying gun immunity bill rather than allow the assault weapons bill to pass.

As a result, we are running out of time. The ban expires on September 13th of this year. We cannot afford to let these weapons back on our streets. We owe the American people more than that. It is just that simple.

This should really be an easy issue.

After all, this amendment already passed the Senate once.

The President has said many times that he supports the current law, and supports renewing the current law.

Every major law enforcement organization in the country supports renewing the ban, as do countless civic organizations, including: Fraternal Order of Police, National League of Cities, United States Conference of Mayors, National Association of Counties, International Association of Chiefs of Police, International Brotherhood of Police Officers, U.S. Conference of Catholic Bishops, National Education Association, NAACP, and the American Bar Association.

And the list goes on, and on.

More than three-fourths of the American people, and two-thirds of gun owners, support renewing the ban.

In a poll conducted by Mark Penn and Associates October 1–6 of last year: 77 percent of all likely voters supported renewing the assault weapons ban; Only 21 percent opposed renewal; 72 percent of Republicans supported renewing the ban, as did 71 percent of those describing themselves as "conservatives"; 66 percent of gun owners supported renewal, and only 32 percent of gun owners opposed it.

So one might wonder, why don't we just pass the ban by unanimous consent, get it through the House and have it signed into law tomorrow?

But an interesting dynamic is at work here. An interesting dynamic that relates to one, very powerful interest group that has violated the trust of its members and has used threats, distortions and bullying tactics to fight against common sense gun control at every level, and at all costs.

That group, of course, is the National Rifle Association.

But it is my hope that in the coming weeks, this body will stand up to the NRA and instead listen to the President of the United States, who supports the ban.

Listen to law enforcement all across the nation who know that this ban makes sense, and saves lives.

Listen to the studies that show that crime with assault weapons of all kinds has decreased by 50 to 66 percent since the ban took effect almost ten years ago.

A 1999 National Institute of Justice Study found that crime gun traces of assault weapons fell 20 percent in just the first year following enactment of the ban, from 4,0777 traces in 1994 to just 3,268 in 1995.

Murder rates that year dropped 6.7 percent below what they had been projected to be before the ban, once researchers had isolated for other factors.

Murders of police officers with assault weapons also dropped from about 16 percent of gun murders of police in 1994 and early 1995 to 0 percent in the latter half of 1995 and 1996.

A recent study released by the Brady Center shows that the proportion of assault weapons used in crimes fell from a high of 6.15 percent in the year before the ban, to just 2.57 percent by 2001. This is a 58 percent decrease in just 8 years, and includes not only the banned guns, but copycat guns, as well.

The analysis in this study was performed by Gerald Nunziato, who for 8 years served as the Special Agent in Charge of ATF's National Tracing Center. So this is not some fly-by-night study. This is by the one person who perhaps knows what these numbers mean better than anybody.

This follows a statistical analysis by the Department of Justice indicating that banned assault weapons used in crime fell by an even greater percentage—almost 66 percent—between 1995 and 2001.

The bottom line is that this ban has worked.

If we let these guns back on the streets, we open the door to more and more killings.

If we let these guns back on the streets, we tell Steve Sposato, whose wife Jody was killed in the 101 California shooting more than ten years ago, that we have forgotten his pain.

If we let these guns back on the streets, we send an invitation to terrorists to come to America and arm themselves, as recommended in an Al Qaeda training manual. Is now the time to do this?

If we let these guns back on the streets, we ignore ten years of success.

What is the argument for letting these banned guns back on the streets?

Who is clamoring for newly manufactured AK–47s?

Who is clamoring for new TEC–9s?

These are guns that are never used for hunting. They are not used for self defense, and if they are it is more likely that they will kill innocents than intruders.

These guns—and everyone knows it—have but one purpose, and that purpose is to kill other human beings. Why would we want to open the floodgates again and let them back on our streets? There is simply no good reason.

So in the coming weeks I will again offer my amendment to extend the assault weapons ban, and I urge the President to come forward and "put his money where his mouth is" in terms of helping us get this legislation passed.

The families of the students killed at Columbine five years ago, Officer Espinoza's wife, and so many other victims fo gun violence demand that we act.

NOMINATION OF EPA DEPUTY ADMINISTRATOR STEPHEN JOHNSON

Mr. WYDEN. Mr. President, on March 10, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Stephen Johnson to be Deputy Administrator of the Environmental Protection Agency, EPA. I did this because I had been trying to obtain information concerning EPA's decision to become involved with the City of Portland combined sewer overflow program since last August. Despite numerous requests, EPA failed to answer my questions and failed to provide me with the documents I had requested, with the exception of a limited number of documents that EPA would have to provide to any requester under the Freedom of Information Act, FOIA.

Today, I am releasing my hold on Mr. Steve Johnson to acknowledge that EPA has made a good faith effort to provide documents on the Portland sewer situation since I placed a hold on his nomination. Although I am lifting my hold on Mr. Johnson, I remain troubled by EPA's policy for withholding documents from Members of the Senate and the Environment and Public Works Committee, in particular. I believe the EPA position on this critical issue is contrary to the law and the controlling court decisions. I have also voiced my concern that EPA policy would mean the end of Congressional oversight. I believe that Senators should not be forced to place holds on nominees in order to obtain documents they need to conduct their oversight duties as members of the committee with primary responsibility for oversight of EPA.

I will lift my hold on Mr. Johnson's nomination today to acknowledge recent EPA efforts to respond to my requests. I will also be monitoring EPA cooperation in responding to my requests for information in the future. And if EPA again tries to stonewall as it did to my requests for information on the Portland sewers, I will put a hold on other EPA nominations if that is what it takes to get the agency's attention and cooperation.

OFFICER ISAAC ANTHONY ESPINOZA

Mrs. BOXER. Mr. President, I have just returned from San Francisco, a city whose heart has been broken by the tragic shooting death of a brave young police officer. On April 10, Isaac Espinoza was killed in the line of duty at the age of 29.

Officer Espinoza died doing the duty he loved: protecting the community from gang violence. He had volunteered to work as a plain clothes officer in the gang suppression unit of Bayview Police Station, where he served with distinction for 7 of his 8 years on the San Francisco police force.

Officer Espinoza was well known and liked in the Bayview neighborhood. Residents trusted him, and they appreciated his efforts to defuse violence and get guns off the streets. His outstanding work was recognized by the Police Department, which honored him with a Silver Medal of Valor and a Purple Heart as well as a Police Commission commendation.

Isaac Espinoza was also a loving husband, father, and son. My heart goes out to his wife, daughter, and family. I want them to know that the entire community shares their grief. All San Francisco feels the loss of Isaac's death, just as we all appreciate the gift of his life and work.

A gallant police officer is gone, but he will not be forgotten. We can and must carry on his work by giving community police officers and other first responders the resources they need to bring peace and safety to our Nation's streets and neighborhoods.

VOTE EXPLANATION

Mr. AKAKA. Mr. President, due to a previous obligation, I was unable to vote on the conference report to H.R. 3108, the Pension Funding Equity Act of 2004. If I had been present, I would have voted in support of the conference report. I appreciate the work done on this conference report by my colleagues, Senators GRASSLEY, GREGG, MCCONNELL, BAUCUS, and KENNEDY. As others have mentioned before, this legislation is very important to many businesses and their employees suffering from the recent economic downturn and in need of pension relief that the act will provide.

While the act will help millions of employees who are covered under this measure, I am concerned that approximately 9.7 million Americans who belong to multi-employer pension plans, many of them in the construction industry, who are facing the same problems as employees covered by other pension plans, will not be receiving this relief. In January, when the Senate overwhelmingly passed H.R. 3108, we agreed that our pension laws should affect not just single-employer plans but also multi-employer plans. We thought including multi-employers was fair and just. Unfortunately, in conference, there were some that agreed with the Bush administration that multi-employer plans should only receive partial relief. Some would say that the relief will be four percent, others will say it is even less than that. All I know is that millions of hard-working Americans, who report to work just as any other employee, will not receive this relief.

However, with the April 15 deadline where many employers were facing an inflated contribution to their pension plans and the administration's threat of a veto if the final bill included multi-employer relief, I could not penalize approximately 35 million Americans who are covered by single-employer defined benefit plans. The low 30-year Treasury bond interest rates and the unpredictable stock market have adversely affected many companies that contribute to these defined benefit plans. Again, while I believe these conditions affected not just single-employer plans, but also multi-employer plans, I could not jeopardize the 35 million Americans who could have lost their pensions if this important legislation were not enacted into law.

ADDITIONAL STATEMENTS

HONORING ERIN SMALLEY: A REMARKABLE YOUNG WRITER

● Mr. GRASSLEY. Mr. President, today I rise to honor a fine young Iowan, Erin Smalley of Johnston. Erin is a seventh-grade student at Johnston Middle School. Erin wrote the following essay for a school-wide contest for American Education Week on the topic "Great public schools for every child—America's promise." Erin's eloquent and inspiring words remind us of the importance of education in America. I would like to take a moment to share with you what Erin Smalley wrote in her essay, A Passion for Education.

> William Butler Yeats, an Irish poet who won the Nobel Prize for Literature in 1923, once said, "Education is not the filling of a pail, but the lighting of a fire." He made an excellent point, but reading through is quote just once will not make the meaning sink in. I am going to break it down to make it more easily understood.
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> The first part of Yeats' quote states, "Education is not the filling of a pail." I believe it means this: Education is not just putting information and knowledge into someone's mind. You can't dump fact, after fact, after fact onto someone because it will just go in one ear and out the other. Putting a lot of information into someone's head is just like filling a pail with a lot of water. It will probably just sit there, but it won't sink in. That is why education means something more.
>
> The rest of the quote says: ". . . but the lighting of a fire." I believe this means that education is all about enlightening students and making them wonder. To light their fire is to make them want to learn more, to build a passion for what they are being taught. When they have an interest, then they will go for it. When kids are given an education, and they discover a passion for something important to them, then they will go higher and higher and never give up, until they reach their dreams. When the light goes on, that's when they start to discover and learn. That's when education is most important, because then it will hopefully become a turning point in their life.
>
> Everyone should get to go to a free school to learn freely and learn new things. I want every kid to be able to have a passion for something, and be able to have the chance to go for their dreams. I want every kid to get the chance, because it's not fair if only some do. I hope that having an education will light all of the flames, and not just fill up the pails.●

CENTRAL COLLEGE SESQUICENTENNIAL

● Mr. HARKIN. Mr. President, last fall, Central College kicked off a year of festivities to celebrate its sesquicentennial. Founded in 1853 by a determined group of immigrants from the Netherlands, Central College has grown in size and stature during the last century and a half, but remains grounded in the tradition and faith of its founders. This weekend, the celebration continues with the Happy Birthday Dear Central Gala.

Currently affiliated with the Reformed Church in America, the college was originally created through the efforts of the Baptists of Iowa. The Iowa Baptist Society worked to establish an "institution of liberal and sacred learning" in the early days of our State. An enterprising, open-minded Pella resident, Dominie Scholte, believed in the power of higher education and campaigned to bring the new institution to his community. Scholte, a member of the Dutch Reformed Church, sealed the deal for Pella by donating land and money to the new school.

The new Central University of Iowa opened its doors on October 8, 1854, with 37 students in a rented building on Washington Street. From a humble beginning, Central College has grown into a state-of-the-art liberal arts college with 1,700 students. The college offers degrees in 36 disciplines and is well known for its ambitious study abroad program.

The study abroad program began in the summer of 1962 when a group of Central students ventured to the Yucatan Peninsula in Mexico. The program also sent students to Paris, France the following summer and was expanded to a full year of study in 1965. The popularity of the program and the number of foreign locations has increased and now includes England, Wales, Austria, Spain, Holland, China and Kenya. Today, approximately half of Central students spend at least one semester aboard.

Central College alumni, students, staff and Pella residents have participated in a variety of special events over the past several months. The sesquicentennial celebration has showcased the strong liberal arts tradition of the college with special performances, lectures, exhibits and social events. As the college community comes together for the Happy Birthday Dear Central Gala, I offer my heartfelt congratulations on 150 years of excellence in the education and my best wishes to Central College for the next 150 years.•

IN RECOGNITION OF THE LADY PANTHERS OF DRURY UNIVERSITY

• Mr. BOND. Mr. President, I rise to congratulate the Drury University Lady Panthers basketball team on their fantastic march to the NCAA Division II championship game in St. Joseph, MO, on March 27, 2004. Fans and alumni in Southwest Missouri and across the country are justifiably proud of the Lady Panthers.

For years fans from the great State of Missouri have enjoyed watching some of America's most outstanding sports legends. The Lady Panthers are continuing this tradition of excellence, ending their year with an enviable record of 36–2. In an amazing performance, the Drury team battled until the end for the NCAA Division II National Championship. In the words of Coach Nyla Milleson, it was a tremendous journey.

What makes this story remarkable is the fact that the Lady Panthers basketball team was established just 4 years ago under the direction of the late Dr. Bruce Harger, Drury's athletic director for 15 years. Many teams work for years to gain preeminence and respect in their sport. Thanks to the brilliant coaching of Nyla Milleson and her staff, along with the team's strong commitment and hard work, the Lady Panthers were able to achieve this distinction in a very short time.

Coach Milleson skillfully assembled a group of talented young women, many from southwest Missouri where basketball takes center stage in most communities during the winter months. The women's team played their first game in 2000, joining a Drury men's team that is rich in tradition. With strong support from the University and its boosters, the Lady Panthers enjoyed immediate success, culminating in their championship appearance this March.

Long known for academics, Drury University can now add women's basketball to its list of nationally recognized sports programs, continuing its tradition of excellence. There is no doubt that the Drury Lady Panthers are poised to compete in many more games. I congratulate Coach Milleson and all the Lady Panthers team members, coaches and supporters who worked hard to turn their dreams into reality.•

CONGRATULATIONS TO MR. TOM DIBELLO

• Mr. BUNNING. Mr. President, I would like to take a moment today to pay tribute to Mr. Tom DiBello of Covington, KY who has served with great distinction as the Executive Director of the Covington Community Center since 1995.

Tom has strong roots in Covington, KY, even though he first came to the community as a 1-year VISTA, Volunteers in Service to America, worker. Mr. DiBello then worked his way through the Covington Community as an outreach worker, community organizer and program director. As he rose through the ranks, his dedication to the community and list of achievements only grew.

Some of Mr. DiBello's early accomplishments include organizing grassroots efforts for welfare reform and developing the Covington Neighborhood Action Coalition, now known as the Covington Neighborhood Collaborative.

Mr. DiBello is responsible for marked growth of the Community Center, transforming it from a small organization on the west side of Covington to a truly city-wide support and development organization. From developing partnerships to running a capital campaign, Tom's leadership has been integral to the success of the Covington Community Center.

Congratulations again, Mr. DiBello, on your dedicated service to the Covington Community Center. You are an inspiration for all of us throughout the Commonwealth of Kentucky. We look forward to your continued success and achievement.•

RECOGNIZING THE CONTRIBUTIONS OF ALEC BRINDLE

• Ms. MURKOWSKI. Mr. President, I would like to take a few minutes to offer a tribute to a very significant figure in one of my State's largest industries: seafood processing. This man is Alec Brindle, who was for many years with Wards Cove Packing Company, and who has now entered retirement. In addition to having played an important role in the development of Alaska's salmon industry, Alec has also been a friend of mine, and of my family, for many years. It seems to me that anyone with the stamina and perseverance to work in the fish business for 50 years deserves some recognition.

Although Alec was born in the Seattle area, his life has long been tied to Alaska's fisheries. Almost his entire extended family has been involved in Alaskan fisheries since well before Alaskan statehood. As a young boy he spent summers in Ketchikan, at first playing around the cannery, and then, at age 13, he began his career as an employee of the family salmon packing operation. This was the beginning of a career, and a commitment, that would last for 50 years. Alec is one of those people about whom you can say, "He has truly seen it all". At various points in his long career fish prices for red salmon have varied from pennies a pound to a point in the late 1980's when a single fish was worth more than a barrel of North Slope crude oil. As Alec himself has pointed out, the fish business is one where at the beginning of the season the processor doesn't know how much fish he will be able to buy, what price he will pay, or at what price he will be able to sell the finished product. Needless to say, trying to craft and maintain a business plan under such circumstances is not an easy task. But Alec, to his great credit, was able to maintain his grace and charm in the face of all these challenges. He was a true gentleman in a very tough business.

Alec did take enough time off from the family business to obtain a law degree. He spent a year clerking for well known Alaska Supreme Court Justice John Dimond. Since Alaska had only recently been granted statehood, these were exciting times for our young State as we sorted through the growing pains of creating a judicial system. As a young attorney Alec contributed to this process.

Most people outside of Alaska aren't aware that the fishing industry has traditionally been my State's largest private employer. Each year, thousands of fishermen and other workers come to Alaska to help in the harvesting and processing of the amazing variety of fishery resources of my State. Although most of Alec's career was spent in the salmon business, he and his family have also been involved in the crab, herring and groundfish sectors. Many fishermen and processing workers have spent their entire careers enjoying an association with Alec and other members of the Brindle family.

But Alec didn't just make a living from Alaska's fisheries; he also gave back a great deal. He was always active in the various industry trade associations which work to maintain the sustainability and profitability of our fisheries. Among these were the Pacific Seafood Processors Association, the Alaska Seafood Marketing Institute, the National Fisheries Institute, and the National Food Processors Association. Alec's other business activities resulted in his being named to the Board of Advisors for Wells Fargo Alaska and becoming Chairman of the Board of the Tongass Trading Company.

Achieving educational goals has always been very important to the Brindles and in addition to his law degree, Alec proudly holds an Honorary Doctorate degree from the University of Alaska Southeast. And the Brindle family has also provided generous financial assistance to many young Alaskans seeking higher education through their support of the Winn Brindle Scholarship program, named for Alec's father.

After knowing Alec for so many years, it is hard for me to believe that he will no longer be actively involved in the seafood industry on a day-to-day basis. However, I know him well enough to say that he isn't about to head for a rocking chair. He will undoubtedly continue to share his time and expertise with those in the seafood industry, and throughout Alaska. He will be missed, but his many contributions and achievements will live on for many years.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 20, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2057. An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7101. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Accidental Release Prevention Requirements: Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements" (FRL#7642–6) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7102. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Florida Broward County Aviation Department Variance" (FRL7643–3) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7103. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interstate Ozone Transport: Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Sections 126 Rules" (FRL#7644–7) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7104. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training" (FRL#7341–5) received on April 9, 2004; to the Committee on Environment and Public Works.

EC–7105. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Chesapeake Bay Program; to the Committee on Environment and Public Works.

EC–7106. A communication from the Vice President for Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for Fiscal Year 2003; to the Committee on Environment and Public Works.

EC–7107. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2003 Nonconventional Source Fuel Credit" (Notice 2004–33) received on April 9, 2004; to the Committee on Finance.

EC–7108. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Manufacturer Submission of Average Sales Price, Data for Medicare Part B Drugs and Biologicals" (RIN0939–AN05) received on April 9, 2004; to the Committee on Finance.

EC–7109. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Application of EGTRRA Remedial Amendment Period" (Rev. Proc. 2004–25) received on April 9, 2004; to the Committee on Finance.

EC–7110. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Intercompany Financing Using Guaranteed Payments" (Notice 2004–31) received on April 9, 2004; to the Committee on Finance.

EC–7111. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2004–32) received on April 9, 2004; to the Committee on Finance.

EC–7112. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Andean Trade Preference Act; to the Committee on Finance.

EC–7113. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Jordan; to the Committee on Foreign Relations.

EC–7114. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Pakistan's cooperation with the United States in the Global War on Terrorism; to the Committee on Foreign Relations.

EC–7115. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Italy and Japan; to the Committee on Foreign Relations.

EC–7116. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Australia, New Zealand, and Canada; to the Committee on Foreign Relations.

EC–7117. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia and

Kazhazstan; to the Committee on Foreign Relations.

EC–7118. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia, Ukraine, and Norway; to the Committee on Foreign Relations.

EC–7119. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazhakstan; to the Committee on Foreign Relations.

EC–7120. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of the export of defense articles or defense valued at $14,000,000 from the United Arab Emirates to Morocco; to the Committee on Foreign Relations.

EC–7121. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations .

EC–7122. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–7123. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations" (RIN1400–Z) received on April 13, 2004; to the Committee on Foreign Relations.

EC–7124. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to appropriations for the 1998 Tropical Forest Conservation Act; to the Committee on Foreign Relations.

EC–7125. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the Commission's Fiscal Year 2003 Government Performance and Results Act; to the Committee on Governmental Affairs.

EC–7126. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the District of Columbia Family Court Act; to the Committee on Governmental Affairs.

EC–7127. A communication from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting, pursuant to law, the Museum's Performance and Accountability Report for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7128. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report under the Government in Sunshine Act for calendar year 2003; to the Committee on Governmental Affairs.

EC–7129. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, a report relative to the export of technologies and technical information to countries and entities of concern; to the Committee on Governmental Affairs.

EC–7130. A communication from the White House Liaison and Executive Director, White House Commission on Remembrance, transmitting, pursuant to law, the Commission's second Annual Report; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Lisa Kruska, of Virginia, to be an Assistant Secretary of Labor.

*Edward R. McPherson, of Texas, to be Under Secretary of Education.

*David Wesley Fleming, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2007.

*Jay Phillip Greene, of Florida, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2005.

*John Richard Petrocik, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2008.

*Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

*Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.

*Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Gerald Lee, of Pennsylvania, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NICKLES:

S. 2320. A bill for the relief of Renato Rosetti; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. STEVENS, Mr. BREAUX, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. SMITH, Mr. BINGAMAN, and Mrs. BOXER):

S. 2321. A bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 2322. A bill to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees; to the Committee on Governmental Affairs.

By Mr. SHELBY (for himself, Mr. MILLER, Mr. BROWNBACK, Mr. GRAHAM of South Carolina, Mr. ALLARD, Mr. INHOFE, and Mr. LOTT):

S. 2323. A bill to limit the jurisdiction of Federal courts in certain cases and promote federalism; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LUGAR, Mr. INOUYE, Mr. GREGG, Mr. GRAHAM of Florida, Mr. CRAIG, Mr. AKAKA, Mr. HAGEL, Mr. SUNUNU, Mr. TALENT, Mr. ALLEN, and Mr. BROWNBACK):

S. 2324. A bill to extend the deadline on the use of technology standards for the passports of visa waiver participants; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. Res. 341. A resolution to urge the resolution of claims related to the confiscation of certain property by the Government of Italy; to the Committee on Foreign Relations.

By Mr. HATCH (for himself and Mr. CRAPO):

S. Res. 342. A resolution designating April 30, 2004, as "Dia de los Niños: Celebrating Young Americans", and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 501

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 501, a bill to provide a grant program for gifted and talented students, and for other purposes.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 976

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1549

At the request of Mrs. DOLE, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Idaho (Mr. CRAPO), the Senator from Colorado (Mr. CAMPBELL), the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1549, a bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts.

S. 1700

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1796

At the request of Mr. COLEMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1796, a bill to revitalize rural America and rebuild main street, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 2099

At the request of Mr. MILLER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2100, a bill to amend title 10, United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2179

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2194

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2194, a bill to amend part D of title IV of the Social Security Act to improve the collection of child support, and for other purposes.

S. 2258

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2258, a bill to revise certain requirements for H–2B employers for fiscal year 2004, and for other purposes.

S. 2261

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2261, a bill to expand certain preferential trade treatment for Haiti.

S. 2262

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2262, a bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom.

S. 2271

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2271, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 78

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 78, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 311

At the request of Mr. BROWNBACK, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

S. RES. 330

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 330, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ('OPEC') cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

S. RES. 331

At the request of Mr. FITZGERALD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 331, a resolution designating June 2004 as "National Safety Month".

AMENDMENT NO. 2941

At the request of Mr. THOMAS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 2941 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAMBLISS (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LUGAR, Mr. INOUYE, Mr. GREGG, Mr. GRAHAM of Florida, Mr. CRAIG, Mr. AKAKA, Mr. HAGEL, Mr. SUNUNU, Mr. TALENT, Mr. ALLEN, and Mr. BROWNBACK):

S. 2324. A bill to extend the deadline on the use of technology standards for the passports of visa waiver participants; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise today to introduce, along with Senator KENNEDY, a bill to extend the biometric deadline that is currently set for October 26, 2004 in accordance with the Enhanced Border Security Act. Our bill will extend the deadline to November 30, 2006 in an overall effort to improve our homeland security.

The biometric passport requirement applies to the 27 visa-waiver countries. Millions of these foreign citizens travel to the United States each year for tourism or business and currently these citizens are not required to obtain a visa to enter the United States. All other countries must obtain a visa which includes an interview and background check at the overseas consulate.

There are a number of significant reasons for extending the deadline. I have heard from many businesses very concerned about the adverse impact of the current deadline on travel and tourism to the United States and negative effect on our economy as a result. I have heard from the State Department and Department of Homeland Security about the lack of manpower to conduct interviews and issue visas to over 5 million new entrants per year. But the strongest reason to move the deadline is that it is in our best interests for homeland security.

This bill will allow visa-waiver countries to implement the most effective biometric technology to deter terrorists from entering the United States. Although the United States is not requires by law to meet the same standards, today we are still a ways off from implementing biometric features in our passports. Passage of this bill will encourage our allies in the war on terror to continue in their cooperation with us and our security efforts both at home and abroad. In conjunction with extending the deadline, the US VISIT entry-exit system will apply to all visa-waiver country entrants. Under US VISIT, these foreign visitors will undergo the same security measures, including fingerprinting, which other visitors must meet.

A couple of weeks ago I held a hearing in my Immigration and Border Security Subcommittee on the topic of border security. Several Senators asked questions concerning the biometric deadline, and Department of Homeland Security Assistant Secretary Stewart Verdery made the case. Secretary Verdery said: "We have gone to Congress and asked for this extension, and we believe that within 2 years those countries will be able to meet the deadline. The technology will be more mature. It will make sense to have it in place at that time. . . . If we force people to rapidly try to meet the deadline, we are going to get inferior technology that is going to be much more difficult for us to make useful at the ports of entry."

Since September 11, the administration has taken significant and effective steps to strengthen our homeland security. The entry-exit system, US VISIT, is up-and-running and now collecting information on aliens traveling to the U.S. through air and sea ports. The Department of Homeland Security has the SEVIS foreign student tracking system in place and doing its job.

The President has created the Terrorist Screening Center to improve information-sharing and coordinate our efforts. The extension of the biometric deadline is another step in the right direction as we fight the war on terror.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator CHAMBLISS and the other cosponsors on this important bipartisan bill to prevent serious problems for both border security and our travel and tourism industries.

These provisions, called the Visa Waiver Program Compliance Amendments of 2004, will extend for 2 additional years the October 26 deadline in current law for countries participating in the Visa Waiver Program to begin issuing biometric passports.

It has become increasingly clear in recent months that this extension is essential. Strengthening the security of the Nation's borders is a critical part of the ongoing effort to prevent future terrorist attacks. A key part of meeting our security needs is the use of technology to screen out potential terrorists. We enacted specific legislation 2 years ago to authorize the development and implementation of biometric identification methods for visas and other immigration documents, in order to produce better screening of foreign nationals traveling to the United States, and provide front-line agencies with better intelligence for their decisions on applications for admission.

Good technology is essential in fulfilling this mission. So are hiring additional personnel, retaining experienced workers, providing adequate training, and developing effective ways to facilitate coordination and information-sharing among Federal agencies. These measures all enhance our security and create protections against potential terrorist attacks.

If we do not extend the biometric passport requirement for countries in the Visa Waiver Program, we will lose the real value of that particular protection. The current deadline has turned out to be impractical, because it forces countries to meet it, even if they are not ready to do so. The biometric passport process has been plagued with legitimate problems of global interoperability, privacy, chip durability, and production and procurement delays. The deadline was not realistic even from the start, and it is now clear that countries are unable to meet it.

As an official from the Department of Homeland Security testified at a recent Judiciary Committee hearing, "If we force people to rapidly try to meet the deadline, we are going to get inferior technology that is going to be much more difficult for us to make useful at the ports of entry."

If we do that, our borders won't be safe. Inferior technology was not what was intended when Congress passed the Border Security Act.

In addition to the danger to border security, the current deadline will have a harsh economic impact. If countries miss the deadline, all their tourists and business travelers will have to obtain visas. The State Department estimates that over 5 million visas will need to be issued in the first year. Department officials believe that even with additional staffing for granting visas, they could process only about 10 percent of the additional workload.

The resulting delays in granting visas would obviously prevent large numbers of legitimate travelers from coming to the United States and produce chaos in the Visa Waiver Program. The Department of Commerce estimates that "the elimination of the program would cost the United States economy $28 billion in tourism-related exports over the next five years, result in a loss of 475,000 jobs, and completely erode the travel-trade surplus."

We all agree that we need to screen out terrorists, but we need to do so in ways that will not increase our border security problems instead of solving them. I urge my colleagues to support this needed legislation. It is not a setback for the war on terrorism to wage it more realistically.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 341—TO URGE THE RESOLUTION OF CLAIMS RELATED TO THE CONFISCATION OF CERTAIN PROPERTY BY THE GOVERNMENT OF ITALY

Mr. REID (for himself and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 341

Whereas the Government of the Italian Republic confiscated the property of Mr. Pier Talenti, a citizen of the United States, and has failed to compensate Mr. Talenti for that property;

Whereas the Government of Italy has an obligation under the Treaty of Friendship, Commerce and Navigation, signed at Rome February 2, 1948 (63 Stat. 2255) between the United States and the Italian Republic to provide compensation to Mr. Talenti for the confiscated property;

Whereas the failure of the Government of Italy to compensate Mr. Talenti runs counter to such Government's treaty obligations and to accepted international standards;

Whereas section 1611 of H.R. 1757, 105th Congress, as passed by the Senate on June 17, 1997, expressed the sense of Congress that the "Italian Republic must honor its Treaty obligations with regard to the confiscated property of Mr. Pier Talenti by negotiating a prompt resolution of Mr. Talenti's case, and that the Department of State should continue to press the Italian government to resolve Mr. Talenti's claim.";

Whereas the Government of Italy has not responded to Diplomatic Note 674 issued in 1996, urging such Government to negotiate a settlement with Mr. Talenti; and

Whereas Mr. Talenti has exhausted all legal remedies available to him under the Italian judicial system and has not received "just and effective compensation" for the confiscated property from the Government of Italy as required under the Treaty of Friendship, Commerce and Navigation: Now, therefore, be it

Resolved, It is the sense of the Senate that—

(1) the Government of Italy should—

(A) fulfill the requirements of the Treaty of Friendship, Commerce and Navigation signed at Rome February 2, 1948 (63 Stat. 2255) between the United States and the Italian Republic with respect to the property of Mr. Pier Talenti that was confiscated by such Government; and

(B) make reasonable efforts to effect a prompt resolution of Mr. Talenti's claims under such Treaty; and

(2) the Secretary of State should—

(A) continue to press the Government of Italy to resolve Mr. Talenti's claims; and

(B) take any further measures, including all appropriate diplomatic initiatives, that the Secretary determines could assist Mr. Talenti in receiving such compensation from the Government of Italy.

SENATE RESOLUTION 342—DESIGNATING APRIL 30, 2004, AS "DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS", AND FOR OTHER PURPOSES

Mr. HATCH (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 342

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2004, as "Día de los Niños: Celebrating Young Americans"; and

(2) requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including—

(A) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) activities that are positive and uplifting and that help children express their hopes and dreams;

(C) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) activities that provide opportunities for families within a community to get acquainted; and

(F) activities that provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

Mr. HATCH. Mr. President, it is with great pleasure that I rise to submit a resolution designating the 30th day of April 2004 as Día de los Niños: Celebrating Young Americans.

Nations throughout the world, especially within Latin America, celebrate Día de los Niños on the 30th of April, in recognition and celebration of their country's future—their children. Many Americans Hispanic families continue the tradition of honoring their children on this special day by celebrating Día de los Niños in their homes.

We have no greater resource than our children and the designation of a day to honor them will help affirm their importance to the future of our country. This special recognition of children will also affirm to the people of the United States the significance of family, education, and community.

This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and states across the Nation to observe the day with appropriate ceremonies and activities.

I urge you to join me in supporting America's youth by supporting this resolution designating April 30, 2004 Día de los Niños: Celebrating Young Americans.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 21, 2004, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on S. 344, a bill expressing the policy of the United States regarding the United States' Relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; and S. 1721, a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to be followed immediately by a hearing on S. 297, the Federal Acknowledgement Process Reform Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, April 27, 2004, at 2:30 PM in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1064, to establish a commission to commemorate the sesquicentennial of the American Civil War, and for other purposes; S. 1092, to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; S. 1748, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; S. 2046, to authorize the exchange of certain land in Everglades National Park; S. 2052, to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; and S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 20, 2004, at 9:30 a.m., in open session to receive testimony on U.S. policy and military operations in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 20, 2004, at 2:30 p.m., to conduct a hearing on "Examination of the Current Condition of the Banking and Credit Union Industries."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 20, 2004, at 9:30 a.m., to hold a hearing on Iraq Transition: Civil War or Civil Society (1).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 20, 2004, at 2:30 p.m., to hold a Subcommittee on International Economic Policy, Export and Trade Promotion hearing on NAFTA: A Ten Year Perspective and Implications for the Future.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 20, 2004, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Tuesday, April 20, 2004, at 2:30 p.m., for a hearing entitled, "Oversight Hearing on Expensing Stock Options: Supporting and Strengthening the Independence of the Financial Accounting Standards Board."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Government Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet on Tuesday, April 20, 2004, at 9:30 a.m., for a hearing entitled, "Pirates of the 21st Century: The Curse of the Black Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR THE DISTRIBUTION OF JUDGMENT FUNDS TO THE COWLITZ INDIAN TRIBE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2489, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2489) to provide for the distribution of judgment funds to the Cowlitz Indian tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2489) was read the third time and passed.

DESIGNATING THE ORVILLE WRIGHT FEDERAL BUILDING AND THE WILBUR WRIGHT FEDERAL BUILDING IN WASHINGTON, DC

TRANSFERRING FEDERAL LANDS BETWEEN THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF THE INTERIOR

Mr. CRAPO. Mr. President, I ask unanimous consent that the EPW Committee be discharged from further consideration of H.R. 3118 and S. 1814, en bloc, and the Senate move to the consideration of these two bills, en bloc.

Mr. REID. Mr. President, reserving the right to object, I am going to let these matters go forward, but I have spoken personally with the chairman of the EPW Committee, which has jurisdiction over these matters. I have told him I am going to be very direct in my opposing anything that comes out of the committee until we get something resolved regarding a nomination of Gregg Jaczko, which has been sent here from the White House. As I said, I am going to let this go. This is fair warning to my distinguished chairman and friend, Senator INHOFE. I am not going to let anything else move, period, until we get a hearing date set on Gregg Jaczko. Here is a man who is a distinguished scholar in physics; he worked in the Senate; he is a Democrat, and we are entitled to have a Democrat on the Nuclear Regulatory Commission. It has been sent here by the White House. That doesn't happen very often.

I don't want this to be held up in committee. If it is, everything will be held up in committee. With that, I have no objection.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (H.R. 3118) to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

A bill (S. 1814) to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3118) was read the third time and passed.

The bill (S. 1814) was read the third time and passed, as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—The purposes of this Act are—

(1) to transfer administrative jurisdiction of certain Federal lands in Missouri from the Secretary of the Interior to the Secretary of Agriculture for continued Federal operation of the Mingo Job Corps Civilian Conservation Center; and

(2) to not change the Secretary of Labor's role or authority regarding this Job Corps Center.

(b) DEFINITIONS.—For the purposes of this Act—

(1) "Center" means the Mingo Job Corps Civilian Conservation Center in Stoddard County, Missouri, referenced in section 2(a) of this Act;

(2) "eligible employee" means a person who, as of the date of enactment of this Act, is a full-time, part-time, or intermittent annual or per hour permanent Federal Government employee of the Fish and Wildlife Service at the Mingo Job Corps Civilian Conservation Center, including the two fully funded Washington Office Job Corps support staff;

(3) "Environmental Authorities" mean all applicable Federal, State and local laws (including regulations) and requirements related to protection of human health, natural resources, or the environment, including but not limited to: the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.); the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.); the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.); the Clean Air Act (42 U.S.C. 7401, et seq.); the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.); the Toxic Substances Control Act (15 U.S.C. 2601, et seq.); the Safe Drinking Water Act (42 U.S.C. 300f, et seq.); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.);

(4) "U.S. Fish and Wildlife Service" means the United States Fish and Wildlife Service as referenced at title 16, United States Code, section 742b(b);

(5) "Forest Service" means the Department of Agriculture Forest Service as established by the Secretary of Agriculture pursuant to the authority of title 16, United States Code, section 551;

(6) "Job Corps" means the national Job Corps program established within the Department of Labor, as set forth in the Workforce Investment Act of 1998, Public Law No. 105–220, §§141–161, 112 Stat. 1006–1021 (1998) (codified at 29 U.S.C. 2881–2901);

(7) "National Forest System" means that term as defined at title 16, United States Code, section 1609(a); and

(8) "National Wildlife Refuge System" means that term as defined at title 16, United States Code, section 668dd.

SEC. 2. TRANSFER OF ADMINISTRATION.

(a) TRANSFER OF CENTER.—Administrative jurisdiction over the Mingo Job Corps Civilian Conservation Center, comprising approximately 87 acres in Stoddard County, Missouri, as generally depicted on a map entitled "Mingo National Wildlife Refuge", dated September 17, 2002, to be precisely identified in accordance with subsection (c) of this section, is hereby transferred, without consideration, from the Secretary of the Interior to the Secretary of Agriculture.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) The map referenced in this section shall be on file and available for public inspection in the Office of the Chief, Forest Service, Washington, DC, and in the office of the Chief of Realty, U.S. Fish and Wildlife Service, Arlington, Virginia.

(2) Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall file a legal description and map of all of the lands comprising the Center and being transferred by section 2(a) of this Act with the Committee on Resources of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate, and such description and map shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may make typographical corrections as necessary.

(c) APPLICABLE LAWS.—

(1) Subject to section 3, the Center transferred pursuant to subsection (a) shall be administered by the Secretary of Agriculture and shall be subject to the laws and regulations applicable to the National Forest System.

(2) This transfer shall not conflict or interfere with any laws and regulations applicable to Job Corps.

SEC. 3. IMPLEMENTATION OF TRANSFER.

(a) REVERSION REQUIREMENT.—

(1) In the event that the Center is no longer used or administered for Job Corps purposes, as concurred to by the Secretary of Labor, the Secretary of Agriculture shall so notify the Secretary of the Interior, and the Secretary of the Interior shall have 180 days from the date of such notice to exercise discretion to reassume jurisdiction over such lands.

(2) The reversionary provisions of subsection (a) shall be effected, without further action by the Congress, through a Letter of Transfer executed by the Chief, Forest Service, and the Director, United States Fish and Wildlife Service, and with notice thereof published in the Federal Register within 60 days of the date of the Letter of Transfer.

(b) AUTHORIZATIONS.—

(1) IN GENERAL.—A permit or other authorization granted by the U.S. Fish and Wildlife Service on the Center that is in effect on the date of enactment of this Act will continue with the concurrence of the Forest Service.

(2) REISSUANCE.—A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Forest Service.

(3) EXERCISE OF RIGHTS.—The Forest Service may exercise any of the rights of the U.S. Fish and Wildlife Service contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

(c) CONTRACTS.—

(1) EXISTING CONTRACTS.—The Forest Service is authorized to undertake all rights and obligations of the U.S. Fish and Wildlife Service under contracts entered into by the U.S. Fish and Wildlife Service on the Center that is in effect on the date of enactment of this Act.

(2) NOTICE OF NOVATION.—The Forest Service shall promptly notify all contractors that it is assuming the obligations of the U.S. Fish and Wildlife Service under such contracts.

(3) DISPUTES.—Any contract disputes under the Contracts Disputes Act (41 U.S.C. 601, et

seq.) regarding the administration of the Center and arising prior to the date of enactment of this Act shall be the responsibility of the U.S. Fish and Wildlife Service.

(d) Memorandum of Agreement.—

(1) In general.—The Chief, Forest Service, and the Director, U.S. Fish and Wildlife Service, are authorized to enter into a memorandum of agreement concerning implementation of this Act, including procedures for—

(A) the orderly transfer of employees of the U.S. Fish and Wildlife Service to the Forest Service;

(B) the transfer of property, fixtures, and facilities;

(C) the transfer of records;

(D) the maintenance and use of roads and trails; and

(E) other transfer issues.

(e) Agreements With the Secretary of Labor.—In the operation of the Center, the Forest Service will undertake the rights and obligations of the U.S. Fish and Wildlife Service with respect to existing agreements with the Secretary of Labor pursuant to Public Law 105–220 (29 U.S.C. 2887, et seq.), and the Forest Service will be the responsible agency for any subsequent agreements or amendments to existing agreements.

(f) Records.—

(1) Area management records.—The Forest Service shall have access to all records of the U.S. Fish and Wildlife Service pertaining to the management of the Center.

(2) Personnel records.—The personnel records of eligible employees transferred pursuant to this Act, including the Official Personnel Folder, Employee Performance File, and other related files, shall be transferred to the Forest Service.

(3) Land title records.—The U.S. Fish and Wildlife Service shall provide to the Forest Service records pertaining to land titles, surveys, and other records pertaining to transferred real property and facilities.

(g) Transfer of Personal Property.—

(1) In general.—All federally owned personal property present at the Center is hereby transferred without consideration to the jurisdiction of the Forest Service, except that with regard to personal property acquired by the Fish and Wildlife Service using funds provided by the Department of Labor under the Job Corps program, the Forest Service shall dispose of any such property in accordance with the procedures stated in section 7(e) of the 1989 Interagency Agreement for Administration of Job Corps Civilian Conservation Center Program, as amended, between the Department of Labor and the Department of the Interior.

(2) Inventory.—Not later than 60 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service with an inventory of all property and facilities at the Center.

(3) Property included.—Property under this subsection includes, but is not limited to, buildings, office furniture and supplies, computers, office equipment, vehicles, tools, equipment, maintenance supplies, and publications.

(4) Exclusion of property.—At the request of the authorized representative of the U.S. Fish and Wildlife Service, the Forest Service may exclude movable property from transfer based on a showing by the U.S. Fish and Wildlife Service that the property is needed for the mission of the U.S. Fish and Wildlife Service, cannot be replaced in a cost-effective manner, and is not needed for management of the Center.

SEC. 4. COMPLIANCE WITH ENVIRONMENTAL AUTHORITIES.

(a) Documentation of Existing Conditions.—

(1) In general.—Within 60 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, all reasonably ascertainable documentation and information that exists on the environmental condition of the land comprising the Center.

(2) Additional documentation.—The U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with any additional documentation and information regarding the environmental condition of the Center as such documentation and information becomes available.

(b) Actions Required.—

(1) Assessment.—Within 120 days after the date of enactment of this Act, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, an assessment, consistent with ASTM Standard E1527, indicating what action, if any, is required on the Center under any Environmental Authorities.

(2) Memorandum of agreement.—If the findings of the environmental assessment indicate that action is required under applicable Environmental Authorities with respect to any portion of the Center, the Forest Service and the U.S. Fish and Wildlife Service shall enter into a memorandum of agreement that—

(A) provides for the performance by the U.S. Fish and Wildlife Service of the required actions identified in the environmental assessment; and

(B) includes a schedule for the timely completion of the required actions to be taken as agreed to by U.S. Fish and Wildlife Service and Forest Service.

(c) Documentation of Actions.—After a mutually agreeable amount of time following completion of the environmental assessment, but not exceeding 180 days from such completion, the U.S. Fish and Wildlife Service shall provide the Forest Service and the Office of Job Corps, Employment and Training Administration, Department of Labor, with documentation demonstrating that all actions required under applicable Environmental Authorities have been taken that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on the Center.

(d) Continuation of Responsibilities and Liabilities.—

(1) In general.—The transfer of the Center and the requirements of this section shall not in any way affect the responsibilities and liabilities of the U.S. Fish and Wildlife Service at the Center under any applicable Environmental Authorities.

(2) Access.—At all times after the date of enactment of this Act, the U.S. Fish and Wildlife Service and its agents shall be accorded any access to the Center that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) No liability.—The Forest Service shall not be liable under any applicable Environmental Authorities for matters that are related directly or indirectly to activities of the U.S. Fish and Wildlife Service or the Department of Labor on the Center occurring on or before the date of enactment of this Act, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at or related to the Center; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with applicable Environmental Authorities at or related to the Center or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Center, including contamination resulting from migration.

(4) No effect on responsibilities or liabilities.—Except as provided in paragraph (3), nothing in this title affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under applicable Environmental Authorities with respect to the Forest Service after the date of enactment of this Act.

(e) Other Federal Agencies.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Center resulting in the violation of an environmental authority shall be responsible for all costs associated with corrective actions and subsequent remediation.

SEC. 5. PERSONNEL.

(a) In General.—

(1) Employment.—Notwithstanding section 3503 of title 5, United States Code, the Forest Service will accept the transfer of eligible employees at their current pay and grade levels to administer the Center as of the date of enactment of this Act.

(b) Transfer-Appointment in the Forest Service.—Eligible employees will transfer, without a break in Federal service and without competition, from the Department of the Interior, U.S. Fish and Wildlife Service, to the Department of Agriculture, Forest Service, upon an agreed date by both agencies.

(c) Employee Benefit Transition.—Employees of the U.S. Fish and Wildlife Service who transfer to the Forest Service—

(1) shall retain all benefits and/or eligibility for benefits of Federal employment without interruption in coverage or reduction in coverage, including those pertaining to any retirement, Thrift Savings Plan (TSP), Federal Employee Health Benefit (FEHB), Federal Employee Group Life Insurance (FEGLI), leave, or other employee benefits;

(2) shall retain their existing status with respect to the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS);

(3) shall be entitled to carry over any leave time accumulated during their Federal Government employment;

(4) shall retain their existing level of competitive employment status and tenure; and

(5) shall retain their existing GM, GS, or WG grade level and pay.

SEC. 6. IMPLEMENTATION COSTS AND APPROPRIATIONS.

(a) The U.S. Fish and Wildlife Service and the Forest Service will cover their own costs in implementing this Act.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

CONVEYANCE TO FRESNO COUNTY, CALIFORNIA, OF THE EXISTING FEDERAL COURTHOUSE IN THAT COUNTY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 408, H.R. 1274.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1274) to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1274) was read the third time and passed.

ORDERS FOR WEDNESDAY, APRIL 21, 2004

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, April 21. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then begin a period for morning business for up to 60 minutes, with the majority leader or his designee in control of the first 30 minutes, and the Democratic leader or his designee in control of the final 30 minutes; provided that following morning business, the Senate resume consideration of the motion to proceed to S. 2290, the asbestos bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAPO. Mr. President, tomorrow, following morning business, the Senate will resume debate on the motion to proceed to the asbestos bill. The majority leader is hoping to find a way to begin consideration of the asbestos litigation. However, the cloture vote on the motion to proceed to the bill will occur Thursday, unless an agreement is reached during the interim.

Also, as a reminder, the Senate will conduct a cloture vote on the motion to proceed to the victims' rights amendment this week as well. Again, the majority leader has been working on an agreement to begin consideration of the victims' rights amendment. However, this procedural vote will be necessary unless that consent is granted.

ORDER FOR ADJOURNMENT

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN.

Mr. REID. Senator DURBIN will speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. DURBIN. Mr. President, I come to the floor this evening to address the pending issue of asbestos reform legislation. It is a very serious and complicated issue. I look forward to speaking for a few moments about what I consider to be the history of this issue and the way we should respond to it.

Before doing so, I am compelled to address the previous speaker, my colleague and friend from the State of Texas, Senator CORNYN, who, within the last hour or so, spoke on this floor about the PATRIOT Act. The reason why this is an issue of great importance to many of us is that it is a law which all but one Senator voted for, and it is a law which many of us, on both sides of the aisle, Democrat and Republican, believe has some serious weaknesses and flaws that need to be remedied.

In response, I have introduced a bill called the SAFE Act with Senator LARRY CRAIG of Idaho. Senator CRAIG and I are about as far apart on the political spectrum as humanly possible. Yet we have come together with the understanding that whether you are conservative or progressive liberal—whatever your label may be—we all value our constitutional rights in America.

Senator CRAIG and I looked closely at the PATRIOT Act and think that there are three or four specific areas that need to be addressed.

However, President Bush wants to keep the PATRIOT Act as it is, making it permanent law, and change some provisions to give the Government even more power and further reduce judicial oversight. He has chosen to make this one of the bedrocks of his campaign for reelection. My friend from Texas, Senator CORNYN, and the President have made an issue over differences that they have with Senator JOHN KERRY on this issue.

I call the attention of the President and his supporters to the fact that the SAFE Act, which we brought to the floor, enjoys bipartisan sponsorship. In fact, when we had the press conference announcing the changes we proposed for the PATRIOT Act, we were joined by some of the most liberal and the most conservative organizations in Washington.

Rarely do they come together. But on the issue of civil rights and constitutional rights, we finally find common ground. Yet the President sees it differently, and Senator CORNYN as well.

A little history is worth noting at this moment. We all remember September 11, 2001, and what happened, the fear we had that another attack might be imminent, and because of the belief that the Government needed additional tools and weapons to fight terrorism, there was a bipartisan effort between Congress and the White House to write a bill giving our Government more authority and more power to deal with terrorism, changes in the law which were long overdue to deal with modern technology and the scope of the terrorist threat.

The bill was debated on a bipartisan basis and passed the Senate and the House with overwhelming numbers of support. We understood as well that September 11, 2001, was a unique moment in American history and that our response was not only to the terrible tragedy of September 11 but also to many of the fears which were welling in the breasts of every American family. Because of our concern that this fear and emotion may have taken us too far in the PATRIOT Act, we put in an insurance policy. We said, after a period of time, after a few years, we are going to come back and look at many elements of this law. We are not going to make it permanent forever. We will come back after a few years and decide whether we went too far.

In the heat of the moment with the fear of September 11, did we give the Government more power than was necessary to protect us? Did we endanger or in any way lessen our constitutional protections more than necessary? So this review provision, this sunset clause, was just basically common sense.

The President has chosen this as one of his areas of attack, and his argument yesterday was, why do we need to review this law? Is the threat of terrorism gone now?

I think the President does not understand why this sunset provision was put in the law. I am certain we will decide that the majority of the elements of the PATRIOT Act are still necessary, but that does not mean that every word in that act should be treated like the Ten Commandments. We need to take that act and honestly ask whether it was done in the heat of the moment, whether too much authority was given to the Government, and whether we have infringed basic liberties and rights which we are here to protect.

The President and Senator CORNYN seem to argue that it is the burden of the citizens of America to come forward and explain why their rights should not be taken away by the Government. I think they are both totally wrong. It is the burden of the Government to announce and rationalize why any individual rights of American citizens should ever be taken away. These God-given rights, as we refer to them in the Declaration of Independence and the Constitution, are basically ours by virtue of our human existence. For any government to take them away, there must be a compelling reason.

The PATRIOT Act gets to the issue of privacy and freedom versus security and government control. We recognized in the PATRIOT Act the need for the government to monitor the new powers carefully. The 4-year sunset provision will force Congress and the administration to honestly look at the PATRIOT Act and see if we have gone too far.

Some provisions expire at the end of 2005. None of them expire at the end of this year. So there is no need to reconsider the PATRIOT Act this year. This has a lot more to do with an election in November than the act itself. If nothing is done by Congress, the Government will continue to have all of its authority under the PATRIOT Act through this year and into next year.

We wanted to keep the review of the PATRIOT Act out of election year politics, and that is why the sunset was 2005. Sadly, the Bush administration and their supporters in Congress want to put the PATRIOT Act on the 50-yard line, right in the middle of this titanic gridiron battle between the two political parties for the Presidency. That is unfortunate. The issues of security for America—stopping terrorism—should not be politicized this year. I hope they will not be, but sadly that is what is happening.

Think of this for a moment: The President and the White House threatened to veto the reform bill which Senator CRAIG and I have introduced, the bipartisan SAFE Act, even before it was heard in committee, even before there was an attempt to amend it, even before there was a vote in either the Senate or the House. It is rare, if not unprecedented, for the President and White House to threaten a veto on a bill so soon after it has been introduced. It shows me that the President is raising this bill to such a high profile in an effort to make it a central part of a political campaign, rather than focusing on protecting America.

During the course of his campaign, Senator KERRY said that in his first 100 days as President he wants to end the era of John Ashcroft. JOHN KERRY has promised to strengthen terrorism laws that work, strengthen money laundering laws to end funds for terrorists, improve information gathering and protect the basic rights and liberties of all of our citizens.

Senator KERRY and I support the SAFE Act, this bipartisan effort to reform the PATRIOT Act. Here are several of the most important provisions: It will protect innocent people from Government snooping by eliminating John Doe roving wiretaps, which do not identify the person or place being tapped. It requires warrants for roving wiretaps to identify either the target of the wiretap or the places to be tapped. So we say to the Government, if they are going to intercept my conversations at unspecified locations, they must say to the court that they are going after this particular person. They cannot have a wiretap that might sweep up the conversations of my family, my business, my church, whatever it happens to be, without specifically saying to the court, this is the person that we want to wiretap, or this is the phone, this is the place that we want to wiretap. That specificity has always been part of the law. To get away from John Doe roving wiretaps, which allow the Government to just swoop in and collect information and then take a look at it to see if there is anything there of concern, goes way beyond the authority needed to protect America.

This SAFE Act will also impose limits on the Government's ability to carry out what are called sneak-and-peek searches by requiring that immediate notice of a search be given unless the notice would endanger a person's life or physical safety, or result in flight from prosecution or the destruction of evidence.

We have seen on television and in the movies and perhaps in real life the knock on the door and someone has a warrant in their hand, issued by a judge, which says, we have a warrant to search the premises and we are coming in. This is very common. But when it comes to these sneak-and-peek warrants, the search can be undertaken on anyone's premises without immediate notification if that notice would jeopardize an investigation or delay a trial. This could apply in almost every case. We say that immediate notification has to be given of a search unless there is a compelling reason not to—a person's life or physical safety is in danger or there is a risk of flight from prosecution or evidence being destroyed.

Third, it protects libraries and bookstores from Government fishing expeditions, but still allows the FBI to follow up on legitimate leads. This is an issue that really touched a lot of people. To think that because I use the Springfield public library or the library in the City of Chicago that somehow the books that I check out are going to be examined by the FBI to see if I am a suspicious person even though there is no specific reason to look at me goes way too far.

None of the changes we suggest will interfere with law enforcement and intelligence officials preventing terrorism. We retain all of the powers of the PATRIOT Act, but we restore safeguards that are indispensable to democracy and civil liberties. These safeguards are a continuing source of our country's strength. They are not luxuries or inconveniences to be dumped in time of crisis.

I am afraid the administration wants just the opposite. The President wants even broader powers than the PATRIOT Act now allows. Yesterday he called for a new law to let Federal agents obtain private records and conduct secret interrogations without the approval of a judge or even a Federal prosecutor. This goes way beyond anything that we have ever seen in terms of trying to make America safe. It really infringes on our basic rights. We all agree that law enforcement needs the tools to protect us, but President Bush cannot point to a single terrorism investigation in which officials had any problem obtaining the court orders they needed. Yet he is asking for expanded authority that would undermine civil liberties and judicial review. Frankly, our current laws are adequate to the task. We need to bring terrorism under control but not at the expense of our basic rights as citizens.

THE ASBESTOS BILL

Mr. DURBIN. The bill pending before us is known as the Hatch-Frist asbestos bill. Asbestos is a common material that those of us my age remember throughout our lives. It has been used in building materials, tiles, insulation, coverings for pipes, and so many different uses. We used to view it as that fireproof material that was safe and, frankly, protected us. Over the years, we came to learn that it was much different. It turns out that asbestos is an insidious threat to public health. It is insidious, in that there is virtually no safe level of exposure. It is insidious in that it is a random killer. We know of workers who have been in the asbestos industry their entire lives and never once showed any problem—no illness, no symptom, nothing. We know in the same circumstances that many of these workers find that their wives have come down with serious asbestos-related diseases, even though their wives never set foot in their workplace. Puzzled by this, we started looking into it and found that even though the worker might not have been susceptible to asbestos-related diseases, his wife, who merely laundered his clothes, picked up enough dust in that process to end up infected, diseased, and destined to die. That is how it is such a random killer.

We also know, despite all of the compelling evidence about the danger of asbestos, that we continue to import massive amounts of asbestos each year in the United States. While we sit here and argue about how the companies responsible for asbestos-related disease and death should be held liable, when we talk about how victims should recover, the simple reality is that asbestos is alive and well and still to be found across America. New victims of asbestos are being created every single day by companies that know the risk and are willing to endanger their customers and employees for profit.

I don't have a lot of sympathy for those companies. They know the danger and they continue to use asbestos in some forms in a dangerous manner.

It is regrettable that the bill before us today did not go through committee. It is regrettable this bill was not debated. This is an extremely important issue. Twenty years ago, I was a brand new Congressman and I was invited to fly to Colorado right outside Denver to visit the national headquarters of Johns Manville Corporation. I didn't know why they wanted me out there 20 years ago, but they asked me to come out so I did fly out. I went to this beautiful headquarters, located outside of Denver in a magnificent building, and they told me they were having a problem with asbestos-related lawsuits.

At that time, in August of 1982, Johns Manville was preparing to file for bankruptcy protection because of the lawsuits being filed against it. At that time, if anyone suggested that 20 years later, in 2004, there would be over 70 companies facing bankruptcy, such as Johns Manville, including some of the Nation's largest manufacturers, people would have said that would be impossible. Certainly these companies still would not be sued like Johns Manville and they still wouldn't be selling asbestos products in America in 2004, would they?

The simple answer is yes. Those products continue to be sold. The people who were victims of those diseases continue to be discovered.

If anyone during the 1970s and 1980s had suggested that by the 21st century, the number of legal claims being filed for asbestos injury would have been rising instead of falling, those predictions would have been ignored. Yet, those predictions have all come true. Let me show you a chart to give you an idea of the incidence of asbestos-related disease in America. This is for 2002.

If you look at asbestos-related deaths here, you will find some 10,000 deaths. As I said, the number of deaths related to asbestos is on the rise in America. So there are only three other areas of death here that are larger in numbers: AIDS, of course, some 20,000 victims, almost twice as many; alcoholic liver disease, some 12,000 victims; firearm deaths, right around 12,000; and then asbestos. Then look at all of the other causes of death that claim fewer victims than asbestos: skin cancer, hepatitis, asthma, drowning, fires, Hodgkin's disease, and tuberculosis.

This is a serious public health problem in America. Asbestos is an ongoing environmental and health issue.

To better understand the true cost of asbestos, we need to recognize both sides of the litigation, not only companies facing bankruptcy but victims facing disease, debilitation, and death. From my experience talking with people, it seems most Americans were under the impression that asbestos has been banned.

I will tell you a story about that and let you know that didn't happen, at least it didn't happen on a permanent basis. Asbestos is still in buildings, schools, homes, offices, and workplaces—in automobiles. It is in and around 200,000 miles of drinking water pipes that have been underground for 40 years and are now deteriorating. Sadly, very few of these items are being regulated by the Government. Why? Because there has been a systematic and long-term failure by the Government of this country when it comes to reining in asbestos use.

Senator PATTY MURRAY from the State of Washington has a bill to which we need to agree. It is a bill which will virtually ban, permanently, asbestos and asbestos products in America with few notable exceptions—where it is contained and can't be dangerous. Let me tell you the history leading up to S. 1115, the Patty Murray bill, which is so important.

In July of 1989, the EPA announced the manufacture and sale of most asbestos products would be banned. The decision came after 10 years of research and $10 million in spending. The EPA's ban was premised on authority granted to it by the Toxic Substances Control Act, and it was intended to stop the export of asbestos from America as well. The ban was instituted in three stages: a ban on roofing and flooring felt, tile, and clothing made from asbestos by 1990; brake linings, transmission components, and the like; and a ban on the use of asbestos in pipes, shingles, brake blocks, paper, and the like.

As predicted, a lawsuit was filed by asbestos companies and industrial organizations to challenge the EPA ban. The companies argued the ban was just too costly for industry and that alternatives to the use of asbestos were neither safe nor effective.

The EPA defended the proposed ban. However, it lost in the Fifth Circuit U.S. Court of Appeals. They said the EPA failed to demonstrate "substantial evidence" to justify the ban. Specifically the circuit court found the Agency's administrative record failed to show the ban was the "least burdensome alternative" for dealing with the unreasonable risk posed by asbestos. The circuit court did acknowledge that asbestos was a potential cause of cancer at all levels of exposure—underline all levels of exposure. There is no safe level of exposure to asbestos. If you think, just because you have a ironing board cover at home that gets hit by the iron as you are ironing your clothes, only a tiny bit of asbestos dust is floating around your house, be prepared to accept the obvious. It is dangerous at any level of exposure.

President Bush's father and his administration in 1991 would not appeal this decision by the Fifth Circuit, so since then, the EPA, unfortunately, has made no further effort to ban asbestos, and it is doubtful this administration in the closing months of this year will do so.

For those who are watching this debate, following it, I recommend a book that opened my eyes to the deep and sad history of the use and ongoing danger of asbestos. The book is called "Fatal Deception: The Untold Story of Asbestos." The author's name is Michael Bowker. He talks about the hazards of asbestos discovered in the mining town of Libby, MT. You ought to read these stories about what happened to the unsuspecting miners and their families who worked for W.R. Grace and other companies, dealing with asbestos in Libby, MT.

He gives a detailed explanation of the dangers of the product, not just for the workers, as I said earlier, but also for their families. This book, and another called "The Asbestos Tragedy" by Paul Brodeur, are significant because they reveal the deep, dark, dangerous secrets of asbestos mining and manufacture.

Let me share a few examples. By the early 1930s, asbestos workers had developed asbestosis and were bringing lawsuits against Johns Manville—the 1930s, more than 70 years ago. The largest asbestos manufacturer—again, Johns Manville—and Raybestos-Manhattan of Connecticut, the second largest asbestos company, faced lawsuits. As a result, the two firms, together with other leading asbestos manufacturers, initiated a systematic coverup of the dangers of asbestos that continued for more than 40 years.

In 1933, Lewis Herold Brown, the president of Johns Manville, advised the company's board of directors that 11 pending lawsuits brought by employees who developed asbestosis while working at the company's plant in Manville, NJ, could be settled out of court, provided the attorney for the injured employees could be persuaded not to bring any more cases. That is 1933. The first asbestos lawsuits were being filed, the first notice being given to American business that they were dealing with a dangerous, toxic, lethal product.

In 1935, Sumner Simpson, the president of Raybestos-Manhattan wrote a letter to Vandiver Brown, of Johns Manville, telling him:

> I think the less said about asbestos the better off we are.

Brown, in a followup letter, replied:

> I quite agree with you that our interests are best served by having asbestosis receive the minimum of publicity.

Is that corporate misconduct? Is that the kind of irresponsible conduct we would countenance today or even make excuses for? Or do it?

In 1936, Brown and Simpson, together with officials of other companies, arranged to finance animal laboratories at the Trudeau Foundation's Saranac Laboratory in New York. The studies showed significant numbers of animals developed asbestosis after being allowed to inhale it. These results were suppressed, made secret for more than 40 years.

The case goes on and on. Some of the things that were said during the course of events are nothing short of incredible. There is one in particular that is worth noting. On September 12, 1966, more than 30 years after the discovery of asbestos danger to factory workers and people exposed to it, E.A. Martin, the director of purchasing for Bendix Corporation, wrote to an executive at Johns Manville. This letter was disclosed in the course of a lawsuit from the director of purchasing for Bendix Corporation writing to Johns Manville about asbestos.

He says:

> So that you'll know that asbestos is not the only contaminant a second article from OP&D Reporter assesses a share of the blame on trees.

Then he closed:

> My answer to the problem is: If you have enjoyed a good life while working with asbestos products why not die from it. There's got to be some cause.

What an attitude when it comes to the workers and the consumers of asbestos products.

When we debate this issue with appropriate sympathy for the economic plight of many companies that are far removed from those I quote, understand we came to this moment in our history with the epidemic of asbestos-related disease and death because of clear and convincing corporate misconduct for 50 years. Businesses that knew better endangered and imperiled their workers and consumers with this product to make money. And the cavalier, if not demonic response, from people like E.A. Martin is proof positive of that worst example of conduct.

During the last Congress, in September 2002, Senator LEAHY held the first hearing on the state of asbestos injury litigation. We considered what we could do. Senator HATCH has held a couple of hearings since then and moved the ball further along. We heard testimony from expert witnesses on both sides, a lot of different stakeholders being present. There is probably no issue in Washington that has received more attention from both sides.

Last spring, Senator HATCH introduced a bill as a starting point for negotiation. I was skeptical of the bill but told him I was willing to work with him and others in good faith to try to find a way to deal with the increasing number of asbestos-related lawsuits. I generally support the concept of a no-fault trust fund. If we can reach that moment in time where there is an adequate amount of money in a trust fund, where workers and others who have been exposed to asbestos can step forward, make their medical claim, and then receive compensation without lengthy litigation and expensive attorney's fees, this is a good result and a fine and positive thing.

I am sorry to report the bill before the Senate does not reach that level. I agree with many Illinois company representatives who have come to see me that they need certainty about their exposure to liability in the future. We can provide it as long as we have a bill that is fundamentally fair.

I also agree with the victims of asbestos injury and their widows, whom I have met, we need to come up with a quick and easy process to issue these payments. We have an opportunity now to do it.

Leading up to last summer, I thought we were going to reach that point. But there were several things about Senator HATCH's original bill that we found out were problematic. The Hatch bill was designed to provide certainty to parties who, collectively, was only going to have pay into a trust fund about $90 billion. It did not provide certainty to the victims, only certainty to the companies in terms of their liability. Certainly, $90 billion is a lot of money, but when you look at the real cost we may face for asbestos-related claims in the future, it may not be nearly enough. We may need twice as much.

The committee finally increased the value of the trust fund in the Hatch bill to $153 billion. It is interesting that after we reported that bill, the insurance industry, one of the major players in supplying the money for the trust fund because of their ultimate liability, announced they would not support it because it cost too much. We have been hung up on this issue of how much to put in the trust fund.

There is also a question about what happens if we guess wrong. What if the trust fund does not have enough money? What if there are too many victims? What happens to those victims if the trust fund runs out of money? DON NICKLES, a Republican from Oklahoma, fears from his point of view the Government will be asked to step in and replenish the trust fund with unlimited liability in the future. He is so skeptical of the amount of the trust fund in the bill pending before the Senate he announced he will oppose it. He does not think it will be enough for payouts and taxpayers in the future might be left holding the bag rather than the companies and insurance companies that are today responsible. That is a valid point to raise.

Claims values are another element. What is it worth? What if you have the worst possible asbestos-related disease, known as mesothelioma, which is a form of lung cancer which is ultimately fatal? What is it worth for you in terms of its value if you are an innocent victim of this mesothelioma? I will show some photos in a few moments of the victims. You will understand they are people, many of whom had no idea that exposure to asbestos was dangerous. What do you do if you were exposed to this asbestos and are in a situation where you end up with the disease or face a fatal situation at a later point? How much is it worth?

The question before the Senate on mesothelioma was whether $1 million is adequate. I can state the current litigation and current awards that are given in lawsuits are significantly larger, even after considering attorneys' fees. That $1 million might be a good value to a family if it did not take an attorney and years in court to reach that number, but we have to at least be honest that some of the valuations in the pending bill are not adequate.

This bill, since markup in the committee, has disappeared and reappeared, with Senator FRIST and Senator HATCH working together. This was an arrangement, a compromise among the principals on the Republican side which did not involve any Democrats, to my knowledge, and did not involve any of those who were critical of the original bill. It was brought on a take-it-or-leave-it basis—again, with no hearing on the new bill.

The new bill, sponsors claim, will provide up to $124 billion, $57.5 billion from defendant companies, $46 billion from insurance companies, unspecified sums from existing trust funds. There is a concern as to whether that is enough money, as I mentioned earlier. This bill, though it is claimed to be the FAIR Act, may not be fair when it comes to victims and the recovery.

I am concerned with some of the statements made in the Senate. My friend, Senator HATCH of Utah, said in the Senate when he introduced the bill April 7th:

> Some say—I think somewhat cynically—many of our colleagues on the other side are not going to vote for this bill because no amount of money is going to make them satisfied because two of their major constituencies are against the bill, and have been, so far, against any bill.

Senator HATCH went on to say:

> Some have said they are afraid the personal injury bar will not put up at least $50

million for JOHN KERRY in this election if they vote for the bill. Others are saying without that money, they might not be able to elect JOHN KERRY President. I think that is a pretty cynical approach, of course.

Let me say to my friend, Senator HATCH, that is an element of this debate which should have been left outside of the record. I don't think it is good to question the motives of either side of the aisle. We see this very contentious issue from a different perspective. But to suggest we are being driven by campaign contributions, I hope, is plain wrong. In my case, it is wrong and I don't believe we should raise that as part of the specter of this debate.

Let me say before I go into the victims' stories, we have an opportunity to do some good and to pass a bill creating an asbestos trust fund, but we need to adequately fund it. We need to also make certain pending settlements and awards are not extinguished by this new trust fund. We need to make sure the level of compensation for victims is adequate. We can do it. But we need to work on a bipartisan basis to achieve it.

Let me show a few of the victims that tell the story. This is John Rackow of Lake Zurich, IL. He grew up in Chicago, IL, and eventually moved to the suburbs. He is a businessman, married, with three kids. He worked for a lot of different companies and was involved in property development. He was athletic, very active. He started noticing shortness of breath. An avid golfer, his game was off. He went to the doctor and his doctor discovered he had mesothelioma, the worst form of asbestos-related lung cancer.

He did not want to believe the result. He went to a lot of different doctors for treatment and relief of the pain. But, unfortunately, he became so weak he was ultimately hospitalized. He became weaker by the day and passed away at the age of 64.

This gentleman shown in this picture is also from my home State of Illinois, former policeman Donald Borzych, of Tinley Park. He grew up in Chicago, IL. He attended parochial schools in the city and studied for the priesthood. Donald eventually chose to become a Chicago police officer.

While in school, he worked with various construction companies. You will find that a recurrent theme. Donald was handy with home and auto repairs.

After retiring, he and his wife enjoyed traveling and spending time with friends. Donald found himself tired and short of breath. He went to a doctor and was diagnosed with malignant mesothelioma. He went through numerous treatments but with no positive results. He was accepted to an experimental program and lost his hair. He has been in treatment for over 2 years.

I met with several widows of the victims of asbestosis and mesothelioma. One of those who really brought the issue home to me was the widow of my former colleague, Bruce Vento. Bruce was a great guy. He was a Congressman from the Minneapolis-St. Paul area. I served with him for 14 years in the House of Representatives. I saw him in the gym every morning. He thought a lot about his health and physical condition. He always worked out and wanted to be in good shape.

Then he started to feel pretty poorly. He went to the doctor, and he said: You have asbestos-related disease. You have mesothelioma. It turned out Bruce contracted this disease even though he did not smoke because he was exposed to asbestos as a youngman when he worked for a company that installed asbestos products at job sites.

He eventually succumbed and died from this disease. It was a great loss to the State of Minnesota and to the U.S. House of Representatives. I think Bruce Vento was a wonderful person. His wife Susan is also a wonderful person. Susan has now taken up Bruce's cause and is arguing for fair compensation for victims.

Let me tell you about a couple of others who may surprise you if you did not know they were victims of mesothelioma, asbestos-related disease.

ADM Elmo Zumwalt, Jr., graduated from the Naval Academy in just 3 years, yet ranked seventh in his class. He was the youngest person to ever serve as Chief of Naval Operations in the United States of America. He commanded the U.S. Naval forces in Vietnam. He was the one who crusaded to help those who were involved in exposure to agent orange after the Vietnam war.

In 1999, doctors found a tumor in the admiral's left lung. He was diagnosed with mesothelioma, based on exposure to asbestos while serving in the U.S. Navy. He underwent a tracheotomy but only survived for just a few months.

Here is a rather famous actor from my generation, Steve McQueen. He died of mesothelioma. It turns out, as a young man he had been exposed to asbestos when he was working odd jobs in construction areas. And McQueen was one of these handsome, dashing heroes on the movie set who ultimately was reduced to a shell of a man by this crippling and debilitating disease.

I tell you this because I want you to understand in the course of the debate that it is not just the blue-collar workers who are the victims—and many of them are—but people who went on to high and lofty positions in life, whether they served in the U.S. Navy or became movie stars or went on to Congress, never knowing they were carrying within their lungs the seeds of their death, the asbestos-related fibers.

When we say we want to make certain that tomorrow's victims are going to be compensated, it is because we do not know how many time bombs are ticking in America today. I do not know if I have been exposed to asbestos. No one listening to this debate can possibly say whether they have been exposed to asbestos because it was so prevalent and was to be found in almost every place we turned.

So when we talk about having adequate funds in the trust fund for this to be a payout that is worthy of the disease and death that it has caused, I think it is not an unreasonable request.

Many say this debate this week and the vote is really just symbolic. Sadly, too many things around here have just become symbolism. There was no real genuine effort to hammer out a bipartisan agreement, no effort to compromise. We are being given this bill on a take-it-or-leave-it basis. Each of us will get up and say a few words about the bill. I obviously oppose it. But I sincerely hope, after it is defeated—I think it will be—we will sit down and talk about a trust fund that is fair to victims, a trust fund that is fair to companies. And I would implore those company representatives who come to see me, and their insurance companies, to come up with a dollar figure that is fair, that gives you some certainty about your future. That is what you tell me over and over is what you want. You want to know what your liability is going to be so you can plan for it. It is the uncertainty of the current system, you say, that makes it so difficult to stay in business. I want to work with you on that. I think a lot of the Members of the Senate do, on both sides of the aisle.

But bringing a bill with a take-it-or-leave-it number in it of less than $124 billion is not an answer.

Mr. President, I yield the floor. I want to personally thank you for staying. I did not realize you had a 7 o'clock appointment. I hope I can return the favor to you.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:25 p.m., adjourned until Wednesday, April 21, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate April 20, 2004:

THE JUDICIARY

VIRGINIA MARIA HERNANDEZ COVINGTON, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE RALPH W. NIMMONS, JR., DECEASED.

HOUSE OF REPRESENTATIVES—*Tuesday, April 20, 2004*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 20, 2004.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Under Your Divine Providence, this Nation was established and has been guided through the years. Through turmoil, strife, disasters, and even wars, You have brought Your people to renewed faith, greater strength, and a deeper longing for peace.

Be with us now. Protect our Armed Forces wherever they may be. Confirm their families in Your love. Guide and enable the Members of Congress today as they take up the Nation's business and seek to protect and defend its people.

Through suffering and death, bring forth new life and true freedom by Your almighty power, Lord God, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. BEREUTER) come forward and lead the House in the Pledge of Allegiance.

Mr. BEREUTER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 129. An act to provide for reform relating to Federal employment, and for other purposes.

S. 1108. An act to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

The message also announced that pursuant to Public Law 108–173, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Commission on Systemic Interoperability:

Frederick W. Slunecka, of South Dakota.

The message also announced that pursuant to Public Law 94–201, as amended by Public Law 105–275, the Chair, on behalf of President pro tempore, appoints the following individuals as members of the Board of Trustees of American Folklife Center of the Library of Congress:

Mickey Hart of California, and
Dennis Holub of South Dakota.

The message also announced that pursuant title VI, section 637 of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:

Steven K. Berry of Washington, DC.

The message also announced that pursuant to Public Law 108–199, the Chair, on behalf of the Democratic Leader, announces the appointment made during the adjournment of Douglas G. Ohmer of South Dakota to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program on April 14, 2004.

CONTINUITY OF GOVERNMENT

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, before I start my remarks, I was just moved by the prayer by the chaplain, and I hope everyone hearing our voice and through the miracle of television can pick that up on the Web site and read it once again because it is a prayer that the American people need to focus on and take to heart.

Mr. Speaker, by taking up the Continuity in Representation Act this week, the House will not only address a glaring deficiency in Federal law, it will also make an unequivocal statement about America's national resolve on the war on terror.

None of us in this Chamber or in this Nation wants to think of a scenario that would compel the Speaker to invoke this legislation, but such are the responsibilities of leadership in the post-9/11 world.

The bill will therefore put in place a process by which Congress can quickly reconstitute itself after a catastrophic event. If such an event occurs and an extreme number of resulting vacancies threaten the continuity of congressional activity, the Speaker may, under this legislation, order States to call special elections to fill those vacancies within 45 days.

By passing this legislation, we will guarantee the failure of any terrorist attempt to decapitate the legislative branch of the United States Government. But just as importantly, the vote this week will show our Nation and our enemies two things: our unity and our resolve. The Continuity in Representation Act has bipartisan support thanks to the long and tireless work of the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary. And despite our policy differences, everyone on both sides of the aisle can plainly see the need that this bill meets; and everyone has come to this issue, even in an election year, with sincerity and patriotism.

Many believe that bipartisanship disappears whenever the calendar year ends with an even number, but this issue and this bill disprove that cynical assumption.

The vote this week will also affirm once again our national commitment to victory in the war on terror. Our prosecution of this war must be relentless and comprehensive. On the battlefield we have to continue to take the war to the terrorists. And here at home we have to maintain a united front and advance every policy we can to support our troops and discourage our enemies.

So with this legislation that we pass this week, the House will send a very clear message to those enemies that no amount of violence that they hope to visit upon us will interrupt the continuity of our national service.

CYPRUS

(Mr. BEREUTER. asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, last summer this House overwhelmingly

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

adopted a resolution calling on the citizens of Cyprus to accept a U.N.-sponsored plan designed to end 29 years of separation and to unite the island. During the floor debate, this Member expressed the sincere hope that in 2004 we would be celebrating the first anniversary of a united Cyprus, not the 30th anniversary of a divided one.

Regrettably, this hope may not be realized. Although the U.N. plan is scheduled to be voted on in a referendum on April 24, the recent very disappointing decision by the president of Cyprus to recommend a "no" vote to Cypriots may have doomed the best chance to reunify that country in a very long time.

Turkish Cypriots today appear to be strongly in favor of the referendum, and Ankara has played a most positive role in moving the process forward. Both should be commended for their actions and resolve.

It is unfortunate that, in a reversal of positions, it may now be the Greek Cypriots who will block unification.

In Athens it is believed that both the current government and the opposition remain supportive of the U.N. plan. A strong public statement of support from Athens would be very helpful in this critical time.

Mr. Speaker, as chairman of the Subcommittee on Europe, this Member believes there is still a chance that Cyprus may enter the EU on May 1 as a united country. The U.S. has pledged $400 million to help implement the U.N. plan. To the Cypriots, I say do the right thing for their own sake.

HAPPY BIRTHDAY TO WILLIE VAUGHN

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, today marks the 100th birthday of my uncle who lives in St. Louis, Missouri; and I guess on May 1 hundreds of my relatives are going to converge on that city to pay tribute to him. So I simply rise to wish a happy birthday to "Uncle Dude," as we finally called him. His name is Willie Vaughn. But he has lived a long and productive life. His mind is great. He is still active. Happy birthday to Uncle Dude.

FIGHTING THE GLOBAL WAR ON TERROR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this month I served on a bipartisan delegation led by the gentleman from Michigan (Mr. ROGERS) and the gentleman from North Carolina (Mr. ETHERIDGE) to visit Iraq. But I found every stop in Qatar, Iraq, Jordan, and Hungary to be a crucial part of the global war on terror. I saw firsthand courageous coalition forces of dozens of nations working with determination to stop terrorism from destroying modern civilization.

As evidenced by another bombing in Madrid, while terrorist cells with truckloads of explosives were arrested in England and Jordan, this is truly a worldwide conflict, not solely in Iraq.

Despite the renewed violence, we found troop morale high. Incredibly, the South Carolina troops who walk the streets said 90 percent of the Iraqis were grateful for liberation.

September 11 confirmed we are in a global war we did not seek. We must confront the terrorists overseas where they train, or we will fight them in America at our homes. From Qatar to Iraq to Jordan to Hungary, competent and dedicated patriots are making a difference.

In conclusion, may God bless our troops, and we will never forget September 11.

A MESSAGE OF GRATITUDE FROM IRAQIS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that a picture is worth a thousand words. And yesterday this photograph was taken by a UPI photographer, remarkably, on the streets of Fallujah in Iraq. It depicts the gratitude of an ordinary Iraqi to a United States Marine who, along with many Marines and constituents of mine from Indiana, are patrolling the streets of that war-torn city at this very hour.

I bring this photograph because in the midst of the heartbreak of the loss of American soldiers over the past several weeks, some say this means that the Iraqi people do not want us there, that they fail to appreciate the sacrifices that we have made in the blood of our countrymen.

But, Mr. Speaker, that is not what I saw when I was in Iraq a month ago, in Basra and in Baghdad. The Iraqis with whom I met spoke with passion and emotion the same message depicted in this picture: a message of gratitude to the American soldier, gratitude to the American people, not only for ending the reign of Saddam Hussein but for staying the course and seeing them through to freedom. And as the President said, in the interest of these good people, these soldiers and this country will not waver.

A CALL FOR HEARINGS ON THE WAR IN IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, we now know the truth was the first casualty of the President's war in Iraq. Ironically, the truth was not shot down by a cruise missile but by the Commander in Chief.

Instead of openly telling Congress and the American people that he wanted to take out Saddam, the President secretly diverted $700 million from the war in Afghanistan to prepare for the invasion in Iraq without telling the Congress, $700 million meant to help find and deal with Osama bin Laden on behalf of the 9/11 victims, on behalf of America.

Another Republican in the White House the last time America faced this secrecy was Richard Nixon, whose legacy is a profound mistrust in government that lingers to this day.

Just as America did 3 decades ago, it is time to shine the bright light of an open and democratic society on what the administration did. I call on the Speaker and the Congress to hold hearings, just as America did during Watergate, to get to the truth, the whole truth, and nothing but the truth about the President's war in Iraq.

☐ 1415

WE HAD OSAMA BIN LADEN IN OUR SIGHTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the fall of the year 2000, a Predator drone captured Osama bin Laden on tape. At that time, the Predator could not be armed.

But the tape is revealing. It was relayed in real time to CIA headquarters, and the CIA was watching bin Laden as he moved, when he moved. The tape proves that the Clinton administration had bin Laden in its sights, as it did several times during its 8 years in office, but did nothing.

A former CIA station chief in Afghanistan said that the Clinton White House issued an ultimatum to the CIA, "Capture bin Laden, don't kill him." They wanted to arrest bin Laden and send him to court. Unfortunately, since then we have learned that you cannot fight terrorism by filing legal papers.

We cannot hesitate to act in defense of our national interests, even if that means acting alone or acting preemptively. We cannot wait for appropriate international committees to give us permission.

Our national security is far too important to be left to the whims of world opinion, and it is far too important to wait for legal papers to be filed.

CELEBRATING THE LIFE OF ALFRED MANSOUR OF LaGRANGE, GEORGIA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise this afternoon to celebrate the life of a great Georgia citizen. Alfred Mansour of LaGrange, Georgia, passed away April 17, 2004. He was a great example of how love for church, family and business can unify, strengthen and better an entire community.

Alfred Mansour was a man of family and faith who lived a life of service to his community. In the business world, Alfred Mansour was the first president of Mansour's, Incorporated, which included his family's business, Mansour's Department Store, a cornerstone of the LaGrange business community.

After serving his country during World War II, Mr. Mansour returned to LaGrange as a community leader, a loving husband, and a devoted father of five children. He was a member of the St. Peter's Catholic Church, where I have had the opportunity to worship with him and his wife Nini. He was a Member of the Knights of Columbus, a past president of LaGrange Lions Club, a founding member of the Chattahoochee Valley Art Association, a member of the LaGrange/Troup County Chamber of Commerce and a member of the Highland Country Club.

Friends and those who knew him described Alfred Mansour as a humble man of God and an astute businessman. Most importantly, those who loved him as a husband and a father, Nini and children Priscilla, Martha, Rita, Fred and Larry, knew him as a man of unremitting love and passion.

Indeed, Alfred Mansour will be so missed for his service to God, family and community.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. CULBERSON) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 5, 2004 at 1:50 p.m.:

That the Senate passed without amendment H. Con. Res. 404.

With best wishes, I am
Sincerely,
MARJORIE C. KELAHER
(For Jeff Trandahl, Clerk of the House).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2 (h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 8, 2004 at 3:50 p.m.:

That the Senate agreed to conference report H.R. 3108.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker Pro Tempore WOLF signed the following enrolled bill on Friday, April 9, 2004:

H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 14, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to (10 U.S.C. 111 note) I hereby appoint Mr. Keith Martin of Shavertown, Pennsylvania, to the Commission on the Review of the Overseas Military Facility Structure of the United States.

Best regards,
NANCY PELOSI.

COMMUNICATION FROM LEGISLATIVE DIRECTOR OF HON. J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Anthony Reed, Legislative Director of the Honorable J. DENNIS HASTERT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
ANTHONY REED,
Legislative Director.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule xx.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4037) to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

The Clerk read as follows:

H.R. 4037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY.

(a) DESIGNATION.—The facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, shall be known and designated as the "Richard G. Wilson Processing and Distribution Facility".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Richard G. Wilson Processing and Distribution Facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4037.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of H.R. 4037, which honors the life of Richard G. Wilson by naming this U.S. Postal Service processing and distribution facility in Cape Girardeau, Missouri, after him.

Private First Class Wilson was an Army corpsman who served with gallantry during the Korean War. He distinguished himself by aiding wounded soldiers in harm's way outside Opari, Korea, in October of 1950.

At the bottom of the valley near Opari, enemy forces engaged Private Wilson's company. As the U.S. forces suffered casualties, the unarmed Private Wilson charged into harsh combat to provide aid to his wounded company men, despite their protest. He treated several soldiers in the face of the merciless enemy attack.

The company was forced to retreat, and Private Wilson's whereabouts were initially unknown. Two days later, a U.S. patrol found him lying next to one of the troops that he had helped during the firefight. Wilson had been shot several times.

Private Wilson was posthumously awarded the Nation's highest military award for valor, the Congressional Medal of Honor, on June 21, 1951. The medal was presented to Wilson's widow Yvonna in a ceremony at the Pentagon that day.

Mr. Speaker, this postal facility designation, introduced by the gentlewoman from Missouri (Mrs. EMERSON), will memorialize Richard Wilson's bravery and selflessness in his hometown of Cape Girardeau, Missouri. I understand that members of his family still live in Cape Girardeau, and I certainly hope this exceedingly deserved honor for Richard Wilson will be meaningful to them.

Mr. Speaker, while heroes of today fight for freedom across the globe in places like Afghanistan and Iraq, it is always appropriate to recognize America's military heroes of yesterday. I strongly urge every Member of the House to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4037, legislation naming a postal facility in Cape Girardeau, Missouri, after Richard G. Wilson. This measure was introduced by the gentlewoman from Missouri (Mrs. EMERSON) on March 25, 2004, and unanimously reported by our committee on April 1, 2004. It enjoys the support and cosponsorship of the entire Missouri delegation.

Mr. Speaker, Richard G. Wilson, Private First Class, United States Army, was attached to Medical Company 1 of the 187th Airborne Infantry Regiment and served in the Korean War. According to military accounts, Pfc. Wilson distinguished himself by "conspicuous gallantry and intrepidity above and beyond the call of duty in action."

As a medic, he accompanied his unit in Opari, Korea, administering medical attention to his wounded comrades in the midst of fierce enemy fighting. After his unit was forced to withdraw from the area, Pfc. Wilson moved his wounded colleagues to safety and searched to make sure that no man was left behind.

After realizing that one soldier was missing, Pfc. Wilson returned to the area in search of his colleague. Pfc. Wilson was found 2 days later lying beside the man he had been searching for. For his bravery, courage and self-sacrifice for his comrades, he was posthumously awarded the Nation's highest award for valor, the Medal of Honor.

Mr. Speaker, I commend my colleagues for seeking to honor the legacy of Richard Wilson by naming a postal facility in his name in his hometown of Cape Girardeau, Missouri.

Mr. Speaker, I urge swift passage.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, first I would like very much to thank my colleagues from the Committee on Government Reform for so swiftly passing this very important bill out of the committee. I know that the family of Private First Class Wilson is very proud at this moment, and will be even prouder when we pass this bill later today.

I do have the honor, Mr. Speaker, to speak on behalf of this bill to honor a true American hero from the district I represented in southern Missouri.

H.R. 4037 would dedicate the Cape Girardeau Processing and Distribution Facility for mail to hometown and American hero Private First Class Richard G. Wilson. I know that my other colleagues who have spoken have mentioned some of the important things that Private First Class Wilson did, but I would like to mention them once again.

Private First Class Wilson joined thousands of courageous soldiers who fought in the Korean War when he enlisted in the United States Army and became part of Company 1, Medical Company, 187th Airborne Infantry Regiment.

As a U.S. Army medic in active combat during the Korean War at the age of 19, Private First Class Wilson accompanied his unit during a reconnaissance mission through Opari in Korea. When the troops were ambushed in a narrow valley, Pfc. Wilson administered aid to his wounded comrades. Even though his company commander ordered the unit to move out, Pfc. Wilson returned to the field of battle to rescue a soldier who was left for dead, but was attempting to crawl to safety. Private First Class Wilson was unarmed, but that did not deter him from his mission.

Two days later, Private First Class Wilson was found dead beside the man he gave his life trying to save. This is an example of the superb bravery that reflects Richard Wilson's character and so rightly earned him the Nation's highest military award, the Medal of Honor.

In 1951, the Medal of Honor was awarded to Richard G. Wilson's widow, Yvonna Wilson, at the Pentagon. Today she and hundreds of Cape Girardeau residents remember and honor Pfc. Wilson's bravery and commitment to our country. It is very appropriate his memory become a prominent part of our community.

Naming the postal facility after Pfc. Wilson will serve as a lasting testament of our gratitude to him for his brave example, just as we are proud of all men and women from southern Missouri and around the country who have served our country so honorably.

Richard Wilson exemplifies the valor of so many men and women who have served our Nation in uniform. This simple reminder of his brave actions will stand as a testament in Cape Girardeau that we respect his sacrifice, but it also will signal that we wish him to serve as an example for generations of Americans to come. With this designation we claim him for our own and honor his memory.

Our definition of the word "hero" has changed many times over the years. Private First Class Wilson, however, is a hero for any era.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to support H.R. 4037.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4037.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

GENERAL JOHN J. PERSHING POST OFFICE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3855) to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

The Clerk read as follows:

H.R. 3855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, shall be known and designated as the "General John J. Pershing Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the General John J. Pershing Post Office.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3855, which honors one of our Nation's greatest patriots and champions of freedom, General John Joseph Pershing. This legislation designates the U.S. Postal Service facility in Laclede, Missouri, as the General John J. Pershing Post Office.

John Joseph Pershing was born on September 13, 1860, in Linn County, Missouri. As a teenager, Pershing became a teacher at a school for African American children in Laclede. While later teaching at Prairie Mound, he entered and won a competitive examination for an appointment to the United States Military Academy at West Point, enrolling in 1882.

Pershing was only average in his studies at West Point, but he excelled in leadership roles and displayed extraordinary soldierly qualities. Pershing held the highest possible rank in the Cadet Battalion each year; and in 1886 he was elected president of his class, and he graduated as senior cadet captain, the highest honor at West Point.

Mr. Speaker, General Pershing worked his entire life to protect and preserve freedom. His nickname, Black Jack, dates from his service with the 10th Cavalry, a unit of the Buffalo Soldiers in Montana. It became a subtle accolade to both him and the Buffalo Soldiers he fought with and praised. Pershing took the nickname with pride as an honor to the soldiers that he fought with. He was concerned about the welfare of all soldiers, especially minorities; and as a result of his service in the 10th Cavalry, Pershing remained instrumental in coordinating minority organizations throughout his entire military career.

Mr. Speaker, General Pershing was a man who consistently praised his soldiers and understood their commitments to freedom and to this great Nation. Despite his numerous awards and honors, General Pershing was a man of humility.

He was promoted to brigadier general in 1906 over 862 senior officers. As a major general, Pershing was appointed commander of the American Expeditionary Forces following the U.S. declaration of war against Germany.

The Regular Army at that time consisted of only 25,000 men, and there was no reserve core as we know it today. General Pershing literally organized an army from scratch. And within a year and a half, the national Army consisted of approximately 2.5 million men, a result of recruiting and training programs initiated by Pershing. These same programs stood as a model for the mobilization training plan of World War II.

Following the Great War, General Pershing became chief of staff to the U.S. Army in 1921. Up until his death, he worked to ensure American forces were prepared in a changing global environment. He was truly ahead of his time as our Nation came to realize our importance on the global stage.

Mr. Speaker, General Pershing's service to this country in World War I was so phenomenal that the 66th Congress revived the rank called the General of the Armies of the United States. General Pershing was appointed to that office on September 3, 1919. He accepted the appointment on September 8 of that year and retired with that rank on his birthday in 1924.

General Pershing passed away on July 15, 1948, at Walter Reed Hospital in Washington D.C. He was a great American. He stands as an inspiration to all those who have served this great Nation in our Armed Forces.

Mr. Speaker, I commend the gentleman from Missouri for honoring General Pershing. This post office will stand as a testament to his dedication to freedom and as a permanent token of appreciation from a grateful Nation. I encourage all Members of the House to support H.R. 3855.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3855, legislation naming a postal facility in Laclede, Missouri, after General John J. "Blackjack" Pershing. This measure, which was introduced by the gentleman from Missouri (Mr. GRAVES) on February 26, 2004, and unanimously reported by our committee on March 4, 2004, enjoys the support and cosponsorship of the entire Missouri delegation.

John Pershing was born in a small town in Missouri in 1860. He graduated from West Point and served in the Spanish-American War, the Philippines Insurrection, the Mexican Expedition, and was the overall American commander in Europe during World War I.

Long on experience and recognized as a celebrated hero and soldier, the United States Congress honored John Pershing by creating a new title, General of the Armies. And following the war, he served as Army chief of staff.

General Pershing died in Washington D.C. at Walter Reed Army Medical Center. His funeral, held at the Memorial Amphitheater in Arlington National Cemetery, was attended by thousands of Americans as well as leaders of government and the military. He was buried according to his wishes, under a simple white grave stone in section 34 near the grave sites of his Doughboys from World War I.

Mr. Speaker, it is indeed a fitting honor to name the postal facility in Missouri after General Pershing, especially one who was so celebrated for his great courage, exceptional ability, and the ability to command troops from different races and backgrounds at a time unheard of.

I support this resolution and urge its swift passage.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I commend the gentleman from Missouri (Mr. GRAVES) and urge all Members to support the passage of H.R. 3855, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3855.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DOSAN AHN CHANG HO POST OFFICE

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1822) to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office".

The Clerk read as follows:

H.R. 1822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DOSAN AHN CHANG HO POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, shall be known and designated as the "Dosan Ahn Chang Ho Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Dosan Ahn Chang Ho Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I rise today in support of H.R. 1822. This post office designation introduced by the distinguished gentlewoman from California (Ms. WATSON), also a member of the committee, honors one of the earliest Korean American leaders of our Nation, Dosan Ahn Chang Ho. Each of the other 52 members of the California congressional delegation has also cosponsored the legislation, which I think in itself is worthy of mention.

Ahn Chang Ho emigrated to San Francisco from Korea in 1902. After Japan colonized Korea in 1910, Ahn Chang Ho traveled around the world to pull together financial and political opposition to Japan's imperial rule in Korea, and that lasted until the end of World War II. In addition to fighting for Korean freedom, Ahn Chang Ho worked hard here in the United States to establish schools, social organizations, and job-training programs for Korean Americans in California.

In 1932, the Japanese arrested Ahn Chang Ho in Shanghai, China, and accused him of a bombing incident in which he was not involved. He was taken to prison and ultimately died at a Korean hospital in 1938.

Mr. Speaker, Dosan Ahn Chang Ho was an extremely important political leader and educator and a humanitarian for people in the United States and Korea at the beginning of the 20th century. Therefore, I am pleased that the House is considering H.R. 1822. I commend the gentlewoman from California (Ms. WATSON) for her work.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 1822, legislation naming the postal facility in Los Angeles, California, after the honorable Dosan Ahn Chang Ho. This measure, which was introduced by the gentlewoman from California (Ms. WATSON) on April 11, 2003, was unanimously reported by our committee on April 1, 2004. It enjoys the support and cosponsorship of the entire California delegation.

Mr. Ahn was emigrated from Korea in 1902. He moved to San Francisco with his new wife. While en route to America, Mr. Ahn resolved to stand tall above the sea of turmoil existing at that time in Korea and to call himself Dosan, which means Island Mountain.

While living in San Francisco, Dosan organized and guided the Koreans living in the area to form the first Korean American community. Two years later, he moved with his family to Riverside, California, and again worked tirelessly to unite and organize Korean Americans. He established the first English school for Koreans and formed a cooperative association which later became the basis for the Korean National Association. Years later, Mr. Ahn served as president of that association.

Nine years later in 1913, Dosan Ahn Chang Ho moved to Los Angeles and again played a significant role in the growth of the Korean American community in that city. In Los Angeles, he founded the Hung Sa Dahn, the Young Korean Academy. Mr. Ahn is credited with helping to relieve the blighted living conditions of his fellow Korean Americans and became the spiritual leader of the Korean Independence Movement.

Except for a brief 2-year return to the United States, Mr. Ahn then went to Shanghai to establish the Korean provisional government. He was a devoted independence fighter in China until his death in 1938.

Mr. Speaker, I commend my friend and colleague, the gentlewoman from California (Ms. WATSON), for seeking to honor the spiritual and humanitarian legacy of Dosan. His efforts to assist, organize, and lift up the Korean community in California were noble indeed. Naming a postal facility in Los Angeles after this great man is recognition of all his work on behalf of Korean Americans, and all Koreans.

I urge the swift adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I urge all Members to support H.R. 1822, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 1822.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 91ST ANNUAL MEETING OF THE GARDEN CLUB OF AMERICA

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 97) recognizing the 91st annual meeting of the Garden Club of America.

The Clerk read as follows:

S. CON. RES. 97

Whereas The Garden Club of America is holding its 91st annual meeting in Washington, DC April 24 through 27, 2004;

Whereas The Garden Club of America has 195 member clubs in 40 States and the District of Columbia, representing more than 17,000 members;

Whereas since its founding in 1913, The Garden Club of America has become a recognized leader in the fields of horticulture, conservation, historic preservation, and civic improvement, and an influential organization in the protection of America's environment; and

Whereas in our Nation's Capital, The Garden Club of America was instrumental in the founding of the National Arboretum, the development of the Archives of American Gardens at the Smithsonian Institution, and the creation and installation of the Butterfly

Habitat Garden which now graces The National Mall at the National Museum of Natural History: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends The Garden Club of America for the many contributions it has made in our Nation's Capital and in communities across the United States, and sends its best wishes on the occasion of its 91st annual meeting in Washington, DC, April 24 through 27, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

□ 1445

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 97.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 97 recognizes the 91st annual meeting of the Garden Club of America. The resolution is timely because the Garden Club's annual meeting is here in Washington, D.C., this weekend from April 24 to 27.

So what is the Garden Club of America? The club is a national nonprofit organization that promotes gardening activities and restores, improves, and protects the quality of numerous aspects of the environment. The club has more than 17,000 members in 195 local chapters across the Nation.

We acknowledge the contributions of the Garden Club today because of their work to beautify so many of our Nation's communities.

Twelve local clubs here in the District of Columbia and nearby Maryland will host the annual national meeting this weekend. This year's meeting theme is "Capital Landscapes," and the distinguished honorary chair for the weekend is the First Lady of the United States, Laura Bush. It has been 20 years since Washington has hosted a national meeting, and so it is appropriate that we celebrate the Garden Club's return to our Nation's Capital.

I encourage all Members of the House to support Senate Concurrent Resolution 97.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the cold of winter warms to spring, and as trees bud and flowers bloom, we pause to appreciate the beauty of nature. And so it is appropriate on this perfect spring day in our Nation's Capital that we recognize the Garden Club of America for its outstanding work throughout the United States.

Founded in 1913, the Garden Club of America has worked to share with others a respect for nature and an appreciation for its beauty. Today there are 195 member clubs in 40 States that work towards this collective goal for the benefit of us all.

By spreading its message of conservation and civic improvement, the Garden Club of America has helped to develop our scenic landscape and thereby had a profound impact on our country. We need to look no further than our Nation's Capital to understand that positive impact. While Washington, D.C., is known for its political debate, it is cherished by residents and visitors alike for the lush gardens and parks that provide us with a respite from brick and concrete of the city. The Garden Club of America has been instrumental in the beautification of our Nation's Capital by helping to create the National Arboretum, the Archives of American Gardens at the Smithsonian, as well as the annual cherry blossom display which brings joy to the many people it draws from around the world.

When George Washington chose this land to be our Nation's Capital, it was little more than swampland. It is now a beautiful city in which all Americans can take pride.

I know that there are those who will probably even admonish the Congress for taking time out to acknowledge the work done by those who have actually worked to help make and keep America beautiful. And I guess the realization has to be that America would not be as beautiful as it is unless there were some helping to make it so.

For this and for all the hard work the Garden Club of America does, we say thank you to the Garden Club. I urge passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), a very good friend of the Garden Club, who also sponsored an identical piece of legislation, House Concurrent Resolution 368, here in the House.

Mr. PETRI. Mr. Speaker, I rise in support of Senate Concurrent Resolution 97 recognizing the Garden Club of America's 91st annual meeting this week here in Washington, D.C.

The Garden Club of America, founded in 1913, is a recognized national leader in the fields of horticulture, conservation, education, and civic improvement with 195 member clubs in 40 States and the District of Columbia.

Each year the Club holds its annual meeting in a different host city. This year 12 Garden Clubs in the District of Columbia and the State of Maryland are hosting the meeting, which occurs in Washington, D.C., only once every 20 years.

In our Nation's Capital, the Garden Club of America was instrumental in the founding of the National Arboretum, the development of the Archives of American Gardens at the Smithsonian Institution, and the creation and installation of the Butterfly Habitat Garden which now graces the Mall at the National Museum of Natural History.

I urge my colleagues to join me in supporting Senate Concurrent Resolution 97 to recognize the many contributions this organization has made in communities across our country and to send our best wishes on the occasion of the Garden Club of America's 91st annual meeting in Washington, D.C., April 24 through the 27.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend both the Senator from Maryland as well as the gentleman from Wisconsin (Mr. PETRI) for their work to recognize the Garden Club of America prior to their annual meeting this weekend. I urge the House to adopt Senate Concurrent Resolution 97.

Mr. HOLT. Mr. Speaker, I rise in support of S. Con. Res. 97 and in recognition of the Garden Club of America and its members in central New Jersey.

Since its inception in 1913, the Garden Club of America has evolved from simply focusing on good gardening practices to becoming a leading advocacy group for environmental protection and community involvement. The men and women of the Garden Club work intimately with the soil and plants and know the value of clear air, clean water, and uncontaminated earth.

I work with Garden Club members in New Jersey and here in Washington, DC. They come to Capitol Hill to inform members of Congress about necessary protections for our air and water and necessary funding for preserving open space. Their hands-on work, literally, plays an equally important role in preserving the land and water around us. Garden Club members disseminate information on good gardening practices and maintenance of healthy lawns or golf courses with a minimum of chemicals. They also organize community events around gardening and provide scholarships and fellowships for young people interested in studying related fields.

The Garden Club of America has gone to great lengths to demonstrate the joys of horticulture to all Americans. They were instrumental in the founding of the National Arboretum and the Archives of American Gardens at the Smithsonian Institution and have played a significant role in the founding and upkeep of numerous other major gardens around the country.

Now, more than ever, these activists are turning their energies on the major environmental issues of the day. They are together a force to be reckoned with.

I ask my colleagues to join me in supporting this resolution and continuing to encourage the work of Garden Club of America members in their districts.

Mrs. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 97.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 2 o'clock and 52 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 4037, by the yeas and nays;
H.R. 3855, by the yeas and nays;
H.R. 1822, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4037.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4037, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 41, as follows:

[Roll No. 118]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—41

Andrews
Bishop (UT)
Blunt
Buyer
Cantor
Cox
Davis (AL)
Davis (FL)
DeLay
Deutsch
Dooley (CA)
Doolittle
Dreier
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kingston
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Portman
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). There are 2 minutes remaining in this vote.

☐ 1855

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL JOHN J. PERSHING POST OFFICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3855.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3855, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 119]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—44

Andrews
Beauprez
Bishop (UT)
Blunt
Buyer
Cantor
Cole
Cox
Davis (AL)
Davis (FL)
DeLay
Deutsch
Dooley (CA)
Doolittle
Dreier
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kingston
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Nunes
Portman
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE HON. BILLY TAUZIN, MEMBER OF CONGRESS, THANKS MEMBERS FOR THEIR SUPPORT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I was with the Governor of Texas yesterday, and we called the gentleman from Louisiana (Mr. TAUZIN) at M.D. Anderson, and he asked that I rise tonight and thank Members on both sides of the aisle for your letters and prayers. He specifically asked me to thank all Members for the support that you have been providing him. He is doing well. He made a good recovery from his surgery. He is beginning his chemotherapy and radiation, and he asked that I extend his thanks to each and every Member.

DOSAN AHN CHANG HO POST OFFICE

The SPEAKER pro tempore (Mr. TERRY). The pending business is the question of suspending the rules and passing the bill, H.R. 1822.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 1822, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 120]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly

Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Baldwin
Bishop (UT)
Buyer
Collins
Davis (AL)
Davis (FL)
Deutsch
Dooley (CA)
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Granger
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Radanovich
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

□ 1925

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall votes No. 118, No. 119, and No. 120. Had I been present, I would have voted "yea" on all of these votes.

HOUR OF MEETING ON THURSDAY, APRIL 22, 2004

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 21, 2004, it adjourn to meet at 9 a.m. on Thursday, April 22, 2004, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Pennsylvania?

There was nc objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, APRIL 22, 2004, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, April 22, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ASSAULT WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, in 146 days assault weapons will be back on our streets. In 146 days drug lords, criminals, cop killers will be able to buy the gun of their choice. If this House is not allowed to bring up the renewal of assault weapons ban, in 146 days we will be going back 10 years in time.

We have proof that, since assault weapons have been off the streets, many lives have been saved.

Unfortunately, today is the fifth anniversary of the Columbine High School shooting. One of the weapons used in the shooting that day was the Tec-9. This weapon of war allowed two high school students to fire 55 rounds into students and teachers in a matter of minutes. Thirteen people were killed that day, 21 wounded.

The gun did what it was designed to do. It is an excellent product. It is a product that is out there to shoot rapidly, to kill as many people as possible in a short period of time. This gun did its job that day. In 146 days we are going to allow these guns back on the street.

These are the guns that we see being used over in Iraq, the same as an AK-47, the Uzis, the guns that were on our streets 10 years ago. And now we are going to go back and allow those guns back on the streets?

Where is the common sense? Gun owners across this country agree that these guns should not be allowed on the streets. Our police throughout this Nation have enough on their hands trying to find the terrorists that are supposedly in this country; and yet this administration, this House, will do nothing.

President Bush in 2000 said that he would sign a bill to renew the assault weapons if it came onto his desk. The President has been extremely effective. Every bill that has come through this House has landed on his desk. But that is because he worked it.

It is going to be up to the American people to start e-mailing their Congressmen, their Senators, the Speaker of the House, everyone, to allow this bill to come back on the floor for a vote.

Mother's Day in 2000, we had over 750,000 moms, dads, uncles, victims gathered down here in Washington to try to do something about gun violence in this country.

□ 1930

This Mother's Day, again, the million moms are coming down here to have their voices heard. We are going to be doing this all over the Nation. Again, the American people have the opportunity to make a difference, but you cannot just talk about it. You have to really get out there and say, enough is enough.

We should be having an assault on the assault weapons. The millions of dollars that are spent every single year on gun violence in this country could be used towards our schools. The billions of dollars that it costs this country on health care because of gun violence could be used towards our health care system.

One person can make a difference, but it is a lot easier when that one becomes two and three and then thousands. We can do this. Many of us here on the House floor will fight for you, but we have to outnumber the NRA. Believe me, the numbers are small.

They talk about 4 million NRA members. There are only actually 435,000 of them that have a grip on this House. Our nurses across the country, our doctors, if we only took the health care providers, we could make a difference.

I ask the American people for help. It is 146 days before the assault weapons go back on our streets. Is that what we want in our communities? Is that what we want for our children of this Nation? Is that the bloodshed we want to see in this country?

THE FREEDOM FLAT TAX ACT

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, during these last 2 weeks back home in my district, I had a lot of discussion about income tax, because, of course, April 15 fell during our recess this year. A lot of people are asking me, what has ever happened to the concept of fundamental tax reform in the House of Representatives? Why can we not as the American people create a system that promotes fairness and economic prosperity by treating everyone the same, regardless of income or occupation, and removing special preferences and disincentives for economic growth that characterize our current IRS Tax Code? They also ask, when will it be time to eliminate our current code's bias against savings and investment?

Currently interest rates are at historic lows. It is hard enough to convince people to put money in a savings account, because it doesn't pay very much, and, on top of that, you pay at the highest rate on the money you earn on that savings account, certainly a disincentive for savings. When savings are no longer taxed twice, I believe people will save and invest more, leading to higher productivity and greater take-home pay.

Mr. Speaker, a year ago, my third month in Congress, I introduced a bill, H.R. 1783, called The Freedom Flat Tax Act. The Freedom Flat Tax Act allows people to opt into a progrowth tax system that restores fairness, simplicity and efficiency to our current Tax Code. It replaces our current costly tax system with a single-rate system that, most importantly, only taxes income one time.

This flat tax could be phased in over a 3-year period, with a 19 percent rate for the first 2 years, with a 17 percent rate in subsequent years. There would be no deductions or loopholes. It will allow some personal exemptions, including $5,500 for each dependent.

The key is this flat tax was a little different from other flat taxes that have been introduced in this Congress. The most important difference is that this fundamental change in tax structure is actually within our reach. It is within our reach this year, if we were to choose to do it.

It is optional. If a family has constructed their savings or their life so that they do well under the IRS code, they are welcome to stay in the IRS code. But if they find that they would like simplicity and efficiency in their life, they are allowed the option to elect into a simple, fairer system; a simple, fairer, single-rate system. There would be no ability to move in between the two systems once the election has been made. It would be permanent.

Mr. Speaker, back in my district in Dallas, there is a financial columnist who writes an article for the Dallas Morning News named Scott Burns. He is certainly no great friend of the Republican Party. He has been critical of us on several occasions. But he wrote an article that dealt with home ownership and the home mortgage deduction, and you do get a lot of concern from people who say, gosh, I get my home mortgage deduction now, and I would hate to give that up.

But Mr. BURNS' study showed across the country, the amount that you are able to save off your income taxes varies greatly depending upon where you live. Around Dallas, Texas, the average homeowner's savings over 3 years' time is about $1,000. Down in San Antonio, Texas, it is even less. It is about $100. In Santa Barbara, California, it is $42,000, so clearly a resident of Santa Barbara, California, would probably like to stay in the current IRS code, but my constituents around Dallas should be given the option of a code that makes more sense for them.

It would be enormously easier to figure current tax bill under a single-rate system. Simply subtract and pay 17 percent of your wages after the personal exemptions.

Mr. Speaker, the time has come for us in this body to take the concept of fundamental fairness in the Tax Code to the next level. I know there are others on my side of the aisle who argue for a Federal retail sales tax. I can tell you there are parts of that that seem agreeable to me as well, but the reality is the implementation of that type of tax would be costly, and it would be disruptive in the economy.

Our current situation, people who fill out the 1040–EZ form spend 3½ hours to do their taxes; The regular form, they will spend 13½ hours doing their taxes. Billions of hours are spent complying with Tax Code forms instead of being with your family.

The current Tax Code is expensive. The average household pays $2,000 a year in compliance costs. For the year 2001 alone, Americans lost $183 billion in opportunity costs instead of working on money-producing activity for themselves or their families.

As I stated before, the current Tax Code punishes hard work and doubly punishes savings. We pay the government to take our hard-earned money off our hands just so they can punish us for job-creating behavior.

Mr. Speaker, the time is now, the power is within our grasp. I urge my colleagues to take a look at H.R. 1783, and let us see if we cannot make that a reality for the American people next year.

SAVE THE HUBBLE SPACE TELESCOPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I rise to deliver the thoughtful opinions about the Hubble Space Telescope from the fifth grade math class at Island Park Elementary School. All 25 students unanimously believe that the Hubble Space Telescope should be saved.

I recently visited Thelma Ritchie's class as a part of Hubble Awareness Day. It is a program I started to listen directly to the American people about the future of the Hubble Space Telescope. According to the Administrator of NASA, the Hubble has no future. Mr. O'Keefe may be the only person in America who actually believes that, but he certainly is one person who can kill the Hubble if he wants to.

Students at Island Park Elementary believe Hubble should have a future. So do I. So do millions of other students and scientists and ordinary people across America.

Thelma Ritchie's students recently spent the entire week working on Hubble-related activities. The day I was there, students were using Hubble images and math to learn how to accurately estimate the billions of stars visible without counting all of them.

The classroom fueled inspiration amid the wonder of scientific discovery. Hubble pictures were everywhere. You could see the excitement and wonder in the eyes of very young students. Some had crafted Hubble models. Others had drawings. Many of them were totally engaged in the pursuit of scientific discovery inspired by the Hubble Telescope.

Thelma's classroom, like every math and science classroom in America, is an incubator for future scientists, astronauts and astronomers, and one tool at their disposal will be lost if we do not act and save the Hubble.

Before I arrived, Ms. Ritchie had given her young scientists an assignment: Read the House Resolution that 47 colleagues and I have sponsored to save the Hubble and tell us what to do. Here is what the students said.

From Claire and Juliana: "Without the Hubble, space would be a half-solved code for us to crack."

Byron said: "In my opinion, NASA should go and fix the Hubble, since it has been giving tons of information."

Matt said: "I think NASA should keep Hubble up there," and Charlotte added, "because then younger kids can get more interested in science."

Shoshana offered this: "Advice for NASA would be pretty much to listen to the public and scientists and do what is best for us all."

Sidney said: "Not only does it give scientists answers, but it teaches kids way more about space."

Alyssa was even more direct: "I disagree with NASA and I think they should keep the Hubble."

NASA's Administrator claimed that safety is the reason for letting the Hubble die, that it would be too risky to send the space shuttle to service the Hubble, as it has in the past.

Let us be clear: Space flight is risky, and safety must be paramount. But it is hard to follow the Administrator's logic on safety at the same time the administration wants to go to Mars. I think Mr. O'Keefe is seeing red, partly over the criticism of Hubble, but mostly because the President wants to go to Mars. Personally, I wish he would, but that is a different discussion.

Hubble's mission is not over. Hundreds of millions of dollars in new Hubble equipment, some of it designed with the help of University of Washington astronomers, is built, paid for and ready for deployment. Tens of millions of dollars of equipment is already built.

Hubble's mission is not over. There are new worlds to discover, new images to take us even closer to the moment of creation and more children across America to inspire.

The Hubble Space Telescope has produced great advancements in science, yet Hubble's most important contribution may be its inspiration. It is the cheapest ad ever produced to encourage young children to become scientists. If anyone needs reassurance that America can compete globally in math and science, they should visit Thelma Ritchie's fifth grade class at the Island Park School. You know how to do math, and so do they. Here is their answer: Two plus two equals save the Hubble.

COMMISSIONER GORELICK MUST STEP DOWN FROM 9/11 COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today seeking answers to very tough questions. Like many Americans, I have been following the 9/11 Commission hearings with very keen interest. As an American, I want to know how the terrorists infiltrated our borders without detection, and, as a Congresswoman, I have a responsibility to implement policies that protect our country. I view this duty as one of my most urgent and most sacred obligations.

At the outset, let me be clear: I do not seek to blame anyone for 9/11, not anyone but the terrorists and their evil supporters. However, I do want to know what happened and what our government can do to make sure that attacks like those on 9/11 never happen again. Therefore, like millions of others, I am eagerly awaiting the report from the 9/11 Commission.

Unfortunately, and to my disappointment, during the hearings last week it became clear that Americans may not be able to get the complete and honest picture that we deserve. Let me explain what I mean.

Last week, under oath, Attorney General John Ashcroft introduced a recently declassified memo by Commissioner Jamie Gorelick regarding the now familiar wall separating the Federal agencies from intelligence agencies. For her part, Ms. Gorelick responded to these charges in an editorial in the Washington Post. However, many tough questions still remain. Ms. Gorelick highlighted why her testimony is so crucial, if not critical, to understanding why our government failed in detecting these attacks.

At the closing of her editorial, Ms. Gorelick says she made all relevant opinions and briefs available to the Commission. However, the Commission would not accept this reply from National Security Director Condoleezza Rice, and they most definitely should not accept this excuse from one of their own members.

Now, I am not in a position right now to judge the validity of these competing claims. Most of us are not in a position to say whether Attorney General Ashcroft is right or wrong. I do not know if, in fact, Ms. Gorelick's policies prevented us from catching the terrorists. I do not know if the current administration could have done more to tear down this wall. But I do know that we need to have, and Americans deserve, the full and complete answer to these questions.

Never mind that resolving the dispute between Attorney General Ashcroft and Commissioner Gorelick is the essence of this Commission's charge. Never mind that Condoleezza Rice was subject to intense criticism for refusing to testify under oath, which, by the way, she finally did. Never mind the fact that Dr. Kissinger was widely criticized and stepped down for far less of an appearance of conflict of interest than Ms. Gorelick has. Never mind that the Gorelick memo is the biggest news out of the hearings thus far. And, obviously, we must keep in mind the glaring self-interests of this Commissioner.

We believe that the Commission's charge is that all witnesses with essential information, particularly with the ability to clarify policies, must testify. Why is Ms. Gorelick above the standard? The American people, the victims' families and the Commission have a right to hear from Ms. Gorelick in public under oath.

□ 1945

Simple logic tells us that simply recusing herself from her activities will not suffice. Ms. Gorelick must step down.

She must submit her actions and the actions of her Justice Department to the same scrutiny that Dr. Rice and the current administration faces.

How can she claim impartial judgment on policies she so obviously disagrees with?

How can she comment on the failings of our intelligence and law enforcement communities if her policies actually influence those failings?

In short, how can she be on both sides of the witness table?

We created this commission to assess our weaknesses and to make recommendations. To that end, we need to continue the tough, honest questionings that have been the hallmark of these hearings. If Ms. Gorelick refuses to step aside and submit herself under oath to questioning, then the outcome of this commission must be looked at in an entirely different and very tainted light.

We would have to ask ourselves what we do not know from what now seems to be destined to be an incomplete record. Knowing what we know about Ms. Gorelick's policies, we must demand she answer for them if only to clear up the charges brought by Attorney General Ashcroft that her policies were to blame.

There are many questions to be answered. And obviously Ms. Gorelick must step down and testify under oath.

THE FAILED ECONOMIC POLICIES OF THIS ADMINISTRATION

The SPEAKER pro tempore (Mr. ROGERS of Alabama). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, prior to our recess, the House voted on a $2.3 trillion budget with a $521 billion deficit, showing that it is impossible to finance three wars with three tax cuts.

This budget, the budget by the President and Republican majority, repeats the same mistakes that have resulted in a jobless economy and a health care and wage recession with the lowest growth in wages in the period of economic growth in the last 30 years.

We have 2.5 million Americans that have lost their jobs in the last 3 years, 43 million Americans without health care, 2 million Americans who were once in the middle class and now in poverty, 1.6 percent job wage growth in the areas of salaries, and $1 trillion in corporate and individual foreclosures and bankruptcies. That is the economic record of this administration as embodied by the budget the President submitted.

During the 2000 Presidential election, President Bush declared that he was opposed to nation-building. Who knew it was America he was talking about when he said he was opposed to nation-building. This budget and the President's economic vision is really a tale of two budgets. We look at his vision for the United States, and we look at his vision for Iraq. We spent more than $100 billion in Iraq on the occupation, but without promising the same promise and same future here at home to the American people.

I am not opposed to rebuilding in Iraq, but I am opposed to making the investments at home while we are making the same investments in Iraq.

Let us take a look at it. Today we provide universal health care coverage in Iraq as one of our goals. 44 million Americans are without health insurance; 33 million Americans work full time with no health care.

There is universal job training in Iraq, and yet in the President's own budget we have cut back on the funds for job training. In health, 2,200 Iraqis health professionals and 8,000 volunteers are receiving free training. In America, health training funds in the President's budget were cut by 64 percent. 150 clinics and hospitals have been rebuilt to serve 3 million Iraqis, and yet in America community health care clinics are cut by 91 percent in the President's budget.

Under veterans, $60 million has been spent to train Iraqi veterans of past wars, but we are cutting veterans medical care here in the United States by $257 million.

In the area of education, we have built or rebuilt 2,300 schools in Iraq, but Leave No Child Behind is underfunded by $8 billion in the President's budget.

Iraqi universities are getting $20 million for higher ed partnerships; but in America, the Pell grant has been frozen for 3 years while the cost for education has gone up 10 percent.

The area of law enforcement, $500 million to train the Iraqi police, yet the COPS program in the United States under the President's budget was cut by $659 million.

In the area of public housing, $470 million is being spent for Iraqi public housing; yet here in the United States, $791 million is cut from section 8 vouchers.

In the environment, we are paying $3.6 billion for clean water and sewage systems in Iraq; and in America, under the President's budget, we cut $500 million from the clean water for safe drinking water here in the United States.

In the area of infrastructure, the port of Umm Qasar was completely rebuilt in Iraq, yet the Corps of Engineers budget under the President's budget was cut by 10 percent.

Roads, we spent $240 million on roads and bridges in Iraq. Here at home, the President has a veto threat on our highway and mass transit programs.

As President Bush seeks reelection, he can say he kept his commitment against nation-building. The problem is his opposition to nation-building is here at home. With this budget, the administration, the President is telling the American people that they have two priorities, two sets of values, two sets of books: one for the Iraqi people and one for the American people. And yet those are the wrong values.

The American people are the most generous people in the world. They are willing to commit to Iraq's future, one of a better tomorrow, but not at the expense that comes at the expense of America's tomorrow; not that comes at the expense of America's children.

America can no longer be so generous around the world if the future that we hold for the American people is less than the one we are promising in Iraq.

Mr. Speaker, the same values that we hold for Iraq we must pledge for all Americans.

THE PRESIDENT'S INATTENTION TO MANUFACTURING AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, a week ago this evening right around this time, President Bush held his third news conference in 3 years during prime time for the American people to examine his record and for them to watch the President answer for some of his policies, good and bad.

The President, if you recall watching that news conference, was asked by a reporter if he would outline what his largest mistake or one of his biggest mistakes was as President. And the President literally could not think of a mistake that he had made.

Well, tonight the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Massachusetts (Mr. TIERNEY), and I are going to help the President a little bit, not to make the President look bad, that is not really our mission, but to help the President help the Nation understand what some of those mistakes are by pointing them out, perhaps forcing the President to think a little more about them, because I do not think he has given a lot of thought to his mistakes and some of the wrong directions and wrong courses that he has taken the country and ultimately to learn from those mistakes and then to correct those mistakes.

I was speaking with the gentleman from Illinois (Mr. EMANUEL) a moment ago. He said when he was a child he was taught over and over, and probably everybody in this Chamber has been taught, that one of the first things you do is you learn from your mistakes. But obviously you need to recognize those mistakes.

This chart here tonight just gives an idea of some of the issues that the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Massachusetts (Mr. TIERNEY) and I and others this week will discuss about some of the President's mistakes with weapons of mass destruction, with Medicare, and veterans, tax cuts with small business, with manufacturing, with Head Start, the energy bill, flip-flopping on a whole host of issues, the environment, and many others that we will get to later.

But I want to talk tonight about the President's inattention to manufacturing and to the economy. And to me, I do not think there is a person watching when the President kind of stood back almost in shock and said I just cannot think of any mistakes. I just cannot think of any mistakes.

I think almost every American thought about our economy, how there are schools in decline, in part because of Federal inaction and Federal wrong action, about the environment, about the job situation, about their communities. And tonight I want to point out that the President's largest mistake on the economy may have been embodied in this economic report of the President, something that the President's chief economic advisor put out not too long ago signed by the President on page 4.

In this economic report, the President and his chief economic adviser kind of trumpet their success in the economy. They say we predicted 2.6 million jobs would be created this year, even though they have already lost 3 million jobs.

Then the President's chief economic adviser, and probably his largest mistake in showing how he really has not thought about this, the President's economic adviser trumpeted outsourcing, saying that outsourcing, our losing jobs to other countries, whether they are blue collar manufacturing jobs, they are steel and auto machine tools, chemicals, whatever, or whether they are white collar jobs, maybe phone operators, maybe computer programmers, maybe even radiologists as we have outsourced those jobs, the President's chief economic adviser said outsourcing is just a new way of doing international trade. More things are tradeable than were in the past, and that is a good thing.

Secretary Snow, the President's appointee as the Secretary of the Treasury, said outsourcing is part of trade. It is one aspect of trade, and there cannot be any doubt about the fact that trade makes the economy stronger.

It is hard for me to think that the American people when they hear George Bush say I cannot think of a mistake I made, that they do not think about the lost manufacturing jobs in this country.

My State of Ohio, we have lost 2,000 manufacturing jobs in my State every week. We have lost more than 200 jobs every single day in manufacturing in the Bush administration. One out of six manufacturing jobs in Ohio, not temporary layoffs, those jobs have gone to China, those jobs have gone to Mexico, those jobs have disappeared.

The President's answer, when he does reflect on his mistakes, when he does reflect on the economy, he has had two answers. He said we need to do more tax cuts for the most privileged, trickle down economics, hoping that will perhaps create some jobs in the country. It clearly has not. We have lost 3 million jobs in the United States. His other answer is outsourcing. His other answer is more trade agreements, more NAFTA-like trade agreements that ship jobs overseas, that hemorrhage jobs to China, that hemorrhage jobs to Mexico, that send our good-paying industrial jobs abroad.

And as we tonight, as the gentleman from Massachusetts (Mr. TIERNEY) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentlewoman from California (Ms. WOOLSEY) tomorrow night and many of us try to help the President through this, remind him of the mistakes that he has made, we also have an obligation to talk about what we should do. And what we should do with this economy, we can talk about these mistakes, but what we should do is we should first of all extend unemployment compensation, second we should pass the Crane-Rangel bill, which gives incentives for those corporations that actually produce manufacturing jobs in the United States instead of rewarding those companies that ship jobs overseas.

The President's mistakes can be fixed. We need to fix them by doing some of the things I just talked about.

PRESIDENT BUSH'S MISTAKES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, if and when the President has another prime time press conference, and if the President is asked again to consider the mistakes that he has made, I have a suggestion: he might mention the thousands of soldiers in Iraq who have and are now risking their lives without appropriate body armor and other lifesaving equipment.

We are finding out now that the President and his advisers and Cabinet were thinking about this war in Iraq for a very long time. And yet here is an AP story from March 26 of this year. It says soldiers headed for Iraq are still buying their own body armor. In many cases their families are buying it for them despite assurances from the military that the gear will be in hand before they are in harm's way.

Last October, last October, that is 8 months after the war started, it was reported that nearly one quarter of American troops serving in Iraq did not have ceramic-plated body armor which can stop bullets fired from assault rifles and shrapnel.

□ 2000

The military says the shortfall is over and soldiers who do not yet have the armor soon will.

"Nancy Durst," I am still quoting from the AP story, "recently learned that her husband, a soldier with an Army Reserve unit from Maine serving in Iraq, spent 4 months without body armor. She said she would have bought armor for her husband had vests not been cycled into his unit. Even if her husband now has body armor, Durst says she is angry he was without it at any time." Her husband also told her that reservists have not been given the same equipment as Active Duty soldiers. "They are so sick and tired of being treated as second-class soldiers," she said.

That is from the AP story. No wonder she is mad about it. This armor costs about $1,500. And I hope the President will support legislation that will reimburse the soldiers and families for this expense. Clearly this was a mistake. And so if asked about a mistake, the President could not only say that it was a mistake, but maybe he would like to support H.R. 3615. The gentleman from Connecticut (Mr. LARSON) has a bill that would reimburse the families for the expense of buying their own body armor.

According to the Enlisted Association of the National Guard, as of November 30, 2003, the Army National Guard lacked $11 billion of the $40 billion in military equipment and training it needed to go to war. Among the missing crucial equipment components were nearly 11,000 Humvees, 20,000 radios, 156,000 night vision goggles and 148 Black Hawk helicopters that are required to meet modernization requirements.

That seems to me to be a mistake. Our troops were not properly equipped. Currently we are told that every member of the National Guard is being provided with body armor once they are in Iraq, but many of the soldiers are not even given an opportunity to train with the modern equipment before deployment.

On November 2, 2003, an Illinois National Guard Chinook helicopter was downed. This helicopter was not equipped with the latest automatic antimissile blocking system. I met the aunt of one of the soldiers who went down in that Chinook, who died because of that accident. I think she would like to tell the President that was a mistake, the cost of life of her nephew.

We know that soldiers coming home on R and R were being asked to pay to get to their homes once they came to the United States. Now, that was a mistake. The President could say that that was fixed, but is he going to support legislation introduced by the gentleman from Minnesota (Mr. RAMSTAD) to reimburse the families for their travel?

How about the fact that soldiers, wounded soldiers in the hospital, were being charged every day for their food? Well, we have corrected that, thank goodness, but that is something that the President might think about as a mistake that was clearly made and affected our troops.

Now for the latest report that I heard of from my State of Illinois. This was on CBS local news today, I believe. The 333rd Military Police Unit in Freeport, which just had their tour in Iraq extended, may not be adequately supplied for battle. That is because everything they owned was shipped back home. The 333rd is presently sitting on the Kuwaiti border awaiting orders, but they have since surrendered their equipment such as radios and armored vehicles to the troops who replaced them. But now since the 333rd is going to remain in Iraq, they are without any supplies. Even their personal belongings were sent home, including spare uniforms, boots and toiletries. The soldiers only have what they are wearing and are being forced to purchase new uniforms and some equipment out of their own pockets. Military families have been receiving their soldiers' footlockers the past few days and are now frantically repacking boxes and sending all of this gear back at their own expense. This has angered families who did not believe the military thought this redeployment through.

Let me just say that the DOD has responded to these families, saying that they are looking into whether they will be reimbursed for sending equipment back.

A few mistakes. I will forward this to the President. Maybe he would like to use it at his next press conference.

UNHAPPY EARTH DAY FOR EPA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I rise to mention another mistake that President Bush has made: His mistake in forgetting that protecting our environment is a bipartisan effort that for 30 years has put people over polluters and public health over profits.

President Bush forgot that both Earth Day and the Environmental Protection Agency were born in 1970, created from the bipartisan resolve to clean up and protect our environment. As we prepare to mark Earth Day on April 22, the unhappy consequences of the President's mistakes are clear. The Bush administration is undermining EPA's years of hard-won achievements in carrying out and enforcing our Nation's bipartisan environmental laws.

EPA's mission is to protect human health and safeguard the natural environment, air, water and land. The Bush administration is retreating from EPA's mission and instead making politically driven decisions that benefit polluters at the expense of the American public. At a time when we should be strengthening our environmental protections, the Bush administration has taken steps to weaken our environmental protections and the enforcement of our existing environmental laws.

Rolling back bipartisan environmental protection is President Bush's mistake, but it is not an accident. There is a deliberate, systematic three-step plan from this administration.

Step one is to try to pass weak environmental legislation. Step two is to seek to weaken Agency regulations. And if all else fails, step three is to cut the enforcement budget to disable Agency compliance efforts.

A quick review of the administration's failures to clean up air pollution highlight the trends. EPA should be taking action to clean up mercury pollution from power plants, but the Bush administration has failed to take that action. Mercury pollution has poisoned the fish in millions of acres of our lakes and thousands of miles of our streams. And according to EPA scientists, approximately 630,000 infants are born in the United States each year with blood mercury levels at an unsafe level.

As required by the Clean Air Act in December of 2000, EPA determined that it was appropriate and necessary to regulate mercury emissions from power plants, the single largest source of mercury in the United States. But in December of 2003, when the Bush administration's EPA released its proposal for controlling mercury, it was shockingly inadequate. The Clean Air Act requires a much larger reduction in mercury pollution in much less time than the Bush EPA proposal.

Tellingly the Bush proposal is exactly what the power industry wanted. In fact, parts of the administration's mercury proposal were literally copied from memos prepared by industry lobbyists. Last month's Los Angeles Times article revealed that EPA staff were not told to perform studies on the costs and public health benefits of more stringent mercury reduction proposals, even though such studies were requested by the expert panel tasked with recommending an appropriate regulation. Also shocking is that the White House apparently made considerable changes to the EPA's mercury proposal before its release, minimizing the health risk of mercury exposure.

In addition, the Bush administration has failed to require power plants to install modern pollution controls. In August 2003, the Bush EPA finalized a rule that significantly weakens the Clean Air Act by allowing thousands of old power plants to make upgrades to their plants without installing pollution controls. If EPA's rule stands up to current legal challenges, these power plants and factories will be allowed to continue to pollute the air with no responsibility for the resulting damage to the American people. According to technical studies using EPA models, the result will be at least 4,300 premature deaths and at least 80,000 asthma attacks each year that could otherwise be prevented by simply requiring modern pollution controls.

EPA should be taking action to address global warming, but the Bush administration has refused to address this important issue. A report by the U.S. National Research Council commissioned by the Bush administration confirmed that greenhouse gases are increasing the temperatures of the Earth's air and oceans primarily caused by human activity. There is overwhelming evidence that greenhouse gases must be reduced in order to slow global warming, yet in March 2001, the Bush administration refused to take any responsibility for reducing global warming when it rejected the Kyoto Protocol.

The administration then announced last summer that EPA does not have the authority to regulate carbon dioxide and other greenhouse gases, reversing a Bush campaign promise and a legal opinion issued by the EPA general counsel under the Clinton administration. Rather than taking real action, the Bush administration's answer to air pollution has been to introduce the so-called Clear Skies Initiative, which environmental experts say would actually result in weaker standards for controlling pollution from power plants than existing laws being enforced.

The administration's failure to enforce environmental law extends beyond the Clean Air Act. The EPA's own research shows that polluters are egregiously violating the Clean Water Act. According to EPA data, 60 percent of large facilities across the country exceeded their Clean Water Act permit at least once between January of 2002 and June of 2003. Large facilities that exceed their permits are dumping on average six times more pollution into our waterways than they are allowed. In spite of these facts, EPA's enforcements of the Clean Water Act are declining.

Mr. Speaker, we must take action to clean up our air and water pollution and reduce greenhouse gas emissions. The EPA must be empowered and provided the resources to carry out its mission. And this is one mistake that the Bush administration must correct, if not for ourselves, but for future generations who deserve the opportunity to look back on Earth Day 2004 from the perspective of a cleaner and stronger environment.

Both Earth Day and the Environmental Protection Agency (EPA) were born in 1970, created from the need to clean up and protect our environment. While Earth Day draws public awareness, EPA is the federal agency ultimately responsible for the day-to-day protection of our environment. On this Earth Day, I think it fitting to examine the way the Bush Administration is undermining EPA's years of hard-won achievements in carrying out and enforcing our nation's bipartisan environmental laws.

EPA's mission is to, "protect human health and safeguard the natural environment-air, water, and land . . ." The Bush Administration is retreating from EPA's mission and instead making politically driven decisions that benefit polluters at the expense of the American public. At a time when we should be strengthening our environmental protections, the Bush Administration has taken steps to weaken our environmental protections and the enforcement of our existing environmental laws.

There seems to be a three-step plan from this Administration: try to pass weak environmental legislation, seek to weaken agency regulations and if all else fails, cut the enforcement budget to disable agency compliance efforts.

A quick review of the Administration's failure to clean up air pollution highlights the trend.

EPA should be taking action to clean up mercury pollution from power plants, but the Bush Administration has failed to do so. Mercury pollution has poisoned the fish in millions of acres of our lakes and thousands of miles of our streams. According to EPA scientists, approximately 630,000 infants are born in the United States each year with blood mercury levels at an unsafe level.

As required by the Clean Air Act, in December 2000, EPA determined that it was appropriate and necessary to regulate mercury emissions from power plants, the single largest source of mercury in the United States. In December 2003, when EPA released its proposal for controlling mercury, it was shockingly inadequate. The Clean Air Act requires a much larger reduction in mercury pollution, in much less time, than EPA's proposal.

Tellingly, this proposal is exactly what the power industry wanted. In fact, parts of the Administration's mercury proposal were literally copied from memos prepared by industry lobbyists. Last month's Los Angeles Times article revealed that EPA staff were told not to perform studies on the costs and public health benefits of more stringent mercury reduction proposals even though such studies were requested by the expert panel tasked with recommending an appropriate regulation. Also shocking is that the White House apparently made considerable changes to EPA's mercury proposal before its release, minimizing the health risks of mercury exposure.

In addition, the Bush Administration has failed to require power plants to install modern pollution controls. In August 2003, EPA finalized a rule that significantly weakens the Clean Air Act by allowing thousands of old power plants to make upgrades to their plants without installing pollution controls. If EPA's rule stands up to current legal challenges, these power plants and factories will be allowed to continue polluting the air with no responsibility for the resulting damage to the American people. According to technical studies using EPA models, the result will be at least 4,300 premature deaths and at least 80,000 asthma attacks each year that could otherwise be prevented by simply requiring modern pollution controls.

EPA should be taking action to address global warming but the Bush Administration has refused to address this important issue. A report by the U.S. National Research Council, commissioned by the Bush Administration, confirmed that greenhouse gases are increasing the temperatures of the earth's air and oceans, primarily caused by human activity. There is overwhelming evidence that greenhouse gases must be reduced in order to slow global warming.

Yet, in March 2001, the Bush Administration refused to take any responsibility for reducing global warming when it rejected the Kyoto Protocol. The Administration then announced last summer that EPA does not have the authority to regulate carbon dioxide and other greenhouse gases, reversing a Bush campaign promise and a legal opinion issued by the EPA General Counsel under the Clinton Administration.

Rather than taking real action, the Bush Administration's answer to air pollution has been to introduce its so-called "Clear Skies" initiative, which environmental experts say would actually result in weaker standards for controlling pollution from power plants than fully enforcing existing law.

Bruce Buckheit, former Director of EPA's Air Enforcement Division, states he is, "deeply troubled by the current state of federal environmental enforcement," and noted the program is now "on life support."

"Commencing with the creation of the Office of Enforcement and Compliance in 1994 and accelerating in the 1996–2000 timeframe," Mr. Buckheit said, "EPA was building a robust enforcement program that targeted and prosecuted the most serious environmental scofflaws. . . . These violations involved significant unlawful emissions with identifiable adverse health impacts. Appropriate resolution of these violations would result in a reduction in national pollution levels—not by a few tons—but by several million tons per year and save thousands of lives each year."

"We were embarked on a vigorous program that was beginning to show results," Mr. Buckheit said. "Within 90 days of the departure of the prior Administration, the Bush Administration began transmitting a clear message to industry that there was a new Sheriff in town—a Sheriff that did not intend to prosecute these kinds of cases."

The Administration's failure to enforce environmental laws extends beyond the Clean Air Act. EPA's own research shows that polluters are egregiously violating the Clean Water Act. According to EPA data, 60 percent of large facilities across the country exceeded their Clean Water Act permit at least once between January of 2002 and June of 2003. Large facilities that exceed their permits are dumping, on average, six times more pollution into our waterways than what they are allowed. In spite of these facts, EPA's enforcement of the Clean Water Act is declining.

For fiscal year 2005, the Administration proposes cutting EPA's overall budget by $606 million. This will result in over 2,600 fewer inspections for violations of the Clean Air Act, Clean Water Act, and other environmental laws than were conducted in fiscal year 2000.

I commend EPA's dedicated professionals who have, through hard work, made significant progress in cleaning up air and water pollution. Unfortunately, I believe the Bush Administration is undermining the ability of EPA staff to do their jobs effectively. As Mr. Buckheit notes,EPA employees are ready and willing to enforce the law but "the White House will not tolerate more than tokenism when it comes to environmental law enforcement."

The Bush Administration continues to put the interests of polluters first, undercutting EPA's tools for protecting our air, water, and land. The federal government owes a responsibility to all Americans to strengthen, not weaken, our environment. We must take action to clean up air and water pollution and reduce greenhouse gas emissions. EPA must be empowered—and provided the resources—to carry out is mission. Future generation deserve the opportunity to look back at Earth Day 2004 from the perspective of a cleaner and stronger environment.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2004 and for the five-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through April 9, 2004.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does now show budget authority and outlays for fiscal years 2004 through 2008, because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2004 and fiscal years 2004 through 2008. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 401(a)(3) of the budget resolution, is shown for fiscal year 2004 and fiscal years 2004 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2004 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This table also compares the current level of total discretionary appropriations with the section 302(a) allocation for the Appropriations Committee. These comparisons are needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach either the section 302(a) allocation or the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point or order against appropriations bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 95

[Reflecting action completed as of April 9, 2004—On-budget amounts, in millions of dollars]

	Fiscal years—	
	2004	2004–2008
Appropriate Level:		
Budget Authority	1,880,555	(1)
Outlays	1,903,502	(1)
Revenues	1,325,452	8,168,933
Current Level:		
Budget Authority	1,877,536	(1)
Outlays	1,895,542	(1)
Revenues	1,334,119	8,383,689
Current Level over (+)/under (−) Appropriate level:		
Budget authority	−3,019	(1)
Outlays	−7,954	(1)
Revenues	8,667	214,756

[1] = Not applicable because annual appropriations Acts for fiscal years 2005 through 2008 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of $3,019,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of $7,954,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $8,667,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period FY 2004 through 2008 in excess of $214,756,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF APRIL 9, 2004

[Fiscal years, in millions of dollars]

	2004		2004–2008 Total		2004–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Armed Services:						
Allocation	70	34	70	70	(1)	(1)
Current Level	3,818	354	15,168	12,755	(1)	(1)
Difference	3,748	320	15,098	12,685	(1)	(1)
Education and the Workforce:						
Allocation	39	47	201	245	(1)	(1)
Current Level	15	14	332	332	(1)	(1)
Difference	-24	-33	131	87	(1)	(1)
Energy and Commerce:						
Allocation	-170	-170	439	439	(1)	(1)
Current Level	2,202	963	3,451	3,567	(1)	(1)
Difference	2,372	1,133	3,012	3,128	(1)	(1)
Financial Services:						
Allocation	0	375	0	1,250	(1)	(1)
Current Level	-1	-1	-2	-2	(1)	(1)
Difference	-1	-376	-2	-1,252	(1)	(1)
Government Reform:						
Allocation	-1	0	-3	-1	(1)	(1)
Current Level	2	2	24	24	(1)	(1)
Difference	3	2	27	25	(1)	(1)
House Administration:						
Allocation	0	0	0	0	(1)	(1)
Current Level	1	1	3	3	(1)	(1)
Difference	1	1	3	3	(1)	(1)
International Relations:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Judiciary:						
Allocation	19	19	95	95	(1)	(1)
Current Level	13	13	83	83	(1)	(1)
Difference	-6	-6	-12	-12	(1)	(1)
Resources:						
Allocation	24	24	522	342	(1)	(1)
Current Level	28	28	165	165	(1)	(1)
Difference	4	4	-357	-177	(1)	(1)
Science:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Small Business:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Transportation and Infrastructure:						
Allocation	9,256	0	41,134	0	(1)	(1)
Current Level	7,753	-2	8,788	-126	(1)	(1)
Difference	-1,503	-2	-32,346	-126	(1)	(1)
Veterans' Affairs						
Allocation	0	0	0	0	(1)	(1)
Current Level	-77	-77	-1	-1	(1)	(1)
Difference	-77	-77	-1	-1	(1)	(1)
Ways and Means:						
Allocation	20,626	20,054	24,079	23,876	(1)	(1)
Current Level	18,771	18,703	23,503	23,538	(1)	(1)
Difference	-1,855	-1,351	-576	-338	(1)	(1)
Medicare:						
Allocation	0	0	(1)	(1)	0	0
Current Level	4,100	3,100	(1)	(1)	392,000	392,000
Difference	4,100	3,100	(1)	(1)	392,000	392,000

[1] Nonapplicable.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 22, 2003 (H. Rpt. 108–228)		Current level reflecting action completed as of April 9, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	17,005	17,686	16,839	17,633	-166	-53
Commerce, Justice, State	37,914	41,009	37,582	40,677	-332	-332
National Defense	368,662	389,221	368,183	388,648	-479	-573
District of Columbia	466	464	542	536	76	72
Energy & Water Development	27,080	27,211	27,255	27,263	175	52
Foreign Operations	17,120	20,185	17,611	20,171	491	-14
Homeland Security	29,411	30,506	29,238	30,007	-173	-499
Interior	19,627	19,400	19,540	19,346	-87	-54
Labor, HHS & Education	138,036	134,766	138,987	135,069	951	303

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 22, 2003 (H. Rpt. 108–228)		Current level reflecting action completed as of April 9, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Legislative Branch	3,512	3,662	3,527	3,603	15	−59
Military Construction	9,196	10,282	9,316	10,247	120	−35
Transportation—Treasury	27,502	71,360	28,116	71,873	614	513
VA-HUD-Independent Agencies	90,034	95,590	90,774	96,404	740	814
Total (Section 302(a) Allocation)	785,565	861,342	787,510	861,477	1,945	135

Statement of FY2005 advance appropriations under section 501 of H. Con. Res. 95, reflecting action completed as of April 9, 2004

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Homeland Security Subcommittee:	
Bioshield[1]	2,528
Interior Subcommittee	
Elk Hills	36
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	2,463
Education for Disadvantaged	7,383
School Improvement	1,435
Children and Family Services (head start)	1,400
Special Education	5,413
Vocational and Adult Education	791
Transportation and Treasury Subcommittee:	
Payment to Postal Service	37
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	4,200
Total	25,686
Current Level over (+) / under (−) Appropriate Level	2,528

[1] This advance appropriation was not on the list of accounts identified for advance appropriations included in the joint explanatory statement of the committee of conference in the conference report to accompany H. Con. Res. 95. Still, since the provision has been enacted, it is included part of the current level for advance appropriations.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 2004.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2004 budget and is current through April 9, 2004. This report submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for the Emergency Wartime Supplemental Appropriations Act, 2003, and the Jobs and Growth Tax Relief Reconciliation Act of 2003. These revisions are authorized by sections 421 and 507 of H. Con. Res. 95, respectively.

Since my last letter, dated February 12, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Surface Transportation Extension Act of 2004 (Public Law 108-202);

The Social Security Protection Act of 2004 (Public Law 108-203);

The Welfare Reform Extension Act of 2004 (Public Law 108-210);

An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (Public Law 108-211); and

The Pension Funding Equity Act of 2004 (Public Law 108-213).

In addition, the Congress has cleared the following legislation for the President's signature:

An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057).

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF APRIL 9, 2004

[in millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation	1,120,639	1,081,373	n.a.
Appropriation legislation[1]	1,145,398	1,178,431	n.a.
Offsetting receipts	−368,484	−368,484	n.a.
Total, enacted in previous sessions:	1,897,533	1,891,320	1,330,756
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108–202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108–203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108–210)	107	58	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108–211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108–218)	0	0	3,363
Total, enacted this session:	2,126	749	3,363
Passed, pending signature:			
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057)	13	7	0
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−22,156	3,472	n.a.
Total Current Level[1, 2]	1,877,536	1,895,548	1,334,119
Total Budget Resolution	1,880,555	1,903,502	1,325,452
Current Level Over Budget Resolution	n.a.	n.a.	8,667
Current Level Under Budget Resolution	3,019	7,954	n.a.
Memorandum:			
Revenues, 2004–2008:			
House Current Level	n.a.	n.a.	8,383,689
House Budget Resolution	n.a.	n.a.	8,168,933
Current Level Over Budget Resolution	n.a.	n.a.	214,756

[1] Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes budget authority of $86,004 and outlays of $38,056 from previously enacted bills.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off-budget. As a result, the current level excludes these items.

Notes: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

MISLEADING AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I rise tonight to express my concern that the administration has misled Congress and the American public on the most pressing issues we are facing here at home and abroad. It is time that the administration was truthful to the American public about the cost of the war in Iraq.

Last week President Bush said in his address to the Nation that the administration is constantly reviewing the needs of our troops and will provide whatever additional resources are needed. Yet this is the same administration that sent our troops to war without adequate body armor, antijamming devices or armored Humvees. Our troops in the theater did not even have enough body armor and protective SAPI plates until January of 2004.

As of today less than 50 percent of the 12,800 armored Humvees that we need in Iraq and Afghanistan are equipped with reinforced doors and windows. This is in part because the $87 billion supplemental for the Iraq war that Congress passed last November included only $239 million to up-armor Humvees, far short of what is needed.

I supported a substitute version proposed by the gentleman from Wisconsin (Mr. OBEY) that would have provided $3 billion to reinforce Humvees and other unarmored vehicles used by our forces. Unfortunately, the Republican leadership refused to allow the House a vote to consider the Obey proposal. Is it not ironic that anyone who did not vote for this $87 billion package, they say, you are against anything for the troops, when it truth they orchestrated the vote so those of us who want to provide more funding for the troops to provide them with the up-armored Humvees were not allowed a vote. Clearly the funding for upgrades to the Humvees and other force protection initiatives have been inadequate.

On March 18, 2004, the Defense Department formally requested Congress to shift $190 million previously allocated to other uses to cover the cost of armoring Humvees for fiscal year 2004. According to the defense expert Michael O'Hanlon at the Brookings Institution, simply maintaining current troops levels beyond June could add nearly $4 billion in unfunded costs through the end of this year. Yet President Bush's $521 billion defense budget for fiscal year 2005 includes no money, no money for military operations in Iraq or Afghanistan.

In fact, there are $12 billion worth of unfunded requirements for the military, including nearly $2 billion of important force protection initiatives. And the administration says it will wait until next year to request a new supplemental, which could amount to over $50 billion. The question is, why did not they not include this in their regular fiscal 2005 defense budget?

I think the American people deserve answers. The American people also deserve answers about urgent health problems here at home, health care and the rising costs of prescription drugs. The American people deserve to know the truth about the new Medicare prescription bill law. I have been having town meetings throughout my district with seniors, and they are outraged at the new Medicare law because it falls far short of what they expected, of what they need, and what they deserve.

The new law does nothing to reduce the cost of drugs, and it actually raises costs for seniors with less than $5,000 a year in prescriptions.

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It jeopardizes existing health benefits for retirees. The new Medicare prescription drug law was a huge victory for the pharmaceutical industry because it fails to require the government to negotiate drug prices on behalf of seniors, and it continues to make reimportation illegal.

Seniors are still prohibited from ordering prescription drugs from Canada at a fraction of the cost for those same drugs here in the United States. In the last 9 months, Springfield, Massachusetts, has already saved $2 million by buying prescription drugs from Canada for their city's employees and retirees.

So instead of working to improve the Medicare prescription drug bill, we recently learned that the administration has chosen to hide the truth that the Medicare law would cost $139 billion more than the Congressional Budget Office's prediction. We need to work together to pass a prescription drug law that will allow Medicare to negotiate lower drug costs on behalf of America's seniors, that will allow Americans to pay lower costs for drugs in Canada.

I have to tell my colleagues, whether I am talking to seniors who are Republicans, seniors who are Democrats, or seniors who are Independents, they do not get it. They understand that if you do not buy prescription drugs for all the 40 million recipients of Medicare, then it is probably not going to be a good deal for seniors; and they want this bill changed.

EARTH DAY

The SPEAKER pro tempore (Mr. ROGERS of Alabama). Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, with the approach this week of Earth Day, that will soon be followed by a flood of American planners coming into our city for their annual conference, I think it is an appropriate time for us to step back and think about what the Federal Government can do to make a difference for our environment.

With the help of those people who are involved with the planning community looking in the long term, there are a number of things we can do that are simple, commonsense, that will make our communities more livable, enhance the environment and, at the same time, create real value for American families.

The most important single step that we could undertake would be just for the Federal Government to model the behavior that we expect from the rest of America, whether it is local government, business, or individuals.

A simple proposition: let us have the Federal Government clean up after itself. In just one area, that of the Department of Defense, we do not know how many millions of acres are polluted with military toxins and unexploded ordnance. The estimates range from 10 million acres to 50 million acres or more; and at the rate we are going, it is going to take us hundreds of years to meet the Federal Government's obligation to clean up these messes; and at the rate we are going, frankly, we are creating more problems than we are cleaning up.

At a time when we are contemplating this next year giving the Department of Defense over $1 million a minute, it would seem to be a simple environmental expedient to give the men and women in uniform the tools to be able to do what they are equipped to do and what they want to do, which is leave the environment better than they found it. As the largest manager of infrastructure in the world, as the largest creator of Superfund sites in the United States, it would seem only right.

I have been profoundly impressed by the ability of men and women in the armed services to identify these problems; and when given the tools and the resources, they can solve any problem. Look what has happened in Iraq in terms of moving forward. I think our only problem there is we have not given the right tools and the right instruction, placing them in harm's way. We do not have to do that in the battle to clean up after the environment.

There is another simple step that can be taken and that is just for the Federal Government to be more environmentally sensitive to the way that it locates and manages its facilities, whether it is the post office which ought to obey local land use laws and zoning codes or it is the General Services Administration with over 300 million square feet of office scattered across the country. If the Federal Government, as the largest landlord, landowner and employer in the country, models best practices, the environments in our communities, large and small, would be better.

We have before us, pending final resolution, a transportation bill that has passed both the House and the Senate, albeit at different levels; and sadly, there were a few items that got shoehorned into the transportation bill at the last minute in the House, a few bridges to nowhere, so to speak; but the vast majority of that legislation provides an important environmental framework for protecting land, for repairing crumbling infrastructure, to be able to strengthen communities and put thousands and thousands of people to work by Labor Day in every State across the country.

When it comes to energy, we are watching in our service stations every day it seems like that prices are going higher, $2, $2.25 a gallon. The American public understands that simple, commonsense, fuel efficiency improvements that have been mandated in the past, that this Congress and administration have refused to embrace for the future, would make a huge difference. Simply improving our fuel efficiency to the same level as American companies are doing to compete in the European market would enable us to save more gasoline than we would recover from the arctic wildlife refuge which most Americans know is the last place we ought to be drilling, rather than the first.

I would hope, Mr. Speaker, that Congress, in the weeks ahead, would focus on simple, commonsense steps to improve the environment. That is the single most important thing we can do to keep our commitments to Americans on Earth Day, making our communities more livable, our families safer, healthier, and more economically secure.

DOSAN AHN CHANG HO POST OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, H.R. 1822 would designate that a United States Post Office in the Koreatown section of my district would be renamed the "Dosan Ahn Chang Ho Post Office."

Los Angeles is the home to the largest Korean American population in the country. In fact, more people of Korean heritage live and work in Los Angeles than any place outside of Korea. LA's Koreatown neighborhood is the epicenter of that community, and the economic and cultural wealth of this area are testaments to the achievements of Korean Americans.

It is fitting to mark these achievements by naming this post office after a man who is possibly the most celebrated Korean American of them all. Ahn Chang Ho, often known by the name of Dosan or Iron Mountain, is credited by many as being the spiritual father of modern, independent and democratic Korea. His vision is what guides the Korean people to this day, first to free themselves from foreign occupation and now to unite Koreans in one unified, peaceful, and democratic nation.

Today, Korean Americans honor Dosan Ahn Chang Ho for his contributions to the Korean nation, but all Americans can take pride in the fact that much of Dosan's vision of Korean democracy was formed by his encounters with American democracy.

Ahn Chang Ho came to the United States in 1902 and stayed more than a decade. During this time, he worked tirelessly to unite the Korean community, founding schools and cultural organizations and helping to improve living and working conditions for his fellow Korean Americans; and along the way, he emerged as the spiritual leader of the Korean independence movement.

Dosan was not the only advocate for Korean independence at that time, but Dosan's values and approach were what set him apart. He was concerned not just with the means of achieving independence, but in educating Koreans in democratic governance and civic virtue, to ensure that independence would endure.

I am proud that I sponsored this bill on behalf of the Korean American community in my district. Dosan Ahn Chang Ho is not only a symbol of Korean success in America. He is also a symbol of the shared experience and shared democratic values of all Koreans and all Americans.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to offer a new SMART approach to national security, an approach that emphasizes brains instead of brawn, one that is consistent with American values.

Talk about mistakes. It has been 1 year since the President of the United States, without just cause, or, in fact, being provoked, invaded Iraq. Hundreds of Americans have given their lives for this war, not to mention the thousands wounded, the billions of dollars spent, and the international goodwill squandered.

We were told that this war was necessary to keep us safe. We were told Saddam Hussein had the world's most dangerous weapons aimed at American cities. Now even the President makes tacky jokes about looking for the missing weapons of mass destruction under his sofa.

We were told by the administration that Saddam was in cahoots with al Qaeda. Now Richard Clark tells us that invading Iraq in response to 9/11 was as senseless as it would have been if FDR had attacked Mexico in response to Pearl Harbor.

The President's national security policy is not just immoral. It is incompetent. There has to be a better way and there is.

I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism, and it has five major components.

In the first section, we address preventing future acts of terrorism. SMART security is more vigilant than the President on fighting terror; but instead of military force, SMART emphasizes multilateral partnerships and stronger intelligence capabilities to track and detain terrorists.

Second, we need to stop the spread of weapons of mass destruction; and we can do it with aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements, and vigorous inspection regimes.

Third, we must address terrorism's root causes. The first front in the war on terror has to be confronting the despair and deprivation that foster it. That is why SMART security includes an ambitious international development agenda: democracy-building, human rights education, and sustainable development and education for women and girls in oppressive nations. Instead of troops, let's send scientists, teachers, urban planners, agricultural experts, and small business loans to troubled parts of the world.

Fourth, let us rethink our budget priorities. We need stronger investments in peacekeeping and reconstruction, less spending on missile defense and outdated Cold War systems, a more serious financial commitment to homeland security and first responders, and a real strategy for energy independence, especially support for the development of renewable energy sources, because nothing threatens national security more than reliance on Middle Eastern oil.

Fifth, and the final section of the SMART security platform, stresses that the United States must pursue to the fullest extent alternatives to war. SMART security calls for prevention over preemption. War should be the very last resort to be considered, only after every single diplomatic solution has been exhausted.

The SMART legislation promotes more effective conflict assessment in early warning systems, multilateral rapid response mechanisms, human rights monitoring, civilian policing, and investments in civil society programs and fair judicial systems.

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Keeping Americans safe must be the Federal Government's most urgent priority. On that point, the President and I agree. But his mistake is in equating security with aggression and military force. In fact, his appetite for belligerence and bloodshed only weakens us and makes us more vulnerable, encouraging further violence and increasing the risk of nuclear destruction.

And while we are at it, maybe we ought to expand our definition of national security. Can a Nation whose public schools fail its poor children and leave more than 40 million of its people without health coverage truly be considered secure? The Bush doctrine has been tried, and it has failed. It is time for a new national security strategy.

Smart security defends America by relying on the very best of America: Our commitment to peace and freedom, our compassion for the people of the world, and our capacity to work with leadership around the world.

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, as we meet tonight, this country, our government, is headed towards a deficit of $521 billion. That is not my estimate, that is the estimate of the Office of Management and Budget, the President's own budget shop. We have watched the initial returns from April 15 come in to see if there might be a revenue surprise, a bounce that will alleviate this problem, and thus far there is no early indication that there are any surprises coming. We are stuck with a $521 billion deficit this year.

Now, that would be bad by itself, $521 billion is a record deficit, but it is worse when you put it in context. Our budget, the budget of the United States, was in surplus by the amount of $236 billion as recently as the year 2000; in surplus by $127 billion in the year 2001, when Mr. Bush came to office. Indeed, he inherited a fiscal situation unlike any President who has taken office in recent years, yet now we find ourselves, 3 to 4 years later, in deficit by $521 billion.

The administration portrays itself as the hapless victim of circumstance. In truth, it is a victim of policies that it itself has chosen. It is a victim of the consequences of these policies which it has freely put in place against the warnings which they failed to heed on all sides. What we have had to witness here is painful for those of us who have committed our careers in the Congress, and I have been here for nearly 22 years, to putting the budget in balance and institutionalizing conservative fiscal policy. We have been forced to witness 15 years of fiscal discipline, 15 years during which we took a deficit of $290 billion and moved it into surplus, become this huge deficit in just the last 3 years.

As Yogi Berra used to like to say, you can look it up. This is a matter of historic record. Every year during the Clinton administration, for 8 straight years, the bottom line of the budget got better. It moved out of deficit into surplus. Every year for 8 straight years it got better. Every year, for the last 4 years, the bottom line of the Bush administration's budget has gotten worse and worse and worse, until we now find ourselves with a budget deficit of over $520 billion this year.

The Congressional Budget Office took the President's budget in February of this year, as they are required to do, and in March they sent us their analysis of that budget. They told the Congress that if we adopt and implement the President's budget as he has proposed it, then over the next 10 years the Federal Government will accumulate $5.132 trillion of additional debt to be added to the $7.4 trillion of debt we already have, and in which case we will leave our children a negative legacy of unheralded, unprecedented proportion. We will be $13 trillion in debt on top of a Social Security program that is underfunded and on top of a Medicare program which is even more underfunded.

Now, just as a preface to other remarks that other Members are going to make, let me give a quick summary of where we are. This was the surplus that was projected for this year, $397 billion, only 3 years ago. This is what CBO says it is going to be: $477 billion. If you want to see a roller coaster ride, here it is: $290 billion. That is the deficit the Clinton administration inherited. They turned it, through 8 years of fiscal discipline and unrelenting attention to the deficit, which is one of the top priorities of the government, to a surplus of $236 billion, the largest in the Nation's history.

This is what has happened since Mr. Bush came to office: A precipitous decline from a surplus of $236 billion to a deficit of $477 billion, according to the Congressional Budget Office. And here is the dire prediction for the future: There will be a little bounce, a little uptick due to the economy, but the prediction of the Congressional Budget Office is that these numbers will only deteriorate over time.

We developed during the 1990s a series of budget process rules that helped us bring to heel these deficits, diminishing every year and moving the budget so into surplus. They were embodied in an act called the Budget Enforcement Act of 1990. A lot of people scoffed at this. I was here. They said Congress is dodging the problem again. They are coming up with procedural rules instead of substantive changes in the budget. But two of the rules we adopted were of signal success. One was a rule called PAYGO, which I will come back to in just a minute. The other was a rule called discretionary spending caps.

In effect, what we did was impose a numeric or dollar cap every year for 5 successive fiscal years on discretionary spending, the amount of money that we appropriate every year in 13 different appropriation bills. That is different from entitlement spending, which is mandatory spending and is not changed annually. The discretionary spending caps were imposed in 1990 in an agreement we made with the current President Bush's father and reimposed in 1993. When President Clinton came in, a new set of numbers was imposed as our targets, or mandatory ceiling on spending, and then finally in 1997 they were extended once again. They worked.

But there was another rule that worked even more significantly, and that was the PAYGO rule. The PAYGO rule simply stipulated this: It provided that if any Member of the House or any committee wanted to increase an entitlement, then it had to be paid for. That simple. It had to be paid for, or another entitlement had to be cut by a commensurate amount so that the effect of that enhancement in benefits was neutral upon the deficit, the bottom line of the budget.

By the same token, the PAYGO rule applied to taxes, and tax cuts in particular. And what it provided was that if you want to bring a tax cut to the floor of the House while we have a budget deep in deficit, then it cannot have an impact upon the deficit and make the deficit worsen. You must do one of two things: You must either identify another tax increase to offset your tax decrease, or take some permanent spending, entitlement spending, and cut it by an amount over 5 years equal to the amount of our revenue reduction affected by the tax cut. That was the so-called PAYGO spending rule.

We are going to talk about that tonight, because one of the bones of contention right now in the budget resolution conference, which is ongoing, is whether or not we should take those rules, which were developed and successfully employed in the 1990s, to the extent that we put the budget back in surplus, take them in the form that they were proposed and used in the past, or whether we will take some faint facsimile of those rules and impose it.

In particular, when the House passed the Republican resolution several weeks ago, they included in it the recommendation that a PAYGO rule be reinstated, but it was a one-edge PAYGO rule. It applied only to entitlement increases. It did not apply to tax cuts. Even though an entitlement increase has the same impact as a tax cut upon the bottom line of the budget, the tax cut aspect was left out. So it is half a loaf, half a bill, and half a rule.

One of the reasons that the budget resolution is stuck in conference right now is that there are others in the other body who disagree with that position, who realize that we have an intractable problem on our hands, and apt to get worse unless we do something dramatic and develop a plan to deal with it. For starters, we have two proven rules, rules that worked in the 1990s, a PAYGO rule being one of them, and there are lots of us who would like to impose those rules again so we can begin attacking this horrendous problem.

And not just for our generation. No, the real problem of the deficits occurring today are for our children and grandchildren, because we are shoving off onto them the debt with a budget that we will not fully fund ourselves.

Mr. Speaker, I would like now to yield to the gentlewoman from Nevada (Ms. BERKLEY) for comments along the lines of the PAYGO rule and other aspects of the budget.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for allowing me to speak on this very critical issue. As he well knows, I voted for the first Bush tax cut, and I voted to eliminate estate taxes and to eliminate the marriage penalty tax, so I am hardly opposed to cutting taxes. But I do rise tonight to voice my strong objections to the Republican budget, which threatens increased deficits and neglects many of our Nation's top priorities in favor of continued and irresponsible tax cuts.

The President and the Republican leaders of the House talk about their commitment to reducing the deficit and the tax burdens on families, protecting the security of our Nation, guarding the Social Security Trust Fund and improving the health care and education systems in this country. However, when it comes to funding these important initiatives, their words are simply not supported by their deeds.

The 2005 Republican budget proposal is reckless, in my opinion, fiscally irresponsible, and filled with misguided budget priorities. Let me give some examples.

The Republican budget drastically cuts nearly all domestic programs after 2005, an interesting date since the election is 2004, including cuts to critical education and training programs, health care and environmental programs, and veterans' medical programs. Additionally, we are a country at war, yet in his budget the President provides no funding for the war in Iraq. This simply defies logic.

This Nation has gone from a projected $5.6 trillion surplus in 2001 to a projected $2.9 trillion deficit in 2011, as the gentleman so eloquently stated in his opening remarks. This year's deficit is fast approaching $500 billion and will only continue to grow under the GOP budget.

Ultimately it is our American families that are going to pay now and will continue to pay for this administration's fiscal irresponsibility. American baby boomers and retirees will suffer greatly under this Republican budget. The Republican proposal spends the entire $1 trillion Social Security surplus from 2005 to 2009 by creating additional and unwise tax cuts. The total cost of the Republicans' latest tax cut is more than enough to make up for the Social Security and Medicare solvency for the next 75 years.

Foolish spending threatens the livelihood of hundreds of thousands of retirees in my home State of Nevada and millions of retirees across America, not to mention the financial security of future generations. But as my colleague from South Carolina knows, perhaps the most egregious cut of all are the cuts in funds to our veterans' programs.

As thousands of brave men and women are fighting for this country in Iraq, in Afghanistan, and elsewhere abroad, it is outrageous that the Republican budget calls for cuts in funding for veterans' programs.

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Mr. Speaker, the House Republican budget provides $1.3 billion less than what the Committee on Veterans' Affairs on which I serve has determined is needed just to maintain vital health care programs for our veterans. All of these cuts are certain to result in decreased spending on long-term care programs, which veterans in Las Vegas and throughout the country depend on. Many aging veterans in Las Vegas require more care than their families can provide. Our veterans must know that they can count on our VA to supply the care they have earned through their military service.

Those on the front line who are sacrificing their personal safety should not have to worry that the VA budget cuts will deny them the quality health care they need and deserve. We must send them a message that we are indebted to their sacrifices and that we remain committed to our promises to increase funding levels to meet their needs in Las Vegas and throughout the Nation.

We have all heard Republicans talk about their commitment to education. Yet their budget provides $8.8 billion less than what is authorized for education programs in the Leave No Child Behind Act. This lack of funding will mean cuts in such vital initiatives like drop-out prevention programs and after-school programs. These programs are especially important to my district and the community of Las Vegas that I represent because we have one of the highest dropout rates in the Nation.

Republicans also shortchange higher education in their budget. The Republicans propose to freeze the Pell grant award level for the third year in a row, making the dream of higher education unattainable for thousands of lower- and middle-income students. These are the very people that I represent. They are first generation college goers who want to go to Nevada colleges and universities, and they cannot afford it without Pell grants.

Families in Las Vegas and across the country will receive little assistance in obtaining health care coverage under this budget. The Republican plan forces severe cuts in the Medicaid program, shifting most of the cost of Medicaid onto the States, many of which are already, like the State of Nevada, facing their own fiscal crises. In Nevada, this shift would result in children, the disabled, and families being cut out of the Medicare rolls, as well as reduce benefits and increase cost-sharing for those who need the assistance the most.

The Republican budget also cuts training for nurses. Without adequate training for nurses, Nevada, which has the lowest ratio of nurses to the population, will be unable to hire the trained nurses needed to provide quality care. But despite all of our needs, despite the cuts in education and veterans benefits and health care, all of the issues that make quality of life in this Nation, and certainly in my communities, important, the President has called for a nearly $900 million increase in funding for the Yucca Mountain project, which will result in 77,000 tons of toxic nuclear waste being dumped in Nevada less than 90 miles from Las Vegas.

The President's call for this additional funding flies in the face of his repeated promises to protect the security of the United States here at home in the wake of September 11. Under the Yucca Mountain project, thousands of shipments of nuclear waste would cross this Nation on their way to Nevada. One terrorist attack on a shipment could unleash high-level nuclear waste, the most deadly substance known to man, potentially threatening lives and causing billions of dollars in environmental damage.

The Republican budget is a blueprint for disaster. While the President and the Republican majority talk a good game, our veterans and our students and teachers and police officers and fire fighters, our nurses and our seniors will all suffer as a result of the misplaced priorities inherent in this 2005 Republican budget.

When I came to Congress, I came to represent the people of southern Nevada. If we do not speak up and if the rest of Congress does not join you in this clarion call to take another look at this budget and do what is right by our American citizens, who will speak out for them? I want to thank the gentleman from South Carolina for sharing with the American public exactly what is going on in this Chamber and hopefully changing minds so we can get some fiscal responsibility and do what is right for the people we represent.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, the people of South Carolina are well served by the gentleman from South Carolina (Mr. SPRATT) for the clarity that he brings to this debate on the budget, a far cry, I might say, from what our friends on the majority side of the aisle have been doing.

When we start talking about PAYGO rules, it may sound technical and difficult to understand, but it really is not: pay as you go. It is very simple. Everyone should be able to get this.

The rules that were in effect from 1990 to 2002 provided if a Member of Congress wanted to increase spending on a certain item, then he would have to decrease spending on another item or have a tax increase to pay for what he wanted to do. If, on the other hand, a Member of Congress wanted to propose a tax cut, he would have to at the same time reduce spending or he would have to increase some other form of taxes. Very simple, pay as you go.

It should not be hard, but the Republicans here have done something quite astonishing. They used to claim they were fiscal conservatives, and they still do, but they clearly are not because they have forgotten the basic connection between expenditures and revenues, between money coming in and money going out. Every American knows this relationship. In our personal budgets, we have money coming in and we have money going out. The money that we spend on things, they have to be in balance, or we wind up in great trouble. Everyone who has a business of any size knows you have money coming in and you have money going out, and they have to be in balance.

Only here in Washington does the Republican majority suggest that the revenues, the money coming in, do not matter. You do not even have to think about that; all you have to focus on is spending. The gentleman from South Carolina (Mr. SPRATT) has a chart that shows that spending as a percentage of our gross domestic product actually remains low compared to the past; but it is receipts, tax revenues, that have declined so dramatically.

Mr. SPRATT. Mr. Speaker, this is a bit difficult to follow, but once you understand it, it is a very graphic chart.

Basically what this shows is in the red line at the top is a course of outlays from the 1980s through the current period, 2004. What Members see here is when President Clinton came to office in 1992–1993, spending was at 22.5 percent of our gross domestic product. Federal spending constituted 22.5 percent of our GDP. That is about the point at which President Clinton came to office, and this may be a surprise to some people, but because of budget discipline, because of PAYGO, because of the discretionary spending caps, two different budget plans in 1993 and 1997, every year outlays came down. At the same time, we enhanced revenues. That is the politically polite way to put it. We increased the revenues to the government. They came up. At the point at which they crossed as a percentage of GDP, you have balance for the first time in 30 years because we worked on both sides of the ledger, adding revenues, holding back spending. We had a balanced budget for the first time in 30 years.

CBO, the Congressional Budget Office, was to look back on this period with some astonishment and appreciation and say 48 percent of the success achieved in eradicating the budget deficit during the 1990s was due to revenue increases, 52 percent was due to spending curbs, cuts, and decreases. There we have it right there.

Outlays continued to go down, and receipts continued to come up; and the difference between the two right there is the surplus that we had in the year 2000, $236 billion. But the blue line here, receipts plummeted with the tax cuts. The recession, plus the tax cuts, caused receipts to plummet while spending went up. We have the exact opposite of what we need in fiscal policy in order to bring or keep the budget in balance. We have increasing expenditures and decreasing revenues.

The Cato Foundation, which is probably the most conservative think tank in the United States, certainly in Washington, D.C., the Cato Group has said the Bush administration has succeeded in creating a fundamental mismatch at the base of our budget. They say we have Big Government spending and Little Government revenues, and the result is the deficit.

Mr. ALLEN. Mr. Speaker, the gentleman has a chart projecting future years, but one thing that is striking about the first 3 years of the Bush administration is outlays. Spending, has risen from 18.5 percent of gross domestic product up to over 20 percent of gross domestic product. So there has been an explosion in spending. At the same time, there has been a dramatic reduction in revenues. They have fallen from roughly 20 percent of gross domestic product down to about 16 percent of gross domestic product.

In fact, today, as we stand here today, Federal revenues as a percentage of our economy, Federal revenues as a percentage of our gross domestic product are at the lowest level since 1950, and there are Republicans in this Chamber who will say the problem is spending, but revenues are at the lowest level since 1950.

I would like to close with a quotation from the majority leader. He had a press conference 2 or 3 weeks ago, and he finally revealed in all of its confusion the underlying Republican philosophy and I use the word not information, not evidence, but philosophy. Here is what the gentleman from Texas (Mr. DELAY) said: "We, as a matter of philosophy, understand that when you cut taxes, the economy grows, and revenues to the government grow. The whole notion that you have to cut spending in order to cut taxes negates that philosophy, and so I am not interested in something that would negate our philosophy."

Listen to that again: "We, as a matter of philosophy," not as a matter of economics, not as a matter of information, not as a factual matter, "We, as a matter of philosophy, understand that when you cut taxes, the economy grows, and revenues to the government grow." Not true. CBO has made it clear over and over again that when you cut taxes, you cut revenues. Only in very, very rare historical circumstances, and the Kennedy tax cut may be one of those, only in rare historical circumstances can you cut taxes substantially and have revenues to the government actually increase.

But then we have this other statement which is really revealing. The gentleman from Texas (Mr. DELAY) stated: "The whole notion that you have to cut spending in order to cut taxes negates that philosophy, and so I am not interested in something that would negate our philosophy."

Mr. Speaker, I am old enough to remember "Dragnet." I am old enough to remember Jack Webb, the L.A. detective who, whenever he was interviewing someone, said, "Just the facts, ma'am. All I want is just the facts."

What the gentleman from Texas (Mr. DELAY) is saying, do not bother me with the facts; I do not want to hear the facts because we have our philosophy, and our philosophy says we do not have to pay attention to the facts.

Great damage has been done to the country because the Republican majority in this House, President Bush and his Cabinet and members of the Senate, have not made economic sense. They have not paid attention to the simple fact that if we have huge tax cuts for the wealthiest people in this country, we reduce government revenues and drive us into deficit, and that is what they have done to this country. They are funding these tax cuts on the backs of our children because when the revenues are way below the spending, all they do is borrow. They are borrowing from our children in order to give the richest people in this country tax cuts, and nothing can make that philosophy make any sense. It is time, frankly, it was changed.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I say with all sincerity to the gentleman from South Carolina (Mr. SPRATT), he brings a lot of common sense to this body.

Mr. Speaker, I was in business for a number of years before I came to Washington.

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There is one thing that I learned very quickly. If we drive the debt up, soon enough we will go broke. As some of my folks at home will say, we cannot borrow ourselves rich. And we are trying to do that. And I do not think anyone in this body can believe we can keep running deficits this large.

I just ran some numbers on the material the gentleman provided us. Just going out to 2009, in 2004 a family of four spent about $4,380 on average in debt in this country. But by 2009 that will be $6,985 just using the current numbers. That is assuming, Mr. Speaker, that things do not change for the worse. That is using the best numbers I understand for the economy to grow and then no more tax cuts that are proposed in the current budget or revenue losses. That is a 59 percent increase in the debt load on families.

Today I was in two schools talking with children about the importance of reading, about their future, about how important it was to do the things right to make a difference, looking into those faces and thinking what a burden we are placing on them. It is a shame because my colleague from Maine is absolutely right. We are using borrowed money from our children to enjoy the good life on a credit card; and we are taking the Social Security trust funds from the seniors who are now waiting for the benefits and using that, and between those two issues, we are living the good life and we are not paying our way. We are not paying our way. And it is wrong any way we cut it. It would be wrong if we were doing it as Democrats, and it is absolutely wrong for our Republican colleagues to stand with a straight face and say we are giving them prosperity. Because I promise this: I was in business when I remember interest rates going through the roof, and I will promise tonight that this kind of policy is going to drive interest rates up again. And all the money that we are borrowing to feed this deficit, a large portion of it is coming from overseas.

It startles me and shocks me and baffles me, too. I am not really sure the American people understand that they are going to have the Chinese setting our interest rate at some point because they are buying a lot of this debt and a lot of our trading partners around the world. And ultimately we are going to have to meet that bill. When we look at the amount of debt today without any changes and where it is going to hit, I am not sure our colleagues or the people who might be watching us tonight know what PAYGO is. They do not know what it is. But I tell the Members what they do know. They know that we cannot spend more than we have. And they understand that, as many of the farmers in the gentleman's State and my State who have seen their tobacco allotments cut in half, there is one thing they know tonight: they are not spending as much this year as they spent 5 years ago, and they are not going to spend as much next year because they are going to have to cut their spending back to meet their revenues. What our colleagues tell us is that we can have it all. We can have it all.

We cannot have it all. If we do, our children are going to be the poorer for it. And this budget, if it comes back without a plan to balance on both ends, on revenues as well as expenditures, we are doing an injustice to ourselves but a greater injustice to our children. And those children, I looked in their faces today. That is why they tell us we cannot build schools. We do not have the money. And yet we say to these children they are the ones we are going to depend on to build a bright future we want to see in the 21st century.

I thank the gentleman for bringing this to our attention tonight and for sharing with this body and with the people around this country, because they need to understand that this plan is headed for a train wreck. It may not be this year, it may not be next year, but it is coming. We cannot keep piling on debt and not paying the bills, and that is really what is happening.

And it is amazing to me that this administration in this short period of time will increase the debt at this level and this Congress has added to it. And the majority knows they have done it. They just do not want to stand up and meet their obligations. Because higher interest rates will eat away all the benefits that middle income and others have had. We may have lower interest rates today, but we let them add two points or three points, and that will happen. It may not be this month, it may not be this year, but I guarantee it will come in the next several years.

I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from North Carolina for his comments.

I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding. I appreciate his leading these discussions on one of the most important issues that simply does make some people's eyes glaze over; but I think he has documented simple declarative sentences, and it does not have to be this hard.

It is very clear that we are on a path here to have a massive increase in the debt tax. We are, in fact, abandoning principles that some of our friends on the other side of the aisle have in the past at least given lip service to.

I came over to the other side of the aisle this evening to see if it felt different somehow, if the numbers added up differently. They do not. I think, in fact, the information that the gentleman has gotten with his staff, and referring to accepted experts, institutes, independent analyses, suggests that even the situation that he documented a moment ago that was calculated according to the official rules that CBO has to follow actually disguises the true depth of the problem that is being created.

I wonder if the gentleman has some information about what the people who are using the artificial rules that Congress has given to CBO, assuming some of these taxes are going to be expiring and never be renewed, I wonder if he has some information that independent analyses would offer up for what the long-term budget outlook is likely to be.

Mr. SPRATT. Mr. Speaker, we do indeed. I was just looking for the chart that is most applicable. This is one right here. And what we have done here on the bottom line is we have taken, first of all, the baseline projection of the Congressional Budget Office; and as the gentleman noted, they have to assume certain things because those are the rules handed down to them by law.

But we have adjusted their projection for political reality. For example, we have assumed that there would be some continuing expenditures for Iraq and Afghanistan. We have assumed that many of the Bush tax cuts when they reach the expiration date, because most of them have implanted in them a sunset expiration date, that is the way they will pass to begin with, that most, when they reach that sunset date, will, in fact, be renewed and therefore the revenues will not be recouped. When we do that, what we find is that the deficit improves a bit. We get a bounce from the recovery we are experiencing right now. We are not stuck at 521. It improves to about $389 billion next year and then bottoms out in the range of the mid-$300 billion level until we get to the far end of our table, at which point it declines again to about $500 billion. So, essentially, we tread water.

The deficit does not get better. And this is a point everyone should understand: the Congressional Budget Office, the Office of Management and Budget, in making these dire predictions of unending deficits, this assumes a growing economy, a robust economy, growing at 3, 3½ percent a year, even more this year. And notwithstanding the growth, the budget does not grow out of the deficit. It assumes that the economy will be on a pretty even keel for all of this period of time and still we will have these deficits when we know, as the gentleman from North Carolina

(Mr. ETHERIDGE) just said, I do not think this economy can sustain the growth rate we are at right now with the deficits of the magnitude that we are looking at.

Mr. ETHERIDGE. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I want to make sure I understand the gentleman and the gentleman from Oregon (Mr. BLUMENAUER). Is the gentleman saying the public debt is going to continue to increase?

Mr. SPRATT. Mr. Speaker, no question about it. This year for the second year in 3 years, we will have a mammoth increase in the debt. Last year alone we had a 1-year increase of $900 billion in the debt. We will have to increase that debt limit again before we leave here this year, or we will be perilously close to bumping the ceiling.

I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, just one other thing. I did have a few comments I wanted to share, but I wanted to get the context set here. Would the gentleman comment about what happens with the massive amount of extra Social Security that we are collecting. As the gentleman knows, Mr. Greenspan famously of late suggested that we might have to cut Social Security benefits along with making these tax cuts permanent.

Mr. SPRATT. Mr. Speaker, the gentleman has been here for some time, and he knows that during the late 1990s and in the early years of this century, we all took solemn vows out here, different forms. We had something called the "lockbox," corny title, serious subject, because essentially what he said was that now that we finally have a surplus for the first time in 30 years, we are going to foreswear forever borrowing from the Social Security and Medicare trust funds again. Those trust funds have been building up balances in anticipation of the retirement of the baby boomers ever since 1983. And ever since 1983 until about the year 2000 when we finally hit surplus, we have borrowed to make ends meet from the Social Security trust fund. We have given the trust fund a bond back, but in effect the government has borrowed from these trust funds.

Both Houses, both parties, everybody subscribed to the notion that we should quit that practice. Guess what? The Bush administration's budget every year that we have a projection from OMB or CBO, regardless of who it may be, everybody projects that every year fully the budget will consume the Social Security trust fund surplus and the Medicare trust fund surplus. And they are not small numbers; $160 billion for Social Security, 20 to $30 billion per year for Medicare. Every year, every year, when we give the number $521 billion, we have already taken the surplus in those two trust fund accounts, consolidated it with the other accounts which are in the red, in deficit, and offset or diminished the deficit by the amount of the surpluses this year.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's clarifying that because as disturbing as the previous chart was——

Mr. SPRATT. It is actually worse.

Mr. BLUMENAUER. Talking about locking us into $500 billion up to maybe improve up to $350 or $370 billion and then trailing off again to that half trillion dollar level, what, in fact, if I understand what the gentleman is saying, that we are consuming, on top of that, all of the Social Security surplus; so actually it is approaching, over the life of what we can project with reasonable accuracy, a trillion dollars in ultimate debt compounded, this is added, year after year after year.

Mr. SPRATT. Mr. Speaker, the gentleman is absolutely correct.

Mr. BLUMENAUER. Mr. Speaker, I did want to commend the gentleman for taking the time to focus in on this critical element of why we are really hung up. The Republican House and the Republican Senate cannot really reconcile what they want to do with the budget resolution because they are unable to agree amongst themselves about how far to extend these PAYGO rules.

□ 2115

I would like to say that I think anybody in America listening to what you brought forth here this evening needs to understand what the stakes are and why people should be rooting for the other body in extending this important principle across the board, spending as well as taxation.

I am of the opinion that this does not have to be a partisan issue. Like most Members, I was back in my district for 2 weeks, morning, noon and night, listening to people from all walks of life, and with particular attention on April 15, on tax day, and I found that the people understood what the gentleman is talking about at several levels.

Everybody would like dessert, a tax cut, but they understand that this budget is hemorrhaging red ink. They understand the debt tax that is already over $4,000 for a family of four right now, moving towards $7,000 in just a few years. But that is the tip of the iceberg, because if interest rates start to spike, and I agree with my colleague from North Carolina, it is miraculously not going to happen before election day, but as sure as we are standing here, they are going to be moving relentlessly upward next year. And, again, our colleague pointed out how much of this debt is in foreign hands, increasingly Chinese, where we lose control over people who are involved with our debt markets.

Mr. SPRATT. Mr. Speaker, reclaiming my time, just for clarification and an additional point, one beneficial result of our fiscal policies in the 1990s was that we brought down the national debt by $400 billion between 1998 and 2001. We also, because the government was not borrowing money, but actually putting money into the pool of savings in this country, helped bring down interest rates. As a result, debt service, the interest paid on the national debt, net interest paid on the national debt, dropped from around $240 billion to $250 billion a year to about $160 billion a year. That is a dividend that we had available to do things that people needed and wanted us to do.

Because of the Bush administration policies, that interest payment is going to go up steadily, so that 10 years from now, if we follow the course that CBO plots for the President's budget in its March analysis, debt service, interest paid on the national debt, will be close to $370 billion. It will more than double from its current level.

What does that do? That is $370 billion we will not have for education in North Carolina where the gentleman from North Carolina (Mr. ETHERIDGE) used to be the superintendent of education. That is $300 billion we will not have for the environment in Oregon, which is a near and dear thing to the heart of the gentleman.

Furthermore, it builds a sort of cynicism about our government, because people will pay substantial taxes. These are not tax cuts. When you are borrowing the money to finance the tax cut, you are just postponing the event, the inevitable. What will happen is people will be paying more in debt taxes and not seeing anything in return for it, and they become cynical of our government, because so much of what they pay in taxes goes up in smoke, so to speak, because it goes to interest payments.

Mr. BLUMENAUER. Mr. Speaker, I would just conclude with two points, because I agree with what the gentleman is saying, it resonates with me, and I am quite confident that it resonates on the part of most Americans who are dealing with this as a kitchen table issue. They would rather have their debt tax cut, reduce those deficits, than have a couple of dollars in a tax cut that really does not accrue to most average Americans.

I want to just indicate that there are two lines of argument that I find fully specious, one being that somehow this PAYGO concept, pay as you go, for expenditures of the budget or tax expenditures, is somehow biased against cutting the budget. I think if we require the people running around here who want to cut taxes to have to pay for it, it will actually make it more likely that spending will be cut, not less. I must confess that the gentleman's rule, as I read it, is agnostic as to whether taxes should be cut or not. It is just you pay for it.

I happen to want to cut the alternative minimum tax, which is creeping up on American families and is going to hit them like a sledgehammer over the course of the next couple of years. But I think, in fairness, people who care about that ought to be required to offset it in some fashion.

I appreciate the work the gentleman is doing and the opportunity to join the gentleman in this important conversation this evening.

Mr. SPRATT. I thank the gentleman for participating.

I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I have just a question, if I may, on clarification as we get ready to wind down, because I want to make sure I understand what the gentleman said earlier.

Did I understand the gentleman to say that President Bush inherited a projected $6.6 trillion surplus?

Mr. SPRATT. Mr. Speaker, $5.6 trillion was the estimate of the surplus by his own budget shop, the Office of Management and Budget, $5.6 trillion between 2002 and 2011.

Mr. ETHERIDGE. Whether that was accurate or not, I am not going to get into that.

Mr. SPRATT. It turns out it was not. Now they have recanted and said it was probably overstated by 55 percent.

Mr. ETHERIDGE. Did he not also promise during the campaign when he came in office to protect Social Security and not invade it?

Mr. SPRATT. Everybody promised. Both parties, both the White House and the Congress, promised that never again, now that we were finally in this position, would we borrow from Social Security and spend the proceeds again. But that is the inevitable consequence. When you reduce that $5.6 trillion projected surplus by 55 percent, the result is about $2.6 trillion instead of $5.6 trillion. That $2.6 trillion is roughly equal to what is in the Social Security Trust Fund, so if you wanted to keep your promise now that you have adjusted downward the realistic estimate of the surplus, there was no room for additional tax cuts without violating that solemn promise never again to dip into the Social Security Trust Fund to pay for the operation of the government.

Mr. ETHERIDGE. I thank the gentleman for his clarification. I think folks understand that.

Mr. SPRATT. Mr. Speaker, I would just like to make a few points in closing about the budget.

It is often said, particularly by the President and by others, that we have had an explosion of spending. Indeed, there has been an increase in spending, a big increase in spending, in the last 3 years. But this chart, these four bar graphs show that 90 to 95 percent of the increase in spending over the last 4 years has occurred in defense, homeland security, an account that did not even exist in the budget a couple of years ago, our response to 9/11, the bailout of New York City, the bailout of the airlines, and this is where most of the spending growth remains in the budget.

The President has a budget which he claims will cut the deficit in half in 5 years, but he leaves out one major element, among others: He makes no provision for what it will cost to maintain 125,000 to 135,000 troops in Iraq and another 12,000 in Afghanistan. When the cost of that is added to it, he does not come anywhere close to his claim of cutting the deficit in half over 5 years.

The President has also said the tax cuts were necessary because we have had horrendous job losses, and it is true. Our economy went into recession in March of 2001 and came out in November of 2001. It was a short and shallow recession, but the effect on jobs has persisted. This is the first administration since the Hoover administration not to see a substantial increase in jobs during its tenure. We have had a loss in the private sector of 2.7 million jobs, unrecovered since the start and duration of the recession.

So what has happened, despite the $2 trillion to $3 trillion in tax cuts measured over 10 years that we have had in 2001, 2002 and 2003 under the Bush administration, this is the curve here for what the postwar recession typically has been. It has lasted about 27 months. You would have a downturn for 13 or 14 months, an upturn for 13 or 14 months. By the 27th month, the jobs lost would be regained.

Look what happened in this recession.

Notwithstanding three successive substantial tax cuts, we still have a loss of 2.7 million jobs in this country. That is a fact. As was said, once again, you can look it up. You can get it from the Department of Labor.

One other point I would like to make before closing is Social Security and Medicare. One reason that we are so concerned about the deficit, the mounting national debt, is that in 2008 we will have a demographic change in this country like none we have ever seen. The baby-boomers will begin to retire.

There are 77 million of them marching to their retirement right now. They are already born. They are not going anywhere. They will soon be claiming Social Security and then their Medicare, and in 10 to 20 years the number of people on Medicare and Social Security will almost double. The resources required will be substantial for those two programs, which are underfunded.

Most people look at these numbers and say there is no way feasible to deal with this problem, we will just have to restructure the programs. That means we will have to cut benefits, we will have to reconfigure the programs, cut the costs in order to make them affordable.

In truth, if you look at the first bar graph over here, this big fat bar graph of $14.2 trillion at the top, that is the total amount, the present value of all the tax cuts that the 2001, 2002 and 2003 tax cut laws will necessitate or allow over the next 75 years, 75 years being the timeframe we look to make Social Security solvent.

If you compare the requirements that would be imposed, that are imposed to make Social Security solvent and Medicare solvent, the two come to $11.9 trillion, the green and the blue here. So the amount of these tax cuts over 75 years is actually more than what is required to make Social Security and Medicare solvent.

We can have this. So those who say this is a set of circumstances we did not foresee and could not control, here is the answer: These are freely chosen policies, and they choose. They choose additional debt, additional deficits, over deficit reduction, and they choose tax cuts over Social Security solvency.

There is a choice here. There is a deliberate choice being made. Those who today say we are victims of circumstance will say the same thing then, but here is the proof right now. If you want to save Social Security, the wherewithal is there to do it, if you do not prefer doing it otherwise for tax purposes.

TAX FREEDOM DAY MOVING UP BECAUSE OF TAX CUTS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, as most of the Members did, I just concluded about 16 days in my home district. We had visits about Medicare for the first week and about the economy and the job growth for the second, first of all, addressing concerns and answering questions.

Mr. Speaker, I will tell you that as I talked to my constituents about the prescription drug Medicare bill, there was a deep understanding that we have done significant work here, first of all, in creating the benefit for our seniors that is desperately needed, but, secondly, causing deep reforms in the Medicare program which should begin to increase the financial stability of that program.

Mr. Speaker, while we were home, there was a dramatic event. During my entire life, I have seen Tax Freedom Day, that day which every American works up until that time to provide their entire income for the Federal Government. That Tax Freedom Day has been as far out as the middle of May, tending toward the first of June.

Mr. Speaker, this year, because of the tax cuts created during the last 3 years, Tax Freedom Day came on April 11. That means every American worked their entire workweek for the Federal Government up to April 11, but those days from April 11 on to December 31, they are working to use the money for their families, for the education of their families, for just the rent, paying for their house, owning a car, or those things that the American dream really entails.

□ 2130

Mr. Speaker, it is extremely important that we are beginning to cause Tax Freedom Day to move back toward January 1, rather than further out toward December 31. We should work less for the government and more for our families.

I will tell my colleagues, Mr. Speaker, that without doubt the family is the key building block of society. Strong families create strong individuals. And strong individuals create strong countries. That is exactly the paradigm that we should be following and have followed in this country throughout our history.

And as we tax less and put more into the pockets of hard-working Americans, I will tell my colleagues, Mr. Speaker, that the strength of the family increases, thereby increasing the strength of our country.

Mr. Speaker, one of the questions that comes up, and it is a fair question, why are we in the economic straits that we are in? What things have contributed to the financial situation that this country faces?

Mr. Speaker, the first event which really shocked our economy, and there have been three deep events that shocked our economy, and it is instructive that we would remember all three of those, but the first of them was the collapse of the dot-com economy.

Most Americans will remember in the late 1990s that the dot-com industry had really sprung up from very little to something significant, companies that really did not have product. They were not even selling anything. They had no cash flow, no revenues. Those stocks were escalating from no value to $200 and $300 value.

Just the capital gains tax off of those sales of stocks began to thrust our growth curves upward. It was primarily due to those capital gains taxes, Mr. Speaker, that we were seeing what economists and what politicians felt like were surplus as far as the eye could see. We remember those days at the end of the Clinton administration where there were the surpluses as far as the eye could see, but they were based on stock values that really had no foundation under them. It was an explosion in value that was driven by emotion, but not fact.

Now, that collapse in the dot-com industry came, as well it should have. Stocks absolutely at some point have to have something to back them up. That collapse came, brought us back down actually to the same level of economy we had been sustaining, about a 3.5 percent of growth. It was the incline up, then it bubbled back over. And after the collapse we had about a 3.5 percent rate of growth.

That shock into our economy was significant, though, shocking us into a mild recession, one that we should have come out from fairly soon. But just as we were coming up out of that recession, 9/11 came without warning. Now, that was a significant shock on the economy, Mr. Speaker. That shock, by the estimates of some, cost $2 trillion and over 2,000 lives. $2 trillion needs to be put into the perspective that our total economy is in the $11 trillion range, so approximately 20 percent of our economic size was taken out of the economy in one day.

When people are concerned about the cost of the war on terror, and it is extremely high, no doubt about it, if we assume that we are up to around $200 billion at this point, Mr. Speaker, it still is only about one-tenth of what that one day cost on 9/11 was.

That shocked our economy on the heels of the dot-com collapse into a deeper recession and continuing difficulties. But until 9/11, several things had happened. In those eras and those times of surpluses as far as the eye could see, both the Federal Government and the State governments began to reorient their spending, beginning to pay for programs that had long been underfunded.

It is a complaint of our friends across the aisle, and that is fine that they would complain about it, that spending increased tremendously under President Bush. But I will tell you that some of the areas that the spending increased in are the very ones they are criticizing as underfunding.

It is really difficult for me to understand when education spending was at $27 billion from the Federal programs and has increased under President Bush to over $66 billion, approaching $70 billion, that we are described as underfunding education. But if one listens to the rhetoric very carefully, Mr. Speaker, it is underfunding the authorized amount. They do not want to say they are cutting funding, although they occasionally slip over the line and say that, because the truth is we have more than doubled funding for education from Federal sources under President Bush.

And keep in mind it might have been at a better time. It might have been that we might have understood that those surpluses did not exist as far as the eye could see. But I am not sure anyone on either side understood the reality of what was going on. And it is very easy to understand after the fact.

A second area that often we hear our friends on the other side of the aisle discussing is the underfunding of the IDEA, the Individuals With Disabilities Education Act. Now, it is curious that we hear those descriptions of underfunding in that program, when the truth is that at the inception of IDEA the funding was about $1 billion and for almost 30 years stayed very constant, much of that time under Democrat control.

The funding stayed constant at about $1 billion. And finally under President Clinton, it eased up to almost $2 billion. Now, today you will hear all-out assaults that the President is desperately underfunding IDEA. One would think maybe he had cut it back to $1 billion. But if we actually look at it, the facts would show that the funding is actually at $11 billion, almost five times the dramatic increase that came under President Clinton.

Now, one has to begin to ask at some point, are we interested in communicating the situation that the country faces or are we simply throwing out facts?

I would say that this President made commitments to fund serious programs, including education, that at the point right now are causing us to stress as far as our deficits are concerned. So we saw that the Federal Government began to escalate its spending at a time when both parties felt like the surpluses were there as far as the eye could see. It is a fact also that almost every State did the same thing. The economists there were viewing the results the same as the Federal economists.

Just my State and, I think, one other actually preserved budget surpluses through that time because even in the surplus era as of the late 1990s, the Republican Governor of New Mexico said we are going to hold spending very, very tight. And to his credit he did that. Thus, when the dot-com collapse came, when the later 9/11 attack came, shocking our economy into recession and driving down revenues, New Mexico and one other State maintained a surplus, and we saw many of the States begin to have tremendous economic difficulties.

Now, was it their fault that they are in economic difficulties? I do not know. We could place blame. But I think the greater understanding is to know why.

So, again, we experienced increased spending because the perception was that we had surpluses, but we also had two deep shocks into the economy at the very time we were experiencing those surpluses, causing us to go into an economic tail spin.

The third shock, the third of three deep shocks came just as we were about to come out from underneath the effects of 9/11, Mr. Speaker. That is when Global Crossing, WorldCom, Enron, and several other companies had to reveal that they were actually cooking the books, that they were misleading their investors, that they were doing things with accounting procedures that they declared correct, that they declared legal, but which, in fact, may have been legal but certainly were not right. And they did not lead to right conclusions by investors.

At that point of deception, many, many investors began to pull their money out of the stock market and put it into savings accounts and banks. That began to remove needed capital from our companies where economic expansion was no longer available.

So three deep shocks into the economy: the dot-com collapse of the late 1990–2000 time period; 9/11/2001, a second deep shock; the third deep shock was the corporate scandals led by Global Crossing, Enron, and WorldCom. All those three things combined to give us a significant change in our economic climate.

Now, at that point in our economic climate, when we had increased spending believing that surpluses were there as far as the eye could see, we had increased spending and suddenly three shocks into the economy caused the revenues to drop. Now we are faced with some management questions.

It is easy at this point, Mr. Speaker, to sit and say what should be and should not be. But I will tell my colleagues when we get to that discussion there really are only three solutions that I see: one is to cut spending, the second is to increase taxes, and the third is to grow the economy. If we grow the economic size, and it is about $11 trillion now, if we grow the economic size from about $11 trillion or 13 or $14 trillion, it is easy for anyone to understand that at the same rates of taxes that we are going to have more revenues.

So we can, again, to solve the problem of deficits from both internal and external causes, caused by increased spending and recession that has been thrown into us from three violent shocks to the economy, given those situations, again, the three solutions are to increase taxes to bring in more revenue, to cut spending, or to grow the size of the economy. It is really simple. There are not many other choices than that.

Now, the problem is if you begin to increase taxes at a time of economic stress, you come into an economic principle and economic reality that when government spending begins to increase to a certain percent of the economy, and generally the range is in the 20 to 24 percent range, Mr. Speaker, at that point you begin to take so much of the investment capital out of the economy that recovery is simply not available.

The Germans find themselves in that situation right now. When I came back from Iraq, we stopped in Stuttgart and met with several key business leaders at a dinner at night. Around the table uniformly, and the head of DaimlerChrysler is at that location, it was in that meeting they said please get your economy going because if your economy is going, if the United States economy is going, maybe it will raise the level of the entire economic output in the entire world because we are one-third of the world's economy. And if we can get our economy going in the U.S., just maybe they can get their economy going in Germany.

Now, the difficulty they face in Germany is about 44 percent of their current gross domestic product is government spending. They cannot get out of a recession. They cannot create jobs. They cannot do it because they refuse to cut spending, and they refuse to cut taxes. Taxes would begin to lower that amount of government spending down as a percentage. But keep in mind they are desperately high at 44 percent.

We were approaching the 24 percent level, which really does begin to dampen down an economy and put the economic brakes on. So we had some choices to make in this Congress and the preceding Congress of just how to handle this. How do you go about creating economic growth? How could you create economic growth when you have had three deep shocks that have taken tremendous assets, both physical assets and the lives of our countrymen?

My colleagues recall after 9/11 people just began to stay home. They did not consume, and they did not spend. It was a sadness, there was a deep sorrow in our Nation that really affected us economically as well as spiritually and emotionally.

So, Mr. Speaker, we have those situations that existed in our economy. I will tell my colleagues that the Democrat Governor of New Mexico said it best last year. He said that my party should get over the fact that tax cuts create jobs.

That is what we wanted to do in this body. Keep in mind we have three choices: we can cut spending, we can increase taxes, or we can grow the size of the economy so that our tax rates bring more revenues.

We elected, Mr. Speaker, in this House, and I am proud to have been a part of that vote, to begin to try to grow the economy. And we did that by decreasing the amount of government spending, that is, by increasing the take-home pay of our people in our economy. We began to give tax cuts.

Now, those tax cuts began to show immediate promise. The biggest tax cut took place last year. We had estimates in the House, estimates that said we hoped we would get 3.5 percent rate of growth from the tax cuts that we gave. But we would have been satisfied for any rate of growth. We were stunned, Mr. Speaker, when we saw the economic growth in the third quarter of last year jump to 8.2 percent. No one had even anticipated that level of growth in our economy. In the fourth quarter it settled down to a more stable sustainable 4 percent and continues in that 4 to 5 percent range today with Alan Greenspan saying that the economic indicators are good. Independent watchdog groups have looked at our economy and said it looks positive for the next 2 years.

☐ 2145

One of the problems, though, in the recovery was that jobs had not been created. I heard a lot of my colleagues on both sides of the House express concerns, and I understood the concerns, but, Mr. Speaker, as a business owner, I also understood the other side because as a business owner, the last thing I wanted to do is hire permanent employees. If I am in a period of growth, then, first of all, I want to work overtime because I do not want to hire employees and then have to lay them off if we are just in a little bubble upward.

So the first thing we will do to see if we are going to get through this pickup in activity is we begin to work overtime just an hour here or an hour there. The next thing we begin to do, Mr. Speaker, is work weekends. When those two things do not combine to fill the needs for employees, Mr. Speaker, at that point we would always bring in temporary employees, and I say "we" because my wife and I were co-owners in the company. She managed one piece, I managed the other piece, and we have always made our decisions together. But always on hiring we wanted to do the same thing, so we would progress through this sequence over time, working Saturdays and Sundays, temporaries, and then we would hire part-timers. Usually we would go to retirees who did not need full-time jobs, but always would like to have 3 or 4 hours a week or 3 or 4 hours a day.

So we would do these four steps before we hired full-time employees. And so, Mr. Speaker, it was not so concerning to me at that point that we had not seen the job figure growth after two successive quarters of significant growth in our economy. As we went into the early months of this year, again the job growth had been small, at about 300,000 for about a 2- to 3-month period, but in March alone, Mr. Speaker, we had stunning news that this economy that had shown all the signs of economic recovery in fact produced 308,000 new jobs in 1 month. That 308,000 new jobs, Mr. Speaker, combined to make almost a million since August of last year.

At this point, Mr. Speaker, we feel the signs of recovery. We are beginning to show those signs of job growth which is beginning to show growth signs, and we are beginning to hear it frequently on the floor of the House from our friends. I would expect to see the 300,000 jobs in 1 month. They will begin to rejoice with us because no one would like to see a Nation in suffering. We would like to see a Nation that has found the key to recovery, and these keys are not so simple as going out and causing recovery and passing a law. We have to rekindle the confidence of the consumer. We have to rekindle the confidence of the investor, the confidence in companies that were shaken by corporate wrongdoing, the confidence of purchasers that were shaken by the tragic events of 9/11. So this restarting of the economy should be a rejoicing for each one of us, and I hope that it is that, because, in my view, the last thing we want to do is begin to change courses.

I, along with my friends on the other side of the aisle, am very concerned about the deficit, but also I know that we have done some very expensive things last year that could not be put off. The Medicare prescription drug bill was an expensive bill that 78 percent of Americans said needed to occur because people were choosing between food and medicine. Yet it was very expensive. We must have the will to pay for it, and we must have the economic discipline to pay for it.

The war on terror is extremely expensive and is taking much, much out of our economy, and that needed to be done, and the President is pursuing that with bold determination to win that war on terror and preserve the liberty that is the world's, because terror and liberty cannot live in the world together. 9/11 changed forever the way we look at this world.

Mr. Speaker, another important expenditure that we have undertaken that have helped create the deficits, and even though we do not like them, we begin to understand that we are having to do things that could not be put off, homeland security could not be put off. We must begin to seal our borders so that the American people would feel safe. We must begin to do those things which will keep terror outside our borders. So we fight the war on terror to kill and disable terrorists in their own areas, but we begin to build our own borders that would protect the lives of our children and give them access to the hope and opportunity that peaceful neighborhoods give to each one of us and that we have raised our families with.

These are the things that we have been spending money on in the last year and 2 years that are going to fund a deficit. And do we like the deficit? No, we do not. But we must be patient. This year the discussion is should we allow the tax cuts to expire because they are temporary, and they expire towards the end of this year. So the discussion is, and we should be on the floor of this House having that discussion, and we have will it, should we allow the tax cuts to expire?

I will tell you that once we have charted a course, the worst single thing is to begin to withdraw and to find another course. In history we can determine that several courses usually will solve a problem, but we have elected to a course here; we have chosen the course of trying to grow the economy. We have given the tax cuts that have stimulated the growth and jobs, and the last thing we need to do is to retreat out and not pursue that one single objective of growing the economy, reestablishing our economic stability, creating jobs so that every American in this country is able to find a career that they look for, is able to have employment security with the outcome of raising and maintaining good families.

So, Mr. Speaker, we will continue this discussion this year. I myself believe that we must stay with the tax cuts that we have put into place; that to do otherwise would again begin to thrust up the percent of government spending as a percent of our gross domestic product and run the risk of pouring water on the flames, the low flames of our economic recovery.

Mr. Speaker, I am joined in the House tonight by my colleague from Colorado (Mr. BEAUPREZ). We came in as freshmen. He, like I, has been a businessman. He, like I, has made a payroll; and like I, he married above his head, and his wife now runs their business, as mine does. So I, Mr. Speaker, would yield to the gentleman from Colorado to discuss this economic recovery from his eye, and is from the eyes of a man with a dairy background and with a banking background. I yield to the gentleman from Colorado.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman, and I especially thank him for acknowledging the quality of our wives. We are blessed indeed, are we not? And I thank the gentleman for bringing this Special Order to the floor tonight.

It strikes me that there are a lot of people out there that are trying to convince people that maybe conditions are different than they really exist. Mr. Speaker, the gentleman from New Mexico (Mr. PEARCE) just acknowledged that I have been a businessman before myself. I have met payroll. I have created jobs. Most recently I was CEO and president and chairman of a bank. I am kind of prone to analyzing things and getting a basis of comparison, the "compare to test" I call it. Compared to what?

Folks are talking about how bad things are. Well, I have done a little reading. I think my colleagues in this Chamber, all of us, do quite a lot of reading, and I have found a few things that I think are fairly interesting. Specifically, there has been a lot of talk lately about how great everybody else is, and especially our friends over in Europe, how good they are doing. Well, I was in Europe. In fact, I was in France last May, not quite a year ago, representing this great body as a representative of the United States Congress at a conference on terrorism and the growth of anti-Semitism in Europe. And I witnessed for myself how "good" they are doing. They were not doing all that great, as a matter of fact, Mr. Speaker.

In fact, according to an article in the National Review just this very month, our economy has grown about one-third faster than Europe's or Japan's, Mr. Speaker, even though, of course, as my colleague from New Mexico just cited, it was us that experienced the ravages of 9/11, an event, Mr. Speaker, that I submit to you, I submit to this body, would have crippled, perhaps destroyed, the economies and the governments of nearly every other nation on this Earth. But yet we are growing faster.

Now, some of us, myself included, are certainly old enough to remember an index that was created some time ago called the misery index. It was not created by me. It was not created by you, Mr. Speaker. I think we remember where it came from. It was invented by our friends in the other party in an attempt to bludgeon a former President, Gerald Ford, for the condition of the economy.

Let us go back and look. Let us use that as a comparison. When Gerald Ford was running for reelection in 1976, this misery index, which was a simple combination of the inflation rate and the unemployment rate, add the two together as an indicator of the pulse, if you will, of the economy. Well, that misery index in 1976 when President Ford ran for reelection and was unsuccessful was 11 percent. In 1980, that misery index rose to 17 percent under then President Carter, and the country decided to make a change. When President Clinton ran for his reelection in 1996, which our colleagues on the other side continually cite as the best of times, the misery index, again, inflation plus unemployment, stood at 8 percent. Now, Mr. Speaker, that same index today stands at 7.8 percent, the lowest, obviously, of that entire period. And yet our colleagues on the other side of the aisle night after night, day after day are trying to convince the American people that they administration under this party's leadership is experiencing "the worst economic performance since Herbert Hoover."

Mr. Speaker, I cannot find evidence to support that claim. And just because you say it is so does not make it so. The facts do not bear it out.

A few other facts, Mr. Speaker, if I might. Again, I will remind you, Mr. Speaker, I have created jobs. I have met payroll, and I am proud of that. So I am concerned like many about those seeking employment in this country but not able to find it. We are addressing that situation. Jobs are coming back. We all know that they are the lagging indicator. That does not make us feel any better, but it is one of those economic realities.

Now, if we go back to 1979, 1980, that recession, unemployment hit 7.9 percent. The mini-recession in 1982, it peaked at 10.8 percent. Then in 1990, one I remember very well, it hit 7.8 percent before beginning to fall.

Now, all of this seems to me, Mr. Speaker, to pale by comparison to the 6.3 percent that we hit even following 9/11, even with the effects of a recession and then the tremendous impact of a 9/11. Why? Because with this President's leadership, the 107th Congress enacted tax cuts in 2001, and we have followed now with tax cuts again in 2003.

Now, to reference again what is going on in the European Continent, which many seem to want to cite as some sort of utopia, some sort of model, well, over in Europe right now the European Union is averaging unemployment of about 8 percent, Mr. Speaker, about 8 percent.

□ 2200

We are at 5.7 today and falling, and we are the ones, again, who experienced the ravages of 9/11. If we were doing as well, and I use that in quotes, as our friends in the European continent, we would have 3 million more jobless Americans, Mr. Speaker. That is my comparison. That is one of my comparisons.

Additionally, let us look at just some statistics. We are under assault nightly for the terrible, again, I use that in quotes, tax cuts that we imposed last year and the conditions that it has created, and there is at least one person running around this country campaigning to be our next President to change the course, that wants to rescind those tax cuts. Well, let us make a little comparison.

Beginning in May of 2003, which is shortly before this body approved those tax cuts and before the President even had the pleasure of signing those tax cuts, until February of this year, to give a baseline of when we got current numbers, the Dow has increased almost 20 percent, the NASDAQ almost 30 percent. Not everybody has stocks, but it is a pretty good bellwether of what is going on economically in this country and where we are headed, the faith and confidence in the market; and I know full well and I would guess my colleagues, too, Mr. Speaker, have had any number of constituents come up to them and talk about that 401(k) that is now a 1(k). Remember that joke, Mr. Speaker?

Well, the markets have come back, and that is real value in the pockets and the wallets and in the bank for the people all over the country that have got an IRA, 401(k), any kind of pension plan, a little investment in a mutual fund.

It is estimated that some 3 trillion, with a T, Mr. Speaker, $3 trillion have returned to the market, returned to people's net asset value. That is a good thing. Real gross domestic product, same period of time, just inside of 9 months, increased 6.1 percent. Productivity, 6.4 percent while we are increasing job growth, albeit a little bit slow, but increasing job growth, adding employment figures, productivity up 6.4 percent, just inside of 9 months.

Housing starts, strongest in 20 years, Mr. Speaker, increase of 9 percent just inside that 9-month period of time, all while unemployment on a percentage basis fell 8.2 percent. Mortgage rates lowest in 20 years, prime interest rates lowest in 45 years, and inflation the lowest in 4 decades.

Mr. Speaker, the numbers do not bear out their claim that this is the worst economic performance since Herbert Hoover. We should be celebrating, Mr. Speaker, not only the actions of this body, the other body in Congress and the White House, but especially celebrating the will, the fortitude, the entrepreneurship of the American worker and the American businessman. That is who we ought to be celebrating. They are doing the heavy lifting, and they are performing. The system is working. It is not time, Mr. Speaker, to change course nor captains of the ship.

It has been cited that manufacturing has taken a tough hit. Indeed they have, indeed they have; and no one, no one should know better what the true nature of the reason for the difficulties, the struggles that manufacturing has gone through, nobody should know better than manufacturing.

I happened to come across a little communication from the National Association of Manufacturers, an organization that represents, Mr. Speaker, manufacturers all over this land, largest organization of its kind, so far as I know. I would assume that they are a legitimate mouthpiece for their members.

I do not like to read at this hour or during these Special Orders very often, but I do not want to misstate anything either, Mr. Speaker. So I am just going to quote what the National Association of Manufacturers tells us.

Let us look at the real sources of manufacturing job loss. While many were lost to productivity gains in technology, there were many other major factors as well, such as 900,000 jobs lost when U.S. exports tanked owing to the overvalued dollar and slow growth abroad. That is the problem in other countries. Their economies were in the tank, the value of our dollar went up, 900,000 jobs because of foreign problems.

75,000 jobs lost in the chemical sector alone, due largely to skyrocketing natural gas prices. Mr. Speaker, maybe we can talk about that at another point in time, too.

60,000 jobs lost due to asbestos litigation that drove companies right into bankruptcy. We have a solution to that. We have a solution that will save companies, save jobs. Members on the other side of the aisle say no, no, no, let us give it to the trial lawyers and bankrupt companies. I do not know how you can have it both ways, Mr. Speaker, create jobs and put companies out of business at the same time and thousands more jobs lost because of the high cost of doing business in America.

Here is what they say: nonproduction costs, nonproduction costs such as taxes, excessive legal and regulatory burdens, and the rising cost of natural gas and health care add 22 percent to the cost of making a product in America relative to our major trading partners. Mr. Speaker, I am not making that up. This is from the National Association of Manufacturers. That is why we struggle in this country to be competitive in a global market, even a domestic market, because taxes, excessive legal and regulatory burdens, and the rising costs of energy and health care are stifling American business, thus, American workers.

Mr. Speaker, this is a critical subject. I thank the gentleman for bringing it to the attention of this body and I see he has something on his mind that he would like to say. I thank him for the time.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ) for his thoughts on this subject and for the calm approach that he has to dissecting a very difficult problem.

Always when you face difficulties it is easy to discuss the difficulties, but understanding those elements that must be changed in the very measured way that they must be changed is the difficult part of this business.

He began to discuss why would American jobs be leaving our country. I think that he is on a very, very timely subject in discussing the cost of frivolous lawsuits, lawsuits that would drive companies out of this country.

About a year ago, Mr. Speaker, right at this time of year, I went to Ground Zero in New York. We went across the street to American Express; and the head of American Express told us, as congressional leaders, that if you do not reform lawsuit litigation problems in this Nation that you will not have a major company left in America in 20 years. I see those pressures that litigation costs us.

Currently, the cost of lawsuits on the U.S. is equivalent to a 5 percent tax on wages. Litigation cost $233 billion in 2002. This is $807 per U.S. citizen. Increased litigation costs have burdened American families and businesses with higher insurance premiums and contributed to higher medical costs and, in some places, removing medical care completely as doctors go into retirement or refuse to practice under the conditions that face them.

Individuals suffered directly by having less disposable income than they would otherwise have due to increased prices for products but also higher insurance premiums. Individuals suffered directly when businesses raised their prices on goods and services to pay for the litigation costs.

The U.S. Chamber of Commerce 2 years ago was advertising in my district that the cost for every consumer who bought a new car for the litigation costs throughout the production of that car was over $500 per vehicle that every single American consumer paid.

Individual wages bear the brunt in the form of lower wages in jobs and fewer jobs when we are exposed to continued litigation, and that is not litigation to respond to problems. These are frivolous lawsuits that come up simply because the legal community feels like they can get redress outside the courts, that they can get settlements outside the court without jury trial.

Frivolous lawsuits discourage businesses and individuals from taking risk, which means that fewer new products are brought to production and new technologies are either delayed or foregone completely. Consequently, good, high-paying jobs are not created because of the fear of lawsuits. Companies are left going bankrupt instead of being able to pay the high cost of litigation.

Currently, this House has passed four kinds of tort reform, four kinds of litigation reform that currently have stalled out in this city, unable to move further because of the influence of the personal injury lawyers in this community. Out of this House, Mr. Speaker, we have passed class action tort reform, asbestos tort reform, medical liability reform and then also, just recently, that cheeseburger bill because the personal injury lawyers are trying to tap into the pockets of every single restaurant owner in America saying they are the cause that people are sick or overweight.

Mr. Speaker, just the asbestos litigation reform is needed to begin to deal with the tremendous numbers of cases that face us. An estimated 300,000 claims are pending, 730,000 individuals have already brought claims and 60 to 100,000 new claims are filed every year.

Asbestos victims face uncertainty, delay, and risk in the current tort system. Today, a person's compensation is more likely to be determined by where and when the claim is filed and who is the lawyer or judge rather than by the severity of his illness. Many victims even die before receiving anything.

To name a few examples, after having his claim consolidated with 1,000 other plaintiffs in a Louisiana trial, a former Avondale shipyard employee died of mesothelioma before his trial even began. An Ohio welder died during trial. A flooring contractor died during his trial in California. While some courts prioritize cases where plaintiffs suffer from mesothelioma, other times plaintiffs can die before or during the trial. Exponential growth in claims involving plaintiffs who are not sick is clogging the system. Those people who are simply making claims with no physical symptoms are clogging the system so that those who are legitimately sick are unable to move forward with their claims. Mr. Speaker, this is an economic distress to companies that maybe never even manufactured asbestos. It is an affront to our entire system.

In 2001, an asbestos verdict awarded six unimpaired Mississippi plaintiffs $25 million each. None of the plaintiffs claimed prior medical expenses or absences from work due to any related illness; but they were awarded a combined total of $150 million, Mr. Speaker, and they had never claimed any absences from work due to related illnesses. These unimpaired awards have bankrupted 67 companies and wrung $54 billion from companies. Some experts estimate that under the current broken system the past and future trials of asbestos liability will ultimately reach as much as $200 billion or more.

Mr. Speaker, to put these numbers in perspective, the savings and loan sector crisis in the 1980s and 1990s cost approximately $153 billion. The collapse of Enron and WorldCom resulted in losses of as much as $42 billion in gross domestic product and as much as $50 billion in insurance industry losses and as much as $50 billion in insurance losses stemming from the September 11 terrorist attacks.

□ 2215

Most unfortunately, the asbestos litigation system imposes billions of dollars of costs, while claimants receive very little of what is paid. Transaction costs have accounted for well over half of the spending. Plaintiff attorney fees alone can be 40 percent of any settlement, with expenses often reducing the settlement to less than 50 percent.

It is not just the American companies that are left with the cost, it is the American worker. Companies bankrupted by these 75 percent of unwarranted asbestos claims have slashed 60,000 jobs and failed to create 423,000 new jobs. Each displaced worker has lost up to $50,000 in wages and an average of 25 percent of the value of their 401(k) accounts. Even the AFL–CIO testified before the Senate Judiciary Committee, noting that the uncertainty for workers and their families is growing as they lose health insurance and see their companies file for bankruptcy protection.

So while our friends on the other side of the aisle continue to talk about the jobs that move overseas and the failure of this economy to create jobs, they are overlooking one of the most important cures, Mr. Speaker, that can be found to be effective: that of litigation reform.

Mr. Speaker, I see that the gentleman from Colorado has additional comments, and I yield back to him.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman, and I thank him for his timely comments as well.

We talk about large numbers in this body. We are dealing with a $2.4 trillion budget this year. And running the United States of America's business is certainly an expensive business. But while I was home over the last couple of weeks, I talked to a whole lot of constituents. I know the gentleman has a great deal of familiarity with the energy business, and, not surprisingly, energy came up over and over again.

I think in the context that we have been discussing these last about 45 minutes now of embedded costs, costs that stifle competitiveness, job creation, economic growth, and all the things we are all talking about, now we have this rapidly escalating cost of energy.

A friend of mine, a young mother, she has three children. I think the oldest is about eight. So this mother of these three little children, she is absolutely beside herself. She does not work outside the home. She is home doing what moms ought to do, taking care of her three little kids and doing a good job of it. Her husband works and is bringing home a decent income, but one can imagine that things are pretty tight around her house.

She is now faced with rapidly escalating costs of gasoline and in their utility bill at home. So I went looking for numbers. She pulled up to the pump just behind me and she said, oops. Regular unleaded that day was about $1.85, and the next two grades were over $2. I think it was $2.05 and $2.13, if I remember correctly. The AAA estimates that in the average two-car household, they use about 1,200 gallons of gasoline a year. I know the gentleman is from New Mexico. I am from Colorado. Out our way we drive even more miles, I think, than the average, so that 1,200 gallons is probably a conservative number for the average household.

Now, imagine just a 50-cent-per-gallon increase. And we have had all of that. Maybe it is closer to 60 or 70 cents now in just recent months. But at 50 cents, 1,200 gallons a year, that is obviously a $600-a-year additional burden on that family. That $600 has to come from somewhere, so I asked her, where does it come from, Teresa? Teresa says, I just have to do without something. We do not take the kids to the zoo, or we do not take the kids to McDonald's for a Happy Meal. We are starting to make those tough choices.

We have to stop and ask ourselves, I think, what are we doing to American people? In addition to that extra $50 a month to pay her fuel bill, Teresa tells me that her energy prices, the utility bill at home, has gone up about $30 a month, too. Now, sooner or later it gets to be real money.

That evening I spoke to a group of realtors. They have been enjoying pretty good times, because, thankfully, interest rates have been very low, and, to a very real degree, the housing market has kind of kept us going as we get jobs coming back on the market. But they are concerned, and they are concerned for exactly this reason: I asked them, I said, how many of your clients have wanted to put a contract on a house, and they pushed the numbers, and, having been a banker before, I understand how this works, and they find out they just barely or maybe not quite qualify for that new home they would like to buy? It is often $50 or $100 a month one way or the other. When energy costs alone go up that much, you just have a whole pile more folks who cannot afford going that next step up the ladder. That does not make sense.

We have passed an energy bill out of this body three times since 2001. It is time that the entire Congress, with the cooperation of the other body, do what America desperately needs and pass an energy bill, send it down Pennsylvania Avenue and let the President sign it.

There is no silver bullet solution. But as the gentleman knows, we need to address some common-sense regulation relief, common-sense permitting, and create some jobs at home. And that is the other thing that is so maddening, as we talk day after day after day, and we hear rhetoric in the media and from candidates running for all kinds of offices about jobs. Pass an energy bill.

The Department of Commerce estimates that for every $1 billion we send offshore, those foreign sources which we are now two-thirds dependent on for our total energy supply, for every $1 billion we send them, we are sending them 12,389 jobs. With what we are sending in total today, the billions and billions, that is 1.7 million American jobs that are somewhere else on this planet, and in the meantime we are paying more. Less jobs; more for our energy.

Mr. Speaker, you do not have to be the proverbial rocket scientist to figure out that that will not work forever and ever and ever. So rhetoric is not going to get it done. Sooner or later we have to have some decent policy. The American people are feeling the pinch right now, and they need to hear the truth.

My colleague talked about litigation reform. We talked about how we have to have some regulation relief in this country. We talked about the effects of the tax cuts. We need a good energy policy to go with it.

Mr. Speaker, I see the gentleman has that look in his eye that says he has something to close with, so I yield back to him and thank him for his kindness this evening in letting me participate.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ), and he is exactly right. We have passed the energy bill out of this Congress, and it is stalled out, unable to move further. The estimates are that energy bill would create 800,000 jobs nationwide.

Now, the most important thing it would do is begin to limit our dependence on foreign oil. And when people ask, what is suddenly causing the price of oil to escalate, it is very simple. The OPEC countries decided they are going to try to squeeze off the supply, understanding our demand is fairly constant. If they squeeze off the world supply of oil, the price goes up.

Now, those are independent countries. They operate on their own. Our President is asking them, it is an arbitrary decision on their part, if they will not consider going ahead and increasing the supply where the price will moderate. But the fact remains that we do get about 60 percent of our energy from overseas, and there are people in this country, the extremists, who would say we should not produce any energy in this country. They would like to move all drilling to other countries. They do not want to drill offshore, they do not want us to drill in the Rocky Mountains, they do not want those jobs in America, and they do not want an America independent of foreign energy production.

Mr. Speaker, this economy that America has is built on one thing and one thing only: It is built on affordable energy. And right now the price of natural gas in this country is between $5 and $6, last year spiking up to $10. In Russia and in Africa right now the price is between 50 cents and 70 cents. We cannot sustain our economy at the levels it is and the levels that it has traditionally been, paying five times for our energy.

There are those extremists who say that we cannot and should not drill in areas that have been drilled before on our public lands. Mr. Speaker, we are going to decide in this country if we want a vibrant economy or if we are going to send all those jobs overseas, because that is what will happen. Infrastructure will eventually relocate to the area where energy costs are one-tenth of what they are today. In the meantime, we are going to be faced with paying more at the pump because we have internal policies which refuse to allow drilling to occur in places in this country where there are known and proven reserves.

Mr. Speaker, I would also make comment that it is time that we have these discussions. I think that in this Nation we can reach the balance between preserving the environment and providing affordable energy, and it is time that we begin to look at those policies which will allow us to do that. We cannot continue shipping jobs overseas because of the cost of litigation, because of the cost of energy, because of our unwillingness to deal with the regulatory climate that simply frightens people out of investing in new jobs in this country.

Mr. Speaker, we ourselves, as Americans, are going to determine at what level our economy operates, and it is each one of those small increments that will determine exactly what we do.

In concluding the discussion tonight, Mr. Speaker, and I thank the gentleman from Colorado for participating with me, I would remind the House that our economy has been suffering from three deep shocks. It is suffering from the deep shock of the dot-com collapse, of the 9/11 strike, and finally the corporate scandals, which are now being tried in our courts.

Mr. Speaker, the Republicans and the President have charted bold initiatives that are pulling us out of the economic recessions that began in the late 1990s and early 2000. Those recoveries must be sustained. That tremendous job growth in March is an indicator of what lies ahead, 308,000 new jobs in 1 month.

Mr. Speaker, we have 138 million jobs in this Nation, but every single person who needs a job and a career should be able to find it. And with the policies that this administration and this Congress have passed, we are on the road to recovery and providing careers for every person that looks for them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The Chair must remind Members to avoid improper references to the Senate.

IRAQ AND RECENT REVELATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized for half the time remaining before midnight.

Mr. STRICKLAND. Mr. Speaker, I am happy to be joined here this evening by my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE) and another of my colleagues, the gentleman from the State of Hawaii (Mr. ABERCROMBIE) as we talk about what is happening in Iraq, the needs of our troops, and what the American people need to know. Much of the information is just now becoming clear to us as a result of Mr. Woodward's book, which became available to the general public today.

☐ 2230

Mr. Speaker, I would like to begin my comments by making reference to a comment the President made in his most recent press conference when he made reference to what he would say to the troops. In that statement he said, "We will provide them what they need." That sounds like a rather direct and simple statement, but the truth is we have not provided our troops in Iraq with what they need, not in terms of equipment certainly, equipment that has the potential to save lives and to avoid serious injuries.

Mr. Speaker, the war began in March 2003. Soon after that war began, I received a letter from a young soldier from my district who is a West Point graduate and a gung-ho Army guy, and he started his letter by saying, Congressman, I am so proud of the Army. I am so proud of what we are trying to do here to help these people. But later in his letter he said to me, my men are wondering why they have not been provided with these life-saving interceptor vests, which became available, I believe, in 1998. They cost $1,200 to $1,500 apiece. They are made with Kevlar with pockets in the front and back where ceramic plates can be inserted which will stop an AK-47 bullet. They are life-saving equipment, and yet we send our soldiers into battle in Iraq, and thousands and thousands were without this equipment.

Now, the war began in March. I received this letter from this young soldier in the early summer. I wrote the Secretary of Defense Donald Rumsfeld a letter sharing what I had been told by this young West Point soldier, and asked him when our troops would be provided with this life-saving equipment. He wrote me back. I got a letter in September from the Secretary telling me that he expected that our soldiers would be fully equipped with this life-saving equipment in November. Within a day of getting the letter from Secretary Rumsfeld, I received a letter from the chairman of the Joint Chief of Staff General Myers, and in his letter General Myers indicated it would be December, not November as Secretary Rumsfeld had said, but it would be December before all of our soldiers were equipped with the interceptor vests.

Then before we left this city for our Christmas vacation, our holiday vacation, the Pentagon held a briefing, and in that briefing we were told that it would be January before our soldiers were equipped with these life-saving vests. I remind my colleagues that the war began in March, and we are being told that it will be January before the soldiers are provided with life-saving vests. Lo and behold, after I came back to this city after the holidays, and I was continuously troubled that this problem had not been solved, so I wrote Secretary Rumsfeld another letter reminding him that the self-imposed deadline had passed.

Finally, finally, in March of this year, I received a letter informing me that finally all of our soldiers had been equipped with this life-saving vest, 1 full year after the war began.

Now we have a similar problem because many of our soldiers are being killed and wounded in Iraq because they are driving around in Humvees that are not up-armored Humvees. In other words, they do not have the proper armor that will protect them if the soldiers are attacked while on patrol. Soldiers are driving in Iraq with unarmored Humvees. I am concerned about this, and I say to the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Texas (Ms. JACKSON-LEE) the only company that has a sole contract with the Pentagon to provides these up-armored Humvees and the kits to armor those already deployed is an Ohio company, O'Gara-Hess.

O'Gara-Hess officials came to my office, and they told me under their current contract with the Department of Defense, they are being asked to produce 220 of these up-armored Humvees each month. However, they are capable of producing up to 500 a month. The Pentagon says there are about 4,000 of these Humvees in Iraq that need to be so armored to protect our soldiers, and it will probably be sometime in 2005 before it is all done. The question that I would ask: If the President was standing where you are standing, I would say to the President, Mr. President, this is a life-saving matter. Why are you not directing your Pentagon to provide our soldiers with this protection as quickly as possible?

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield, the answer would be, as has been enunciated in a series called The Spoils of War on Marketplace. Members may be familiar with the program Marketplace. It is on the radio and follows the National Public Radio news, All Things Considered, the afternoon edition of it. There is a business broadcast called Marketplace which reviews the market decisions, the business activities of the country, and in their series entitled The Spoils of War, Members will find that the money which otherwise might have been spent, according to the contract that your company represents, to provide armor for the Humvees is now going out at the rate of tens of millions of dollars a week, perhaps a month, in graft and corruption through the Bank of Iraq, with nothing in the way of any kind of accountability under the Provisional Authority, Mr. Bremer's Provisional Authority.

This is being done today. They are done with DGs, or director generals, of the various Iraqi ministries. They are the equivalent of under secretaries. They go into the bank and walk out with cardboard boxes full of cash. Corruption is in the hands of clerks who simply rubber-stamp the action, and the American companies that are over there taking the money are paying bribes, are involved in mass corruption, and this is where the money is going. This is what the Provisional Authority is involved in. This is what is happening.

We cannot respond to you and your constituents in Ohio and those people in Ohio who are capable of providing armor for our troops because we have to make sure that those who say they were on our side, those who say they were the sources of Iraqi information and intelligence and upon whom we could rely are the very ones who are involved up to their eyeballs in corruption and graft in Iraq and Baghdad itself to the detriment of our own troops' capacity to be able to defend themselves.

Mr. STRICKLAND. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me just say that I wish there could be the kind of sunlight that our distinguished friend, the gentleman from Hawaii (Mr. ABERCROMBIE) has said. Sadly, it is impacting your constituents and your company, but let me say what it really means to the American people.

He is asking the real question who is in control? Who is providing the firewall to ensure that the young men and women who have committed themselves to putting themselves on the front lines, for whatever the cause. We know there are young men and women on the front lines. Might I say there are also civilians who are there, and some of them are hostages. Today one of my companies announced that three of their employees were found dead. We know there are hostages still held. We want to offer our prayers for those families, and the military families as well; but who is in charge?

Before we went off on break, I went to Walter Reed Hospital and saw the results of unreinforced Humvees and saw the results of the misuse of dollars in as much as rather than having the resources to ensure that land mines or the explosive devices are not utilized against our troops because maybe they are shorthanded, we are in the crux of confusion with not enough resources to be able to restore Humvees. Soldiers that I visited showed me limbs that were lost. When I was in Iraq, they showed me that they were reinforcing them with sandbags. One soldier said that he did not get hurt as badly as he might have because they had used sandbags.

Mr. STRICKLAND. I received a call a few days ago from a soldier returning after 14 months in Iraq. He said, "Congressman, your Ford Explorer that you drive around is better armored than the Humvee that I drove around Iraq." The fact is so many of the wounds and the deaths are occurring because of these devices that are planted in the roadways, and our soldiers are driving over them, and they are exploding, and there is nothing in that vehicle to protect them.

These up-armored Humvees have steel plating in the bottom and on the sides. They can even reinforce the windshield so that the windshield itself is impenetrable. It can be done. The President said to our soldiers, we will provide you what you need, but the President is not providing our soldiers what they need.

Regardless of what people feel about this war, Republican or Democrat, liberal or conservative, the one thing we should be able to agree upon is if we are going to send our soldiers into harm's way, we provide them with every bit of equipment that they may need to be safe. Why we are not doing it, and why we are not doing it as rapidly as possible, I do not know.

MS-NBC had a TV program about this last week. They identified the problem, and they indicated steps were being taken to correct it as quickly as possible. I can tell Members tonight, steps are not being taken to correct this problem as quickly as possible.

Mr. Speaker, if I were the President, I would get on the phone to Secretary Rumsfeld, and I would say, fix this problem as quickly as it can be fixed, regardless of what it takes, 7 days a week of work, 3 shifts a day, whatever it takes. Get our troops the equipment they need to be protected, and do it as quickly as possible.

Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. In that context, I can tell Members as someone who was part of the first group to go into Iraq right after the initial attack on Baghdad, going from the Baghdad airport to Saddam Hussein's palace where Mr. Bremer was being installed and displacing General Garner, and we were there the day after he had taken control there, we said to him at that time, you can have all of the equipment in the world, but as I said to him, Mr. Ambassador, driving from the Baghdad airport to Baghdad itself and to this palace that we now occupy, you are going to have to have 10,000 soldiers who guard that highway. I do not care what kind of equipment and armor you have, you do not arm a Humvee and then send somebody out to play lottery with their lives. No matter what the equipment is, when you only have a strip of tar coming across the desert, no lights, no protection, nothing, I said it is going to take 10,000 soldiers.

The plain fact of the matter is when General Shinseki, who had responsibility for the well-being of his soldiers, indicated as chief of the Army that it would take hundreds of thousands of soldiers, hundreds of thousands of Army and Marine personnel and support in order to initiate and sustain such an attack and deal with the aftermath, he was entirely correct. We need not just more equipment, we need a political policy that provides a foundation to bring this to a resolution.

□ 2245

And in order to accomplish that, we have to have sufficient personnel unto the date, and the Secretary of Defense and the President consistently have denied this to our people in the field and indicated to me shamefully all along if they wanted more, all they have to do is ask. We know what the message is. The message is they are not here; they cannot be there. And why? I will tell the Members. Because many members of our committee, Republican and Democrat alike, and when I say our committee, the Committee on Armed Services, have tried for several years now to increase the number of people in the Army and the Marine Corps, that is to say that can be recruited and retained as active-duty forces. It is called end strength. What is the end strength? The end of the numbers that we have in the Armed Forces. We said, absent a significant increase in the number of Army troops and Marines available, we inevitably would have to call on Guard and Reserve.

I beg to differ with the gentleman's remarks and the gentlewoman's remarks in one sense only, the phrase "our young men and women." Let me tell my colleagues something. Tune into the NewsHour with Jim Lehrer every night on PBS, and respectfully and with dignity they close every program in silence with the pictures and short biographies of the people who have been killed, and chills run down my arm as I reach out to say it, and we see over and over again sergeant so and so, 43 years old; master sergeant somebody, 50-something years old; 38 years old. These are teachers. These are police officers. These are fire fighters. These are Guard and Reservists. They are not young men and women. Not that being young in itself makes one a candidate for these pictures, but that is who we tend to think of. This is a volunteer force, and the Guard and Reverses are volunteers, and they are being shamelessly exploited in this sense. We now have a draft in this country. We have a draft by default because the Guard and Reserve are being pulled into active-duty service and their terms of enlistment are being extended arbitrarily by the Department of Defense.

Therefore, I conclude, and thank the gentleman for yielding, by saying, yes, we have to provide the equipment; but we have to provide the people and the policy behind it that will allow us to resolve this issue.

Mr. STRICKLAND. Mr. Speaker, a point well taken because I have had three of my constituents killed in this war. The last one I heard about today, a 21-year-old Marine who had served time in Iraq came home for a brief period of time and was married, was sent back, and was killed in an explosion last Saturday, 21 years old. Earlier than that, a couple of months ago, a 20-year-old, but a 37-year-old as well with three children, a 15-year-old son and two young daughters. So my friend is correct. Young people, middle-aged people are losing their lives.

And I would just say this before I yield to my friend from Texas. This has been the most costly month of this war. We are not through this month yet, but we have already lost over 100 precious American lives just this month, well more than a year after this war started. And I just wonder if the President had told the American people before we went to war that it was going to cost $150 billion plus billions and billions and billions more in the years to come, if it was going to cost more than 700 precious American lives, if it was going to result in about 3,500 to 4,000 being seriously wounded, if we were going to be there not for a year or 2 years, but perhaps 5 or 10 or more years, if there were no weapons of mass destruction, if he had said to the American people Iraq was not responsible for the attack upon our country and we have no reason to believe there is a connection between Iraq and the al Qaeda terrorism network, I just wonder under those circumstances what the reaction of the American people would be.

But the fact is that Vice President CHENEY, we now know as a result of Bob Woodward's book, and Mr. Wolfowitz and Richard Pearl and others had decided that this is what we needed to do and so they manipulated and distorted and exaggerated and shaved the truth, and we find ourselves now in a situation where our troops are not being well equipped, not being well equipped in spite of what the President says in his press conference, not being well equipped, and I believe that those who were responsible for persuading this President to take us to war under these circumstances were immature in their understanding of history, were naive in their understanding of what war is all about, and to this very day refuse to acknowledge their mistakes.

Some may say, why talk about the past? We are there now. We have got to deal with this. And that is true. We cannot just leave. We are there, and we have got to deal with this terrible situation. But the reason we need to talk about how we got into this situation is because those who got us there are still in power and they want the ability to make the decisions for the future. They want the ability to make decisions about what this country is going to do with our military, with our foreign policy, years into the future. And that is why we need to talk about this issue, because the American people need to learn the truth, and they need to know the complete story.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the gentleman from Ohio's remarks, and of course the gentleman from Hawaii has made a very pointed statement. I guess my optimism is that all of them are young men and women with futures before them, and I recognize that we embrace that population of youth, which ranges from the early teens or the late teens all the way up to the ages that the gentleman has cited, each and everyone of them have committed themselves to going forward to provide the kind of protection for this country and to uphold their oath.

I guess I rise today to follow up on several points that remain. But in particular I just want to take a very quiet moment to acknowledge that this Nation is not filled with wimps. There is no one that would step aside when the Nation's, if the Members will, dignity and honor need to be defended. None of us would run away from defending a Nation that had been attacked. None of us would go against the efforts to fight the war on terrorism. In fact, we have been united in the war on terrorism. This Nation has rallied in World War II, in the Korean War. We even rallied in the Vietnam War. We asked hard questions. It was controversial, but we were united. But we understood that we needed to learn a lesson from Vietnam. We were united, even though there were political differences, ultimately in the Gulf War, and it was one of the largest collaborations that we have seen around the world.

What I really struggle with here in these days of the Iraq war are several points, and the gentleman has made them. But, first of all, I have struggled with the direct and pronounced and distinct misrepresentations to the American people. We have yet to find weapons of mass destruction, nor can we find the connection to 9/11.

And then my good friend from Hawaii has said it very clearly. We have young soldiers there. In the headlines in The Washington Post, "Disappointed troops face extended tour with the need to get over it." Part of their extended tour is the very fact of what the distinguished gentleman has said, not enough troops; and so therefore we are keeping those who are bruised and battered and torn and worn; yet their spirits are responding to our call. But we are keeping people over there who have, in fact, done their service. And this particular battalion is now going to have to stay an extra 4 months.

Mr. ABERCROMBIE. Mr. Speaker, would the gentlewoman agree then that that is a draft by default?

Ms. JACKSON-LEE of Texas. Mr. Speaker, that is a draft by default. He made an excellent point. And in the shadow of the draft by default is the constant dying of these soldiers for lack of equipment, for lack of a plan. For there are many of us on this floor that have agreed with the war resolution and disagreed with the war resolution.

I have been to Iraq. Most of us or many of us have been to Iraq. And what we all agree with is that there must be a plan to follow through either on an exit or for the maintenance and reconciliation of peace.

My good, distinguished friend has already said there is corruption there, that money is flowing in and out that cannot be accounted for. And so the safety of Fallujah is not the only question we have in mind. It is the question of what is the plan. What is the plan to understand the people in Fallujah and to understand, once the governing council makes a deal, whether or not the citizens of Fallujah are going to adhere to it? It is to understand that we cannot put different groups in a battalion of Iraqis, Shiites, and Sunnis and others, and then ask the question when they go into battle why they dispersed and either go in alliance with those who are fighting our troops. Because this administration does not have a plan. And because they do not have a plan, in the city, in the metropolitan area of Houston over this last weekend, we lost 11 individuals in that area, 11 loved ones, 11 personnel in that area, 11 families mourning.

So this is not a question now of politics as much as it is what is the future of this war. What is the recognition by this administration that people are dying and that they are not in any way objecting to dying for a cause, but the question is can the administration in good faith suggest there is a cause, suggest that we have a plan, suggest that we have a solution to be victorious.

And let me just say this: the gentleman had it right, and the headline reads in The Washington Post, which is taken from the Woodward book, "Cheney was unwavering in desire to go to war."

Let me just say this: my understanding is that we have three branches of government, the judiciary, the executive, and the legislature. I have never been told that a declaration of war, decision to war, is that of one person, be that person the Vice President of the United States or maybe even one Member of Congress, who has the right to send this Nation into war. So I am at a loss as to the power of the Vice President to singularly take the United States into battle. He has no solution now. I do not know whether Mr. Wolfowitz has a solution. Certainly Mr. Rumsfeld, who indicated a couple of weeks ago he was surprised with the response, and this happens to be the Secretary of Defense who is over our United States military, he is telling us he is surprised, while mothers' children are dying or fathers' children are dying. What an outrage.

Mr. STRICKLAND. Mr. Speaker, one of the things that bothers me about this administration and its apparently overwhelming desire to go to war was the fact that according to the Woodward book that in January the President and I believe Mr. Rumsfeld met with Prince Bandar, this Saudi ambassador, this prince, in the White House and informed him of our plans to go to war with Iraq, and according to Mr. Woodward, this happened before the President even told our own Secretary of State, Colin Powell. Mr. Powell is now disputing that account, I believe. But the fact is why would the President discuss his plans to go to war with this ambassador from Saudi Arabia before he informs the Congress of the United States and talks to the American people about this?

Fifteen of the 19 pilots that were involved in the attack upon our country on September 11, 2001, were Saudi Arabian citizens. There is an unusual relationship between the Bush family and the Saudi royal family. It is starting to come out. I do not know if that has anything to do with the fact that a few days after the attack upon our country, Saudi citizens were allowed to be flown out of this country at a time when all of the other private aircraft were grounded and planes went all over this country picking up Saudi citizens and some relatives of Osama bin Laden and flew them out of this country before they were thoroughly questioned and vetted by the FBI. Why would that have happened? It is almost beyond belief.

□ 2300

Now, Mr. Woodward implies in his book that there may be a secret deal between this administration and the Saudi Government regarding the cost of gasoline; that they have been asked to lower the price of oil before the election so that the election prospects of President Bush may be enhanced.

Mr. Speaker, I do not know if it is true, but I know that is what Mr. Woodward says in his book, and Mr. Woodward is a very credible author, widely respected journalist, who had access to Colin Powell and to the President, and he makes that accusation in his book.

Now, the American people are paying outrageously high gasoline prices today, outrageously high. Secretary Abraham, the Secretary of Energy, was before my committee not many days ago, and we asked him in that committee meeting, has the President called the members of the Saudi royal family and asked them to do something about these outrageous oil prices?

Well, apparently not. In fact, the Saudi family cooperated with OPEC in voting to cut production, which has had the effect of raising prices. So during the spring and summer, the American citizens are paying these outrageous gasoline prices, and, apparently, if Mr. Woodward is correct, maybe in late fall we will find that the Saudis suddenly decide to increase production, thereby lowering the cost of gasoline and making the President a hero. Now is when the American consumer needs help with these high gasoline prices, not in September or October.

Mr. ABERCROMBIE. If the gentleman will yield a moment on that, I just want to ask a question at this point: Would the gentleman agree then that the President of the United States is all for free trade, unless it happens to be with oil, and in that instance then he seems to have no problem at all with a cartel being able to decide how much it is going to produce, when it is going to produce it and how much it is going to charge for it?

Would the gentleman agree that when it comes to free trade, that is a foreign term to the President, that is a foreign term to the free trade people in this country, who want us to be able to send our jobs overseas, want free trade and the free circulation of international funds for the purpose of that trade, except when it comes to oil and the oil cartels?

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, there is only one other exception, and that is prescription medications. The administration does not believe in free trade when it comes to prescription medications, because we can trade everything else with Mexico and Canada except medications, and the pharmaceutical companies do not want that.

Mr. ABERCROMBIE. I yield to the gentleman the point that international robbery from pharmaceutical companies is right up there next to, if not parallel exactly, with the oil cartels.

Mr. STRICKLAND. I thank my friend, and I yield to my colleague the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is overwhelming in terms of the mounting evidence that we have seen presented over the last couple of days and weeks that goes to the point that I made, that the decision to go to war was somewhere outside of the constitutional parameters that we should adhere to.

Frankly, we were misrepresented to in terms of making a decision on this floor, and then we have come to find out that maybe even in the executive branch, the appropriate officials were not given at least the opportunity to give and take, and that this was in fact the singular decision of at least one individual, and then maybe two or three others. So we have a real problem.

If I might, as I close, say this: I am going to apologize to the American people. We know that the 9/11 Commission hearings were held over the last 10 days, and a number of administration officials came forward.

I guess I come from the old-fashioned home training. My parents and grandparents always said that there is some dignity in an apology. It does not in any way suggest that you are weak, that you have no strength. In fact, it is all about character, that you can acknowledge that you have made a misstep or mistake. Then you begin to gather around so that you can embrace ways of improving your good condition.

When I see those men and women of all ages in the military hospitals losing limbs, multiple limbs, quadriplegic, blinded in both eyes, heads dented in from wounds, I wonder what I can say to their children, looking for them to come and play Little League or football, their wives, their mothers and fathers.

So I just want to come to the floor this evening and join my colleagues, but I want it to be known that I apologize on behalf of this country and am shamed by the fact that officials went before the 9/11 Commission, and I know that the two are distinct in some sense, 9/11, of course, referring to the tragedy of 9/11 in New York and in Pennsylvania and in Washington. But it was overlapping, that as the 9/11 was used for us to go into Iraq, and we lost those precious lives and we should have been committed to a vast war against terrorism, bringing in all the allies that we could muster, so that we would be able to stomp out the devastation of terrorism. Yet we got distracted, and now we have men and women dying in Iraq, and we are at a loss to find out what the cause is.

We are hearing that there is infiltration of corruption with dollars that we have sent over there. We are understanding that no matter if you are in a convey of civilians, even the civilians are not safe. Family members who have sent civilians over just to get an honest day's earnings for an honest day's work are in jeopardy of their lives. Even our corporations who are working over there with their personnel are jeopardized because they are not getting a fair shake to be able to do the work they were supposed to do and as well to have their personnel protected.

So, I would just say to my colleagues, I want to thank the gentleman from Ohio (Mr. STRICKLAND), first of all, for giving me this time to join him and to join the gentleman from Hawaii (Mr. ABERCROMBIE), and be able to say that together in this Congress we have got to find a way to restore the constitutional parameters and to restore the authority of the United States Congress to ask the hard questions; to support the United States military, as we have done collectively, to provide the resources; to ask the President why, and to expect, I might say, an apology, which does not in any way diminish the Commander-in-Chief's role of leading the troops; but to be able to say that with all that has come out, I know we have made some missteps, and I apologize to those who have lost their lives, their family members, bereaved members who now have to be left alone.

There is one final point I want to make, and maybe the gentleman did not hear it, but I want to get the transcript so I am not misstating, because I thought I heard in the press conference some words about "I am disappointed in some of the performances of the troops." I am still trying to research that, the President's press conference. I was shocked that I might have heard those words. I cannot imagine how can you can be disappointed in some of those performances when they do not have all of the equipment they needed to have.

Mr. Speaker, I just want to end on one note and make it very clear, I am apologizing, and I am not ashamed of doing so. I believe that this Congress needs to stand up and take responsibility for how we are going to gain dignity by responding, if you will, to the needs of the United States military in the crisis that they are in in Iraq and provide them the necessary equipment and plan for them to be able to exit in dignity and to have the success of the rebuild of Iraq with an expanded coalition, what we should be engaged in at this time.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield, the gentlewoman from Texas made a very, very strong point of the necessity, I believe I am quoting her correctly, that we have to find a way. We have to find a way to get this message out. We have to find a way to get our message, we have to find a way to engage the American people in a discussion and a dialogue. That is what we are trying to do here.

To the gentleman from Ohio (Mr. STRICKLAND), if you would indulge me for a moment in yielding, I think it might be apropos that we do take upon ourselves the admonition of the gentlewoman from Texas. We have to find a way.

This is our way. Not everyone may understand what it is. They may be going up and down the television and see what is going on. This is called Special Orders. Special Orders means the regular business of the House, that is to say the scheduled business of the House, is completed for the day. This is our opportunity as Representatives, this is the opportunity of the 435 of us, who have had the faith and trust of our constituents placed in us, to come to the floor and engage in a dialogue not just with ourselves, but with the American people. Because part of the difficulty has been is the American people are watching this on television, or reading it in the newspaper, participating, if you will, at a distance, as to what is taking place, unless and until, of course, it hits you full force because a loved one has been hurt or harmed or killed, or someone that you know has had that experience. So it happens sporadically, and, from the point of view of the cosmos, indifferently around the country at various times.

So we are here on the floor, and I might say to those tuning in, we are here on the floor of the House of Representatives, surrounded by the galleries. In fact, our good friend the gentleman from Illinois (Mr. COSTELLO), the distinguished gentleman from Illinois has a group of his constituents in this gallery right now observing our proceedings.

□ 2310

He is explaining to them as we are speaking now what it is we are doing on the floor here. It does not matter that the Chamber is not filled right now.

We spent our time this afternoon naming post offices. I was happy to do it. A good friend of mine had one of the post offices named after him. I was pleased to cast my vote for it. A wonderful opportunity to show our expression of what we would say in Hawaii is "aloha" for our good friend and others. We were happy to do that.

But our business here in these Special Orders is to engage the American people as best we can with that which we have before us. And as the gentleman from Illinois (Mr. COSTELLO) now is talking with his constituents here in the gallery, this is the freedom granted to us by the Constitution that we need to take advantage of, that we were obligated to take advantage of.

So the regret to me is, as the gentleman from Illinois (Mr. COSTELLO) no doubt has pointed out, right behind me here is the press gallery. Empty. Night after night empty. Now, maybe they can say, well, they are watching on television, if they care to.

But who wants to pay attention to Special Orders? Well, I will tell my colleagues what happens in Special Orders. Not just this kind of discussion, but my good friend, the gentleman from Michigan (Mr. SMITH), night after night engaged in a conversation on the Social Security trust fund, what it takes to make the Social Security trust fund.

In fact, he just walked in right now. That is synchronicity. I did not know he was coming. Did my colleague happen to hear what I had to say? I do not know whether the cameras are on us or not. But the gentleman from Michigan (Mr. SMITH) has just come in.

I cite him as an example, as a prime example of someone who has faithfully come to the floor to explain his position on the Social Security trust fund, the implications of it for our country. That is the kind of thing that needs to be done. That is what this is about.

This Iraq Watch that we have faithfully committed ourselves to since the beginning of our concern that this war was going off on the wrong track, that this was taking place, that is why we are here. That is why I appreciate the gentleman yielding. I appreciate the fact that our good friend, the gentleman from Illinois (Mr. COSTELLO), and his constituents have observed us this evening, have seen democracy in action.

I am here to tell you as far as this gentleman is concerned, that I am going to take advantage of this opportunity that we have here on the floor and continue to exchange in the kind of dialogue that I hope will illuminate the issues of our day so that we can get a resolution on behalf of these brave men and women who are serving our country.

Mr. STRICKLAND. Mr. Speaker, I thank my friend, the gentleman from Hawaii (Mr. ABERCROMBIE), for joining us and thank my friend, the gentlewoman from Texas (Ms. JACKSON-LEE), in closing so the gentleman from Michigan (Mr. SMITH) can have his time to talk about his concerns.

I go back to something that I mentioned earlier in this time together and that is the fact that this very night we have young soldiers and middle-age soldiers in Iraq driving around in Humvees that are not armored. It puts them at greater risk. This problem can be solved much more quickly than the Pentagon is willing to solve it.

I talked to a radio personality back in my district today and she said, "Congressman, what can the people listening do about this?" I said, "Call the White House. The message ought to be this: Mr. President, provide our soldiers with armored Humvees as quickly as possible because life and limb are at stake."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The Chair must remind Members to avoid improper allusions to visitors in the galleries.

SOCIAL SECURITY AND GOING DEEPER INTO DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for the time remaining until midnight as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, as the gentleman from Hawaii (Mr. ABERCROMBIE) said, yes, we have had many conversations about Social Security including the stealing of the extra trust fund surplus that has been coming in. We have never been quite square with the American people.

I would yield to my colleague.

Mr. ABERCROMBIE. Mr. Speaker, I am very happy to join the gentleman from Michigan (Mr. SMITH). As one can see, the aura that he exudes when he comes to speak about Social Security must have been so powerful that the rays literally leapt out and said to me, say that the gentleman from Michigan (Mr. SMITH) is coming.

Mr. SMITH of Michigan. Mr. Speaker, I think that the people of Hawaii are still wide awake and listening to this debate.

Mr. Speaker, I am going to comment tonight not only on Social Security but what I consider a huge challenge for this country, and that is going deeper into debt and increasing the spending of the Federal Government and sacrificing the increased burdens of that increasing debt in addition to the kind of high taxes that it takes to accommodate this kind of spending and this kind of servicing of the debt.

The first chart I have is a pie chart that I wanted to sort of show how the Federal Government is spending $2.4 trillion. And we see the largest piece of this pie is Social Security, spending 21 percent of all Federal spending; and that is going up.

In 1983 we had the Greenspan Commission that gathered together because Social Security was going broke, and what they decided is to dramatically increase taxes, payroll taxes, our FICA taxes, for Social Security and at the same time reduce benefits. And that is the challenge for Social Security, that is the challenge for Medicare, that is certainly the challenge for Medicaid, the three major programs where Members of Congress have continued to make promises over and above far beyond our ability to pay for them in the future. And that is the problem with extra pressure on increasing taxes and increasing debt on these kind of unfunded liabilities.

We see the other pieces of the pie. Defense is 20 percent; 2 years ago it was 19 percent.

Interest. Look at this issue of interest on the debt. It is now 14 percent of total spending. Within 6 to 8 years that amount of the piece of pie that interest consumes servicing this increasing national debt is probably going to double.

Now, interest rates right now are almost at record lows. We know that interest rates eventually are going to increase. And so increasing interest rates in addition to the increased debt is going to consume a lot larger piece of the total Federal spending.

Then how do we accommodate that increased spending? Do we simply say, well, we are going to increase debt more or increase taxes more? Increasing debt puts additional pressure on the interest rates which is going to up interest rates and up the cost. If we increase taxes, that puts our businesses at a greater competitive disadvantage to other businesses in other countries that we are competing with.

Right now we charge our business approximately 18 percent more taxes than the taxes that are charged to our major competitors in the major industrialized countries of the world.

The other problem with the increased debt is how fast government is growing. The debt of this country, we are about 227 years old as a country, it took the first 200 years of this country to amass a debt of $500 billion. Now, Mr. Speaker, we are going deeper in debt over $500 billion a year. For the past several years, and it looks like as far as we can see into the future, we are continuing to increase debt over $500 billion a year.

How can we do that? We can do it because Members of Congress have felt that it is in their political interest of getting reelected to expand government programs. And now we are in a situation where almost one-half of the adult population in the United States pays less than 1 percent of the total income tax so they do not have a lot at stake in terms of their pocketbook. So it is easier for that population to elect representatives that promise them more and more Federal programs, more and more Federal spending.

Look, there is no limit to the problems in the United States.

☐ 2320

But a country that does not pay attention to the major concerns and major problems it is facing ends up being dismantled and diminishes. As strong a country as the United States is, militarily, economically, we cannot survive the kind of unfunded liability and increasing debts that we are accumulating.

Just briefly to go around the pie chart, and then I will go to unfunded liabilities in a second. The domestic discretionary is 16 percent. Other entitlements is 10 percent. Medicaid is 6 percent. Medicare is 12 percent.

Medicare is going to be overtaking Social Security in terms of its percentage of total Federal spending within the next 25 years. Here again, promises we made compounded by the demographics of an increasing retired generation of Americans compared to a relatively small number that are working in this country and paying in their taxes to accommodate Medicaid, Medicare, Social Security and the other programs.

On this next chart, Mr. Speaker, I ask everyone to consider the kind of promises that we have made over and above our ability to pay for those promises. I call that unfunded liabilities. The massive unfunded liabilities, in other words, the promises we have made in some of these programs over and above the revenue that is coming in to pay for them, is going to become a disastrous challenge for this Nation. And we pass these budgets now, and we do not pay attention to what we are doing to take care of the problems of Medicare, Medicaid and Social Security.

Look at these figures. Medicare Part A, mostly hospitals, is $21.8 trillion. That is going to be needed in today's dollar value to accommodate the promises that we have made just in Medicare Part A. When I say today's dollar value, in effect, these the accumulations, the sum of the Medicare A, B, Part D, and the Social Security comes to $73.5 trillion. In other words, we would have to put $73.5 trillion in a savings account that is going to grow with inflation and probably the time value of money to accommodate the more expensive wage inflation that represents the increase in benefits for many of these programs to accommodate what we are going to have to dig up in the future.

To me, Mr. Speaker, it is unconscionable. I hear Democrats say, well, we need more spending, we cannot cut taxes, but Democrats and their budget proposed greater spending than the Republicans did in their budget. But the Republicans, on the other hand, are suggesting in effect, let us borrow more money to accommodate the spending even though we start slowing down the spending. This year, probably the best year since 1995, 1996, we are holding spending down. But even so, Mr. Speaker, holding down this spending, we are still ending up with an increased expansion of the size of the Federal Government that is almost three times the rate of inflation.

So just imagine for a moment if you project this out, and the size of government is growing three times as fast as inflation, then we are going to have such an empowered Federal Government with such great dependency from the American people that even more Americans are going to call for more government services. I think as you look at the unfunded liabilities of $73.5 trillion, Medicare Part B, mostly doctors, $23.2 trillion. Medicare Part D is $16.6 trillion. Medicare Part D is the new prescription drug bill that we passed. That is interesting.

Last November the projections for the unfunded liability were about $7.5 trillion for the Medicare prescription drug program. Now with the actuary's report that came out about 4 weeks ago, the Medicare and the Social Security actuaries' report, the new estimate is $16.6 trillion unfunded liability. So skyrocketing costs, prescription drugs are sometimes the kind of medical technology that can keep people out of the hospitals. And so if you go in the hospital and you are on Medicare, then your prescriptions are covered. So it is reasonable for some of those drugs to be covered. But to have such a huge expansion of this program without cutting back and reforming the system so that it can survive and so it is sound financially again I think is a great mistake.

And of course, I had a tough night that night. I ended up voting against the prescription drug program because I am so concerned that we are digging a deeper hole in terms of the challenge that we are putting on our kids and our grandkids and our great-grandkids to try to pay back what we now consider is our justified overspending.

And think about that just for a moment. Do we pretend that their problems are not going to be as great or as challenging in the next generations, 10, 20, 30, 40 years from now? Because that is what you would have to assume when we see Democrats and Republicans, House and Senate, vote to expand spending to the extent that we are, continuing borrowing the money and expect future generations to pay off that debt.

Social Security, the Social Security Trust Fund's IOUs, we are going to have to come up with $12 trillion to accommodate the increased promises for future Social Security retirees. About $12 trillion, between 11———, it is between 11.9 and 12.2 that we are going to need over and above the Social Security FICA tax. That is 6.2 percent of what you earned for the employee, another 6.2 percent paid by the employer. But make no mistake, it all comes out of the employee's pocket. We are going to need that $12 trillion over and above what is coming in over the next 75 years to pay for promised benefits.

How do we get this Congress' attention? I think, Mr. Speaker, the way to get the attention of Members of Congress is for voters in the United States, this election and every election, to say to individuals that are running for the House, that are running for the Senate, that are running for the President, look, what are you going to do about all of these promises that you cannot pay for? What are you going to do about the increasing debt that you are passing on to our kids and our grandkids, pretending that your problems today are so much greater than theirs? How do we get their attention? I think that is how we get their attention.

I think the American people have got to start realizing that you cannot just have government, some money that is printed in Washington, pay for more and more of the problems of America and more and more of the problems of the world.

We are in a war. During World War II, I was a little kid, and I collected string. I collected tin foil because Mom and Dad and Uncle Sam said that, look, you need to sacrifice. So during World War II we did. We cut way down on all other spending. Every family in America tried to sacrifice and help fight a war, and we fought a war, and we won a war. But now we are pretending that it is not a real war, and there is no reason to justify cutting other spending because it might hurt us politically back home, and, of course, that is what happens.

I was on the Committee on the Budget for my first 8 years in Congress, and you start a new program, and, of course, if they can get funding to continue that program for a second year, it becomes almost like an entitlement, and they form their own lobbyists and special interests to lobby Congress by contributing to campaigns to encourage Members of Congress to continue to contribute and put money in the appropriations process to those programs. And make no mistake, when you take a race track home or a jogging trail or a bike path or a library or any of the other pork barrel projects, the news media probably puts you on television, puts you on the front page cutting the ribbon, and they say, look what our Congressman has brought home.

□ 2330

Here is the problem. When you take pork back home to your District and it is in an appropriation bill, it obligates you as a Member of Congress to vote for everybody else's pork, and now we have put in so many line items of so many pork barrel projects that it has become one of the main reasons that we have expanded Federal Government spending.

This is another bar chart that represents how much money is going to come out of the general fund to accommodate these programs: Medicare and Medicaid and Social Security. If you see the year 2020, for example, 16 years away, unless we raise taxes or otherwise increase borrowing, we are going to have to reach in to the general fund to the extent of 28 percent, taking 28 percent of this general fund, just 16 years from now, to accommodate our overpromises. I say overpromises, maybe it is nice, maybe it is good, but the fact is we do not have the revenue to pay for those promises because what we are doing at the same time is increasing all spending.

We have had increased spending every year that I have been here. Earlier this evening I heard individuals saying, look, President Bush has been using all of the surplus revenues coming in from Social Security and that is bad, but that kind of demagoguery, that does not get us ahead.

The fact is, ever since Social Security started, anytime there has been more money coming in through Democrat administrations, through Republican administrations, through Republican control of the House and Senate and Democrat control of the House and Senate, every year we have spent all the surplus from Social Security coming in. There has never been a year since I have been in Congress and for the last 20 years at least that the total debt of this country has not increased.

We started bragging back in 1995 and 1996 of a lock box, but that did not last long. It was a gimmick phrase. Hopefully it was going to give us the intestinal fortitude to slow down our increase in spending. It did not work. In one year, we took the Social Security surplus and used it to pay down some of the public debt, sort of like changing credit cards, but the total public debt of this country subject to the debt limit never went down. It continued to go up. Now that debt is over $7 trillion, and within the next four months we are going to have a vote in the House and Senate to, yet again, increase the public debt of this country, and hopefully, we can talk about that vote when it comes up, talk about the fact that we are putting an extra burden on our kids and our grandkids.

See what happens in the year 2030? If we do nothing to change these programs, it is going to take over 50 percent of the current general fund that we spend on the rest of the pie chart that we showed earlier to accommodate Medicare and Medicaid and Social Security. Let me talk a little bit before we close tonight about Social Security.

I was fortunate enough to chair the Bipartisan Task Force on Social Security. Democrats and Republicans, after we heard testimony from the experts for about a year, we all agreed that the longer we put off the solution to Social Security, the more drastic that solution is going to have to be.

With this chart I wanted to just give a quick bird's-eye view of the temporary surplus coming into Social Security, and that is because the taxes were increased so dramatically back in 1983 that we have had a surplus. Now we are anticipating 2017 or 2018 is when there is less money coming in from the Social Security tax than what is required to pay benefits, and there are a lot of people that think that somehow there is a Social Security fund with their name on it. Not so. This is a pay-as-you-go program. Let me just explain that pay-as-you-go program in Social Security.

Current workers pay in their FICA tax for Social Security on Monday, for example, and by Friday it is all sent out in benefits. Current workers pay the benefit of current retirees, and that is what is bringing us into the predicament that we are now facing. When we started Social Security back in 1934, the average age of death was 62, and the official retirement age for benefits was 65. What does that mean? That means that most people died before you paid out anything, and the program was working very well. Now people are living longer, the birthrate has gone down, and we are having a problem.

Here is how Social Security works. Benefits are highly progressive based on earnings. At retirement, all of a worker's wages up to the tax ceiling that is about now $89,000, all of the wages are indexed to present value using wage inflation. What that means is and what the next blip says is the best 35 years of earnings are averaged, but for example, if wage inflation doubles, let us say, every 12 years, so if 12 years ago you were making $20,000, it is calculated on the way your Social Security benefits are calculated to be double that or $40,000 now. So it is not the actual dollar amount that you earned 10, 20, 30 years ago. It is the wage inflation of what that kind of job would pay today.

Here is how the progressivity of the Social Security system works. If you are a very low income worker, you get almost 90 percent back in Social Security checks of what you were making on your job in payroll, 90 percent of the earnings up to the first $7,344 is what you get back in Social Security payments. The next space between $7,300 and $44,200, you get 32 percent of that back, and then after that you get the 15 percent of earnings above the $44,000. So the more you earn, the less percentage of what you get back. So if you are a very high income earner, it is a little over 15 percent. If you are a very low income earner, you get back up to 90 percent.

I just put this line in because a lot of people are concerned about the fact that early retirees receive adjusted benefits. It is true. If you retire early at 62, so based on the average life span, a wage benefit is calculated so the person that retires at 62 and now dies at the average age of 86 will get the same benefits as an individual that waits to 65 years old to start taking those benefits. If you wait until 66 or 67, your benefits actually increase in those two following years by 4 percent a year. So sometimes it is to your advantage to wait.

There has been a lot of debate and discussion on should we have personally-owned savings accounts that belong to the individual worker that the government cannot touch and that would bring in more earnings than what Social Security would. When President Roosevelt first came up with the proposal for Social Security, he suggested that it be privately-owned accounts, and it would still be accounts that you were required to put in a certain percentage of what you earn, but they would be in your name and you could not take them out until you retired.

It was interesting searching the archives. Actually, the Senate passed a bill for personally-owned accounts, and the House, the House said, well, government should be responsible and government should take in all the money and the Federal Government should invest it.

□ 2340

I think probably when it went to conference, because it was so soon after the recession, that decision was made, well, we better let government do it instead of having those accounts personally owned. But Social Security is not a good investment. It is a system that we know is stretched to its limits, and that is because 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2017. Social Security Trust Funds go broke in 2037.

Now, just a word on the trust funds. As I mentioned earlier, every year there is more money coming in from the Social Security tax than is needed to pay benefits, and right now we are bringing in about $90 billion more than the benefits. But, again, that runs out in 2017–2018. That is when there is not enough money coming in.

The government writes out an IOU to the Social Security Trust Funds. It spends the money on other government programs or paying off some of the Wall Street debt. But, again, we have never had a year where the total debt of this country has not increased, so we are facing a predicament with Social Security Trust Funds. Even if they are paid back, it means increased borrowing or increased taxes.

I have a chart I hope to get through in a few minutes, because we are going to conclude this evening's session soon, that shows that every time the United States has been in problems with less money coming in than what is needed for Social Security, they have done one of three things. They have either increased taxes or reduced benefits or a combination of both. Usually, it is a combination of both.

Here is a pictorial view of the demographic problems of fewer and fewer people that are working and paying for the benefits of retirees. In 1947, there were 34 working Americans paying in their Social Security tax for every retiree. By the year 2000, it got down to three. The estimate is that by 2025 there is going to be two American workers paying an increased amount of Social Security tax to accommodate every retiree.

A lot of people say that economic growth will not fix Social Security. Social Security benefits are indexed to wage growth. So if you have a strong economy, and there is more jobs and higher wages, because you are paying in on those more jobs and higher wages temporarily, there is more money coming in to Social Security. But in the long run, when that person or that increased number retires, then there is more money going out of Social Security. So economic expansion, because of the fact that Social Security benefits are directly indexed to how much you were making when you were paying in, does not solve the problem. It simply tends to fill the hole a little in the early years, but it leaves a bigger hole in the later years.

The fact is that it is going to take more than economic growth to fix Social Security. And to think that you can fix Social Security simply by upping taxes again only solves the problem in the short run. We have to end up with a better return on those Social Security benefits.

As I make speeches around the country and around my Seventh District in Michigan, a lot of people say, look, if government would keep their cotton-picking hands off the Social Security Trust Fund money, then everything would be okay. And I agree with that, we should keep our hands off that Social Security surplus. It should be really invested instead of spent on other programs. But to represent how great the problem is, what the challenge really is to Social Security, I did this bar chart.

Right now what we have borrowed from Social Security, taking all the extra money in every year, plus paying interest on it, the IOUs now amount to $1.4 trillion. But the extent of the Social Security unfunded liability problem is between $11.9 trillion and $12.4 trillion. So I use the figure $12.2 trillion as far as the unfunded liability. That is, again, what we need in today's dollars over and above what is going to be coming in from the Social Security tax.

The Social Security Trust Fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent. To me, this shows why Social Security is not a good investment. The real return on Social Security, the return of what you and your employer, or if you are a sole proprietor, of what you pay into Social Security, the return on average is 1.7 percent.

And I compare that, over in the far right chart, which is the Wilshire 5000 Index. Over the last 10 years, even with a bad, poor 3 years on equity investments, still the 5000 equity stocks earned 11.86 percent. Compare that to the 1.7 percent that you receive from Social Security.

This is how many years it takes to break even on your Social Security benefits. By 2005, you have to live 23 years after retirement.

Okay, here, Mr. Speaker, is what we have been doing. Every time we have gotten in some problems, we have simply increased taxes. This chart shows the history of tax increases. In 1940, 2 percent of the first $3,000. In 1960, they decided to raise it to 6 percent of $4,800. Then in 1980, we made a big jump to 10.16 percent of the first $26,000. By the year 2000, 12.4 percent of $76,000. Now it is 12.4 percent of $89,000 this next year. So what we have done is continued to increase taxes to the extent that now 78 percent of Americans pay more in the Social Security tax than they do in the income tax.

And that is what that chart says; 78 percent of families pay more in the payroll tax than in the income tax.

Here are six principles that seem reasonable to me as we try to face the challenge of how do we change Social Security, and one of the problems that I faced. I have introduced Social Security bills since I first came to Congress in 1993 that have been scored to keep Social Security solvent. In the changes back in 1993, 1994, 1995 and 1996, I did not have to borrow any money from the general fund to accommodate some of the changes that would keep Social Security solvent.

The six principles that seem reasonable to me as we protect current and future beneficiaries are that we allow freedom of choice; we preserve the safety net; we make Americans better off, not worse off; we create a fully-funded system; and no tax increases. And maybe, if there is another blip, it should be a system that makes sure that the American economy stays strong instead of the kind of changes such as increased taxes that are going to weaken our economy.

Let me conclude, Mr. Speaker, by asking everybody to make a guess of what the FICA tax is in the country of France, for example. Right now the payroll deduction on wages in France is over 50 percent to accommodate the senior population. So no wonder France is having trouble competing. No wonder France did not want to spend any money in Iraq. No wonder there are demonstrations in France, because if you are paying a 50 percent tax on wages that you have to withhold, then you have two options. You either increase the price of your product, that makes you less competitive, or you increase the wages you pay to your worker. Let us not allow America and the United States to get into that kind of predicament.

Germany just went over 40 percent of payroll tax. So, again, Germany is discovering that it is much more difficult to compete.

Mr. Speaker, I would again encourage my colleagues and I would encourage the American people to start talking to their candidates that are running for Congress, that are running for the Senate, that are running for President of the United States. What is their plan in the long range to save Social Security, to keep Social Security solvent, to save Medicare and Medicaid and keep those programs solvent? It is a huge challenge, and we should be willing to face up to it.

□ 2350

Mr. Speaker, we have had a system in this country where those who work hard and save and try and invest end up better than those who do not. So to continue to increase taxes on those individuals that do save and do try and do invest is going to discourage some of the motivation and incentives that have made this country great. Let us deal with these problems now. Great empires that put off solutions to important problems are those kinds of empires that collapse. Let us not allow that in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TIERNEY) to revise and extend their remarks and include extraneous material:)

Mrs. McCARTHY of New York, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today and April 21.

Mr. BILIRAKIS, for 5 minutes, April 21.

Mr. OSBORNE, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, April 21 and 22.

Mr. GINGREY, for 5 minutes, April 22.

Mr. BURTON of Indiana, for 5 minutes, today and April 21 and 22.

Mr. HENSARLING, for 5 minutes, April 21.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 22.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 129. An act to provide for reform relating to Federal employment, and for other purposes; to the Committee on Government Reform.

S. 1108. An act to establish within the National Park Service the 225th anniversary of the American Revolution Commemorative Program, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

Jeff Trandahl, Clerk of the House reports that on April 2, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 4062. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 9, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 3108. To amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

H.R. 3108. An Act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 21, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fosthiazate; Pesticide Tolerance [OPP-2003-0296; FRL-7339-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hygromycin B phosphotransferase; Exemption from the Requirement of a Tolerance [OPP-2004-0036; FRL-7352-8] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7560. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lambda-Cyhalothrin and an Isomer Gamma-Cyhalothrin; Tolerances for Residues [OPP-2004-0025; FRL-7353-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7561. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesosulfuron-Methyl; Pesticide Tolerance [OPP-2003-0257; FRL-7351-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7562. A letter from the Acting Under Secretary, Department of Defense, transmitting Certification that the Multi-mission Maritime Aircraft (MMA) survivability testing, otherwise required by section 2366, would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(2); to the Committee on Armed Services.

7563. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for three new test projects for inclusion in the Fiscal Year 2004 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

7564. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(2); to the Committee on Armed Services.

7565. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting a report on assistance provided by the Department of Defense (DoD) to civilian sporting events in support of essential security and safety, covering the period of calendar year 2003; to the Committee on Armed Services.

7566. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Larry R. Ellis, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7567. A letter from the Director, Office of Thrift Supervision, transmitting a letter on the details of the Office's 2004 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

7568. A letter from the Secretary, Department of Energy, transmitting the combined forty-seventh and forty-eigth reports outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of September 30, 2003, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988 (Public Law 100-202); to the Committee on Energy and Commerce.

7569. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule

— Accidental Release Prevention Requirements; Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements [OAR-2003-0044; FRL-7643-6] (RIN: 2050-AF09) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7570. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida Broward County Aviation Department Variance [R04-OAR-2003-FL-0001-200414(a); FRL-7643-3] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7571. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interstate Ozone Transport; Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Section 126 Rules [FRL-7644-7] (RIN: 2060-AJ16) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7572. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training [OPPT-2003-0061; FRL-7341-5] (RIN: 2070-AD31) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7573. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal 03-04 informing of an intent to sign an Amendment to a Memorandum of Understanding (MOU) for Counterterrorism Research and Development between the United States and Canada, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7574. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period October 1, 2003 to March 31, 2004, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

7575. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Italy and Japan (Transmittal No. DDTC 010-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7576. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Australia, New Zealand, and Canada (Transmittal No. DDTC 003-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7577. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of the United Arab Emirates (UAEG) (Transmittal RSAT-1-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7578. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Denial Policy Against Iraq (RIN: 1400-ZA09) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7579. A letter from the Chief Executive Officer, Federal Prison Industries, Inc., Department of Justice, transmitting a copy of the FY 2003 management report and independent financial audit, pursuant to 18 U.S.C. 4127; to the Committee on Government Reform.

7580. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Year 2003 A-76 Inventory of Commercial Activities for FY 2002; to the Committee on Government Reform.

7581. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7582. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7583. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7584. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7585. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Strategic Plan for Fiscal Years 2004 through 2009, as required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7586. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7587. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7588. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7589. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Commercial Activities Inventory for FY 2003 as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

7590. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with OMB Circular No. A-11, Part 2, and section 4(b) of the Government Performance and Results Act, the Commission's Annual Program Performance Report covering FY 2003; to the Committee on Government Reform.

7591. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2003 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

7592. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the FY 2003 Annual Program Performance Report, prepared in accordance with the provisions of The Government Performance and Results Act of 1993; to the Committee on Government Reform.

7593. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's Annual Financial Statements for FY 2003; to the Committee on Government Reform.

7594. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7595. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7596. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan, pursuant to Public Law 107—114; to the Committee on Government Reform.

7597. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2004 through March 31, 2004 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108—179); to the Committee on House Administration and ordered to be printed.

7598. A letter from the Assistant Attorney General, Department of Justice, transmitting The results of the study to assess the number of untested rape examination kits that currently exist nationwide as described under this section, pursuant to Public Law 107—273, section 304 (116 Stat. 1781); to the Committee on the Judiciary.

7599. A letter from the Under Secretary, Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result of the record/near record snow on December 5-7, 2003, in the State of Connecticut, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7600. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jensen Beach (SR 707) Bridge, Atlantic Intracoastal Waterway mile 981.4, Stuart, FL. [CGD07-04-035] received April, 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7601. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Harlem River, Newton Creek, NY. [CGD01-04-018] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7602. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Piscataqua River, ME.

[CGD01-04-022] received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7603. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island,. New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-04-008] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7604. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Portage, Pass Christian, MS [CGD08-04-007] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7605. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway — Black Bayou, LA. [CGD08-04-008] received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7606. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, FL. [CGD07-04-033] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7607. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisan Bay, Concard, California [COTP San Francisco Bay 04-006] (RIN: 1625-AA00) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7608. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Cannon Air Force Base, NM [Docket No. FAA-2003-15249; Airspace Docket No. 2003-ASW-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7609. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa City, IA. [Docket No. FAA-2004-17143; Airspace Docket No. 04-ACE-9] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7610. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa Falls, IA. [Docket No. FAA-2003-16747; Airspace Docket No. 03-ACE-91] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7611. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clay Center, KS. [Docket No. FAA-2003-16759; Airspace Docket No. 03-ACE-96] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7612. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fort Scott, KS. [Docket No. FAA-2003-16761; Airspace Docket No. 03-ACE-98] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7613. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Charleston, MO. [Docket No. FAA-2004-17146; Airspace Docket No. 04-ACE-12] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7614. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Angel Fire, NM [Docket No. FAA-2003-15246; Airspace Docket No. 2003-ASW-1] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7615. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Little Rock AFB, AR [Docket No. FAA-2003-15247; Airspace Docket No. 2003-ASW-2] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7616. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Rapid City, SD [Docket No. FAA-2003-16147; Airspace Docket No. 03-AGL-17] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7617. A letter from the Administrator, Environmental Protection Agency, transmitting a package of material, containing the State of the Chesapeake Bay report (July 2002), a compliation of key Chesapeake Bay environmental indicators, a summary report on Land Cover Change in the Chesapeake Bay Watershed, and a report entitled Chesapeake Bay Program Institutional Governance Analysis: Participation by the Headwaters States of DE, NY and WV; representing the Agency's fulfillment of its obligation under Section 117(h) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

7618. A letter from the United States Trade Representative, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Morocco Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7619. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations of the Army and the Navy, pursuant to Public Law 108—87, section 8006; jointly to the Committees on Armed Services and Appropriations.

7620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination that, at this time, the Secretary cannot certify that the Government of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia) has met the condition for certification in Section 572(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations, 2004 (P.L. 108-199) regarding cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); jointly to the Committees on International Relations and Appropriations.

7621. A letter from the Inspector General, Department of Defense, transmitting Consistent with the requirements of Public Law 106-65, "National Defense Authorization Act for Fiscal Year 2000," section 1402, "Annual Report on Transfers of Militarily Sensitive Technology to Countries and Entities of Concern," October 5, 1999, the results of the assessment of policies and procedures related to the export of technologies and technical information to countries and entities of concern; jointly to the Committees on International Relations, Armed Services, and Intelligence (Permanent Select).

7622. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Act for FY 2005; jointly to the Committees on Armed Services, Government Reform, Energy and Commerce, Transportation and Infrastructure, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 1, 2004 the following report was filed on April 14, 2004]

Mr. BOEHLERT: Committee on Science. H.R. 3970. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; with an amendment (Rept. 108–462). Referred to the Committee of the Whole House on the State of the Union.

[Filed on April 20, 2004]

Mr. OXLEY: Committee on Financial Services. H.R. 2131. A bill to award a congressional gold medal to President Jose Maria Aznar of Spain (Rept. 108–463). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2693. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; with an amendment (Rept. 108–464). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 4030. A bill to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; with an amendment (Rept. 108–465). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (by request):

H.R. 4170. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; to the Committee on Resources.

By Mr. RANGEL (for himself and Ms. HOOLEY of Oregon):

H.R. 4171. A bill to amend the Internal Revenue Code of 1986 to ensure that soldiers serving in a combat zone do not lose eligibility for the refundable child tax credit by reason of receiving nontaxable combat pay; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. MICHAUD):

H.R. 4172. A bill to amend title 38, United States Code, to codify certain additional diseases as establishing a presumption of service-connection when occurring in veterans exposed to ionizing radiation during active military, naval, or air service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MICHAUD (for himself, Mr. BROWN of South Carolina, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 4173. A bill to direct the Secretary of Veterans Affairs to contract for a report on employment placement, retention, and advancement of recently separated servicemembers; to the Committee on Veterans' Affairs.

By Mr. GINGREY (for himself, Mr. JONES of North Carolina, Mr. SAM JOHNSON of Texas, Mr. DEAL of Georgia, and Mr. TANCREDO):

H.R. 4174. A bill to amend the National Voter Registration Act of 1993 to require an individual to provide proof that the individual is a citizen of the United States as a condition of registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD):

H.R. 4175. A bill to increase, effective as of December 1, 2004, the rates of disablity compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAYES:

H.R. 4176. A bill to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building"; to the Committee on Government Reform.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mr. FROST, Mr. GREEN of Texas, Mr. HOLDEN, and Mr. BRADY of Pennsylvania):

H.R. 4177. A bill to establish a Manufacturing and Technology Administration to promote and assist American manufacturers, to provide incentives to American manufactures, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Science, Financial Services, International Relations, Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. CASTLE, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, and Mr. WOLF):

H.R. 4178. A bill to award posthumously a congressional gold medal to Thurgood Marshall; to the Committee on Financial Services.

By Mr. PETERSON of Minnesota:

H.R. 4179. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. HAYES:

H. Res. 598. A resolution recognizing the valuable contributions of military impacted schools, teachers, administration, and staff for their ongoing contributions to the education of military children; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. LARSON of Connecticut, and Ms. DELAURO):

H. Res. 599. A resolution congratulating the University of Connecticut Huskies for winning the 2004 National Collegiate Athletic Association Division I men and women's basketball championships; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

282. The SPEAKER presented a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution 24 memorializing the President of the United States and the United States Congress to develop and work to implement a comprehensive energy plan; to the Committee on Energy and Commerce.

283. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1444 Joint Resolution memorializing the Congress of the United States to give serious consideration to giving the Passamaquoddy Tribe of Maine a cultural exemption from the federal Marine Mammal Protection Act of 1972; to the Committee on Resources.

284. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial 34 memorializing the United States Congress to enact and the President to sign legislation that would define the political status options available to the United States citizens of Puerto Rico and authorize a plebiscite to provide an opportunity for Puerto Ricans to make an informed decision regarding their future political status; to the Committee on Resources.

285. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1433 Joint Resolution memorializing the President and Congress of the United States to ensure the protection of civil liberties and the security of the United States; to the Committee on the Judiciary.

286. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 91 memorializing the United States Congress to protect the fundamental institution of marriage as a union between a man and a woman; to the Committee on the Judiciary.

287. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 179 memorializing the United States Congress to enact legislation to reduce the threshold of eligibility for Prisoner of War benefits to one day of imprisonment; to the Committee on Veterans' Affairs.

288. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to extend and make retroactive the Federal Temporary Unemployment Compensation Program; to the Committee on Ways and Means.

289. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 170 memorializing the United States Congress and the United States Department of Health and Human Services to make the treatment of chronic diseases a higher priority; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Submitted April 14, 2004]

H.R. 3970: Mr. BOEHLERT, Mr. BOUCHER, Mr. HASTINGS of Washington, Mr. MCHUGH, Mr. MARSHALL, and Mr. FILNER.

[Submitted April 20, 2004]

H.R. 369: Mr. FILNER.

H.R. 391: Mr. AKIN.

H.R. 394: Mr. SHERMAN.

H.R. 548: Mrs. BIGGERT and Mr. POMEROY.

H.R. 570: Mr. VAN HOLLEN.

H.R. 571: Mr. WALSH.

H.R. 594: Mr. MEEKS of New York, Mrs. MILLER of Michigan, Mr. KIND, Ms. SLAUGHTER, and Mr. CHANDLER.

H.R. 716: Mr. WALDEN of Oregon.

H.R. 742: Ms. KAPTUR.

H.R. 776: Mr. HASTINGS of Florida, Mr. BERMAN, and Mr. PALLONE.

H.R. 821: Mr. SHERMAN.

H.R. 843: Mr. STRICKLAND, Ms. BORDALLO, and Ms. WATERS.

H.R. 850: Mr. VITTER.

H.R. 857: Mr. MENENDEZ.

H.R. 898: Mr. UDALL of New Mexico.

H.R. 932: Mr. SULLIVAN.

H.R. 936: Mr. MOORE.

H.R. 947: Mr. CONYERS, Mr. DEUTSCH, and Mr. SMITH of Washington.

H.R. 1002: Mr. BRADLEY of New Hampshire.

H.R. 1039: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1051: Mr. LANTOS.

H.R. 1057: Mr. HERGER, Mr. CANTOR, and Mr. SIMPSON.

H.R. 1064: Mr. RANGEL and Mr. HALL.

H.R. 1117: Mrs. MYRICK.

H.R. 1160: Mr. BELL and Mr. LIPINSKI.

H.R. 1231: Mr. NEUGEBAUER.

H.R. 1281: Mr. GORDON.

H.R. 1310: Mr. GORDON.

H.R. 1345: Mr. SHERMAN, Mr. DELAHUNT, and Mr. UDALL of New Mexico.

H.R. 1359: Ms. SCHAKOWSKY and Mr. SMITH of New Jersey.

H.R. 1406: Mr. WAMP and Mr. PAUL.

H.R. 1508: Mr. GONZALEZ, Mr. ALLEN, and Ms. DELAURO.

H.R. 1540: Mr. SHAYS.

H.R. 1563: Mr. THOMPSON of Mississippi, Mr. LEVIN, and Mr. SHERMAN.

H.R. 1613: Mr. MENENDEZ, Mr. GREEN of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. PORTMAN, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. VELÁZQUEZ, and Ms. WATERS.

H.R. 1615: Mr. FRANK of Massachusetts.

H.R. 1688: Mr. MENENDEZ.

H.R. 1700: Mr. BISHOP of New York and Mr. ACEVEDO-VILA.

H.R. 1735: Ms. JACKSON-LEE of Texas, Mr. PALLONE, Ms. BORDALLO, Mr. FILNER, Mr. STRICKLAND Ms. WATERS, Mr. ABERCROMBIE, Ms. DeLauro, Mr. Holden, Ms. Harman, Ms. Lee, Mrs. Capps, Mr. Schiff, and Mr. Miller of Florida.

H.R. 1779: Mr. Fossella, Mr. Kildee, Mr. Burton of Indiana, Mr. Ferguson, Mr. Ramstad, Mr. Cole, Mr. Carter, Mr. Ryun of Kansas, Mr. Gerlach, and Mr. Chocola.

H.R. 1823: Mr. Cardoza.

H.R. 1824: Mr. Stark, Mr. Etheridge, Mr. Calvert, Mrs. Emerson, and Mr. Filner.

H.R. 1863: Mr. Kildee, Mr. Stark, and Ms. Linda T. Sánchez of California.

H.R. 1905: Ms. Hooley of Oregon and Mr. Kucinich.

H.R. 1933: Mr. Payne.

H.R. 1981: Mr. Tierney and Mr. Pallone.

H.R. 2071: Mr. Payne.

H.R. 2096: Mr. Doolittle, Mr. Wamp, Mrs. Tauscher, and Mr. Sullivan.

H.R. 2239: Mr. McGovern and Mr. Pallone.

H.R. 2256: Ms. Jackson-Lee of Texas and Mr. Frank of Massachusetts.

H.R. 2260: Mr. Hastings of Florida and Mr. Thompson of Mississippi.

H.R. 2265: Mr. Becerra, Mr. Neal of Massachusetts, Mr. Pomeroy, and Mr. Weller.

H.R. 2303: Mr. Burns.

H.R. 2318: Mr. Engel and Ms. Slaughter.

H.R. 2333: Mr. Sanders.

H.R. 2366: Mr. Cummings, Mr. Rush, and Ms. Eshoo.

H.R. 2519: Mr. Davis of Florida.

H.R. 2527: Mr. Hastings of Florida.

H.R. 2582: Mrs. Maloney.

H.R. 2593: Ms. Harris.

H.R. 2612: Mr. Filner, Mr. Strickland, Ms. Bordallo, and Ms. Waters.

H.R. 2665: Mr. Brown of Ohio and Mr. Israel.

H.R. 2702: Mr. Tancredo.

H.R. 2718: Mr. Cooper.

H.R. 2727: Ms. Solis.

H.R. 2747: Mr. Paul.

H.R. 2797: Mr. Ehlers.

H.R. 2821: Ms. Baldwin and Mr. Allen.

H.R. 2850: Mrs. Napolitano.

H.R. 2890: Mr. Payne.

H.R. 2905: Mr. Hinchey, Mr. Sanders, and Mr. Snyder.

H.R. 2915: Mr. Ramstad and Mr. Shays.

H.R. 2932: Mr. Rangel, Mr. Hoeffel, and Mr. Wynn.

H.R. 2945: Mr. Udall of Mexico.

H.R. 2950: Mr. Chandler.

H.R. 3014: Mr. Nadler and Mr. Engel.

H.R. 3015: Mr. Forbes and Mr. Wynn.

H.R. 3069: Mr. Miller of Florida, Mr. Franks of Arizona, Mr. Shuster, and Mr. Pickering.

H.R. 3090: Mr. Lincoln Diaz-Balart of Florida.

H.R. 3103: Mr. Moran of Kansas.

H.R. 3213: Mr. DeMint.

H.R. 3243: Mr. Burns and Mr. Gordon.

H.R. 3277: Mr. Burr.

H.R. 3281: Mr. McGovern, Ms. McCollum, Mr. Filner, Mr. Paul, Mr. Simmons, and Mr. Inslee.

H.R. 3344: Mr. Udall of New Mexico.

H.R. 3352: Mr. Larsen of Washington.

H.R. 3386: Mr. Crowley and Mr. Lantos.

H.R. 3438: Mr. Cramer, Mr. Davis of Illinois, Mr. Doggett, Mr. Gonzalez, and Mr. McCotter.

H.R. 3459: Mr. Brady of Pennsylvania and Mr. Waxman.

H.R. 3460: Mr. Cardoza.

H.R. 3473: Mr. Gutierrez and Mr. Boucher.

H.R. 3474: Mr. Shaw, Mr. Sherman, Mr. Capuano, Mr. Cannon, Mr. Nethercutt, and Ms. Bordallo.

H.R. 3574: Mr. Cox, Mrs. Wilson of New Mexico, Mr. Manzullo, and Ms. Carson of Indiana.

H.R. 3579: Mr. Michaud and Ms. Baldwin.

H.R. 3615: Mr. Ryan of Ohio.

H.R. 3643: Mr. Allen.

H.R. 3676: Mr. Shays.

H.R. 3715: Ms. Lee.

H.R. 3763: Mr. Chocola.

H.R. 3773: Mr. Hensarling, Mr. Kennedy of Minnesota, and Mr. Otter.

H.R. 3791: Mr. DeMint.

H.R. 3796: Mr. Davis of Tennessee.

H.R. 3800: Mr. Keller and Mr. Gibbons.

H.R. 3801: Mr. Issa, Mr. Lewis of Kentucky, Mr. Goodlatte, and Mr. Gibbons.

H.R. 3814: Mr. Pence.

H.R. 3820: Ms. Solis, Mr. Grijalva, Mr. Lynch, Mr. Brady of Pennsylvania, Ms. Kaptur, Mr. Cardin, and Mr. McNulty.

H.R. 3839: Ms. Lee.

H.R. 3847: Mr. Doggett.

H.R. 3859: Mrs. Napolitano, Mr. Nadler, Mr. Sherman, Mr. Sabo, Mr. Saxton, Mr. LoBiondo, Mr. Kucinich, Mrs. Biggert, Mr. Inslee, Mr. Crowley, Mr. Dicks, Mr. McGovern, Mr. McCotter, Mr. Blumenauer, Mr. Jackson of Illinois, Mr. Green of Texas, Mr. Delahunt, Mr. Pallone, and Mr. Visclosky.

H.R. 3860: Mr. Smith of Michigan.

H.R. 3886: Mr. Thornberry.

H.R. 3896: Mr. Pitts.

H.R. 3919: Mr. Doggett.

H.R. 3921: Mr. Spratt and Mr. Ross.

H.R. 3936: Mr. Filner, Mr. Strickland, Ms. Corrine Brown of Florida, Mr. Grijalva, Mrs. Maloney, Mr. Sanders, Mr. Miller of Florida, and Mr. Rodriguez.

H.R. 3968: Mr. Hoeffel.

H.R. 3981: Mr. Everett.

H.R. 3987: Mr. Lofgren.

H.R. 4010: Mr. Blumenauer.

H.R. 4011: Mr. Franks of Arizona and Mr. Tiahrt.

H.R. 4014: Mr. Davis of Illinois.

H.R. 4020: Mr. Skelton.

H.R. 4026: Mr. Shimkus, Mr. Goode, Mr. Gordon, and Mr. Ross.

H.R. 4030: Mr. Ehlers and Mr. Holt.

H.R. 4032: Mr. Snyder and Ms. Waters.

H.R. 4033: Mr. Towns.

H.R. 4043: Mrs. Davis of California.

H.R. 4052: Mr. Rangel, Mr. Bass, Mr. McGovern, and Mrs. Cubin.

H.R. 4061: Ms. Watson, Mr. Conyers, Mr. Rush, Mrs. Christensen, Mr. Faleomavaega, Mr. Rodriguez, Ms. Corrine Brown of Florida, Mr. Andrews, Mr. Brown of Ohio, Ms. Eddie Bernice Johnson of Texas, Mr. Towns, Mrs. Napolitano, Ms. Jackson-Lee of Texas, Mr. Smith of Washington, Ms. Waters, and Mr. Houghton.

H.R. 4063: Mr. Conyers and Mr. McIntyre.

H.R. 4072: Mr. Rangel, Mr. Jefferson, Ms. Jackson-Lee of Texas, Mr. Brady of Pennsylvania, Mr. Conyers, and Mr. Owens.

H.R. 4100: Mr. Thompson of California, Ms. Jackson-Lee of Texas, Ms. Eshoo, and Mrs. Tauscher.

H.R. 4120: Mr. Smith of Washington.

H.R. 4129: Mr. Cannon and Mr. Walsh.

H.R. 4130: Mr. Frost, Mr. Boyd, Mr. Meehan, Mr. Wolf, Mr. Snyder, Mrs. McCarthy of New York, Mr. Dicks, Mr. McNulty, Mr. Emanuel, Mr. Davis of Florida, and Mr. Simpson.

H.R. 4140: Mr. Holt.

H.R. 4154: Mr. McNulty and Mr. Owens.

H.R. 4156: Mr. Costello.

H.J. Res. 22: Mr. Shuster.

H.J. Res. 62: Mr. Shays.

H. Con. Res. 247: Mr. Udall of New Mexico.

H. Con. Res. 304: Mr. Rogers of Kentucky.

H. Con. Res. 310: Mr. Lewis of Kentucky.

H. Con. Res. 311: Mr. Cardoza.

H. Con. Res. 314: Ms. Corrine Brown of Florida.

H. Con. Res. 332: Ms. Corrine Brown of Florida, Mr. Lynch, and Mr. Davis of Florida.

H. Con. Res. 343: Mr. Stenholm.

H. Con. Res. 362: Mr. Hinojosa.

H. Con. Res. 366: Mr. Thompson of Mississippi, Mr. Deutsch, Mr. Davis of Tennessee, Mr. Weiner, Mr. Schiff, Mrs. McCarthy of New York, Ms. Watson, Mr. Bishop of Georgia, Mr. Skelton, Mr. Scott of Georgia, Mr. Dicks, Ms. Lee, Mr. Honda, Ms. Corrine Brown of Florida, Mr. Moore, Mr. Hinchey, and Mr. Spratt.

H. Con. Res. 371: Mr. Bachus and Mr. John.

H. Con. Res. 375: Mr. Spratt.

H. Con. Res. 381: Mr. Levin.

H. Con. Res. 390: Mr. Rangel and Mr. Rothman.

H. Con. Res. 391: Mr. Holt, Mr. McGovern, Mr. Capuano, Ms. McCarthy of Missouri, Mr. Delahunt, Mr. Moran of Virgina, Mr. George Miller of California, Mr. Pallone, Mr. McNulty, Mr. Frank of Massachusetts, and Mr. Ryun of Kansas.

H. Con. Res. 392: Mr. Honda and Mr. Brown of Ohio.

H. Con. Res. 396: Mr. Moran of Virginia, Mr. Wu, Mrs. Christensen, Ms. Lee, Mr. Wexler, Mr. Weiner, Mr. Crowley, Ms. Schakowsky, Mr. Meehan, Mr. Cummings, Ms. Woolsey, and Ms. Roybal-Allard.

H. Con. Res. 406: Mr. Ford, Mr. Lantos, Mr. Kucinich, and Ms. McCollum.

H. Res. 103: Mr. Filner.

H. Res. 129: Mr. Crowley.

H. Res. 363: Ms. Linda T. Sánchez of California.

H. Res. 402: Mr. Rahall.

H. Res. 470: Mr. Cardoza.

H. Res. 556: Ms. Bordallo.

H. Res. 570: Mr. Ney, Mr. Grijalva, Mr. Weiner, Ms. Majette, and Mr. Scott of Georgia.

H. Res. 575: Mr. Gillmor and Mr. Bartlett of Maryland.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

74. The SPEAKER presented a petition of Jamin Potamkin, a Citizen of Pennsylvania, relative to petitioning the United States Congress for redress of grievances; to the Committee on the Judiciary.

75. Also, a petition of the City Council of Gulfport, Mississippi, relative to a Resolution supporting the President of the United States and his proposed amendment to the United States Constitution prohibiting same sex marriages; to the Committee on the Judiciary.

76. Also, a petition of the City Council of Berea, Ohio, relative to Resolution No. 2004-13 supporting the Federal Breast Cancer Patient Protection Act of 2003; jointly to the Committees on Energy and Commerce and Education and the Workforce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2844

Offered By: Mr. Larson of Connecticut

Amendment No. 1: In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "45 days" and insert "75 days".

H.R. 2844

Offered By: Mr. Larson of Connecticut

Amendment No. 2: In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

"(5) Extension of deadline to permit states to hold primaries.—If State law provides that the candidates for a special general election held under this subsection are to be selected in a primary election, the State may extend the deadlines referred to in paragraphs (2) and (3) to take into account the period provided under State law for holding such a primary election, including any runoff election resulting from such a primary election.".

H.R. 2844

Offered By: Mr. Larson of Connecticut

Amendment No. 3: Amend paragraph (3) of section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, to read as follows:

"(3) Eligibility of candidates.—

"(A) In general.—A candidate shall be eligible to run in a special election held in a State under this subsection if the candidate meets such requirements as may apply under State law.

"(B) Extension of deadline for election.—A State may extend the deadline provided under paragraph (2) for a special election to the extent the State considers necessary to prepare balloting materials and distribute absentee ballots which include the names of all eligible candidates, and to otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.".

H.R. 2844

Offered By: Mr. Larson of Connecticut

Amendment No. 4: In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

"(5) Rule of construction regarding federal election laws.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any of the following laws:

"(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

"(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

"(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

"(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

"(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.).".

H.R. 2844

Offered By: Mr. Larson of Connecticut

Amendment No. 5: Add at the end the following new section:

SEC. 3. DESIGNATION OF MEMBERS AGREEING TO BE ABSENT FROM JOINT SESSIONS AND JOINT MEETINGS.

(a) Designation.—For each of the events referred to in subsection (b), the Speaker and the minority leader of the House of Representatives shall each designate 25 Members who will agree not to be present at the event.

(b) Events Described.—The events referred to in this subsection are as follows:

(1) Any joint session of the 2 Houses of Congress held for purposes of receiving a communication from the President, counting the votes of electors for the President and Vice President, or any other purpose.

(2) Any joint meeting of the 2 Houses of Congress held for purposes of receiving addresses from foreign dignitaries or any other purpose.

(3) The inauguration of the President and Vice President.

(4) Any other event for which the Speaker and minority leader determine that the designation of Members pursuant to this section will promote the continuity of the operations of the House in case extraordinary circumstances occur.

EXTENSIONS OF REMARKS

HONORING THE 14TH ANNUAL DC BLACK PRIDE CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. NORTON. Mr. Speaker, this Memorial Day Weekend, May 28–31, is the 14th Annual DC Black Pride celebration in Washington, DC.

DC Black Pride is an exciting 4-day event complete with dynamic workshops, receptions, cultural arts activities, small and large nightclub events culminating with the world's largest Black Pride Festival at Washington, DC's new state-of-the-art Convention Center. It is considered one of the preeminent Black Pride celebrations in the world consistently drawing 30,000 people to the Nation's capital. Attendees come from every major urban area in the United States as well as from Canada, Great Britain, France, Germany, the Netherlands, the Caribbean and South Africa. The Black Pride Festival features activities for the entire family including a performance by national recording artist, Kelly Price, 200 exhibition booths, book signings from noted writers, participation from national and local health organizations, and arts and crafts.

This year's DC Black Pride theme is, "Honoring Our Sheroes and Heroes," to remember and honor African-American/Black—women and men, LGBT and straight, dead and alive, those who are famous and those who are known only to a few who have shown strength of character in order to make a difference in the lives of our people and our Nation.

The event is coordinated by Black Lesbian and Gay Pride Day, Inc (BLGPD), a nonprofit organization with a volunteer Board of Directors: Earlene Budd, Member-At-Large; Sterling A. Washington, Member-At-Large; Clarence J. Fluker, Secretary; Robert Jones, Vice President; Eric E. Richardson, Member-At-Large; B. Roland Edwards, Member-At-Large; Cheryl Dunn, Treasurer; Rayceen Pendevis, Member-At-Large; Toni Collins, Member-At-Large; Shanika Whitehurst, Member-At-Large; and Earl D. Fowlkes, Jr., President. BLGPD's mission is to build awareness of and pride in the diversity of the Black lesbian, gay, bisexual and transgendered community as well as to create a funding source and support organizations that are addressing HIV/AIDS and other health issues adversely affecting our community.

I ask the House to join me in welcoming all attending the 14th Annual DC Black Pride celebration in Washington, DC, and I take this opportunity to remind the attendees that United States Citizens who reside in Washington, DC are taxed without full voting representation in Congress.

HONORING DR. BRADLEY E. HABERMEHL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Rotary Club of Burton, Michigan to honor my good friend and constituent Dr. Bradley E. Habermehl. Dr. Habermehl has unselfishly donated his time and medical expertise to educating the underserved on maintaining good eye health. On Thursday, April 22, 2004, the Burton Rotary Club during their monthly meeting will present Dr. Habermehl with the prestigious Jack Hamady Good Scout award for outstanding community service.

Dr. Habermehl was born and raised in Burton, Michigan. He graduated in 1981 from Bentley High School. He attended Ferris State University, after which he enrolled in the Illinois College of Optometry. Upon graduation in 1988 he joined the private group of Dr. Thomas Pardee and Dr. David Visser, where he began his primary eye care practice. His practice has flourished into one of the most well known, and accomplished eye care practices in Genesee County. On June 27, 1988, he became a member of the Burton Rotary Club, and in 1990 he served as President of the Club. Dr. Habermehl made history in 1996, when he became the youngest Optometrist to be appointed to the State Board of Examiners of Optometry. He currently holds the position of Chairman of the Board until his term expires in June of 2004. Dr. Habermehl shares his knowledge of maintaining excellent eye health to not only the residents of Genesee County, but to the underserved populace around the world. In 2001, he was appointed Chairman of the Burton Rotary Club's Avoidable Blindness Committee, and as a result has led a team of doctors, VOSH volunteers, and Rotarians to Mexico for the past four years to dispense used eyeglasses. This effort has led to the giving of corrected vision to over 10,000 Mexican citizens. Dr. Habermehl is also actively involved with the Michigan Optometric and the American Optometric Association. He is the Director of the Flint Sensory Learning Center, which is devoted to aiding children and adults with developmental delays. Dr. Habermehl has received numerous accolades for work, but one that is most worthy of mentioning for this occasion is the "Rotarian of Year" award, which he has been awarded three times by the Burton Rotary Club. Dr. Habermehl credits the love and support of his devoted wife Cindy and his two children, Chad and Kylee to his success.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating a humanitarian, and my good friend Dr. Bradley E. Habermehl.

HONORING DOUG HARRISON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor and congratulate Doug Harrison upon his retirement after 33 years of service to the Fresno Metropolitan Flood Control District. A reception will be held in his honor on April 15th in Fresno, California.

Doug has achieved numerous accomplishments and has been involved in many noteworthy projects. Mr. Harrison has spoken nationally on urban storm water and flood control issues, including frequent testimony before the United States Congress and the California State Legislature. He has published numerous articles and was a contributing author for a national water resources policy white paper developed by the National Water Alliance for the George Bush administration. Doug's work in urban runoff quality research was recognized by the American Waterworks Association as the best water resources research effort of 1988. The State Water Resource Control Board acknowledged Mr. Harrison for Federal Clean Water Act program assistance, and was subsequently named by the American Public Works Association as one of the Top Ten Public Works Leaders in the nation in 1993.

Mr. Harrison has received various awards and recognitions. He was named Manager of the Year by the California Special Districts Association, and later given the 2002 Excellence in Water Leadership Award by the Association of California Water Agencies. During Doug's tenure, the Fresno Metropolitan Flood Control District has been awarded: The Theodore Roosevelt Environmental Award of the Association of California Water Agencies, Award of Merit from American City and County Magazine, and the Award of Excellence, California Park and Recreation Society, to name a few.

Mr. Speaker, I rise today to honor Doug Harrison upon his retirement from the Fresno Metropolitan Flood Control District. I invite my colleagues to join me in wishing Doug a fulfilling retirement.

CONGRATULATING MRS. BERNICE MOUNIA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate Mrs. Bernice Mounia on her momentous 80th birthday that she will be celebrating on April 19, 2004. Bernice has spent the past 80 years of her long and distinguished life caring for her

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

family and her community in Gary, IN. Her presence in Northwest Indiana has allowed her the opportunity to touch the lives of many people.

Bernice was born on April 19, 1924, and subsequently moved to Gary, IN from Alabama in 1944 with her loving husband, Webster Mounia. After moving to Gary, IN, Bernice and Webster were blessed with the births of their 10 wonderful children. Her children, as well as people whose lives are touched by Bernice, admire her for devoting unselfish love, time, dedication, guidance, and spirit to her family, church, and friends.

As we'll as being dearly loved and respected by her family and community, Bernice was also well known for her ingenuity and prudence. Bernice currently resides in the same house at 2700 Jefferson Street that she and her husband built 48 years ago. She displayed ingenuity in constructing insulation out of dryer lint to plug cracks around windows and doors. Along with her many other accomplishments in her community, Bernice was also a pioneer in the practice of recycling. Due to her resourcefulness, Bernice invented ways in recycling aluminum, bread bags, cloths, jars, food, soap, wax paper, and cans of grease that were left over from her gourmet cooking.

Gourmet cooking on a frugal budget was definitely one of Bernice's fortes. Bernice made sure no one in her family went without a first class meal to eat. As well as providing the best meals available for her children, Bernice also wanted the best upbringing for her children. By providing unwavering guidance to her children, she instilled in them the morals and fortitude that have molded her children into successful adults who are raising families of their own.

Mr. Speaker, Bernice Mounia has given her time and efforts selflessly to the people of Northwest Indiana throughout her long and illustrious life. She has taught every member of her family and extended family the true meaning of service to all people in the community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mrs. Bernice Mounia for her outstanding contributions to Indiana's First Congressional District. I am proud to commend Bernice for her lifetime of service and dedication.

GAY AND LESBIAN ACTIVISTS ALLIANCE OF WASHINGTON, DC, 33RD ANNIVERSARY RECEPTION HONORING DISTINGUISHED SERVICE AWARD RECIPIENTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. NORTON. Mr. Speaker, I rise today to recognize a Washington, DC institution that has been in the forefront of the lesbian, gay, bisexual, and transgendered civil rights movement, and that I have the distinct honor and pleasure of representing in this body: the Gay and Lesbian Activists Alliance of Washington, D.C. (GLAA), the oldest continuously active gay and lesbian rights organization in the United States.

Since its founding in April 1971, GLAA has been a respected and persistent advocate in District politics tirelessly asserting equal rights and social equality for lesbians and gay men living in the city through peaceful participation in the political process.

GLAA has long fought to improve relations among the District's gay, lesbian, bisexual, and transgendered communities and the D.C. Government. GLAA has taken the lead in advocating better training for the D.C. Metropolitan Police Department and Fire and Emergency Medical Service employees. GLAA persuaded the D.C. Public Schools to implement and enforce an effective, antiharassment policy established to protect all students. GLAA advocated effective public health strategies in the fight against AIDS. GLAA fought to insure that treatments and medicine are available to those in need and that the District's spending on HIV/AIDS services be both open and transparent.

GLAA also has long been at the forefront of the efforts to strengthen enforcement of the D.C. Human Rights Act of 1977 by demanding all antidiscrimination policy statements in the D.C. Government reflect the full range of classes protected by that law.

On April 20, GLAA held its 33rd Anniversary Reception honoring the 2004 recipients of its Distinguished Service Awards: Sarah Kellogg, Deacon MacCubbin, The Mautner Project, Cheryl Spector, and Nadine Chandler Wilburn.

Sarah Kellogg is a director of D.C.'s Reel Affirmations film festival and a member of the board of its parent organization, One In Ten.

For 35 years Deacon MacCubbin has been a model community activist and business leader. He created the first D.C. Gay Pride celebration, the gay switchboard, the first D.C. gay youth support group, and his bookstore, Lambda Rising, serves as a de facto community center.

Since its founding in 1990, the Mautner Project has been the only national organization dedicated to lesbians with cancer, their partners and caregivers. Its mission is to improve the health and well-being of lesbians and their families by: delivering services and support to lesbians with cancer, their families and caregivers; educating lesbians about important health issues; educating healthcare providers about the needs and concerns of their lesbian clients; and promoting lesbian health through research, advocacy, and activism.

For over two decades Cheryl Spector has been a community activist. She has documented gay and lesbian life in Washington with her still and video photography.

Nadine Chandler Wilburn who performed excellent service to the LGBT community while she was interim director of the D.C. Office of Human Rights from 2002–2003.

GLAA's thirty-three year fight to secure equal rights for the LGBT citizens of Washington, D.C. is more poignant as United States Citizens living in our nation's capital, who have fought in every American war, including the present war in Iraq, are taxed without representation. Furthermore, GLAA's open and forthright advocacy for rights reminds us that LGBT soldiers, who have sworn to protect our country with their lives, must serve in silence, without the open support of their chosen families and communities, neither asking nor telling.

I ask the House to join me in congratulating the Gay and Lesbian Activists Alliance and its honorees.

HONORING MT. MORRIS HALL OF HONOR 2004 AWARDEES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the Mt. Morris community to pay tribute to the 2004 Mt. Morris Morris Hall of Honor inductees. The inductees, Linda Fishell, Jim Corbin, Fredrick Shannon, and Judy Neaves will be inducted into the hall on April 29, 2004, during a lavish dinner and ceremony to be held at the Masonic Temple in Mt. Morris, MI.

The Mt. Morris Hall of Honor was established in 1991. The honor is bestowed upon individuals, both residents and nonresidents who have made significant, long-term contributions to enhancing the quality of life in the Mt. Morris area. Since its creation, the community has inducted 31 individuals into the hall.

Hall of Honor inductee Linda Fishell is committed to the children of Mt. Morris. She has been a volunteer with the Girl Scouts of America for 20 years, and is currently serving as neighborhood treasurer and registrar. Linda is also a volunteer for the Tiger Cubs and Boy Scouts. She has been volunteering at the Mt. Morris High School for approximately 12 years.

Hall of Honor inductee Jim Corbin although no longer a resident of Mt. Morris still finds time to Give back to the community. He does so by donating his D.J. services to Mt. Morris local events, including the 125th August festival. Jim has been a Mt. Morris volunteer for 15 years. Hall of Honor inductee Fredrick J. Shannon has been a Mt. Morris area volunteer for 30 years. He donates his time and resources at the scene of accidents, fires and natural disasters by video taping, and photographing the efforts of rescue workers for documentation and training purposes. Hall of Honor inductee Judy Neaves is a dedicated member of the Mt. Morris Lioness club. She is active on both the local and district level. Aside from placing numerous volunteer hours within her own chapter, she also volunteers with the men's Lions Club by participating in their eye saving events. Judy has also volunteered with the Senior Winter Olympic for 12 years, Genesee County Fair for 10 years, and Crossroad Village.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the 108th Congress to join me in recognizing these outstanding citizens for their compassion and commitment to the community of Mt. Morris, MI.

HONORING RONALD E. STEARN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Ronald E. Stearn on the occasion of celebrating 40 years of dedication and service to the city of Sonora as a council member. He was sworn into office on April 21, 1964. An event will be held in his honor on April 19 in Sonora, California.

In his 40 years of service, Mr. Stearn has served in many roles within the community. He was mayor of Sonora for three 2-year terms and has only missed 3 council meetings throughout his career. Ron is known as the Parking & Traffic expert, providing a wealth of knowledge and history about the infrastructure of the city of Sonora. He has always voted based on what he believes is best for the city and strives to accurately represent the people of Sonora.

Ron has committed himself to the city of Sonora and its organizations for numerous years. He remains open to new ideas while respecting and promoting the city's history and wellbeing. Mr. Stearn's dedication to the city has been an inspiration to his fellow council members as well as the public. In addition to being a council member Ron has been a lifetime member of the Independent Hose Company, a volunteer fire organization, since 1950. He also managed and worked for Mundorf's Hardware for 47 years.

Mr. Speaker, it is my pleasure to congratulate Ronald E. Stearn on the occasion of his 40th anniversary on the city council of Sonora. I urge my colleagues to join me in wishing Ron many years of continued success.

CONGRATULATING THE DEDICATED AND SKILLED WORKERS IN NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On April 17, 2004, in a salute to their workers' durability and longevity, the Hammond Carpenters Union Local 599 will recognize their members for 25 years or more of dedicated service. They will be recognized during a pin ceremony banquet held on Saturday at the Carpenters Union Hall in Hammond, Indiana. These individuals, in addition to the other Local 599 members who have served Northwest Indiana so diligently for such a long period of time, are a testament to the exemplary American worker: loyal, dedicated, and hardworking.

The Carpenters Local 599, which received its charter in 1899, will honor members for their years of devoted service. The carpenter who will be honored for 55 years of service is Wayne Verble. The member who will be honored for 50 years of service is Ronald Carlson. Those members being honored for 45 years of service include Ezequile (Jack) Lopez and Walter Wisinski. Those members being honored for 40 years of service include: Robert Farkas, Paul Hornak, Joseph Komoroski, Robert Lowry, Harold McMillion, Bernard Ritchey, Edward Scheeringa, Darrel Sills, and John Verbeek. Those members being honored for 35 years of service include: Greg Argentine, Charles Gibbs, Raymond Maida, Jr., Rudy Medellin, Jr., Michael Schaller, and William Underwood. Those members of Local 599 who will be honored for 30 years of service include: Daniel Brown, Timothy Foley, and John Perz. The carpenters who will be honored for 25 years of service include: Thomas Childers, David Jazyk, Fred Kuhn, Richard Meyers, Victor Michael, Brian Morton, Kenneth Pitts, and Fred Tomkutonis.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These workers are all outstanding examples of each. They have mastered their trade and have consistently performed at the highest level throughout their careers. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of the Hammond Carpenters Union Local 599, in addition to all the hardworking union men and women in America. The men and women of Local 599 are a fine representation of America's union workforce; I am proud to represent such dedicated men and women in Congress. Their hard labor and resolute courage are the achievement and fulfillment of the American dream.

EIGHTH ANNUAL YOUTH PRIDE DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. NORTON. Mr. Speaker, this Saturday, April 24th, marks the culmination of Youth Pride Week in Washington, DC with our Eighth Annual Youth Pride Day.

Youth Pride Day occurs every April in Washington, DC. It is the annual celebration for gay, lesbian, bisexual, and transgender (LGBT) young people, which has brought over 13,000 youth together since its start in 1997. The celebration has grown from just 900 participants in 1997 to over 2,500 young people last year. Youth Pride Day has evolved into Youth Pride Week, which comprises over a dozen events ranging from a conference, dances, and poetry readings, to Youth Pride Day on Saturday.

The Youth Pride Alliance sponsors Youth Pride Day. The Alliance was founded in 1996, and its mission is to celebrate the dignity and courage of all young people as they discover their identities as gay, lesbian, bisexual, transgender, or straight.

The Alliance challenges society to stop hate, violence, fear, isolation, and denial as it reminds us that LGBT youth in our nation's Armed Forces, do so under the policy of "Don't Ask, Don't Tell." While they have sworn to defend the United States with their lives, they must suffer the hate, fear, isolation, and denial this demonstrably untenable policy engenders.

We, who live in our nation's capital and are taxed without representation, feel a special affinity to any other group that has been denied the full rights and privileges, which most United States Citizens enjoy. I remind the House that Washingtonians are taxed without representation.

I ask this House to join with me in welcoming all those attending Youth Pride Day.

HONORING COMMANDER JOHN J. ROESNER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to honor an American hero, my constituent Commander John J. "Jack" Roesner for 22 years of faithful steadfast service to the United States Navy. His hard work, dedication and leadership to this Nation is without doubt commendable. On May 7, 2004, the U.S. Navy will join along with his family to honor him during a retirement ceremony to be held at his command, OPNAV—Naval Education and Training.

Commander (CDR) Roesner was born and raised in my hometown of Flint, Michigan. He attended Northern Michigan University, where he earned both his Bachelor and Masters Degrees. In February of 1982, CDR Roesner completed Navy Officer Candidate School and earned his commission. His first assignment as a Surface Warfare Officer was aboard the USS *Mahlon S. Tisdale* (FFG–27), where he served as the Commanding Ordance Officer and subsequently as Damage Control Assistant and Combat Information Center Officer. During this tour CDR Roesner qualified as Surface Warfare Officer and Gas Turbine Engineering Officer of the Watch (EOOW). In November of 1985 he transferred to the Naval Reserve Officer Training Corps (NROTC) located at the University of Mississippi as an Associate Professor and Instructor of Naval Science. In February of 1989, he graduated from the Surface Warfare Officer Department Head Curriculum, after which he was assigned as the Combat Systems Officer of the USS *John Rodgers* (DD–983), and subsequently afloat as Combat Systems and Material Officer on the staff of Commander, Destroyer Squadron Twenty-Six. CDR Roesner in November of 1992 reported for duty in Washington, D.C. as Aide and Administrative Assistant to the Naval Inspector General, where he served until 1985. After his tour in Washington he returned to sea duty and was stationed aboard the USS *Scott* (DDG–995) as the Executive Officer, followed by subsequent afloat tour as Chief Staff Officer for Commander, Destroyer Squadron Thirty-Two. In 1998, he became the Executive Officer of the Navy Recruiting District Minneapolis, and on April 14, 2000 he assumed Command of the district. In November of 2001, CDR Roesner reported to OPNAV (N–79). During CDR Roesner's career he has deployed five times to the Mediterranean and/or Western Pacific, completed three North Red Sea surges in support of U.N. sanctioned Maritime Interception Operations, and two Counter-Narcotics Operation deployments. He completed JPME phase-1 training through the Air Force Command and Staff College. CDR Roesner was awarded the Meritorious Service Medal w/gold star, Navy/Marine Corps Commendation Medal w/two gold stars, along with various unit and campaign awards. Aside from being an outstanding leader and role model, he is a devoted husband to his wife Stephanie.

Mr. Speaker, as a member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating my constituent and one of the U.S. Navy's finest sailors Commander Roesner upon his retirement from the U.S. Navy. He has served his country with honor, enthusiasm and great concern. I wish him all the best in the future.

HONORING UNITED CEREBRAL PALSY OF CENTRAL CALIFORNIA 50TH ANNIVERSARY AND THE FANSLER FOUNDATION 20TH ANNIVERSARY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to commend United Cerebral Palsy (UCP) of Central California in celebrating 50 years of compassionate care and for honoring the Fansler Foundation's 20th Anniversary as well. In recognition of these milestone events, UCP of Central California will be hosting a Starlight Fantasy Ball on Saturday, March 27th in Fresno, California.

UCP of Central California is a non-profit, voluntary health agency that was incorporated in 1954 and is affiliated with state and national UCP Associations. The mission of UCP is to advance the independence, productivity, and full citizenship of persons with disabilities. UCP of Central California serves seven counties in the San Joaquin Valley including Fresno, Kern, Kings, Madera, Mariposa, Merced, and Tulare; serving over 500 children, adults, and family members everyday. The core purposes of UCP are to advocate on the behalf of children and adults with cerebral palsy, autism, mental retardation, Down Syndrome, head trauma, and muscular dystrophy. They seek to create local, as well as national, awareness of programs and services available to children and adults with disabilities while raising revenue to support program services they provide.

UCP of Central California is honoring the Fansler Foundation for its support of the community. The Fansler Foundation is a non-profit foundation established in 1984, by David (Paul) Fansler, Sr. Paul's primary vision was to assist developmentally challenged. youth and aid other qualified charities working with children who do not have the opportunity or support to get ahead. The dream was to help provide for these charities in the Fresno County Area; the Fansler Foundation has supported such groups as the American Lung Association, the Marjoree Mason Center, Break the Barriers, and UCP of Central California to name a few. The Fansler Foundation has given over six million dollars of support to numerous organizations over the last 10 years alone. Since Paul's death, Marlene Fansler continues the dream that Paul began 20 years ago.

Mr. Speaker, I commend United Cerebral Palsy of Central California and the Fansler Foundation for their continued dedication to those who have disabilities. I urge my colleagues to join me in praising them for their years of establishment and hard work.

CONGRATULATIONS TO ANNA SAUGER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. LEVIN. Mr. Speaker, I rise to offer my heartiest congratulations to Anna Sauger, a beloved mother, wife, and citizen who was born a century ago on April 4, 1904.

Born in a coal mining town in Portage, PA, Anna often speaks of the hard life for the family of eight boys and three girls. The family kept two cows for milk, two pigs and some chickens for fresh eggs.

Her father, brothers and other coal miners fought for an 8-hour workday, better safety in the mines, and ultimately formed a Union, only to face a lockout in this company town, and were forced to leave their homes.

Ultimately, the company settled; Anna continued her education in a one-room school house and married John Sauger, a young miner. They lived in a small house in an area known as "Whiskey Row" until they moved to Detroit in 1925, where she raised a family of six boys and three girls.

During WWII, Anna was one of many working women who helped build the arsenal of democracy. She worked at the old Packard plant helping build Packard-Merlin engines used in the P–51 Mustangs. Her other jobs included factory work at Bundy Tubing and Glo-Tone cleaners.

Then tragedy struck and Anna lost John, her partner and best friend, in 1971. John was also her means of transportation, taking her from place to place. At the young age of 70 years old, Anna secretly took driver's training and got her driver's license. She became the proud owner of a driver's license and a green Dodge Scamp.

Last year, when Anna was honored with a visit to her home by Governor Jennifer Granholm, she presented her with a handmade pillow and blanket, made on her 1956 Pfaff sewing machine.

Mr. Speaker, I ask my colleagues to join me in applauding and honoring Anna Sauger on the wonderful occasion of her 100th birthday. I am pleased to join her many friends and family in paying tribute to a new centurion and a life that represents so very well the challenges and opportunities of our great country.

IN HONOR OF SIAS INTERNATIONAL UNIVERSITY, ZHENGZHOU, CHINA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BECERRA. Mr. Speaker, I rise today to recognize and pay tribute to the Sias International University of Zhengzhou, China, on the occasion of its fifth anniversary. Founded in 1998 by Dr. Shawn Chen, the Sias International University has been recognized as the first American-owned university in China.

Sias International University has a mission to educate professionals and help them gain an in-depth understanding of international business theory and practice. Its unique blend of Western and Eastern culture creates a truly international learning environment to better prepare its students for today's global market. This dual-culture educational environment also fosters greater understanding between the United States and China.

One of the fastest growing universities in China, Sias International University has a student population now exceeding 7,000 and offers over 30 different majors, including business, engineering, art, sciences, languages, and liberal studies. Its unique partnership with Fort Hays State University in Kansas enables Sias International University to offer dual degree programs in many majors. Through Fort Hays State University's virtual campus and online courses Chinese students learn first hand about American educational values.

Dr. Chen's vision of international cooperation through academia has established Sias International University as a model for future education in China. As we speak, the partnership between Sias International University and Fort Hays State University is educating future leaders in government and industry from both the United States and China, all the while strengthening ties between our two nations.

The establishment of an institution like Sias International University could not be timelier. At a time when countries are threatened by terrorism and the national reflex worldwide is to close borders, we must remember that our economies, our people, and thus our nations are intertwined in this world. We must continue to resist reactions of fear and isolation and work instead towards forging relations with our international neighbors.

Mr. Speaker, as students, faculty, board members, university leaders, and the community gather to celebrate the accomplishments of Sias International University on the occasion of its fifth anniversary, I ask my colleagues to join me in extending congratulations and best wishes for continued growth and prosperity to this thriving institution.

IN HONOR OF LEEANN O'TOOLE'S DEDICATION TO THE BURBANK UNIFIED SCHOOL DISTRICT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate LeeAnn O'Toole for 34 years of dedicated service to the Burbank Unified School District.

LeeAnn began her employment with BUSD on June 1, 1970, in the Division of Special Services as Secretary to the Senior Psychologist and Supervisor of Individual Guidance. At that time, this office was a combination of what we now know as the Special Education and Pupil Services departments. After a few months, she was transferred to Instructional Services, and served as Secretary to the Curriculum Coordinators and the Supervisor of Music. She worked there until April 1973, when she took maternity leave. Subsequently, she decided to resign her position to become a full-time stay at home mother.

LeeAnn returned to the District part-time in May 1979 at McKinley Elementary School as a health assistant. In September 1980, she transferred to Jordan (Junior High School then) as a full time Counseling assistant. In April of 1982, she transferred to the Division of Instruction as a full-time Secretary to the Elementary Curriculum Coordinator. In May of 1984, LeeAnn moved to the Superintendent's Office as a Secretary. She left briefly in 1989 to take a position as Secretary to the Superintendent in the La Canada Unified School District where she was quickly promoted to Director of Administrative Services. The following year, she decided personnel work was not her true calling. Upon the retirement of the Secretary to the Superintendent in Burbank in 1991, she was rehired to fill that position where she has served ever since. Over the years, the job title has changed. She is now known as the Assistant to the Superintendent.

LeeAnn is a shining role model and irreplaceable BUSD employee. I ask all Members of Congress to join me today in congratulating LeeAnn O'Toole for a truly exemplary professional and public service career, and for her immense commitment to the city of Burbank and its residents.

TRIBUTE TO DANIEL S. CHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MATSUI. Mr. Speaker, I rise in tribute to Daniel S. Chan. On March 22, 2004, the city of Sacramento and northern California lost one of it most respected and honorable business leaders when Daniel S. Chan passed away. As his friends and family gather to remember Daniel's remarkable life and many outstanding contributions to his friends, family, and community, I ask all my colleagues to join with me in saluting this exceptional citizen and my dear family friend, Daniel S. Chan.

A native of Sacramento, Dan was born on June 9, 1915. Dan was a graduate of Sacramento High School, Class of 1933. During the same year, Dan's father, Chan Tai Oy, who immigrated from Canton, China to Sacramento in the early 1900s, started a new business venture; General Produce Company. At the age of 18, Daniel would join his father and two brothers, Tom and Eddie, and cousin, Davis Sun, and embark on what will be an illustrious six-decade long career with General Produce Company.

As an owner, Dan was chief buyer and salesman for General Produce Company. Dan's dedication to the company and his work ethic were legendary. Dan worked seven days a week for over 60 years. Through Dan's outstanding business acumen and hard work, and his collaboration with his brothers Thomas and Eddie, General Produce Company would become one of Northern California's largest wholesale produce distributors. In addition to General Produce Company, Dan and his brothers also started one of the first department stores in Sacramento in the late 1950s and he also became involved in real estate, developing commercial and residential properties in the South Land Park Area in the 1950s and 1960s.

I came to know Dan and his family through my father's, Yasuji, employment with General Produce Company, where he was a top salesman. Dan and my father would have lunch together everyday. Dan was an owner who truly cared about the best interests and well being of his employees. Over time, our families became very close. Dan and his wife Kitty, headed a loving family that included children; Deborah, Terrie, and Daniel. I have always had the utmost respect for the kindness and decency of the Chan family.

In addition to possessing great knowledge in buying and selling virtually every commodity General Produce Company handled, Dan was also a man of many other interests. An avid baseball player in his younger days, Dan was a big baseball fan who regularly attended San Francisco Giants baseball games: A voracious reader, Dan would read four newspapers on a daily basis. Dan was also a man who enjoyed building things. Dan used his precious free time to build his children a tree house and decorative garden accessories for the enjoyment of his friends and family. After his retirement in the mid–1990s, Dan took up fishing and enjoyed golfing well into his later years. Dan and his wife, Kitty, traveled to many places, both domestic and overseas.

Dan was preceded in death by his wife Kathleen "Kitty" Chan and siblings, Thomas, Eddie, and Marjorie. He is survived by his children; Deborah Chan of Hong Kong, Terrie Chan of Orinda and Daniel Chan of Sacramento. Dan was the loving grandfather of Ian Lee, Taylor Lee, Tyler Chan and Collin Chan.

Mr. Speaker, as Dan Chan's family and friends gather to pay tribute to his wonderful life, I am honored to express my respect and gratitude to one of Sacramento's finest citizens. It was truly a privilege for my family to count Dan Chan as our dear friend. I ask all my colleagues to join me in honoring Dan Chan's remarkable life.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117. Had I been present, I would have voted "yea" on rollcall votes 96, 98, 99, 100, 101, 102, 103, 106, 108, 109, 110, 111, 112, 115, and 117. I would have voted "nay" on rollcall votes 97, 107, 113, 114, and 116.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. BACA. Mr. Chairman, I reluctantly support this transportation reauthorization.

While this bill includes important projects for my district, it does not adequately fund our nation's transportation priorities.

A population boom in the Inland Empire has created a desperate need for federal funding.

Commuters and emergency vehicles must be able to access our highways safely and efficiently.

In name of homeland security and economic vitality we, in the Inland Empire, must improve our infrastructure.

The average commute time in our district is 30 minutes to an hour. This is outrageous for an exurb community.

Last year my district grew by approximately 60,000 people.

Sixth in the nation for population growth.

These are thousands of Californians that deserve better investments in transportation infrastructure to correspond with the population growth.

I am not happy that this legislation will further condemn Californians to subsidize the transportation spending of other states.

I am not happy that this administration believes that deficit spending for millionaire tax cuts is necessary, but federal spending for job-creating transportation improvements is wasteful.

By limiting funds well below the Senate highway bill, Republicans are missing a prime opportunity to begin job creation and recover some of 3 million private-sector jobs lost under the Bush Administration.

That is why I will enthusiastically support the Davis amendment. This alternative increases the funding in the bill to the Senate-passed level of $318 billion.

This would create about 1.8 million more jobs than the House GOP leadership bill without adding to the deficit.

This Democratic amendment would create about 1.8 million more jobs and $235 billion more economic activity than the House GOP leadership bill without adding to the deficit.

The increase for highway and public transit over the House bill is fully paid for by cracking down on abusive corporate tax shelters and companies that move off-shore to avoid paying U.S. taxes.

The Senate overwhelmingly passed a $318 billion compromise measure by a vote of 76 to 21 on February 12.

Mr. Chairman, that is why I reluctantly support the reauthorization, but ask my colleagues to please enthusiastically support the Davis amendment to create jobs, fix our roads, and invest in the future.

COMMEMORATING WOMEN'S HISTORY MONTH

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

Ms. LEE. Mr. Speaker, I rise today along with other women Members of Congress to honor the contributions and landmark efforts of women. As we look back on March, Women's History Month remains an important time to reflect on and commend women for their lifelong efforts to our country. Women have been the cornerstone of this country, so it is difficult for me to honor just one today, but after thought and reflection, I've decided to honor the life's work of a mentor and long time role model of mine, Ms. Betty Shabazz.

Betty Shabazz epitomizes the strength, tenacity, confidence, compassion, and fidelity of a progressive Black woman. Early in my career, I met her on several occasions, and she gave great guidance on how to be proactive, detail specific and plan for the unexpected. As a young woman, Shabazz left Detroit to study at the Tuskegee Institute, the renowned historic black college in Alabama. She later went to New York, where she became a registered nurse.

In New York, Shabazz was introduced to the Nation of Islam and its founder Elijah Muhammad. It was in 1956 that Betty X met Malcolm X, then a rising star in the Nation of Islam. Two years later they married, and within 5 years, they had four daughters. After breaking off from the Nation of Islam in 1964, Malcolm and Betty X adopted the Muslim surname Shabazz.

In early 1965, Malcolm was gunned down while speaking at the Audubon Ballroom in Harlem. Betty Shabazz, pregnant with twins, was in the audience with their daughters when one of the greatest Civil Rights Leaders of our time was murdered. Betty raised their six daughters alone, returned to school, and in 1975 earned a doctorate in education from the University of Massachusetts. She went to work as an administrator at Medgar Evers College in Brooklyn while carrying out an effort to inform people around the world about civil and human rights and racial tolerance.

In a sudden and tragic twist of fate, the world lost a great champion and voice. In June of 1997, Betty Shabazz passed away at 61 from third-degree burns that ravaged over 80 percent of her body. This was a tragic ending to an extraordinary life.

For all of her honest criticism and constructive praise, I thank her and honor her. Betty Shabazz was a true womanist, activist, and leader. I owe here a great debt of gratitude and in the years to come will continue to work to preserve her memory.

TRIBUTE TO JOHN HEIN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MATSUI. Mr. Speaker, today I rise in tribute to a man with a distinguished public service career. Throughout the course of his career, John Hein has served the people of California, especially its school children, with great success and distinction. John recently retired from his position as the Associate Executive Director for the California Teachers Association. It is my honor to ask all my colleagues to join me in saluting John Hein, a tireless and passionate advocate for public education in California.

John Hein has undoubtedly been one of California's most effective education reformers and loyal supporters of public education in recent history. John possesses the necessary work ethic and conviction to successfully represent and advance the interests of California's 6.5 million school children. John's remarkable track record in moving an extraordinary agenda for California's school children is almost unparalleled anywhere in the field of education.

John's insight and perseverance were instrumental in negotiating a settlement in the California Teachers Association v. Gould lawsuit that resulted in the largest decrease in class size in the history of California. John's masterful handling of this settlement also produced the largest financial commitment to instructional materials for each student in every subject, as well as the largest increase in professional development opportunities for classroom teachers in the Nation.

Aside from being an astute negotiator, John was also a skilled organizer of a number of important public campaigns. John was a major organizer in a mass demonstration of teachers and other supporters of public education that played a big part in a $2 billion increase in general revenues to the public schools. To this day, this change in policy remains the largest single increase in school funding in the history of California. Driven by a deep commitment to increased local funding for public schools, John played a vital role in the successful effort to reduce the vote threshold for local school bonds from two-thirds to 55 percent. Passage of this measure resulted in a $26 billion increase in state funding for new and rehabilitated schools. John also lent his considerable talents to the fight against school vouchers. John was able to bring together a massive statewide coalition that delivered a resounding defeat to the voucher movement in California and across the nation. Time and time again, John has proven that he is one of the greatest friends of public education in California.

John's relentless dedication to public education and his strong leadership have made the California Teacher's Association one of the most powerful organizations to lobby on behalf of public education and associated issues in the country. Under John's leadership, the California Teachers Association crafted the most rigorous academic standards in the nation, a new statewide testing system, a new school facilities law and other major education reforms.

A man of many talents and considerable energy, John's leadership in California went well beyond public education issues. John has served on the executive boards of campaigns that sought to protect affirmative action, racial data collection, bilingual education, and immigrants' rights in California. John's commitment to public service has enabled him to make a positive contribution to the lives of all Californians.

Mr. Speaker, as John Hein embarks on an exciting new chapter of his life, I am honored to pay tribute to a great champion of public education in California. The people of California have benefited greatly from John's leadership and we all owe him a debt of gratitude. I ask all my colleagues to join me in wishing John continued success in all of his future endeavors, wherever retirement may lead him.

HONORING THE CONTRIBUTION OF THE CIVILIAN CONSERVATION CORPS TO THE DEVELOPMENT OF WHITE ROCK LAKE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. HENSARLING. Mr. Speaker, as the U.S. Congressman representing White Rock Lake in Dallas, I would like to recognize the invaluable contribution made by the young men of the Civilian Conservation Corps (CCC) to the development of White Rock Lake.

With the dedication of the new CCC statue at White Rock Lake Park, we honor the lasting contribution of the approximately 3,000 young men who, over the course of seven years, spent six months to two years learning a trade and performing a valuable public service.

These young men labored diligently, making a host of improvements to White Rock Lake, including deepening and widening the lake, constructing, clearing underbrush, and building bridle paths, trails, picnic grounds, barbecue pits, shelter houses, thousands of feet of retaining walls and planting hundreds of pecan trees. One of their major accomplishments was the creation of the park at Flag Pole Hill, which we still enjoy today.

Today, I recognize the "boys in green" from the CCC Camp at White Rock Lake and thank them for their hard work as we dedicate a new statue in Sunset Bay to honor the outstanding contribution they made in helping build our community.

TRIBUTE TO ALDEN B. DOW OF MIDLAND, MICHIGAN—100TH BIRTH YEAR COMMEMORATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CAMP. Mr. Speaker, I rise today to commemorate the 100th anniversary of the birth of Alden B. Dow.

In 2004, the city of Midland, Michigan will be holding a year-long celebration to honor the life and accomplishments of Alden B. Dow entitled "The Quality of Life—The Influence of Alden B. Dow."

Born in Midland on April 10, 1904, Dow's leadership and architectural ingenuity served as inspiration to his community. Trained at Columbia University's School of Architecture, Dow completed over 520 projects throughout his fifty-year career, each focusing on a theme of individuality. He designed homes throughout the United States, including World War II housing for the Department of Defense in Brazoria, Texas. He also designed the entire town of Lake Jackson, Texas during the same period. In addition to housing, Alden Dow also designed colleges, hospitals, and community buildings. His design of the First United Methodist Church in Midland won the Eighth Annual National Honor Awards of the American Institute of Architecture in 1958, and was the only religious structure to receive such an award. Dow has also received such honors as honorary degrees from various colleges and universities, and was a Fellow for the American Institute of Architects. He served as president of the Michigan Society of Architects in 1949, winning the organization's gold medal in 1960. He was also a recipient of the Frank Lloyd Wright creativity award in 1982, and in 1983, Dow was honored as Michigan's only Architect Laureate.

I am honored today to recognize, along with the city of Midland, Michigan, the accomplishments of Alden B. Dow and his life contributions during this celebration.

OIL-FOR-FOOD CREDIBILITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BEREUTER. Mr. Speaker, this Member agrees with the sentiments expressed in an April 12, 2004, Lincoln Journal Star editorial entitled "Credibility at Stake in Probe of Oil-for-Food." This Member commends the article to his colleagues.

[From the Lincoln Journal Star, Apr. 12, 2004]

CREDIBILITY AT STAKE IN PROBE OF OIL-FOR-FOOD

If the United Nations is to retain credibility as an effective force in international affairs, it cannot afford a slipshod and superficial investigation into its handling of the oil-for-food program.

Rumors of corruption in the program have been floating around for years, but more specific charges have been leveled recently.

The charges are especially troubling at a time when the United Nations is being encouraged to take a larger role in the stabilization of Iraq.

The oil-for-food program, established and operated by the United Nations, was begun in 1996 to ease hardship imposed on ordinary Iraqi citizens by economic sanctions. Under its guidelines, Iraq was allowed to sell oil to buy goods that had humanitarian purposes, such as food and medicine.

Iraq sold about $67 billion worth of oil before the program ended, according to the U.S. General Accounting Office.

The program was set up to pay for itself. The United Nations earned a 3 percent commission. Most of the money went to cover the United Nation's costs, and the remainder was to go to the weapons inspection program.

But GAO officials said recently that Saddam Hussein's government pocketed more than $10 billion in proceeds from oil sales. About $5.7 billion came from oil smuggled to its neighbors. Another $4.4 billion came from illegal surcharges and kickbacks on legitimate contracts.

Several months ago, an Iraqi newspaper said it had documented proof that oil revenue was diverted to more than 200 businesses, organizations and individuals, including French and Russian politicians and Benon Sevan, the U.N. official who ran the oil-for-food program.

U.N. officials attempted and succeeded in blocking some of the smuggling ventures, but the recent charges portray the corruption as much more extensive than previously suspected. One of the ticklish aspects of the corruption charges is that U.N. General Secretary Kofi Annan's son, Kojo, worked for one of the companies that are implicated in the scandal. Suggestions that Kojo Annan was involved in the corruption seem dubious, however, since he left the company before it became involved with the program.

Kofi Annan initially was slow to respond to the new charges, but he won U.N. Security Council permission last month to establish an independent investigation into the charges. The approval was less than enthusiastic, however. Russia agreed only to "take note" of the investigation.

The United Nations has filled an invaluable role over the years in addressing humanitarian problems and helping to resolve conflicts.

In order to retain the trust of the international community, the United Nations must be willing to thoroughly investigate these charges of corruption. If results warrant, the international organization also must take decisive action against any of its own officials who may have been involved.

COMMENDING THE ATHLETES, ORGANIZERS, VOLUNTEERS AND FANS OF THE DODGE TOUR DE GEORGIA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. COLLINS. Mr. Speaker, this week Georgians will line the roads to witness the top ranked stage road bicycle race in North America.

The Dodge Tour de Georgia promotes tourism, stimulates local industry, and is proud to benefit the Georgia Cancer Coalition. The race serves as a rolling festival to entertain and educate spectators across the Peach State about cycling, fitness, and most importantly about the possibility for a cure for and the prevention of cancer. This second annual event, April 20 to 25, 2004, takes pro cyclists and multitudes of visitors on a scenic 641-mile journey through the Great State of Georgia.

Athletes from over 15 countries will compete for $100,000 in cash and prizes. With a mix of road races, an individual time trial, and challenging terrain, the 2004 Dodge Tour de Georgia will be an exciting event for both racers and spectators.

A great deal of attention will be on cycling this year, since many elite athletes vie to represent their countries in the Olympic Games in road, time trial or track disciplines of cycling in August. And, five-time Tour de France Champion Lance Armstrong seeks his record sixth consecutive win on the Champs-Elysees in July. Part of the reason for a significant increase in media and spectator interest in the Dodge Tour de Georgia this year is because Armstrong will compete in the event with his United States Postal Service Pro Cycling team. It will be the only stage race Armstrong is expected to enter in North America this year, and the only event in the U.S. for him prior to his record attempt in France.

Officials with the Dodge Tour de Georgia project a $20 to $30 million boost to the Georgia economy. The value provided to its charitable beneficiary, the Georgia Cancer Coalition, is expected to surpass $2.5 million, doubling the number from 2003. The 2004 Dodge Tour de Georgia, the country's premier, professional cycling stage race, will visit 11 host cities in 6 days, from Tuesday, April 20 to Sunday, April 25.

As a world-class sporting event, the Dodge Tour de Georgia is defined in part by the 128 elite, professional cyclists who will compete in seven stage races, traversing 649 miles across Georgia in 6 days. As a vehicle to promote tourism and stimulate economic growth, the race is defined by the thousands of visitors and volunteers who plan to visit from across Georgia, the U.S. and abroad.

From just the impact of media, officials, teams, and support personnel, not including spectators, local communities will see an immediate impact from 3,000 room nights and over 7,000 meals.

I would like to commend the sponsors, organizers, and staff of the Dodge Tour de Georgia, for bringing a world-class event of this magnitude to the people of the United States. I would also like to commend the Union Cycliste Internationale, for sanctioning this event.

I would like to recognize the host communities, Alpharetta, Athens, Carrllton, Columbus, Dalton, Dahlonega, Dawsonville, Hiawassee/Young Harris, Macon, Rome, and Thomaston; as well as their local organizing committees for their contribution to this worthy cause.

Cancer is a brutal killer that strikes without regard to age, race, sex, or station in life. I am grateful that there are organizations like the Georgia Cancer Coalition, which are dedicated to its eradication and there is support from organizations like Dodge; GE Energy; The Georgia Department of Industry, Trade, and Tourism; Georgia Power; Southern LINC; and the many others who have bonded together to organize and promote Georgia's Race to Cure Cancer.

This event brings the finest cyclists in the world to compete and raise money to fight a terrible killer so that all of the world may benefit. I am proud that this event will be held in my home state of Georgia and I commend all the athletes, organizers, volunteers and fans that make the Dodge Tour de Georgia a truly special event.

APRIL SCHOOLS OF THE MONTH NEW YORK'S 4TH CONGRESSIONAL DISTRICT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, it is with great pride that I congratulate the 63 elementary and middle schools from the 4th Congressional District which were recently designated as part of New York State's Most Improved Schools, and it is my honor to name them as my April Schools of the Month.

To qualify for Most Improved status, the schools have had to dramatically improve their English and Math scores. More than 50 percent of the students from the schools that made the list surpassed the English and Math standards and the number of students scoring at that level has increased by 20 points over the past 5 years, based on 4th and 8th grade test results.

The schools that made the list come from a mixture of areas from my Congressional district, proving that improving education isn't just a socioeconomic issue, but an area of concern that knows no boundaries. I am hopeful these schools will provide motivation to the rest of the schools in my district. It is common knowledge that education is the key to our children's future. We must ensure that not only the schools who made the list this year, but every one of our public schools has the funding to maintain their momentum and help all their students to meet the tougher Regents' standards.

The level of improvement by these schools is due to the hard work of the students, teachers, school staff and the parent body. Parents play a large role in the education of children by ensuring students complete their homework and improve their skills. However, I must specifically commend the teachers, who toil at a tough job that doesn't receive enough appreciation. That is why I am going to begin honoring teachers each month by naming a Teacher of the Month. This honor will allow us to recognize the dedication and tireless effort put forth by these true professionals.

Once again, I congratulate all the honorees and look forward to honoring them, and other schools, in the future.

IN MEMORY OF EDWARD J. VOLANTE, LONGTIME CLIFTON HEIGHTS FIRE CHIEF, CAREER FIREFIGHTER WITH A LEGACY OF PUBLIC SERVICE, COMPASSION AND COURAGE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of my good friend, Edward J. Volante, a longtime Clifton Heights Fire Chief and career firefighter. As his family, friends and neighbors mourn the passing of Ed Volante, I want to take a few moments today to remember his work and the difference he made in the community he served so bravely and selflessly.

Chief Volante was a lifelong resident of Clifton Heights, Pennsylvania, where he served as fire chief for 26 years and a firefighter for 50 years. He embodied the most noble virtues of public service. The Chief served in almost every position in the fire company since joining the Clifton Heights Hose & Hook in 1954. Chief Volante will be remembered for his loyal dedication to improving his community's ability to respond to emergencies and ensure the safety of all residents.

Firefighting is a matter of life and death, and individuals like Chief Volante assume an enormous responsibility when they accept the job of running a fire department. They are responsible for the lives, homes, and livelihoods of thousands of citizens throughout their community. And on a day-to-day basis they become directly responsible for the health and welfare of all the men and women they supervise. Chief Volante discharged these enormous responsibilities with real distinction. During his 26 year tenure as chief, a good department became even better. Chief Volante took great pride in the fact that his fire company was the proving grounds for other companies. Chief Volante was respected for his commitment to public safety and his ability to get things done.

Recognizing how difficult it is these days to recruit volunteers, he had a sign posted outside the fire company, "Volunteers needed, apply here." He often said, "you can never have too many volunteers." The citizens of Clifton Heights should take comfort that their fire company will continue to evoke Chief Volante's spirit and legacy through their continued efforts to better their community. When the alarm sounds at all hours of the day and night it will serve as a call for more volunteers to the noble calling of the fire service.

Mr. Speaker, the 7th Congressional District has lost an exceptional public servant, and I have lost a good friend. I wish Chief Volante's wife of 44 years, Carol Ann and family, my heartfelt condolences and may they find comfort in knowing that the many people he impacted deeply value his dedication and generosity and the example of his life and work. Chief Edward J. Volante exemplified the spirit of service that has made this country great. This man was a genuine community leader. He not only did his job well, he loved it, and the community he served. We are safer because of his life and sacrifice. I am personally grateful to have known Chief Volante as a friend, and mourn his passing.

IN RECOGNITION OF THE DEDICATED SERVICE TO THE HERNDON COMMUNITY BY TOM AND BETSY GREIN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. WOLF. Mr. Speaker, on behalf of Rep. TOM DAVIS and myself, it is our pleasure today to recognize the contributions to community journalism made by Tom and Betsy Grein through their ownership of The Observer newspapers in the Herndon community of Fairfax County, Virginia. After 13 years at the helm starting in June 1990—when they bought The Observer from the late Peggy Vetter, the newspaper's founder—the Greins last October sold the paper to new owners.

Tom and Betsy Grein formed a team dedicated to maintaining the highest standards of journalism with a focus on providing the community of Herndon with a vital source of information. Tom served as editor and publisher and Betsy was general manager and advertising director. During their tenure, The Observer grew with the community, increasing its circulation from 14,000 to more than 60,000, tripling its full-time staff, adding editions in Loudoun County and Reston, and publishing electronically on the World Wide Web.

Tom also wrote more than 700 "Our Town" columns, faithfully documenting his perspective of Herndon and the history and people of the community.

In addition to their tireless efforts as the owners of The Observer, they also found time to be active members of the Herndon community. Tom served on the Board of Directors of Herndon Community Television and the Herndon Rotary Club and Betsy was a member of the Board of Directors of the Herndon Dulles Chamber of Commerce and the Council for the Arts of Herndon.

We express appreciation to Tom and Betsy Grein on behalf of all the citizens of the greater Herndon community for their dedicated service to community journalism and wish them the best in their future endeavors.

REMEMBERING THE VICTIMS ON THE OCCASION OF THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24th will be the 89th anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children. Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, "Ketse azat ankakh Hayastan"—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

TRIBUTE TO PROVIDENCE MISSIONARY BAPTIST CHURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize Providence Missionary Baptist Church on the occasion of the dedication of their new church facilities. Founded in Newark in 1921, this church has been serving and ministering to our community for 83 years, and has long been an institution within my district.

In March of 1921, six families gathered to establish the Rose Hill Baptist Church, calling Rev. B.W. Keith as their first pastor. Though they have moved to various locations around the city of Newark, they have continued to bless our community through their dedication to serving each other, as well as their neighbors, through compassionate ministry.

Providence Missionary Baptist Church continues to reach beyond their own parish to serve the citizens of Newark, establishing a feeding and clothing ministry called Feed My Sheep, Christian Education and Leadership training, an Annual Leadership Conference, and a preschool for the children in the community.

Under the leadership of their current Pastor, Rev. Vincent Grove, they continue to experience growth, adding new members to their congregation, and renovating and expanding their facilities.

Mr. Speaker, please join me in extending my thanks to the members of the Providence Missionary Baptist Church for their contributions to our city. I also invite my colleagues to join me in sending our congratulations as they celebrate the completion of their new church building, and offering our best wishes as they commemorate their 83rd anniversary later this year.

CONGRATULATING THE PEOPLE OF TAIWAN

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GREENWOOD. Mr. Speaker, on the occasion of the 25th anniversary of the enactment of the Taiwan Relations Act (April 10), I wish to congratulate the people of Taiwan. For the last quarter century, the Taiwan Relations Act has been the cornerstone of the U.S. relationship with Taiwan. It has enabled Taiwan to move from an authoritarian state to a full democracy and has provided the people of Taiwan with the tools necessary to achieve the highest standards of living.

Taiwan has now completed its third ever direct presidential election. Even though incumbent President Chen Shui-bian won a razor thin victory over his opponent, Taiwan's latest presidential election has demonstrated to the world that the people of Taiwan have exercised their democratic right through a remarkable 80 percent voter turnout.

Let us hope that in the days and months ahead Taiwan President Chen will use the power of his office to lead Taiwan's 23 million people, and that peace and stability will continue to prevail in the Taiwan Strait for the next 25 years and beyond.

In the meantime I wish to salute Taiwan Ambassador C.J. Chen, who will be returning to Taipei next month. He has served Taiwan well as his country's top diplomat in Washington during the last 4 years. He and his wife Yolanda will be missed by their friends in Washington.

CONGRATULATING FAIRFIELD UNIVERSITY PRESIDENT ALOYSIUS P. KELLEY, S.J.

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SHAYS. Mr. Speaker, I want to congratulate Aloysius P. Kelley, S.J., the seventh and longest-serving President in Fairfield University's history, who plans to retire on June 30, 2004, after 25 years of service.

Father Kelley's decision marks the end of a tremendously successful 25-year tenure during which Fairfield University has become one of the preeminent Jesuit schools in the country. As the longest serving president of the nation's 28 Jesuit colleges and universities, arriving at the University in 1979, Father Kelley has presided over the graduation of 64 percent of Fairfield's 38,000 alumni.

During his tenure, Father Kelley worked tirelessly in collaboration with the University's faculty, alumni, parents and friends to achieve extraordinary results. He has overseen facility expansion that has transformed the campus, including the construction and acquisition of 14 new facilities and the renovation and expansion of 12 others.

The student body and faculty of Fairfield University have been strengthened over the past 25 years. On the undergraduate level, Fairfield this year set an all-time record in the number of applications, with 7,655 for 850 seats in the incoming class. During Father Kelley's tenure, the average combined SAT score for the entering class has increased from 1,065 to 1,197. Fairfield's admission for this year's entering class placed it among the top five percent of four-year colleges and universities in the nation in terms of selectivity. The intellectual environment thrived during Father Kelley's tenure.

This is the end of an extraordinarily successful era. Under Father Kelley's leadership, Fairfield University has experienced dramatic growth and success. To top it all off, the institution's endowment has increased from under $2 million in 1979 to $131 million currently.

Father Kelley will be greatly missed. He leaves a strong legacy and bright future on which his successor may build. I would like to extend my heartfelt appreciation to Father Kelley for his tremendous accomplishments.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Mr. ROGERS of Michigan. Mr. Chairman, my primary objective being named to the House Transportation and Infrastructure Committee in the 107th Congress was to improve Michigan's minimum rate of return for highway dollars from the current 90.5 percent in the reauthorization of TEA–21. Sadly, the bill reported from the House Transportation and Infrastructure Committee, H.R. 3550, while increasing the overall pot of money to $284 billion over six years, decreases the amount of programs or "scope" that the minimum rate of return applies to, effectively decreasing our share to about 79 percent of every road dollar. The amendment offered by Mr. ISAKSON of Georgia on the House floor would have corrected this flaw and at least allow Michigan and other donor States to continue receiving the same rate of return on the same scope of projects as in current law. The net effect of this amendment would have been an additional $300 million to meet Michigan's needs. While I voted in favor of this amendment, it was defeated by a vote of 170–254.

Given the fact that under H.R. 3550, Michigan will receive less of a percentage of road dollars than they do today, I am voting against it on final passage. Michigan's roads and infrastructure have taken a back seat to other States for far too long. Enough is enough—it is time these Federal road dollars go to Michigan projects and create Michigan jobs. I am hopeful that we can work to make the final product better for Michigan's citizens in conference committee.

50TH ANNIVERSARY OF THE UNITED CEREBRAL PALSY OF WESTERN PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to praise a valuable organization located in the Fourth Congressional District of Pennsylvania that has striven to advance the independence of individuals with disabilities for 50 years. I am proud to represent the congressional district that has housed, for 50 years, the United Cerebral Palsy (UCP) of Western Pennsylvania.

Building on the vision of the founding families who purchased and renovated a three-story home in Spring Church, Armstrong County, where a day clinic for children with disabilities was housed, UCP today serves some 1,500 individuals, adult and children, in their homes and communities. For half a century the agency, serving Armstrong, Indiana, and Westmoreland Counties in southwestern Pennsylvania, has been providing programs and services for physically and mentally challenged individuals. Most of the consumers are diagnosed with cerebral palsy, mental retardation, Down syndrome, developmental delays, speech and language disorders, spina bifida, multiple sclerosis or spinal cord injuries. The accomplishments that UCP has made in the last 50 years have made significant improvements to the lives of the physically and mentally challenged in southwestern Pennsylvania.

I ask my colleagues in the House of Representatives to join me in honoring this fine organization and the benefits that it has bestowed on so many individuals in southwestern Pennsylvania. It is truly an honor to represent the Fourth Congressional District and to recognize the 50th anniversary of the United Cerebral Palsy of Western Pennsylvania.

VAISAKHI DAY, SIKH HOLIDAY—USE OPPORTUNITY TO FREE KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOWNS. Mr. Speaker, April 13 is Vaisakhi Day, the anniversary of the founding of the Sikh Nation in 1699. The Sikhs love freedom as we do, Mr. Speaker. They have a long tradition of fighting oppression wherever it rears its ugly head and they have a history of self-rule.

I would like to take this opportunity to wish the Sikhs in America and the Sikhs around the world a happy Vaisakhi Day.

The Council of Khalistan, the organization that is leading the Sikh movement to liberate their homeland, Khalistan, recently published an open letter to the Sikhs, a Vaisakhi Day message. It urged the Sikhs to use the opportunity to liberate their homeland. The letter called upon them to remember the Sikh Nation's heritage of freedom.

The letter pointed out the suffering of the Sikhs at the hands of the Indian government. That repression has taken the lives of over 250,000 Sikhs in the last 20 years, in addition to over 50,000 Sikhs who were picked up, tortured, killed, and secretly cremated, declaring their bodies "unidentified." Another 52,000-plus are being held as political prisoners, according to the Movement Against State Repression, a Punjabi human-rights organization. In addition, India has killed more than 300,000 Christians in Nagaland, over 85,000 Kashmiri Muslims, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. Yet the U.S. taxpayer continues to be taxed to send foreign aid to this brutal country.

The letter calls on the Sikhs to take the opportunity of Vaisakhi to demand a free and independent Khalistan by means of slogans, by peaceful resistance, and by bringing forth new leadership. It takes note of the death of Gurcharan Singh Tohra, the President of the Shiromani Gurdwara Prabandhak Committee, and the political collapse of former Chief Minister Parkash Singh Badal to call for new leadership that supports freedom for Khalistan. It notes the seminar held on Khalistan last year, which shows that the desire for freedom remains strong in Punjab.

This letter makes a very strong case for a sovereign, independent Khalistan and it does a good job of exposing the brutal tyranny that India has inflicted on the Sikh Nation.

Mr. Speaker, how can we, as the bastion of freedom, sit idly by and close our eyes to this terror? The time has come to stop U.S. aid to India. This may be the most effective way that we can influence them to stop the repression of Sikhs, Christians, Muslims, and other minorities. And if India is the democratic state that it says it is, it should conduct a free and fair vote on the question of independence. This Congress should put itself on record urging India to do this as soon as possible. That is the democratic way to settle issues, and we should use our influence to help this occur.

Mr. Speaker, the letter from the Council of Khalistan is very informative. For the information of my colleagues and the public, I would like to insert it into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, April 6, 2004.

VAISAKHI DAY MESSAGE TO THE SIKH NATION: SIKHS WILL CELEBRATE VAISAKHI DAY APRIL 13

DEAR KHALSA JI: On April 13, the Sikh Nation will celebrate Vaisakhi Day, observing the 305th anniversary of the day Guru Gobind Singh established the Khalsa Panth. The Guru granted sovereignty to the Sikh Nation, saying "In Grieb Silrhin Ko Deon Patshahi." We must remind ourselves of our heritage by raising slogans of "Khalistan Zindabad" and beginning a Shantmai Morcha to liberate our homeland, Khalistan. Every morning and evening we recite, "Raj Kare Ga Khalsa." Now is the time to act on it. Do we mean what we say every morning and evening?

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 20 years. The Indian government has murdered over 250,000 Sikhs since 1984. In addition, over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! Over 52,000 Sikhs sit in Indian jails as political prisoners without charge or trial, according to the Movement Against State Repression (MASR.) Some of them have been in illegal custody for 20 years!

The Indian government forgot the Sikh tradition. Sikhs can never forgive or forget the Indian government's military attack on the Golden Temple and 125 other Gurdwaras throughout Punjab. Over 20,000 Sikhs were murdered in those attacks, known as Operation Bluestar, including Sant Janail Singh Bhindranwale, General Shabeg Singh, Bhai Amrik Singh, and over 100 Sikh religious students ages 8–13 who were taken out into the courtyard and shot. These attacks accelerated the Sikh independence movement and deepened the desire for independence in the hearts of Sikhs, a fire that burns brightly in the hearts of the Sikh Nation to this day. Sant Bhindranwale said that the attack on the Golden Temple would "lay the foundation stone of Khalistan" and he was right. Late in 2003, former Member of Parliament Atinder Pal Singh organized a seminar on Khalistan at Baba Makhan Shah Labana Hall, Sector 30, Chandigarh. This shows that the flame of freedom is still burning in the hearts of Sikhs. It is time to take action to free our homeland. Repression and genocide of this magnitude at the hands of the Indian government is unparalleled in the late part of the 20th century. India should be ashamed of the genocide it has committed against Sikhs, Christians, Muslims, and other minorities.

With the passing of Gurcharan Singh Tohra, new leadership must emerge at the Shiromani Gurdwara Prabandhak Committee (SGPC.) In addition, new political leadership must emerge with Prakash Singh Badal under indictment. Mr. Badal's time is not long either. He has had cancer already and he is an old man. This new leadership must be committed to the cause of freeing our Sikh homeland from the repression and brutality of the Indian government by reclaiming our lost sovereignty in a free and independent Khalistan.

Khalsa Ji, at this time of Vaisakhi, the whole Khalsa Panth must be energized to reestablish a sovereign, independent Khalsa Raj by freeing our homeland, Khalistan. It is time for Sikhs to look back at our history of persecution and suffering over the past 20 years. The Hindu government of India, whether run by the Congress Party or by the BJP, wants minorities either subservient to Hinduism or completely wiped out. The Indian government and its allies have tried to weaken the Sikh religion by saying that Sikhism is part of Hinduism. If that is true, why have they murdered so many Sikhs? Hindus practice idol worship; Sikhism is monotheistic, worshipping only one God. Hindus believe in the caste system; Sikhs believe in the equality of the whole human race. Remember the words of Guru Gobind Singh: "Recognize ye all the human race as one." In spite of the fact that the religions believe completely opposite things, Hindus desire to engulf Sikhism just as they did with Jainism and Buddhism in India. They think that Buddhism is part of Hinduism because Siddhartha Gautama, the Buddha, was born in India. Similarly, Guru Nanak was born Hindu, so they proclaim Sikhism to be part of Hinduism. Yet Guru Nanak said that he was "neither Hindu nor Muslim." Jesus was born Jewish. Does that mean that Christianity is merely part of Judaism?

On this auspicious occasion celebrating the birth of the Khalsa Panth, we must bring back our Khalsa spirit. We must remember our heritage and tradition of "Khalsa Bagi Yan Badshah" by committing ourselves to freeing our homeland, Punjab, Khalistan, from Indian occupation. We need a new Sikh political party which has a dedication to the interests of the Sikh Nation as its sole objective, to establish Khalsa Raj by liberating Khalistan, severing all political ties with India. If the BJP wants Hindu Raj, it cannot object to Khalsa Raj.

The Indian government wants to break the will of the Sikh Nation and enslave them forever, making Sikhism a part of Hinduism. This can only be stopped if we free Punjab from Delhi's control and reestablish a sovereign, independent country, as declared on October 7, 1987. We must recommit ourselves to freeing our homeland, Punjab, Khalistan. Raise slogans of "Khalsa Bagi Yan Badshah," "Raj Kare Ga Khalsa," "Khalistan Zindabad," and "India out of Khalistan." Use this Vaisakhi to launch a Shantmai Morcha to liberate Khalistan.

Last year's seminar on Khalistan shows that the flame of freedom still burns brightly in Punjab in spite of the Indian government's brutal repression. Perhaps this is why India is afraid to hold a free and fair vote on the subject of independence. The essence of democracy is the right to self-determination.

Remember the words of Professor Darshan Singh, former Jathedar of the Akal Takht, during the celebration of Guru Nanak's birthday: "If a Sikh is not a Khalistani, he is not a Sikh." He was only reiterating the Guru's blessing, "In Grieb Sikhin Ko Deon Patshahi." The time to achieve our independence is now.

Always remember our heritage: Raj Kare Ga Khalsa; Khalsa Bagi Yan Badshah. Freedom for Khalistan is very close.

Panth Da Sewadar,

GURMIT SINGH AULAKH,
President.

INTRODUCTION OF THE AMERICAN WORKERS AND MANUFACTURERS SUPPORT ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. LARSON of Connecticut. Mr. Speaker, many of my colleagues and I have been watching with great interest the nightly news report on Lou Dobbs Tonight entitled "Exporting America." The series has highlighted the disturbing trend of good paying American jobs that are being sent overseas. In the past three years, more than 2.8 million Americans employed in manufacturing have lost their jobs. Because each manufacturing job supports two non-manufacturing positions; that means at least 8.4 million people have been affected, directly or indirectly, because of the loss of American manufacturing to overseas companies. Despite these job losses, over 16 million Americans are still employed in the manufacturing sector. Additionally, manufacturing contributes roughly 17 percent of our nation's gross domestic product, provides 71 percent of our exports, and funds 67 percent of our nation's research and development investment. As these numbers indicate, manufacturing is the backbone of our economy and action must be taken to protect and create jobs here at home and stem the tide of American manufacturing jobs moving overseas.

Current free trade policies have enticed many large corporations and retailers to take advantage of cheap foreign-made goods. I was dismayed when the Chairman of the President's Council of Economic Advisors, only months ago, stated that companies outsourcing American jobs overseas is a "good thing." While these policies can lead to a temporary boost for a sector of the economy, most notably in the retail sector, in the long run their implications can be detrimental to American workers. I doubt that any Americans who are out of work because their job went overseas believe that outsourcing is a good thing. We must protect the jobs we have and create others to fill the void left by the jobs that have been lost.

An even more dangerous result of these policies is the threat to our national security when vital defense-related products are made in foreign countries. The ever shifting geopolitical landscape could leave the source of critical components of our defense systems in the hands of a nation unsympathetic to the United States. Manufacturers are also major customers of information and communications technology. Many electronics components are now manufactured only outside the United States. For example, the wire industry is nearly nonexistent. If our manufacturing base continues to erode, the effects will be devastating, not only in terms of individual job losses, but also in terms of the ripple effects that will be felt throughout our economy and our national security.

In response to this disturbing trend, I worked with business and labor leaders to craft the American Workers and Manufacturers Support Act. This legislation is an eight-point plan which lays out pragmatic steps designed to secure our manufacturing economic base, protect jobs, and help grow the manufacturing sector here at home.

First, we must end the threat to our national security by strengthening the Buy American Act to ensure that the federal government supports domestic companies and domestic workers by buying American-made goods. The bill would strengthen the existing Act by applying its provisions to the new Department of Homeland Security and by tightening existing waivers. It would also require that information be provided to Congress and to the American people about how often the provisions of this Act are waived by Federal departments and agencies.

Second, we must enforce existing trade agreements. This bill establishes a Congressional Trade Office to provide Congress with independent, nonpartisan, neutral trade expertise and monitor compliance with major, bilateral, regional, and multilateral trade agreements. The Office will also observe and evaluate dispute settlement deliberations and selected trade negotiations.

Third, we must stop the manipulation of currency exchange rates. Several nations have for years intervened aggressively in currency markets to maintain their national currencies at artificially low values relative to the U.S. dollar. The result is the gradual decline of manufacturing in the U.S. and job losses in manufacturing. This bill would give a ninety day deadline for the Administration to negotiate an end to the currency devaluation by countries such as China that severely undervalue their currency. If these bilateral negotiations fail, the legislation requires the President to utilize powers he already possesses under U.S. and international law to file legal action to halt these practices and recover damages for U.S. manufacturers.

Fourth, we must enable American consumers to make informed choices about purchasing American made goods. This bill charges the Department of Commerce with studying the feasibility and impact with regards to costs to manufacturers and consumers of enacting laws requiring all products retailing at more than $15 to state clearly on the labels the percentage of components made in the United States.

Fifth, we must invest American dollars in America. This bill brings the U.S. into compliance with World Trade Organization regulations and protects U.S. manufacturing jobs. It repeals the Foreign Sales Corporation/Extraterritorial Income (FSC/ETI) tax provisions that provide a partial tax exemption for U.S. exports. These provisions have caused the European Union to threaten retaliatory tariffs because the WTO has ruled that these tax exemptions are prohibited export subsidies. The bill also provides transitional relief to companies currently receiving the FSC/ETI benefit, and provides permanent tax relief to make U.S. companies more competitive in the global market, resulting in an increase in U.S. manufacturing and U.S. manufacturing jobs.

Sixth, we need to stop pitting big American manufacturers against small ones. Large manufacturers and retailers know that smaller companies have difficulty competing within the current trade structure, and sometimes they use questionable tactics in trying to obtain favorable prices. One such practice is to place a large contract order to get a favorable price then to cancel the contract after only a portion of the goods are provided. This bill charges the Secretary of Commerce with setting up an investigative unit to look into these practices, establishing guidelines to address abuses and a unit to allow small manufacturers to confidentially report their complaints.

Seventh, we must ensure the flow of qualified manufacturing workers. This bill includes preparation of students for manufacturing jobs under the Advanced Technological Education Program and increases funding for the program. Additionally, it provides funding for the Manufacturing Skills Standards Council, which sets performance standards to certify job skills for manufacturing workers.

Finally, the eighth step is to support America's small manufacturers. This bill creates a new Undersecretary within the Department of Commerce to oversee the new Manufacturing and Technology Administration created by the bill. This office would be tasked with supervising the National Institutes of Standards and Technology; National Technical Information Service; and a new policy analysis office named Office of Manufacturing and Technology Policy. Additionally it would conduct manufacturing and technology policy analysis to improve United States industrial productivity, manufacturing capabilities, and innovation. It would also be tasked with identifying manufacturing and technology needs, problems and opportunities within and across industrial sectors. It would propose and support studies and policy experiments, in cooperation with other federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity. Finally, it would encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries.

If our manufacturing base continues to erode, the effects of individual job losses on our economy and national security will be devastating. In conclusion, I urge my colleagues to join me in supporting this legislation.

HONORING ALBERT J. BOUDREAU

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commend Albert J. Boudreau for over 12 years of dedicated service to the town of Vienna, Virginia, as a member of the Vienna Town Council.

A native of New York City, Mr. Boudreau graduated from the University of Maryland and served in the United States Air Force during the Korean conflict. He has been a resident of Vienna for 45 years and first was appointed to the Vienna Town Council in January of 1992 to fill an unexpired term. Later that year, he won election and has served with honor and distinction ever since.

During his tenure on the Vienna Town Council, Mr. Boudreau has held a number of regional and statewide leadership positions. He has served as vice president and president-elect of the Virginia Municipal League, as well as on the league's Executive Committee and Effective Government Committee. Additionally, he has been a member of the Northern Virginia Community Appearance Alliance, the Northern Virginia Transportation Coordinating Council, and the Virginia Commission on Intergovernmental Relations. Mr. Boudreau also is the first president of the newly formed Virginia Local Government Finance Corporation, jointly sponsored by the Virginia Municipal League and the Virginia Association of Cities and Counties.

His dedication to Northern Virginia extends beyond public service. For years, Mr. Boudreau has been incredibly active throughout his community. He enthusiastically has supported and volunteered for numerous community programs such as the Southeast Vienna Civil Association, the Vienna Woods Swim Club, the Vienna Little League, the Cub Scouts, the Boy Scouts, and the Girl Scouts.

Mr. Boudreau has proven an invaluable asset to the town of Vienna, and while his retirement is well deserved, I know that he will be greatly missed.

Mr. Speaker, in closing, I would like to express my gratitude to Albert J. Boudreau for all of his efforts on behalf of Northern Virginia. He has served his community well, truly meriting recognition. I call upon my colleagues to join me in applauding Mr. Boudreau's past accomplishments and in wishing him the best of luck in all future endeavors.

COMMEMORATING COMMUNITY BANKS OF PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to commemorate the Community Banks of Pennsylvania and the more than 40,000 full- and part-time employees who have helped provide the Commonwealth with more than 170 years of financial support. I am honored to note that the Pennsylvania State Senate has designated April 19, 2004, through April 24, 2004, as "Community Banking Week."

With more than $180 billion in assets, Community Banks recognize that when money stays in a town, it becomes a renewable resource, creating an economic cycle that constantly revitalizes and stimulates local communities. Community Banks work with the citizens in every sense of the word. These banks have made significant contributions to the economic well-being of the Commonwealth through their financial support, their dedication as good neighbors and, above all, through their service as financially sound and reliable sources of economic lifeblood in our communities.

The Community Banks have long helped in the development of our communities and of this Commonwealth as a whole. On average, 95 percent of their loan portfolio is reinvested in their own communities through residential mortgages and commercial, agricultural and student loans. Indeed, neighbors are helping neighbors build homes, save for higher education, plan for retirement and fulfill life-long dreams.

I ask that my colleagues in the House of Representatives join me in honoring this integral aspect of the Commonwealth of Pennsylvania's economy during Community Banker's Week. Without the continued support that the Community Banks have provided to Pennsylvania, much of the success that the Commonwealth has experienced would have been impossible.

GURCHARAN SINGH TOHRA, SIKH LEADER, DIES—LEFT LEGACY OF BETRAYAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOWNS. Mr. Speaker, I noticed in the April 3 issue of the Washington Post that Gurcharan Singh Tohra, a Sikh who led the Shiromani Gurdwara Prabandhak Committee (SGPC), the Sikhs' highest administrative body, which administers all the Sikh places of worship, called Gurdwaras, in Punjab, died April 1 in a hospital in New Delhi. He was 79 years old.

On behalf of my colleagues in the U.S. Congress, I would like to extend my sympathies to Mr. Tohra's family. In this time of loss for them, we all pray for them and for the departed. However, it is important to have the record reflect the actions that Mr. Tohra took against his own people.

The Council of Khalistan published a press release on April 6 which details the betrayal of the Sikhs by Mr. Tohra. It is excellent reading and I recommend it to my colleagues.

In that press release, the Council of Khalistan took note of Mr. Tohra's invitation to the Indian government to launch its military attack on the Golden Temple, the most sacred of Sikh shrines, in June 1984, in order to eliminate his political rival, Sant Jarnail Singh Bhindranwale, who was a strong advocate of an independent Sikh state, Khalistan. Sikhs will be commemorating this brutal attack on June 5 here in Washington. The Indian forces simultaneously attacked 125 Sikh Gurdwaras throughout Punjab and murdered over 20,000 Sikhs in these attacks alone. They shot bullet holes in the Sikh holy scriptures, the Guru Granth Sahib. They took young Sikh boys ages 8 through 13 out in the courtyard and shot them at point blank range. Meanwhile, Mr. Tohra, who had said that the tanks would have to roll over his body to get to the Temple, came out with his hands up. The Golden Temple complex is also the headquarters of the SGPC.

Mr. Tohra was also in a longstanding political alliance with the corrupt Parkash Singh Badal, who was thrown out of office after running the most corrupt government in Punjab's history—a regime so corrupt that the voters chose the Congress Party, which organized and carried out the Golden Temple attack, rather than re-elect Mr. Badal. Mr. Tohra also was an ally of the Indian government, first under the Congress Party and then under the current regime of the BJP. This is the same Indian government that has murdered over 250,000 Sikhs, Mr. Speaker. It is also holding over 52,000 Sikhs as political prisoners, some since the 1984 attacks!

With Mr. Tohra gone, new leaders must emerge. I call on my Sikh friends to make sure that these new leaders are strong supporters of freedom for the Sikhs of Punjab, Khalistan. And as the beacon of freedom, I urge the United States to take action to help liberate the Sikh Nation and all the nations seeking their freedom from India, including Kashmir, predominantly Christian Nagalim, and others.

The time has come to stop our aid to India until it respects the basic human rights of all people within its borders and to demand that India act like the democracy it says it is by holding a free and fair vote on the matter of independence for Khalistan, for Kashmir, for Nagalim, and for all the other nations seeking their freedom. This is the democratic way and self-determination is the essence of democracy. It is also the only way to prevent leaders in the mode of Gurcharan Singh Tohra from emerging again to connive with the Indian government to keep the Sikhs in slavery.

Mr. Speaker, I would like to place the Council of Khalistan's press release on Mr. Tohra into the RECORD at this time.

G.S. TOHRA PASSES AWAY AT 79

WASHINGTON, DC, April 6, 2004.—Gurcharan Singh Tohra, the longtime President of the Shiromani Gurdwara Prabandhak Committee (SGPC), which runs all the Gurdwaras (Sikh places of worship) in Punjab, died of a heart attack April 1 in New Delhi. He was 79 years old.

"We offer our sympathies and prayers to Mr. Tohra's family," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the struggle for independence for the Sikh homeland, Khalistan, as declared on October 7, 1987. "We pray for them in their time of loss and may Guru bless this departed soul," he said. "However, it is better to leave a legacy of service and sacrifice rather than a legacy of betrayal as Tohra did," he said. "What Tohra did in life will remain a part of the history of the Sikh Nation. He will not be remembered as a friend of the Sikh Nation," Dr. Aulakh said.

Tohra connived with the Indian government prior to its invasion of the Golden Temple, the center and seat of the Sikh religion. The Golden Temple is the headquarters of the SGPC. He joined with Harchand Singh Longowal and others in inviting the Indian government to attack the Golden Temple to murder pro-Khalistani leaders Jarnail Singh Bhindranwale, General Shabeg Singh, and others, even while they were telling the Sikh Nation that Indian tanks would "have to roll over our dead bodies" to get to the Temple. From June 3 through June 6, 1984, the Indian government carried out Operation Bluestar, a military attack on the Golden Temple and over 125 other Sikh temples throughout Punjab. More than 20,000 Sikhs were killed in Operation Bluestar. Longowal was assassinated by a patriotic Sikh for his betrayal of the Sikh Nation. "Sikhs can never forgive or forget the attack on the Golden Temple," said Dr. Aulakh. On Saturday, June 5, Sikhs will gather in Washington, D.C. to commemorate the twentieth anniversary of this brutal massacre and desecration.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According to a study by the Movement Against State Repression (MASR), 52,268 Sikhs are being held in illegal detention as political prisoners without charge or trial. In September 1995, human-rights activist Jaswant Singh Khalra was kidnapped by police for publishing a study documenting that the Indian government secretly cremated thousands of Sikh youth by declaring them "unidentified bodies" after torturing and murdering them. He was murdered about six weeks later while in police custody. His body was never returned to his family. Police SSP Swaran Singh Ghotna murdered former Jathedar of the Akal Takht Gurdev Singh Kaunke.

Although Tohra was not corrupt like former Punjab Chief Minister Parkash Singh Badal, he maintained an alliance with Badal, even though he once said publicly that he would not even go near Badal's grave. The Badal regime was the most corrupt in Punjab's history. In 1993, Tohra urged Sikhs to "prepare for the long struggle" to liberate Khalistan, yet he maintained a political alliance with the Indian government, first with the Congress Party (which carried out the Golden Temple attack) and then with the militant Hindu nationalist Bharatiya Janata Party (BJP.) "It seems as if there were two Gurcharan Singh Tohras," Dr. Aulakh said.

India is not one country; it is a polyglot thrown together by the British for their administrative convenience. Sikhs ruled Punjab until 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership into taking their share with India on the promise that Sikhs would have "the glow of freedom" in northwest India. For that mistake, Sikhs are suffering now. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. "Tohra worked with the Indian government in its most brutal efforts to suppress the Sikh Nation's effort to realize the Guru's blessing by reclaiming its sovereignty," he said.

"Democracies don't commit genocide," Dr. Aulakh said. "Only in a free and sovereign Khalistan will the Sikh Nation prosper. In a democracy, the right to self-determination is the sine qua non and if India is truly a democracy, it should accept the sovereignty of the Sikh Nation," he said.

AETNA'S "GOOD CORPORATE CITIZENSHIP" VOLUNTEER ACTIVITY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I am proud to rise today to report on the "Good Corporate Citizenship" of AETNA, a constituent company in my district. During the week of April 26th, approximately 1,100 employees from Aetna's Consumer Markets segment across the country will donate more than 4,400 hours to charitable causes in their communities.

Aetna has a long history of volunteerism and contributing to the communities where it operates. In 2003, Aetna and the Aetna Foundation contributed approximately $16.5 million nationally, with nearly $4.4 million directed at entities in Connecticut, Aetna's home State for 150 years.

Every day, Aetna employees across the country demonstrate their compassion and commitment to this goal by devoting hundreds of hours of personal time to volunteerism. This commitment has created what is now recognized as Aetna's "Culture of Caring"—a tradition of volunteerism that has become a part of Aetna's core values.

As part of this April 2004 charitable initiative, employees from 20 sites around the country will join together to make an impact in the lives of others. In my home State of Connecticut, this fine group of Aetna employees will focus on assisting The Children's Home of Cromwell, where they will collect school supplies and backpacks for resident children; The American Red Cross, where employees will paint houses and clean yards for low-income housing residents; Foodshare of Greater Hartford, where Aetna staff will participate in the Walk Against Hunger and will sort food at the Hartford Farmer's Market; The Shepherd Home, where employees will collect small appliances and furniture for transitional housing residents; and Community Renewal Team, where Aetna employees will paint classrooms for low-income, inner-city preschools, read to students, and provide nutritional snacks.

Being a leader in health care is a source of pride for the entire Aetna community. I am proud to represent Connecticut and Aetna's employees, especially as they demonstrate that corporate responsibility and employee volunteerism are key business objectives, objectives which help make Aetna such an integral part of the local community.

HONORING THE LIFE OF TONI WINTERS McMAHON

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of Toni Winters McMahon, who passed away on January 21, 2004.

Born Catherine Antoinette Winters in Keene, New Hampshire, Mrs. McMahon was a music graduate of Tufts University, where she was elected to Phi Beta Kappa. She then pursued graduate study in public administration at George Mason University.

In Northern Virginia, Mrs. McMahon became involved in her community as a school activist. She served as president of the Fairfax County Council of PTAs and started projects to encourage high school seniors to volunteer at the county's various human services agencies. In 1981, she raised over $100,000 to save the Claude Moore Colonial Farm at Turkey Run in McLean when the National Park Service withdrew funding. Several years later in 1984, she was named the Fairfax County Citizen of the Year, an award cosponsored by the Fairfax County Federation of Citizens Associations and The Washington Post.

Since 1984, Mrs. McMahon served as president/CEO of the Arts Council of Fairfax County, overseeing events such as the International Children's Festival at Wolf Trap National Park for the Performing Arts. While in this position, she fully committed herself to fund-raising, grant-writing, board development, and long-range planning. In 1999, Mrs. McMahon received the Jinx Hazel Arts Citizen of the Year Award from the Arts Council of Fairfax County.

Mrs. McMahon always will be remembered for her dedicated efforts on behalf of the arts. She is a remarkable individual who played an integral role in making the arts in Fairfax County what they are today. At the time of her death, her board memberships included the George Mason University Center for the Arts, the Lorton Arts Foundation, and the Cultural Alliance of Greater Washington. Her survivors include four children: Dr. Doug McMahon of Medford, Oregon; John W. McMahon of Warrenton, Virginia; and Toni L. McMahon and Norwood McMahon, both of Fairfax, Virginia; and three grandchildren.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Mrs. McMahon and express my deepest condolences to all who knew and loved her.

HONORING MR. TOM REILAND

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Tom Reiland of Shaler, Pennsylvania, who recently had an asteroid named in his honor: Minor Planet 10320 Reiland. It brings me great pleasure to represent the Fourth Congressional District of Pennsylvania, the congressional district in which Mr. Reiland resides.

Director of the Nicholas E. Wagman Observatory in Frazer Township, Pennsylvania, and member of the Amateur Astronomers Association of Pittsburgh, Mr. Reiland has devoted himself to improving the astronomy facilities in western Pennsylvania. Mr. Reiland, along with fellow members of the Amateur Astronomers Association of Pittsburgh, opened the Nicholas E. Wagman Observatory in 1982. Since then he has gone on to sponsor numerous events that help to inform the public about the joys of astronomy. In fact, he is now the chairman of the association committee that coordinates star parties at Wagman Observatory. The star parties give the public insight into astronomy and a chance to see celestial objects through the observatory's two large telescopes. It was on February 28, 2004, at the annual Wagman Winterfest star party that Mr. Reiland was informed the asteroid would be named after him.

I ask that all my colleagues in the House of Representatives join me in honoring such a dedicated and inspirational citizen of the Fourth Congressional District of Pennsylvania. It is truly my pleasure to honor someone who has given so much back to southwestern Pennsylvania.

RECOGNIZING DR. JOHN SHEEDY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Dr. John Sheedy of Hollidaysburg, Pennsylvania, for his countless contributions to the Home Nursing Agency and on receiving the Visiting Nurse Associations of America Volunteer Board Member of the Year Award.

As a life-long resident of Blair County, Dr. Sheedy has connected with citizens in the area in a way that few are able. Since the late 1960s, when he worked alongside nurses to launch the first home care agency, Dr. Sheedy worked diligently to make positive changes throughout the system so that health care would be more accessible to Pennsylvania's immobilized citizens. From the very beginning, he served as medical director, and he was one of the first members of the board of directors. The impact he has had on the Home Nursing Agency, as well as central Pennsylvania, is immeasurable.

For more than 30 years, Dr. Sheedy has taken advantage of the opportunities to teach and challenge others on staff at the agency, and he has worked tirelessly to make improvements where they have been needed. His devotion and commitment to those in the community are admirable, and I am grateful for all that he has accomplished throughout Blair County.

Dr. John Sheedy has served this Nation every day of his life, touching the lives of every American citizen indirectly as he served in the United States Navy, as well as directly, as he has visited countless homes and patients in need. Central Pennsylvania is a better place because of the contributions that Dr. Sheedy has made. Thank you for all that you have done, Dr. Sheedy, and congratulations on receiving this much-deserved award.

IN MEMORY OF LANCE CPL. TRAVIS J. LAYFIELD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. STARK. Mr. Speaker, I rise today to honor the memory of Lance Cpl. Travis J. Layfield. Travis, a 19-year-old resident of Fremont, California, served his country with honor in the United States Marines. Sadly, he was killed during a firefight in the Anbar Province of Western Iraq on Tuesday, April 6, 2004.

The 2003 graduate of Washington High School has become a hero to all of us for his service with the 2nd Battalion, 4th Marines, 1st Marine Division, 1st Marine Expeditionary Force out of Camp Pendleton in southern California.

Travis entered ROTC while in junior high school and was totally focused on a career in the Marine Corps. Last year he completed 12 weeks of basic training at the Marine Corps recruit depot in San Diego. He left for the Middle East in February 2003, first heading to Kuwait and later Iraq.

There has been a tremendous outpouring of love and respect for Travis from his classmates and friends at his high school alma mater, Washington High School, as well as the entire community of Fremont, California, who are mourning the loss of this proud young marine.

We shall long remember Lance Cpl. Travis J. Layfield. He gave his life for peace and democracy and died, as a noble marine, serving our country. Our prayers and thoughts are with his family.

HONORING JANE PERKINS MARONEY AND ADA LEIGH SOLES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today in honor of two very distinguished Delawareans and former members of the Delaware House of Representatives, the Honorable Jane Perkins Maroney and the Honorable Ada Leigh Soles. As legislators, their contributions to our State have touched the lives of many and have helped to improve our community. On behalf of the citizens of the First State, I would like to pay tribute to these outstanding individuals and extend to them our congratulations on being chosen as the joint recipients of the League of Women Voters of New Castle County Carrie Chapman Catt Award.

Jane Perkins has been recognized for her many years of dedicated service to Delaware politics. In 1998, she was the recipient of our State's highest award, the Order of the First State. Following her time in elected office, Jane continued her tireless advocacy for fellow Delawareans through her work with local and national organizations. Her current focus, as program director of Creative Grandparenting, Inc., involves developing and leading workshops for people who are facing difficult transitions in their lives. Jane's devotion to promoting child and family health initiatives deserves this recognition and our gratitude.

Ada Leigh Soles's work on behalf of her fellow Delawareans has also played an important role in making our State a better place to live and raise a family. During her career, she has been honored for her leadership by numerous academic and community organizations. Ada Leigh has received the New Castle County Civic League's Good Government Award and the University of Delaware's Medal of Distinction, along with numerous local and national awards recognizing her tireless efforts on behalf of libraries. As a testament to her distinguished tenure and the esteem in which she was held by her colleagues, Ada Leigh Soles was often regarded as the "conscience" of the Delaware State House of Representatives.

Mr. Speaker, it has been my sincere privilege to have served as Governor of Delaware while both Jane Maroney and Ada Leigh Soles were members of the Delaware House of Representatives. I wish to thank these two outstanding individuals for their friendship, commitment, and constant dedication to the citizens of Delaware. Their service to our State will have a permanent place in Delaware history. They deserve our thanks and praise.

CONGRATULATIONS TO STUDENTS FROM HAMPTON HIGH SCHOOL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the students from Hampton High School in Allison Park, Pennsylvania, who will travel to Washington, D.C., on April 30, 2004, to compete in the national finals of the We the People: The Citizen and the Constitution, a highly prestigious academic competition on the Constitution. It is an honor to represent such dedicated students and teachers.

The high school students have studied for months with their teacher, Mr. Cliff Stevenson, in order to prepare themselves for their roles as experts testifying on constitutional issues in a simulated congressional hearing. They placed first in both the district and State competitions earlier this year to represent the Commonwealth of Pennsylvania in the national finals. The annual 3-day competition is the culminating activity of the We the People: The Citizen and the Constitution, the most extensive education program of its kind in the country. Since last fall they have studied We the People, a text developed by the Center to provide students with a fundamental understanding of the Constitution and the Bill of Rights.

The We the People program is funded by the U.S. Department of Education and is directed by the Center for Civic Education in Los Angeles. According to Stephanie McKissic, Director of Education at the National Constitution Center, "There is no finer educational program that fosters in our younger generation the concepts and understanding of our constitutional heritage, leading them to a reasoned commitment to its fundamental principles." Since the program's creation over 15 years ago, it has reached more than 26.5 million elementary, middle, and high school students nationwide.

I ask that my colleagues in the U.S. House of Representatives join with me in honoring these devoted high school students and teachers from the Fourth Congressional District of Pennsylvania. It is truly an honor to represent such an outstanding group of students and teachers.

TRIBUTE TO THE HOPE FIRE COMPANY OF GREAT BARRINGTON, MASSACHUSETTS ON ITS 150TH ANNIVERSARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. OLVER. Mr. Speaker, I rise today to recognize and congratulate the Hope Fire Company of Great Barrington, Massachusetts, on its 150th anniversary. Their long and outstanding record of public service will be celebrated during their annual ball on May 8, 2004.

On February 7, 1854, hardware merchant Erastus F. Russell hosted a meeting of 19 young men from the community. This meeting established Hope Fire Company No. 1; and with "strong arms and willing hearts," they pledged to obtain and man a fire engine for the town.

With great enthusiasm and support from their friends and neighbors, the Hope Fire Company was able to quickly raise the $1,550 needed to purchase an engine "of the first class, of superior caliber, and power, with suitable fixtures to equal all emergencies."

By June 15 of that year, the local paper reported that the company, now 80 members strong, paraded in full dress to the train depot to receive their new engine: a pumper and hose cart manufactured by Button & Company of Waterford, New York.

That same summer, the company played a central role in the town's 4th of July celebration. They were grandly toasted during the ceremonies, and member Charles A. Sumner responded with a sentiment that still holds true today:

"May we attain such promptness and efficiency of action as shall entitle us to your confidence, so that when the devouring element threatens you, and all seems lost, the smack of our brakes may remind you that there is one Hope left yet."

It has been 150 years, but the dedication and professionalism of the Hope Fire Company has never wavered. I ask my colleagues to join me in commending the company on its anniversary.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through TEA-LU, a bill that I will support despite its flaws. The Department of Transportation studied the Nation's infrastructure and prescribed a $375 billion solution. I joined the leadership in endorsing the original version of this bill, which filled that prescription. Unfortunately, the administration is unwilling to come up with the support necessary to ensure that we are able to maintain and improve the Nation's infrastructure. As a result, we are today considering a bill that does not do nearly enough to improve the quality of life for individuals living in New York City and around the country. I look forward to working with the Committee leadership to see that this bill is improved in conference.

Mr. Chairman, as this bill moves to conference, I want to highlight four issues that are of particular import to me and my constituents. It is my hope that the conferees will include these improvements in the conference report.

First, this bill should ensure that resources are devoted by formula to states that require improvements. The minimum guarantee program shifts funding from states that have the greatest need—like New York—to other states. Each year, New York provides $20 billion more to Washington than it gets back. New Yorkers ought not be punished for our efforts to conserve fuel, as any expansion of the minimum guarantee program would do.

Second, this bill shortchanges New York on transit funding. Despite having a third of the nation's transit ridership, New York only gets 14% of Federal funds. Transit funding should better reflect need.

Third, I hope that conferees will ensure that states starved for a consistent funding stream for ferries and waterborne transportation can count on funding from the Ferry Boat Discretionary Fund. As a co-chairman, with Mr. NETHERCUTT, of the Ferry and Waterborne Transportation Caucus, I am acutely aware of how much a guaranteed stream of funding would mean to improve both congestion and homeland security all across the country, and particularly in New York City, where roads are clogged on a normal day, and ferry transportation would provide not only congestion relief but another way to ensure escape from Manhattan in the case of a terrorist attack. At a minimum, New York should receive $5 million per year. I hope conferees will work with me and other Members who represent districts that would benefit from a guaranteed ferry funding stream.

Fourth, I hope that conferees will work with me to ensure that the generous funding we have provided for Senior transportation in this bill is put to its best use. I believe that establishing a center for best practices and a technical assistance center, as delineated in the other body's Surface Transportation Authorization Bill, would provide an enormous service to this nation's elderly population.

Nevertheless, Chairman YOUNG, Mr. OBERSTAR, Chairman PETRI, and Mr. LIPINSKI deserve the thanks and appreciation of every Member of this House for their tireless effort to ensure that the nation's surface transportation systems receive the resources required to keep America moving.

Mr. Chairman, I have worked hard to ensure that this bill will make significant improvements to the lives of ordinary New Yorkers. Included in this bill are a number of projects that will enhance transportation throughout New York City and in my district in particular.

At my urging, the bill includes:

$15,000,000 for the New York City Department of Transportation to build the facilities and purchase the ferry boats necessary to establish high speed ferry service between the Rockaway Peninsula and Manhattan.

$500,000 to help the New York State Department of Transportation install two permanent variable message signs that will display amber alert messages on the belt parkway.

$500,000 for the New York City Department of Transportation to study and implement improvements to the area surrounding the intersections of Avenue U and Flatbush Avenue.

$1,000,000 for each of the boroughs of New York City to make improvements to pedestrian safety, in consultation with each borough president.

$250,000 for the areas surrounding each of 10 schools in New York City. Those funds are to be spent on efforts to improve pedestrian safety surrounding those 10 schools. Students walking to IS 114, PS 200, PS 124, PS 277, Prospect Park Yeshiva, PS 81, IS 194, IS 72/PS 69, PS 153, and St. Roberts Bellarmine will all be better protected by improvements installed with funding provided in TEA-LU.

$700,000 to abate noise emanating from state roadways located within New York City that are paved with concrete. "Diamond grinding" measures should significantly improve the quality of life of those residing within earshot of those roadways.

$50,000 to improve the roadways surrounding the Brooklyn Children's Museum.

$1,000,000 to be used to build a new facility for the Broad Channel Volunteer Fire Department.

$4,000,000 to be used by the DOE Fund to establish a graffiti elimination program throughout the Boroughs of Queens and Brooklyn. Among the areas addressed by this program will be Kings Highway from Ocean Boulevard to McDonald Avenue.

$3,000,000 to improve transportation facilities in the vicinity of West 65th Street and Broadway in conjunction with the major capital improvements being done at Lincoln Center.

$1,000,000 for the New York City Department of Transportation to improve the streets and sidewalks of Middle Village, Queens.

$500,000 to be equally distributed at five locations in New York City for the New York City Department of Transportation to enhance the enforcement of truck routes.

$300,000 for Gateway National Park to improve the RIIS Park Boardwalk.

$1,000,000 for Gateway National Park to establish a ferry terminal at Floyd Bennett Field.

$3,000,000 to be used to improve traffic flow in the vicinity of Atlantic and Flatbush Avenues.

$1,000,000 to be used by City and State Agencies to improve homeland security at bridges and tunnels throughout New York City.

$500,000 to improve the roads and facilities at the Kew Gardens Long Island Rail Road Terminal.

$950,000 to design and construct a bicycle and pedestrian walkway along the decommissioned Putnam Rail Line in the Bronx.

$2,000,000 to improve 125th Street in Harlem in conjunction with improvements being made by Columbia University.

$1,000,000 to help Easter Seals purchase and equip cars that provide livery service to disabled New Yorkers.

And $1,000,000 to establish a bus rapid transit system at a location to be detemined in consultation with the Transportation Workers Union. Bus rapid transit uses a variety of traffic improvements, like exclusive bus lanes and coordinated signal changing, to speed bus travel on congested city routes.

At the urging of Congresswoman VELÁZQUEZ, Congressman CROWLEY and myself, the bill includes more than $1,500,000 for pedestrian safety improvements on Queens Boulevard.

These high priority projects will make a considerable contribution to the lives of New York City residents. I could not have secured these and other programs within TEA–LU without the help and counsel of individuals here in Washington, as well as in Albany and New York City.

In particular, I would like to thank both the Democratic and Republican staff of the Transportation Committee, both of whom worked tirelessly on this piece of legislation, and who deserve the entire House's thanks. In particular, I would like to thank Ken House, Clyde Woodle, Eric Vanschyndle, Ward McCarragher, Kathleen Zern, David Heymsfeld, Dara Schleiker, and Sheila Lockwood of Mr. OBERSTAR's staff. Additionally, I would like to thank Jim Tymon of Mr. YOUNG's staff who for his willingness to work with me on the issue of Ferry Transportation.

I would also like to thank Tom Kearney, Tom Herritt and their colleagues at the Albany Office of the Federal Highway Administration, Nancy Ross, Fred Neveu, Ron Epstein and their colleagues at the New York State Department of Transportation, and Andra Horsch and David Woloch and their colleagues at the New York City Department of Transportation.

RECOGNIZING JOHN SPAAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SKELTON. Mr. Speaker, let me take this means to recognize John Spaar, who will be assuming the office of President of the Missouri Press Association in 2005. He will be the third generation in his family to hold this office. His mother, Betty Spaar, and his grandfather, W.L. Simpson, preceded him.

The Missouri Press Association, first organized in 1867, is a voluntary membership of newspapers in the state. All daily newspapers and almost all weekly newspapers are members. Activities of the association include setting up workshops, seminars, conventions, publication of a magazine (The Missouri Press News), supplying information for members, and helping newspapers find skilled personnel. The association's greatest accomplishment has been the establishment of the Missouri School of Journalism at the University of Missouri-Columbia, the first school of journalism in the world. Today, the association continues to assist the school in placing graduates in outstanding jobs.

The Missouri Press Association is in the middle of a long-range planning process. Upon taking the reins of the association next year, John Spaar will lead it in the early stages of this plan. He will also continue to direct the association's important work of monitoring legislation in Jefferson City.

Mr. Speaker, John Spaar currently serves as the 1st Vice President of the Missouri Press Association. I am sure the Members of the House will join me in thanking him for his contributions to the field of journalism and congratulating him on his selection as the next president of the association.

IN RECOGNITION OF PHILIP CHRISTOPHER AND CARYN SCHWAB ON THE EVENING OF THE CHARLES J. VALLONE SCHOLARSHIP DINNER DANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mrs. MALONEY. Mr. Speaker, I rise to recognize Philip Christopher and Caryn Schwab, who will be honored at the 2004 Charles J. Vallone Scholarship Dinner Dance. For the past seven decades, the Charles J. Vallone Scholarship Fund has helped deserving young people from the Astoria community attend the college of their choice. Additionally, each year, the Scholarship Fund acknowledges community members who have made outstanding contributions to the public good.

This year's honorees, Philip Christopher and Caryn Schwab, certainly deserve our appreciation. Ms. Schwab, the Executive Director of the Mount Sinai Hospital of Queens, has been a tireless and effective advocate for the health care priorities of New York residents for more than twenty years. During her distinguished career, Ms. Schwab has served as Health Care Advisor to New York City Mayor Ed Koch and as Vice President of the Columbia-Presbyterian Medical Center. Under her direction, the Mount Sinai Hospital of Queens has demonstrated its commitment to community service. Ms. Schwab has presided over the expansion and modernization of Mount Sinai's emergency room and the creation of its new endoscopy and mammography facilities; additionally, during her tenure, the Hospital has greatly expanded its inpatient and outpatient services to those in need.

The Scholarship Fund's second honoree, Philip Christopher, is a philanthropist and champion of democracy and human rights. Mr. Christopher is the CEO of Audiovox Communications Corporation. Under his leadership, Audiovox has become a leader in the telecommunications industry.

Mr. Christopher, a native of Cyprus, immigrated to the United States when he was ten years old. Following the Turkish invasion of Cyprus in 1974, his ancestral home and property were confiscated by the Turkish Army. This tragedy inspired Mr. Christopher to become a passionate advocate for human rights. As President of both the Pancyprian Association of America and the International Coordinating Committee for Justice for Cyprus, Mr. Christopher has used most of his free time to fight for the liberation of his homeland. Additionally, Mr. Christopher serves on the Board of Directors of the Cellular Telecommunications Industry Association and is a member of the Board of Directors of the New York Hospital Medical Center of Queens, where he helped found the Kyrenia Cardiovascular Center.

Mr. Speaker, I request that my distinguished colleagues rise and pay tribute to the Charles J. Vallone Scholarship Fund and its honorees, Caryn Schwab and Philip Christopher. Their many accomplishments are a reflection of the vibrant and thriving community they so faithfully serve.

PAYING TRIBUTE TO KEN ARNOLD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Ken Arnold and thank him for his commitment to serving the people of Colorado for eight years in the Colorado General Assembly as a State Senator. His dedication and tireless efforts have done much to ensure a promising future for all Coloradoans. As Ken celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Colorado and the Colorado General Assembly.

Upon his retirement from the Colorado State Patrol as a major, Ken still felt he could serve his community, and he successfully ran for the State senate seat for District 23 in 1996. While serving the people of Adams, Broomfield and Weld counties, Ken has focused on education reform, transportation concerns, and criminal justice issues. For this current term, he sits as chairman for the Education Committee, and is a member of the Finance, Judiciary, and Legislative Council Committees. For his excellent record in the General Assembly, he has been named Guardian of Small Business by the NFIB in 1999 and 2000, and recognized by the CACI as their Legislator of the Year in 2000.

Mr. Speaker, it is quite clear that Ken Arnold is a person who possesses dedication and commitment to his life long pursuit of public service. Ken's selfless dedication to his community and the State of Colorado has helped ensure a promising future for our great country, and it is my privilege to recognize him today before this body of Congress and this Nation. It is my distinct pleasure to honor Bill here today, and wish him and his wife Marilyn all the best in their future endeavors.

RECOGNIZING RICHARD BECKER, JR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Richard Becker, Jr. for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Outstanding Firefighter and Emergency Management Services Person of the Year in Boyertown, Pennsylvania.

Richard Becker has been a volunteer at the Friendship Hook and Ladder Fire Company and the Boyertown Lions Community Ambulance Company since he was 16 years old. Now at 42, Richard Becker is being recognized for 25 years of service to the Boyertown area community.

Richard Becker currently serves as the Assistant Financial Secretary at the Friendship Hook and Ladder Fire Company, in addition to his full-time job as a computer programmer in Conshohocken. Richard is also attending Lehigh Valley Paramedic School and will graduate in December upon completion of 1,500 hours of school and practical work.

The Boyertown community has benefited greatly from Richard Becker's service. He provides learning experiences for the children in the community during Fire Prevention Week when he allows the children to come to the fire house and learn the essentials of fire safety. The students are also given the opportunity to learn about the different kinds of equipment used by firefighters during an emergency. Richard feels that Fire Prevention Week is a way to encourage future emergency services volunteers with younger members of the community.

Mr. Speaker, I ask that my colleagues join me today in recognizing Richard Becker for his many years of exemplary service to the Boyertown Community.

U.S. COMMISSION ON OCEAN POLICY REPORT: "EVERYTHING OCEANS"

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, today marks a milestone for our oceans and for the way we view them. It has been more than 30 years since we, as a Nation, have evaluated our relationship with the sea. This morning, the U.S. Commission on Ocean Policy released its Preliminary Report—a comprehensive consideration of "everything oceans," including governance structure, stewardship and education, living resources, science needs, and many other topics.

The Commission was mandated by the Oceans Act of 2000, legislation on which I am an original cosponsor and which is based on bills that I initially introduced in 1997 and 1999. In the Oceans Act we gave the Commissioners an enormous task and today I want to recognize the efforts of the 16 Commissioners, 26 Advisors, and countless staff who helped to create such a comprehensive report. I am sure that the Commission's excitement over the Report's release equals the thrill felt by those of us who love and care deeply about the oceans.

The U.S. Commission Report details, in over 400 pages, the appalling state of our oceans governance and embarrassing record of protecting ocean resources. While we have many crises—at home and abroad—that require our immediate attention, we cannot overlook the fact that our oceans are in a state of crisis, too. It is my sincere hope that both Members of Congress and the Bush Administration will read the U.S. Commission's Report and realize that our oceans need attention—now—and that the country is looking to us—their leaders—to act.

We all depend on our oceans and coasts, from the person who lives off the water to the person who visits once in a lifetime. The oceans provide food, jobs, vacation spots, scientific knowledge, and opportunities for reflection, Despite our inability to measure the many non-market values associated with our oceans and coasts, we are able to quantify some of the benefits they provide. For example, over a trillion dollars is added to our economy each year by ocean and coastal economies. I trust that we can all agree that this is a huge contribution; a contribution that must be protected so the returns keep coming.

Protection of our oceans will require a change of course. Unfortunately, all too often we take our oceans for granted: We underestimate their value and we ignore the negative consequences human-related activities can have on them. Our oceans represent the largest public trust resource in the U.S. and cover an area nearly one and a half times the size of the continental United States. Americans expect the Government to safeguard this vast resource and I hope that the Report just released will be the impetus for us to actually begin to do so.

Simply put, our current ocean and coastal management system, created over thirty years ago, is archaic and incompatible with new knowledge about how the oceans and coastal waters function as a whole. Our policies are fragmented, both institutionally and geographically. For example, Mr. Speaker, today we find ourselves with over ten federal departments involved in the implementation of more than 130 ocean-related statutes. It is time to reconsider this incoherent and often times incompatible management situation and bring order to our ocean governance structure. The U.S. Commission's Report offers some guidance on how to do just this.

One of the biggest advances in our understanding of oceans to occur since our last national review of ocean policy is that the natural world functions as ecosystems, with each species intricately connected to the other parts that make up the whole. The U.S. Commission's Report, as well as the independent Pew Oceans Commission Report released last June, clearly states that we must adopt a new policy framework that is based on the concept of "the whole," an ecosystem-based approach rather than one based on political boundaries. This approach will not be as easy or straight forward as our previous approaches, but we must dedicate ourselves to making it a reality. With a comprehensive national ocean policy explicitly written to maintain healthy ocean ecosystems, our oceans will be a bountiful resource in which we can all take pride.

The Report released this morning also stresses the importance of instilling a new ecosystem-based stewardship ethic. Involved in instilling this ethic is increasing ocean-related education for all Americans at all levels, from first-graders learning how to read to graduate students investigating challenging scientific processes. The U.S. Commission details suggestions on how we can instill a new stewardship ethic by emphasizing and investing in greater marine science education. I look forward to learning more about their recommendations.

The Report released today is, technically, a Preliminary Report. It is being sent to the Governors for their comments. This comment period lasts until May 21, 2004. I sincerely hope that all states will take this opportunity to acknowledge that the oceans provide value for every American, whether intrinsic worth or direct economic benefit, and provide the Commission with input before the comment period ends. Despite historic and geographic patterns suggesting otherwise, every state has a role to play in the management of our oceans.

It is up to each of us to not let this unprecedented opportunity pass us by. With the U.S. Commission on Ocean Policy and The Pew Oceans Commission Reports in the last year, the Bush Administration has a prime opportunity to take the steps necessary to instill a new ocean ethic in our government. Action by this Administration could very well save our largest public trust. The time for leadership is now. I am dedicated to providing it in Congress, with the help of my fellow Oceans Caucus co-chairs, and I hope the President will provide it in the White House.

Mr. Speaker, I would like to close with a quote from the Report that encapsulates my thoughts on this historic day:

"The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will mark the sands of beaches from Maine to Hawaii long after ours have washed away."

Mr. Speaker, I urge all of my colleagues to dedicate themselves to shaping a better future for our oceans.

CONGRATULATING CAROL L. RUPPRECHT ON WINNING THE 2004 VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, it is my great honor to stand before you today to recognize the achievements of a fine Westfield High School student, Carol Rupprecht, of Carmel, Indiana. Ms. Rupprecht—sponsored by VFW Post 10207 in Westfield, IN—has been named a winner in the 2004 National Voice of Democracy Program and recipient of the Department of Connecticut and Auxiliary Scholarship.

Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy audio and essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. This year, more than 80,000 secondary school students participated in this contest competing for 59 national scholarships. The contest theme for this year was "My Commitment to America's Future."

I am respectfully requesting that Ms. Rupprecht's winning essay, entitled "My Commitment to America's Future," be submitted to the CONGRESSIONAL RECORD for my colleagues' review.

We're always talking about the future. Our guidance counselors try to prepare us for it; stockbrokers try to predict it; scientists discuss their hopes and ideas for it.

But it inevitably ends up that we cannot know and pencil in every detail of what will happen in days to come. But we can influence the future through what we do in the present and what we commit to do in the future. A commitment is not just a promise in a valiant speech or a fleeting charitable intention. A commitment is a set of actions that follow up on one's intentions.

When September 11th recharged our devotion to America, we began to exhibit this renewed commitment by reciting the Pledge of Allegiance more frequently at school. We have recited it from memory since we were in elementary school, but this renewal of tradition got me thinking. What exactly am I promising? Am I only pledging to be loyal to this country, or does it entail more than that? To me, it does.

In order to outline all that my pledge of allegiance involves, I have created the acronym PLEDGE: Protect, Lead, Education, Dedicate, Give, and Elect. This will ensure that I never forget what I owe America.

The first letter of PLEDGE is "P." I will protect the ideals of America—the values that make our country stand out from the rest. The determination to protect these ideals was epitomized in the hearts of the veterans such as those who will forever be remembered at the Korean Memorial in Washington D.C. As I passed the silent statues of these men forever frozen in their quest for freedom, I knew that they had made the ultimate commitment to the preservation of America and its values. They were assigned a duty and didn't back down. The valor and selflessness that these soldiers demonstrated are qualities I should strive to imitate.

The second letter of PLEDGE is "L." I will lead my fellow Americans, especially the youth of America, and I will encourage them to follow the examples of our forefathers, our war veterans, and of past and present patriots. I, too, will endeavor to set an example worth following.

The next letter in PLEDGE is "E." I will educate myself on our nation's history and the sacrifices of veterans who enabled us to have a history. I will then be able to share what I learn with others.

The fourth letter, "D," stands for "dedicate." I will dedicate my time, energy, and talents to making the most of the opportunities America has given to me. I will study hard; I will work hard. I won't let my dreams become wilted flowers that could have thrived. Instead, I'll sow discipline, determination, and faith and cultivate my field of dreams.

The letter "G" in PLEDGE stands for "give." I will give my services to the community and my prayers for the people of America, especially its leaders. As author Carolyn Simpson said in her book The Value of Patriotism, "Patriotism boils down essentially to one thing: giving something back to your community." I, too, believe that one of the best ways to show a love for one's country is to show love for its people.

The final letter in PLEDGE, "E," stands for "elect." When I reach the voting age, I will ensure that my voice is heard by electing government officials. My vote will have an effect on America's future, in the same way that my actions today will affect America's future.

We, the youth of America, are its future. The veterans who went before us fought and sacrificed to secure our freedom, and we are now reaping the benefits of what they sowed. Let's do the same not only for our own generation but also for those that follow. Let's make a PLEDGE to Protect, Lead, Educate, Dedicate, Give, and Elect.

God has richly blessed America, and America has given much to each of us. So what will I give back? What is my commitment to America's future? I will wake up each morning with a renewed determination to serve my God and my country. I will appreciate those who were and are committed to America, and I will endeavor to be counted among them.

HONORING LEINKAUF ELEMENTARY SCHOOL OF MOBILE, ALABAMA, ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BONNER. Mr. Speaker, today I rise to honor the staff, students, and friends of Leinkauf Elementary School of Mobile, Alabama, as they celebrate 100 years of providing quality education to the students of that area.

The school was named for William H. Leinkauf, a member of the Mobile County Board of School Commissioners from 1871 to 1894. When it opened its doors in November 1903, the school had an enrollment of just 51 students. In the century that has passed since that time, the school has witnessed a tremendous growth in its student body that has increased to a present level of more than 600 boys and girls. At present, it is believed Leinkauf Elementary is the oldest continually operated public elementary school in Mobile County, and, perhaps, in the entire state of Alabama.

Leinkauf Elementary has a long and proud tradition of providing one of the finest educational settings anywhere in the country. The teachers and administrators have, from the school's opening, demonstrated a clear understanding of the needs of the students and have met these needs with compassion, care, and a personal interest in every boy and girl. The admirable traits displayed on a daily basis by the school staff resulted in producing countless successful students, a list which includes such distinguished individuals as Winston Groom, the award-winning author of Forrest Gump, and former Alabama Governor Don Siegelman.

Mr. Speaker, I ask my colleagues to join me in honoring Leinkauf Elementary School on its 100th anniversary. In a time when Americans are placing more emphasis and more effort into providing quality educational opportunities for their children, Leinkauf continues to set the standard for success in this area. I congratulate the faculty, staff, and students currently at the school, and I also congratulate the generations of students who have used their education and their experiences there as a springboard to success later in life.

It is my hope Leinkauf Elementary School continues its story of success for another one hundred years.

PAYING TRIBUTE TO LOLA SPRADLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Lola Spradley and thank her for her leadership and contributions to Colorado as the Speaker of the Colorado House of Representatives. She has brought an outstanding level of energy and commitment to the Colorado General Assembly throughout her years of public service. As Lola celebrates her retirement, let it be known that the citizens of Colorado and I are eternally grateful for the guidance she has provided in making Colorado a leader of American democracy.

Lola was appointed to the House of Representatives to fill a term in 1997, and was subsequently elected in 1998, 2000, and 2002. Serving Chaffee, Custer, Fremont, Park, Pueblo and Saguache counties, Lola has fought for the issues that are important to her constituency, including renewable energy, affordable health care, and water conservation. Before serving as Speaker of the House, Lola was the House Majority Leader, and currently chairs the Executive Committee of Legislative Council and the Legislative Council Committee. Her outstanding record of public service has garnered Lola numerous legislator of the year awards, the Fremont Economic Development Corporation Citizen of the Year award in 2000, and the NFIB's Small Business Guardian of the Year award in 1998, 1999, 2000, 2001, and 2002.

Lola's commitment to community participation exemplifies her belief that it is the duty of every citizen to do what they can to make their community stronger. She is an active member of the Canon City Lions Club, the Pueblo Community College Foundation Board of Directors, the Sangre De Cristo Arts Center Board of Directors, and the Colorado State Fair Ladies.

Mr. Speaker, I am honored to pay tribute to State Representative Lola Spradley before this body of Congress and this nation for her selfless dedication to public service. It is clear that she has been an invaluable resource for the State of Colorado, and her efforts have helped ensure a promising future for our great country. I would like to extend my congratulations to Lola on her retirement and wish her and her husband Dale all the best in their future endeavors.

RECOGNIZING JOAN KELSCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Joan Kelsch for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Educator of the Year for 29 years of dedicated service as a teacher at the Saint Francis Academy in Bally, Pennsylvania.

Joan Kelsch, a graduate of West Chester University in Pennsylvania, has been teaching at Saint Francis Academy for 29 years. She began her career teaching fourth graders and has consistently demonstrated her dedication to education. While on maternity leave after the birth of each of her two children, she continued her teaching efforts as a substitute.

In 1982, recognizing her dedication and passion, Joan was asked by Father Joseph Fricker to create a kindergarten program for St. Francis Academy. Joan eagerly took on this task and created the first kindergarten class for the school consisting of thirty students.

Joan has been credited with creating an exciting and enriching learning environment for her students, while also enhancing the curriculum of several programs throughout the school. Her students have art work decorating the rooms and, not only does this artwork display the abilities of the children, but it also highlights the talent that Joan possesses as a teacher. Joan has created several learning devices for children, such as literature tea parties, where the students learn etiquette while also challenging their reading skills and vocabulary with students from the fifth grade. In this challenge, the students are also encouraged to use their imagination by creating new words and new definitions.

As a teacher in a Roman Catholic school, Joan also has the responsibility for aiding the spiritual guidance of her students. She prepares the students for the sacraments of Reconciliation and the Holy Communion. In addition, Joan is also a religion coordinator for St. Francis Academy. She attends yearly meetings to help update textbooks and curriculum for Catholic school students.

Outside of the classroom, Joan acts a Staff Liaison to the Home and School Association where she attends monthly meetings. Joan also spends her time volunteering in her community. Each summer, Joan and her husband, William, volunteer at the annual church carnival and, every fall, Joan works at the Santa Secret Shop at the annual bazaar for the school.

Mr. Speaker, I ask that my colleagues join me today in recognizing Joan Kelsch for her many years of exemplary service to St. Francis Academy's community.

IN HONOR OF TED FEHRING

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, I rise today in honor of Ted Fehring, who turned 90 on April 8th. Born to buggy manufacturers in Columbus, Indiana, Ted has lived a full and truly exceptional life. A man of the highest moral integrity, Ted has proven to be a devoted family man, dedicated member of the community, faithful Christian and successful businessman.

Ted married Marie Theresa Grote on June 29, 1938, and the rest is history—with five daughters, Janet, Jean, Joy, Julie and JoAnn, thirteen grandchildren and seven great-grandchildren, Ted has led a rich family life.

As for his professional career, Ted has embarked successfully upon several different career paths: he was a teacher, a coach, an escrow officer, Vice-President of a Savings and Loan, and President of a Mortgage and Investment company. Ted has been a Carmel resident since June of 1945 and his active participation in our community has been invaluable. He has been a member of the Lions Club, the Governing Board of the Church of the Wayfarer, the Red Cross, and has officiated many college football games—and this is only a fraction of his achievements!

I have known Ted Fehring to always be an honest and good man. Ted's ability to balance work, community involvement and his family serves as a model to all of us in the central coast community. At 90, Ted continues to live his life to the fullest and it is truly an honor to be able to recognize him today.

PURSUING DEMOCRACY ONE VOTE AT A TIME

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to inform my colleagues on Indonesia's recent strides towards democratization. Indonesia should be hailed as the poster child for emerging democracies throughout the world. A major secular state with a Muslim majority, Indonesia is the world's third largest democracy and is gaining International recognition for its strides towards complete democratization. Indonesia's democratization matters precisely because the country is making progressive political and constitutional reforms while also demonstrating that Islam and democracy are not mutually exclusive and can successfully work in tandem for one nation.

When so many positive stories in the Muslim world are obscured by violent uprisings in areas of historic conflict, it is high time to take notice of the truly impressive strides Indonesia is making. On Monday, April 5th, nearly 148 million voters in Indonesia took to the polls in a critical test for their young democracy. Indonesians selected national, provincial, and regional Parliamentary Representatives. Unlike other international elections, campaigning there has not been marred by violence—and by most media reports—the balloting was conducted in an efficient, clean, transparent, and purely democratic manner. And on July 5th, in one of the largest electoral undertakings in the world and for the first time in Indonesia's history, the President and Vice President will be directly elected.

Indonesia's economy was battered in the financial crisis of 1997, and governing this sprawling archipelago has not been easy in the wake of the economic meltdown and dramatic political change that we have witnessed in the seven short years of post-Soeharto Reformasi. In fact, much remains to be done there, particularly in the critical areas of judicial reform, corruption, human rights, and social welfare.

With close to half of the world's shipping fleet passing through Indonesian waters, the geopolitical importance of the country cannot be overstated. In addition, the threat of terrorism in Southeast Asia is real and Indonesia has been the unfortunate victim of several major attacks in recent years. In order to quell terrorist threats, Indonesia's government is discovering new ways of working with regional law enforcement and intelligence communities in hopes of rooting out homegrown radicalism. But Indonesia should not fight this battle alone: solid U.S. support is needed in the struggle to keep Indonesia safe against the devastation and destruction of terrorism.

With more than 300 major American firms doing business in Indonesia—and as massive decentralization takes place—near term U.S. investment in the country will exceed $25 Billion. As a result, the United States should continue providing support to help Indonesia stabilize and consolidate these economic, political, and social gains. By combining strategic development initiatives and more effective public diplomacy, we can successfully engage Indonesia in this election year and beyond.

As a new generation of democratic participation arises out of Indonesia's turbulent past, the United States and Indonesia's neighbors can only benefit as Indonesia embraces the model of a modern democratic state. With Indonesia's current level of economic and social development, the International Community now has the unique opportunity to assist with the country's continual progress towards complete democratization. We should do all we can to help Indonesia become a positive Muslim and democratic influence in that vital region of the world community.

CONGRATULATIONS TO SISTER MARY EILEEN WILHELM, R.S.M., ON THE OCCASION OF HER RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to Sister Mary Eileen Wilhelm, R.S.M., on the occasion of her retirement as President and Chief Executive Officer of Mercy Medical in Daphne, Alabama.

For the past 36 years, Sister Mary Eileen has served the families of south Alabama with compassion, dedication, commitment and a tremendous amount of love.

As a member of the Order of the Religious Sisters of Mercy, Sister Mary Eileen has spent her career finding and implementing the most effective, up-to-date methods of meeting the healthcare requirements of some of the neediest patients in the Gulf Coast region.

She received her Nursing Diploma from the Providence Hospital School of Nursing in Mobile, her Bachelor's Degree from Mount Saint Agnes College in Baltimore, Maryland, and her Master's Degree in Health Care Administration from George Washington University in Washington, D.C. At the conclusion of her academic studies, Sister Mary Eileen served her hospital administrative residency at the Veterans Administration Hospital in Pittsburgh, Pennsylvania.

From 1959 to 1966, she served as a staff nurse, first at Saint Martin dePorres Hospital in Mobile, and then at Stella Maris Hospital in Baltimore, Maryland. She then accepted a position as Director of Nursing Services at Villa Mercy in Daphne, Alabama, an organization which over the years has developed into the modern day facility known as Mercy Medical.

Along with her active involvement in the life and growth of Mercy Medical, Sister Mary Eileen has played a large role in the activities of numerous organizations in Alabama and throughout the United States. These include, but are certainly not limited to, membership on the Catholic Health Association, the St. Joseph's Health System Board of Trustees in Atlanta, Georgia, the Sisters of Mercy of the Americas (Baltimore Regional Community), the Southwest Alabama Hospital Council of the Alabama Hospital Association, and the Mercy Medical Board of Trustees.

Additionally, Sister Mary Eileen has been named to "Who's Who of American Women," "Who's Who in Religion," and "Who's Who in Health Care." She was a 1994 graduate of "Leadership ALABAMA" and currently serves as a member of "Envision Mobile-Baldwin."

Mr. Speaker, I ask my colleagues to join me today in recognizing Sister Mary Eileen Wilhelm for her tremendous contributions to the citizens of the First Congressional District of Alabama. The experience and enthusiasm she has brought to her job and the concern and compassion she has displayed throughout the years to everyone with whom she has had contact are unquestioned and unparalleled.

She has indeed been a genuine asset both to her order and to the thousands of men, women and children she has assisted for over four decades. I am proud and honored to call her my friend, and I offer my heartfelt thanks and congratulations as she enters this new phase of her life.

PAYING TRIBUTE TO ROB FAIRBANK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Rob Fairbank and thank him for his commitment to serving the people of Colorado as a three-term member of the Colorado House of Representatives. Rob will always be remembered for the leadership and guidance he has provided for his district, and as he celebrates his retirement, let it be known that he leaves behind an outstanding legacy of commitment to the people of Colorado and the Colorado General Assembly.

Rob was elected to serve the people of Jefferson County in 1998 based on his common sense approach to government and his previous political experience. From 1995 through 1997, he served as Political Director for the Colorado Republican Committee; he served as campaign manager for Bill Owens for Treasurer in 1993 and 1994; served as Program Director for the Independence Institute from 1991 to 1993; and was the Deputy Political Director of the Colorado Republican Committee from 1989 to 1991.

Rob's current service in the State House includes serving as Majority Caucus Chair and Vice Chair for the Finance Committee. He is also a member of the Appropriations Committee; Legislative Council Committee; and State, Veterans, and Military Affairs Committee. Some of the honors he has received for his significant accomplishments while serving in the House include the Jeffco Coalition of Chambers 1999 Champion of Enterprise award; the CACI Friend of Business award in 1999 and 2000; and the National Federation of Independent Businesses Guardian of Small Business award in 2000.

Mr. Speaker, I am honored to pay tribute to State Representative Rob Fairbanks for his selfless efforts of public service in the Colorado General Assembly. Rob is not afraid to stand up for what he believes in, and he works tirelessly to better his Jefferson County community and the State of Colorado. I would like to extend my congratulations on Rob's retirement and wish him and his wife Mary Ann the best in their future endeavors.

RECOGNIZING SERGEANT GREGORY L. MILLER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Sergeant Gregory L. Miller of the Boyertown Police Department for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Boyertown Police Department's Outstanding Law Enforcement Officer of the Year.

Sergeant Gregory Miller began his career with the Boyertown Police Department March 3, 1982 as a part-time officer. He eventually became a full-time officer with the Department in 1984.

During Sergeant Miller's 22 years of service, he has made a great impact on the Boyertown community. In 2001, he was recognized for his involvement in the prevention of a suicide. A year later, in 2002, Sergeant Miller was named the Police Liaison Officer of the Year for his work with the Berks County Youth Aid Program. In 2003, he was recognized for his bravery in an incident involving a knife-wielding man. Sergeant Miller was also the driving force behind starting up the new bike patrol in Boyertown.

Aside from his service in the Boyertown Police Department, Sergeant Miller is also an active member of his community. He has been a member of the Friendship Hook and Ladder Fire Company since he was 16 and he volunteers with the Boyertown Lions Community Ambulance Company.

Mr. Speaker, I ask that my colleagues join me today in recognizing Sergeant Gregory Miller for his many years of exemplary service to the Boyertown community.

IN MEMORY OF LEE TOLER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Lee Toler, a great man who passed away on February 4th, 2004. Lee was a shining example of the power one man can have in so many peoples' lives, and without him the world is a little dimmer. I offer Velma, his wife, and the rest of Lee's family my sincerest condolences.

Lee came from humble beginnings, as all great men do, but his spirit was richer than all the wealth in the world. His life was devoted to helping kids in our community and in California avoid the dangerous and detrimental effects of drugs and crime. He worked for the benefit of individuals and our community, and he did much of it as a volunteer.

During the 1960s Lee was a school custodian in Seaside, at Portola Junior High School, later renamed King Middle School after the assassination of Martin Luther King Jr. He became well known for his willingness to counsel students who came to him, and began to seek ways to help others. His ability as a counselor convinced then Governor Reagan to allow him into state prisons to work with inmates. He was also a key figure in championing the cause of drug treatment as an alternative to imprisonment.

In 1966 Lee founded Young Adults for Action to offer activities and alternatives to drugs, and in 1974 created Young Adults for Action Manufacturing Co. This organization recognized that good jobs could play a crucial role in discouraging drug use among teens, and he worked with local employers to offer jobs to youth and parolees. When these non-profits ended Lee continued his mission with Jobs Not Drugs in 1979, a successful program that continues to this day.

Lee's extraordinary work has not gone unrecognized. He's been the recipient of numerous awards, including the Governor's Award for Creative Citizenship, presented by Governor Reagan in 1968. The only other person to receive this award during Reagan's administration was Bob Hope for his work with soldiers overseas. I also had the opportunity to honor Lee twice, once in 1995 and once in 2000, with the Congressional Recognition Award.

Mr. Speaker, I rise once more to applaud Lee Toler's many accomplishments. Lee was blessed with the ability to see the goodness that existed in everyone, and his life's work was devoted to bringing that out in people. While some merely condemn, Lee sought to understand. My only regret is that Lee could not be in every school, courtroom, and prison in our country, because our society grew greater and stronger with every person he touched. He was a remarkable figure in our community, and his memory will live on in the many people whose lives he has touched. I join the communities of the Monterey Bay, and friends and family in honoring this truly admirable man and all of his lifelong achievements.

TRIBUTE TO 25TH ANNIVERSARY OF TAIWAN RELATIONS ACT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate the Republic of China (ROC) on Taiwan in recognition of the 25th anniversary of the Taiwan Relations Act. I am proud that Taiwan and the United States have enjoyed such a strong and durable relationship over the last quarter century in part due to our shared democratic values.

The Taiwan Relations Act has been instrumental in maintaining peace, security and stability in the Taiwan Straits and the Western Pacific since its enactment in 1979. Today Taiwan is truly an economic success story and I am confident that the Bush Administration and our allies in the region will remain committed to playing an appropriate supporting role in reducing tensions across the straits. I am also hopeful that expanded confidence-building exchanges between Beijing and Taipei will lessen the likelihood of any potential conflict in the region.

Under the framework of the Taiwan Relations Act, the Republic of China has become a shining example of economic prosperity. Taiwan has become the eighth largest U.S. trading partner with total Taiwanese exports of US$ 32.2 Billion and imports of US$ 18.4 Billion. Taiwan is currently the world's twentieth largest economy with a GDP of US$ 219 Billion. I believe the United States should continue to expand trade opportunities with Taiwan like the recently signed letters of intent for Taiwan to increase purchases of Indiana's agricultural products.

I stand today in strong support of Taiwan's membership in international organizations such as the World Health Organization and the United Nations. Taiwan is deserving because of its commitment to our shared values of freedom, democracy, human rights, peace and prosperity.

Once again, Mr. Speaker, on the historically significant occasion of the 25th Anniversary of the Taiwan Relations Act, I rise to pay tribute to America's relationship with Taiwan, and I call upon this body to recommit ourselves to the prospect of peace, freedom and democracy in Taiwan for the next twenty-five years and beyond.

HONORING THE MEMORY OF THE HON. MARY FRANCES STEWART

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BONNER. Mr. Speaker, Baldwin County and indeed the entire First Congressional District of Alabama will say goodbye tomorrow to a dear friend, a wonderful lady and a truly outstanding public servant. Today, however, I rise with a heavy heart to honor the life—and mourn the death—of that special friend, Baldwin County Commissioner Mary Frances Stewart, who was killed in a tragic car wreck early Saturday morning.

Without a doubt, Commissioner Stewart was the epitome of a true Southern lady. Both gentle and genteel, Mary Frances somehow found a way in almost everything she did to make people feel good about themselves and good about their government.

Moreover, she had that rare knack for being equally devoted to her family and her constituency in Baldwin County. It goes without saying but her death leaves a void both in the life of the county she so dearly loved and in the wide circle of her family and many friends—a void that quite frankly will be nearly impossible to fill.

A native of rural Georgiana, in Butler County, Mary Frances was a graduate of Georgiana High School and received both her Bachelor's and Master's Degrees in Education from the University of South Alabama.

She began what would become a distinguished 23–year career in teaching in the Alabama public school system, spending 13 years with the Mobile County school system. Commissioner Stewart spent the last ten years of her teaching career at Foley High School in Baldwin County where she specialized in American and Alabama history.

During her years in the classroom, Mary Frances spent untold hours in an effort to stir her students with a passion for and ownership of their government. Whether taking her students on field trips to Montgomery or Washington, D.C., she always challenged her students to learn about the past as they prepared for their future. To say her career in education was a success would be a major understatement; few people can lay claim to being awarded both "Mobile County Teacher of the Year" and "Baldwin County Teacher of the Year" honors, awards that bespeak the tremendous recognition and respect she enjoyed from her peers.

Following her retirement from teaching, Mary Frances became active in local politics and eventually ran for a seat on the Baldwin County Commission. She was elected to a four-year term representing the residents of Commission District Four in the south-central part of the county and had served with admiration and distinction since that time. As a member of the commission, she served as Chairperson of the Road and Bridge Committee and as Vice Chairperson of the Environmental Resources Committee.

In addition to the many demands of her elective office, Commissioner Stewart also served on numerous boards and foundations whose goals are to advocate the special interests and needs of the residents of Baldwin County. During the past several years, she served as a member of the South Baldwin Chamber of Commerce, the South Baldwin Regional Medical Center Foundation Board, the Jennifer Claire Moore Foundation Board, the Junior Achievement of Mobile/Baldwin Board, the Community Health Hospital Board, and the Department of Human Resources Quality Assurance Committee.

Commissioner Stewart was selected by former Alabama Governor Fob James to serve on the State of Alabama Aeronautics Board. She also served on the Board of Trustees of Morgan's Chapel United Methodist Church in Bon Secour, Alabama, where she was an active member.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant, a long-time advocate for Baldwin County and a true friend to one and all. Commissioner Mary Frances Stewart will be deeply missed by her family—her son, Ed Stanford, her daughters, Tammy Stanford-Henley, Jo Stanford, and Fran Kollins, and her five grandchildren—as well as the countless friends she leaves behind.

Our thoughts and prayers are with them all during this difficult time.

PAYING TRIBUTE TO WILLIAM (BILL) SINCLAIR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to an American patriot and dedicated public servant. William "Bill" Sinclair will be retiring after serving the citizens of Colorado Springs, Colorado, from the Colorado State House of Representatives for eight years. As Bill celebrates his retirement, let it be known that he leaves behind an outstanding legacy of commitment to the people of Colorado and Colorado General Assembly.

Bill has always held firm to his beliefs of serving his country and community. He spent a distinguished career serving in the United States Air Force, defending our country in World War II, Korea, and Vietnam. He logged 6,000 flying hours as a command pilot, retiring in 1975 as a Colonel. Serving as a business manager for several nonprofit organizations in Colorado Springs, Bill became actively involved in numerous civic organizations. He is a past president of the Retired Officers Association and downtown Rotary Club, a former chairman and member of the Pikes Peak Center for Performing Arts, and a past member of the Board of Directors of CHINS-UP of Colorado Springs.

Bill was elected to the State House of Representatives in 1996, and currently serves as chairman on the State, Veterans, and Military Affairs Committee and is a member of the Transportation & Energy Committee. His outstanding record of public service has garnered Bill numerous honors, including legislator of the year awards in 1998 and 1999 from the Colorado Association of Commerce and Industry and in 2001 by the Colorado Sherrifs Association. He has twice been recognized as a Guardian of Small Business by the National Federation of Independent Businesses.

Mr. Speaker, it is quite clear that State Representative Bill Sinclair is a person who possesses dedication and commitment to his life long pursuit of public service. Bill's selfless dedication to Colorado Springs, the State of Colorado, and the United States has helped ensure a promising future for our great country, and it is my privilege to recognize him today before this body of Congress and this Nation. It is my distinct pleasure to honor Bill here today, and wish him and his wife Barbara all the best in their future endeavors.

RECOGNIZING MICHAEL J. MAGGIO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Michael J. Maggio for being honored by the Boyertown Area Times and Boyertown Jaycees as the Boyertown Citizen of the Year for his contributions to the greater Boyertown region.

Michael Maggio relocated to the Boyertown area with his wife Sue in 1966. A physicist, he worked for 23 years at Cabot Corporation as a research group leader and a plant technical services manager.

Michael Maggio graduated in 1949 from Welsey Junior College in Dover, Delaware, where he was the captain of the basketball team. He went on to receive his B.S. in physics from Franklin and Marshall College in Lancaster, Pennsylvania, in 1952. Upon moving into the Boyertown area, Michael became involved in the community and has been an active member of the Boyertown Lions Club for 24 years. He served twice as the president of the Club and he also served eight years as a member and treasurer of the Boyertown Lions Community Ambulance Board of Directors. In 1997, he was awarded the prestigious Melvin Jones National Award and, in 2001, he was named the Lion of the year.

Michael Maggio also has made an impact in the community outside of his activities in the Lions Club. A member of the St. Columbkill Roman Catholic Church, Michael was a religious instructor and also volunteers as an usher. Michael has served as a catalyst for ongoing service to and support of the Boyertown community by serving as the Emergency Management Coordinator and a member of the Boyertown Board of Health. Further, he is serving as the Co-Chair of the Lions Ambulance Organization's new building fund.

In his spare time, Michael enjoys bicycling, golf and photography. Well-known throughout the community as a family man, Michael has five children, fourteen grandchildren, and three great-grandchildren.

Mr. Speaker, I ask that my colleagues join me today in recognizing Michael J. Maggio for his many years of exemplary service to the Boyertown community.

IN MEMORY OF JOHN STAGNARO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Giovanni "John" Stagnaro, a patriarch within the Italian community of Santa Cruz who passed away this past March at the age of 90. Founder of the immensely popular and successful fishing business Stagnaro Brothers, John's legacy as a hard-working and dedicated entrepreneur has made his family name a staple in Santa Cruz County. John is survived by his wife of 67 years, Mamie Stagnaro; their three daughters: Teresa Tera, Jeanie McPherson, and Carol Tuttle; his eight grandchildren and thirteen great-grandchildren.

Born in the tiny Italian coastal village of Riva Trigoso, John's life was an archetype of the American Dream. Via Ellis Island, John immigrated to the United States at the age of five, and quickly settled in Santa Cruz. In 1937, after saving several hundred dollars, John purchased part of a fishing company on the Santa Cruz Wharf—and the rest is history. Working alongside his brother, John's fish market and restaurant quickly became a staple of the Wharf. Today, Stagnaro Brothers is the last open-air fish market on the wharf.

John was a devout Catholic and an active member of the Holy Cross Catholic Church in Santa Cruz. He was also an avid participant in many community-based social organizations including the Sons of Italy, the Santa Cruz Elks Lodge, the Marconi Club, and the Italian Catholic Federation. John will surely be missed by his family and the community as a whole, but his business and his name will be a legacy that will last for generations to come.

TRIBUTE TO ERICKA DUNLAP

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CRAMER. Mr. Speaker, I rise today to honor the achievements of Miss America 2004, Ericka Dunlap. Ericka is using her reign as Miss America to challenge all Americans to look past one's race, religion, and culture and embrace the unique diversity of our country.

Mr. Speaker, last fall Ericka Dunlap was crowned Miss America and immediately embarked on a national tour promoting her platform, "United We Stand, Divided We Fall Behind: Celebrating Diversity and Inclusion." Ericka feels that education is the vehicle that will allow us to move past bigotry and accept another person's culture, background, lifestyle, and ability. She is making an extra effort to reach out to our children and educate them about diversity before any predisposed notion is set. I commend her efforts and believe that Ericka is an excellent role model for young women everywhere.

Mr. Speaker, on April 17, Ericka was the Keynote Speaker at the 50th Anniversary Gala for the Huntsville Alumnae Chapter of Delta Sigma Theta Sorority, Inc. I rise today to welcome her to North Alabama and to honor her achievements in promoting tolerance across our country.

IN TRIBUTE TO THE HONORABLE ED PEASE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the work of an outstanding individual, the Honorable Ed Pease, former Congressman to the people of the 7th District of Indiana, on the conclusion of his second term as the volunteer International President of the North American Interfraternity Conference (NIC). I am proud to have known and worked with Ed Pease in a number of roles as a former colleague, a fellow Eagle Scout and Boy Scout leader, a friend for life and a fraternity brother.

Ed Pease graduated Phi Beta Kappa from Indiana University and the Indiana University

Law School. After a period of private practice, he was elected to the Indiana State Senate and served for 12 years, where he chaired the Judiciary Committee and was responsible for major reform of the state's criminal justice system. Outside the legislature, Ed worked for Indiana State University in Terre Haute as General Counsel and later became the University's Vice President for Advancement.

From 1997 to 2001, I had the pleasure of working alongside Ed Pease in the U.S. House of Representatives, where Ed was considered one of the GOP's rising stars. During his time in Congress, Ed was a valuable member of both the Transportation and Infrastructure Committee and the Judiciary Committee. At the conclusion of the 106th Congress, Ed retired from the House so he could spend more time with his family and friends. His retirement was a loss for this House, for the people of the seventh district of Indiana, and for our country. During his time in Congress, Ed Pease was widely hailed by his peers as a smart, hard working, unassuming Member who cared more about getting the job done than getting credit for his achievements.

Mr. Speaker, Ed Pease might have retired from the House in 2001, but he has not retired from a career of selfless public service. It is this second career of volunteer service that I have come to praise today. Throughout his career, regardless of the significant time demands of his professional life, Ed has always made it a priority to serve as a community leader in organizations that build the values and morals of America's young men and women. Ed has a long history of service to the Boy Scouts of America both at the national council level and here in Washington for the National Capitol Area Council. Ed has also been Chairman of the Boy Scouts' National Order of the Arrow Committee. He has been President of the Philmont Staff Association which supports the Philmont Scout Camp in New Mexico, the Boy Scouts of America's premier high-adventure camp that has taught thousands of young men valuable lessons that last a lifetime.

Ed Pease's commitment to the moral development of young men has extended past scouting to working with college fraternities, the organizations that build the character and leadership skills of tens of thousands of college men every year. Mr. Speaker, it is Ed's exceptional work for fraternity men nationwide that I rise to recognize today. Ed and I share the bond as brothers of the Pi Kappa Alpha Fraternity. He was initiated into the Delta Xi chapter of Pi Kappa Alpha Fraternity at Indiana University on February 26, 1971. Ed's membership in Pi Kappa Alpha shapes the values that would direct his career of public service. In 1973, he was named the national fraternity's outstanding undergraduate member before serving on the staff on the national organization. He has a long history as a chapter advisor to Pi Kappa Alpha's Indiana State chapter, and in 1983, Ed Pease was named Pi Kappa Alpha's national chapter advisor of the year. From there, Ed has served in a number of leadership roles at the national level, including four years as National Vice President and two years as National President of Pi Kappa Alpha. Ed is currently serving as the Secretary/Treasurer of the Pi Kappa Alpha Educational Foundation.

Ed Pease has not been content to serve just his own brothers for he has had a larger mission of improving the collegiate experience of all men and women who join a college fraternity. For that reason, Ed Pease was elected to the North American Interfraternity Board of Directors in 1995. The NIC is the umbrella group for 66 national fraternities that have 350,000 undergraduate members and 4.2 million living alumni worldwide. In 1999, Ed Pease was elected President of the NIC and served the organization in that capacity for one year.

Now Mr. Speaker, it is hard to explain Ed Pease's contribution to the fraternity world without explaining what fraternity life is all about. There are those in today's society who like to belittle the virtue of the college fraternity experience but they don't really understand how important a role these organizations play in positively influencing the development of tomorrow's leaders. The critics hold up the actions of a few people as an indictment of a system that has done much for our nation. Nine million Americans are proud fraternity and sorority alumni and their experiences in these organizations helped them become better students and better citizens of our great nation. While only three percent of the nation's population has been a member of a fraternity or sorority, these organizations are proven leadership laboratories for developing the next generation of American leaders. For proof, you need look no further than this Congress itself, where 110 current Members of the House of Representatives are alumni of fraternities and sororities, as are 45 current Senators.

College fraternities and sororities are one of the most successful leadership development programs available to college students today, helping members graduate with the management and interpersonal skills needed to excel in today's society. These fraternities are the nation's largest networks of student volunteers, providing 10 million hours of service a year and preparing members for a lifetime of community involvement. Fraternity housing is the largest not-for-profit housing market outside of the host colleges and universities themselves. The 250,000 students living in fraternity housing today at 8,000 chapter houses nationwide have an unparalleled opportunity to live and work together on a daily basis with students from different cultures, religions and life experiences. Fraternities are now the largest, most visible, and most active values-based organizations on college campuses today. The men and women who are fraternity members today learn how to incorporate the principles and values of their organization into their daily lives to form the moral foundation for their future actions. In 2002, the NIC was undergoing some dramatic and fundamental restructuring of its Board of Directors, with an eye on improving its ability to serve its student and alumni members. In need of a leader with a steady hand and an outstanding vision for the future, the NIC turned to Ed Pease who was re-elected President.

In the past two years, the NIC has undergone some major changes that better position it to advocate for and enforce higher standards for the men who join its fraternal organizations. As part of that change, Ed Pease has focused the NIC's efforts on asking Congress to help college fraternities provide a better experience for their members. Ed's focus has been on issues such as freedom of association, membership standards, infrastructure improvements, tax law, leadership development, and scholastic excellence. He has helped restart the Congressional Fraternal Caucus, an organization I am proud to chair, along with Congresswoman Stephanie Tubbs Jones. Through Ed Pease's efforts and outreach to his former colleagues, the Collegiate Housing and Infrastructure Act has been introduced and sponsored by 65 members of the House and 15 members of the Senate. Last September, this House included the Collegiate Housing and Infrastructure Act as part of the Charitable Giving Act of 2003 that passed with overwhelming bipartisan support. If that bill becomes law, it will allow all student associations on college campuses to use a private market approach to upgrade and replace their facilities in the future, thus making it possible for these student groups to continue to thrive for decades to come. These initiatives are so typical of Ed and his accomplishments in the public arena over the past 30 years: He creates lasting legacies that leave institutions better than he found them.

Mr. Speaker, I would like to share with you some representative remarks from Ed's peers in the fraternity world, for they show how deeply he is respected for his work on behalf of college students everywhere. Ray Orians is the Executive Vice President of the Pi Kappa Alpha Fraternity, of which Ed Pease and I are members. Ray Orians says "Ed Pease personifies leadership with integrity. Ed's favorite role in the fraternal world, despite his many achievements, was that of chapter advisor, for it was in that position where he could be a respected and influential teacher who is constantly rewarded by his students' accolades and responses well into life." Jon Williamson is the Executive Vice President of the North American Interfraternity Council and has worked closely with Ed Pease for several years. He describes Ed Pease as a dignified, articulate consensus builder who "sees his goal as a servant leader with the ultimate goal the greater good of the college student and he envisions the college fraternity as the vehicle to accomplish that."

Mr. Speaker, at the end of April, Mr. Jim Estes of Kappa Alpha Order will be sworn in as the new National President of the North American Interfraternity Conference. I welcome Mr. Estes and look forward to the opportunity to work with him to improve the fraternal experience for today's college students. But as I welcome Mr. Estes to his new position of responsibility, I ask this chamber to join me in recognizing our friend and former colleague Ed Pease for his outstanding decades of service to the college fraternity world. I know he will continue to be an active and visible part of the fraternity movement in the future, but now is the moment to thank Ed Pease for his dedication, his vision and his selflessness in leading the fraternal community to better days.

PAYING TRIBUTE TO JOHN ANDREWS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to John Andrews and thank him for his leadership and contributions to Colorado as the President of the Colorado Senate. The level of energy and commitment that he has brought to the Colorado General Assembly throughout his years of public service is truly outstanding. As John celebrates his retirement, let it be known that the citizens of Colorado and I are eternally grateful for the guidance he has provided in making Colorado a leader of American democracy.

At the age of sixteen, John attended the 1960 Republican National Convention as a page, and from then on knew he was destined to a career in politics. A volunteer on numerous GOP conventions and a speechwriter for President Nixon, John was elected to the Colorado Senate in 1998 for District 27. Representing Arapahoe County, John has worked hard to improve education and transportation; strengthen judicial accountability; protect Colorado's water; minimize taxes and regulation; and foster economic growth. In 2002, John was elected president of the Senate, and serves as chairman for the Executive Committee of the Legislative Council and the Legislative Council Committee; as well as serving on the Local Government Committee and State, Veterans, and Military Affairs Committee.

Mr. Speaker, I am honored to pay tribute before this body of Congress and this Nation to State Senator John Andrews for his selfless dedication to public service. It is clear that John has been an invaluable resource for the State of Colorado, and his efforts have helped ensure a promising future for our great country. I would like to extend my congratulations to John on his retirement and wish him and his wife Donna all the best in their future endeavors.

RECOGNIZING BRIANA RUDY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Briana Rudy for being honored by the Boyertown Area Times and the Boyertown Jaycees as the Boyertown Area High School Outstanding High School Senior.

Briana Rudy is an invaluable member of her school and her community. As a member of her senior class, Briana participates in many extracurricular activities. She is involved in fund-raising events to help disabled children, including those with cystic fibrosis, and she also serves as the treasurer of the school's Art Expo Committee that plans the school's annual art show. Briana writes for her school newspaper, The Cub, and is also a staff member of the school magazine, The Accent.

In addition to her extracurricular activities, Briana works two part-time jobs and participates in several service clubs. In her free time, Briana volunteers with children at the Boyertown Area YMCA. She has been a volunteer there since age 12 and, when she turned 16, she was hired to teach gymnastics, preschool dance, and youth sports. Over the summer, Briana also works as a YMCA camp counselor.

In the fall, Briana plans to attend West Chester University in Pennsylvania and major in social work where she will continue to work during the summers as a volunteer with children in the YMCA program.

Mr. Speaker, I ask that my colleagues join me today in recognizing Briana Rudy for her years of exemplary service to her school and the Boyertown community and wish her well in her future at West Chester University and beyond.

TRIBUTE TO ALL POINTS LOGISTICS, INCORPORATED

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CRAMER. Mr. Speaker, I rise today to congratulate All Points Logistics, Incorporated for being named the Boeing Corporation's Small Disadvantaged Business Supplier of the Year and a Boeing Preferred Supplier Company. All Points Logistics, Inc. is a Native American and disabled veteran-owned small business that helps support the Boeing Corporation's Ground-based Midcourse Defense program.

Boeing and All Points Logistics have worked together since 2001. In December of 2003, All Points Logistics became the first company to sign the Missile Defense Agency's Mentor-Protégé Agreement. Through this agreement, All Points Logistics was able to expand its services with Boeing and open a new office in Madison, Alabama—bringing an additional twelve jobs to our North Alabama community.

All Points Logistics is a valuable part of the Alabama Boeing team. Through timely service and high quality products, All Points Logistics has given Boeing the flexibility to meet the needs of its customers and provide for our nation's defense. For its reliability, Boeing recognized them as a preferred supplier.

Mr. Speaker, on April 9. Boeing and All Points Logistics Inc. held a ceremony recognizing the Supplier of the Year award. I want to take this opportunity to congratulate all of the employees of All Points Logistics Incorporated on a job well done. I rise today to join in their celebration.

IN HONOR OF MR. GARY ENGEBRETSON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SESSIONS. Mr. Speaker, I rise to congratulate Gary Engebretson, as he retires from his position as president of the Contract Services Association of America (CSA)—a position he has held for 17 years.

Gary came to CSA in 1987, with a background in electrical engineering and a love of politics. While working as an electrical contractor, he became involved in Iowa's Republican Party, where he eventually became one of the state leaders. He moved on to the Veteran's Administration, getting his first real taste for public policy that would stick with him for the rest of his career. That was followed by a lengthy stint at the Republican National Committee, as Chief of Staff and Executive Assistant. Moving from there to a Texas-based oil company, Gary met a then unknown, budding Texas politician just beginning his foray into politics, that of George W. Bush. Like our president, Gary, too, had a run at political office. Luckily for CSA, he lost.

Under Gary's leadership, CSA has taken an active role in our legislative process, supporting the Federal Activities Inventory Reform Act (which I sponsored), and, more recently, the Service Acquisition Reform Act (SARA) that became law last Fall. Gary also has given CSA a real presence in agency circles, too; for example, by signing partnering agreements with the Naval Facilities Command and the Army's Training and Doctrination and Forces commands, and developing a close relationship with the Department of Labor's Wage and Hour Division and the agency Labor Advisors.

As the successes in D.C. grew, so did CSA's reputation within the industry. Under Gary's leadership, the size of the membership has grown, and CSA has become the "go-to" association for the Government services contracting industry. Whether Gary's longevity in Washington is ultimately due to his penchant to be a straight shooter or just that he's a nice guy, his golden reputation in D.C. has made CSA the strong presence that it now enjoys. I want to extend my best wishes to Gary and his wife Lára on their new phase of life.

PAYING TRIBUTE TO GAYLE BERRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Gayle Berry and thank her for her tireless efforts serving the people of Colorado as a four-term member of the Colorado House of Representatives. Gayle will always be remembered as a dedicated public servant and leader of the community, and as she celebrates her retirement, let it be known that she leaves behind a terrific legacy of commitment to the people of Colorado and Colorado General Assembly.

A lifelong resident of Mesa County, Gayle graduated from Fruita Monument High School and received her college degree from Mesa State College. Before entering the political arena, she worked as a legal secretary, and owned and operated a successful small business for fourteen years. Elected to the Colorado House in 1996, Gayle currently chairs the House Transportation and Energy Committee, sits on the House Appropriations Committee and the House Local Government Committee, and served four years on the Joint Budget Committee. Her excellent record in the State House has earned Gayle numerous Legislator of the Year awards.

Gayle's extensive involvement in civic organizations comes from her belief that in order to better your community you have to be an active participant. Her commitment to Mesa County includes membership in Club 20, Mesa State College Alumni Association, the juvenile pilot program W.R.A.P., and the Speakers Bureau for Kids Voting Mesa County. She has also served as chair and as a member of the Grand Junction Area Chamber of Commerce, and as a board member of Community Hospital.

Mr. Speaker, it is my honor to recognize State Representative Gayle Berry's dedication and commitment to public service. It is not only her incredible devotion, but also her passion for contributing towards the betterment of the Mesa County community and the State of Colorado that I wish to bring before this body of Congress and this Nation. It is my distinct pleasure to honor Gayle here today, and wish her all the best in her future endeavors.

CONGRESSIONAL TRIBUTE TO COLONEL JAMES E. MAKOWSKE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. STUPAK. Mr. Speaker, I rise to honor the many years of dedication and achievements of my good friend, Col. James E. Makowske, who after 25 years of active duty, retired April 16th, 2004 as Commander of the U.S. Air National Guard's Alpena Combat Readiness Training Center. Jim's leadership and decades of service to further the best interests of America and the Air National Guard have more than earned him this great honor.

Born in Detroit in 1956, Jim was raised in Capac and graduated from Capac High School in 1975. That year, he enlisted in the U.S. Air Force and served for four years as an F–15 Aircraft Maintenance technician at Langley Air Force Base in the 1st Tactical Fighter Wing.

He separated from the Air Force in 1979 to attend Michigan State University where he earned his bachelors degree in engineering in 1982. The tug of service brought him back to enlist in the Michigan Air National Guard that year at Selfridge ANG Base. He received his commission in 1983 and his navigator wings in 1984. He served as a weapons system officer in the F–4, in the 191st Fighter Interceptor Group until 1988—the same year he completed his Master's Degree in Business Administration (MBA).

Jim transferred to the 110th Fighter Wing as the Chief of Engineering and Design in 1988. He then served as the Base Civil Engineer from 1989 to 1999 and concurrently served in the 110th Civil Engineer Squadron Commander starting in 1991. In 1999, he was assigned as the commander of the Alpena CRTC and was promoted to Colonel in March 2001.

Jim has also found time to serve the Alpena community. He has been a member of the Alpena Chamber of Commerce Board of Directors since 1999 and served as its president in 2003. He also has served on the Boards of the Boys and Girls Clubs, Target Alpena and is a member of the Alpena Rotary Club.

Jim is married to Carol Makowske (McIver) and has two children, Coral and Nathanial. Nathanial has continued the family tradition of military service when he enlisted last year in the Air National Guard in Battle Creek.

Mr. Speaker, Col. Jim Makowske's military career and service to our country can be characterized by putting the needs of others before his own. Our Nation, the State of Michigan and the Alpena Community have long benefited from his selflessness, and I ask you and my House colleagues to acknowledge his lifetime of service.

HONORING THE DEARBORN CHAMBER OF COMMERCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the Dearborn Chamber of Commerce on the occasion of its 60th anniversary.

As the central source of information for and about Dearborn, Michigan businesses, the Chamber of Commerce has served the community well throughout its transformation from a heavily industrial city to its current mix of commercial, retail, and institutional enterprises.

The Chamber has successfully worked to provide leadership by developing a unified voice for member businesses through promotion, assistance, and the development of partnerships. The Chamber is also supportive of the Dearborn Public Schools with its annual Alberta Muirhead Teacher of the Year Award to recognize outstanding Dearborn public school teachers.

The Chamber works hard to promote both the Dearborn community and its businesses. In the past, the chamber has hosted an old world market, a business expo, and an auction. The Chamber was also responsible for a summer food festival to help promote the Ford Senior Players Championship golf tournament. Another recent project is the Chamber's first "grub crawl," which will serve to promote the city's growing restaurant scene.

I would like to ask my colleagues to rise and join me in commending the Dearborn Chamber of Commerce for 60 years of service to the community and area businesses. I hope that they will continue to help the City of Dearborn as it evolves over the next 60 years.

TRIBUTE TO THE FRIENDS OF THE DES PLAINES PUBLIC LIBRARY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KIRK. Mr. Speaker, it is with great honor that I congratulate The Friends of the Des Plaines Public Library on their 50th anniversary. They have enriched the town of Des Plaines, Illinois for the last 50 years as an integral support system for the Des Plaines Public Library.

In April of 1954, a planning committee of the American Association of the University Women founded The Friends of the Des Plaines Public Library. They have been active in expanding the Des Plaines Library since The Friends' inception, most recently helping with a move to a larger building in 2000.

The Friends' original purpose was to stimulate public interest in the library, as well as collect data on the history of the town. Today they also provide extra financial support for the library for items not normally available through conventional budgetary provisions. The Friends raises funds using semi-annual book sales, and uses them to support programs and purchase items for the library, such as a microfiche reader, display cases, original artwork, a sound system, and other items.

In 1957 The Friends were involved in the Library's 50th anniversary, and compiled a large file on the history of Des Plaines from 1833 on, including photographs, family histories, and industrial development. This compilation has since become a part of the Des Plaines Historical Society. Since moving into the new library in 2000 The Friends has donated, supported, funded and purchased items for more than $53,000. In honor of their 50th Anniversary and all The Friends that have come before them, they will be presenting the Library with a bronze statue of Abraham Lincoln. This statue was sculpted in 1933 for the Chicago World's Fair by Guido Rebechini, and will go in the library's atrium on permanent display.

Thank you, The Friends of the Des Plaines Public Library, for all your hard work for the library and your community. Your constant dedication and commitment is worthy of the highest commendation. Best wishes on your 50th Anniversary.

PAYING TRIBUTE TO KEN CHLOUBER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Ken Chlouber and thank him for his commitment to public service as a two-term senator in the Colorado General Assembly. As the President Pro Tem of the Senate, Ken will always be remembered for the leadership and guidance he has provided. As he celebrates his retirement, let it be known that he leaves a great legacy of service and dedication to his district and the State of Colorado.

An extraordinary man in every sense of the word, Ken has had a colorful career in and out of politics. He has worked as a miner and auctioneer; enjoys running ultra marathons; is a big game hunter; and his pack burro racing skills garnered him election to the Colorado Pack Burro Racing Hall of Fame in 1985. Elected from District 4 in 1996 to serve the people of Douglas, El Paso, Lake, Park, and

Teller counties, Ken has sponsored bills supporting agriculture, mining, tourism, emergency medical care, prison construction, and the creation of the Arkansas Headwaters Recreational Area. In addition to serving as President Pro Tem, Ken is a member of the Agriculture, Natural Resources, and Energy; Appropriations; Legislative Council; and Transportation committees. Ken's honors for his excellent record in the General Assembly include the American Cancer Society Legislative Accomplishment and the NFIB Guardian of Small Business.

Mr. Speaker, I am honored to pay tribute before this body of Congress and this nation to State Senator Ken Chlouber for his selfless dedication to public service. It is clear that Ken has been an invaluable resource for the State of Colorado, and his efforts have helped ensure a promising future for our great country. I would like to extend my congratulations to Ken on his retirement and wish him and his wife Pat all the best in their future endeavors.

MARQUETTE RANKS IN TOP 30 "AMERICA'S MOST LIVABLE CITIES"

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. STUPAK. Mr. Speaker, I rise today to applaud the good work of the local leaders in the county of Marquette, Michigan who have worked to make this First District community a great place to live. As a result of that hard work, Marquette County, located on the shores of Lake Superior, earlier today was named one of the "America's Most Livable Communities," in the annual ranking by the Partners for Livable Communities, a national nonprofit whose prestigious list is published in USA Today.

The county of Marquette has been through soiree challenging times over the years. That includes its efforts to recover from the closure of K.I. Sawyer Air Force Base a decade ago that resulted in the loss of more than 1,000 civilian jobs as well as its work to keep its mining industry strong and competitive in the 21st Century.

But in recent years, the community of business leaders, government, clergy and education, through many task forces like the Lake Superior Community Partnership, have come together to move forward and develop innovative ways to strengthen this region.

The community boasts a state-of-the-art regional medical center in Marquette General Hospital. Marquette is also home to Northern Michigan University and its U.S. Olympic Education Center.

In addition, these partnerships have created new incentives to bring business to the area and it has provided them and residents with broadband services to ensure this smaller community can compete with its urban neighbors.

Marquette County is home to eight museums, an arts and cultural center, a symphony and provides four seasons of recreational opportunities, with some of the best mountain biking and cross-country ski trails in the country.

I would also like to note that Marquette County was named one of the 10 "All-America Cities" in 2003 by the National Civic League.

But probably most important of all, Marquette has an active and strong base of community leaders and volunteers who have worked together to make this county a great place to live. Some of those individuals were here in Washington D.C. to attend the special ceremony. They include: Monsignor Cappo of St. Peter's Cathedral, Marquette County Commissioner Bill Nordeen, Doreen Takalo, chair of the Marquette County Township Association, Karen Anderson of K.I. Sawyer, Bob Racia of Marquette General Hospital, Bill and Sue Rigby of Northern Michigan University, Marquette City Manager Gerald Peterson, Marquette Mayor Jerry Irby, Ishpeming Mayor Gary Nelson, John Mommarts of the Noquemanon Trail, Liz Smith of Project W.E.A.V.E. and Steward Harrison of Telkite.

Mr. Speaker, Marquette County has more than earned this great honor.

HONORING THE HENRY FORD NATIONAL HISTORIC LANDMARK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to The Henry Ford—a National Historic Landmark—on its 75th anniversary.

The Henry Ford, located in Dearborn, Michigan, began in 1929 as Greenfield Village and Henry Ford Museum. The original concept was Henry Ford's idea—to create a school to teach young people about how past innovations can influence the future. The Museum and Village grew as Ford's historical collection multiplied. The artifacts range from ordinary household objects to obscure technical inventions of many eras. Some of the categories of artifacts, particularly in the agriculture, transportation, industry, communications, and domestic life areas, are recognized as the most complete collections in existence.

The Henry Ford now includes the Henry Ford Museum, Greenfield Village, IMAX Theatre, Benson Ford Research Center, and the Ford Rouge Factory Tours. These attractions host 1.5 million visitors per year. The Henry Ford is a state-designated "Anchor Organization," which means that it has been enlisted to develop programs to promote participation in cultural activities and serve as a mentor to other cultural organizations with similar missions. The Henry Ford has set the standard for historic education and historic learning experiences not only in Southeast Michigan, but throughout this country.

The fresh, innovative spirit Henry Ford embodied is alive in the Henry Ford experience. This creative approach to education, community involvement, and economic development issues are an asset to the people of Dearborn and its surrounding areas.

I would like to ask my colleagues to rise and join me as I congratulate this organization for 75 years of bringing education and enlightenment to Southeast Michigan and, indeed, the entire country. I extend my best wishes to The Henry Ford, its staff, volunteers and supporters for continued success in celebrating American accomplishments and inspiring younger generations to new heights of achievement.

TRIBUTE TO MR. C. DOUGLAS PARKS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. KIRK. Mr. Speaker, I would like to congratulate Mr. C. Douglas Parks on his retirement from the Aptaskistic-Tripp School District 102 in Buffalo Grove, Illinois. After thirteen years as Superintendent and nearly forty years in public education, Mr. Parks is retiring, committed in both belief and practice to that idea that all children can learn. The vision and leadership he has provided ensure that School District 102 is and will continue to be a world class learning environment.

During Mr. Parks' tenure, he worked to expand opportunities for learning for all children, believing that every student should have a supportive environment, every student should be involved both individually and collectively in learning, and that every student can be empowered through learning. He has remained committed to developing a foundation of respect, pursuit of excellence, accountability, fairness, trustworthiness and honesty in his district. Besides applying these principles to academics, he is also committed to improving the quality of life for his students. Recently, he supported an innovative nutrition education initiative for healthier living.

I would like to extend my thanks to Mr. Parks for being such a positive influence in District 102, and wish him all the best in his future endeavors.

PAYING TRIBUTE TO ALAMOSA COUNTY CHAMBER OF COMMERCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Alamosa County Chamber of Commerce for over eighty years of impeccable service to the Alamosa, Colorado business community. The Alamosa Chamber is an incredible asset to the town, and I would like to join my colleagues here today in recognizing the Chamber's tremendous service to the Alamosa community.

Looking back on the history of Alamosa, the Chamber has sponsored many events and activities to improve the town, including its Town and Gown banquet, Cribbage tournaments, and founding the Alamosa Community Development Corporation. The Chamber has also helped to maintain a fantastic relationship between the town and Adams State College through sponsoring scholarships and organizing community and school events. Most importantly, the Chamber has been instrumental in promoting local businesses, aiding in their growth and success throughout the years.

Mr. Speaker, the Alamosa County Chamber of Commerce is a dedicated organization that is actively involved in bringing the people of Alamosa together. For over eight decades, the Chamber has left an indelible mark of excellence on the Alamosa community and the State of Colorado. It is my privilege to pay tribute to the Chamber and its members before this body of Congress and this nation today. I thank them for the remarkable service they provide to Alamosa and the State of Colorado.

TRIBUTE TO WESTERN MUNICIPAL WATER DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an organization whose dedication and contributions to the community of Riverside County, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community organizations who willingly and make their communities a better place to live and work. Western Municipal Water District is one of these organizations. On Thursday, May 13, 2004, Western Municipal Water District will celebrate 50 years of service.

Western Municipal Water District, since its formation on January 19, 1954 and authorization by public vote on January 26, 1954 has fulfilled its founding raison d'etre, to augment the shortage of local water available to local communities with supplemental water imported 242 miles to western Riverside County via Metropolitan Water District's Colorado River Aqueduct.

The Western Municipal Water District, recognizing the need for a long-term source of high quality drinking water to sustain domestic needs of a burgeoning population, began importing a second source of high quality water in 1979 from northern California via the State Water Project's 444 mile-long California Aqueduct.

The Western Municipal Water District provides vital wastewater services as administrative operator of the West Riverside County Wastewater Authority since 1998, as operator of the Santa Ana Regional Interceptor (SARI) brine line since 1983, and as owner-operator of the March Air Reserve Base treatment facility providing irrigation water to the nation's second largest veteran's cemetery since 1996.

The Western Municipal Water District, as a court-appointed watermaster pursuant to the 1969 Stipulated Judgment, has been instrumental in maintaining peace among all parties to water rights and water quality issues in the Santa Ana Watershed.

The Western Municipal Water District, as one of the five water agencies comprising Santa Ana Watershed Project Authority (SAWPA), has provided exemplary water resource management through implementation of the Santa Ana Watershed Basin Plan in cooperation and integrated planning with its neighbors in the Santa Ana Watershed.

Western Municipal Water District, has worked cooperatively and diplomatically to address complex political and regulatory issues impacting water at local, regional, state and national levels, and has invested prudently in efficient drought-proofing ventures such as the Nonpotable Conveyance System, Arlington Desalter and Riverside-Corona Feeder. I would like to express deep appreciation to Western Municipal Water District for profound contributions to the present and future health and prosperity of all communities in Western's 510 square mile service.

TRIBUTE TO OUR NATION'S RESERVE AND NATIONAL GUARD MEMBERS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to our nation's Reserve and National Guard members. In particular, I would like to take this opportunity to welcome home reservists from Ft. Meade in the 2nd Congressional District of Maryland—my home district. This includes members from the 323rd Military Intelligence Battalion and the 444th Personnel Service Battalion, Detachment 2. These men and women have rejoined their families after serving in the Middle East for as long as 14 months and we are thrilled to see them return home.

But Mr. Speaker, such home comings are bitter sweet in light of ongoing conflicts in Iraq and Afghanistan. As the number of wounded and casualties continues to rise—as the length of deployment for many reservists expecting 'temporary' activation continues to be extended—there is much concern and worry at home. Loss is always difficult and war is never easy. But America's support for our men and women in uniform, for their dedication and service, for their sacrifice, for those who have already paid the ultimate price . . . America's support shall not waver. And I for one vow to continue to do all I can to support our Armed Forces.

For me, that support has meant many different things. From the creation of Operation Hero Miles to help soldiers returning home on R&R to founding a Veterans Advisory Council in the Maryland 2nd Congressional District to work with local veterans on national issues, I believe lawmakers need to put their efforts where their rhetoric is. I am less interested in what people say than what they do and I urge my colleagues to consider this edict as we look at the legislative agenda for the remainder of this congressional session.

Our nations' Reserve and National Guard members are facing daunting problems largely created by the realities of the post-September 11 War on Terrorism. With a leaner full time active military, we are relying on the talent, dedication and service of reservists in unprecedented ways. Not since the Korean War have such a large percentage of boots on the ground been filled by reservists and not since they have reservists served for such extended periods of time. But even in Korea, that percentage has never been as high as it is today.

Today, reservists face unprecedented problems. Military benefits that exist today simply were not a concern back in the 1950's when our forces were largely involuntary. Today, America's reservists are serving side-by-side with full time active military men and women . . . and yet they are not recognized equally when it comes to their benefits. Parity is the key word for reservists today and little legislation is actually moving through Congress to solve their problems. Their retirement plans are unequal. Health care prior to activation is non-existent for many and creating readiness issues. Reservists are plagued with payroll problems causing bankruptcies, divorces, and unfair heart ache. There are critical questions about gap pay for reservists working in the private sector when not serving. Extended deployments are creating unforeseen hardships for families, employers, small business owners, and the self employed.

Mr. Speaker, it doesn't matter if you were for or against the war in Iraq. The reality is we are there now and the troops deserve our support with the same unwavering dedication. I urge leadership in both chambers and on both sides of the aisle to help our nation's Reserve and National Guard members. Yes, we should continue to salute and pay tribute as they return home. But we should do so with our actions here in this chamber to ensure that our actions reflect how truly grateful we are.

A TRIBUTE IN HONOR OF ROSANNA MAY LEDDY-GREEN, 2004 LEGRAND SMITH SCHOLARSHIP WINNER OF MORENCI, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Rosanna May Leddy-Green, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Rosanna is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Rosanna is an exceptional student at Morenci High School. She has an outstanding record of achievement, exemplified by her status on the All 'A' Honor Roll. Rosanna has excelled in athletics as a member of the cross country and track teams for four years and was named academic all-state. Her extensive list of school activities includes Spanish Club, National Honor Society, and S.A.D.D. Rosanna is also secretary of her graduating class.

As a Member of the United States Congress, I am proud to join with her many admirers in extending the highest praise and congratulations to Rosanna May Leddy-Green for winning the 2004 LeGrand Smith Scholarship. This honor not only recognizes her accomplishments, but also is a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation have contributed to her success. To this remarkable young woman, I extend the most heartfelt good wishes of the United States Congress for her success and for all her future endeavors.

PAYING TRIBUTE TO TOM McAVOY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise and pay tribute to journalist Tom McAvoy and thank him for his contributions to Colorado as the Denver Bureau Chief for The Pueblo Chieftain newspaper. The level of integrity and honesty that he has brought to this position throughout his twenty-one years of reporting on Colorado politics is truly exceptional and worthy of recognition by this body of Congress. As Tom moves on to his new position at The Pueblo Chieftain with the newspaper's editorial board, let it be known that the citizens of Pueblo and I are eternally grateful for the outstanding work Tom has done in covering the Colorado Legislature.

A Pueblo native, Tom received a degree in political science and mass communications from then Southern Colorado State College, and went on to receive his master's degree in journalism from Ohio State University. Before joining the Chieftain in 1977, Tom worked for the Associated Press's Denver bureau, taught journalism at Southern Colorado State College, and was Denver's information officer in Pueblo. Since Tom joined the Chieftain, he has built a solid reputation for his fair and thorough reporting on Colorado politics and other events occurring in Denver that affect Pueblo and Southern Colorado. The Colorado Press Association recognized his first-rate coverage, as he became the first recipient of their Shining Star award, which recognizes the most consistent reporter or writer over a year's span.

Mr. Speaker, it is clear that Tom McAvoy's dedication and hard work reporting on the Colorado Legislature has been an invaluable resource for the State of Colorado and is worthy of acknowledgment before this body of Congress and this nation today. I have personally known Tom for twenty years and can guarantee that his insight at the Capitol will be sorely missed. Thanks, Tom, for all your hard work, and I wish you and your wife, Sue, all the best with your new position at The Chieftain.

TRIBUTE TO TERI OOMS, PRESIDENT, INLAND EMPIRE ECONOMIC PARTNERSHIP

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of the Inland Empire are exceptional. The Inland Empire has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Teri Ooms is one of these individuals.

In 1997 Teri Ooms was appointed the President/CEO of the Inland Empire Economic Partnership (IEEP) and of its sister companies. IEEP is responsible for the regional marketing, attraction and recruitment of new business to the region, the expansion and retention of existing business, film, tourism, high tech regional development, workforce collaborative, regional visioning and the Small Business Development Center.

Ms. Ooms joined the Inland Empire Economic Partnership in 1991 as the Executive Director of its Inland Empire Small Business Development Center. Under the excellent direction of Ms. Ooms, the Center grew to a staff of 21 with multiple regional locations, and its program has increased funding to $1.1 million, making it the largest California program. The Center has created numerous special services and training programs, and can demonstrate economic impact of over $300 million in its eleven year history.

As President/CEO, Ms. Ooms completed a reorganization of the company resulting in new programs and services, financial stability and increased prominence in the community. In the period of 1997–2003 IEEP has had 70 successful business attractions and retentions resulting in over $730 million in new investment into the region creating over 9,500 jobs. The region has over 5,000 film shoots, demonstrating a little over $425 million in regional impact in the same period. In 1999, she was awarded "Management Leader of the Year," by the A. Gary Anderson Graduate School of Management, and in 1998, was a recipient of the "Women of Distinction" award given by the Business Press. Since 1997, IEEP's membership has grown by 10% and maintains an average membership retention ratio of 93%. EIIP has evolved to include a high technology development program and coordination of the region's workforce collaborative to bring education and business partnerships to benefit employers, employees and students and a regional collaborative focused on regional visioning, planning, advocacy and implementation.

Teri's tireless passion for community service has contributed immensely to the economy of the Inland Empire in California. I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she retires.

IN RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BRADY of Texas. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenuous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because one of my constituents, Carol Ann Demaret, is the mother of a child born with severe combined immunodeficiency. Her son David struggled with this terrible disease his entire life before passing away at the age of 12. Because the disease left David without a functioning immune system he became known as the "bubble boy" due to his confinement in an insulating bubble that protected him from infection.

Since David's death, Carol Ann has become a tireless advocate for the primary immune deficiency community. She has testified before Congress in support of increased federal funding for biomedical research focused on these devastating diseases. Carol Ann is also a longstanding member of the Board of Trustees of the Immune Deficiency Foundation, which is the nation's leading organization dedicated to improving the quality of life for PIDD patients. Recently, the Foundation entered into an historic research partnership with the National Institute of Allergy and Infectious Diseases at the National Institutes of Health. The establishment of the "US Immunodeficiency Network" represents the most significant advancement in primary immune deficiency research in our nation's history. I was pleased to work with the Carol Ann, the Foundation, and my colleagues in the House to make this research consortium a reality.

Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

Mr. Speaker, I commend the Immune Deficiency Foundation for its leadership in this area and I am proud to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

TRIBUTE TO MR. WILLIAM R. STEWART

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor a constituent and distinguished public servant, Mr. William R. Stewart. Mr. Stewart served as Chief Counsel of the National Labor Relations Board (NLRB), the first African American to do so. For his service, Mr. Stewart was a recipient of the President's Award for Distinguished Federal Civilian Service, the only NLRB lawyer to receive this honor its entire 69–year history. Upon bestowing this tribute, President Clinton spoke of Mr. Stewart as "instrumental in winning national labor law cases that have had a major impact on American workers." The President further noted Mr. Stewart's contributions, such as "protecting the rights of the blind workers and preserving the ability of workers to vote by mail in union elections."

Mr. Stewart was born in Terre Haute, Indiana. He graduated from Indiana University with a bachelor's degree in government in 1954 and was elected Phi Beta Kappa. An ROTC student, upon graduation, he was commissioned in the Army as a second lieutenant. He served in Germany in an armored division and was later selected to be the courts and boards officer and assistant adjunct of a combat command of more than 5,000 men. Upon completing his tour of duty in 1957, he returned to his home State to complete law school at Indiana University. During his time at Indiana Law, he was elected to the Order of the Coif, an honor society for law school graduates from the 77 member schools.

Immediately following law school, Mr. Stewart worked as an attorney for the Atomic Energy Commission, though he soon joined NLRB where he served with great distinction for most of his professional career.

On February 16, 2004, William R. Stewart passed away at the age of 71, in Washington D.C. Mr. Speaker, I would like to take this opportunity to extend my heartfelt sympathy to Mr. Stewart's family, including his two brothers Stanley and Richard. My district, and the Nation, lost a great public servant with the passing of William R. Stewart.

Mr. Speaker, I would also like to take this opportunity to thank Mr. William B. Gould IV. Mr. Gould was Chairman of the NLRB during Mr. Stewart's final years there, as well as his dear friend. He has provided me with a copy of the eulogy he delivered for his friend, and I respectfully ask that it be included in the RECORD.

MEMORIAL TO WILLIAM R. STEWART—REMARKS OF WILLIAM B. GOULD IV, ARLINGTON NATIONAL CEMETERY FEBRUARY 27, 2004

First, allow me to extend my heartfelt condolences to Bill Stewart's brother here in attendance, Stanley Stewart, Bill's nieces, Standish Stewart, Sherry Weaver, and Belinda Jones, and his nephew, Kent Bell.

For the many who knew him or had some contact with him—and most especially for those many who loved him—William Rufus Stewart incorporated many characteristics in that multi-dimensional personality of his. Two features override all of them—his commitment to excellence—this is what prompted President Bill Clinton to characterize his contributions to the NLRB to be "unparalleled"—and his compassion for humanity and life.

Every February or March for the past five years subsequent to my departure from Washington, Bill would come to California and visit with my wife and myself at our home on the Stanford campus. Here he had a set routine which he would follow with or without the two of us.

Sometimes he would sit in on a class or two and provide me with a good critique—just as he would do here in our Washington days together. Bill would begin each morning—and sometimes the afternoon as well—with a long walk through our beautiful campus, returning full of observations about the trees and flowers and other things that he had seen along the way. On one occasion he and my wife spotted a coyote sauntering calmly through an open park, and this quickly became one of those stories which he loved to tell and retell.

Usually he timed his visit with the Stanford baseball games at our lovely Sunken Diamond. This past rainy weekend the University of Texas was in town and it made me think of Bill's comments about a splendidly executed extra inning Stanford-Texas baseball game two years ago, again in the winter rain which turned on and off while we sat soaking in our seats.

For almost a year, Bill had been telling me about an outstanding left-handed pitcher from his hometown of Terre Haute, Indiana, whom Stanford had snatched away, he said, from professional baseball. Ironically, on this past Sunday, there he was, as Bill had described him, pitching a magnificent three-hitter against hard-hitting Texas in his very first college start. I wanted to call Bill on the phone and I thought of how, at least until a little more than a month ago, we had planned to see that game together.

There were certain trigger points for which Bill could produce predictably automatic and voluble reactions, one of them being Indiana basketball and its former coach Bobby Knight. We often laughed together when I pushed some of his buttons by mentioning an individual for whom I knew he had either great devotion, as was the case with Knight, or those individuals and organizations for whom Bill possessed little regard and occasional scorn—and he would always oblige me with an uproarious reaction to my button pushing. The most fun in those exchanges was the knowledge that Bill knew that I was putting him on and then would oblige me without fail with one of those patented Bill Stewart eruptions.

Just as Bill's views were not capable of modification on matters like Bobby Knight, it was difficult to get him to back down in most discussions or arguments—and we had a few of those—about the National Labor Relations Act, the National Labor Relations Board, and society generally. But he was nothing if not intellectually curious, and that trait led to a good deal of back and forth. The fact that he was always imaginative and probing in his search for new approaches as well as so resolute, served me well as both Chairman and his friend.

Our mutual friend, Professor Herman Levy of Santa Clara Law School, who served with Bill at the Board in the '60s as well, has told me how Bill, as the assertive and sometimes disputatious president of the NLRB Professional Association in the '60s, insisted that Herman be excluded as a supervisor. Herman—and Bill and I often spoke of Herman's unyielding points of view—was of the view that he was not a supervisor and ultimately the two of them were to devise a sensibly balanced compromise whereby Herman was able to sit in on the union meetings, but not to have a vote—and perhaps not, given Bill's perspective, a voice either!

I can remember in the period of 1963–64, when Bill and I first became friends, his attendance at the newly-opened Arena Theater and his love for opera and classical music. The arts were a big part of Bill's life. Whenever I went to exhibits or concerts in Washington, he would gently needle me, implying that I was only a superficial philistine. There was so much laughter and conviviality with him in this kind of back-and-forth banter.

Indeed, laughter is one of the things that I treasure most about Bill. So many times my confidential assistant, Mary Ann Sawyer, and I would be smiling at one another as Bill and Al Wolff or some other individual would be howling at something that they found amusing! The loud and sustained laughter would frequently cascade into the anteroom where Mary Ann sat—and through my adjacent office as well.

As someone who loved the arts, it seemed appropriate that Bill also had a great sense of the dramatic—I always remember his description of his first meeting with a former Board member with whom Bill was trying to negotiate some kind of arrangement prior to my arrival in Washington. Bill would go into a semi-crouch, putting his hands up near his face: "We were circling one another like two cats in a ring," said Bill on countless occasions in describing this meeting. Incidentally, Bill accomplished that mission, and he and the individual in question soon became the best of friends.

Bill possessed the very highest professional standards and this was one of the reasons why he was so valuable to me and to the NLRB. He elevated the level of what would be acceptable for me and the staff. He best exemplified public service as a high and noble calling.

In reviewing any of my opinions or speeches, Bill would always flyspeck them carefully, and quoting his former colleague on the General Counsel side, Bob Allen, he would say: "We have to make sure that it is pretty," i.e., that all the i's should be dotted and the t's should be crossed (Bill would always be careful to say, "This is what Bob Allen would say"). This kind of meticulous care is one of the reasons why President Clinton praised his work so unqualifiedly.

As many of you know, Bill was the first and only NLRB employee in its entire 69-year history to receive the highest honor that any civil servant can receive—the President's Award for Distinguished Federal Civilian Service. Bill was a lawyer par excellence who not only set the highest standards, but was a role model and inspiration to me and innumerable others. He was the first and only African American ever to be appointed to the highest non-Presidential appointee level at the Board, i.e., the rank of Chief Counsel, serving with me from 1994 to 1997. And he was a tower of strength, expertise and wisdom for me, the NLRB, and the United States government. In the tumultuous '90s when our Board was under such attack from within and from without by many who do not believe in the purposes of the Act, Bill, along with the wonderful Mary Ann Sawyer whom Bill identified for me and recruited, were the nerve center of the agency. More than anyone that I know, they kept the Board going in its most difficult days.

Bill was the gatekeeper through which everyone and everything went. Bill's public service was vital to the rule of law in labor-management relations.

But there is another dimension to Bill Stewart which is even more important and goes to the essence of this good man.

Last year when Bill came to visit us in California, he could not come in February or March as was his practice. The reason was that he was helping two friends who themselves appeared to be in their last days and who thus were in the midst of enormous and considerable distress. Bill had to be there for them, and thus could not come to California until June. That was the kind of man that he was.

When he retired from the NLRB in 1997 and when the parties that we had for him were still fresh in all of our minds, one of his first professional works was to represent a paraplegic in a disability case. And Herman Levy told me when they recently went together on a cruise to Alaska, it was Bill who would make sure that Herman, needing assistance, had a wheelchair and made sure those in charge of the ship were aware of his problems.

Bill loved his family. He was proud of his family—his parents and his siblings—and was particularly solicitous of their children. Indeed, he was solicitous and helpful to young people generally, not only in the legal profession and on our staff, but also to my own sons, with whom he would never fail to sit down and talk when they came to Washington and with whom he would sometimes meet when he was on the Los Angeles portion of his annual California visit.

Bill Stewart was devoted to Indiana University as well. It gave him his start in life. He often spoke fondly of his work as personal assistant to Herman B. Wells, Chancellor of the University. Thus, it was meet and right that in 1999 Bill was elected to the Indiana University Academy of Law Alumni Fellows, the most distinguished honor for an Indiana law graduate—and that he was to enjoy a reunion with Mr. Wells at that time.

Bill never stopped grieving for his deceased partner, Bill Dresser, who accompanied him when we went to the White House in October 1997 to meet President Clinton to commemorate Bill's Award.

Counsellor in all senses of the word . . . So often during these past two weeks since Bill's death on February 16, I have awakened in the middle of the night, finding it difficult to believe that he is gone. But on one occasion a week ago, I awoke and began to think about a problem of my own completely unrelated to the terrible events of February 16—but which seemed almost equally insoluble. I decided that it would be important for me to speak to someone about it. It was 5 a.m. and my mind automatically focused upon area code 301 and the number for Bill's home. That was my first instinct.

I have often thought that most of us will be extremely fortunate if we are remembered beyond one or two or five years subsequent to our respective deaths.

Bill will not be forgotten.

PAYING TRIBUTE TO THE COLORADO BLUESKY ENTERPRISES, INC.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. McINNIS. Mr. Speaker, it is a special honor that I rise today to pay tribute to the Colorado Bluesky Enterprises, Inc. that is a devoted and compassionate organization in Pueblo, Colorado. The Colorado Bluesky Enterprises, Inc. has been improving the lives of Colorado citizens with developmental disabilities and their families for 40 years, and I would like to join my colleagues here today in recognizing their tremendous service to the Southern Colorado community.

The Colorado Bluesky Enterprises, Inc. has provided services and support to individuals with developmental disabilities and their families since its inception in 1964. This wonderful organization has placed individuals in jobs throughout the area after training them in their own community-based cafes and through contracted employment opportunities. The organization has served over 2,000 children with developmental disabilities, ages 0–3 years, by providing up to three years of therapy, which enable each child to begin life at their highest level of physical and cognitive skill.

Colorado Bluesky Enterprises, Inc. has served adults by providing residential shelter with loving host home families for hundreds of individuals and building affordable housing for highly independent consumers. In addition, it has provided transportation, counseling, life skills training and case management to consumers while spending thousands of hours training police, lawyers, city officials, judges and members of the Pueblo community about the special needs of individuals with developmental disabilities. Colorado Bluesky Enterprises is the lifeblood for the community of families who love and care for an individual with a developmental disability.

Mr. Speaker, the Colorado Bluesky Enterprises, Inc. is a dedicated, selfless organization that has 40 years of service assisting those in need from the Southern Colorado community. Their focus on individuals with developmental disabilities, and their families, is outstanding and exemplary to all of us in our nation. This organization's enthusiasm and commitment certainly deserve the recognition of this body of Congress. Congratulations on celebrating 40 years of compassionate and caring service.

COMMENDING TAIWAN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. DUNCAN. Mr. Speaker, the people of Taiwan have been some of the best friends this Country has ever had, and I would like to commend them on their longstanding friendship with this Nation. I also want to commend Taiwan for its continuing efforts in developing and sustaining a free democratic society and free markets.

The people of Taiwan are to be further commended for their efforts seeking greater international recognition, including an increasing role and participation in the World Health Organization and the United Nations. Quite simply, Taiwan is too important an economic force and democratic ally to be shunned to the political backwaters of global isolation.

I am encouraged with Taiwan's new administration's stated goal of pursuing better relations with the People's Republic of China. Taiwan's cross-strait dialogue with the PRC is crucial for resolving misunderstandings between Beijing and Taipei and Washington, which, Mr. Speaker, is the foundation for peace and stability in the Taiwan Strait, and, indeed, for all of Asia.

Mr. Speaker, congratulations to Taiwan, which has the support and best wishes of the United States Congress and the American people.

RECOGNIZING THE CAREER AND RETIREMENT OF EDWARD GEPPERT—CHIEF OF STAFF OF THE ILLINOIS FEDERATION OF TEACHERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the career and retirement of Edward Geppert, the Chief of Staff of the Illinois Federation of Teachers since 1994.

Prior to that, Ed served the IFT as Director of Organization (1983–1994), Field Service Director (1997–1983) and Executive Board Member (1975–1977).

Ed began his career in education as a social science teacher at Cahokia High School (1969–77) teaching government, sociology and history. He has been an IFT member since 1969 and is the forma president of the Cahokia Federation of Teachers, Local 1272. In 1977, he became a field service director for the IFT, organizing locals in Southern Illinois. He has also served as a delegate on the East St. Louis (now Southwestern Illinois) Central Labor Council and the Southwest Area Council, IFT/AFT/AFL–CIO. Ed has also been a member of the Glassblowers and Bottlers Union and the United Rubber Workers.

His expertise in education and labor has been recognized by such groups as the Illinois Educational Labor Relations Board, the Illinois State Board of Education, the Illinois Learning Partnership and Southern Illinois University at Edwardsville. He is also an active member of the Labor Committee of the Leadership Council Southwestern Illinois.

Ed and his wife Marti, a teacher in Cahokia, have three sons, Brad, Steve and Dan and reside in Belleville, Illinois. Their special joy is daughter-in-law Laurie and grandson Jack. Ed also serves his community through his involvement with the Illinois Learning Partnership.

I have known Ed for many years through his involvement with my wife Georgia, who is also an educator. I consider Ed my friend and have the utmost respect for him and the work he has done for education in our area and our state. Many times I have sought Ed's advice on issues related to the educational system in our country.

The IFT is an organization that is 85,000 strong with 23 offices around the state to service members and provide program support to each member. Ed has the courage of his convictions, and the IFT we know today is due in no small part to Ed's tremendous ability to build a team, keep everybody involved and continue working for our most democratic American institution, public education.

Mr. Speaker, I ask my colleagues to join me in recognizing the contributions of Ed Geppert and wish him and his family the very best in the future.

REMEMBERING THE LIFE OF COOPER L. YATES

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MILLER of Florida. Mr. Speaker, i rise today to honor the life and memory of Cooper L. Yates, who died unexpectedly April 17, 2004.

Cooper was from Cedartown, Ga., raised in Fort Walton Beach, attended Pensacola Junior College and earned a degree in fine art from the University of West Florida as a member of its charter class. included among his early jobs in Pensacola were stints with JC Penny Co., WEAR-TV and Gulf Power Company. After experience as creative director of AD/Com Advertising Agency, he opened Creative Workshop, which grew into Hemmer & Yates Inc., where he was a principal and creative director. H&Y was a collection of artists, writers and other talented individuals who formed, during the 1980s, what many considered to be Pensacola's foremost advertising agency. Cooper's work was not limited to the local area; for a time he spread his publicist talents in Texas, California and Australia. For the past few years, he was president of Great Southern Advertising.

He served as president of the Panhandle Tiger Bay Club and the Arts Council of Northwest Florida, was a board member of the Arts Council of Florida, vice-chairman of the Historic Pensacola Preservation Board, a member of the Architectural Review Board, the Committee of 100 and the Medical Education Research Foundation. He was creator and a Charter Master of the Irish Politicians Club, a member of the Pensacola Bicentennial Constitution Commission and an Adjunct Professor at both Pensacola Junior College and the University of West Florida.

Mr. Speaker, Cooper Yates had many talents. He was a brilliant, creative innovator in public relations and advertising and could sit down at a moment's notice and spin a yarn that would make Mark Twain envious. His sense of humor was renowned throughout Northwest Florida. In fact on his most recent business card, he lists Hand Bills, Sandwich Boards, Church Fans and Sky Writing as a few of his many advertising services.

Cooper was a true Renaissance man born 500 years too late. He was a pressman, a philosopher, a politician, a publicist, a pundit, a planner, a performer, a professor, and a poet. He was extremely well read, remarkably resourceful, and was infamous for his insatiable intellect and imaginative insight into intangible incomprehension.

Cooper was captivated by politics—a self-proclaimed Yellow Dog Democrat—and for years community leaders in Pensacola, including politicians-both Democrats and Republicans, sought his counsel and advice. His keen sense of fashion, impeccable taste and eye for what was right aesthetically led to a style all his own. He would often be seen climbing out of his classic Corvette or bright red Land Rover Defender wearing a tropical, button-down shirt and his signature hat, ready to tell an anecdote about a local politician or quote a clever phrase from Hunter S. Thompson.

He was loved and will be missed by his mother, Bessie L. Yates, with whom he regularly attended services at the First Baptist Church in Fort Walton Beach; his daughter, Robin Michelle (Shelley) Yates Boudreau (Josh); his sister, Betty (Bett) L. Yates Adams (Dixon); brothers Lawden H. Yates Jr. (Judy) and Donald N. Yates (Teresa); beloved grandsons, Elliott Aejenour and Samuel Cooper; nephews and nieces Christopher, Amanda, Christian, Paul, Alice, Melissa, Cooper and Nathan; chiliheads Jerry, Mike, Greg, Jim, Caleb, Bob and 6:10 (always late) Don; partner Melanie Brown, and many others far and wide.

Mr. Speaker, Cooper Yates may have left us, but his memory and his spirit will live on throughout Northwest Florida. And I'm sure if they need a Sky Writer in heaven, Cooper's already got the job.

CONGRATULATING THE PEOPLE OF TAIWAN ON THEIR RECENT ELECTIONS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. ACKERMAN. Mr. Speaker, I rise today to extend my heartiest congratulations to the people of Taiwan on the conduct of their recent Presidential elections and to President Chen on his reelection. More than 80 percent of registered voters turned out in a clear demonstration that the people of Taiwan want a free and democratic future.

I continue to be impressed by the growing strength of democratic institutions on Taiwan and by the commitment of the people of Taiwan to freedom, democracy, and human rights. These are values that the people of Taiwan share with the people of the Untied States.

Mr. Speaker, I know that all my colleagues will join me in extending congratulations to the people of Taiwan, to President Chen and Vice President Annette Lu on their re-election, and in hoping that the future of Taiwan will be resolved through peaceful means.

RECOGNIZING THE 5TH YEAR ANNIVERSARY OF AMERICAN LEGACY FOUNDATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. WAXMAN. Mr. Speaker, I would like to congratulate the American Legacy Foundation on its fifth year of saving lives. The Foundation was established through the settlement agreement between the tobacco industry and state attorneys general. Five years ago, we did not know whether this unique public education and research would bear fruit.

It is now clear that the Legacy Foundation has exceeded all of our expectations. While even getting one child, teenager, or adult to quit smoking is a victory in itself, programs and research supported by the Legacy Foundation have affected thousands of young lives.

The Foundation's innovative "truth" campaign is particularly impressive. This successful campaign has been cited by academic studies and credited to have helped reduce smoking rates among 8th", 10th, and 12th graders. Programs such as "Circle of Friends," "Great Start," and "Priority Populations" are also making a large impact.

There is still so much more to do. Tobacco still causes more death than alcohol, AIDS, car accidents, illegal drugs, murder and suicides combined. Lung cancer still kills more women than breast and cervical cancer combined. While this Congress and this Administration has largely ignored the dangers of tobacco use, millions of teenagers have become addicted, many of whom will die from entirely preventable diseases.

Unfortunately, at this pivotal time, funding for the American Legacy Foundation is dropping precipitously. It is imperative that a way be found to sustain the Legacy Foundation and its important work.

HONORING CIVIL AIR PATROL AWARD RECIPIENTS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. ISRAEL. Mr. Speaker, I rise to honor four cadets from Suffolk County, New York, for their achievements with the Civil Air Patrol, Squadron 7. On April 13, 2004, Cadet 2d Lieutenants Daniel Umpa and Nicholas Calarco were presented with the General Billy Mitchell Award, and Cadet Captains Ryan Elliott and Matthew Cooney were presented with the Amelia Earhart Award.

The Civil Air Patrol has a long history of service to our nation as the official civilian volunteer auxiliary of the United States Air Force. Formed in 1941, just prior to the Japanese attack on Pearl Harbor, the Civil Air Patrol sank two enemy submarines and rescued hundreds of crash survivors during World War II. Currently, the Civil Air Patrol focuses on cadet programs, aerospace education and emergency services. The four cadets that I honor today are sure to continue that legacy.

The General Billy Mitchell Award is earned by cadets who have completed the first eight achievements of the cadet program, fulfilled physical fitness requirements and passed an exam on leadership theory and aerospace. I commend Cadet 2d Lieutenant Daniel Umpa and Cadet 2d Lieutenant Nicholas Calarco on this great accomplishment.

The Amelia Earhart Award is awarded to recipients of the General Billy Mitchell Award who have completed the first eleven achievements of the cadet program and passed an exam on leadership theory and aerospace. I commend Cadet Captain Ryan Elliott and Cadet Captain Matthew Cooney, who join nearly 10,000 other cadets who have received this prestigious award over the last 30 years.

The Civil Air Patrol is actively involved in protecting America from the threat of terrorism, and I am confident that these four cadets will continue to make important contributions in securing the safety of our nation.

INTRODUCTION OF H.R. 4175, VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2004

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I am proud to introduce H.R. 4175, the Veterans' Compensation Cost-of-Living Adjustment Act of 2004. Veterans' Affairs Committee Ranking Member Lane Evans, as well as the Chairman and Ranking Member of the Benefits Subcommittee, HENRY BROWN and MICHAEL MICHAUD, respectively, join me as original cosponsors of the bill. H.R. 4175 would provide a cost-of-living adjustment to veterans' benefits, effective December 1, 2004.

The VA Committee periodically reviews the service-connected disability compensation and dependency and indemnity compensation (DIC) programs to ensure that the benefits provide reasonable and adequate compensation for disabled veterans and their families. Based on this review, Congress acts annually to provide a cost-of-living adjustment in compensation and DIC benefits.

Mr. Speaker, Congress has provided increases in these rates for every fiscal year since 1976. The Administration's fiscal year 2005 budget submission includes funding for a projected 1.3 percent increase.

I urge my colleagues to support this bill.

CELEBRATING THE LIFE OF MERCED POLICE OFFICER STEPHAN GRAY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to celebrate the life of Merced Police Officer Stephan Gray, who was killed on April 14 in the line of duty. He was the first officer killed in the Merced Police Department's 115-year history.

During his 7 years of distinguished service in Merced, Officer Gray represented the very best in law enforcement. In the course of his work in the department's Gang Violence Suppression Unit and the Special Operations Unit, he consistently went above and beyond the call of duty and was known for his extensive involvement in the community.

Officer Gray received numerous thank you letters from citizens for his work and commendations for assisting in the capture of a dangerous criminal street gang member and saving the life of an 11-month-old infant.

He made a special effort to fully understand his beat, even visiting streetside basketball courts and baseball fields. Residents of south Merced appreciated Officer Gray's presence, and his influence was immeasurable.

In short, Officer Gray was the role model that communities like Merced so desperately need. The city will miss his special dedication and selfless service. I hope that this tragedy will shed light on his important work and inspire others to the same calling.

Officer Gray is survived by his wife, Michelle, and three children, Landess, Isaiah, and Cameron. I offer the entire Gray family my condolences.

IN RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. BROWN of Ohio. Mr. Speaker, I am pleased to join my colleagues in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases, which affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product know as intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because a family in my district, the Gargaszs, have a son Dylan who has a primary immune deficiency disease. Dylan was born looking healthy, but by his first month checkup he had a raging ear infection, followed by chronic infections throughout his first year of life. Additionally, Dylan was failing to thrive and grow like a normal child. Dylan spent at least one day a week in the doctor's office, and was hospitalized with pneumonia five times by 18 months old. Finally, at 18 months, Dylan's mother took him to Rainbow Babies and Children's Hospital, where an immunologist finally diagnosed him with a primary immune deficiency disease. Dylan started his IGIV therapy once a week, and now at 6 years old, is doing relatively well. His younger brother and mother are now being tested to see if they have a primary immune deficiency disease.

Dylan is not unique with the difficulty and delay in diagnosis of his primary immune deficiency disease. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is over 9 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses in the general public and the health care community.

Mr. Speaker, I want to thank the Immune Deficiency Foundation for its leadership in this area and I am pleased to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

CONGRATULATING EDINBURG NORTH HIGH SCHOOL

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. HINOJOSA. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Edinburg North High School for being selected for one of the 2004 College Board Inspiration Awards. Edinburg North is one of three exemplary high schools in the nation being honored for their steadfast commitment to fostering student success in some of America's most poverty-stricken communities. Each school receives a prize of $25,000 to use in furthering its academic goals. The Inspiration Awards recognize outstanding work in improving the academic environment and helping economically disadvantaged students achieve the promise of higher education. I would like to congratulate the superintendent, Eugenio Gutierrez, the principal, Mario Salinas, the teachers, students, and entire school community for this prestigious award.

Edinburg North High School is truly an inspiration for all of us who value education and academic excellence for all students. For the Hispanic community, it reaffirms our core faith in our own potential. Over 95 percent of the students at Edinburg North are Hispanic, and eighty percent of them are bilingual.

Edinburg North High School has succeeded in the face of many challenges. More than half of its students participate in the free and reduced price lunch program. Many students are the children of migrant and seasonal farm workers, and many of these young people work in the fields themselves. As recently as the late 1990s, Edinburg North's poor academic performance led the state of Texas to notify all parents that they had the option of sending their children to another school.

The school community—students, parents, teachers, administrators, local officials, and community leaders—made a commitment to turn things. The school did not merely aim for proficiency, but rather it reached for excellence with stunning results.

The school community decided although its students come from the most economically disadvantaged part of the district, they were not going to be educationally disadvantaged. Edinburg North High School made access to challenging courses a number one priority. It instituted an "open-door" policy for advanced placement courses, and now enrolls more students in college-level courses than any other school in the city. Over the last five years, Edinburg North has doubled the number of students taking at least one advanced placement exam.

This focus on rigorous courses has opened the doors to higher education for students of Edinburg North, many of whom are the first in their families to attend college. Last year almost three-quarters of the students were accepted to college, including some of the most selective institutions in the nation, such as the Massachusetts Institute of Technology, Dartmouth College, Columbia University, and Rice University.

This is what is possible when we invest in excellence in the Hispanic community. I urge my colleagues to join me in saluting Edinburg North High School for its achievement and applauding the college Board for sponsoring the Inspiration Awards. May each year be more competitive than the last.

LEWISBURG RECOGNIZED AS ONE OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION'S DOZEN DISTINCTIVE DESTINATIONS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. RAHALL. Mr. Speaker, Lewisburg, one of West Virginia's proudest attractions known for its history, beauty and hospitality, offers a bit of everything for those seeking attractive destination spots to visit, and recently, the National Trust for Historic Preservation named Lewisburg one of its Dozen Distinctive Destinations.

The City of Lewisburg is a cultural and artistic center in West Virginia. Downtown Lewisburg is designated as an historical district, with many of its buildings listed on the National Register of Historic Places, and the city has won acclaim as one of the best small-town arts centers in America. History buffs, theatre goers, music lovers, shoppers and fine diners alike can delight in Lewisburg. It is no wonder why West Virginia holds its annual State Fair on the outskirts of this splendid city.

Just down the road from Lewisburg is the world-famous Greenbrier Resort, a source of pride for every Southern West Virginian, and so important nationally that for years it was intended to be the American government's home away from home.

The recognition of Lewisburg by the National Trust for Historic Preservation is a great honor bestowed upon one of West Virginia's best kept treasures. West Virginians have always known the beauty, the history and the draw of Lewisburg. It was just a matter of time before the rest of the world took notice.

Lewisburg is a prime example of the best West Virginia has to offer. Our countryside is filled with historic treasures, grand vistas, wild whitewater, towering mountain ridges, and numerous trails that cater to horseback riders, ATV users, hikers and bikers. Travelers and tourists can find a cornucopia of activities and adventures across Southern West Virginia, as we offer attractions that appeal to a wide variety of interests and tastes.

Today, as more Americans than ever are looking for exciting, yet safe, places to vacation, and West Virginia, my home State, has become even more attractive as a destination to many adventurists and vacationers alike. Half the people in the whole country live within 250 miles of the Mountain State, making it an easy day's drive for all who wish to visit.

RECOGNIZATION OF THE YOUNG ONSET PARKINSON'S ASSOCIATION AND THE ACCOMPLISHMENTS OF MS. GINA REILLY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. PALLONE. Mr. Speaker, it is with great honor that I have the opportunity to recognize the outstanding achievements of Ms. Gina Reilly and the Young Onset Parkinson's Association (YOPA). The YOPA is dedicated to providing support as well as raising public awareness about Parkinson's disease. Ms. Reilly is one of many volunteers whose tireless efforts help to make the foundation a success.

Parkinson's disease is a debilitating disease that affects 4 in every 1,000 Americans, and while the disease is more prominent in older people, five to ten percent of all Parkinson's cases are early-onset. Parkinson's has no known origin or method of prevention; but with the assistance of organizations like the YOPA and the American Parkinson's Disease Association, treatments and a cure are coming closer to becoming a reality.

The YOPA's mission is to raise public awareness and to offer support for those living with early-onset Parkinson's disease. In addition, the association has coordinated with local, regional and national Parkinson's organizations in fundraising efforts for Parkinson's research. Ms. Gina Reilly is one of the most prominent volunteers who has helped make this mission a reality.

Prior to her diagnosis, Ms. Reilly was a renowned competitor in U.S. adult ice dancing competitions. In addition to being a champion ice dancer, she was also a ballroom dancer, nightclub singer, and owner of a successful graphic arts and computer embroidering business. After her diagnosis in 2003, Ms. Reilly refused to let her disease prevent her from further achievements. In addition to continuing her pursuits in athletics and business, Ms. Reilly has begun working with the YOPA. Her incredible courage and fortitude provide a role model of how one can live their life while afflicted with Parkinson's disease.

Mr. Speaker, I ask that my colleagues recognize the outstanding work of the Young Onset Parkinson's Association, and I congratulate Ms. Reilly for her outstanding achievements and bravery.

CONFIRMATION OF PAUL ANDERSON FOR THE FEDERAL MARITIME COMMISSION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. MICA. Mr. Speaker, it was my pleasure to appear before the Senate Commerce, Science and Transportation Committee on March 30, 2004 to introduce Paul Anderson of Fort Lauderdale, Florida, at his confirmation hearing for the post of Federal Maritime Commissioner. President George W. Bush nominated Paul for the position on Oct. 1, 2003.

In nominating Paul Anderson, President Bush has chosen someone who possesses a rare blend of work experience and background that makes him an asset to the commission. With a background in both government and the maritime industry, Mr. Anderson is positioned well as a knowledgeable and forceful advocate for a strong United States maritime industry.

I have known Paul for more than 20 years, working with him in the Senate with former Senator Paula Hawkins when I was chief of staff. He is well qualified with Senate experience, 8 years with Hvide Marine, a U.S.-flagged diversified marine transport company in Florida and 9 years with JM Family Enterprises, the nation's largest distributor of Toyota vehicles. Clearly his knowledge of business in addition to the maritime industry will be invaluable in his position. He balances knowledge of government responsibilities and the needs of private companies.

If it was my own son being considered, I couldn't be more proud of Paul Anderson. It was my honor to introduce him to the Senate committee.

I'm confident the administration has made a fine choice in nominating Paul Anderson for this important post and I urged the committee to act favorably on the nomination.

HONORING SERGEANT JONATHAN N. HARTMAN

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. CRENSHAW. Mr. Speaker, as we pray for all those in our armed services who find themselves in harm's way, I rise to pay tribute to a soldier from my home state who gave his life to his country during Operation Iraqi Freedom.

Sergeant Jonathan N. Hartman, age 27, of Jacksonville, Florida, died April 17, 2004 in Dwaniyan, Iraq. Sergeant Hartman was assigned to the Army's 2nd Battalion, 37th Armored Regiment, 1st Armored Division, based in Friedburg, Germany.

Mr. Speaker, Sergeant Hartman is the epitome of a great American. He served his country with pride. He served his country without question. Sergeant Hartman served his country because he loved his country. For his service, his honor, his dedication, and his sacrifice, I know I speak for the entire Congress and for good Americans everywhere when I say, thank you.

Mr. Speaker, there are no words that can be said here today that will erase the sorrow and pain of this loss. What we can say, and what we can do, is continue to support this mission, the men and women who are fighting for this great country, and pray for his loved ones. It is the service and dedication of men and women like Sergeant Hartman's that make the United States safer, more secure, and a great nation.

HOUSE OF REPRESENTATIVES— *Wednesday, April 21, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BASS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 21, 2004.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Woodrow Hudson, Chaplain, Georgia Department of Corrections, Atlanta, Georgia, offered the following prayer:

Gracious and merciful God, as we gather in this hallowed hall with the Members of the House of Representatives, we thank You for the great heritage of this body. May our interactions with others bring hope and courage. May our times together teach us patience and perseverance. May our session together be a time of learning and growth with productive results.

O God, protect us from knowledge that has no benefit. Protect us from a heart that is not humble. Protect us from a soul that is never satisfied. And protect us from a prayer that is never answered.

Help us to remember You, to reverence You, to obey You, to humble ourselves before You, to turn toward You in repentance.

Bless, O Lord, these women and men who are defending our country and our freedoms in these days of war.

We ask these things in the name of our Saviour. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. COLLINS) come forward and lead the House in the Pledge of Allegiance.

Mr. COLLINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1274. An act, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

IN RECOGNITION OF THE REVEREND WOODROW HUDSON

(Mr. COLLINS asked and was given permission to address the House for 1 minute.)

Mr. COLLINS. Mr. Speaker, I rise today to salute the Reverend Woodrow Hudson, who gave this morning's opening prayer. Reverend Hudson is the Director of Chaplaincy Services for the Georgia Department of Corrections. He leads 118 field chaplains and approximately 4,000 certified prison volunteers in 39 of our State prisons, six transitional centers, six probation detention centers, and three private prisons in the State of Georgia.

In the Reverend's Chaplaincy Services section are the Prison Volunteers and the Reentry Aftercare Partnership. These volunteers offer and provide spiritual guidance to over 50,000 inmates in all of Georgia's correctional institutions. The Reentry Aftercare Partnership works with churches to provide guidance to inmates returning to their communities.

Before Reverend Hudson became Director of Chaplaincy Services in Georgia, he was a pastor for 32 years in churches in Mississippi and Georgia. He was active in many community organizations in each community where he served as pastor. Reverend Hudson resides in Carollton, Georgia, with his wife, Betty, and we welcome his wife in the gallery. They have been married for 45 years and have three children. And, Mr. Speaker, one of his daughters serves this Nation as an officer in the Secret Service.

Mr. Speaker, as a Member of Congress, I ask my colleagues to please join me in welcoming Reverend Woodrow Hudson, Jr., for his outstanding service to Georgia and for his outstanding opening prayer this morning.

NATIONAL DAY OF SILENCE

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, I rise today to provide a voice to those who too often are silenced: the gay, lesbian, bisexual or transgender students who face verbal, nonverbal, and physical harassment in our schools.

Today is the National Day of Silence across this country. Students have taken a vow of silence to protest the discrimination and intolerance that gay, lesbian, bisexual, and transgender students face on a daily basis.

In my district I am especially proud of Safe Schools Project of Santa Cruz County, which is coordinated by Santa Cruz County High School senior Nikira Hernandez. This program focuses on making K-through-12 schools in Santa Cruz County a safe place for all youth regardless of their sexual orientation or gender identity.

Considering our country's commitment to equality and liberty, it is disturbing that anyone is subjected to harassment and discrimination based on their sexual orientation or gender identity. We must work to protect our youth from violence and hatred while fostering a positive academic environment free of derogatory statements, taunts, and slurs.

For that reason I am proud to cosponsor H. Con. Res. 86, which memorializes the National Day of Silence.

TAX RELIEF

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, last week millions of Americans got a surprise when they filed their tax returns. This year a record 44 million tax returns, one-third of all returns filed, have no income tax liability because of

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the available credits and deductions in the Tax Code. This is a 50 percent increase in the number of zero-tax filers in just 4 years. The vast majority of these 44 million filers are from low-income households who saw their tax liability disappear thanks to the tax cuts pushed by President Bush and this House.

The expansion of the 10 percent bracket, the increased child tax credit, and the marriage penalty relief are the leading reasons that so many people were able to have zero liability. All these tax provisions are in jeopardy if Congress does not act to extend them by the end of this year.

These are not tax cuts for the rich. They are tax provisions designed to help working men and women bring home more of their paychecks. In fact, 75 percent of the 44 million will earn less than $20,000 per year, and 97 percent will earn less than $40,000 per year.

Congress needs to extend these provisions and continue giving tax relief to working America.

THE GREAT LAKES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, Lake Michigan and the other Great Lakes are the largest body of freshwater in North America. They contain literally 20 percent of the entire world's freshwater. Twenty-eight million Americans get their daily drinking water from Lake Michigan and the other Great Lakes, and yet we treat it as just an overgrown pond. Today it is being polluted with invasive species, urban runoff, and mercury hot spots.

We have a bipartisan bill endorsed by every Governor, every Senator from the Great Lakes, and 108 Members out of 125 from the Great Lakes region to clean up the Great Lakes, dedicate $4 billion over 5 years, just like we are investing in Iraq's water and sewage system, here in the United States to preserve the largest body of freshwater in all of North America.

This issue is not an issue of left versus right. It is an issue of right versus wrong. And it is time to make our investments in our future and our environmental quality and water quality in what is truly a great national heritage, our Great Lakes.

SENATOR KERRY'S ECONOMIC PLAN WOULD HARM OUR ECONOMY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Democrat candidate for President has promised to create 10 million jobs if elected, but a recent economic analysis of his plan by the Heritage Foundation says he is wrong and showed four negative effects of his scheme. First, employment growth slows under his plan with 225,000 fewer jobs created per year under his policy, in contrast to the fact that in the first quarter of this year, 513,000 new jobs have been created.

Secondly, GDP growth slows for the next decade, underperforming by $20 billion in just the first 5 years.

Third, after-tax income shrinks. And this makes sense. Taxes go up, take-home pay goes down. And under the Democrat plan, take-home pay plummets $240 billion below current projections.

And, lastly, savings plummet. The personal savings rate would average 17 percent less during just the first year of his administration.

Each of these items would reverse trends started by President Bush's economic recovery program, a plan that is working.

In the end his tax-and-spend, rob-the-rich-to-pay-the-government economic scheme will do more harm than good.

URGING APOLOGY FROM THE PRESIDENT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not think anything can negate the fact that this President has lost more jobs, 3 million jobs, than any President in our history.

But, Mr. Speaker, I stand today to offer a word of condolence, but also to pay tribute to those who have lost their lives in Iraq, the men and women of the United States military, innocent citizens, and to challenge the President, as the 9/11 Commission families have challenged him, to apologize to the American people for misdirecting men and women of the military, now reservists and National Guard, young men and women, into a war that one wonders whether it matters, into a war where there was not the kind of equipment that those soldiers needed, reinforced Humvees and other equipment, flak jackets that they needed.

I am here to apologize and ask the President that he provide the necessary resources for these troops so that lives will not continue to be lost, so that mothers and fathers, wives and relatives will not have to continue to mourn. It is a tragedy the policy that we have seen in this United States, a policy of reckless direction of men and women in war, bloodshed unnecessary.

Mr. President and the administration, Mr. Vice President, we need a plan, and you need to offer it to the American people now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to address their remarks to the Chair and not to the President.

IN PRAISE OF "NATURALAWN," A BUSINESS IN FREDERICK, MARYLAND

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, this Earth Day I want to recognize a company from my district that is making a product people want and is beneficial for the environment.

NaturaLawn is a business located in downtown Frederick, Maryland. Starting small in 1987, they have grown to become the fourth largest lawn care service provider in the United States, generating in excess of $24 million.

NaturaLawn identified a product that would have popular appeal, an organic-based fertilization program that uses naturally based ingredients as opposed to traditional chemical fertilizers. This product is environmentally friendly and provides a desired product. The company has created many franchises across the Nation.

All of these great things were done privately in our free enterprise system of Congress. No governmental regulations or mandates caused this business to exist, simply good sense, hard work, and a desire to create products for people who want to purchase environmentally friendly services for their lives.

Congratulations to this innovative company for its success in helping create jobs and protect the environment through private enterprise.

HERITAGE CLASSIC OF GOLF TOURNAMENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last weekend I had the privilege of joining thousands of visitors from across the world in celebrating the MCI Heritage Classic of Golf Tournament held on Hilton Head Island, South Carolina.

The Heritage has a rich history, with the first tournament won by Arnold Palmer in 1969. This year's champion is Stewart Cink, who won in dramatic fashion on the fifth playoff round with Ted Purdy.

Yet the more important story of this popular Lowcountry event is the work of the Heritage Golf Classic Foundation. This nonprofit organization operates the tournament every year while generating over $50 million for the South Carolina and Georgia hospitality industry. The Heritage Golf Classic Foundation also distributed a record $1.2 million to charities in 2003, including such areas as education to public health.

Heartfelt congratulations are due Heritage Classic Foundation Chairman Joe Fraser, Vice President Ed Dowaschinski, Secretary John Curry, and Tournament Director Steve Wilmot for yet another successful tournament hosted by the Sea Pines Resort led by President Michael Lawrence.

In conclusion, may God bless our troops, and we will never forget September 11.

□ 1015

PRIORITIZE SPENDING AND REDUCE BURDEN ON OUR CHILDREN

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, we are now in the process of deciding how much money we are going to spend. The budget is being finally decided, and then the appropriations process makes the decision, where money is spent and how big should government be.

Tom Savings, an actuary with both Medicare and Social Security, came to my office a couple of weeks ago. This is what he said where our promises exceed our ability to pay for it, unfunded liabilities: Medicare part A, $21 trillion; Medicare part B, $23 trillion; Medicare part D, the new drug bill, $16.6 trillion; Social Security, $12 trillion.

At this time, I just call on all my colleagues to be tight-fisted. Let us start prioritizing spending and reduce the tremendous burden we are placing on our kids and our grandkids.

LAMENTING BASRA ATTACKS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, we are challenged to mourn with those who mourn and grieve with those who grieve. As I rose this morning to learn that suicide bombers had killed at least 68 people, many of them small children en route to school, in coordinated strikes on four police stations in the southern Iraqi city of Basra, I grieved and I mourned.

Scarcely 1 month ago, I walked the streets of Basra as a part of the first congressional delegation to visit that ancient city. Although Basra is the second largest city in Iraq, it has been relatively peaceful and secure since coalition forces liberated it from 30 years of tyranny of Saddam Hussein.

Our prayers go out to the families affected by today's horrific bombings and to our British allies charged with their security. Today's attacks on Iraqi men, women, and especially children, in the city of Basra, shows the utter depravity of our enemies and the enemies of freedom in Iraq.

The good people of Basra, with whom I spent the day 27 February, 2004, deserve better. They are freedom-loving and decent people, and we and our allies will not waver in our commitment to deliver it to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2004

Mr. GINGREY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3970) to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Green Chemistry Research and Development Act of 2004".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "green chemistry" means chemistry and chemical engineering to design chemical products and processes that reduce or eliminate the use or generation of hazardous substances;

(2) the term "Interagency Working Group" means the interagency working group established under section 3(c); and

(3) the term "Program" means the Green Chemistry Research and Development Program described in section 3.

SEC. 3. GREEN CHEMISTRY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall establish a Green Chemistry Research and Development Program to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for green chemistry research, development, demonstration, education, and technology transfer through—

(A) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) green chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories; and

(D) to the extent practicable, encouragement of consideration of green chemistry in—

(i) the conduct of Federal chemical science and engineering research and development; and

(ii) the solicitation and evaluation of all proposals for chemical science and engineering research and development;

(2) examine methods by which the Federal Government can create incentives for consideration and use of green chemistry processes and products;

(3) facilitate the adoption of green chemistry innovations;

(4) expand education and training of undergraduate and graduate students, and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering;

(5) collect and disseminate information on green chemistry research, development, and technology transfer, including information on—

(A) incentives and impediments to development and commercialization;

(B) accomplishments;

(C) best practices; and

(D) costs and benefits;

(6) provide venues for outreach and dissemination of green chemistry advances such as symposia, forums, conferences, and written materials in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(7) support economic, legal, and other appropriate social science research to identify barriers to commercialization and methods to advance commercialization of green chemistry; and

(8) provide for public input and outreach to be integrated into the Program by the convening of public discussions, through mechanisms such as citizen panels, consensus conferences, and educational events, as appropriate.

(c) INTERAGENCY WORKING GROUP.—The President shall establish an Interagency Working Group, which shall include representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, the Environmental Protection Agency, and any other agency that the President may designate. The Director of the National Science Foundation and the Assistant Administrator for Research and Development of the Environmental Protection Agency shall serve as co-chairs of the Interagency Working Group. The Interagency Working Group shall oversee the planning, management, and coordination of the Program. The Interagency Working Group shall—

(1) establish goals and priorities for the Program, to the extent practicable in consultation with green chemistry researchers and potential end-users of green chemistry products and processes; and

(2) provide for interagency coordination, including budget coordination, of activities under the Program.

(d) AGENCY BUDGET REQUESTS.—Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of

Management and Budget, submit a report to the Office of Management and Budget which identifies its activities that contribute directly to the Program and states the portion of its request for appropriations that is allocated to those activities. The President shall include in his annual budget request to Congress a statement of the portion of each agency's or department's annual budget request allocated to its activities undertaken pursuant to the Program.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Interagency Working Group shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. This report shall include—

(1) a summary of federally funded green chemistry research, development, demonstration, education, and technology transfer activities, including the green chemistry budget for each of these activities; and

(2) an analysis of the progress made toward achieving the goals and priorities for the Program, and recommendations for future program activities.

SEC. 4. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking "By January 30, 1982, and biennially thereafter" and inserting "By January 30 of each odd-numbered year".

SEC. 5. MANUFACTURING EXTENSION CENTER GREEN SUPPLIERS NETWORK GRANT PROGRAM.

Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) the enabling of supply chain manufacturers to continuously improve products and processes, increase energy efficiency, identify cost-saving opportunities, and optimize resources and technologies with the aim of reducing or eliminating the use or generation of hazardous substances.".

SEC. 6. UNDERGRADUATE EDUCATION IN CHEMISTRY AND CHEMICAL ENGINEERING.

(a) PROGRAM AUTHORIZED.—(1) As part of the Program activities under section 3(b)(4), the Director of the National Science Foundation shall carry out a program to award grants to institutions of higher education to support efforts by such institutions to revise their undergraduate curriculum in chemistry and chemical engineering to incorporate green chemistry concepts and strategies.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost sharing in cash from non-Federal sources, to match the Federal funding.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricular revisions to the courses of study offered by the applicant in chemistry and chemical engineering; and

(B) a description of the source and amount of cost sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1), the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curriculum changes in accordance with subsection (a)(1); and

(B) the amount of cost sharing to be provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 8, from sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this section $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007.

SEC. 7. STUDY ON COMMERCIALIZATION OF GREEN CHEMISTRY.

(a) STUDY.—The Director of the National Science Foundation shall enter into an arrangement with the National Research Council to conduct a study of the factors that constitute barriers to the successful commercial application of promising results from green chemistry research and development.

(b) CONTENTS.—The study shall—

(1) examine successful and unsuccessful attempts at commercialization of green chemistry in the United States and abroad; and

(2) recommend research areas and priorities and public policy options that would help to overcome identified barriers to commercialization.

(c) REPORT.—The Director shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings and recommendations of the study within 18 months after the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—(1) From sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(A) $7,000,000 for fiscal year 2005;

(B) $7,500,000 for fiscal year 2006; and

(C) $8,000,000 for fiscal year 2007.

(2) The sums authorized by paragraph (1) are in addition to any funds the National Science Foundation is spending on green chemistry through its ongoing chemistry and chemical engineering programs.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $5,000,000 for fiscal year 2005;

(2) $5,500,000 for fiscal year 2006; and

(3) $6,000,000 for fiscal year 2007.

(c) DEPARTMENT OF ENERGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Department of Energy for carrying out this Act—

(1) $7,000,000 for fiscal year 2005;

(2) $7,500,000 for fiscal year 2006; and

(3) $8,000,000 for fiscal year 2007.

(d) ENVIRONMENTAL PROTECTION AGENCY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—

(1) $7,000,000 for fiscal year 2005;

(2) $7,500,000 for fiscal year 2006; and

(3) $8,000,000 for fiscal year 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. GINGREY) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3970.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from New York (Chairman BOEHLERT); the ranking member, the gentleman from Tennessee (Mr. GORDON); the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON); the gentleman from Michigan (Mr. EHLERS), and all of my Committee on Science colleagues for their hard work in bringing this important bipartisan piece of legislation through committee and before the House floor today.

In particular, I would like to thank the ranking member, the gentleman from Tennessee (Mr. GORDON) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and their staffs for continuing to work with us on this legislation.

The resulting manager's amendment is truly a bipartisan bill. Defined as the design of chemical products and processes that reduce or eliminate the use or generation of hazardous substances, green chemistry represents an emerging field with much promise.

As a chemistry major trained in traditional chemistry at the Georgia Institute of Technology, I am very excited about the potential environmental, economic and human health benefits of green chemistry. Preventing pollution and waste in the first place is often cheaper than mitigating and cleaning it up later, and the development of new products and processes will help spur economic growth.

Currently, many chemical processes are conducted at extreme temperature and/or pressure, two conditions that present a risk for workers. Also, many chemical processes involve toxic substances. Green chemistry aims to design processes that can be conducted at or near room temperature and pressure and that actually use benign materials. Both of these steps improve working conditions for employees. Yet, despite all of the promises of green chemistry, the Federal Government invests very little in this area.

H.R. 3970, the Green Chemistry Research and Development Act, will establish a research and development program to promote and coordinate Federal green chemistry research, development, demonstration, education and technology transfer activities within the National Science Foundation, the Environmental Protection Agency, the National Institute of Standards and Technology, and the Department of Energy.

This legislation provides modest and prudent focus in an area that, frankly, deserves greater Federal attention. The program will support research and development grants, including grants for university, industry, and nonprofit partnerships. It will support green chemistry research at Federal labs, promote education through curricula development and fellowships, and collect and disseminate information about green chemistry.

H.R. 3970 is fiscally prudent in these times of budgetary constraints by obtaining funding for this program from sums already authorized to be appropriated at the four agencies I mentioned, and it does not authorize the expenditure of any new money.

Traditional chemical companies, pharmaceutical companies, carpet and rug manufacturers and biotechnology corporations, all who we have heard from in committee hearings, have endorsed H.R. 3970, showing a broad range of support for the merits of this legislation. They all realize that the advancement of green chemistry is positive for their industries, the environment, the economy as a whole, and all of our Nation's citizens.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me thank the gentleman from Georgia (Mr. GINGREY) for putting this issue on the table. I also would like to thank the gentleman from New York (Chairman BOEHLERT) for working with us to incorporate some of our suggestions into the manager's amendment.

The legislation now includes a grant program to encourage universities to incorporate green chemistry into undergraduate curricula in chemistry and chemical engineering. The curriculum changes encouraged through this program will assure that students are familiar with green chemistry and ready to enter the workforce with skills in pollution prevention and green design. The explicit authorization for research in economics and other relevant social sciences will help us to better understand the barriers to widespread adoption of the green chemistry techniques.

H.R. 3970 is a good start. However, we are disappointed that the bill does not go far enough to move findings in the laboratory into practice on the factory floor. There are a number of green chemistry success stories. The Presidential Green Chemistry Challenge Program, established in 1995, has recognized these achievements. But many other safer chemical substitutes and pollution prevention techniques are not widely used.

Research and development alone are not sufficient ingredients to guarantee the transition to a safer, cleaner environment. And this is an area where research has been done for a number of years. Programs and policies to overcome the barriers to more widespread adoption of green chemistry must be part of a truly comprehensive Federal green chemistry program.

Democratic amendments on procurement, homeland security, and technical assistance grants would have created incentives to adopt green chemistry practices. We hope this bill will continue to expand in scope as it moves forward in the legislative process.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS), who is a cosponsor of this bill.

Mr. SIMMONS. I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of H.R. 3970, the Green Chemistry Research and Development Act of 2004. I do so because I am an advocate of this innovative effort to further scientific research while minimizing environmental harm.

Last year, I met Dr. Berkeley Cue, Jr., of Ledyard, Connecticut. Dr. Cue is a recently retired chemist at Pfizer's Global R&D headquarters in Groton, Connecticut; and he spoke passionately about his work on the Green Chemistry Institute's Board of Directors and explained to me some of the exciting prospects that green chemistry holds.

Green chemistry has been defined "as the utilization of a set of principles that reduces or eliminates the use or generation of hazardous substances in the design, manufacture and application of chemical products."

According to a 1994 pharmaceutical industry process efficiency analysis, for every kilogram of a given drug produced, between 25 and 100 kilograms of waste are produced. For those processes where there is a green chemistry application, this number was reduced to between 5 and 10 kilograms of waste per kilogram of product. This is a five- to 10-time improvement in the reduction of waste products. At commercial product volumes, this equates to hundreds of thousands of kilograms of costly waste prevented each year for each product where there is a green chemistry alternative.

What is more, there is no need to purchase raw materials that are lost to unwanted by-products. The cost savings are clear, and the environmental benefits are clear.

I urge my colleagues to support this measure and establish a Green Chemistry Research and Development Program to promote this technology at the Federal level. It is good for science, it is good for the environment, it is good for the American people.

Mr. GORDON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation for the leadership of this committee. We operate in a spirit of civility at all times, and we are all very proud of that.

We as legislators preach about how we want to make this world a better place for those who are to follow. The Green Chemistry Research and Development Act is a first step to increasing the use of renewable fuels, encouraging manufacturing processes that generate less toxic waste and promote the development of materials which can be easily recycled.

I am pleased that my colleague, the gentleman from Georgia (Mr. GINGREY), has introduced the Green Chemistry Research and Development Act of 2004, and I am proud to be an original cosponsor of this legislation.

Green chemistry is the utilization of a set of principles that reduces or eliminates the use or generation of hazardous substances in the design, manufacture, and application of chemical products.

Over the past decade, there has been increasing interest in a fundamental new approach to environmental protection. In studying green chemistry, we realize that science and technology can help produce processes and products that are both more environmentally benign and economically attractive.

I would like also to take this opportunity to thank the Chair for working in a bipartisan manner and our ranking member, as we often do in the Committee on Science, for incorporating parts of amendments that I introduced during markup in the committee. Most importantly, I appreciate the language that requires a study by the National Academy of Sciences on barriers to commercialization of green chemistry. As was evident by the committee's hearing on H.R. 3970, success at commercialization can be problematic, even for technical innovations that seem to be obvious candidates for exploitation.

The purpose of the study would be to systematically assess successful and unsuccessful attempts at commercialization of green chemistry innovations here and abroad and attempt to tease out the controlling factors.

In addition, I am pleased that the manager's amendment clarifies that the funds provided by the bill for focused green chemistry research is in addition to the amounts the agency currently spends in its base programs. This addition is also very important, and I would like to thank the Chair for including this in the manager's amendment.

Although there is more work that can be done to strengthen this legislation, it provides the right impetus to encourage the science and manufacturing communities to start in the right direction, not only because green chemistry can save them money now in the short term but because it can also save our planet in the long term.

□ 1030

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the honorable chairman of the House Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 3970. And I want to congratulate our colleague, the gentleman from Georgia (Mr. GINGREY), for having introduced it. In a short time he has become one of the most active and effective members of the Committee on Science. I thank him for his many, many contributions.

There is really only one unfortunate thing about this green chemistry bill, and that is that none of us thought of it before. Green chemistry is such an obvious area in which to focus that it should be clear to anyone and everyone that more needs to be done in this field.

Green chemistry benefits companies and workers, the economy, and the environment. It is really just the application of an old adage: An ounce of prevention is worth a pound of cure. If we reduce to ounces the quantity of toxic chemicals we use and produce, then we will not have to clean up pounds of toxics downstream.

And this bill takes a sensible, targeted approach to putting some Federal dollars behind those prevention efforts. It builds on existing programs at a number of Federal agencies to transform those small and scattered efforts into a focused, a coordinated, and an enhanced national program. The result of that program should be the generation and dissemination of new ideas and new people, leading to the adoption of more green chemistry practices and the creation of more green chemistry products by industry.

Now, I know some would like this bill to go further, and there is no doubt that there are additional barriers to green chemistry that government action could help attack, but those government actions are complex and controversial and should be taken up in other bills.

For now let us take care of first things first. Let us make sure that the government is doing everything possible to ensure that green chemistry research and development is getting the attention it deserves to ensure that education programs are designed to teach more students and practicing chemists and chemical engineers about green chemistry, and to ensure that new ideas are broadly disseminated.

If we do not have the ideas and the people, then no amount of government incentives or regulations are going to accelerate the adoption of green chemistry. This is a good and thoughtful and effective bill that takes a step we should have taken long ago to make sure that government R&D and education programs promote the kind of chemistry that is in the national interest.

I urge everyone to support the excellent bill of the gentleman from Georgia (Mr. GINGREY). It is a most appropriate way to recognize Earth Day which occurs tomorrow.

Mr. GORDON. Mr. Speaker, we have no other comments, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH), distinguished chairman of the Subcommittee on Research.

Mr. SMITH of Michigan. Mr. Speaker, I commend the gentleman from Georgia (Mr. GINGREY), and I certainly commend the gentleman from Tennessee (Mr. GORDON), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairman of the committee, (Mr. BOEHLERT).

As we expand in population in this home that we call Earth, being more sensitive to the environment is continually a greater challenge and a greater need. So I commend the legislation. The legislation is going to be good for the economy. It is going to be good for improving worker safety. It is going to be good for improving public safety, for national security, and certainly it is going to be better for our environmental needs.

We need to expand our thinking not only for chemistry, but maybe for all of the research that we do to be more sensitive to make sure that this Earth continues to be as safe and beautiful for future generations as it has been for us. So I urge my colleagues to support Dr. GINGREY's bill.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the full potential of green chemistry is yet to be realized, H.R. 3970 will place us, as the chairman just said, on the right path to research in reaching that potential. I urge all of my colleagues to support the bipartisan Green Chemistry Research and Development Act.

Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Subcommittee on Environment, Technology and Standards, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, back in 1974 I ran for public office on an environmental platform. I have been an environmentalist for many years, and I have always tried to keep the environment in the forefront in discussions in this Congress. I am also, however, what you might call a common-sense environmentalist. I believe in environmental issues and environmental choices that make sense both for the environment and for the economy. And this bill is a sterling example of precisely what is involved in common-sense environmentalism.

The chemical industry makes and uses a great many chemicals. Disposal of those chemicals often becomes disposal of hazardous waste, which is very costly, very toxic and dangerous to the environment. This bill will help develop green chemistry, chemistry that is in tune with the environment so that both the products and the by-products are safe, and we do not generate as much or any hazardous waste, and we do not have to worry about toxic waste polluting the groundwater.

Much work is required in this area both to change the habits of the educational institutions and the habits of the chemical industry. They have to be made aware of the many opportunities for green chemistry. And this is true also of the businesses that use chemical products. For example, it appears now that liquid carbon dioxide at the critical point is an outstanding cleaning fluid, certainly nontoxic, and would solve the pollution problem that many launderers and cleaners face in this country.

I strongly support this bill. It supports research to develop more green chemistry processes and includes provisions to expand green chemistry education. This will enable the next generation of chemical professionals to bring innovative practices to traditional chemical manufacturing. I am most pleased to support the Green Chemistry Research and Development Act.

Again, I thank the gentleman from Georgia (Mr. GINGREY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their hard work on this important piece of legislation. I urge my colleagues to support H.R. 3970, a bill that will truly clean up the environment and at the same time aid the economy.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and pass the bill, H.R. 3970, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GINGREY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRESSIONAL MEDAL FOR OUTSTANDING CONTRIBUTIONS IN MATH AND SCIENCE EDUCATION ACT OF 2004

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4030) to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education, as amended.

The Clerk read as follows:

H.R. 4030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(2) ELEMENTARY SCHOOL AND SECONDARY SCHOOL.—The terms "elementary school" and "secondary school" have the meaning given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Director shall establish a Congressional Medal for Outstanding Contributions in Math and Science Education program, which shall be designed to—

(1) recognize private entities for outstanding efforts supporting elementary and secondary schools in improving student achievement in science, technology, engineering, and mathematics;

(2) encourage private entities to support elementary and secondary schools to improve and underscore the importance of science, technology, engineering, and mathematics education; and

(3) make information about medal recipients available to schools, institutions of higher education, educators, parents, administrators, policymakers, researchers, public and private entities, and the general public.

SEC. 4. MEDALS.

(a) FINALISTS.—Beginning not later than 2 years after the date of enactment of this Act, the Director shall annually name as finalists for medals under this Act—

(1) not more than 20 private entities with more than 500 employees; and

(2) not more than 20 private entities with 500 or fewer employees.

Each finalist shall receive a citation describing the basis for the entity achieving status as a finalist.

(b) MEDAL WINNERS.—Beginning not later than 2 years after the date of enactment of this Act, from among finalists named under subsection (a), the Director shall annually award medals under this Act to—

(1) not more than 5 private entities with more than 500 employees; and

(2) not more than 5 private entities with 500 or fewer employees.

(c) DISTRIBUTION OF INFORMATION.—(1) The Director shall distribute information about the Congressional Medal for Outstanding Contributions in Math and Science Education recipients in a timely and efficient manner (including through the use of a searchable online database) to schools, institutions of higher education, educators, parents, administrators, policymakers, researchers, public and private entities, and the general public.

(2) Any entity that is a finalist or receives a medal under this section may use such information for advertising and other publicity purposes.

SEC. 5. ELIGIBILITY.

Eligibility to receive medals under section 4 of this Act shall be limited to private entities that—

(1) have, whether working alone or in partnership with for-profit or nonprofit entities, assisted students, teachers, administrators, or other support staff to improve student achievement in science, technology, engineering, and mathematics in a school or community; and

(2) have been involved in such activities in a sustained manner for at least 2 years with at least one elementary or secondary school.

SEC. 6. APPLICATION.

The Director shall establish a system for accepting applications from entities seeking to be considered for a medal under this Act. Applications shall include at least two letters of support, which may come from teachers, professional support staff, administrators, professional or business organizations, local, county, or State Departments of Education, or any other category of persons as designated by the Director. Letters of support shall describe the reasons the entity deserves the medal.

SEC. 7. SELECTION.

In selecting entities to receive medals under this Act, the Director shall give priority consideration to evidence of improved achievement in science, technology, engineering, or mathematics by students, including improved achievement by individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). In addition to any other criteria the Director may establish, the Director shall also consider the following:

(1) Evidence of innovative approaches to increase interest in science, technology, engineering, and mathematics by students, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). One measure of such evidence may be an increase in the number of students enrolled in advanced courses related to such fields.

(2) Evidence of employee interaction with students or teachers to support and improve science, technology, engineering, and mathematics learning.

(3) Evidence of success in positively influencing student attitudes and promoting education and career opportunities in science, technology, engineering, and mathematics.

(4) Evidence of successful outreach to students, parents, and the community regarding the importance of science, technology, engineering, and mathematics education to the Nation's prosperity, job creation, and standard of living, as well as future earning potential for the individual.

(5) Evidence of a strong and sustained commitment to the students and schools.

SEC. 8. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking "By January 30, 1982, and biennially thereafter" and inserting "By January 30 of each odd-numbered year".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

For each of fiscal years 2005 through 2007, there are authorized to be appropriated to the National Science Foundation such sums as may be necessary for carrying out this Act, to be derived from amounts authorized by the National Science Foundation Authorization Act of 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to commend the chairman and the ranking member and certainly the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her help in moving ahead, trying to get more involvement from the business community in helping with K-through-12 education, especially in the areas of math and science.

This legislation establishes a national recognition program at the National Science Foundation to honor those in the private sector who work with K-through-12 schools to improve science and math education. In addition, the bill makes information about award winners publicly available so that the examples that they are using across the country that are effective, that are making a difference in our math and science performance can be considered by other school systems around the Nation.

The way to maintain and increase our standard of living certainly is through innovation, technological advances and hard work. Unfortunately, our schools, Mr. Speaker, are currently not producing enough young people with the math and science interest or the skills necessary to meet the emerging demand. We need to do a better job of encouraging student interest and achievements in fields like science, technology, engineering, and mathematics so that today's students will not only be successful in their own lives, but will contribute to the economy that we are going to need in future years.

The challenge of competition for our kids and our grandkids are going to be probably so much greater than they are for us today, and having the kind of technology that can result in new innovation, the kind of research that can develop new products and the ways to produce those products at a cost and a quality level that is competitive with products that are produced across the world is going to be much more important for our kids and grandkids than maybe it was for us.

In this legislation we recognize the industry leaders and companies and businesses that make a special outstanding effort in working with their schools. We included in the legislation work that these companies might do to encourage parents to be more involved with their students and schools because we think the interest and encouragement of parents is probably just as important as the quality of teachers that we have in math and science.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an original cosponsor of this legislation, I speak in support of its favorable consideration by the House today. The Subcommittee on Research has a long history of support for efforts to improve K-through-12 math and science education. This bill will help to mobilize greater efforts by the private sector in helping our schools to achieve the goal of higher achievement in math and science by all students.

□ 1045

I would like to commend the Subcommittee on Research and the gentleman from Michigan (Mr. SMITH) for originating the concept for this bill and working with me in a collegial way in developing the final product. In particular, I appreciate the gentleman's willingness to include language I propose to encourage math and science education in under-represented groups. My language simply emphasizes the importance of recognizing private sector activities that increase the participation and improve the achievements of women and minorities in math and science.

This provision is consistent with this committee's long interest in attracting the interest of, and preparing, all segments of the population in math and science.

This is necessary if the Nation is to satisfy its demands for the science and technology workforce of the future, because the proportion of minorities in the college-aged population is growing. And it helps to ensure that all citizens will achieve a level of technological literacy needed to function in the 21st century.

Mr. Speaker, I wish to use this opportunity to thank the chair of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), and the ranking member, the gentleman from Tennessee (Mr. GORDON), for moving this bill expeditiously to the floor. I am pleased to recommend the bill to my colleagues and seek their favorable support.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4030, as amended.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise in support of H.R. 4030, the Congressional Medal for Outstanding Contributions in Math and Science Education. This bill recognizes the outstanding contributions of the private sector in math and science education.

The private sector has created many good programs to inspire and educate the next generations of scientists. Establishing a Congressional Medal will identify, honor, and disseminate these excellent educational programs.

Science and math education as well as technical training are important and have enormous and pressing need. Science and technology underpin our economic strength and national security. Innovation and productivity gains cannot be sustained without a scientifically literate workforce.

Here is a very important point: Jobs of the future will require an understanding of the basic concepts and principles of science and mathematics. The Bureau of Labor and Statistics projects that 10 of the fastest growing industries and occupations from 2002 to 2012 will be in the high-technology fields. All workers from office assistants to rocket scientists will need a fundamental understanding of math, science, and engineering as well as technical know-how to succeed.

I cannot overemphasize the importance of this because the kids who are in schools today will need that education to have good-quality jobs in the future. Unfortunately, currently a full third of U.S. students perform below basic levels in science and math on assessment tests. At the advanced level, only two out of every 100 high school graduates will obtain an engineering or advanced degree, while the numbers are even more dismal for women and minorities who choose to go on in math and science.

There is no quick fix for these problems. Government and the private sector must work with the education and scientific communities to educate and inspire our children and prepare them to compete in the global knowledge-based economy.

It is very important to recognize that nations such as India and China have deliberately improved their math and science education and are producing far more scientists and engineers today than they did previously. And while their enrollments and graduation rates are increasing, our graduation rates for engineers have decreased steadily for the past 20 years.

H.R. 4030 recognizes businesses' achievements in improving math and science education and provides incentive for future participation. I applaud the efforts of the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for developing the bill and the leadership of the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Tennessee (Mr. GORDON), in moving the bill through committee. I strongly encourage my colleagues to support H.R. 4030.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON), the ranking member.

Mr. GORDON. Mr. Speaker, I rise to support H.R. 4030, the Congressional Medal for Outstanding Contributions in Science and Math Education Act of 2004. I want to commend the gentleman from Michigan (Mr. SMITH) of the Subcommittee on Research and the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for their work in developing H.R. 4030. I also want to thank the Committee on Science chairman, the gentleman from New York (Mr. BOEHLERT), for working with the minority to perfect the bill and for helping to move the measure through the committee and to the floor.

The Congressional Medal for Outstanding Contributions in Math and Science Education Act seeks to recognize the efforts of companies and nonprofit organizations that have worked with our schools to help improve student performance in math and science. Many good corporate citizens have already stepped up to the plate and have established a long record of contributions to achieving this important goal. I hope this bill will encourage others to contribute such sustained efforts to education improvements.

Providing more efficient math and science education for all students is a task that will require the attention and efforts of both the public and private sectors. Nothing less than success is acceptable because the future economic strength and security of our Nation is at stake.

Good jobs are created by technological innovation. I believe this bill will help draw attention to innovation and successful education improvement efforts now under way and, equally important, will provide for sharing of information about these best practices.

Mr. Speaker, I commend this legislation to my colleagues and urge their support for the passage in the House.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the ranking member makes a good point, and maybe it is an opportune time to explain some of what goes into developing legislation. A lot of work from staff, Democrat staff and Republican staff on our committee. Kara Haas, certainly David Finger, spent many hours, sending out inquiries to the business community around the United States for their suggestions on how this award program should evolve and develop to really accomplish our goals of encouraging the business community to be more active and take a greater part in improving math and science education.

I would like to tell a very short story in trying to improve math and science education. I was talking to an individual who is the director of international studies at one of our Michigan colleges. I asked him his ideas. He is from India. He grew up in India. He told me the story when he came home in about the 8th grade with a report card that showed a B in math, and he showed that to his father and tears welled up in his dad's eyes. And his dad went out and hired a tutor to try to improve his son's math skills. He suggested that almost all students in India concentrate on being successful in fundamental math and science before they continue their career maybe in some other field.

That lesson should be especially acknowledged by us today when we are doing a lot of outsourcing of math and science to engineers in other countries such as India. We need to do a better job at home. Parents need to do a better job.

Often when I ask witnesses before our committee how do we motivate and excite students in math and science. To the extent that education in kindergarten through twelfth grade is more like a lighting of a fire, lighting that interest and enthusiasm, rather than simply filling a container with information, when is that fire lit for these students. Their suggestion was maybe at home when they are 3 and 4 and 5 years old, maybe in kindergarten, first and second grade. So if we lose that individual with their interest in math and science at that stage of their lives, it is hard to rekindle that fire.

Improving math and science education is important for the sake of business and industry because they have a special economic interest in having enough qualified students in math and sciences to make sure they are going to be able to stay in this country and compete.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4030, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENATOR PAUL SIMON FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2022) to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building".

The Clerk read as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FEDERAL BUILDING.

The Federal building located at 250 West Cherry Street in Carbondale, Illinois shall be known and designated as the "Senator Paul Simon Federal Building".

SEC. 2. REFERENCE.

Any reference in a law, map, regulation, document, paper or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Senator Paul Simon Federal Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2022 designates the Federal building located at 250 West Cherry Street in Carbondale, Illinois, as the Senator Paul Simon Federal Building.

This bill has the bipartisan support of the entire delegation in the State of Illinois. Although Senator Simon was born in Eugene, Oregon, he made the State of Illinois his home. Senator Simon's service to his State ranged from being a budding newspaper editor to public official to educator.

After attending the University of Oregon and Dana College in Nebraska, Senator Paul Simon moved to Troy, Illinois, and pursued a career as newspaper editor and publisher. Having successfully built a chain of 14 weekly publications, Senator Paul Simon enlisted in the Army, where he served from 1951 to 1953.

From 1963 until 1973, he was elected to various positions, serving in the Illinois House of Representatives, the State Senate, and also as lieutenant governor. He then continued to represent Illinois at the Federal level. He served in the House of Representatives from 1975 until 1985. Subsequently, Paul Simon ran for, and was elected to, the United States Senate, where he served until 1997. Senator Simon then returned to Illinois following his retirement and served as director of the Paul Simon Public Policy Institute at Southern Illinois University. He passed away on December 9, 2003.

This is a fitting tribute to a man who dedicated his life to the State of Illinois and his country. I support this legislation and urge my colleagues to do the same.

Mr. Speaker, I am also pleased today that managing the bill for the minority is the distinguished individual who used to be our ranking member and then went on to bigger and better things as the ranking member of the Subcommittee on Water Resources and Environment, the gentleman from Illinois (Mr. COSTELLO).

Although we are requesting that the Senate version of this bill be passed under suspension today, the gentleman from Illinois (Mr. COSTELLO) has been a tireless champion of making sure that the companion legislation, similar legislation to this, be passed on the House side. It is my pleasure to be with him today.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank my good friend, the chairman of the subcommittee, the gentleman from Ohio (Mr. LATOURETTE), for his cooperation and his friendship and his leadership in bringing this legislation to the floor.

Mr. Speaker, I strongly support S. 2022, a bill to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois, as the Senator Paul Simon Federal Building.

S. 2022 was introduced by Senator DURBIN and Senator FITZGERALD. I was honored to sponsor the House companion bill, H.R. 3717, along with the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Illinois (Mr. JACKSON), the gentleman from Illinois (Mr. DAVIS), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. EMANUEL), and the gentleman from Illinois (Mr. KIRK) to honor the legacy of the distinguished Senator from Illinois, Paul Simon.

On December 9, 2003 we lost Senator Paul Simon, a great public servant and a true and trusted friend. Paul Simon was born in 1928 in Eugene, Oregon. He attended the University of Oregon and Dana College in Blair, Nebraska.

□ 1100

As a 19-year-old teenager, he became the Nation's youngest editor/publisher when he accepted a local Lion's Club challenge to save the Troy Tribune newspaper in Troy, Illinois. By 1966, Paul Simon had built a chain of 13 newspapers in southern and central Illinois, which he later sold to better be able to concentrate on public service and writing.

In 1954, Paul was elected to the Illinois House of Representatives, and in 1962, he was elected to the Illinois State Senate. During his State legislative career, he earned a reputation for political integrity and courage. While a member of the Illinois Legislature, he won the Independent Voters of Illinois "Best Legislator Award" every session. In 1968, Paul Simon was elected Lieutenant Governor of Illinois and was the first person in the State's history to hold that post with the Governor of another party.

In 1974, Paul Simon was elected to the U.S. House of Representatives and served in this body for 10 years. His legislative skills were put to use on issue areas including education, disability policy and foreign affairs. He played a crucial role in establishing the National Center for Missing and Exploited Children.

In 1984, he upset three-term incumbent U.S. Senator Chuck Percy to win election to the United States Senate. Most recently, Paul Simon taught political science and journalism at Southern Illinois University in Carbondale and headed up the Public Policy Institute which he founded.

Senator Simon was known for exceptional constituent service. His colleagues appreciated his personal warmth and sense of humor. He was an exceptional friend who guided and motivated most aspiring public servants with his dedication and work ethic. His even-handed, balanced approach to topics and controversial issues earned him friends on both sides of the aisle.

Paul Simon set a standard for honesty in public life. He was true to his values, his life and his work. It is truly fitting and proper we honor the outstanding public career of Senator Paul Simon with this designation.

Mr. Speaker, at Senator Simon's funeral, Senator Ted Kennedy said, "In another era, he would have been a Founding Father. He was that good. He'll never be forgotten."

Senator Simon was a good man that served our country with honor and dignity. It is fitting that we honor him by naming the Federal building in Carbondale, Illinois, after him.

Mr. Speaker, I support S. 2022 and urge my colleagues to join me in support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he might consume to another outstanding Member from the State of Illinois (Mr. LAHOOD), my friend and classmate.

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for the time.

I rise in support of the bill to name the Federal building in Carbondale in honor of Paul Simon, S. 2022.

On December 9, 2003, the citizens of Illinois lost one of the true giants in the storied history of politics in the State of Illinois. Paul Simon was a leader who transcended political and ideological labels. To be sure, he was a staunch liberal who fought for better housing, fair wages, a cleaner environment, and civil justice. At the same time, he also leaned conservative when it came to fiscal issues, but it was the way he carried out the job that made Paul a revered figure in a State that is accustomed to larger-than-life figures.

Paul Simon represented an approach to politics that is becoming more and more rare in today's world, an approach in which he not only respected the people he represented, but he respected the people who were his peers in the institution in which he served.

When I was first elected to the U.S. House, Paul was the senior Senator from Illinois, but he took the time to reach out to me so we could become better acquainted and work on issues of mutual concern to our State of Illinois. As a leading Member of the Senate, I am sure he had many better things to do than getting to know a first-term Member of the House. That is the way Paul did business. He knew that good relationships were important in politics and legislating, and I am a better Member of the House for Paul Simon's efforts to get to know me.

When Paul retired from the Senate following the 1996 election, he certainly could have landed some lucrative lobbying contracts, but he chose instead to continue influencing public policy through a different arena, one that could have a lasting impression on generations of future public servants; that is, teaching.

From his perch as director of the Public Policy Institute at Southern Illinois University, he continued to stay in the public eye, and he was able to carry on an advocacy for many of the issues he held so dear. He wrote prolifically and on many issues during his time at SIU. He continued to travel the world to talk about the issues for which he so passionately believed. I would imagine he was as busy in his role with the Institute as he was during his time in the United States Senate or in this body, and to this day I am sure Paul Simon's approval numbers in Illinois are higher than any politician in the State of Illinois.

Paul Simon is someone who should be used as a benchmark not only for future generations of leaders, but for today's politicians as well. Paul Simon taught us that you really can get ahead through civility, common courtesy and a respect for opposing viewpoints. That is a far cry from what many citizens today believe about their elected representatives. All of us could do this job a little better if we follow the footsteps of our friend Paul Simon.

I can think of no better tribute to Senator Simon than to name the Federal building in Carbondale, Illinois, in honor of Senator Paul Simon. I think it is a fitting tribute.

Mr. COSTELLO. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), my friend.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me the time, and I also commend him for his introduction of this legislation.

Mr. Speaker, in 1994, when Senator Paul Simon announced that he would not seek a third term in 1996, he said, "I have an obligation to the people of Illinois, to the Senate and to myself to leave the Senate while I am still eager to serve, not after I tire of serving."

Paul Simon never tired of serving. He was an asset to America. In 1948, when Paul Simon was just 19, he dropped out of college, borrowed $3,600 and bought a failing weekly newspaper in Troy, a town of 1,500 people across the Mississippi River from St. Louis. He became the Nation's youngest editor/publisher. Paul Simon would eventually own 14 newspapers, which he sold in 1966.

Paul Simon's political career began with his election to the Illinois State Legislature in 1954 and culminated with his election to the U.S. Senate in 1984. During his 14 years in the State legislature, he won the Independent Voters of Illinois Best Legislator Award every session.

Paul Simon began earning a reputation for political courage and integrity during his years in the Illinois Legislature. He was chief sponsor of the State's open meetings law and of legislation creating the Illinois Arts Council, and he played a leading role in chartering the State's community college system.

Prior to leaving the U.S. Senate, Paul Simon ranked as Illinois's senior Senator. In the 104th Congress, he served on the Budget, Labor and Human Resources, Judiciary, and Indian Affairs Committees. He also served on the Foreign Relations Committee.

Education and job training laws that he introduced and were enacted include the National Literacy Act, the School-to-Work Opportunities Act, the Job Training Partnership Act amendments, several provisions of the Goals 2000 Act, and the 1994 reauthorization of the Elementary and Secondary Education Act. He was the leading Senate champion of the new Direct College Loan Program, enacted in 1991 as a pilot program and expanded in 1993 as a replacement for the Guaranteed Student Loan Program.

Just weeks after retiring from the Senate in 1997, Paul Simon joined the faculty of Southern Illinois University. He taught classes in political science, history and journalism. He was founder and director of the Public Policy Institute at the Carbondale campus. When the Institute opened its doors in 1997, Paul Simon said the Institute promises to find new ways of solving old problems.

Mr. Speaker, the last communication that I had with Senator Simon came about 2 weeks before he passed, and in that letter he said he had seen an article in the Chicago Tribune where some of us had been working on the issue of prisoner re-entry, and he wrote to say, I commend you and those with you for that kind of work because we really need to make sure that those at the bottom of the barrel in our society are dealt appropriately with.

So, Senator Simon, I thank you for all that you meant to all of America.

I hold lots of town hall meetings, and there are people in Illinois who think that I copy those after Senator Simon. I can remember going to them when there were 5, 10 people sometimes present, long before I decided to run for public office, and I did try and model them after Senator Simon.

I support strongly this legislation, urge its passage. There could not be a more fitting tribute to a greater American and certainly a great hero of mine.

Mr. COSTELLO. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank my friend from the State of Illinois, the sponsor of this legislation, for yielding me this time.

Mr. Speaker, it is with mixed emotions that I stand before the House today. I say mixed emotions, because one of my emotions is that I am saddened by the passing of Paul Simon and that he is no longer with us. He has departed this life. But, Mr. Speaker, I am also very, very gleeful for the life that he did live.

Paul Simon, to all who knew him, was one of the finest, kindest, and brightest human beings to have graced the political scene in this Nation. The former Senator Paul Simon was the only person to have served in both the Illinois House and Senate and the U.S. House and Senate. During his tenure in Congress, Senator Simon was a champion of education and a key advocate for literacy and lifelong learning.

In the Senate, he was the author of the National Literacy Act, the School to Work Opportunities Act, the Job Training Partnership Act amendments, the 1994 reauthorization of the Elementary and Secondary Education Act, and the Direct Student Loan Program. In addition, Paul Simon held numerous influential committee assignments, including serving as the chairman of the Senate's Subcommittee on Africa.

Without question, Mr. Speaker, Paul Simon was one of the most effective Senators to have served the citizens of Illinois and the American people. In Illinois, we have produced some great Senators, with Senator Dirksen coming to mind and also Senator Douglas coming to mind. But Paul Simon certainly stands right in the midst of these two fine Senators that we have produced in Illinois.

Paul Simon's keen political sense and sharp wit was unparalleled and admired by everyone who came in contact with him. Mr. Speaker, it is only fitting today that we pay tribute to him by designating a Federal building in Carbondale, Illinois, as the Senator Paul Simon Federal Building. We can do nothing less, Mr. Speaker, than to designate this Federal building after Paul Simon.

I think that we will be serving his legacy well by making sure that this legislation passes and that that building, the Federal building in Carbondale, Illinois, be designated as the Senator Paul Simon Federal Building.

Mr. EMANUEL. Mr. Speaker, I am in strong support as a proud original cosponsor of S. 2022 naming the Senator Paul Simon Federal Building in Carbondale, Illinois.

This resolution honors the memory and lasting contributions of one of Illinois' favorite sons—a lifelong mentor, hero and friend of mine. I was honored to work on Paul Simon's election to the U.S. Senate, where he made the people of Illinois—and all of America—proud.

Despite winning elections in five different decades, serving his state and country in many different capacities, his character, integrity and intelligence are what endure and why Paul Simon remains one of the most popular figures in the State of Illinois.

Long before they were fashionable, Paul Simon championed civil rights, campaign finance reform, and making college more affordable. After his retirement from Congress, his commitment to public service continued. He spent his remaining days pursuing what he cared about most—education.

In everything he did, Senator Simon was guided by a deep desire to help those who most needed a voice. They always knew that Paul Simon was on their side.

For those of us in Illinois, we can still hear his voice with his trademark "How are you today?" His voice was one that reflected our values—regardless of party or ideology. He taught many of us that you can disagree without being disagreeable.

That the State's Attorney General, a member of Congress, and a state senator worked for Paul Simon reflects how his values and influence steered many others—regardless of party—toward careers in public service. His knowledge, insight and guidance remain cherished by those of us who have attempted to advance his values and ideals.

Mr. Speaker, I thank my colleagues for this opportunity to recognize a true hero for many of us in Illinois. We will always remember Paul Simon and honor his enduring contributions to our State and to this country. His memory will be a blessing to those who follow in his path.

Mr. EVANS. Mr. Speaker, today the House of Representatives will consider S. 2022, legislation to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois as the "Senator Paul Simon Federal Building." I would like to take this opportunity to voice my support for this bill and to commemorate the life and work of my friend and mentor.

A champion of working Illinoisans, Senator Paul Simon dedicated his life to public service. By the time he decided to run for the United States Senate in 1984, he had already spent 30 years serving the people of Illinois as a State Representative, State Senator, Lieutenant Governor, and a U.S. Representative. During his 12 years in the Senate he became known as a crusader for fiscal responsibility, affordable student loans, and against television violence, as well as for his trademark bowties.

To name a Federal building after Paul Simon is an apt tribute, as his honesty, integrity, and hard work are an example of government at its best. Even though he has passed on, all those who aspire to a career in government can forever look to Senator Paul Simon as a role model for how to serve one's fellow citizens honorably, ably, and with humility.

Mr. Speaker, the designation outlined in S. 2002 will serve as a permanent physical reminder of Senator Simon's work on behalf of the people of Illinois, and a source of comfort and pride for his family and all who knew him. I urge my colleagues to pass this important legislation today.

Mr. COSTELLO. Mr. Speaker, we have no additional speakers, and I yield back the balance of our time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 2022.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

JAMES V HANSEN FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3147) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V Hansen Federal Building," as amended.

The Clerk read as follows:

H.R. 3147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1, DESIGNATION.

The Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, shall be known and designated as the "James V Hansen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "James V Hansen Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3147 and S. 2022.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3147 has been introduced by our colleague the gentleman from Utah (Mr. CANNON), and it designates the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V Hansen Federal Building.

James Vear Hansen was born in Salt Lake City on August 14, 1932. After graduating from the public schools of Salt Lake City, he served in the U.S. Navy, and upon his discharge attended and graduated from the University of Utah.

Following his graduation, Mr. Hansen began a long and successful career, notable in his devotion to serving his community. I have already mentioned that he served honorably in the Navy, but he also served on the Farmington, Utah, City Council for 12 years and in the Utah State House of Representatives for 7. During his final year in that body, he served as speaker, and in 1980 was elected to this body. He served with distinction in the House of Representatives for 22 years.

While serving in the House, James Hansen served on a number of committees, including the Committee on Armed Services, the Committee on Resources, and the Committee on Standards of Official Conduct. He also served as chairman of the Committee on Standards of Official Conduct, as well as chairman of the Committee on Resources.

During his time in Congress, he devotedly served his constituents and the Nation by preserving key military facilities in his district. He fought for the responsible use of public lands and secured key investments in Utah's infrastructure in advance of the 2002 winter Olympic games, which were some of the most successful in the modern history of the games.

I am honored to support this legislation for a man worthy of such an honor, and I urge my colleagues to join me in supporting the bill.

Mr. Speaker, I ask unanimous consent that the balance of our time be yielded to the gentleman from Utah (Mr. CANNON), the author of this bill, and that he be permitted to yield time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3147 is a bill that designates the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V Hansen Federal Building.

Congressman Hansen began his public career in local government in Farmington, Utah, and later served four terms in the Utah House of Representatives. He was elected to the United States Congress from Utah's 1st Congressional District in 1980 and served 11 terms. He held a senior position on the Committee on Armed Services and served as chairman of the Committee on Resources where he was actively involved in developing sound energy policy. Congressman Hansen also was active in passing the first tort reform legislation in over 40 years.

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In addition, he authored and passed legislation that revised the Private Mortgage Insurance program to benefit American homeowners.

It is both fitting and proper to honor the distinguished career of Jim Hansen with this designation. Mr. Speaker, I support H.R. 3147 and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3147. It is my pleasure to sponsor a bill that would designate the Federal building located at 324 25th Street in Ogden, Utah, as the James V Hansen Federal Building.

Almost all Members of this body will fondly remember our colleague Jim Hansen. I had the privilege of working with Jim during the first 6 years of my service in Utah's Third Congressional District, and during that time I looked to Jim for advice, guidance and leadership on countless occasions, and he never let me down.

Jim Hansen will be remembered for many things during his 22 years in Congress. He was a champion for multiple use and access to public lands. He fought numerous battles to protect the rights and interests of rural Utahns, and he never tired of fighting to preserve Hill Air Force Base.

When Jim was the dean of the Utah delegation, he dedicated his career to protecting the interests of his constituents. Not only did he represent Utahns and their values in Congress, he has impressed his colleagues by living those values. During his tenure as chairman of the Committee on Resources, Jim went to great efforts to bring together both sides of the aisle on contentious and complex resource issues. It was truly my pleasure to serve with him during that time on that committee.

Jim Hansen never lost an election. I credit that to his ability to listen and understand the people he represented. Jim never forgot the concerns of his constituents. I have learned from his example, and I appreciate the service he has given on behalf of Utah.

Above and beyond all his personal accomplishments, the most important thing I can say about Jim Hansen is that he made a difference. He made a difference in our national policies. He showed us that by acting honorably and with mutual respect we can get things done here in Congress. Over the course of his 42 years of public service, Jim Hansen has shown what it means to be a true statesman and a man of the people.

Mr. Speaker, it is my pleasure to sponsor this bill, but more importantly it is my pleasure to call Jim Hansen my friend; and I urge my colleagues to support H.R. 3147.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, yesterday, I had the opportunity of sitting on a stand with Jim Hansen in Tuelo speaking at a political event. When I informed him that if he spoke well of me today in Utah I would speak well of him today here in Washington, he told me these type of events simply turn into a funeral for the living. So with apologies to Shakespeare, I wish to join that group and praise Jim Hansen, not bury him yet.

This designation for the State of Utah, I think, is extremely deserving because of the unique character that Jim Hansen has and what he has meant for the history of politics in Utah, and especially in the first district. No Utahn has served longer in the House of Representatives than Jim Hansen, with 11 terms. He is the only Utah Congressman that has ever actually served as chairman of a full committee, and you can count on one hand the number of subcommittee chairmen we have. My colleague, the gentleman from Utah (Mr. CANNON), and Jim Hansen are the only two who have ever served as subcommittee chairmen from my State.

In the State of Utah, since Congressman Hansen's retirement, he has had a highway in Davis County named for him, the Migratory Bird Refuge visitor's center in my hometown named for him, and now this Federal building. But I think it most fitting that the one element that has been named for Jim Hansen that he appreciates the most is the duck blind at the Bear River Bird Refuge which was especially built and dedicated in his name. Because he was always in touch with the common man, he understood that element and he had a great love for the outdoors. Even though the wilderness debate rages on in this country, it is still Jim Hansen who is the only one who has actually created a wilderness area in the State of Utah.

Born during post-World War II Salt Lake City into a family not awash in earthly wealth, he graduated from a high school class that also produced two U.S. Senators from Utah, a fact that should not denigrate the academic standards of that particular high school.

He then joined the Navy, served in the Korean conflict, and as a young man moved up to Farmington, Utah. As an insurance man, he decided to join the Farmington City Council to try to fix their water system, where he served for 12 years, then moved on to the State legislature for 8 years, and then Congress for 22 years.

During the first term Jim Hansen served in the Utah House of Representatives, I was an intern; and Jim Hansen actually happened to be the representative in my family's district. My first term in the Utah House of Representatives Jim Hansen was the Speaker, and he set the standard of excellence that I tried to emulate when I became Speaker several years later. When he retired from this position in Congress, I once again followed in his footsteps. I feel like he has cast a long shadow. He has big shoes to fill. Whatever cliche you want to use about Jim Hansen, the bottom line is he did a good job for his constituents, and he did a good job for the State of Utah.

He was known for his integrity, twice serving as chairman of the Committee on Standards and Official Conduct. He was known for his common sense and for his frugality. The building in Ogden, which will be named for him, is a place where he served for 22 years. I have followed him, so my office is in the same spot that his office was, and I and my staff are going to be proud that we are now serving in the Jim Hansen Federal Building in Ogden, Utah.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume to urge passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we had many people who wanted to come speak today, but I think the calendar has precluded them from coming. So I would like to urge my colleagues to vote "yes" on this bill that honors our colleague, who I want to assure everyone is in vital health and still alive, despite all of the honors he has received recently.

Mr. Speaker, Jim Hansen was a man of great good humor, great political insight, great integrity, and a man of principle. I am honored to sponsor this bill on his behalf.

Mr. FALEOMAVAEGA. Mr. Speaker, it is my great honor to rise to today in support of H.R. 3147, To Designate a Federal Building in Ogden, Utah as the "James V Hansen Federal Building".

Chairman Hansen and I served together in this House for 14 years. As Chairman of the House Resources Committee, Jim Hansen was instrumental in securing passage of several pieces of legislation crucial to the needs of my constituents in American Samoa.

Jim was a champion of good causes, an exemplary leader, and more importantly, my friend. At this time I urge all my colleagues to support this legislation which recognizes and honors Chairman Hansen's legacy of service.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3147, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4019) to address the participation of Taiwan in the World Health Organization, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is greater than that of ¾ of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including—

(A) attaining—

(i) 1 of the highest life expectancy levels in Asia; and

(ii) maternal and infant mortality rates comparable to those of western countries;

(B) eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(C) providing children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese Government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(12) On May 11, 2001, President Bush stated in a letter to Senator Murkowski that the United States "should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible", further stating that the administration "has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO".

(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced "America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observership status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it".

(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated $1,000,000 to the Global Fund to Fight AIDS, Tuberculosis, and Malaria in December 2002.

(15) In 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 84 deaths in Taiwan.

(16) Avian influenza, commonly known as bird flu, has reemerged in Asia, with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos.

(17) The SARS and avian influenza outbreaks illustrate that disease knows no

boundaries and emphasize the importance of allowing all people access to the WHO.

(18) As the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO.

(19) The Secretary of Health and Human Services acknowledged during the 2003 World Health Assembly meeting that "[t]he need for effective public health exists among all peoples".

(b) PLAN.—The Secretary of State is authorized to—

(1) initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly each year in Geneva, Switzerland;

(2) instruct the United States delegation to the World Health Assembly in Geneva to implement that plan; and

(3) introduce a resolution in support of observer status for Taiwan at the summit of the World Health Assembly.

(c) REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.—Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Secretary of State has made, following the last meeting of the World Health Assembly, to encourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Secretary of State will take to endorse and obtain observer status at the next annual meeting of the World Health Assembly in Geneva, Switzerland.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4019, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Ohio (Mr. BROWN), for his leadership in this effort to obtain observer status for Taiwan at the annual week-long summit held by the World Health Organization in May of each year. My colleague has spearheaded this campaign for many years, and I am pleased to join him once again.

I also want to thank Brett Gibson of the staff of the gentleman from Ohio (Mr. BROWN), who has done a great job working on this issue.

The people of Taiwan have a great deal to offer to the international community. It is terribly unfortunate that while Taiwan's achievements in the medical field are certainly substantial, and it has expressed the repeated willingness to assist both financially and technically in World Health Organization activities, it has not been allowed to do so because of the intransigence of the Communist Chinese Government.

It is a travesty that during times of crisis, such as the 1998 entovirus outbreak in Taiwan that killed 70 children and infected hundreds and hundreds more, the World Health Organization was unable to help. When an earthquake in 1999 claimed more than 2,000 lives, we learned in published reports that the Chinese Government, whose belligerent insistence that Taiwan be denied a role in international organizations, demanded that any aid for Taiwan provided by U.N. organizations and the Red Cross receive prior approval from the dictators in Beijing. And when the SARS outbreak killed so many in Taiwan last year, the PRC objected to WHO assistance for its neighbor.

Health and Human Services Secretary Tommy Thompson has stated that the people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it. We can show that support by adopting this legislation that would authorize the Secretary of State to endorse and obtain observer status for Taiwan at the annual summit of the World Health assembly and introduce a resolution in support of observer status.

This legislation also makes permanent the reporting requirement mandating an account of our government's efforts at the assembly and the steps the Secretary will take to endorse and obtain observer status at the next meeting of the assembly.

In the face of the AIDS pandemic, the threat of bioterrorism, and vicious infectious diseases like avian flu, the need for international cooperation in public health matters has never been more critical.

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But despite the danger of health threats stalking the world's population, 23 million residents of the island of Taiwan continue to be banned from participation in and cooperating with the work of the World Health Organization. Taiwan's exclusion from the World Health Organization is not simply a political question, it is a question of humanity. It is an injury to the lives and well-being of the Taiwanese people, and a lost opportunity to defeat disease, humanity's common enemy.

Mr. Speaker, this is an issue that demands we put aside narrow political considerations in the interest of human welfare. It demands the attention of the international community, and it demands the attention of the United States. Beyond these humanitarian considerations that would apply to people anywhere in the world if granted observer status at the World Health Organization, Taiwan would be uniquely positioned to help strengthen the infrastructure of the international public health system.

The damage from the potential exclusion from World Health Organization does not stop at the island's shoreline. Taiwan's continued forced isolation from the world health community stands to impact the health of all of the countries in East Asia and the greater international community. Diseases do not recognize political boundaries, a fact demonstrated during the 2003 outbreak of SARS, as I mentioned previously. Taiwan's highly trained medical personnel, outstanding medical facilities and respected scientific community would be a tremendous resource to global health professionals working to combat disease. Furthermore, despite its arbitrary exclusion from the World Health Organization and the annual World Health Assembly in Geneva, Taiwan has made generous financial contributions to international efforts to improve public health throughout the world, including a $1 million donation to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

In the context of such compelling arguments for Taiwan's participation in the global network of medical information and organizations represented by the World Health Organization, its continuing exclusion is illogical and dangerous. It is a reality that has been perpetuated through the threats and posturing of the People's Republic of China, a government whose outrageous behavior during last year's SARS epidemic clearly demonstrated an unwillingness to act responsibly in safeguarding the health of citizens on the mainland or Taiwan.

It is my hope and that of other cosponsors of this legislation that our government will take vigorous steps to immediately right this wrong. This legislation calls on the head of the American delegation at the World Health Organization to speak out forcefully on the floor of the World Health Assembly in support of the right of the people of Taiwan to meaningful participation in the international public health community.

The manager's amendment contains a modification on the bill as introduced. It extends beyond calendar year 2004 the authorization for the Secretary of State to seek observer status for Taiwan at the World Health Assembly and to report to Congress on the same.

I would conclude by thanking the gentleman from Ohio (Mr. BROWN) and his staff for leadership on this bill, and also the gentleman from Florida (Mr. WEXLER) and the gentleman from California (Mr. ROHRABACHER), who are cochairs of the Taiwan Caucus.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again join the gentleman from Ohio (Mr. CHABOT) in urging Congress to authorize the U.S. to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly, the meeting of the World Health Organization, set for next month, May of 2004, in Geneva.

I would like to thank the gentleman from California (Mr. ROHRABACHER), the gentleman from Florida (Mr. WEXLER) and especially the gentleman from Ohio (Mr. CHABOT) for their hard work and dedication to world public health. H.R. 4019 is another important step in fulfilling the commitment that we in this country made in the 1994 Taiwan policy review to more actively support Taiwan's membership in organizations such as the United Nations and the World Health Organization. We should continue to support Taiwan in international bodies. We should continue to advocate for Taiwan to be represented in the WHO.

There are more reasons today to support this bill than there were last year even. Those reasons are SARS and the avian flu outbreaks. How much more limited would the effect of SARS worldwide have been if Taiwan's government had been fully engaged in the work of the World Health Organization? How much more quickly would the disaster have been contained if China had not covered up the outbreak and Taiwan could have stepped forward?

Excluding the people of Taiwan from the WHO violates the basic premise of the WHO to enjoy the attainment of the highest standard of health "is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition."

Last year the outbreak of severe acute respiratory syndrome, SARS, caused 73 people in Taiwan to die. This year, avian influenza has reemerged in Asia, has been reported in China and Cambodia, Indonesia and Japan, Laos, Pakistan, South Korea, Taiwan, Thailand and Vietnam. SARS and the avian influenza continue to threaten Taiwan. The case has never been stronger for allowing the people of Taiwan access to the WHO. As globalization quickens, and as the spread of infectious disease accelerates, it is crucial that the people of Taiwan be given the opportunity to participate in international health organizations such as WHO.

This bill authorizes Secretary of State Powell to endorse and help obtain observer status for Taiwan at the week-long health summit of the WHA, and authorizes the State Department to introduce a resolution on the floor of the WHA in support of Taiwan's participation in the organization. The bill directs the State Department to submit a plan to Congress on how to accomplish this objective.

Taiwan has eradicated smallpox, cholera, polio, and achieved infant mortality rates on a par with Western, wealthy nations. These accomplishments warrant an invitation to participate in international policy health discussions, to sit at the table with scientists and physicians and other public health experts in all these countries.

With a population of 23 million people, Taiwan is larger than 75 percent of the countries which actually belong to the WHO. Taiwan is prepared to contribute meaningfully to the global health efforts discussed at the WHA, but without observer status, its delegates cannot even enter the room. This bill would prevent the international community from missing out on the insight and experience Taiwanese health officials can offer. This bill is good for the 23 million people in Taiwan, and it is also good for the rest of the world because of the expertise that Taiwanese health officials bring to the table.

I urge my colleagues to support access to the WHO for the 23 million people of democratic Taiwan and support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to recognize several of the staff who have been instrumental on bringing this forth today. On the majority side, I would like to recognize Sarah Tilleman and Dennis Halpin for their very hard work; and on the minority side, I would like to recognize and thank Paul Oostburg and Bob King for their service and the hard work they have put in to make this possible today.

Mr. LANTOS. Mr. Speaker, I am in strong support of this resolution.

Mr. Speaker, I would first like to commend my colleague from Ohio, SHERROD BROWN, for his persistence in pushing for Taiwan's observer status at the WHO. For many years he has successfully advocated for legislation to move this issue forward, and I want to congratulate him on his current efforts to do so.

I would also like to thank the Chairman of the Committee, my good friend from Illinois, for moving this legislation forward and to other members on his side of the aisle for their support.

Mr. Speaker, by battling the spread of infectious diseases and increasing the quality of health care to the global community, the World Health Organization makes a significant contribution to America's national security. As we meet today, the World Health Organization is attempting to prevent future outbreaks of the deadly SARS virus, implementing new strategies to stop the spread of the deadly HIV/AIDS virus, and teaching the developing world how to stop the transmission of tuberculosis.

Mr. Speaker, the fight for quality health care around the globe will never cease. As a result, the WHO and its member countries must look for help from every nation, and from every people, to strengthen the work of the organization. Unfortunately, strong and consistent opposition from the Chinese Government has repeatedly stopped the people of Taiwan from contributing to the work of the WHO.

I appreciate the willingness of President Bush to support Taiwan's bid for WHO observer status. But I fear that those who work for the President at the White House and the State Department are unwilling to make a concerted effort to make Taiwan's observer status a reality. While it is true that active, not simply passive, support for Taiwan's bid will upset Beijing, we must first focus on promoting America's own national interest.

It is true that observer status for Taiwan will not come easy. Beijing holds sway over many WHO members. But the facts in support of Taiwan's case are clear, and support will undoubtedly build over time with active American engagement.

Mr. Speaker, Taiwan is one of America's strongest allies in the Asia-Pacific region, and is a beacon of democracy for people around the world. Taiwan also has the money and expertise to make a significant contribution to the work of the World Health Organization. The case for Taiwan at the WHO is clear, and I hope that the Bush Administration will actively seize on this critically-important matter.

I urge my colleagues to support H.R. 4019.

Mr. MENENDEZ. Mr. Speaker, I am in strong support of Taiwan's entry into the World Health Organization (WHO). It is once again time for Congress to stand up for a democratic Taiwan.

Secretary Powell has noted before the International Relations Committee that there should be ways for Taiwan to enjoy full benefits of participation in international organizations without being a member. H.R. 4019 only calls for the Secretary of State to initiate a United States plan to endorse and obtain observer status at the WHO for Taiwan.

Time and time again in recent years, Congress has passed similar legislation to provide for Taiwan's participation in the WHO. Yet time and time again, Taiwan has been thwarted from joining this international organization because of objections from the People's Republic of China. This most recently occurred last May at the World Health Assembly in Geneva; even after Congress enacted legislation authorizing the U.S. Government to implement a plan for Taiwan to obtain observer status.

In recent years. Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO, but has been unable to render such assistance because Taiwan is not a member of the WHO. Last year's SARS outbreak in Asia should have made it perfectly clear how important it is to allow Taiwan to participate in the WHO. Taiwan offered to work with the WHO yet was denied; only later were two WHO experts dispatched to Taiwan.

Meanwhile, the WHO has allowed observers to participate in the activities of the organization, including the Palestinian Liberation Organization, the Knights of Malta, and the Vatican.

Along with many of my colleagues, I am extremely disappointed that Taiwan is not a full member of the U.N. and all international organizations that its democratically led government wishes to join. Although this resolution does not go anywhere near far enough to address this concern, it is a first step in addressing the problem that Taiwan faces.

Therefore, I urge every member of this House to support a democratic Taiwan by supporting this bill.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4019, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CHABOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1779) to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guardsmen and Reservists Financial Relief Act of 2003".

SEC. 2. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS CALLED TO ACTIVE DUTY FOR AT LEAST 179 DAYS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.—

"(i) IN GENERAL.—Any qualified reservist distribution.

"(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—Any individual who receives a qualified reservist distribution may, at any time during the 2-year period beginning on the day after the end of the active duty period, make one or more contributions to an individual retirement plan of such individual in an aggregate amount not to exceed the amount of such distribution. The dollar limitations otherwise applicable to contributions to individual retirement plans shall not apply to any contribution made pursuant to the preceding sentence. No deduction shall be allowed for any contribution pursuant to this clause.

"(iii) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified reservist distribution' means any distribution to an individual if—

"(I) such distribution is from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii),

"(II) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)), ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

"(III) such distribution is made during the period beginning on the date of such order or call and ending at the close of the active duty period.

"(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph applies to individuals ordered or called to active duty after September 11, 2001, and before September 12, 2005. In no event shall the 2-year period referred to in clause (ii) end before the date which is 2-years after the date of the enactment of this subparagraph."

(b) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(III) begins, and".

(2) Section 403(b)(11) of such Code is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for distributions to which section 72(t)(2)(G) applies."

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after the attacks of September 11, 2001, more than 85,000 reservists were recalled to Active Duty. America's brave men and women who serve the Reserves and National Guard willingly leave their jobs and families behind when called to Active Duty. Many of these service people receive a military salary that is much less than their civilian salary, and their families are the ones who suffer the difference in income during their absence. The house payments go on; the grocery bills continue to pile up. Of the nearly 200 reservists on Active Duty in Afghanistan, Iraq and around the world, one-third have taken a pay cut in order to serve their country.

This bill will provide financial assistance to those reservists and guardsmen by allowing them to withdraw money from their IRAs without being penalized. By being able to use their savings when needed, they may avert some of the hardships that result from decreases in salary. This would allow servicemembers that extra bit of stretch in the family budget so they can avoid the financial squeeze that could challenge their ability to keep a business going, make rent payments and afford groceries. All of us know every bit helps, and when we think of the tremendous sacrifice these men and women are making to serve their country to keep us safe, this bill certainly deserves and is receiving great bipartisan support from both sides of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, but I do so with a very, very heavy heart because what my dear friend, the gentleman from Florida (Mr. SHAW), has pointed out is the inequities that exist in this war and the lack of sacrifice being shared by so many Americans.

It is for that reason why I think that we have to take a look at the draft. We have to make certain that when we talk about bringing them on and we are not going to cut and run, that we are not just talking about people like these reservists that we are trying to help today, people who the gentleman from Florida (Mr. SHAW) pointed out cannot make their rent payment, families who are actually receiving charitable allocations of food.

I saw a family left behind as their husband and father was in Iraq standing in line receiving food and clothing because they cannot afford it because of the reduction in salary that the reservists suffer as a result of performing their heroic duty. They suffer loss of income, many of them do not get their decent jobs back, their families have lost health benefits, and what are we suggesting we do today? What are we suggesting that we do today? We are suggesting that these low-income people that are being placed in harm's way, that when they dip into their individual retirement funds, when they are forced to jeopardize their retirement because of their service to their country, that we do not compensate them for this dramatic economic loss, we do not say, hey, we know how many private citizens are going there getting 10 times your salary, we know what their health benefits are, we know what their death benefits are, we know what their compensation really is, we are not saying that we are going to adjust that. No, what we are saying is if they are forced to go into their family's retirement fund, they can dip into it as deep as they want, jeopardize the future fiscal support of their family, and we will not make them pay a penalty.

Well, I hope Members vote aye. I hope this passes by voice vote so we will not have to explain this big patriotic thing that we have done for our fighting reservists and National Guardsmen.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I well understand the passion in the voice of the gentleman from New York (Mr. RANGEL). He served with great distinction in Korea, and he knows what those sacrifices are like.

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But he is a cosponsor of this bill. Sometimes it is hard to get a bipartisan minute in this Chamber; however, I think that when we do have to ask for a vote, that we will be getting a great bipartisan vote.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ), the author of this bill.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for his efforts to bring this to the floor, and I thank the gentleman from New York (Mr. RANGEL) as well for being a cosponsor of this legislation.

There is certainly much to do. I recognize and respect that. It crossed my mind, though, that this is perhaps one step in the direction of the great bit that we have to do, and it is something we can do and do quickly to provide some relief to the many families that have been going through sacrifice, financial and certainly otherwise, at this difficult time.

The Guard and Reserve have a noble tradition. Some of our greatest American heroes have served in the Guard. George Washington, Abraham Lincoln, Paul Revere, and certainly Teddy Roosevelt were all members of the National Guard. In fact, Roosevelt's Rough Riders were a Guard unit.

Since September 11 alone, some 366,000 plus Guard and reservists have been mobilized, just since September 11, 2001. Currently on Active Duty there are about 167,000 Guard and reservists on Active Duty. I believe it was the gentleman from Florida (Mr. SHAW), perhaps it was the gentleman from New York (Mr. RANGEL), who cited an estimated one-third that took a pay cut, and it may be more than that, to make this huge sacrifice and, of course, put themselves in harm's way. It would seem one of the most disingenuous, ungrateful things that this Nation could do, and in order to maintain their life-style back home, their obligations back home, that their families then be penalized for tapping into a retirement account. Recognizing again that there is much that could and, in fact, probably should be done relative to the expanded mission that we have now found ourselves in for our Guard and Reserves since September 11, 2001, this being but one step and the step that I hope this House and this body takes today in trying to provide some financial relief to those families.

This legislation is retroactive to any Guard or reservist that has been called up since September 11, 2001. It does sunset in 2005, but certainly is action that I hope, once we see the wisdom of, perhaps we can extend that into the future. Again, a step to take, not the final step, not the only step, but a logical step in providing some financial relief to those who have taken on such a heavy burden in serving this country in a time of need.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Let us move forward and take this small first step, but let us listen to other steps that we can take to really show the depth of our appreciation of the sacrifice that our men and women in the National Guard and the Reserves are making.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

The bill before us is not the least we can do. It is well beneath the least we should do. It is saying that if, when they are serving their country on extended deployment in the National Guard, they need to go into their retirement accounts to avoid family bankruptcy, that we are not going to charge them the penalty fee for early withdrawal of their retirement money.

I am going to support this legislation because grim reality is many of our soldiers and their families are in precisely this fiscal predicament. But the leadership on the that majority side that allowed this bill to come up on the suspension calendar had so many other options, I wish it had done something more meaningful. One of the options is legislation I have introduced, the Guard and Reserve Fairness Act, H.R. 3317, and let me contrast the rather pitiful step we are taking with this legislation to what is in this bill.

This bill, the Guard and Reserve Fairness Act, would allow those employers that continue to top off the pay of their employee who is on Guard deployment, it would allow them a tax credit for the dollars they advance holding the salary of their soldier level. This is a step we have to take to encourage employers to make the extra step so that their soldiers, their departed employees now on deployment, do not take the financial hit.

On Sunday night I greeted a planeload of returning guardsmen from about 15 months of very hazardous duty in Iraq as they arrived home in Bismark, North Dakota. It was quite a scene; tears of joy as families were reunited after all they had been through. But to think that we are putting them through, on top of everything else, great financial hardship because the pay in the military is below what so many of them are making in the private sector, it is just unacceptable.

So let us advance the step of doing much more than this so that we can avoid the financial hardship to our soldiers.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of this legislation before us today to allow the reservists and National Guard members to make needed withdrawals from the retirement accounts without the usual tax penalties. This will allow these families to adjust to the financial strain that extended deployment inflicts on soldiers and their families. But hopefully this is only the first step. This is a very small piece.

I would like to take this moment to announce the introduction by the gentleman from New York (Mr. RANGEL) and me of another simple piece of legislation to help our deployed soldiers. Under current law the refundable child tax credit provides a refund of 10 percent of taxable earnings over $10,000, but they have to be taxable earnings. We do not tax combat pay for deployed soldiers, unintentionally raising taxes for many families of soldiers deployed in Iraq or Afghanistan. Because of the quirk in the Tax Code, a soldier earning combat pay who is making under $39,000 a year with two children would actually be better off if their combat pay were taxed. This legislation we are introducing would fix this glitch and treat combat pay as taxable income only for the purpose of computing the family tax credit.

I urge my colleagues to support this bill before us today and to cosponsor the Rangel-Hooley bill to correct the inequities with combat pay and the child tax credit. All Members can sign up.

Mr. SHAW. Mr. Speaker, I yield myself 1 minute.

Very briefly, I think the gentlewoman brings up a good point, and I would point out to the Congress that this is a matter that is subject to conference right now on a bill that is in conference, and I certainly think this is an oversight. It was not thought of when the child care credit was initiated, and I have been told that it would be germane and would be subject to conference, and perhaps it would get good bipartisan support.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I would ask the gentleman from Florida might he extend that bipartisan to join with me in asking that the conference meets. Without a meeting there is no agreement.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I think, as the gentleman knows, this is the Senate's call at this particular point.

Mr. RANGEL. Mr. Speaker, when the Senate does call, I hope that the minority be notified where the conference is being held, that we would be allowed to participate.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I support this legislation. I assume everybody else will. But let us recognize it as a baby step when we should be taking a much larger one, I would say a giant step.

I do not think any of us know enough about what is happening in the lives of the families of those who are serving, in many cases serving longer than they ever expected, and the hardship that is happening financially as well as otherwise to these families.

So we should be doing more than this. Indeed, we should have had a Committee on Ways and Means discussion of this, this bill did not come before us, to look at the panoply of legislation that we could be considering and enacting. One has been mentioned relating to the child credit. Another relates to the withdrawals from the IRAs. The penalty is now being taken care of. But how about when there is a recontribution to make up for what had to be withdrawn because people are serving, they are doing their duty, they are receiving much less pay, the families are living on much less? This was not expected. It was not something they could readily plan for.

So today we ought to be looking at this legislation as something that should be passed, but as something that should just be the opener in a full discussion in this House, in our committee, about the consequences that are being imposed really upon the families who are really in many cases in some economic distress. So let us just make this the beginning and not the end.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LANTOS), the senior Democrat on the Committee on International Relations, and one of the most eloquent voices that we have in this body.

Mr. LANTOS. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, the legislation we are considering today is the absolute height of hypocrisy. H.R. 1779, the so-called Guardsmen and Reservists Financial Relief Act, is a sham, and it is an outrage. We are calling up members of our National Guard and Reserves, pulling them out of their regular employment, taking them away from their homes and families and communities, and asking them to risk their lives in the fight against terrorism in places like Iraq and Afghanistan. And what does the Republican leadership of this House propose to do in order to help them face the financial strain this call-up imposes on them and their families as they risk their lives for our Nation? This legislation provides the tiniest of tiny benefits. The bill allows the waiver of the early withdrawal fees as reservists and National Guardsmen and women use their own retirement savings, their own IRAs, in order to meet their urgent financial needs caused by their activation to serve our Nation.

This bill still requires that these brave men and women pay taxes on the money they withdraw. This means that a reservist in the 25 percent tax bracket would have to withdraw $10,000 from his own IRA in order to meet expenses of $7,500.

Instead of considering serious and substantive Democratic proposals to help those who risk their lives for all Americans, the leadership of this House continues to adopt grandly titled legislation which does little or nothing. At the same time, the Republican leadership continues to press for the top White House domestic priority, another tax cut for the wealthiest Americans.

Where is the shared sacrifice? Where is the effort to balance what all Americans are being asked to sacrifice as we fight the war on terrorism? Tax cuts for the wealthiest Americans, minute waivers of fees on early withdrawals for soldiers fighting and dying in Iraq and Afghanistan.

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I cannot understand how the leadership of this House can shamelessly bring this tepid legislation to the floor and claim it benefits members of the Reserves and National Guard.

Months ago, Madam Speaker, I introduced H.R. 1345, bipartisan legislation supported by 80 Members of this body, that would provide real relief to the more than 40 percent of the National Guard and Reserves who suffer serious financial hardship when they are activated to serve our Nation. There are currently 170,000 Reservists and National Guardsmen activated to fight the war on terrorism, which means that 70,000 of them are attempting to get by on drastically reduced salaries.

Madam Speaker, the time has come to provide real assistance to these families. I challenge the Republican majority in this House to take meaningful action that will truly benefit the soldiers in our Reserve and National Guard units. It is time to stop playing with sham legislation like this bill that we are considering today.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Madam Speaker, I thank my colleague from New York for yielding me time.

Madam Speaker, today there are 171,917 National Guardsmen and Reservists on active duty. They are facing increasingly difficult circumstances with the most recent extension of the deployment of troops in Iraq. As a consequence of their service, many of our National Guardsmen and Reservists have been forced to resort to their savings, savings that are vital to the economic well-being of their families.

Many of our Guardsmen and Reservists have been forced to liquidated IRAs and other retirement accounts in order to pay their families' day-to-day expenses.

I am pleased that the bill we have before us today provides these servicemembers relief from the 10 percent penalty normally imposed on individuals making early withdrawals from those accounts. This relief is important, and I am pleased to support it as a first step.

Curiously, the bill does not take the next logical step, the next important step. While H.R. 1779 would permit the individual to recontribute the money to the retirement plan, the bill eliminates any tax benefit for the recontribution. As a result, individuals making those recontributions could ultimately face double taxation. They paid regular income tax on the initial distribution; they would have to pay regular income tax on the final distribution.

Madam Speaker, I am pleased today to support H.R. 1779, but only as a first step. These folks are risking their lives. Let us not force them to risk the financial security of their family.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD), a member of the Committee on Veterans' Affairs.

Mr. MICHAUD. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, yesterday I learned that one member of the 133rd Engineering Battalion from my State of Maine was killed and four were seriously wounded when serving their country in Iraq. My thoughts and prayers are with these soldiers and their families.

Unfortunately, sacrifices like these make it very clear that the Guard and Reserve face the same grave dangers as other military personnel. They are an essential part of our total fighting force, and they deserve the best our country can give.

I believe this bill before us today is a good first step in the right direction, but there is still so much more we should be doing for our soldiers and their families. Instead of simply allowing them to pull out their retirement money early to help pay the bills, we should provide better pay and assistance for their families. Indeed, they face the same problems when they return home as other workers. Anyone who has been unemployed for an extended period should have the same ability to use their retirement funds to make ends meet. Even more important, Reservists must return home to a country that can provide good jobs for them so they can care for their families. That is the best way to honor our veterans.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND), a member of the Committee on Veterans' Affairs.

Mr. STRICKLAND. Madam Speaker, the leadership of this House should be ashamed to bring this bill to the floor. We are going to vote for it, obviously, because it is better than nothing, but it is nearly nothing.

The President said in his last press conference that he would tell the troops, whatever you need, we will provide. Well, it took the President and the Pentagon one full year, from March, when the war started, until March of this year, to ensure that all of our Guardsmen and all of our Reservists had body armor to keep them safe, and now we have Guardsmen and Reservists driving around in Iraq in Humvees that are not armored. They are getting their limbs blown off, and they are losing their lives by driving over these roadside bombs in unarmored Humvees.

The only company that has a sole-source contract to provide these armored Humvees for our military is in the State of Ohio. The vice president of that company came to my office and said, Congressman, we can produce up to 500 of these armored Humvees per month, but the Pentagon is only asking for 220.

We are doing something for our Reservists and our National Guard persons, but what we ought to be doing is providing them with life-saving equipment, and the President and the Pentagon and this Congress is failing to do that today.

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have to rise at this particular point. This is a bill that gives a single benefit to our wonderful men and women serving us in combat. This is not the end of the legislation. This is not the only bill. This is not enough to do for these service men and women. Nobody up here is claiming that.

This has nothing to do with body armor, it has nothing to do with Humvees, it has nothing to do with equipment. Those are things that are being addressed in another committee, and should be addressed. I cannot disagree with what is being said, but this is not the forum in which to make these types of allegations.

This is a very good step forward, and this is supposed to be one of the unusual bipartisan moments we would have in this body. I really am very disappointed that we are getting so much negative debate on something that is, hey, not enough, but we are going to move it forward.

Madam Speaker, it is my privilege to yield such time as he may consume to the gentleman from South Carolina (Mr. BARRETT), the coauthor of this legislation.

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to support H.R. 1779, the Guardsmen and Reservists Financial Relief Act of 2003.

We live in a different world than we did 3 years ago. We now know our borders are not secure, the oceans no longer protect us from the rest of the world. Enemies in the past needed great armies, great industrial capacities and so many other things to endanger America. Now terrorists are organized to penetrate open societies and turn the power of modern technologies against us.

To defeat this, we must and will use every tool available to us: better homeland defense, law enforcement, intelligence and vigorous efforts to cut off terrorist financing and military power.

There is no doubt that our National Guardsmen and Reservists have been an integral part of our military power since September 11. The members and their families have sacrificed so much over the past 2 years. That is why I am proud to have worked very closely with the gentleman from Colorado (Mr. BEAUPREZ) to come up with a way to ease the financial burdens placed on our Guardsmen and Reservists families while they serve their country.

H.R. 1779 will allow military Reservists and National Guardsmen to make penalty-free withdrawals, listen to me now, penalty-free withdrawals, from their IRAs if they have been called for an extended duty time of more than 179 days. Reservists and Guardsmen will then be able to repay these withdrawals, penalty free, penalty free, within 2 years after the end of their duty.

It is my hope that this legislation will give some relief to the families who sacrifice day to day. You have seen them, and I have seen them. They are in everybody's district.

We want to help them to ensure our national security so we can defend our freedom. H.R. 1779 is just one way our Nation can thank them for what they do, each and every one of them every day. My thoughts and prayers remain with those who stand in harm's way, and may God bless each and every one of them.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me take this opportunity to disagree in the most friendly way with the gentleman from Florida. This is the time for us to show our support for our Reservists and National Guard. This is the time for us to give you on the other side of the aisle an opportunity to show what package you would want to present so that we in a bipartisan way can present this.

It is no profile in courage for us to say you are now able to borrow money from your pension funds and have it penalty-free, penalty-free, penalty-free. Eighty-eight of the 704 people killed in action are Reservists and National Guard. Their families know that we have about 25,000 civilians over there that really get better benefits than they are getting.

So we are only using this as a vehicle to offer you the opportunity to join in a bipartisan way with a package that should sweep the patriotism of this House and to really say we are not remembering you in our prayers, but we are remembering you in the pocketbook where these people are suffering.

Madam Speaker, I yield one minute to the distinguished gentleman from California (Mr. GEORGE MILLER)

Mr. GEORGE MILLER of California. Madam Speaker, we are going to support this legislation, but let us understand something: this legislation is a monumental insult to our Guardspeople and our soldiers.

What we are telling them is we invaded Iraq, and now they have to invade their savings, that they have to invade their retirement plans and their savings to subsidize this war effort. Because their families are under serious economic stress to keep from losing their home or losing their car or defaulting on a loan, they must now invade their savings, contrary to every bit of piece of advice that they get from Merrill Lynch, from Goldman Sachs and everybody else about how you build a retirement account, that you do not invade it.

Many of these people do not have incomes that will allow them to restore the savings that they take out of here. So they are getting penalized. They are getting penalized by destroying their long-term retirement future to subsidize this war because we could not come up with a plan, this administration, to get them out of Iraq on time or to give them notice about how long they were going to spend there so their families could make adjustments.

What these sailors and soldiers and Marines need is they need some additional pay. They need interest-free loans. They do not need to invade their savings to subsidize this war. It is an outrageous thing that we would do this to these individuals, because so many of them are not going to be able to pay this money back.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means

Mr. TANNER. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I spent 26 years in the National Guard. I know what some of these people in the Guard and Reserve are going through. It is of little use, I think, for us to claim that we are giving a benefit to people when all we are saying to them is you can spend your own retirement money without penalty.

That is a really pathetic gesture to people who are the only people in the country, active duty, Guard and Reservists and their families, the only people in this country who have been asked to sacrifice anything, anything whatsoever. The rest of us, people my age, I am now retired from the National Guard, are told, you take a tax cut.

We send thousands of young people to Iraq and all over the world. "We will make any sacrifice." No, we are not making any sacrifice. They are. We are told to go shop and take a tax cut to help the economy. They are the ones that are making the sacrifice, and it is a shame that this is all we can do.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from New York (Mr. RANGEL) has 1 minute remaining, and the gentleman from Florida (Mr. SHAW) has 11 minutes remaining.

Mr. RANGEL. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, because I am concerned about the feelings of the gentleman from Florida, and not believing that we can move forward on this in a bipartisan way, I am going to make an offer that I do not believe that he can refuse, and that is we have agreed that this would be a very small step in doing what we as Americans, we as Members of Congress would want to do.

□ 1215

We Democrats have a lot of ideas. We have a committee that is working on how we can best support our troops, National Guard, reservists and active. If his office would work with my office with the ideas that they have, maybe we can come together with a meaningful, a real meaningful, support bill to show how much we appreciate the extraordinary commitment that these men and women are making.

And so perhaps once a week I will come to the floor and call upon my friend, the gentleman from Florida, cannot we collectively do something so that we are not criticizing the minimum we do, but we be supporting the maximum that fiscally we can.

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will say to my good friend the gentleman from New York (Mr. RANGEL) that any time he wants to meet with me, I would be delighted to meet with him. Unfortunately, most of the problems that we have been hearing are in the Committee on Armed Services where, I might say, that that committee has a lot of good bipartisan effort within that committee. But I would be delighted to share any ideas that I might have or that the gentleman from New York (Mr. RANGEL) might have including one that was spoken of earlier by the gentleman from California, and that is interest-free loans.

Madam Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I rise today in strong support of the Guardsman and Reservists Financial Relief Act of 2003.

First let me commend all of our fine troops at home and abroad for their efforts in the war on terrorism. I want them to know that America supports their unyielding commitment in protecting our country from the constant threat of terror. The terrorists will never let up in their pursuit to create devastation and chaos all at the cost of innocent civilians, and their lives, of course. And we cannot afford to lose this war, and we must remain steadfast.

Madam Speaker, there is no doubt that through this difficult and dangerous struggle, our National Guardsmen and military reservists have continued to serve our Nation with honor and distinction. The President and this Nation have called upon these brave men and women to help win this war, and they have answered.

Guard and reservists oftentimes leave behind not only their friends and family, but their private sector jobs. In doing so they may face a drastic cut in pay, placing their families in financial hardship.

While our reservists are fighting to protect the American way of life, facing daily threats from radical insurgents and terrorists abroad, here in Congress we must stand up and fight for those heroes here at home.

Madam Speaker, this is why I am a strong advocate for this legislation. H.R. 1779 will help the families of these reservists and guardsmen pay their bills while they continue to serve this country. I ask Congress to do the right thing today, pass this important bill for the brave men and women who sacrificed so much for our safety and security so that we can win this war.

Mr. SHAW. Madam Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, there is nothing wrong with this bill as far as it goes. What we are trying to argue here is we need to go further, particularly at this point in time. The gentleman mentioned the Committee on Armed Services. When we had the last supplemental appropriation on the floor, $87 billion, I offered a package of benefits that went to family assistance, family separation pay, imminent danger pay, Tricare for reservists, a number of different things that we could and probably will have to do because of recruitment and retention problems that we will face down the road, but should do out of gratitude for our troops and particularly our Reserve and Guard components.

So I hope we can get the cooperation of both sides of the aisle in crafting a package for the upcoming mark of the defense authorization bill which will address many areas here where things can be done positively that go far beyond this bill.

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I say to the gentleman from South Carolina (Mr. SPRATT) that I agree with him more than I disagree with him. I think he puts a nice positive spin on the closing side on the minority side. Yes, we are not doing enough, but I think now every 2 years we go through this.

This bill which this body is going to overwhelmingly support, and I am going to ask for a recorded vote, it has been called the height of hypocrisy, it has been called a sham, an insult. One of the speakers said it was pathetic.

Let me come back to Earth here and go through exactly what this bill does do. I think this is very important. Generally distributions from IRAs or pension plans are subject to 10 percent early withdrawal penalty if made before the age of 59½. And there are some exceptions right now that are in the law, such as distributions made for catastrophic medical expenses or first-time home purchases. I think there is also an exemption on educational funds.

What this bill simply does, and I compliment the authors of this bill, it would waive the 10 percent early withdrawal penalty for military reservists and National Guardsmen who are called into Active Duty for more than 179 days. Amounts withdrawn could be repaid on an after-tax basis to an IRA within 2 years after leaving Active Duty status. The bill would apply to individuals called into duty after September 11, 2001, and before September 12, 2005.

The Joint Committee on Taxation estimates that this bill would reduce revenue to the Federal Government by approximately $4 million over 10 years. That is not, in the total scheme of things in this Federal Government, that is not a lot of money. The gentleman from South Carolina (Mr. SPRATT) knows this well. He is the ranking member on the Committee on the Budget and an expert on the minority side in this area.

It is the least we can do. Is it enough? No. Are we requiring people to take the money out of their IRAs? No. We are simply laying down another tool by which these families can help themselves. There are already many things that are in the law that protect our men and women who are called upon to serve. But are there enough things? Shall we continue to look for additional things? Of course we should. We owe them so very much. We can never repay the risks that they are taking, the sacrifices that they and their families are making.

GENERAL LEAVE

Mr. SHAW. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of this bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STARK. Madam Speaker, I am in support of the Guardsman and Reservists Financial Relief Act.

The courageous Americans serving in harms way should not be forced to suffer for their services through unnecessary financial hardship. This legislation would allow members of the National Guard and Reserves deployed in extended duty in Iraq and elsewhere the opportunity to borrow against their 301(k) plans and retirement savings to make ends meet.

This bill may give reservists more flexibility to meet financial pressures. But President Bush and Republicans in Congress can—and must—do more for our troops who are making sacrifices on our behalf. They deserve better pay and better health care and benefits for their families.

Several thousands reservists who were on the verge of coming home from Iraq recently had their stay extended. By next month, the Pentagon expects reservists to make up 40 percent of the total force employed there. In fact, more than 325,000 Guardsmen and reservists have been activated since September 11, many taking a pay cut when called to active duty.

With the bill before us today, reservists aren't getting additional pay to help support themselves and their families. They're just being allowed to borrow against their retirement without a penalty—as if having to pay back their lost retirement savings later because of lost wages isn't penalty enough.

It is important to remember that most people who've joined the Guard and the Reserves never signed up expecting to be deployed on extended tours of duty. Yet, they have accepted that responsibility and served courageously in Iraq. But, let us not forget our reservists are still bearing the consequences.

Many families of Guard and Reserve troops have had to cope with lost income since their civilian salaries are suspended while they are on active duty. The military pay for most reservists is often far lower than their civilian job forcing many families to work overtime, use their savings or even go on welfare.

Rather than putting it on reservists to make up for this lost pay, Congress ought to pass the Equity for Reservists Pay Act, legislation I support to require federal agencies to pay employees the difference between their civilian and military wages while they are on active duty. Congress ought also extend military pay raises. We ought to extend the child tax credit to low-income families of those serving in Iraq or Afghanistan.

Although I support this legislation, Republicans have sadly missed the mark today. This just doesn't repay our troops for their service. But, I'm not surprised considering that President Bush wants to cut imminent danger pay and separation allowances, putting our troops further in the hole.

I urge my colleagues to pass this legislation today. But this should not be the last step this Congress takes to help those brave Americans who continue to sacrifice for our nation.

Mr. SPRATT. Madam Speaker, H.R. 1779 amends the Internal Revenue Code of 1986 to allow penalty-free retirement account withdrawals for national guardsmen and reservists called to active duty for an extended, and further authorizes a 2-year period to reimburse their accounts up to the amount withdrawn. I think you would be hard pressed to find a Member of Congress who opposes this low cost bill to benefit our troops. My only question is: Shouldn't we do more? The answer is clearly yes. I agree in spirit with this bill, but when I compare it with what the troops truly deserve, I'm reminded of the commercial, "Where's the beef?" come up short. The mere fact that we are considering legislation that allows guardsmen and reservists to withdraw funds from their retirement accounts indicates the problem. A solution for this problem must include more "beef" than simply allowing our service members to borrow from their long term savings to meet their short term obligations. A true solution lies in the form of better benefits.

Our troops, both active and reserve need and deserve better family separation and imminent danger pay. Reservists serving in Afghanistan and Iraq need TRICARE military health coverage. Retirees deserve better survivor benefits for military widows and our military families deserve better housing.

Recent events in Afghanistan and Iraq highlight the perils of war. In the FY03 Emergency Supplemental Appropriations bill, imminent danger pay, additional compensation provided to servicemen and women in combat zones, was raised to $225 from $150 a month. The family separation allowance, which goes to help military families pay rent, child care or other expenses while service members are away, was raised from $100 to $250 a month. Congress should act now to make these increases permanent. This will show our troops that we are aware of the hardships they face not only in the field, but also at home.

The Supplemental Appropriations bill also provided limited and temporary TRICARE benefits for Reservists. It stopped short of providing expanded health care benefits to members of the selected reserve and certain members of the Individual Ready Reserve and their families.

Representative JEFF MILLER's bill to end the survivor Benefit Plan (SBP) widow's tax has 303 co-sponsors, but may never make it to the floor for a vote. Congress should act on this important legislation.

We have thousands of service members and their families living in substandard housing. The Military Housing Privatization Initiative (MHPI) was passed to remedy this injustice. A spending cap was set as a safeguard. We anticipate reaching the spending cap by November 2004, and the problem has not been solved. We must raise or eliminate this cap in order to continue this necessary program.

Instead of rewarding our troops and retirees with tangible benefits, the legislation we are debating today simply permits select Reserve Component members to borrow their own money in the short term at the expense of their long term goal of a comfortable retirement. While H.R. 1779 allows a two year period to replace the withdrawn funds, I am doubtful that a financial strain that would require tapping one's retirement savings would permit complete reimbursement within 2 years. We can do better for the men and women of the world's greatest military. Rather than simply removing the 10 percent penalty for early retirement account withdrawal, I urge my colleagues to support a permanent increase in imminent danger pay and the family separation allowance, provide adequate funding to include reservists in TRICARE, eliminate the SBP widow's tax, and raise or eliminate the MHPI spending cap.

H.R. 1779 is a low cost morale booster for our troops in the field, and I urge its passage today. However, the mere fact that we are considering this measure highlights a bigger and more lasting problem for our troops. Mr. Speaker, I will vote yes on this bill, but I urge my colleagues, especially the Republican Majority to follow up H.R. 1779 with the more meaningful and substantive legislation I have outlined, which is specifically spelled out in the "Military Benefits Proposal," which I am attaching and submitting for the RECORD. This list contains benefits I proposed when the $87 billion Supplemental Appropriation was offered last year. Unfortunately, the Rules Committee did not make my proposal in order as an amendment. I intend to offer many of these benefits again when the Defense Authorization Bill is marked up in Committee and considered here on the floor.

MILITARY BENEFITS PROPOSALS

Hostile Fire/Imminent Danger Pay: Makes increase from $225 per month to $250 per month permanent.

Family Separation Allowance: Makes increase to $250 per month permanent.

Hardship Duty Pay: Increases from $300 per month to up to $600 per month during FY2004.

Eliminate Out-of-Pocket Housing Costs: Accelerates from 2005 to 2004 the final year of the bipartisan effort to increase the Basic Allowance for Housing to completely cover average out-of-pocket housing costs for military families living off base.

Family Assistance Centers: Provides $48 million for increased demand on family assistance centers for National Guard and Reserve to assist with problems related to increased deployments.

Transition Assistance for Disabled Servicemembers: Provides $50 million to enhance DOD–VA transition programs for disabled servicemembers.

Deployment Notification to Reservists: Directs DOD to provide maximum advance notice to mobilized Guard and Reserve personnel on the timing and duration of their duty.

Small Business Loans for Reservists: Provides $25 million for loans or loan guarantees for reservists whose small businesses have been disrupted by their mobilization.

Vocation Development for Reservists: Provides $25 million for SBA grants for vocational or technical training for reserve-owned small businesses.

Mr. KIND. Madam Speaker, I rise in support of this legislation, H.R. 1779, the Guardsmen and Reservists Financial Relief Act, which will allow members of the National Guard and military Reserve forces to make penalty free withdrawals from retirement accounts if they are called to active duty for an extended period of time.

Our National Guard and reserve forces are playing a leading role in our operations abroad. Nationwide, over 325,000 members of the Guard and reserve have been called up to active duty since September 11, 2001. Serving in Iraq and elsewhere, these service members have fought side-by-side with their Active Duty counterparts in often difficult and dangerous conditions.

Over the past year, I have had the opportunity to meet with many National Guard and Reserve members and families from Wisconsin who have been called up in support of operations Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq. Members of the 229th Engineer Company out of Prairie du Chien and Platteville, the 829th Engineer Detachment out of Richland Center, and the 652d Engineer Company out of Ellsworth all recently returned from yearlong deployments in Iraq. Their sacrifices, and those of their families, are greatly appreciated by Wisconsin residents.

With many Guard and Reserve members taking large pay cuts when called to active duty, it is proper that Congress act to relieve this additional burden. The legislation before us today helps by allowing activated Guard and Reserve members to withdraw money from retirement accounts without penalty.

While this legislation assists those Guard and Reserve members and families who need financial assistance to make ends meet, it is only a minor step. I, along with many other members of Congress, support additional tax relief for military families, pay increases for certain personnel, health care improvements, and reenlistment bonuses for members of the Reserve Component.

Our military commitments in Iraq and throughout the world are not likely to diminish in the near future, and the Defense Department expects Guard and Reserve units to make up about 40 percent of our total force in Iraq by May 1, 2004. With this in mind, we need to do all we can to support the men and women of the Guard and Reserve who are called to active duty and their families.

My thoughts and prayers are with those serving our country overseas, as well as their families. America is firmly behind our troops, and we are all hoping to see them home safe, secure and soon.

May God continue to bless the United States of America.

Mr. SHAW. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 1779.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 3970, by the yeas and nays;
H.R. 4030, by the yeas and nays;
H.R. 3147, by the yeas and nays;
H.R. 4019, by the yeas and nays;
H.R. 1779, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3970, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and pass the bill, H.R. 3970, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 14, not voting 17, as follows:

[Roll No. 121]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam

Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Cubin
Davis, Jo Ann
Duncan
Everett
Flake
Hensarling
Hostettler
Jones (NC)
Miller (FL)
Musgrave
Otter
Paul
Pence
Tancredo

NOT VOTING—17

Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
John
Kingston
Lewis (KY)
Quinn
Ros-Lehtinen
Tauzin
Toomey
Velázquez
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1250

Mr. TANCREDO, Mrs. MUSGRAVE, Mr. EVERETT, Mrs. CUBIN, and Messrs. PENCE, MILLER of Florida and OTTER changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

CONGRESSIONAL MEDAL FOR OUTSTANDING CONTRIBUTIONS IN MATH AND SCIENCE EDUCATION ACT OF 2004

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and passing the bill, H.R. 4030, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4030, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 7, not voting 15, as follows:

[Roll No. 122]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Flake
Franks (AZ)
Hensarling
Hoekstra
Paul
Pence
Shadegg

NOT VOTING—15

Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
Kingston
Ros-Lehtinen
Schrock
Tauzin
Toomey
Velázquez
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1258

Mr. PENCE changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JAMES V HANSEN FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3147, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3147, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 123]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Doolittle
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
Kingston
Ros-Lehtinen
Slaughter
Tauzin
Toomey
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1306

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4019, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4019, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 124]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda

Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Cannon
Conyers
Feeney
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hinojosa
Hulshof
Jefferson
Kingston
Radanovich
Ros-Lehtinen
Tauzin
Toomey
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1314

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1779.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 1779, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 125]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Feeney
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hinojosa
Hulshof
Jefferson
Kingston
Otter
Radanovich

Ros-Lehtinen
Ruppersberger
Tauzin
Toomey
Weller
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1322

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. OTTER. Mr. Speaker, unfortunately I missed the vote on H.R. 1779 "Guardsmen and Reservists Financial Relief." Had I been present I would have voted for this bill.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker on rollcalls No. 124 and 125, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. HARRIS of Florida. Mr. Speaker, today, during rollcall vote No. 121 on H.R. 3970, I was unavailable for the vote. Had I been present, I would have voted "yea." During rollcall vote No. 122 on H.R. 4030, I was unavailable for the vote. Had I been present, I would have voted "yea."

During rollcall vote No. 123 on H.R. 3147, I was unavailable for the vote. Had I been present, I would have voted "yea." During rollcall vote No. 124 on H.R. 4019, I was unavailable for the vote. Had I been present, I would have voted "yea."

During rollcall vote No. 125 on H.R. 1779, I was unavailable for the vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FRELINGHUYSEN. Mr. Speaker, Wednesday, April 21, I was in my district in New Jersey attending services associated with the funeral of LT John Wroblewski (United States Marines) of Jefferson Township. On rollcall No. 121, H.R. 3970—Green Chemistry Research and Development, I would have voted "yea." On rollcall No. 122, H.R. 4030—Congressional Medal for Outstanding Contributions in Math and Science, I would have voted "yea."

On rollcall No. 123 H.R. 3147—James V. Hansen Federal Building Designation, I would have voted "yea." On rollcall No. 124 H.R. 4019—To address the participation of Taiwan in the WHO, I would have voted "yea." On rollcall No. 125—H.R. 1779, Guardsmen and Reservists Financial Relief Act, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4090

Mr. ENGLISH. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4090.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PLAY THE TAPES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, it is time to play the tapes. Members of the administration seem to be rewriting history. The Secretary of State does not remember that the President forgot to tell him about the secret run-up to the war in Iraq. The Secretary of War does remember he often says what Bob Woodward quotes him as saying, but the Secretary cannot remember saying at that time. What is a person to do?

If the President were faced with this predicament, he would consult a higher authority. Our higher authority is closer, and he can speak without the need of a burning bush. Mike Wallace said on "60 Minutes" Sunday night he heard the tapes and read the transcripts for the book "Plan of Attack." There is a record.

If Mike Wallace can listen to the tapes, so can we. The House should have hearings for the American people. The secret war is not secret any longer. Let Americans decide what the truth is. Play the tapes in open session. Let the truth be heard, not staged.

THE PRESIDENT'S POLICIES ARE NOT WORKING

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, the numbers are out again. Ohio and most of the rest of the country continue to lose manufacturing jobs. One out of six manufacturing jobs in my State has disappeared since President Bush took office. The President's solution and the solution for our government continue to be the same: more tax cuts and trickle-down economics tax cuts for the most privileged in our country with the hope that maybe some will trickle down and create jobs. That has not worked, or more trade agreements like NAFTA which ship jobs overseas, which does not work. The President refuses to extend unemployment compensation benefits to millions of Americans, literally over a million Americans who have had their unemployment benefits run out in the last 4 months; and the President refuses to extend those.

Madam Speaker, we should extend unemployment benefits, we should pass employment agreements that create jobs, and instead of tax cuts for the wealthy, we should do focused tax cuts that reward those manufacturers that create jobs in this country.

IMPLEMENT SYRIA ACCOUNTABILITY ACT

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. ENGEL. Madam Speaker, several months ago now the President signed the Syria Accountability Act, which was passed overwhelmingly by this House and the other body. Since that time, however, the act has not been implemented; and I believe, as do the vast majority of Members in this House and the other body believe, that the time is now to slap sanctions on Syria.

Just the other day, the word came out from Iraq that Syria was allowing weaponry to come from Syrian territory into Iraq and guerrillas to come from Syrian territory into Iraq to do harm to American troops. Syria has not patrolled its border and has allowed these anti-U.S. guerrillas to come in and kill our troops.

Also, the other day in Jordan a plot was discovered where poison gas was to have been released and there was to be an attack on the U.S. Embassy in Amman, Jordan. It was documented that this gas and these attacks came from Syria across the border into Jordan.

Syria is a major sponsor of terrorism. Syria illegally continues to occupy Lebanon, has a weapons of mass destruction program, and, as I mentioned before, is allowing its border to be used by terrorists to come into Iraq to do harm to U.S. troops. Those are the four things that this bill, the Syria Accountability Act, called on Syria to end. Syria has not ended, and the President should implement the sanctions immediately.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ARE WE SAFER NOW?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, we are here in this House; and it is our duty, it is our obligation to debate the important questions of the day, and that is one of the unfailing obligations of this House.

One of the questions I hear asked, particularly from the other side, but sometimes from my side of the aisle, are we safer now than we were a year ago? Are we safer now than at the time we went into the country of Iraq? I just think back to a year ago and what was going on in my congressional office here in Washington. And I look out over the floor of the House, and I see a gas mask under every seat. Truly in March 2003, we were concerned about the possibility of a poison gas attack within our country. And, of course, one of the reasons for that was because there was country that was very much opposed to us who had a history of using that type of weapon in an offensive pattern different from any other world leader. So as we debate these points now, are we safer now than a year ago, we would be wise to remember what was going on in this body a scant 12 or 13 months ago.

As preparations were made for what eventually became Operation Iraqi Freedom, I was not in this body when the vote was taken. I am a newcomer to Congress, but certainly I recall during the fall of 2002 and during the early months of my first term when we could not get the time of day out of Saddam Hussein unless there was a gun held to his head.

As a consequence, the President of our country, who is now being called to task by the 9/11 Commission for not being aggressive enough, not having enough of a criminal mind ahead of time to envision the type of attacks brought against this country on September 11, 2001, our President is being criticized for not having the ability to foretell that kind of unthinkable act against our country. But at the same time, as the run-up to Operation Iraqi Freedom was going on, Iraq was perceived as a gathering threat. We knew in the past they had held weapons of mass destruction. No one in this House or on the other side of the Capitol seriously questioned that. The previous administration did not seriously question that, nor did the United Nations seriously question that.

□ 1330

But at the same time, in order to get just the ability to get the inspectors who had been kicked out in 1998, just the ability to get them back in the country, we had to put 150,000 troops on the border. When we do that, the clock starts ticking because in that part of the world, in order to have a military exercise, we are just not going to be as successful if we put off doing that until the summer months.

And I remember very well the talking heads and the pundits, before I came to Congress and after, talking about if Bush is going to do something, he needs to do it soon. We cannot let the clock fritter away while the weather gets warmer over there and it makes it even harder on our troops who may have to don protective gear to protect them from chemical attacks.

Again, the 9/11 Commission currently is criticizing the current administration and the previous administration, but the real loser in that criticism is the Bush administration because the Clinton administration is not running for reelection. But the 9/11 Commission is criticizing the President for not having a creative enough criminal mind to anticipate the types of attack that came to our country.

I have been to Iraq twice myself during this past year, and I know many other Members of this body have been there as well. I wanted to share with the House of Representatives this afternoon a picture from the air base just north of Kirkuk in Iraq. This is a picture that I did not take. It was taken by a man named Doug Cox, a man down in my district who is actually a member of the Corps of Engineers, and he was one of the first groups in there with Operation Restore Iraqi Oil, or Operation RIO, and he took this picture off the wall of the air base in Kirkuk, and this was a picture used presumably for training or for whatever purpose by the Republican Guard generals who were in charge of the air base there in Kirkuk before we took it over. And it shows an Iraqi gentleman standing, looking off across the countryside, and we see a depiction of the map of the United States of America. We see a man standing there with either a cowboy or a pilgrim hat on, and in his heart is the cross hairs of this man's intellect, and pointed against the United States of America we see an Iraqi tank, we see an Iraqi jet, and we see Iraqi missiles.

There was no question in their mind what their intent was when they made this picture, when they used this picture to educate or indoctrinate their troops of the Republican Guard that were stationed at the Kirkuk airfield, and I simply want to remind my colleagues in this body it is our responsibility to question. It is our responsibility to have oversight. But we do need to be careful when we cross that line and provide aid and comfort to the enemy and give them additional embellishments to take on the kind of terror that they have done in the country of Iraq this past month.

COMMUNICATION FROM STAFF MEMBER OF HON. HENRY WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. BURNS) laid before the House the following communication from Kimonia Alfred, staff member of the Honorable HENRY WAXMAN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 2004.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States Tax Court, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

KIMONIA ALFRED.

OUR TRADE POLICY WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today Chinese Vice Premier Wu is in town meeting with Commerce Secretary Evans and Trade Representative Zoellick. This would give the President a chance to right mistake number seven of his administràtion, which is trade. The United States last year ran over a $500 billion trade deficit. We have exported hundreds of thousands of manufacturing and now high-technology jobs outsourced under the Bush administration. And their response has been, from the President's chief economist Mr. Mankiw, this is a good thing, it is efficiency.

It is not a good thing. It is not efficiency. Americans need jobs. We need an economy. We need an industrial base. That is wrong-headed thinking.

So today they have got a chance in meeting with Vice Premier Wu to rectify the mistake of their trade policies. The mistake is at the insistence of President Bush, this Congress voted to give China, the Communist Government of China, permanent most favored nation or special trade status.

We gave up the right to annually review their compliance with trade laws. Big mistake. But the President said, Do not worry, I have a plan. Yes, he is right. They are stealing our products and our intellectual property left and right. Yes, they have violated five agreements on stealing our intellectual property and our products over the last 5 years or 7 years. But he had a plan. He was going to put them in the World Trade Organization because the President is big on rules-based trade.

So the President got his way. China is now in the World Trade Organization, and guess what? Last year, according to statistics of the Chinese Government, let alone our own government which will not talk about these things, they counterfeited and stole between $20- and $24 billion of U.S. products and intellectual property. Those are the numbers of the Communist Chinese Government about how much they are stealing.

Has the President filed one, one single complaint in his rules-based trade organization, the WTO, against the theft of product, property by the Chinese Government? No, not a single one. Yet I have a company in my district, Videx. Their company not only had their property stolen by China, they were totally cloned. The Chinese put up a fake Website to attract people with a little waving American flag on it, saying they were an American company, made an inferior product, have stolen the Chinese market, and now are stealing the Asian market from this American company.

I thought this is a no-brainer. The President likes rules-based trade. So I appealed to the Commerce Secretary and to the President. I said, help this company. They are not big enough to fight the Government of China. And the response was, no, we will not help that company because the big companies in the United States who are manufacturing in China do not care about the theft of property. In fact, they think it might hurt their interest in accessing cheap labor and avoiding environmental laws and outsourcing jobs to China. So the Bush administration will not lift a hand to help Videx. The only response we have gotten was Lou Dobbs and Moneyline, and after my company Videx was on Lou Dobbs and Moneyline, they got calls from all over America, from other small businesses who have been stolen blind by the Chinese Government. And the response of the Bush administration is to do nothing.

They are having meetings today with Vice Premier Wu. She is going to give them the same empty assurances the Chinese have given us for the last decade: Oh, we will stop stealing $24 billion a year worth of our product, sure. Do my colleagues believe that? I do not believe that, and I cannot believe that the President or his administration believes that. So what they should do today is tell the Chinese they are in the WTO, they said they would follow the rules, they are not, and that we are informing them today if they do not shape up by next week, then we are going to the WTO with complaints on the theft of products from Videx and dozens of other small companies across America.

This is an administration that supposedly cares about small business, yet when small business is being robbed blind by the Chinese, and big business says, hey, do not upset the Chinese apple cart, we are manufacturing really cheap over there, $1-a-day labor, now they might get upset with us, and they might charge us $1.25 a day for the labor over there, or they might even let them have a labor union or something else.

Help America's small business. Help them to fight the Communist Chinese Government. Help stop stealing America blind. Help stop stealing our industrial and intellectual base, and help turn around the international trade deficit. That is a mistake the President can begin to undo today in these conversations with Vice Premier Wu.

THE ANNAN PLAN FOR CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, for all of my 22 years in Congress, I have constantly and loudly proclaimed the need for a peaceful reunification of the Republic of Cyprus. That unification must be just and balanced.

Thus I rise here today to voice my serious concerns with the Annan plan for the reunification of Cyprus. I believe that the final version of the plan which was submitted on March 31, 2004, is unbalanced and biased against the Greek-Cypriots.

There are a number of provisions in the Annan plan that do not alleviate the basic fears of the Greek-Cypriot community. These concerns were not appropriately resolved and may very well lead the Greek-Cypriots to reject the Annan plan. Security issues regarding the number of troops that will remain on the island and clarifying the Treaty of Guarantee to exclude military intervention are two major concerns for the Greek-Cypriots because Turkey insists that it will continue to have the right to intervene militarily in Cyprus. This Turkish arrogance increases the Greek-Cypriot fear of a repetition of the 1974 invasion and its tragic consequences.

The plan also would permit the vast majority of approximately 115,000 Turkish settlers who are now illegally in Cyprus to stay in Cyprus. At the same time, the plan sets complicated and restrictive provisions regarding the right of Greek-Cypriot refugees to return to their homes in the north. Additionally, the Annan plan makes the eventual return of territories from the northern part of the island to the Greek-Cypriot constituent state dependent upon the goodwill of Turkey and Turkish-Cypriots.

On the issue of property rights, the Annan plan allows for one-third restitution and two-thirds compensation for property owned in the north by Greek-Cypriots who will be losing the use of their properties. The funds for the restitution and compensation will be guaranteed by the Federal State and the Constituent State. Since nine-tenths of the Federal State's resources and 100 percent of the Constituent State's resources will be derived from Greek-Cypriots, they will be paying for, to a large extent, their own loss of property.

Mr. Speaker, in closing I would like to state that the Greek-Cypriots are asked to trust, to trust the Turkish Government and to have faith that the Turkish-Cypriot leaders will keep their promises. The problem is that since 1974, neither the leaders of the Government of Turkey nor Mr. Denktash has ever given the Greek-Cypriots any reason to trust them.

Each side will decide whether the plan would be beneficial for them and for the future of their children. Even though both sides knew they were not going to get everything they wanted, each side was guaranteed a fair plan and one that would be immediately functional. Unfortunately, I do not believe the Annan plan is balanced, and we should not be surprised if the Greek-Cypriot people do not support it.

The Cypriot people hold the future in their hands. During this difficult time, it would be inexcusable, Mr. Speaker, for foreign governments or organizational heads to exert excessive pressure or to issue ultimatums to the people and President of Cyprus to vote one way or the other. They must be free of pressure and free to vote with their conscience. If the plan is voted down, it would be an indication that the Greek-Cypriots, whose country suffered an illegal invasion in 1974, and a community which has for three decades advocated for a settlement, felt that they would be giving up far more than they would be gaining, and that cost, Mr. Speaker, is just too high.

MISTAKES MADE IN THE WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, in the last press conference, the President was asked if he had made any mistakes and what lessons had he learned. And what the President said was, I wish you had given me this written question ahead of time so I could plan for it. I am sure historians will look back and say, gosh, he could have done it better this way or that way. I am just not sure something will pop into my head here in the midst of this press conference with all the pressure of trying to come up with an answer, but it has not yet.

So kind of as a public service, a number of us are coming down to the floor to offer, for the President's consideration, a list of some mistakes that he might want to call up so he does not have to fumble around for an answer at the next press conference, if he has another public press conference.

One of the things that actually is surprising to me that this mistake happened at all, given what we know now, is the long lead-up to the war in Iraq, that they actually had been planning, and bases were being built, and air space to land was being constructed, was a failure to provide the troops with the protection they needed when they were put into harm's way. It surprises me that that mistake was made.

In some cases mistakes have been somewhat corrected, we think; so it would not even hurt the President to mention the fact that as recently as last October, a quarter of our troops in Iraq were lacking in the ceramic-plated body armor that would deflect the bullets that were coming their way. We are told that that has been corrected, although as recently as just a few weeks ago, families are still buying those at about $1,500 a crack for their soldiers just to make sure that they are well equipped. But we know that still the Humvees do not have the proper armor, some of them still do not have the proper armor. A helicopter was shot down that did not have the missile detector that helicopters are supposed to have in order to be fully equipped.

□ 1345

I met the aunt of one of the soldiers who died in that last Sunday. She would think that that was a mistake that the President made and something he might want to mention.

He could have talked about a mistake making soldiers pay for their travel home when they would come on rest and recreation, R&R. In order to get to their homes once they were landed in the U.S., they were paying their own way. That, I understand, has been corrected.

Or we just heard yesterday from the 333rd Military Police Unit in Freeport that was supposed to be coming home this week, that in fact they got redeployed; but all their equipment, their personal foot lockers, had been sent home, and now the families, at their own expense, are shipping the equipment back to their soldiers. They are having to buy all new uniforms. It seems that was a mistake in planning, according to some of the families. Maybe they could have planned better. That is a mistake, and it could be corrected somewhat, at least to reimburse the families that are having to ship back.

But it is not just those soldiers that are in harm's way, who are losing their lives now, unfortunately, sadly, horribly, in record numbers in the last little while; but it is the veterans. Again, it is astonishing that this President would not make sure that at the very least those who come home are well taken care of.

There was a mistake, and it has been corrected. He could cite that. Our wounded soldiers were being charged for food at the hospitals when they came home. Incredible. Now that has been fixed; they are not being charged for that food. But many were languishing with inadequate care in Army barracks when they came home.

Then, right now, this minute, 30,000 veterans are waiting 6 months or longer for appointments at VA hospitals, new increases are proposed in the cost of veterans health care for up to 1 million veterans, and long-term care funding has been slashed. It is really incredible.

What the veterans organizations are saying is that actually the amount of money allocated to veterans is millions of dollars short of what it needs to be. The gentleman from Texas (Mr. EDWARDS) actually has a proposal that would add $2.5 billion for veterans health care. The President could acknowledge that it is a mistake to mistreat our veterans, and he could support the bill of the gentleman from Texas (Mr. EDWARDS) to restore that money.

He could do something about the fact that he has been refusing to end the survivor benefit penalty. There are a lot of things, a lot of mistakes. We think the President ought to acknowledge some of them and fix them up.

ADDRESSING THE SHORTAGE OF MEDICAL LABORATORY PERSONNEL

The SPEAKER pro tempore (Mr. BURNS). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, today I rise to call attention to a piece of legislation that I introduced, along with my colleagues, the gentleman from Illinois (Mr. JACKSON) and the gentleman from Florida (Mr. BILIRAKIS), to address the shortage of medical laboratory personnel, H.R. 623.

The United States is facing a severe and increasing problematic shortage of qualified laboratory personnel. Many rural areas and areas served by smaller hospitals are finding it increasingly difficult to recruit and retain qualified laboratory workers.

The vital role medical laboratory professionals play in health care must be recognized. Between 70 to 75 percent of all medical diagnoses are based on laboratory test results. But because these important health care practitioners seldom have direct patient contact, their important role in health care often goes unnoticed by patients. Ensuring that our Nation's laboratories possess the human resources, that is, laboratory professionals, to accurately process laboratory testing demands is critical to patient health.

The U.S. Department of Labor projects that approximately 13,200 medical laboratory professionals will be needed each year through 2010. Unfortunately, fewer than 5,000 individuals are graduating from accredited training programs each year.

The bill includes a scholarship program to help students meet their academic education and clinical training expenses. It provides for loan forgiveness by working in areas designated as having a shortage of medical laboratory personnel or allied health practitioners. In addition, this legislation establishes a program to provide awards to individuals who teach medical laboratory science.

These are just a few of the important measures created in H.R. 623. I would encourage my colleagues to join me in supporting this legislation.

MISTAKES THE PRESIDENT HAS MADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 8 days ago at the Presidential news conference, only the third he had done in prime time since he has been President, the President was asked just sort of an obvious question that we all deal with from time to time in our lives, political or not, tell us about one of the biggest mistakes you have made.

The President kind of looked a little deer-in-the-headlights and he said, "I am sure something will pop into my head here in the midst of this press conference, but with all of the pressure of trying to come up with an answer, it just hasn't yet."

We would today like to try to help the President, not because we want to criticize President Bush, but because we want to help him learn from his mistakes.

We see several of the mistakes here, from veterans cuts, to trickle-down tax cuts for the wealthy, to trade that the gentleman from Oregon (Mr. DEFAZIO) talked about, to helping keep our soldiers as safe as possible that the gentlewoman from Illinois (Ms. SCHAKOWSKY) talked about.

I want to talk for a bit about Medicare, not the fact that the bill, they told us it would cost $400 billion, it will cost $534 billion. That was sort of a purposeful mistake from the President. Not about Medicare privatization, that mistake. Not about the gap in coverage, that if you have $5,000 in drug costs, the government only pays $1,000 of it, you have to pay $4,000 out of pocket. The mistake I want to talk about is not even the fact that the drug and insurance companies wrote that legislation.

What I want to talk about is the specific prohibition in the bill that clearly the drug industry, the President at the behest of the drug industry, inserted into the bill that prohibits the government from negotiating the price of prescription drugs.

Now understand, the Canadians pay a lot less than we do for prescription drugs because the Canadian Government negotiates directly with the drug company on behalf of 29 million citizens of Canada to get the best price. But this legislation, written by the drug companies, excuse me, written by the President, this legislation expressly prohibits our government on behalf of 39 million Medicare beneficiaries, prohibits our government from negotiating the best price for our

Medicare beneficiaries. That is why we pay so much for our prescription drugs.

Now, when the Architect of the Capitol bought the carpet in this room, he did not take the manufacturer's word that a fair price would impair carpet fiber research and then pay whatever the carpet company wanted. When the Park Service buys rangers' uniforms, it does not take just the first bid, no matter how expensive.

But with drugs, the President and his allies in the drug industry and his friends that run the House of Representatives, the Republican leadership, they say the government must pay any price the drug industry wants to charge. That is why Lipitor costs $763 here, but $438 in Canada. That is why Fosamax costs $797 here, an anti-osteoporosis drug, mostly for women, but only $323 in Canada. That is why Tamoxifen, a breast cancer drug, costs nine times in the United States what it costs in France, even though U.S. taxpayers paid for much of the research through the National Institutes of Health to develop those drugs.

Now, this policy, this mistake, this mistake on Medicare that the President made that says we are not going to negotiate price, we are going to let the drug companies charge whatever they want, this mistake is a joke on the American people; and the drug companies are laughing all the way to the bank.

Perhaps the reason for this Presidential mistake, the Medicare prescription drug Presidential mistake, is the fact that the millions of dollars have come from the drug industry to the Republican Party, and the word on the street is the drug industry is going to give President Bush's reelection $100 million.

A GROSS EXAMPLE OF STATE-SPONSORED DECEPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, our great country has sustained itself for more than 2¼ centuries because of the brilliant construct of our government, and the essential ingredient in that construct is the separation of powers.

Ultimate power does not reside in any one place. You have the executive branch, the legislative branch and the judicial branch, each with equal powers. It is the responsibility of the legislative branch to make the laws and then to oversee execution of those laws by the executive branch. The question that ought to be on the mind of every American today is to what extent is the legislative branch of this government, the Senate and the House of Representatives, carrying out its responsibilities under those separation of powers. I think when you begin to look at that question, you find that we are not doing a very good job at all.

The most recent example of that, of course, is the revelation that we have had in a recent book that the administration spent $700 million, apparently illegally, that was allocated for Afghanistan, took that money and spent it in preparation for the war in Iraq, when they said they were not engaging in any such preparation. That is a grave deceit. It ought to be investigated by this Congress thoroughly and completely. But it is not the only deceit with regard to the war in Iraq.

We were told when the administration sent their resolution here to the Congress that we had to go to war in Iraq because of weapons of mass destruction. We have found no weapons of mass destruction more than a year later; no stockpile of chemical weapons have been found more than a year later; no mobile weapons laboratories have been found more than a year later. There is no uranium from Niger in Iraq.

Saddam Hussein was not an imminent threat, nor was he a grave and gathering threat. He was not in league with Osama bin Laden. The two were hostile to each other and antagonistic to each other.

What we have here is a gross example of state-sponsored deception. The Founding Fathers realized that this kind of condition could express itself at one time or another during the history of our administration; and, in fact, there have been times when it has, perhaps never as gravely as it has under the present set of circumstances. But they set up a procedure to deal with it, and that procedure is in the hands of the leadership of this House of Representatives.

But, unfortunately, the separation of powers that has served this country so well for more than 2¼ centuries has now morphed itself into a monolithic government, where the leadership of this House takes its orders almost on a daily basis from the White House and there is no oversight of executive actions. There apparently is little or no oversight of executive spending.

So we go on, stumbling forward, blindly. Now more than 700 American servicemen and -women killed in Iraq in this illegal, unjust and unnecessary war; thousands of Americans maimed, injuries they will carry for the rest of their lives, if indeed their lives are not shortened thereby; tens of thousands of Iraqis, perhaps hundreds of thousands, including innocent women and children, killed.

Where is the oversight? Where is the action that is supposed to come from this House of Representatives in examining these illegal, unnecessary actions on the part of the executive branch? Have we not seen enough? When are we going to go into action? When are we going to live up to our obligations under the Constitution? When are we going to do what is necessary to sustain this great democratic Republic?

We need action now. We need an end to the monolithic government and a return to the historic separation of powers which has served this country so well.

AN UNJUST, UNPROVOKED WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it has been a little over 1 year since the President of the United States, without just cause and without being provoked, invaded Iraq. Over 700 Americans have given their lives for this war, roughly 10 each week, not to mention the thousands wounded, the billions of dollars spent, and the international good will squandered.

This is the same President Bush who last week could not think of a mistake he had made. We were told that this war was necessary to keep us safe. We were told Saddam Hussein had the world's most dangerous weapons and could strike at any moment.

□ 1400

Now even the President has made tacky jokes about looking for the missing weapons of mass destruction under his White House sofa. That was certainly an insensitive mistake.

In fact, the President's appetite for belligerence and bloodshed only weakens us, it makes us more vulnerable, encouraging further violence and increasing the risk of nuclear destruction.

The President's inaccurate declaration about Iraq's weapons of mass destruction capabilities are not just incompetent, they are immoral. And what a mistake that was.

There has to be a better way, and there is, one that emphasizes brains instead of brawn, one that is consistent with American values. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral American Response to Terrorism. We need to stop the spread of weapons of mass destruction, and keeping the American people safe must be our highest priority. On that point the President is not mistaken, but he is wrong, wrong to equate our security with aggression and military force. Just because you have a hammer, not every single problem is a nail. The United States possesses the world's largest hammer in the form of its mighty military, but some situations require a more delicate touch.

SMART security calls for aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements and vigorous inspection regimes. The United States must set an example for the rest of the world by renouncing the first use of nuclear weapons and the development of new nuclear weapons.

We must maintain our commitment to existing international treaties like the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, the Biological Weapons Convention and the Chemical Weapons Convention.

To be smart we would support and adequately fund programs like the Cooperative Threat Reduction Program, which works with the Russian Federation and the states of former Soviet Union to dismantle nuclear warheads, reduce nuclear stockpiles, secure nuclear weapons in Russia. And we must replicate this program in other troubled regions like North Korea and Iran, because it is a mistake to believe that every country will proactively choose to give up its nuclear program. In the long run negotiations with other countries will keep us much safer than believing we can scare them into submission.

The Bush doctrine has been tried, and it has failed. In fact, it is a huge, huge mistake. It is time for a new national security strategy. SMART security defends America by relying on the very best of America, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. SMART security is tough, pragmatic, and patriotic. SMART security is smart, and it will keep America safe.

SAN JACINTO DAY

The SPEAKER pro tempore (Mr. BURNS). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, today marks the anniversary of the Battle of San Jacinto, the victory of the independence for Texas, and the greatest, most diverse State in our Union.

Proving its timeless value as a story of political struggle and personal heroism, the Battle of the Alamo has been made into another feature-length motion picture, "The Alamo," by Disney, not doing as well at the box offices we have, but I bet you it is doing well in Texas.

I encourage all Americans to learn and relearn this important historical story.

On this day I want to enter into the CONGRESSIONAL RECORD two newspaper articles from the Baytown Sun and the Pasadena Citizen that are newspapers in my district regarding the tremendous devotion and expertise of the San Jacinto reenactors, many of whom are my constituents. These folks have committed tremendous amounts of time and resources to providing an educational service to our community, and some of these reenactors have gone so far as mastering the original Mexican Army drills in the original Spanish, and many were involved in the production of the Disney film "The Alamo" as consultants and extras.

The story of San Jacinto occurs less than 60 days after the fall of the Alamo. On April 21, 1836, exactly 168 years ago today, approximately 900 Texans and Tejanos of the Texan Army overpowered a large and better trained Mexican Army. I say Texans and Tejanos because the struggle for Texas independence was not between Anglos and Hispanics.

For example, noted Tejano patriot Captain Juan Seguin commanded a cavalry company during the final victory at San Jacinto and later became a senator in the Republic of Texas. For those people that have seen the movie "The Alamo," they will remember he was sent out from the Alamo seeking reenforcements and against his wishes was told to stay away so he could live to fight another day at San Jacinto.

One of the main proponents of the Texas Revolution was Lorenzo de Zavala, who served in the Mexican Government until the military dictator General Antonio Lopez de Santa Anna abolished the Mexican Constitution of 1824. Zavala, a former Mexican citizen, went on to become the first Vice President of the Republic of Texas.

Less than 100 years after American patriots threw off the tyrannical British Empire's military domination, Texans and Tejanos succeeded in a similar struggle against a military dictator, General Santa Anna. In the words of the Texas Declaration of Independence, the people's government had been "forcibly changed without their consent from a restrictive Federal republic, composed of sovereign states, to a consolidated military despotism."

As Sam Houston and other Texas delegates signed the Texas declaration of independence, General Santa Anna's army was besieging the Texans and Tejanos at the Alamo in San Antonio. The Alamo fell on the morning of March 6, 1836, when Lieutenant Colonel William Barrett Travis, former Tennessee Congressman David Crockett, and approximately 200 other Texans and Tejano defenders were killed in action.

The Mexican Army was full of confidence after their hard-fought victory at the Alamo, and Texan forces were in retreat, but in late April 1836 they chose not to flee to the safety of Louisiana and instead turned to fight on the banks of the bayous outside of Houston, Texas. In fact, the San Jacinto battleground is in the new congressional district that I am receiving.

On the afternoon of April 21, 1836, the two armies were camped near one another, but the Mexican Army, confident of its superiority, failed to post guards during their afternoon siesta. They underestimated the determination of the Texan army in its fight for an independent nation and were totally unprepared for the surprise attack. As a result, the nation, and then the State of Texas, was born. Like the American Revolution, the Texan Revolution brought many different people together fighting military oppression.

A misconception of the Texas war for independence is that the conflict was a case of Anglos versus Hispanics. But accurate Texas history tells us that Hispanics who had long lived in Texas mostly did not refer to themselves as Mexicans, but instead thought of themselves as Tejanos. Tejanos inhabited Texas long before Mexico existed, and they lived there for the same reason Anglos later moved there, for freedom and productive land.

Many folks were happy under Mexican rule until General Santa Anna's forces began plundering areas of Texas, and then Tejanos and Texans both reacted with revolution.

It is inspiring to me that many Tejanos joined the fight for independence when the Mexican Government became an exploitive military regime. The brotherhood of freedom can be stronger than the brotherhood of nationality, as Tejanos proved at Gonzalez, Bexar, Goliad, the Alamo, and also along the banks of the San Jacinto River, and in this the government of the Republic of Texas.

Like the American patriots in 1776, Texans did not create a perfect State with their independence. It would not be until June 19, or Juneteenth, 1865, that Texas' African American citizens achieved the freedom that is an inalienable human right. Every Juneteenth we remember that struggle for equal rights is long and difficult, and demands our own enduring commitment.

On San Jacinto Day we celebrate the achievements of Texan and Tejano patriots, and renew our commitment to preserving our represented government, freedom, and human civil rights.

Mr. Speaker, at this point I will include for the RECORD the two newspaper articles that I previously mentioned.

[From the Baytown Sun, Apr. 7, 2004]

RE-ENACTING HISTORY

(By Carla Rabalais)

"'Let me die in the Alamo. Just let me get shot in there,' I pleaded. But I was a Mexican officer, and no Mexican soldier died inside the Alamo."

Don Herlitz is a Baytonian, but most of all he is Texan, or Texian, or Mexican captain, depending on the year in which he's operating.

Re-enactors aren't strapped to the same calendar that most of us are. They have the privilege of operating in both the past and the present and with Disney's "The Alamo," set for release Friday, local re-enactors like Herlitz will also have a presence in the future.

The film stars Dennis Quaid, Billy Bob Thornton and Jason Patric. Already this week three sneak previews have unfurled in Houston.

Crowds who lined up for those free seats were greeted by local reenactors ready and willing to talk about their acting experience and field expertise . . . locals like Herlitz and his wife, Marie, Pete Juarez, Allen Hutton, Clabert Menard of Dayton and David Pomeroy of Pasadena.

"That's what we do," Marie said. "We talk to people about Texas history and we show them what it looked like."

The re-enactment window reveals all history's facts, from the mundane to the explosive, like period clothing, hand-sewn with home-spun cotton; cooking styles, with no electricity, gas or running water; toys and games, which often doubled as useful equipment; and weaponry, including home-fashioned muskets, gunpowder and knives. The common denominator in every category is "authentic."

Mexican artillery is one of Herlitz's specialties. He has re-enacted Texas history for almost 20 years, but for the past seven has portrayed a 19th century Mexican soldier. In the Alamo, that expertise earned him an officer's role in Santa Anna's army.

"Many of the re-enactors played both sides during the movie," Herlitz said. "I really wanted to—I even brought my Texian clothes with me—but they wouldn't let me switch.

"That's all right, though," he laughed. "After seven years of shooting at Davy (Crockett), I finally got to die beside him in the next film."

"The Alamo" united many reenactors, but that battleground wasn't their first time together and it certainly wasn't their last. In fact, since "The Alamo" completed filming last year, some reenactors have participated in two additional films, including the one Herlitz named. That film is "Remember the Alamo," a documentary that aired on the history Channel this spring.

David Pomeroy served as a site resource, re-enactor, and cook—along with his wife, Cait—for the two hour documentary. The business manager of Pomeroy Energy volunteers his time and knowledge for of the San Jacinto Battleground Association and is the author of "Pasadena: The Early Years."

"There are eyewitness accounts and there are myths that enhance the Alamo story," he said, "and in some cases the two contradict. The documentary addresses those historical issues."

Contradictory accounts of the Alamo were not the only issues re-enactors face as they re-create turning point battles in Texas history. To accurately re-enact, they had to study history from multiple sources, not just American ones. In their study, they came face-to-face with facts they never were taught in grade school.

"The Alamo is a boiling pot of ideas and views," and Herlitz, "You can't just go by what a history book said, because it's tainted by political attitudes. 'The Alamo' is a lot broader story and I think those issues will come out more in the director's cut of 'The Alamo'" DVD.

"You see, those men on the inside of the Alamo were trying to create a new republic, and the men on the outside were trying to preserve a young republic. Who the heroes are just depends which side of the wall you're standing on," he said.

Allen Hutton of Baytown agrees. The pyrotechnician has re-enacted since he was 12 years old and has worked in the entertainment industry with movies like "American Outlaws" and "the Patriot". In "The Alamo," he portrays both a Mexican first sergeant and a Texian first sergeant.

"As a kid I learned the Alamo was about big, mean, mad Santa Anna against the poor innocent Texians," he said. "But the Mexicans weren't just 'bad guys,' they were protecting their country's land. Think of it in modern terms: What would we do if some of Saddam Hussein's guard came here and settled in a town and then said, 'This is our land now and you can't control us'?

"I don't want in any way to minimize the sacrifices made by the Texians, but the Mexicans had a side too," he said.

Herlitz and Hutton filled similar roles in "The Alamo". Both were involved in the movie a year before actual filming took place and both were Mexican officers who trained hundreds of extras during three-day boot camps.

Herlitz and his wife spent six months camping in a canvas tent, cooking on an open fire, near Dripping Springs, where the movie was filmed. Hutton camped on the set for five months while his wife stayed in Baytown preparing for the birth of their first child.

As Mexican officers, the two Baytonians were required to learn maneuvers from an 1830s military guide written in Spanish. Not modern Spanish, not Castilian Spanish, but a colonial Spanish that is now obsolete. Or almost obsolete.

An extra who had come from New Mexico recognized the language. His native dialect is a preserved form of colonial Spanish, so he translated the book for the actors and trainers. The drills Herlitz and Hutton learned became second-nature to them.

"I can still tell you the (gun-) loading procedure in proper Spanish," said Hutton.

During boot camp, they trained hundreds of extras. One of those was Clabert Menard of Dayton, who was singled out for the Texian side as an expert marksman.

"I ended up helping to train about 40 guys under me," Menard said. "The more experienced re-enactors they put next to the stars and told us to keep the other guys from running in front of them."

Menard, like many of his peers, has re-enacted since his teens. He has represented many characters in his historical career, including World War II soldiers, a French and Indian trader and a Texas Army scout.

"I just want to eat, drink and sleep history," he said. "We can replicate anything, except the fear of death."

One of his favorite activities is to spend weekends hiking 15 to 20 miles into the Texas wilderness with nothing but his 1820s era gear. He used those items in "The Alamo" as well, including two of his homemade weapons, a flintlock musket and French pistol.

"I knew I could depend on my own gear," he said.

The boot camp involved marching drills and training stations for learning stunt-fighting, horseback riding, ladder manipulation, artillery use and firing orders. The extras weren't the only ones who grew accustomed to the orders, said Herlitz.

"The horses learned what the word 'Action!' meant, so whenever they heard it, whether they were supposed to move or not, they took off," he said. "So we had to have new commands for starting the filming, like 'Go!' or eventually, 'G-o!'"

Herlitz and Hutton recall one moment in their six month experience on "The Alamo" set that gripped both their memories.

The film's director, John Lee Hancock of Texas City, had been filming the Mexican siege on the Alamo for several nights. But he held back the final attack where the wall would be scaled and the Texian army killed. That would be filmed on the exact anniversary of its occurrence, March 6, at 5:30 a.m.

The actors filmed through the night March 5 and into the next morning's hours. But moments before the final siege, the entire set observed 13 minutes of complete silence, one minute for each day of the Alamo siege, in memory of those who lost their lives, both Texian and Mexican. Then at 5:30 a.m., the storming began.

"Whatever hardships we had to deal with during the filming were all worth it right then," said Herlitz. "To be a part of that moment was something I will always remember."

"When I do a job, I don't go to seek fame or rub shoulders with stars," said Hutton. "It's just a job and you concentrate on doing it well. But that moment brought it all together. That was as close as I will ever come to experiencing the reality of the Alamo.

"Many of our guys were moved to tears. They were on the Mexican side, and they saw it, too, as part of their heritage."

Local re-enactors who participated in "The Alamo" and other living history events hope that the new movie will have a ripple of positive effects through our state and nation.

"I hope it will get more people excited about history," said David Pomeroy. "Then historical venues will have more response and in turn receive more educational funding."

"It's all for the kids," said Herlitz. "As a re-enactor, I believe children don't understand what price was paid for freedom. The fertilizer to the tree of liberty is the blood of the patriots. Someone has to be willing to put their life on the line—for you to have the freedom to go downtown and buy a $200 pair of tennis shoes. The Alamo is an excellent example of the price people were willing to give—the ultimate sacrifice."

Some children are understanding that concept.

"I never really thought about the Alamo, but when I saw the actual building and stood inside it, it was neat," said fourth-grader Cody Fisher. "A bunch of people were lost there fighting for what they believed in."

"There were brothers fighting each other, and whole families coming apart," added Cassie Perez, also a fourth grader. "They wanted freedom."

"I think if I had lived back then, and I was a little bit older," said Cody, "I think I would have fought for the Alamo."

David Pomeroy encourages families to "See the movie, then come smell the smoke."

On April 24, a re-enactment of the battle of San Jacinto will be held at the San Jacinto Battleground State Historical Park. This year the re-enactment will be accompanied by a living history festival. Local re-enactors from "The Alamo" will be onsite to autograph photos and talk about their filming experience. Festival hours will be from 10 a.m. to 6 p.m. with the battle re-enactment at 3:30 p.m.

[From the Pasadena Citizen, Apr. 14, 2004]

POMEROY CONTRASTS REALITY, HOLLYWOOD

(By Gloria Walker Smith)

Using the latest movie of The Alamo as a backdrop, Texas history expert and Pasadena native, David Pomeroy, brought an educational and entertaining program to the Bay Area A&M Club luncheon.

Focusing primarily on Texas history between 1820 and 1845, Pomeroy surprised the audience with a history pop quiz, where the winners received Alamo movie posters. Since Sam Houston is so much a part of any mention of Texas history, it was noted that Sam Houston IV is from Galena Park, which spawned a comment that Constable Bill Bailey was also from Galena Park and 'does that have any significance?'

Since Pomeroy has been involved in the making of this Alamo movie from its inception, (even back when Ron Howard visited and originally planned to make the film), he had many insider comments about the preparations, the actual filming, the actors involved and the differences in their personalities. One amusing story contrasted the behavior of Dennis Quaid (Sam Houston) and Billy Bob Thornton (David Crockett). At the end of each filming sequence, Thornton was most definitely "one of the easy-going run-of-the-mill" cast members, so he was very popular. On the other hand, Quaid dismounted his horse and headed for his tent, without any interaction. Consequently, the group almost 'hated' him for being so conceited. When filming was finally over, the cast saw a totally different Quaid, who was well aware of their previous feelings toward him. He explained that he found it necessary to remain completely immersed in his character throughout production.

One glaring omission to a historian was the lack of mention of the earlier battles at Gonzales, Goliad and Zacotecas, significant in their own right.

"It has been suggested that it would take a mini-series to adequately tell the story of the Texas war for independence," said Pomeroy. "Had there not been the battle at San Jacinto, much of the Alamo story would have been forgotten." The fact that so many made a conscious decision to stay and die, if necessary, for what they believed, makes the defenders stand out. And die, they did. Sam Houston had advised the leaders to abandon the Alamo, but Bowie, Fannin and Travis said no.

Going back centuries in history, Pomeroy traced the conquests in the area to the Spanish, who came first, then the French and then the English, each of whom took the land from the Indians and each other. Along came the American Revolution and later, the French Revolution—struggles to free citizens from the tyranny of rulers across the ocean.

In Mexico and the Spanish southwest, the people were determined to overthrow the foreign emperor, and Santa Ana headed this movement. After driving out the Spanish emperor and establishing a constitution, Santa Ana then installed himself as emperor and threw out the constitution. Originally, the Texians did not seek to leave Mexican authority, but wanted to be a separate state, instead of being part of the state of Coahuila. Santa Ana refused in the strongest terms and so began the Texas War for Independence.

Much like the American Revolution, the "colonists" in Tejas were facing a military trained in European-style. The Texicans were a rag tag bunch, out-numbered, out-trained and out-gunned. However, they had the home-court advantage and used methods far more suited to the territory than the more formal strategies employed by the Mexican generals.

Also attending the luncheon was Stan Wojcik, a fellow San Jacinto battle re-enactor. Wojcik was wearing an outfit that he sewed himself—deerskin britches, coarse vest and calico shirt. He has even made his wife a period costume for re-enactment programs. Although a very recent "Texan," Wojcik has become fascinated and knowledgeable about the San Jacinto battle.

During his appearance, Pomeroy was completely in character with his "almost stovepipe" beaver hat, calico shirt and powder horn.

Responding to questions about the changes to be made to the San Jacinto Monument area, Pomeroy gave a brief overview of the plans to return the area to a more historically-correct look, with an emphasis on the educational value. Adjacent industries have donated land to affect many of the changes, which will eventually double the size.

On April 24, from 10 a.m. to 6 p.m., the San Jacinto Day Festival and Battle Reenactment will feature all-day exhibits, hand-on history activities for children, including an archaeological dig, as well as celebrity historians and authors. The admission is free and food booths will be available. For more information, call (281) 479–2421 or visit www.sanjacinto-museum.org.

Mr. Speaker, God bless Texas and these United States.

WE MUST NOT ABANDON THE KURDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDermott) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the casualties in Iraq are a bitter reminder of the truth and consequences of war whether you oppose it, as I do, or wage it, as the President has.

As America grieves over our losses, we should also grieve over the losses suffered by the Iraqi Kurds in a war that went largely unnoticed in this country. In fact, this is not the second Gulf War, but the third in our memory.

After the first Gulf War, America pulled out of Iraq, leaving Saddam to reorganize his henchmen. They did more than take names; they took hostages, and they look lives, thousands of lives. It can happen again.

After the first Gulf War, we established a no-fly zone, but we did not disarm Saddam's Republican Guard, and we did not destroy his lethal helicopter gunships, killing machines used not against Americans, but against Iraqis. The outcome was a blood-drenched record of atrocities. At least 8,000 Kurds were massacred by Saddam and his henchmen after the United States withdrew from Iraq, having urged them to rise up. The Kurds cried out for help, but no one listened, and no one saw.

The war was over, then-President Bush number one declared. Victory was at hand. We marvelled at the stories told, many untrue, of how U.S. technology had spared lives, reduced casualties, and proved America's warmaking superiority. The satellite images showed everything except the coming slaughter of these peace-loving people.

The Kurds represent about 20 percent of the Iraqi population. They have their own language and culture. Although Muslim, they are not Arab. Historically they have lived in the mountainous regions of northern Iraq in an area around Kirkuk. This region holds about 7 percent of the world's known oil reserves. The vast oil wealth represented around Kirkuk has always been a motive for Saddam and other ethnic Iraq groups to act. Remove the oil by removing the Kurds. Saddam used every opportunity to hunt them down and eliminate them. But America is barely aware of the suffering Saddam inflicted on these people.

While the President never found weapons of mass destruction in Iraq, Kurds would tell you that the President would have found evidence of mass murder. Kurds fear, and we should, too, that it could happen again. Kurds fear, and we should, too, that if the U.S. pulls out on the 30th of June, it will not take long before the killing begins again.

We should never have left the Kurds alone after the first Gulf War, and we must not leave them alone after June 30. The date is meaningful only for the President's political ambitions. We know what happened the last time we pulled out of Iraq. We cannot do it again and silently sanction a new outbreak of unspeakable crimes again the Kurds.

The Kurds deserve liberation. The Kurds deserve protection. The bloodshed we see daily in Iraq reminds us of the country's instability. It should be a warning of the bloodshed that will come if America forsakes its responsibility to Iraq and all the Iraqi people, all the Iraqi people.

We must stay the course. Stay past June 30. Stay until the Kurds are safe, until Iraq itself is a safe place. We owe Iraq and the world nothing less. By declaring war we took responsibility for the future of Iraq. We cannot walk away and throw it open to the chaos that we have created.

It was our warning to the President when we started, winning the war, the military part, that will be pretty easy because we have a tremendous fighting force. But as for establishing the peace, that is where the trouble is. The President never planned for it.

He ignored the State Department's efforts to do that. He ignored everybody's warnings. General Shinseki said it will take 300,000 troops. They said, shut up, and they fired him because he told truth. Anybody who tried to tell him the truth coming into this was discarded or shuffled off or put somewhere else.

We are about to do it again because the President wants to have another sign that says "Mission Accomplished, Democracy Delivered." You could have a little ceremony somewhere and hand some paper around, I guess. It reminds me of a scene in Vietnam when the United States declared victory and left off the roof of the embassy. We must not let that happen again.

☐ 1415

WAR ON SAVINGS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, just a few minutes ago before the House finished its legislative business, we passed legislation that would allow National Guard members and Reserve members to take money out of their IRA accounts and not have a penalty on those individuals. When they do that under current law, if you invade your retirement account, you pay a penalty if you do that because we are trying to encourage people to keep their savings intact so they can build a retirement fund.

It is outrageous that the best we can do for these National Guard and Reserve families that are under incredible economic strain because members of their family are serving longer tours in Iraq than they had planned to, that those who are scheduled to get out of the Reserves in the Army cannot get out because of the stop order.

So those people have been without those incomes for many months now, they have not been able to meet the obligations of their families. Their home mortgages are threatened. Their car payments are threatened. Loan payments are threatened. And we are telling them that they must invade their retirement savings in order to continue to subsidize the war in Iraq. It is unbelievable that we would do this.

So the Reserves and the National Guard members from my area, from the San Francisco Bay area, are being told that after we invaded Iraq they must invade their savings because we need them to continue to serve in Iraq. So the penalty they pay is that they are going to lose their retirement benefits down the road. Many of those people in the Reserves, many of these people in the National Guard do not have the kind of incomes that will let them then replace the 5, 10, 15, $20,000 that they wanted to borrow from their IRAs. So for the sacrifice they have made to defend this country in Iraq, they have to lose retirement benefits in the future years. It is unbelievable that we would think that this is an answer to their problem.

This government could extend them interest-free loans. This government could give them additional pay if they are kept in the service beyond their contract date. If they are kept in Iraq beyond the original time frame, we could provide them additional pay.

At the same time we are giving tax cuts to the wealthiest people in this country, we are asking our service people who are in harm's way, who are getting killed, who are getting maimed, who are getting injured in so many ways that they have to invade their savings so that they can keep their families together while they are protecting this country.

I cannot believe that that is the response of the Republican Party in this Congress, that that is the benefit that we are going to provide these families and these soldiers who are making this sacrifice on our behalf. Now, mind you, all of the advice that these soldiers had when they started their IRA accounts from their employment, from Goldman Sachs, from Merrill Lynch, from Charles Schwab is do not ever touch your retirement savings because the sooner you start and the longer you do it, the better chance you have at retirement where you will be secure. But because, unfortunately, they have joined the armed services or because, unfortunately, they cannot get out of the armed services because of the war on Iraq or because they have been sent to Iraq to fight the war for longer than they have anticipated or they were told was going to happen, they must now take their savings and try to support their families with that.

I cannot believe that is what a grateful Nation would do to these individuals; but that is the bill that just passed. We all voted for it. We want to do whatever we can to help them, but that cannot be the response of this Nation to these military families that find themselves in this kind of economic stress. How cynical of an approach that somehow we cannot help these families out beyond saying they will not have to pay the penalty for destroying their savings. Well, the minute they touch those savings, they are being penalized because they are giving up retirement benefits in the future.

This Congress owes our National Guard members, our Reserve members better than that, and we owe their families better than that. And we ought to correct this and correct it immediately because these families, the financial stress is continuing because of this war on Iraq. And we ought not to have them go into financial ruin because they have defended this country, because they have served this country, because they answered the call of this President.

HONORING VALLEY COMMUNITY SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CARDOZA) is recognized for 5 minutes.

Mr. CARDOZA. Mr. Speaker, I am honored today to have four students in attendance here from Valley Community School in Merced, California. Valley Community School, led by its principal, Jill Macha, is an alternative education program that serves at-risk youth throughout Merced County. I had the privilege of visiting Valley Community School in October during Red Ribbon Week festivities, and it left an impression with me and had a positive impact on alternative education and the impacts it was having on the students there.

However, I also had a very moving experience while I was visiting. I see school groups in my district frequently, but nothing compares with the interaction I had with the students at Valley Community School that day. After the Red Ribbon Week assembly was over, a group of children, young people, came and met with me. Many of them were products of the foster care system, just like those who are fortunate enough to be here in Washington today.

During our 90 minutes together, I heard many of their personal stories from the students that would shock anyone who cares. They told me about some of the horrible conditions that they had encountered as they moved from placement to placement in foster care. They told me about situations that have gotten them in trouble. They told me about a lot of things that I thought I would never hear or even have to hear from young people: abuse, neglect, domestic violence, sexual assault. These kids have been through more unfortunate events at a younger ages than most of us will ever go through in a lifetime. Many of them had begun to get tougher than they ever should have to become just to survive. But, ladies and gentlemen, in all their eyes, I saw a glimmer, a glimmer of hope, the glimmer of hope that I see, frankly, in all young people's eyes. But it was one that moved me even stronger than normally because these kids had had such a tough life.

They wanted to talk about and overcome their problems. They wanted people to become aware of the flaws in our foster care system, and they wanted people to understand how important it is for them just to have a stable home. I want the students of Valley Community School who are watching back in Merced to know that people really do care about them and the problems they are going through. Their principal, Jill Macha, is one of those people. They lead an alternative education program at the school that is one of the sources of stability for those kids in that situation, and stability is what they desperately need.

But, ladies and gentlemen, there is much work to be done. I am committed to working on improving our foster care system and the support network for children who are left behind. I hope my colleagues will take the time to learn more about the kids like those who are at Valley Community School and join me in the effort. I know that if they do, we can have a better understanding of the enormous challenges that at-risk kids face and that we can actually do something to improve their situation.

SPECIAL ORDER VACATED

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from New Jersey (Mr. PALLONE) is vacated.

There was no objection.

THE CASE FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I rise today in the discharge of an idea that began for me in September of 2003; and now today it has its fourth manifestation, a series of remarks on the floor of this Congress that I simply call "The Case for Life."

My inspiration for today's discussion, which is entitled "The Case for Life: Abortion and the Problem of Pain," was inspired not by a contemporary in this Congress, though I just came from a meeting with really the intellectual and moral father of the pro-life movement in this Congress, the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, who simply referred to my humble efforts on the floor and those of colleagues who will join me as, in his words, "a great idea." But it was not from the gentleman from Illinois (Mr. HYDE) that I drew my inspiration for these series, but rather from another distinguished gentleman who served in this body from the years 1827 to his death on the House floor in the year 1848. That was the late Congressman and the former President, John Quincy Adams, who history recorded after he served as President of the United States for a term in the early 1820s, he actually felt compelled to return to Washington, D.C. from his home State of Massachusetts as a member of the House of Representatives, truly an extraordinary exercise in public service.

One can scarcely imagine a former President in the modern era becoming a Member of Congress after he served in the Oval Office. But John Quincy Adams was not an ordinary man. His father before him, John Adams, was our second President. John Quincy Adams was considered one of the great moral and intellectual minds of the 19th century and is considered so to this day. But he came to Capitol Hill, Mr. Speaker, not simply, as some get wrongly accused, to occupy a chair. He came here on a mission, a mission encapsulated in a book I am reading now entitled "Arguing About Slavery." Because when John Quincy Adams came to the Congress of the United States he did so as a Northerner, a former President himself, the son of one of the founders of this country, and a man who believed that the scourge of slavery was a blight on this Nation and threatened its greatness and threatened its destiny.

So as history records, Congressman John Quincy Adams came often not to this floor, but to the floor of the Congress just down the hallway, every few weeks for the nearly 20 years he served in this body to speak about one issue, and that was the issue of the abolition of slavery.

Now, one would argue that having died in 1848, John Quincy Adams could scarcely point to any accomplishment in his life ending slavery; but there, Mr. Speaker, you would be wrong. Because it would be none other than a lanky, gangly freshman member of Congress that arrived on Capitol Hill the year that John Quincy Adams would die who would be sitting on the back row in what is now Statuary Hall in the House of Representatives and would listen to the great man speak, make his powerful moral orations against slavery. And that young Congressman, known to his friends as Abe Lincoln, would be deeply moved.

□ 1430

History would record that young Congressman would go back to Illinois and run for the United States Senate and eventually become our President and eventually sign the Emancipation Proclamation. I am confident that once we reach the other side of heaven, as opposed to this side of heaven, we will know to a certainty that that Abe Lincoln was inspired by the words and the example of that humble former President and Congressman.

After I learned that story, I thought of my own time. I thought of the short period of time that I would have here to serve, and I thought about my passion about the sanctity of human life, and I thought about the enormity of this issue and the fact that apart from a few important legislative advances, despite the fact that this Chamber could be considered the heart of the most powerful Nation on Earth, that actually the subject of abortion comes up here very infrequently, even though the statistics are startling about the impact that abortion has and has had on our society over the last 30 years.

Think of it, Mr. Speaker. Each year more than 1 million U.S. teenagers become pregnant, and the teen pregnancy rate in the last 30 years has become truly alarming. With regard to those who elect to end that pregnancy out of wedlock in abortion, 80 percent are single, 60 percent are white, 35 percent are black. Eighty-two percent of women having abortions are among that single or separated category, but the most startling statistic to me, and I think the reason why, Mr. Speaker, it begs that we grapple with this issue on this floor from time to time, in the same way that John Quincy Adams, however inconveniently, grappled publicly on the floor of the Congress about slavery, is that according to Planned Parenthood's National Center for Health Statistics, nearly half of American women, 43 percent of American women, will have an abortion sometime during their life.

Let me say again. This procedure, validated in the case of Roe v. Wade in 1973, has now given rise to a procedure that literally impacts the lives not only of the unborn, but of nearly half of childbearing women in the United States of America. So it is in that spirit that back in September I launched this series on the case for life and today come to the floor on the subject of abortion and the problem of pain.

I mentioned earlier that there have been some recent and important legislative achievements. This Republican majority in Congress has advanced not one, but two historic pieces of legislation that advance the principles of the sanctity of human life. To a lesser degree is the Unborn Victims of Violence Act. I helped to draft that bill as a member of the Committee on the Judiciary, and while it is not a prolife piece of legislation, it does, on the Federal level, certify what two-thirds of the States of this Nation have certified long ago is that when there is violence against a pregnant mother that results in the loss of the unborn child's life, that there are two victims, and while I would say that it is not a prolife piece of legislation, the principle about the sanctity of unborn human life is nonetheless there, and it is important.

I commend my colleague, the gentlewoman from Pennsylvania (Ms. HART), who almost single-handedly muscled this legislation to the floor of the Congress and saw to its passage and signature earlier this year.

Obviously, the most significant piece of legislation and, in fact, the very first restriction on the abortion procedure since Roe v. Wade also passed in this Congress and is now the subject of not one, but three separate pieces of litigation in the Federal courts, and it is in that context that abortion and the problem of pain, I think, justifiably comes before us today.

Congress, as I am sure my colleagues are aware, Mr. Speaker, actually managed earlier this year in overwhelming numbers to pass the Partial Birth Abortion Ban Act. For those not aware of this procedure, partial birth abortion essentially involves, as hard as it is to say, the breach delivery of a child post-20 weeks. Virtually in every case of a partial birth abortion, the child could be delivered whole and could survive. It is certainly at the stage of viability.

But in the partial birth abortion, the child is delivered partially, and then a suction tube is, I will say it gently, inserted in the back of the skull. The contents of the skull are removed, and the remains of the child are taken from the mother's womb. It is a horrific procedure.

It was one of the joys of my life on November 5, 2003, to sit on about the third row as the President of the United States over near the White House in the Reagan Building signed that ban of that horrific procedure. As the President said, Our Nation owes its children a different and better welcome. He went on to say, The bill I am about to sign protecting the innocent, new life from this practice reflects the passion and humanity of America. And so it did. It affirmed our basic standard of humanity which can be summarized in the duty that the strong have to protect the weak.

The American people obviously overwhelmingly support this legislation. One survey after another has shown enormous support. A recent Gallup poll showed 68 percent of Americans believe that partial birth abortion should be illegal. The same poll showed that even 50 percent of those who considered themselves to be prochoice on abortion supported the ban of this horrific procedure, and here is a compelling number for my colleagues. Fifty-seven percent of obstetricians and gynecologists want partial birth abortion banned as well, according to a survey in Medical Economics Magazine.

It seems, as we like to say back in Indiana, Mr. Speaker, to be a no-brainer procedure like this has no place in a civilized society, and Congress, in bipartisan fashion, agreed. Members from across the political spectrum after literally 8 years of wrangling on Capitol Hill, 8 years of expert testimony, 8 years of public debate, finally came to broad agreement. Members across the aisle, as I mentioned, many colleagues in the Democrat minority in the House and the Senate, strongly supported this legislation. Senators, from conservative Republican RICK SANTORUM to Senator TOM DASCHLE, approved this measure in a 64-to-34 vote, and House Members in this Chamber, the distinguished gentleman from Michigan (Mr. DINGELL) and my friend the gentleman from Rhode Island (Mr. KENNEDY), joined conservatives like me in approving the ban 281 to 142.

Congress made specific findings in this legislation as well, that partial birth abortion was essentially an inhumane procedure that is, and this was a finding of the Congress that is important in this moment, Mr. Speaker, because it is being litigated in Federal courts around the country at this very moment, that the Congress found that one expert after another, and even in agreement with the American Medical Association that supports abortion rights in America, found that this procedure is never medically necessary. Let me say again. That after nearly 8 years of debate, after examination of experts, including the concerted opinion of the American Medical Association, it was concluded that this procedure, known as partial birth abortion by the AMA, as well as, of course, by the overwhelming majorities of this Congress, was found to never be medically necessary, and that is a critical, critical conclusion by this Congress.

Partial birth abortion, it was concluded almost unilaterally or uniformly by medical and legal and ethical experts to be inconsistent with the obligations of the law. So we find ourselves nevertheless in litigation in America, and as a former trial attorney, I can tell my colleagues, Mr. Speaker, I would never stand between any American and the courthouse door. We all have the right to seek redress in the courts, and some are doing just that.

In fact, this law, the Partial Birth Abortion Ban Act, signed into law last November is being challenged not in one, but in three separate cases in Federal courts around the country: in New York City before Judge Richard C. Casey; in Lincoln, Nebraska, before Judge Richard Kopf; and in San Francisco, California, before the honorable Judge Phyllis J. Hamilton.

In two out of three of those cases, though, interestingly, Mr. Speaker, the judges on the bench have ruled that an issue that we did consider in this Congress, but an issue that has not gotten a great deal of public discussion, was relevant to the deliberations on the constitutionality of the ban, and that is, as I have said in the title of this discussion today, the problem of pain. It is the problem of pain that is literally being considered in two out of three of the Federal cases, and it may ultimately cause some pain in the hearts of Americans who may be looking in on our deliberations or may be reading accounts of this, but it seems to me, as we try and come to terms with the cost of abortion in America, we do well to listen to the experts about this issue of pain, and I want to speak gently and respectfully about it today.

The truth is, in the New York City case, the National Abortion Federation never wanted Dr. Kanwaljeet Anand to testify in the Partial Birth Abortion Ban Act trials, but he did, and no wonder. This Oxford- and Harvard-trained neonatal pediatrician had some jarring testimony about the subject of fetal pain, and it is truly made more astonishing when one considers the fact that Dr. Anand is not a stereotypic Bible-thumping prolifer.

In fact, interestingly, Mr. Speaker, Dr. Anand is not prolife at all. He is, in fact, a strong advocate of the right to an abortion. A native of India, he just does not meet the stereotype, not just the head wrap, the neat beard, the Rollie Fingers-style mustache, but he views abortion as an unalienable right for women in America. He gave his testimony in the New York court, even more credibility as one of the leading experts on fetal pain in America, if not the world.

Dr. Anand took the stand in the morning recently and testified for hours, excerpts of which I will read into the RECORD today. He testified for hours on a simple principle that unborn children can, according to his research, actually feel pain more vividly than recently born children or adults. It is an astonishing and truly chilling assertion that this expert came to.

Let me go back, as my old trial lawyer days taught me to do, and let me establish the credibility of the witness, if I can. Dr. Kanwaljeet S. Anand is a pediatrician specializing in the care of critically ill newborns and children. For more than 20 years, according to trial testimony, he has conducted intensive research on the study and the development of pain and stress in human newborns and fetuses.

I said before once again, and I repeat it for the sake of its significance and its addition to the credibility of his testimony, that Dr. Anand personally believes that a woman has an unalienable right to an abortion, which makes him solidly and unqualifiedly prochoice.

He received his medical degree from Mahatma Gandhi Memorial Medical College in Indore, India. After postdoctoral training in pediatrics, he was awarded a Rhodes scholarship to study at the University of Oxford. He received a Ph.D. from the Faculty of Medicine for research he performed on surgical pain and stress in premature and full-term newborns.

Following additional postdoctoral training at Oxford, Dr. Anand completed a fellowship in pediatric critical care at Massachusetts General Hospital.

He has numerous academic appointments, University of Oxford, Harvard Medical School, Emory University School of Medicine. He has authored or coauthored more than 200 articles and is currently professor of pediatrics at Arkansas University for Medical Science. Not a lightweight, and, virtually as we used to say in the law business, an unimpeachable witness on the subject of fetal stress and fetal pain.

□ 1445

Now, before I go into precisely what Dr. Anand had to say, it is important to point out that the damaging nature of this information coming in not only to the courtroom in New York, and not only has been ruled in order in Nebraska, Mr. Speaker, but also into the public domain was certainly not lost on the abortion rights activists who brought the challenge to the Partial-Birth Abortion Ban Act in both of those cases.

Literally, attorneys for the National Abortion Federation used virtually every legal tactic at their disposal to prevent Dr. Anand's testimony from being permitted in the court. NAF attorneys attempted time and time again to block Dr. Anand's testimony. And then once he was allowed on the stand, the plaintiffs' attorneys cross-examined him redundantly, in a style that actually drew the judge's rebuke. The judge actually asked one of the National Abortion Federation lawyers, he was being so pedantic and repetitive, and in some ways abusive of Dr. Anand on the stand, Judge Casey asked: "Is this a new school of cross-examination, where you make a statement and finish every statement with, is that correct?" Later, the judge actually drilled a plaintiff's lawyer for attempting to make one of their witnesses testify about events before they were hired.

It just was extraordinary the efforts to which the opponents of the Partial-Birth Abortion Ban Act went to prevent Dr. Anand's testimony from being allowed in. And for all the world, I do not think, Mr. Speaker, it was so much about what was happening in that courtroom as it was what was happening out here in the debate, the debate for winning the hearts and minds of 270, 280 million Americans who wrestle with this issue and are deeply divided. And not only are we divided just as a country, but most of even my very best friends and family members, who profess to be pro-choice, do so with a great deal of ambiguity about it, seeing abortion as a necessary evil in society, but an evil nonetheless.

I really believe, as I denominated this "case for life" installment, I believe that pain is a problem for the advocates of abortion in America, not just those who would oppose partial-birth abortion. Abortion and the problem of pain can be summarized in this idea, and forgive me if I have too high an opinion of people and particularly the American people, but I cannot help but feel that if most Americans became persuaded about the truth of what Dr. Anand has said, about the capacity of unborn children to experience pain, that we would, as a Nation, rethink this business of abortion.

And so I thought it all together fitting that we talk about the problem of pain in the little bit of time I have left. And I may be joined, Mr. Speaker, by the gentleman from Iowa (Mr. KING), who was actually in Nebraska, in the courtroom, where much of this testimony took place and was facilitated just in the last 2 weeks.

Here is what Dr. Anand had to say, and I want to read this into the RECORD, if I can, Mr. Speaker, although I will submit the entire testimony for the RECORD.

When he was brought to the stand in New York City in the partial-birth abortion ban challenge case, Dr. Anand was asked a series of questions beginning with this: "Are there differences between fetuses and infants born at full term?" The answer: "There are certainly huge differences between a fetus at different stages of maturity and a full-term infant, yes."

Next question: "What effect, if any, does that have on your opinion in this case about a fetus's ability to feel pain?" This was the response of this Rhodes Scholar, Harvard-trained Ph.D. who supports the right to an abortion. Dr. Anand responded: "What we have noted from these multiple lines of evidence is that the pain system has a very low threshold, meaning that the fetus has a much greater sensitivity to pain during the early development of the pain system, and later on that threshold rises or the sensitivity decreases to pain. This is seen throughout development. So in a premature fetus, those 23, 24 weeks of gestation, they have a much lower threshold of pain compared to a full-term infant. A full-term infant has a lower threshold of pain as compared to, say, a 1- or 2-year-old child. And during childhood as well there is a progressive increase in the threshold of pain. So," Dr. Anand testified, "my opinion is that between 20 and 30 weeks of gestation there is the greatest sensitivity to pain."

The attorney went on to ask the question: "Doctor, can you explain the scientific reasons why that is so?" Dr. Anand responded: "There are many reasons to explain this increased sensitivity to pain. Firstly, there is the early development of the receptors and the density of these receptors is much greater in the fetal skin as compared to an older child or adult. These receptors have connections to the spinal cord," et cetera, et cetera, et cetera. "So it is that early period," he concluded, "there is the greatest sensitivity to pain."

Then it gets a bit more chilling, and this is where I would ask the forbearance of the Chair and any who are looking in; so that if there are little ears nearby, I, as the father of three small children, have no desire to offend, but this is offensive. Because here we will hear where Dr. Anand actually used the word "excruciating" to describe the experience of pain of an unborn child in a partial-birth abortion.

Question: "Do you have any opinion as to whether the partial-birth abortion procedure will cause pain to a fetus?" Answer: "Yes, it would, if the fetus is beyond 20 weeks of gestation."

And I would add parenthetically here, not as part of the testimony, that virtually all partial-birth abortions take place after 20 weeks, according to medical statistics.

Back to the testimony. Question: "And could you describe, in your opinion, Doctor, what kind of pain you would anticipate the fetus would feel?" Dr. Anand responded as follows: "Given the increased sensitivity to pain at that period of gestation, the parts of the procedure associated with grasping the lower extremity of the fetus, of manipulating or rotating the fetus within the confines of the uterus, of delivering the fetus through an incompletely dilated cervix as well as the surgical incision made at the back of the head, the puncturing of the intracranial cavity through the occipital bone and through the membranes that cover the brain, all of those parts of the procedure would be associated with prolonged and excruciating pain to the fetus." So said Dr. Kanwaljeet Anand, a Rhodes Scholar and one of the leading experts on fetal pain in the Western World.

As you heard, Mr. Speaker, going literally step by step through each element, the doctor described of the procedure of a partial-birth abortion, and I cited here his reference to the grasping of lower extremities, the turning of the fetus in the uterus, the delivery of the fetus through an insufficiently dilated cervix, Dr. Anand concludes that these would all result in, and these are his words now, "prolonged and excruciating pain to the fetus."

There is more here; and as I mentioned earlier, Mr. Speaker, I will submit this testimony at this point in the RECORD, in its entirety, for any who might examine our work at some point in the future, because it is truly extraordinary to consider.

Mr. Speaker, I am grateful now to yield to a colleague and a friend who, while a freshman from the great State of Iowa, has arrived here with a vengeance and with convictions and with passion. And as I presented the issues that are being litigated at this very hour in New York and in Nebraska and in San Francisco, I was delighted to note that over the April recess, my colleague, the gentleman from Iowa (Mr. KING), was not content to stay in Iowa while these weighty matters were being debated.

As was reported to me, the gentleman from Iowa drove 470 miles one way to sit in the courtroom in Nebraska in the company of the Honorable Judge Richard G. Kopf, and reassert the principle of Congress' ability to make findings of fact and the deliberation that Congress used in concluding, as I asserted earlier, Mr. Speaker, that partial-birth abortion is never medically necessary. And, as I am sure the gentleman from Iowa will elaborate, that was a broad conclusion by this body.

Also, Mr. Speaker, I would be anxious to hear my colleague's reflections on the issue of fetal pain and how that may or may not play into this debate, both in and out of the courtroom.

My purpose today in this "case for life" entitled "Abortion and the Problem of Pain," is simply to do our part on this blue and gold carpet to bring these issues more into the public domain, not just to our colleagues here on the floor, but also to those that might be looking in, Mr. Speaker, to be aware that this business of banning partial-birth abortions, so overwhelmingly supported by the American people, is an unfinished work. The work goes on.

Mr. Speaker, again I yield to my colleague, the distinguished gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary

Mr. KING of Iowa. Mr. Speaker, I thank my colleague, the gentleman from Indiana (Mr. PENCE), for yielding to me to address my colleagues and America on this issue.

For many years now, this Congress, in response to the people of the United States of America, have fought diligently to end the most ghastly and ghoulish and gruesome procedure known to modern man. And as we have done so, this Congress has held hearings in the 104th, 105th, 106th, and 108th Congresses. That is over 8 to 9 years if gathering information and data and analysis of the concept of what we call and have defined in this Congress as partial-birth abortion.

Now, for myself, as I thumb through the phone book in the Washington; D.C. yellow pages, I can find in there ads for abortions up to at least 22 weeks, and I believe there are one or two that advertise up to 24 weeks. And if the advertisement goes to that, then you can be confident that those partial-birth abortions are taking place beyond the 24 weeks. And, in fact, in this country, there is a Supreme Court decision that allows for such a thing up until the very last minute before birth.

The circumstances around this law that we have then in this country come to Congress finally passing a ban on partial-birth abortion that was signed by our President. And that was something that was difficult, in fact impossible to obtain under the previous administration. We have it today.

I sit on the House Committee on the Judiciary, and we held hearings and we gathered facts, did fact-finding, due diligence, and gathered data that reaches out all across this country into all of the experts, the best experts that we can find, to bring them forward to testify before congressional hearings. There were people to testify on each side of the argument, both pro and con on this procedure that we know all across this Nation as partial-birth abortion.

And when that happens, these expert witnesses testify, they are cross-examined by nearly every member of the Committee on the Judiciary. At the end of that period of time, then we debate the relative merits of the issue. As that debate flows through, we bring the bill for a vote, and generally through subcommittee, full committee, and then out to the floor. The same procedure takes place over in the other body.

That gathers all of the best expertise that can be gathered, it draws it all out of the United States of America, and then we have the administrative branch that also has their staff and their expertise, and they do their fact-finding.

So when the House of Representatives votes overwhelmingly and the other body votes overwhelmingly to ban that ghastly, ghoulish, and gruesome procedure of partial-birth abortion, and when Congress comes with findings that declare that a partial-birth abortion is never medically necessary to preserve the health of the woman, there is no system of fact-finding or data-gathering that exists in this country today that can begin to match the due diligence of the United States Congress.

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So, when word came to me late Good Friday that a judge in Lincoln, Nebraska, had made remarks during the last witness' cross-examination in the case that is one of the three jurisdictions that the gentleman from Indiana spoke about, that the attorneys in the case had done more due diligence than Congress had, that echoed into my ears an hour or two, if not within minutes. When it did, it looked to me that the preparation was at least there to declare that Congress had not done due diligence, that the attorneys in the case had, and that would be reason or justification enough to overturn our congressional ban, our Federal ban on partial-birth abortion.

So the decision was made late that Friday afternoon, and I was in Lincoln at 9 on Monday morning. I make one minor correction to the gentleman from Indiana (Mr. PENCE): It was round-trip miles rather than one way. It was a little bit to adjust it into my schedule. I walked into the courtroom at 9, and I am confident most of the actors in the courtroom knew I was coming, judging by the reaction in the courtroom. I listened to that case between 9 and almost up to 12, nearly noon, just stepping out for a couple of message exchanges. At noon I went down there outside the Federal building in Lincoln, Nebraska, and held a press conference. I made the statement describing how Congress comes to their findings, what due diligence Congress uses, and that there is no substitute for the due diligence of Congress.

For a single judge to substitute his opinion for the collective wisdom of the United States of America is the height of arrogance. It also exposes judicial activism. It turns the law on its head. There is nothing that we could pass in this Congress that would meet that kind of standard that would allow a single judge to substitute his judgment for the wisdom of the people of America.

That is what that press conference was about. It echoed across this Nation from the Atlantic to the Pacific Ocean and points in between, and I am hopeful that it echoes into that courtroom and the courtrooms of San Francisco and New York where any activist judge in this country realizes that the legislative power belongs to the United States Congress. That is defined in the United States Constitution. If we allow judicial activism to run its course, there is no point in this body existing. They will have taken away all of the legislative power of this Congress if we do not draw the line.

I would have said a year ago that the line was blurred between the judicial and the legislative branch of government. Today I will say it is obliterated. It has been obliterated in a number of cases not particularly relevant to the ban on partial-birth abortion.

We have the authority as Congress to rein in the run-away judiciary, to slap the wrists of judicial activism. In fact, all Federal courts, with the exception of the Supreme Court, exist because they have been established from time to time by the Congress. Whatever the Congress establishes, they can take away.

So it is conceivable that any of these Federal lower courts are not a requirement of Congress, we could do with them as we wish. We want to do what is prudent and appropriate, but we also have an obligation to preserve the separation of powers. I will continue to do that.

Mr. Speaker, I want to speak to the fetal pain issue as well. I do not think that is hard for any of us to understand. We have heard testimony during hearings of this Congress of a baby that was almost to the last moment of its life reaching its arm out with that fear-of-falling reflex. It is unrealistic to believe that baby did not feel the pain at that moment, at that moment when they are trusting into the hands outside the womb instead of the protection of the womb, to have those hands take the life and drain the brains from that innocent, most innocent little child.

If Members have seen the pictures that have been up on the Internet, particularly on the Drudge Report, during intrauterine surgery, a little hand reaching up, grabbing ahold of the finger of a doctor. Imagine a little hand grasping the hand of the surgeon that is there to protect and save its life, and that little hand and that little body cannot feel pain? Of course it does. For a doctor to say, I have never thought of such a thing, it did not occur to me whether there was pain there, that would not be the case if this were happening with an animal. There would be a national outrage, and there should be a national outrage on this.

We have to play this out in the courts in New York, Nebraska and San Francisco. We are going to see these three inferior courts come with a decision. Those decisions will find their way to the United States Supreme Court where the Supreme Court will in the next year or so be obligated to makes a decision on whether Congress can actually declare findings and declare fact. We have done so.

There are only two questions before the court, I understand. One of them is do congressional findings determine that a partial-birth abortion is never necessary to protect the health of the woman; and the other question is did we define partial-birth abortion accurately and precisely enough that one who is providing that procedure, and that is hard for me to say, understands clearly at what point they would be breaking the law?

I think we have a precise definition of partial-birth abortion. It is clear whether it is a head delivery or whether it is a breech delivery. We define that moment when it becomes a partial-birth abortion, and Leroy Carhart or any of those practitioners understand that, and they are simply trying to confuse the American public.

I will stand for life. I stand with the gentleman from Indiana (Mr. PENCE) and the hundreds of people in this Congress and the millions across this country that understand that innocent life begins at the instant of conception.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING) for his statements, and again want to express my gratitude for the gentleman's tenacity in defending life and the processes of an institution. Our colleague, literally at a time when many Members of Congress with their families were stealing away to someplace warm, our colleague was headed to a courthouse to defend the integrity of an institution and the processes of this institution which the American people, many of whom may be looking into our conversation today; have a right to know that the Partial-Birth Abortion Ban Act signed 5 November, 2003, by this President was thoughtfully considered and carefully prepared and based upon findings of fact that are demonstrable.

I thank the gentleman from Iowa (Mr. KING) for his leadership and for his courage on behalf of the unborn and as truly a remarkable contributor to this institution in a very short period of time.

By way of closing this installment of the case for life, abortion and the problem of pain, I would reflect on those words from the ancient text that say whatsoever you do to the least of these, you do to me, and that for millions of Christians, me included, those were the words of God Himself. They express a principle that has been manifested throughout the 2,000-year history of Western civilization that societies and their justice and their definition of justice is defined on the manner in which the strong deal with the weak. That is the essence of justice.

At its very core, in my judgment, whether it is partial-birth abortion or abortion in any of its permutations, justice demands that we reconsider this practice. As the evidence that the gentleman from Iowa (Mr. KING) defended in Lincoln, Nebraska, overwhelmingly attested in the case of partial-birth abortion, this is a procedure that is never medically necessary. In fact, we, from south of Highway 40 in Indiana, like to use common sense on things. It hardly seems like it could ever be in the interest of the health of a woman to deliver a child and to brutalize it in the birth canal, and that would somehow be safer for the mother than a simple caesarean section that is done countless times in America and has been done since Caesar, after whom it was named. It is never medically necessary.

Beyond that, it is my hope and my ambition, and I may even say my prayer, that the problem of pain becomes more widely known in this country. Just judging the intensity that abortion rights activists use to keep Dr. Anand's testimony about fetal pain out of the courtroom in these proceedings suggests to me that our opponents in this debate understand the political vulnerability because at our core I believe, as the President says so often, the American people are a deeply compassionate and caring people.

That is why I said at the beginning of this discussion today that in the case for life, the problem of pain is a problem for advocates of abortion rights. To the extent that these court cases and the attempts to challenge and pull down the Partial-Birth Abortion Ban Act ultimately result, whatever their outcome, in the American people having a broader understanding of the reality of what Dr. Anand called so chillingly that prolonged and excruciating pain to the fetus in a partial-birth abortion, then we may be making progress.

So I conclude this case for life, Mr. Speaker, with gratitude for your forbearance and those of my colleagues, with renewed appreciation to the gentleman from Iowa (Mr. KING), who, along with his lovely bride, are stalwarts on the case for life. I close this case for life with gratitude.

PRESIDENTIAL MISTAKES

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, last week during President Bush's press conference, he had a difficult time with a question from one reporter asking him whether or not he had made any mistakes as President since the fateful events of September 11, 2001. Today I would like to basically join with some of my Democratic colleagues who have already spoken today during their 5 minutes in trying to help out the President to answer the question about any mistakes he has made as President since 9/11.

I think one of the President's biggest mistakes over the last year was signing a so-called prescription drug bill into law which he knew would benefit the pharmaceutical companies a lot more than the millions of seniors who need help now with their prescription drug bills.

Mr. Speaker, seniors have done the math. I had some opportunities during the district work period, during Easter and Passover, to meet with senior citizens, and they have done the math with regard to the President's so-called prescription drug plan. They realize that the President's law was a mistake because it will not help them with the ever-increasing cost of prescription drugs. I want to use an example because I know I have talked about this many times on the floor about how the so-called prescription drug bill will not really benefit most senior citizens.

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If one would consider a senior who now pays about $1,000 a year on prescription drugs, who will pay at least $857 a year out of pocket under the President's law, seniors with a bill of $5,000 a year will still pay at least $3,920 under the President's Medicare bill, and as we can see, the problem with the President's bill is that they are going to have to pay so much money out of pocket to get any kind of a meager benefit that for most seniors it is simply not worth the effort.

And I know from being back in my district in New Jersey for the 2-week break that the seniors see the minuscule help that they would receive under this legislation, and they realize that it is really not them, but the pharmaceuticals who are benefiting from the law because of all the profit that the pharmaceutical companies plan to make. And as I have said before, one of the reasons why the pharmaceuticals were so involved in this prescription drug legislation was because they wanted to make sure that the government did not do anything to lower the price of prescription drugs, because if the government got involved in negotiating to lower prices, as does the government in almost every other Western nation, they would not see the same level of profit that they wanted under the President's bill.

And we, as Democrats, made a point during the debate on the Medicare bill that we wanted the Secretary of Health and Human Services or the Medicare Administrator to have the power to negotiate better prices, essentially what we do now with the Veterans Administration, what we do with our military and our military retirees, but because of the support that the President receives and the Republicans receive from the prescription drug industry, that would not happen. That was not going to happen.

In effect, what was written into the law was a clause that specifically said that the Secretary of Health and Human Services and the Medicare Administrator could not negotiate lower prices. That was prohibited by law. I would maintain that that was a mistake, a major mistake, on the President's part not to allow the negotiation of lower prices, but the bill itself was a mistake because the bill, as I said, does not really provide any meaningful benefit to seniors who are looking for their prescription drugs to be paid for in a major way by the Federal Government.

But the President and his administration made a lot more mistakes than these, Mr. Speaker. The President made a big mistake also when he allowed the Medicare Administrator, Tom Scully, to negotiate the final prescription drug legislation on behalf of the administration here on Capitol Hill. At the same time that Mr. Scully was the Medicare Administrator negotiating the legislation, he was also negotiating a new job with various companies representing health care interests that stand to make millions from this Medicare law. Tom Scully did not do this, as I said, outside. He was doing this at the same time that he was negotiating the Medicare bill.

And one might say to oneself, how does he do that? How does someone who is in charge of Medicare in the Bush administration end up basically negotiating a job for himself with those same interests that are now looking for some benefit in the Medicare bill? And the reason is because he received a waiver from the Bush administration that allowed him to participate in job negotiations while he was negotiating the Medicare bill. I would maintain that that is not only a conflict of interest, but also another mistake in the context of this Medicare legislation that President Bush made.

Administration officials should not be allowed to interview and go on job searches with the companies at the same time that they are working on legislation that directly impacts these companies. That is why we have laws that bar that as a conflict of interest, and it should not have been waived. That was a mistake of the President.

President Bush also knew that this Medicare bill he signed into law had passed Congress, in my opinion, under false pretenses. Members of this House did not know the true cost of the legislation, and the reality is we probably never would have known what the true costs were were it not for the fact that the President's own Medicare actuary actually came forward after the legislation was passed and detailed what the true costs were. But that Medicare actuary was not allowed to give the House Members, be they Democrat or Republican, the true costs of this Medicare legislation when we were voting and negotiating the bill because essentially this actuary was told that his job would be threatened, he might be fired, or he would be fired if he gave out the real information about the cost of the Medicare bill.

Last year when Republicans were writing their version of the prescription drug bill that eventually became law, the Republican leadership made assurances to many of the conservative Members in the Republican Party that the total costs of the program over 10 years would not be higher than $400 billion. That is what they put in the budget, and that is what the Republican leadership and the President told the conservative Members that they would be facing, a cost of $400 billion. When the bill finally came up for a vote, the Bush administration said the total cost of the program would be actually $395 billion, close to the 400-. But as my colleagues know, last month we learned that the administration's own analysts had concluded repeatedly that the drug benefit could cost $100 billion more than what they said publicly at the time, not $400 billion, but $500 billion, a big increase, about a 20 percent increase, but they never made that information public until the bill was signed into law.

The individual who was the chief Medicare actuary, Richard Foster, at the time did come forward and say that the administration knew and that he knew at the time when the bill was being voted on that the true cost would be $100 billion more, that it would be 500- instead of $400 billion, but he was warned that he would be fired if he told his colleagues here in the House the truth; so he never told us.

So here we go again. What kind of mistakes did President Bush make in the context of this Medicare bill? Quite a few. In this case he knew, or at least the administration knew, that this information was available about the true cost, but they probably also knew that if that cost had come out, it would kill their chances for passing the bill. So essentially they kept the facts from coming out, and one could argue that the House made a mistake in passing the bill because it was based on misinformation, another mistake that the President made which contributed to the big mistake of this Medicare bill when it finally passed.

I just mentioned this because many of my colleagues on the Democratic side would like to point out some of the mistakes that the President made in the last year, and hopefully when he has his next press conference, he will have a little more opportunity to talk about some of those mistakes. If not, we can just give him more information ourselves along the lines of the Medicare bill, which was a huge mistake.

Mr. Speaker, I would also like to bring up some other matters that relate to what I consider the ongoing credibility problem that President Bush and his administration faced, and there are many. There are many cases where information has been given out that is essentially misleading, that Congress relies upon it, as it did in the case of the Medicare bill, or in the case, one of the biggest that I would mention, is the Iraq War. We know now that much of the information that was given to the Congress and they used in making a decision to go to war and to pass a resolution to authorize the war was essentially misleading, information about the threat from Iraq, about the weapons of mass destruction, about links that did not exist between Iraq and Saddam Hussein and al Qaeda and those that bombed the World Trade Center on 9/11. And I would like to talk a little bit about the President's credibility gap with regard to the war in Iraq.

Again, some of my colleagues mentioned earlier that 100 of our U.S. soldiers have died this month, and not that I want to emphasize that, because I certainly do not, but I do think that this credibility gap has cost lives, and it is not just something that we can sort of toss aside and say, okay, well, we had this misinformation, and what was the impact? It had a major impact on our decision to go to war and upon the people who have lost their lives or have been injured during the war.

As concerns rise about the lack of planning for the war in Iraq, it is important that we determine how America got into the mess in Iraq, and probably even more important, because that is the past, how are we going to get out? Concern about the situation in Iraq crosses party lines. The House Republican leadership continues to block any congressional oversight. And, Mr. Speaker, we have heard some of my colleagues on the Democratic side of the aisle talk earlier this day during the Special Orders about the need for congressional oversight.

We have congressional oversight on everything. I am the ranking member on the Subcommittee on Fisheries, Conservation, Wildlife and Oceans. We have congressional oversight on what the agencies do with regard to fisheries management. If that is true, why would we not have it for something so important like the war in Iraq?

The House Committee on Armed Services and the House Committee on International Relations are not holding hearings to ask important questions that must be asked about the Bush administration with regard to the war in Iraq. Essentially House Republicans are allowing the President and his administration to do anything they want in Iraq, no questions asked. And I just find that simply unacceptable given the responsibility of this House and the committees of jurisdiction to have oversight over any important matter that we deal with.

Yesterday in the other Chamber, the Foreign Relations Committee held a hearing where Members of both parties asked the tough questions about Iraq. Yet here in the House, Republicans have completely abdicated their power to President Bush and essentially said that he as Commander-in-Chief can do anything he wants without any oversight.

Mr. Speaker, the problems in Iraq, I believe, are the direct result of the Bush administration's failure to adequately plan for what would happen after the initial U.S. incursion in Iraq. We know what happened when the U.S. first went to war. We know that it was largely successful in a very short period of time. But what planning was done about the aftermath after the initial incursion and after essentially Saddam Hussein and his forces were defeated and forced to flee? President Bush and his national security team assured the world that Iraq would be a swift and easy mission where U.S. troops would be greeted as liberators. This assessment proved dead wrong and is now costing Americans greatly in terms of lives, funding, and international support. And I do not think there is any question when we listen to some of what has come out the last few weeks both before the 9/11 Commission and other venues that the Bush administration was caught off guard.

Secretary of Defense Rumsfeld said last week that he was surprised by the recent level of violence in Iraq. Secretary Rumsfeld said, "If you said to me a year ago, describe the situation you would be in today 1 year later, I don't know many people who would have described it. I would not have described it the way it happens to be today." Those are Secretary Rumsfeld's very words.

The fact is that the Bush administration was warned before the war of the possibility that events might not play out as well as the administration was telling Congress and the American people. General Anthony Zinni, the former CENTCOM Commander, questioned how the escalating war in Iraq could have caught Rumsfeld off guard, and General Zinni said that he was surprised that Secretary Rumsfeld was surprised, because General Zinni said a lot of other people were telling him that it was going to be similar to what we are now seeing.

The administration's coalition of the willing is quickly unraveling, meaning more burdens on American troops. We had Secretary Rumsfeld saying that this was going to be quick, and our troops were not going to have to be there that long essentially. But obviously the opposite is the case. The coalition of the willing, of those forces from other countries that are willing to support us, seem to be dissipating. Spain, Honduras, and the Dominican Republic have announced plans to withdraw troops as soon as possible. Poland is also considering withdrawing from Iraq. Lacking troop support from other countries, about 20,000 American soldiers who were due to come home will now have their tours extended, breaking a Pentagon commitment to limit assignments in Iraq to 12 months. Again, the President's credibility is at stake.

Mr. Speaker, this is not a war that we had to fight. It comes from an administration that from its very first days in the White House was preparing to take out Saddam Hussein. And I join my colleagues here today to highlight the misrepresentations that the President and his administration included in their public comments. If the Members are interested in reading this comprehensive report, they can find it, and I will give out the information at www.reform.house.gov/min.

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We can go into that a little more if some of my colleagues want to. But the bottom line is that this misinformation that was given out seriously makes us question the credibility of this administration and what they were doing then and now in terms of the future and what we are doing in Iraq.

I see that some of my colleagues have arrived. I would like to yield to the gentleman from Washington, who has been down on the floor on a regular basis talking about this issue of credibility, particularly with regard to the war in Iraq. I thank him for joining us this afternoon.

Mr. McDERMOTT. Mr. Speaker, I want to thank the gentleman from New Jersey for coming out here and giving us an opportunity to talk about the abuses of power of this administration.

I think we have had so many that it is really hard. You sit in your office and say, which one should I come out here and talk about? Well, the most recent and striking one to me was on "60 Minutes" last Sunday night when they talked about the book by Mr. Woodward in which he describes the run-up to the war.

Now, anybody who knows anything about the Congress knows it is our job to collect the taxes. I sit on the Committee on Ways and Means. We collect the taxes, and then the Committee on Appropriations says this is how it is going to be spent, and the President is supposed to spend it that way. He does not have the freedom to just spend it anywhere he wants. Otherwise, what do you need a Congress for? Why do you not just give him the money and say, Mr. President, do whatever you want? If it looks good to you, buy it. Do it. See if you cannot make it work.

So with that background, the revelations that came out of this book on Sunday on "60 Minutes" were absolutely mind-boggling. The President secretly diverted $700 million from the war on terror in Afghanistan to begin building airstrips in Kuwait, starting a war that nobody knew anything about, that was hidden totally from view. They took $700 million appropriated for dealing with the war on terror.

We just had two enormous buildings in New York knocked down and the Pentagon attacked, we were over there trying to find Osama bin Laden, and the President decided, on his own, I do not know, sitting there talking to I do not know whom, maybe he was praying, for all I know, and he came up and said, I am going to use $700 million to start a war in Iraq. Now, the question is whether that is not only not constitutional, but whether it is illegal for the President to have done that, whether he has broken the law, and we hear nothing of it.

Ask yourself just for a minute, what would $700 million have bought in Afghanistan? It is fascinating. Just today the Pentagon came out and said it needs another $700 million to keep 20,000 troops in Iraq for another 90 days. So effectively what the President of the United States did was, in the middle of this war on terrorism in Afghanistan, he said, I am taking $700 million, I am taking 20,000 troops for 90 days out of the country. I am reducing our ability to deal with the war in Afghanistan, because I want to start this war over in Iraq.

It was not inconsequential what he did. Remember, this is when the Secretary of War, Mr. Rumsfeld, was quick to point out that they knew, it was not even close, that we suspect or anything else, we knew that bin Laden was hiding in the Tora Bora area of Afghanistan. Right in the middle of our dealing with Tora Bora, the President says, hey, Rumsfeld, out of my way. I want that money, and I want to put it over here.

Now, we were still in the shock of the attacks of 9/11, and all America watched and waited for the word that bin Laden would harm us no longer. The President still has not found bin Laden. He still is out there, still organizing, still sending out tapes, still having impact on us. And the President decided, I am tired of this, I do not want to chase bin Laden anymore. Because when this was happening, right in the middle of having him located in Tora Bora, the President said, I have lost interest in this, and I am going somewhere else.

Now, he acted unilaterally and without the Congress or the people of the United States understanding what he is doing. The President reduced America's resources in the hunt at the very moment when we had the best information about where bin Laden was.

Now we are talking about maybe he is in the border areas with Pakistan, or maybe he is here, maybe he is there. We knew apparently where he was at that point, but the President was not interested in getting him, I guess. I do not know.

He must have a short attention span to just say I am going to walk away from this. My belief is that unilaterally reducing American resources in the hunt for bin Laden really raises questions the President must face with the families of every 9/11 victim and with the Congress and with the American people and the mothers and fathers and brothers and sisters and husbands and wives of the 700 Americans who have died in Iraq.

What was he thinking about? Now, none of us think that the President was stupid, none of us think that Rumsfeld is dumb. But the question is, why were they so intent on going to Iraq? It clearly was not about weapons of mass destruction. It clearly was not about al Qaeda. There is no connection.

Yet we are now mired down in the war, and the question is, how do we get out of it? The fact was that the State Department predicted all of this in a big study, and the War Department just ignored it.

Mr. EMANUEL. Mr. Speaker, if my colleague would yield for a minute, you talk about the misappropriated or misallocated $700 million. One of the issues that I have repeatedly talked about, and I think has come to affect all Americans, is larger than the $700 million, although that is an adequate question, and it is we passed a budget here for $2.3 trillion that had a $500 billion deficit here at home; and in that budget, there were some priorities set for America. But it is very interesting how you contrast those priorities for Iraq, which I think raises a lot of questions about the misappropriated values by this administration.

I will give you an example. In the area of health care, in Iraq there are 150 clinics that have been rebuilt, serving 3 million Iraqis that provide 100 percent prenatal care and infant coverage in Iraq. In America, there are 43 million uninsured Americans, of which 10 million are uninsured American children of parents who work full-time. In the President's budget, we have cut the dollars for health care training for doctors and nurses and professionals.

If you expand that, in the area of veterans, we have provided Iraqi veterans $60 million for job training. Yet in the United States, the President's budget cuts $257 million for medical care for American veterans.

In the area of education, we built 2,300 schools in Iraq, rebuilt and refurbished the schools. Yet in America, under the President's budget, $8 billion for Leave No Child Behind has been underfunded by this year alone.

Iraqi universities are receiving $20 million for higher education job training, yet Pell grants here in the United States, the biggest assistance for Americans to go to college, have been frozen for 3 years in a row while college costs have risen by 10 percent on average.

In the area of law enforcement, the President has dedicated $500 million for training of law enforcement and the police in Iraq. As you know, they did not perform too well the last 2 weeks. Yet the President's own budget for the United States cut $657 million for the police program to train our police on community policing on America's streets.

In the area of housing, $470 million has been allocated for Iraq's housing program, yet we have cut $700 million out of section 8 here at home for our housing.

It is true about the environment, one last area. We are rebuilding all of Iraq's water and sewage for drinking water to the tune of $3.6 billion, yet the revolving fund in the United States for water treatment and drinking water has been cut by $500 million.

When the President said in 2000, not said, he declared he was opposed to nation-building, who knew it was America he was talking about? So as we talk about the $700 million of allocated money, where it went from Afghanistan to Iraq and the theater of war, we have allocated well over $150 billion to that mission, of which $20 billion is for rebuilding Iraq's society, and we have made a commitment.

What worries me, because the American people have been very generous and have been very committed, what worries me is when you start to talk about a future for Iraq and their children that is better than the one we are providing here at home for our own families and our own children. We will continue to be generous, we will continue to provide, but we have misallocated, in my view, billions of dollars. The $700 million on the war front in building an airport in Kuwait is only the tip of the iceberg, in my view, of the misallocated dollars that raises real questions about the commitment.

When you look at the two budgets, the one here at home for America and America's future and the one in Iraq, you realize this administration is not only running two sets of books but they have two principles and two value systems. We need to have the same values at home that we are talking about for Iraq, the same type of investments we are talking about, law enforcement, education, health care, the environment, policing; and we need to make that commitment here so the American people maintain that the future for their families and their children is one for a good tomorrow, a better tomorrow, not one that is less than the one we are talking about overseas.

Mr. PALLONE. Mr. Speaker, if I could reclaim my time, I just want to stress, if I can briefly, that this did not have to be. I do not want to keep talking about the past, because I believe the President made a huge mistake in going to war. But it was not only that he made the mistake. It is also the way he went about it, and, even more so, the way he continues to go about it.

Not only would we have saved tremendous resources if we had not gone to war, as well as the lives of those who have been lost, but also if this had been done in an effort to try to internationalize the war, so that we had our allies not only fighting the burden in terms of their own soldiers, but also the burden of the cost of the war, which was what was done in the case of Bosnia and the Persian Gulf War before. I was here, so I remember. But not only did the President not want to do that, but he continues along the same path.

I know he is saying he is going to go to the United Nations; but the attitude, and, in my opinion, the arrogance of the President and the administration in wanting to go it alone, even when they talk about going to the U.N., it does not seem real. I think that is why countries like Spain and some of these others are pulling out.

In other words, instead of seeing countries get more involved, not only in terms of men but also resources, we see less. I think that continues. I really question, as much as I would like to see and I think this needs to be, that the U.N. needs to get into Iraq and the situation needs to be internationalized. This whole idea of other countries sharing the burden is very much, I think, something that the President opposes.

Mr. EMANUEL. Mr. Speaker, I know we want to get back to our friend from Washington State, but people remember in the first Gulf War, which cost $60 billion, the United States paid $5 billion of that $60 billion and we were part of a larger international effort that included members of the armed services of Syria, Egypt, and other Arab-Muslim countries. Today we are bearing 95 percent of the cost and well over 90 percent of the, shall we say, the blood and the force presence in Iraq. So the contrast is stark.

What is also stark is if you look at both the war in Kuwait, the first time, Bosnia, Kosovo, East Timor, all have been very successful strategies in the post-Cold War era, where America with its allies fought the war, but America was a partner in the rebuilding of the society. And it worked successfully, especially in Bosnia, Kosovo and East Timor.

Why you would take a successful playbook like that, throw it out, when everybody, regardless of what their position was on the war prior to the war, everybody said the war would be easy, the peace would be hard, you need a plan. How you commit 150,000 to 175,000 American troops, $180 billion worth of our resources, and not have had a plan on the peace, this was not Monday morning coaching. Everybody knew that peace would be hard and that you went to war with no plan, when Democrats and some Republicans, but all Democrats, regardless of what their position was, said the war will not be hard, it will be the peace and rebuilding once you own it that will be hard. And you did it without that, when the President has an obligation to have asked questions. Not to have asked questions and not have a plan was a miscarriage of responsibility, in my view.

☐ 1545

Mr. McDERMOTT. Mr. Speaker, one of the things that the gentleman from New Jersey (Mr. PALLONE) raised was the issue of arrogance. And certainly it takes a certain amount of self-confidence to be a national leader. I mean, a President has to be a confident person and act confident and so forth. But there are times when one needs to ask forgiveness for making mistakes.

This administration has absolutely blanket not asked for a bit of forgiveness on anything. The dismantling of the entire Army they now say was a terrible mistake. The dismantling of the police was a terrible mistake. The dismantling and driving out everybody who was a Ba'ath Party member, university professors, doctors, lawyers, everybody, they threw them out of work. They threw the whole country out of work. And then they are surprised by the chaos.

Now, it would be bad enough, as that was a long time ago, but the viceroy we put in there, Mr. Bremer continues to do these stupid things on his own. I was talking to some people who are in Iraq at the moment who said it is absolutely inconceivable that he shut down a newspaper.

Mr. EMANUEL. Mr. Speaker, if the gentleman will yield, he did not do these things on his own.

Mr. McDERMOTT. Mr. Bremer?

Mr. EMANUEL. Mr. Speaker, he is in constant contact with both the State Department, the White House, and Defense.

Mr. McDERMOTT. Mr. Speaker, he never talked to the Iraqi Governing Council. No Iraqi would have given him that advice. I mean, it is the President's mistake for putting a guy like that there.

Mr. EMANUEL. Mr. Speaker, my colleague is obviously referring to the mistakes the President was asked at his press conference, and he could not think of a mistake.

The first lesson in life your parents teach you and your first grade teacher teaches is one learns from their mistakes. That is the first lesson in life. Usually by 8 in the morning my wife has identified four of them for me. By 5 when I am heading home, I come to the conclusion she may have something there.

But to not have known, as my colleague identified four in literally a minute, the first lesson is you learn from your mistakes. Saying that he cannot think of one is why we got the situation we got both in the war and on terror. In 3 years 3 wars, and he cannot think of one thing he would do different, even if he did not want to call it a mistake.

Mr. McDERMOTT. This most recent one I spoke about, this closing this newspaper, now, we are bringing them democracy, right? Free speech. Newspapers should be able to say whatever they want to say. Well, we do not like somebody, so we go over and shut it down. These Iraqis say, hey, what is this about? I thought we had free speech now that we had democracy.

Now, clearly we want them to have free speech as long as they say what we want them to say. The conflagration that has come out of the Shia community was provoked by Mr. Bremer. That did not come from the outside. It did not come from foreigners. It came from the United States Government going in and saying, you shut your mouth.

We put gasoline on the fire of a guy who was a nobody. He had been talking 6 months before, and he lost all of his oomph. So we go down and throw some gasoline on the embers, and now we have a flame.

We have the worst month we have had in the entire war. More people have died this month. They have not learned anything from their mistakes. They continue to make them because they are arrogant. They think because they are from the United States, and they come over with all this knowledge in their head, that they could not possibly know anything about what was exactly the right thing to do.

We are doomed as long as the President of the United States and Mr. Bremer and Mr. Rumsfeld and Mr. Wolfowitz who cannot ever reexamine what they have done are in control. We have no chance if they do not go to the United Nations and get the United Nations actively involved and in control so that the United States is not the sole occupying force.

There is a wonderful article in the Atlantic Monthly by James Fallows that I think everybody ought to read from almost 6 months ago that lays it all out. It is called "Blind into Baghdad." It is a statement about every mistake we have made. And we still continue to make them, and our kids are dying. That is the worst part.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman for his comments and certainly join in them, because I think you have it right on point that this administration simply is not capable of conducting this war. Whether you are for the war, which I voted against it, or you are against it, it does not matter. Bottom line is the administration is just not capable of carrying it out.

I now yield to the gentlewoman from California (Ms. LEE), who has been one of the most vocal persons on the Iraq war from the very beginning. I appreciate what she has been saying for the last few years.

Ms. LEE. Mr. Speaker, let me thank the gentleman from New Jersey (Mr. PALLONE) for his continuing leadership and his quest to pursue the truth. Our democracy is standing at a crossroads, and he is helping us move in the correct direction. Hopefully we are not too late.

I also want to thank the distinguished chair of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS), for being a leader on this issue and on so many issues that we are confronted with here in our country and for continuing to try and every week now attempt to wake up America.

And at this moment in time, our Nation is confronting a growing credibility gap from the highest reaches of power. So I am glad that my colleague continues to keep on this because there is no way we should rest until the gap between the administration's rhetoric and reality become closer together. I think people deserve to know the truth.

Let me just first start by talking about the ongoing tragedy in Iraq. I would also like to talk about how this pattern of distortion about the most fundamental issues of war and peace is really reflected in other foreign and domestic policies also. This is a very consistent kind of trend that we are seeing.

In Iraq, first of all, we have to begin by recognizing that the latest and ongoing tragedies really, once again, cause us to pause in terms of the terrible loss of life and in a conflict that is escalating every day out of control. So our thoughts and our prayers go out to all of those who have lost loved ones or who really anxiously now watch the news each night, each terrified night, actually, and worry about what they might hear.

The chaos in Iraq today is a direct contradiction to the picture painted by the administration before and during this war. When it comes to Iraq, we see an enormous gap between the truth and the administration's message to the American people, the Congress, and the world. As the Carnegie Endowment for International Peace, also our ranking member of the House Committee on Government Reform, the gentleman from California (Mr. WAXMAN) and many others have found, this credibility gap on Iraq emerges especially in terms of claims about weapons of mass destruction, claims about Iraqi connections to al Qaeda, and claims about how much the war would cost and how long it would take.

For instance, on the weapons of mass destruction before the war, Vice President CHENEY stated that we believe Saddam Hussein has, in fact, reconstituted nuclear weapons. Before the war President Bush said that Iraq was buying aluminum tubes and African uranium for nuclear weapons. Secretary of State Colin Powell said, and these are quotes mind you, that by conservative estimates, he said, Iraq today has a stockpile of between 100 and 500 tons of chemical weapons agent. Secretary of Defense Donald Rumsfeld stated that Saddam Hussein has another, quote, "large unaccounted for stockpiles of chemical and biological weapons and an active program to acquire and develop nuclear weapons."

Now, all of these statements are frightening, and they present a portrait of an Iraqi Government that possessed enormous stockpiles of chemical and biological weapons and even nuclear weapons. Well, even the administration's chief weapons inspector David Kay said, "We were almost all wrong."

Well, the fact is there were many people who were not wrong, many countries who were not wrong, from Members of Congress who voted for my amendment that would have rejected the war and would have said the U.N. inspections process should move forward, that is the way we find and destroy weapons of mass destruction, to IAEA Director Mohammed el-Baradei who challenged the administration's interpretation.

In fact, it has really become increasingly clear that there were voices inside the United States Intelligence Community who also raised questions. But their questions and voices were silenced, which, again, is a pattern that we have noticed with this administration. Their shades of gray were repainted in stark black and white. So it is not just that mistakes were made, I believe the choices, deliberate choices were made.

Secondly, we have the issue of alleged Iraqi connections to al Qaeda. Nothing could frighten Americans more than this combination of Iraq with its supposed nuclear weapons and al Qaeda with its proven terrorist agenda.

President Bush said that Iraq was the central front on the war on terror. The President also said "You cannot distinguish between al Qaeda and Saddam." The administration could and should have been able to distinguish between al Qaeda and Iraq.

And many argue that the war in Iraq has seriously, seriously undermined our efforts to bring al Qaeda to justice and to make our people and our country safe. In fact, it appears that because of the Bush administration's policies, terrorists are now consolidating forces. That is now. That did not happen 4 years ago.

Finally, regarding credibility in Iraq, there is the question of how long the war would take and how much it would cost in terms of blood and our treasure. Before the war, Vice President CHENEY predicted that the conflict would be measured in weeks, this is what he said, rather than months. Well, it has been over 56 weeks since the fighting started. Our casualties are still rising, and our troops are continually being told to expect longer and longer tours of duty.

White House Budget Director Mitch Daniels predicted in April of 2003 that Iraq would be an affordable, he said, an affordable endeavor that will not require sustained aid. This is coming from the administration, the White House.

When White House Economic Advisor Larry Lindsey dared to speak the truth and estimated that the war would cost between $100 and $200 billion a year. Remember, he got fired.

If you downplay the cost of war in dollars and lives, then you deceive the American people, and that is what has happened. If we refuse to plan for postwar chaos, then you will be poorly prepared to deal with it, and our young men and women and other Iraqis and other international workers will die.

In May of 2003, President Bush landed on that aircraft carrier under the banner of "Mission Accomplished." Well, then, I ask why are American soldiers still dying, and why is it Iraq is still in chaos?

Why does the Washington Post, I believe it was this morning, why does the Washington Post predict that the administration will come back right here, must come back to Congress, and will come back for money for the escalating war on top of the $166 billion already authorized, and also that is on top of the $420 billion defense budget?

We see here there is really a growing and very clear credibility gap. Also this extends far beyond Iraq. Let us look at Haiti, for example, where the administration claimed it was defending democracy while, in fact, it was undermining that democracy and engaging in regime change by other means. That is why we need an independent mission to investigate just what was the role of the United States Government in the overthrow of the democratically elected Government of Haiti. That is also why we still need a truly independent commission to investigate the use and misuse of intelligence in the war in Iraq.

And this same pattern of saying one thing and doing another really permeates the domestic agenda of this administration. The President said his tax cuts for the rich would create jobs, yet we have seen around 3 million jobs disappear in our country. He said the majority of those tax cuts would go to those at the bottom end of the spectrum. Instead the top 1 percent of earners reap over a third of tax benefits all by themselves.

□ 1600

Of course, we know the President said we would have greater resources for education. What has happened to Leave No Child Behind: 9.4 billion-plus underfunded. Leave No Child Behind has been a shame and disgrace.

I will conclude by saying that we need to also look at the credibility gap as it relates to another life-and-death issue and that is the HIV/AIDS pandemic. In 1998, the Congressional Black Caucus and the Clinton administration worked together to establish the Minority AIDS Initiative, but of course since President Bush came in, despite the growing trends of infection in the African American rate, which today accounts for 39 percent of AIDS cases, despite the fact that only 12 percent of our population is African American, once again he talks about increasing funding, but we cannot even seem to get the additional money not only for domestic AIDS programs but also for our international programs. It continues to be 600 million-plus underfunded.

Let me conclude by saying that I believe this country is deeply divided today. Actually, it is more divided than when President Bush came in even though he said he would be a uniter, not a divider. I think we must once again communicate directly to the American people what we know and that is the fact that their tax dollars are going from misplaced priorities of waging war rather than securing peace, waging a PR campaign to try to instill in the American people these notions of facts that they want us to believe, they want people to believe, when really they are not fact. They are really distortions put mildly and, in fact, a way to boost the foundation and the debate and the rationale for waging war which, unfortunately, has cost the lives of hundreds of our young men and women.

I thank the gentleman for once again giving us this opportunity to try to convey what we know to the American people. I want to thank the Congressional Black Caucus for continuing to be the conscience of the Congress and for pushing this information forward so hopefully we will be able to save our democracy and save our young men and women from more injuries and more deaths abroad.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman, and I want to thank the members of the Congressional Black Caucus for this ongoing debate that they have been putting forth about the President's credibility gap, whether it relates to the war in Iraq or other issues that have been raised.

I just want to mention I think there are about 11 minutes left, and I do not know how many other speakers there are. I think there are maybe three. Please keep that in mind, we have 11 or 12 minutes.

Mr. Speaker, I yield to the gentlewoman from Washington, D.C.

Ms. NORTON. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE), and I thank the Chair of our own Black Caucus for his leadership in coming forward.

I will try to be as brief as possible so everyone can speak. I do want to say that as we reach more than 700 Americans now killed in Iraq, more than were killed in the taking of Iraq itself, we have the obligation to come to the floor as we have, even if the President did not fulfill his obligation to tell us what we need to know, because we have an obligation to ask the hard questions and to pose those questions for the American people.

The largest question in my mind has to do with money. This President has said he will not come to the Congress for more money until January. Does something not seem strange about that date to you? As we are about to send more troops to Iraq, as we were told when the $87 billion was before us that this was all they would need, is it credible to say that we can go until January without any sense that there may be more money needed? Particularly since Members have gone to Iraq and told us that members in the service are wanting for equipment, the very equipment that could mean the difference between life and death.

This is the question we should pose over and over again. Is there enough money? Are there enough troops? And this without saying, I told you so, because, indeed, we did tell him so; but it looks as though if these troops do not have what they need that we are going to be sacrificing the lives of troops that could have been spared had they been given what they were entitled to there. This is not a question that the Members on the floor are raising.

No one who heard Mr. LUGAR yesterday, a member of the President's own party, the Chair of the Foreign Relations committee, has ever heard sterner words from a member of his own party. The Congress is no better informed than the general public about where we are going and how we will get there because this President has refused to come forward.

Mr. Wolfowitz came forward yesterday and his half-hour speech was about demonizing the demon, the demon that has a hundred percent demonization from all the American people without giving us any sense of what the President's plans were for stabilizing Iraq, for getting out of Iraq, for turning over power to somebody in Iraq.

I have been asked recently by the press about these coffins that no one can see at Dover, Delaware. I think that is a matter for the family. If the family wants to be in Dover, the family should be in Dover. If the family wants the hometown newspaper to be in Dover, they should be in Dover. No one should be telling the people that you cannot come to Dover to get your own folks. What is happening is that the administration believes it can hide the policy by hiding coffins. It will not work.

This administration was willing to embed photographers and reporters in the scenes of battle because they wanted the American people to be with them in battle. But they are not willing to let us see folks who want to be with their folks when they come home. They want us to see the mission, but they do not want to let us see the cost of the mission.

It is very scary to hear these folks act as though this is a bunch of thugs. There have got to be thugs about them, but this is an uprising. When you see it here and everywhere, them fighting back the way you saw them fighting back in Vietnam and World War II, this is a battle. This means we do not have this place under control. We wake up each morning, and there is some new coordinated attack. This time, bomb attacks in three different places on no less than police stations.

Ultimately, I am going to continue to look for ways that we can help our country, but if I were to be absolutely truthful, I would have to say that I do not think the United States is going to get back its credibility, is going to draw allies to us from NATO or anyplace else until we start with a new President of the United States.

Mr. PALLONE. Mr. Speaker, I agree with the gentlewoman. I was thinking about this whole idea of getting our allies involved, and what immediately comes to mind is after the initial incursion the U.S. had essentially routed the Iraqi Army and Saddam Hussein had fled. If you remember, both France and Germany offered at that point to get involved in the rebuilding of Iraq, and the President said absolutely not. He did not want them involved in any way. That is the kind of arrogance we face. I think if we do not have a change of leadership at the top, there is no way to conduct this war.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise this afternoon in solemn recognition of all the soldiers who have lost their lives or who have been injured in the war on Iraq. I want to thank the gentleman from New Jersey (Mr. PALLONE) and the Congressional Black Caucus who stood up for our soldiers in this war.

As I am sure you are aware, Mr. Speaker, April has been one of the deadliest months in the war in Iraq. Approximately 100 troops have lost their lives and countless others have been injured in the escalating violence. I continue to pray for the families of the deceased and wounded and for the safe return of those fighting in the Iraqi desert.

Mr. Speaker, as Members of Congress we must ask the crucial questions that go to the heart of our mission in Iraq, namely, Mr. Speaker, we have the responsibility to our constituents and to our American servicemen and -women to ask what is the strategy for returning Iraqi governance to the Iraqi people. How long are our troops expected to be in Iraq and at what cost in American tax dollars and human loss of life must we expend?

Just last week, the President held a prime-time press conference to address the concerns of the American people regarding the United States occupation of Iraq and the resulting loss of life. President Bush told the American people that we must unequivocally stay the course. But I must ask, Mr. Speaker, is this really a course worth staying? And most courses have an end. On our current course, Iraq Shiites have now joined forces with the Sunnis to fight against the United States occupation of their country.

Mr. Speaker, the irony of this situation is that the United States expected the Iraqi Shiite majority to be the most grateful to the United States for liberating them from years of oppression. But now they are literally united with their former oppressors against the United States.

Mr. Speaker, on our current course, our servicemen and -women do not have the necessary equipment and support necessary to succeed in their mission and furthermore to protect their own lives. Week after week I hear from my constituents and others in the military that are lacking the proper resources despite the fact that they face real and present dangers every day. When I hear these stories I am completely baffled. This Congress recently appropriated $87 billion in addition to the $79 billion in an original funding request for the war efforts in Iraq and Afghanistan. And we were assured that these monies were being used to supply the troops with equipment and other needs.

At that time, I came to the House floor to request a full and complete accounting of what the funds would be used for and received no such reporting. And now, Mr. Speaker, we see a story in today's Washington Post which reads, "The Army has publicly identified nearly $6 billion in funding requests that did not make Bush's $402 billion defense budget for 2005, including $132 million for bolt-on vehicle armor; $879 million for combat helmets, silk-weight underwear, boots and other clothing; $21.5 million for M249 squad automatic weapons; and $27 million for ammunition magazines, nights sights and ammo packs. Also unfunded:

$956 million for repairing desert-damaged equipment and $102 million to replace equipment lost in combat."

Mr. Speaker, the article goes on to further say, "The Marine Corps unfunded budget request includes $40 million for body armor, light weight helmets and other equipment for 'Marines engaged in the global war on terrorism.'"

Mr. Speaker, this is simply outrageous. While the President tells the Nation that we need to stay the course, his own budget did not include the funds necessary to accomplish that goal.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. We started this Special Order today talking about the lack of planning and the cost of the war and how we are getting all kinds of misinformation in that regard, and it continues. This is the problem. We are hearing now the President saying that he wants to go to the U.N. and internationalize the war, but we are still not getting any adequate information about what the strategy is, what the cost is going to be. And I think those are answers that the American people want.

I think, again, whether you supported the war in the beginning or you did not, I did not, I know most of us who spoke today did not, but that is not the issue any more. The issue is where are we going from here. We are still being given inaccurate information about where we are going.

Mr. CUMMINGS. Certainly the issue is accountability. We simply want accountability. We are asked to appropriate large sums of money, but the question is, where does the money go?

Mr. PALLONE. Mr. Speaker, I want to thank all of our speakers that joined us today.

CREDIBILITY GAP

The SPEAKER pro tempore (Mr. BURNS). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, in concert with the theme that has just preceded me in the 1-hour session, I wanted to talk about the credibility of our present administration with respect to the war in Iraq also.

A lot of us have chosen in say that we are into a second Vietnam. And there are some people who are quite upset that we compared the war in Iraq to the war in Vietnam. It is true that the war in Vietnam cost us 58,000 lives, and so far we have only loss 700 officially in Iraq. But should that be the barometer? 58,000 have not died; 58,000 wives, mothers, sisters have not yet cried.

But why wait until that happens? Why not see every human life as being sacred? Every life is sacred. The men and women who die on the battlefield give us their total, and we ought to appreciate that by not jeopardizing it for goals that are questionable.

This is a war that should never have been. This is a war that does not have much to do with fighting terrorism.

□ 1615

Yes, Saddam Hussein is gone. He is out of office now, and that is a great benefit for the world, as well as the people of Iraq, but is the price worth it? Are we not paying too great a price just to get rid of Saddam Hussein?

We were never told that was just the objective. We were told it was a question of weapons of mass destruction, and it was a question of Iraq operating in concert with the al Qaeda terrorists. We were told that there were stockpiles of chemical weapons. We were told other reasons other than just getting rid of Saddam Hussein.

Saddam Hussein is gone. The price is too high. We are paying financially more than $1 billion a week to keep the war in Iraq going. We are building schools in Iraq while we are denying construction funds to school districts here in America. We are doing a lot of other things in Iraq which drain money away from badly needed programs here, despite the fact that Iraq has oil deposits which should be able to pay the cost of any rebuilding of Iraq eventually.

So what do we do at this point? Do not ask us to keep begging our troops to remain loyal and steadfast and sacrifice their lives unless you have an exit strategy, a reason for it. We do not want to see 58,000 die.

Our Vietnam memorial wall is one of the greatest monuments of its kind. It does not celebrate one general or a handful who led the war. It celebrates and makes us remember every individual who died. All of our war memorials in the future should do that. Every individual gave their life for their country, for the cause. Regardless of what you think of the cause, they, as individuals, are heroes. We do not want another memorial wall of heroes unless it is absolutely necessary.

Vietnam turned out not to be necessary. The domino theory was not correct. We lost Vietnam, and we still won the Cold War with the Soviet Union. We still won the Cold War with the Soviet Union. We did not go on from Vietnam to other areas.

We have a great affinity and alliance with Communist China right now, which baffles me. Why are we so kind to accommodate China and have so many business dealings with them if we fought and died in Vietnam to keep communism from extending itself across the world?

So my plea is that let us understand the lessons of Vietnam without having first to see 58,000 die. Fifty-eight thousand should not have to die for us to understand that we need to work backwards and understand that eventually we are going to settle this war in Iraq like we settled the complex war in Vietnam.

There was an argument about what the shape of the table would be. Let us look at the same table they used in Vietnam, and let us begin right now to negotiate backwards exactly what our terms are going to be and how we are going to get out and maintain law and order. And I am in favor of maintaining law and order until we do have a strategy and exit that can leave the people of Iraq in better shape than we found them.

Let us do it now. Let us share that plan with Members of Congress. Let us share that plan with the public. Let us share power with all of the members of the United Nations Security Council and all the members of NATO. Let us challenge them to come forward and help us bring it into this. We need more troops. Let them come from Russia, let them come from China, let them come from France, let them come from Germany, but give them the power to help make decisions and exit from Iraq before we have 58,000 of our loyal soldiers die.

APPROPRIATING MONEY

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, today I am going to discuss what Congress is doing in the last several weeks and the next several months, and that is appropriating money.

A week or so ago, most of the people in the United States were completing their tax bills. This is sort of a tutorial on what happens to the tax dollars of American taxpayers and what happens to the FICA tax, the payroll deduction tax, taken out of American workers.

I start with a pie chart, if you will, Mr. Speaker, and this pie chart represents how we are spending the $2.4 trillion that we are budgeting for this coming year. We see the biggest piece of pie is Social Security at 21 percent. The previous speakers were talking about defense. Defense and national security, they are probably the prime objectives of the Federal Government compared to what State governments do, and yet we have diminished the share of total Federal spending of defense since World War II down to 20 percent of the total expenditures of Federal Government.

I want to especially pay attention to the 14 percent that says interest. The interest of the Federal Government now is $240 billion a year. That is the interest that we are paying on the national debt. It is an interest rate that is almost at record lows. Alan Greenspan, the Chairman of the Fed, said today in testimony that interest rates probably are going to increase. We know what interest rates are today, a little over 4 percent for the prime. Compare that to the early 1980s where interest rates were approaching 12 and 13 percent.

Now, if we have a 14 percent of the budget, a cost of $240 billion on the interest we pay out for this increased debt of overspending, that that side of the aisle and this side of the aisle and the Senate and the White House have been overspending, spending more money than has been coming in, if interest rates were to double, and we continue increasing the size of the debt, it is easy to see that servicing that debt is going to be a huge challenge, even for a Nation as rich and as prosperous as the United States of America.

What happens to empires that do not pay attention to serious problems are empires that diminish and cannot survive. So I suggest, Mr. Speaker, it is so important that we start looking at our overspending and our overpromising.

Briefly, to go around the piece of pie, discretionary spending uses up 16 percent of the budget. Discretionary spending is what we spend most of the year doing with our appropriation bills.

Other entitlement spending, the food stamp program, the WIC program, the welfare program, the other entitlement programs, if you reach a certain age or a certain level of poverty, you are automatically entitled to some of those payments. That is what entitlement programs are.

Then we have Medicaid, now at 6 percent of the budget, Medicare at 12 percent of the budget. The projections are that Medicare will overtake Social Security as far as cost within the next 20 years, and that leads me to the overpromising.

Two bad things that Congress does and the administrations for the last 25 years have done, and that is make a promise when they do not know where the money is coming from, and I call that unfunded liabilities.

The unfunded liability report that came out 3 weeks ago, when the actuaries of Social Security and Medicare met, were enormous, and their estimate is that the unfunded liabilities, to pay for programs that we promised but do not have the money to pay for, and so we need extra money on top of the payroll tax and the FICA tax and the other revenues coming in for those programs, amounts now to $73.5 trillion. And remember, what is our budget? Our budget is now $2.3 trillion this year, about $2.4 trillion we are anticipating for next year.

In breaking it down, there are two parts to Medicare. Medicare Part A is mostly the hospitals. Medicare Part A is projected by Tom Savings, one of the actuaries of Social Security, and he is also an actuary of Medicare, he is estimating $20.8 trillion; Medicare Part B, mostly doctors, $23.2 trillion. Medicare Part D, drugs, the drug program that we passed last November, is now estimated to be $16.6 trillion. Last November when we passed that bill, Tom Savings, the same person, estimated the unfunded liability to be about $7.5 trillion, and now with the new report that has just come out for Medicare and Social Security, the estimate has dramatically gone up, and that is based on the increased cost and the increased number of people that are expected to use the program.

Then we come to Social Security, Social Security, a program that was started in 1934 by Franklin Delano Roosevelt. We have made promises in excess of the money coming in from the Social Security tax that amounts to about $12 trillion. The estimate is between $11.9 trillion and $12.3 trillion that we would have to put into a savings account today that is going to have a return to cover inflation and the time value of money to accommodate the money that is going to have to be paid out in future years. So if you want to be really dramatic, you can say what we are going to need in the next 75 years is $120 trillion more than is coming in to Social Security to pay promised benefits.

So what are we going to do? Are we going to reduce benefits? Are we going to increase taxes? Is it going to be a combination? What we have done historically in this country is the combination. We have increased taxes and reduced benefits, and I think the danger might be demonstrated by the predicament that some other countries of the world now find themselves in.

France, for example, the percentage of the payroll that is used to finance the senior citizen population in France is now over 50 percent. So you can imagine a company or a business trying to compete in world trade that has one of two choices with that kind of cost coming out of the payroll tax. They either have to increase the price of their product to pay for it, or they reduce what they are paying to workers. Either way, let us not allow that to happen in the United States.

The country of Germany just went over 40 percent in terms of the amount of payroll tax that is required for their senior population. I just think it is very important that when we talk about this unfunded liability, you compare it. That is about seven times the total production of the United States, the GDP. So it is about seven times GDP. At a little over $2 trillion a year, that means that we would have to come up with the equivalent of about 35 years of government spending to accommodate what would need to be put in a savings account now.

So why do not we pay attention to some of these huge challenges that are facing this country? Let me give you my best guess.

Politicians have discovered that they are more apt to get reelected or elected if they promise more and more benefits, and, look, there are a lot of problems out there. There are a lot of things that need to be doing. So the question is, how much should government do? But we now have evolved into, if you will, dividing the wealth with our tax system where we have 50 percent of the adult population that now pay less than 1 percent of the income taxes in this country. So 50 percent pay less than 1 percent of the income taxes.

What is the natural reaction of some of those 50 percent? The natural reaction is to elect Members to Congress that bring home more pork, that bring home more benefits, that start more social programs, and that is what we are evolving into.

I am a Republican, a farmer from Michigan, and we are now doing our Lincoln Day banquets, the Republican fund-raising dinners, celebration dinners of Lincoln's birthday. It is the 165th birthday of Abraham Lincoln. In his famous Gettysburg Address, he sort of expressed a wonder whether a Nation of the people, by the people and for the people can long endure.

□ 1630

And I think that challenge is now before us.

We hear other Members talking about the conflict of this war. Certainly we have had huge challenges, such as the Civil War. But I would respectfully suggest that the challenges of overspending and overpromising are probably greater in terms of the survival of this great Nation than any of those wars. So somehow, how do we get the discipline to try to make changes?

I chaired the bipartisan Congressional Task Force on Social Security and served on the Committee on the Budget for 8 years and have sort of been on my soapbox, pulling my hair and complaining about the fact that we are not dealing with the increased cost of Social Security and Medicare and our reduced ability to pay for that dramatic increase in cost.

This is another demonstration of the unfunded liabilities. It just says that if we do not make some changes by 2020, 16 years from now, we are going to have to take out 28 percent of that pie chart that we started out with. We are going to have to use 28 percent of the general fund budget to accommodate the shortage of money that is needed to cover those three programs: Medicaid, Medicare and Social Security. By 2030 it is going to be over 50 percent that is required of that budget.

This body and the Senate quite often do not deal with problems until the disaster is almost on us. But the problem with solving Medicare and Social Security is the longer you wait, the more drastic the solution is going to have to be.

The Social Security bills that I introduced when I first came to Congress in 1993, 1994, and 1995 were much simpler then because we had surplus money coming in from Social Security. Right now, this year, coming in from the Social Security FICA tax will be $645 billion. What we are using to pay benefits out of that money coming in is $490 billion. So there is a little surplus there that we could do something with. But what we do is we spend it for other government programs.

My caution is that this money is going to be running out in the next 8 or 10 or 12 years, and at that time we will have less money coming in from the Social Security FICA tax. That is 6.2 percent on workers now and 6.2 percent on the employer. But, really, if you are going to be fair, it all comes out of the employee's pocket when an employer has to pay part of it, even though it is not a deduction on the check of the employee.

So here is a time that we have more money coming in that offers us the opportunity to make changes to the program and use that surplus money coming in. In my Social Security bill that I introduced 10 years ago, I did not require any extra funds. The Social Security bill that I have introduced this session requires that we borrow almost $1 trillion from outside borrowing to accommodate a transition to keep Social Security solvent for the long run.

I thought it would be good just to give sort of a thumbnail impression on a chart of the predicament we face in Social Security in the future. What happened with the Greenspan Commission in 1983, they decided the way to solve the Social Security problem and the increased number of seniors in relation to the people and workers paying in that money was to raise taxes and reduce benefits. So they said, starting in 2001, we would start increasing the retirement age for maximum benefits from 65 to 67, and they said we are going to dramatically increase the taxes that are charged to American workers by a 20-plus increased percentage on the increase in taxes.

Here is how Social Security works. Benefits are highly progressive. Everybody pays the 12.4 percent tax. If you are self-employed, you pay it all yourself. If you have an employer, then, theoretically, the employer does not pay you quite so much and the employer pays 6.2 percent and 6.2 percent is deducted from the employee's wages. At retirement, all of a worker's wages, up to the tax ceiling, which is now $89,000, are indexed to the present value using wage inflation.

In other words, it is not complicated, but if wages for a particular job double every 12 years, and you were making $20,000 12 years ago, then that would be indexed in the computation of your Social Security benefits up to $20,000. So it is what that particular job would pay today is how they calculate the kind of benefits you are going to get.

And here is how it is calculated. The progressivity of the program says if you are a low-wage earner, earning less than $7,344, you get 90 percent back in Social Security checks of what you were making while you were working. Then the difference between the $7,300 and the $44,000 is 32 percent. So 32 percent of the earnings between the $7,300 and the $44,200 you get 32 percent of that back, and you only get 15 percent back over the $44,000.

Now, what I do in my Social Security bill to come up with some of this extra money, I add what are called ben points, but I add another ben point of 5 percent. What that means is that if you are a high-wage earner retiree, the increase in your benefits are slowed down. So we make it a little more progressive and we save some of the money to make the transition to really investing some of this money that is coming in and getting a better return than the 1.7 percent that the average retiree gets in Social Security.

Let me just mention that early retirees receive adjusted benefits. So the actuaries make the best guess of how long the average person is going to live. So on average, the person that retires at 62, with a slightly lower benefit, is going to receive the same total benefits by the time they die as the individual that waits to 65 or 66 to start drawing benefits.

And, by the way, if you wait until you are age 66 or 67, there will be a 4 percent increase for each one of those years to increase your Social Security benefits. So if you are jogging, if you are really healthy, it might be in your best interest not only to wait from 62 to 65, but to maybe wait and retire at 66 or 67.

SSI, by the way, does not come out of Social Security. There is a lot of concern amongst my constituents in lower central Michigan who complain about those who are receiving Supplemental Security Income payments who do not deserve it. But SSI comes out of the general fund. Even though the Social Security Administration administers and handles that program, it does not come out of the Social Security trust fund.

Well, insolvency is certain. We know how many people there are, we know when they are going to retire, we know that people will live longer in retirement, we know how much they will pay in, and we know how much they will take out. Also, the payroll taxes will not cover benefits starting in 2017. The shortfalls will add up to $120 trillion between 2017 and 2075. The $120 trillion is what we are going to need in future years. What we need right now is to put $12 trillion in a savings account with compounded interest that will grow at least at the rate of inflation.

The demographics are what is bringing this pay-as-you-go program to a crisis situation. There are 78 million baby boomers beginning to retire in 2008. The baby boomers are what we call those babies that were born right after World War II, roughly from 1946 to 1966, that age group, that are now in their maximum earning. So they are paying in maximum social security taxes, but also, when they retire, number one they stop paying those taxes in and they start taking out maximum benefits.

The baby boomers that are retiring probably will be the most well-off generation that we probably have ever had in this country, possibly the best well-off generation that we will ever have in this country, considering the fact that we are putting a huge burden on future workers and future retirees by making more promises than we can afford and going deeper into debt.

Social Security spending exceeds tax revenues in 2017, and so Social Security trust funds go broke. Technically, if we pay back the $1.4 trillion that we now owe the Social Security trust fund, then that will allow Social Security to continue. But the problem is that the trust fund contains nothing but IOUs.

And here is a worse situation, or a more dangerous situation. The Supreme Court, on two occasions now, has said that no one is entitled to Social Security benefits, and it does not make any difference whether you paid in social security taxes. Social security taxes are simply another tax, is what the Supreme Court said; and benefits from Social Security are simply a new benefit passed by Congress and signed into law by the President.

This chart sort of pictorially represents the demographics of living longer, of seniors living longer and the birthrate going down. So back in 1940, there were about 36 workers paying in their Social Security tax for every one retiree. By the year 2000, it came down to three workers. So we dramatically increased taxes. The estimate by 2025 is that there is going to be two workers paying in their Social Security tax for that growing number of seniors. There is going to be two workers paying in their tax to accommodate the Social Security benefits of every one retiree.

This is a huge challenge in terms of putting this kind of pressure on our workers, and we talked about what has happened to the tax rate in countries like France and Germany and the predicament that now Japan is facing with their senior population.

I did this picture of FDR just to start a discussion of should we have privately owned accounts. When Franklin Delano Roosevelt in 1933 started advocating a Social Security System of mandated savings while you are working, to help assure that you will have a little Social Security instead of going over the hill to the poor house when you retire, he started out saying that individuals should own their own savings account, but it should be a law that they had to put so much money in it, and that it should be a law that they could not take it out until they reached the retirement age of 65.

By the way, when we started Social Security, the retirement age was 65; but the average age of death was 62. That meant most people paid in their Social Security tax but did not live long enough to take out Social Security benefits. And, of course, the program stayed funded very well. But today, the deduction is made on your payroll check; and immediately, within 3 or 4 days, that money is sent out to beneficiaries. So we are going deeper in the hole even as we increase taxes and reduce benefits.

Social Security benefits are indexed to wage growth. And I say that because I hear so often many of my colleagues saying that when the economy gets better, then everything will be okay. But because benefits are indexed to the wages you make, and even if there are more people that have a job and more money coming in to Social Security in the form of taxes, and maybe some are making higher wages so they pay in a higher amount, that 12.4 percent times the higher amount of earnings, because eventually when they retire they are going to take out more from Social Security, in the long run economic growth does not solve the problem that we are facing with Social Security running out of money.

□ 1645

Growth makes the numbers look better now, but leaves a larger hole to fill in the future. I think what has happened with a lot of Members of Congress is that it is easy to put off the solution. When I give speeches in Michigan and around the country, a lot of people say if Congress would just keep their hands off the Social Security trust fund and that surplus money, everything would be okay.

Well, I did this bar chart to represent what the Federal Government now owes the Social Security trust fund. We borrowed $600 to $700 billion; but because we will write another IOU for interest, the total debt that government owes the Social Security trust fund is now $1.4 trillion; but the total problem needs $12.2 trillion. So we owe $1.4 trillion that is in the trust fund, but to solve the problem we need between $11.9 trillion and $12.3 trillion to solve the problem. Government should stop taking that money and spending it for other government purposes. We also need to start investing some of the short-term surplus we have had.

Like I mentioned, coming in from the Social Security trust fund today, there is about $645 billion, and what we are paying out in benefits is $490 billion.

I will jump to the second blip. The Social Security trust fund contains nothing but IOUs; and to keep paying promised benefits, payroll tax will have to increase by nearly 50 percent, or we will have to cut benefits by a third. I have a chart that I will be coming to on how Washington has increased benefits over the years. But I wanted to show this chart to try to demonstrate that Social Security is not a good investment. It is nice to have that guarantee. Nobody is suggesting any Social Security reform. Certainly not in the five or six bills that I have introduced, nobody touches the disability portion, so getting hurt on the job continues to be a Federal Government insurance policy and nobody is touching that. All we are dealing with is the old age and survivor benefit portion of Social Security. By the way, in only 5 years, the disability insurance is going to have less money coming in from that particular trust fund than is needed to accommodate disability payments.

This chart shows that the average return for the average retiree is 1.7 percent of what they and their employer sent in to Social Security. I put down what has happened in the last 10 years in the Wilshire 5,000 stock market. The Wilshire 5,000 earned, even with the 3 bad years we have been experiencing on stock markets and equities, the average over the last 10 years has been 11.86 percent. If we take the last 100 years in this country where we have kept track to what has happened to stock and equities, the average is 7.4 percent. So in some way, we can guarantee that you can have a better return on your private accounts. And so what I do in my proposal in my bill, I allow 3.5 percent of your wages to be put into your own personal retirement account and then we limit where you can invest it. Simply to try to get Democrats on board, and my bill is a bipartisan bill, we have added provisions where any investment is going to be limited to index stocks and index bonds.

But I think one of the challenges that needs a lot of explaining is the fact that we hear Members of Congress brag sometimes that we are paying down the debt, and that is not true. One of the strong advocates of explaining the fact that the debt is never really reduced is the gentleman from Maryland (Mr. BARTLETT).

Mr. Speaker, I yield to the gentleman for his comments and maybe a couple of his solutions on Social Security, Medicare, going deeper into debt, and unfunded liabilities.

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to spend a moment talking about the debt and some terminology that we use. I suspect there is not one person in 100 outside the beltway, and maybe not many more than that inside the beltway, that knows that the public debt and the national debt are not the same thing. For about 4 years we were telling the American people that we were paying down the public debt. That was true. The implication was that we were paying down the debt which the government owes and that was not true. Let me explain why that was not true.

The total debt that we owe is called the national debt, and that is made up of two subparts. One of those subparts is the public debt, and the other subpart is the trust fund debt. The public debt is the Wall Street debt. And the lockboxes we had on Social Security and Medicare, and these lockboxes did nothing to preserve and protect Social Security and Medicare, they are totally unrelated to the future of these two funds, what the lockbox said was if we had a surplus, and we did and do for the moment in those two, that we cannot use that surplus for ordinary spending. We have to use it to pay down the debt. The debt that we pay down with that is the public debt. But for every dollar that we pay down the public debt, the trust fund debt goes up a dollar, and the total of those two debts, which is the national debt, does not change at all; but there are 50-some trust funds and only two of them had a lockbox or have a lockbox now.

So we took the surpluses, and there are surpluses in others, like the civil service retirement and railroad retirement and transportation trust fund and there are surpluses in some of those, and so we happily took those surpluses and spent them.

Mr. SMITH of Michigan. Mr. Speaker, our forefathers thought they were putting a little safeguard on it when they said if you ever increase the debt limit of this country, you have to vote in the House and the Senate, and it has to be signed by the President. They thought that might protect us a little bit in not dramatically increasing the debt the way we have. I think what the gentleman is saying is the fact that the total debt has never gone down.

Mr. BARTLETT of Maryland. That is true. I checked with GAO, and they told me that although there were 14 months during those four periods when revenues exceeded expenditures, if we kept our books on an accrual basis, like we force every business that handles more than a million dollars a year to do, there never was a moment in time when the debt went down. What that meant, of course, was that we were getting ever closer and closer to the debt limit ceiling. I kept teasing Members by quoting the Bible, "Surely your sin will find you out." What are you going to tell the American people when we are going to have to raise the debt ceiling limit when we have been telling them all this time that we are paying down the debt?

As a matter of fact, we had to do that in a very interesting evening. We debated until about midnight. We debated for hours. We were being harangued, how could you be so irresponsible? How could you run up the deficit and the debt? At midnight we recessed and we convened the Committee on Rules. They came out with a rule about 1 a.m. that said we were going to debate the rule for 1 hour and then go immediately to a vote on the bill. So we did that, and we raised the debt limit ceiling.

As Members know, because we were embarrassed by that, we decided we would not want to do that again in the future. So what we did, without my vote and against my wishes, we voted the Gephardt amendment.

Mr. SMITH of Michigan. Mr. Speaker, I hope Members are watching this just as a reminder of what we have done to try to not embarrass ourselves as we sort of secretly increase the debt.

Mr. BARTLETT of Maryland. What we did was to incorporate the Gephardt amendment, which said whenever we pass a budget resolution that the debt limit ceiling would be raised whatever it needs to be raised to accommodate the spending anticipated by the budget resolution. But budget resolutions do not include emergency supplementals, and we keep voting emergency supplementals because we do not want the budget resolution to be such a high number.

In the future, there will be another debate on raising the American debt limit ceiling, and I hope America is listening when we do that. What we are doing is amassing the largest intergenerational debt transfer in the history of the world. We cannot run our government on current revenue, and so what we are doing is systematically borrowing from our kids' and grandkids' future. When I ran for Congress 12 years ago, I promised those who I hoped to be my constituents, and they are my constituents now, that I would try to conduct myself here so my kids and grandkids would not spit on my grave because of what I have done to their country. I am still trying to do that.

I think it is unconscionable for us to amass this larger and larger debt that we are going to pass on to our kids and grandkids.

Mr. SMITH of Michigan. Members are pretending that our problems today are so important that it justifies taking the money that our kids and grandkids have not even earned yet. It is sort of like breaking into their piggy bank and saying I will try and pay you back some time, but for now let us go out and buy some candy bars and ice cream. There might be a better word, but "unconscionable" comes to my mind to consider the burden of debt, to consider the burden of promises that exceed our ability to pay for them in terms of unfunded liabilities that we are placing on future generations.

Mr. BARTLETT of Maryland. What we are doing is systematically borrowing from our kids' and grandkids' future. We cannot run our government on current revenue, so what we are doing is borrowing from their future. When it comes their turn to run the government, not only will they have to run it on current revenues, but they will also have to pay back all of the moneys we borrowed from their generation.

We have a systemic problem here, and that is by law the only place we can invest these surpluses is in nonnegotiable U.S. securities. These surpluses are the order of magnitude of about $200 billion a year, more or less. The only place we can invest them is in nonnegotiable U.S. securities. There is no money laying around Washington we have not spent. As a general rule, government spends all of the money you give it plus as much more as it can get away with. This government is no different.

I think it is important for our people, our kids and grandkids, to understand what we are doing. The reason I am so concerned about this fact that we are hiding some of the deficit is that it is obscuring the magnitude of the problem. I think the American people want us to balance the budget, and I think they want us to do it honestly.

Last year we were told that the deficit was about $500 billion, but the debt went up $700 billion. That is because the $200 billion in Social Security surplus and Medicare surplus that we took and spent is not called deficit, but it does represent debt.

Mr. SMITH of Michigan. Mr. Speaker, this pie chart shows that currently the interest that we are paying on the debt, servicing the debt, the interest is $240 billion a year. This represents 14 percent of the budget. Yet interest rates are almost at record low levels, and so what happens as we increase the debt by $500 billion to $700 billion a year, and interest rates go up, and Alan Greenspan said today that is going to eventually happen, it is going to eat up a bigger piece of that pie. One of these days it has got to come to our obvious attention that something needs to be done to control spending.

Mr. BARTLETT of Maryland. I would hope, because we cannot continue to amass this ever-increasing debt. As the gentleman stated, interest rates are now very low, and still interest on the debt is a meaningful percentage of the largest item in our budget, which is defense. When interest rates go back to normal levels, the interest on the debt will be just about as much as we are spending on defense.

Mr. SMITH of Michigan. Right now interest is 14 percent of the budget. Defense is 20 percent of the budget. It is easy to at least assume there is a good possibility that the very low interest rates today could double. That would mean $440 billion a year, or 28 percent of the budget. It would mean our borrowing and servicing that debt is more important than what government should be paying attention to, and that is security and defense.

Mr. BARTLETT of Maryland. By the way, the interest on the debt is part of what we call mandatory spending. Our total expenditures this year will be about $2.4 trillion. We will vote on about one-third of that, about $800 billion, and about half of that will be defense. Defense is running roughly half of our total discretionary spending. This mandatory spending is kind of hidden, but it represents two-thirds of all of the money that we spend.

□ 1700

Mr. SMITH of Michigan. And, Mr. Speaker, of course the lobbyists that come in, they would prefer that it be mandatory spending; so some of these programs, if they can write it in law that if they meet certain qualifications, they automatically get it and it does not go through the appropriation process, it is not subject to prioritizing. So we have ended up with more and more of our budget being spent in this mandatory spending, and really even though technically defense is discretionary, most of the defense budget becomes the kind of obligation, because that is what we are here for, defense and security, becomes almost untouchable.

Mr. BARTLETT of Maryland. Mr. Speaker, a bit more than half of all the expense budget is salaries, and we now do not have enough military personnel, who are having to extend their tours. They have been on the ground over there, reservists on the ground for a year, and now they are being extended for 3 or 4 months. So obviously unless we are going to have fewer people in the military, we are not going to be able to cut defense spending.

So the gentleman is right. In a sense a lot of that is mandatory because we cannot imagine a smaller military because our present military is really not large enough to do what we are now attempting to do because we are having to extend reservists who have already been there a year.

Mr. SMITH of Michigan. Mr. Speaker, how do we change? How do we develop the kind of discipline, intestinal fortitude to start slowing down this huge growth of government to the extent that we have decided we will simply borrow more and more money to take home to our districts or to start new social programs? Does the gentleman have any thoughts on how we can discipline ourselves better than we have been?

Mr. BARTLETT of Maryland. Mr. Speaker, we need to get back to constitutional government. Thomas Jefferson said, The government which governs best is the government which governs least. Now we are a million miles from his dream of what his country would be at this time in history. And we need to look at our Constitution at what our Founding Fathers believed the Federal Government ought to be doing.

And there are several things that we spend a lot of money on, and I will challenge my colleagues to go to Article I, Section 8, and that is the part of the Constitution that delineates the appropriate functions, the allowable functions of the Federal Government, and find any justification for philanthropy. I really believe in philanthropy, but they did not believe it was the proper function of the Federal Government. We will see no hint there that we should be involved in health care other than the health care of our military people. We are responsible for them. We will find absolutely no hint that we should be involved in education. As a matter of fact, for the 24 straight years when the SAT scores were falling lower and lower and lower in our schools, the Federal Department of Education was getting better, bigger and bigger and bigger, and exerting more control over education. We contribute about 6 percent, 5.9 I think is the actual number, percent of the funds for education. We would like to have 100 percent of control. We just need to get back to constitutional government.

Our Founding Fathers believed that States do some things better, many things better, than the Federal Government. They believed that the private sector did most things better than government. And what we are now trying to do is to have government do more and more of what our Founding Fathers thought that the private sector ought to be doing.

Mr. SMITH of Michigan. Mr. Speaker, I think it is good to remind ourselves that our Founding Fathers in the original Constitution did not want to penalize individuals that were going to school and working and saving. So the original Constitution says we cannot have a tax based on how much we earn, and that is what we were founded on. That is part of the incentive. But this body and Congress and the White House over the last 50 years have decided trying to equalize that wealth, dividing the wealth, taxing the people that have made it a little more and giving that back in some forms of government service to the individuals than have not. And there is a balance there. There is a golden mean.

We want to help people that really need help, but we need to try to develop programs that help lift them up because we have got now a tax system that the young couple that decides to go get a second job ends up not only being taxed more for working harder to try to earn enough money to do well for their family, but they get taxed at a higher rate. So we have sort of evolved into taking away from the people that work hard and try and are successful, and dividing that wealth in a system of government where now 50 percent of the adult population of the United States now pay less than 1 percent of the total income tax.

Mr. BARTLETT of Maryland. Mr. Speaker, our Founding Fathers not only did not permit personal income tax in the Constitution, they prohibited it with the original Constitution. So to get a personal income tax, we had to amend the Constitution.

The numbers that the gentleman mentioned are very interesting. The lower 50 percent of taxpayers pay 4 percent of our taxes. The upper 50 percent of taxpayers pay, I think, 96 percent of our taxes. And the top 1 percent of taxpayers, I think, pay 34 percent of our taxes. So if we are going to give a tax cut to people who pay taxes, people who pay taxes are going to get a tax cut. And since 34 percent of the taxes are paid by the top 1 percent of wage earners, and the top 50 percent of wage earners pay 96 percent of the taxes, clearly those who earn money are going to get a tax cut because they are the ones who pay taxes.

Mr. SMITH of Michigan. Mr. Speaker, so there we come to the popular criticism that it is a tax cut for the rich, but because of the fact that that 50 percent of the population pay essentially very little of the income tax, when we have any kind of a tax cut, it tends to go to the 50 percent that do pay taxes. So here again it is a balance.

But as we talk about jobs and economic expansion, when we have a system that taxes our companies and our businesses 18 percent more than what their competitors in other countries are taxing their businesses, we are putting our business at a competitive disadvantage, and our overzealousness to pass on new regulations and more taxes so that this body and the Chamber across the Capitol can have more money to spend I think is one of the negatives and something we have to correct if we are going to expand business and jobs and the economy in this country.

Mr. BARTLETT of Maryland. Mr. Speaker, in a former life I was a small businessman, and I would like to make the argument for a moment that it is impossible to tax business. A tax on a business simply becomes a part of the cost of doing business. If they are going to stay in business, they have to pass that cost on to the consumers, to their customers, which makes a tax on business the most regressive tax we have because the poorest of the poor pay more for everything they get, more for their food, more for their clothing, more for everything they get, all goods and services, because these companies are taxed. So the poor are hurt, first of all, because everything they buy costs more because we are taxing businesses. And, secondly, they are hurt because the tax on business, as the gentleman pointed out, makes them less competitive in a global marketplace. So finally they become noncompetitive, and the job disappears here and appears somewhere on the Pacific Rim. So the poor person who had to pay, to begin with, more for the things he bought now does not even have a job to earn the money to buy the goods. So it is a doubly regressive tax.

My liberal friends, when we talk about this, seem to understand it for about 5 minutes, but 10 minutes later they are saying, those rich businesses, we really need to tax them. But in the final analysis we cannot tax a business. It simply becomes a part of the cost of doing business, and they pass that tax on to their consumers.

Mr. SMITH of Michigan. Mr. Speaker, I happen to be the prime sponsor of the flat tax. But whether it is a flat tax or a value-added tax or a type of sales tax, we need to change our Tax Code if we are not going to continue to put a lot of people at a disadvantage and a lot of businesses at a disadvantage. Most of our businesses pay the same 1040 personal income tax that the gentleman and I do. As we increase the tax on those businesses, it hurts the chances of the survival of that business.

How do we get the discipline? How do we get the discipline to police ourselves? We are talking about a PAYGO bill. Maybe that will help. It sort of helped during the 1980s and some of the 1990s, but convincing the American people, I think, might be the best way in terms of getting that voice heard in this Chamber and in the Senate Chamber and at the White House.

Mr. BARTLETT of Maryland. Mr. Speaker, I think there are two ways that we can discipline ourselves. The first is that we need to understand that it is unconscionable to amass an ever larger and larger debt that we are going to pass on to our kids and our grandkids.

By the way, the gentleman was talking about Social Security earlier. A recent poll of young people believe more that they would see a UFO than believe they would ever see a Social Security check. So this is not a big vote of confidence in our system.

I think there are a couple of things that we need to do to curb spending. One is to recognize how unconscionable it is to continue to amass a larger and larger debt we are going to pass on to our kids and our grandkids. And the second thing is we need to go back to the Constitution. We would not have any problem in spending if we would just stop the spending on things that are unconstitutional.

There was a very interesting speech that Davy Crockett gave in the Congress. There was a fire, when he was here in Congress, over in Georgetown, and they could see the buildings burning over there, and there were a number of people who were burned out of their homes, and one of them was a widow woman for whom everybody felt sorry. So a couple of days later, the Congress voted $20,000, which is not much today, it was a whole lot more money then, $20,000 to help the victims of this fire.

Davy Crockett was campaigning a bit after that, and there was a farmer in a field who came to the end with his horses and stopped them, and he told Davy Crockett, I have always voted for you in the past, but I cannot vote for you anymore. And Davy Crockett asked, Why can you not vote for me? So he reminded him of this fire. He reminded him of what they had voted. And he said, Sir, that was not your money. That was my money. Philanthropy is not a proper function of the Federal Government. I cannot vote for you anymore.

Davy Crockett came back and gave a speech, and I am sure people can find it if they go on the Web and click on Davy Crockett. They can find his speech there. This was a great speech. It points out that no matter how philanthropic that is, that that is not a proper function of the Federal Government.

As a matter of fact, the Bible says, "It is more blessed to give than to receive." Does the gentleman from Michigan know a single person who has a good warm feeling on April 15 because so much of their money is going to philanthropy? Has not the government usurped the role of philanthropist and denied our citizens the reward that the Bible promises, that it is more blessed to give than to receive? A whole bunch of the money that the government forcibly takes from us on April 15 goes to philanthropy, a totally inappropriate function of the Federal Government, a constitutionally denied function of the Federal Government. And because they thought that we might not understand, 4 years after the Constitution was ratified, they ratified the first 10 amendments, the tenth of which, the most violated amendment in the Constitution, the tenth of which says it in everyday English, and we cannot find it in Article I, Section 8. The three things I mentioned I cannot find there. And I defy anybody to take out their Constitution and find it.

Mr. SMITH of Michigan. Mr. Speaker, the gentleman from Maryland (Mr. BARTLETT) carries the Constitution in his pocket.

Mr. BARTLETT of Maryland. I always have a Constitution next to my heart.

Mr. SMITH of Michigan. Mr. Speaker, I want to show this chart of what government has done historically every time Social Security has less money than what is needed to pay benefits, and it is a pay-as-you-go program. It is deducted from the paycheck at the end of the 1 week or the 2 weeks or the month, and within days it is sent out to beneficiaries. So there is no savings account with one's name on it. So we have run into problems of not having enough money in Social Security to pay benefits on several occasions, but what we have done historically, and I use this because I think it is a danger of what can happen in the future, is simply that we have increased taxes and reduced benefits. This is a chart that shows the increase in taxes.

In 1940, we had 2 percent of the first 3,000. By 1960, it went up to 6 percent of the first 4,800. By 1980, 10 percent-plus of the first 26,000. In 2000, 12.4 percent of the first 76,200. And currently it is not a rate increase, but it is a base increase; so it is the same 12.4 percent on the new base of $89,000 a year. So continually we have continued to increase taxes on working Americans to the extent that most working Americans now pay more in the Social Security tax than they do in the income tax.

Mr. BARTLETT of Maryland. Mr. Speaker, I object to calling this Social Security because it is clearly not Social Security. If that is all one has at their retirement, they are in a world of pain and hurt. If we look at those dollars over there, we see that on many pay stubs the FICA tax is the biggest tax that we pay. That worker has every right to believe that since it is called Social Security, because it is the biggest tax item on his pay stub, that it is Social Security. So he is not doing what he ought to be doing, saving providently for his retirement.

We need to change the name of that. It is not Social Security. It never was Social Security. It never was intended to be Social Security. But the tax has gotten so large, and it has gotten large because originally there were 42 people working for every 1 on Social Security. Today it is three people working for every one on Social Security. Shortly it will be two people. That is a pretty heavy burden to carry, two people supporting one. That is why the trust fund will be depleted.

□ 1715

We will be able to meet only 70 percent of the demands on Social Security.

Mr. SMITH of Michigan. So the challenge is Social Security has an unfunded liability of about $12 trillion now. But now we have made even more promises in Medicare and Medicaid. So not only deficit spending is how much we overspend in one year; the debt is adding up every year's overspending. It is now over $7 trillion of debt in this country, in addition to the promises that do not know how we are going to pay for.

But within the next 3 months, Congress probably again, as the gentleman from Maryland (Mr. BARTLETT) and I talked earlier, is going to have to face up to increasing the debt limited. My guess is we will do it again like we have done in the past, so that we do not have to talk about it, so we are not embarrassed in this Chamber. It will be some legislation that is hidden in the rule, so if you vote for the rule you vote for an increase in the debt limit, which I think should disturb us, because it does not make us stand up and deal with the huge challenges we are facing in this country in terms of overpromising and overspending.

Mr. BARTLETT of Maryland. $7 trillion is a very big debt, but I would like to talk for a moment about the debt.

If we kept our books like we force companies to keep their books, and some people say that we keep Enron-type of books, if we had to count as debt the contingent liabilities, our debt would not be the $7 trillion. It would be, I am told, between $25 trillion and $30 trillion, and some people think as much as $60 trillion.

I think that we need to keep the kind of books that we require businesses to keep. I think the American people have a right to know what the debt is that totally they owe. If you divide this by the number of working families, I think it is, what, about $10,000 for every man, woman and child in the country.

Mr. SMITH of Michigan. The debt is $7 trillion divided by about 290 million. It comes out to almost $25,000 for every man, woman and child in terms of their share of the debt.

Mr. BARTLETT of Maryland. That is about $10,000 per family. Just paying interest, by the way, the first thing that comes out of your paycheck is interest on the debt. Before you can do anything, before you can build roads or fund your schools or do anything, you have got to pay interest on the debt. So it comes right off the top. Every year we do not balance the budget makes it that much harder to balance the budget next year, because we have a larger interest debt to pay.

By the way, in our fondest dreams today, in 4 or 5 years we are going to cut the deficits in half? That will not get us there, will it?

Mr. SMITH of Michigan. No plans. I do not see it in terms of responsibility much different than what any family should do, what any business should do, and that is you cannot just keep going deeper and deeper into debt without any plan to ever pay that debt back.

I am a farmer from Michigan, the gentleman is a farmer from Maryland, and philosophically we felt that if we can pay down the mortgage on the farm so that we can leave our kids a little better chance of having a better life than we have, we should.

But in this body, in Congress, we are not doing that. We are not only not paying down the debt; we are increasing the debt load that they are going to have to be responsible for, and the tremendous amount that is going to have to come out of their pockets to pay the increased promises and even the interest on the debt, not even mentioning starting to pay that debt down.

Mr. BARTLETT of Maryland. The gentleman mentioned the family as an analogy of our country. In a 4-year period, we went from being the world's largest creditor Nation to being the world's largest debtor Nation. I saw a fascinating editorial that said, gee, is that not great? Look how credit-worthy we are.

I related that to my family. I said, gee, if last year I had $10,000 and this year I owe $10,000, I am having some trouble figuring out that I am better this year than I was last year.

That is what this editorial was saying: Is it not nice that we are so creditworthy that we now are the world's largest debtor Nation? We in 4 years, we went from the world's largest creditor Nation to the world's largest debtor Nation.

Mr. SMITH of Michigan. It is a whole different 1-hour debate and discussion; but just, for example, one country, we have $100 billion deficit trade with China, and what does China do with that extra $100 billion? They probably invest it in our companies, or buy some of the property in the United States. So it makes this country more vulnerable.

But in terms of the total debt, both our Treasury bills, the debt of companies, we are becoming more and more dependent on other countries.

It is time we took ahold of ourselves, pulled ourselves up from our bootstraps, and started to be responsible, and not leave the kind of debts and responsibility to our kids and our grandkids simply because we think our problems today are great.

I thank the gentleman from Maryland for joining me.

SUPPORT THE VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. HOLT) is recognized for 60 minutes.

Mr. HOLT. Mr. Speaker, I would like to address the subject at the heart our democracy, voter confidence. What is the central act, Mr. Speaker, of our democracy? It is the vote. For that to work, we must have confidence. In fact, for our government to work, we must have the confidence of the citizens. This is a self-governed country, and it only works if we believe it does. It only works if we maintain faith in the system.

Now, obviously, that has a lot to do with how elected officials behave today, it has a lot to do with how the citizens feel that their money is spent, it has a lot to do with how much we elected officials stay in touch with the people.

But it also has to do with the process of voting, itself; and in recent efforts to strengthen our voting procedures, particularly following the problems that became apparent in the 2000 election, a number of changes have been made that might actually serve to reduce voter confidence.

In November of this year, it is expected that 50 million votes, almost one-third of the votes that are likely to be cast in this country, will be cast on machines, touch screen, electronic machines, what are known as direct recording electronic voting machines, or DREs; and these 50 million votes will be unauditable. If we do not pass legislation requiring a voter-verified audit for each vote at the time each voter votes, we may as well outlaw recounts.

Now, I ask my colleagues if they know any candidate for office who would want to run without the possibility of a recount if there were questions about the election. If we do not take legislative action, we might as well outlaw recounts in Federal elections. Somewhere along the way, we allowed the vote count to become privatized, and we should act now to undo that.

In July of last year, California Secretary of State Kevin Shelly released a report of a touch screen task force. It was comprised of computer scientists, election officials, representatives from the Secretary of State's office, election reform groups, and election officials. This task force said, "There needs to be voter verification imposed by a date certain."

By voter verification, what they meant was a procedure, a mechanism, so that each time a voter goes into the booth that that voter can verify that his or her intentions are correctly recorded, in other words, that the vote cast is the same as the vote recorded.

Now, at the same time that the Secretary of State of California was releasing this task force report, computer scientists reviewed the source code used by one of this country's major voting machines; and their analysis, which is commonly referred to as the "Johns Hopkins Report," found that "this voting system is far below even the most minimal security standards applicable in other contexts. We identified several problems, including unauthorized privilege escalation, incorrect use of cryptography, vulnerabilities to network threats and poor software development processes. We show that voters without any insider privileges can cast unlimited votes without being detected by any mechanism within the voting terminal software. Further, we show that even the most serious of our outsider attacks could have been discovered and executed without access to a source code. We conclude that this voting system," and now this is one of the most common voting systems in America, "that this voting system is unsuitable for use in a general election."

Well, there are a lot of technical computer science terms there, but what they mean is the software is unreliable, that the machines may not record the votes the way the voters intended them to be recorded, either through inadvertent error or through malicious software hacking.

The State of Maryland commissioned a third-party review of their electronic voting machines. This review was conducted by Science Applications International Corporation, SAIC, last summer. A version of that report was released and it said: "This risk assessment has identified several high-risk vulnerabilities in the implementation of the managerial, operational, and technical controls for the voting system. If these risks are exploited, significant impact could occur on the accuracy, integrity, and availability of election results. The system is at high risk of compromise."

Again, this is written in technical terms, but it says quite simply, your vote may not be counted.

Now, even if great pains have been taken to get rid of the bugs in the software and the systems are guarded so hackers do not get to them, we still cannot be certain, we still cannot be certain that the system works to record the voters' intentions accurately.

Now, some election officials say, well, we have been using these electronic machines for several years now and we have never had a problem, to which I say, Mr. Speaker, how do you know? If the system has an obvious breakdown, then you know it does not work. But if it appears to be recording votes, you cannot know, fundamentally cannot know whether it does work.

That is why it is necessary that there be a parallel audit trail, so that each voter owns the verification. Not some discount company that vouches for its machine, not even the election officials of the State, but the voter herself or himself can verify that the vote that is recorded is the vote that was intended.

Maryland commissioned yet another study, because there was continuing uncertainty following the really troubling results of that first study. This study, prepared by another organization, was released in January of this year. It was based on what they called a "red team exercise," a deliberate attempt to compromise the system, to see how easily they could be compromised.

That reported said: "The State of Maryland election system, comprising technical, operation and procedural components, as configured, contains considerable security risks that can cause moderate to severe disruption in an election."

Mr. Speaker, we are talking about the central act, the centerpiece of our democracy, voting. What could be more important?

Well, there is a way to deal with this problem. It is technologically and practically feasible. In fact, it is easy to give each voter the control of the verification, to give each voter the assurance, the confidence, that his or her vote has been recorded the way she or he intended.

I have introduced the Voter Confidence and Increased Accessibility Act. I introduced this about a year ago, working with a number of computer scientists and election officials and others, seeking input from civil rights groups and public interest groups and groups of citizens with physical disabilities; and we crafted language that would solve this security problem.

Quite simply, my legislation would require that all voting systems produce a voter-verified paper record for use in manual audits. So you go into the booth, if there is an electronic machine, one of these DRE touch-screen machines, for example. You would vote. Before you submit the vote, after you have chosen the candidates and selected your position on the referenda and so forth, the machine would produce a parallel audited record, a paper account of your vote.

□ 1730

One can look at it and say, yep, that is my vote. Or if it is not, one can declare it a spoiled ballot and have the election officials reset the machine and vote again, or, vote once and the other ballot is disposed of.

The legislation would not only require a voter-verified paper record for each voter at the time of voting, it would ban the use of undisclosed software and wireless communication devices in voting systems. It would require that all voting systems meet these requirements in time for the general election of this year, November 2004. It would require that electronic voting systems be provided for persons with physical disabilities 1 year earlier than is provided under the current versions of the law.

My legislation would also require mandatory surprise recounts in one-half of 1 percent of all jurisdictions so that the voters, each voter, can have assurance that the system is working. This will go a long way toward removing one of the areas of uncertainty.

I think any of us, when we hold town meetings or just walking around the streets of our towns, we encounter people who say, "I do not vote. My vote does not count." I spend a lot of time arguing with people like that. As someone who won an election by a razor-thin margin once, I can assure them that every vote does count.

But more and more I hear people saying, my vote will not be counted. And that is a very troubling sign. If people do not go to the polls for whatever reason, it is a loss to democracy. It is a tragedy for our country. And we dare not let them have the excuse that their vote will not be counted because the machine will malfunction, because there are bugs in the software, or because the software has been tampered with.

The centerpiece of our democracy, that is what we are talking about.

And I am pleased to be joined in this discussion by two people who have given a great deal of thought to this issue. I am joined by my friend the gentleman from New Mexico (Mr. UDALL) who served as attorney general in New Mexico before coming here to the House of Representatives. And he understands how important it is that we maintain the confidence of citizens in their government and in the process of government. And he understands how we can do that.

I would be pleased to yield to my colleague from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT). And let me first of all say that it is a real pleasure to be here with him this evening and have the opportunity to carry on a debate with him about this important issue. I want to thank the gentleman for his leadership on this.

I had a series of town hall meetings in my district recently. And maybe my colleague could help me with some of the questions that people have. I thought I would just begin with a question and then with a statement, and maybe we can just carry a little bit of a discussion on about this one question.

I have talked to machine manufacturers. I have talked to elected officials that supervise these elections. They tell me we have a lot of touch machines in New Mexico, and they say things to me like, we do not have to worry because we have three levels of redundancy in the computers. We do not have to worry because there is backup in the computers.

And I think my colleague has explained it somewhat in his opening remarks, but I would like to kick that back to him at this point and have my colleague, because I know he has called many of these computer experts over the course of developing this legislation, when they say three levels of redundancy in the computer, is that a level of protection my colleague is satisfied with, and does it, in fact, in this piece of legislation give security to the ballot itself?

Mr. HOLT. Mr. Speaker, reclaiming my time, it does not provide enough security. This past Tuesday, a day ago, I voted in the school board elections in my home district. For the first time our county, Mercer County, New Jersey, used electronic touch screen machines, the so-called DRE, one brand of the DRE machines.

As I expected, they were clear, easy to use, accessible. I think they would be good for people with physical disabilities, better probably than the old lever machines. And they were, as I expected, totally unverifiable. Now, why do I say that? Because the manufacturers will say, oh, we have batteries in there so if the power fails, they will not crash. Of course, there are a lot of computer engineers who promise that their software will not crash. But the manufacturers say, well, we store the votes in two different memory locations so there is redundancy.

With the electronic machines there is no way after the polls close that you can go back and determine what was the intention of each voter because there is this fundamental principle of secrecy. One's ballot must be kept secret. They cannot go back and say, you, Mr. UDALL, voter number 23 today, voted for candidate A in this election and candidate C in that election.

So it is fundamentally different from your ATM machine, your cash machine at the bank or from other electronics that you work with because at the end of the month, with your bank, you have got either your checks or photocopies of your checks, and the bank tells you how much they think you have, and you tell them how much you think you have, and you get together on it.

With a secret ballot one cannot do that. They cannot tell someone how they voted. They cannot know how someone voted. So there is necessarily a gap between the casting of the vote and the recording of the vote. It is fundamental to these machines. One cannot get around it. We cannot build redundancy in there because there is a gap filled with software between the casting of the vote and the recording of the vote.

Mr. UDALL of New Mexico. Mr. Speaker, would the gentleman yield?

Mr. Speaker, I hope that that is very clear to everyone out there. It was very clear to me the way that was explained. And I want to say that the reason we are here today on the floor is because we believe in the improved use of technology. Computerized voting systems will soon become the primary method for voting across the country, and with this new technology comes a potentially serious problem: The fact that these systems will not have a verifiable paper trail of how a citizen actually voted.

Without this component, voters and election officials have no certainty that votes have been properly recorded, because computer voting machines are not currently required to produce a voter-verified paper trail. Any errors or irregularities they cause are difficult or even impossible to discover.

Voters would never know and election officials could never determine whether a faulty machine erroneously recorded the voter's intent. A growing host of nationally and internationally renowned computer scientists consider a voter-verified paper trail to be a critical safeguard for the accuracy, integrity, and security of computer assisted elections.

Thankfully my colleague the gentleman from New Jersey (Mr. HOLT) has introduced H.R. 2239 to address this problem. H.R. 2239 requires the electronic voting systems to provide a mechanism for voter verification of results. H.R. 2239 would require that voters be able to verify the actual paper record after it is printed.

Requiring a voter-verified paper trail is both easily solved and immediately necessary. Localities are making purchasing decisions right now. If Congress acts now, we can ensure that every election is voter-verified and auditable, and localities can move forward with confidence. The technology is there to make this happen.

I am proud to be a cosponsor of H.R. 2239 and hope that this Congress will take action on this legislation immediately. There is broad-based support for voter-verified paper trails. In fact, more than 70 organizations, including Common Cause, the National Organization For Women, the National Federation of Republican Women, as well as the editorial boards of more than 20 newspapers have endorsed voter-verified paper trails.

With a critical election looming, it makes it that much more important that we address this situation now.

Mr. Speaker, I would once again like to thank my colleague, the gentleman from New Jersey (Mr. HOLT), for his leadership on this issue. I look forward to working with him, with the gentleman from North Carolina (Mr. PRICE), with the gentlewoman from Ohio (Ms. KAPTUR) and all the other fine sponsors of this legislation to help ensure and improve the integrity of our electoral process.

Mr. Speaker, I yield back to the gentleman from New Jersey (Mr. HOLT) and thank my friend again.

Mr. HOLT. Mr. Speaker, I thank my colleague for those stirring words that speak to democracy. I cannot emphasize strongly enough what we are talking about here. This is not an exercise in computer science. It is not a game of political gotcha. It is not a partisan matter. It is not antitechnology. It is simply an effort to see that voters believe that they own their government, that they own their vote, that the sanctity of their vote is preserved.

Now, someone who has studied this both theoretically and practically is the gentleman from North Carolina (Mr. PRICE), who has looked at this with the eyes and the mind of a political scientist, but also as someone who has had his share of close elections and knows what it would mean if we had elections all across the country without the possibility of a recount.

I am pleased to yield to my friend from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his good work on this critical issue.

Like our friend the gentleman from New Mexico (Mr. UDALL), I have been hearing a lot about this from constituents, from town meetings, from people who just understand that it is unthinkable that we should go through another national election with an outcome that is in doubt. And we have put some machinery in place to replace outmoded, inaccurate voting machines. So it would be ironic if some of that machinery turned out to have serious problems of its own.

So I want to commend my colleague for understanding the gravity of this issue and introducing the bill H.R. 2239, which offers a very promising remedy. I am proud to be a cosponsor and join in this Special Order today to talk about this issue.

The bill of the gentleman from New Jersey (Mr. HOLT) would require all electronic voting machines, also known as direct record electronic voting systems, or DREs, would require all the DREs that are used in the upcoming election to produce some kind of verifiable paper trail. This bill would thus create a way for American voters to ensure that their votes are counted accurately.

There are very few things that are more important, I think, to the workings of democracy. You have got to be able to assume the legitimacy of election outcomes. If we do not act quickly on this bill, I am afraid we may face the possibility of having two Presidential elections in a row where the outcomes are contested.

Often we get so caught up in the debate about electronic voting machines that we forget that there are other reliable and verifiable options to these direct record electronic voting systems.

□ 1745

Not all of them are particularly high-tech devices. This may be an area where at least for the present, high tech is not necessarily better. For example, in my district of North Carolina, we use what we call optical scanning systems. You take a piece of paper and take an magic marker and connect arrows on this ballot. You feed the ballot into the machine. The machine reads the vote instantly and produces an outcome at the end of the day instantly, but then there is this paper record if the outcome is contested. In case there is a malfunction, there is a paper record that could be consulted to back up the result.

We may well have these more sophisticated, more complicated direct record electronic voting systems in our future. But the current counting mechanisms on many of these machines are not foolproof, as several elections in this past year have shown.

I wonder if the gentleman from New Jersey (Mr. HOLT), I know he has studied this extensively, if he could elaborate on that a bit. What have been some of the problems that have been pointed out by the studies in terms of perhaps a potential for hacking, perhaps a potential for fraud, the potential for malfunctioning? Just what kinds of problems are we talking about?

Mr. HOLT. These electronic machines are now in fairly common use around the country, and so we are beginning to get a number of stories of questionable behavior or real horror stories. There are cases where it appears that the electronic machines have actually counted backwards as the evening has gone along. There are other cases where, well, in one election recently, ironically in the State of Florida, there was a special election for a State office, several candidates on the ballot in a couple of counties. Some thousands of voters turned out for this single election. There was only one election on the ballot, and 137 voters who showed up, signed in and went into the voting booth evidently did not vote. Their votes were not recorded.

In other elections there are suspicious results where all of the candidates, all of the winning candidates got exactly the same vote total numbering in the thousands. So there are a number of instances where there are questionable results, and the point is you will never know was there something wrong because you cannot go back and audit them. There is no audit. There is no recount possible.

So I am afraid that anytime there is a close election from now on, unless we have this parallel voter-verified audit trail, there will be a cloud hanging over every close election and the loser and the loser's supporters will wonders if they have been cheated out of the election by some sort or error or, at worse, by hacking, by theft, by fraud. And that cloud cannot be dispelled.

Mr. PRICE of North Carolina. No matter whether we are talking about a malfunction intended by no one or something much more mischievous or fraudulent, a system like there where you have no way of checking, no back-up system, simply leads people to suspect the worst. And so it would appear to me that we would want to offer maximum assurance. As I said earlier, to move from these punch card systems which were so inaccurate and so problematic to move to high-tech electronic systems with all these bells and whistles which nonetheless have no basic capability to offer a back-up check, that would not seem to be the way we ought to be moving in election reform. Some of these low-tech alternatives might be better for the present.

Mr. HOLT. Would it not be ironic.

Let me refer to what a couple of States are doing, partly because Congress has been slow to address this problem. My bill has been sitting in committee for a year now. Some States have acted on their own. I have mentioned the studies that were undertaken in California and the Secretary of State of California has decided to act and has declared that in the future the California machines must have a voter-verified paper trail.

In past months, the Secretary of State of Nevada, Dean Heller, announced his decision to buy touch screen voting machines for all of Nevada's counties, and he also announced a mandated paper ballot be created through the use of a voter-verifiable record in all new DRE machines purchased in the State of Nevada in time for the 2004 general election. Said the Secretary of State, "I did so because the voters of this State overwhelmingly supported the inclusion of a paper trail to protect the integrity of our election." Maybe it is time for the voters to let their county officials know how important a voter-verifiable receipt printer is to them.

Now, it would make sense for Federal elections that this be handled on a national level and not count on each county and each State to try to protect the integrity of the system for the voters. As the Secretary of State of New Hampshire wrote, "People in other States talk about the unbelievable burden of recounts. They do not realize the costs of restoring legitimacy is far greater than the costs of maintaining it."

He gets it. He understands that we have to have an election system that is recognized as legitimate, that allows recounts, that gives voters confidence. New Hampshire uses paper ballots in 100 percent of its precincts; 55 percent of New Hampshire precincts use an optical scan system where you fill in a circle or a box next to the candidate, and then an optical scanner or machine will count those ballots. But you have the record that the voter has marked herself or himself so that provides a voter-verification paper trail. That is 55 percent of their precincts and 45 percent use paper and nothing else. And New Hampshire's system for a number of years now has been highly successful, in the words of the Secretary of State, and "successful in promoting voter confidence and reliability."

In fact, to make the pointed that this is not a partisan matter, should not or need not be a partisan matter, I have here a resolution passed by the New Hampshire State Republican convention in 1988 no less. So it is not only not partisan; it is not all that new. They said, "Whereas, the State of New Hampshire has computerized voting equipment that does not have the ability to recount manually, does not have the ability to recount at all, uses secrecy of internal procedures as a primary security strategy, does not give the voter the ability to ensure the computer has voted as instructed, now therefore, it be resolved," etc., etc., "computerized voting equipment must either produce a manually recountable ballot for the voter's inspection prior to electronically casting the voter's ballot or use as its input a ballot which can be used in a manual recount."

The Republican Party said, we must have a voter-verified paper trail.

I am pleased now that we are joined by our colleague, the gentlewoman from Ohio (Ms. KAPTUR), who has given a great deal of thought and energy to this question. I yield to my colleague.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for his outstanding national leadership for his question of the integrity of our vote and wish to join him in support of H.R. 2239, his measure to instill voter confidence and increased accessibility of 2003 by requiring a voter-verified permanent record or hard copy under title III of the Help America Vote Act that we passed back on October 29, 2002.

The bill does need perfection, and it is to the gentleman from New Jersey's (Mr. HOLT) great credit that over 132 Members of this House already signed on as co-sponsors of this measure.

It is a pleasure to join the gentleman from New Mexico (Mr. UDALL), the gentleman from North Carolina (Mr. PRICE) here this evening, and the gentlewoman from Florida (Ms. CORRINE BROWN) in supporting this measure.

Let me just say that the goals of the original act were to provide funds for new voting equipment and training and that the Election Assistance Commission that was established as a national clearing house for Federal elections was expected to do many things that they have not done to date, simply because they were appointed too late. In fact, a year late. They were not confirmed in their position until December 9 of last year. And the first public meeting of the commission was just about one month ago on March 23. Therefore, when counties in our congressional district looked to the Federal Government for information about secure voting systems, and which electronic voting devices can really be trusted, guess what? There is no advice, because the commission has not completed its work. And in fact as we meet here today, the public comment period on the various State election plans that have been submitted to the Federal Register for comment which will end on May 8 allow for the States to self-certify. Those comments are just given back to the Secretaries of the various States and then Federal money begins to kick in, $2.3 billion for election training, $650 million for equipment; but the point is that there are not Federal standards by which we can judge this equipment. This has never happened before across our Nation.

There are many delays associated with those appointments to the commission, and several deadlines in HAVA have already been missed in that act. I will submit those for the record tonight. It is important to say over two dozen States have requested and granted a waiver for compliance with the HAVA voting equipment requirements until the first election after January 1, 2006.

I would say to many elections officials across this country and across my own State of Ohio who have asked me, go to the act. We can provide this to you. You do not have to buy this equipment this year if you do not believe it is secure. If you do not believe the smart cards are trust worthy, you do not have to buy those machines under the act that we passed here. There are no Federal standards in place yet so you have no guidelines. So why make decisions prematurely?

We want to make sure that that equipment works once you bring it on line, and you have to think about the long-term costs of the maintenance of the electronic equipment. Right now the act does not provide for storage costs at a certain humidity, which many of those electronic systems do require. You have to also think about the training of the booth workers who will be working this year. The training money has not gone out yet. Who will do the training? What kind of training? Will we be sufficiently trained on this new equipment by November or should you use your traditional system that has been in place through this year and then move the HAVA legislation and then the equipment and so forth on board for elections after January 2006?

I just wanted to mention the gentleman from New Jersey's (Mr. HOLT) tremendous work in this area, specifically as regards the paper trails and how you recount from a device that sends its votes into cyberspace.

We currently have several places in the country where elections have been conducted on this equipment and the votes cannot be recounted because the votes are in space. There is no paper record. There is nothing in the machine you can go back to. It only repeats what it did before. There is no paper record. And I totally support your efforts to try to get an auditable, verifiable paper trail. With all of the money we are spending, well over a billion dollars in this country, why can we not get it right the first time and make sure that whatever is necessary to provide that machine with intelligence so we can audit that trail is available? In the State of Ohio, I will end and just say, we have a State requirement that if an election is within one half of 1 percent, we must recount. It is Ohio's statute. We must do this. If we have votes in cyberspace, there is no way that we can accomplish this state-mandated test.

So I want to thank the gentleman for taking on this major effort. And believe me, you have my support in the Committee on Appropriations and in any other way to try to get these machines to function the right way and to get our poll workers the proper training before the election in which any of this equipment is brought on line.

RUSH HOLT has introduced H.R. 2239, the Voter Confidence and Increased Accessibility Act of 2003, to require a voter-verified permanent record or hardcopy under title III of the Help America Vote Act. The bill now has 132 cosponsors. Congressman HOLT will speak more about his bill later.

HAVA was signed into law on October 29, 2002. Its goals were to provide new voting equipment in those communities where it is needed and wanted; to provide training programs for election workers and voter education programs for the public; and to establish an Election Assistance Commission to serve as a national clearinghouse and resource for the administration of Federal elections.

Under the Act, the four Commissioners were to be appointed by February 26, 2003. Their nominations were not even sent to the Senate until October 3, 2003, and they were not confirmed until December 9, 2003. The first public meeting of the Commission was just about 1 month ago, on March 23rd. As we meet here, the public comment period on State Election Plans is underway. At the conclusion of this period, State Election Plans can be self-certified by the States and they will begin to receive more than $2.3 billion for election training and assistance, in addition to the $650 million that has already been put out to the states.

Due to the delays in the appointment of the commission, several deadlines specified in HAVA have already been missed:

Recommendations and voluntary guidance on Section 302 provisional voting requirements (October 1, 2003);

Recommendations and voluntary guidance on Section 303 provisions on computerized statewide voter registration list requirements and mail registration requirements (October 1, 2003);

Human Factors Report to the President and Congress (October 29, 2003);

EAC adopts voluntary guidance recommendations relating to Section 301 Voting Systems Standards Requirements (January 1, 2004);

First Annual EAC report to Congress (January 31, 2004);

A report and recommendations to the President and Congress for facilitating military and overseas voting.

Additionally, 24 states have requested and been granted a waiver for compliance with HAVA voting equipment requirements until the first Federal election after January 1, 2006.

Testing by NIST on voting machines, and its obligation to help develop tough standards for this new equipment, was suspended for 2 months this year because of the lack of federal money. The Commission is thankful that NIST has been able to identify $375,000 to help the Technical Guidance Development Committee get underway. But no recommendations are expected for another 9 months, while the Commissioners themselves recognize that State and local election authorities are looking for federal guidelines to help them develop their own standards.

Over the course of the past year, there have been many concerns raised regarding the security of new voting equipment. Will there be a paper trail that can be used for recounts? Can the summary data stored on the memory components of equipment provide a source for a recount in which voters can have confidence? Expert opinion is divided, and several states, including Ohio, California, Maryland and others, are looking into adopting state legislation that will build upon HAVA's minimum requirements.

The Commission itself is scheduled to hold a hearing regarding concerns about election equipment and other start-up issues on May 5th. The Technology Subcommittee of the House Government Reform Committee, which had planned to hold a hearing on similar concerns on April 28th, has now delayed their hearing until May 12th.

□ 1800

Mr. HOLT. Mr. Speaker, I thank the gentlewoman and since she speaks about appropriations, it is worth pointing out that the Help America Vote Act, which was passed to bring voting up-to-date and to remove uncertainties, dimpled chads, pregnant chads, hanging chads, butterfly ballots and all that and to provide greater access for people with physical disabilities, to provide greater voting rights for minorities, that bill is a very important step, but it is terribly underfunded. The appropriations have not come close to matching what the authors of that bill said was necessary.

But to the other point that my friend from Ohio raised where in Ohio if an election is very close there must be a recount, let me speak from personal experience.

A few years ago, I was involved in a close election. My opponent asked for a recount. In one of the five counties in my District, there were then in use electronic voting machines. No surprise, several weeks after the election, when the judge asked for a recount, those machines gave exactly the same numbers that they gave 5 minutes after the polls closed. They call that a recount but it is meaningless. If there was an error, if the voter's intention was not properly recorded, no one will ever know. Each time you interrogate the computer, it will give you the same answer. I do not call that a recount because you are not testing against the voters' intentions.

Let me quickly just read a few comments from the press around the country. The New York Times: "Even a cursory look at the behavior of the major voting machine companies reveals systematic flouting of the rules. Software was modified without government oversight; machine components were replaced without being rechecked. And here's the crucial point: even if there are strong reasons to suspect that electronic machines miscounted votes, nothing can be done about it. There is no paper trail; there is nothing to recount."

Anchorage, Alaska: "Alaska law," and by extension the Federal law, "should require electronic voting machines to produce a paper record of each vote."

Bangor, Maine: "Paperless voting machines and those that transmit results over the Internet are vulnerable to glitches and manipulation by hackers. Yet election officials in many States are tempted by a slick technology."

Asbury Park Press: "There's no good reason for Congress to delay mandating that electronic machines produce paper records."

Los Angeles Times: They say, "Machines, too, can lie."

Boston Globe: "It's the computers' turn to mess up elections."

Newsday says, "Elections flawed."

Palm Beach Post, Orlando Sentinel: "The electronic voting machines are better than dimpled chads but need back-up."

Eugene, Oregon, The Register-Guard: "Voters need a record."

Sarasota Herald Tribune: "A paper trail would increase faith in elections."

I could go on. In newspaper after newspaper, in town meeting after town meeting, in letter after letter sent to probably every Member of this House of Representatives, the public is calling for a voter verified paper trail because, I am pleased to say, the American public cares about their votes. They believe their votes are sacred and we should preserve that sanctity.

Someone who can speak with authority about this, about the importance of the franchise, how important it is that we extend the vote to all eligible voters and we make it as easy as possible for them to vote thoughtfully and that we ensure the integrity of those votes is the gentlewoman from the great State of Florida (Ms. CORRINE BROWN), which, I am sorry to say, the State has become the poster child of voting irregularities, but that is just because the vote was close in Florida. If it had been close in other States, we would have found voting irregularities in other States, too.

We have to do everything we can in every State to restore the sanctity of the vote, the integrity of the vote, the reliability of the vote, and with that, I would be pleased to yield to my friend, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, I want to thank the gentleman for holding this meeting today to discuss the elections and how we are going to ensure that we have a fair election in 2004 and how we are going to make sure that people in

America get a chance to vote but also that their votes will count, but I do have to correct my colleague on just one thing because Florida is not just known in the country, it is known throughout the world, because of this last election.

I just returned from Eastern Europe and I tell you, anytime I mentioned that I am from Florida, there is a sympathy in the look that I receive because they wonder how in the world that South Africa could get it right and we could not get it right in the great State of Florida.

The correction I want to make is that the election in Florida was not close. It was not close at all. Statewide, over 150,000 votes were thrown out. but I want to talk to you about what was very up close and personal for me in that in my District, in the 3rd Congressional District of Florida, in Duval County alone, in precinct 7, 8, 9 and 10, over 27,000 votes were thrown out, 27,000.

I have here on my right the gentleman from North Carolina (Mr. PRICE) who came to Duval County at a hearing where all the problems that Florida experienced was discussed and the depth of the seriousness of throwing out 27,000 votes. Why were they thrown out? Because they had old machines, and the machines, when you vote, they just spit the ballot out, and we never counted them. To this day, 27,000 ballots were not counted.

The sad part about it is that the supervisor of elections did not inform us. By law, you can ask for a recount in 48 hours. They did not even tell us until at least four days after the election that they had thrown them out. By the way, I was watching television. The supervisor of elections came on television, and the reporters were asking him how many votes were thrown out in Duval County. He said, oh, 27,000. I mean, 27,000. So we have to make sure that that never happens again nowhere in the United States.

When I travel around the world and I go to places like Haiti, they did not have 27,000 votes thrown out. When I go to Africa and monitor their elections, I mean if we are going to be the voice of freedom, it starts with the election.

Let me just say that I supported the initiative on the Help America Vote Act that was passed back in 2002, and I thought it was particularly important that the law provides money to help States replace and update their old and outdated voting machines. Now we can see why this is so important because of what happened in Florida, just during the last primary.

During the primary even though voter turnout was light, serious problems occurred. For example, voters were incorrectly given computer cards that let them vote only on local issues and not on the issue that they came to vote for, the presidential primary. So the fact is that in many counties, the machines did not work, and even the experts, the computer scientists, warned that votes and entire elections, in fact, could be stolen by rigging the codes that run the machines, and the only defense against this is a paper trail, in every vote count, so that a paper ballot could be counted if the machines tallies are brought into question.

To me, after what happened in 2000, I think of all places, Florida definitely needs a paper trail. We need a paper trail. Nothing has changed in Florida. We still have the same governor. Jeb Bush is the governor of Florida, and we still have a system in place where the governor paid a firm out of Texas $4 million to verify felons. Well, it did not matter whether you were a felon or not. If your name was James Brown or CORRINE BROWN, we just took all of the similar names out of the system, and you were not even notified so that you could correct it before the election.

So when you went to the supervisor of elections office, where you have been going for the past 30 years, you were told that you could not vote because you were a felon and you had no recourse. We had nothing in place that you could cast your ballot and later we could rectify it, and so all of those people, thousands, was turned away on election day.

About three weeks later, they got a letter from the supervisor of their elections saying, whoops, we made a mistake, and we in this Congress and we in this country are still suffering from that mistake, and we have to be committed that what happened in the 2000 election will never happen again in this country. We have to make sure that we put the credibility back for the American people and for the world because the world looks at us as a beacon of light, of hope, and yet they wonder why we cannot get it right in the United States. Maybe the reason why we cannot get it right is because we do not want to get it right.

I enjoy a good campaign, but the end result is we have got to make sure that when the American people go to the polls in November that they can vote, that their vote will count and there is verification of the vote.

I thank the gentleman very much for having this opportunity to talk to the American people about a system that is still broke, and if we do not put the money, the oversight and the security into the system, then shame on us.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for those remarks.

Let me again quote from Anthony Stevens, the Assistant Secretary of State of New Hampshire: The cost of restoring legitimacy is far greater than the cost of maintaining it. When there is an error in the election or when there is uncertainty that there might be an error in the election, it hurts democracy. The winner is compromised; the loser is compromised. Democracy is compromised.

So the fact that there is so much uncertainty about what happened in Florida three-and-a-half years ago is certainly no cause for celebration by the Republicans that they won because there is a cloud hanging over our democracy, and it cannot be resolved.

The HAVA Act, the Help America Vote Act, does take care of some of the problems that my colleague from Florida raised. A voter now can demand a provisional ballot. If when you show up at the polls you are told, well, we cannot find your name on the registration list, you can vote provisionally. You must be allowed to vote provisionally under the Help America Vote Act.

□ 1815

And then later they will determine whether that ballot is good. They will not turn you away.

It also increases accessibility, it increases compliance with the Americans With Disabilities Act, it strengthens the Voting Rights Act of 1965, it provides for a centralized database in each State of registered voters, and it helps replace the old machines.

Ms. CORRINE BROWN of Florida. Mr. Speaker, if the gentleman will yield for just one second, he is absolutely right, the provisional ballot is in place. But to this point you have no assurance that they are going to count it.

Mr. HOLT. That is right.

Ms. CORRINE BROWN of Florida. So that is a major problem.

Mr. HOLT. Mr. Speaker, there is one more point I want to make quickly before I yield to the gentleman from North Carolina.

Ms. CORRINE BROWN of Florida. If the gentleman will allow me one other quick comment.

Mr. HOLT. Certainly I will continue to yield to the gentlewoman.

Ms. CORRINE BROWN of Florida. The other thing is that the handicapped citizens sued Duvall County pertaining to access to the election, making sure that they have an opportunity to vote in private, and they won. So I want to submit this for the RECORD for the membership to review.

[From the New York Times, Mar. 14, 2004]

FLORIDA AS THE NEXT FLORIDA

As Floridians went to the polls last Tuesday, Glenda Hood, Katherine Harris's successor as secretary of state, assured the nation that Florida's voting system would not break down this year the way it did in 2000. Florida now has "the very best" technology available, she declared on CNN. "And I do feel that it's a great disservice to create the feeling that there's a problem when there is not." Hours later, results in Bay County showed that with more than 60 percent of precincts reporting, Richard Gephardt, who long before had pulled out of the presidential race, was beating John Kerry by two to one. "I'm devastated," the county's top election official said, promising a recount of his county's 19,000 votes.

Four years after Florida made a mockery of American elections, there is every reason to believe it could happen again. This time, the problems will most likely be with the electronic voting that has replaced chad-producing punch cards. Some counties, including Bay County, use paper ballots that are fed into an optical scanner, so a recount is possible if there are questions. But 15 Florida counties, including Palm Beach, home of the infamous "butterfly ballot," have adopted touch-screen machines that do not produce a paper record. If anything goes wrong in these counties in November, we will be in bad shape.

Florida's official line is that its machines are so carefully tested, nothing can go wrong. But things already have gone wrong. In a January election in Palm Beach and Broward Counties, the victory margin was 12 votes, but the machines recorded more than 130 blank ballots. It is simply not believable that 130 people showed up to cast a nonvote, in an election with only one race on the ballot. The runner-up wanted a recount, but since the machines do not produce a paper record, there was nothing to recount.

In 2002, in the primary race for governor between Janet Reno and Bill McBride, electronic voting problems were so widespread they cast doubt on the outcome. Many Miami-Dade County votes were not counted on election night because machines were shut down improperly. One precinct with over 1,000 eligible voters recorded no votes, despite a 33 percent turnout statewide. Election workers spent days hunting for lost votes, while Floridians waited, in an uncomfortable replay of 2000, to see whether Mr. McBride's victory margin, which had dwindled to less than 10,000, would hold up.

This past Tuesday, even though turnout was minimal, there were problems. Voters were wrongly given computer cards that let them vote only on local issues, not in the presidential primary. Machines did not work. And there were, no doubt, other mishaps that did not come to light because of the stunning lack of transparency around voting in the state. When a Times editorial writer dropped in on one Palm Beach precinct where there were reports of malfunctioning machines, county officials called the police to remove him.

The biggest danger of electronic voting, however, cannot be seen from the outside. Computer scientists warn that votes, and whole elections, can be stolen by rigging the code that runs the machines. The only defense is a paper record of every vote cast, a "voter-verified paper trail," which can be counted if the machines' tallies are suspect. Given its history, Florida should be a leader in requiring paper trails. But election officials, including Theresa LePore, the Palm Beach County elections supervisor who was responsible for the butterfly ballot, have refused to put them in place.

Last week, Representative Robert Wexler, a Florida Democrat, filed a federal lawsuit to require paper trails. He relies on the Supreme Court's holding in Bush v. Gore that equal protection requires states to use comparable recount methods from county to country. Florida law currently requires a hand recount in close races. That is possible in most counties, but the 15 that use electronic voting machines do not produce paper records that can be recounted. Under the logic of Bush v. Gore, Representative Wexler is right.

After the 2000 mess, Americans were assured they would not have to live through such a flawed election again. But Florida has put in place a system, electronic voting without a paper trail, that threatens once more to produce an outcome that cannot be trusted. There is still time before the November vote to put printers in place in the 15 Florida counties that use touch screens. As we learned four years ago, once the election has been held on bad equipment, it is too late to make it right.

[From the Florida Times-Union, Apr. 20, 2004]

JUDGE STAYS OWN ORDER ON VOTING MACHINES

(By Paul Pinkham)

Duval County may not have to buy handicap-accessible voting machines for the August primaries after a Federal judge's "Reluctant" stay of his own order so the county can appeal.

Lawyers for blind and manually disabled voters said they will ask the 11th U.S. Circuit Court of Appeals in Atlanta this week to expedite the appeal. But even if they are successful, City Hall attorneys said, little time will be left to implement Senior U.S. District Judge Wayne Alley's order that optical scan voting machines with audio ballots be placed in 57 of the county's 285 precincts for the Aug. 31 primary elections.

"It'd be virtually impossible," Assistant General Counsel Scott Makar said, "Right now, we have four months to implement the judge's order. What could we do in two months?"

Last month, Alley found Duval County Supervisor of Elections John Stafford in violation of the Americans With Disabilities Act because visually and manually disabled people are unable to vote without assistance on the county's optical scan voting machines. But late Friday, he granted Stafford's request for a stay pending appeal, an unusual step for a trial judge.

The judge said he was doing so reluctantly because he doubts the county will prevail on appeal. But he said if the county did happen to win on appeal, without a stay money already would have been spent on new voting equipment. Estimates range from $275,000 into the millions.

"Clearly the citizens of Duval County would be greatly impacted to the potential expenditure of monies to purchase voting machines that might be rendered useless in the event . . . Stafford prevails on appeal," Alley wrote. "Although the court feels there is a public interest in preserving the rights of all citizens, including plaintiffs, the more pointed public interest in this case is fiscal, blue-lighted bridges notwithstanding."

The bridges comment referred to evidence presented at trial about money Jacksonville spent putting decorative blue lighting on the Acosta bridge.

Despite the stay, Alley said he was "puzzled" at the city's aggressive defense of the case.

"Plaintiffs are citizens whose rights are entitled to protection," he said. But he noted that, though the voting "method in place is not the preferred one . . . their substantive right to vote will not be abrogated."

Douglas Baldridge, attorney for the American Association of People with Disabilities in Washington, said he has asked city attorneys to join him in asking the 11th Circuit for an expedited appeal to resolve the case.

"My hope is that they just don't have a desire to run out the clock on disabled citizens," Baldridge said.

Makar said city attorneys are considering Baldridge's request but are looking more toward 2006, when the federal Help America Vote Act takes effect, requiring all U.S. counties to have the necessary equipment to allow disabled people to vote independently.

[From the Florida Times-Union, Mar. 30, 2004]

JUDGE SMUDGES DUVAL VOTING

(By Paul Pinkham)

Duval County election officials are violating the Americans With Disabilities Act and must buy 60 new voting machines accessible to blind voters in time for the August primaries, a federal judge has ordered.

The machines also must be usable by manually disabled voters and placed in 20 percent of the county's 295 voting precincts under a court-approved plan according to population density and the availability of transportation, Senior U.S. District Judge Wayne Alley wrote.

While Alley's ruling isn't binding on other jurisdictions, the case was the first of its kind in the nation to go to trial and will have far-reaching implications for the rights of disabled voters to cast their ballots independently.

"It is truly a landmark decision," said Doug Baldridge, attorney for the American Association of People With Disabilities in Washington. "There is now a well-respected judge making a well-reasoned decision. . . . That's powerful."

City Hall attorneys were caught off guard by the order, which they received Monday morning. Though they anticipated an adverse decision based on Alley's previous comments, they expected the judge to wait until the May 14 deadline he set for the state to certify handicap-accessible touchscreen machines made by the vendor the city does business with, Assistant General Counsel Scott Makar said.

They haven't decided whether to appeal.

"We really want to get a fuller reading of the judge's order and its impact," Makar said. "The remedy is not going to be known until after May 14th."

If the state certifies Diebold Election Systems' touchscreen machines with audio balloting, cost of installing them according to Alley's order would be about $180,000, not including training and software considerations, Makar said. Diebold and the Secretary of State's Office are working toward certifying the machines for use in Florida elections.

But if the state doesn't certify Diebold's machines, or if those machines don't allow a manually impaired voter to vote independently with a mouth stick, Alley said he will require the city to buy similar units elsewhere. The cost of integrating a new system could run in the millions, Makar said. Alley ordered Supervisor of Elections John Stafford to keep the court apprised of the status of Diebold's certification efforts.

The judge also gave Stafford until April 12 to submit a plan for distributing the machines in precincts around Duval County. The plaintiffs will have an opportunity to comment on the plan, Alley ordered.

Visually and manually disabled voters sued Stafford in 2001 after he bought optical scan balloting equipment from Diebold instead of touch screens with audio balloting. Alley, a visiting judge from Oklahoma, heard two weeks of testimony in September and indicated in January he planned to rule in favor the plaintiffs.

"At the time the city purchased the optical scan system, it was technologically and financially feasible to employ a voting system readily accessible to visually impaired voters," he said in his order.

Makar said Stafford "has taken painstaking efforts" to meet the rights of disabled voters and has been working toward mandatory compliance with the federal Help America Vote Act. That law requires all U.S. counties to have voting systems in place by 2006 that allow disabled people to vote without assistance.

"Buying the equipment now is basically like buying an 8-track when the DVDs are coming off the presses any time now," Makar said.

But Baldridge said Alley's decision is legally sound, and disabled voters shouldn't have to wait two more years.

"Obviously it'd be great to have [audio balloting in] every precinct, but we were there to make sure that the violation was proven and to get some relief for these disabled citizens," Baldridge said. "It's an absolute victory."

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, before our colleague from Florida leaves, I do want to make one note.

Mr. HOLT. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. What the gentlewoman from Florida said about this purging of supposed felons, these purges were exempted from protection under the National Voter Registration Act. So many districts purged, as I understand, their voting roll before the election without notifying the people who were purged.

Ms. CORRINE BROWN of Florida. That is right.

Mr. PRICE of North Carolina. So the problem is that thousands of Floridians were purged who had no felony convictions. They were unjustly denied their right to vote. Just think about how frustrating and disillusioning it would be to show up at the polling station and be told you could not vote when you have nothing to compromise your eligibility.

So I want to inform my colleagues that I will be introducing a bill next week that will deal specifically with this problem. And I appreciate my colleague underscoring this unsolved problem from the Florida debacle.

My bill would ensure that no American is ever denied the right to vote in a future election because he or she is mistakenly labeled as having committed a felony. It would require States to send that notification that our colleague says was never sent, send that notification no later than 30 days prior to an election, informing people convicted of a felony that they have been removed from the voter list and explaining the reasons why. And then the person who is notified can respond. This would let them know about their rights to appeal the decision. It would require the State rule on the appeal. And if the appeal is still pending at the time of election, my bill would say they can cast a provisional ballot.

That is legislation that I believe would fill a remaining problem from the Florida experience.

Ms. CORRINE BROWN of Florida. And, Mr. Speaker, if the gentleman from New Jersey will continue to yield for just 30 seconds.

Mr. HOLT. I yield to the gentlewoman from Florida, Mr. Speaker.

Ms. CORRINE BROWN of Florida. Let me just mention that there are only five States now that will not allow ex-felons to vote. And that is a bigger issue. Because once someone pays their dues and serves their time, you want them to be productive citizens. And part of being a productive citizen is participating in the voting process. So that is something that we need to take a look at.

This is something that has been held over from the old Jim Crow days.

Mr. PRICE of North Carolina. That is a larger issue. My bill would simply deal with these purges and the fact that there often have been mistaken purges. It would give people who were purged the chance to respond.

I again want to commend the gentleman from New Jersey (Mr. HOLT) and all the others today for being part of this. We need to take these next steps in election reform. We have gotten rid of the unregulated soft money, and we have made certain that candidates are going to have to stand up and take responsibility for the content of their ads. We have made some headway. But this legislation that the gentleman from New Jersey (Mr. HOLT) has introduced in addition to the bill I have just described I believe would take us several steps further to restoring faith in our democracy, and I look forward to working with my colleagues on this.

Mr. HOLT. Mr. Speaker, I look forward to working with the gentleman from North Carolina also.

Each of these pieces of legislation deals with one aspect of the problem. One of the lessons of the election of 2000 was that many millions of Americans learned how complicated the voting question is. But we certainly can take care of these two matters in a straightforward way.

Again, my legislation would require that all voting systems produce a voter-verified paper record for use in manual audits. It would ban the use of undisclosed software. It would require that all voting systems meet these requirements, a voter verification, in time for their November 2004 election, this year. It requires that electronic voting systems be provided for persons with disabilities earlier than under the Help America Vote Act, and it would require mandatory surprise recounts in one-half of 1 percent of all jurisdictions.

I think that would go a long way. Now, some of my colleagues here on the floor say, oh, that is not necessary, let us let HAVA work. I tell you one way we can let HAVA work. Each State has submitted to the Election Assistance Commission a plan of how it will comply with HAVA. That has been published in the Federal Register. Public comments on those State plans are due by May 8, and members of the public are invited to comment to the Election Assistance Commission.

That is one way that the process will work. Because ultimately it is the public, not the 435 of us here, who own this democracy and who ultimately must ensure that it works as it should.

RECESS

The SPEAKER pro tempore (Mr. BURNS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1903

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 7 o'clock and 3 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. MARIO DIAZ-BALART of Florida from the Committee on Rules, submitted a privileged report (Rept. No. 108–466) on the resolution (H. Res. 602) providing for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KINGSTON (at the request of Mr. DELAY) for today on account of attending the funeral of a dear friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Resources; in addition to the Committee on Agriculture and to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1274. An act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

ADJOURNMENT

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 22, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7623. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Support the Tribal Pesticide Program Council (TPPC); Notice of Funds Availability [OPP-2003-0399; FRL-7349-1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Boscalid; Pesticide Tolerance [OPP-2004-0075; FRL-7353-1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7625. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-15, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7626. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7627. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard Challenge Program Annual Report for Fiscal Year 2004, required under section 509(k) of title 32, United States Code; to the Committee on Armed Services.

7628. A letter from the Acting Under Secretary, Department of Defense, transmitting a report required by section 335 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136) regarding the implementation of the revised Office of Management and Budget (OMB) Circular A-76, Performance of Commercial Activities; jointly to the Committees on Armed Services and Government Reform.

7629. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting the Department's report that covers two areas involving the Armed Services' aviation programs for FY 2003, pursuant to 37 U.S.C. 301a(f) and (b); to the Committee on Armed Services.

7630. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Colonel David M. Snyder, United States Air Force, to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7631. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities for Fiscal Year2003, pursuant to Public Law 104-201, section 827 Public Law 105-261, section 812; to the Committee on Armed Services.

7632. A letter from the Chairman, Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting the 2003 Annual Report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7633. A letter from the Chairman, National Endowment for the Arts, National Foundation on the Arts & the Humanities, transmitting the Federal Council on the Arts and the Humanities' twenty-eigth annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2003, pursuant to 20 U.S.C. 959(c); to the Committee on Education and the Workforce.

7634. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the National Telecommunications and Information Administration's (NTIA) assessment of the major actions that must be completed in the allocation of the spectrum to the civilian sector for the effective deployment of third generation (3G) wireless devices in the United States, pursuant to Public Law 108-119 (118 Stat. 3); to the Committee on Energy and Commerce.

7635. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's vehicle fleet report on alternative fueled vehicles for FY 2003, submitted in accordance with the Energy Conservation and Reauthorization Act (ECRA), and Executive Order 13149, Greening the Government through Federal Fleet and Transportation Efficicency; to the Committee on Energy and Commerce.

7636. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability [OPPT-2003-0072; FRL-7342-6] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7637. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL-7645-6] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7638. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters [OAR-2002-0058; FRL-7633-9] (RIN: 2060-AG69) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7639. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina [NC-112L-2004-1-FRL-7646-2] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7640. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations [DC052-7007, MD143-3102, VA129-5065; FRL-7645-1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7641. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

7642. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of2002 (Public Law 107-243); (H. Doc. No. 108-180); to the Committee on International Relations and ordered to be printed.

7643. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a report describing, to the extent practicable, any involvement of a foreign military or defense ministry civilian that have participated in the International Military Education and Training (IMET) program, and have been identified in the Country Reports on Human Rights Practices for 2003 as violating internationally recognized human rights subsequent to such training; to the Committee on International Relations.

7644. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States Macau Policy Act, covering the period from April 1, 2003, to March 31, 2004, pursuant to Public Law 106-570, section 204; to the Committee on International Relations.

7645. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's quarterly financial statement, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

7646. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7647. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7648. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7649. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7650. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7651. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7652. A letter from the Acting Secretary, Department of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2003, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7653. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7654. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7655. A letter from the Associate Attorney General, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for 2003, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

7656. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report that fulfills the reporting requirements set forth in the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Government Reform.

7657. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7658. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Performance Program Report for Fiscal Year 2003, in accordance with the requirements of the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

7659. A letter from the Associate Special Counsel for Investigation and Prosecution, Office of Special Counsel, transmitting the Office's FY 2003 Annual Report Pursuant to the No Fear Act, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

7660. A letter from the Executive Director, United States Access Board, transmitting a report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Government Reform.

7661. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 031104274-4011-02; I.D. 101603A] (RIN: 0648-AQ83) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7662. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule to Maintain an Area Access Program for the Atlantic Sea Scallop Fishery in Hudson Canyon [Docket No. 040130031-4070-02; I.D. 021704D] (RIN: 0648-AR92) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7663. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2004 Specifications [Docket No 031119283-4001-02; I.D. 110703A] (RIN: 0648-AQ80) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7664. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 022604B] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7665. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Gulf of Mexico; Coastal Migratory Pelagic Resources; Stock Status Determination Criteria [Docket No. 030917233-3304-02; I.D. 082703A] (RIN: 0648-AP50) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7666. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 030504A] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7667. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 031904A] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7668. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 032404E] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7669. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackeral in the Central Aleutian District [Docket No. 031124287-4060-02; I.D. 032404F] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7670. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 032504A] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7671. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives [Docket No. 000922272-4087-02; I.D. 061600A] (RIN: 0648-AO16) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7672. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Pelagic Longline Fishing Restrictions; Seasonal Area Closure, Limit on Swordfish Fishing Effort, Gear Restrictions, and Other Sea Turtle Take Mitigation Measures [Docket No. 0401130013–4098–02; I.D. 122403A] (RIN: 0648–AR84) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7673. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery [Docket No. 031126296–4100–02; I.D. 111903B] (RIN: 0648–AQ84) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7674. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations [Docket No. 031202301–4067–02; I.D. 111403C] (RIN: 0648–AR53) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7675. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Monkfish Fishery [Docket No. 040212056–4101–02; I.D. 020604B] (RIN: 0648–AR89) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7676. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole in the Bering Sea and Aleutian Islands [Docket No. 031124287–4060–02; I.D. 032904B] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7677. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281–00369–02; I.D. 040704B] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 033104A] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7679. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2003, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

7680. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2003, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

7681. A letter from the Chairman, United States Commission on Civil Rights, transmitting the Commission's report entitled, "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country," pursuant to 42 U.S.C. 1975a(c); to the Committee on the Judiciary.

7682. A letter from the Deputy Clerk, United States Court of Appeals for the Tenth Circuit, transmitting an opinion of the United States Court of Appeals for the Tenth Circuit (Nos. 03–8037, 03–8042, and 03–8043—United States v. Blanchard Buck Cannon (April 5, 2004)); to the Committee on the Judiciary.

7683. A letter from the Administration, FAA, Department of Transportation, transmitting the Capital Investment Plan (CIP) for fiscal years 2005–2009, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

7684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Mississippi Canyon 474 [CGD08–03–039] (RIN: 1625–AA79) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7685. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Garden Banks 783 [CGD08–03–040] (RIN: 1625–AA79) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7686. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Belle River, Belle River, LA [CGD08–03–049] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7687. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Mantua Creek, NJ [CGD05–03–121] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7688. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Royal Park (SR 704) Bridge, Atlantic Intracoastal Waterway mile 1022.6, Palm Beach, FL [CGD07–04–039] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7689. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Manasquan River, NJ [CGD05–04–071] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01–04–023] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7691. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Kent Island Narrows, MD [CGD05–04–070] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7692. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Savannah River, Savannah GA [CGD07–03–147] (RIN: 1625–AA11) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Altantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries [CGD05–04–066] (RIN: 1625–AA00) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Electrical Equipment and Installations, Storage Battery Installation; Electronic Equipment; and Fire Protection of Electrical System Components on Transport Category Airplanes [Docket No. FAA–2001–9634, FAA–2001–9633, FAA–2001–9638, FAA–2001–9637; Amendment No. 25–113] (RIN: 2120–AI21) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers [Docket No.: FAA–2002–13918; Amendment No. 158–2] (RIN: 2120–AH43) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Security Control of Air Traffic (RIN: 2120–AI11) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Medical Equipment [Docket No. FAA–2000–7119; Amdt. Nos. 121–280 and 135–78] (RIN: 2120–AG89) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Procedures for Transportation workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting; Correction [Docket No. OST–2002–13435] (RIN: 2105–AD35) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marysville, KS. [Docket No. FAA-2003-16762; Airspace Docket No. 03-ACE-99] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Independence, IA. [Docket No. FAA-2003-16746; Airspace Docket No. 03-ACE-90] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Colby, KS. [Docket No. FAA-2003-16760; Airspace Docket No. 03-ACE-97] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hamilton, MT. [Docket No. FAA 2003-16070; Airspace Docket No. 03-ANM-05] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Altus AFB, OK [Docket No. FAA-2003-15248; Airspace Docket No. 2003-ASW-3] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Anthony, KS. [Docket No. FAA-2003-16748; Airspace Docket No. 03-ACE-92] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Plattsmouth, NE. [Docket No. FAA-2003-16408; Airspace Docket No. 03-ACE-76] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Beloit, KS. [Docket No. FAA-2003-16749; Airspace Docket No. 03-ACE-93] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hays, KS. [Docket No. FAA-2004-16989; Airspace Docket No. 04-ACE-7] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Chanute, KS. [Docket No. FAA-2003-16757; Airspace Docket No. 03-ACE-95] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Excelsior Springs, MO. [Docket No. FAA-2004-17147; Airspace Docket No. 04-ACE-13] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Administrator, FAA, Department of Transportation, transmitting the Administration's report as required by Section 404(e) of the FAA Reauthorization Act of 1996 (HR 3539); to the Committee on Transportation and Infrastructure.

7711. A letter from the Secretary, Judicial Conference of the United States, transmitting a report on the judiciary's courthouse construction requirements for FY 2005 along with the out-year requirements for FY 2006-2009, pursuant to 28 U.S.C. 604(a)(12) and 462(b); to the Committee on Transportation and Infrastructure.

7712. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering those cases in which equitable relief was granted in calendar year 2003, pursuant to 38 U.S.C. 503(c); to the Committee on Veterans' Affairs.

7713. A letter from the Secretary, Department of Labor, transmitting the Department's tenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 2001 to 2002, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

7714. A letter from the Chair, National Oceanographic Partnership Program, transmitting the March 2004 Annual Report, pursuant to Public Law 104-201; jointly to the Committees on Armed Services, Resources, and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 602. Resolution providing for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes (Rept. 108-466). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina:

H.R. 4180. A bill to amend title 10, United States Code, to provide reimbursement for members of the Armed Forces retired for a combat-related disability for travel to military treatment facilities for medical care during the first two years after such retirement; to the Committee on Armed Services.

By Mr. GERLACH (for himself, Mr. WELLER, Mr. HASTINGS of Washington, Mr. GREENWOOD, Mr. VITTER, Mr. SIMMONS, Mr. CANTOR, Mr. HENSARLING, Mr. SHIMKUS, Mr. TOOMEY, Mrs. MILLER of Michigan, Mr. DOOLITTLE, Mr. COX, Mrs. KELLY, Mr. MURPHY, Mr. BARTLETT of Maryland, Mr. SHUSTER, Mr. CRENSHAW, Mr. ROHRABACHER, Mr. BURR, Mr. FORBES, Mr. KELLER, Mr. GILLMOR, Mr. SCHROCK, Mr. HAYWORTH, Mr. HERGER, Mr. MCINNIS, Ms. DUNN, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. BRADY of Texas, Mr. HAYES, Mr. BALLENGER, Mr. SOUDER, Mr. SMITH of Texas, Mr. GIBBONS, Mr. ISTOOK, Mr. OTTER, Mrs. JOHNSON of Connecticut, Mr. WICKER, Mr. SHAW, Mr. CRANE, Mr. GRAVES, Mr. WILSON of South Carolina, Ms. PRYCE of Ohio, Mr. TIBERI, Mrs. JO ANN DAVIS of Virginia, Mr. BARRETT of South Carolina, Mr. ENGLISH, Mr. PICKERING, Mr. CHOCOLA, Mr. PORTER, Mr. HALL, Mr. TERRY, Mr. REHBERG, and Mr. SWEENEY):

H.R. 4181. A bill to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. GREENWOOD, Ms. WOOLSEY, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. DEFAZIO, Mr. MCNULTY, Mr. TOWNS, Mr. OWENS, Mr. BROWN of Ohio, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. HINCHEY, Mr. FROST, Mr. CASE, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. STARK, Ms. CARSON of Indiana, Mr. HOEFFEL, Mr. LANTOS, Mr. MORAN of Virginia, Mrs. LOWEY, Mrs. CAPPS, Ms. SLAUGHTER, Ms. BALDWIN, Mr. KUCINICH, Mr. WAXMAN, Mr. SERRANO, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. FARR, Mr. CLYBURN, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Ms. WATSON, Mr. ROTHMAN, Ms. MAJETTE, Mrs. TAUSCHER, Mr. SANDERS, Ms. MCCOLLUM, Ms. HARMAN, Mr. CUMMINGS, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. CROWLEY, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. HOLT, Mr. WEINER, Mr. RANGEL, Ms. LOFGREN, Ms. SOLIS, Mr. FORD, Ms. KILPATRICK, Mr. WATT, Mr. PAYNE, Mrs. NAPOLITANO, Ms. ESHOO, Mr. SCHIFF, Mr. GONZALEZ, Mr. BALLANCE, Mr. RUSH, and Mr. MEEK of Florida):

H.R. 4182. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COOPER:

H.R. 4183. A bill making further emergency supplemental appropriations for fiscal year 2004 for military operations in Iraq and Afghanistan; to the Committee on Appropriations.

By Mr. CUMMINGS (for himself and Ms. CORRINE BROWN of Florida):

H.R. 4184. A bill to require United States assistance for the repair, maintenance, or construction of the transportation infrastructure of Iraq to be provided in the form of loans subject to repayment in full to the United States Government; to the Committee on International Relations.

By Mr. DREIER:

H.R. 4185. A bill to improve the coordination of the Federal Government in identifying and responding to weak or failing countries that endanger international security or stability, to improve the coordination and conduct of pre-conflict stabilization operations and post-conflict reconstruction operations, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. Matsui, Mr. McInnis, Mr. Herger, Mr. English, Mr. Boehner, and Mr. Chabot):

H.R. 4186. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. Brady of Texas, Mr. Jones of North Carolina, Mr. Akin, Mr. Herger, Mr. Burton of Indiana, Mr. Pitts, Mr. Franks of Arizona, Mr. Cole, Mr. Camp, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Norwood, Mr. Shadegg, Mr. Smith of Texas, Mr. Weldon of Florida, Mr. Linder, Mr. Wilson of South Carolina, Mr. Upton, Mr. Paul, Mr. Gibbons, Ms. Harris, Mr. Bass, Mrs. Miller of Michigan, Mr. Pearce, Mrs. Myrick, and Mrs. Cubin):

H.R. 4187. A bill to amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, and for other purposes; to the Committee on House Administration.

By Mr. LoBIONDO (for himself and Mr. McIntyre):

H.R. 4188. A bill to amend chapter 1606 of title 10, United States Code, to increase the amount of basic educational assistance for members of the Selected Reserve, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma:

H.R. 4189. A bill to modify and improve the funding structure of the Environmental Quality Incentives Program; to the Committee on Agriculture.

By Mr. MARKEY:

H.R. 4190. A bill to require the Secretary of Labor to declare that operating power driven amusement park rides is a hazardous occupation for the purposes of certain child labor provisions of the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Ms. MILLENDER-McDONALD:

H.R. 4191. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a network of pediatric centers in certain developing countries to provide treatment and care for children with HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself, Ms. DeGette, Mr. Greenwood, Mrs. Johnson of Connecticut, Mr. Allen, Mr. Baird, Ms. Baldwin, Ms. Berkley, Mr. Bishop of New York, Mr. Blumenauer, Mr. Brown of Ohio, Mrs. Capps, Mr. Cardin, Mrs. Christensen, Mr. Crowley, Mr. Davis of Illinois, Mrs. Davis of California, Mr. DeFazio, Ms. DeLauro, Mr. Doggett, Mr. Dooley of California, Mr. Emanuel, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gonzalez, Mr. Grijalva, Ms. Harman, Mr. Hinchey, Mr. Hoeffel, Ms. Norton, Mr. Holt, Mr. Honda, Ms. Hooley of Oregon, Mr. Inslee, Mr. Israel, Ms. Jackson-Lee of Texas, Mr. Jackson of Illinois, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Larsen of Washington, Ms. Lee, Ms. Lofgren, Mrs. Lowey, Mrs. Maloney, Ms. Majette, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Ms. Millender-McDonald, Mr. Moran of Virginia, Mr. Nadler, Mr. Olver, Ms. Pelosi, Mr. Rothman, Ms. Roybal-Allard, Ms. Linda T. Sanchez of California, Mr. Sanders, Ms. Schakowsky, Mr. Scott of Virginia, Mr. Serrano, Mr. Shays, Mr. Simmons, Ms. Solis, Mr. Tierney, Mrs. Jones of Ohio, Mr. Udall of Colorado, Mr. Van Hollen, Ms. Waters, Ms. Watson, Mr. Waxman, Mr. Weiner, Mr. Wexler, Ms. Woolsey, Mr. Wu, and Mr. Wynn):

H.R. 4192. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. Skelton, Mr. Tancredo, Mr. Doolittle, Mrs. Myrick, Mr. King of Iowa, Mr. Garrett of New Jersey, Mr. Shadegg, Mr. Bartlett of Maryland, Mr. Miller of Florida, Mr. Sessions, Mr. Frost, Mr. Lipinski, Mr. Wilson of South Carolina, Mr. Cooper, Mr. Aderholt, Mr. Reyes, Mr. Wolf, Mr. Pallone, Mr. Kirk, Mr. Hostettler, Mr. Hunter, Mr. Spratt, Mr. Flake, Mr. Isakson, Mr. Hayworth, and Mr. Case):

H. Con. Res. 407. Concurrent resolution saluting the life and courage of the late Commander Lloyd "Pete" Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER-2) at the time of its capture by North Korea on January 23, 1968; to the Committee on Armed Services.

By Ms. DeGETTE (for herself, Mr. Udall of Colorado, Mr. Hefley, Mrs. Musgrave, Mr. Beauprez, Mr. McInnis, and Mr. Tancredo):

H. Con. Res. 408. Concurrent resolution congratulating the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PORTER (for himself, Mr. Boehner, Mr. McKeon, Mr. Norwood, Mr. Ehlers, Mr. DeMint, Mrs. Musgrave, Mrs. Blackburn, Mr. Kind, Ms. McCollum, and Mr. Case):

H. Res. 600. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. Foley, Mr. Dingell, Mr. Wamp, and Mr. Hoeffel):

H. Res. 601. A resolution recognizing the importance of designating the Republic of Poland as a program country for purposes of the visa waiver program under section 217 of the Immigration and Nationality Act and urging the Secretary of Homeland Security and the Secretary of State to assist Poland in qualifying for such program; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

290. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 27 memorializing the United States Congress to address the gap between services offered to children in kinship care arrangments and services offered to children in foster care situations; to the Committee on Education and the Workforce.

291. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 18 memorializing the United States Congress to allocate federal funding for the creation of the National Recovery Training Institute in Louisiana; to the Committee on Energy and Commerce.

292. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6029 memorializing the United States Congress to amend current law so that children of state employees are eligible for health care beneifts under HealthWave; to the Committee on Energy and Commerce.

293. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4004 memorializing the United States Congress to pass the Calling for 211 Act, HR3111 and SB1630; to the Committee on Energy and Commerce.

294. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 79 memorializing the United States Congress to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123); to the Committee on Energy and Commerce.

295. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 193 memorializing the United States Congress to increase the level of federal funds available to the states for DNA testing; to the Committee on the Judiciary.

296. Also, a memorial of the Legislature of the State of West Virginia, relative to House Concurrent Resolution No. 30 memorializing the United States Congress to broaden the eligibility categories of membership in veterans' organizations; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Ms. Velázquez, Mr. Serrano, Mr. Brown of Ohio, and Mr. Burr.

H.R. 348: Mr. Vitter, Ms. Bordallo, Ms. Waters, and Mr. Rodriguez.

H.R. 504: Mr. Payne.

H.R. 677: Mr. Hyde, Mr. Nethercutt, Mr. Sherman, Ms. Waters, and Ms. Woolsey.

H.R. 685: Mr. Israel and Mr. Van Hollen.

H.R. 745: Mr. Cardoza and Mr. Deutsch.

H.R. 767: Mr. Murphy.

H.R. 792: Mrs. Wilson of New Mexico.

H.R. 814: Mr. Chandler.

H.R. 843: Mr. Rodriguez.

H.R. 857: Mr. Shuster.

H.R. 879: Mr. Strickland, Mr. DeFazio, and Mr. Rothman.

H.R. 883: Mr. Lipinski.

H.R. 930: Mr. Simmons.

H.R. 980: Mr. Michaud.

H.R. 1057: Mr. Kennedy of Minnesota.

H.R. 1084: Mrs. Jo Ann Davis of Virginia.

H.R. 1117: Mr. Herger.

H.R. 1160: Mr. Meeks of New York, Mr. John, and Mr. Emanuel.

H.R. 1173: Mr. Feeney and Mr. Miller of Florida.

H.R. 1205: Mr. Allen, Mr. Filner, Mr. Bell, and Mr. Pallone.

H.R. 1233: Mr. Bradley of New Hampshire.

H.R. 1345: Mr. Stark.

H.R. 1359: Ms. Woolsey.

H.R. 1709: Ms. Norton.

H.R. 1726: Mrs. McCarthy of New York.

H.R. 1746: Mr. Tanner.

H.R. 1749: Mr. Pitts.

H.R. 1779: Mrs. Jo Ann Davis of Virginia, Ms. Ros-Lehtinen, and Mr. Shaw.

H.R. 1873: Mr. Miller of Florida, Mr. Hastings of Florida, and Mr. Sessions.

H.R. 2176: Mr. Davis of Florida.

H.R. 2198: Mr. Schiff.

H.R. 2455: Mr. Abercrombie and Mr. Sherman.

H.R. 2490: Mrs. Davis of California.

H.R. 2612: Mr. Reyes.

H.R. 2700: Ms. Millender-McDonald.

H.R. 2719: Mr. Bradley of New Hampshire.

H.R. 2773: Mr. Owens.

H.R. 2823: Mrs. Capito and Mr. Holt.

H.R. 2863: Mr. Clyburn.

H.R. 2890: Mr. Wamp.

H.R. 2971: Mr. Cummings.

H.R. 3092: Mr. Sherman.

H.R. 3171: Mr. Rangel.

H.R. 3242: Mr. Bishop of New York, Mr. LoBiondo, Mr. Andrews, Mr. Hastings of Washington, Mr. Stupak, and Mr. Moran of Virginia.

H.R. 3308: Mrs. Biggert and Mr. Johnson of Illinois.

H.R. 3352: Mr. Scott of Virginia.

H.R. 3359: Mr. Rothman.

H.R. 3363: Mr. John.

H.R. 3378: Mr. Kildee, Mr. Moran of Virginia, Mrs. Napolitano, Mrs. Davis of California, Mr. Allen, Mr. DeFazio, Mr. Inslee, Mr. Weldon of Florida, Mr. Sanders, Mr. Goss, and Mr. Grijalva.

H.R. 3412: Mr. Bartlett of Maryland.

H.R. 3441: Mr. Michaud, Mr. Rahall, Mr. Marshall, Mr. Berry, and Mr. Weiner.

H.R. 3444: Ms. Lee and Ms. Woolsey.

H.R. 3474: Mrs. Davis of California and Mr. Rothman.

H.R. 3480: Mr. Sherman.

H.R. 3528: Mr. Pascrell.

H.R. 3545: Mr. Allen.

H.R. 3612: Mr. Filner.

H.R. 3619: Mr. Cooper, Mr. Chandler, Mr. Miller of North Carolina, Mr. Price of North Carolina, and Mr. Clyburn.

H.R. 3684: Mrs. Maloney, Mr. Bishop of New York, Mr. Simmons, Mr. Smith of Washington, and Mr. Abercrombie.

H.R. 3696: Mr. Sandlin.

H.R. 3707: Mr. Duncan, Mr. Ballance, Mr. Visclosky, Mr. Wu, Ms. Roybal-Allard, Mr. Levin, and Mr. Ramstad.

H.R. 3712: Mrs. Tauscher, Ms. Lee, and Mr. Larson of Connecticut.

H.R. 3736: Mr. DeMint and Mr. DeFazio.

H.R. 3755: Mr. Jefferson.

H.R. 3777: Mr. Turner of Texas.

H.R. 3795: Mr. Ruppersberger, Mr. Miller of Florida, Mr. Andrews, and Mr. Burns.

H.R. 3798: Mr. Etheridge, Mr. Michaud, Mr. George Miller of California, Mr. Inslee, and Ms. DeLauro.

H.R. 3800: Mr. Moran of Kansas, Mr. English, Mr. Rehberg, and Mr. Hayworth.

H.R. 3803: Mr. Berman and Mr. Owens.

H.R. 3880: Mr. Lynch, Mr. Simmons, and Mr. Rangel.

H.R. 3881: Ms. Solis, Mr. Cummings, Mr. Ross, Mr. Sanders, and Mr. Holt.

H.R. 3901: Mr. Goodlatte and Mr. Sessions.

H.R. 3950: Ms. Ginny Brown-Waite of Florida.

H.R. 3960: Mr. Bell, Mr. Davis of Illinois, Ms. Schakowsky, Mr. Brady of Pennsylvania, and Mr. Owens.

H.R. 3968: Mr. Sanders.

H.R. 3980: Mr. Lampson, Mr. Stenholm, Mr. Mario Diaz-Balart of Florida, Mr. Gordon, Mr. Honda, Mr. Smith of Texas, Mr. Boehlert, Mr. Case, Mr. Acevedo-Vilá, Mr. John, Mr. McIntyre, Ms. Jackson-Lee of Texas, Mr. Blumenauer, Mr. Hill, Mr. Goode, Mr. Cooper, Mr. Burgess, Ms. Hart, Mr. Cole, Mr. Sessions, Ms. Granger, Mr. Thornberry, Mr. Brady of Texas, Mr. Sam Johnson of Texas, and Mr. Pearce.

H.R. 3990: Mr. Kleczka.

H.R. 4023: Mr. Jefferson, Mr. Hinojosa, Mr. Gonzalez, Mr. Bradley of New Hampshire, Mr. McNulty, Mr. Grijalva, Mr. Ross, and Mr. Turner of Texas.

H.R. 4057: Mr. Burr.

H.R. 4061: Mr. Brady of Pennsylvania.

H.R. 4076: Mr. Dingell, Mrs. Capps, Mr. Filner, Ms. Lee, Mr. McDermott, Mr. Sanders, and Mr. Grijalva.

H.R. 4082: Mr. Holt and Mr. McDermott.

H.R. 4095: Ms. Lofgren, Mr. Payne, and Mr. Owens.

H.R. 4101: Ms. Eshoo.

H.R. 4109: Mr. Simmons, Mr. Issa, Mr. Reynolds, Mr. Foley, Mr. Gibbons, Mrs. Wilson of New Mexico, and Mr. Burton of Indiana.

H.R. 4116: Mr. Walsh, Mr. King of New York, Mr. LaTourette, Mr. McIntyre, Mr. Porter, Mr. Barrett of South Carolina, Mr. Putnam, Mrs. Johnson of Connecticut, Mr. Ose, Mr. Sullivan, Ms. Hart, Mr. Carter, Mr. Murphy, Mr. Bonner, Mr. Akin, Mr. Pence, Mr. Pearce, Mr. Cole, Mr. Kline, Mr. Boehner, Mr. Rogers of Michigan, Mr. Shuster, Mr. Forbes, Mr. Franks of Arizona, Mrs. Myrick, Mr. Knollenberg, Mr. Weller, Mr. Rohrabacher, Mr. Calvert, Mr. Lewis of California, Mr. Wilson of South Carolina, Mr. Mario Diaz-Balart of Florida, Mrs. Wilson of New Mexico, Mr. Ehlers, Mr. Hefley, Mr. Deal of Georgia, Mrs. Biggert, Mr. Farr, Mr. Ney, Mr. Petri, Mr. Moran of Virginia, Mr. Peterson of Minnesota, Mr. Hayworth, Mr. Doolittle, Mr. Herger, Mr. Bartlett of Maryland, Mr. Smith of Michigan, Mr. Upton, Mr. Bass, Mr. Tiberi, Mr. Burns, and Mr. Issa.

H.R. 4149: Ms. Hart and Mr. Van Hollen.

H.J. Res. 45: Mrs. Tauscher.

H.J. Res. 48: Mr. Calvert.

H.J. Res. 83: Mr. Frost.

H. Con. Res. 285: Mr. Bradley of New Hampshire.

H. Con. Res. 366: Mr. Etheridge, Mr. Rodriguez, Mr. Emanuel, Mr. Larsen of Washington, and Mr. Berman.

H. Con. Res. 378: Mr. Udall of Colorado, Mr. Honda, Mr. Owens, Ms. Watson, Mr. Kucinich, Ms. Kaptur, Mr. Ryan of Ohio, Mr. Gordon, Mr. Lampson, Ms. Schakowsky, Mr. Grijalva, Mr. Doggett, Mr. Johnson of Illinois, Mr. Rahall, Mr. Udall of New Mexico, Mr. Hoekstra, Mr. Hinchey, Mr. Burns, and Ms. McCollum.

H. Con. Res. 396: Mr. Kucinich and Ms. Norton.

H. Con. Res. 399: Mr. Meehan, Mr. Grijalva, Mr. Payne, Mr. McNulty, Mr. Evans, and Mr. Gallegly.

H. Con. Res. 403: Mr. Aderholt, Mr. Tancredo, Mr. Payne, Mr. Rangel, Mr. McGovern, Mrs. Capps, Mr. Snyder, Mr. Abercrombie, Mr. Filner, Mr. DeFazio, Mr. Smith of New Jersey, Ms. Eddie Bernice Johnson of Texas, Mr. Allen, Mr. Bachus, Mr. Green of Wisconsin, Mrs. Tauscher, Ms. Roybal-Allard, Mr. Shimkus, Mr. Royce, Mr. Pitts, Ms. Schakowsky, Mr. Neugebauer, Mr. Akin, Mr. Kirk, Ms. Woolsey, and Mr. English.

H. Con. Res. 406: Ms. Harris.

H. Res. 307: Mr. McNulty.

H. Res. 419: Mr. Frank of Massachusetts.

H. Res. 466: Mr. Towns, Mr. Berman, and Mr. Pascrell.

H. Res. 528: Mr. Manzullo, Mr. Davis of Illinois, and Mr. Menendez.

H. Res. 550: Mr. Neal of Massachusetts, Mr. Wamp, Mr. Simmons, Mrs. Tauscher, and Mr. Hefley.

H. Res. 567: Mr. Boucher, Mr. Stark, Mr. Bishop of New York, Mr. Bell, Mr. Gonzalez, Mr. Barrett of South Carolina, Mr. Souder, Mr. Petri, Mr. Bradley of New Hampshire, Mr. Pickering, Mr. Bachus, Mr. Bartlett of Maryland, Ms. Baldwin, Mr. Kleczka, Mr. Duncan, Mr. Walden of Oregon, Mr. Tanner, Mr. Wolf, Mr. Tiberi, Mr. Hulshof, Mr. Smith of Washington, Mr. Kennedy of Rhode Island, Mr. Turner of Texas, Mr. Isakson, Ms. McCarthy of Missouri, Mr. Leach, Mr. Boyd, Mr. Bass, Mrs. Musgrave, Mr. Filner, Mr. Berry, and Mr. Culberson.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4090: Mr. English.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

77. The SPEAKER presented a petition of Amon Re, a Citizen of Albuquerque, New Mexico, relative to a letter and complaint directed to the United States federal government and its Congress; to the Committee on the Judiciary.

78. Also, a petition of Gregory T. Howard, a Citizen of Toledo, Ohio, relative to a letter discussing a legal matter; to the Committee on the Judiciary.

79. Also, a petition of Deputy Secretary, Department of Natural Resources, State of Louisiana, relative to the 2003 Evaluation Report to the U.S. Congress on the Effectiveness of Coastal Wetlands Planning, Protection and Restoration Act Projects on behalf of the Louisiana Coastal Wetlands Conservation and Restoration Task Force; jointly to the Committees on Resources and Transportation and Infrastructure.

SENATE—*Wednesday, April 21, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and God of mercy, You first loved us. You paid the debt for our transgressions that we might experience reconciliation. Lord, thank You for rescuing us from ourselves and for the power You give us daily to live victoriously.

You alone are worthy to receive power, riches, wisdom, might, honor, glory, and blessing. Nothing is accidental or incidental with You, for You are the author and finisher of our faith.

Be near our Senators today as they serve our Nation and freedom's cause. Reveal Yourself to them as they strive to make right decisions about complex issues. Empower each of us to move into the future with faith in the wisdom of Your providence.

Lord, bless our military people who daily sacrifice for freedom. We pray also for our enemies, as You have commanded us to do. Hasten the day when peace shall reign. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the time set aside for the leaders, the Senate will begin a period of morning business for up to 60 minutes. Today the Republican side will control the first 30 minutes, to be followed by 30 minutes under the control of the other side of the aisle.

Following morning business, the Senate will resume the motion to proceed to the asbestos bill. During the last 2 days Senators came to the floor and engaged in debate on the asbestos issue. I appreciate that. However, we should now proceed to the bill itself in order to work through various issues.

Last night, in order to move forward with the bill, I filed a cloture motion on the motion to proceed. That cloture vote will occur tomorrow. Again, this procedural vote is to allow us to begin the process of deliberating and deciding on the issues surrounding the issue of asbestos. It is a beginning of the process. Therefore, I hope cloture will indeed be invoked tomorrow morning.

In addition, Senators KYL and FEINSTEIN have been discussing the victims' rights constitutional amendment which is on the calendar. My hope is to consider that legislation following the asbestos bill. There was an objection to beginning that bill as well, and it became necessary to file a cloture motion on the motion to proceed to that joint resolution. Depending on the outcome of the asbestos cloture vote, the cloture vote on the victims' rights amendment may also occur tomorrow.

On both of these matters, the Senate should be able to deliberate on the underlying issues, and ultimately the Senate should work its will on each of these bills. We will continue to press for consideration of the asbestos legislation and the victims' rights amendment this week in order for the Senate to ultimately vote on these two important pieces of legislation.

The leadership, Republican and Democratic, will continue to discuss among themselves the asbestos bill and the best way to proceed over the next several days.

I yield the floor.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT

Mr. DASCHLE. Mr. President, could the majority leader clarify the circumstances involving the victims' bill of rights? As I understand it, there have been some discussions, as the majority leader alluded, to a statutory approach to the victims' bill of rights. As I understand it, last night some agreement was reached. If that is the current situation, I am wondering whether it is still the intention of the majority leader to move a motion to proceed on the constitutional amendment.

Mr. FRIST. Mr. President, the final decision will be made over the course of the day. If agreement has been reached—I know as of late last night, actually up until 6 o'clock, the decision was made to file the cloture motion. Discussions were still underway. If an agreement has been reached that is mutually agreeable to both sides, we will not proceed with the cloture motion. But rather than comment on that definitively now, I would like to talk to the parties involved.

Mr. DASCHLE. I thank the majority leader.

IRAQ AND THE NATIONAL GUARD

Mr. DASCHLE. Mr. President, I will take my leader time to comment on the privilege I had last week of spending some time with hundreds of South Dakota Guard members and their families.

I wanted to say a few words today about the selfless and courageous sacrifice of the South Dakota Guard and, indeed, all of our soldiers who are placing their lives on the line so that the children of Iraq can inherit a nation safer, stronger, and freer than that of their parents.

Too often, the contributions of our Guard members and reservists have gone unrecognized. But today, the brave soldiers in our Guard and Reserve have become indispensable to protecting our national security.

With the end of the Cold War and the decision to draw down active duty forces, the Nation has dramatically increased its reliance on reservists. Guard and Reserve soldiers have been called up to active duty more frequently, and have been taken away from their families and communities for longer periods of time, than perhaps at any other time in our history. As a result, the line between active and reserve duty has become blurred.

The service of the South Dakota National Guard and Reserve provides a perfect illustration. Two-thirds of South Dakota's National Guard members have been called up since September 11. On a per capita basis, South Dakota has had more of its Guard members activated than any other State. These call-ups have fallen heavily on South Dakota's Army Guard units. According to Governor Michael Rounds, nearly 8 of every 10 South Dakota Army Guard members have already been called up for active duty.

The South Dakota National Guard has six units and 1,200 soldiers in the Iraq theater, including the 740th Transportation Company, the 842nd Engineer Company, the 2nd Battalion of the 147th Field Artillery, the 153rd Engineer Battalion, the 1742nd Transportation Company, and the 216th Engineer Detachment. These soldiers have the gratitude and admiration of our State and our Nation.

Late last week, we were reminded of the dangers they face each and every

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

day. As I noted on the floor Monday, Army Specialist Dennis Morgan, a member of the South Dakota National Guard, was one of the 12 American soldiers killed in Iraq this past weekend. Specialist Morgan was the sixth South Dakota soldier to die in this war, and the first member of the South Dakota National Guard. While South Dakotans' thoughts and prayers are with Specialist Morgan's family and, indeed, the families of all of those who have lost loved ones in Iraq, we also pray for the safety of the soldiers who remain in Iraq.

Two South Dakota units have received the most public attention as of late—the 740th Transportation Company of Milbank and Brookings and the 842nd Engineer Company of Spearfish, Belle Fourche, and Sturgis.

Unfortunately for the soldiers of these units and their families, the reason these units are in the news is not a happy one. Last week, nearly 300 soldiers from the 740th Transportation Company and the 842nd Engineer Company learned that they would not be coming home when they complete their year-long tour of duty.

According to Jay Brozik, husband of 1LT Sally Brozik who serves in the 740th, members of this unit had been informed they would be heading home soon. Their personal belongings had been packed for the trip home. The troops had completed the medical briefing required prior to leaving the Iraq theater. Their equipment had been transferred to a replacement unit. Their families were eagerly awaiting a joyous return.

All that came to a crashing halt late last week, when the Department of Defense announced that the tours of duty for this unit had been extended at least three months longer than promised.

The story is similar for the 842nd Engineering Company and about 20,000 other active and reserve troops who were in formed that the administration had broken its commitment of one-year, "boots on the ground" in Iraq.

Although I am confident all involved will continue to serve their country in the same exemplary fashion they have to date, the administration's decision was difficult to bear for the soldiers and families involved. In the words of Spearfish Mayor Jerry Krambeck, "I don't know what I can say without putting tears in my eyes. All I can do is continue as we are and continue to support the families even more at this point."

Jay Brozick said, "I was thinking my wife would be back for our son's birthday, May 4. Now it's changed everything." And Ryan Lovrien spoke of his girlfriend, SGT April Semmler of the 740th: "[April] had mentioned hoping after a year to be home and spend time with the family in the summertime and just be out of there. Now they're going to do three or four months."

Mr. President, the cost of failure in Iraq is beyond comprehension. Given the stakes involved for the people of Iraq, the region, and the world, we have no choice but to maintain our commitment and do all we can to bring about a safe, secure, and democratic Iraq. But we do face a choice about how we fulfill this commitment.

I urge the President to redouble his efforts to expand the international presence on the ground. We have the finest forces in the world. Breaking our commitment to these forces is not only unfair, it is shortsighted. Already we see soldiers re-enlisting at lower rates than in the past. Considering that the demands placed on our already overextended forces are unlikely to fall in the future, failure to at least sustain current force levels would undermine our national security.

Mr. President, I know the Senate joins me in commending the service of the men and women in the South Dakota Guard and indeed all of our troops involved in the current conflict in Iraq. I particularly want to express my appreciation for the sacrifices made by the troops of the 740th and the 842nd and their families. They came when they were called, performed as requested, and, under any circumstances, will continue to perform magnificently.

But the burden should be shared—so that we can sustain our current forces and give those who've already sacrificed so much a well-deserved rest.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time not yet used will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee.

ORDER OF PROCEDURE

Mr. REID. Mr. President, will my friend yield for a unanimous consent request?

Mr. McCONNELL. Yes.

Mr. REID. Mr. President, I ask unanimous consent that, under the Democratic-controlled time, Senator BOXER be recognized for 15 minutes, Senator JEFFORDS be recognized for 7½ minutes, and Senator HARKIN be recognized for 7½ minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

PATRIOT ACT

Mr. McCONNELL. Mr. President, in October of 2001, the Senate passed the PATRIOT Act by a near unanimous vote of 98 to 1. The PATRIOT Act has been a vital tool in our ongoing efforts to prevent future attacks of terrorism against Americans at home. Terrorist cells across the country have been broken up from Buffalo, to Detroit, to Seattle, to Portland. Over 300 criminal charges have been brought. Over 515 individuals linked to the 9/11 investigation have been deported. Hundreds more suspected terrorists have been identified and tracked throughout our country. It is no wonder, then, that the biggest hero to emerge from the hearings before the 9/11 Commission has been the PATRIOT Act. Witnesses from both the Clinton and Bush administrations, and from both political parties, have praised its efficacy in fighting the war on terror.

Unfortunately, we are in the middle of an election year and some Washington politicians would rather demagog the PATRIOT Act and the Attorney General for his use of it. For example, the junior Senator from Massachusetts voted for the act. But since becoming his party's presumptive nominee, he has taken an entirely different tack. For example, last month, he said: It is time to end the era of John Ashcroft. That starts with replacing the PATRIOT Act with a new law that protects our people and our liberties at the same time.

It is quite puzzling how Senator KERRY and his Democratic colleagues who voted for the PATRIOT Act can now do an about-face and raise such serious questions about its effects on civil liberties. It is even more puzzling to make such charges in light of how instrumental the PATRIOT Act has been in safeguarding Americans, and in the absence of evidence that the PATRIOT Act is being misused.

Sixteen key provisions of the act will expire on December 31 of next year. It is crucial that law enforcement not be deprived of these tools. While I cannot prevent election year politics, I can try to disabuse my colleagues of erroneous assumptions about some of these provisions.

Let's take a look at section 201 of the act. That section allows law enforcement to use existing electronic surveillance authorities to investigate certain crimes that terrorists are likely to commit.

Now, the myth about section 201 is as follows: Some contend that the Government already has the authority to investigate cases of suspected terrorism and, therefore, section 201 is completely overkill. But the fact is, before section 201 of the PATRIOT Act, law enforcement had the authority to conduct some electronic surveillance when investigating ordinary nonterrorism crimes. But law enforcement could not use wiretaps to investigate all of the crimes that terrorists will commit.

Now, as an illustration of this odd dichotomy, law enforcement could use wiretaps to investigate mail fraud but not for chemical weapons offenses or cases involving the use of a dirty bomb or cases involving killing Americans abroad or cases of terrorism financing. Let's go over that one more time. Law enforcement could use wiretaps to investigate mail fraud but not for chemical weapons offenses or offenses related to dirty bombs, killing Americans overseas, or terrorism financing. That is an absurd position for the law to be in.

So it seems to me that if law enforcement can use a wiretap to bust up a failed mail-in sweepstakes ring, it should be able to use wiretaps to stop the use of a dirty bomb.

Let's make one final point about section 201. To obtain a wiretap under this section, all the preexisting safeguards for wiretaps must be complied with, including establishing probable cause before an impartial Federal judge and getting that judge to sign off on the use of a wiretap.

Another section that has been misunderstood is section 206. This provision allows roving wiretaps in national security investigations. But it only allows them when the FISA court finds that a suspect may thwart surveillance. In a roving wiretap, the tap attaches to a suspect rather than to a device so that the suspect cannot defeat surveillance simply by changing cell phones, for example. The myth is that section 206 is a broad expansion of power without privacy protections.

But the facts are that those assertions are incorrect. For over a quarter of a century, law enforcement has used roving wiretaps to solve ordinary crimes such as drug offenses. How can that be terribly expansive, to allow in national security matters what has been occurring in ordinary criminal matters for 25 years?

Second, as I said, a roving wiretap can only be obtained after a court finds that a suspect might thwart surveillance. A number of courts, including at least three circuit courts, have ruled that roving wiretaps are perfectly consistent—perfectly consistent—with the fourth amendment. So it is pretty clear that privacy protections are not being eviscerated.

In sum, we should renew the parts of the PATRIOT Act that will expire. We should not take away from law enforcement needed weapons in the war against terrorism.

THE 9/11 COMMISSION

Mr. McCONNELL. Mr. President, I wish to make a couple of observations related to the proceedings of the 9/11 Commission, which have been in the news recently.

Specifically, I am troubled by the partisanship that some Commissioners have displayed, such as by cross-examining public officials as if they were common criminals.

I am not the only one who is troubled by the proceedings. Former National Security Adviser under President Clinton, Tony Lake, has said that the hearings are "a sad spectacle that has become so partisan." That is the National Security Adviser under President Clinton.

Max Holland, a former fellow at the University of Virginia who is writing a history of the Warren Commission, notes that, "in some respects," the proceedings of the Commission are "definitely a new low." He added that "this is a commission charged with establishing facts and the truth rather than posturing for political gain. But some of the hearings amounted to lecturing and posturing."

Still others, such as Professor Juliette Kayyem of the Harvard's Kennedy School of Government who served on a congressional terrorism panel to investigate the 1998 African embassy bombings, have questioned why 9/11 Commission members have granted so many interviews. She notes that "they have become too public" and that "tempts Commissioners into making assessments and conclusions prematurely," she suggests.

My understanding of the 9/11 Commission was that it was to impartially determine the facts and make nonpartisan recommendations on how to move forward. I am trying to be fair-minded and positive about this, and I hope the Commission holds to its mission. I think it has strayed somewhat off into the political arena. It has received, I think, justified criticism for so doing. They still have an opportunity to move back in the direction they know and we know they should go and produce a report that we will all feel will pass the smell test and stick to the goal we all thought the 9/11 Commission had in the first place.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from New Mexico. Does the Senator yield time to himself under the standing order?

Mr. DOMENICI. I did not hear the Chair.

The PRESIDENT pro tempore. Does the Senator yield time under the existing order for allocation of time?

Mr. DOMENICI. Yes. I understood I was going to speak next. How much time do I have?

The PRESIDENT pro tempore. There are 20 minutes remaining.

Mr. DOMENICI. I thank the Chair.

Mr. President, I followed with interest the media comments and partisan criticism of the President in light of testimony from a variety of individuals before the 9/11 Commission. I find the criticism almost laughable, in some cases. Here is what I gather is the essence of the criticism prior to the attacks on 9/11:

One, President Bush didn't care about terrorism, didn't care about it enough, but if he did, he didn't want to know about it.

Second, President Bush didn't know about terrorism, but if he knew, he didn't know enough to do anything.

Third, President Bush didn't do anything about terrorism, but if he did, it wasn't enough.

Finally, President Bush and the agencies of Government knew about the pending attacks on September 11, 2001, but didn't do anything about it.

Or President Bush and the agencies of Government didn't know in advance about terrorism plans for September 11, but they should have.

Just laying out this summary of the charges shows the contradictory, almost ludicrous nature of these attacks. How outrageously partisan this all has become.

Let me talk a minute about the way I see it.

First, let's for a minute assume that 9/11 did not occur. Remember, I am going to talk for a minute about the President, America, and the Congress as if 9/11 did not occur.

Mr. President, 9/11 did not occur, but the President got a report from the CIA, FBI, NSA, and others, telling him al-Qaida was getting anxious, they were a little bit worried about things; the group is moving around a little bit too much; they may be thinking about attacking America. But no 9/11 has ever occurred for my hypothesis about how I see it.

The President says: In light of this report, we better get ready and we better take this issue to the American people. So the President gets ready, and he makes a speech to the American people. There has been no 9/11, so he cannot talk about that.

He gets up and says: Things are a little dangerous. Al-Qaida is moving around too much. I am a little worried about America, so I think we ought to do something about it.

No 9/11 has ever occurred.

The President says to the American people: I want to set up a department, and I want 45,000 people hired so we can check on everybody who gets on an airplane in the United States.

Mr. President, 45,000 people and everybody who gets on an airplane in America is going to be checked is the first request.

The second request: The PATRIOT Act—which has been discussed this morning—I need that, I want that, says the President.

Third, I need a homeland security agency. It will be big because this is a big problem, says he; $26 billion will be put into one agency so they can work on homeland security.

Can we imagine the President of the United States taking that to the American people if we did not have 9/11? I can imagine it. In fact, I could ask the American people, What do you think would have happened? You know what they would say? Nothing would have happened. They would have laughed at the President. They would have said: Who does he think he is. He wants to search everybody who is getting on an airplane? He wants this new extraordinary power, some say, under the PATRIOT Act. He wants this new department.

Do you know what we would have said in the Senate: You will never get that, Mr. President. Who do you think you are, a dictator? You want to check everybody who gets on an airplane in the United States? Never heard of such a thing. That is the truth of the matter. That is what would have happened. He would have gotten nothing. I just do not believe that this Congress, especially with the attitude I am seeing now—which is totally obstructionist, a minority but a large minority is trying to stop everything—can you imagine what they would have done if the President of the United States, without 9/11, would have requested all these items? I cannot.

The point I am trying to make is, it is rather absurd to talk about which week did the President know, how much did he know, should he have known more; if he knew more, shouldn't he have done more? I have already gone through those, but I go through them again because, as a matter of fact, had he known a little more, had he known it sooner, had he had more reports from the CIA, nothing would have happened in terms of changing our laws.

I am going to carp on one of them. Can you imagine Congress giving the President of the United States the authority to check everybody who gets on an airplane in the United States because he had some reports showing that al-Qaida was dangerous, al-Qaida might be looking at some activity in the United States? Of course not. Anybody who believes we would have done that for this President or any President is just not facing reality.

As a matter of fact, it is my honest belief that if we did not have 9/11, we would have passed none—not one or two—none of the extraordinary measures that were passed because of 9/11.

It seems to me that for people to now run around and wonder and speculate about whether the President knew enough, whether he should have known more because if he did he could have gotten all these things that we are talking about, that is an absolute absurdity.

Remember, we had a Senator from the State of Georgia. Remember what he did on the Senate floor? He resisted homeland security. He resisted it on the basis that he was not sure whether they should put unions in as a mandatory notion with reference to those people who were going to be part of this new agency of our Government. He lost an election on the basis that he favored unions over the Department of Homeland Security. We then got a sufficient vote to pass it. It was that tough, even after 9/11.

I close by repeating that this Senator does not believe it is possible that we would have passed this legislation that everybody is saying the President should have worked on, he should have done more on, he should have worked on this, he should have gotten America more prepared, when as a matter of fact this Senate would probably have done nothing had we not had 9/11.

So is it not ludicrous, is it not rather outrageous that we are spending time trying to figure out if he knew, when did he know, he should have known more, when the facts are that it would not have made any difference because we would not have done anything? We would not have done anything unless and until al-Qaida had attacked the United States.

If anybody would like to argue that point, I would be delighted. Does anybody believe we would have said we are going to check every American who gets on an airplane if we had not had 9/11? Imagine what they would have called the President. They would have called him every name under the Sun and probably would have ended up asking, Who does he think he is, a dictator? He wants to take over the airlines and inspect every American? Americans would be saying to their Congressmen, Do not let him do that. It is crazy that they are going to search us before we get on an airplane.

The point is, there is no question that we acted after 9/11. The President acted after 9/11. Whether he did something before 9/11 or not seems to me to border—as a question, it seems to be one that we know the answer to. Even if he knew more, even if he knew sooner, we would have done nothing.

So why is so much being made about that period of time and talking about the 1 or 2 weeks and was there a breakdown in communication or not? Look, we all understand we were not on a war footing. We did not get there until we had been attacked. I do not think America would have gotten ready before the attacks. Maybe after this al-Qaida attack we might, but, frankly, I believe any President, and in particular this one, would have been attacked viciously had he been talking about searching every citizen, every person, who was planning to go on an airplane, or if he would have said, I want to amend the rules and I want to call it the PATRIOT Act and we are going to have a lot more authority to track people, to listen to their conversations, and do the kinds of things the PATRIOT Act provides.

So it seems to me we ought to get on with the report and a study that says how were we deficient—not whether this President knew, when did he know, what did he do—with reference to our laws, our rules, and our ability to do something about a terrorist attack.

I am sorry to say we did what we did only because we got attacked. But we would not have done it otherwise. Whatever the President knew or did not know or whenever he knew it, we would not have responded with the kinds of things we ultimately responded with. Some of them took a little longer than one might expect, but nonetheless the truth of the matter is we do not need a group of partisans to take over that Commission that was appointed in honesty and with earnest intentions. We do not need a commission spending all of its time trying to get to the President politically about what he did or did not do, when he did it, when he should have, when if we looked inward we would say, Well, Congress most probably would have done nothing had we not had 9/11.

I hope the Commission thinks about that when they are writing their report. I hope they think about the reality of preparing ourselves for terrorism. I believe, as I have said this morning, we would have done nothing had we not had 9/11. I do not think any President would have succeeded in getting anything done if we did not have 9/11.

It would be interesting for the Commission to look at the matter that way, to look at it from the standpoint of what would have happened, what could we have done, what is the reality of getting anything done prior to 9/11 actually happening.

I yield the floor.

The PRESIDING OFFICER. Without objection the majority's time is reserved.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I listened to the Senator's very eloquent and well-prepared speech of the problems that occurred prior to 9/11. We all understand and know how bad they were.

EARTH DAY

Mr. JEFFORDS. I rise to speak about an issue that has been with us for a long time and for which we have had responsibility and have done a pretty good job at making sure everything would turn out all right. I want to talk about clean air, the environment, and areas where we have made tremendous progress.

As we mark Earth Day tomorrow, rather than celebrating the environmental legacy, I am afraid we are fighting harder than ever to protect our progress. Since the day he came into office, President Bush has worked to gut more than 34 years of hard work by weakening many of our Nation's standing environmental laws, some of which were signed into law by his father.

Air pollution is causing 70,000 premature deaths a year in the United States. Yet this Bush administration has proposed one of the biggest rollbacks of the Clean Air Act in history. Science tells us more than 600,000 women and children are at risk from mercury contamination. Yet this Bush administration has proposed to violate a legal requirement to reduce mercury emissions from powerplants.

As we approach another summer, 40 percent of the U.S. rivers and lakes remain too polluted for fishing or swimming. In spite of this fact this Bush administration has proposed fewer bodies of water to be protected by the Clean Air Act. Toxic waste sites continue to be added to the Superfund while the Bush administration continues to cut funding for the program and refuses to reauthorize the "polluter pays" law.

The Earth continues to warm and this Bush administration refuses to act to reduce the greenhouse gas emissions. This Bush administration has a growing credibility gap, maybe even a credibility chasm, on environmental policy. The President has lost the trust of the American people when it comes to the environment.

As the ranking member of the Senate Environment and Public Works Committee, I believe we have an obligation to maintain and enforce the environmental laws already on the books and also to strengthen them. Unfortunately, our President is moving us backward instead of leading us forward. I hope we can once again celebrate Earth Day by showing more respect for our environment.

I yield the floor.

Mrs. BOXER. Mr. President, I am proud to be here with my friend and colleague Senator JEFFORDS, who is the ranking member on the Environment and Public Works Committee on which I serve. His leadership has been extraordinary on a whole range of issues, as has been his dedication to the environment, to protecting people and their environment.

When we hear protection of the environment, some people think of wildlife, which is true, and fisheries, which is true, and forests. It is all true. It is all about preserving these things—first of all, because they are God's gift to us and that is our moral obligation, but it also protects the people of our country because we know when species get endangered, we know when oceans get polluted, we know when we lose the wetlands, we know when the air is smoggy, it hurts the people we represent—particularly the children, who are the most vulnerable, the people who are ill, and the elderly.

If we take our position seriously, what could be more fundamental than protecting our people? Protecting the environment is protecting our people. It is what we must do. It is the moral thing to do.

I say to my friend Senator JEFFORDS—and I see my colleague Senator REID of Nevada has come to the floor. I serve with both of them on that committee. It is a joy to be on that committee—we have a lot of work to do. We know Earth Day is a time for us to reflect on what our work should be. Gaylord Nelson and Denis Hayes founded Earth Day in 1970 to ensure environmental protection would be a major national issue. It has been. Tomorrow is the 34th anniversary of Earth Day.

One thing I find when I go home is people are so—I don't like to use this word, but it is true—they are disgusted with partisanship. They have had it with partisanship. They want us to work together. On what better issue could we work together than a clean and healthy environment? Whether you are a Democrat or Republican or whatever, you still have to breathe the air; you still have to drink the water; you still want to take your family to the beach or to the park. It is our job to protect the environment so you can do that.

We know this issue has been very much a bipartisan issue. When I think back, what comes to mind is President Nixon founded the EPA. We look at each President and we see progress has been made across party lines. Yet with this Presidency—and I think Senator JEFFORDS has touched on it and it has to be very painful for him to touch on it—we see a reversal of years of bipartisan progress. I want to get into that.

In today's paper there is a big story. The U.S. Commission on Ocean Policy has given its preliminary report on the state of our oceans. Happily, they gave us a blueprint for a new, comprehensive, national ocean policy. This happens to be a Presidentially-appointed commission composed of academics, naval officers, and members of the business community. This group, appointed by our President, is telling us our oceans are in crisis and we need to take action now if we are to reverse declines. The Commission stated we need to start taking an ecosystem-based management approach to protect our oceans and marine species. That means we need to look at the whole environment of the ocean and not take small steps, but make sure we have policies that protect the entire ocean.

We need to improve the governance of our oceans by strengthening and coordinating decisionmaking. The Commission highlighted the need for greater Federal investment in ocean research and exploration for better scientific information.

I am someone who has worked for a long time to stop oil drilling off the coast of California because that is a precious environment we must protect, and it is an economic asset as it is. I am someone who wrote the tuna labeling bill which turned out, happily, to save tens of thousands of dolphins every year. I so welcome this report. I call on the President to embrace the findings of this report. I call on the President to work with us and let us know how he wants to implement this report.

I hope I am wrong in what I am about to say, but given the history of this administration I am very worried we will not hear much from the President about steps he is going to take with us to invest in our environment, to make sure America is the model for the world when it comes to protecting its natural resources.

Half a billion people participate in Earth Day campaigns every year, half a billion people across this world. I urge the President to take a look at this report, to step out on Earth Day and say I embrace this and we are going to work together to protect the oceans. While he is at it, I think Earth Day would be a perfect day for him to say he has seen the light and he is going to reverse all of the environmental rollbacks he is perpetrating on the American people.

I have a scroll I cannot bring into the Senate Chamber because there are rules against bringing the scroll in. When I unroll that scroll—and it goes out 30 feet—we see the more than 350 laws and regulations that have been rolled back unilaterally by this administration. No one has been immune from these attacks: not children with asthma, not communities faced with toxic waste sites, not parents who worry about what comes out of their faucets.

I couldn't possibly go through every rollback. I don't have enough time in the day. But what I want to give a sense of is what these rollbacks look like when they are written down, so I do have a whole series of charts. It is very hard to read, I know. Each one has a date. It starts January 20, 2001,

When the White House Chief of Staff, Andrew Card, issued the memo to all Federal agencies ordering the 60-day suspension of all rules finalized by the Clinton administration, including numerous important regulations to protect the environment and public health, that is how they started. It was barely a day that they were in office. It started then—unrelenting—the same day the administration held up rules announced by the EPA to minimize raw sewage discharges and to require those discharges be placed in the public record so that the public was notified.

To give you a sense of it, last year alone there were 40,000 discharges of untreated sewage carrying bacteria, viruses, and fecal matter into basements, streets, playgrounds, and waterways across the country.

My God, who would ever want to stop a rule that said you need to notify the public and minimize raw sewage into people's basements?

Earth Day is coming. What are we doing here?

That is just the first two on the list.

On February 12, just a couple weeks after he was inaugurated, the Department of Energy delayed implementation of a new energy-efficient standard for residential and commercial appliances and equipment.

Again, I come from a State that has an electricity crisis. The best way to deal with it is to make sure we conserve as much as we can. Why would anyone think it is in the public interest not to move ahead with those standards?

This goes on. Here I go. I just landed on this one, August 8, 2001: In a reversal of President Bush's Earth Day pledge to preserve wetlands, the Corps of Engineers proposed relaxing a series of rules designed to protect streams and other wetlands. The Forest Service granted authority to review road building and timber sale prices, removing protections for the most pristine and largest roadless national forests.

We have national forests. We protected them. And the administration wants to go and build roads in these most precious areas.

It goes on. December 2001, Interior Secretary Norton reverses her agency's denial of a Canadian company's proposal to locate a major open pit gold mine in an area of the Southern California desert that is of great cultural and religious importance. Former Interior Secretary Babbitt denied it because of the devastating impact it would have had on the resources of this site.

Wasn't that a cyanide mine? They used cyanide on a beautiful precious area that is a religious holy site.

My eyes are just landing on different items here.

December 14, right before Christmas, 2001, the Department of Energy says the Government no longer must prove the Yucca Mountain's underground rock formations would leak radioactive contamination into the environment.

Can you imagine dumping radioactive waste and not making sure that it wouldn't leak into the environment? What are they doing over there? It is shocking, absolutely shocking.

This upcoming Earth Day is a chance for the President to embrace his own ocean commission's recommendations and then to step to the plate and reverse some of these.

Here are some more: January 2002 through May 2002. President Bush releases the fiscal year 2003 Federal budget that eliminates the EPA's budget for graduate student research in the environmental sciences. Funding for the EPA's Star Grant Program, which provides highly motivated doctoral students with 3 years of funding to do environmental research, amounts to a little more than one-tenth of 1 percent of the EPA's budget.

Here is a program where young people who are dedicated to the environment can continue their education. Oh, no. This is something that is going to be cut from the budget.

May 10, 2002, EPA documents reveal that the Federal Office of Surface Mining is pushing to halt reforms that would ensure coal companies have plans to restore mining development before they can obtain mountain top removal permits.

Here is a coal mine that wants to go on the top of the mountain. And we always said you have to have a plan for how you are going to restore the mountaintop. They say it is OK; go ahead, destroy the mountains; we really do not care.

How could people understand all of this that is going on?

I am just picking a few.

Let us look at another chart. All of this is on the scroll.

The Bush anti-environmental record, May 2002 through August 2002: This is something Senator JEFFORDS talked about.

An Assistant Secretary at the Commerce Department testified that the Bush administration needs between 2 and 5 years to develop a national strategy to minimize global warming, and they will seek volunteer reductions instead of mandatory emission reductions.

The announcement came despite recent civilian employee reports confirming what most scientists have long believed—greenhouse gases generated by human activity are a major cause of climate change.

The Commerce Department says, Well, even though the scientists say this is global warming—and we have had hearings that show that slopes where people go skiing may not be there in the near future—they are just going to take their time about it and they are not going to require companies to clean up their act. They are going to use voluntary methods. This is just one more example. It goes on and on.

Here is August 2002 through December 2002. Can you imagine all of these rollbacks by one administration? It is shocking. Any one of these, I say, deserve days of discussions because of their ramifications.

Here is one, September 7, 2002: An investigation reveals that under the Bush administration the number of EPA personnel assigned to enforce air quality laws has fallen by 12 percent, the lowest level on record. In addition, the number of EPA civil enforcement employees also has been cut in the past year by 5.7 percent.

What does that mean? It means the people who are enforcing the laws we pass are being laid off or transferred out. The polluters understand it. They are not dumb; they know. If they are not being watched, they are not going to live up to their obligations.

It is a reversal of years of bipartisan progress. That is what hurts so much.

As I listened to my friend, Senator JEFFORDS, who made a very heartfelt decision to become an independent, one of the reasons he decided was the environment and that he was perplexed and discouraged and dismayed at what had happened to his party—his former party. I understand why he is perplexed.

We just looked at some of these. Let us go ahead. This doesn't stop. It goes on and on.

Here is 2002 through July 2003. The administration has reversed a Federal policy that protects public lands while Federal land managers are assessing possible designations of wilderness areas.

Let me explain that. In the past, if someplace is under consideration for wilderness designation, you don't go in there with mining companies and drills. You don't go in there and destroy it while the land is under consideration for wilderness designation. Once you destroy the wilderness, this pristine gift from God, it is gone. Never before have we seen where you go in there and disturb these beautiful areas. But that is what they do.

Here is one, June 6, clean water: The EPA has racked up an abysmal record of enforcing Federal water pollution standards, according to its own study. In the broadest effort to date to document the failure of the EPA and State to enforce the 30-year-old Clean Water Act, the Agency's Office of Enforcement and Compliance found that at one time roughly 25 percent of all large industrial plants and water treatment facilities were in violation of Federal law, and in all but a handful of cases EPA failed to take action against the polluters.

The Clean Water Act is 30 years old, and now we are not enforcing it. The first Clean Water Act was passed under Harry Truman. It has been amended since then.

We have the Clean Water Act and they decided not to enforce it.

Here is one, March 19, 2004: The Federal Government has issued its first-ever warning that certain people should limit their consumption of canned albacore white tuna due to a risk of mercury poisoning. Under new guidelines issued by the U.S. FDA and EPA, pregnant and nursing women and young children should eat no more than 6 ounces of white tuna per week. According to experts on the FDA advisory panel, the recommendations do not reflect the groups' view that children and pregnant women should completely eliminate albacore tuna from their diets and eat significantly less chunk light tuna than the Government suggests.

Vas Aposhian, a toxicology professor at the University of Arizona, resigned from the panel after the FDA did not heed its warnings.

Mercury is a serious problem, and Senator JEFFORDS has been a leader on that. Even though we know how harmful it is, they have even tried to downplay the impact of mercury on women and children.

This will complete more than 350 rollbacks. This is where we are as we approach this Earth Day.

I am happy to yield for a question.

Mr. JEFFORDS. I thank the Senator for illuminating, pointing out all of the problems created by this administration. As we go forward, the challenge we now have is to make sure no more occur.

Many Members on both sides of the aisle are deeply concerned about what is happening to our environment on this Earth Day. We know that all Members have to continue to alert this Nation of what the policies are doing to this Nation.

Mrs. BOXER. I thank my friend for his comments. He is right.

My goodness, at the minimum, we should do no harm. In other words, let's do no harm. We should do a lot more. We should clean up. We should do better. We should set ourselves a standard of achievement on the environment so that areas get cleaner and the water gets purer. At the minimum, we have to stop bad things from happening.

As we look at more than 350 rollbacks made by this administration, going around the Congress, going through the executive branch by Executive order, and rules and interpretations, I tell you who has been protecting the people. The only way the people have been protected from some of these things is the courts. We are winning some of these battles in the courts.

Speaking of the courts, we are still fighting with the Bush-Cheney administration over the Vice President's desire to keep secret who sat in on his meetings as he put together the energy policies for this country which, as my friend knows, very much weigh heavily on the state of the environment, particularly the quality of the air.

I will be calling on the Vice President, and I might as well start now, to cease and desist in these lawsuits and turn over the records of who was in those meetings. Why should the Vice President not want to reveal this? Instead, it has taken years and thousands of hours of attorneys' time that the taxpayers are paying for, to keep all this secret.

I say to my friend, this is an open government, by and for the people. I don't see any reason why the Vice President needs to keep all of this secret. That is another issue on which we will be working.

I wish to talk about the Superfund. How much time remains?

The PRESIDING OFFICER. A minute and fifteen seconds.

Mrs. BOXER. I will conclude, and I assume my friend would like to speak again.

Mr. JEFFORDS. I would like to add that we have both witnessed all this. I don't know how the Senator feels, but I feel perhaps I have not done as much as I could have, as much as I would like to do.

We have to work together to make sure this terrible onslaught of destroying our environmental laws stops. And I know the Senator joins me in that pledge. And that we will do what we can to not get weaker but hopefully get stronger.

Mrs. BOXER. I say to the Senator, those words mean a lot to me. With all the other issues we face, and we face some very harsh issues, not the least of which is that this month alone I have lost 45 people in Iraq who either were from California or based in California—that weighs heavy on my heart—we have to do it all. There are no excuses.

This is only one environment. It is hard to bring it back when you destroy it.

I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Would that be 5 minutes for each side?

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Yes, despite all of our other pressures, we have to become tougher, stronger. We have to do everything we can.

I try to give out the Toxic Trophy Awards every time one of these things happens to try to draw attention to what is going on.

I return to my Earth Day comments and the Superfund Program. One in every four Americans, 70 million people, including 10 million children, lives within 4 miles of a Superfund site as we sit here today.

During its tenure in office, this administration has cut cleanups of those sites from 87 per year to 40 per year while refusing to fully fund the program.

Superfund is experiencing a funding shortfall of up to $800 million. This President Bush is the first President in history to oppose the "polluter pays" fee. His dad supported it, Ronald Reagan supported it, and Bill Clinton supported it. This was a consensus until now.

What does it mean when you do not have the polluter fee? It means the taxpayers, not the polluters, pay for the cleanup.

I will show how many Superfund sites we have in the United States: 1,239. As this chart shows, the sites are in almost every single State. Maybe a State or two escapes, but not many.

In 1995, polluters contributed 82 percent to the Superfund trust fund. As of October 1, 2003, the trust fund had no money collected from polluters. This means we will never be able to clean up the most hazardous wastesites. Do you know what has happened to this budget. When the keys were handed over in the Oval Office from Bill Clinton to George Bush, he had a surplus as far as the eye could see. It has been reckless over there. We now have deficits as far as the eye can see. It is a very anxious time in our country. Is this the time to now say to polluters, "Don't worry, you don't need to pay a fee. We have enough money in the tax coffers to cover your problems?"

We all love to tell people, "You don't have to pay taxes." That is the greatest thing for any of us to do. But of all the times to tell polluters, "You don't have to clean up your room anymore," this is not the time.

My mother taught me: If you make a mess, you clean it up. I find myself quoting my mother more and more the older I get. She said other things like: Don't go where you're not wanted. She said a lot of smart things to me that I hold close to my heart. One thing is: Clean up your mess. She was talking about me when I was a kid in my room. I am talking about polluters, the messes they have made.

So where are we now? We are in a situation where we have reduced the cleanups. Let's look at it graphically on this chart. Through 2005, we are going to see 40, if we are lucky—and no money. And when Bill Clinton took office, the cleanups increased. But George Bush has radically decreased the pace of cleanup from former administrations, that is for sure. He has not gotten back to this level as shown on the chart.

But look at where we are now. Whether you look at the Superfund sites, whether you look at air pollution, whether you look at safe drinking water, whether you look at mercury, whether you look at global warming, whether you look at deep cuts in enforcement, whether you look at perchlorate, which they refuse to set a standard for, whether you look at the changes of the Sierra Nevada framework, we are hurting the environment and the people of this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I yield the floor and hope all of us can work together on this Earth Day to change things around here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, will the Chair notify this Senator as to how much time is left on both sides for morning business?

The PRESIDING OFFICER. On the Democratic side, the time has expired. On the Republican side, the time is 5 minutes 45 seconds, and counting.

Mr. REID. I say to the Chair, I will just wait until we get to the motion to proceed. I assume, because I certainly cannot yield back the Republican time. It is my understanding the Presiding Officer wishes to speak at some time.

The PRESIDING OFFICER. The Presiding Officer was going to speak if somebody was going to relieve him.

Mr. REID. I would be happy to relieve the Presiding Officer.

The PRESIDING OFFICER. I appreciate the offer, but I will continue to preside until our time runs out.

Mr. REID. I will just let the time wind down then, and we will get to the bill in 5 minutes.

I suggest the absence of a quorum, Mr. President. I understand the time would run evenly, but if we have no time left, it would just run; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I withhold that. Probably it would be best to ask unanimous consent that the Republican time be reserved and I be allowed to speak for whatever time I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If the majority wants more time, consent could be easily obtained.

GASOLINE PRICES

Mr. REID. Mr. President, I want to talk about gasoline prices in the country and in Nevada. This is a terribly difficult situation. It is a story about the wild west, but it is not about Wild Bill Hickock or cowboys or mining or claim jumping. It is about gasoline. Some refer to it as black oil.

This chart illustrates how the gasoline prices in Nevada have skyrocketed. The prices are as of April 5. Prices now are at least 5 cents higher. I was in Nevada last week. Gas prices were approaching $2.50 a gallon in some locations. This has been a burden on the people of Nevada and visitors who come there. The average price on January 5 of this year in Nevada was $1.64 a gallon, which was pretty high compared to the rest of the country. But now it is much higher. This chart, as I have indicated, is as of April 5. We have had an increase in the State of Nevada of about 50 cents a gallon. We can't keep up with the increases in the price with our charts.

This is outrageous. Let me put it into perspective. In a truly bipartisan spirit, the Senate passed a $318 billion highway bill. The bill would create at least 1 million jobs, rebuild and improve our transportation system, and provide a tremendous boost to the economy. In the House of Representatives, Chairman YOUNG proposed a highway bill with a price tag of $375 billion. The White House opposes Chairman YOUNG's proposal to add 5 cents in taxes to a gallon of gasoline and to index future tax increases to inflation.

Meanwhile, the oil companies have gouged—I use that word purposely—consumers by 10 times the amount of what Chairman YOUNG proposed for an increase in the tax, a half dollar a gallon.

This is ironic. The President doesn't want Americans to pay more at the pump, does he? There is no way the administration can shake the mantle they have assumed of being close to the oil industry. Both the Vice President and the President have been in the oil business. We have been litigating for 3 years whether the Vice President has to disclose who he met with, when he met with them, and what he talked about; that is, the oil companies. He has fought this every step of the way. He has fought it through the court system. It is still going on.

Then there is the fact the President won't call upon Saudi Arabia to increase their supply unless, according to Bob Woodward and his book, the President makes a deal with Prince Bandar to do this in September when it would have more of an impact on the elections. Time will only tell. I would hope if they have made an arrangement with the Saudis, they will start doing it now rather than wait until September.

Nevada gets all of its gasoline from California, so any problem with supply in California is a problem for Nevada. There has been a lot of talk and a lot written about the tight California gasoline market, where prices are typically 20 to 30 cents above the national average. We hear about the lack of refineries. We hear about boutique fuels and reduced inventories contributing to higher prices. I am sure each one of these has some bearing on higher prices. All of these things I have talked about need to be addressed.

I met with the Chairman of the Federal Trade Commission. There are reports there are as many as 300 separate boutique fuels. He thinks there are around 100. But there are lots of them, and that could be a problem. We realize the need to reduce the number of specialty fuels.

We also hear about supply and demand. One thing I have been pushing is something the first President Bush did and President Clinton did, and that is to release oil out of our petroleum reserve to bring up the supply to reduce prices. I know the law of supply and demand cost Nevada ratepayers nearly $1 billion during the western electricity crisis 3 years ago. While Enron was reaping windfall profits—and there must be a better name for that than windfall profits; it was even bigger than windfall profits—it told consumers it was all a matter of supply and demand. But, of course, it turned out Enron was really manipulating the supply. So it wasn't supply and demand.

Based on this bitter experience which is still being litigated in the courts, I was concerned Nevadans might be getting ripped off again when gasoline prices went through the roof this year. I asked the Federal Trade Commission, along with Senator ENSIGN, to investigate these wild price increases, particularly with an eye toward any possible manipulation in gasoline markets. I needed to assure the citizens of Nevada that gasoline markets were operating fairly and not being manipulated to maximize the profits of oil companies.

It is easy for domestic oil companies to boost their profits by squeezing the supply of gasoline. A combination of refinery capacity reductions and corporate mergers has concentrated control of prices in only a handful of companies. Again, this chart shows how prices have risen steadily in Nevada since the first of the year.

A major spike occurred in February 18, due to a power outage at the Tesoro refinery in northern California that supplies 20 percent of the refined gasoline to that region. In a matter of days, prices in Nevada topped $2 a gallon. The refinery came back on line only a week later, and the supply was restored. But as the chart shows, prices at the pump didn't recover. They had a power outage that slowed that refinery for a week. Prices skyrocketed. The refinery came back on line. Prices stayed high. Actually, they went higher. Prices at the pump didn't recover. Families were still paying an extra half dollar a gallon every time they filled their tanks.

So in case anyone is worried about the impact of a refinery shutdown at Tesoro, they can rest easy. Refiner margins of profits were 70 cents higher a share this quarter; 60 percent higher than analysts had expected. The stock at Tesoro is at a 52-week high.

Let me show another chart, the price of a gallon of gasoline in Nevada. Here is where we arrived at $1.64. The bottom number is important: Crude oil price, 77 cents; refiner margin, that is cost plus profits, at a quarter; dealer margin, 10 cents; taxes, 52 cents. That is the way it is. There's ample profit for the oil companies at $1.64. Anything above that is just additional profit.

In order to understand what drove gasoline prices in Nevada to record highs and why they stayed high even after California refineries temporarily reduced their wholesale price, we need to understand what goes into the price we pay at the pump for a gallon of fuel. As indicated, this chart shows the price of a gallon of gasoline has four main components: cost of crude oil; refiner's margin, which is cost plus profits; the dealer's margin, which is cost plus profit; and fuel taxes, both Federal and State. We must pay attention to the word "profits." It figures big in this discussion.

The chart shows the typical numbers we have come to expect in the Nevada gasoline market. Crude oil, let's say 77 cents, or $32.34 a barrel; refinery margin, 25 cents; dealer margin, 10 cents; and taxes, 52 cents. These are prices we might expect, but they are already too high because of the extremely high price of crude oil.

Nevada's gas prices are the third highest in the Nation behind Hawaii and California. I am sure we are gaining on them. So these are locked in prices.

Let's go to chart 3, which shows that the latest Nevada gas price increases are not caused by taxes or crude oil costs. Taxes are constant. Crude oil varies only by a small margin. Crude oil used in California refineries is 64 percent from the Alaska North Slope. The majority of our oil doesn't come from Saudi Arabia. So if you look at the contribution of taxes and crude oil to the price of a gallon of gasoline in Nevada during the first 3 months of the year, taxes are constant at 52 cents a gallon, so that does not contribute to a 46-cent increase since the first of the year.

According to data supplied by the California Energy Commission, the price of crude oil acquired by California refineries varied by only 8 cents over the first 3 months of the year, from 78 cents to 86 cents a gallon. That is equivalent to crude oil prices varying by about $3 per barrel.

The reason that price doesn't vary much is the California refineries get 64 percent of their crude oil from the Alaska North Slope and the California fields. So they don't feel the full impact of the more volatile OPEC or west Texas intermediate crude markets.

There is no doubt that the price of crude oil has contributed to higher gasoline prices in Nevada and throughout the country in the last few years. However, it is not the reason why west coast gas prices have skyrocketed in the first 3 months of the year.

If we subtract the 8-cent increase that can be attributed to crude oil, we still have to explain a 38-cent increase in the price of gas. The number I use is smaller than what the real price is in Nevada. These are as of April 5. As I have indicated, they are at least a nickel higher now. That leaves us with dealer and refinery margins, or what is referred to as the domestic "spread."

(Mr. ENSIGN assumed the Chair.)

Mr. REID. I also alert the Presiding Officer that prior to the Senator from Nevada becoming the Presiding Officer, I mentioned his name regarding a meeting we had with the Chairman of the FTC.

I would like to go down to chart 4. It is easy to determine refiner margins, which is simply refiner costs plus profits. You simply take the published spot or wholesale price of gasoline and subtract the price of crude oil. I have chosen the spot price in Los Angeles because L.A. supplies the Las Vegas market.

Bear in mind that the cost of refining oil into gasoline will vary by only a few cents. Like taxes, it is pretty much a fixed cost. Consequently, any increase in the refiner margin is actually an increase in profits.

The April 5 Oil Price Information Newsletter, a publisher of industry data, says California fuel blends averaged $10.80 a barrel over crude during the decade.

That is a historical refiner margin of 26 cents for every gallon of gas.

So this chart shows that the refiner profits have recently peaked nearly 50 cents above that historical level.

These estimates are conservative. They are actually lower than the estimates of the California Energy Commission.

Can you imagine these profits? Take the normal profit that a refiner makes on a gallon of gas; now add another half dollar to every single gallon. Nevadans use 2.3 million gallons of fuel a day. Area-wise, it is a very big State. Many people have to drive long distances to get to their jobs—I will read letters indicating that is the case—or they take their kids to school.

When you figure the refiners are making an extra 50 cents of profit on every gallon of gasoline purchased in Nevada, Nevadans alone are paying an extra $1.15 million every single day, or almost $35 million a month—$35 million a month just in the State of Nevada. If "outrageous" is not a strong enough term, I don't know what term to use. If this isn't price gouging, it doesn't exist anyplace in the world.

I am for free markets. But it is not a free, competitive market when refiners can exercise this degree of control and manipulation over the supply and the cost of something that is not a luxury but a necessity on which every family must depend.

People have to put fuel in their vehicles. They have no choice. Is the California-Nevada gasoline market truly competitive when the wholesale price of refined gasoline is largely controlled by what a few refiners are willing to sell for and what the markets are forced to pay?

It looks to me as if the market has been manipulated and consumers have been gouged. If you think the worst is over, think again. The spot and refiner profits increased again in early April.

Mr. President, my information, from which I prepared these remarks, and this chart, go back to April 5. It is now the 21st and prices are higher. I returned, as I have indicated earlier, from Nevada and prices there are approaching $2.50 a gallon for some fuels.

Let me go to another chart. This will detail and outline refiner profits. I believe this chart will clearly show that refiner profits drove gas prices in Nevada to $2 a gallon. On this chart, I am simply adding the refiner margin data. It is clear that prices in Nevada were driven to $2 a gallon on a wave of refiner profits. Keep in mind, $2 a gallon doesn't do the trick anymore. If this chart were as of today, we would be up here, the next line on the chart. But we will use this chart for illustrative purposes.

It wasn't taxes; those don't change. It wasn't the cost of crude; that only went up 8 cents a gallon. It had to be refiner profits. There is nothing left.

There is the one last question to be answered: Why have prices remained high, even as refiner profits returned to more normal levels during the first couple weeks of March? Refiner profits dropped a full 30 cents. Why no relief at the pump?

That brings us to the dealer margin, the fourth and final component that determines the price of gasoline.

This last chart I wish to talk about shows that dealer profits added to refiner profits led to a sustained $2.10 per gallon at Nevada pumps. Again, dealer profits added to refiner profits led to a sustained $2.10 per gallon at Nevada pumps. The historic margin is 35 cents. Again, I repeat, they are even higher now by as much as 4 or 5 cents a gallon than they were before. So it is very clear what this shows. Dealer margin is the cost to acquire, store, and sell gasoline, plus profits. This chart shows that dealer margin takes a beating when the refiner rapidly increases spot or the wholesale price of gasoline. The dealer needs to pay up front to acquire fuel before the gasoline makes it to the marketplace.

Once this gasoline is distributed, dealer profits increase dramatically and sustain the price of gasoline at the pump. During March, dealer profits rose to 35 to 40 cents a gallon in Nevada. That is two or three times the historic levels of 10 to 15 cents a gallon.

The combined total of refiner and dealer profits has kept the price of gasoline in Nevada at an astronomical level.

If the wholesale price stays down long enough, the hope is that both dealer and refiner profits will retreat to more normal levels. That is not the case, unfortunately.

Refiner profits are spiking again, and we can expect another round of sustained high gas prices.

Make no mistake, this is a win-win deal for refiners and dealers. In the gasoline business, they say prices shoot up like a rocket and float down like a feather. This is the dynamic that keeps the price of gasoline high, and enables refiners and dealers to gouge consumers.

Let me show you what is on the next chart. I want to be able to show that Nevada gasoline prices are clearly driven by refiner and dealer profits.

This bar chart summarizes the four components of the price of gasoline in Nevada during the first 3 months of the year—a gallon of gasoline would be more specific. It shows that dealer and refiner profits increased the price of gasoline in Nevada from $1.64 to $2.10 per gallon since the first of the year.

With the recent increase in the spot price in early April, we can expect a new round of increases in refiner and dealer profits. The roller coaster ride of gas prices is becoming a ratchet, moving ever higher, threatening the fragile budgets of working families.

We picked out a few letters I received in my office. I will read only a few of them. Here is one:

> I filled up my gas tank today and prices were $2.18 per gallon for the mid-grade fuel. This is just not acceptable any longer. I am a single 58 year old female who is working for ridiculously low wages at UNLV and living on extremely limited budget. Between, the cost of medications, heat, communications, and other living expenses, now I can't afford to even get to work. Please, please, please do something to stop this now. A constituent from Las Vegas.

I am going to read part of another letter, but it is sad, to say the least:

> Senator Reid: I have had to cut my grocery budget by $100 per month, and we're already eating cereal for dinner, 28 cent macaroni and cheese, and hot dogs. We also eat hamburger when we can afford it. It cuts into the lunches I have to provide for my children since no school lunch program exists at Virginia City, and I need to insure that my daughter has a decent lunch . . . in her lunch pail.

This is the same person:

> There is something very wrong with our system when our President fails to act on behalf of the American people. Protecting us against terrorism is only part of the job. When he fails to act changing the entire American way of freedom, choice, and an affordable living, then he's not doing his job. Somebody needs to get off their duff and do something about the gas prices, production, and our being held hostage by OPEC and the Oil Companies. . . .Do something to help us, so that single parents like me don't have to put our children's lives and futures at risk by having to move closer to our jobs and all because of gas prices.

This is signed by a constituent from Dayton, NV.

Another letter:

> This is about gas prices. Is there anyway that you can work a little faster on this? My husband works at Primm, and it costs us now $100 a week in gas. We were trying to save $20 a week since he got a pay raise. We have a family of 5 and he is the only worker. We are in debt because they don't give a lot in pay raises, and when they do, it seems like the phone company, electric, gas, and anyone else says "we need extra money." You give them all that they need, but the poor people trying to make it on 1 income or even 2 are getting screwed. We watch every penny and it seems to be gone. We are having to make a hard choice of what not to buy at the store. We already don't go out to the movies or anywhere else. I can see why President Bush doesn't do anything about the gas prices, since he has an interest in his cut. Thank you for your time. A constituent from Las Vegas.

Another constituent from Las Vegas:

> Thank you so much for looking into the gas price increase. This has been a very big concern for my husband and myself. We are a large family and my husband works out at one of the state prisons. This means a 120 mile round trip every day. . . .If gas prices increase like they are this is going to hurt our family a great deal. It in turn could hurt our state as he is a 13 year state employee, this could mean looking for another job in town. I do hope and pray you are able to help our state with this crisis.

Another letter:

> Dear Senator Reid: I currently reside in Las Vegas, NV. I am disabled and live on a fixed income. I am writing you today outraged by the ever growing cost of living we face here in Las Vegas. Every day the price of gasoline continues to rise, while large oil companies like Exxon Mobile and Chevron Texaco are recording breaking profits, I hate to say on the backs of the average citizens in this country. I have heard all of the stories of fuel shortage due to the harsh winter in the eastern United States, the blockage of shipping lanes, and the list could go on and on with excuses. This still does not explain these record profits. No other segment in our economy, especially the small businessmen, experience this rate of profit. Costs continue to rise from gasoline, to utility cost, to grocery bills, while incomes are not rising. The middle class is slowly being eroded with all these rising costs.

Signed by a constituent from Las Vegas.

This is a small smattering of the letters we have received. I have asked, along with the junior Senator from Nevada, the Federal Trade Commission to look into possible market manipulation and price gouging. After 5 weeks, the FTC responded to us by saying prices in Nevada were "unusually high" and above predicted norms. An informal FTC investigation is still looking into the cause of the price spike, but they are having a hard time showing collusion and market manipulation.

I do not need an investigation to tell me big oil profits have soared at the expense of working families. We all understand the forces of supply and demand, but in the gasoline market, control of the supply is concentrated in a handful of oil companies and dealers. Seven oil companies control 94 percent of California's gasoline production, so they can push prices up faster and keep them higher than they would be in a competitive market.

These markets are not competitive because they provide no incentive to refiners to maintain adequate supplies and physical infrastructure. Every accident, power outage, pipeline break in the market triggers a price shock, and profits mount.

The structure of this industry allows price manipulation at the pump. These charts show how refiners and dealers manipulate markets to sustain high, exorbitant gas prices. If this is not anticompetitive, it is certainly anticonsumer. The profits of oil companies are at record levels. I am sure this makes their shareholders happy.

The FTC has been AWOL, like FERC was a couple years ago during the electricity crisis when consumers were ripped off. As a nation, we need to demand both the supply and demand of this equation to promote a truly competitive market.

On the demand side, we have to increase the fuel efficiency of cars. That is very long term. We need to promote public transit. That is long term. But in the short term, we need to have this administration weigh in against the OPEC nations and do what they can do to have the OPEC nations produce more oil. They have turned the spigots down. They have done it openly. I hope the reports in the Woodward book are false. I hope the President would not enter into a deal with Prince Bandar in saying we are going to increase the supply of oil in the fall. I hope that is absolutely false. But I do say the President has to exert more pressure on our so-called allies to produce more oil. That is short term.

What also needs to be done on a short-term basis is we need to start releasing oil from our oil reserves. As I stated before, it was done by the first President Bush and it was done by President Clinton. This President needs to do the same.

In the long term, we need to increase the use of alternative fuels and renewable energy resources, but we must also provide for true competition in the oil and gas markets.

Oil companies have little incentive to build or improve their infrastructure and increase their inventories. They can simply dominate tight markets where any disruption allows their profits to soar.

Through use of the Strategic Petroleum Reserve or some other mechanism, oil companies should be required to maintain adequate stocks of crude and refined product to prevent price spirals.

At the very least, we should not be filling the Strategic Petroleum Reserve when markets are not able to meet consumer demand at reasonable price levels. Any rapid price increase should draw immediate and intense public scrutiny and trigger investigations.

Energy in America is essential to the well-being of our Nation and its citizens. This is part of our Nation's security, to have adequate energy. Remember, the United States of America, even counting what may be in ANWR, would only have 3 percent—in fact, it is less than 3 percent—of the oil reserves of the world. We cannot produce our way out of our problems. Ninety-seven percent of the oil in the world is someplace other than the United States.

The citizens of the State of Nevada have been rocked with a one-two punch over the last couple of years by manipulation of the electricity market and now the gasoline market. This cycle of price gouging must stop. Even in the wild, wild west, we have to make energy markets operate properly.

Mr. President, I express my appreciation to the Senator from Wyoming for his courtesy in allowing me to go before him.

How much time is remaining for the majority for morning business?

The PRESIDING OFFICER (Mr. ENSIGN). Four minutes fifteen seconds.

Mr. REID. I say to my friend from Wyoming, he has 4 minutes 15 seconds. Does he need more time?

Mr. ENZI. Mr. President, yes, we should get an equal amount of time in order to respond to what the Senator from Nevada said.

Mr. REID. When I spoke, I indicated I would be happy to agree to that. Would the Chair indicate again how much time I used?

The PRESIDING OFFICER. The Senator used 29 minutes.

Mr. REID. I ask unanimous consent that the time for morning business on the majority side be extended 29 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

WAR IN IRAQ

Mr. ENZI. Mr. President, I thank the Senator from Nevada for his courtesy and his previous offer to let me speak. I am glad to have this opportunity to talk about a number of things that have come up today. We have talked a little bit about the war in Iraq. We have talked a little bit about the environment because Earth Day is tomorrow. We have talked a little bit about overtime and we have talked a lot about energy. I am going to cover those topics as well as some other things that need to be known.

I am going to start with the war in Iraq because last week I had the opportunity to go with Senator SESSIONS and Senator CHAMBLISS to visit NATO and then to go into Germany and to visit with some of the troops that have been wounded in Iraq. Some of them have been wounded very severely. In fact, those who are not severely wounded do not leave Iraq. There are hospitals in Iraq that take care of them and then get them back into the fray. Those who have been injured worse are flown to Landstuhl Hospital in Germany where they are stabilized, treated, and then sent back to the United States for more treatment.

The three of us had an opportunity to visit that hospital. We split up into three groups so we could talk to more of the soldiers. We thought we would be able to perhaps pump them up a little bit after what they had been through. Quite the reverse happened. They pumped us up. It was a tremendous experience.

These people, men and women, to a person said: We are making a difference in Iraq. We know the people over there, we know our job, we are doing our job, the people are responding to what we are doing, and we are making a difference.

The other side is so worried that they are bringing in people to take us on. Every one of them wanted to be patched up as fast as possible and go back to help their buddies. They knew what the job was. They knew the people there. It was tremendously inspirational.

The next day we went to an Army training base that a lot of U.S. soldiers in the past had been assigned to and are still assigned to, but they have been moved to Iraq. They have been assigned to Iraq and they had just been on another overseas assignment, had been back about 8 months and were assigned to Iraq. Some of the spouses there had had husbands extended in Iraq. We wanted to find out what they were feeling, what they were thinking. It was a chance to visit with them, and so we did.

Again, we were the ones who were encouraged. I remember one of the spouses explaining that part of the job of a soldier is to watch the back of his buddy, and when some of the troops are pulled out prematurely there is nobody to watch somebody's back. Then the lady said: If my husband was the one who had to stay and somebody got pulled out, I would not be able to take it. So if my husband is the one who has to stay to protect somebody else, that is their job. That is what I want him to do. That is what he needs to do. That is what will make the difference.

What I noticed at both of those meetings was that other countries of the world say the reason we are the most powerful country in the world is because of the money we spend on being powerful. Some people would say it is because of the technology we have developed that makes us more equipped with more advanced things than any other country in the world. Both of those play a small role, but what makes the difference between the United States and the other countries is the people of this country, the young men and women who are serving in our Armed Forces—their dedication, their innovation, their ability to think, their ability to react, and their patriotism.

Then we have another secret weapon, and that secret weapon is the spouses and the families who are praying for and supporting the troops. That is a force other countries cannot reckon with, and we should be so appreciative.

I want to mention one other thing that might seem unusual. When we were meeting with one of the generals, the general prayed. Now, I am not sure that is acceptable under the Constitution as it might be interpreted by some judges, but he prayed. He knows that will make a difference.

One of the things that occurred to me while he was doing that is we often almost always remember to pray for our troops, but I think we probably ought to be praying for the opposition as well. We ought to be praying for the opposition to soften their hearts, for the opposition to realize what is happening in the world and the role they are playing. Praying can make a difference, and it is up to all of us to try that, with faith, and see if it will not support these admirable troops, their spouses, and their families.

EARTH DAY

Mr. ENZI. I will switch to another topic now. Tomorrow is Earth Day and all of us are concerned about the future of the Earth. We are concerned about the environment, and we are concerned about the activities that happen in that environment. Earlier there was a comment about wilderness areas and how wilderness study areas can be violated.

I need to address this wilderness study issue because Wyoming is the only State in the Nation that negotiated its wilderness areas years ago. We wanted to get that figured out. We wanted to protect vast areas, and we did. There is always the recommendation that there be additional wilderness study areas, and we do not have any problem with that, with a small caveat, and that is that the wilderness study areas are often areas that are being used as part of the economy of our State. They are already areas that have had development.

Do my colleagues know what happens when they go into a wilderness study area. They go into an indefinite period of being studied with nothing being allowed to happen on that land. The things that were already happening cannot continue. It moves back to a primitive state, with no activity, for an indefinite period of time.

There are some wilderness impact study areas that have been looked at for 20 years. Do my colleagues not think a decision ought to be able to be made in less than 20 years? There might even be some out there that are longer than that.

The fear of people whose economy relies on an area that they have already been using is it will be designated a wilderness impact study area and they will lose their right to use it for what they have been earning their living at, for years, while it is not being studied. That is a crime.

Another problem we have is it is a big country and things tend to be one size fits all. For instance, I just saw an ad in the paper asking people to send money to help preserve wolves. It was a glorious ad. That is what ads are. They are to sell people on doing things. But they only tell one side of the story, and I hope before people send their money they will check with areas that are being impacted by a wolf population. It has a little bit to do with our Endangered Species Act.

The Endangered Species Act is a Federal policy. It has to be. This is a vast country and we try to save things all over—and we need to. But it is an unfunded mandate for States, for counties, for towns, and particularly for individuals. That is against the law, to put unfunded mandates on the States, the counties, and the people, but we do it with the Endangered Species Act.

Right now, Wyoming's wolf program costs about $1.2 million a year. That is coming out of the Wyoming pocket; that is not coming out of the Federal pocket. There are county expenses involved in it that are not being paid for by the Federal Government. There are individuals who can no longer use their land, they can't make the living on their land they were making because of a Federal policy. Do we pay them anything for that? No, we don't. We should. There are definitely laws about takings, but the Endangered Species Act has not adjusted to that.

Just today, in the Wyoming media, there was an article about the failure of the Feds to list the Colorado River cutthroat trout. So far none of the cutthroat trout has been listed as endangered. We have been doing a job in Wyoming of replacing them in traditional streams where they have been. In fact, in Saratoga, WY, we killed off a huge brook trout population and replaced it with cutthroat trout which were the native trout of that area. The people were a little disturbed to find out that the Colorado cutthroat doesn't grow as big as the brook trout which they were used to fishing. The whole stream was poisoned out and these other fish were put in, and they were prohibited from using any fish in this river for a number of years. Most of the people I know do catch-and-release fishing, but there can be fish killed doing that. Under the Endangered Species Act, that would result in Federal action against the fisherman.

I am hoping the fishermen of the country are paying attention, as they are talking about listing some of these endangered species. The fishermen of this country have been doing a marvelous job of making sure species are preserved.

I will tell you an interesting little story. There is a fish hatchery near Saratoga. It doesn't have brook trout or Colorado cutthroat trout in it; it has lake trout in it. How did they come to get in the lake trout business in Wyoming? A number of years ago, some lake trout were caught out of the Great Lakes. They were transported by rail to Montana. They were backpacked into Yellowstone and planted in a lake there and they grew well. Eventually the lake trout in the Great Lakes had a problem. They died off. Where did they go to replace them? We built a hatchery in southern Wyoming. We caught lake trout out of Yellowstone Park, put them in this hatchery, raised them to maturity and got eggs, grew some of those, took some back in the form of eggs and planted them in the Great Lakes. So the loop of preservation was provided by the State of Wyoming.

That is the way species have to be provided for, not by prohibiting and stopping, through regulation, people from being able to use what they have traditionally used. The fishermen are some of the people who are working to overcome this.

There is a little animal called the black-footed ferret. It was extinct. You would think that was supposed to mean there weren't any around. They found some in Wyoming. A little while after they discovered this animal still existed, they found out that a number of them were being wiped out by a plague. The State of Wyoming went in and trapped all of the rest of the black-footed ferret, and the State of Wyoming built a special facility to raise them and try to get as much cross development as possible. Today the black-footed ferret has been planted back in rural areas of the western United States. It has made a huge difference. But that was all done at Wyoming expense; that was not done at Federal expense. Something needs to be done about the Endangered Species Act.

ENERGY

Mr. ENZI. Mr. President, I want to talk a little bit about energy. We have regulated ourselves out of business. We have regulated ourselves to higher prices. We have regulated ourselves so the source of our oil is in the Middle East.

In 1973 we had a crisis. Senator Hansen was the Senator from Wyoming who held this seat. I had him speak to a Wyoming Jaycees session about what was happening when we got cut off from oil in the Middle East. Beginning then, Senators were saying we needed to do something so we would never have an oil crisis again, that we could not be dependent on the Middle East.

I think we were at 35 percent use from the Middle East at that time. We are now at 60 percent use from the Middle East. They hold us in the palm of their hand for our money. Our money is sponsoring whatever happens in the Middle East. They don't base the price on true supply and demand. They control the price.

I once got to meet the fellow who determined how many barrels they ought to ship, to raise the price or lower the price. Lower the price, you say? Yes, lower the price. If you lower the price drastically you can drive production in the United States out of business. They have done it twice. They have driven it out of business. What happens when the price shoots back up and we buy more oil from them? The U.S. production cannot recover because the people who used to be in that business had to find other work. Finding trained people in that business, to do what they had been doing, is impossible. That is how the Middle East has manipulated us twice that I know of. I think they do it, on a much more minute basis, on a regular basis now.

Earlier there were some numbers over there on a chart. It showed 77 cents as the cost of a gallon of crude oil. Then it showed manufacture, and it showed the filling station—manufacture at 25 cents, filling station at 10 cents, and Federal taxes at 52 cents, which came to $1.64, which was listed as the fair price for a gallon of gas.

I love to get into the numbers because I am the only accountant in the Senate. That is based, I guess, on 42 gallons of oil to the barrel. But 42 gallons at the current price would be 88 cents a gallon, not 77 cents a gallon. But that is based on the whole 42 gallons being able to be made into gasoline when in fact you end up with 19.4 gallons—yes, less than half of what was in that barrel actually is able to go into your car gas tank. So instead of 88 cents—well, there are byproducts they get to sell, too, and that is how they are able to hold it down, I guess.

I want to comment a little bit on the 25 cents, the 25 cents that goes to the refiner. The 25 cents that goes to the refiner is not profit. Boy, I bet they wish it were. The 10 cents that goes to the filling station is not profit. That is the difference between what they buy it for and what they sell it for. All of them have to provide employees, they have to provide facilities, and they have to pay taxes. So there are a lot of costs that go into it.

Particularly with the refinery again, we need to have regulations to make sure we keep our environment clean, but we have to be sure what we are doing is what really needs to be done. Nobody is building a refinery in this country anymore—nobody. In fact, we are reducing the number of refineries, which means we are reducing our capacity to provide what needs to be provided, and at the same time we are saying there have to be a whole bunch of different kinds of gasoline.

These gasolines are going to be designed which means they are more complicated for particular parts of the country. If you keep doing that, you keep driving up the price. That is part of the 25 cents that the refiner has to use. The more you increase the cost and reduce that 25 cents, the less gas you are going to have in this country.

I was out in California a while ago. The Senator from California was making some of these speeches.

I have to say I don't think you have seen anything in the way of an energy crisis yet, unless we can do something with an energy bill.

I was out in California. As you go from Las Vegas, you will see this real dark cloud that appears. That is coming from California. When I was there, I found that they have a pooling lane for high-occupancy vehicles. You need two people in the car to be a high-occupancy vehicle. I have never driven on a wide road like that in Wyoming, but out there they have five and six lanes. One of those lanes is saved for people who carpool. I think it was rush hour. I can tell you that the other five lanes were jammed with traffic. They weren't going anywhere. My wife and I in our car constituted the two and we could use the pooling lane. We just zipped right through. It was absolutely amazing.

But I thought I must be seeing half of California's population stalled, creating pollution and not carpooling like they are suggesting the rest of us ought to do.

There are some things that can be done, which need to be done and hopefully will be done.

But you haven't seen anything in the way of energy prices, if we don't get a national energy policy and don't get some reliability as to what we have in the United States.

We have been touting natural gas as clean fuel, and it is. But there is only one State that has an increase in the amount of natural gas it is producing. That is Wyoming. The rest of them are declining.

Let us see what happens if the use slows up and the supply goes down. Oh, the price goes up. You could be seeing the lowest prices in energy that you are ever going to see if we could use some of that U.S. ingenuity and figure out ways to make hydrogen out of the coal or other things. But I do have a lot of faith in U.S. ingenuity, provided we don't regulate them out of business.

OVERTIME

Mr. ENZI. Mr. President, I will take 1 last minute to thank Secretary Chao for the work she did on overtime. We had a lot of discussions about the proposed overtime rule that was put out for comment. What you saw on this floor was an action to try to stop reviewing the 80,000 comments that have come in. We allowed her to look at those 80,000 comments. I commend the Secretary for the work she did in paying attention to what people were saying. We don't see much of that in the Government, but the Department of Labor, under Secretary Chao, took a look at what people have been saying and made corrections in the rule before the final rule was published.

She raised the amount to the maximum. We had already raised the amount on the minimum. She made sure that first responders would not lose overtime; that nurses would not lose overtime; and that veterans trained and going into the job force would not lose overtime.

I commend her for reading those 80,000 letters. I commend her and the Department for taking the corrective action. Doing the process makes a difference. She did the process and she made sure they responded.

I yield the floor. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Alaska.

THE ROTATION OF U.S. FORCES INTO AND OUT OF IRAQ

Mr. STEVENS. Mr. President, I rise today to inform the Senate of an undertaking that has, in my view, not received adequate attention in the press or by the American public. This undertaking has required tremendous planning, and has been on a massive scale.

As the news from Iraq dominates our attention, an important and notable success story has gone largely unnoticed. I refer to the massive troop rotation in the Iraq theater that is now nearing completion by our Armed Forces. This is the largest U.S. troop rotation since World War II—more than 250,000 U.S. service members have been involved.

Planning for this rotation of forces in Iraq has been underway for many months. The meticulous quality of that planning, the absolute attention to detail by thousands of military planners, logisticians, and transportation specialists has resulted in a near flawless rotation of forces.

Consider for a moment the sheer size of the logistics effort involved in rotation over a quarter million combat troops, in mobilizing them, in transporting them by sea or air, supplying them, and in simply keeping them sheltered and fed. And now, consider doing all of that in a place that is nearly half a world away, and at the same time, continuing the pace of military operations and combat in Iraq, without skipping a beat.

New units began flowing into the region in December of last year, and to date, over 95 percent of the service members deploying to Iraq have arrived in the region.

I would like the Senate to consider some of the facts and figures for the deployment and redeployment, or return, of forces in that area.

Over 900,000 short tons of equipment and supplies have been shipped to support operation Iraqi Freedom.

Over fifty-seven sealift ships have sailed, delivering more than 426,000 short tons into theater, and 13 ships have returned 88,000 short tons back stateside.

Nearly 3,000 airlift missions have been completed, and over 63,000 flight hours.

Ninety-seven thousand soldiers scheduled for redeployment have returned home from Iraq.

Over 91,000 reserve component soldiers were mobilized for Operation Iraqi Freedom 1, and over 54,000 for Operation Iraqi Freedom 2.

Last month I was privileged to travel to the Central Command Theater to see first hand the magnitude of this effort. I traveled with my good friends the chairman of the Armed Services Committee, and JOHN WARNER, and the senior Senator from South Carolina, FRITZ HOLLINGS. We saw our forces in Baghdad and in Balad, Iraq and traveled into Afghanistan to visit our forces there.

I simply cannot say how absolutely impressed we were with the fighting spirit and combat power displayed by these young Americans.

We spent some time with the 1st Armored Division in Baghdad, and MG Martin Dempsey's absolutely impressive forces. General Dempsey's forces are providing stability and security in a dangerous part of Baghdad. They know they have an important mission. You could see the dedication and courage in each of their faces. They know why they are there.

We also spent some time with Joint Task Force 180, in Baghram, Afghanistan. MG Lloyd Austin, a really impressive commander of the 10th Mountain Division. His soldiers are pursuing Taliban and al-Qaida remnants in the mountains of Afghanistan. His forces, too, are remarkably bright and dedicated young men and women. Spending time with them was inspiring to us all.

We had planned to visit the 1st Battalion of the 501st Parachute Infantry Regiment from Alaska. They are deployed to Khost, Aghnanistan, in the rough mountains near the Pakistan border.

Unfortunately, an aircraft malfunction required that we change planes, and that delay meant we were unable to make that stop to see those Alaskan forces. We are terribly proud of them and all of the forces there around the country in that area.

My friends and I also went to Kuwait and saw forces moving into and out of Iraq. Kuwait is where much of the logistics operation for the troop rotation is based. The level of this effort is nothing short of remarkable to see.

In Kuwait, we visited with troops from the 4th Infantry Division, the division that captured Saddam Hussein, as they were moving home and preparing their gear for return. We visited with these troops at the "wash rack" where each vehicle is cleaned from top to bottom before returning home so there is no contamination from the wartime area.

It takes nearly 8 hours to fully clean a vehicle of all the dirt, sand and wear that accumulate. Dozens of these wash racks were operating day and night, 24/7, until every last piece of gear is cleaned and ready to return home.

Many of the division's vehicles were staged and lined up, ready to return home. That was truly a sight to see—rows of rows and rows of all types of military vehicles, scores of vehicles. I saw the remarkable size and scope of our logistics effort to rotate these forces in Iraq, and the magnitude of that effort is simply amazing.

General Robert Barrow, a former commandant of the Marine Corps, in 1980 said: "Amateurs talk about tactics, but professionals study logistics." That statement has again been proven true by the nearly flawless rotation of U.S. forces in and out of Iraq. That rotation is now nearly complete, and it is a remarkable achievement. This massive movement of forces and equipment, the largest since World War II, has largely gone unreported and little noticed by the American people. However, it is a true success story and one that needs to be told, and needs to be told on the floor of the Senate.

This rotation of forces is an absolute testament to the will, dedication and commitment of our men and women in uniform. They are to be commended for what they do for all Americans, and once again, they have made us proud.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OVERTIME

Mr. GREGG. I join the senior Senator from Alaska, the chairman of the Appropriations Committee, in his excellent statement congratulating our military, our troops; specifically, the men and women who serve in Iraq and the extraordinary job they are doing there. This incredible rotation the Senator reflected on, the logistics being an exercise of extreme complexity, was accomplished with great professionalism.

His knowledge of this is unique and special, and we turn to him in the Senate about military affairs. I join in the acknowledgment of what the men and women of our services have done in this area. I thank the Senator for bringing it to our attention.

I rise briefly, however, to address the new regulations proposed relative to white-collar overtime issues presented by the Department of Labor. We, as a Senate, have for literally months been hearing from the other side of the aisle that they wanted to stop the procedure of regulatory activity in this area; they wanted to foreshorten the proper and appropriate approach to governance; that is, to issue proposed regulations and take information and comment on the regulations and bring forward any sort of clarification of the law in the area of overtime activity, of which the law has been on the books for 50 years.

Unfortunately, it has become confused and arcane in many ways. In fact, the law as presently structured was put together in a time when this country had people who were called straw bosses, leg men, and keypunch operators, things which no longer are relevant. Yet the law still has these categories of individuals and their rating systems are affecting how overtime is paid.

It has become a fertile ground, regrettably, because of this confusion. Because it is a law that has not been adequately reformed and kept up to date, it is a fertile ground for lawsuits.

The United States Bar Weekly, a lawyers' weekly USA newspaper headline, summed up the salaries in the workplace across America by saying in a headline: "Boom In Overtime Suits, A Danger For Employers But A 'Gold Mine' For Plaintiffs' Lawyers."

Unfortunately, that is all we have gotten from the regulation in the last 2 years—lawsuits. We do not have a more efficient marketplace, or people who deserve overtime getting overtime. We have not had a settled issue as to who has a right to overtime.

Secretary Chao said we should do something about this proposal. Secretary Chao stepped forward and said this is an issue, a problem, we need to do something about. She put forth proposed regulations which I, as chairman of the committee that has jurisdiction, said there are some issues. We have questions. Let's look at them. That is why those proposed regulations received 80,000 comments. The Department has been reviewing those.

Again and again people have come to the Senate from the other side of the aisle and used the excuse of trying to foreshorten and stop and undermine the process of regulatory reform and the comment period as a means to try to stop other legislation. How many pieces of legislation have been held up interminably, and some simply not passed, because the other side of the aisle says we cannot have the proposed regulations out there; we have to stay with the law as it is.

Now it has shown the folks were absolutely wrong. The folks came to the Senate and tried to use this proposed regulation as a stalking-horse to obstruct other legislation on the floor. It was a stalking-horse because the Department of Labor has come forward now with a new set of regulations which have grown out of and evolved out of the work that was done as a result of reviewing and listening to the input from the 80,000 comments.

The final set of regulations has some extremely good proposals. It guarantees 6.7 million Americans who today are not guaranteed overtime will receive overtime. People up to $23,000 of income will receive overtime. That is up from the present threshold today of $8,000. That means 6.7 million people who today are in a gray area are no longer in a gray area and they will get overtime.

In addition, it makes unalterably clear this overtime regulation applies to white-collar areas. That was never an area for concern. People were concerned. The Department has made it clear the overtime of groups such as first responders, nurses, veterans coming back from serving overseas, licensed practical nurses, and registered nurses would be protected.

That was never the intent of the original regulations, I don't think. But clearly, it is definitively addressed in this final rule.

Furthermore, the people whose overtime may be at risk have to have an earning that exceeds $100,000, and they have to be in a white-collar activity, not a blue collar. If a blue-collar person happens to make more than $100,000, their overtime stays in place. The overtime of a white-collar person making more than $100,000 may be impacted by this. The Department estimates that is less than 120,000 people who may be impacted by that part of the regulation.

In this final regulation, 6.7 million in the gray area will get overtime who are not getting it. They may be getting it, but they do not know they have a right. And people who are concerned about overtime, working blue-collar jobs, or working in areas such as law enforcement and firefighting or nursing, will absolutely be assured of their overtime rights, although they probably were.

It means the business community, especially small businesses, will have a clear understanding of who has the right to overtime and who does not have a right to overtime—not clear, but a clearer understanding of who does and does not have a right to overtime. That means instead of ending up with small businesses especially having to spend a lot of money defending lawsuits which are arbitrary in many cases and which are class action in other cases, they will be able to spend their money on creating new jobs.

Instead of having a litigious atmosphere out there, we will have an atmosphere where people can understand what their responsibilities are to pay people. Those people who are receiving this overtime will benefit significantly from this clarity, and other folks who will be getting jobs as a result of businesses having money to invest, rather than having to pay lawyers to defend these lawsuits. It is a step in the right direction.

I believe that opposition today, should it still continue, can only be defined as political. We know that opposition, in light of these regulations coming out in final form, was probably highly political before, but clearly in light of the definitiveness and the constructiveness of the changes which have come forward with the final regulations, any additional opposition is partisan, political, and driven by an election year attitude, or it is simply a desire to be a stalking-horse to promote lawsuits versus promoting efficient use of resources in our society, especially by small businesses.

I congratulate the Department of Labor for doing the job which they are paid to do, which is to try to make our laws more understandable and constructive. As a result, they have made a very strong step forward to assisting people in getting overtime who may not be getting it today.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. MURKOWSKI). Morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2290, which the clerk will report.

The legislative clerk read as follows:

> A motion to proceed to the bill (S. 2290) to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, this is one of the most important bills in many decades because this bill will determine whether or not 8,400-plus companies go into bankruptcy, with a loss of jobs, pensions, and opportunities for people all over this country—and all because of an out-of-whack tort system that has been manipulated by some veracious lawyers who should know better but who are too addicted to being able to milk the system for billions and billions of dollars, $20 billion thus far in legal fees and transaction costs.

Opponents of this bill continue to assert that the fund is nothing more than a bailout of corporate America because it is not big enough. There is one word for that: baloney. This charge, which the personal injury lawyers keep repeating in television and print ads, completely baffles me. Let me explain why.

Currently, estimates of what the existing tort system will pay to plaintiffs in the future range from $61 billion to $92 billion. That is currently. This is what the independent actuaries say is the amount of money the victims will actually receive under the current system.

Let me just point to this chart: the asbestos victims' compensation in billions of dollars. Under the tort system—the current out-of-whack tort system—you have three colors on the chart: dark blue, kind of light blue, and yellow. The light blue illustrates the fees we pay to the defense lawyers in these cases. The dark blue happens to consist of the fees we pay to the trial lawyers—in other words, the plaintiffs' lawyer.

Between them, as you can see on that Tillinghast account, shown at the top, you have $69 billion. How much goes to the victims? It is $61 billion—if it is there, if these companies do not go bankrupt. Take the Milliman one, shown down below: $61 billion to the personal injury lawyers, $42 billion to the defense lawyers. That is $103 billion. Only $92 billion goes to the victims. That is assuming these 8,400 companies have not gone into bankruptcy. We have already had 70 companies go into bankruptcy.

But look what happens under the FAIR Act. The attorneys would still get a whopping $2.5 billion for what really amounts to rolling-off-a-log type of a lawsuit because it would not take all the efforts they would have to put in to make cases otherwise in court. They would get $2.5 billion. But $111.5 billion would go to the victims. It is pretty hard to say that is not a fair deal or that it is a bailout of corporate America.

Now, our bill, in comparison to the $61 billion to $92 billion of those two actuary accounts that will go to the plaintiffs, gets them $111.5 billion, which is a lot more than either of those estimates were. This goes to the pockets of the injured persons.

So where does the rest of the expected cost of the tort system go? Under the current system, it is going to lawyers. It is going to lawyers' fees and other litigation costs, with personal injury lawyers alone expected to garner $40 billion of these future expenses. In addition, 80 percent or more of claims filed in recent years are from individuals who do not have a medically cognizable injury and are not impaired in their daily routine. Let me put that in lay terms. They do not have any injury that can be shown by the current medical analysis we have in existence today, and it is the best in the history of the world.

Indeed, one scholar estimated that meritless claims—claims without any merit at all—based on questionable "diagnoses" for mass screenings have accounted for $28.5 billion in costs already. As a result, the truly ill get even less than the $61 billion to $92 billion estimate that is suggested by these two studies.

Measured against the existing system, with all of its inequities and high transaction costs, the FAIR Act will deliver far more directly to victims. Up to $124 billion will be available to compensate those who are sick from asbestos while still providing medical monitoring for those at risk but not yet impaired—in other words, not yet sick, and who may never get sick. This is a simplified, no-fault, nonadversarial system which will not require forking over 40 percent to 60 percent to any professional.

No matter how you look at it, victims get far more compensation under this bill—and in a far more timely manner—than in the current system. This alone indicates that the fund is big enough.

But let's look at it from another angle. Are the aggregate fund contributions by companies and insurers expected to be less than they are paying in the current system? According to the Congressional Budget Office, the answer is no. CBO estimates that defendants will have about the same expenses in the current system for the next 5 years. This is on page 20 of the CBO's October 2, 2003, cost estimate for this fund. On the same page, CBO estimates, for the bill as reported from committee, that insurers would actually pay more to the fund in this same period than they would under the current system.

Keep in mind, the current system is gouging billions of dollars for nonsick claimants. Look, this fund, No. 1, calls for about as much money as companies are paying now; No. 2, shifts this money to the truly sick; and No. 3, reduces the transaction costs so more funds are available to compensate injured parties. In other words, we help those who deserve to be helped, where under the current system there are a lot of people sopping up the funds that are there who are not even sick, who have not suffered from sickness, and may never suffer from sickness.

This is a bailout? Give me a break. The chief benefit contributors get out of this deal is one thing, and that is predictability. They know what their payments will be from year to year, and that is it.

I was told if I was able to get $108 billion a number of Democrats would gladly sponsor and support this bill. I had indications from the union movement: But, boy, if you got $108 billion on the table, we will be there. They did not think we could get it done. But we did.

Now, despite all of these things I have been talking about, we have heard the argument that the money is not enough since S. 1125 was first introduced in May of 2003 when industry agreed to a $94 billion fund. Before introducing S. 1125, I had heard from the other side of the aisle that $94 billion was not sufficient but that $108 billion might be enough, as I have just said. I worked hard to get the business community to commit to this funding, and, in the end, the Judiciary Committee added a provision that would simply require $14 billion in additional funds in order to reach this goal. The funds, however, were not guaranteed in the committee-reported bill, as are those under S. 2290.

During the committee process, this $14 billion was added to the substantial contributions required from both defendants and insurers. When S. 1125 was reported out of committee, therefore, it provided for $104 billion in mandatory funding from defendant companies and insurers, plus an estimated $4 billion from bankruptcy trusts. The $108 billion was there.

The committee voted by a 14–3 margin that the claim values which added up to $108 billion—those values—were fair—14 to 3, with a number of Democrats voting with us. Not a single Democrat voted against these claim values. The only ones who did were 3 Republicans, and they thought it was too much.

Now we are hearing that the total just is not high enough. If the values were good enough for every Democrat before, why not now? I just do not get it.

By the way, let's go back just a step or two here. As shown on this chart, we are getting far more money to the sick and needy than the two expert actuarial firms say will go to the sick and needy—far more money. Those who make arguments to the contrary are not being fair.

Later in the committee markup, to ensure the risk of insufficient funding would not fall on claimants, an amendment was offered by Senators KOHL and FEINSTEIN to provide a huge amount of open-ended, contingent funding that could be available to pay claims, up to an additional $31 billion over a nearly 20-year period. The number $31 billion was not in the amendment, nor was the number $45 billion, which some claim it was. The amendment simply called for maintaining the contributions at the same level if such funds were needed to maintain solvency, and this flat line happened to add up to $31 billion, since we had already added $14 billion to the base funding. This meant when the contingent funding was added to the $108 billion of mandatory funding, up to $139 billion could come into the fund and ultimately out to the people.

Democrats and labor unions falsely continue to cite the $153 billion number whenever they can. I challenge any of them to show me that number in S. 1125, the committee-reported bill. Moreover, the $139 billion was not hard money that would be going to claimants. That is a fact. It was not hard money that would be going to claimants. The fund under S. 2290 would reach this same and substantial level of funding.

Further rendering this $139 billion obsolete is the fact a sunset provision was added later in the markup. This provided an ultimate safeguard, in the eyes of those who filed it, for fund solvency. Still further, we added in S. 2290 a measure which renders the contingent funding amendment from the markup totally unnecessary—the ability for the fund to borrow against 7 years of future revenue. With this provision, the Feinstein-Kohl contingent funding measure is no longer needed. Thus the whole premise for arguing more money is needed because the committee bill had more money is literally destroyed. The Feinstein-Kohl amendment created what amounts to a rhetorical problem on the total value of claims for some Democrats and some labor unions. But it is only that, a rhetorical problem.

Claims values adding to $108 billion were good enough for almost all the Democrats at the markup, and there is no reason the current $114 billion now should be inadequate.

Finally, I will give another indication of why those who now argue $114 billion is not enough are being unfair, if not somewhat disingenuous. Back on April 24, 2003, the AFL-CIO asked an investment banking firm to run a financial model with certain claims values. How much did this model, which they shared with Republicans during negotiations, add up to? Believe it or not, under the base case, it added to $121 billion. You heard that correctly, $121 billion. We offer a fund with a base of $114 billion in guaranteed money with a $10 billion contingency, 7 times the borrowing authority, and a sunset back to the tort system, and there is no deal yet?

I said earlier, I don't get it. But I suspect the reason we are seeing retrenchment and revisionism is that—and there is simply no delicate way to say this so I will be blunt—when personal injury lawyers put the screws on Democrats and labor unions, they are trying to stop this good bill at all costs. It is pretty apparent if you look at the flagrantly misleading ads they put on television, all paid for by the victims, by the way, through these exorbitant fees and transaction costs.

I will tell you one thing, they don't want to kill the golden goose that asbestos litigation is for them. They are only too happy to collect the golden eggs, even though the people who are truly sick, truly injured, will not get the money in many cases. In the end imposing financial obligations on the business community that are much more than they would have to pay under the broken litigation system to compensate victims would only risk bankrupting even more businesses and losing more jobs and pensions. Already, as I have mentioned, more than 70 companies have gone bankrupt due to asbestos litigation, and as many as 60,000 American jobs have been lost. It is estimated if this keeps going and we don't do what we should do here on this floor, there could be as many as a half million jobs lost. I believe that is a low, conservative figure.

If most of these companies go into bankruptcy, I can't begin to tell you what a detriment it will be to our country, let alone the sick and needy who really deserve the moneys.

Rather than rely on their own numbers or provide a reasonable alternative, opponents of the bill falsely contend S. 1125 had provided $153 billion and, therefore, S. 2290 does not provide enough funding. Of course, litigating these cases in Federal court may be a big risk to some personal injury lawyers who have successfully manipulated some outlier State courts to create a system of jackpot justice.

In reality, the Feinstein-Kohl amendment in committee, which introduced the open-ended contingency funding, was designed to ensure the fund established under the act did not become another Manville trust, placing the risk of insufficient funding on future victims and leaving them with only pennies on the dollar. That is a risk which victims will not face under S. 2290.

If, despite paying significantly more money than the current tort system, the fund is unable at any point to pay full value; that is, 100 percent on eligible claims, then the fund will sunset and the tort system will reopen in Federal courts to compensate for future victims. There will be no risk to the victims.

We can't forget this bill is about the victims, not overinflated estimates of a broken tort system that diverts much-needed resources to unimpaired claimants and reduces awards significantly to pay attorney's fees and other transaction costs that do not directly benefit claimants. By any objective standard, this fund is more than adequately funded.

Although we are being met with obstacles in getting to the substance of the legislation, I am heartened by something. There has been significant bipartisan support for passage of a legislative solution to the asbestos litigation crisis throughout the session. In fact, calls for Senate action have been occurring for several years.

For example, when the esteemed ranking member was chairman of the Judiciary Committee, my good friend Senator LEAHY stated:

> . . . Congress can provide a secure, fair and efficient means of compensating victims. I believe it is in the national interest to encourage fair and expeditious settlement between companies and asbestos victims.

Those were Senator LEAHY's remarks in the September 25, 2002, U.S. Senate Judiciary Committee hearing on asbestos litigation.

Senator LEAHY echoed his sentiments last year during a hearing I chaired, when he said:

> These bankruptcies create a lose-lose situation. Asbestos victims deserving fair compensation do not receive it and bankrupt companies cannot create new jobs nor invest in our economy . . . If we work in good faith toward a bipartisan asbestos solution, we can meet the challenge created by [asbestos] litigation. I agree with the Supreme Court's conclusion that the number of claims defies "customary judicial administration and calls for national legislation."

That was Senator LEAHY's statement on March 5, 2003 in the committee hearing which was entitled, "It is time for Congress to act."

Other Members have made clear they share his opinions. For example, last May, nearly a year ago, Senator DODD made the following observation:

> [W]e are working very hard to come up with a compromise proposal on the asbestos issue. And we've taken major steps in that direction, working with organized labor, with the insurance industry, with the insured, and many others who have a stakeholding in the outcome of this particular avenue. It's a critically important effort.

That statement was made on May 3, 2003. The distinguished Senator from Connecticut, Senator DODD, reinforced those statements later when he noted on March 4, 2004, when referring to the asbestos problem:

> This is a matter that does cry out for a solution.

As work progressed on bipartisan legislation establishing a privately funded national trust fund, support for the concept grew. In a July 2003 letter to Senators FRIST and DASCHLE, Senators DORGAN, BREAUX, NELSON, BAUCUS, KOHL, MILLER, LINCOLN, LEVIN, STABENOW, and CARPER stated:

> The asbestos litigation crisis is real and urgently requires a legislative solution. . . . An administrative trust fund is the right approach and represents a good foundation for a solid legislative solution. . . . A legislative solution to the asbestos crisis is a crucial goal. . . . We believe that the groundwork has been laid by the Committee leadership to provide a real solution to this ongoing problem.

That was a July 11, 2003, letter to Senators FRIST and DASCHLE.

In fact, when the legislation was originally introduced, Senator NELSON stated:

> This will protect victims, save jobs, and force companies to pay their fair share. This is a good start to solving a big problem.

That was a press release on May 23, 2003. I have appreciated Senator NELSON's support over the last year. I don't know whether they can pull him back on this cloture vote on Thursday. But if they do, it would show this is becoming a political exercise to the detriment of these workers, to the detriment of these unions, to the detriment of the insurance companies, and to the detriment of these companies.

As last year progressed and fears grew that the legislative effort might fall victim to election year politics, calls for action intensified. For example, Senator DORGAN wrote the following in another letter to Senators FRIST and DASCHLE:

> We must complete asbestos reform before this session. I think it would be a serious mistake—for victims, for the economy, and for the Senate—if we adjourned without enacting asbestos legislation. Certainly, a compromise must meet the needs of all the stakeholders. . . . We must seize this opportunity to solve a major public policy challenge for our Nation.

That was written on October 29, 2003, in a letter to Senators FRIST and DASCHLE. Yet, as you know, we were unable to get this up and get it passed last year. I agree with the Senator; it needed to be passed last year. To allow us to go past this year would be almost criminal.

His opinions were echoed by Senator BAUCUS, who wrote:

> After all the hard work that has been put into this bill over the past several years, particularly this year, it would be a shame to let it go to waste. It would also have serious implications for the economy and for victims if we let this historic opportunity pass us by. . . . From what I understand, we are very close. . . . I urge you both to do everything in your power to bring both sides together for a swift resolution of this longstanding debate.

That was before we have gone way beyond last year's bill, and we have given well over 50 amendments to Democrats to achieve this bill.

That was a November 5, 2003 letter.

On the same day, Senator LEVIN also sent a letter to Senators FRIST and DASCHLE expressing his own concerns about the importance of the Senate taking action:

> I would like to again stress the importance of addressing the issue of asbestos reform before we adjourn this session of Congress. . . . [T]he Senate is in jeopardy of missing a historic opportunity to pass asbestos legislation with strong bipartisan support. It is obvious to anyone . . . that the system is broken and needs to be repaired.

That letter was dated November 5, 2003.

These were all written during the last year's session of Congress.

A week later, Senator STABENOW gave the following advice to Senators FRIST and DASCHLE in a letter:

> I believe that we have an historic opportunity right now to pass asbestos reform legislation with strong bipartisan support. . . . The current system has a devastating impact on victims and their families, who have to continue to wait while the judicial system wades through their claims, and on companies, many who have had to file for bankruptcy because of asbestos lawsuits. I urge you both to continue to work on a bipartisan solution to this national problem.

That was in a November 13, 2003, letter.

Senator LEAHY made the following statement on the floor a few days later:

> . . . [W]e have come to a complete accord on the idea that the fairest, most efficient way to provide compensation for asbestos victims is through the creation of a national fund that will apply agreed-upon medical criteria in evaluating patients' injuries . . . an effective and efficient means to end the asbestos litigation crisis within reach, and we must grasp it.

That was a floor statement made on November 22 of last year. Unfortunately, time ran out before consensus could be reached.

At the urging of members on both sides of the aisle, Senator FRIST announced in December his intention to accommodate Democratic requests for more time, and he announced he would delay floor consideration until this spring. This year, as negotiations continued in various settings, a call for action has continued. For example, on March 4, Senator DODD noted the crisis in asbestos litigation is "a matter that does cry out for a solution." That was on March 4 in the CONGRESSIONAL RECORD.

A few days later, Senator REID acknowledged "we have to do something about asbestos litigation." That was in the March 9 CONGRESSIONAL RECORD.

It would be impossible to argue there is an absence of bipartisan interest in fixing the asbestos litigation crisis. Nothing has changed since the Democratic leadership council made the following observation in 2002:

> This is one issue where the fight is not simply a part of the age-old struggle between companies seeking to avoid financial responsibilities for misdeeds and trial attorneys seeking to punish them while rewarding their clients and themselves. We agree with Supreme Court Justice Ruth Bader Ginsburg, who argued in an earlier case that the goal should be to provide secure, fair, and efficient means of compensating victims of asbestos exposure. We concur with the view of the AFL-CIO that the current system is unfair and unpredictable. Senate Judiciary Committee Chairman Pat Leahy's decision to hold a fair and balanced hearing on the asbestos litigation crisis should signal the beginning of a bipartisan effort to create certainty in the system and get help to victims without spurring new waves of bankruptcies.

That was in the New Democratic Daily on September 18, 2002, a year and a half ago.

These are some of the Democratic calls for reforms on this chart. I have on this particular chart quotes by Senators DORGAN, BREAUX, NELSON, BAUCUS, KOHL, MILLER, LINCOLN, LEVIN, STABENOW, and CARPER. In a letter, they said:

> The asbestos litigation crisis is real and urgently requires a legislative solution.

On March 4, Senator DODD said:

> This is a matter that does cry out for a solution.

Senator DORGAN wrote on October 29 a letter to the leaders:

> We must complete asbestos reform before this session.

Senator STABENOW wrote on November 13:

> I believe that we have an historic opportunity right now to pass asbestos reform legislation with strong bipartisan support.

Senator LEAHY, on November 22, 2003, said:

> An effective and efficient means to end the asbestos litigation crisis is within reach, and we must grasp it.

Some of the statements I have quoted from my Democratic colleagues are listed on that chart. When viewing just a segment of these quotes, I think it is clear the need for reform is universally understood. The issues that must be addressed are clear. The time has come to act. We have worked our guts out to try to accommodate our friends on the other side. All we hear is: more money, more money, more money. It is as though these 8,400 companies have an unlimited supply of money to be given. In many cases, those companies are dramatically mistreated by this whole system. In many cases, they should never have had to pay a dime. I will cite one of the larger insurance companies in this country. They never, ever insured for asbestos or asbestosis, or any problem or malady that comes from asbestos; they never had anything to do with asbestos, other than they had their medical team do a medical analysis and concluded mesothelioma probably comes from exposure to asbestos. That was a service to society, not anything that should cause liability. Because of that, this company has been joined in over 60,000 cases, every one of which they can win and should win. The last one they tried, they did win, but it cost them $2 million for attorneys' fees alone.

That is money that could have gone to the victims, and just to get some finality to this situation, just to solve this problem, that company is willing to pay out what amounts to millions of dollars that they do not owe just to get this over with. There is a raft of companies that are in the lawsuits that fit that category.

Where is the justice on the other side? I admit, you want to fight for your constituencies—the personal injury lawyers and the unions—but you also have constituencies, my friends on the other side, in these businesses that are going to go bankrupt and insurance companies that also are going to go bankrupt and the economy that is going to be tremendously hurt by this situation if we do not resolve this problem. We have a whopping amount of money to resolve these problems.

The issues that must be addressed are clear. The time has come to act. The asbestos litigation crisis is a national nightmare, and the failure of Congress to fix it would be a legislative disgrace.

I would like to show some charts with other calls for reform from labor unions and the media. Let me go into some of those.

Organized labor calls for reform. This is a statement of Jonathan Hiatt, general counsel with the AFL-CIO. This was made before the Judiciary Committee on January 25, 2002:

> Uncertainty for workers and their families is growing as they lose health insurance and see their companies file for bankruptcy protection.

Mr. Hiatt is a very bright and noble attorney in many respects, and I have a lot of respect for him. What has the AFL-CIO done? We reached $108 billion which I had indications they would accept, but now we are as high as $124 billion. Where are they?

Take AFL-CIO Principles on Asbestos Compensation which was stated on August 7, 2002:

> [U]nder current law and legal processes, many asbestos victims are not being treated fairly.

In other words, the system is broken. Here we have a chance of changing the system. This is the art of the doable. And where are the trade unions? They are the ones that are losing the jobs. They are the ones that are primarily losing health care benefits. They are the ones that are losing their pensions from these companies that are going bankrupt. Where are they? Why aren't they demanding that our friends on the other side do something about this, other than scream for more money all the time. Stones can only give so much blood, and, of course, there is a certain irony in that statement.

Let's take the United Steelworkers of America, local 12773:

> We really believe this needs to be resolved now.

Or take the Paper, Allied-Industrial Chemical, Energy Workers International Union, local 2-0891:

> . . . we might not have another chance for some time.

They might not have jobs in the future because of this dragging of the feet we are getting from the other side on this matter.

Or take the United Steelworkers of America, local 7110:

> It is too important to let pass by.

These sum it up. Let's take media calls for reform just so people understand.

The Pittsburgh Post-Gazette, September 25, 2003:

> There is an elephant to be moved, and this is the best chance in years. The time for Congress to act is now.

The Detroit News, April 4, 2004:

> The bill makes economic sense for companies and would ensure significant payments to employees who develop serious illness. It's a humane solution and ought to be adopted.

That is the Detroit News, a heavily industrialized city. They understand this. Why the slowdown?

Take the Chicago Times, on June 16, 2004:

> It is ludicrous to keep litigating for the benefit of the litigators, when what is needed is a claims system for the benefit of the victims.

That is what this bill does. It is a claims system for the benefit of the victims.

There is a whopping amount of money that will go to the victims, not to attorneys, although the attorneys still will get $2.5 billion of it, which is a lot of money.

Take the Washington Times on September 24, 2003:

> . . . current legislation to control asbestos-related lawsuits is one of the best ways Congress can protect jobs.

The current legislation.

Or take the Capital Times & Wisconsin State Journal on May 13, 2003:

> An asbestos trust fund is a good idea. It should become law.
>
> Fund Could End Asbestos Legal Battles.

That is what this bill can do. Why don't we have more help from the other side?

None of these papers, with the possible exception of Washington Times, one would call moderate to conservative. Most are more liberal papers.

The Chicago Times, June 16, 2003:

> The proposal . . . would get compensation to genuine victims and get hundreds of thousands of cases out of the regular court system.

That is one of the points I have not emphasized up to now. As a former trial lawyer, I have to tell you, our courts are clogged with all kinds of frivolous suits, all kinds of frivolous cases. I am not talking about these cases necessarily, but all kinds of them. Then you add these hundreds of thousands of cases, and one can see why justice is not being obtained, especially for those who are sick and needy.

I notice that my colleague from Washington is in the Chamber. I thank her and her staff for their good-faith efforts in working with us to reach consensus on an appropriate asbestos ban. I am pleased that we, including Senators FEINSTEIN and KOHL, were able to reach bipartisan consensus on this very important issue. It is important.

Madam President, I ask unanimous consent that immediately following the remarks of the distinguished Senator from Washington, the distinguished Senator from Ohio, Mr. VOINOVICH, be recognized to give his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that during today's session of the Senate Senator HARKIN be recognized for up to 15 minutes as in morning business; Senator BYRD for up to 40 minutes as in morning business; and Senator INHOFE for up to 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I rise today to share my serious concerns with the asbestos liability bill now before the Senate. As my colleagues know, this is not just another bill for me. This is something I spent years learning about, educating my colleagues about, and writing legislation to address.

In fact, my work on asbestos started 3 years ago this very month when I asked the Senate HELP Committee to hold a hearing on asbestos exposure in the workplace.

I started this as a very lonely battle with my good friend, Senator Paul Wellstone. We held press conferences, and it seemed like no one came. Senator BAUCUS and Senator CANTWELL were with us, but it was a very lonely fight.

That is why today it is so great to watch my colleagues, such as Senator DASCHLE, Senator REID, Senator DAYTON, and Senator LEAHY moving this discussion to such a productive level. They have taken the time to listen to the victims, and I think if everyone did, we would have a much more balanced bill in front of us today.

I am pleased that after working all these years with the victims, family members, and doctors, the full Senate is now engaged in a debate about asbestos. I am also pleased that many of the issues I have been fighting for have been included in this legislation. This bill does include a modified ban on asbestos, similar to the original ban that I first introduced 2 years ago. That is an important acknowledgment of what I told the Judiciary Committee did last June:

> If Congress is going to prevent any future lawsuits, then Congress must try to prevent any more asbestos casualties, by banning the use of asbestos.

So I am pleased by some of the progress in this bill, but I am also deeply disturbed by what this bill will do to people whose lives have been torn apart by asbestos, to future victims, to family members, and to average Americans who are being exposed to deadly asbestos every day without even knowing it. After listening to the victims, hearing their stories, looking them in the eye, there is no way I could vote for this inadequate and unbalanced bill today.

As I have learned about asbestos over the past 3 years, I have been troubled by the duplicity of some of the companies, by the negligence of our own Government, and by the absolute horror that asbestos inflicts on people. Throughout this process, I have also been touched by the commitment and the optimism of victims. Some of them realize it is too late for them, but they want to make sure no other American goes through the horror they have experienced.

After working with them, I know I am not just standing on the Senate floor as a single Senator. I am standing here on behalf of all of the people I have been honored to meet and stand with over the past 3 years.

I am standing here on behalf of people like Brian Harvey, Gayla Benefield, Bret Williams, Ralph Busch, Marv Sather, and George Biekkola.

They were all exposed to asbestos through no fault of their own.

I am standing here on behalf of the family members of asbestos victims, people like Sue Vento, the wife of the late Congressman Bruce Vento of Minnesota; Sue Harvey, and LTC James Zumwalt, the son of Navy hero Elmo Zumwalt.

I am standing here on behalf of doctors who have labored to save their patients against a merciless killer, doctors like Michael Harbut, Alan Whitehouse, and Harvey Pass who not only provided medical care but worked to raise awareness and call for needed research.

I am standing here on behalf of public health leaders like Dr. Richard Lemen, a former Assistant Surgeon General of the United States; Dr. Phil Landrigan, and people like Andrew Schneider and Barry Castleman who have worked to warn the public about these dangers.

I am standing here on behalf of researchers and advocates, people like Chris Hahn of the Mesothelioma Applied Research Foundation and advocates at the Environmental Working Group.

All of these people have stood with me at press conferences and have testified before Senate hearings, calling for us to help the victims and to ban asbestos. We have a real obligation to them.

I am standing on the Senate floor today to make sure the Senate does right by people who have been wronged.

Let me share one of their voices with my colleagues. In July 2001, the HELP Committee held that hearing that I requested on workplace safety and asbestos exposure. One of the witnesses was Mr. George Biekkola of Michigan, a World War II veteran and a community leader who helped bring a hockey rink to the children of his community.

Those of us who were at that hearing 3 years ago will never forget what he said. He broke down several times as he read his statement, but his message was clear. He told us he had spent 30 years working at the Cleveland Cliff Iron Company in Michigan. He operated a hard rock drill and was exposed to asbestos dust. He was forced to retire at the age of 60 because asbestos had scarred his lungs and reduced his lung capacity by one-third. At that hearing, he told us:

> I thought I'd be spending my retirement traveling out West with my wife, hunting deer up in the mountains. But today I can't.

He said he could not exert himself because his heart was weak and that he had to be careful because a simple case of pneumonia could kill him. He told us:

> This isn't how I thought I'd be spending my retirement, but when I think about the other guys I worked with—I guess I came out lucky.

He said:

> I'm here today to tell you my story so that maybe someone else working in a mine or a brake shop or a factory won't lose the things I have lost.

He concluded his statement with these words:

> Senators, please make sure that what happened to me won't happen to anyone else. . . . Workers like me are counting on you to protect us. Please don't let us down.

I am sad to report that George Biekkola died 2 weeks ago today from asbestosis and mesothelioma. Until the end, he was looking out for other victims. In fact, at his funeral last Saturday his family displayed a photograph of him testifying at that Senate hearing.

George is not with us today, but his words ring as loudly now as they did 3 years ago: Senators, do not let us down.

That is why I have been working on asbestos for the last 3 years and that is why I cannot support this inadequate bill. After all the things that Americans like George Biekkola have been through, after all they have lost, after all their families have lost, after all they have done to protect others, I will not let them down, and that is why I cannot support this bill.

Before I turn to the specifics, I want to put this discussion in context. For decades we have been pumping this poison into Americans, on purpose and by accident. It has wrecked lives, families, and fortunes, and it has been a problem for many businesses. Asbestos is everywhere, and it is killing us. We have to stop putting this killer in products. We have to stop importing products that contain asbestos. We have to figure out a way to make whole everyone who has been affected by this epidemic, and we need to do it in a balanced way that gives certainty and equity to both victims and to companies.

This process has been an education for me because like many Americans I thought asbestos had been banned a very long time ago. In 1989, the EPA did try to ban asbestos, but that effort was overturned in a lawsuit from the asbestos industry. Ten years later, in 1999, reporter Andrew Schneider and the Seattle Post-Intelligencer published articles about a disturbing trend in a small mining town of Libby, MT. Residents there are suffering from extraordinarily high rates of asbestos-related disease. At many plants where vermiculite from Libby was processed and then shipped, waste rock left over from the expansion process was given away for free. I learned that people used this free waste rock in their yards, in their driveways, and in their gardens.

This picture that I have with me today is Justin and Tim Jorgensen. They are climbing on waste rock that was given out by Western Minerals, Inc., in St. Paul, MN, some time in the

1970s. According to W.R. Grace records, this rock they are playing on contained between 2 and 10 percent temuline asbestos. This rock produced airborne asbestos concentrations 135 times higher than OSHA's current standards for workers.

We need to do right by Justin and Tim, and those are the people I think about when I look at this bill.

I learned, in fact, that our country is far behind others. The United States remains the only industrialized country besides Canada that has not yet banned asbestos. More than 30 million pounds of asbestos are still today right now consumed in the United States each year. I learned that asbestos is still found today in over 3,000 common products in the United States, including baby powder, cosmetics, brake pads, pipes, hairdryers, ceiling tiles and vinyl flooring.

It is still legal in 2004 to construct buildings with asbestos cement shingles and to treat them with asbestos roof coatings. It is still legal today to construct new water systems using asbestos cement pipes imported from other countries. It is still legal today for cars and trucks to be made and serviced with asbestos brake pads and linings. Workers in this country are still being exposed to dangerous levels of asbestos. According to OSHA, an estimated 1.3 million employees in construction and general industry face significant asbestos exposure on the job today. Asbestos, in fact, has taken a particularly large toll on the people of my State.

According to a recent report by the Environmental Working Group, King County has the fourth highest number of deaths related to asbestos in the country. Three other counties, Kitsap, Pierce, and Snohomish, all rank in the top 100 for asbestos-related deaths. Overall, Washington State ranks eighth in asbestos-related deaths nationwide. Just last week in Spokane, WA, our State department of health announced that 100 former workers at a vermiculite factory likely inhaled deadly asbestos fibers and should seek advice from their doctors. They also warned that children and spouses who lived with those workers could become ill from particles that were carried home with the loved ones on their clothing, on their hair, and their skin.

Given the known dangers of this mineral, we should all be asking why are we still using it? Why are we still adding it to products on purpose where there are perfectly acceptable substitutes? Americans in every walk of life and in every corner of this country have been exposed, and we have to protect them. That is why I have worked to do a series of things over the past few years.

On June 18 of 2002 I introduced the Ban Asbestos in America Act. I reintroduced that bill again last May as S. 1115.

I do thank all the Senators who have cosponsored my bill: Senators BAUCUS, BOXER, CANTWELL, DASCHLE, DAYTON, DURBIN, FEINGOLD, FEINSTEIN, HOLLINGS, JEFFORDS, LAUTENBERG, LEAHY, and REID.

I have pushed the EPA to warn homeowners about the dangers of Zonolite insulation, which today is in the attics of as many as 35 million homes, schools, and businesses.

I have urged the EPA to warn brake mechanics about the deadly asbestos dust they are exposed to on the job today.

I have asked OSHA to increase its efforts to enforce existing regulations that attempt to protect automobile brake mechanics.

I have shared my concern with legislators in Canada, the country that is the largest source of America's asbestos imports.

I testified at a hearing on Libby, MT, and I testified before the Judiciary Committee last July.

Asbestos liability is a real problem. It is a problem for victims, and it is a problem for companies. We need a balanced solution.

Unfortunately, the bill that is before us today falls short in six ways. First of all, it is unfair to victims because the awards are too small, even smaller than many would get if they were allowed a day in court.

Second, it could lock future victims out of getting help because the trust fund is inadequate.

Third, it keeps Americans in the dark about the dangers of asbestos. It does not include the education campaign that we know is needed and that I have been pushing for over the past 3 years.

Fourth, it falls short on research, tracking, and treatment for asbestos diseases.

Fifth, it makes family members jump through too many restrictive hurdles.

And sixth, it allows insurance companies to place liens on the awards family members receive, unfairly reducing the award they deserve, and treating them much differently than other Federal compensation programs.

Let me take a few minutes to discuss each of those in detail. First of all, as I said, the awards are too small. Many people who had their lives torn apart by asbestos will actually do worse under this bill than they would in court. For example, awards for lung cancer victims who have more than 15 years of exposure to asbestos are limited to $25,000 to $75,000, even though most of those victims will die within a year.

Victims with asbestosis who have lost 20 percent to 40 percent of their breathing capacity, many of whom will be disabled for life, will receive only $85,000. That is far less than their lost wages and medical costs. This bill gives them less than they deserve. At the same time, it blocks the courthouse door to victims who have staggering medical bills, lost wages, and other damages. I do not see how Congress can leave asbestos victims worse off than they are today, but that is what this bill will do.

Second, the trust fund is too small to compensate all the victims, but that is just one of the problems with this trust fund. I believe a successful trust fund will provide fair and adequate compensation to all victims and would bring reasonable financial certainty to defendant companies and insurers. To do that, the trust fund must include four things: Fair award values, appropriate medical criteria, adequate funding, and fast processing.

The system for processing claims must allow victims to get prompt payments, without the complications, time, and expense of a traditional lawsuit. Unfortunately, the trust fund in this bill falls far short of what is needed. I have already discussed how the award values are unfair.

In addition, the trust fund is not adequately funded. In fact, the trust fund in this bill has been slashed dramatically from the original Hatch legislation. In the Judiciary Committee's bill the trust fund was $153 billion. But in this bill we are being asked to vote on the trust fund has been slashed by over $40 billion.

Now, the trust fund didn't shrink on its own. It was reduced after closed-door negotiations that included only one side, the defendant companies and the insurance industry. It was not based on the actual needs of victims. Instead, it was based on what the insurers and businesses were willing to pay. This one-sided agreement reduced the funding provided in S. 1125 by more than $40 billion.

Making matters worse, an additional $10 billion in contingent funds does not become available for 24 years. The Senate should not adopt a policy of adjusting award values just to meet an arbitrary and artificial limit reached in a back room with only one side present.

Not only was this figure arrived at in an unfair way, but it is clear it is not enough to meet the needs of current and future asbestos victims.

The Congressional Budget Office has estimated the cost of this bill at $134 billion. This bill provides only $109 billion. So there is a significant shortfall already. But there is very good reason to believe this shortfall will be even larger. Recent claims in the Manville trust show much higher than expected claims for many asbestos diseases. Those claims also show that recent mortality and morbidity data increase the likelihood that the number of asbestos-related diseases and related claims will exceed current estimates.

If this fund becomes insolvent it will leave victims without the help they deserve and without the help they need.

Because of that possibility, last year Senators inserted a number of protections during the Judiciary Committee markup. Tragically, very tragically, the bill before us today throws away all of those carefully crafted bipartisan protections.

For example, we had protections for victims in case the trust fund became insolvent. Those protections in the Biden amendment were stripped from this bill.

We had protections that guaranteed that asbestos victims would preserve their legal rights until the trust fund is operational. That is important because if this bill becomes law, it will end up in court and there will be no mechanism for victims and their families to get help while this law is tied up in court. We solved that problem with the Feinstein amendment, but again those protections were stripped from this bill.

So overall this trust fund is inadequate. If we are going to lock the courthouse doors to victims, we have to be 100 percent certain the trust fund will have enough money to cover all of the 600,000 current claims and the thousands more that may be found later. This is especially important because asbestos diseases have a very long latency period, often decades long, making it hard for us to predict today who will need help in the future. If we pass this inadequate trust fund, my constituents and hundreds of thousands of Americans will be left out in the cold with only the fading memories of their loved ones to carry them through this tragic ordeal.

My third concern with this bill is it keeps Americans in the dark about the dangers of asbestos exposure. This bill completely drops the education campaign that was in both of my asbestos bills. One of the reasons why asbestos takes such a deadly toll is because people are unaware that they're being exposed to it.

Ralph Busch, a constituent of mine, exposed himself and his wife to asbestos when he renovated his home. He never knew about the dangers until he happened to read a story in the Seattle Post-Intelligencer. Today, his dream house is abandoned, his credit is ruined, and his health is a constant worry. Ralph Busch didn't do anything wrong. He couldn't have known about the danger of Zonolite insulation. There is no way that Ralph Busch could have known that by buying and renovating an old house he would eventually expose his family to dangerous levels of asbestos.

We must make sure others do know about this public health risk by providing additional resources to educate the American public about the dangers of worksite and home exposures to products that contain asbestos.

We must also provide safety information to homeowners on what they can do to prevent asbestos exposures at home, particularly in the attic and basement.

In addition to homeowners, many workers are exposed to asbestos on the job. Often they are not aware of the danger, and they don't have the protective equipment they need.

I am heartened to hear that EPA, ATSDR and NIOSH are now proactively reaching out to consumers and workers to warn them to stay away from vermiculite attic insulation. But, I am very concerned that the EPA, prodded by a request from the law firm of the former acting agency administrator, is considering revising its "Guidance for Preventing Asbestos Disease Among Auto Mechanics" to convey the false impression that brake repair work is no longer a risk.

Clearly, any effort by the EPA to downplay these risks flies in the face of current congressional intent regarding the inherent health problems with exposure to asbestos in the workplace. I sincerely hope that EPA will not bow to the pressure of the industry and in fact strengthen its guidance for brake mechanics.

My fourth concern is that this bill does not do enough for research, tracking and treatment.

I want to thank Senator HATCH for including some modest resources in his latest version of the bill—which should be used to establish mesothelioma research and treatment centers around the country. Yesterday I was pleased to hear Senator HATCH say that he would be willing to explore additional funding for asbestos research and treatment centers. These centers will be critical as the medical community works to develop new treatments and protocols for the variety of deadly cancers and diseases that exposure to asbestos brings to workers and their families.

Unfortunately, not included in S. 2290 are the resources needed to track the victims of mesothelioma and other asbestos causing cancers, and to conduct additional research about the harmful effects of this deadly material.

These are areas that doctors and other experts have told me time and again we must invest in. I heard from some of those doctors last month at a press conference I held, which Senator REID and Senator DAYTON attended. At the press conference, Dr. Bret Williams of North Carolina said, "As a doctor, a cancer patient, a husband and father, I am asking my government to take a stand. Fix the problem. Give us hope. Fund a mesothelioma research program. Please invest in a cure."

A surgeon from Detroit, Dr. Harvey Pass, told us that progress on asbestos diseases requires funding, and he said that funding, "remains absolutely insufficient to set up the type of collaborative approaches that already exist with lung cancer, breast cancer, prostate cancer, and colon cancer."

The fourth problem with this bill is its inadequate support for research, tracking and treatment of asbestos diseases.

My fifth concern with this bill is the way it treats family members. Under this bill, family members of victims will be forced to jump through an additional series of hoops, reducing the likelihood they will ever receive an award.

Let us remember that these family members have lost loved ones. In many cases they are vulnerable themselves because they came into contact with asbestos fibers through a family member. Take the case of Susan Lawes. Her father was a pipe fitter and was exposed to asbestos on the job. When he came home from work, asbestos fibers were still on his clothes. He would walk through the door after the end of a long day and give his daughter a hug. Last month, Susan was diagnosed with an asbestos disease. As she told me," I am literally dying because I hugged my dad."

Susan and many people like her are not treated fairly under this bill. The children and the spouses of workers should not have to prove five years of exposure to asbestos from their husbands and fathers as they would under this bill. They also should not be forced to appear before a special Physicians Review Board in order to determine their medical condition and whether they are eligible for a compensatory award.

It is the same for people in Spokane, WA. Spokane is one of the 22 sites that EPA has determined is still contaminated. Why are we forcing these innocent victims of take-home asbestos exposure to jump through extraordinary hoops to determine their eligibility of an award?

My fifth concern is the unfair way this bill treats family members—making them jump through hurdles that reduce the chance they will ever get the help they need.

Finally, this bill allows insurance companies to reduce any awards that victims actually receive—something that is not found in similar federal plans.

This bill allows insurance companies to place liens on the awards that victims and family members receive.

I find it unconscionable that health insurance companies and other entities can recoup their costs by placing liens on the awards family members receive in compensation for their loss of a father, a husband, a son or a daughter.

These workers were often the only breadwinners in their households, but this bill tells their surviving family members that they can be sued by their health insurance provider for a substantial part of an award—an award that as I've shown may already be inadequate.

What is especially disturbing is other federal compensation programs do not allow this type of action, but for some reason, asbestos victims are being given fewer protections. For example, the awards provided to victims in federal compensation programs like the Radiation Exposure Compensation Act, the Energy Employees Occupational Illness Compensation Program Act and the Ricky Ray Hemophiliac Relief Fund Act are not subject to liens by workers compensation insurers. I don't know why the authors want to treat asbestos victims differently, but I do know that it is not fair, and it's one of the reasons why I can't support this bill.

In the end, this bill falls far short of what victims deserve. The awards are too small. The trust fund is inadequate. It fails to educate Americans about the dangers of asbestos. It falls short on research, tracking and treatment for asbestos diseases. It puts unfair burdens on family members, and it allows insurance companies to reduce a victim's award.

I have been fighting on this for years, and it makes no sense that we could squander this moment with a bill that is so inadequate. George and Gayla and Ralph and Marv and Bret and Brian deserve so much better, and I will continue to fight for them.

Regardless of what happens with this bill, the one thing we must do is ban asbestos, and I assure my colleagues that I will keep fighting for that. I do want to pass a law. We need a real solution. I don't want companies going bankrupt. I don't want victims going without the help they need. I still think we can do it, and I will continue to fight for a balanced and fair bill that will do right by victims across the country. We have an obligation to them and their families. I have been fighting for them for the last 3 years. No matter what happens this week, I am not going to stop now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I preface my remarks by saying my thoughts are with the victims of asbestos exposure, those families that have lost loved ones, and those that have to live with the debilitating illness caused by asbestos. They are at the forefront of my mind and in my heart as I discuss this issue of asbestos liability.

I want to be sure the legislation we pass today will ensure that those truly sick individuals are allowed fair and just compensation. Without the passage of this legislation, they will not be compensated. As hundreds of companies will cascade into bankruptcy, we will lose thousands of good-paying jobs and see the pensions of thousands of retirees evaporate.

Most people would agree that the issue of asbestos litigation and its aftermath is presenting a crisis in our country. With roughly 70 companies already in bankruptcy and a slew of bankruptcies soon to follow, the U.S. Supreme Court had it right when they called this an elephantine mess.

People need to understand this mess has far-reaching effects and ripples and they are being felt way beyond corporate boardrooms. They are being felt intensely by middle America, people from States such as Ohio, in the form of job loss. We have lost over 2.7 million manufacturing jobs in the United States. In my State alone, in July, there were 1 million manufacturing jobs in 2000, but by October 2003 that fell to 840,000, 17.6 percent of our State's manufacturing employment, a loss of more than 1 out of every 6 Ohio factory jobs. These numbers represent a crisis for Ohio's economy. Already, roughly 70 companies have been forced into bankruptcy with between 52,000 and 60,000 jobs lost as a result.

Shattered families and communities. The statistics are only the beginning as thousands of jobs were subsequently lost in industries dependent on those bankrupt firms. In fact, a recent study by Financial Institutions for Asbestos Reform and conducted by Navigant Consulting details the hidden cost of this crisis and shows how passage of Federal asbestos legislation would provide a tremendous boost to the economy and create jobs. Dr. William Kerr, author of the study, said the failure to enact legislation would reduce economic growth by $2.4 billion per year. Failure to enact legislation could reduce economic growth by $2.4 billion per year, costing more than 30,000 jobs annually. Extended over a 27-year frame, as contemplated, this means the loss of more than 800,000 jobs and $64 billion in economic growth.

Another study, entitled The Secondary Impacts of Asbestos Liabilities, conducted by NERA Economic Consulting for the U.S. Chamber of Commerce, shows how asbestos lawsuits can cause secondary harm to businesses, governments, communities, and individuals. The study found the ripple effects of plant closures and mass layoffs, such as causing local real estate values to fall, per capita income to decline, and tax coffers to dwindle. The study estimates the total cost to taxpayers of unemployment insurance benefits to displaced workers for asbestos-related bankruptcies at $80 million. The study put the indirect cost of the company closing due to asbestos liability at as much as $2.1 billion. If nothing is done to resolve what has been described as the elephantine mess of asbestos litigation, scores, if not hundreds, of additional businesses will be forced into bankruptcies and tens of thousands of additional workers will find themselves unemployed. Retiree and workers who spent decades working for retirement will see their life savings vanish.

This crisis can really be felt in my home State of Ohio. In fact, Ohio is the fifth biggest State in the country in terms of asbestos claims hanging around our court. In Cuyahoga County, more than 41,000 asbestos cases have swamped the court system. At least 20 large Ohio companies, representing more than 80,000 employees, are the targets of asbestos litigation. Of course, over the past few years the circle of liability has expanded to pull in more and more solvent companies, many of which never manufactured or installed asbestos.

There are numerous examples of Ohio companies negatively impacted by this crisis. Take the case of Federal Mogul, a company that employs over 1,200 in six cities through my State. Employees held 16 percent of the company stock. That stock lost 99 percent of its value. Current employees and also retirees feel the effects of the bankruptcies. Many retirees depend on company stock and dividends for income, and as this value heads south, retirees feel it immediately.

Another company which does a lot for the Toledo area is Owens Corning. As Governor, I worked hard to get Owens Corning to put the new corporate headquarters in downtown Toledo to help facilitate the city of Toledo renaissance. Owens Corning, unfortunately, went bankrupt in 2000. In the 2 years preceding this bankruptcy, the stock lost 97 percent of its value. Fourteen percent of the stock was owned by company employees.

Another Ohio company spoke with me off the record about its growing asbestos liability. When this company announced it had limited asbestos liability, the stock dropped by about 20 percent and its debt rating was lowered. This began a chain-reaction ripple effect that included the loss of over 100 jobs, the sale of assets, a 50-percent cut in capital investments, and a huge cut in the amount of contributions to the surrounding community.

As a former mayor, I know firsthand the impact of what happens when companies go bankrupt. Many of us forget that these companies make a significant contribution to the tax revenues of the cities in which they are located, including their philanthropic contributions, such as United Way, arts, education, health care, and many other forms of community involvement. As I have said before, companies such as this one make up the backbone of the Ohio economy. They do not want to shirk their responsibility to those victims who will become sick truly because of asbestos exposure; they want to know that they are not compensating those individuals who are unimpaired.

Ohio feels the crisis most acutely. It has so impacted my State of Ohio that the State legislature has decided to act where the Federal legislature has failed to do so. On December 11, 2003, the Ohio House of Representatives approved a bill to make Ohio the first in the Nation to block suits by people exposed to potentially deadly asbestos but who have yet to fall ill. The bill would adopt State medical standards for such litigation, allowing lawsuits to be filed by those who have yet to develop cancer or suffer measurable loss of lung function to be placed on hold until they do actually develop the symptoms.

I applaud the State of Ohio for recognizing the true magnitude of the threat to Ohio citizens and for not waiting for Washington to act. With the passage of this bill, Ohioans who are sick from asbestos exposure will go to the top of the court dockets where they belong. Finite resources will be available for those who need compensation most. The people who are now sick will be able to file claims.

Now, if we could only get something done here. I have been working on this issue since I was elected to the Senate, and I have been a cosponsor to several pieces of legislation, including the Asbestos Tax Fairness Act and both versions of the Fairness in Asbestos Injury Resolution Act. I have testified twice before the Judiciary Committee on the need for this legislation. I have lobbied my colleagues in the administration on the need to see this bill passed.

If we want to get something done, we need to do it now. Now is the time. We passed the FAIR Act out of the Judiciary Committee last summer and have spent the time between then and now negotiating to try to find a solution that everyone can support. That is almost a year that we have been negotiating back and forth trying to figure out something we think will be fair to everyone. The time has come for action. We cannot afford any more delays. The ever rising tide of corporate bankruptcies affect victims' compensation so that the truly sick asbestos victims in too many cases and more and more frequently only receive pennies on the dollar. In addition, employees of bankrupt companies suffer as they watch their jobs disappear and their pensions in 401(k) plans decrease dramatically. Again, we have to do something now, not later. Passage of this legislation will get us well on our way. And we have never come closer to resolving the asbestos litigation crisis than this legislation.

This bill provides for a privately funded, no-fault, national asbestos victims compensation fund that will replace the broken tort system and ensure that individuals who are truly sick receive compensation quickly, fairly, and efficiently. It retains the bipartisan agreement on medical criteria that was approved unanimously by the Judiciary Committee. These criteria form the basis of a no-fault victims' compensation fund that will stop the flow of resources to the unimpaired and ensure that the truly ill will be paid quickly and fairly.

The bill contains many improvements made to its predecessor and reflects the product of the last several months of extensive negotiations by the stakeholders in this debate—all of the stakeholders.

I urge my colleagues to vote for cloture on this very important piece of legislation.

On a broader scale, the litigation crisis in this country is like a tornado ripping its way through our economy. The American Tort Reform Association published a study in 2002 on the impact of litigation in Ohio and found that it costs every Ohioan $636 per year—that is every Ohioan, all 11.5 million. That is $636 a head. A large part of it is due to the issue that we have before us today, asbestos. We need to move immediately on this issue.

In my opinion, passing responsible asbestos reform legislation to ensure that the truly injured receive fair and just compensation, and to prevent more companies from sliding into bankruptcy, will do far more for Ohio's economy than many other stimulus proposals we have been talking about on the floor of the Senate or in our respective committees.

The consequences of inaction are grave. As previously mentioned, a large swath of corporate America is at risk, jeopardizing the jobs of thousands of employees, impoverishing retirees, and shattering families and communities. America's clear national interest lies in making sure asbestos funds are available for those who become sick and lifting an ominous cloud of litigation from our troubled economy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FALSE ADVERTISEMENT BY SPECIAL INTEREST GROUPS

Mr. INHOFE. Mr. President, I have to admit that I do not read the New York Times cover to cover each day. But from time to time, items in that paper do catch my attention. For instance, when a group runs a full-page advertisement, one cannot help but at least glance at the ad.

A couple weeks ago, one such advertisement caught my attention. It was a full-page advertisement placed in the New York Times by two special interest groups: the Natural Resources Defense Council and Moveon.org. These two special interest groups are especially vocal and devoted solely to disparaging the environmental record of the Bush administration.

I have an enlarged version of that advertisement that ran in the New York Times. It is chart 1. As you can see, it states, in large print: "First Arsenic, Now Mercury." It has pictures of President Bush alongside a powerplant billowing with smoke. The ad makes such claims as: the President's policies are the source for mercury contamination in fish and that the President is simply following the wishes of industry contributors. The ad makes direct statements such as: "So why is President Bush trying to weaken controls on mercury pollution?"

I am chairman of the Environment and Public Works Committee, so this ad was of particular interest to me for at least a couple reasons. To anyone reading this advertisement, the reader would naturally assume there must be some already existing controls on mercury emissions from powerplants because the ad explicitly claims that President Bush is trying to weaken those controls.

How can you weaken controls if there are no controls to start with? So it is assuming there are controls existing. This claim is completely false. I believe this chart demonstrates that. The NRDC's lobbying claim is that the President is weakening controls on mercury emissions from powerplants. The facts, however, are very different.

On December 15, 2003, this President proposed the first ever controls on mercury emissions from utilities. Now, keep in mind, there were no controls before, none whatsoever. How can you weaken controls if there are no controls there?

The Clinton administration had 8 years to propose such controls and did not. In nearly 3,000 days as EPA Administrator, how many mercury regulations on powerplants did former EPA Administrator Carol Browner issue? Zero. Instead, in the last month of the eighth year of the Clinton administration, Carol Browner deftly handed a regulatory lemon to the Bush administration that she was unwilling to impose during the Clinton administration. What a courageous move.

I am very proud that President Bush and his EPA Administrator, Mike Leavitt, have shown leadership where President Clinton and Carol Browner fumbled and failed. In fact, Administrator Leavitt testified before the Environment and Public Works Subcommittee on Clean Air in a hearing on April 1, 2004. In questioning, the Administrator ably drew the line between fact and fiction regarding the President's proposals regulating mercury from powerplants. I want to read to you one of his quotes. The Administrator explained:

> One fiction is that the EPA does not view mercury as a toxin. The fact is mercury is a toxin and it needs to be reduced. Another fiction is that somehow the agency is seeking the Administration to roll back standards. The fact is there has never been a standard, this will be the first time that we will have regulated mercury from power plants in our Nation's history and we want to do it right.

Now, that is what Administrator Leavitt said, reemphasizing there has been no regulation on mercury.

Why shouldn't we propose the right mercury rule based on sound science? There are no existing control standards for utility mercury emissions, so how can President Bush weaken a control standard for mercury that does not exist? That simply does not make sense.

The NRDC has been a prominent national special interest group for many years. So why would the NRDC run such an ad that is completely false? I believe the answer to that question leads me to the second reason this ad was of particular interest to me.

I had this advertisement enlarged to highlight one particular part of it. Keep in mind, this was a full-page ad that cost, as I understand it, around $110,000 for 1 day.

This is what was on the bottom, if you will notice the perforated block at the end of the full-page ad circled in red. I especially wanted to highlight this portion of the ad pictured on the chart because this block is the reason why this ad ran. This perforated block is a contribution form. The contribution form states:

> Yes, I want to join the Natural Resources Defense Council and help thwart President Bush's plan to weaken controls on toxic mercury.

This is the most important part:

> Here is my tax deductible gift of $ [blank].

The form further states to "make your check payable to the NRDC and mail it to the NRDC mercury campaign."

I believe it is bad enough to run a false advertisement, but to solicit charitable contributions based on that false advertisement is especially troubling. The New York Times is widely distributed in my home State of Oklahoma, as it is throughout the rest of the country. It would be very disturbing to learn that based on a false ad, people are scared into contributing.

For the past several years, my State of Oklahoma has been rated in the top 25 percent of States for charitable contributions per gross income. It would greatly trouble me if even one of these contributors was misled by any charitable solicitation.

The Council for Better Business Bureaus, a national organization, compiles a Wise Giving Alliance report authorizing a seal of approval to charities that meet the organization's standards. One of the standards the council has established to measure charities deals with solicitations by those charities. Part C of those standards states the following:

> 1. Solicitations and informational materials, distributed by any means, shall be accurate, truthful and not misleading, both in whole and in part.
>
> 2. Soliciting organizations shall substantiate on request that solicitations and informational materials, distributed by any means, are accurate, truthful and not misleading in whole or in part.

The NRDC, describing itself as a charity, should substantiate this false advertisement. The President has proposed the first controls on mercury emissions from powerplants, the first ever. The Better Business Bureau should hold the NRDC accountable for their purposefully misleading statements. However, NRDC's irresponsibility is sanctionable in other manners as well.

Solicitations by charitable organizations are regulated in part by Federal statutes and case law. However, the solicitation of charitable contributions is mainly regulated by individual State law, and violations of solicitation statutes can be prosecuted under state law. Solicitation by charitable organizations is strictly regulated against fraud and misleading advertisement under the Oklahoma statutes. Oklahoma State law reads in relevant part:

> Any person [or organization] who attempts to solicit any contribution as a charitable organization by means of knowingly false or misleading advertisement shall lose its status as a tax exempt organization and upon conviction be guilty of a felony.

This criminal liability extends to all officers and agents of the charity involved in the solicitation. We take this very seriously in Oklahoma. At least 40 other States have just as strict statutes against soliciting contributions by misleading advertising.

Arguably this ad by NRDC may be unlawful in as many as 40 other States that also have charitable solicitation statutes. This advertisement by the NRDC and MoveOn.org explicitly states the President is weakening mercury standards while they are trying to swindle contributions from people all across the country who may see this advertisement. I don't know what else this ad represents, but specifically NRDC, which describes itself as a charitable organization on its Web site, soliciting contributions by making knowingly false statements to cheat people out of contributions—in Oklahoma, that could make you a felon.

The most shocking part of this is not even that NRDC is running a completely false ad or NRDC is running a completely false ad simply to fleece people for contributions; the most shocking part is the American taxpayer subsidizes the NRDC hundreds of thousands of dollars each year to conduct this type of activity. Public IRS records for the last several years demonstrate NRDC regularly receives thousands of Federal grant dollars each year. In 2002, the NRDC received more than a half million dollars in government grants. In 2003, the NRDC was additionally awarded more than half a million dollars again in government grants. The cycle continues year after year after year.

The Environment and Public Works Committee has oversight jurisdiction over several Federal agencies. I believe my committee has the obligation to ensure Federal funds allocated to these agencies are used responsibly.

One agency in particular under the jurisdiction of the committee I chair, the Committee on the Environment and Public Works, is the Environmental Protection Agency. The committee has the responsibility to assure American taxpayers their money is going toward accomplishing the EPA's mission of protecting human health and the environment.

On March 3, my committee held its first hearing into the matter in which EPA allocates grants each year. The EPA is a granting agency, allocating more than half of its $8 billion annual budget in grants to State, local, tribal governments, educational institutions, nonprofit organizations, and a variety of other recipients. I announced at the hearing the committee was going to take its oversight responsibilities seriously in regard to grants management, and I intend to take this responsibility seriously until real changes are made in grants management.

The committee heard testimony of problems with grants management. I am confident we will begin to make real changes with the leadership of the Bush administration and Administrator Leavitt.

However, the NRDC, for example, has made it a matter of doing business to apply for Federal grant awards that I believe help subsidize it to run ads such as this one. It costs more than $110,000 a day to run a full-page ad in the New York Times. The NRDC and MoveOn.org are spending thousands of dollars to purposely misrepresent the Bush environmental record and scare people into contributing based on those false representations.

I am announcing that I am sending letters today to the two largest judicial jurisdictions in Oklahoma and requesting those district attorneys to investigate the legality of this advertisement in Oklahoma. I am also sending a letter to the Better Business Bureau requesting that organization to more carefully consider this false advertisement in their rating of the NRDC in awarding their Wise Giving Alliance seal and ask that it formally request NRDC to substantiate its baseless claim.

I ask unanimous consent that all three letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, April 21, 2004.

Hon. TIM HARRIS,
District Attorney, Tulsa County Courthouse, Tulsa, OK.

DEAR TIM: I am writing to bring to your attention an advertisement that ran in the

New York Times on March 26, 2004. A copy of this advertisement is attached to this letter. I wanted to highlight issues of concern to me in this advertisement. The New York Times is widely distributed in Tulsa, Oklahoma, throughout Oklahoma, and the rest of the country. This advertisement makes claims that due to President Bush's policies concerning environmental protection specifically concerned regulations on mercury emissions from public utilities, more toxic mercury will be emitted into the air. It pictures President Bush next to a picture of a power plant billowing with smoke, and specifically solicits contributions to the Natural Resources Defense Council, a IRS designated 501(c)(3) organization, to "help thwart President Bush's plan to weaken controls on toxic mercury."

As you are aware, I am Chairman of the U.S. Senate Committee on Environment and Public Works, so this advertisement was of particular interest to me. One of the issues before this Congress is regulation emissions from power plants. President Bush has proposed the first controls on toxic mercury emissions from utilities. Currently there are no existing controls on mercury emissions from utilities. The Clinton Administration had eight years to propose such controls and did not. I believe NRDC's claim that President Bush is trying to weaken control on mercury pollution is completely false and simply an effort to raise contributions.

It is irresponsible enough that NRDC runs false advertising, however, it is also attempting to solicit contributions as a 501(c)(3) and self-described charitable organization.

I understand that there are federal statues governing charitable solicitations, but I also know that Oklahoma state statutes address perceived false solicitation by a charitable organization under The Oklahoma Solicitation of Charitable Contributions Act (18 Okl.St.Ann. §552.1 et seq). What I find particularly interesting is the penalties section of the Act stating the following:

"Any person who solicits or attempts to solicit any contribution as a charitable organization or for a charitable purpose by means of knowingly false or misleading representation, advertisement or promise or any person violating the provisions of this act, including the filing of false information hereunder, shall lose its status as a tax-exempt organization, and shall be taxed in the same manner and at the same rate as any other corporation, and shall upon conviction be guilty of a felony punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, and every officer or agent of a charitable organization who authorizes or conducts illegal solicitations shall be jointly and severally liable for such fine." (18 Okl.St.Ann. §552.18).

I know that your office is continually engaged in prosecuting hundreds of felony cases each year with tremendous success. As a resident of your jurisdiction, I appreciate the work of your office. Any attention that your office could provide to this matter would be greatly appreciated. I intend to highlight the irresponsible activities, like the enclosed advertisement, by groups like NRDC that the federal government subsidizes with hundreds of thousands of taxpayer dollars in grants and other financial assistance each year.

Thank you again for your attention to this matter.

Sincerely,

JAMES M. INHOFE,
Chairman.

First Arsenic Now Mercury—George Bush's EPA and the Politics of Pollution

America learned this week that tuna, and many other fish, can contain harmful levels of toxic mercury. Forty-five states already post warnings of mercury contamination in their lakes and streams. So why is President Bush trying to weaken controls on mercury pollution?

It's deja vu all over again. Early in his presidency, George Bush tried to allow more arsenic in drinking water. Now, he wants the EPA to let coal-fired power plants treat their mercury pollution as "non-hazardous" even though mercury threatens pregnant women and children.

The Bush administration's ploy would allow coal-fired power plants to put more mercury into the air, where it rains down on lakes and oceans, is swallowed by fish, and could wind up on your plate. Exposure to mercury can cause learning disabilities and neurological damage in kids and the developing fetus.

Guess who is praising this scheme? Coal power companies, who are big mercury polluters and big political contributors, too.

THE MERCURY MONEY TRAIL

The big mercury polluters and their trade associations are aggressive political players in Washington. Their executives and PACs are also generous political donors. It's no surprise that the Bush administration is following the industry's script for weakening mercury regulations.

Last time around, President Bush had to back down on arsenic in the face of a massive outcry from people across the political spectrum.

Let's make history repeat itself.

Tell President Bush to get serious about reducing mercury pollution. Our kids deserve no less. Let the Bush administration and the EPA hear your voice about its proposed mercury rule. Go to www.nrdc.org—NRDC, MoveOn.org, Democracy in Action.

U.S. SENATE, COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, April 21, 2004.

Hon. WES LANE,
District Attorney, Oklahoma County Courthouse, Oklahoma City, OK.

DEAR WEST: I am writing to bring to your attention an advertisement that ran in the New York Times on March 26, 2004. A copy of this advertisement is attached to this letter. I wanted to highlight issues of concern to me in this advertisement. The New York Times is widely distributed in Oklahoma City, throughout Oklahoma, and the rest of the country. This advertisement makes claims that due to President Bush's policies concerning environmental protection specifically concerning regulations on mercury emissions from public utilities, more toxic mercury will be emitted into the air. It pictures President Bush next to a picture of a power plant billowing with smoke, and specifically solicits contributions to the Natural Resources Defense Council, a IRS designated 501(c)(3) organization, to "help thwart President Bush's plan to weaken controls on toxic mercury."

As you are aware, I am Chairman of the U.S. Senate Committee on Environment and Public Works, so this advertisement was of particular interest to me. One of the being considered before this Congress is regulation on emissions from power plants. President Bush has proposed the first controls on toxic mercury emissions from utilities. Currently there are no existing controls on mercury emissions from public utilities. The Clinton Administration had eight years to propose such controls and did not. I believe NRDC's claim that President Bush is trying to weaken control on mercury pollution is completely false and simply an effort to raise contributions.

It is irresponsible enough that NRDC runs false advertising, however, it is also attempting to solicit contributions as a 501(c)(3) organization and self-described charitable organization.

I understand that there are federal statutes governing charitable solicitations, but I also know that Oklahoma state statues address perceived false solicitation by a charitable organization under The Oklahoma Solicitation of Charitable Contributions Act (18 Okl.St.Ann. §552.1 et seq). What I find particularly interesting is the penalties section of the Act stating the following:

Any person who solicits or attempts to solicit any contribution as a charitable organization or for a charitable purpose by means of knowingly false or misleading representation, advertisement or promise or any person violating the provisions of this act, including the filing of false information hereunder, shall lose its status as a tax-exempt organization, and shall be taxed in the same manner and at the same rate as any other corporation, and shall upon conviction be guilty of a felony punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, and every officer or agent of a charitable organization who authorizes or conducts illegal solicitations shall be jointly and severally liable for such fine." (18 Okl.St.Ann. §552.18).

I know that your office is continually engaged in prosecuting hundreds of felony cases each year with tremendous success. Any attention that your office could provide to this matter would be greatly appreciated. I intend to highlight the irresponsible activities, like the enclosed advertisement, by groups like NRDC that the federal government subsidizes with hundreds of thousands of taxpayer dollars by way of grants and other financial assistance each year.

Thank you again for your attention to this matter.

Sincerely,

JAMES M. INHOFE,
Chairman.

U.S. SENATE, COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, April 21, 2004.

Mr. KEN HUNTER,
Council of Better Business Bureaus, Wilson Blvd., Arlington, VA.

DEAR MR. HUNTER: I am writing to bring to your attention an advertisement that ran in the New York Times on March 26, 2004. A copy of this advertisement is attached to this letter. I wanted to highlight issues of concern to me in this advertisement. The New York Times is widely distributed throughout the country. This advertisement makes claims that due to President Bush's policies concerning environmental protection specifically concerning regulations on mercury emissions from public utilities, more toxic mercury will be emitted into the air. It pictures President Bush next to a picture of a power plant billowing with smoke, and specifically solicits contributions to the Natural Resources Defense Council, a IRS designated 501(c)(3) organization, to "help thwart President Bush's plan to weaken controls on toxic mercury."

As Chairman of the U.S. Senate Committee on Environment and Public Works, this advertisement was of particular interest to me.

One of the issues considered before the Congress is multi-emissions legislation. On December 15, 2003, the Environmental Protection Agency proposed the first controls on toxic mercury emissions from power plants. Currently there are no existing controls on mercury emissions from public utilities. I believe NRDC's claim that President Bush is trying to weaken controls on mercury pollution is completely false and simply an effort to raise contributions.

It is irresponsible enough that NRDC runs false advertising, however, it is also attempting to solicit contributions as a 501(c)(3) organization and self-described charitable organization.

I understand that the council for Better Business Bureaus rates charities by its Wise Giving Alliance standards requiring that solicitations be "accurate, truthful, and not misleading in whole and in part" and that charities be required to substantiate all claims. I request that the Council require the NRDC to substantiate its claims and consider this false advertisement in future ratings of this charity.

Thank you for your attention to this matter.

Sincerely,

JAMES M. INHOFE,
Chairman.

Mr. INHOFE. A couple years ago, I read a series of articles in the Sacramento Bee highlighting the facade of many environmental groups. The article made the point that today's environmental groups, like NRDC, are more about their own prosperity than environmental protection. I still have those articles in my office. I thought one particular quote was especially fitting.

The author wrote of environmental groups:

> Competition for money and members is keen. Litigation is blood sport. Crises, real or not, is a commodity, and slogans and sound bites masquerade as scientific fact.

That quote was written in 2001. It is still more true today in 2004. But it is not something new. That quote captures the way NRDC and its cohorts have been doing business for years. They should be responsible. They should be truthful. This type of activity goes beyond what the NRDC does with Federal tax dollars, but I intend to explore what NRDC and groups like it are also publishing and the extent of the rampant false claims made by these groups the American taxpayers help to fund each year.

We are not going to allow this to continue. They are getting into the types of discretionary grants we are dealing with through the EPA and other agencies. It is shameful that it is going on. We are now in a position, with the committee I chair, to do something about it. We intend to do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, might I inquire as to how much time I would have to speak on the floor now?

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa has been allotted 15 minutes to speak in morning business.

REFOCUSING OUR HEALTH CARE SYSTEM

Mr. HARKIN. Mr. President, last week the Labor, Health, and Human Services Subcommittee of Appropriations held a hearing in my State of Iowa. I wanted to learn more about the medical and financial ramifications of chronic conditions such as obesity, tobacco use, mental illness, and lack of physical activity. I come away from that hearing and other hearings that we have had in Washington, and others we have had going back probably over a dozen years, even more convinced that we need to refocus our health care system toward wellness and prevention. I am convinced now more than ever that we really do not have a health care system in America. We have a "sick care system" in America. I will say more about that in a moment.

At the hearing and at others before that, we heard the familiar litany of grim statistics associated with these chronic conditions. But we also heard from Iowans, students and adults, who are taking matters into their own hands, doing innovative things to promote wellness and healthier living in their communities.

In the United States we spend in excess of $1.5 trillion a year on health care. Fully 75 percent of that total is accounted for by chronic diseases, such as heart disease, cancer, diabetes. What these diseases have in common is, in so many cases, they are preventable. In the United States we fail to make an up-front investment in prevention, so we end up spending hundreds of billions on hospitalization, treatment, and disability.

This is foolish, and clearly is unsustainable. We need a new paradigm in American health care. We need a prevention paradigm. As I said, right now we have a sick care system in the United States. If you get sick, one way or another you get care, either through health insurance or through Medicaid, Medicare, or something like that. Of course we know we have 43 million uninsured who do not have access, even, many times, to our sick care system. But what we need is a genuine health care system, a system focused on wellness and prevention, a system focused on keeping you healthy in the first place.

Consider the cost of major chronic diseases, diseases that in many cases are preventable. The annual costs for cardiovascular disease are about $352 billion; for obesity, $117 billion a year; for diabetes, $132 billion a year; for smoking, more than $75 billion a year; and for untreated mental illness, $79 billion a year. Indeed, major depression is the leading cause of disability in the United States.

If I bought a new car and I drove that car off the lot and I never maintained it, I never checked the oil, I never changed the oil, I never checked the transmission fluid, never got it tuned up, I just drove it, you would think I was crazy, not to mention grossly irresponsible. The commonsense principle with an automobile is: Pay a little now, keep it maintained, or you are going to pay a whole lot later for a new engine.

It is the same with our national health priorities. Right now our system is in a downward spiral. We are not paying a little now so we are paying a whole lot later. If we are serious about bringing down health care costs, we must get people access to preventive care. We must give people the tools they need to stay healthy. We must build incentives throughout the entire society, incentives for prevention and wellness. This will take a sustained commitment from government, schools, communities, employers, health officials, and of course the food industries. But this can have a huge payoff for individuals and families, for employers, for society, and for the economy at large.

One condition in particular is fast becoming our Nation's leading public health threat: being overweight and obesity. Several weeks ago a new study came out that confirms what many of us already know. Obesity, unhealthy diets, and lack of physical activity have made us a nation at risk. The Centers for Disease Control and Prevention did a study that determined that poor diet and lack of physical activity are now the second leading cause of death in the United States, contributing to at least 400,000 deaths annually.

I think this chart shows the startling statistics very clearly. This is from the Centers for Disease Control and Prevention. The actual cause of death in the United States in 1990 from tobacco was 400,000. By the year 2000 the cause of death by tobacco was 435,000. But look at this. Poor diet and physical inactivity, in 1990: 300,000 deaths; by 2000, 400,000 deaths. So while the cause of death from tobacco use had gone up less than 10 percent in 10 years, the cause of death from poor diet, obesity, and physical inactivity went up 33 percent in one decade. It is now the second leading cause of death in the United States.

One of the authors of this study was the Director of the Centers for Disease Control and Prevention, Dr. Julie Gerberding. The media and the American public increasingly recognize this growing crisis. Seemingly every day I open the paper and read about the public health impacts of chronic disease. A recent cover of the Economist magazine hit the nail on the head. If we don't act now and act aggressively, the progress we have made in promoting health and fighting disease, all of the public health gains we have made in the last couple of hundred years, will be totally wiped away.

I thought this illustration from the Economist showed the progress of humankind as we became more and more like modern man—and then here we are, descending into obesity and overweight. That was the cover of the Economist last December entitled "The Shape of Things to Come." Of course, here he is, drinking his supersized soft drink, walking down the road to chronic illness and disease.

In 1990, 1997, and 2002, the Centers for Disease Control and Prevention did a State-by-State obesity prevalence study. I am going to show three charts which are startling in how they depict what is happening just in the last 14 years in the United States. The first chart I will put up is obesity in the United States among adults in 1990. In 1990, the dark shaded areas here are obesity rates between 10 percent and 14 percent. The light blue areas are States where we have less than 10 percent incidence of obesity. For the white States we just didn't have data. But as you can see, in 1990 no State had a prevalence of obesity over 15 percent—not one. All of the States were less than 15 percent or less than 10 percent. That was in 1990.

Now let's take a look at 1997. By 1997, here we have some orange States coming up now which we didn't see in 1990. The orange States mean that the prevalence of obesity is over 15 percent. Now we have these States with a prevalence of obesity over 15 percent. Remember all those blue States that were less than 15 percent? It is now 15 to 20 percent. So all of the dark areas are now over 15 percent. And only a few States here are from 10 percent to 15 percent, but no State has an incidence of less than 10 percent now. That is just in less than 7 years. That is 1997. Keep in mind now we have these three States, and the majority of the States now are between 15 and 20 percent.

Let's take a look at what happened in 2002. Here is the real shocker. Look at all the orange States. These are the States now where the incidence of obesity is 20 percent to 24 percent. Now we have three red States where the incidence is over 25 percent. We have a few States here below 20 percent. Now we have no States less than 15 percent.

If I could have the first chart of 1990, I want to show the comparison. Here we have in 1990 no States with an incidence of obesity of over 15 percent. By 2002, according to the Centers for Disease Control and Prevention, three States are over 25 percent, the vast majority of States are over 20 percent, and the rest of the country over 15 percent. In 1990, we didn't have one State that fit the pattern we see in the United States now. That is what has happened in 14 years. Now we see even some States exceeding 25 percent. We see the trend.

Actually, the story is even worse than this. The data on these charts is based on self-reported weight, which tends to be significantly understated, as you might imagine. As catastrophic as this chart of 2002 appears, it actually understates the extent of the obesity epidemic. If you use reported data rather than self-reported, obesity rates are much higher. In fact, using this scientific approach, we learned that almost two out of every three Americans are either overweight or obese. Think about that. Right now, only one in three Americans is within their weight range for their height.

Obesity takes a terrible toll on a person's health. It can lead to diabetes, heart disease, high blood pressure, cancer, and numerous other chronic diseases. Incredibly, obesity causes more chronic conditions than either smoking or alcoholism.

This is what this chart shows. This is again from the Centers for Disease Control. We have a higher incidence of the number of chronic conditions associated with health behavior. The No. 1 incidence of chronic condition is aging. The older you get, the more liable you are to get a chronic condition. Aging from 30 to 50 has the highest incidence of a chronic disease. Second only to that is obesity, and it is almost the same. Being obese is like aging from 30 to 50. If you are 30 years old and you are obese, you might as well be 50 years old in terms of susceptibility to a chronic disease.

Here is smoking. It is down here quite a ways. Just being overweight is down here. Drinking, past smoker, and obesity. In fact, right now obesity is, as I said, the second largest killer of people in this country.

Thus far, Congress has not been willing to adequately take on the challenge of obesity and the challenge of encouraging healthy choices and lifestyles. It is time for the Senate to lead in a new direction by encouraging wellness and prevention.

To that end, I am currently working with others on several initiatives to create a healthier workplace and a healthier environment for our Senate family. In March, I sent a letter to the Senate Rules Committee to request that signs be placed next to elevator buttons and at the entrances to stairwells and at the base of escalators encouraging people to use the stairs. Just the other day, I heard someone on the elevator say they wanted to use the stairs, but they didn't because they couldn't find them.

The other day I happened to visit Secretary Thompson down at HHS. They have signs right there by the elevators and the doors encouraging people to take a flight of stairs rather than riding the elevator.

I have also been in discussions with the Senate cafeteria on the matter of food labeling. To their credit, they already have food labeling available on their Web site. But I would like to see the Senate cafeteria go the next step by including nutrition information on menus or handouts that customers can pick up when they enter one of the Senate restaurants. If Ruby Tuesday's can do it and put all of the information on their menus, why can't we in the Senate cafeterias?

I have also developed what I called the "Harkin Health Challenge" to promote wellness for my staff here and back in Iowa. This is a comprehensive workplace wellness program that addresses stress management, nutrition, physical, wellness screenings, and, of course, smoking cessation.

Some believe there should be no role for the government in curbing obesity. Some believe this is a matter of personal responsibility. I don't agree. We can take steps to encourage and facilitate healthy lifestyles. We can make sure ordinary Americans have the tools and information they need to make informed healthy choices and be more responsible for their own health.

We are about to pass a highway bill of approximately $300 billion for highways, roads, and bridges. We tried to get an attachment to that bill to promote bike paths along our highways. I saw a figure the other day about how much less young people ride bikes today than they did 15 or 20 years ago. Ask yourselves as you drive down one of our busy thoroughfares or streets: Would you ride a bike down there during rush hour traffic? Of course not. You look to the side and there are no bike paths. There are no walkways for people to have access. We have streets now that do not even have sidewalks by them, let alone a bike path. I think when we invest taxpayers' money to build highways, roads, and bridges, we ought to mandate that, as a part of that, there ought to be an access for bike and/or walking paths next to those streets.

I have already introduced legislation that would require menu labeling in chain restaurants, but I can already hear objections that this will be too expensive. It will be a burden on businesses, for example, to put all of their information on menus. I mentioned that Ruby Tuesday's already announced plans to implement food labeling in its restaurants. Clearly they don't consider this to be too expensive. They made a hardheaded corporate decision that it was both doable and good for business.

I remember the same objections which were raised when Congress first passed the Nutrition Labeling and Education Act to require labeling of retail foods and packaged foods. But lo and behold, years later, the sky has not fallen. To the contrary, consumers like labeling. When they go into the grocery store, they pick up boxes, cans, and packages and they read the nutrition labeling. They rely on those labels to help them make informed healthy choices.

Consumers say they want nutrition information available when they make menu selections at restaurants. Yet, while they have access to excellent nutrition information at supermarkets when they go to buy packaged foods, when they go to a restaurant, consumers have to resort to guessing and estimating.

What about our special responsibility to the children? The food industry spends more than $12 billion a year bombarding our kids with advertisements through television, movies, magazines, and the Internet. I don't have to tell you that they are not advertising broccoli and apples and orange juice. The majority of these ads are for candy and fast food—foods that are higher in sugar, salt, fat, and calories.

Today, specialty marketing firms have made a science out of influencing children to buy a particular candy or to go to a particular fast-food restaurant. Yes, parents have a responsibility to shield their kids from harmful influences of all kinds. But what about corporate responsibility? What about corporate ethics? What about our Government's responsibility to make sure our children have a healthy environment?

Children, especially those under 8 years of age, don't always have the ability to distinguish fact from fiction. The number of TV ads that kids see over the course of their childhood has doubled from 20,000 to 40,000; meanwhile, the percentage of children who are overweight or obese has also doubled. The percentage of overweight or obese teens has, in fact, tripled. The United States right now has a higher percentage of overweight teens than any other industrialized country.

We also need to take steps to reduce the junk food that our children are getting at schools. The GAO found that 43 percent of elementary schools, 74 percent of middle schools, and 98 percent of high schools have vending machines, school snack bars, or other food sources outside of the school lunch and school breakfast programs. We know that when kids have access to vending machines and snack bars and a la carte lines at school, bad things happen. Kids' consumption of milk, fruits, and vegetables goes down, and their intake of sodas and fried foods skyrockets. This is one more area where Congress has a responsibility to intervene to protect our children.

I had this brought home to me the other day when it was pointed out that a 20-ounce size soft drink—Coke, Pepsi, all the soft drinks—has the equivalent of 15 teaspoons of sugar. I ask: As a parent, would you send your kid to school during the day and say, Here are 15 teaspoons of sugar, please eat this. No parent would want to do that. Yet when that kid goes to school and buys a 20-ounce soft drink, that is exactly what they are getting. And they will probably have two of them during the day. That is 30 teaspoons of sugar in 1 day.

Go home, take 15 teaspoons of sugar, put it in a cup and see if you would like to eat that. Or do 30 teaspoons, the equivalent of what a lot of kids are drinking today. No wonder obesity among teenagers has tripled. No wonder our teenagers in this country are more obese than teenagers in any other industrialized country in the world.

We have a responsibility; parents have a responsibility; schools have a responsibility. But it is Congress that funds the school lunch and school breakfast programs and the nutrition programs. This year we will reauthorize the nutrition program, school lunches and school breakfasts. We will reauthorize that this year.

What will we do as Senators and Congressmen to help promote healthier eating and healthier lifestyle choices among our kids in school? Do we have a responsibility? You bet we do. I hope we will step up to that responsibility when the nutrition reauthorization bill comes through the committee to the Senate.

In the coming months, I will be announcing a package of bills and initiatives focusing on wellness, focusing on preventing chronic diseases. The emphasis will be on nutrition, physical activity, mental health, tobacco cessation. It will stress prevention, consumer awareness, responsible marketing practices, and wellness programs in schools, communities, and the workplace.

We face an obesity epidemic. We face an explosion of largely preventable chronic diseases. We face health care costs and health insurance premiums that are skyrocketing. All of these things are related. We have to meet our responsibilities. We as Senators must set a good example: Walk more, use the stairs more, have information on all of our menus in all of our Senate cafeterias so we know exactly how much trans fats, calories, sodium we are getting with each meal ordered, and also to do what we can in our official capacity to help support wellness and to support healthy lifestyles among our kids in school and at daycare centers. That is where it starts. If we can get the kids and teach them healthier lifestyles, healthier eating choices early on, chances are that is what they will follow when they grow older.

It seems to me the golden rule of holes is this: When you are in a hole and you find it is getting up to your shoulders or up to your head, stop digging. We have dug one whopper of a hole in health care in this country by failing to emphasize prevention and wellness. It is time to stop digging. It is time to focus our attention on healthy lifestyle, prevention, wellness, providing incentives for businesses.

I hear about tax incentives for business to do this, and that we need more tax incentives for businesses to provide wellness and prevention programs at the worksite for people who work in small and large businesses. We need to provide the kind of support for our public schools to provide better choices for our kids, also.

I thank the indulgence of the Chair. I wanted to take this time to talk about this and to alert my fellow Senators that I will be introducing a package of wellness bills and I have been working with the majority leader, a doctor, Senator FRIST, on some of these items, especially about getting signs posted about trying to use the stairs more often, about getting Senators wearing pedometers and doing more walking, for us to set a good example for the rest of the country.

I am hopeful we can also use the nutrition reauthorization bill this year to make some changes in how we approach how kids eat and what they eat at school and what is available to them in terms of vending machines, soft drinks, sugar, salt, that type of thing, and to get them eating healthier at an early age.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. BYRD. Mr. President, it is the poet T.S. Eliot who reminds us, as if we needed to be reminded, that "April is the cruelest month." How prescient his words ring this April 2004, as we reflect upon the deepening crisis and the steadily mounting death toll in Iraq. This April, this month in which millions of Americans marked the holiest season of the Judeo-Christian calendar, has been an unholy nightmare for American military forces and American policy in Iraq.

April 2004, 11 months after the President proclaimed the end of major combat operations in Iraq, has proved to be the deadliest month for American forces in Iraq since the onset of the war more than a year ago. Major combat operations may have ended—let me repeat that: major combat operations may have ended—as President Bush asserted nearly 1 year ago, but major combat casualties have not. The "Mission Accomplished" banner under which President Bush spoke so confidently on May 1, 2003, has come back to haunt us and to taunt us many times over.

In the weeks and months leading up to the war, Americans were assured by President Bush and his cadre of top advisers—most particularly Vice President RICHARD CHENEY—that we would be greeted as liberators in Iraq, our path to victory strewn with cheers and flowers. Those flowers, it now appears, are less like rose petals tossed at the feet of liberators and more like Eliot's mournful April lilacs—"Lilacs out of the deadland, mixing Memory and desire, stirring Dull roots with spring rain."

April—April—has indeed become the cruelest month. Memory and desire cannot supplant reality in Iraq. More than 100 American military personnel have been killed in Iraq so far this month, the highest number of deaths in a single month since the beginning of the war. In all, more than 700 American military members have died in Iraq since the beginning of combat. Today, more than 1 year after the fall of Baghdad, America's military forces are being greeted in too many quarters of Iraq, not with flowers—not with flowers, not with flowers—but with gunfire, not with cheers but with jeers, nor as liberators but as occupiers—occupiers—oppressors.

In the harsh glare of hindsight, it is now clear that the President's preconceived notions of the war and the aftermath of the war in Iraq were profoundly flawed. Even the President's Secretary of Defense—one of the supreme architects of the war in Iraq—has been forced to admit that the battle has not gone according to the plan, that the level of casualties, continuing so long after the fall of Baghdad, was neither anticipated nor planned for before the invasion.

And yet President Bush refuses to admit any flaws in his grand strategy to invade Iraq to overthrow the regime of Saddam Hussein without giving adequate consideration to the potential perils awaiting America in the seething streets and towns of post-war Iraq. Despite the fact that debate over the war in Iraq rages worldwide, despite the fact that the American occupation is reeling from unexpected opposition from the very people it was intended to liberate, still the President is hard pressed under questioning to come up with any mistakes that he might have made in dealing with Iraq. What a sad, sad commentary.

In his press conference last week, President Bush acknowledged "tough weeks" in Iraq, but he clung to his oft-repeated assertion that Iraq is mostly stable, and shrugged off the violence of recent weeks as the work of a small faction of fanatical "thugs" and terrorists bent on imposing their will over the popular will of Iraq.

In this assessment, I hope and pray that the President is right.

For the sake of America's military families, for the sake of the mothers and fathers, for the sake of the wives and children who have had to bear the burden of the increased violence in Iraq, I hope the President is right.

I hope that Iraq achieves stability and security soon. For while Iraq and the world may indeed be better off with Saddam Hussein behind bars, alas—alas—I do not believe that an Iraq in turmoil is either a boon to the Middle East or an asset to the security of the United States.

Instead of reflecting candidly on the current challenges in Iraq, President Bush would prefer to focus on his grandiose, grandiloquent vision for reforming the Middle East. In this he speaks in ideological, almost messianic, cadences as he paints a picture of Iraq as a central front not just in the war on terror but also in a battle of Biblical proportions pitting "good" against "evil."

President Bush is a man of absolutes. Either we stay the course in Iraq or we cut and run. Those are the two choices: stay the course or cut and run. Either we fight terrorists on the streets of Iraq or we fight them on the streets of New York or Washington, DC. Either we support President Bush's policies absolutely or we give aid and comfort to the enemy. Those are the two choices. Do you believe it? I don't.

No, no, no, a thousand times no. Either-or propositions like those invoked by the President to describe the war in Iraq are nothing more than politically inspired slogans like last year's ill-advised "Mission Accomplished" banner, designed to whip up emotions while masking the complexity of national security considerations.

Fighting in the streets of Iraq has not prevented terrorists from striking in Saudi Arabia or Bali or Madrid. Are you with me? And there is no guarantee—none—that it will prevent them from striking again in the United States. Just this week, Homeland Security Secretary Tom Ridge disclosed the formation of a Federal task force to respond to heightened threats that al-Qaida will strike again in the United States, sometime before the November election. Significant events, including the dedication of the World War II Memorial in Washington and the political conventions in New York and Boston, are among those viewed as prime targets for a new al-Qaida offensive.

This is the sobering reality. Osama bin Laden remains at large, and his minions appear to be multiplying, not diminishing. That is sobering. That ought to curl your hair.

If anything, the war in Iraq has served as a rallying cry for anti-American and antidemocratic extremists in the Middle East and beyond. Sadly, given the distraction from the war on terror that the war in Iraq has proved itself to be, the capture or killing of Osama bin Laden, when and if it comes, is likely to be an anticlimactic footnote to a widening and ever more deadly surge in independent national terrorism. Mark my words.

Despite the often invoked and patently misleading conclusion drawn by the Bush administration, cutting and running is not the only alternative to staying the course in Iraq, especially when that course is fraught with disaster. Altering a flawed and dangerous course of action, seeking meaningful support from the international community, is another alternative, one that this President is loathe to acknowledge but evidently more than willing to embrace in the face of the calamity that has befallen his own roadmap for Iraq.

For months, I and others have implored the President to return to the United Nations and to seek a greater role for the U.N. in the occupation, administration, and reconstruction of Iraq. Hear me. Hear me. Long before the war, we begged—didn't we? Yes—we begged the President to seek the support of the United Nations Security Council before invading Iraq. Were our pleas heeded? No. Our pleas fell upon deaf ears.

This administration was confident that it could go it alone. And it said so, did it not? Yes. It said: If you don't do it, we will. This administration was confident it could go it alone with only a threadbare coalition of the willing to paper over its unilateral action. How hollow that confidence now rings. In the face of disaster, in the face of mounting doubts among members of the coalition, the President has now been forced to seek shelter—Help me, Cassius, or I sink—under the wings of the United Nations. The Iraqis have rejected every plan for transition of power put forward by the President's Coalition Provisional Authority. Our only hope left is that they will embrace a plan put forward by the United Nations, the very body the United States spurned when the President chose to invade Iraq without the support of the U.N. Security Council. Irony scarcely begins to describe the current state of affairs.

The fact is, while espousing hard-line rhetoric and ironclad resolve, this administration has ducked and bobbed and weaved at every opportunity. In the administration's ever-shifting explanation for the war in Iraq, the face of our enemy has ricocheted over the past 12 months from Saddam Hussein and his Republican Guard to disgruntled Baathist dead-enders to foreign terrorists taking advantage of the unrest in Iraq to pursue their agenda of jihad to today's vague assortment of thugs and fanatics opposed to democracy for Iraq.

We hear the refrain. We hear the refrain: Stay the course. Stay the course.

stay the course. Well, exactly what course is it we are supposed to be staying in Iraq? Is it to furnish more boys as cannon fodder? What is meant by stay the course? Is it to furnish more of our young men and women as cannon fodder to die in the streets of Iraq? Is that what is meant when we hear the refrain: We shall stay the course, we must stay the course?

The President failed to explain what that is supposed to mean to the American people at his press conference. How did we get from protecting the United States from the threat of weapons of mass destruction to the vague notion of fighting extremists opposed to democracy in Iraq? The President failed to explain that fact as well. Where were those extremists before the invasion? Why is it that they are emerging in force only now, a full year after the fall of Baghdad? Could it be that this administration has created America's own worst nightmare because of its colossal arrogance, its clumsy mistakes, and its painful misjudgments on virtually every aspect of the war in Iraq?

These are not the questions of an unpatriotic or reckless opposition. Where are the voices today in this Senate? It is not unpatriotic to ask questions. It is not unpatriotic to voice opposition to the policies of this administration. These are not questions intended to demoralize America or to hearten our enemies. Rather, these are the questions that a free and open society—the kind of society that the President envisions for Iraq—is expected to pose of its leaders. These are the kind of questions that a democratic nation's leader is beholden to answer. Dogmatic admonitions and grandiose allusions will not suffice. In a democratic society, the people demand and the people deserve the simple and unvarnished truth. So do the people's representatives in Government. They, too, demand, they are entitled to, and they deserve the simple and unvarnished truth. Congress also demands and deserves the simple and unvarnished truth from the executive branch.

This is a coequal branch of Government, Mr. Bush. As a coequal branch of Government, as the body in which the Constitution vests the power of the purse, Congress requires the truth from the President, from the executive branch, from the Pentagon, from the Defense Department, from the State Department, from the White House. This is what makes recent allegations in Bob Woodward's new book regarding the redirection of appropriated funds into clandestine appropriations for the war on Iraq so disturbing, and the American people ought to be disturbed. The American people ought to ask questions, and their representatives in this body ought to ask questions. If the President, as alleged in this book, made the decision to wage war against Iraq and secretly spent appropriated funds to prepare for that war without prior consultation with Congress, then the letter of the law, the intent of the law, the spirit of the law, and the constitutional power of the purse have been subverted This would be not only a very grave breach of trust on the part of the executive branch, on the part of the administration, but also a very grave abuse of power.

Mr. President, I hope with all my heart that Iraq will emerge from the current chaos to become a free and democratic nation. I hope with all my heart that the sacrifices that America's military forces have endured in Iraq will be validated by reality, and not justified merely on the basis of wishful thinking. The path forward is not yet clear, but this I know: President Bush led America into a preemptive war that was neither dictated by circumstances nor driven by events. President Bush led America into a war of choice, a war that might well have been avoided with patience and prudence. Would that we could read that "April is the cruelest month" without reflecting on the cruel and terrible toll that the war on Iraq has taken on America's men and women in uniform in Iraq during this bloody and sorrowful month of April.

It is said in the King James version of the Holy Bible that of those to whom much is given, much is required. Mr. President, much is required of this administration and this President with regard to Iraq. The American people expect answers, the American people expect a judicious strategy, and the American people expect a well-thought-out military and diplomatic campaign. On all fronts, the American people have been let down. A President who wages war and manages the aftermath of war by the seat of his pants is not what the American people either expect or deserve. I fear that is what they are seeing in Iraq.

This President, having blundered into this war in Iraq, does not have much time left to get the stabilization of Iraq right. We have spent our blood and treasure in Iraq, and it is now time—past time—to aggressively explore ways in which the burden on Americans can be mitigated. It is time to abandon the go-it-alone attitude, the go-it-alone, cocky, arrogant attitude established by this President.

It is time—long past time—for the President to admit to mistakes made, to forsake his divisive either/or rhetoric, and to seek a way out of the deepening morass of Iraq with the full partnership of the United Nations, the region, and the international community.

President Bush needs to drop all pretensions that the war in Iraq and the battle for stability are going according to plan. Only by accepting the fact that a bold new direction is needed to untangle the mess in Iraq can this President extricate the United States from what is fast becoming a quagmire. It is time for the President to set aside his pride and to convene an international summit on the future of Iraq, composed of representatives of the Iraqi people, their Arab neighbors, NATO, and the United Nations. Then and only then will the Iraqi people be in a position to chart their own future with the help of the international community. Then and only then will the United States be able to relinquish ownership of the tiger that it now holds by the tail.

America must alter its course in Iraq to deal with the volatile vacuum left by the fall of Saddam Hussein's regime. America must be prepared to fight terrorism wherever it rears its ugly head and not be lulled into the false belief that attacking terrorists overseas will stop them from attacking America on its homefront. Above all, Americans must never be cowed into believing that questions are somehow "unpatriotic" or that Presidents, even wartime Presidents, are ever above answering them. And finally, Americans must remember that in this country there are no kings.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I rise today to talk about S. 2290, the pending bill on asbestos legislation before the Senate. Like many of my colleagues before me, I also want to express great frustration because it does not seem as though we are moving the ball down the field on something that I think a lot of us believe is a very important issue. It is one that demands to be addressed and looks for a legislative solution that we are all trying to find.

Among the many issues that I hear about from my constituents, this is one that very frequently shows up in our discussions and at townhall meetings. A lot of people have suffered devastating injuries after exposure to asbestos. Families have lost loved ones. It is a real deal in people's lives.

I have heard from companies, CEOs, and people who are trying to manage their company's liabilities, and it is a real problem. Insurance companies, many of which are headquartered in my State, have spoken about this issue and my old industry, the financial industry, is concerned about the penalties and its implications in the capital markets that are imposing very severe costs on defending companies and insurers because of the crisis. This is something that we ought to address.

Unfortunately, our current system is not working, and that is a reality for those who need it. It is not working for the defendant companies that want certainty for their business planning. It is not working for insurance companies that face accelerating claims, and it is certainly not working for asbestos victims. We need to make sure those who are truly injured receive the compensation they deserve in a timely fashion and on a basis that is fair to all involved. It needs to be done. We need to address it.

Decades of asbestos use and a cover-up of its health effects have resulted in a massive occupational and environmental health crisis. By the way, we are still having exposure developed by a lot of the imports that we are now receiving into our Nation, where some of those who manufacture abroad are not dealing with the issues we have begun to deal with. It is a real killer, a silent killer, physically but also emotionally debilitating to many people across America.

Medical costs associated with asbestos-related diseases are astronomical. They are off the charts. It is not a matter of millions. It is billions and it is an annual affair and it cries out to be addressed.

Hundreds of thousands of workers and their family members have suffered and died from asbestos-related cancer and lung diseases. I think the number is about 10,000 die each year. Approximately 24 million have been exposed. In my home State of New Jersey, which is an old manufacturing State, 2,700 people have been killed by asbestos since 1979, and two of our counties in New Jersey are in the top 10 in the Nation in those asbestos-related deaths. That is Camden and Somerset Counties. So this is a real deal for us. We would like to see this addressed.

We cannot ignore the tragedy of these asbestos deaths and injuries. We can and we should be able to come up with a workable solution. As I said, like many of my colleagues, I would like to see a national trust fund to compensate victims through a no-fault system, ensuring that those who are most injured receive a just award as quickly as possible. It should not be going on for 5 or 10 years. I hope we can agree that we need to focus on paying those who are truly sick and that we must pay those people fairly.

That is why I was pleased last year when the Judiciary Committee held bipartisan hearings on the issue, had bipartisan negotiations, and seemed to be making progress towards arriving at a fair and balanced solution. Unfortunately, last year the Judiciary Committee reported out a bill that did not have broad bipartisan support and was not, in my view at least, balanced in its approach to the issue.

The bill before us has gotten worse. Good amendments that were added in committee have been dropped, and the size of the fund, frankly, is at the low end of anyone's expectations of what is appropriate.

I will take a few moments to discuss what I see are some of the most glaring flaws in the bill that we are debating and reasons, at least right now as it stands, I cannot support it. First, the size of the fund is quite simply out of touch with reality. I hear estimates of anywhere from $100 billion to $300 billion as the cost of settlement that people would expect for the probability of the associated problems with asbestos, and we have picked the low end of that number as the basis on which we are going to deal with it. The bill that was reported out of committee would have had $153 billion, and we have come up with $109 billion, absolutely at the very low end of any of the national estimates, any of the academic estimates of objective outside observers. We are starting at the wrong place in the negotiation.

In addition to the anemic overall funding, the bill has other weaknesses. For example, the Hatch substitute deprives victims of exposure adequate compensation. Awards just remain far too low for many victims with serious diseases that are an outgrowth of this. Funding would not pay for victims' medical bills, let alone compensate their families for any type of hardships.

To give an example, a worker with 15 years of asbestos exposure and lung cancer would be guaranteed only $25,000 in compensation. I do not see how that relates to the risk of life that individuals would be taking in that context.

In another example, victims with asbestos who lose 20 to 40 percent of breathing capacity or are disabled from work will receive only $85,000 for lost wages and medical costs. These numbers do not fit the circumstance. Now, $25,000 barely gets a family of four above the poverty line, and we are talking about $25,000 and $85,000 in lost wages and medical costs that accrue to those things. We are not in the right ballpark.

The pending bill also guts a Biden amendment adopted in the committee with strong bipartisan support to protect victims' rights in the event of fund insolvency. It would allow that once the fund was insolvent, if that $109 billion was not enough, then bring claims back into State court. That was overwhelmingly supported in committee.

Given the low level of funding in this bill, insolvency obviously is a problem. I believe it is unfair to ask the victims to give up their rights to enter into a fund without knowing that fund would have sufficient assets to cover the claims, and where do they go in those circumstances. So it is another major problem.

The pending bill would also treat victims with pending claims unfairly. This one is really hard to swallow. It would wipe out the claims of more than 300,000 people who have claims pending in the current system, even those who have already received jury awards.

We are looking back into history and changing history. I don't understand why, when we have had a judicial process, we have come to a conclusion or we are even in the process of that, we want to stop, start all over and move people into another system. It does not strike me as consistent with a commonsense sense of fairness. If you have an award, it ought to go through.

In addition, the bill significantly weakens key provisions that would protect victims without an effective remedy during the transition to a new system. The bill also lacks transparency with regard to companies and insurers and how they are going to contribute to the fund and in what amounts, which makes it difficult to determine whether companies are paying their fair share.

By the way, there is a lot of hooting and hollering among the insurance companies. A lot of them oppose this because they don't know what their deal will be. There is no certainty here, either for the victims or for a lot of the people who are going to participate here in funding this trust fund. That doesn't make sense and I think it is a real problem that also needs to be addressed. We need to amend it.

It also contains a windfall for certain companies. While we are taking it away from some folks, we are certainly giving it to others. It contains this windfall with regard to Halliburton, which has an estimated $4.8 billion in asbestos liability, but would only have to pay $1.2 billion under the Hatch-Frist bill. Why them? Why are they getting such a break, particularly after a judgment has already gone through? It is sort of the reciprocal or the reverse of what we already were talking about with a lot of individuals. They are going to get slammed and somebody here is going to get the advantage. They are going to apply it in a way that is very uneven and lacking in balance. That should be addressed.

This is not a fair and balanced approach to this problem. It is not fair to the injured victims or the families of those who died, and it is not fair to companies that want relief from the growing problem, and it doesn't provide for the certainty and planning I think corporate America is looking for.

Let me take a moment to discuss what I think is also a misleading claim by supporters of the bill. This one is actually hard to understand, how this gets any circulation at all. Unfortunately, this administration, as a lot of us have talked about on other occasions, has been weak in the record of creating jobs. I don't have to go through the litany of 2 million lost jobs, 8.4 million unemployed Americans, 2.6 million private sector jobs lost. That was the only period of time, actually, since the Depression an administration has more than likely overseen a period of decline in job growth in the country. But somehow we have decided this is a jobs bill; somehow this is going to create jobs.

There are those who will argue many of the asbestos companies have been forced into bankruptcy and that cost has seriously damaged the American economy, particularly as it relates to jobs. The facts don't meet the description. This is sometimes a fact-free arena. We make assertions and do not necessarily follow through. But if anybody does any serious analysis of what goes on in these companies that have gone through these reorganizations under chapter 11 protection, they will know they have been able to use this device as a means to manage through their obligations and they are able to pay out some of their responsibilities but it has kept their companies going. The truth is, they have not gone out of business, many of them—most of them. Some are doing better than ever.

Let's take Halliburton, since I mentioned it once before. Halliburton has agreed to compensate the innocent victims and companies poisoned with a settlement of more than $4 billion. That is, of course, unless we pass this legislation, then only $1.2 billion. In order to pursue this settlement Halliburton has agreed to put two of its companies into chapter 11 temporarily until a court approves a trust arrangement to compensate asbestos victims.

Meanwhile, Halliburton on its own Web site is telling its customers that it:

> . . . will continue in business and will continue to provide all the excellent services our customers expect from us. In other words, outside the asbestos and silica settlement, it will be business as usual.

In what kind of shape are these companies that have chosen chapter 11 reorganization? The answer can be found in a new analysis conducted by Professor George Benston of Emory of the seven largest asbestos companies that sought chapter 11 bankruptcy reorganization protection in 2000 and 2001. This is a real study by someone trying to bring an objective perspective. Professor Benston studied the asbestos companies and compared them to companies in their business that did not declare bankruptcy reorganization in order to determine how successful their operations would be under the supervision of the bankruptcy court. He concluded:

> On the whole, they essentially have increased or stabilized their sales, assets, employment, and profitability, and have projected increases. It is fair to say they are viable and likely to be increasingly successful companies that should generate funds to exit bankruptcy significantly stronger than when they went in.

We are doing this because this is a jobs bill, when it is fair to say they have increased or stabilized their sales, assets, employment, and profitability, and have projected increases. Somehow or another, objective evidence doesn't seem to match with the claims. This is hardly a jobs bill. The argument falls apart on the surface of it, as far as I can tell.

So while I am sympathetic to the corporations that generally want to fulfill their obligations with respect to asbestos victims and certainly I have an appreciation for their desire for serious financial planning, if this asbestos bill is the best we can do, the administration can do, the leadership—Senator FRIST and Senator HATCH—can do to create jobs in our country and address this problem, then I think we have a lot higher objectives for which we need to set our standards.

That is why I think we ought to have a full debate. We ought to have a lot of votes on amendments that will actually address a number of these problems we talked about. I hope we can get back to those bipartisan negotiations, away from this floor, where we can talk about the size of the trust fund, we can talk about some of this ex post facto analysis about who is benefiting and who is not; where we can make sure the general awards to victims are actually higher and there is some serious backstop if the fund doesn't actually have the resources to be able to deal with these issues.

We sure the heck ought to stop talking about this in a context that makes no sense in economic reality, that this is a jobs bill. I go back to this. This is one of those things I think Americans across the board want to see Congress act on. This is not something that has a Republican or Democratic label. We want to find a resolution. I want to find a resolution. We have to do that in a fair and balanced manner. I thought the Judiciary Committee made a lot of progress on this on the bill they reported out. That is not what we are working on.

I don't understand why we don't turn the clock back just a little bit and get on with some of the hard work that was done when we came up with some of these bipartisan approaches to deal with this very thorny issue. On the basis of offering a helping hand to many victims and their families, for companies that need to have stability in their balance sheet and the ability to make plans for the future, to reduce the caseload we have in our court system, there are a lot of reasons we ought to be moving in this area. We are not pulling together, sitting down and negotiating a transaction formulation of legislation that makes sense for everybody.

Everyone is going to have to give a little bit, but this is something that could be done if we wanted to go to work to make it happen. The will is there. Certainly the demand is there. I think there is a lot of ground for positive, constructive dialog.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I appreciate this opportunity to speak today regarding the Fairness in Asbestos Injury Resolution Act. As debate draws to a close on the motion to proceed to consideration of this bill, I take a few minutes to express my appreciation to those who have worked so hard over the past several years to find a solution to what has become an enormous—and continues to grow every day—problem. I offer my views as to how this process can be revived and lead to a satisfactory resolution yet this year.

First, a bit of history will be helpful. Soon after I arrived in the Senate in 2001, I approached then-Chairman LEAHY of the Judiciary Committee and indicated to him that I thought legislation was necessary to come up with a solution to compensate asbestos victims; if we worked on it in an appropriate fashion, it could be passed. I knew the process would be long and difficult, but I thought it was worth pursuing. If we did not begin, we would never conclude that solution. Senator LEAHY very graciously agreed and held hearings to explore the feasibility of this approach.

Following the elections of 2002, Chairman HATCH continued those efforts and began formulating a legislative proposal. I agreed to cosponsor that legislation, not because I supported everything in the bill, but because I believed it would provide an incentive for those with a major stake in the resolution of this issue to begin discussions aimed at solutions.

That strategy worked. Discussions began, the major issues were framed, the Judiciary Committee held 4 long days of markup, and a bill was reported out. However, there were problems with the bill. Still, the process was moving forward. Sometimes it felt like one step forward, two steps backward. But stakeholders continued to negotiate.

Senator SPECTER, to his credit, brought the parties together and worked on the array of issues other than values and dollar amounts. That process was also extremely helpful in bringing us to the point where we are today.

The majority leader has now incorporated a number of the elements of the Specter-Judge Becker negotiations into the bill before the Senate. Unfortunately, the bill before the Senate is not complete. It still lacks a consensus among the major stakeholders. That is why I have chosen not to cosponsor this substitute amendment when I was asked to do so. It simply, in my judgment, is not ready. Several major issues have not been resolved. I don't believe this is a bill that can be written on the floor of the Senate.

I do believe a solution can still be achieved yet this year if the leaders will make a renewed commitment to continue the process. With a very limited time agreement, no more than 2 or 3 weeks at the most, and with active involvement by leadership, I believe we can reach a solution. It may inevitably be a solution that is least objectionable, but at the very least we can arrive at a solution that almost every stakeholder can accept.

As a matter of information, a constituent of mine by the name of Warren Buffett—some of you may have heard of him—expressed to me his view that there probably is not anything more important that the Congress can do for the economy than to resolve this issue which continues to overhang our economy. The economic impact is important.

Of course, the most compelling reason to find a solution is not simply to provide certainty to the economy; it is, in fact, to provide relief to the many victims of the debilitating and deadly illnesses caused by asbestos.

I know my colleagues understand the scope of the problem before the Senate. The suffering of the victims and their families has been brought home to each of us. We all have many examples of those unfortunate victims and their situations. But I would like to personalize it for my colleagues.

When I served as Governor, I had the pleasure of appointing an Omaha attorney by the name of Mike Amdor to the Nebraska District Court bench. Mike Amdor was a very good friend. I had known him and his family for years. His father had gone to law school with my late father-in-law. I knew his mother when she was alive and worked with his father in the insurance business.

I appointed him to the Nebraska District Court bench. He was a bright and vibrant lawyer, and he came to be a trusted and respected jurist. But more important, he was a consummate family man, a devoted husband, a father of five young children.

In late 1999, he began to experience serious health problems and was soon diagnosed with mesothelioma. Despite a courageous and painful fight with the disease—and it looked at times as though he might be able to beat the odds and survive—he, unfortunately, passed away on November 28, 2002. Mike had been exposed to asbestos as a young man working his way through college and law school. We all know that virtually the only cause of mesothelioma is exposure to asbestos.

Mike's family pursued legal action against those responsible for his exposure and obtained a series of settlements totaling $655,000. However, to date, his widow and five children have realized a total of $56,463.76 on those judgments. Fifty-six thousand dollars and change: less than 10 cents on the dollar because the defendants were bankrupt. Under the terms of the trust fund legislation, which we are debating and working to achieve, his widow and family could receive $1 million.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter which I received yesterday from Judge Mike Amdor's widow.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OMAHA, NE
April 20, 2004.

Re Mike Amdor and the Fairness in Asbestos Injury Resolution Act of 2003, The FAIR Act, (S. 1125) Renumbered S. 2290.

Senator BEN NELSON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NELSON: I am writing to thank you for sponsoring the Fairness in Asbestos Injury Resolution Act of 2003. Your continued support of this legislation is very important. As the spouse of a victim of asbestos I have a personal interest in the success of this bill. There are many others in the same situation and our numbers will continue to grow because the onset of many of the effects of asbestos exposure are not seen for many years.

You are familiar with the illness and death of my husband, Michael Amdor. Please allow me to give you a short history of his exposure to asbestos and the subsequent deadly illness he suffered.

After finishing high school Mike worked at Physician's Mutual Insurance during the summer of 1965. He worked in the mailroom while an elevator was being installed through the existing walls of the building. At this time there were no existing requirements to contain the asbestos being disturbed or removed during renovation of existing buildings. In 1971 Mike worked for Northwestern Bell, now Qwest, in downtown Omaha, NE. He was a computer operator and his job did not involve using asbestos products. However, the building was being remodeled during the time he was employed there. The crews doing the remodeling during the daytime wore some protective equipment because of the known presence of asbestos in the area being remodeled. The overnight computer staff were neither warned of the asbestos nor given any protection from the particles that were in the air and on the surfaces of the tables in their lunchroom.

Fast forward to the fall of 1999. Mike and I had been married almost 30 years. We were raising five children, Erin, then 20, Diane, 16, Sara, 15, John, 12, and Bennett 10. Mike was a District Court Judge, and deeply honored that you had seen fit to appoint him while you were Governor. As the holidays began, Mike noticed a sudden weight gain and enlargement of his abdomen. After Christmas it became so uncomfortable that he went to see our family doctor on December 30, 1999. The doctor was very alarmed by Mike's appearance and arranged for him to be admitted to Immanuel Hospital the next day.

Following 3 weeks of tests by several doctors, we received the diagnosis of Perotoneal Mesothelioma. The prognosis was devastating, a 50 percent chance of living another 6 months and 18 months as the most optimistic life expectancy. Mike began chemotherapy at the University of Nebraska Medical Center and we searched for information on this disease. Virtually all of the information we could find indicated that the only cause of Mesothelioma is the exposure to asbestos and that the time between exposure and illness could be 30 years or longer.

After 6 months of chemotherapy, Mike was stable and we dared to hope that he would make a complete recovery despite the dire descriptions we were able to find about this disease. In June of 2001 the tumors began to grow and Mike again needed to undergo chemotherapy. This time he did not respond to the treatments. We sought other options and Mike entered a Clinical Trial at the National Cancer Institute (NCI) located in Bethesda MD. He underwent 12 hours of surgery and intraperitoneal chemotherapy in December of 2001. After a week in intensive care he began to improve. We were able to return to Omaha on December 31, 2001. He had been fighting this disease for 2 years and once again we hoped for a reprieve from the death sentence he had been given.

Sadly that was not to be. In August of 2002 the disease again began to progress. Mike underwent weekly procedures to drain the fluid accumulating in his abdomen and then his lungs. Additional attempts with chemotherapy were unsuccessful. Even after he needed supplemental oxygen to assist his breathing he continued to work at the Court House nearly every day.

Mike died on November 28, 2002. Nothing will make up for the loss of his presence in our lives. He had so many things left undone. Our children had to see the suffering and death of the most important man in their lives. Only Erin is through school and living on her own. Diane is a sophomore at Duquesne University. Sarah is a freshman at Creighton University. John and Bennett are students at Creighton Prep. I have lost the love of my life. Few people are lucky enough to know the joy we found in each other. And few can understand the loss of such a special person. One of the first things I ever heard Mike say was my name. His final word, spoken with his final breath, was my name.

Mike worked at the Court House until 2 days before his death. He knew he was very close to the end of his time on earth. He continued to provide justice to others even though he knew there would be no justice for him in this world. The Congress alone now has the ability to provide some measure of justice to the victims of asbestos by providing equitable financial settlements to them and their families.

I trust you will also support efforts to prevent future exposure to asbestos by supporting the passage of legislation to prohibit the use of this deadly material anywhere in the United States. These measures are needed to insure that no new victims are exposed to the cause of such deadly diseases.

As he continued to work and receive treatment, Mike contacted an attorney familiar with asbestos cases. Michael J. Lehan represented Mike and now myself in efforts to seek some compensation for his illness and death resulting from asbestos exposure.

Mr. Lehan filed a Workers Compensation claim with Qwest and Physician's Mutual Insurance Company because Mike believed he had been exposed at both work sites. Before a formal hearing could be held, Qwest accepted his claim and began paying Mike's medical bills. After his death I began receiving a death benefit under this claim.

In addition to the Workers Compensation claim, Mr. Lehan filed several lawsuits against companies that manufactured or provided asbestos materials that Mike thought he might have been exposed to. As a result of these suits, we received several settlements, which were subject to attorney's fees and expenses. The first Settlement was from Owens-Illinois Inc., for $20,000.00. We received $11,633.34. In March of 2001 Celotex Corporation offered a settlement of $8,500.00. We received $4,266.00. Eagle Picher Industries Trust offered a settlement of $6,500.00. This company has filed bankruptcy and there was very little money for asbestos claimants. After attorney fees and expenses we received $3,333.33. Another company in bankruptcy, H.K. Porter made a settlement of $20,000.00. Because of the limited assets of the trust the payment value was $920.00, and we received $563.00.

In March of 2002 AcandS, Inc. made a settlement offer of $600,000. However, they have filed for bankruptcy and they are unlikely to pay anymore than the $58,584.00 first payment they made before filing. We received $36,628.09 from this settlement. Mr. Lehan has told me that it is unlikely that much more will be paid of this settlement.

The FAIR Act with the proposed amendments offered after S. 1125 was reported out of Committee last July would assure compensation for Mesothelioma victims such as Mike and at this time offers the only hope for any meaningful compensation for the loss we have suffered.

Many of the companies directly responsible for the asbestos exposure of Mike and millions of others have either filed for bankruptcy or found other ways to shelter themselves from responsibility to their victims. The FAIR Act would provide compensation for many families and avoid the abuse that sometimes takes place in our current tort system. Exposure to asbestos in and of itself will not always result in illness. When it does there should be resources available to the victims and their families.

Thank you for taking the time to read this lengthy letter. Mike was such a just man and had great faith in our systems of law. No amount of monetary compensation can replace the loss of Mike and the many thousands of other Mesothelioma victims, he believed that there would be a way for the system to insure that his family and others would at least have some measure of financial security provided by those most responsible for the continued use of asbestos.

Please let me know if there is any way that I could assist you in seeing this important legislation enacted into law.

Gratefully,

CATHLEEN C. AMDOR.

Mr. NELSON of Nebraska. Mr. President, it is imperative we get this resolved. This legislation, unfortunately, is not complete. But it could be completed, and completed relatively quickly, with the right approach. And the right approach is to put the stakeholders in a room, with guidance from the leadership on both sides of the aisle, with a firm deadline, and with a firm charge to come to a resolution. It can be done, and, moreover, it should be done.

The judge's case is a tragedy, but it does not stand alone, unfortunately. There are hundreds, yet thousands, of cases similar to Mike and Cathy Amdor's. There will be future victims who will not receive compensation because there will not be anybody left to collect from. I am committed to the trust fund approach because I believe it represents the best opportunity for those who are sick, and those who will become sick, to obtain reasonable compensation for their suffering. I remain optimistic that it can be done if we demonstrate the resolve, the determination, to put politics aside and get it done.

We are now on the threshold of floor action on the bill. I urge the leadership to renew their commitment to a process which I and others on both sides of the aisle believe can still work. Fair treatment for thousands of asbestos victims is at stake, and we have come too far to quit now. We must make the final push to reach consensus.

Again, I commend the hundreds of people who have spent thousands of hours working towards a solution. Those who have struggled with this issue have worked in good faith, determined to find the mechanism to compensate those victims and those who will in the future fall victim to asbestos. I still believe we can do this, and I know with absolute certainty, though, that we must.

Mr. President, I appreciate this opportunity to address the body today. I hope my colleagues will join together in asking our leaders to work together to come up with a solution that will meet the needs and will meet the opportunities that this legislation represents. But I think it has to be other legislation. This legislation is not yet ready to be passed. But with a very brief period of intense negotiation and working, with the support of the leaders, I do believe it can be. In the final analysis, it must be.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of the motion to invoke cloture on the asbestos bill. I say to my good friend from Nebraska, with whom I agree on so many issues, and work so very closely with, I think this bill is ready because it is a bill we have been negotiating for months and months and months, and a bill on which great compromises have been made on both sides of the issue. I do think it is time we invoke cloture, that we bring this bill to the floor, and that it be open for whatever amendments may be necessary by those who disagree with it, but let's have a vote on it.

Asbestos-related bankruptcies have inflicted a staggering toll on the American workforce. Companies that have declared bankruptcy because of asbestos-related litigation employed more than 200,000 workers before their bankruptcies. So far, asbestos-related bankruptcies have led to the direct loss of as many as 60,000 jobs, while each displaced worker will lose an average of $25,000 to $50,000 in wages over his or her career. For example, when Federal Mogul declared bankruptcy in 2001, employees reportedly lost more than $800 million in their 401(k) plans.

The AFL–CIO has testified before Congress that:

> Uncertainty for workers and their families is growing as they lose health insurance and see their companies file for bankruptcy protection.

There is no question that the escalating claims and costs are a threat to workers' jobs and retirement savings. The AFL–CIO further testified that "the tort system is damaging business far more than it is compensating victims" when it comes to asbestos-related cases.

One economic study found that, considering the multiplying effect of private investment, failure to enact asbestos legislation could reduce economic growth by $2.4 billion per year, costing more than 30,000 jobs annually. Extended over a 27-year timeframe—which is the timeframe of this bill—this would translate into the loss of more than 800,000 jobs and $64 billion in economic growth. Another study concluded that 423,000 new jobs will not be created due to asbestos litigation, and $33 billion in capital investment will not now be made, unless we bring this bill to the floor and pass this asbestos litigation bill.

Asbestos-related bankruptcies threaten American workers' jobs, incomes, job-related benefits, and retirement savings. To date, approximately 70 or more companies—35 since the year 2000—have been driven into bankruptcy as a result of asbestos litigation. Forty-seven States have had at least one asbestos-related bankruptcy.

How does this translate into lost jobs? As I have already said, these bankruptcies have led to the direct loss of at least 60,000 jobs. Many of the affected companies are highly unionized. If this direct impact is not bad enough, we have plenty of additional collateral damage from these lost jobs. It is estimated that for every 10 jobs lost as a direct result of an asbestos-related bankruptcy, an additional 8 jobs are lost. Each worker who has lost a job as a result of bankruptcy will lose an estimated $25,000 to $50,000 in wages because of periods of unemployment and/or lower wages in subsequent employment. Moreover, each worker loses, on average, at least 25 percent of the value of their 401(k) retirement account as a result of their company's bankruptcy.

While we are on the subject of retirement savings, asbestos-related bankruptcies have an adverse impact on the retirement savings of millions of Americans. We have already seen how badly these bankruptcies impact the retirement savings of individual investors. We have seen the devastation to employees of bankrupt companies whose 401(k) retirement accounts hold their employers' stock. And we have seen the damage to those whose pension funds have invested in companies driven into bankruptcy as a result of asbestos-related cases.

All one has to do is look at a couple of examples to get a sense of the dramatic negative impact that asbestos-related bankruptcies have had and will continue to have on retirement savings.

Owens Corning stock, 14 percent of which was owned by its employees in their 401(k) accounts, lost 96 percent of its value, dropping from $1.8 billion to $75 million in the 2 years before its bankruptcy filing in October of 2000.

Then there is the example of Federal Mogul. At the time of Federal Mogul's bankruptcy in October 2001, 22,000 of its employees owned 16 percent of the company's stock, stock that lost 99 percent of its value or more than $70 million. Between January 1999 and the time of its bankruptcy, Federal Mogul's market capitalization dropped from $4 billion to only $49 million. And by the way, Federal Mogul never, ever produced asbestos. It simply acquired a company with asbestos liability. Federal Mogul's stock, which once traded for more than $70 a share, now sells for pennies. Company retirees who once had secure retirement nest eggs must now work minimum wage jobs to survive.

One Federal Mogul retiree told the Detroit News he managed to salvage most of his retirement savings by selling the company's shares before the bottom fell out. But unfortunately, his 82-year-old former colleague was not as fortunate. Because he held on to his Federal Mogul stock, his $1 million retirement plan evaporated to $22,000. As a result, this individual now works as a greeter at a Wal-Mart store—a very credible job, but he didn't take the job because he wanted to meet people. He simply needed to eat.

The runaway asbestos litigation crisis must be brought to an end. The economic data we have seen is troubling because it shows that asbestos litigation creates job losses. American workers and retirees cannot afford to continue shouldering the weight of Congress's failure to act. In fact, we create a class of economic victims by our inaction as companies go into bankruptcy and people lose their jobs.

What I find truly ironic is my colleagues on the other side of the aisle who have repeatedly stressed the importance of protecting American jobs want to block us from considering a bill that squarely addresses this very objective. If protecting American jobs is a priority, then I strongly urge my Democratic colleagues to rethink their position on the Frist-Hatch-Miller asbestos bill or at least vote for cloture on Thursday so we can get an up-or-down vote on the merits of the bill and in the process we can consider what amendments they think might be proper.

I have not been one to pound on my former colleagues in the trial bar. During my 26 years of practicing law, I engaged in plaintiffs' work as well as defense work, and they are very noble parts of our great legal profession. This bill is not directed at trial lawyers, as some have indicated. This bill is directed at two different segments of our society and our economy. First of all, at those companies who are now struggling because of the asbestos-related cases facing them; they are facing bankruptcy if we don't act. We are going to continue to see the loss of jobs directly attributable to the failure on the part of this body to act. The second class of folks this bill is directed to are the victims. Under this bill, the way it is crafted, these victims don't have to file a lawsuit. They don't have to go through the long, drawn-out discovery process that is a necessary part of every lawsuit. They don't have to go through a trial by jury and let a jury of their peers determine what their compensation ought to be. They are compensated directly and immediately when their injury is brought forward.

The fund we establish is a fund that is going to be here forever and ever. We started out with a demand, as the Presiding Officer knows, since he is also a member of the Judiciary Committee, from the folks on the other side of this bill, that we have a trust fund that has $107 billion in it. We resisted that early on. We started out with about an $86 billion proposal. That $86 billion steadily grew until we not only got to $107 billion, we exceeded $107 billion. The trust fund that is set forth in this bill before the Senate today is set at $114 billion. In addition, we have a 10-percent overage fund that can come into play if need be, if that $114 billion is exhausted.

Beyond that, even if all of that money is exhausted in asbestos-related claims, anyone who has a true asbestos-related injury can then go back to the process that is now in force, the legal system we have. So nobody stands to lose in the process. The American worker stands to gain. The injured asbestos victims stand to gain by the passage of this bill.

I urge my colleagues on Thursday to join those of us who are strong supporters of the legislation and vote to invoke cloture. Let's bring the bill to the floor. Let's debate it. And then let's have an up-or-down vote on the bill. Let's compensate those victims who so badly need it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes. I would like to speak about my trip to Iraq and Afghanistan and welcome home the Bravo Company of Fort Carson, CO.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING THE MEN AND WOMEN IN UNIFORM IN IRAQ AND AFGHANISTAN

Mr. ALLARD. Mr. President, I rise today to share my thoughts with my colleagues about the courageous heroism being shown by our men and women in uniform deployed in Iraq and Afghanistan.

On the second day of my visit to Iraq and Afghanistan last month, I had the opportunity to meet with a staff sergeant who was a reservist from Denver, CO. Before Operation Iraqi Freedom, he had a great family life, good-paying job, and much happiness in his life. Yet when President Bush ordered our men and women in uniform to prepare and eventually rid Iraq of Saddam Hussein, the staff sergeant's unit, the 324th Tactical PsyOps Company, was mobilized and deployed to Iraq.

When I met with this brave soldier, his unit had been deployed for over a year in Iraq and was expected to spend at least another 3 months in the country. Yet to my surprise, this staff sergeant did not complain about the lengthy deployment, nor did he complain about missing his family or express any worry about losing his job. Instead, he spoke of the importance of his mission and how much of a difference he and the rest of our forces were making in Iraq. He said the United States did the right thing in liberating Iraq from Saddam's tyranny, and not a day goes by when at least one Iraqi doesn't thank him personally for freeing their country.

His only request was for me to contact his wife and thank her for supporting him, a great sacrifice, over these many months. This was the least I could do to repay him for his brave service to our Nation.

During that conversation, I could not have been more proud of or more thankful for our men and women in uniform. Many of these soldiers, sailors, airmen, and marines are in their early 20s, and some have never been outside the United States. Others have seen combat before and are struggling with the long deployment away from their families. But every soldier I spoke with made it clear they are dedicated to their mission and committed to defeating extremists that seek to return that land to a rein of terror.

I am especially proud of those Coloradans who have confronted our enemies in Iraq and Afghanistan. For example, the Third Armored Cavalry Regiment from Fort Carson, CO returned after being deployed in one of the most hostile areas of Iraq for over a year. They fought multiple battles with extremists and overcame numerous hardships during the course of their assignment. I commend the Third

ACR for their service and welcome them home.

I would also like to acknowledge the 10th Special Forces Group, also stationed at Fort Carson, for their ongoing contributions to Operation Iraqi Freedom. Units from the 10th Special Forces Group continue to serve in Iraq and continue to make me and the rest of Colorado very proud.

As we in Colorado celebrate the return of thousands of troops, we should not forget those who lost their lives on the battlefield. More than 50 men who were either from or stationed in Colorado have made the ultimate sacrifice. The families who have lost loved ones deserve special honor. Our thoughts and prayers have been with them as we all remember the sacrifices their sons and daughters have made for the security of our Nation.

This past weekend, I had the opportunity to welcome home the Bravo Company of the 244th Engineering Battalion. Bravo Company is stationed in Fort Collins, CO, and the community's response to these men and women returning was truly heartening.

Equally as encouraging were the remarks shared to me from the members of the Bravo Company. These professional soldiers want to succeed in Iraq, their morale is high, and are proud of the time they devoted to the reconstruction of Iraq.

The Bravo Company's mission in Iraq was to help provide infrastructure. This consisted of things such as sanitation facilities, electric utilities, water utilities, as well as highways. They also helped in other ways with construction of hospitals and schools during their deployment. They shared their feelings with me that they felt they were really serving a need there. They were proud of their opportunity to serve over in Iraq. Obviously, they were glad to return home, but many of them were very, very happy about having an opportunity to serve the country in a valuable way.

The point of emphasis shared with me by these soldiers is that it is imperative the American people continue to stand firmly behind our troops deployed overseas. This is not the time for grandstanding by drawing parallels between this military action and the Vietnam War. In fact, those distortions run counter to the strong support that the American public still has for completing the job in Iraq.

This is not an issue of people not supporting our Armed Forces, because I know that every Member in this body supports our troops, regardless of personal beliefs about the rationale for Operation Iraqi Freedom. The issue is our support to stay the course for a struggling democracy; one that can bring freedom not only to the Iraqis, but perhaps to the Middle East. The United States will be defined by our response to the terrorists and despots that want to see Iraq return to chaos and dictatorship.

The efforts of units like Colorado's 3rd Armored Calvary Regiment, the 10th Special Forces Group, and 244th Engineering Battalion have helped to spread freedom and democracy to Iraq after decades of terror. A free Iraq is a historic opportunity to change the world.

By demonstrating our commitment to not only rid Iraq of terrorists but also improve the lives of ordinary Iraqis, we show the world that America is still the torchbearer for liberty. Our soldiers understand the challenges, and they want Americans to help them face the challenge and support their efforts.

Meeting these men and women reminded me of a statement that Chairman of the Joint Chiefs of Staff, General Myers, told the Armed Services Committee last year. He said that we would win in Iraq as long as we have the continuing will of the American people. I believe that Americans still have the will to win, especially the men and women in uniform who I have met.

Mr. President, I thank you for allowing me the time to praise some of my brave fellow Coloradans. I will continue to spread the word from the soldiers that while even in the gravest of situations, they understand the importance of what the United States is trying to accomplish in Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ AND AFGHANISTAN

Mr. WARNER. Mr. President, there has been some discussion on the floor, as there should be, about the very serious situations, challenging situations that our Nation and other nations fighting against terrorism and for freedom are facing now in Iraq and Afghanistan.

In the company of the distinguished senior Senator from Alaska, Mr. STEVENS, and the senior Senator from South Carolina, Mr. HOLLINGS, I visited those two countries just four weeks ago. Senator HOLLINGS, Senator STEVENS, and I had an opportunity to discuss with the heads of state and government and our military leaders the situation, and we also visited with our troops. We visited Jordan. We visited Iraq. We visited Kuwait. We visited, of course, Pakistan. We went into Afghanistan, and we came back through Paris where we had, I thought, a very interesting and lengthy opportunity to discuss our views with President Chirac of France.

Today I would like to discuss some of these issues that were discussed on the floor today. I do so by expressing that the past few weeks have been particularly challenging for the citizens of the United States of America and, indeed, the citizens of other coalition countries fighting bravely with us in those theaters of war, namely, Afghanistan and Iraq.

We are ever mindful the risks our troops face every day and the sacrifices made by the families and the communities that support them as those who have been removed from power seek to delay their inevitable defeat as terrorists lash out against the loss of yet another haven, both in Afghanistan and in Iraq, where terrorism has been spawned to spread worldwide.

We mourn every loss of life of these brave men and women in uniform and salute those who serve and their families for their bravery, their commitment, and their sacrifice. We are at a critical juncture for the coalition operations in both of these theaters. The brilliant military victories achieved by our forces, together with coalition partners, have presented an opportunity to fully defeat violence and terror in both Iraq and Afghanistan, nations whose previous rulers had perpetrated violence and terror on their own populations, neighbors, and, indeed, the world.

The cycle of violence that has gripped this part of the world must end if we are to win the global war on terrorism and to make America and the world a safer place. Deviation from our current course will only embolden—embolden—those who are intent on causing instability and anarchy in these regions of the world.

We have achieved extraordinary success in a relatively short period of time. In Iraq, Saddam Hussein and the threat he posed are gone, and now he, I think, to the credit of the Iraqi people, is likely to face a court of law and be judged by his own peers for his frightful administration over a period of over 30 years in that country and the hardships he imposed.

We must continue, however, to send a strong message of resolve to the people of Iraq, to our troops, to our coalition partners, and to the rest of the world that we, the United States of America, will stay the course and get the job done. As President Bush stated last week:

> Now is the time and Iraq is the place in which the enemies of the civilized world are testing the will of the civilized world. We must not waiver.

I take great encouragement by listening to that strong statement. I have supported the President throughout these operations. As I said, I recently visited both of those areas, and I have done it three or four other times. It has been an opportunity for me, as chairman of our Armed Services Committee, to follow these operations very carefully.

President Bush has set a course that calls for the return of political sovereignty to the Iraqis on June 30. It is critical that we end our status as an occupying power and give the Iraqis an increased stake in what happens in their nation.

I would like to pause on that point. Yesterday, in the course of our series of hearings before the Armed Services Committee, at which time we had the benefit of the testimony of the Deputy Secretary of Defense, Mr. Wolfowitz, and the Chairman of the Joint Chiefs of Staff and Under Secretary of State for Political Affairs, Ambassador Gross, I raised a question about the use of the term "sovereignty." I have watched carefully as all those in positions of authority have begun to discuss what takes place on the 30th of June.

It has been referred to, and I do not say this out of disrespect but just factually, somewhat loosely. People have said we are going to convey sovereignty, as I have just read from these remarks. Others say it is a conveyance of power to a new Iraqi interim form of government. I shall address that later.

In the hearing yesterday, through questioning by myself and other colleagues, it was clearly established that the security of Iraq must be maintained by the coalition forces until such time as the Iraqis can put in place, whether it is police, a national guard, an army, or a combination of all of those forces, a force such that we can turn over to them completely the operations that must take place to repel the insurgents and otherwise maintain security in that country.

The question is, Since that must be maintained and the document that the Iraqi Governing Council and the Coalition Provisional Authority put together—the Transitional Administrative Law—specifically states that the Iraqi security forces, as they come along, will be under the unified command of a U.S. led multinational force that is authorized by UN Security Council Resolution 1511. This resolution goes into some detail with regard to how the security will continue to be maintained under the auspices of the coalition military leadership. The security will still emanate from the President of the United States, the Prime Minister of Great Britain, and others who are now directing, through their military commanders, the security operation in Iraq. Those forces are going to stay.

If we look at the pure definition of "sovereignty," one must say: Wait a minute. The very heart of being a sovereign nation is providing security of one's borders, of one's internal situation, and security against anyone attacking one's nation. That is the very heart of what I believe is sovereignty. But that authority simply does not pass, as I said, because of the Transitional Administrative Law and related orders enacted by the Iraqi Governing Council and the Coalition Provisional Authority, which are the current authority in Iraq, and by United Nations Security Council Resolution 1511. So I think as we use the term "sovereignty" with reference to what passes on June 30, we should be very careful to say limited sovereignty passes.

A great deal of responsibility will be transferred to this new entity, but the security function is going to remain under the control of those I have just described until such time—presumably with the combined judgment of the coalition forces and the governing body of Iraq—there is a sequential series of governing bodies that take place, and until that time we are going to be very active in continuing to support a security framework so that government can work.

Again, I return to the date of June 30. This date was endorsed by the U.N. special representative, Mr. Brahimi. Mr. Brahimi and the U.N. are playing an important and growing role in this transition of the government and will continue to play a critical role, hopefully, in helping Iraq on its path to democracy.

The President's appointment earlier this week of the trusted international statesman and current U.S. Ambassador to the U.N., John Negroponte, as the first U.S. Ambassador to a free and democratic Iraq is another important step in the process. I have known Mr. Negroponte for a number of years, and I have the highest regard for his professional capabilities and his character.

Continued U.S. commitment to the June 30 transition date is of enormous importance to the Iraqi people and to the region, for it will be the day Iraq takes its place in the community of free nations and the day Iraqis assume responsibility for their future. A free, democratic Iraq means defeat for the forces of terrorism and instability in Iraq.

Clearly, the recent surge of violence in Iraq is related to the imminent transfer of sovereignty. Those who fear democracy are trying to delay its arrival. Those who incite terror realize their days are numbered. Opponents of a free and democratic Iraq are desperate and will become even more desperate, we all fear—at least I do, and I think some others—in the weeks to come until June 30.

It is my hope, but I certainly do not want to raise expectations, but I do have a hope that once the realization, after June 30, settles in among the Iraqi people that at long last the first of a series of steps to give them total sovereignty is occurring, that 80 to 90 percent of Iraqi citizens want this program to succeed and the coalition forces to finish their work. Those people will help us in establishing a greater degree of security in Iraq.

We must be prepared, however, for such violence as does continue to occur between now and June 30 and afterwards. There is not going to be a cliff, an abrupt drop-off. It is likely to continue for a period of time, but our coalition forces are resolute to maintain that security.

Some greater detail was shared with this body by the Deputy Secretary of Defense and the Under Secretary of State yesterday during our hearing outlining these first steps towards democracy, including: formation of an Iraqi Interim Government, with the assistance of the U.N., and extensive consultation with the Iraqi people, to accept limited sovereignty on June 30, 2004; the organization of elections for a representative national assembly and transitional government, to be held no later than January 31, 2005; the drafting and ratification of a constitution by October 2005; and, elections and formation of a constitutional Iraqi government by the end of December 2005. During this interim and transitional period, considerable effort will be made by U.S. and coalition forces to select, train, equip and mentor the various components of the Iraqi security forces, so as to be able to assume increasing responsibility for the internal security and external defense of Iraq.

This is a good plan—a realistic plan—that has received the support of Ambassador Brahimi, the special representative of the U.N. Secretary General, Kofi Annan. This plan, and what additional support may be required from the U.N., are the subject of ongoing discussions at the U.N.

Lasting peace and security in Iraq and Afghanistan will be achieved when we establish the conditions for democratic, economically viable nations. The first steps to democracy have been taken and new governments are, or soon will be, preparing to assume the responsibilities and challenges of freedom and democracy. These new governments will need the continued support and commitment of the Congress, the American people, and the international community. Their success will stand as a beacon of hope to others in the region and around the world, and as a harbinger of defeat for the forces of violence and terror.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, all of us believe that the current system for compensating asbestos victims is not working well and that legislation creating a fairer, more effective process is needed. However, this bill, S. 2290, is not that legislation. In its current form, it does not create a system which will fairly and reliably compensate seriously ill victims of asbestos exposure.

This is not a balanced approach to the asbestos problem which comes from negotiations between business and labor. The bill reads as if it was dictated by the defendants solely for the benefit of the defendants. In fact, there have been no serious negotiations for months on the central issues fair levels of compensation for seriously ill workers, and adequate funding for the asbestos trust to make sure that injured workers actually receive what they are promised.

The only issue on which any progress has been made is the administrative structure of the compensation program. Senator SPECTER deserves great credit for convening a series of discussions on this topic involving both labor and business. However, as long as the compensation values are unreasonably low and the amount of money in the trust is grossly inadequate, improving the way in which that money is distributed to individual victims cannot make an otherwise bad bill acceptable.

Since the Judiciary Committee voted out a bill in July, the process has moved backward, not forward. While I had serious objections to the committee-passed bill, the Frist bill is much worse. It reduces the funding level of the asbestos trust by more than $40 billion dollars—$153 billion in the committee bill versus $109 billion in the Frist bill. They stripped out the major improvements we made in committee the two Feinstein amendments and the Biden amendment. They made a mockery of the committee process.

The bill before us does not reflect what is necessary to compensate the enormous number of workers who suffer from asbestos-induced disease, it reflects only what the companies who made them sick are willing to pay.

The Republican sponsors of this bill are insisting on compensation levels which are far below what these seriously ill workers deserve, and less than what they are receiving, on average, under current law. These are people whose health has been destroyed and, in many cases, whose lives have been substantially shortened, by asbestos induced disease. Shortchanging them would be extraordinarily cruel.

There is also no adequate guarantee in the legislation that sufficient funds will be available to fully pay all injured workers who are eligible to collect, even at the low levels of compensation in the bill. For injured workers and their families, this proposal is clearly worse than the current system.

The real crisis which confronts us is not an asbestos litigation crisis, it is an asbestos-induced disease crisis. Asbestos is the most lethal substance ever widely used in the workplace. Between 1940 and 1980, there were 27.5 million workers in this country who were exposed to asbestos on the job, and nearly 19 million of them had high levels of exposure over long periods of time. That exposure changed many of their lives. Each year, more than 10,000 of them die from lung cancer and other diseases caused by asbestos. Each year, hundreds of thousands of them suffer from lung conditions which make breathing so difficult that they cannot engage in the routine activities of daily life. Even more have become unemployable due to their medical condition. And, because of the long latency period of these diseases, all of them live with fear of a premature death due to asbestos-induced disease. These are the real victims. They deserve to be the first and foremost focus of our concern.

All too often, the tragedy these workers and their families are enduring becomes lost in a complex debate about the economic impact of asbestos litigation. We cannot allow that to happen. The litigation did not create these costs. Exposure to asbestos created them. They are the costs of medical care, the lost wages of incapacitated workers, and the cost of providing for the families of workers who died years before their time. Those costs are real. No legislative proposal can make them disappear. All legislation can do is shift those costs from one party to another.

Any proposal which would have the effect of shifting more of the financial burden onto the backs of injured workers is unacceptable to me, and I would hope that it would be unacceptable to every one of us. The key test of any legislative proposal on asbestos claims is whether, by reducing transaction costs, it will put more money into the pockets of seriously injured workers and their families than they are receiving under the current system. That should be our goal.

I believe that a properly designed trust fund to compensate workers suffering with asbestos-induced disease can move us toward that goal. To do so, it must use inclusive medical criteria which cover all workers who have sustained real injuries, it must provide fair levels of compensation for all workers who have been injured, and it must guarantee that all injured workers who qualify will receive full compensation on a timely basis. At best, this legislation satisfies only one of these three criteria.

Any proposal which would merely create one new large underfunded trust in place of the many smaller underfunded bankruptcy trusts which exist today is unacceptable. Injured workers need certainty even more than businesses and insurers.

One basic test of fairness is how a compensation system treats the most seriously injured victims. S. 2290 fails this test miserably. Those who meet the medical criteria for the most serious illnesses would still not be fairly compensated.

Mesothelioma is a horrible disease which is usually fatal. There is no question that it is caused by asbestos exposure. In the current system, mesothelioma victims often receive multi-million dollar settlements. This bill will limit them to much less.

The gravest injustice done by the bill is to lung cancer victims. We all understand how devastating lung cancer can be. The issue with lung cancer is causation. If a worker had substantial asbestos exposure and was a non-smoker, his primary lung cancer was almost certainly caused by asbestos. Yet the bill would pay these victims as little as $225,000. In many instances, that will not even cover their medical expenses. They are currently receiving much higher judgments in the courts, and fairness requires far more compensation for their life threatening diseases than this bill offers.

If the worker smoked—and unfortunately most of these workers did—the combination of tobacco and asbestos exposure dramatically increases the likelihood of contracting lung cancer.

Workers who smoke and have been exposed to asbestos are over four times more likely to get lung cancer than smokers with no asbestos exposure. Asbestos is clearly a major contributor to their lung cancers. Yet, this bill would give them next to nothing. Under the terms of this bill, they would receive between $25,000 to $75,000. That is outrageous. These victims, who must have at least 15 weighted years of asbestos exposure, deserve much more—they deserve a level of compensation that reflects the reality of their conditions and their families' needs.

Even when the worker's lungs show specific evidence of asbestos disease, raising the probability that the asbestos exposure significantly contributed to the lung cancer to a virtual certainty, the legislation would pay them as little as $150,000. That is incredibly low. These lung cancer victims have literally had their lives shattered by asbestos. They must be fairly compensated in any legitimate national trust proposal. They are not in the Frist proposal.

To make matters even worse, the legislation would actually allow workers' compensation and health insurance companies to seek reimbursement out of the meager amounts these seriously ill workers receive from the asbestos trust. Thus, the worker and his family may literally end up with nothing despite his undeniable injuries. At the very least, the bill should protect the compensation paid to a worker by the trust from subrogation claims.

Proponents of this bill argue that in the tort system too much money is going to victims who are not really impaired and not enough is going to those who are truly sick. But their self-proclaimed concern for the truly sick certainly is not reflected in this bill. Lung cancer victims are "truly sick" by anyone's definition. In fact, a large percentage of them will have their lives cut short by this disease. Yet even in these cases, the most compelling cases, S. 2290 provides grossly inadequate compensation. I am deeply troubled by the way this legislation treats even the sickest of the sick.

Not only does this bill not provide adequate levels of compensation, but it does not even contain sufficient funding to pay the compensation levels contained in the bill. According to a CBO analysis, it is underfunded by over $25 billion dollars. CBO's cost estimate is $140 billion.

Furthermore, there is no guarantee that this bill will raise even the $109 billion which the sponsors say is necessary. The bill establishes contribution tiers for defendant corporations of various sizes and asbestos histories. However, the Senate has no hard information about the number of companies which will fall in each tier. Thus, the aggregate amount which will be raised to fund the asbestos trust is highly speculative. Under the proposed funding plan—some corporations—such as Halliburton and WR Grace—can escape accountability for their wrong-doing by paying only a small percentage of the amounts they are currently responsible to pay. As long as companies such as Halliburton and Grace are permitted to pay billions of dollars less than their fair share, it will be extremely difficult—if not impossible—to fund the trust at a level sufficient to fairly compensate those who have been poisoned by asbestos.

Similarly, the manner of determining the amount that individual insurers and reinsurers will contribute to the trust is also questionable. It appears to unfairly benefit some companies at the expense of others. The way it has been structured, it may actually create unintended legal obstacles to the expeditious payment of billions of dollars into the trust by reinsurers with the largest asbestos exposure.

These funding concerns seriously jeopardize the financial viability of the trust and its capacity to compensate injured workers in the manner promised. In fact, there is no guarantee that the dollars will be there to fully pay all eligible victims what the legislation promises they will receive.

If the asbestos trust does become insolvent, workers will have to wait years before they can return to the tort system. Under the Biden amendment adopted by the Judiciary Committee, if the trust was unable to fully pay claims in a timely manner, injured workers would immediately regain their right to seek compensation in the courts.

Unfortunately, that right—so essential to fundamental fairness—has been removed in the Frist bill. Victims will have to wait as long as 7 years after the trust becomes insolvent before they can take their claim to court. Many of them will be dead by then. And, if they do return to court, the workers will not have the same rights that they do today. Under the Frist bill, seriously ill workers can find themselves in an intolerable legal limbo through no fault of their own. All of us should find that unacceptable.

The danger that the asbestos trust, as structured in this legislation, will be unable to meet its financial obligations to the victims is very real. There is a serious risk of a substantial shortfall in the early years, when nearly 300,000 pending cases will be transferred to the newly created national trust for payment. The trust may not have the resources to pay those claims in a timely manner. Payments to critically ill people may be delayed for years, and the trust itself may become insolvent.

The best way to reduce the enormous financial burden on the trust in the early years would be to leave many of those pending cases in the tort system, especially cases which were close to resolution. That would be fair to the parties in those cases and it would greatly improve the financial viability of the trust. Unfortunately, the Frist bill would do just the opposite. It fails to respect stare decisis even in cases where substantial judicial determinations have already been made. In many cases, it would actually abrogate jury verdicts and existing settlements, requiring the injured workers to start from scratch. That is terribly unfair. It will also greatly increase the burden on the asbestos trust.

Unfortunately, there is so much wrong with this legislation that I could literally discuss the shortfalls for hours. However, that would serve no purpose. Clearly, the issues are too complex and too interrelated to fix in a few days on the Senate floor. For that reason, the Senate should reject the motion to proceed to S. 2209 and send the parties back to the drawing board. The only way to produce an acceptable bill is to seriously address the legitimate concerns of injured workers as well as the concerns of the corporate defendants.

The Frist bill clearly fails that test. It is not a bill which reduces the high transaction costs in the current system, and thus puts more money in the pockets of injured workers while reducing the costs to businesses and their insurers. That would be a real solution.

It is a bill which merely shifts more of the financial burden of asbestos-induced disease to the injured workers by unfairly and arbitrarily limiting the liability of defendants. Sick workers would receive lower levels of compensation than they receive on average in the current system, and payment of even those lower levels of compensation would not be guaranteed. That is no solution at all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that immediately following the distinguished Senator from Connecticut, I be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The pending business is the motion to proceed to S. 2290.

EDUCATION

Mr. DODD. Madam President, I want to take a few minutes and talk about an issue off the pending matter, if I may, before the Senate. While it may not be germane to the subject matter before the Senate, the matter I want to talk about is extremely germane to the American public and what they are interested in. That is education. I particularly want to focus for a few minutes on higher education.

We are now coming into the months of April and May when students will be wrapping up their academic year and taking exams. Those who are in their last year will be graduating and going out into the private sector or graduate school.

As we focus on graduation and the termination of an academic year, I think it is important to take stock of the financial availability of most students to access higher education in this country, and what we are doing about it as we conclude this academic year. It is also important to ask what will be available next year to students who are either starting higher education or are continuing their higher education.

What are the economic challenges these individuals and their families face as it relates to affording college? I want to spend a couple of minutes describing what the present situation is as it relates to college cost, how important it is to have access to college, and where we are today in our ability to try to make college more accessible and more affordable.

In the 21st century we must have the best educated and best prepared generation of Americans we have ever produced if we are going to be highly competitive in a global marketplace and have a growing and expanding economy to produce goods and services of increasing value; that is, more technology and more sophistication to offer the 95 percent of the population which lives outside the United States all over this globe.

We have seen tuition and fees at public colleges and universities go up 26 percent over the last 38 months. Since President Bush took office on January 20 of 2001, tuition and fees at public colleges and universities has gone up more than 25 percent—close to 26 percent in 38 months.

Last year alone, on average, tuition at a public university rose 14 percent, and over 10 percent in my own State of Connecticut. The average total cost of attending a public 4-year college is now over $9,000, and for private colleges the average cost is $24,000.

As tuition rates increase, so does the portion of a family's income needed to pay tuition. On average, 29 percent of a family's income goes toward public university tuition and 41 percent goes toward private university tuition. Just think about that: almost 30 percent of a family's income paying a public college tuition and more than 40 percent to go to a private university or college. In comparison, a family's mortgage payment represents 32 percent of annual income. Education is now eating up more of a family budget than a home mortgage—the largest single investment most families ever make is owning their own home.

It is estimated that approximately 200,000 college-ready high school graduates will not pursue higher education this year because they do not have the resources to do it and don't have access to the various programs that may provide them some assistance.

Apart from initial affordability, students also often graduate with huge amounts of debt. In Connecticut, the average student graduates in 4 years $15,000 in debt. The numbers are rather clear.

We are seeing a tremendous economic burden growing with each and every passing year, for families and individuals who wish to go on and get that absolutely critical higher education they need and we need them to have.

Pell grants are such a great cornerstone of the Federal financial aid system, but they are shrinking in value. Pell grants originally covered 80 percent of the cost of attending a public university. Today, at $4,050, they cover only 30 percent; and at a 4-year private college, 16 percent. Imagine that, from 80 percent down to 34 percent.

The maximum Pell amount remains stagnant at a time when tuition is going up, people are losing jobs and extra income, and when higher education is increasingly the ticket to a better life not only for the students but for us, as well.

Today, the average low-income student has an annual unmet need of almost $4,000 in college expenses, costs not covered by grants, loans, work, or family savings. These are the students that an increase in the Pell grant would most directly help.

What are we doing about this? The President's budget is clearly not in the best interest, at all, of serving this critical need that, by all accounts, we admit is necessary. I don't know of anyone who does not go back to their respective States and talk about the importance of education, the importance particularly of higher education, that people have the ability to earn that degree.

I am sure every one of my colleagues has said exactly the words I am about to share, or something similar: No one ought to be denied a higher education because they lack the financial resources. It goes to the depth of a person's drive, the depth of their character, the depth of their ambition. It ought not be the depth of their parents' or their pockets that determines whether someone can have access to a higher education. I am sure we all feel that way.

Mr. KENNEDY. Would the Senator be good enough to yield?

Mr. DODD. I am happy to yield to my colleague.

Mr. KENNEDY. The Senator has appropriately pointed out the explosion of increased costs of tuition for the sons and daughters of middle-income families. This is basically a middle America working-class family issue. As the Senator has pointed out so well and so eloquently, it is at the heart of the hopes and dreams of every family in this country.

I am sure the Senator would agree with me, when we talk about education, we are not only talking about a better educated society; we are talking about individuals who are going to be the stewards of our democratic institutions and also the individuals who are going to be able to lead this country in terms of the international global economy and beyond that; individuals who are going to be able to be in the Armed Forces of this country.

The Senator is mentioning the increases in tuition. The Senator pointed out the costs to families: in many families, the children cannot go to college. And if they are able to go, they experience increased debt.

I understand the Advisory Committee on Student Financial Assistance has said as a result of the increase in tuition, there are almost 200,000 young individuals, young men and women, sons of working class families in this country, who effectively have been priced out of the opportunity to continue in higher education. And reports point out the enormous increase in indebtedness of even those who are going to schools. We know that over the last 10 years, indebtedness has actually almost doubled. The average debt families have when they graduate is some $17,000.

I am wondering if the Senator remembers that it was a few weeks ago the Senate passed a $2.4 trillion budget. We had an opportunity to provide a helping hand to students in this country who come from working families, by increasing the Pell grants for the young people in this country. It was the judgment and the decision of this body and the Republican administration, the Bush administration, to effectively say no, we will not increase the Pell grants, in spite of the fact—I know the Senator remembers this—that this President, when he ran for the Presidency of the United States, said in the final days of the campaign in the State of New Hampshire, that he was committed to increasing the Pell grants to $5,100. He said, in the State of New Hampshire on August thirtieth, in the year 2000: Pell grants significantly affect the ability of a child to stay in college or to stay in school. The future of a child eligible for a Pell grant will be affected by the size of the Pell grant. I am going to ask Congress to bolster first year aid from $3,300 to $5,100.

Does the Senator from Connecticut remember when we had an opportunity to do something about helping middle-class families in this country, to provide some help and assistance to them, to ease the burden of the increase in tuition, whether there was any effort from the Republican side to increase the Pell grants to provide this important help and assistance to these qualified young students who are seeking to continue their education?

Mr. DODD. In response to my colleague, I very clearly remember supporting the senior Senator from Massachusetts and his amendment that would have increased the higher education budget, including, obviously, an increase in the Pell grants to meet exactly what the commitment of the President had been on this subject matter. We were unable to get that.

It is important to point out to people the effects. We have now had a freeze in Pell grants over the last 3 years, despite the President's campaign promise to raise them. I mentioned earlier that a Pell grant now pays about 34 percent of the cost of public higher education. It was at 80 percent when it was originally passed.

Let me also state what shrinking resources and rising costs have done. My colleague from Massachusetts has pointed out that the average student now finishes college in excess of $17,000 debt. As a result of freezing the Pell grant over the last 3 years, and the administration's proposal to raise freshman loan limits, we are now told that student debt could increase nationally by almost $5 billion. If we take student debt, that will now grow as a result of not having Pell grants trying to keep some pace with the increased cost of education, if students have to take out more loans, we will have student debt amount to $5 billion more nationally than presently is the case.

The President's budget also froze funding for work-study programs in addition to Pell grants. We watched, over the last 38 months, tuition costs go up at public universities 26 percent. Costs go up and the President's budget says: No, no, I am not going to give you a nickel more for Pell grants. Freeze work-study. Freeze Pell grants. Not a penny more for higher education despite costs going up and here is $5 billion more debt to shoulder as you leave higher education to go out and try to get a job, get into the workforce, raise a family.

I don't know of anyone who believes that is a sound investment in the 21st century. I thank my colleague for raising those points.

Mr. KENNEDY. Does the Senator agree with me that at one time we, as a nation, made a commitment to every child in this country that if they were qualified to get into any institution of higher learning based upon their academic standing, a series of grants and loans would be available to them so they would be able to go to the school, the college to which they were admitted?

We saw over the period of time going back to the 1970s, going back to the time this whole program, the Pell grants and the Stafford loans were established, a balance between grants and loans so young people of talent could go to the schools and universities to which they were admitted.

Now if I could direct the attention of the Senator from Connecticut, what we have seen is a complete abdication of that commitment in the fact of the declining purchasing power of the Pell grants, and in the reduction of the Work-Study Program. Fundamentally we are saying to the young people, and particularly to their parents: You are on your own. Go on out there and borrow, and pay a good deal for that additional $5 billion you will borrow. And there is just going to be paying the interest and indebtedness for those young people in the years ahead.

Would the Senator be good enough to indicate whether he agrees with me, that the whole pattern in the recent years under Republican leadership has been to reduce the purchasing power, the value of the Pell grant, and to require the students to borrow a good deal more, which has meant an increase in indebtedness to these students? And would he not agree with me, when you visit schools and colleges and you meet with these young people around recess time or lunchtime, they are talking about their loans rather than talking about their books?

Mr. DODD. Madam President, the Senator, again, is exactly correct. As I noted earlier, we are talking about families who are middle-income families, who are lower middle-income families who are out there struggling to make ends meet. As I pointed out, the increased cost of a public education, as well as a private education, in 38 months has gone through the ceiling, outpacing the cost of anything else. Inflation has been relatively flat in the last number of months with the economy where it is. But yet in the midst of all that, we have seen a 26-percent increase in the cost of going to a private college or university, and a 14-percent increase to go to a public institution.

So we have seen this tremendous increase in a family's income going toward education and tuition. As I pointed out earlier, 29 percent of a family's income goes to pay for public university tuition; 41 percent goes to pay for private university tuition.

The debt these kids are faced with, their families are faced with, is an additional strain on families who are already paying so much to see to it their kids can get the education they need. And we know so clearly the importance of education. You find yourself almost wondering why you have to say this. I don't know of anyone who believes that for a single second this country's ability to maintain itself in a leadership position economically and politically can be sustained without the proper education. Thomas Jefferson said, 200 years ago this year, in 1804, any nation that ever expects to be ignorant and free expects what never was and what never possibly could be.

If you believe that had validity in 1804, you certainly must believe that in 2004 it has even more validity, not only in terms of embracing and supporting our constitutional principles, but also as to the importance of being able to get the education to produce the goods and services of high value which 5 percent of the world's population, which lives in this country, will be able to market to the 95 percent of the world's population which lives outside this country.

Anyone who believes for a single second that you can deny 200,000 young people, as you will this year—almost a quarter of a million young people—the opportunity to go on to higher education because we cannot come up with a few extra bucks to put into a Pell Grant Program or a Work-Study Program—if you think America benefits from that, then you are deluding yourself. This will be the first generation where the older generation is actually cutting back on its commitments in its attempts to provide access to higher education for people in this country.

I hope in the coming days as we move through the appropriations process and the like, our colleagues will find it possible to break this freezing of the budgets to make it possible for students who are completing this academic year and thinking about next year, or thinking about graduate school, or leaving high school and wanting to go on to college—that the Congress of the United States, the President of the United States, would stand up and say: We are going to do what we can. We are going to meet that promise I made in New Hampshire in the fall of 2000 when I promised I would increase Pell grants to more than $5,000 per child. I am going to meet that promise before this term is over.

My hope is we will achieve that particular result.

I see my colleague from Rhode Island.

Mr. REED. Will the Senator yield for a question?

Mr. DODD. Yes.

Mr. REED. Mr. President, I say to the Senator, you were speaking about increasing the Pell grant, which strikes a chord with me. Senator Pell was my predecessor, the architect of this great program. I am sure you are aware, but if you can confirm this awareness, the Pell Grant program has a $3.7 billion shortfall because of an increase in the number of students who have qualified for the Pell grant since our economy has not produced jobs over the last several years and has been dead in the water until very recently. We, in our budget, included the $3.7 billion, but I am told this funding might be in jeopardy in the conference, which would be a grievous blow to the Pell Grant Program in addition to what you have described. Are you aware of this difficulty?

Mr. DODD. Madam President, I thank my colleague from Rhode Island. He very appropriately points out he succeeded Claiborne Pell, whom the Senator from Massachusetts and I had the great privilege of serving with. The Senator from Rhode Island knows the wonderful contribution he made to millions of young Americans, Americans of all ages, but particularly young Americans.

I was not aware of what my colleague from Rhode Island told me. I think that is extremely important information. I would hope, as I am sure he does, the conferees and the American public would let conferees and the leadership here in Congress know this shortfall must not be allowed to exist if we are going to have any hope at all of meeting some of the obligations we have.

I might ask my colleague from Rhode Island, give us some indication how that is working now. Does he believe that is going to be the case? And what would be the implications of that?

Mr. NICKLES. Regular order.

Mr. DODD. Madam President, I believe the Senator has the floor.

The PRESIDING OFFICER. The Senator from Connecticut may yield only for a question.

Mr. DODD. Madam President, I am responding to a question. Without yielding my right to the floor, I am asking my colleague from Rhode Island to respond to a question.

Mr. REED. Will my colleague yield for another question?

Mr. DODD. Yes.

Mr. REED. First, the Pell Grant Program is in jeopardy because of its low funding levels. As you and Senator KENNEDY have pointed out so accurately, the maximum award has not been raised, contrary to the President's promise. In addition, the $3.7 billion shortfall exists today. We have taken a step on our side to remedy the shortfall, but it is unclear what the other side and the conferees will do. So that is another detriment to the Pell Grant Program.

But I will ask a final question of the Senator. The President's budget not only inadequately funds the Pell Grant Program, but it eliminates the LEAP Program—Leveraging Educational Assistance Partnerships—a collaboration between the State and Federal governments to provide need-based grants to low-income students.

The President's budget also zeroes out funds for the Perkins Loan Capital Contributions, which provides low-interest loans to millions of low-income college students.

Additionally, the President's budget fails to increase funding for the campus-based programs, Supplemental Educational Opportunity Grants and Federal Work-Study, as well as the early awareness programs, TRIO and GEAR UP.

I again inquire whether the Senator is aware that in addition to the blows that have been taken to the Pell Grant Program, so many other Federal programs that aid particularly low-income Americans are not being adequately funded. I think that goes directly to your point, I say to the Senator, that 200,000 young Americans with talent, ambition, and drive are unable to go to college because we are not providing the resources.

Mr. DODD. Again, Madam President, I am very grateful to my colleague from Rhode Island for pointing out matters I had not addressed; that is, these other areas of higher education.

This is an assault on higher education. But more importantly, it is an assault on young people in this country who are going to provide the well-being. I always like to point out this Nation historically, even during times of our most significant crises, has found a time and a place to support higher education. I have often pointed out one of the first acts of Congress in 1789, as we were still struggling to get on our feet, was the Northwest Ordinance, which set aside lands for education. It was a rather remarkable accomplishment. Think of all the things the first Congress had to deal with. Education was one of the top priorities on their list.

Then right in the middle of the Civil War—imagine the country divided, wondering whether we would survive as a nation—the Congress of the United States passed something called the Morrill Act, which was the land grant colleges. I believe the University of Rhode Island—I know the University of Connecticut got started as a land grant college, and I know colleges all across this country got their start because of the Morrill Act. Congress found the money during the great Civil War to fund higher education.

Even before the end of World War II, before the defeat of nazism and the Japanese empire, the Congress passed the GI Bill. And think, if you will, of the investment made in those years, coming off the war years, and how we have benefitted, when you consider a generation of Americans which was able to get an education and go on, and how we have been paid back a thousandfold by the contributions of a generation of young Americans who fought in World War II, who were able to get an education, and then provide the kind of innovation and creativity and jobs and incomes that has helped us grow to the great Nation we are in terms of economic strength.

So there was the Northwest Ordinance, the Morrill Act, the GI bill, generations that understood the importance of investing in education. Here we are in the 21st century, we have a President that not only doesn't have an idea about how to increase resources for higher education, he wants to cut back on what we have. How do you explain that to the American people when we are trying to increase the opportunities for higher education?

I thank my colleagues.

Mr. KENNEDY. Madam President, if I may ask the Senator, we have talked about higher education. Does the Senator not agree with me that we have seen cutbacks in support for K- 12 as well? We have seen the failure of funding No Child Left Behind, which has left 4.6 million children behind. So we are leaving the children behind in higher education. We are leaving them in No Child Left Behind.

I would like to ask the Senator from Connecticut as well whether he is not concerned, as I am, about the failure to fund the Head Start Program which reaches out and helps 4-year-olds and 5-year-olds prior to the time they enter kindergarten, to give them skills and help in building confidence so they can gain knowledge and understanding in their early years in school.

Would the Senator not agree with me that what we are talking about is basically failing almost a whole generation? There are 54 million elementary and secondary school students across this country, and then we have the millions of children going on to college. And now we are talking about the millions who are eligible for the Head Start Program, who failed to receive the support they need.

Would the Senator agree with me that money isn't everything, but it is a pretty clear indication of a Nation's priorities? We make choices about what the Nation's priorities are. What we are doing now, with the conclusion of the budget which we passed here, is failing the children in higher education. We have failed children with No Child Left Behind. We are failing the children with the funding of the Head Start Program. What does that say about the commitment of this Nation in terms of the young people? And to their families, hard-working American families, what does that say about our willingness to reach out a helping hand to tHese families to make sure the education system is going to be the best that it can be?

Mr. DODD. I would say to my colleague, he has hit the nail on the head in talking about elementary and secondary education, beginning with, obviously, Head Start and preschool efforts. He has cited the numbers, and he is absolutely correct. But more than the numbers, when you start to talk about the dollar amounts, I think you can probably see the eyes of even the most determined listener to glaze over. When I talk about an $8.6 billion shortfall to No Child Left Behind this year alone, shortchanged more than $26 billion since passage, I am disturbed. It is the children and the families themselves that feel the shortfalls. Families lacking the kinds of investments that we know make a difference in their children's educational lives.

We know categorically, after more than a quarter of a century of watching, the benefits of the Head Start Program. It gives them that even start. When they enter kindergarten or the first grade, it puts them on a level playing field with other children who come from slightly more advantaged situations than they may have.

We know that getting Title I money into our school districts has made a huge difference to schools, and certainly we need to be doing far better on special education. But to give some idea of what these shortfalls mean, this year alone over 7,500 school districts are going to see their elementary school funding cut this July. Millions of disadvantaged children will be left behind because of inadequate resources in Title I. More than 1.3 million children won't receive afterschool services because of funding freezes that have occurred. Teacher quality, English language acquisition, impact aid, rural education all have been frozen in this country despite the increasing demands that have occurred.

The President's budget eliminates 38 programs in areas such as arts education, school counseling, small school support, dropout prevention. You don't need to tell the American public about the importance of these things. They make a difference every day. The fact is that we are just decimating these significant efforts, many of which were achieved and were created through bipartisan effort and support.

I am deeply concerned about what is happening to these younger people as they enter the school system, where we want them to have an equal opportunity to learn, where they get uncertified teachers and old textbooks, some that say today maybe one day we will land a man on the moon. We actually have children using textbooks that predate 1969 when we landed a man on the moon. Imagine in 2004, you discover your child has a science book that says that. That happens today. Or that your child walks into a biology class or chemistry class in elementary school and almost 35 percent of them in poor rural districts and poor urban districts do not have a certified teacher who is teaching.

This is the United States of America. If you want us to grow and be stronger, you are going to have to make the investments.

I thank my colleague from Massachusetts for raising these issues about both elementary and secondary education as well as higher education. The American public needs to know this.

Mr. KENNEDY. If the Senator will yield for a final question, I think the Senator from Connecticut has the floor. Before we leave this discussion, I have heard the resolution of the Senator from Connecticut, his determination. I would like to ask him whether he intends to battle with the rest of us in the remaining days of this session to try to provide that kind of help to these working families in these areas of education. Does he not agree with me that this ought to still be a priority, and that even as we are coming into the critical times of the appropriations committees, we will have some opportunity to continue this battle and call Senators to account to find out whether they believe it is the responsibility of this institution to continue to invest in the children of our country and to continue the opportunities of education, and that is the highest priority we have here? Do I hear from the Senator that he will join in that battle and continue to fight for those children?

Mr. DODD. Madam President, I commit to my colleague and to others as well. This has been an ongoing effort. It will be a continuing one. Nothing is more important. I have often said, if you can only solve one issue, I would choose this one. I don't think there is any more important problem to solve. Not that others are not important, but if we fail to address the education question effectively, then we leave every other issue in jeopardy, to chance. That goes to the heart of endorsing and supporting our constitutional principles, our values system, as well as our economic growth.

I am not minimizing other issues. I am often asked, as we all are, what is the single most important issue we have to deal with. Obviously issues of going to war, sending young men and women into harm's way, amending the Constitution, confirming a justice to the Supreme Court are high on that list. I would place education as the No. 1 priority, a substantive issue that ought to be on every one of our lists.

I thank the Senator for taking a few minutes out of today to talk about this. There will be other opportunities to raise these concerns and these questions, and I hope that before this session of Congress ends, we will have a more effective result for the American people.

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, the Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have been interested in this discussion. It has nothing to do with asbestos, but nevertheless an important discussion. I have to say I have taken great interest in the education processes myself. The other side just thinks there is money growing on trees. Frankly, there is never enough money to satisfy them.

All of us wish we could do better. I wish every school district in the country would teach music because it softens kids' lives. When I was a young kid, I was born on the wrong side of the tracks. I was a tough little kid. My mother made me learn the piano for 6 months and then made me play the violin, and that made me even tougher, carrying that violin to school. I have to say that softened me and gave me a soft side to what some people think is a fairly tough guy. So I commend my colleagues for wanting to do more. But having Democrats call for more and more spending is a little bit like a glutton who has eaten everything on the table and now wants more.

There is no end of the spending that they would do, even if we do have a $1.2 trillion deficit. This President has all he can handle. There is no question about it. I commiserate with him. I also look at the outrageous costs of some aspects of higher education brought into discussion here, what a gravy train it is for some people in many universities, and how tuition has gone up so much to pay for the gravy train. It reminds me of the trial lawyers we have been talking about with respect to asbestos reform.

Mr. President, I wish to respond to some criticism some friends across the aisle have made regarding my comments about personal injury lawyers. In particular, I have been criticized for repeating in public on the floor of the Senate what many people are saying in private—that there is a political tie between many of these trial lawyers and many of my friends across the aisle. I don't think it is news that, as a rule, you will find that, all things being equal, most trial lawyers will likely support with their voices, and especially their wallets, the Democratic Presidential nominee and other Democrats across the aisle. They are the largest single hard money donors to the Democrats—the liberal Democrats. It is hard to find any conservative Democrats, other than one I know of over there.

If I offended anybody by repeating in public a widely known dynamic, I guess I should apologize. I also recognize that I am unlikely to be the American Trial Lawyers' man of the year awardee. I am a member of that organization. I know a lot of great trial lawyers who are honest, decent, and do what is right in serving the American people. They know that when they are right, I am on their side. But in this case they are not right—the few who are abusing the laws.

Seriously, if in this debate I have sometimes come down too hard on personal injury lawyers, I have done so because I am concerned that what stands in the way of a much needed asbestos bill is the handful of overzealous, greedy personal injury lawyers—just a handful of lawyers in this country. I don't intend to malign personal injury lawyers as a class. I believe personal injury attorneys can serve and, in many cases, have served a vital function for many injured plaintiffs.

While I don't always see eye to eye with the personal injury bar, when I think they are right, I don't hesitate to say it and they know it. I had plenty of them thanking me for saying so when they were right during the discussion over the tobacco legislation in 1998. I was impressed with Richard Scruggs, or Dickie Scruggs, in the Castano group of trial lawyers. I think many trial attorneys played a constructive role in reaching a historic compromise with the tobacco industry. I helped them, and they know it. They were right and I backed them. Some in Congress held out for so much money that it was impossible to pass Federal tobacco legislation. The theme of some in Congress holding out for too much money is applicable to the asbestos debate.

In any event, the work that a gifted group of trial lawyers did with Mississippi Attorney General Mike Moore deserves a lot of credit. I supported their efforts publicly and even provided my support for reasonable compensation for those attorneys. I am not afraid to speak up for trial attorneys when I think they are right. I irritated people on my side who felt they should not get the compensation that I think they more than earned.

Frankly, as a former medical malpractice defense lawyer, I liked nothing more than to go up against the best plaintiffs' attorneys for the pure challenge of competing against the most skilled adversary. As a plaintiffs' lawyer, I liked nothing more than having gone up against the best defense lawyers in the country, having the thrill to be able to compete with them. In many cases, I would win against them.

We all have to recognize that the work of personal injury attorneys on asbestos litigation has dated back 30 or more years. Without the hard work of these lawyers, it is unlikely the U.S. would have come so far in responding to the dangers of asbestos. It is the success of the trial attorneys that put us in the position of recommending legislation that calls for a private trust fund to compensate asbestos victims without the need for each one to establish causation.

In short, personal injury lawyers have won the case, and they won it long ago. What this legislation is trying to do is sort out who pays and how much, and do so in a fashion that minimizes the transaction costs so that more of the money goes to the injured persons and less of the money gets swallowed up in litigation, and the courts can get unclogged, and so that other fairly brought litigation can be heard.

In compensating asbestos victims, we must be mindful not to corrupt more and more firms, which results in more and more job losses, and more and more loss of health care, and losing more and more value in retirement stock portfolios, and more and more loss of pensions. That is what we are trying to do here.

All I hear is whining from the other side. We have heard a lot of talk about how much the bill costs and how much it will pay out to victims. We heard talk about who pays, and how much, and whether they are paying enough.

If we ever get on the bill, we will hear more talk about these important issues, as we should. I have no problem with that. But they are filibustering even the motion to proceed. My gosh, when are the American people going to understand what is going on? They have filibustered virtually everything that has come up this year. It is going to take a supermajority to pass the simplist of bills the way they have been carrying on. It boggles my mind. But that is what is at stake in tomorrow's cloture vote.

Will we vote for cloture so we can talk about the issues on the bill itself? I hope we will proceed to the bill. But it shows the politics that are being played. For my friends on the other side to come on the floor and say this bill doesn't do enough, after we have given and given and given in to their suggestions time after time, or to say it is not procedurally proper or not written right, after 15 months of dedicated, hard effort—I have to say by a few Democrats, and by many on our side—it goes beyond the pale.

It is true that I have irritated some personal injury lawyers in some of my remarks. The ones I am talking about deserve irritation. I don't believe they are honest. I believe they are exploiting a system and taking moneys that should go to people who are sick. What I am about to say may further irritate them and some of those across the aisle.

I have some important questions to raise with respect to attorneys' fees. Frankly, the issue of attorneys' fees is a key issue because it is critical in determining how much of the funds will actually end up in the pockets of the injured people. As I have said, today about 60 percent of the funds wither away to lawyers on both sides of these cases. You can expect that about one-third of any recovery will go to the plaintiffs' attorneys. In a no-fault, nonadversarial compensation system, there should be no place for the routine attorneys' fee level of one-third of the recovery.

Accordingly, in our bill, we employ the same fee schedule used by the Radiation Exposure Compensation Act, or RECA. In the RECA law—a bill I wrote and passed through this body a number of times—the lawyers' cut is 2 percent of the recovery in noncontested cases, and 10 percent for complicated cases. These cases are like rolling off a log if this is passed. Lawyers do not deserve 60 percent in defendant and plaintiff attorneys' fees, in addition to the transaction clause. The fee schedule results in the lion's share going to the injured persons and their families. This is the way it should be in the radiation exposure cases involving downwinders of nuclear tests, and this is the way it should be for asbestos victims. This is what is in our bill. It is a long settled way of solving these problems and a reasonable way that pays the attorneys what they should be paid—actually more, in many instances—but it stops the gravy train that is ripping off the sick and needy who have suffered from asbestos.

What is unknown is what our friends believe to be a fair level of compensation for personal injury lawyers in this new no-fault system. I ask today for our colleagues to come to the floor and tell us if they support or oppose our proposed attorneys' fees levels, if they believe our 2 percent for uncontested cases that are like rolling off a log, and 10 percent for those who might have some small contest, and they will still be like rolling off a log compared to litigation in trial. If this provision is not proper, please tell us how they would do it. We have not had the slightest suggestion from them.

If they believe it is still appropriate to retain attorneys' fees of 33 percent to 40 percent or higher, please explain why this is fair or necessary in a no-fault, nonadversarial system that this bill would make into reality. In the spirit of good faith, we agreed to move the program into the labor-friendly Department of Labor. The Secretary of Labor does not favor this. The White House does not favor this. I, frankly, do not favor this. I am afraid that will run the program into the ground because the Labor Department has been controlled by liberal bureaucrats for many years. But we are willing, in the interest of getting this done, in the interest of helping these people, to even do that.

Running a program to compensate workers out of the Department of Labor may be somewhat akin to voluntarily playing the Celtics in the Boston Garden. We made a genuine concession on the administrative process, as our colleagues know. We have repeatedly asked them to recognize it is appropriate for them to act in a spirit of genuine compromise with respect to attorneys' fees.

Let's face it, numbers are flying around in this debate. One way that the difference between our respective proposed level of total claims can be bridged is to reach agreement on the appropriate level of compensation for attorneys' fees. But we cannot even get them to talk about that. Even if we could, we could not talk about it because we are on a filibuster on the motion to even proceed to the bill. Once we go to the bill, we would have a filibuster on that, if we can ever get to that point, but at least we would be able to be on the bill.

We believe the RECA, the Radiation Exposure Compensation Act, exposure level of 2 percent of noncontested cases and 10 percent for contested cases is both fair and reasonable because both cases will be easy for the plaintiffs or those who claim to be sick to get compensation if they are sick.

What do our friends across the aisle think about this? What are they proposing on this important issue? I ask they be specific so we and other interested parties can evaluate their position on this essential question. We have only been negotiating with them for 15 solid months, and we still do not have their suggestions. Yet they are saying: Oh, this is just too premature. That is after many of them said last year we should have gotten this bill done before the end of last year's session.

When is it going to end? When is this kind of phoniness going to end? A great deal of the difference in the compensation levels, in each of our respective levels of total compensation, in our bill it is $114 billion plus a $10 billion set of contingency funds, and in one widely cited Democratic claim values amendment $167 billion can be bridged by factoring in the share that can go to personal injury attorneys.

I do not want to cut them out from reasonable fees, but I do think $60 billion is unreasonable because that money comes out of the hides of the sick people. No wonder attorneys in this country are so looked down upon, especially personal injury lawyers. I happen to know about 90 percent of the ATL people are sick of this and sick of this 10 percent who are running wild taking advantage of the whole system and basically destroying the right of individual sick people to get adequate compensation.

This bill would take care of that problem. If the Democrats are advocating that the customary one-third of the award can go to the lawyers, then we are not that far apart as to how much money should go to injured workers and families. We should work together to see if we can agree on a reasonable level of compensation for these attorneys. I call them the Fred Barrons of this world and other personal injury lawyers who are bringing these suits in selected favored jurisdictions so they can get easier verdicts. I challenge them to come in and tell us what would be a reasonable level of attorneys' fees, and let's quit playing the game.

This is a no-fault, nonadversarial system that does not justify the type of attorneys' fees that have been ripping off the public, especially the sick, the weak, the feeble, and the injured the way the current broken tort system is. I have no doubt that public discussion of this issue may bring great consternation among the ranks of some of my Democratic friends due to their close relationships with many in the trial attorney bar. But if we are ever going to have a meaningful no-fault trust fund asbestos bill, we are not going to be able to guarantee and should not be asked to guarantee the usual one-third to 40 percent of the take going to the plaintiffs' trial lawyers regime. One-third or more going to the lawyers is simply too much, especially in a no-fault, nonadversarial system.

The unions should recognize this, and the public should recognize this, but most of all these lawyers ought to recognize this and quit ripping off the sick and the downtrodden and those who really deserve these moneys.

The silence of my friends across the aisle on this issue, both in private and public talks, is deafening. When we did the RECA bill, I was chairman of the Labor Committee. I fought that bill through for years until we finally were able to get it done. All these people are asking for more money for education, more money for all the social programs, more money for this, more money for that, and they were the ones who were giving us a rough time. Finally, after I was reelected, they then realized we better get on the ball and do something about this. That is how the radiation exposure compensation law, which is now followed by countries all over the world because of what we did, is now law, compensating people, not very much for the suffering they went through, nothing like we are going to compensate from the private sector, no way near what we are going to compensate here.

The silence of my friends on the other side of the aisle, both in private and public talks, is deafening. I heard some of my colleagues, who I respect, come on this floor with a straight face and say this is not the right way to do it, although last year it was. They were talking about this administrative approach is the right way to do it. Why isn't it the right way to do it during a Presidential election year? I ask the people out there watching and listening, why is it they suddenly think this is not the right way to do it when we put up even more money before, giving in on at least 53 different amendments, have moved this into an administrative process in the Department of Labor that many on our side question? Why is it that they are still balking at this in this Presidential election year?

I think there is only one conclusion most people are drawing, and I hate to see that. I hate to see that. If they do not like this bill, they should offer a substitute amendment. Let's have it out. Maybe they will win. Maybe these 8,400 companies and 16 insurance companies will get clobbered even worse so they can barely survive, and some are still going to go into bankruptcy. They certainly will if some of these people with their outrageous demands get their way. It is time to stop talking generalities and start voting on specific amendments.

I want next to make a few remarks about the process that has been observed to date and why I will be very disappointed if we are not allowed to proceed to the bill tomorrow after the cloture vote. Just think about it; they are filibustering the motion to proceed. They could have easily given in just like that and said, No, let's go to the bill, and we will filibuster the bill. That would be the straight up way of doing it. But to filibuster the motion to proceed means they must be beholden to somebody to pull that kind of a procedural mechanism. That does not happen very often, and it should not be happening here.

Frankly, that we are being forced to vote cloture is disturbing to me and should be disturbing to everyone, although I do recognize if cloture is not invoked, it would be pleasing to these few trial attorneys who are milking this system dry at the expense of those who are sick and afflicted and downtrodden. They will not have to see if their customary one-third or 40 percent of representation in the asbestos claims in the new no-fault system can be justified on the floor of the Senate. That is just matter of fact and people need to know it. That is why I am here on the Senate floor.

I rise today in response, again, to complaints that I have been hearing from some Members on the other side of the aisle about being rushed to consider a national solution to this asbestos mess. As many of my colleagues know, the asbestos litigation crisis is not new to this body. We have been talking about the problem for the better part of a decade, but now that we find ourselves on the verge of considering a proposed solution, I am puzzled to hear that the process has somehow been unfair, that we are not acting as "proper legislators" for bringing this bill to the floor under the current circumstances.

I think anybody with brains would find these complaints devoid of any merit whatsoever, especially when viewed against the legislative history of this asbestos bill.

While we have tried to build consensus over the past 15 months, thousands of asbestos victims have gone uncompensated or left with only pennies on the dollars they deserve. Veterans and people like those in Libby, MT, are left with no one to sue. More than 70 companies have gone bankrupt and dozens more will soon follow.

Since we started working on this legislation, 60,000 jobs have been already lost at a cost of more than $2.2 billion in lost wages alone. Let me repeat these numbers so they can sink in. Sixty thousand jobs have been already lost at a cost of more than $2.2 billion in lost wages alone, and sadly another 400,000 jobs will soon be lost. Yet we still talk. There are compelling calls for action. There are empathetic expressions of compassion for victims. There are meetings and letters, promises of solutions to come and proposals to be made, and yet for all of this ocean of good intentions we are all still stuck.

Frankly, much of the current asbestos litigation is all too reminiscent of the mythical Jarndyce case from the Charles Dickens "Bleak House." As my colleagues will recall, this was a case in which most of the estate was swallowed up by lawyers' fees and court costs.

One has to ask how and why we got to this point. In September 2002, when Senator LEAHY chaired the Judiciary Committee, he held a hearing on the asbestos litigation crisis. I commend Senator LEAHY for his efforts. The hearing was balanced. It was instructive, providing valuable evidence of the dire circumstances for asbestos victims, employees, companies, and insurance carriers. The judicial system and the American economy at this national embarrassment was left intact. That was a year and a half ago.

When I became chairman of the committee 4 months later, I immediately made it clear that I wanted to build on that record, draft a bipartisan legislative solution and pass it. Almost immediately, concerns were raised, warnings were issued: You are moving too fast, some said. The issue is not ripe, others advised. You better get it right, others still warned.

Two months later, on March 5, 2003, I chaired another hearing. Some of the same witnesses from before appeared again and the testimony made it abundantly clear that while the problem had gotten worse, there was bipartisan interest in the idea of creating a national trust fund. We heard solutions from a variety of perspectives—from academia, from business, from the unions, and from trial bar experts. I made clear I would incorporate any constructive proposals offered. I wanted a bill that would work. I wanted it to be a bipartisan bill.

As a result of hearing the magnitude of the asbestos problem, we worked toward drafting a bill that would create a national privately financed no-fault compensation fund for asbestos victims. As word spread about our efforts, warning flags were raised. Some in the minority on the other side of the aisle urged us to move slowly, not to rush; more time was needed; more talk was needed.

We finished drafting the bill and we shared it with others, both in the Senate and among interested shareholders. There was real interest and we were given several good ideas and suggestions. Unfortunately, for the first time the minority's caution chorus took voice: We're being rushed; we're being jammed.

This is the minority's caution chorus of worrisome lions. This is what we have been going through now for 15 solid months: Do not rush us; do not do this; do not do that; we must be cautious.

We were rushing them, we were jamming them; according to them; I was acting unfairly. All this drama was over a bill that I had not even introduced.

I had listened for hours and hours, worked with my colleagues on both sides of the aisle for days, weeks, and months. They asked that I delay introduction. They asked that I delay introduction so they could have more time to study the issue and my proposal, which I did. We had more meetings, more talk. I incorporated several of their ideas into the bill and asked if they would cosponsor it.

Now I am pleased that a few did. I am forever grateful to those on the Democratic side who did. There were two who did—two, after all this work. Fifteen months later, we are down to one. More said that it was not the right time. They were upset with the way I had shared my draft legislation.

On May 22, 2003, Senators NELSON, MILLER, DEWINE, VOINOVICH, ALLEN, CHAMBLISS, HAGEL, and I introduced S. 1125, the FAIR Act. The minority's caution chorus sang again. These miserable, cowardly lions sang again. They were being rushed. They were being jammed.

In truth, I introduced the bill 78 days after my hearing, 20 weeks after the beginning of the session, 6 months after the hearing of 2002. This was clearly no sprint.

On June 19, I held the first markup. Again, the minority caution chorus took over again and took voice. The issue was still too complex. The bill was too complicated. We were not doing it right. They were being rushed. They were being jammed. They asked for more time, and they were given it.

Unlike ever before, the committee's markup of the legislation was spread over 3 weeks, 3 solid weeks. We spent 4 separate days—not many bills take 4 days to mark up—considering changes, often working late into the night. We invited experts to sit with us as we worked through complicated medical issues. This was no sprint, no rush to judgment. There was no mad dash.

Interestingly, when there was engagement from the other side, agreements were reached. In fact, the committee was able to resolve what at the time was supposed to be the biggest impediment to reaching a consensus, an issue so fraught with partisan disagreement that it could never be resolved.

In the end, we accommodated scores of concerns raised by the minority and found a common ground on medical criteria that everybody, Democrats and Republicans, agreed to. It was a major victory. This bipartisan accord was achieved and the committee adopted it unanimously. This was one of the most ideologically divided committees in the Senate, some say the toughest committee in the Senate with those who are the most ideologically challenged, I should say, and I cannot disagree with that.

The next impossible hurdle was claims values. Again, I was told there was no way a group so divisive, so argumentative, so plainly disagreeable as the Judiciary Committee could reach an agreement on how much to pay victims. Now, despite the dire predictions, a bipartisan agreement was reached again. The committee adopted the Graham-Feinstein amendment on claims values by the whopping bipartisan vote of 14 to 3. Now I just want to mention to my colleagues on the other side that every one of the Democrats voted for that. Three of our Republicans thought it was too much money and they voted against it, and they may not have been wrong. The only problem is that we are way beyond that money today.

I might add that all of these negative votes were cast by Republicans who thought some values were too high. As my colleagues know, we are more moderate to conservative over here, and I cannot blame them for raising those issues.

On July 10, 2003, despite the constant wailing from the minority's caution chorus again, we reported the bill out of committee by a vote of 10 yeas and 8 nays and 1 abstention. We all knew more work had to be done before the legislation could be brought to the floor. We also knew there would be no bill unless there was a willingness on both sides to pass a solution to move towards the middle.

As summer turned to fall, there were sporadic attempts at additional negotiations involving committee staff, as well as among the leadership. Minor matters were resolved, but there was no evidence on the part of the minority's leadership of any real interest to engage in the kind of meaningful effort needed to finalize a bill. Individual members of the minority were very public about their interest in legislating, but those purportedly tasked with the negotiations did not possess the same zeal.

We have heard, for my whole 28 years, how much more concerned the other side is about people and their problems. Well, it does not take much to figure out their concern here is more about the trial lawyers and the personal injury lawyers who are involved, because they are sure not working hard, in my eyes, or I think anybody else who looks at it objectively, to find a way of helping those who are truly injured and hurt.

Now, while these efforts were making little progress, work was underway on another front beginning in August. Senator SPECTER began an intriguing, arduous mediation among the major stakeholders. That means the victims, the alleged victims, the trial attorneys, the personal injury lawyers, the insurance companies, the companies that have been sued, and companies that are about to be sued. He took on this job. I give him a lot of credit for it. He convinced Judge Edward Becker, former Chief Judge of the Third Federal Circuit Court of Appeals, to play a lead role as a negotiator, as a mediator, for which Judge Becker is eminently qualified. He and the judge forced the parties to spend dozens and dozens of hours together. We were there, so we do know.

We spent hours and hours, days, weeks, and months, arguing the positions and searching for a common ground. Senator SPECTER and Judge Becker should be commended for their Herculean efforts to keep the parties talking and, despite the objections of the representatives and the personal injury lawyers, there was progress—slow, incremental, but progress. The unions played a significant role. They were there virtually all the time.

However, we have never been able to satisfy them, even though their workers are the ones who are going to be hurt the most if this bill doesn't pass. They are the ones who are not going to get compensated because the moneys are being sopped up by personal injury lawyers and people who are not sick because these personal injury lawyers are going to jurisdictions that basically are out of whack, that really will not look at these things in a reasonable way and who basically find for whoever brings the case and find in huge amounts for people who are not even sick in many cases.

I compliment Senator SPECTER and Judge Becker. There has been some slow progress during that period of time.

During the fall, Senator FRIST and I spent considerable time working with those who would be paying for the fund to ensure its solvency. It was imperative that the bill establish a steady and sufficient flow of moneys without allowing the fund itself to perpetuate the same kind of economic disasters caused by the tort system as a whole and by the tort system with regard to this type of case.

By the end of October, these issues had been completed and there was a renewed attempt to begin negotiations with those on the other side of the aisle, but every time an overture was made, the caution chorus was being rolled out: We are being rushed. We are being jammed. Every time it was rolled out by the other side of the aisle.

There was always some reservation; Things were moving too fast; There were other more important issues; They hadn't been asked the right way; They were being rushed; They were being jammed. The reasons changed but the result was always the same—no real negotiations. In fact, to this day we do not have a substitute or an offer by those who are complaining on the other side—to this day. We don't even have a monetary amount other than they have thrown out $170 billion, which everybody knows cannot be the number.

During my tenure in this body, I worked with my colleagues in the minority on a number of issues, on landmark drug legislation, the Hatch-Waxman Act, which gave life to the generic drug industry and saved consumers and our Government tens of billions of dollars since 1984. I worked with minority Members on children's health insurance, on childcare, on tax reform, job training. I have worked with them on issues involving crime, on legal reform, and a whole raft of other issues.

The Members of the minority are excellent legislators and skilled negotiators. They have insightful and creative staffs. I have worked with them when they wanted to pass a bill, and I know what it is like when they want to pass a bill. I have worked with them when they do not, and I know what it is like when they do not. I am telling you this is a time when they just don't seem to want to, because there has been plenty of opportunity to resolve this matter.

It is not hard to tell the difference. When there is a genuine interest in legislating, one of two things happens. A member of the minority leadership comes on at the outset and his or her presence and commitment helps to generate sufficient pressure on both sides to move legislation.

The second way, the minority offers their own version of the bill enabling both sides to sit down and work through the differences and craft a compromise.

Here there was no move by the minority's leadership and there was never, despite repeated and frequent requests, any interest by the minority in introducing their own solution. Instead, they chose to spend their time finding fault with our legislation and complaining about our process.

Another concentrated effort to move the bill was made in November, last year, and not surprisingly the caution chorus came out and began singing its song again: We are being rushed; we are being jammed, even though there were a number of Democrats who stood up and said they had to get this done before the end of this year.

Where are the real Democrats? That is what I would like to know. The pressure continued, however. Interested stakeholders would not take no for an answer. Hints were made about bringing the bill to the floor, even if it resulted in a filibuster. Suddenly the message changed. Now we were told the minority's leadership wanted to find a resolution, that there was bipartisan interest in passing a solution. It was implied if we would just postpone consideration to early next year, there would be ample time to finish work on this bill.

The majority leader agreed and on November 22, 2003, he announced he would not bring up the asbestos bill prior to the end of the session. Instead, he would give the parties additional time to complete their negotiations. But he made clear his intention of bringing the bill to the floor this year.

His announcement was well received by the other side. I remember. As this year began, it was clear from the outset that, despite the promises of November, little had changed; there were no real breakthroughs. So, in February, the majority leader announced his intention to bring the bill to the floor the third week of April. But yet again the caution chorus rolled out its usual objections: The issue was too complex; the legislation was too complicated; they were being rushed; they were being jammed. Indeed, we even offered to engage in protracted negotiating sessions, but again the Democrats demurred.

In February, my staff sent an e-mail to Democratic staffers proposing a multiday negotiation to seek a resolution of the issue. It contains an offer to meet during all-day sessions, "during recess weekends, or weekends during session."

The response from the minority was unambiguous: Don't rush us. Don't rush us.

Senator SPECTER, to his credit, kept pushing forward and, as a result of his efforts, the stakeholders reached agreement on what was supposed to be another impossible hurdle, the administrative structure, which I mentioned earlier.

The proposal was not to our liking. It would require a fundamental change in our position, allowing the fund to be run out of the Department of Labor, but because organized labor signaled its strong support for this change and because we wanted to reach consensus on other critical issues remaining on the bill, we agreed and we agreed despite the objections from many on our side of the aisle and in spite of the objections from the White House.

The minority, instead of accepting this concession, instead of endorsing this considerable victory for organized labor, made it clear that this significant agreement meant nothing more than a chance to bank an advantage. They offered no alternative. They revealed no new proposal or compromise. In fact, it is reminiscent of the style of negotiation that says: What is mine is mine; what is yours is negotiable.

Nonetheless, additional proposals were made but there was no counteroffer, none of the typical give and take that is the hallmark of serious negotiations in this most important legislative body in the world. It was like trying to play tennis with a curtain. There is never any meaningful discussion of what the payers, the ones who have to pay these bills, most desire and, frankly, they deserve: a fair and predictable payment schedule.

Whatever we do is going to be tough on the payers here. This bill is plenty tough on the payers. Don't think they are not squealing; they are.

It was now obvious even to the most optimistic Member of this Chamber that it would be impossible to bring a consensus bill to the floor, one supported by the leadership of both parties. We are hearing Senator LEAHY has at last put together an alternative proposal on this national trust fund. Has it been introduced? Have we even seen it? Of course not. The only choice left was to bring a bill to the floor and hope enough Members of the minority thought the issue was of sufficient importance, as they have repeatedly said, to allow the Senate to consider this bill.

To help facilitate discussion, I introduced, with Senator FRIST and Senator MILLER from the other side of the aisle, S. 2290, a second version of the bill which incorporated many significant changes that have been made since the legislation was first introduced and first reported from the committee.

That is the legislation before us today. It contains the bipartisan agreement on medical criteria. It contains the agreement reached by the stakeholders on the revised administrative structure and numerous other changes adopted during the Specter negotiations that have all been to try to get the Democrats to move on this bill. It contains the handful of changes agreed to by both sides since the bill was reported out of committee. It also contains higher claims values passed by an overwhelming bipartisan vote of committee and incorporates yet another monumental change and another fundamental concession to address the complaints by the minority.

We have included provisions in the bill to make clear that the risk of insolvency will not be borne by the asbestos victims; it will fall on the defendant companies and their carriers. If there are insufficient moneys, the fund will terminate and parties will return to the tort system—to Federal courts. There is no point in sending it back to the State jurisdictions that created the asbestos crisis in the first place.

Here we are today. The time has come to act. The day of decision has arrived. Unfortunately, to no one's surprise, the caution choir is on its feet again, or somewhat on its feet, I guess I should say: They need more time; the issues are too complex; the bill is too long; they weren't consulted the right way; they were being rushed; they are being jammed.

I was told by many at the beginning of last year that when I embarked on this legislation the Democrats would simply run out the clock. They will never let us vote on a bill that could deprive them of their huge cash cow.

First, Democrats would push into the election year, they said. Then they would filibuster a motion to proceed. That is exactly what has happened so far in their zeal to make sure that their hard money donors get their way at least this year—an election year. It is not too late to change that.

Let me just say that the caution chorus is sounding like a broken record that needs to be shut off. It has been 333 days since S. 1125 was introduced.

A hundred years ago, it took Christopher Columbus only 222 days to discover the new world and return to Spain—one of the most remarkable discoveries in the history of the world. It took Neil Armstrong only 8 days to travel to the Moon and back. Our forefathers were able to write the U.S. Constitution in only 4 months. But somehow there hasn't been enough time for the minority to help write this bill although they have had a lot of say and have had a lot of concession. We have tried to do everything to bring them to the table and get things done. Here we find ourselves in a filibuster on the motion to proceed.

This caution chorus of cowardly lions reminds me of what is going on. Of course, there was one big difference. In those historical examples, the players actually wanted to finish. They actually wanted to discover an America. They actually wanted to go to the Moon.

Over these 333 days, we have had numerous congressional recesses and holidays. Just look at this. Over 333 days, and we are now under a filibuster. That comes from the Spanish word "filibustero," meaning pirating or hijacking. It is just one more obstruction. We have had nothing but obstruction since George Bush has become President of the United States—over and over. There have been very few bills passed, and the ones that have passed have had to overcome the obstructionism. My goodness. There are some Democrats who have been willing to overcome obstruction, but on this one, it has not been brought to conclusion.

We have had one entire summer, the fall, winter, and we are quickly working our way through spring. How much more time is needed to sit down and get this matter resolved? The time has come for the minority to stand up and be counted.

If they are genuinely troubled by our proposal and all the agreements we have reached with them, they have an obligation—indeed a responsibility—to offer their own solution. The challenge is on them. Introduce a bill. Make sure it strikes the same balance demanded of us. Make sure it is fair in the way we have tried to make it fair. Make sure it provides adequate moneys for asbestos victims. Make sure it provides compensation quickly, efficiently, and fairly. Make sure it does not reward the unimpaired, those who aren't sick. Make sure it is not hijacked and turned into a smokers' compensation fund. Make sure it does not bankrupt more companies and throw hundreds of thousands of Americans out of work and out of their health plans, their pensions, or wipe out their lives financially.

That is what is going to happen. For the life of me, I can't understand why many in the trade union movement aren't jumping on this bill in every way they possibly can because their employees are the ones who are getting hurt. They will never get the money we have in this bill if we don't pass a bill.

Make sure it doesn't stick the Federal Government with a bill at end of the day.

Now you on the other side of the aisle have claimed that the asbestos crisis must be fixed. You have all agreed there is a crisis in our country. You have conceded that the tort system is broken, that we have a historic opportunity to act. The end is within reach, and we must grasp it.

But here we are. I think the time has come to act, to make good on the promises which have been made on the other side of the aisle, to demonstrate the leadership and responsibility our Nation demands when we are asked to do our job to fix a national crisis. It is time to move past our alleged mistakes and complaints about perceived procedural insensitivities.

It is time for the caution choir, which we have been looking at here today, to quit singing "We are being rushed; We are being jammed." It is time for the real interests to take a stand and to do what is right.

It is getting late in the day to appoint another committee and schedule more meetings and talk. It really bothers me that they are filibustering the motion to proceed, which has only been used on rare occasions before the last few years, before the obstructions that have been occurring on a regular basis. People in the past were willing to debate these bills and were willing to try to amend them if they didn't like them, willing to be legislators and not obstructionists, willing to do what is right for the American people.

We have now been on this bill 15 solid months and we still have not seen, other than demands during negotiations, what our friends on the other side must have to resolve this problem, which in many respects is the most dangerous problem hanging over America today, especially for employees, especially for union members, especially for those who want health care and who want their pensions to be saved, especially for 8,400 companies on the one hand, and maybe more if these voracious personal injury lawyers continue to conjoin people who really have had nothing to do with asbestos but have been conjoined in these actions where they are stuck with humongous defense costs and attorneys' fees themselves, so the moneys that would go to the sick and the needy, those who really need it, go down the drain of legal fees, clogging our courts so that other legitimate cases can't be brought.

Again, I will return to that message. Why is it that we are going through this type of chorus charade? Why is it that we haven't had more cooperation? Why is it that we can't get them to come up with what is needed to resolve this morass? Why is it during this election year?

All I can do is ask the question. I think anybody observing knows what the answers are. At least that is what has been alleged to me. That is what has been suggested. I hope it is not true.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to express my appreciation to the distinguished chairman of the Judiciary Committee. He has served in this Senate for many years. He is himself a superb lawyer, a constitutional scholar, and has been through many of these debates.

I remember on one night after 11 o'clock at night when the chairman met with everybody who had a problem. He urged them to come forward. He compromised and compromised.

Frankly, sometimes I think maybe the bill has gone too far—really seriously. We need to talk about that, offer amendments to fix it. We ought bring the bill to the Senate floor and start to discuss that.

But Senator HATCH has bent over backwards to make sure this legislation which is critically needed for America passes. It is critically needed for people who are sick from asbestos and those who fear they might get sick from it. I thank the chairman for his leadership. I have not known any effort that I have seen in which a chairman has gone further to try to win the support of other members in the committee and the Senators who might be dubious, to get their support. And the Senator continues to get it.

I thought we had the bill completed. I thought we had everybody signed up. I yield to the chairman.

Mr. HATCH. I thank my colleague for his kind remarks. I appreciate the hard work the Senator and others have put in on this side. There are some on the other side who have worked hard. Particularly, I express my gratitude to Senator MILLER, Senator NELSON, and Senator FEINSTEIN. I understand Senators NELSON and FEINSTEIN are probably going to vote against cloture. I don't know. I cannot speak for them. I hope not. They are two who have tried to work with us on this bill.

If that is laid down, I don't know where we will go. I am afraid an awful lot of people will be left high and dry while these trial lawyers, the personal injury lawyers, walk off with $60 billion in fees and costs that could go to people who are sick. I don't begrudge attorneys the fees they earn. We have more than made a case that the system is broken. There are a certain limited number of personal injury lawyers who are taking advantage of the system and doing it in ways that are reprehensible.

Mr. SESSIONS. I thank the chairman. I agree with his comments. I thank him for doing all that humanly could be done to win the support necessary for this bill.

I had a brief period of time in which I filed plaintiffs' lawsuits for individuals who had asbestos injuries. These individuals were sick; asbestos is a debilitating disease. They had been heavily exposed to asbestos. One individual worked in a submarine, where the air inside was thick with asbestos fibers. He was severely debilitated as a result of that. I believe people who are injured ought to be compensated.

It was discovered that manufacturers of asbestos knew at some point before they told people who were working on it that it was dangerous. And they should have told them it was dangerous and their health was at risk and they did not do so. That is the fundamental cause of the litigation.

I filed my asbestos litigation in the 1970s. I eventually turned it over to a group of lawyers who were experts in this matter. They took the case. I was not able to do it. They did a lot of work. They had to break down barriers, win the liability questions, and prove knowledge on the part of the companies. They overcame legal objections such as whose asbestos did you breathe.

Most plaintiffs' lawyers today involved in litigation are not proud of what has happened with asbestos. The companies have been tagged. The companies are stuck. They admit they did wrong. They are willing to compensate, as they are able to compensate. There is only so much money. We are talking about billions of dollars, maybe $54 billion already paid out.

I was there as a lawyer and earned part of a fee out of the litigation. I didn't know how it would come out or what the statute of limitation was. Maybe my claim has expired. But things have changed. The companies are willing to pay. Some victims are sick and need compensation. They need it now. They do not need to have a big chunk of what they are entitled to paid to lawyers or to experts or testing companies. They need to be paid. It is a blight on the legal system.

I see the distinguished assistant Democratic leader. He is a superior lawyer, and would do an admirable job in court, no doubt. But, these cases are not going to trial. It is a process. These cases are filed and settled, and sometimes victims are paid. Certain defendants do not have money, so they cannot pay. Sixty asbestos companies are in bankruptcy today because they cannot pay or cannot fully pay all the claims. Thousands of new claims are being filed on a regular basis.

The new trend is that people not sick are filing. They may have been exposed to asbestos, and there may be some showing of asbestos in the pleura or their lungs, but it has not had a debilitating effect or not caused cancer or anything like that, and they are filing by the tens of thousands, saying they might get sick. But they are not sick yet.

What do you do? It is perfectly appropriate that this Congress act. We do it with workmens' compensation. A person is injured on the job, they get compensation under certain circumstances. It is a lot easier to get it, but it is limited and you do not have to pay so much expenses and it works pretty well. That is all by regulation. We do not leave everything totally to juries, judges, and lawyers to settle.

I believe in the principle of the Congress stepping in, when necessary. The fundamental reason I believe, is that, in my view, in the history of the most magnificent legal system we have, the Anglo-American heritage of law, we have ever had a system that has been as abused. Sixty percent of the money paid out by the defendant companies, over half of it, 60 percent according to testimony we had a number of years ago in the Judiciary Committee, does not get to the people who are sick. It does not get to any plaintiff. It is eaten up by court costs, lawyer fees, expert witnesses, and testing companies. That is not right.

It is not right when the defendants themselves admit they are wrong and are willing to pay. In fact, they do pay and they agreed to pay and they have trusts that are supposed to pay, but the trusts are getting drained of money. Companies are going into bankruptcy and fewer and fewer victims are getting paid.

If we care about the rule of law, if we care about decency, fundamental fairness, if we respect law, if we love the law, we should not allow a situation to continue where the defendant companies are willing to pay, and the plaintiffs, some of them desperately need payment, but the plaintiff only ends up getting 40 percent of what is paid out. The defendant companies have to hire lawyers, too, whole law firms. They file papers and disclosures and depositions and expert witnesses. This is just chewing up money, money, money, money.

Now, if somebody has mesothelioma, a cancer that causes death, they ought to be paid. They do not need 60 percent of what they are entitled to, to go to some lawyer, some defense lawyer or some expert witness or court cost. And they ought not to die before they get it.

Under this bill, if you file a claim and you have mesothelioma—which is tied directly to asbestos—it is caused very few times other than by asbestos, and you can demonstrate exposure to asbestos and mesothelioma, you get $1 million. That is what the latest figure is. And you do not need a lawyer at all. You get it now. Under the current system, they file lawsuits, months go by before anything results. The plaintiff wants $25 million. The defendant wants to pay $500,000.

They go along and along, and all the time the families are suffering, the plaintiffs are suffering, and maybe even dying. That is not good. Then, when it is paid, finally, some of the companies do not have the money. Some insurance companies say they are not liable for this part of the claim, and it goes on and on and on.

I deeply believe we need to end this spasm. This is not good. It is not something any lawyer can be proud of. In fact, I think everybody is embarrassed by it.

Let me read from Justice Ruth Bader Ginsburg of the Supreme Court, a former member of the ACLU—one of the more liberal Justices. This is what she wrote in 1997:

> The argument is sensibly made that a nationwide administrative claims processing

> regime would provide the most secure, fair and efficient means of compensating victims of asbestos exposure. Congress, however, has not adopted such a solution.

In 1997 she wrote that; and we have been battling this ever since. Every effort has been made.

Now we have proposed a $100 billion fund—not millions—$100 billion, set aside for payment of these claims. That is apparently not satisfying everyone. In Ortiz v. Fiberboard Company, in 1999, Justice Souter—another one of the liberal members of the Supreme Court—said:

> The elephantine mass of asbestos cases defies customary judicial administration and calls for national legislation. To date, Congress has not responded.

We have people here who are filibustering this bill from even coming up, saying they are being rushed. This bill and this idea and this concept of creating a nationwide claims processing regime, as Justice Ginsburg called it, is overdue by decades. It is wrong what we are doing. It is being blocked, I can only conclude, by a partisan special interest effort. The only people who have an interest in continuing this despicable regime are a few lawyers who are getting absolutely rich from it—$54 billion, and you have a 40-percent contingency fee.

Senator HATCH said, when this thing is over, lawyers would make $100 billion. And don't think it is a lot of them. It is not a lot of them. It is not the basic plaintiff bar. These lawyers have 10,000, 20,000, 30,000 cases they are handling. It is not right. It is wrong. The people who are blocking this need to be ashamed of themselves.

The Supreme Court Justices have called for reform. It is threatening our economy. They develop schemes now where companies that had even the most tangential connection to asbestos are getting sued. If you can just ever tap them. If a company bought a company that dealt in asbestos, and that company had ceased dealing with asbestos for 10 years, they can be bankrupted because they have become liable for the company they bought, their actions 10, 15 years before they bought it. Do you think that is not possible? It is possible. It is happening right now.

These companies and the insurance companies and the reinsurance companies have come together and put up $100 billion—$100 billion. All we need to do is set up an administrative claims processing system where persons who are sick, who have any disability, really any health defect can file a claim. Those who are not ready, those who do not have a claim, who fear they might be sick at some time in the future, can file their notice and will be given a constant monitoring of their health. If they do get sick, they can be compensated fully.

So we would be getting money to the people who are sick. We would be reducing the need for these huge, outrageous legal fees from the plaintiffs' lawyers. We would be eliminating all the lawyers' fees paid by the asbestos companies.

There are companies that bought asbestos companies, and people who sold brake shoes, and anybody who had anything to do with asbestos, who are being sued. Now there are 8,400 companies being sued. Most of them never produced asbestos, never knew anything about asbestos, never dealt with asbestos. So these people are willing to put up $100 billion.

We simply ought to be able to establish a system by which sick people can be paid, and paid promptly, without these costs. If we do not, who is going to lose most? The plaintiffs are going to lose. These companies are going into bankruptcy. It is hurting this economy. It will continue to hurt America's economy.

I thank the Presiding Officer. I appreciate the opportunity to share these remarks. I think it is important. I hope the Senate will move forward.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, it is my understanding the majority leader is on his way.

I will withhold and ask the distinguished majority leader to do the close and then allow me to finish my speech.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the consideration. I will move through, fairly quickly, some business that finishes up on today and explains what we will be doing tomorrow.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

2004 NATIVE FAMILY WELLNESS CONFERENCE

Mr. DASCHLE. Mr. President, I would like to take this opportunity to honor an outstanding collaboration taking place between organizations of the Yankton Sioux Tribe and the neighboring town of Wagner—the Native Family Wellness Conference. This 3-day initiative is the result of the tireless work and cooperation among the Boys and Girls Club of the Yankton Sioux, Brave Heart Society, Canku Teca Treatment Center, and the Indian Health Service's Wagner Service Unit. In particular, I want to commend Faith Spotted Eagle, Jenny Noteboom, and Amy Schwenk-Doom for their leadership in this effort.

As we know all too well, the lack of quality health care in Indian Country is having a devastating impact on the health of far too many Native Americans. The availability of only "life or limb" treatment in our IHS hospitals has heightened the importance of health and wellness education in Native American communities, and I applaud the initiative demonstrated by this collaborative in developing the Native Family Wellness Conference.

The great leader Sitting Bull once said: "Come, let us put our minds together and see what kind of life we can make for our children." The Native Family Wellness Conference embodies Sitting Bull's hope for the future by teaching children, both Native and non-Native, about the importance of health and wellness in both their cultural heritage and personal future.

Children and families will have the opportunity to learn about the effects of diet, drug abuse, and exercise on personal and family wellness during a series of breakout sessions on April 29 and 30. Those who participate in the sessions will be invited to join a fun run/walk with the Lakota Olympian Billy Mills and a concert by the band Brule of Lower Brule.

Billy Mills and his organization, Running Strong for American Indian Youth, have dedicated almost 20 years to providing Native Americans with the tools needed for survival and to build self-esteem and self-sufficiency. Billy Mills' participation in this conference demonstrates the importance of this collaboration, and I also want to thank him for his dedication and commitment to the health and well-being of Native Americans.

In recent months, countless organizations from the Yankton Sioux Tribe and Wagner have joined in support of the Native Family Wellness Conference. The Bureau of Indian Affairs police department, Fort Randall Casino and Hotel, Indian Health Services Diabetes Project, Native American Community Board, Lewis and Clark Mental Health Services, Marty Indian School, Wagner School District, Wellmark Foundation, the Yankton Sioux Tribe's Business and Claims Committee, Tribal Health Program, Healthy Start Program, Housing Authority, Tribal Courts, and Tribal Youth Program have also contributed their time and talents to the conference. These organizations and their members are to be commended for their involvement in this important event.

Our children are our greatest resource, and the Native Family Wellness Conference is a great investment in the health of our future generations. That is why I am proud to honor this outstanding effort.

HONORING OUR ARMED FORCES

LANCE CORPORAL BENJAMIN CARMAN

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to LCpl Benjamin Robert Carman who bravely gave his life for our country in Operation Iraqi Freedom. I offer my deepest sympathy to his parents, Marie and Nelson, as well as his siblings; James, Catherine, and Amelia. LCpl Carman was killed in action by small arms fire during combat operations in the Al Anbar Province of Iraq on Tuesday, April 6, 2004.

LCpl Carman is the eleventh Iowan to be killed in Operation Iraqi Freedom. I appreciate his faithful service to our country and the patriotic mission that he died supporting. The attitude that Ben had toward his military service was summarized by his pastor at his funeral; "Ben died because he loved freedom. He died because he loved justice." LCpl Carman was not afraid to courageously serve his country and accomplish his duty. As an Iowan, I am proud of this exemplary young man who will be missed by many.

Ben Carman graduated from Jefferson-Scranton High School in 2002 where he excelled in the industrial arts, winning first in the State on several occasions in the sheet metal category of an industrial skills contest. He also participated in football and golf and was well loved by his classmates. Ben also loved the outdoors and his hobbies included fishing, hunting and camping. He was a proud Marine who proved himself to be a true hero and patriot. LCpl Ben Carman lived out the Marine motto, Semper Fidelis, always faithful, and is a credit to his State and to his country. I again express my sympathy for Ben's family and my gratitude for his courageous service.

VETERANS SHOULD RECEIVE TIMELY ACCESS TO HEALTH CARE

Mr. GRAHAM of Florida. Mr. President, I recognize the dedication of the Paralyzed Veterans of America, PVA, and their support of spinal cord injury research. Through their Spinal Cord Research Foundation, PVA support has aided researchers in making huge advances in this crucial field.

Last Friday, in conjunction with PVA Awareness Week 2004, three spinal cord injury researchers detailed the contributions PVA has made toward improving treatment for and, hopefully, eventually ending paralysis. Stephen G. Waxman, M.D., Ph.D., professor and chairman of neurology at Yale University, discussed "Protecting and Repairing the Spinal Cord: Gifts from the Molecular Revolution." Among other topics, Dr. Waxman discussed how his lab had created chronic neuropathic pain in a rat, which the lab was then able to successfully "turn off" and "turn on" through chemical manipulations.

Mindy L. Aisen, M.D., the deputy chief research and development officer and rehabilitation research and development service director for the Department of Veterans Affairs, VA, addressed "Spinal Cord Injury Reasearch: The VA Perspective." She spoke about the large scope of VA research, which extends well beyond spinal cord dysfunction. She specifically discussed the diaphragmatic pacer used by Christorpher Reeve, which was invented at the Cleveland VA Medical Center, and she noted the wound healing studies conducted by VA.

Alessandro Ghidini, M.D., a specialist in high-risk pregnancies and director of perinatal research for the department of obstetrics and gynecology at Georgetown University Medical Center, spoke about "Obstetrical Outcomes of Women with Spinal Cord Injury." Dr. Ghidini is just beginning a PVA research foundation grant to document the obstetrical experiences of 60 women with spinal cord injuries, and she talked about the main concerns that arise when these two major conditions interact; complications from both can create a number of medical emergencies that healthcare professionals and women with spinal cord injuries must know about in order to carefully and successfully manage them.

These medical professionals demonstrated the great strides the PVA Spinal Cord Research Foundation has helped to make in alleviating the hardships of paralysis, and they provided a glimpse into the promising future of spinal cord injury research.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Chicago police issued a community warning the week of April 5, 2004, alerting North Side residents of slayings of two gay men under similar circumstances. The bodies of Kevin Clewer and Brad Nelson were found in their apartments in March and August, respectively, with multiple stab wounds, police said.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance, I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL LIBRARY WEEK

Mr. SARBANES. Mr. President, this week, from April 18th to 24th, we are celebrating the 46th anniversary of National Library Week. As a strong and vigorous supporter of Federal initiatives to strengthen and protect libraries, I am pleased to have this opportunity to take a few moments to reflect on the significance of libraries to our nation.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the free and open exchange of ideas embodied in the Constitution itself. Libraries have always been an integral part of all that our country stands for: freedom of information, an educated citizenry, and an open and enlightened society. They are the only public agencies in which the services rendered are intended for, and available to, every segment of our society.

It has been my longstanding view that libraries play an indispensable role in our communities. From modest beginnings in the mid-19th century, today's libraries provide well-stocked reference centers and wide-ranging loan services based on a system of branches, often further supplemented by traveling libraries or on-line libraries serving outlying districts. Libraries promote the reading of books among adults, adolescents, and children and provide the access and resources to allow citizens to obtain reliable information on a vast array of topics.

Libraries have gained even further significance in this age of rapid technological advancement because they are called upon to provide not only books and periodicals, but many other valuable resources as well. In today's society, libraries provide computer services, Internet access, audio-visual materials, facilities for community lectures and performances, DVDs, CD-Roms, tapes, and works of art for exhibit and loan to the public. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

Of course, libraries are not merely passive repositories of materials. They are engines of learning—the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge available. I have the greatest respect for those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our library system.

My own State of Maryland has 24 public library systems providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. This policy has been enhanced by the State Library Network, which provides interlibrary loans to the State public, academic, special libraries, and school library media centers. The Network receives strong support from the State Library Resource Center at the Enoch Pratt Free Library, the Regional Library Resource Centers in our Western, Southern, and Eastern Shore counties, and a Statewide database of periodicals from over 100 libraries.

The State Library Resource Center alone gives Marylanders free access to approximately 2 million books, over 1 million U.S. Government documents, 600,000 magazines, newspapers and books in microform, 11,000 periodicals, 90,000 maps, 20,000 Maryland State documents, and 19,000 videos and films.

The result of this unique joint State-County resource sharing is an extraordinary level of library services available to the citizens of Maryland. Marylanders have responded to this outstanding service with almost 58 percent of the State's population registered as library patrons. Additionally, the total holdings of catalogued and uncatalogued book volumes, video and audio recordings, periodicals, electronic formats, and serial volumes have increased by 1.2 million from 1998 to 2002 to total almost 16.8 million library holdings.

I have had a close working relationship with members of the Maryland Library Association and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the Nation in this week's celebration of "National Library Week." I look forward to a continued close association with those who enable libraries to make their unique and vital services available to all Americans.

CHINESE COMPETITION

Mr. GRAHAM of South Carolina. Mr. President, one thing I have learned in the last couple of years is that everywhere I go the manufacturing community at home keeps bringing up on topic, Chinese competition. Due in large part to China's unfair trade practices; South Carolina alone lost 41,000 jobs in 2003. Most of these jobs were textile and related industries. In the last five and a half years, three million American manufacturing jobs have been lost. Since 1997, the U.S. textile industry has closed more than 250 textile plants in the country and more than 200,000 U.S. textile workers have lost their jobs.

Why is this happening? Why are American manufacturers not able to keep up with the Chinese? It is not because our workforce is intellectually inferior, and I don't believe our workforce is lazy. And it certainly isn't because we haven't invested in the most modern equipment.

It is because China cheats. China's accession agreement to enter the WTO consisted of numerous commitments by China to transition to a market and rules based economy. China has yet to live up to their commitments. The theory of free trade is a great theory, but it only works if other people buy into that theory. It is hard to have free trade if you do not even believe in free speech. Through its unfair trade practices, China continues to steal market share, and the U.S. manufacturing industry is at serious disadvantage.

China's currency, the yuan or renminbi, has been tightly pegged at 8.28 yuan to the U.S. dollar since 1994, which most economists believe to be a severe undervaluation of their currency. Most economists estimate China's currency to be undervalued by as much as 15 to 40 percent. This undervaluation makes China's exports less expensive for foreigners, while making foreign products more expensive for Chinese consumers, resulting in an effective subsidization of Chinese exports and poses a virtual tariff on Chinese imports.

Consequently, since 1994, China's economy has grown dramatically, averaging over 8 percent per year. The U.S. trade deficit with China in 2003 reached a record $125 billion. In 1994, when China first began to peg its currency to the dollar, the United States trade deficit with China was $29.4 billion.

China has been in clear violation of International Monetary Fund, IMF, and world Trade Organization, WTO, commitments by maintaining an unfairly low exchange rate to gain a competitive advantage. IMF Article IV states that members should "avoid manipulating exchange rates . . . in order . . . to gain an unfair competitive advantage over other members." The U.S. China Economic and Security Review Commission, a bipartisan commission created by Congress, found in its September 25, 2003 hearing, that: "China, in violation of both its IMF and WTO obligations, is in fact manipulating its currency for trade advantage" and recommends that the Treasury Department "immediately enter into formal negotiations with the Chinese government" over its undervalued currency. The Commission further "urges the Congressional leadership to use its legislative powers to force action by the U.S. and Chinese Governments to address this unfair and mercantilist trade practice."

At this hearing, Fred Bergsten, Ph.D., Director of International Institute of Economics, testified that a revaluation of 20 to 25 percent of the yuan should permit other Asian currencies, including Japan, Taiwan, North Korea, to go up at least partway, maybe 10 percent or so, because with the yuan appreciating, they would be willing to appreciate against the dollar since it would actually create a depreciation of their own currencies against the Chinese currency, their main competitor. If you put all those currency changes together the result would be a $50 billion reduction in the U.S. current account deficit, which in turn translates to about 500,000 high-paying jobs, mainly in manufacturing in this country.

Senator CHARLES SCHUMER and I have introduced legislation that would require China to abide by its international trade agreements and stop manipulating their currency. The goal of this legislation is to remove China's unfair currency advantage and the detrimental impact that it is having in the U.S. and abroad.

Our legislation would require the Secretary of the Treasury to immediately enter into formal negotiations with China to ensure that China initiates a process to adopt a market-based system of currency within 180 days of enactment of this Act. If China refuses to do so, a 27.5 percent tariff will be imposed on all China's exports to the United States in order to reduce the export advantage provided by China's unfairly and illegally valued currency. The President of the United States has the authority to remove the tariff once he certifies to Congress that China has moved to a market-based system of currency valuation.

This legislation works within the framework of international trade laws. Article XXI of the General Agreement on Tariffs and Trade allows a member of the World Trade Organization to take "any action which is considers necessary for the protection of its essential security interests," particularly "in a time of war or other emergency in international relations." The President has stated a view that many of us hold, that our nation's manufacturing capability is a vital national interest. I know I am not alone when I say that this national interest is threatened by China's unfair currency practices.

Something must be done to alleviate the detrimental economic impact China is having on our manufacturing industry or at the very least, to level the playing field for future generations. I urge the Leadership to allow a vote on this important legislation. I believe it will receive overwhelming bipartisan support and give the Administration one more tool to get the Chinese to uphold their WTO obligations.

As long as we sit by and allow China to maintain its unfair trade advantage, the United States will continue to hemorrhage jobs. Passing this legislation is one step further to ensuring that China abides by the rules.

ADDITIONAL STATEMENTS

HONORING ALYSON MIKE

• Mr. BAUCUS. Mr. President, I rise today with great pride to honor Montana's 2004 Teacher of the Year Award winner, Alyson Mike. Alyson overcame a lengthy list of quality teachers in Montana to secure this award. It is an honor to recognize her outstanding contribution to Montana.

Alyson represents the type of teacher Montana has come to expect from its teaching community. She is an educator who meets the highest standards of professional excellence. Alyson is a student's teacher. She delivers to each and every one of her students without expectation of reward.

Alyson teaches middle school science at East Valley Middle School in Helena, MT, my home town. Sadly, like so many other rural communities, Helena has struggled economically in recent years. In this community, bake sales, garage sales, and silent auctions have become the norm, simply to raise funds for the school. But this has not stopped Alyson and members of the community from making sure the students receive what they need to succeed.

Like so many Montana teachers, Alyson takes a hands-on approach to ensure her students have access to a variety of materials and equipment. In Alyson's mind, there are no limits to what her students can accomplish.

Alyson earned her National Board Certification and has become a State leader in Montana's professional development. She is a leader to her students and encourages other teachers to make a difference in student's lives. Alyson's extensive background and knowledge in science, proven teaching strategies, and great sense of humor make her a Montana treasure.

We in Montana are very fortunate to be able to claim a teacher like Alyson Mike as our very own. She is a fabulous representative of the very best of public education in Montana and across our Nation.•

HONORING STUDENTS REPRESENTING RHODE ISLAND IN THE "WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION" COMPETITION

• Mr. CHAFEE. Mr. President, from May 1–3, 2004, more than 1,200 students from across the United States will visit Washington, DC, to take part in the national finals of "We the People: The Citizen and the Constitution," an educational program developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the "We the People" program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that students from Central Falls High School will represent the State of Rhode Island in this national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to Washington and compete at the national level.

The three-day "We the People" National Finals Competition is modeled after hearings in the U.S. Congress. The students are given an opportunity to demonstrate their knowledge before a panel of judges while they evaluate, take, and defend positions on relevant historical and contemporary issues.

I wish these students the best of luck at the "We the People" national finals and applaud their achievement. I am sure that this valuable experience will encourage these young Rhode Islanders to remain engaged with government and public policy issues in the future.•

ERNIE HARTUNG, UNIVERSITY OF IDAHO'S TWELFTH PRESIDENT

• Mr. CRAIG. Mr. President, today I pay my respects to Ernie Hartung, the 12th president of the University of Idaho, who passed away last fall.

I felt a special kinship to President Hartung for two reasons. The first was that we both came to the university as freshmen in 1965. He as a freshman president and I as a freshman student. As he often said, he considered himself to be a member of the class of 1969 because of that freshman connection.

The second reason for our special kinship was that I served as student body president in 1968–69 and had a close working relationship with President Hartung. He was a tireless advocate for student involvement, and the students responded by becoming strong, vocal supporters of President Hartung.

It is unlikely that any University of Idaho president ever generated the degree of grassroots student support that Ernie Hartung did. The best indication of this came on March 17, 1969. The university was facing a number of serious issues, and President Hartung had been publicly criticized by the Governor. In response, 4,500 students showed up at a campus rally on a cold, rainy night to voice their support for their university president. It was a remarkable showing of support for an extraordinary leader.

Ernie Hartung had a significant impact on the lives of thousands of Idahoans. On April 24th, 2004, the University of Idaho will be honoring this leader and his contributions. I appreciate my colleagues joining me today while I acknowledge all that President Hartung did, not only for me but for thousands of other University of Idaho alumni and Idahoans. While we miss him sorely, it is comforting to know that Idaho is a better place because of Ernie Hartung.•

NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

Mrs. MURRAY. Mr. President, I rise today to ask my colleagues to join me in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases, PIDD, are genetic disorders in which part of the body's immune system is missing or does not function properly.

The World Health Organization recognizes more than 150 primary immune diseases, which affect as many as 50,000 people in the United States.

Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenous immunoglobulin, IGIV. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I want to share with my colleagues the story of one family in Washington State affected by PIDD, the Trump family, who have common variable immune deficiency, CVID, one of the more common forms of primary immune deficiency diseases. Gary Trump's first wife, Tracee, carried CVID for at least 18 years prior to diagnosis. During that time, she suffered repetitive infections, even life-threatening disease, but was never properly diagnosed. In 1993, 8 days after the birth of their second son, Christian, Tracee was struck down by viral encephalitis, and suffered through 4 years of pain, amnesia, and total disability prior to passing away in 1997. Their first son, Darren, also had numerous infections, almost from birth. Within a year of Tracee's diagnosis, Darren was tested and found to have CVID. Christian, who nearly died of viral pneumonia at 2 months of age, was also diagnosed with CVID.

The Trump family is not unique with the difficulty and delay in diagnosis of primary immune deficiency disease. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

I am proud to have the opportunity to recognize the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

TRIBUTE TO SISTER MARY EILEEN WILLHELM, RSM

• Mr. SESSIONS. Mr. President, I rise today to give tribute to Sister Mary Eileen Wilhelm, RSM, who has served as the chief executive officer at Mercy Medical for more than 36 years. She has led Mercy Medical in its mission to care for the sick, the injured, and the dying since she took on the role of CEO in 1967. Her passion for healthcare has led her to continually do what is best for the patients, the residents, and their families.

Since its founding in 1949 by the Sisters of Mercy, Mercy Medical has been a leader among healthcare providers in Alabama's Mobile Bay area. As CEO of Mercy, Sister Mary Eileen has remained focused on continuing the healing ministry of Jesus in the compassionate and excellent tradition of the Sisters of Mercy. This has helped Mercy grow from a small convalescent home by the bay in Daphne, into an integrated network of healthcare options throughout southwest Alabama and recognized throughout the Nation for its innovative procedures.

Mercy Medical works with patients of all ages, from the very young to the most senior, to maximize their functional abilities and return all patients to their highest possible level of wellness. In addition, Mercy Medical is renowned for its hospice services, providing quality living when individuals face the end of this Earthly existence. Working with physicians, interdisciplinary medical teams establish individualized treatment plans which direct overall courses of intensive therapy, specialized clinical services and/or other patient care and activities. Most importantly, the Mercy Medical team always ministers to not only the physical needs but offers comfort and healing to the spirit as well.

Catherine McAuley, the foundress of the Sisters of Mercy, has inspired Sister Eileen to be strong in the face of adversity, calm in the midst of crisis, and willing to take risks. This has allowed her to lead the Mercy Medical staff to identify and meet the healthcare needs of the weak and vulnerable. Additionally, due to her humility, tenacity, and commitment, Mercy Medical is recognized as a leader in the healthcare community. One of the core values of Mercy Medical is the empowerment of women, and Sister Mary Eileen, as an empowered woman, has led the fight to eradicate poverty nationally by taking on the cause of the poor to our Nation's capital. Indeed, her sincerity and power of persuasion, which I have directly felt, is remarkable. It is clearly a product of her selfless commitment to her vision for others.

On behalf of the United States Senate and the people of Alabama, I would like to recognize Sister Mary Eileen for giving more than 44 years of love and devotion to the sick, injured, and dying. She has been truly a blessing for the people of south Alabama, and her legacy will live on forever.●

THE 440TH BIRTHDAY OF WILLIAM SHAKESPEARE — RECOGNIZING THE SHAKESPEARE FESTIVALS IN CALIFORNIA

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to one of the greatest writers the world has ever known: William Shakespeare. As you may well know, this week marks the 440th birthday of the great author and playwright. As a foremost literary talent of his and every age thereafter, his works have stood the test of time and are still widely celebrated over four centuries later.

Scholars credit William Shakespeare with authoring 37 plays and 154 sonnets over the course of his life. These works continue to both move and entertain today, as they did the people of his time. His plays can be found performed daily the world round in their traditional fashion, and many of his works have been adapted to accommodate modern issues and themes. As a result, his genius and creative achievement have transcended time and touched people of all generations.

I am proud that my State of California shares a large population who take the time to celebrate the life and work of Shakespeare. California is home to some of the largest organizations dedicated to nourishing their communities through both artistic endeavors and educational programs celebrating the Bard's work. Combined, California Shakespeare festivals perform for more than 95,000 Californians annually.

It is my pleasure to congratulate the California Shakespeare Festival on celebrating their 30th anniversary this year. Beginning with a few Berkeley residents performing "Hamlet" to local community members, the California Shakespeare Festival has developed into a successful production company that runs four Shakespearian theaters. Through their Artistic Learning Initiative, the festival seeks to inspire and educate young artists of all backgrounds through the gift of Shakespeare's works.

Since 1983, when I was mayor of San Francisco, the San Francisco Shakespeare Festival has brought the works of Shakespeare to large and diverse audiences through their Free Shakespeare in the Park program. In cooperation with the Oakland-East Bay and Silicon Valley Shakespeare Festivals, the San Francisco Shakespeare Festival brings innovative and inspiring professional performances to over 50,000 each summer.

I also recognize the contributions of the American Friends of the Shakespeare Birthplace Trust to bringing the legacy of William Shakespeare to Washington, DC, with their gift of eight sculptures to the Folger Shakespeare Library. Sculpted by artist Greg Wyatt, the eight pieces are half-size replicas of the Shakespearian-inspired artwork in the Great Garden in Stratford-upon-Avon.

I ask that my colleagues join me in celebrating Shakespeare's birthday and the inspirational and lasting works he contributed to our world. William Shakespeare's poems and plays continue to inspire countless generations of young writers, further the world's love of the written word as well as performances, and reminds us all to "be not afraid of greatness."●

MESSAGES FROM THE HOUSE

At 11:52 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1822. An act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office".

H.R. 3855. An act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

H.R. 4037. An act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

The message also announced that the House has passed the following concurrent resolution, without amendment:

S. Con. Res. 97. Concurrent resolution recognizing the 91st annual meeting of The Garden Club of America.

At 3:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building".

ENROLLED BILLS SIGNED

At 6:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1274. An act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1822. An act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office"; to the Committee on Governmental Affairs.

H.R. 3855. An act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office"; to the Committee on Governmental Affairs.

H.R. 4037. An act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility"; to the Committee on Governmental Affairs.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

S. 2329. A bill to protect crime victims' rights.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7131. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 2 Regulations): [CGD08–03–040], [CGD08–03–039]" (RIN1625–AA00) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7132. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [CGD05–04–066], Atlantic Ocean, Chesapeake and Delaware Canal, Delaware Bay, Delaware River, and its Tributaries" (RIN1625–AA00) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7133. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations): [CGD08–03–049], [CGD05–03–121]" (RIN1625–AA09) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7134. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 4 Regulations): [CGD01–04–023], [CGD07–04–039], [CGD05–04–071], [CGD05–04–070]" (RIN1625–AA09) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7135. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: (CGD07–03–147; Savannah River, Savannah, Georgia" (RIN1625–AA11) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7136. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emergency Medical Equipment; Docket No. FAA–2000–7119; Partial Revised Compliance Date" (RIN2120–AG89) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Drug and Alcohol Managament Information System Reporting; Correction; Docket No. OST–2002–13435" (RIN2120–AD35) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electrical Equipment and Installations, Storage Battery Installation; Electronic Equipment; and Fire Protection of Electrical System Components on Transport Category Airplanes" (RIN2120–AI21) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers; Doc. No. FAA–2002–13918" (RIN2120–AH43) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Control of Air Traffic" (RIN2120–AI11) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (8); Amdt. No. 447" (RIN2120–AA63) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137–AD41) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Policy Statement: Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Doc. No. FAA–2002–11301" (RIN2120–ZZ45) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (59) Amendment No. 3090" (RIN2120–AA65) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (26); Amdt. No. 3091" (RIN2120–AA65) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 14, 9 15, and 9 a5F Airplanes; Model SC9 20, 30, 40, and 50 Series Airplanes; and Model DC 9 81, DC 9 82, 9 83, 9 87, MD 88 and MD 90–30 Airplanes; Doc. No. 2002–NM–203" (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lycoming Engines AEO0–540, IO–540, ITIO–540, O–540, and TIO–540 Series Reciprocating Engines; Doc. No. 2002–NE–31" (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lancair Company Models LC40–55FG and LC42–550FG Airplanes; Doc. No. 2004–CE–07" (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A318, A319, A320, and A321 Series Airplanes; Doc. No. 2004–NM–43" (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7150. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Mystere-Falcon 50 Series Airplanes; Doc. No. 2002–NM–232" (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7151. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 Series Airplanes; Doc. No. 2002–NM–300" (RIN2120–AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7152. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction Technical Amendment; Manual Requirements in Part 135; Doc. No. FAA–2004–17119" (RIN2120–ZZ46) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7153. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model 4101; Doc. No. 2002–

NM-63" (RIN2120-AA64) received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7154. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Winnsboro and Annona, Texas)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7155. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encinal, Texas)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7156. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crowell, Bonham, Bridgeport, Palestine, Ranger, Stephenville, Wellington, Texas; Apache, Ardmore, Bennington, Cache, Elk City, Lawton, Oklahoma)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7157. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Freer, Hebbronville, and Orange Grove, Texas)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7158. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fort Collins, Westcliffe, and Wheat Ridge, Colorado)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7159. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clarksville, Texas and Haworth, Oklahoma)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7160. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ash Fork, Chino Valleu, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman, and Tusayan, Arizona; Moapa Valley, Nevada, and Beaver and Cedar City, Utah)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7161. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sheffield, Texas)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7162. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mangum and Erick, Oklahoma)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7163. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Nampa, ID)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7164. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 76.51 Major Television Markets" (DA 00-1337); to the Committee on Commerce, Science, and Transportation.

EC-7165. A communication from the Chief Financial Officer, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 0 and 1 of the Commission's Rules—Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Request for Benefits by Delinquent Debtors" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7166. A communication from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "International Settlements Policy Reform, International Settlements Rate, FCC04-53" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7167. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Quiet Zones Application Procedures, WT Doc. No. 01-319" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7168. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Year 2000 Biennial Regulatory Review—Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services, WT Doc. No. 01-108" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7169. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of International Bureau Filing System (IBFS)" received on April 20, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7170. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to oil spill response actions; to the Committee on Commerce, Science, and Transportation.

EC-7171. A communication from the Under Secretary of Defense for Acquisition, Logistics, and Technology, Department of Defense, transmitting, pursuant to law, three Selected Acquisition Reports for the quarter ending December 31, 2003; to the Committee on Armed Services.

EC-7172. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Act and the FREEDOM Act with respect to the Republic of Uzbekistan; to the Committee on Foreign Relations.

EC-7173. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to funds from the FREEDOM Support Act; to the Committee on Foreign Relations.

EC-7174. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Act with respect to Azerbaijan and Kazhakstan; to the Committee on Foreign Relations.

EC-7175. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to funds to be distributed with respect to the FREEDOM Support Act; to the Committee on Foreign Relations.

EC-7176. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 03-08; to the Committee on Appropriations.

EC-7177. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 02-15; to the Committee on Appropriations.

EC-7178. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Determination of Threatened Status for the Beluga Sturgeon (Huso Huso)" (RIN1018-AI11) received on April 20, 2004; to the Committee on Energy and Natural Resources.

EC-7179. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program" received on April 20, 2004; to the Committee on Energy and Natural Resources.

EC-7180. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two Uniform Resource Locators (URLs) for documents related to the Agency's programs; to the Committee on Environment and Public Works.

EC-7181. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to the 2005 ROP Plan for the Cecil County Portion of the Philadelphia-Wilmington-Trenton 1-Hour Ozone Nonattainment Area to Reflect the Use of MOBILE6" (FRL7648-3) received on April 20, 2004; to the Committee on Environment and Public Works.

EC-7182. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; Commonwealth of Virginia" (FRL7648–4) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7183. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Reclassification, San Joaquin Valley Nonattainment Area; California" (FRL#7648–8) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7184. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Conditional Approval and Promulgation of Implementation Plans: Michigan: Oxides of Nitrogen Rules" (FRL#7647–6) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7185. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that State has Corrected a Deficiency in the Arizona State Implementation Plan, Arizona Department of Environmental Quality" (FRL#7650–3) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7186. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Environmental Performance Track Program" (FRL7650–6) received on April 20, 2004; to the Committee on Environment and Public Works.

EC–7187. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 102 of H.R. 3108" (Ann. 2004–38) received on April 20, 2004; to the Committee on Finance.

EC–7188. A communication from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled "Disclosure Regarding Market Timing and Selective Disclosure of Portfolio Holdings" (RIN3235–AI99) received on April 20, 2004; to the Committee on Finance.

EC–7189. A communication from the Executive Director, Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the Corporation's 2003 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–7190. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Discrimination Complaints Under Section 6 of the Pipeline Safety Improvement Act of 2002" (RIN1218–AC12) received on April 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7191. A communication from the Acting Administrator, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Inpatient Prospective Payment System; to the Committee on Health, Education, Labor, and Pensions.

EC–7192. A communication from Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General relative to the Foreign Agents Registration Act for the six-month period ending June 30, 2003; to the Committee on the Judiciary.

EC–7193. A communication from the Director, Regulations and Forms Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Adjustment of the Immigration Benefit Application Fee Schedule" (RIN1615–AA84) received on April 19, 2004; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. EDWARDS:

S. 2325. A bill to strengthen telehealth programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2326. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Ms. COLLINS, and Ms. SNOWE):

S. 2327. A bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in State homes shall not be used to offset or reduce other payments made to assist veterans; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. MCCAIN, Mr. DASCHLE, Mr. LOTT, Ms. STABENOW, Mr. CHAFEE, Mr. JOHNSON, Mr. PRYOR, and Mr. FEINGOLD):

S. 2328. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. DURBIN, Mr. GRASSLEY, Mr. KENNEDY, Mr. DEWINE, Mr. FEINGOLD, Mr. CRAIG, Mr. KERRY, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Ms. COLLINS, Mr. BAYH, Mr. LIEBERMAN, Mrs. CLINTON, Mr. PRYOR, Ms. STABENOW, and Mr. NELSON of Florida):

S. 2329. A bill to protect crime victims' rights; ordered held at the desk.

By Mr. ALLEN:

S. 2330. A bill for the relief of Hyang Dong Joo; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2331. A bill for the relief of Fereshteh Sani; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2332. A bill for the relief of James Symington; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2333. A bill to prohibit members of criminal street gangs from possessing firearms; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. TALENT, and Mr. ALLEN):

S.J. Res. 33. A joint resolution expressing support for freedom in Hong Kong; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 40

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 40, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 344

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes:

S. 538

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 538, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 952

At the request of Mr. CORZINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 952, a bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves.

S. 1172

At the request of Mr. FRIST, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1172, a bill to establish grants to provide health services for improved nutrition , increased physical activity, obesity prevention, and for other purposes.

S. 1557

At the request of Mr. McCONNELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1916

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 2099

At the request of Mr. MILLER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2212

At the request of Ms. COLLINS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2212, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 2236

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2236, a bill to enhance the reliability of the electric system.

S. 2270

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2270, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2278

At the request of Mr. ENSIGN, the names of the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2311

At the request of Ms. SNOWE, the name of the Senator from Arizona (Mr. McCAIN) was added as a cosponsor of S. 2311, a bill to provide for various energy efficiency programs and tax incentives, and for other purposes.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 310

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 310, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 334

At the request of Mr. FITZGERALD, the name of the Senator from Arizona (Mr. McCAIN) was added as a cosponsor of S. Res. 334, a resolution designating May 2004 as National Electrical Safety Month.

AMENDMENT NO. 2649

At the request of Mr. BAYH, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR), the Senator from North Carolina (Mr. EDWARDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2649 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2326. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to address an injustice in the Tax Code that is threatening family farmers and other self-employed individuals. A number of my constituents, primarily Wisconsin farmers, have requested Congress's assistance to correct the Tax Code so they can protect their families. The legislation I introduce today, the Farmer Tax Fairness Act of 2004, will solve the problem for today and into the future.

Farming is vital to Wisconsin. Wisconsin's agricultural industry plays a large and important role in the growth and prosperity of the entire State. Wisconsin's status as "America's Dairyland," is central to our State's agriculture industry. Wisconsin's dairy farmers produce approximately 23 billion pounds of milk and 25 percent of the country's butter a year. But Wisconsin's farmers produce much more than milk; they also are national leaders in the production of cheese, potatoes, ginseng, cranberries, various processing vegetables, and many organic foods. So when the hard-working farmers of Wisconsin need help, I will do all I can to assist.

One concern of Wisconsin farmers is that the Tax Code can limit their eligibility for social safety net programs, including old age, survivors, and disability insurance, OASDI, under Social Security and the hospital insurance HI part of Medicare. There programs are paid for through payroll taxes on workers and through the self-employment tax on the income of self-employed individuals. To be eligible for OSADI and HI benefits an individual must be fully insured and must have earned a minimum amount of income in the years immediately preceding the need for coverage. Every year, the Social Security Administration, SSA, sets the amount of earned income that individuals must pay taxes on to earn quarters of coverage, QCs, and maintain their benefits. An individual's eligibility requirements depend upon the age at which death or disability occurs, but for workers over 31 years of age, they must have earned at least 20 QCs within the past 10 years.

Self-employed individuals can have highly variable income, and, particularly for farmers at the whim of Mother Nature, not every year is a good year. During lean years, individuals may not earn enough income to maintain adequate coverage under OASDI and HI. Therefore, the Tax Code provides options to allow self-employed individuals to maintain eligibility for benefits. These options allow individuals to choose to pay taxes based on $1,600 of earned income, thus allowing self-employed entrepreneurs to maintain the same Federal protections even when their income varies.

Unfortunately, both the options for farmers and nonfarmers—Social Security Act §211(a) and I.R.C. §1402(a)—

have not kept pace with inflation, and they no longer provide security to families across the country. Decades ago, self-employment income of $1,600 earned an individual four QCs under SSA's calculations. In 2001, the amount needed to earn a QC rose to $830 of earned income, so individuals electing the optional methods were only able to earn one QC, making it much harder for them to remain eligible for benefits.

Congress's failure to address this problem threatens the ability of self-employed individuals to maintain eligibility for OASDI and HI. I have heard from several of my constituent who want these options to be fixed so they can make sure their families will be taken care of in the event that something unforeseen occurs.

Therefore, I am introducing the Farmer Tax Fairness Act of 2004 in order to provide farmers and self-employed individuals with a fair choice. Under this bill, they will continue to be able to elect the optional method if they so choose. When individuals do elect the option, this legislation provides an update to the Tax Code so farmers and self-employed individuals can retain full eligibility for OASDI and HI benefits. It indexes the optional income levels to SSA's QC calculations, allowing these farmers and self-employed individuals to claim enough earned income to qualify for four OCs annually. By linking the earned income level to SSA's requirements for QCs, the bill will ensure that the amount of income deemed to be earned under the optional methods will not need to be adjusted by Congress again.

In addition to providing security to self-employed individuals and farmers across the country, this solution is fiscally responsible. It actually provides a short run increase in U.S. Treasury revenues while having negligible impact upon the Social Security trust fund in the long run.

Let me take a moment to acknowledge the efforts of the Senator from Iowa, Mr. GRASSLEY, to address this problem in the 107th Congress. As chairman of the Senate Finance Committee, he included similar legislative language in the chairman's mark for the Small Business and Farm Economic Recovery Act of 2002. The Senate Finance Committee held a markup on the legislation on September 19, 2002, but the changes to the optional methods did not become law.

When incomes fall, the Tax Code provides optional methods for calculating net earnings to ensure that farmers and self-employed individuals maintain eligibility for social safety net programs. Due to inflation, the Tax Code has not kept up and many farmers are losing eligibility for some of Social Security's programs. Congress needs to provide security to farm families and other self-employed individuals. I urge my colleagues to support the Farmer Tax Fairness Act of 2004.

By Mr. CAMPBELL (for himself, Ms. COLLINS, and Ms. SNOWE)

S. 2327. A bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in State homes shall not be used to offset or reduce other payments made to assist veterans; to the Committee on Veterans' Affairs.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS PER DIEM PAYMENTS TO STATE HOMES FOR VETERANS.

Section 1741 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e) Payments to States pursuant to this section shall not be considered a liability of a third party, or otherwise be utilized to offset or reduce any other payment made to assist veterans.".

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. MCCAIN, Mr. DASCHLE, Mr. LOTT, Ms. STABENOW, Mr. CHAFEE, Mr. JOHNSON, Mr. PRYOR, and Mr. FEINGOLD.

S. 2328. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DORGAN. Mr. President, today I am introducing bipartisan legislation to allow prescription drug importation from Canada, the European Union, and a few other countries. I am very pleased to be joined on this bill by Senators SNOWE, KENNEDY, MCCAIN, DASCHLE, LOTT, STABENOW, CHAFEE, JOHNSON, PRYOR, and FEINGOLD.

This new bill, the Pharmaceutical Market Access and Drug Safety Act, is an important breakthrough for several reasons. First, it is a bipartisan effort, and as we all know, bipartisanship is the best way to get things done in Congress today or any day. Second, this bill addresses the safety issues that have been raised by some and makes certification by the Health and Human Services Secretary unnecessary. Therefore, it would take effect immediately and provide consumers with the urgent help they need accessing more affordable medicines.

It is my hope that the Senate will take up and pass this legislation on an expedited basis because American consumers, especially senior citizens, State and local governments, and businesses large and small are desperate for action by Congress to give them relief from high drug prices. It has been well documented that Americans are charged the highest prices in the world for the exact same medicines that consumers in other major industrialized countries buy at a fraction of the price.

For example, Lipitor, a cholesterol-lowering medicine that is the top-selling drug in the United States, is made in the same plant and put in the same bottle. One bottle is shipped to American pharmacies, and the other to Canadian Pharmacies. Both are approved by the Food and Drug Administration. The only difference? The price. One tablet purchased by a pharmacist in Canada costs $1.01; the same tablet purchased by an American pharmacist costs $1.86, 84 percent more than in Canada.

The high prices charged for prescription drugs in the United States are forcing Americans and state and local governments to turn to Canada to buy their medicines. Dozens of State and local governments—from Maine to Massachusetts to North Dakota—are now implementing drug importation programs with Canada to save their citizens and their health care programs millions of dollars. Individual Americans are now importing more than $1.1 billion in prescription drugs from Canada.

Unfortunately, they are doing so illegally, according to the FDA. The pharmaceutical industry is the only industry that benefits from a Congressional ban on re-imported products. The time has come to eliminate that barrier so American consumers, too, can benefit from the global marketplace.

Big, multi-national drug companies already reap the benefits of the world market. In fact, more than $40 billion of the prescription drugs consumed by Americans in 2002 were made in other countries, such as Ireland, Singapore, and Japan so that the drug companies could take advantage of tax breaks, cheaper labor and other incentives available abroad.

What's good for the goose should be good for the gander—American consumers, pharmacists, and drug wholesalers should be equally free to purchase FDA-approved medicines from Canada, Europe and elsewhere. The bill I am introducing today would allow just that.

This new bill is similar in many respects to the Pharmaceutical Market Access Act, sometimes called the "Gutknecht bill", which was passed by the House of Representatives by a wide bipartisan margin last July. For instance: Both bills allow prescription drugs to be imported from Canada, the European Union, and some other major industrialized nations. Both bills require pharmacies and wholesalers to register with the FDA to be able to import prescription drugs. Both bills provide for the importation of FDA-approved medicines. Both bills allow for reliance on anti-counterfeiting technology to ensure drug safety. Both bills allow for drug importation to begin immediately, without first requiring certification by the HHS Secretary.

However, my cosponsor and I also believe that our bill makes a number of improvements over the Pharmaceutical Market Access Act both in terms of safety and closing loopholes to ensure that a drug importation program will not be thwarted by the big drug manufacturers. For example, this bill ensures that individual Americans who import their prescription drugs via the Internet or mail-order are doing so from safe, reliable Canadian pharmacies. This bill gives the FDA the ability to inspect Canadian exporters to assure safety. This bill enhances the FDA's ability to stop those drug imports that are unsafe. This bill would give the FDA the resources needed to ensure the safety of imported medicines.

In addition, this bill contains several provisions to close loopholes that would allow drug companies to circumvent drug importation. Unfortunately, a number of big drug companies are cutting off medicines to Canadian pharmacies that sell to Americans. This bill would make such tactics an unfair trade practice.

We will now work with the Senate leadership to get this bill enacted in the Senate promptly. The Senate has voted on drug importation legislation three times since 2000. There is no need for a protracted debate. In invite my colleagues to join me in cosponsoring this bill and in acting soon to give our constituents relief from high drug prices.

I ask unanimous consent that a summary of this bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PHARMACEUTICAL MARKET ACCESS AND DRUG SAFETY ACT

I. IMPORTABLE DRUGS

Drugs must be approved by the Food and Drug Administration and manufactured in an FDA-inspected plant.

Drugs must be patient-administered and not a controlled substance, an infused or injected drug, a biologic, or a drug inhaled during surgery.

II. COMMERCIAL IMPORTATION BY PHARMACISTS AND DRUG WHOLESALERS

Allows importation by licensed pharmacists and wholesalers from Canada within 90 days of enactment and from the current European Union members, Australia, New Zealand, Japan, and Switzerland beginning one year from enactment.

Requires registration of wholesalers and pharmacies with FDA, and levies capped fees to support the costs of the program. Registration may only be of those entities that are fully licensed in accordance with applicable state and federal law to act as pharmacies or wholesalers of prescription drugs.

Importers and all resellers of imported products must provide a full chain-of-custody (pedigree), tracking possession of drugs from the point of manufacture to the sale to the consumer.

Drugs must be re-labeled in English to comply with FDA requirements. The FDA will provide approved labeling information to importers.

FDA may ban the importation of a product that has been determined to be counterfeit, contaminated, or is otherwise adulterated so as not to meet the requirements of this legislation. FDA may require testing of shipments of product or use of approved anti-counterfeiting technologies to verify the chain-of-custody of a drug.

This bill specifically protects pharmacies, wholesalers, and individuals from patient damages arising from the importation of drugs.

III. PERSONAL IMPORTATION BY INDIVIDUALS

Immediately upon enactment, an individual may import up to a 90 day supply of a prescription drug from Canada for their personal use or for the personal use of a family member, just as they do now. Once the FDA has implemented regulations, individuals may be shipped prescription drugs purchased via mail-order or websites only from a Canadian pharmacy registered under this Act. These Canadian exporters will be fully inspected and approved by the FDA. Canadian pharmacies must validate a U.S. prescription, review health and medication history, and track shipments.

The bill also allows individual Americans who travel outside the United States to bring back with them for their personal use a 90-day supply of medicine from Canada, Australia, current countries in the European Union, Japan, New Zealand, or Switzerland or a 14-day supply of medicine from another foreign country.

The bill continues the FDA's current "compassionate use" policy by allowing importation for patients with special needs.

IV. "GAMING" THE SYSTEM

The bill protects those selling or using drugs imported under the program by preventing an individual from taking actions that would have the effect of thwarting drug importation. Any individual who takes such an action against a pharmacist, wholesaler, or consumer to hinder their importation of prescription drugs will be in violation of the Clayton Act, and treble economic damages may be awarded.

The proposal includes features to prevent a drug manufacturer from blocking importation of drugs, such as by changing the color, dosage form, or place of manufacture of the drug so that it is no longer FDA-approved. Drug manufacturers that make these kinds of changes would be required to notify the FDA, and the FDA would be given the authority to take the steps needed to approve the drug.

V. LIMITING UNSAFE DRUG IMPORTS

Customs could seize and destroy small quantities of drugs imported by individuals from foreign exporters that are unapproved. The FDA would provide the individual whose drugs were seized with a simple notice explaining how the individual can import drugs from registered Canadian exporters safely and legally.

Mr. KENNEDY. Mr. President, I am pleased today to join my colleagues Senator DORGAN, Senator SNOWE, Senator MCCAIN, Senator DASCHLE, Senator LOTT, Senator CHAFEE and others in introducing legislation to allow the importation of safe prescription drugs from Canada, the European Union, Australia, New Zealand and Japan.

This issue is about fairness for middle class Americans who are struggling to afford costly prescription drugs. Americans understand fairness, and they know it's wrong that Americans pay far too much for prescription drugs—more than Canadians, more than the British, more than in any other country in the world. That's not right. Prescription drugs mean the difference between sickness and health—even life and death—for millions of average Americans. It's not fair that drug companies overcharge middle class families and patients have to do without the drugs they need.

We're here to say that help is on the way.

Our legislation will legalize safe imports of U.S.-approved drugs manufactured in U.S.-approved plants. It is a creative new approach to meeting the needs of our middle class families. We know it will be opposed by the drug companies, who are determined to continue to reap windfall profits at the expense of American patients. It will be opposed by the Bush Administration, which is determined to protect the pharmaceutical industry and its powerful campaign contributors. But it will be welcomed by someone else—by every family in every community in America who needs to fill a prescription.

Every pharmaceutical company in the world wants its drugs approved for sale in the United States. We're the largest market on Earth. A decision by the Food and Drug Administration that a drug is safe and effective is the gold standard for the world. But once that drug is approved for use in the United States, the drug manufacturer applies a greedy double standard. What's fair about a system that forces American patients to pay sixty percent more than the British pay or the Swiss pay for an FDA-approved drug manufactured to FDA standards? What's fair when, on average, Americans pay two-thirds more than Canadians? What's fair when Americans pay 80 percent more than Germans and twice as much as Italians?

This legislation will end that indefensible disparity, by enabling U.S. consumers to buy FDA-approved drugs at the same fair prices as they are sold abroad.

The drug companies and the Bush Administration claim that imported drugs threaten the health of American consumers because of the possibility of counterfeiting or adulteration. Under this bill, that argument can't pass the laugh test.

One-quarter of the drugs that Americans use today are already legally imported into the United States. The American people have no idea how large a percentage of the pills they take are out-sourced—produced for U.S. drug-makers in plants overseas, where wages are cheaper. The catch is that the law allows that. Drugs can be legally imported by the drug companies themselves, who then sell them at the high U.S. price.

If drug companies can import drugs at high prices, why can't patients import them at fair prices?

Our legislation sets up iron-clad safety procedures to guarantee that every drug imported legally into the United States is the same FDA-approved drug that was originally manufactured in an FDA-approved plant—whether the drug is manufactured abroad and shipped to the U.S., or whether it is manufactured in the United States, shipped abroad and then imported back into the United States.

Under our bill, the FDA is given new legal authority and resources to enforce the law. In fact, under this legislation, the procedures to prevent counterfeiting or adulteration of drugs shipped into the United States are actually stronger than the protections against counterfeiting of drugs manufactured for the domestic market.

Our legislation also includes strict rules to close the loopholes that drug companies may use to evade the law. Violations will be considered unfair trade practices under the Clayton Act, and violators will be subject to triple damages.

No doubt, in the months ahead, as the election approaches and the political pressure builds, drug companies and their allies in the Bush Administration and Congress will offer an alternative program. They'll call it an importation bill, but consumers beware. Counterfeit drugs have no place in American medicine cabinets, and counterfeit proposals to reduce drug prices have no place in Congress.

Year in and year out, drug companies profits are the highest of any industry in the United States. Year in and year out, patients are denied the life-saving drugs they need because those astronomical profits are obtained by equally astronomical prices—prices that drug companies can't charge anywhere else in the world because no other country in the world would tolerate such high prices. It's time to end the shameful price-gouging here at home. It's time for basic fairness. It's time to pass this bill, and I urge my colleagues in the Senate to support it.

Mr. McCAIN. Mr. President, I am pleased to join Senators DORGAN, SNOWE, KENNEDY, DASCHLE, and others in introducing the Pharmaceutical Market Access and Drug Safety Act of 2004. This bill represents a strong bipartisan compromise, and is designed to establish a system for American consumers to safely import lower cost prescription drugs.

American consumers are frustrated, and for good reason. We pay the highest prices in the world for brand name prescription drugs. Prices continue to rise at double digit rates—far outpacing inflation. With over 43 million uninsured Americans and millions more seniors without a substantial prescription drug benefit, filling a doctor's prescription is unaffordable for many people in this country. Every day, far too many families are forced to make difficult choices between life-sustaining prescription drugs and other daily necessities.

The United States represents the largest pharmaceutical market in the world. Our taxpayers make substantial investments into pharmaceutical research and development. And yet, Americans are still paying 30 to 75 percent more for their prescriptions than consumers in Canada, the European Union, and elsewhere.

In 2000, Congress passed the Medicine Equity and Drug Safety, MEDS, Act to provide Americans with a legal means to obtain lower cost prescription drugs from industrialized countries with prescription drug regulatory systems similar to our own. Yet here we are, four years later, and Americans still cannot legally access lower cost prescription drugs from other nations. The safety certification requirement contained in the MEDS Act proved to be a poison pill. In the bill we are introducing today, we have spelled out the safety measures that will be necessary for an importation program, making the certification requirement unnecessary.

According to recent polls, nearly two thirds of Americans believe the government should make it easier to import lower cost drugs from Canada and other countries. And, Americans have begun to take matters into their own hands. Last year, Americans spent an estimated $1.1 billion on prescription drugs imported from Canada, twice the amount that was spent the previous year. And states are now taking action too.

We also passed an enormous expansion to the Medicare program, last year. Unfortunately, that new law largely benefits the pharmaceutical industry and other special interests, and is already slated to cost $534 billion—$134 billion more than was estimated just a few months ago. That law, which will burden American taxpayers for generations to come and contributes substantially to the financial insolvency of the Medicare program, did practically nothing to rein in the cost of prescription drugs.

With all of the money the Federal Government will now be spending on prescription drugs, very little is being done to help reduce their costs. In fact, the Medicare package explicitly prohibits the Secretary of Health and Human Services from engaging in negotiations to lower prescription drug costs. This must change.

In the absence of Federal action, States such as Minnesota, Illinois, Iowa, Wisconsin, Vermont and New Hampshire, together with cities such as Springfield and Boston, MA, Montgomery, AL, and Los Angeles, CA, have moved this issue to the forefront. In fact, the City of Springfield recently announced that their drug importation program saved the city more than $2 million in the last 9 months alone. Despite these successes, our Federal regulators continue to oppose any effort to facilitate importation.

Throughout the debate surrounding prescription drug importation, much concern has been raised regarding consumer safety and the security of the U.S. drug supply, with a particular focus on the dangers of Internet pharmacies and counterfeit drugs. Let me be clear. None of us want American consumers to be harmed from purchasing imported prescription drugs. That is why throughout the development of this package, consumer safety has remained our primary concern. This bill includes a number of measures which will make imported drugs as safe, if not safer, than drugs purchased through the domestic supply chain. With proper government oversight, such as that which would be provided under our legislation, Americans should be able to obtain access to safe lower cost prescription drugs from Canada, the EU and other markets.

Under our proposal, during the first year after enactment, the bill would enable individual American consumers, wholesalers, and pharmacists to import FDA approved prescription drugs from FDA approved and inspected Canadian exporters. Recognizing that the Canadian market is too small to satisfy the American demand, one year after enactment, the bill would allow FDA approved pharmacists and wholesalers to import FDA approved drugs from a larger group of nations, including the European Union, Switzerland, Australia, New Zealand and Japan.

To ensure the safety of this new system, the FDA would be required to regularly inspect Canadian exporters as well as domestic importers. The legislation also would require all importers and exporters to maintain a full chain of custody, or pedigree, for the drugs imported into the U.S.

I want to mention my concerns over actions recently taken by several powerful brand companies. Putting profits before patients, they have limited the supply of pharmaceuticals to Canadian pharmacies and wholesalers who export to the United States. Such a practice is unacceptable. Therefore, our bill seeks to close potential loopholes that would allow companies to game the system and unfairly discriminate against pharmacists or wholesalers.

Prescription drug importation may not be the silver bullet that will make prescriptions more affordable for all Americans, but it is a step in the right direction. At a minimum, Americans deserve fairer prices for the prescription drugs their tax dollars helped to develop.

I have long supported prescription drug importation, and I find it remarkable that our Federal regulations still do not give American consumers the right to access the same markets as consumers in other parts of the developed world.

We are under no illusions that this is a perfect bill, however, it does represent a solid, bipartisan compromise. We are committed to continuing to consider ways to technically improve the bill and ensure that the system we are developing is as effective and efficient as possible to provide all American consumers access to more affordable prescription drugs.

We cannot allow election year politics to distract us from passing critical legislation that will substantially benefit the millions of Americans who struggle to afford the high cost of prescription drugs. Despite the challenges of passing this legislation in an election year, we are committed to this effort.

I believe American consumers deserve access to safe and affordable imported prescription drugs. I am committed to working with my colleagues, on both sides of the aisle, to move this issue forward expeditiously and to ensure that our strong bipartisan compromise is enacted this year.

I urge my colleagues to support this measure.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. DURBIN, Mr. GRASSLEY, Mr. KENNEDY, Mr. DEWINE, Mr. FEINGOLD, Mr. CRAIG, Mr. KERRY, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Ms. COLLINS, Mr. BAYH, Mr. LIEBERMAN, Mrs. CLINTON, Mr. PRYOR, Ms. STABENOW, and Mr. NELSON of Florida):

S. 2329. A bill to protect crime victims' rights; ordered held at the desk.

Mr. LEAHY. Mr. President, this past Sunday marked the start of National Crime Victims' Rights Week. We set this week aside each year to refocus attention on the needs and rights of crime victims.

This year, the Senate had been scheduled to mark the occasion by taking up S.J. Res. 1, a proposed constitutional amendment. Once again, we were going to devote days or weeks debating that proposal, even though the Republican leadership knew it had no real chance of garnering the two-thirds super-majority needed to pass. We went through a similar process four years ago, in April 2000, when the Senate debated an earlier version of the amendment during the last presidential election year.

I noted then, during that earlier debate, the fact that I have long worked to protect and advance crime victims' rights. As a prosecutor, I worked day to day and year to year alongside victims, seeking justice on their behalf. I have worked on and led many legislative efforts on behalf of victims throughout my service in the Senate. One of the most recent of those efforts was the creation of the September 11 Victim Compensation Fund, and I am grateful to have been able to take part in something that has brought some relief to so many victims.

I will never forget the victims I worked with as a prosecutor or the needs of the new victims minted each day through the crimes committed against them. I believe that victims should be notified when the defendant is in court or when he is about to be released. I believe that victims should be heard at critical stages of the prosecution. I believe that victims are entitled to restitution from offenders. In recent years, the debate was never about whether victims should be protected—of course they should. Rather, the debate was about how they should be protected, and whether the proposed constitutional amendment was the best way to do that.

I did not think the proposed amendment was the best way forward. The one thing about which every witness who testified on this issue agreed was that every right provided by the Victims Rights Amendment can be, or already is, protected by State or federal statutory law.

We have long had it in our power to enhance victims' rights through regular legislation legislation that could pass with a simple majority and make an immediate difference in the lives of crime victims. Legislative enhancements are more easily enacted, more directly applied and implemented, and more able to provide specific, effective remedies. In addition, as Chief Justice Rehnquist and others have pointed out, statutes are more easily corrected if we find, in hindsight, that they need correction, clarification or improvement.

I am delighted to be here today with the principal sponsors of S.J. Res. 1, the distinguished Senators from California and Arizona, and with others, both supporters and opponents of the constitutional amendment, to join together in our support of this crime victims' rights statute. I commend and admire Senator FEINSTEIN and Senator KYL for their dedication to this issue. They are deeply committed to the cause of victims' rights as are all of us who have joined together to offer this bill. It is my hope that this statute will establish more effective and enforceable rights for crime victims in the federal system, and that it can do so without delay, by a majority vote.

First, unlike S.J. Res. 1, which is limited to victims of violent crime, our statute establishes enhanced rights and protections for all victims of crime. Therefore, the elderly woman who is defrauded out of her life savings will have the same rights of notice and participation as other crime victims.

Second, our statute spells out how these rights are to be enforced, using language that Senator KENNEDY and I developed in S. 805, the Crime Victims Assistance Act. In addition to providing victims with standing to assert their rights in mandamus actions, our statute would establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

Third, our statute incorporates additional proposals from S. 805 to help States implement and enforce their own victims' rights laws. In this way, instead of replacing programs that have already been implemented by a majority of States, our statute enables States to retain their full power to protect victims in the ways most appropriate to local concerns and local needs.

Fourth, our statute calls for two annual reports, one by the Administrative Office of the Courts, and the other by the General Accounting Office. These reports will provide Congress with feedback on how the rights and procedures established by the statute are working in practice. Over time, we will be able to modify and fine-tune the statute so that it provides an appropriate degree of protection for the rights of crime victims.

I emphasize that passage of this bill will necessitate careful oversight of its implementation by Congress. If, as I hope, Federal judges and prosecutors take victims' rights seriously, there should be little need for victims to bring mandamus actions to enforce their rights. But if, for whatever reason, victims feel that they are not being treated fairly, we may see a wave of new litigation in the Federal courts, with victims and their lawyers having to insert themselves into criminal cases. We will need to monitor the situation closely.

I am committed to giving victims real and enforceable rights. But I am convinced that prosecutors should be capable of protecting those rights, once we make them clear. In my experience, prosecutors have victims' interests at heart.

Senator KENNEDY and I proposed in the Crime Victims Assistance Act a limited-standing provision, which applied with respect to the victim's right to attend and observe the trial, and under which a victim could assert her right if the prosecutor refused to do so. Passing such a provision would have allowed us to observe over a period of time whether direct participation of victims in criminal proceedings has any unanticipated consequences for the administration of justice.

This Victims' Rights Act proposes a bolder experiment, entitling victims to assert a panoply of rights, regardless of whether the prosecution is already asserting the same rights on their behalf. For example, at the insistence of other sponsors, this bill will enable victims to bring mandamus actions alleging the denial of their statutory right "to be treated with fairness and with respect for the victim's dignity and privacy," which may be difficult claims to adjudicate.

I note with some regret that our statute picks up language from S.J. Res. 1 denying victims a civil cause of action for damages in the event that their rights are violated. Allowing victims to vindicate their rights through separate civil proceedings instead of through mandamus actions in the criminal case could well be a more efficient as well as a more effective way of ensuring that victims' rights are honored. Certainly the prospect of being sued would provide a powerful incentive to take victims' rights seriously. But the Republican sponsors of the bill did not want to provide for damages.

Similarly, some Republican Senators did not want to allow courts to appoint attorneys to help crime victims. It is my hope and belief that victims will seldom need representation, since they already have powerful advocates in our public prosecutors. Still, it is possible that a judge would want to appoint an attorney for a victim in an extraordinary case, as for example if there is a material conflict between the victim's interests and the interests of the prosecution. By failing to provide for this possibility, our new bill may perpetuate a system of unequal justice for victims, where the wealthy have the benefit of counsel, and the poor do not.

Finally, I want to comment on the unusual genesis of this bill, and the extraordinary procedure that I expect it will follow in the Senate. As I mentioned earlier, the Senate was scheduled to begin work this week on the proposed constitutional amendment, S.J. Res. 1. On Wednesday, the Republican leadership moved to invoke cloture on the motion to proceed. I would not have opposed this motion. I voted to proceed to an earlier iteration of this constitutional amendment 4 years ago, and I would have been prepared to proceed to it again this week. Given the time this would take and the expected outcome, it could be argued that the Senate already has many pressing matters on its agenda, but I would not have opposed a debate on the constitutional amendment.

Given the Republican leadership's insistence on proceeding to the constitutional amendment this week, there has not been as much time as I would have liked to craft the statutory alternative that we introduce today. And because this bill will come to a vote almost immediately, we will not get to hold hearings on it and polish the text in Committee. I would have liked to get the views of the Office for Victims of Crime. Many victims' groups and domestic violence organizations opposed the constitutional amendment, as did many law professors, judges, and prosecutors. I would have liked to hear their views on this statute. I am concerned that the statute may not adequately address the special problems raised in domestic violence and abuse situations. Fortunately, however, this is a statute, not a constitutional amendment, and it can be modified with relative ease if the need arises.

I commend my good friend, Senator FEINSTEIN, for mediating this consensus legislation. I know that she would have preferred to pass a constitutional amendment—she has made that clear. Nevertheless, she worked hard to produce a bill that we all can support, showing once again that she is first and foremost a legislator who wants to get things done. Due in large part to Senator FEINSTEIN's efforts, we now have an opportunity to advance the cause of victims' rights with strong, practical, bipartisan legislation. I have never doubted Senator FEINSTEIN or Senator KYL's commitment to victims' rights. I am delighted that we have come together to advance that common cause.

Over more than 20 years I have sponsored and championed legislation to help victims. I have mentioned the recent September 11 Victim Compensation Fund, and I am also proud of such other advancements on behalf of victims as a law to provide assistance to victims of international terrorism, and bills to raise the cap on victims' assistance and compensation programs and to protect the rights of the victims of the Oklahoma City bombing. The legislation that we introduce today should provide us the opportunity to make progress on yet another important measure to address the needs of victims, and I urge my colleagues to support it.

By Mr. BROWNBACK (for himself, Mr. TALENT, and Mr. ALLEN):

S.J. Res. 33. A joint resolution expressing support for freedom in Hong Kong; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, today I introduce, along with my colleagues Senator TALENT and Senator ALLEN, an important resolution regarding recent developments in Hong Kong. Hong Kong has been a great friend of the United States, a key ally in the war on terrorism and an invaluable trading partner. In recent weeks, however, it has become increasingly clear that Beijing will stand in the way of Hong Kong's development into a full democracy. Such actions compel support from the members of this body.

The Hong Kong Policy Act of 1992 sets forth the guidelines for the U.S. relationship with Hong Kong. It provides for a very special and distinct relationship with the Hong Kong Special Administrative Region, even as we recognize the Hong Kong is a part of China. This special relationship rests on the notion that Hong Kong will be governed differently than the rest of China.

Unfortunately, Beijing continues to suggest that it has no intention of realizing Hong Kong's democratic potential. Recent decisions by the Standing Committee of the National People's Congress push direct election of Hong Kong's Chief Executive into the future. Hong Kong's Legislative Counsel faces a similar fate. Some observers even suggest Beijing will wait another 30 or 40 years to allow universal suffrage in the selection of executive and legislative office holders to become a reality. By then, the 50 year special arrangement will be near expiration, threatening everything the people of Hong Kong have achieved.

I traveled to Hong Kong in January. My Subcommittee on East Asia and Pacific Affairs held a hearing last month where we heard testimony from Hong Kong's leading democracy advocates. A clear message emerges from everyone with whom I have spoken on this issue: Hong Kong is ready for full democracy. The people have demonstrated the ability to create a vibrant society and they deserve universal suffrage and the ability to participate fully in the functions of government.

The resolution I submit today is simple. It recognizes the recent report from the State Department dealing with the U.S.-Hong Kong relationship. It highlights Hong Kong's autonomy as envisioned by the Hong Kong Policy Act, and it highlights the unfortunate steps taken in Beijing to frustrate Hong Kong's democratic development. As the resolution says, Congress ought to declare "that the people of Hong Kong should be free to determine the pace and scope of constitutional developments" and that anything less violates the vision of democracy set forth in the 1984 Joint Declaration signed by Great Britain and the People's Republic of China.

When Martin Lee came to testify about the importance of democratic development in March, Beijing referred to him as a dreamer. They meant it as an insult, but Mr. Lee embraces the label as he looks to a future of freedom in Hong Kong. This body can make a powerful statement of support for Martin Lee's democratic dreams by passing this resolution, and I hope they will move quickly to do so.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 21, 2004, at 2 p.m. to conduct a hearing on the nominations of the Honorable Romolo A. (Roy) Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development; Mr. Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; and Ms. Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 21, 2004 at 9:30 a.m. to hold a hearing on Iraq Transition: Civil War on Civil Society (II).

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 21, 2004, at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meting on S. 344, a bill expressing the policy of the United States regarding the United States' Relationship with Native Hawaiians and to provide a process for the recognition by the United States of Native Hawaiian governing entity, and for other purposes; and S. 1721, a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to be followed immediately by a hearing on S. 297, the Federal Acknowledgement Process Reform Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. HATCH. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 216 of the Hart Senate Office Building, Wednesday, April 21, from 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 21, at 2:30 p.m. in room SD–366.

The purpose of the hearings is to receive testimony on implementation of the recreation fee demonstration program by the Forest Service and Bureau of Land Management, and on policies related to the program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. Mr. President, on behalf of Senator HARKIN, I ask unanimous consent that Natalie Dupecher of his staff be granted the privilege of the floor for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3550

Mr. FRIST. Mr. President, in a moment I will propound a unanimous consent request with respect to the highway bill, but first let me explain to everybody where we are. We passed our version of the bill in the Senate on February 12 by an overwhelming majority, 76 to 21. Subsequent to that, the House passed their bill, H.R. 3550, on April 2 by, again, an overwhelming majority of 357 to 65. That bill is now at the desk.

Therefore, I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken and the text of S. 1072, as passed, be inserted in lieu thereof; the bill then be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate, with a ratio of 11 to 10.

The PRESIDING OFFICER. Is there objection?

The assistant Democratic leader.

Mr. REID. Reserving the right to object, Mr. President, this is legislation I really understand. Senator INHOFE and a couple others worked hard to get this legislation passed. I would say, initially, this legislation could not have passed but for the support, under some very difficult times, of the majority leader. I commend him for his outward support and inward support. He supported us openly on the Senate floor and in all of the discussions we had off the Senate floor. I am very grateful for that.

We have a very fine bill. The House bill is a bill that is OK. It is not as good as ours. But let me say this. We were moving along just fine on this legislation until, for reasons unknown to most people, the President said he is going to veto the bill if it is more than X number of dollars. Keep in mind that this legislation that passed the Senate does not create a single new tax. A vast majority of the money comes out of the trust fund to take care of this. It takes care of highways and transit—a good bill. It would create more than a million new jobs—high-paying jobs—directly.

So I say to my friend, the distinguished majority leader, I believe if conferees were appointed tonight what we would do is the Senate would designate staff people to work on this bill with the House people. I would suggest—and I don't care what it is called; call it whatever you want to call it—our staffs should start working on this legislation.

It is obvious, because the Speaker has indicated why he does not want this bill. He said he does not want his Members to have to cast a tough vote. Mr. President, 357 to 65—I served in the House. I know how many votes it takes to override a veto. Over here I know how many votes it takes to override a veto. This bill is a good bill, and the majority of the House and the Senate would vote to override the President's veto. I believe the President, when confronted with the facts of what good legislation this is, would not veto the bill anyway, with the need for creating jobs. But I would hope the majority leader would allow the staffs to begin working on this to see if we can get to a point where a conference committee can be appointed. I want this bill to pass. I think it is something that needs to pass for our country. But I would hope we don't get in a position where our staffs can't work on this. I am sure the majority leader knows the staffs have already had one productive meeting. We could have a couple more and maybe get to the point where the majority leader would be satisfied that the staffs are doing the right thing, in his estimation. I would be happy to talk to my distinguished leader. He knows my interest in this bill. Hopefully, we would get it passed.

I apologize, this late in the evening, for talking as long as I have. But I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, we are in a unique situation, as you just heard explained quite well. This is a bill I very much want. It is a nonpartisan bill about which this body has spoken very loudly. I appreciate the leadership of my colleague from Nevada on this bill. We are very proud of the product we have produced. My whole intention of coming to the floor, which is the normal process, to appoint conferees, Republican and Democratic conferees, is to continue in an orderly fashion and bring the bill to completion so it is law, not just a bill. We passed it February 12. The House passed it on April 2. We passed two extensions of the previous highway bill already and the deadline for the next temporary extension will be next Friday. We will have to do it once again.

I am working very hard so we can have a conference committee, and we can't have a conference committee until we have conferees. It is time to act on the highway bill.

As the distinguished assistant Democratic leader said, over a million, and I would say 2 million, new jobs will be created by this bill. It is vital to our economy. It is vital to the Nation's infrastructure. Regular order would be for us to appoint conferees. We will continue to work, having heard the objection, in regular order which, in my mind, would accelerate passage of the bill. We will continue to work with the other side, although I am disappointed we cannot proceed with this regular order. But I am committed to the bill. The assistant Democratic leader is. Over 70 Members of this body are. So we will continue to work diligently in that regard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 624, 625, 626, 627, and nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

COAST GUARD

The following named officer for appointment as vice Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Vice Adm. Terry M. Cross, 4308

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Rear Adm. Vivien S. Crea, 9704

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Rear Adm. Harvey E. Johnson, 0186

The following named officer to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C., Section 53 in the grade indicated:

To be rear admiral (lower half)

RADM (L) James C. Van Sice, 3714

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN1433 Coast Guard Nomination of Glenn M. Sulmasy, which was received by the Senate and appeared in the Congressional Record of March 12, 2004

PN 1434 Coast Guard Nominations (243) beginning George W. Molessa, and ending Yamasheka Z. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 2329

Mr. FRIST. Mr. President, I ask unanimous consent that if cloture is not invoked on the motion to proceed to S. 2290, the asbestos bill, the Senate proceed to the immediate consideration of S. 2329, a bill relating to victims' rights, which was introduced earlier today by Senators KYL and FEINSTEIN. I further ask that S. 2329 be held at the desk, that there be no amendments in order to the bill, and debate be limited to 2 hours, with 30 minutes each under the control of Senators KYL, HATCH, LEAHY, and FEINSTEIN respectively. I further ask that upon the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate. I further ask unanimous consent that the cloture vote on the motion to proceed to S. J. Res. 1 be vitiated.

Mr. REID. Mr. President, I believe—although I am never certain—that cloture will not be invoked on the asbestos bill. The reason I mention that is I think the work done by Senators FEINSTEIN, HATCH, KYL, and LEAHY has been tremendous on this piece of legislation that we are going to debate tomorrow. It was originally in the form of a constitutional amendment. Even though I was a cosponsor of that early on, I think this is the appropriate way to do it.

I am very happy this most important legislation will be completed tomorrow. We don't often get to pat each other on the back around here for cooperation, but certainly this is an indication that people have worked well together and it is very good for the people of our country.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will just add to the assistant Democratic leader's comments. There is a lot of work most people don't see. Certainly, you didn't see very much of it on the Senate floor over the last couple days. People have worked in a bipartisan way to pass a bipartisan bill. So I, too, congratulate the appropriate leaders on that bill.

ORDERS FOR THURSDAY, APRIL 22, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m.; that following the prayer and the pledge, the morning hour be deemed to have expired and the Journal of proceedings be approved to date; that following the time for the two leaders, the Senate begin a period of morning business for 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; provided that following that 60-minute period the Senate resume consideration of the motion to proceed to S. 2290, the asbestos bill; provided further, that there then be 60 minutes of debate equally divided between the chairman and ranking member and, following that debate, the Senate proceed to a vote on the motion to invoke cloture on the motion to proceed to the bill.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning, following morning business, the Senate will resume consideration of the asbestos bill and the motion to proceed to the asbestos bill.

There will be an additional hour of debate prior to that vote on invoking cloture on the motion to proceed. I take this opportunity to thank Chairman HATCH and the many Members who have come to the floor to speak on the importance of this legislation. Indeed, both sides of the aisle have spoken to the critically important issue of an asbestos litigation system which is inefficient and, in many ways, run amok over its initial intention.

This vote is the beginning of the process and not the end. I have made that clear, hopefully, in every public statement and in every statement with my colleagues, as we have worked to negotiate this bill over the last week. It began several weeks ago when we set out on this course of bringing this to a real focus.

It is time to legislate on this important issue, and tomorrow's vote is an effort to work through many issues of the bill and to eventually produce an outcome.

If we are unable to invoke cloture on the asbestos bill, we are going to proceed to the victims' rights bill under the previous consent agreement. There will be up to 2 hours for debate prior to vote on passage of the victims' rights bill that was introduced earlier by Senators KYL and FEINSTEIN.

Therefore, Senators should expect at least two votes tomorrow. The first one will occur at approximately 11:30 in the morning on the motion to invoke cloture on the motion to proceed to the asbestos bill.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASBESTOS LITIGATION REFORM

Mr. REID. Mr. President, let me, first of all, say I tried to not be the last person speaking in the Senate, as people want to go home. We have lots of people here, including the Presiding Officer. I was asked early yesterday to give a statement today, and certain people are expecting me to do this. So I apologize to all the staff. I will try to be as quick as I can. I do believe that the statement is one that is important.

Let me, first of all, comment on the statements made by Senators HATCH and SESSIONS—those statements I heard today dealing with the asbestos legislation. I acknowledge that it is important legislation.

For example, I met in my office with Ken Bowa from Nevada, one of the vice presidents of the Pfizer Company. You would not think that a company that manufactures pharmaceuticals would have an asbestos problem, but they do. They bought a company 30 years ago, or thereabouts, and that company at one time produced a material that had asbestos in it. Even though this is a multibillion-dollar company, that small purchase they made is causing them a lot of grief. So I know the problems from the business perspective. There are lots of problems. I understand that. I understand that my friend, Ken Bowa, had the interests of his client at heart, as do the other businesspeople, and their representatives come to see us.

One of the issues we always have to understand with asbestos is that in addition to the companies having problems, people are killed as a result of messing around with asbestos, working with it, working around it. Women who washed their husbands' clothes now have very serious illnesses, such as asbestosis, mesothelioma. With mesothelioma, it is not a question of dying; it is only a question of how soon. The average life expectancy is 14 months.

There is no question that as a result of some of the books written in the past year on Libby, MT, "Fatal Deception," where companies knew the danger of this product and they covered it up, they hid it, as a result of that, people will get sick and will die.

This is an issue about which we must be very cautious before we do something. The main thing we need to do is make sure there is enough money to take care of the people who are tragically ill as a result of this substance.

My friend from Alabama, the distinguished junior Senator from Alabama, said: Why don't we take care of this bill; there has been a lot of work that has gone into it, speaking about the bill on which we are going to vote regarding cloture tomorrow.

We reported out a bill—the way it should be done around here—we reported a bill out of committee on a bipartisan vote. That bill had a price tag of $154 billion. The bill we are being asked to deal with tomorrow has a price tag of $109 billion. That is a huge difference. We were not allowed to work on the committee-reported bill. We are now being asked to vote on this aberration of that bill.

This is not about greedy lawyers. It is about sick people. It is about companies that are in dire straits as a result of asbestos.

In spite of all this, we have not taken appropriate action to ban the importation of this toxic, poisonous, horrible substance, asbestos. I have joined with Patty Murray to deal with the importation of this substance into our country, as other countries have done. We have not done that. This will need a lot of work.

NEGATIVE IMPACT OF NO CHILD LEFT BEHIND ACT

Mr. REID. Mr. President, the reason I came to the floor is, first, to express my appreciation to the former chairman, now the ranking member, of the Education Committee, the senior Senator from Massachusetts, for constantly reminding us of the importance of education, enabling America's families to improve the quality of their life.

I want to talk about the negative impact of the No Child Left Behind Act.

Congress is not expected to pass much legislation this year, even though there is much more that should be done. Of the dozens of issues we have yet to consider, addressing the consequences of the No Child Left Behind Act is paramount.

When the No Child Left Behind Act was passed, there were many who lauded President Bush's commitment to education. After all, who among us would allow any child to slip through the cracks of our educational system if it could be prevented? None of us would do that. At the time, many thought this was sweeping legislation and that sweeping legislation would fill those gaps.

Sadly, this has not been the case. The No Child Left Behind Act has done more harm than good in more States than not. In the State of Nevada, we are suffering under the burden of unfunded mandates this law imposed. In fact, a leading headline in the Reno newspaper, the second largest newspaper in the State of Nevada, reads:

> Educators Give No Child Left Behind Act a Failing Grade.

The man who stated that is the superintendent of public instruction of Washington County, the second largest school district in the State of Nevada. He said it is not working. It took a lot of courage for this man to do this. He comes from a county that is a Republican county by registration, but it is a county that is very fair and very independent. I am sure they recognize that Jim Hager, the fine man that he is, the long-time superintendent he has been, would not say anything unless he truly believed it was true:

> Educators Give No Child Left Behind Act a Failing Grade.

When I talk about Jim Hager, I am talking about the Washington County School District superintendent, but he is also president of the Nevada Association of School Superintendents. We have 17 counties in Nevada, 17 school superintendents, and he is speaking for them. He is speaking for the Nevada Association of School Superintendents.

Let me give a snapshot of the education landscape in Nevada. We have 17 counties, as I have mentioned, in the State of Nevada. Clark County, of course, is the county Las Vegas is in. Well over 70 percent of the people of the State of Nevada live in Clark County. It is a big county. The State of Nevada has approximately 400,000 students. About 280,000 students are from Clark County. It is the fifth or sixth largest school district in America.

I also want to say here, for future understanding of my remarks, in the Clark County School District, about 30 percent of the children in that school district are Hispanic. The vast majority of those Hispanic students come from Mexico. Many of those children, even though they are as smart as any other kids in America, have language problems because some of their parents do not speak English.

Clark County, which has this huge school district, needs $1 million annually for recruitment efforts. They have to hire 2,000 new teachers a year.

We have a real problem graduating minority students. We are 49th in the Nation. We graduate overall about 63 percent of all students. That is not good. We recognize that. But you will not meet a single parent, teacher, principal, superintendent, or school administrator of any kind who is not concerned about preserving and improving the quality of education for the kids in Nevada. In fact, there is no one within the sound of my voice who is not committed to giving every child an opportunity to graduate and go on to higher education, whether that higher education is college or some kind of trade school.

Whatever it takes for us to get there, we are going to do that. In fact, Nevada did create its own accountability system that will work in our States. It addresses the needs of our children in our own way. The No Child Left Behind Act was passed and now we are living in its wake. It reminds me of when I went to Hawaii for the first time. There was this beautiful beach on the island of Maui. We were eating in a restaurant and it was such a beautiful view. We had a conversation with the waitress and she told us when she was a little girl the beach that we could see opened up and went out for a football field, way out into the ocean. The kids ran out there. There was a school nearby where the restaurant is now. They ran out there. What they did not realize is that was a tsunami and it pulled the water out and you could not see the waves coming in. It washed over everybody and killed a lot of kids and a lot of people were hurt.

That is what has happened with the No Child Left Behind Act. One cannot see on the surface what has happened, but the undertow, the tsunami, has wiped out a lot of children. It is ironic that this sweeping education reform legislation authored by President Bush is receiving a failing grade from every school system it was intended to help. There is no question about it, as I indicated before, that it is hurting kids in Nevada. It is so bad in Utah, they have withdrawn from the program. The State of Utah—I am sure it is the first of a number of States to do that—said: We want no part of it. We want to educate our kids the way we think we should, and not have these burdens that I will talk about in just a minute.

So more than 2 years after this legislation was passed, parents are still struggling to understand the basics of the law, especially when they learn about terms such as "annual yearly progress" and "failing school." As a parent, people want the best for their children. It is disturbing to be told that the school their child attends is now considered failing.

As a result of this legislation, as my colleagues can see on this second chart I have, we have come up with some terms but hardly anyone understands them. In this glossary of terms, AYP—we will see that a lot—adequate yearly progress is a minimum level of improvement that school districts and schools must achieve each year as determined under the Federal No Child Left Behind Act.

Individualized educational plans are specific goals set by an educational team for a special education student and includes any special supports that are needed to help achieve these goals.

We can run through this whole list of definitions: Safe harbor, a provision intended for schools and districts that are making progress, at least 10 percent, in student achievement but are not yet making adequate yearly progress targets goals. It is designed to prevent the over identification of schools not making adequate yearly progress.

The definitions are unbelievably difficult. The people back in Washington do not understand them. The people in Nevada certainly do not understand them, nor do people around the rest of the country.

I have tried to help improve this legislation by introducing and supporting measures that will help, not hurt, our most vulnerable educational communities. I will give an example. Every day in Nevada, rural communities are confronted by a shortage of resources. We have 17 counties in Nevada. We have one county, Esmeralda County, that does not have 1,000 people living in it, and it is a pretty good size county. We have some schools that are very sparsely populated. We only have two counties that are heavily populated. Clark, I have talked about, that 70 percent of the people live there, and 20 percent in the metropolitan area of Washoe County. That leaves 10 percent of the people around the rest of the State.

It may surprise some people to know that there are still small towns in rural America where the citizens wait for a doctor to make rounds or a mail truck to drop off mail. These families have elected to stay in their communities despite all the obstacles, and they deserve an opportunity to enjoy a good quality of life.

We have rural schools in Clark County. My home is in Searchlight, NV. I am very fortunate the school there is named after me. It is not a very big school. There are about 50 kids in it, grades 1–6, but in Clark County we have schools that are rural schools. In Nevada, we still have one-room schools. So we are concerned about what is happening in rural America.

I have not traveled to Minnesota very much. After they immigrated to this country, my in-laws settled in Minnesota, and I know that a lot of very small communities are in Minnesota. People think of Minnesota as Minneapolis and St. Paul, but I am confident there are a lot of rural communities, just like in Nevada. That is why I introduced legislation entitled "Assisting America's Rural Schools Act" that addressed the concerns of rural school systems trying to comply with the teacher quality standards set by No Child Left Behind.

When I went to school in Searchlight, we had one teacher who taught all eight grades. There is a small town in Nevada called Austin in Lander County. It is a community much like the one I was raised in. Austin boasts a total of 63 students in grades K–12. For grades 6–12, there are only three teachers for all subjects. These teachers are considered highly qualified in science, English, math, and physical education. In order for Austin to acquire a teacher who is highly qualified in the subject of history, the local education agency must either find and recruit another teacher or send one of its three current teachers back to school to get accredited in history via distance learning.

Unfortunately, Lander County does not have the money to do any of this. The issue is not whether teachers in rural areas should be qualified to teach multiple subjects. They should. However, requiring them to obtain highly qualified status in all subjects simultaneously is unreasonable.

So my legislation gave rural school systems some flexibility in meeting the definition of a highly qualified teacher without diminishing high accountability standards for teachers. Rural school districts would be able to give a one-year exemption to any teacher who is already qualified in at least one core academic subject. A highly qualified teacher who is working toward that certification in another subject can still teach both subjects. The Department of Education adopted the principle of this bill last month.

The Secretary of Education came to Reno and made that announcement. Teachers in eligible rural school districts who are highly qualified in at least one subject will now have 3 years to become highly qualified. I am certain rural school districts and teachers are relieved the administration recognized the burden No Child Left Behind had placed and they recognized that my legislation was important.

That was just one of the many glitches in this mammoth bill. How many more will we face in years to come? Superintendent Jim Hager—I have talked about him—is responsible for 60,000 students in Washoe County. He gave an honest assessment of what is going on with the Leave No Child Behind Act throughout the State, and probably every other State. One of his chief frustrations is that all students who come into the Nevada school system are facing formidable challenges—learning disabilities, language barriers, or influences beyond their control attributed to their living conditions.

These challenges are significant and oftentimes the school system is intended to be the primary system to fix, help, or remove these obstacles. No Child Left Behind expects these school districts to turn these troubled children into top flight students within 1 year without receiving full funding from the Federal Government to do so.

If the schools do not turn these children around in a timely manner, they go on what is called a watch list, a badge that is not good, a badge these schools have to wear. This badge puts these schools on the verge of being branded failure.

Let me show a chart that depicts Clark County's failing school cells. If we look here, we will find in the Clark County school district where the problems are. If we look across, we will find that white kids are doing just very nicely. They are doing very fine. The schools that are mostly white have no problem, but if we go to a school that is Hispanic, there is a problem. Every place we see the red, which is failure, is Hispanic—one, two, three, four, five categories, and if we look at other minorities, African Americans, the same thing. I think this is a glaring example of why this legislation is bad.

It would be nice if you had a school which represented the percentage of people within the community, but that is not how schools are. We find in Nevada, as every place else, schools that are heavily Hispanic. You have schools that have large numbers of African-American children. In these schools, these people who are teaching have problems with language arts.

Let's say you have somebody starting school who has bad English. The way I look at this, even though my skin is white, I look at every one of these problems here as me. When I grew up, my parents were uneducated. They were not dumb; they were uneducated. My father never even graduated from the 8th grade. My mother never even graduated from high school.

I would have been part of this failing school system. If they had tried to test me out of the schools then, I couldn't have made it. It is just like a lot of these children.

These children here are not dumb. They have social problems. Maybe their parents didn't graduate from the 8th grade. Maybe their parents didn't graduate from high school. Maybe they don't have both parents at home. That doesn't mean they are dumb. Maybe what these children need, rather than a badge that they are in a failing school is extra help. That has not happened.

I believe we should hold our teachers and students accountable. But if we expect them to achieve miracles without providing the resources they need, we are setting them up for failure. That is what this bill has done. It is not helping children learn and it is not helping teachers teach.

Testing a child to make him learn is like weighing a steer to make him gain weight. By weighing a steer, he doesn't gain weight. You have to feed him. That is how you get a steer to gain weight. Testing a child to make him learn is the same thing. You can't test a child into being proficient in English or Spanish.

The No Child Left Behind Act is having a ripple effect throughout the State of Nevada and throughout the country. That is why I am going to sit down with every county superintendent in the State next month and ask them what needs to be fixed. I think I know, but I want to hear them. I want them to have the opportunity to speak to me. We need relief in Nevada, and if we have to do it bit by bit we will. But this law as it stands puts our educational system in peril.

Nevada is not the only State that has problems. I was pleased the Department of Education adopted the principle of this bill last month, as I said. But if we look at the failing school system—look at another chart I have. Look at this one. This really, as far as I am concerned, is showing that it is pathetically horrible.

You can have a school that meets every criterion that is important under the No Child Left Behind Act—except one. Everything is just fine. But if there is limited English proficiency in that school, they are a failing school. If everything else is fine but they have limited English proficiency, they are given the red badge and now they are held up to being a failing school.

It is because they have children in the school who have come to school not being able to speak very good English. They are not dumb. They deserve an education. The No Child Left Behind Act is having a ripple effect throughout Nevada and throughout the Nation.

Nevada is not the only State having difficulties implementing this law; it is a national problem. Thousands of school districts are already trying to juggle school construction costs, increase graduation rates, find money for textbooks that they don't have. Reducing class sizes is impossible. They are figuring out what to do about overcrowded schools.

During the April recess I spoke with concerned citizens of Nevada. I went to several schools in what I call my Capitol Classroom program. I talked about overcrowded schools. There is one high school in Clark County with about 5,000 students in it. There are others almost that big: a high school with 5,000 students. More than 70 percent of our Nation's high schools have 1,500 or more students.

When the President signed the No Child Left Behind Act, he signaled his support for programs that were supposed to help students learn, including smaller schools and smaller classes. In contrast to that promise, in this year's budget the President zeros out the Smaller Learning Communities Program—zero.

I had the good fortune at one time in my career to be chairman of the Democratic Policy Committee. We had one of our retreats up in Wilmington, DE. I brought in there a woman by the name of Deborah Meyer. She was from New York. Deborah Meyer was a school principal of a big school in New York, an elementary school. Her kids were doing so awful that she decided to go to the school authorities and she said: Look, this is not working. Trust me. I want to try something. I want to take this school and, instead of having one school, we are going to have four schools. We are going to have four principals, four separate faculties, four separate lunch hours—everything is going to be like a separate school.

The school administrators said: We have nothing to lose. You are doing so bad you can't do any worse than you have done.

She did that and within one quarter, in 3 months, the scores had risen in every category and Deborah Meyer has become famous because of that and she has gone other places and tried the same thing. We need to understand smaller schools help.

Senator BINGAMAN and I, along with 14 other colleagues, sent a letter to the labor subcommittee requesting funding be restored. Not enough, but $200 million in the Smaller Learning Communities Program. We really need that.

The President has been given bad advice by the budgeteers down there. Common sense tells us students do best when they receive plenty of personal attention from their teachers. Studies tell us the same thing. According to the Department of Education, research suggests that positive outcomes associated with smaller schools stem from their ability to have close, personal environments where teachers can work with a small set of students, challenging and inspiring them.

They build big schools because it is cheaper. Smaller learning communities can achieve in different ways: small learning centers, core academics, magnet programs, schools within a school, as I have just described. It would seem to me, if this administration really wanted to help our teachers teach and help our students learn they wouldn't be trying to eliminate a program like this, to create smaller learning communities, which have been proven to do just that.

I touched only on a few things tonight dealing with problems of the No Child Left Behind Act. It is going to take a lot of work to improve this bill and make it what it promised to be, a tool that will help teachers and students in every public school in America. It is a difficult job but we must keep our promise to America's children. We can't afford to leave them behind.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:27 p.m., adjourned until Thursday, April 22, 2004, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 2004:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. TERRY M. CROSS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

REAR ADM. VIVIEN S. CREA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

REAR ADM. HARVEY E. JOHNSON

THE FOLLOWING NAMED OFFICER TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C. SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

RADM (L) JAMES C. VAN SICE

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COAST GUARD NOMINATION OF GLENN M. SULMASY.

COAST GUARD NOMINATIONS BEGINNING GEORGE W MOLESSA AND ENDING YAMASHEKA Z YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.

EXTENSIONS OF REMARKS

USE OF RAPE AS A WEAPON OF WAR IS WRONG

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 2004

Mr. GALLEGLY. Mr. Speaker, a recently released report has revealed yet more evidence of heinous human rights abuses committed by Burma's ruling military regime. The report by the Karen Women's Organization entitled "Shattering Silence" documents rapes of ethnic women by the regime's soldiers. If the allegations contained in the report are correct, the stories illustrate how Burma's regime uses rape to undercut resistance to its rule by attacking innocent and defenseless civilians.

I am especially horrified with evidence that over half of the rapes were committed by military officers, and 40 percent were gang-rapes. Reads one example: "While she was living in her village she was captured as the porter to carry shells for the SPDC. At daytime she was forced to carry heavy things and at night she was raped . . . She was raped every night by one to five persons. If she refused or asked them to not rape her, then they slapped her or beat her or closed her mouth . . . At that time they jumped on her body with their boots. While she was being raped at night she heard women shouting from other places. And so she knew there were many women suffering like her."

Furthermore, the report found that in 28 percent of the cases, the women were brutally killed and often mutilated after being raped by officers.

This is not the first time we have heard of the regime's use of rape as a weapon of war. This report supports previous evidence documented by the Shan Women's Action Network, Refugees International, and the Bureau of Democracy, Rights, and Labor at the State Department.

The use of rape as a weapon of war was wrong in Bosnia, and it is wrong in Burma. Burma's regime must be held to account, and their climate of impunity must end.

RECOGNIZING THE MONTGOMERY COUNTY FOSTER GRANDPARENT PROGRAM

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the constituents in my district who, through years of service, have made the Foster Grandparents Program a tremendous success in Montgomery County, Pennsylvania.

The Foster Grandparent Program is a pairing of low income elderly over the age of 60 with special needs children. There are currently over 140 men and women who volunteer 20 hours per week, 52 weeks per year, giving love, guidance, tutelage, and the wisdom of their years of experience to children from infants to eighteen years of age at numerous locations throughout Montgomery County.

The Foster Grandparent Program brings countless benefits to the senior citizens and to the children with whom they interact. This program allows the volunteers to remain active and involved in their communities, as they are needed and valued by everyone with whom they interact. The children the senior citizens work with are developmentally delayed, physically handicapped, homeless, abused, neglected, teen parents, delinquent, learning disabled, or born to mothers addicted to drugs. Through this pairing, the children increase their academic skills, enhance their self-esteem and learn to cope with their disabilities and special problems. Thus, through the program, they gain the knowledge that they are special and cared for as we all attempt to make the world a safer, less violent place to live.

The Foster Grandparent Program is a very successful and worthwhile program that puts the time and talents of Montgomery County, Pennsylvania's senior citizens to work benefiting special needs children. The program is 32 years old and, for 28 years, it has been sponsored by Montgomery County Family Services. Nationally, the Foster Grandparent Program is 39 years old with 350 Foster Grandparent Programs in all 50 states, the District of Columbia, Puerto Rico and the Virgin Islands.

Many of the people that have volunteered their time for the Foster Grandparent Program in my district have done so for several years. Mary Refino has participated in the program for 24 years; Elizabeth Baccke for 16 years; Dot Scandone for 15 years; Ann Dippolito for 11 years; Dolores Fogel, Rosa Lee Randall, Juanita Gray and Eldora Smith for 10 years; and Mary Banks, Betty Glover, Louise Watson and Ann Maire Williams for 5 years. It is the continuing dedication and commitment by these individuals that allows the Foster Grandparent Program to be such a success and help so many people.

Mr. Speaker, I ask my colleagues join me today in recognizing the Foster Grandparent Program and all of their volunteers in Montgomery County, Pennsylvania and across our nation.

PLEDGE OF ALLEGIANCE SPEECH

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. OTTER. Mr. Speaker, I rise today to call the attention of my colleagues to the wisdom of a child.

One of my constituents, an 11-year-old girl from Post Falls, Idaho, named Dori Thompson, recently delivered a simple but compelling speech about the Pledge of Allegiance, about American values, and about the source of the freedoms we enjoy.

I'd like to share it with you now:

> Our nation's Pledge of Allegiance is 31 words. "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all." Are all those words important? I have been saying those words ever since I was in preschool and wanted to know what those words meant, where those words came from, and why our courts want to take "under God" away.
>
> In 1892 our country was planning for the 400th anniversary of America's discovery. Two men, Francis Bellamy and James Upham, were interested in education and the planning of Columbus Day celebrations. To this day it is still not known which of the two men actually wrote the pledge, but it was published in "The Youth's Companion" September 8, 1892.
>
> One month later more than 12 million school children said those words for the first time in schools around the nation. The pledge went through several changes over the years and the last change happened in 1954. Dwight D. Eisenhower added the words "under God" to confirm the belief that America's heritage and future were built upon faith in God. He thought that school children should dedicate our nation to God each day.
>
> Now what do these 31 words mean? This is what I think:
>
> I promise to be loyal to and love our symbol of freedom, our flag. It means each one of us is free; free because hundreds of thousands of soldiers have died for us so that we can have that right. I promise to be loyal to and love our government because it is for and has been chosen by the American people. Our nation exists because of God and was founded by our faith in Him, the Lord who is life, light, justice, truth, and love. Our nation cannot be divided under Him and we all have the right to our freedom and should be treated fairly, each and every one of us.
>
> The 9th Circuit Court of Appeals said the Pledge is unconstitutional because of the words "under God." Our country and values were made under the belief of God. So much of the world does not believe in God anymore. The world wants him taken out of everything. The Bible is not taught in public schools and therefore the world is not completely educated. Since these judges say that "under God" is unconstitutional, why do

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

they start the day by saying "God save the United States and this honorable court?"

The Pledge of Allegiance should not be changed because some people are offended by it. It is part of our national heritage. I am a Christian and I understand the meaning of all those wonderful 31 words.

Mr. Speaker, I couldn't have put it better myself.

Dori attends Classical Christian Academy in Post Falls. She is the kind of young person who gives me hope and faith in America's future. Mr. Speaker, I hope you find her words and her example as inspirational as I do.

LITTLE ELM PUBLIC LIBRARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the new Little Elm Public Library. The City of Little Elm will be celebrating National Library Week with a ribbon cutting ceremony for their new library.

On August 11, 2003, Little Elm Community Library moved into Little Elm Town Hall to become Little Elm Public Library. Ms. Tina Hager was hired to be its first Public Library Director.

In the 7 months the library has been in operation, it has reached several milestones and helped the lives of the citizens of Little Elm. Accommodating nearly 9,000 visitors thus far, the Little Elm Public Library has checked out over 11,000 items and registered 1,236 new patrons. The computers in the library have been used over 4,000 times for database searching, job hunting, writing reports and resumes, learning how to speak English, and for a variety of other reasons.

National Library Week is a fitting occasion for Little Elm's ribbon cutting ceremony. This week is a time to celebrate the contributions of our Nation's libraries and librarians and to promote library use and support.

I would like to commend Little Elm Public Library and its employees for their role in encouraging education in their community.

TRIBUTE TO MR. KEVIN JONES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Virginia Tech junior Kevin Jones, one of the fastest players in college football. Mr. Jones has become one of the most accomplished players in Virginia Tech history due to his tireless team spirit and incredible skill as a running back. Mr. Jones achieved recognition and greatness as a Hokie, becoming both a Doak Walker Award finalist and a Heisman Trophy candidate

Kevin Jones was the most highly-rated recruit in Virginia Tech history. In 2000, while playing at Cardinal O'Hara High in Springfield, PA, he was ranked as the Nation's top high school player by agencies such as Super Prep and Student Sports. He was the number one running back and number one overall player in the East Region and won the first-ever high school Heisman award for the Northeast region.

Kevin helped his Virginia Tech football team complete an outstanding season which culminated in advancing to the Insight Bowl. Despite only starting one season, he secured a position on many of his team's record lists. Although recorded in the books as a great running back with impressive numbers, Mr. Jones is best known for his great work ethic and love of his team.

Kevin Jones' exceptional talent led him to a difficult decision. He has had such an extraordinary career with the Hokies that he has opted to forego his senior season and declare himself eligible for the 2004 NFL draft. It is expected that he will be drafted in the first round. I wish Kevin the best in his pursuit of his dreams. He is a talented individual with the drive and determination to do anything that he puts his mind to.

It is a privilege to recognize Mr. Kevin Jones. I ask you and my other distinguished colleagues to join me in commending him for numerous achievements in his football career.

PAYING TRIBUTE TO PEGGY REEVES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Peggy Reeves and thank her for her extraordinary contributions in the Colorado General Assembly. She will always be remembered as a State Senator and Representative with the utmost dedication and talent, and will continue to be known as a leader in the community. As she moves on in her distinguished career, let it be known that I, along with the people of Colorado, are eternally grateful for all that she has accomplished in her tenure in the Colorado General Assembly.

Peggy was elected to the Colorado State Senate in 1996, and subsequently in 2000, after serving in the State House of Representatives from 1983 to 1996. Serving the people of Larimer County in District 14, Peggy has long been an advocate of budget reform, health care, education, and economic development. During this current term, Peggy serves as a member of the Appropriations and Joint Budget Committee. Her outstanding record has garnered Peggy praise and awards from numerous organizations throughout the state and country, including the March of Dimes Advocate of the Year in 2000, the Colorado Community Health Network 2001 Outstanding Legislator of the Year, and the Colorado Treasurer's Association 2001 Unique Woman of Colorado Award.

In addition to her service in the Colorado General Assembly, Peggy has dedicated much of her efforts to numerous civic organizations. She is a member of the American Association of University Women, Colorado State University Women's Association, and a past member of Fort Collins Community Foundation and United Way Campaign. In addition to her philanthropic endeavors, Peggy is the proud mother of two children, Margaret and Michael, and two grandchildren, Nathalie and Max.

Mr. Speaker, it is clear that State Representative Peggy Reeves has displayed a terrific level of dedication and commitment to her community and the State of Colorado. She is a remarkable woman, who has achieved extraordinary things in her distinguished tenure in the Colorado General Assembly, and I am honored to be able to bring her hard work and dedication to the attention of this body of Congress and this nation. It is my privilege to be able to express to her, and to this country, my gratitude for all that she has done for our wonderful state. I wish her and her husband Brent all the best in their future endeavors.

HONORING THE ANNUAL BAYONNE HOLOCAUST REMEMBRANCE DAY OBSERVANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Annual Bayonne Holocaust Remembrance Day Observance. On Sunday, April 18, 2004, the Inter-Faith Clergy and the Bayonne Jewish Community Council co-sponsored the Holocaust Memorial Observance Program held at 2 p.m., at Bayonne City Hall Council Chambers.

The Annual Bayonne Holocaust Remembrance Day Observance Program not only honored the victims of the Holocaust, promoted Jewish history and culture, but also served as an opportunity to bring together the Bayonne community to foster understanding among all people. The United Jewish Appeal Federation of Bayonne, the umbrella organization for the Jewish Community in Bayonne, has served to promote civic and communal duties, in order to enhance the quality of life in Bayonne.

The Annual Bayonne Holocaust Remembrance Day Observance Program was chaired by Alan J. Apfelbaum, an active and dedicated member of the Jewish community. Mr. Apfelbaum has been a constant figure at the Annual Bayonne Holocaust Remembrance Day Observance Program since its inception. The event included proclamations made by Mayor Joseph V. Doria, Jr., as well as keynote speaker Professor Harry Reicher from the University of Pennsylvania Law School.

As Director of International Affairs and Representative to the United Nations of Agudath Israel World Organization, Professor Reicher has fought for international human rights, particularly religious freedom. Born in Prague and raised in Australia, Professor Reicher has done extensive research, focusing on Nazi legislation and its assault on the Jewish community.

Today, I ask my colleagues to join me in honoring the Annual Bayonne Holocaust Remembrance Day Observance for remembering the victims of the Holocaust; and I ask that we, too, remember the Holocaust, its victims, and the ruthlessness of the Nazi regime. We must never forget.

IN RECOGNITION OF JOHN T. SIMS, JR.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ROGERS of Alabama. Mr. Speaker, Lance Corporal John T. Sims, Jr., 21, of Alexander City, Alabama, died on April 10, 2004 in Iraq. Lance Corporal Sims was a member of the Marine's 2nd Battalion, 4th Marine Regiment, 1st Marine Division, based at Camp Pendleton, California, and died of a gunshot sustained during combat. He is survived by his mother Margaret Kellum, stepfather Jerry Kellum, and his sister Daphne, as well as his father, John T. Sims of Millbrook. He is also survived by his sister Wendy Smith of Alex City, his maternal grandparents William and Mary Peppers of Our Town and a paternal grandmother, Beulah Sims of Alexander City.

John Sims, Jr. was eager to serve his country as a Marine, Mr. Speaker. After graduating from Benjamin Russell High School in 2001, he joined the Marines and was known for his great sense of humor, his quick wit, and his big heart. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Lance Corporal Sims died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

A PROCLAMATION IN MEMORY OF RUTH L. APPLEGARTH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Ruth L. Applegarth; and

Whereas, Ruth Applegarth was a loving sister, mother, grandmother, and great-grandmother to the members of her family. Ruth was a faithful member of the New Athens United Methodist Church and spent her time working with Flushing Chapter 369, Order of the Eastern Star. As a licensed Practical Nurse at the Hillview Nursing Home in Flushing, the Cadiz Convalescent Center, the Belmont Habilitation Center and the Cadiz Group Home, Ruth brought comfort and solace to those patients she cared for; and

Whereas, Mrs. Applegarth will certainly be remembered by all those who knew her because of her loving nature towards her family, friends and community; and

Whereas, the understanding and caring to which she gave to others will stand as a monument to a truly fine person. Her life and love gave joy to all who knew her;

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Ruth L. Applegarth.

SHELLEY CENTENNIAL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. OTTER. Mr. Speaker, I rise today to salute the city of Shelley, Idaho, a community in the heart of my state's rich potato country that this year is celebrating the centennial of its founding.

John F. Shelley settled eastern Idaho in 1892, just two years after statehood. He built the first home, and later a store, in the town that would bear his name. The railroad saw promise in the area's rich volcanic soil and stalwart pioneers, and put in a spur line to connect them with the world. Shelley officially became a city in 1904.

In 1927, community leaders in Shelley organized the first annual Idaho Spud Day, a tradition that grew through the years and continues each September with the support of area growers and processors. Indeed, Shelley has become so thoroughly identified with Idaho's world famous potatoes that its high school teams are known as the "Russets."

That heritage has a special place in my heart, Mr. Speaker. My career in private business was focused on the potato industry. Over 30 years, selling Idaho potato products around the world, I came to know and appreciate my state's farmers and the towns and businesses and families their labors support—like Shelley.

It is a community with a rich and proud history, built on hard work and faith and values that endure. It is a place where people know one another, and look after one another. The people of Shelley are tough and resilient, and they are committed to keeping their hometown the kind of place much of America would still like to be.

Mr. Speaker, please join me in congratulating Shelley and its fine citizens for a remarkable century of tradition, achievement and progress. I'm confident that Shelley, Idaho, will remain a special place to live, work and raise a family for generations to come.

AMERICAN LUNG ASSOCIATION TURNS 100

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BURGESS. Mr. Speaker, as a second generation doctor, who practiced medicine for 21 years, I am proud to congratulate the American Lung Association on this their centennial anniversary. The American Lung Association operates as the oldest voluntary health organization in the United States. The organization was founded in 1904 with the purpose of trying to combat tuberculosis. Today the Association fights all lung diseases with special emphasis on tobacco-related diseases and asthma.

One of the main focuses of the American Lung Association is the reduction of tobacco use in order to combat lung disease. The act of smoking itself makes it difficult for a person's lung to function properly which makes the lung itself vulnerable to carcinogens from the smoke inhalation. Cigarettes and tobacco contain many cancer-causing chemicals. Along with disabling the immune response and destroying the lung tissue, chemicals can wreak cancerous havoc within the lung, esophagus, throat, and mouth. Chemicals found in tobacco smoke also destroy the cellular mechanisms which remove particles from the bronchial passages and results in "smoker's cough". Helping America to stop smoking is a difficult, but worthy pursuit.

The second mission the association has been focusing on for one hundred years is that of asthma. Asthma is a lung disease that can be life-threatening and is chronic. In other words, you live with it every day. Asthma can develop quickly and it can range from being a mild discomfort to a life-threatening attack if breathing stops completely. This is a deadly, often overlooked threat that the American Lung Association is fighting.

Today, lung cancer is the leading cause of death from cancer in men and women. Therefore, it is vital that both public and professional efforts be directed at effectively controlling this epidemic. The American Lung Association is doing its part in helping us to fight this deadly disease. They now operate by means of contributions and grants from corporations, foundations, and government agencies. Major medical and educational institutions help the association to provide information and programs to schools, communities, and different health agencies completely free or at a nominal fee.

Thank you for serving our nation for one hundred years in combating lung disease.

TRIBUTE TO MR. JAMEER NELSON

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Saint Joseph's University senior Mr. Jameer Nelson, who will go down in history as one of the greatest basketball players to have ever graced the court of St. Joseph's University. This 5′11″ point guard recently completed a sweep of the National Player of the Year awards, winning honors such as the John R. Wooden Award, the award for Associated Press Player of the Year, and the Pomeroy Naismith Award.

This unanimous AP All-American selection led the Hawks to an incredible 30–2 season, topping the team in points, assists and steals, while simultaneously becoming Saint Joseph's career leader. His four-year class secured the most wins in school history with a 98–27 record and rallied the support of people in the greater Philadelphia area with four consecutive post-season appearances. This year, he and the Hawks attained their first-ever number-one seed in the NCAA tournament and advanced to the Elite Eight. In recognition of Mr. Nelson and his monumental career at Saint Joseph's, his number 14 will be retired.

As a Chester, PA native, Mr. Nelson has had an outstanding collegiate career and is now preparing for a professional basketball career. His talents and many awards provide him tremendous opportunity in the NBA and in life.

It is a privilege to recognize a young person whose ability, leadership, and commitment have brought success to his school and team. I ask you and my other distinguished colleagues to join me in commending Mr. Jameer Nelson for achievement in his basketball career.

PAYING TRIBUTE TO TERRY PHILLIPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Terry Phillips and thank him for his dedication to Colorado and his community as a two-term State Senator. The level of energy and integrity that he has brought to the General Assembly throughout his years of public service are truly outstanding. As Terry celebrates his retirement, let it be known that he leaves behind a great legacy of commitment to the people of Colorado and the Colorado General Assembly.

A Boulder County Assessor from 1989 to 1997, Terry was elected from District 17 to serve the community of Boulder in the State Senate in 1996, and subsequently in 2000. As a dedicated public servant; Terry also is a member of the Colorado Student Loan Program Advisory Committee, Executive Committee for the Council of State Governments West, Water Policy Committee, and the State/Local Forum and Advisory Commission on Intergovernmental Relations. For this current term he serves as a member of the Appropriations, Business Affairs & Labor, Finance, and Joint Computer Management Committees. Some of the honors he has received for his significant accomplishments while serving in the General Assembly include the Colorado Assessors' Association Legislator of the Year award in 2002, University of Colorado Health Sciences Center Alumni Legislative Award in 2000, and the University of Colorado Boulder Alumni Legislative Award in 1999.

Mr. Speaker, it is quite clear that Terry Phillips is a person that has displayed a terrific level of dedication and commitment to his life long pursuit of public service. Terry's selfless dedication to his Boulder community and the State of Colorado is truly outstanding, and it is my privilege to recognize him today before this body of Congress and this nation. I wish him all the best in his future endeavors.

IN RECOGNITION OF STEPHEN D. HILLER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ROGERS of Alabama. Mr. Speaker, Spc. Stephen D. "Dusty" Hiller, 25, of Killeen, Texas, died on April 4, 2004, in Iraq. Spc. Hiller was a member of the Army's 2nd Battalion, 5th Calvary Regiment, 1st Calvary Division, based at Fort Hood, Texas, and was killed when his unit was attacked near Baghdad. He is survived by his wife Lesley and their four children, and is the son of Elizabeth Hiller of Opelika, and Steve and Glenda Hiller of Waverly.

Stephen Hiller was eager to serve his country, Mr. Speaker, and earned the nickname "Dusty" from his father. After attending Opelika High School, in 1998 he pursued his dream of serving in the military and enlisted in the Army. He later served in the Alabama National Guard. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Spc. Hiller died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

HONORING ZOILA PEREZ ROBAINA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Zoila Perez Robaina on her 90th birthday. On Sunday, April 18, 2004, Mrs. Perez Robaina celebrated this momentous occasion with her closest friends and family.

Zoila Perez Robaina was born in Consolacion del Sur, Pinar del Rio, Cuba on April 22, 1914. She was one of 11 children born to Encarnación Robaina Gonzalez and Antonio Perez Robaina. At a young age in Cuba, Mrs. Perez Robaina took an apprenticeship in embroidery and fashion design. Once she was proficient, she began a private business from her home specializing in infant clothing and bridal accessories.

After sustaining 10 years under the Castro regime, Mrs. Perez Robaina, who met her husband Wilfredo Alfonso Ortega in Cuba, left the island with her daughter in 1969 and made her way to Newark, New Jersey. Her husband was forced to stay in order to be supportive of their son, Lazaro, who had been imprisoned for his political pursuits against the revolution. It was 4 years until the entire family was finally reunited in the United States.

Once in New Jersey, Mrs. Perez Robaina worked tirelessly at Koryette's Department store as an inventory clerk to provide for her family. She was a dedicated parishioner of the Immaculate Heart of Mary Church. After the passing of her husband in 1981, Mrs. Perez Robaina moved to the City of North Bergen where she began to attend Our Lady of Libera church. During her time at both Immaculate Heart of Mary Church and Our Lady of Libera Church, she was an active member of Mary's Legion.

Mrs. Perez Robaina is the loving mother of two children, Lazaro and Gloria, and the proud grandmother of 7 grandchildren. And at the age of 90 years, she is an integral part of her family, with her infectious energy and love.

Today, I ask my colleagues to join me in honoring Zoila Perez Robaina in celebration of her 90th birthday. I wish her good health and happiness in the years to come.

A PROCLAMATION RECOGNIZING DYLAN FOWKES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, Dylan Fowkes has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Dylan Fowkes has shared his time and talent with the community in which he resides; and

Whereas, Dylan Fowkes has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Dylan Fowkes must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 23 and the entire 18th Congressional District in congratulating Dylan Fowkes as he receives the Eagle Scout Award.

TRIBUTE TO TAIWAN RELATIONS ACT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to commend the people of the Republic of China on Taiwan and to commemorate the 25th anniversary of the enactment of the Taiwan Relations Act. Originated in the Congress, the Act protects a people who would otherwise be at the mercy of their larger cousins across the Strait.

The Act, signed into law by President Jimmy Carter on April 10, 1979, forms the basis for the security of our most important Asian ally and trading partner. It has enabled that beleaguered island to become an economic and political miracle.

Mr. Speaker, Taiwan enjoys a vibrant democracy, with competitive political parties participating in free and open elections. Its government and its market-based economy are models for those nations struggling to lift themselves out of the poverty Taiwan once suffered.

PAYING TRIBUTE TO CARL MILLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Carl Miller and thank him for his dedication to Colorado as a four-term representative in the State House of Representatives. Carl has brought an outstanding level of energy and integrity to the State House throughout his years of public service, and as he celebrates his retirement, let it be known that he leaves behind a great legacy of commitment to the people of Colorado and the Colorado General Assembly.

A third generation Leadville native, Carl has always held firm to his beliefs of serving his community and country. Graduating from Leadville High School in 1956, he joined the army and served in Germany from 1958 to 1960. In 1977 Carl filled his first elective office as Lake County Commissioner, and served as past chairman and member of Region 13 Council of Governments. In 1996, Carl was elected to serve District 56 in the Colorado House of Representatives, and presently serves on the Agriculture, Livestock, & Natural Resources Committee; Information & Technology Committee; and the Capital Development Committee.

An active member of his community Carl has devoted his time to numerous civic organizations. A miner for twenty-seven years, Carl served as president and executive director of the National Mining Hall of Fame and Museum from 1989 to 1999. He has served on the Lake County School Finance and Scholarship Committees, Lake County Advisory group, Lake County Historic Preservation Committee, and the 3rd Congressional Military Academy Advisory Selection Committee. Carl and his wife Mary Ann of forty-three years have two daughters and four grandchildren.

Mr. Speaker, it is clear that State Representative Carl Miller has ceaselessly dedicated his time and efforts to serving his district and the people of Colorado in the Colorado General Assembly. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Carl, and I wish you all the best in your future endeavors.

HONORING THE FAITHFUL SERVICE OF EDGAR B. JACKSON, JR., M.D.

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. JONES of Ohio. Mr. Speaker, I rise to recognize Edgar B. Jackson, Jr., M.D. in celebration of the establishment of a $1.53 million endowed chair position in his honor at University Hospitals in Cleveland, OH. His dedicated work over the past 38 years with University Hospitals and Case Western Reserve University is exemplary.

Dr. Jackson began his work as a laboratory assistant at Western Reserve University, where he received his medical degree in 1966. He remained active at the university and became the first African-American at Case to become a professor of clinical medicine. One of Dr. Jackson's passions in life was to provide better health care for underprivileged Clevelanders, and he acted on this passion by establishing medical centers in Glenville in the 1970s and Fairfax in the 1990s.

Dr. Jackson went on to serve as the Chief of Staff and Senior Vice President of clinical affairs at University Hospitals. A true professional and family man, he is still practicing medicine but will begin to focus more of his time and attention on his grandchildren.

The Edgar B. Jackson, Jr., M.D. Endowed Chair is the first chair to be named after a black doctor at University Hospitals and will be funded by over 200 prominent Cleveland donors. Dr. Jackson served as my personal internist and is also a close friend. I would like to honor Edgar Jackson for the establishment of his endowed chair and thank him for his support and encouragement over the years.

On behalf of the people of the 11th Congressional District of Ohio and the United States Congress, I pay tribute to the leadership, dedication, support, and commitment of Edgar B. Jackson, Jr., M.D. to University Hospitals and to the community.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. GALLEGLY. Mr. Speaker, on Friday, April 2, 2004, I was unable to vote on H.R. 3108, On Agreeing to the Conference Report on the Pension Funding Equity Act (rollcall 117). Had I been present, I would have voted "yes."

HONORING CLUB ESPAÑA OF NEWARK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Club España for continuing to promote Spanish culture throughout the City of Newark. On Saturday, April 17, 2004, Club España celebrated its 40th anniversary with a dinner/dance at 8 p.m., at 180 New York Avenue, Newark, New Jersey.

For forty years, Club España has served the city and community of Newark as a center for promoting Spanish culture. As the city continued to diversify, Club España has continued to provide a place to keep Spanish cultural tradition alive. Through music, traditional dance, and events, Club España has afforded generations of Spanish immigrants an opportunity to continue to practice the traditions of their native land and honor their heritage. Cultural centers, like Club España, provide communities with numerous opportunities to learn and participate in activities, and for friends, families, and strangers to meet and interact.

Club España not only serves as a Spanish cultural center, but has also been actively involved in its community. Located in Newark's historic Ironbound district, Club España has instituted several social programs for children, families, and seniors, in order to assist those who are less fortunate. One shining example is the youth members program, established to teach children about the history and culture of Spain. The programs offered by Club España provide a sense of community, as well as tools and assistance for our children to succeed in the future.

Today, I ask my colleagues to join me in honoring Club España for its distinguished public service, and its dedication to promoting Spanish culture in the City of Newark. I was truly honored to be Club España's guest of honor at the 40th anniversary Dinner/Dance event.

A PROCLAMATION HONORING NOELLE RUPLI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, Tim and Linda Rupli are celebrating the arrival of their daughter, Noelle Rupli; and

Whereas, Noelle Rupli was born on the sixteenth Day of March, 2004 and weighed seven pounds and fourteen ounces; and

Whereas, Tim and Linda are proud to welcome their new daughter into their home; and

Whereas, Noelle Rupli will be a blessed addition to her family, bringing love, joy and happiness for many years to come;

Therefore, I join with Members of Congress and Congressional Staff in celebrating with Tim and Linda Rupli and wishing Noelle Rupli a very happy birthday.

HONORING THE ACHIEVEMENTS OF MR. EDWARD J. KEPPEL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to pay tribute to Edward J. Keppel.

Mr. Keppel entered active duty as a second lieutenant on Sept. 1969 with an assignment to Det 10, 6 WW, Eglin AFB, FL. He separated from active duty in Dec. 1973 to pursue graduate studies in meteorology at Penn State University.

In Dec. 1974, Mr. Keppel returned to Eglin to continue the work he enjoyed supporting weapons testing—this time as a civilian staff meteorologist for Det 10 (later renamed 46th Weather Squadron).

Throughout the next 30 years Mr. Keppel has directly influenced many changes and great technical advancements. He has seen guided missile programs such as the Advanced Medium-Range Air-to-Air Missile (AMRAAM) develop from concept to operational capability.

Mr. Keppel was a pioneer in developing weather support for armament testing. He utilized DMSP equipment and "metvans" to instrument test ranges for real-time and post-test mission analysis.

His efforts contributed greatly to the fielding of the first portable upper air sounding system—initially meant exclusively for testing, but is now used for many operational weather support applications around the world.

Mr. Keppel was a driving force behind instrumenting the Eglin test range with Remote Automated Weather Stations (RAWS)—which are used today to provide critical data for missions ranging from armament flight test to Army Ranger Training Battalion swamp movement training.

More recently, Mr. Keppel was recognized for his expertise with sound propagation models used in support of the first two test detonations of the Massive Ordinance Air Burst (MOAB), the largest conventional bomb in the U.S. inventory. This weapon was developed and tested for use in OPERATION IRAQI FREEDOM.

Mr. Speaker, I, on behalf of the United States Congress, salute Mr. Keppel for reflecting a great credit upon himself, and our nation. I offer my sincere thanks for all that he has done for Northwest Florida and this great nation.

PERSONAL EXPLANATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. KLECZKA. Mr. Speaker, on Tuesday, April 20, I was not present for business on the floor of the House due to personal business and was thereby absent for votes on rollcall Nos. 118 through 120. Had I been present, I would have voted "yea" on rollcall No. 118, "yea" on rollcall No. 119, and "yea" on rollcall No. 120.

TRIBUTE TO PRIVATE FIRST CLASS JOHN AMOS II

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and honor that I pay tribute to an outstanding American, a true patriot, and a hero to his country, Private First Class John Amos II. Pfc. Amos was killed in action on Sunday, April 4, 2004, while serving in Kirkuk, Iraq for the 1st Battalion, 21st Infantry Regiment, 25th Infantry Division of the United States Army. He bravely sacrificed his life to ensure the safety of his fellow soldiers, the Iraqi people, and the very idea of freedom throughout the world. He was remembered at funeral services held on the morning of Tuesday, April 13, 2004, in his hometown of Valparaiso, Indiana.

John Amos was raised in Griffith, Indiana and later moved to Valparaiso, Indiana where he graduated from Valparaiso High School in 2002. After the September 11, 2001, terrorist attacks on the United States, John's dedication to his country led him to enlist in the United States Army right after his graduation from Valparaiso High School. Although the physical and mental demands were extremely difficult, John remained undeterred in his desire to serve in the military. The son of an Air Force Veteran, John understood the hardships of military life and accepted them with the courage and fortitude befitting a soldier dedicated to the defense of his country.

Pfc. Amos deployed for Iraq as part of the 1st Battalion, 21st Infantry Regiment, 25th Infantry Division. John was on patrol near Kirkuk, Iraq when an explosion hit his military vehicle and prematurely took his life. John wanted nothing more than to dedicate his life to the military, and he honored his unit on April 4, 2004, by sacrificing himself to preserve the values he treasured.

Although it was his ambition to serve his nation as a soldier, nothing was more important to Pfc. Amos than his family. He is survived by his mother, Susan Amos, his father, John Amos, a sister, Rebecca Amos, two half brothers, Hunter and Tyler Amos, grandfather, Hank Amos, and grandparents Doug and Lucy Whitehead, as well as a nation and a community who will never forget the sacrifice that he made to protect our freedom. His father, John Amos, was an Air Force Veteran who John looked to for guidance and advice while contemplating service in the military. John remained close to his family until his death, and he will never be forgotten by those he left behind.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Private First Class John Amos II. Pfc. Amos is the 21st resident of Indiana to sacrifice his life in Iraq, and his passing comes as a difficult setback to a community already shaken by the realities of war. Pfc. Amos will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

HONORING SALEM SHAPIRO'S 95TH BIRTHDAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, on Friday, April 23, Salem Shapiro, a retired city planner now living in Redding, Connecticut, will celebrate his 95th birthday. Normally on an occasion like this, I would hail his service in the Pacific Theater during WWI and salute the idealism with which he battled suburban sprawl and exclusionary zoning. But such a standard tribute to his 60–year career misses the larger message of his life: his joyful refusal to bow to the cliches of old age.

Like many senior citizens today, Salem Shapiro took up writing in his late eighties. But instead of dwelling on autobiography and family genealogy, he composed satirical essays that channeled the spirit of Jonathan Swift. Claiming to be a master of "Non-Euclidean, Non-Linear Logic," he puckishly suggested that the elderly were fast becoming an endangered species because of their "unusually low birth rate when compared with other sectors of the population." His remedy was to champion the mythical organization called "Save the Elderly from Themselves." Then there was his mocking proposal to deal with the high cost of campaigning by suggesting that the presidency be let out for auction, thereby enriching the Federal Treasury rather than individual TV stations.

But nothing better captures Salem Shapiro's indomitable spirit as well as a poem he wrote a few years ago entitled "An Attitude." The last two stanzas deftly summarize his philosophy of aging:

I too have lived a lifetime
Enjoying myself and serving society
But I will not allow me
To be cast off like the leaf
In the Fall of my life.

I shall continue my activity
In interacting with friends
And people and groups such as this
That constitutes my tree
And resist turning dry and crumble.

Longevity encompasses far more than luck and genes. It is, in many ways, the ultimate art form.

Mr. Speaker, please join me as I hail Salem Shapiro on his 95th birthday.

PAYING TRIBUTE TO BRAD YOUNG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Brad Young and thank him for his commitment to public service as a four-term member of the Colorado House of Representatives. Brad will always be remembered for the leadership and guidance he has provided, and as he celebrates his retirement, let it be known that he leaves behind a great legacy in the Colorado

General Assembly and for the people of Colorado.

Raised in Lamar, Colorado, Brad received his bachelor's and master's degree in agricultural engineering from Colorado State University. This academic background served Brad well in representing Baca, Bent, Huerfano, Las Animas, Otero, and Prowers counties in the 64th District, where agriculture and water issues are so vital. His work in the General Assembly also has included sponsoring the Habitat Partnership program, the Rural Doctor Tax Credit, Workers Comp Education by Community Colleges, and Aquaculture regulation by the Department of Agriculture. Brad's leadership and dedication in the State House earned him the important chairmanships of the Appropriations and Joint Budget Committees, and he is a former member of the Education and Transportation Committees.

Mr. Speaker, I am honored to pay tribute before this body of Congress and this nation to State Representative Brad Young for his selfless efforts of public service during his tenure in the Colorado House of Representatives. The level of integrity and honesty Brad has displayed while serving his district and the people of Colorado has earned the respect and admiration of his peers. I would like to extend my congratulations to Brad on his retirement and wish him, his wife Rebecca, and his two daughters Cassandra and Laura all the best in their future endeavors.

A PROCLAMATION HONORING JULIA MARIE ERICKSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, John and Michelle Erickson are celebrating the arrival of their daughter, Julia Marie Erickson; and

Whereas, Julia Marie Erickson was born on the twenty-fifth Day of March, 2004 and weighed seven pounds and one ounce; and

Whereas, Mr. And, Mrs. Erickson are proud to welcome their new daughter into their home; and

Whereas, Julia Marie Erickson will be a blessed addition to her family, bringing Cove, joy and happiness for many years to come;

Therefore, I join with Members of Congress and Congressional Staff in celebrating with John and Michelle Erickson and wishing Julia Marie Erickson a very Happy Birthday.

CONGRATULATING NATIONAL TEACHER OF THE YEAR KATHLEEN MELLOR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate Kathleen Mellor for being named the 2004 National Teacher of the Year. Mrs. Mellor, a resident of South Kingstown, Rhode Island, is the first Rhode Islander and also the first English as a Second Language (ESL) teacher to be honored with such an award.

Mrs. Mellor currently teaches at Davisville Middle School and Hamilton Elementary School. She has twenty-three years of experience as a teacher and has worked with the North Kingstown School Department since 1985. She developed an ESL program for the school system that allowed ESL students to remain in mainstream classrooms for the majority of their day. She fostered a community within the school, while encouraging students to share their own cultures and languages with one another. This first-rate program flourished and is still in place today.

In addition to her many academic accomplishments, Mrs. Mellor volunteers in her community and started a program called Ladybugs where mothers of ESL students can practice their conversational English, so they can better understand their children's new lives. In recognition of her creation of a warm learning environment, energetic disposition, and determination for her ESL students to succeed, she was nominated for, and won, the 2004 Rhode Island Teacher of the Year Award.

Mrs. Mellor was named National Teacher of the Year by the Council of Chief State School Officers on April 20th, 2004. Today she will be recognized for her achievements by President Bush in the Rose Garden of the White House. In the next year, 150 national and international groups will have the honor of hearing Mrs. Mellor speak while she travels as the national ambassador for the teaching profession.

Mr. Speaker, it is not often enough that the hard work and determination of our educators are acknowledged, so it is with great pride that I recognize an exceptional teacher like Kathleen Mellor for all her accomplishments.

I hope our colleagues will join me in congratulating Kathleen Mellor on her award.

VFW VOICE OF DEMOCRACY SCHOLARSHIP CONTEST

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. WILSON of New Mexico. Mr. Speaker, I commend to my colleagues the following essay written by one of my constituents.

[From the 2003–2004 VFW Voice of Democracy Scholarship Contest]

MY COMMITMENT TO AMERICA'S FUTURE

NEW MEXICO

(By Christina Durano)

The future of America does not depend on power of its government, the wealth of its corporations, or the abundance of its natural resources. The future of America lies in its young people and their commitment to this extraordinary nation. As a young person, I cannot foretell America's future, but I can help decide it by my beliefs, my actions and most importantly my commitment to America's future.

Why is commitment so important? Because commitment is the power that enables a person to achieve his highest goals and greatest aspirations. Commitment is knowing what you want, and doing whatever it takes to get it. And, as an American, I am committed to my nation's future, in four distinct ways. Four C's, if you will.

I am committed to the common cause of freedom and equality for everyone, regardless of age, gender, race or religion. George Bernard Shaw said, "Liberty means responsibility." And responsibility requires commitment to the common cause of freedom. Without this commitment, the dreams of Americans, young and old, cease to exist. Personally, I'm looking forward to a college education, but because I've chosen alternative schooling, I need colleges to view potential students equally, without prejudice, whether they attend to public school, private school, or homeschool. Freedom, the common cause that upholds "liberty and justice for all", is dependent on each citizen's commitment.

Secondly, I am committed to communicating my convictions in both public and private situations. When I turn eighteen, like every other American citizen, I will be given the right to vote. I will use that right because I know that each vote counts. History records that Abraham Lincoln, one of the most influential Presidents ever, won his Presidency by only one electoral vote. In the same way, however, Adolph Hitler won his dictatorship by one vote. But even before I turn 18, I can communicate my convictions by living my life in accordance with deeply held beliefs. It may not be convenient or comfortable, but that's what commitment is all about. Commitment isn't a dream, a hope, or a goal; commitment is a lifestyle. And I am committed to communicating my convictions so that I can make a difference in America.

Making a difference often means creating change, the third "C" to which I am committed. An old proverb states, "If you want something to change, you have to change something." Change is the pathway to improvement, particularly when it is enacted with purpose and principle. I am one of millions of students who have the opportunity to determine America's destiny. So, does that mean I only have a slight chance of affecting change? Not at all! One-in-a-million changes happen every day. With my commitment to America's future, I can meet new challenges, overcome obstacles and influence others for change. I am committed to change because I know that if we never change, we will never find a better way.

My final "c" of commitment is caring. I have committed myself to caring by visiting nursing homes, helping clean neighbor's yards, and leading children's activities at a local daycare center. The tragedy of September 11 forced citizens to look beyond themselves and the result has been a wave of volunteerism sweeping across the country. Caring for one another unifies us as Americans. Caring is the key to a strong country and I am committed to caring.

With commitment to these four C's, I can help determine America's future. I am committed to America—to its common cause, to communicating my convictions, to changing and to caring. With this fourfold commitment—these 4 "C's", I foresee a great future for the greatest nation on earth. That is my commitment to America's future.

HONORING DR. DANIEL BERTOCH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Dr. Daniel Bertoch, a dentist in my congressional district who routinely provides free dental services to those in his community who cannot afford them.

I met Dr. Bertoch and his staff several years ago while visiting businesses in my congressional district. Dr. Bertoch's office, located in Citrus Park, serves many of my constituents in Northwest Hillsborough County. He told me then that he believed in the importance of civic responsibility and helping those in need.

I am pleased to say Dr. Bertoch has acted on that belief. He recently invited a group of less fortunate children from the community to his office for free dental services. He and his staff (Dr. Maria Egir, Mary Anne Futch, Valera Senden, Janice Jonasson, Leigh Allen, and Maria Goetz) treated 17 children over the course of an entire day. They provided comprehensive exams to the children, gave them fluoride treatments, filled their cavities, and provided each child with a full dental treatment plan and copies of their x-rays. They also served breakfast and lunch to the group with the help of local businesses and hired someone to paint faces and make balloon animals for the children. As Dr. Bertoch said, "a great time was had by all."

Dr. Bertoch told me that he realizes that charity is not a health care solution. He added, however, that along with proper funding, communities can find ways to help underserved children who need basic health and dental care.

Mr. Speaker, Dr. Bertoch and his staff of caring professionals exemplify the spirit of generosity and compassion which forms our country's foundation. I am proud to know them and commend their work to our colleagues as we continue our efforts to make health care more accessible and affordable.

PAYING TRIBUTE TO TAMBOR WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Tambor Williams, and thank her for her tireless efforts serving the people of Colorado as a four-term member of the Colorado House of Representatives. Tambor will always be remembered as a dedicated public servant and leader of the community. As she celebrates her retirement, let it be known that she leaves behind a terrific legacy of dedication and commitment to the Colorado General Assembly and for the people of Colorado.

A practicing lawyer and professional mediator, Tambor has used these skills to become an efficient and effective leader in the General Assembly through her four terms of office for District 50, which serves Weld County. She serves as the Speaker Pro Tem of the House, chairs the House Business Affairs & Labor Committee and the Legislative Audit Committee, and is a member of the House Appropriations Committee. Her excellent record in the State House has earned her the Legal Reform Summit State Legislative Award from the United States Chamber of Commerce, as well as numerous awards and recognition from Colorado businesses and organizations.

Tambor's efforts to better her community include extensive involvement with civic organizations. She is an active member of the City of Greeley Mayor's Advisory Board, a member of the Commission of Judicial Performance and member of the Weld County Local Emergency Planning Committee. Tambor's involvement also has included serving as board chair of Union Colony Civic Center, board member for Parent Child Learning Center, board member of Right to Read, and serves as post advisor for the Explorer Scouts.

Mr. Speaker, it is quite clear that State Representative Tambor Williams is a person who possesses dedication and commitment to her life long pursuit of public service. It is not only her incredible devotion, but also her passion for contributing towards the betterment of the Weld County community and the State of Colorado that I wish to bring before this body of Congress and this nation. It is my distinct pleasure to honor Tambor here today, and wish her and her husband Jim all the best in their future endeavors.

A PROCLAMATION RECOGNIZING DAVID LEE RAUCH PARKS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. NEY. Mr. Speaker:

Whereas, David Lee Rauch Parks has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, David Lee Rauch Parks has shared his time and talent with the community in which be resides; and

Whereas, David Lee Rauch Parks has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, David Lee Rauch Parks must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 312 and David's family and friends in congratulating David Lee Rauch Parks as he receives the Eagle Scout Award.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. GUTIERREZ. Mr. Speaker, I was also unavoidably absent from this Chamber on April 20, 2004. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 118, 119 and 120.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PORTMAN. Mr. Speaker, on rollcall vote Nos. 118 and 119, I was unavoidably detained at the White House. Had I been present, I would have voted "yea" for each bill.

HONORING ANNETTE GARNETT, JOHN THICH AND BRUCE DIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. FARR. Mr. Speaker, I rise today to honor the courageous and selfless acts of three Monterey County residents currently employed at Monterey Credit Union, a local financial institution. Annette Garnett, John Thich and Bruce Din saved their fellow employees from certain danger when approached by a disgruntled and armed former employee.

On the morning of March 17, Annette Garnett, a four-year veteran of the Monterey Credit Union, was approached and threatened by Douglas Chase, a former employee that had been arrested just a day earlier on weapons charges. In an attempt to free Ms. Garnett from Chase's hold, John Thich and Bruce Din, both employed for less than a month at the time of the event, wrestled the attacker to the ground and successfully disarmed him. They were also able to immobilize Chase until police arrived to take him into custody.

I am deeply moved by the compassion and bravery these employees exhibited and I believe they should truly be heralded as heroes. There is no way of estimating the potential danger that could have incurred if the response to Chase's attack had been less effective. Mr. Speaker, on behalf of our community, I commend these three outstanding citizens for risking their lives in hope of protecting those of others.

ON THE OCCASION OF HIS EXCELLENCY PRESIDENT ZINE EL ABIDINE BEN ALI OF THE REPUBLIC OF TUNISIA VISITING WASHINGTON, DC, AT THE INVITATION OF PRESIDENT GEORGE W. BUSH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. RAHALL. Mr. Speaker, I would like to extend my most heartfelt welcome to President Zine El Abidine Ben Ali, President of Tunisia, on his visit to the U.S. on February 18,

2004. President Ben Ali has been an unstinting friend and ally in the war on terror. Thereby, he has maintained and nurtured an alliance between the U.S. and Tunisia that has existed for over two centuries, dating back to the Treaty of Peace of 1797.

It has been the hallmark of the Honorable Ben Ali's tenure as President of Tunisia, to institute meaningful and lasting reforms in several spheres. President Ben Ali has taken the lead role in the region as a consistent and ardent supporter of women's rights. His reform endeavors carry over into the area of economic modernization under the auspices of ambitious educational reform and investment in technology and infrastructure. The great people of West Virginia can certainly appreciate these advancements as they themselves continue to spearhead similar ventures through top-notch technology training institutes and initiatives.

Mr. Speaker, for all of these reasons, I am honored to welcome His Excellency President Zine El Abidine Ben Ali on his visit to the United States in order to meet with President Bush.

PAYING TRIBUTE TO MOFFAT COUNTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to Moffat County in my home state of Colorado. Recently, the United States Department of Agriculture, along with the Department of the Interior, recognized Moffat County for the excellence of its Wildland Fire and Fuel Management Plan. The County has developed an innovative approach to combating the threat of catastrophic wildfire, and I am honored to recognize its dedication to the safety of its citizens.

Over the past two and a half years, officials from Moffat County have worked in conjunction with local residents, wildfire experts and government agencies to implement a comprehensive system for hazardous fuels reduction and fire suppression. As a result of these efforts, Moffat County has created a model countywide fire plan that provides a template for the implementation of similar programs in rural communities nation-wide.

Mr. Speaker, it is my privilege to rise and pay tribute to Moffat County. The County's commitment to integrating the needs and desires of the local community into their fire planning is certainly deserving of our praise. I am proud of Moffat County and its tireless dedication to the protection and betterment of its citizens.

PUTTING PREVENTION FIRST

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the Pro-choice Caucus Co-Chairs—Congresswoman SLAUGHTER, Congressman GREENWOOD, Congresswoman DEGETTE, and Congresswoman JOHNSON for disregarding partisan lines and working together for the safety of women and to secure women's reproductive rights. I am proud to be an original cosponsor to such a comprehensive piece of legislation that does not focus on controversy but on preventive care and education.

Those who consider themselves pro-choice do not agree on many issues with those who consider themselves pro-life. But the one thing that we both agree on is preventing women and teens from having unintended pregnancies and having an abortion. To succeed, we must provide education to young women about their bodies and about preventing pregnancies and STDs. I always say education is the key. We know that education works—rates of unintended pregnancies among teens have greatly declined as well as the number of abortions being performed. Yet, we have not done enough. In 2000, there were approximately 18.9 million new cases of STDs in the United States including an increase in HIV–AIDS.

The reproductive health of women should be a public health priority for our Nation. Although, I believe abstinence should be taught and stressed—it is not a reality for many of our young people. Family planning programs must be available to all women—young, older, poor, middle class, those with private insurance or on Medicaid. Again, I commend the pro-choice caucus for offering legislation that focuses on keeping abortion legal, safe, and rare with proper education and preventive health care services.

HONORING NOVA CHEMICALS, INC.

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Nova Chemicals, Inc., a chemical manufacturer located in Monaca, Pennsylvania, recently honored by Toyota Motor Manufacturing of North America, Inc. as a top supplier for 2003. It is truly an honor to have an industry leader in my district.

Annually, the Toyota Motor Manufacturing of North America, Inc. acknowledges those suppliers who have met their highest standards in quality, delivery, supplier diversity and value improvements for parts, materials, and transportation. Toyota is strongly committed to buying from local sources for U.S. manufacturing operations—currently, Toyota buys from 500 U.S. suppliers. By the year 2006, Toyota will have the capacity to build 1.66 million cars and trucks a year and 1.29 million engines in North America.

Nova Chemicals, Inc.'s Beaver Valley facility was recognized for both quality and delivery during this year's 2004 Supplier Awards Ceremony at Toyota's Annual Business Meeting and Awards Ceremony. Since the company's start in 1954, it has grown into a multi-billion-dollar corporation and is now North America's largest producer of polystyrene. Furthermore, Nova Chemicals, Inc. is an active participant in the local communities where their facilities are based—not only do they provide financial improvements to the communities they join but they also improve the social surrounding as well.

I ask that all the members in the House of Representatives join with me in honoring this outstanding company based within the Fourth Congressional District of Pennsylvania. I am pleased to represent this award winning chemical manufacturer.

TRIBUTE TO MS. LAUREN LINCOLN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to an outstanding, young American, Ms. Lauren Lincoln. Ms. Lincoln created, from the ground up, a Rainbow Winter Guard team for Special Olympians in Rochester, New York. This is a great accomplishment for any individual, but what makes Lauren's situation unique is she is just 16 years of age.

Lauren Lincoln, a resident of Irondequoit, New York, first developed the idea of creating a color guard after attending an exhibition by Special Olympians in Dayton, Ohio, last year. She quickly transformed this idea into reality after conversations with local Special Olympic officials. By September of 2003, the newly formed Rainbow Winter Guard was having weekly practices and on October 13, 2003, had their first official performance.

In addition to the creation and training of the Special Olympians, Lauren has managed the administrative tasks that accompany such an endeavor. She developed a budget, created a practice and performance schedule and raised monies to fund the costs of maintaining the program.

Mr. Speaker, Lauren Lincoln is one example of many exceptional youths who are displaying altruistic dedication to the public good. She is a model for all Americans and I commend her achievements.

INTRODUCING THE KNOW YOUR VOTE COUNTS ACT OF 2004

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. KING of Iowa. Mr. Speaker, I am introducing the Know Your Vote Counts Act of 2004, legislation which will amend the Help America Vote Act of 2002 to require voting systems to print a paper record for each ballot that the voter can verify for accuracy before the ballot is cast. This makes a recount possible in the event that a state determines one is needed. Without a paper trail, a recount is impossible.

Current law permits precincts to print ballots for the first time after the polls have closed. Therefore, voters might never get to see their ballots. This creates a risk that the computer record may differ from the voter's true intentions, without the voter ever knowing. Moreover, computer malfunctions or insider hacking might occur between the time of voting and printout, defeating the goal of the paper record requirement. The Know Your Vote Counts Act eliminates these possibilities by clarifying to states that a ballot must be printed at the time of each vote, thus ensuring the achievement of HAVA's goal of electoral integrity.

Electronic voting systems are supposed to increase voter confidence in election results. Without this safeguard, they seem to do anything but. A prominent fear has developed that these machines will facilitate a cyber version of dumping ballot boxes in the river. Software could be set to record votes with no regard to how the votes were actually cast. It is instructive that the Pentagon scrapped an Internet voting project because officials there determined there was no way they could guarantee that voting records could be kept secure. This issue should be a major concern for all of us.

The new Election Assistance Commission has plans to disburse $2.3 billion as early as next month to states for technology upgrades in voting equipment. Complying only with the upgrades required under current law, however, poses future problems for states. Presently, states could purchase machines without the capability of printing ballots for the voter to verify for accuracy.

States have already experienced problems that illustrate the problems created by voting machines without an auditable paper record. In Indiana, a glitch resulted in 5,352 voters casting 144,000 votes. Virginia machines subtracted votes rather than adding them to a candidate's total in some cases. In Florida, 10,844 votes were cast; candidate won by 12 votes, but there were 137 under-votes. Florida state law requires a manual recount of all under-votes in a race with this tight a margin, but no paper trail was available and the recount was impossible. A recent study of Maryland electronic voting machines found that they were all equipped with one of two locks, which keys to the other machines could open. Finally, in Georgia, on Super Tuesday, ten voting terminals were found sitting in the lobby of a Georgia Tech building unattended, in unlocked cases. These machines easily could have been altered during this time.

This legislation protects the integrity of electronic voting systems by requiring a voter-verified paper audit record for each ballot. The voter can verify the ballot at that time, and the paper record created can be used if state determines that recount is needed. To preserve ballot secrecy and prevent voter intimidation, this bill prohibits voters from copying or removing the record from a polling place. The Know Your Vote Counts Act respects principles of federalism and defers to state law, allowing states to make their own decisions about when to require recounts while preventing computer error or deliberate fraud from altering election outcomes.

This is not a partisan issue. It is an American issue. All Americans must know that their votes count. I urge my colleagues to co-sponsor the Know Your Vote Counts Act of 2004 in the 108th Congress so that we can ensure that the votes cast are the votes counted.

PAYING TRIBUTE TO SPC. JUSTIN REDIFER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McINNIS. Mr. Speaker, it is an honor to rise and pay tribute to an outstanding patriot from my home state of Colorado. Army Specialist Justin Redifer recently returned from serving our nation in Operation Iraqi Freedom, and in recognition of his actions, was awarded a Bronze Star with a distinction for valor. This incredible honor is a testament to Justin's courage and bravery, and I would like to take this opportunity to recognize him before this body of Congress and this nation today.

A soldier in the 244th Engineer Battalion, Justin's responsibility in Iraq was to seek out and establish temporary operating bases for American forces. This dangerous task often put Justin's detachment, based in Grand Junction, Colorado, in harms way. A few months ago Justin's unit was involved in one harrowing firefight in the City of Samarra where a group of armed insurgents in a car headed straight for our troops. As the insurgent's vehicle passed Justin's position, he shot out the back window before the car careened into an area where the unit was able to effectively contain the situation.

Mr. Speaker, it is an honor to rise and recognize the actions of Specialist Justin Redifer for his service to our nation. Receiving the Bronze Star is a testament to the bravery and courage Justin displayed while in Iraq. His selfless sacrifice to his country serves as a model for all Americans who desire to serve their country in this war against terror. Many young men and women like Justin are now serving their nation, without regard to personal safety, to ensure the people of Iraq can have the same freedoms we enjoy. On behalf of my fellow Coloradans and Americans, I wish to thank Justin for his bravery and noble service.

HONORING WHITNEY YOUNG HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Whitney Young High School of Chicago for its triumphant achievement on winning the first place title in the Illinois Academic Decathlon competition on March 13, 2004.

The Academic Decathlon is a team competition wherein students are tested through a diverse group of scholastic categories including: art, economics, essay interview, language and literature, mathematics, music science, social science and speech.

With up to nine members from each team competing in all ten events of the decathlon and representing a diversity of scholastic aptitude, the true spirit of this year's "America. The Growth of a Nation" theme has been advanced.

The decathlon, which was first created by Dr. Robert Peterson, has helped maximize the learning potential of young minds through competitive challenge. Whitney Young has repeatedly demonstrated its ability to shine among the best and brightest of Chicago's academic community.

As winners of the Illinois Academic Decathlon, Whitney Young High School will go on to represent our city and state in the national meet in Boise, Idaho. Nine of its students will compete in one of the most prestigious high school academic competitions in the United States.

I salute each of our Whitney Young High School Academic Decathlon Winners: Rachel Birkhahn-Romelfanger, Nailah Cash-Obannon, Clare Conroy, Christina Doocy, Sarah Duffy, Ikee Gardner, Lally Gartel, Deana Rutherford, Eleanor Sharp and Margaret Sharp.

Reaching this level of competition is a tremendous achievement and one that deserves special recognition. Indeed, Whitney Young students set the standard for scholastic excellence that the Academic Decathlon seeks to attain.

Mr. Speaker, I join with all residents of the Fifth Congressional District of Illinois in congratulating Whitney Young High School on its achievement. I wish the Academic Decathlon winners the best of luck at the national competition in Idaho as well as continued success as their education continues. I am very proud of these young and future leaders of tomorrow.

A TRIBUTE TO MAY MARSHBANKS OF LILLINGTON, NC

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate a public servant of the elderly in North Carolina, May Marshbanks, and her recent acceptance of the George L. Maddox Award. This award honors individuals in North Carolina who have excelled in developing and implementing creative programs for older adults. The award symbolizes years of tireless effort on the part of Miss Marshbanks to provide much needed services to the elderly populace of Harnett County.

May Marshbanks, who is eighty-six years old, has directed the Harnett County aging program for 32 years since the inception of the Harnett County Council on Aging in 1971. This marked a second career for Ms. Marshbanks, who retired as a principal from the Chapel Hill school system and moved back to Harnett County. She has been a passionate advocate for the aging and elderly ever since.

Through her pioneering spirit, Ms. Marshbanks forged a path for the Council to develop into the Harnett County Department on Aging. Today, the Department delivers a number of important programs to the elderly including minor home repair, In-Home Aid, an Elderly Nutrition Program, and the Community Alternatives Program for Disabled Adults. The Department provides legal assistance to seniors. It also offers a transportation program to provide seniors the ability to live independently and to provide them access to medical and social services.

As one colleague stated, "May Marshbanks is the Harnett County Department on Aging. The community sees her and the agency as synonymous." May Marshbanks has connected her life with others through noble causes, and her actions have effected hundreds of lives. She has provided needed services for older adults in Harnett County, informed local government officials of the needs of the elderly, and developed public and private cooperative partnerships among existing agencies and programs. I thank May for her service to the citizens of Harnett County. She truly is a compassionate person who makes good things happen.

AMUSEMENT PARK RIDE CHILD LABOR ACT OF 2004

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MARKEY. Mr. Speaker, I rise to introduce "The Amusement Park Ride Child Labor Act of 2004," an act that directs the Secretary of Labor to prohibit the employment of minors as ride operators. For the sake of both the young employees and the park patrons, who are disproportionately children themselves, the Department of Labor should recognize that operating roller coasters and thrill rides requires split-second judgments that, if mishandled, can injure both the operator and dozens of riders. Let minors take the non-hazardous jobs in our parks—let adults run the rides.

If it were ever wise to allow minors to operate amusement park rides, it is not a safe practice today. Based on the National Electronic Information Surveillance System (NEISS), the Consumer Product Safety Commission (CPSC) estimates that, nationwide, 800 employees are injured operating amusement park rides each year. This is in addition to the estimated 6,800–10,700 patrons injured on amusement park rides each year. The potential for dangerous, debilitating and sometimes deadly consequences when persons operating amusement park rides make misjudgments, either in the operation of the ride itself or in the reaction to a situation brought on by rider error or ride malfunction, is very serious.

According to the Bureau of Labor Statistics, 114 employees died while attending to amusement and recreation facilities during the 10–year period 1992–2002, and 7 of those fatalities involved children under the age of 18.

During 2001, nonfatal injuries suffered by amusement ride attendants totaled 2,475, and nearly one out of every five injuries was suffered by a child employee.

The fact is that in the past 15 years, the speed and complexity of amusement park rides has risen dramatically. All of the nation's 15 fastest coasters have been built in the last 10 years. But clearly, the margin for error is much narrower for the operator of a ride traveling at 100 mph than on a ride traveling 50 mph. People make mistakes, and the riders often act like children, because they often are children. This situation is dangerously compounded by allowing young teenagers to be put in charge of running these high-tech, high-speed machines.

The following are just a few examples of tragedies involving ride operators under the age of eighteen.

In August 1999, a 16-year-old boy ride attendant died from injuries he suffered at Lake Compounce amusement park in Bristol, Connecticut. The boy was working as a ride attendant on the "Tornado," a spinning ride more commonly known as the "Scrambler." The accident happened when the boy stepped onto the ride before it had come to a complete stop. His legs got caught underneath the ride and he was dragged until the operator activated the emergency stop. The boy was left pinned underneath the ride from the waist down. Firefighters used inflatable devices to lift the ride off of the victim. After the boy was freed, he was transported by helicopter to a hospital, where he underwent surgery. His injuries included a head wound and broken bones, in addition to possible broken arms, dislocated shoulders, and multiple internal injuries.

In June 1997, a 17-year-old ride operator at Celebration Station in Tulsa, Oklahoma was killed while operating a swinging boat ride. The teen fell into the frame of the ride in an area underneath the boat while the ride was in motion. He was crushed and died within 15 minutes. Five children were passengers on the ride at the time of the accident. Investigators from the Oklahoma Department of Labor ruled the death accidental, saying that the ride had not experienced any mechanical failure.

In June 1996, a 16-year-old ride operator at Bonkers 19 Amusement Park in Weymouth, Massachusetts started the Mini Himalaya ride without notice. A 5-year-old girl's foot was gashed when it was trapped against the ride's track. Later that same year, in September, during the operation of the same ride by a different 16-year-old, part of the scalp of an 8-year-old girl was torn off when her hair became entangled in the motor powering the Mini Himalaya.

At least nine states have recognized that it is per se hazardous to employ children 17 years of age or younger as ride operators and have included provisions in their laws to restrict such employment. Alaska, Connecticut, Iowa, Massachusetts, Minnesota, New York, Rhode Island, West Virginia, Wisconsin all have 18-year-old age limits. Some include exemption for "kiddie rides," but all have adopted state standards that make it the rule, not the exception, that minors shall not operate the vast majority of park rides in their states.

In addition, the Walt Disney Corporation has already recognized the wisdom of avoiding having youngsters placed in charge of the safe operation of their park rides. As a matter of park policy, Disney will not allow anyone younger than 18 years of age to operate a Disney ride.

The Department of Labor has jurisdiction over the safety of child amusement park employees. This legislation would be unnecessary if the DOL would simply use its existing authority to restrict this kind of employment. The Fair Labor Standards Act (FLSA), 29 U.S.C. Chapter 8, § 212, directs the Secretary of Labor to carry out the objectives of the child labor provisions, namely, to prohibit "oppressive child labor." "Oppressive child labor" is defined by the FLSA, 29 U.S.C. Chapter 8, § 203, as a condition of employment which the Secretary finds and declares as "particularly hazardous for the employment of children between such ages [16 and 18] or detrimental to their health or well-being."

Under this provision, the Secretary has issued 17 Hazardous Occupation Orders restricting children from certain hazardous jobs. For example, Order 7 declares "hazardous" the operation of most power-driven hoisting apparatus, including nonautomatic elevators exceeding one ton, 29 CFR § 570.58. Most people would agree that an amusement park ride has all the characteristics of a "power-driven hoist" that lead to its designation as "hazardous"—with the exception of the people at the DOL. With the support of the industry, the DOL has helpfully issued guidance to the public that specifically carves out amusement parks rides from this "hazardous" designation. It is difficult to understand how the DOL could conclude that operating an elevator is hazardous to a minor, while operating amusement park rides is not.

Due to the seasonal nature of the amusement park business, many teenagers under the age of 18 seek summer employment at the parks, something that I applaud and encourage. Most jobs at the parks have nothing to do with hazardous machinery. Teenagers can safely fill jobs such as selling tickets, waiting on tables, or guiding patrons. But when it comes to filling a job as safety-critical as the loading and operation of ride machinery, it is simply irresponsible to risk the health of the employee or the park patrons by giving such a job to a minor.

As the amusement park season commences, I urge my colleagues to cosponsor this important legislation and to help improve the safety of our nation's parks.

H. RES. 557—COMMEMORATING START OF IRAQ WAR

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to honor the men and women in our Armed Forces who have served and continue to serve in Iraq. Their bravery and dedication is something all Americans should admire and honor.

It is not just their martial skill and training that proved outstanding during the combat phase of the Iraq campaign, their exceptional abilities to begin the rebuilding of Iraq have been essential. Our military forces have demonstrated again and again their professionalism when faced with incredibly difficult challenges. They truly are the best in the world.

I want to also give special recognition to our citizen soldiers—the men and women in our National Guard and Reserves—and their families. For them to leave their jobs and loved ones, in many cases for more than a year, requires tremendous sacrifice and commitment.

In the last year, I have been there when many of our local Wisconsin units have left for deployment and been there when many have finally returned home. When they leave, I have seen their determination to get the job done combined with great sadness about their separation from their families. When they return, I have seen their pride at a job well done and their joy at being reunited with their families. No country could be better served than we have by the members of our Guard and Reserve.

I also want to pay my respects to the ultimate sacrifice paid by the 709 military men and women who have died in Iraq and express my heartfelt condolences to their families. Each one of them is a hero. All Americans owe them a debt of gratitude that can never be repaid but must always be remembered.

We also owe a great debt to the more than 3,200 who have been wounded in Iraq. Medical advances and improved safety equipment have meant fewer deaths, but many are surviving with serious injuries. We must fulfill our commitment to caring for them, ensuring that our veterans health care system can meet their needs.

Mr. Speaker, there is no Member of this Congress who is not grateful to our soldiers, sailors, marines and airmen. No matter our positions on what the proper U.S. policies should be, let there be no doubt that we honor and appreciate their sacrifices.

It is with regret that I voted against the resolution presented to this House. I am very disappointed in the Republican leadership of this House for bringing forth a resolution under a closed rule without providing the opportunity for Democrats to participate in the drafting.

Honoring our troops should always be a non-partisan effort and should never be used as a partisan maneuver.

The resolution that came before us could have, and should have, won the backing of every Member of the House. A non-partisan resolution, drafted with input from both sides of the aisle, would have attained unanimous support, allowing the House of Representatives to speak with one resounding voice in honor of our men and women in uniform.

It is not simply the partisan nature of this resolution that caused me to vote against it. If that were my only concern, my desire to recognize our troops would have been stronger than my indignation about the means employed to do so. However, I voted against the resolution because it is being used to distract us from the very real and very important debate that we should be having about our Iraq policy and our counter-terrorism policies.

Mr. Speaker, there is a debate going on among the American people about Iraq and the war. The American people are concerned about our intelligence failures, the use of intelligence, the Administration's apparent obsession with Iraq, the failure of post-war Iraq planning, the cost of the war, the costs of reconstruction, the long-term demands on our military and how Iraq affects the war on terrorism. This Congress and this Administration has a responsibility to answer, or find the answers, to these questions. The American people deserve no less.

The American people are wondering if we are safer as a result of the war to remove Saddam Hussein as ruler of Iraq. This is a difficult question to answer, and to be quite frank, I don't know. But it is a question that is important to ask. And it should not be dismissed with an "of course" or the suggestion that anyone who thinks we may not be safer is unpatriotic or would be happy if Hussein were still in power. We must draw an important distinction between the following questions: Is Iraq better off? Is Iraq less of a security threat to the United States? And, is the United States safer as a result of the President's choice to go to war in Iraq. I believe the answer to the first two questions is yes. However, it is the final question that is by far the most important.

On September 11, 2001, the United States was attacked by Al Qaeda, an international terrorist group that was then based in Afghanistan with the support of the Taliban regime. Military action against Al Qaeda and the Taliban was widely supported by Americans, including me, to hunt down the perpetrators of 9–11 and eliminate their ability to operate in Afghanistan. We were joined by numerous countries who understood that the fight against Al Qaeda was their fight too. The initial phases of that campaign were successful in shutting down their training camps, capturing or killing many of their members and deposing the Taliban. Like in Iraq, our military men and women performed exceptionally well.

But the victory in Afghanistan is not complete. Just last month, we launched, with Pakistan, another military initiative to find additional Al Qaeda forces hiding out in the mountains of eastern Afghanistan and western Pakistan. Security in Afghanistan is largely absent outside of Kabul and traditional tribal leaders and warlords have real control over most of the country. Scheduled elections may need to be postponed because of the inability of the international community to register voters in the countryside due to lack of security. Opium production is reaching record new levels. Our job in Afghanistan is clearly not done.

Our national security officials cannot focus on an infinite number of problems at once. There are only so many hours a day for the National Security Advisor, Secretary of State, Secretary of Defense and other top officials to do their work. They can't focus on everything and must make choices. There can be no doubt that Iraq required an incredible amount of time and resources in order to succeed. What is the opportunity cost? I fear that part of the reason for the slow progress in Afghanistan is the result of diversion of resources and attention to the invasion and reconstruction of Iraq.

The commitment of time, money and resources to Iraq has also impacted our homeland security. The war, occupation and reconstruction costs in Iraq are likely to exceed $250 billion. That is a huge expenditure. By focusing our scarce resources during an economic downturn on Iraq, much less has been available to fund our first responders and protect our country.

A recent independent review of our homeland security efforts by the Century Foundation found major deficiencies. Their Homeland Security Report Card clearly indicates that a safer America will require significant improvements by the Department of Homeland Security. While there have been successes in passenger screening, the air marshall program and infrastructure analysis, this report highlights serious and disturbing shortcomings that leave Americans vulnerable. Protecting private planes, securing air cargo, providing funding for first responders, and better immigration oversight are critical to our security. It is disappointing to find that, according to the Century Foundation's report, in these areas we may be worse off than before September 11.

Mr. Speaker, this Congress needs to stop focusing on rhetoric about Iraq and begin to focus on the facts. We need to spend less time trying to portray loyal Americans as soft on terrorism because they raise questions and want to debate the most effective ways to prevent terrorism and protect Americans. A full and healthy national debate, in Congress and around the country, will not weaken our resolve, it will strengthen us. Building a consensus policy to combat terrorism will allow us to move forward united. A consensus policy will reduce friction about dedication of resources and will allow us to sustain a consistent policy for the duration of our fight against terrorism. That is the debate we should have had. That is the debate our country needs to have.

NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BOEHLERT. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases, which affect as many as 50,000 people in the United States.

I am familiar with primary immune deficiencies because of a family in my district, the Driscolls. Kerstin and Dean Driscoll are from Greene, NY and have two sons who were born with an extremely rare PIDD called X-Linked Agammaglobulinemia, or XLA. Zack, 11, and Alex, 9, are confronting XLA head on. XLA is a genetic disorder that prevents production of B-cell antibodies that fight infection. When Zack was 3 years old and Alex only 9 months, they suffered chronic ear and sinus infections. Their recurring illnesses remained a mystery to their parents and doctors, until tests were done to confirm that the boys had primary immune deficiency diseases.

Soon after their diagnosis, Zack and Alex were treated with an immune globulin infusion (IGIV), which is prepared from the plasma of many blood donors, to support their immune systems. Zack and Alex receive their IGIV infusions once every 3 weeks and the infusion takes approximately 4 hours.

Zack and Alex are lucky because their primary immune deficiency disease was diagnosed early. However, despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses.

Mr. Speaker, the Driscolls face their sons' PIDD head on, by becoming active with the Immune Deficiency Foundation. Therefore, I commend the Immune Deficiency Foundation for its leadership in this area and I am proud to join them in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

COMMEMORATING HOLOCAUST REMEMBRANCE DAY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. FROST. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, and pay my respects to the innocent people who died at the brutal hand of the Holocaust.

An anniversary like this is often filled with mixed messages of hope and sorrow, pain and promise. While these words contradict each other on paper, they live together in our hearts and minds on a day like today.

The emotions of sorrow and pain are easy to feel. By the time World War II was finished, 6 million Jews died for no reason. Countless families had been torn apart, Europe was virtually demolished, and the horrors of the Nazi regime were scarred into the minds of the entire civilized world. Looking at this tragedy, it is easy to see only bad things. It is easy to view the worst in people.

But, it was difficult, impossible in fact, to stop the world from denouncing these atrocities, and saying, "Never Again." Human-kind had the hope and promise to try to make this world better—to try to make this world more understanding and open.

The world has come a long way since the darkness of the 30's and 40's. In the almost 60 years since the Holocaust ended, we have become a more open and understanding society. But, our quest for a better world is constantly battling hate, discrimination and anti-Semitism.

We all know the violence that is carried out by those who hate. But, I also know that if our ancestors could get through World War II and the Holocaust, we can survive our own battle against hate and terror, and make the world safer for our children.

Mr. Speaker, Yom Hashoah serves as a memorial to those who both survived and lost their lives from the Holocaust. Let it also be a day to reaffirm our commitment to the values that won . . . love, honor and respect.

PAYING TRIBUTE TO PFC. CHANCE PHELPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Private First Class Chance Phelps, who honorably devoted his life to defending the freedoms of our nation. A member of the 3rd Battalion, 11th Marine Regiment, 1st Marine Division, Chance was recently killed while defending the freedoms of the Iraqi people in Ramadi, outside of Baghdad. His story is one of honor, selflessness and sacrifice. As we mourn the loss of an American patriot, I think it is appropriate to call the attention of this body of Congress, and our nation, to the sacrifice that Chance made on behalf of a grateful nation.

A tall and athletic nineteen-year old, Chance attended Moffat County and Palisade high schools where he was known for his fun-loving nature and being an avid outdoorsman. He came from a family with a rich military tradition, his father John being a Vietnam veteran, and his sister Kelley working at the Pentagon. After the terrorist bombings of 9–11, Chance knew that he had to do something for his nation, and resolved to join the Marines. As a dedicated member of our armed forces and as a patriot, he answered the call of duty, embarking on a journey to defend freedom and independence.

Mr. Speaker, Private First Class Chance Phelps will be sorely missed, and although we will grieve over the loss of this incredible individual, we can take comfort knowing his sacrifice was made while fulfilling his dream of serving our nation. I would like to extend my heartfelt respects to his family and friends as they mourn his passing. It is my honor to pay tribute to the life of Chance Phelps before this body of Congress and this nation.

A TRIBUTE TO CANTOR BARRY REICH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LANTOS. Mr. Speaker, I am delighted to honor and pay tribute to Barry Reich, the Cantor at Peninsula Temple Shalom of Burlingame, California, located in my Congressional District. Cantor Reich, who received his Hazzan Minister Commission in 1979 from the Cantor's Assembly of the Jewish Theological Seminary, is not merely a Cantor, but a multi-talented musician who has used his talents to affect the lives of thousands of people.

Cantor Barry Reich was born in 1948 in the Boyle Heights neighborhood of Los Angeles, California, where he came from a long line of cantors. His father was a renowned cantor, and at the time of Barry's birth was the Cantor at the legendary Breed Street Synagogue. As one would imagine, Barry was immersed in world of music and religion as cantorial music from record players and music books could be heard and seen throughout the Reich home.

From a very young age it was obvious that Barry possessed extraordinary talents. In fact, Mr. Speaker, at the young age of five, Barry sang a solo during the High Holiday service of Slichot with such mastery that when he was finished the entire congregation congratulated him. This wonderful performance had the unintended consequence of Barry upstaging his celebrated father, who had to wait out the hosannas before he could continue the service which was supposed to begin immediately afterwards. Another indicator of his magnificent musical talents was shown when Barry, then only 8 years old, joined the Breed Street Synagogue Choir as its youngest member. He was aided by the fact that his father, the Cantor was in desperate need for a soprano vocalist and Barry was a wonderful soprano.

When the Reich family moved to Florida when Cantor Reich was offered an important position at Temple Emanuel of Miami Beach, Barry continued his musical education on the East coast where he attended the Frost Conservatory of Music. It was in Florida that Barry met Harry Volpe, a widely renowned guitarist, who Barry credits with being the single biggest influence on his musical direction.

By the time Barry was ready to attend high school his family, which had expanded to include his brother Brian, had returned to Los Angeles. After graduating from Lincoln High School, Barry Reich went on to study at the San Francisco Conservatory of Music and San Francisco State College, where he earned his Bachelor of Music Degree.

Mr. Speaker, it was while he was in college that Cantor Reich's future employer, Peninsula Temple Shalom's Rabbi Gerald Raiskin first heard Barry Reich. When the then future cantor was performing at an Israel Bonds rally. Rabbi Raiskin, who knew Barry's father, was so impressed with the eighteen year old Barry that he called Barry's father to request that Barry audition to be the cantor at Peninsula Temple Shalom. Since that fateful day, thirty-six years ago, Barry Reich has been the Cantor of Peninsula Temple Shalom and has become part of the fabric of the synagogue. By his own estimates he has prepared over 1500 youth for their Bar or Bat Mitzvah with his trademark passion and innovative approach to music and education.

Mr. Speaker, Cantor Barry Reich has poured his heart into to his cantorial work and has generously shared his talents with many, passing on his passion of music onto numerous persons. He is most deserving of this tribute and our praise, and I urge all of my colleagues to join me in honoring a great man, an excellent musician, and an extraordinary Cantor.

THE DANGER OF THE CHAVEZ REGIME TO HUMAN RIGHTS AND HEMISPHERIC PEACE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about the deterioration of democratic institutions in Venezuela under Hugo Chavez and the need for immediate international action.

Under Hugo Chavez, Venezuela is becoming a cancer in the Americas. As Chavez seeks closer ties with the tyrant Castro, and other totalitarian regimes, the rule of law in Venezuela is eroding, human rights abuses are on the rise, and ties with terrorists are continuing.

The community of nations can no longer remain impassive as freedom loving Venezuelans are trampled on by the Chavez regime. At this moment in time, the countries of the Western Hemisphere must take a stand for freedom, and support the immediate approval of the recall referendum on the tenure of Chavez.

Why is immediate international action needed? Under the OAS agreement of May 2003, the recall referendum must occur before August 19, 2004 if the Chavez regime is to be removed from office before January 2007. If the referendum is held after August 19, 2004, and Chavez is removed from office by the Venezuelan people, then his appointed Vice-President would serve the remainder of his term. The Chavez regime will then have been removed from office but allowed to retain power. This would be a tragedy for the Venezuelan people.

If the referendum is held before August 19, 2004, and Chavez is ousted by the Venezuelan people, then there will be a special election 30 days later to elect a new President. Under the OAS agreement of May 2003, after the recall is certified and approved, the recall referendum must be held within the next 97 days. If Chavez is to be held accountable to the democratic will of Venezuela, then the recall must be approved by the second week of May.

The community of democracies must not allow Venezuela to become the next totalitarian state in the Western Hemisphere. Though Venezuela has been moving steadily towards a dictatorship, we must not allow the slow pace of repression to shield us from the reality of a Chavez regime with tyrannical intent.

Today and everyday we must extend our solidarity to the freedom loving people in Venezuela. We must bring an international spotlight and coordinated pressure on the recall process and Chavez' delaying tactics. It is my belief that the longer the international community passively observes the erosion of rights in Venezuela, the more probable dictatorship becomes. We cannot practice the politics of appeasement in Venezuela. We must practice the politics of solidarity and put pressure on the regime to ratify the recall signatures before the regime runs out the clock and retains two more years to wrap the rope of dictatorship around the necks of all Venezuelans.

HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to honor the memory of the more than six million Jews who died in the Holocaust. Among those that were killed were women and men, adults and children, young and old. They were killed not for committing heinous crimes, but because of their religion. The Nazis seized their homes and murdered them in the gas chambers of Treblinka and Auschwitz-Birkenau. Those who were not killed were worked until their bodies could no longer withstand the torture. Today, we remember all that they accomplished and the potential that remains unfulfilled. We also remember those whose lives were forever changed as a result of the Holocaust.

If you read towards the end of Jewish prayer services, you will find the Mourner's Kaddish. Although the Mourner's Kaddish does not speak of death, it has been interpreted to talk about the greatness of God and the desire for peace: peace between nations, peace between individuals, and peace of mind.

Unfortunately, the world in which we live is not one of peace. Every day, many Jews around the world face the injustice of anti-Semitism. Spurred on by propaganda and regimes that seek no less than the destruction of the Jewish people, anti-Semitism is gaining support around the globe. As we continue with the war on terror, let us remember those who have died and those who continue to be persecuted just because of their religion.

On this day, Yom Hashoah, we remember the more than six million Jews who died in the Holocaust and in the tradition of the Mourner's Kaddish, work for peace among nations, among individuals, and for peace of mind.

TRIBUTE TO LT. COL. WAYNE POTTER, VOLUNTEER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a man who selflessly dedicated his life to aid those who need it most. Wayne Potter of Harlingen was a man who went to great lengths to improve the community.

He took the time to volunteer. Even when his health was failing, he still found the time and energy to keep up with what was so important to him: his mission of volunteering. His life was an example we should all aspire to emulate.

Mr. Potter aided those patients who are mentally ill. He also served as volunteer board member of the Family Crisis Center, the Public Library, the Retired Teachers Association and the Rio Grande Valley Museum.

As a public official he was Harlingen City Commissioner and served a term as Mayor Pro Tem. His presence and his energy in the community have been sorely missed since we lost him last year.

Wayne Potter was a philanthropist for his country, his fellow teachers, neighbors and friends. As a math and science teacher, Mr. Potter ensured children's concerns were not overlooked; he served as a mentor and counselor to them in their time of need. During War World II when his country was in need, he enlisted in the United States Air Force, attaining the rank of Lt. Colonel.

Mr. Potter's service and volunteer efforts are greatly missed in The Rio Grande State Center. Since the center opened its doors, Mr. Potter volunteered his time and served as an officer of the organization. By the time of his passing, he had given 20,000 hours of his personal time to others. Mr. Potter leaves a legacy we all admired; as the Good Book says: "It is better to give than to receive." That's how Wayne Potter lived his life.

Mr. Speaker, the volunteering community of South Texas will honor Mr. Potter's memory and lifetime of service by naming the 55-bed mental health unit at the Rio Grande State Center the "Wayne Potter Memorial Building." His volunteering efforts will now live on through his name on the Center, which was so important to him, and his spirit of generosity.

I ask my colleagues to join me today in commending the life and service of Mr. Wayne Potter, and in paying tribute to this great example of a man whose efforts and dedication made a difference in his community, with his students, and in the lives of those less fortunate than most of us.

HONORING JASON DEDWYLDER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, a dedicated member of my staff has moved on to another phase of his career here in Washington DC, but I would like to take a moment to honor his service to my office and to the people of my district in Mississippi.

It was the Summer of 1998 when Jason Dedwylder first joined my team as an intern. Showing hard work, the will to learn and initiative, he came back to my staff in the Fall of 2000 to serve first as a Legislative Correspondent and then my Legislative Assistant. He worked on many issues in my office, but I am especially proud of the work he did in education and health care.

He assisted schools and Head Start centers in my district secure greater funding. He helped shepherd teachers and principals through the No Child Left Behind reforms. When my constituents called and wrote with questions about our nation's education priorities and how our policies would impact Mississippi, Jason was always ready to discuss their concerns and answer their questions.

Jason worked many hours with me on the Energy and Commerce Committee as we crafted the landmark Medicare Act of 2003 that provided a prescription drug benefit to America's seniors. He was there as we introduced our provisions early in the process that addressed the needs of Mississippi's rural health providers to treat seniors who could otherwise not seek medical care. He was there while we built a self-injectible pilot program to reduce the costs to the Medicare system by expanding choice for seniors with afflictions like arthritis. He was even there that night when we finally passed the Medicare Act. I walked out of the Capitol that morning with Jason as the sun rose on a new day for American seniors.

Quitman—Jason's hometown in Clarke County, Mississippi—should be proud of him. He graduated from Quitman High School and then after earning a Bachelor of Science in Political Science at Mississippi State University, he came to Washington DC and made an impact not only on his family and friends back home, but on Americans across the nation. He learned the intricacies of policy and politics and added to his education a Masters in Public Policy from The George Washington University.

As Jason moves into the private sector, our office will miss his experience, knowledge, and skills, but I know he will continue to work for smart, positive policy that will benefit our nation.

Jason Dedwylder left a formative mark on the shape and operation of my office. We will not forget his good nature and considerate dedication to his work. I thank him for his service to this office and to Mississippi.

INTRODUCTION OF A BILL TO MAKE IMPROVEMENTS TO THE RESERVE G.I. BILL

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LOBIONDO. Mr. Speaker, as the largest mobilization of National Guard and Reserve troops since World War II continues, the high operations tempo is undoubtedly taking a toll on members and their families. Through March of 2004, 363,000 reservists have been mobilized in support of Operation Enduring Freedom and Operation Iraqi Freedom. This new operations tempo reality for the Reserve components has altered perceptions of what it means to serve as a Reservist or National Guardsman, while raising serious questions about how Reserve members are compensated in terms of benefits. If the nation is to rely on the Reserves to assume a similar role to our active duty troops in military operations, then it is essential that Reserve compensation and benefits adequately reflect that new role.

Congress has become increasingly sensitive to the needs of these servicemembers and their families and I am heartened that we have improved Reserve component benefits in several areas. Unfortunately, education benefit shortfalls for reservists have not drawn the attention they should, as one benefit that has been left behind is the Reserve Montgomery GI Bill.

When the modern Montgomery GI Bill was established in 1985, Guard and Reserve GI Bill benefits were set at 47 percent of active duty benefits. For every $100 that an active duty servicemember or veteran received in GI Bill benefits, a Reservist would get $47. This ratio continued until the late 1990s, when Congress improved the active duty Montgomery GI Bill through large increases. Our active duty servicemembers have more than earned this improved educational benefit, but no similar major increases have been made for the Reserve program.

As a result, Reserve MGIB benefits have slipped to 29 percent of active duty GI Bill benefits. This is simply unacceptable and with over 350,000 Guard and Reserve members having been mobilized in the last 2 years, and many thousands more scheduled for deployment to Afghanistan and Iraq, it is well past time to fix this problem. We must not leave our citizen-soldiers behind as they go into harm's way to fight the Global War on Terrorism. Helping them transition back to civilian life by improving their educational benefits will be one important way we can help.

Today, I am introducing legislation, along with Mr. MCINTYRE of North Carolina, which will increase the Reserve GI Bill to 50 percent of the Montgomery GI Bill over a 5-year period and then keep it linked to the Montgomery GI Bill at the 50 percent rate. This bill, the LoBiondo-McIntyre Reserve GI Bill Improvements Act of 2004, would also authorize Reservists who serve on active duty for 24 months during a 5-year period to qualify for benefits under the Montgomery GI Bill program, which is now open to only active duty personnel. This is a fiscally responsible way to make an achievable increase in educational benefits for the Reserve component.

The 253rd Transportation Company out of Cape May Court House, New Jersey, in my district has just returned from over a year in Iraq as part of Operation Iraqi Freedom. We are very proud of the 253rd and the great contributions they have made to the Global War on Terrorism. I dedicate this legislation to all the National Guardsmen and Reservists from the Second District of New Jersey and to the thousands of other Reserve component soldiers, sailors, airman, Marines, and Coast Guardsmen who secure our freedom through their dedicated service to our nation.

I strongly urge my colleagues to support this legislation.

FREEDOM FOR PEDRO ARGÜELLES MORÁN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Pedro Argüelles Morán, a prisoner of conscience in totalitarian Cuba.

Mr. Argüelles Morán is a member of the Cooperative of Independent Journalists and the Cuban Committee for Human Rights. He is an independent journalist who has contributed to CubaPress, Cuba Free Press and Nueva Prensa, all publications who seek to expose the nightmarish reality imposed by the totalitarian regime.

Because Mr. Argüelles Morán fought to expose the truth about the ruthless dictator's politics of fear and repression, he has been constantly harassed by Castro's thugs since 1997. According to Amnesty International, the harassment Mr. Argüelles Morán has endured includes threats, warnings, and detentions in the totalitarian gulag. On January 15, 1999 he was summoned to appear before a chief of the so-called Revolutionary National Police where Mr. Argüelles Morán was found to be a "danger" because he didn't work for a state enterprise. On January 27, 1999 he was locked up for two days to prevent him from covering the birthday celebrations of Jose Marti on January 28.

On March 20, 2003, as part of the totalitarian regime's ruthless crackdown on pro-democracy activists, Mr. Argüelles Morán was arrested and, after a sham trial, sentenced to 20 years in the totalitarian gulag. According to CubaNet, Mr. Argüelles Morán has been confined in a security cell with inmates held for common crimes who are mistreating him. He also reportedly has kidney problems. Let there be no doubt, Mr. Argüelles Morán has been "sentenced" to 20 years in Castro's violent, inhumane totalitarian gulag because he believes in, and wrote about, freedom, democracy, and human rights for the people of Cuba.

Mr. Speaker, Mr. Argüelles Morán is languishing in the deplorable, inhuman conditions of Castro's totalitarian gulag, simply because he wrote the truth about the tyrant's repressive regime. My Colleagues, we must demand the immediate release of Pedro Argüelles Morán and every prisoner of conscience in totalitarian Cuba.

REGARDING THE PROPOSED PLAN TO REUNIFY CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. MALONEY. Mr. Speaker, as co-chair of the Congressional Caucus on Hellenic Issues, I rise to express my deep concerns with the final Annan plan to reunify Cyprus which will be voted on by both the Greek Cypriots and the Turkish Cypriots on Saturday.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. It is truly one of my greatest pleasures as a Member of Congress to participate in the life of this community, and the wonderful Cypriot friends that I have come to know are one of its greatest rewards.

Along with these friends, I have been monitoring the negotiations to reunify Cyprus very closely during the past few months. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

Last month, 46 members of the Hellenic Caucus joined in a letter to Secretary of State Colin Powell and UN Secretary General Kofi Annan to express their hope that any agreement to reunify Cyprus would explicitly recognize, among other provisions, property rights, the demilitarization of Cyprus, the establishment of the legal obligations of the guarantor powers (Turkey, Greece and the United Kingdom), and the presence of United Nations troops throughout a transitional period.

I also led a delegation of members of the Hellenic Caucus to meet with Secretary General Kofi Annan to discuss the negotiations regarding the reunification of Cyprus before it enters the European Union on May 1st. We expressed our support for the Secretary General's leadership in bringing the parties to the bargaining table, but expressed concerns regarding some of the issues that remained open: property rights, governance, free movement between Greek and Turkish areas of the island, and the pace of demilitarization of the island.

We stressed the importance of having a central government that has the ability to make decisions, and we expressed concern about limitations on the ability of Cypriots to travel unimpeded to all areas of the island.

Unfortunately, the negotiators were unable to reach a consensus, and Secretary General Annan was forced to step in to fill in the remaining gaps in the settlement. This final plan will now be voted on in two separate referenda by both the Greek Cypriots and the Turkish Cypriots on Saturday, April 24.

The Greek Cypriots, who have worked continuously to end the forcible division of the island through a viable and lasting settlement, have several valid and important concerns with this final plan, which may lead them to reject it.

First, the Annan plan allows the indefinite presence of Turkish troops in Cyprus with a gradual decrease to 650 troops over a period of 14 years. The presence of these troops will prevent the full and genuine independence of Cyprus.

Next, while the plan allows the guarantor powers (Turkey, Greece, UK) to intervene unilaterally to preserve the "constitutional order" of the United Cyprus Republic and its constituent states, it neglects to clarify that the Treaty of Guarantee does not empower military intervention. This omission is troubling especially because Turkey believes that it still has the right to intervene militarily in Cyprus.

Previous UN Security Council resolutions called for the withdrawal of all settlers from Cyprus that were brought from Turkey after 1974, since the colonization of occupied territories is a crime under international law. The final plan provides that 45,000 of the settlers will automatically become citizens of the United Cyprus Republic. It also allows a large number of additional settlers to remain in Cyprus as permanent residents and after four years to apply for Cypriot citizenship. As a result, the vast majority of approximately 115,000 Turkish settlers, who are now illegally in Cyprus, could stay in Cyprus.

Under the Annan plan, for the first 19 years or until Turkey's accession to the EU, the number of Greek Cypriots who wish to permanently live in the Turkish Cypriot Constituent State (TCCS) will not be able to exceed 18 percent of its total population. After that time, their number will be permanently restricted to not more than 33.3 percent of the total population. Because the Greek Cypriots who will be permanently living in the TCCS will have its internal citizenship status, they will not have the right to participate in the elections for its 24 representatives in the federal Senate. Therefore, the plan establishes a system based on permanent ethnic division, while denying fundamental democratic rights to a segment of the population.

Finally, according to the Annan plan, the one third of the compensation to legal owners (Greek Cypriot refugees), who will be losing their properties, shall be guaranteed by the Federal State. Because the Federal State's sources will derive from Greek Cypriots by nine tenths and only by one tenth from Turkish Cypriots, the Greek Cypriots will be compensating their own loss of property. Therefore, instead of Turkey, they will be paying for the results of the Turkish invasion of 1974.

It is clear that divisions among people create harmful, destructive environments. I am disappointed that more progress was not made on these issues prior to the completion of the final plan. No matter what the Greek Cypriots decide on April 24, I will continue to support them in every way possible.

COMMENDING LOPEZ LOBOS, TEXAS CLASS 4A STATE SOCCER CHAMPIONS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to commend the Brownsville, Texas, Lopez High School Lobos for their victory last weekend at the Class 4A State soccer championship, winning the game 2–1 and finishing their season at 25–4–1.

No team is greater than the student body and parents who support them, and that was Lopez' not-so-secret weapon. Over two-thirds of the crowd was there to support the Lobos, and their chants of "Si se puede" (we can do it) inspired this victory.

Lopez High School brought home to Brownsville the first championship title in UIL soccer. To find Brownsville teams that won State titles, you have to go back to 1985 and 1967 (both were cross country championships).

Lopez won seven playoff games for the right to compete for the State championship. Awful weather even played a part in the tournament. The title match was originally scheduled for the week before, but heavy rain and lightning postponed the championship game to another site and another time.

As any athlete can tell you, the rhythm of your game is a large part of the overall effort, and being mentally prepared for a game on a certain date—then having to postpone the game—can play havoc on your rhythm. But not for these young athletes; for them it did not matter that their shot at the title was postponed for a week. They redoubled their efforts and practice . . . and played with purpose, endurance and confidence.

Lopez High School Principal Maggie Gutierrez summed up the lessons for the team to learn in this sweet victory. "This team has a spirit of never giving up no matter what," she said. "Lopez Lobos are born to succeed, and no one else will tell them any different." These athletes learned an important lesson in this championship: They are absolutely capable of doing great things; my prayer is that their imaginations will be their only limits in this world.

I offer my proud congratulations to each member of the team, to the coaches and their assistants, to the parents who must endure the practices and the injuries, and to the principal and teachers who set the example of combining education and athletics. Mostly, I want these young people to understand that they won far more than the respect that comes with a championship . . . they now know that dreams can come true.

Mr. Speaker, I ask my colleagues to join me in offering our best wishes to the Lopez High School Lobos for their hard-fought and well-deserved victory at the Texas Class 4A State soccer championship.

RECOGNITION OF LAWRENCE ROBERTS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, I would like to salute a student at Mississippi State University who has demonstrated athletic excellence this year and distinguished himself in the ranks of college basketball not only in my state, but across the country.

Mississippi State's SEC Player of the Year, Lawrence Roberts, is the first Bulldog player since Rickey Brown (1979–80) to average a double-double for an entire season. Roberts completed the 2003–04 campaign as the SEC's No. 7 scorer (16.9 points per game) and second-leading rebounder (10.1 rebounds per game). Roberts also finished the year ranked fifth in the league in field-goal percentage (51.9%). With an SEC-leading 16 double-doubles on the season, the 6-foot-9, 235-pound Roberts ranks fourth nationally among active NCAA Division I players with 38 career double-doubles. The former University of Baylor transfer and Houston, Texas native has averaged 16.3 points (1,400 career points) and 9.5 rebounds (821 career rebounds) per contest during his three-year, 86-game collegiate career.

This season, Roberts helped lead Associated Press SEC Coach of the Year Rick Stansbury's eighth-ranked Bulldogs to a 26–4 overall record and league-best 14–2 SEC mark en route to claiming the school's first outright SEC regular-season championship since 1962–63. This year's State squad also made school history by appearing in a fourth consecutive postseason tournament and earning a third straight NCAA Tournament berth.

Roberts' teamwork benefited the entire Bulldogs squad. But his skill on the court distinguished him individually, and he has been recognized for his achievements. The accolades continue to roll in.

In addition to being named the SEC Player of the Year, Roberts is the first Associated Press All-American First Team selection from a Mississippi Division I school since fellow Bulldog Bailey Howell in 1958–59. In addition to earning a slot on the gold standard of postseason teams, Roberts has also garnered first-team all-America recognition this season by both the National Association of Basketball Coaches (NABC) and United States Basketball Writers Association (USBWA).

He adds first-team national honors by the Sports Illustrated.com and College Insider.com Web sites as well as by the Adolph F. Rupp Award committee. Roberts has also collected second-team all-America accolades by the Basketball Times publication and ESPN.com.

Roberts has been named a top five finalist for the 28th Annual John R. Wooden Award along with Stanford's Josh Childress, Chris Duhon of Duke, Jameer Nelson of Saint Joseph's, and Connecticut's Emeka Okafor. Roberts becomes Mississippi State's first-ever Wooden Award All-American, which dates back to the 1976–77 hoops campaign.

Bulldog fans will wait till mid-June to see whether Roberts will return for his senior year or enter the NBA draft. This young man has time to make that decision and consider his opportunities, but fans in Mississippi will be watching him either way, either on the collegiate court or in the professional arena.

THE PASSING OF LARISA BOGORAZ

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. SMITH of New Jersey. Mr. Speaker, on April 6 of this year, one of the true giants of the Soviet and Russian human rights movements, Larisa Bogoraz, passed away.

Born in eastern Ukraine, Larisa Iosifnova Bogoraz was by profession a linguist. In 1950, she married the writer Yuli Daniel who, together with Andrei Sinyavsky, was subsequently arrested by Soviet authorities in 1965 for publishing their stories abroad. This trial, marking the first prosecution of Soviet writers for their literary activities since the time of Stalin, gained international attention and laid the groundwork for the Soviet human rights movement.

Daniel and Sinyavsky were convicted by a kangaroo court and sentenced to long terms in a Soviet labor camp in the Mordovia region. Traveling to visit her incarcerated husband, Larisa Bogoraz met relatives of other political prisoners. Soon she was deeply involved in drafting and distributing petitions calling upon the Soviet Government to observe the basic civil liberties enumerated in the 1936 Soviet constitution.

In early 1968, Larisa Bogoraz joined Pavel Litvinov to produce a petition addressed to the international community and protesting the trial of dissident Alexandr Ginzburg, who had compiled the well-known "White Book" on the trial of Daniel and Sinyavsky. In August of that year, when, as Ludmilla Alexeyeva wrote so eloquently, "the Politburo decided to 'strengthen peace' by invading a sovereign country," Larisa and six other brave souls met on Red Square and unfurled banners in defense of Czechoslovakia and condemnation of the crushing of "Prague Spring." For their noble efforts, they were arrested by the KGB, tried, and convicted of "slander" against the Soviet Union. Bogoraz was sentenced to 4 years of internal exile in the Irkutsk region of eastern Siberia, where she worked in a wood-processing factory. In a show of solidarity and respect for her, Larisa's dissident friends combined their resources and bought her a house to live in while she served her exile term. When she completed her sentence, she sold the house and gave the proceeds to a fund for political prisoners.

By 1976, she was back in Moscow actively involved in the compilation of the "samizdat" publication "Memory" dedicated to chronicling the repressions of the Stalin era.

Meanwhile, personal tragedy struck. Lansa's second husband, Moscow Helsinki Group member and political prisoner Anatoly Marchenko, died of a hunger strike in Chistopol Prison in December 1986. The Helsinki Commission, which I am proud to chair, had raised the Marchenko case on several occasions, and the late Warren Christopher, our head of delegation at the CSCE meeting in Vienna, led a moment of silence in memory of Mr. Marchenko. The Soviet and East German delegations walked out in protest, but a few weeks later Dr. Andrei Sakharov was released from his Gorky exile, and in February 1987 General Secretary Gorbachev initiated the wholesale release of Soviet political prisoners.

After the fall of the Soviet Union, Larisa Bogoraz continued her involvement in human rights activity, working with her colleagues from days past as well as a new generation of activists from Russia and the newly independent countries of the former Soviet Union.

Mr. Speaker, in its eulogy to this dissident heroine, the Ryazan Memorial Society writes, ". . . texts that were signed 'L. Bogoraz still remain,' and our children will learn from them."

So might we all.

TRIBUTE TO DR. JOHN S. BURD, PRESIDENT, BRENAU UNIVERSITY

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. DEAL of Georgia. Mr. Speaker, I rise today to address the House to honor a pioneer and friend within the higher education arena of Georgia. It is with immense pride and a great honor that I pay tribute to a man that has made similar contributions to our region, but in the higher education arena. Please join me recognizing a friend and a community servant, Dr. John S. Burd, as he retires as president of Brenau University in Gainesville, GA.

Since donning the mantle of president of what was then known as Brenau College in 1985, it could be argued that Dr. Burd has accomplished more in under twenty years than all previous presidents did in the first 107 years of this fine institution's history. Since he first assumed office, his vision of private liberal arts higher education, his dedication, hard work, personal sacrifice, and love of the arts have transformed the college into a nationally recognized university and enhanced the lives of thousands of children and adults of all ages. This multifaceted institution has flourished academically, by student enrollment, by improved facilities, and economically.

In one of his first acts as college president, Jack Burd created the State's very first weekend college in 1986, enabling thousands of returning adult students an opportunity to advance their education and their career potential at Brenau. Just about every college and university in Georgia now emulates this educational model. In 1993, under Dr. Burd's leadership, Brenau College became Brenau University to more accurately reflect the comprehensive nature of the institution. Now graduate programs serve educators and business leaders in management, accounting, and healthcare, continuing education programs engage retired adults, and traditional and nontraditional scheduling formats serve a local, regional, and worldwide student population. And to even further extend the university's 'outreach, Dr. Burd created the Online College in 2001. This unique institution now includes the Women's College, the Evening and Weekend College, the Online College and Brenau Academy.

Jack Burd's greatest accomplishment may be that he was able to preserve the 125-year-old heritage and legacy of Brenau's original mission, which is the Women's College. At one time there were two-hundred plus women's colleges across the United States. Today there are only sixty-eight. According to the Women's College Coalition, the decline is despite evidence that proves going to a women's college greatly increases the chances that a woman will become a leader, that she will become a scientist or elected official and that she will keep her sights high. Brenau women are leaders in their chosen professions and in their communities.

Under Jack Burd's leadership, the arts assumed center stage at Brenau. The Permanent Art Collection, now one of the fastest growing collections of any college in the United States, boasts more than 1,200 pieces with such names as Renoir and Lichtenstein. Nationally and internationally acclaimed artists exhibit regularly at Brenau with works seldom seen outside New York or Los Angeles. School children by the thousands come to view exhibits and experience hands-on workshops hosted by the art & design department. The performing arts have also flourished under Burd's direction. He negotiated one of the first ever collaborations in higher education between a public institution, Gainesville College, and a private institution, Brenau. The merger, called the Gainesville Theatre Alliance, has brought accolades and honors, regionally and nationally, to all involved.

During Jack Burd's tenure the campus, located in downtown Gainesville, Georgia, has enlarged to include a new library, a new business and communication arts building, performing arts center, fitness center, tennis center, several student houses and apartment buildings. There has been extensive renovation of buildings listed on the National Register of Historic Places—upgrading 19th century buildings for 21st century use. By preserving the university's heritage, Jack Burd brought stability to a neighborhood of Gainesville that is but two blocks from the center of town. Once a declining area with many structures in need of repair, Burd's endeavors and fundraising increased property values and the safety and security of the area, and revitalized what is now a vibrant, desirable area.

Spare time is hard to come by for a president of a busy college. But, Jack found time to lend his considerable talents for leadership and organizational planning to myriad community service groups such as Northeast Georgia Medical Center Advisory Board, First United Methodist Church, the Women's College Coalition, the Gainesville/Hall County Chamber of Commerce, Crawford W. Long Museum, Gainesville Symphony and the Georgia Association of Colleges.

In conclusion, to list all of the Brenau's accomplishments under Dr. Burd's leadership would be laborious and impossible. But a few notable ones that occurred over the past nineteen years include; increasing enrollment by more than 60 percent to 2,300 students; adding 7 graduate level degrees; renovating, constructing, and acquiring 19 campus buildings; obtaining national accreditation; and improving the university's financial situation dramatically from a meager endowment of $2.5 million in 1985 to more than $50 million today. There is no operational deficit and the university's economic contribution to the region is estimated to be $38 million.

How can one exaggerate the importance of what this man has given to northeast Georgia? He leads a private college that manages its finances wisely, contributes to the economic welfare of all, returns highly qualified people to the workforce, and augments our quality of life with cultural events that feed the soul.

Thank you, Dr. John S. Burd, for all you have given the citizens of northeast Georgia. Congratulations on your well-deserved retirement.

RECOGNITION OF ASPHALT GREEN AND THREE OF ITS OUTSTANDING LEADERS, STEWART B. CLIFFORD, AL ZESIGER, AND BARRIE ZESIGER, ON THE EVENING OF THE BIG SWIM BENEFIT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. MALONEY. Mr. Speaker, I rise to recognize the achievements of Asphalt Green and its honorees, Stewart B. Clifford, Al Zesiger and Barrie Zesiger, on the evening of the Big Swim Benefit and Asphalt Green's 30th anniversary celebration. Asphalt Green is a wonderful nonprofit organization that offers a wide array of health and fitness facilities to New York City residents. Our community is truly fortunate to have such an enjoyable and necessary resource.

The Asphalt Green facility began in 1974 as one of the last city-owned open spaces on the Upper East Side of Manhattan. By 1976, the Asphalt Green campus included a one-and-a-half acre park, gardens and a wading pool, all of which were available for public use free of charge. Later that year, Stewart B. Clifford assisted the organization's successful efforts to persuade the City to designate the asphalt plant adjacent to the organization's park (Asphalt Green's namesake) as a New York City landmark and to convert the plant into a multi-use community center. In 1984, the former plant was renamed the George and Annette Murphy Center, in honor of the organization's founder, Dr. George Murphy.

The next phase in Asphalt Green's development began when Dr. Murphy enlisted the help of two of this evening's honorees, Al and Barrie Zesiger, to add an Olympic-sized swimming pool to Asphalt Green's already extensive facilities. The pool, along with a full-service sports and fitness complex, opened in 1993. These facilities have been of tremendous benefit to New Yorkers—and not just on hot summer days. Indeed, water exercise classes at the pool are available year-round, and are particularly well-suited to the fitness needs of the elderly, who are susceptible to the joint and muscle stresses associated with dry-land exercise. In all, more than 42,000 New Yorkers use Asphalt Green's facilities each year.

This evening, Asphalt Green will hold its annual Big Swim benefit, which will raise funds for the organization's Waterproofing program, a joint venture with the New York City Public School District to teach underprivileged children how to swim. Swimming ability is strongly linked with both socio-economic status and race: only 14 percent of those with annual incomes under $10,000 know how to swim, and the rate of drowning among African-Americans is significantly higher than that of other ethnic groups. The Waterproofing program is notable not only because it encourages a lifetime of fitness, but also because it helps to save lives.

The foregoing would not have been possible without Al and Barrie Zesiger's dedication to public service and financial support, and the leadership of Stewart B. Clifford, a member of Asphalt Green's Board for more than twenty years. All three of these great citizens of New York will be honored at this evening's benefit.

Mr. Speaker, I request that my colleagues join me in paying tribute to this fine organization and its honorees, Al and Barrie Zesiger and Stewart B. Clifford.

TRIBUTE TO FREDDY FENDER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an American patriot, cultural icon, and leader in our South Texas community: Freddy Fender, an accomplished artist whose appeal is ageless. Freddy proved his everlasting influence in 2002 when he won the Grammy for Best Latin Pop Album and again this year, as the Texas Folklife Resources celebrated 50 years of Freddy's music with a concert as part of its Folk Masters series on Saturday, April 10, 2004, at the Paramount Theatre in Austin, Texas.

A San Benito, Texas, native and legendary performer, Freddy was born Baldemar Huerta. He began his career as teenager recording popular English language songs in Spanish that found an audience in Mexico and Latin America in the 1950s. In the 1960's his career took off in the United States with the hit, "Wasted Days and Wasted Nights."

Those wild, early days eventually put him on more disciplined path. He went back to school and worked as a mechanic, but he continued singing.

His number one hit, "Before the Next Teardrop Falls," was his re-entry into popular culture. That album went multi-platinum, and Fender won best male artist of 1976. In the latter part of the century, he spread his wings, expanded upon his talent and worked with Robert Redford in the movie The Milagro Beanfield War and other non-traditional projects.

He found his stride, working in different parts of the entertainment industry. But he never strayed far from the bounds of music, working with The Texas Tornados.

Freddy and his family have been tested in the fires of a near-death experience. After a protracted illness, Freddy received a kidney from his daughter, cheating death, and still singing and writing his songs.

Freddy's Grammy Award-winning album in 2002 captured the yearning for a simple, romantic return to youth. The cover has a 4-year-old Baldemar Huerta dressed as a cowboy astride a painted pony. "La Musica de Baldemar Huerta" is 10 boleros with little accompaniment. Boleros are poignant ballads generally featuring sophisticated guitar picking and sensual rhythms.

The biggest thing for which Freddy is known in South Texas is his generosity of spirit in establishing a scholarship fund for average students. An average student himself, and an avowed troublemaker in his youth, he has a unique understanding of the challenges before a young person who has either made a mistake, made only average grades, or both.

I ask the House of Representatives to join me—and the Texas Folklife Resources—in honoring Freddy Fender a great American treasure, a South Texan, a friend, and lifelong cultural icon in North American music.

HONORING MISSISSIPPI STATE'S BASKETBALL TEAM

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, it has been four decades since Mississippi State University stood atop the Southeastern Conference as the undisputed solitary men's basketball champion. The Bulldogs, under the leadership of Coach Rick Stansbury—the Associated Press SEC Coach of the Year—did so this year with a 25–2 regular season record and a 14–2 record in the SEC that propelled them into the top five ranking in the national AP poll.

It was the 1962–1963 season when MSU won a previous solitary SEC championship. Six head coaches and 41 years later, the Bulldogs did it again in a nail-biting come-from-behind victory over the Alabama Crimson Tide. The Bulldogs were down in the second half by 18 points against the University of Alabama, one of two teams to defeat MSU during the regular season. During the last second, under intense defensive pressure, senior All-SEC guard Timmy Bowers made a 14-foot jump shot to tie the game, sending it into overtime. Then again, in the final second of overtime, Bowers made another jumper to earn a Bulldog victory of 82–81.

MSU has had champion basketball teams in the past, some shared, all notable.

Season, Record, SEC, Notable:

1958–59, 24–1, 13–1, opened SEC play with only loss to Auburn.

1960–61, 19–8, 11–3, lost three games only by a combined 12 points.

1961–62, 24–1, 13–1, shared title with Kentucky, only loss to Vanderbilt.

1962–63, 22–5, 12–2, lost to Loyola (Chicago) in NCAA Mideast regional.

1990–91, 20–9, 13–5, shared title with LSU; lost to Eastern Michigan in NCAA East regional.

2003–04, 25–2, 14–2, became fourth SEC team to win all eight road league games; lost to Xavier in NCAA second round.

The future looks bold for the Maroon and White. Seniors Timmy Bowers and versatile Branden Vincent will be missed, and though the NBA is courting junior center Lawrence Roberts (the reigning SEC Player of the Year), MSU will field a solid team in 2005. Juniors Shane Power and Winsome Frazier, senior Marcus Campbell, and sophomore Gary Ervin all look to be explosive scorers next year on the court and across the conference. Added to these quality players are sophomore center Wesley Morgan and freshman guard Dietric Slater plus Ontario Harper, a medical red shirt, as well as three top signees: Charles Rhodes from Lanier High School in Jackson, Mississippi; Jerrell Houston from Memphis, Tennessee; and Jamall Edmondson from Meridian Community College.

This year, Mississippi State earned the second seed position in the NCAA Basketball Tournament Atlanta Regional. While they were eliminated by Xavier during the second round of play, the Bulldogs have played a terrific season. An SEC title, a final record of 26–4 and 14–2 in the SEC, undefeated during regular season on the road; these have stirred a fire among MSU fans that will continue to burn into next year.

The pride of the Bulldogs extends not just from Starkville, home of Mississippi State University, but across the state. I hope Congress will join me in congratulating this team and Coach Stansbury—wishing them all the best fortune in the future both personally, and as representatives of MSU.

PERSONAL EXPLANATION

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. HARRIS. Mr. Speaker, on March 31, 2004 during rollcall vote No. 104 on H. Res. 581, I was unavailable for the vote. Had I been present, I would have voted "yes."

U.S.-CHINA MARITIME RELATIONS AND THE EMERGENCY OF COSCO

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. OBERSTAR. Mr. Speaker, I would like to commend the Federal Maritime Commission for its actions on March 31 in granting the petitions of three Chinese maritime carriers to provide relief from the 30-day waiting requirement for reduction of tariff rates of the Controlled Carrier Act. These carriers will now be able to make rate changes within 24 hours, which is the current market standard for all shippers.

These recent FMC actions, along with the formal signing of the U.S.-China Maritime Agreement in February, signal that the commitment made by both nations to develop closer maritime and commercial relations and to open markets is closer to becoming a reality. The increased economic cooperation between the United States and China is becoming more tangible, as evidenced by the fact that a business in my district made its first ever shipment to China this year.

Mr. Speaker, one of the Chinese carriers whose petition was recently granted by the FMC is the China Ocean Shipping Company (COSCO), which played an important role in supporting the U.S.-China Maritime Agreement. COSCO will soon celebrate the 25th anniversary of the maiden voyage of its first ship in the United States in 1979, an event which marked the re-establishment of U.S.-China trade relations for the first time in 30 years. COSCO was a leader at that time and continues to lead today.

COSCO has transformed itself to become a leading global shipper that operates under market rules. Recently, COSCO's CEO, Captain Wei Jaifu, gave the keynote address at the Trans-Pacific Maritime Conference in Long Beach, California. Captain Wei and COSCO where profiled in a cover story by the Journal of Commerce that explained COSCO's goals to expand services and eventually to be publicly listed on the New York Stock Exchange. Mr. Speaker, in order to share more information with my colleagues about COSCO's role in supporting trade with the U.S. and globally, I would like to submit the March 22 Journal of Commerce cover story for the RECORD.

[From the Journal of Commerce, Mar. 22, 2004]

COSCO SETS ITS COURSE

(By Peter T. Leach)

Capt. Wei Jiafu is a man who knows where he's going. He should; he's a former deck officer who now is president and chief executive of China Ocean Shipping (Group), China's largest ocean carrier. Wei is what Gilbert and Sullivan might call the model of a modern capitalist, were it not for the fact that COSCO is owned by the avowedly communist state.

As chief executive since 1998, Wei is steering a capitalist course for COSCO that is designed to accomplish three long-term goals, which he discussed in an interview before The Journal of Commerce's 4th annual Trans-Pacific Maritime Conference this month in Long Beach, Calif. Wei said he aims to make COSCO one of the top five shipping companies in the world by doubling the size of its container fleet in the next four years; to expand COSCO's logistics business to provide more revenue balance; and to list the company's stock on the New York Stock Exchange.

Wei added a fourth goal last week that is raising questions in the industry. In his keynote address to the conference, he called for the establishment of "a long-term stable development mechanism" based on fair regulation, cooperation among carriers, and cooperation among carriers, shippers, terminal operators and service providers.

The fact that his remarks attracted questions from shippers and carriers such as, "What did he mean?" indicates the prominence that COSCO has attained in the six years since Wei took over. COSCO's reputation has evolved from that of a rate-cutter trying to elbow its way into the trans-Pacific and Europe-Asia trades into a first-tier carrier whose rates have reached parity with its CYKH alliance partners, "K" Line, Yang Ming and Hanjin.

By contrast, China Shipping Group, COSCO's arch-competitor and one of China's other state-owned shipping companies, is now widely regarded in the industry as a company that is more prone to cut rates. Wei said COSCO currently ranks as the world's seventh, "or sometimes the sixth," largest container carrier, and that China Shipping ranks 10th. Wei predicted COSCO will be among the five largest lines by 2010.

Though China Shipping is growing faster than COSCO because its container business is emerging from a smaller base, COSCO is "expanding faster in all segments of shipping," including tankers, dry bulk carriers and specialized project cargo vessels, Wei said. He said he was especially proud of two new semi-submersible project cargo vessels delivered last year that were designed to carry and anchor offshore oil rigs, using new technology to pinpoint locations.

Wei said COSCO and China Shipping compete, but that he does not regard the competition as a "threat alone" to COSCO's business. "We have been trying to establish a new kind of cooperative relationship between carriers." COSCO and China Shipping began discussing some kind of "cooperative relationship" in 2000, but the relationship has not been defined.

Both companies are "100 percent state-owned, so it is very natural that we have the same language," Wei said. "COSCO is always making great efforts to upgrade and strengthen the good relationships between the two companies. We are not part of each other, maybe one day through the stock market." He defined this cooperation as vessel-sharing alliances and slot-sharing agreements, the kind of cooperation COSCO is conducting with its CYKH partners. "Cooperation can benefit COSCO and China Shipping," he said. "Each company has got its own operational competitiveness, but neither of us can cover every corner of the market, so there is the opportunity to cooperate."

Wei's polite words about his competitor mask the fierce rivalry that has developed between the companies and between Wei and China Shipping President Li Keilin, whom many in the in-dustry believe has the access to the ears of China's leaders. China Shipping has been expanding its fleet rapidly and is atop the list of new ships on order. It will deploy 8,500-TEU container ships in the transPacific this summer.

Yet COSCO is not standing still. It added seven new ships, with total capacity of 20,000 TEUs, in 2003. It has ordered another eight vessels with a total capacity of 54,000 TEUs. Five of these, totaling 37,500 TEUs, will be delivered this year. Another eight vessels with capacity of 68,000 TEUs have been chartered. This will bring COSCO's total container capacity to 300,000 TEUs by year-end.

Wei said COSCO's fleet capacity will expand to 320,000 TEUs next year, to 420,000 TEUs by 2007 and to 600,000 TEUs by 2010, the year in which he predicts it will join the ranks of the world's top five container lines.

China Shipping plans to stay hot on COSCO's heels. Its China Shipping Container Lines subsidiary plans to expand its fleet to a total capacity of 500,000 to 600,000 TEUs by 2010. China Shipping's Li has been quoted in the Shanghai press as hoping its container fleet will attain a capacity topping 350,000 TEUs by the end of 2005.

Container shipping is only part of COSCO's business. Logistics is another part that is "growing very rapidly," Wei said. Revenue from COSCO Logistics, established as a separate unit three years ago, increased by what he called a "surprising" 50 percent in 2003. "We are going to expand our logistics business (to) take advantage of the booming Chinese economy and further strengthen our competitiveness," Wei said.

COSCO faces competition in its logistics business from another state-owned company, Sinotrans, which also competes with its container business. The container competition now appears to be easing, because "Sinotrans has gradually transformed itself into an international logistics provider rather than a global liner operator," Wei said. Sinotrans ended its service in the Asia-Europe trade lane in 2002 to concentrate on the trans-Pacific and intra-Asia trades, "so based on the transformation of the business strategy, its liner business in major east-west trade lanes will not be further expanded in the future."

How does COSCO plan to finance all of this additional container capacity and logistics growth? "I believe getting listed on the stock market is certainly a good choice," Wei said. COSCO has listed seven of its subsidiaries in both domestic and overseas stock markets, he said. Two of them are what he called "blue chip" stocks. COSCO Pacific became a component of the Hang Seng Index in Hong Kong last year, and COSCO Singapore became part of the Straits Times Index in Singapore this month. Both are the equivalent of the Dow Jones Industrial Index on the New York Stock Exchange.

The Big Board is also on Wei's radar screen. "We will list in the U.S. stock markets soon. We want to list our core business on the New York Stock Exchange," he said. "COSCO has a very good reputation, so its listing in New York will be very attractive."

China Shipping is planning to take a leaf from COSCO's book by listing the stock of China Shipping Container Lines in an initial public offering on the Hong Kong Stock Exchange as early as May. The IPO is supposed to raise up to $2 billion, though Hong Kong analysts have expressed skepticism that it would reach that amount. The $2 billion estimate appears high for a company that posted losses from its establishment in 1997 until it finally earned a profit last year.

This rapid expansion by Chinese shipping companies comes amid the boom in China's containerized trade. "China's rapid growth in economy and trade has become the main engine to drive the international shipping market," Wei said. China's containerized trade increased by 11 million TEUs to a total of 48 million in 2003, pushing China into first place globally, ahead of the U.S. with 40 million TEUs last year. COSCO forecasts that China's containerized trade will grow by another 5 million TEUs this year.

Wei is someone who has set and attained goals throughout his career. Born in 1949—the year the People's Republic of China was formed—into a peasant farming family in Jiansou Province, he served at sea from the late 1960s through the early 1980s. He was then named to a senior post at a COSCO subsidiary, Guangzhou Ocean Shipping Co., where he witnessed the initial steps taken by China's then-supreme leader Deng Xiaoping to open the region adjacent to Hong Kong to economic development. He earned a master's degree in shipping management.

As he rose through the ranks at COSCO, he managed a joint Chinese-Tanzanian government shipping company and subsequently ran COSCO's Tianjin-based bulk shipping division. As chief executive, he is confronting perhaps his biggest challenge: transforming COSCO from a traditional shipping concern into a logistics services provider, a central element of the company's long-term strategic plan. Container shipping, which accounts for more than half of the group's revenue, is affected by the unpredictable and wild gyrations of global freight rates, a reality that has forced COSCO and other companies to diversify into sectors more likely to yield stable and higher margin earrings.

Wei has a window of opportunity to accomplish this goal. He said he expects cargo demand will stay ahead of the increase in the supply of new ships. "Looking ahead, the ship order book remains at a moderate level, so the market over the next 12 months will be demand-driven," he said. "In the container shipping market, supply will rise by 7 percent this year, and demand will increase by 8 percent, which means freight rates will continue to rise." He said demand will stay ahead of supply for the "next two or three years."

But Wei is concerned that the long list of shipbuilding orders will catch up with demand after that and affect the shipping market. "Therefore, I am obliged to ask everybody in this industry to work together and slow down this unreasonable fleet expansion and keep the market stable."

That's what has the industry reading the tea leaves to try to figure out what he meant with his Long Beach speech's references to cooperation. "I think what he meant is that carriers and shippers have to get together to agree to even out supply," said Howard Finkel, senior vice president of trade at COSCO North America Inc. "We have antitrust immunity; we need to use it better." He said one forum for this discussion might be the Transpacific Stabilization Agreement, where carriers and shippers can discuss rates and set voluntary rate guidelines. COSCO plans to accomplish this fourth goal of Wei's, Finkel said, because it is "determined not to be the wild man out."

FORT WORTH IS ONE OF AMERICA'S MOST LIVABLE CITIES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the city of Fort Worth on being named one of nine "America's Most Livable Cities" by the Partners for Livable Communities." In order to be recognized, Fort Worth was compared with other cities throughout our Nation and judged on creativity and the ability to prepare for the new economy.

America's Most Livable Communities is a project of Partners for Livable Communities, a national non-profit organization working to restore and renew America's communities. Founded in 1977, Partners was the first national group to raise the banner of livability as both a consumer goal and a standard of excellence for municipal performance. This new project recognizes the necessity for communities to increase the standards for quality of life in order to attract better businesses and promote economic growth.

As one of the nine cities recognized in the large cities category, Fort Worth is recognized as a place where the economy is strong, the community is handling challenges and it is able to respond quickly to difficult situations. Fort Worth has shown to have long term strategies that are driven by quality of life standards. As a city it ensures that the climate, setting, intelligence of the labor force, downtown amenities, partnerships, and leadership agendas are above the standards necessary to survive.

Fort Worth has been able to maintain the Nation's third largest cultural district to supplement the incorporation of modernization and community outreach. Partners are impressed with efforts to transform many of Fort Worth's older, central city commercial districts into vibrant urban communities. The City Council has worked with private developers, business groups and neighborhood associations to create 13 urban communities, all with unique qualities specific to the areas they serve. These urban communities help promote the inner city as an appealing alternative to the basic and usually overcrowded parks and subdivisions common to suburbs. Inner-city villages also serve as methods for public and private ventures to support and renew economic activity to downtown Forth Worth. Buildings are able to be connected with neighborhoods effectively without depriving citizens of the quality of life they were seeking in the suburbs.

In 2001, Fort Worth established the goal of being the most livable city in Texas. As the only Texas city recognized by Partners at the America's Most Livable Awards Program on April 20th, 2004, that goal has been achieved. I commend the city on setting its goals and standards high. It is my hope that we can continue to keep the bar high and continue to strive for excellence.

RECOGNITION OF THE CITY OF LONG BRANCH'S CENTENNIAL CELEBRATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PALLONE. Mr. Speaker, it is with great honor that I have the opportunity to recognize the city of Long Branch in honor of their centennial celebration of incorporation. In 1903, Long Branch was formally incorporated as a city, but its rich history predates this initial incorporation, and dates as far back as 1498, when Long Branch was first explored by John Cabot.

The land, which makes up current day Long Branch, was claimed by Henry Hudson in 1664, and then purchased from the Native American Leni Lenape tribe in 1668 by European settlers seeking religious freedom. The newcomers named the settlement "Long Branch" after the long branch of the Shrewsbury River that is located at the northern end of the city.

Much like their Native American neighbors, the first settlers created a self-sustaining community that relied on hunting, gathering, and fishing to survive. Those hardy people (as well as the town they resided in) existed in relative isolation until the 19th century, which is when Long Branch entered its "Golden Age." During that period, commerce in the American northeast grew, and the Long Branch area began to expand rapidly. Due to the town's proximity to the coast, and the natural beauty of the region, leaders in finance, theatre, politics, and the military flocked to Long Branch by the hundreds to enjoy the area's treasures. Individuals from New York, Philadelphia, and Washington D.C. made Long Branch the premier vacation destination. At the height of its Golden Age, Long Branch became the most glamorous summer resort location of the Northeast. Among the notable visitors were General Winfield Scott, actor "Buffalo" Bill Cody, and writers such as Bret Harte and Robert Louis Stevenson.

Most importantly, Long Branch became the nation's summer capital. Several United States Presidents summered in Long Branch. Among them were Chester A. Arthur, Rutherford B. Hayes, Benjamin Harrison, William McKinley, Woodrow Wilson and Ulysses S. Grant, who visited the area every summer during his Presidency and many summers thereafter. President James A. Garfield, after he was mortally wounded by an assassin's bullet, left Washington D.C. for Long Branch to recuperate from his wounds. Unfortunately he died shortly thereafter, in the Elberon section of the city.

Long Branch began experiencing major changes in the early 1920's, after gambling was outlawed and other cities began competing for tourism. It became a city of permanent residents with a business and manufacturing center. Long Branch continues to be a city of changes. The beachfront that had lured (and still lures) many tourists is being redeveloped. More small businesses are coming into town and expanding operations. Many of the homes of the Golden Age of Long Branch are being restored as a tribute to the beauty and history of the region. The city is more conscious of its historic sites, but also of the various ethnic groups, religious and cultural organizations that have created the melting pot that is today's Long Branch.

Mr. Speaker, I would like to ask my fellow colleagues to acknowledge the City of Long Branch for its one-hundredth anniversary of incorporation, and join me in wishing the city many more years of rich history and prosperity.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, on Tuesday, April 20 I was in my District in New Jersey attending services associated with the funeral of Lieutenant John Wroblewski (United States Marines) of Jefferson Township.

As a result, I was not in attendance in the House for several recorded votes.

On rollcall No. 118, designating the Richard Wilson Post Office, I would have voted "aye."

On rollcall No. 119, designating the John J. Pershing Post Office, I would have voted "aye."

On rollcall No. 120, designating the Dosan Ahn Chang Ho Post Office, I would have voted "aye."

HONORING THREE GENERATIONS OF MITCHELL BRONZE MEDALS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PICKERING. Mr. Speaker, the United States Army reserves the Bronze Star for soldiers who distinguish themselves through heroic or meritorious achievement or service. The Army has awarded this, its fourth highest honor for military personnel, to three generations of the Mitchell Family. I rise today to honor their service to this nation.

First Sergeant David Mitchell and his son Sergeant Brian Mitchell recently returned from active duty in Iraq. For their achievements and dedication to our nation's military, they have both been awarded the Bronze Star. They are the second and third generations of this family respectively to earn this medal, following in the steps of David's father R.L. Mitchell. David is a native of Calhoun City and Brian lives in Forest, in the heart of my district.

The Mitchells are part of the thirty-two members of the Mississippi National Guard recently decorated with the Bronze Star for their service in Operation Iraqi Freedom; all but one from the 223rd Combat Engineer Battalion based in West Point, Mississippi. The other, Raymond resident Lt. Col. Ellis Riser is of the 168th Engineer Group in Vicksburg.

While in Iraq under the constant threat of attack from Iraqi militants and foreign terrorists, the Mitchells conducted engineering projects, secured the operations of our military's computer operations and even helped Iraqi schools.

David Mitchell received the award on his birthday and said, "As a father, it makes me real proud to serve my country and have my son by my side." In addition to Brian, another of David's sons also serves in the Army. I am proud, as a Congressman, that we have patriotic and dedicated men in Mississippi serving our nation and that they instill these characteristics as part of a family tradition.

Brian Mitchell told his hometown newspaper, the Scott County Times, "I joined in part because of the G.I. Bill and the education benefits but there was also a family tradition. I also wanted to serve my country." Brian said family is important to him and his unit became a second family to him. His family back at home, his wife Stacy and his children Dusty, Katie, and Alex all missed him, and their grandfather David. Just as they are, I'm glad Brian and David are home after fulfilling their missions.

These men, and many men with them, are heroes and I'm proud not only they are recognized for their achievements as American military men, but also that they have shown the tradition of Mississippi values to their fellow servicemen, and across the world to the people of Iraq. Honor is earned; not given. Mr. Speaker, the Mitchells have earned this honor.

TRIBUTE TO JOHN CONRAD KAPTUR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. KAPTUR. Mr. Speaker, it is a great privilege today to offer respectful words for history to pay tribute to John Conrad Kaptur on behalf of the entire Kaptur family—his wife Rita; children Stephen, Christopher, Renee, James/Christine, Kenneth, Regina/Jeff; sisters Virginia, Lillian, Christine; and the grandchildren Nicole, Michael, Cassandra, Ashley, Brittany, Jacob, and Lucas. Let us honor his beautiful life. Surely, he is loved.

His children observe: "Dad has a smile that would immediately tell all that he was happy to be in company with you. He enjoyed a good joke and always enjoyed a brewed cup of tea. 'Refreshing,' he would say. John was a gentleman, also a strong man, a man who exemplified the motto by which he lived: 'always faithful.' Our own father, his uncle, said of John, 'He knew how to be a man.'"

Born in 1925, John was a devoted son of Szepan and Mary. He was his parents' first and only born son and the eldest of 16 children, an American of Polish heritage. He grew up attending St. Stanislaus Church and Libbey High School in tough economic times. He knew struggle. He worked hard. He possessed the drive, inventiveness and skill for which Kaptur men are known. His kindness was rooted deeply in his early years when people survived by holding onto one another.

He valued family—to celebrate life and to weather the rough times. At 79, he was the patriarch of the Kaptur family.

John was a tot when Wall Street crashed in 1929 ushering in the Great Depression of the 1930s. No jobs were to be had. For people today, it is hard to describe how hard life was back then—before America had a minimum wage, before there was enough to eat for so many families, before there was Social Security and Medicare. That was the world into which John was born. He never forgot. But he always kept moving forward. He was so talented. He possessed the Kaptur man's physique—sturdy, square jawed, full of wanderlust, but steady, with a heart of gold so big his body could hardly contain it.

At 17, following in his father's footsteps, he enlisted in the U.S. Marine Corps—the elite, special branch of the U.S. Armed Forces especially trained for amphibious assault. He served in the Pacific Theater during World War II—first training at Camp Le Jeune in New River, North Carolina. In September, 1942, he departed on a troopship out of San Diego as a member of the 3rd Marine Division for the Bouganville invasion of American Samoa. He contracted a mosquito borne illness in late 1943 after the Guadalcanal invasion. A natural leader, he rose in rank in the Corps and later in the Reserves from Private First Class, to Lance Corporal, to Corporal, to Sergeant, and Staff Sergeant. He served honorably 12 years in the Corps and Reserves. He was a patriot.

When I look at his beautiful family, I repeat the Marine Corps saying: "The marines have landed, and the situation is well in hand." John maintained a keen interest in world events and helped shape them. In his mid 30s, John married Rita Mominee. What a match this has been! Smiles, a house full of activity, travel, joy. Together, they raised a magnificent family: 4 boys—Stephen, Christopher, James, Kenneth—and finally a girl—Regina. What a blessing he was able to watch them grow up and flower into adulthood.

He enjoyed every minute. During his long life, he also experienced the Great Depression, World War II, the Korean War, Sputnik and the landing of the first man on the moon, the collapse of the Soviet Union, where his own father had served in Marine Corps in Vladivostok, and he ushered in the 21st century. All the while, John kept steady with his family and garden blooming, a man of quiet strength, a gentleman, good, and kind. To ease the sorrow, we should think about what each of us can do in his name, as a living prayer. For he will come to us now in a new way, not on our time but on his time. His children, through Regina, say about him:

"Dad was proud to be Catholic and to have served in the United States Marine Corps. His talents were many." After working nearly four decades in industrial production planning at Dura Corp. and later, retiring from Chrysler-Jeep as a planner in the engineering division, he quickly went out to do plumbing. "The love of people and good conversation made me want to do it," he said. He always worked a hard day supporting his large family.

He most loved his family. He celebrated his 45th wedding anniversary not long ago with his wife, Rita, along with his family. What a strong and devoted spouse Rita has been. Jim and Christine shared their home for that event, just as they did for the wake after his Christian burial. Dad was very proud of Jim's accomplishments as a Paramedic/Toledo Firefighter and the perseverance he has to move up. He found great comfort in his knowledge. He would always take a nap in the afternoon so he could stay up to welcome Ken home from a hard day's work, and talk about the Lottery. When the day came to around 3 o'clock he would look for Chris to come by and have some good conversation. For Steve, he was very thankful for the skills it took to fix his car or use his trailer. As he was fathering all these boys, he became so very proud of their hard work and perseverance on a job. Regina knows her dad is proud of her accomplishments and the love, care, and comfort she had for him in his time of need. "Dad taught me respect, compassion, diplomacy, perseverance, and the ability to know people and to have the psychology of life. Most of all, he taught me to love a human being, no matter if they were challenged or not."

Then there are the grandchildren: He loved each and every one of them—Nicole, Michael, Cassandra, Ashley, Brittany, Jacob, Lucas. Whether John wanted to play hockey in the driveway, or bump the tree with the tire swing, or pick up sticks in the yard, or take a walk to the grapes, or even around the block. He may have just wanted a conversation with you, he loved you all. And I might add, our last conversation, just a few days ago, was about getting together with the grandchildren for dinner when he was feeling better.

And the grandchildren couldn't have come without the loving daughters-in-law and son-in-law he gained: Renee, Christine and Jeff.

Regina writes: "I was very glad to have spent the time with Dad these past few months and through all his surgeries. I would not have wanted it any other way. So much value was built in the quality time we had. He recalled everyone in the present and in the past. Never was a cross word said. His words were always very kind. Dad had the best doctors and they always took our phone calls without hesitation and went beyond to meet our needs. Dad was always open to their suggestions that would help him. He had told the doctors: 'Let's do it—I am a patient man.' With tears in my eyes, I watched as God wrapped his arms around Dad and said to him, 'My precious child, come with me. You surely were a treasure on this earth, but now I need you in Heaven.' So God reached out and showed him the bright light, and said, 'I will reunite you all again some day.' With tears in all of our eyes we will meet him again in heaven where he will greet each one of us with a smile and say, 'It's great to see you.' 'Thank you for coming' 'Can I get you a cup of tea, or perhaps a Coop e'Kava and cookie?'"

POEM

Because you went first and I remain,
To walk the road alone.
I live in memories garden, Dear,
With happy days we've known.
In Spring I wait for roses red,
When faded, the lilacs blue.
In early Fall when brown leaves fall
I'll catch a glimpse of you.

Because you went first and I remain,
For battles to be fought.
Each thing you touched along the way
Is now a hallowed spot.
I hear your voice, I see your smile,
Tho blindly I now grope.
The memory of your helping hand
Now buoys me on with hope.

Because you went first and I remain,
One thing I'll have to do:
Walk slowly down that long long path,
For soon I'll follow you,
I want to know each step you took,
So I may take the same,
For some day down that lonely road,
You'll hear me call your name.

CONGRATULATING THE CUB SCOUTS, BOY SCOUTS, AND GIRL SCOUTS OF DODGE ELEMENTARY SCHOOL IN EAST AMHERST, NY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize the Cub Scouts, Boy Scouts, and Girl Scouts from Dodge Elementary School in East Amherst, New York, for having been chosen to receive the President's Environmental Youth Award.

In 2002, the Dodge Elementary Scouts began a wetland enhancement project in the Town of East Amherst. The project, now in its third year, has been a tremendous success, as is evidenced by the children being selected to receive the President's Environmental Youth Award. The project not only aids the environment and beautifies the Town, but also benefits the Scouts by teaching them the ideals of conservation and community service.

In the project's first year, the group planted four hundred tree seedlings around a one-acre pond in the town. Bird boxes were also placed around the pond for further wetland habitat enhancement. In 2003, these young men and women planted over eight hundred trees. The work was done as part of Amherst's Arbor Day celebrations. In that single day, the Scouts planted seven hundred and eighty seedlings, as well as fifty weeping willows, black willows, and green ash trees, varying from five to eight feet in height. It was a remarkable effort. This year, the Scouts have already placed several dozen bird boxes, bat boxes, and duck boxes, and have scheduled another tree-planting day for April 25th.

Mr. Speaker, on Thursday, April 22nd, members of the Cub Scouts, Boy Scouts, and Girl Scouts from Dodge Elementary School will be at the White House to be honored by President Bush as recipients of the President's Environmental Youth Award, and I ask that this House join me in congratulating them on this well-deserved award.

RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. McCRERY. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 70 percent of P.I.D.D. patients are able to maintain their health through regular infusions of a plasma product known as intravenuous immuno-globulin. IVIG helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because one of my good friends and constituents, Gail Nelson, is a P.I.D.D. patient. Gail and her husband Syd Nelson are tireless advocates for the primary immune deficiency community as volunteers for the Immune Deficiency Foundation. IDF is the nation's leading organization dedicated to improving the quality of life for P.I.D.D. patients.

Several years ago, the Nelsons educated me about the IVIG treatments that Gail and other P.I.D.D. patients receive on a monthly basis. Thanks to Gail and Syd's advocacy, I learned that the optimal setting for many P.I.D.D. patients to receive their IVIG infusions is in the home. Not only is home infusion more convenient for patients, it eliminates the potential for individuals to be exposed to infectious agents in a doctor's office or hospital outpatient setting. Despite the clear benefits of home infusion, I was disappointed to learn that Medicare would only pay for the administration of IVIG in an outpatient setting or a doctor's office.

As Congress undertook its landmark effort last year to modernize the Medicare program, I was pleased to work with my colleagues on the Ways and Means Committee to include a provision in the legislation to extend coverage for the home infusion of IVIG. This important provision provides coverage for home infusions if the Medicare beneficiary is (1) a diagnosed primary immune deficiency patient, and (2) has received clearance from his/her physician to receive treatment in the home. This important provision makes a new treatment option available for Medicare patients that has been the standard of care for many P.I.D.D. patients on private insurance.

Mr. Speaker, despite the important progress we have made in treating primary immune deficiencies, the average length of time between the onset of symptoms and a definitive diagnosis of P.I.D.D. is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

Mr. Speaker, I commend the Immune Deficiency Foundation for its leadership on behalf of the P.I.D.D. community, and I am proud to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for P.I.D.D. patients and their families.

NATIONAL MINORITY CANCER AWARENESS WEEK

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise today to speak in support of National Minority Cancer Awareness Week.

This year marks the 18th annual National Minority Cancer Awareness Week, a national awareness campaign which focuses on the disproportionate cancer burden experienced by racial and ethnic minorities and other medically underserved communities.

Despite all the progress that has been made in the battle against cancer, there is still much work to be done to eradicate this horrible disease.

In California alone, 125,000 new cancer cases will be diagnosed this year; 52,200 people will die from cancer. Out of every 100,000 people living in California, 186 will eventually die of cancer.

Mr. Speaker, we all know that a disproportionate burden of cancer continues to fall on a number of populations. African Americans have the highest death rates for all cancers and cancer is the leading cause of death for Asian American women.

According to the Centers for Disease Control, the average annual death rate per 100,000 people for all types of cancers was 257 for African Americans, 199 for whites, 138 for Hispanic-Americans, 138 for American Indians, and 125 for Asian/Pacific Islanders.

For every 100,000 people living in California, 65 African Americans in that group will die each year from lung cancer, 17 Hispanic women will die from breast cancer and 13 Asian Americans will die from prostate cancer.

Inadequate access to preventive services and early detection means that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment are decreased.

The future health of America as a whole will be influenced substantially by our success in improving the health of minority and other medically underserved populations.

I rise today to commend those working in my district and state who work tirelessly on this issue in the hopes of one day beating cancer.

Mr. Speaker, I urge my colleagues in Congress to come together and find a way to fund crucial research into cures for this disease. I hope we can reduce and ultimately eliminate the disproportionate burden cancer and other diseases pose on minority and medically underserved communities in our country.

RECOGNIZING NATIONAL PRIMARY IMMUNE DEFICIENCY WEEK

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because of the work that is being done in my district by Dr. Rebecca Hatcher Buckley. Dr. Buckley is Chief of Pediatric Allergy and Immunology at Duke University Medical Center, and she is the leading expert and pioneer in the diagnosis and treatment of Severe Combined Immune Deficiency (SCID) also known as "bubble boy syndrome." Children diagnosed with SCID lack an immune system, which is essential to survival. Dr. Buckley has dedicated her life to helping to save the lives of babies born with SCID through early diagnosis and treatment.

Although newborn screening exists for SCID, states do not include the test among their required screenings. Additionally, despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is over 9 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

Mr. Speaker, I commend the Immune Deficiency Foundation for its leadership in this area, and I am proud to join them in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

PAYING TRIBUTE TO SR. MARGARET "PEG" DOLAN, R.S.H.M. ON THE 50TH ANNIVERSARY OF HER ORDINATION IN THE RELIGIOUS SACRED HEART OF MARY

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Ms. WATERS. Mr. Speaker, I rise to recognize and pay tribute to one of my most distinguished constituents, Sr. Margaret "Peg" Dolan, R.S.H.M. I commend her to my colleagues and thank her for her service to Loyola Marymount University, to Los Angeles, and to our Nation. Last Friday, April 16th, Sister Peg, who currently serves as the Alumni Chaplain at Loyola Marymount, celebrated her golden jubilee, the 50th anniversary of taking her vows in the order known as the Religious Sacred Heart of Mary. Sister Peg has been a unique link to Loyola Marymount's history, having been present on the campus since the historic merger of Marymount and Loyola. Her many years at LMU have been extraordinary.

Born and raised in the Bronx, Sr. Peg grew up in a diverse neighborhood of Irish Catholics, Jewish, Italian, and German families. Her parents had come to the United States from Ireland. Her father worked two jobs to put all five kids through Catholic school and died at the age of 54. Her mother lived a long life and spent many hours caring for sick neighbors along with her five children.

In 1952 when she graduated from high school, Sister Peg chose to enter the Religious Sacred Heart of Mary. She studied Scripture, theology, and philosophy at Marymount College in Tarrytown, NY for two years. After taking her vows in 1954, she moved to California to study History at Marymount College. In 1957, she earned a teaching credential and began teaching at a boarding school also called Marymount in Santa Barbara.

In 1973, Sr. Peg enrolled at Loyola Marymount University to complete a Master's Degree in Counseling while serving as a Counselor in Training. She was such a big hit with the students that, at the end of that year, the residence hall advisors asked the administration to find her a job. She took a part-time position in Student Affairs at Loyola Marymount. In 1975, after she earned a Master's Degree in Applied Spirituality, Sister Peg joined the LMU Campus Ministry team as Chaplain where she did retreat work and counseling.

In 1985, she was promoted to Director and became the moderator of Gryphon Circle, one of five major service groups for students at LMU. In 1989, because of her interest in doing even more one-on-one counseling, Sr. Peg resigned her position as Director and returned to the Campus Ministry. In 1996, she accepted the invitation from the president of LMU to become Alumni Chaplain.

Reaching out to Loyola Marymount alumni and their families, Sr. Peg single-handedly launched the Alumni for Others program where students, alumni and friends spend a day working together on a community service project. Currently in its fifth year, the program's projects have included the painting and repairing of inner city schools and fixing homes for low-income elderly residents in such areas as South Central Los Angeles Watts, East Los Angeles and the Hilo River Reservation in Arizona. Since the program's inception, more than a thousand people have volunteered.

In recent years, the Alumni for Others program has directed its focus toward assisting inner city schools in need. After St. Columbkille School in South Central Los Angeles had closed its seventh and eighth grades due to financial constraints, Sister Peg spearheaded a development committee to reopen the classes and build a new library, raising over $800,000. Construction of the new library began last June.

Mr. Speaker, Sister "Peg" Dolan has generously offered support and wise counsel to students, alumni, fellow chaplains, fellow staff members, and all members of the Loyola Marymount community. She has dedicated her life to community service and counseling and has made a tremendous contribution to our community. I am pleased to commend and thank her for her outstanding work, and look forward to many more years of her service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 22, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

9:30 a.m.

Armed Services

To hold hearings to examine the nominations: Business meeting to consider the nominations of Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller), Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy, and Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration.

SR–222

Commerce, Science, and Transportation

To hold hearings to examine telecommunications policy, focusing on lessons learned from the Telecommunications Act of 1996.

SR–253

10 a.m.

Energy and Natural Resources

To hold an oversight hearing to examine sustainable, low emission, electricity generation.

SD–366

Finance

International Trade Subcommittee

Health Care Subcommittee

To hold joint hearings to examine international trade and pharmaceuticals.

SD–215

Judiciary

To hold hearings to examine the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

SD–226

Aging

To hold hearings to examine opportunities and challenges relating to assistive technologies for independent aging.

SD–628

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1064, to establish a commission to commemorate the sesquicentennial of the American Civil War, S. 1092, to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans, S. 1748, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 2046, to authorize the exchange of certain land in Everglades National Park, S. 2052, to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, and S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

SD–366

3:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine International Space Exploration Program.

SR–253

APRIL 28

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine telecommunications policy.

SR–253

Environment and Public Works

To hold hearings to examine the reauthorization of the Economic Development Administration.

SD–406

Indian Affairs

To hold hearings to examine S. 2172, to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine medical programs in the armed services.

SD–192

Foreign Relations

To hold hearings to examine the nominations of James Francis Moriarty, of Virginia, to be Ambassador to Nepal, Michele J. Sison, of Maryland, to be Ambassador to the United Arab Emirates, and Thomas Charles Krajeski, of Virginia, to be Ambassador to Yemen.

SD–419

Governmental Affairs

To hold hearings to examine the use and prevention of abuse of government purchase cards.

SD–342

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2 p.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine how to promote a healthy marriage.

SD–430

Judiciary

To hold hearings to examine safeguarding the future of American live theater relating to the Playwrights Licensing Antitrust Initiative Act.

SD–226

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Constance Berry Newman, to be an Assistant Secretary of State for African Affairs, Aubrey Hooks, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, Thomas Neil Hull III, of New Hampshire, to be Ambassador to Sierra Leone, and Roger A. Meece, of Washington, to be Ambassador to the Congo.

SD–419

APRIL 29

9:30 a.m.

Commerce, Science, and Transportation

To continue hearings to examine telecommunications policy, focusing on industry perspectives.

SR–253

Foreign Relations

Business meeting to consider pending nominations.

SD–419

10 a.m.

Indian Affairs

To hold hearings to examine S. 2301, to improve the management of Indian fish and wildlife and gathering resources.

SR–485

Commerce, Science, and Transportation

Oceans, Fisheries and Coast Guard Subcommittee

To hold an oversight hearing to examine National Oceanic and Atmospheric Administration, Department of Commerce.

SR–253

MAY 4

2:30 p.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.

SR–222

3:30 p.m.

Armed Services

SeaPower Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.

SR–232A

5 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.

SR–222

MAY 5

9 a.m.

Armed Services

Personnel Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.

SR–232A

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2005 for defense related programs.

SD–192

10 a.m.

Armed Services

Readiness and Management Support Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.

SR–222

11:30 a.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.

SR–232A

2:30 p.m.

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.

SR–222

MAY 6

9:30 a.m.

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.

SR–222

MAY 7

9:30 a.m.

Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.

SR–222

MAY 11

10 a.m.

Energy and Natural Resources

To hold hearings to examine the impacts and costs of last year's fires, focusing on the problems faced last year and what problems agencies and the land they oversee may face next season, including aerial fire fighting assets and crew, and overhead availability.

SD–366

MAY 12

Time to be announced

Indian Affairs

To hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.

SD–192

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

SENATE—*Thursday, April 22, 2004*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Phillip W. McClendon, Calvary Baptist Church, Joplin, MO.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Our Father, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us calmness, Your Spirit that fills us and gives us strength and fortitude.

Guide us, Lord, so we can maximize the hours of this week. Help us to think clearly without confusion, to speak without resentment, to debate without division, and to decide courageously without strife. May our speech honor You and deal with issues and not personalities. Grant the Senators Your grace to work this week as the honorable men and women who love You and count it a high privilege to serve as leaders of our beloved Nation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 22, 2004.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following leader time, the Senate will be in a period of morning business for up to 60 minutes. The morning business period will be divided. The Republican side will control the first 30 minutes and the Democrat side will control the final 30 minutes.

After morning business, the Senate will begin 60 minutes of debate on the motion to proceed to the asbestos bill. When the 1 hour of debate concludes, the Senate will conduct a rollcall vote on invoking cloture on the motion to proceed to the asbestos bill. We have heard from a number of Senators on this bill in the last couple of days. As the debate has progressed, there have been a number of ongoing discussions which involved our options for moving forward on this important piece of legislation.

At this point, it is difficult to say exactly how the continued negotiations are going to be carried out, but we are going forward with the cloture vote today, and we will continue with discussions and negotiations at the leadership level. If we are unable to invoke cloture and actually begin the asbestos bill, we will have an agreement to consider the victims' rights bill that was introduced yesterday by Senators KYL, FEINSTEIN, and others. That order provides for up to 2 hours of debate prior to a vote on passage of the bill.

I thank all of the Members who have assisted in bringing that to conclusion. Both the assistant Democratic leader and I mentioned last night that they have done yeomen's work in bringing this legislation to the point it is.

It is bipartisan. I know Senator KYL has been very engaged in this debate. And only through his efforts, working together with the efforts of Senator FEINSTEIN and others, will we be able to finish that bill today.

I will be talking to the Democratic leadership about the schedule for the remaining part of this week and next week as the course of the day goes on.

I know my distinguished colleague from Missouri is here. I would be happy for him to make a statement with regard to our visiting Chaplain today.

So people know, I have about a 4- or 5-minute statement to make before going to morning business.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

GUEST CHAPLAIN PHILLIP McCLENDON

Mr. BOND. Mr. President, I thank the majority leader and the distinguished minority whip.

I join with my colleagues today in welcoming a good friend to the Senate as guest Chaplain, Dr. Phillip McClendon of Joplin, MO. He is the senior pastor of Calvary Baptist Church where for the past 20 years he has served as a dynamic church and spiritual leader for southwest Missouri, ministering to all with whom he comes in contact, including hospital patients here and on his extensive missions abroad. While we claim him for Missouri, his pastoring and his services extend to many people beyond the borders of our State. We are extremely delighted that he has been able to bring this body together and start us, we hope, on the right track today.

Dr. McClendon was educated in Georgia, Kentucky, and Missouri, and has been pastor for lengthy periods of service in New Mexico and Texas before being elevated to the current status in Missouri.

In addition to his church responsibilities, Dr. McClendon is a widely respected civic leader. He has served as trustee for the Ozark Mental Health Center, on the board of directors for the Ronald McDonald House of the four States, and as a member of the Advisory Council for the Community Blood Center of the Ozarks.

Dr. McClendon's works can be read through his published works. He has been on numerous television broadcasts throughout the region and has developed quite a wide following.

The interesting thing about Dr. McClendon is his ability to balance his calling, his family duties, all the while contributing so much to the Greater Joplin community. It underscores his dedication and active commitment to doing God's work for the betterment of humanity and all of our spiritual lives.

Dr. McClendon and his wife Jackie have three children, Scott, Gwen, and Crystal. Today, we are very pleased to be able to welcome an enthusiastic group of friends and admirers as he opened the Senate for business. We are truly delighted to welcome him and his group.

Thanks, Dr. McClendon, to you and your family, for your service.

I appreciate the opportunity to make these remarks. I thank the Chair for giving me this opportunity.

The ACTING PRESIDENT pro tempore. The majority leader.

EARTH DAY

Mr. FRIST. Mr. President, very briefly, I wish to comment on an event we are celebrating throughout the United States today and indeed throughout

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the world today. That is the fact that today is the 34th anniversary of Earth Day, an event that gives people the opportunity to celebrate the environmental accomplishments that have been made over the past three decades and, yes, to look ahead to see what progress can and should be made.

What has been so apparent to me as I travel back to Tennessee and talk to people across Tennessee is the opportunity that this day and this focus gives communities to discuss, to participate, and clean up of projects—to participate in conservation projects all across Tennessee. And, thus, it is happening all across the country.

Thousands of volunteers today, right now as we speak, are participating in an event—and the next few weeks will continue that discussion and that activity—all of which will serve to raise environmental awareness and improve the cities and towns and the environment in which we live.

This year we have much to celebrate. The quality of our environment has dramatically improved over the past 30 years. Federal, State, and local efforts have enhanced our air and enhanced our water quality by reducing pollution. Major steps have been taken to clean up contaminated sites over the last 30 years and to protect our natural resources.

Since 1970—a little over 30 years ago—aggregate emissions of harmful pollutants have decreased by 25 percent. And that has happened—this decreasing of the pollutants by 25 percent—at the same time our gross domestic product has increased 161 percent. Energy consumption has increased 42 percent.

Tennessee is home to some of our Nation's most diverse natural areas. We have the Great Smoky Mountains in east Tennessee, a wonderful environment, a wonderful region, a wonderful space that I personally enjoy. I hike through it every year with my family—my wife Karyn and my three boys.

It is our Nation's most visited National Park, the great Smoky Mountains National Park. It is home to more than 100,000 different, distinct species, hundreds of which are new to science. The park itself is one of the most biologically diverse, indeed, in the world. Tennesseans know how critically important it is to protect and to conserve our limited resource.

In recognition of Earth Day, Tennesseans are volunteering all across the State, in National Parks, community cleanup projects, in wildlife refuges. A lot of the projects I mentioned are underway as I speak. In Nashville, thousands turned out to Centennial Park to learn about the Cumberland River and the region's water resources. Tennesseans are taking part in cleanup activities in the Reelfoot National Wildlife Refuge which is in northwest Tennessee. In east Tennessee and Knoxville there is the Fifth Annual Earthfest which is themed "What's In Your Water," to highlight water resources and quality issues in east Tennessee.

Federal agencies, in cooperation with national and grassroots organizations, are working together to educate Americans about how they can participate in cleaning up their environment on a daily basis, what they can do as individuals, as communities, initiatives such as the ENERGY STAR Program, statewide recycling programs, and under the Department of Agriculture, the Natural Resources Conservation Service is teaching people how to be good stewards of our planet.

Earth Day is, indeed, an opportunity to reflect our accomplishments today and think about how we can do more to improve the environment.

The administration has proposed several new initiatives that will reduce air pollution, which will support conservation and environmental stewardship programs and address our Nation's limited water resources issues. We also are working with international partners to address global climate change and assist developing countries with environmental challenges such as deforestation and illegal logging.

After more than 30 years, Earth Day has become an integral part of our Nation's environmental consciousness. No matter how you choose to celebrate Earth Day, you will be taking part in an international effort to preserve our natural resources and build a healthier tomorrow.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

ORDER OF PROCEDURE

Mr. REID. This is a unanimous consent request. I will not take time from the distinguished Senator from Colorado. Under the half hour that has been allotted to the Democrats in our morning business, we would dispense that by giving 10 minutes to Senator KOHL, 10 minutes to Senator LEAHY, and 10 minutes to Senator LAUTENBURG, not necessarily in that order; whoever is there, 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the time of the majority leader or his designee and the final 30 minutes under the time of the Democratic leader or his designee.

The Senator from Colorado.

ASBESTOS

Mr. ALLARD. Mr. President, the Senate will decide shortly what path to take on the pending asbestos liability legislation, otherwise known as the Fairness In Asbestos Injury Resolution Act, more frequently referred to simply as the FAIR Act. This bill has inspired very strong sentiments from many Americans. Like my colleagues on both sides of the aisle, I am deeply sympathetic to those who have suffered severe medical consequences from exposure to asbestos.

I am somewhat less sympathetic to those who may seek compensation without demonstrating a medical impact on their lives. While the number of mesothelioma claims has remained relatively steady at about 2,000 claims a year for the last 10 years, over 100,000 cases were filed in 2003.

According to the RAND Institute for Civil Justice, mesothelioma victims receive only 17 percent of compensation awards, compared to 65 percent for nonmalignant claimants.

On top of that, trial lawyers may charge fees as high as 40 percent plus litigation expenses. The result of less justifiable lawsuits is many real victims are denied compensation for actual injuries.

To date, 67 companies have been bankrupted and more than 60,000 Americans have lost their jobs as a direct result of asbestos liability. Clearly, we have a problem in this country.

I followed the numerous Senate hearings held on this issue and I have met with numerous Coloradans with a variety of perspectives. I met with those who lost loved ones to mesothelioma, those who have lost jobs due to asbestos litigation, and those who are curtailing their manufacturing operations in Colorado in anticipation of continued claims.

The complexities of this issue are tremendous. I compliment my colleagues, the chairman of the Judiciary Committee and the majority leader, for their work to date on this issue.

Beyond the FAIR Act, general litigation and litigation reform have been major topics of concern this session in the Senate. Last October, the Senate focused on the Class Action Fairness Act. When a plaintiff's injury is not worth enough to justify a legal suit to recover damages, individuals similarly affected can combine damages for one lawsuit against a common defendant. In recent years, driven largely by a few unscrupulous attorneys, there has been an explosion in class action litigation. Our economy bears an enormous burden due to this explosion of litigation.

Unfortunately, much of that burden is carried by consumers. Specific to these suits, these abuses of the system, the consumer is often left out in the rain once there is a settlement. Attorneys can make millions, while the plaintiffs are often left with nothing more than a coupon for a service they were denied in the first place.

Like so many things designed to protect consumers and ensure fair and just restitution, the tool of class action has been manipulated. Far too often, that manipulation has yielded tremendous wealth for attorneys driving these actions and little or nothing for the consumers initially harmed.

The Center for Legal Policy recently reported from 1997 to 2000 United States firms saw a 300-percent increase in Federal class actions and a 1,000-percent spike in State class actions. The end result, as we will see, is an increase in litigation, thus an increase in the cost of doing business and higher costs passed along to the consumer. There are, in fact, a plethora of abuses that have contributed to the generation of this legislation in the Senate.

Nothing in the class action bill denied a consumer a right to make valid claims. This point cannot be stressed enough. Our legal system has functioned under this guiding principle for generations. We will do nothing in this Chamber to challenge that principle.

There are those in this body who see this bill differently. There are those in this body who can look at the class action brought against Blockbuster Video where attorneys will collect a little less than $10 million and class members will get coupons toward future video rentals and say this is justice. This case, and cases like it, are representative of the systematic denial of valid claims by class members and it is incumbent upon us to rectify this situation.

One such tool at our disposal is increased oversight of such settlements. The Founding Fathers, in their infinite wisdom, envisioned problems like this. The Constitution was drafted explicitly to provide for Federal jurisdiction over all lawsuits between the citizens of different States. These cases involving parties of diverse citizenship have evolved into what we see today as national types of litigation or big-dollar suits against large companies engaged in interstate commerce. Over time, Congress has more narrowly defined constitutional diversity and created a requirement that all plaintiffs be diverse from all defendants. The result today is venue shopping, attorneys seeking favorable State courts through which to pursue an action that is national in scope. The Founders knew such nebulous venue requirements could lead to local biases in cases of broad significance and we have, unfortunately, arrived at that point. The Constitution provides for Federal jurisdiction over citizens of different States so local bias will never become an issue. National, multimillion-dollar suits should not be barred from Federal courts. The egregious practice of venue shopping flies in the face of the Founders' intent.

Class actions are a valuable part of the legal system. Recent abuses and a shift in the benefits of an action from class members and toward attorneys should not signal the end of access to appropriate legal recourse. The system as it exists today is untenable.

Medical liability has become another increasingly important matter on a national scale. In February, the Senate debated the Patient Crisis/Access to Care Act. Skyrocketing medical liability premiums have translated directly to physicians limiting services, retiring early, or moving out of the State—one State to another—to escape escalating costs of liability insurance.

This cost is deeply felt and extends well beyond the physician-patient relationship. Emergency departments are losing staff and scaling back critical services, even trauma units. OB/GYNs and family doctors have stopped delivering babies, and all too often high-risk procedures—for example, neurosurgery—are postponed because surgeons cannot find or afford insurance.

The result is a serious threat to patient access to care. Twenty-six percent of health care institutions have cut back services or eliminated patient care units. Seventy-eight percent of Americans fear that skyrocketing medical liability costs will limit access to care even further.

If we look at the root of this problem, we see that median medical liability awards have increased 43 percent in 1 year from $700,000 in 1999 to more than $1 million in the year 2000. In 2001, malpractice insurers paid $1.53 in claims and costs for every $1 received in revenue. This system is not sustainable and will not serve those Americans in need of better health care.

We are suit happy. At some point Americans stopped bargaining and negotiating in good faith. At some point we became less concerned with justice and more focused on assigning blame. More than assigning blame, we now assign dollar amounts to virtually every major, minor, and perceived slight. We live in a country where family disputes are settled in court.

Mr. President, at the risk of sounding too folksy, people where I come from, where I was raised, simply do not see it this way. If this body does nothing else today, we should commit to an overall effort to recast our approach to the judicial system—a system that has grown obese and focused on greed rather than justice.

These are just a few examples of the cost of continued and increased litigation and the importance of reform.

The FAIR Act, which faces a cloture vote later today, marks another attempt to deal with a pressing national issue. It is clear, however, that the FAIR Act will not be permitted to come to an up-or-down vote in the Senate.

A variety of important bills have been effectively defeated before they have ever come to an up-or-down vote in this body. Parliamentary tricks and filibuster by the Democrats have jammed numerous issues.

The following examples should clearly illustrate this obstruction.

The JOBS bill would both repeal a European tariff on nearly 100 American-made products and cut taxes for manufacturers in the United States. Although the JOBS bill passed the Finance Committee 19 to 2 and enjoys broad, bipartisan support, Democrats voted to block a vote on the measure in March.

The medical liability legislation I discussed—patients across America are denied critical health care, including emergency and obstetric care, because doctors and hospitals are closing their doors from skyrocketing liability costs. Opponents blocked a comprehensive, bipartisan bill in July of 2003. In February of 2004, Senate Democrats again blocked an effort to protect women's access to obstetric and gynecological care. That was S. 2207.

The energy bill—a comprehensive energy bill would deliver nearly 1 million American jobs, increase renewable and alternative sources of energy, and reduce America's dependence on foreign oil. This bill has been blocked in the Senate for 3 years, including a provision to open ANWR and dramatically reduce America's dependence on foreign oil and create hundreds of thousands of more American jobs.

The Workforce Investment Act is projected to help more than 940,000 dislocated workers get the training they need to get good jobs. It was passed by both the House and the Senate—I might add unanimously in the Senate. Senate Democrats now refuse to appoint conferees so that the bill can become law.

Judges—the unprecedented, unconstitutional challenge to the Senate's advise-and-consent role continues. A minority of Democrats have prevented six highly qualified Federal appeals court nominees from receiving a fair, up-or-down confirmation vote and are threatening to use partisan filibusters to prevent confirmation of additional judges. If given an up-or-down vote, all these nominees would be serving on the bench today.

The class action legislation I mentioned would create a consumer bill of rights to ensure that victims are not denied fair compensation while their trial lawyers escape with the lion's share of court awards. On October 22, 2003, Senate Republicans and nine Democrats came one vote short of overcoming the Democrat leadership's parliamentary obstruction.

Faith-based/charities legislation passed the Senate on April 9, 2003, with overwhelming bipartisan support, 95 to 5, and similar legislation resoundingly passed the House on September 17, but the Democrat leadership is blocking a conference committee to resolve House-Senate differences and even allow a final vote. The CARE Act will spur more charitable giving and assist faith-based organizations and community charities.

Welfare reform—on April 1, 2004, Senate Democrats voted to block a measure to reauthorize the landmark 1996 welfare reforms. H.R. 4 would build on the successes of the 1996 reforms to strengthen work requirements and promote healthy families, as well as provide an additional $6 billion in childcare funding.

It is time to move forward with an agenda in the Senate. I think it is time for us to put aside the partisan politics we are experiencing in the Senate today and move forward with, I think, very important legislation. I talked about some of that: liability reform, that affects both class actions as well as medical care; trying to ensure that we have voluntarism. Welfare reform has been extremely successful. Yet we find that obstructed in the Senate.

I hope, even though this is a Presidential year, and many of us are not surprised by some of the Presidential politics, that the Democrats will seek to cooperate more with the Republican majority so we can move forward with the agenda in the Senate.

There is a terrible cost being exacted for our delinquency on these matters. Every day the outlook for health care, the burden of an un-reformed tort system run amuck, and opportunities for America's small businesses grows increasingly difficult. I pledge to work with my colleagues on each of these issues, some of which I support and others which I may not, but I will work with colleagues to see that each bill receives a fair up and down vote. Our constituents deserve better than to watch while the legislative process is held hostage for the political or ideological desires of a few members of this body.

Mr. President, I thank the Chair and yield back my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OBSTRUCTION TACTICS

Mr. SANTORUM. Mr. President, I rise to express my concern about what seems to be an all-too-apparent pattern in the Senate when we earnestly try to work together to bring up issues that are important to the future of this country, such as the jobs in manufacturing bill, the FSC bill, where we have been trying to avoid more tariffs, which now have been levied against many manufacturers by the European Union, that are increasing month by month. We are trying to get a bill passed to help our manufacturers, to help our manufacturing economy, and that is being blocked on the floor of the Senate.

Medical liability: We have had three votes just to bring the bill up to discuss it, to discuss an issue that is devastating my State. I have had numerous town meetings across the Commonwealth of Pennsylvania. Doctors, nurses, health professionals, hospital administrators, patients, and patient groups are coming and saying: We have to do something to deal with the skyrocketing cost of health insurance as a result of medical liability insurance costs.

We have lost 1,100 doctors in Pennsylvania alone. We have great medical schools, but we are almost last in the country now in physicians under the age of 35. Yet we produce—next to New York and California, maybe Texas—more young physicians than any other State in the country. It is a huge problem; yet we can't even debate it in the Senate because we are being blocked.

Energy is another one. It came very close. We worked out a bipartisan bill. It had bipartisan support. We couldn't get an energy bill passed because of a filibuster in the Senate. The same is true with workforce investment. We passed it. It is being blocked from going to conference. That is a new obstruction tactic which is a sort of bait and switch. It is the idea that, yes, we will give you this, we will pass it, and then after everybody believes we passed it and we have done our job, we are not allowed to go to conference to work out the differences between the two bodies. So we can't get a bill done.

We have talked about judges over and over and spent many late nights here talking about the obstructionism. Again, it is a new tactic, a new level of obstruction heretofore never seen in the Senate—requiring judges to get 60 votes for confirmation. So we have this new threshold for judges. We have a new threshold for passing legislation which is not allowing us to go to conference and requiring a 60-vote majority to go to conference, not to pass a bill, not to bring a bill up. It is obstruction on top of obstruction.

We had a bipartisan welfare reform bill we were working on. We were working to do more for daycare—many on the other side of the aisle wanted to do that—$7 billion more for daycare, a huge increase in daycare funding with a very small increase in work requirement and in participation standards. It was blocked on the floor of the Senate.

On class action we came close—one vote. Again, we came close; not 51, not passage, it came close to the 60 votes that are now required on every single measure that comes before the Senate. We came one vote short, and we still have no assurance of the ability to bring the bill up and to come to conclusion.

Faith-based charities is another example of a bill that passed with 90-plus votes. We can't go to conference. This was a bill that was bipartisan in nature. Senator LIEBERMAN and I were sponsors of the legislation. There was no controversy surrounding it. Anything that was controversial was excised from the bill. Still we can't get the bill to conference to be able to get something that will infuse billions of dollars into charitable organizations across the country.

Now we add to it asbestos care and jobs. We have this bill. Again, what is this about? What is this vote about? This is about discussing the bill. Is anyone in this Chamber saying there isn't a problem? There was a settlement that was just agreed to wherein the average person in Pennsylvania received $12,000, and the average claimant in Mississippi received $250,000 per person. Is this is a fair system, where people in Mississippi, because of a ridiculous court situation that goes on and the fraudulent court system in some counties in Mississippi, where lawyers have bought off the judiciary, that that is somehow or another a fair system, that claimants in those communities should get more than someone who is similarly situated in another State?

This is a situation that is crying out for Federal intervention. If we had this kind of discrimination going on in any other area, other than the fact that trial lawyers are involved, personal injury lawyers are involved, if we had any of this discrimination going on between States, both sides of the aisle would be screaming for a Federal solution. But when you have a situation where 50 percent of the money goes to lawyers and court costs and that money seems to finds its way back, interestingly enough, in the political system, then all of a sudden we don't mind discrimination between States.

We don't mind if some States do very well under this lottery system that has evolved in these asbestos cases. We don't care if people who are sick and dying of mesothelioma get $10,000 in claims, and someone who walked through a construction site where there was asbestos, who is not sick, never will be sick, gets hundreds of thousands of dollars. We don't care, just as long as our buddies, the personal injury lawyers, get their cut. That is what is going on here.

This is outrageous, with the severe problem we have in asbestos litigation, as severe a problem and as inequitable a situation as we have, as destructive to the economy as this is. Twenty-five percent of the companies that have gone bankrupt have gone bankrupt in Pennsylvania; 25 percent of those companies are Pennsylvania based.

We have a company Senator HATCH talked about the other day, Crown Cork & Seal. Crown Cork & Seal makes bottle caps. If you opened up a Coke bottle, you used to have cork on the inside of the bottle cap. Now they have plastic. But they make plastic containers and bottle caps, all those things. They bought a bottling company in 1963, a cork company, as part of their growth. That company also had an insulation business. They owned the insulation business for 90 days—they never operated it—90 days in 1963. They spent $7 million on the acquisition. They have already paid out $400 million in claims on a business they never operated. What has that done? It has crippled that business. It is still surviving because it is a great company and it is still a world leader, but $400 million out of a bottom line of a company that never made the product, that owned it for 90 days and sold it as soon as they could find a buyer. They never operated the business and they still have tens of thousands of claims outstanding. This is wrong. If you want to talk about hurting manufacturers, I would like someone on the other side to stand up and say how this is fair to manufacturing.

By the way, most of these claims and most of the money being paid out is going to lawyers, not people who are sick. Most of the claims are going to people who are not sick, not people who are sick, because most of the claims are filed by people who are not sick. This is an outrage, and we can't even discuss it here in the Senate. We can't even bring the bill up and have an amendment. We can't let the Senate work its will. I hear so much the complaint, if you just let the Senate work its will, bring these bills up. We can have a discussion. We have our message amendments that we want to do. But let's bring the bill up.

Well, here we are. Let's bring the bill up. When it comes to our friends, the personal injury lawyers, we can't bring those bills up. We will bring up other bills but not when it comes to our buddies, the personal injury lawyers. Because it is a campaign season, we have campaigns to fund.

This is an outrage. I don't want to hear any more complaints from the other side of the aisle about how manufacturing is in the doldrums when this particular bill could do more to stimulate capital investment in manufacturing and growth in the manufacturing sector and stop those companies from moving offshore. Why? Because they don't want these claims and the litigation environment—asbestos is probably the poster child for that—that they have to live with.

We have an obligation to those who are sick to set up a fund so people who are sick, have health care expenditures, and are going through difficult times, who are disabled, get the resources they need and deserve as a result of being exposed to asbestos. We have an obligation. I can tell you the insurance companies, the manufacturers, are willing to put up over $100 billion to help people who are sick, and by the way, there is very little money for lawyers. That is the problem here. We are OK with the $100 billion or more for folks who are sick, but what about our friends, the lawyers? What are they going to do? How are they going to feed their families? Is that the real concern here?

The concern in asbestos cases should be the people who are sick, not the lawyers who are making right now the lion's share of the money on this issue. That is what we are trying to get to here.

All we are trying to do is discuss it. The bill that is before us I think puts $114 billion in the trust fund. I would be willing to continue to work on this point and see if we can get that money up higher. I am willing to look at all sorts of aspects of this bill to see if we can find a way to create a system to help people who are sick in this country as a result of exposure to asbestos and stop the bleeding of these people—the bleeding of these people—by personal injury lawyers who care more about their bottom line than helping people who are sick. If they really were concerned about people who are sick, there would not be tens of thousands of cases being filed in America today by people who are not sick because that money is being drained away from people who are sick to people who are not sick and to lawyers who are suing on their behalf.

What is happening in this system is criminal, in my opinion, and for the Senate to say we simply do not want to discuss it is an outrage.

I know the negotiations are continuing among labor, the insurance companies, and manufacturers, and I assume trial lawyers are involved, although probably objecting to everything, but we need to come to a conclusion.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. SANTORUM. Madam President, we need to help those people who are sick, and we need to help them now.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

GAYLORD NELSON AND EARTH DAY

Mr. KOHL. Madam President, today I rise to recognize one of our most prominent Wisconsinites, Gaylord Nelson, the founder of Earth Day, the man who fundamentally changed the way American people view the environment.

Before Gaylord Nelson came along, pollution and ecology were fringe subjects, a concern of only a few academics. After Gaylord Nelson created Earth Day in 1970, environmental issues exploded into our public debate. In that first year, almost 20 million people participated in Earth Day events—an instant success. By last year, 500 million people in 167 countries took part in Earth Day, spreading the message of environmental stewardship.

Earth Day laid the foundation for landmark environmental legislation. All over the country, Americans heard about the dangers of lead in our water, pesticides in our drinking water, and chemicals in our soil. An informed public brought pressure on Congress and the President to act. The movement that started that first Earth Day led to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and Superfund legislation. These are the foundations of environmental law today, and they would not have been possible without the work and the vision of Senator Gaylord Nelson.

That vision is still necessary today as we struggle to complete the work Gaylord Nelson started in 1970. Congress and the administration still must address arsenic in the water, mercury in the air, and the impact of outdated coal-burning powerplants, just to name a few outstanding environmental problems.

Gaylord Nelson's dream is not yet a reality, but it is worth fighting for, as is so much Gaylord Nelson has championed.

Senator Nelson entered public service in 1948 after serving 4 years in the military during World War II. He served as a Wisconsin State senator, Governor, and then as a U.S. Senator for 18 years. As Governor, he was known for conservation efforts and preserving wetlands long before those causes became popular nationally. As a Senator, he built on his environmental reputation to further issues, including the preservation of the Appalachian Trail corridor and the creation of a national trail system.

While he left the Government in 1981, Gaylord Nelson never stopped fighting for the environment. He joined the Wilderness Society where he has worked tirelessly ever since. Even today at age 87, he is an active advocate for fragile lands around the country.

This year, Earth Day is a reminder of how much progress we have made and how much further we have yet to go. In the 1970s, the symbol of environmental decay was the burning Cuyahoga River, a waterway turned into a drainage ditch for industry. While Cleveland suffered much ridicule for that ecological disaster, they were not alone. At that time, our natural resources were being squandered and scarred in community after community.

Today such obvious examples of irresponsibility are harder to find. Now we struggle with pollution that is more diffuse and harder to track, but still dangerous. In Wisconsin, our northern lakes contain so much mercury the fish caught there are often unsafe to eat. And in the southeastern part of my State, the air is contaminated with pollutants, many of which traveled hundreds of miles before impacting our environment.

Challenges such as these require everyone in the region, the country, and even the world to work together to lower emissions and limit discharge. Global connectedness was what the original Earth Day was all about, and that message still needs to be heard today. Gaylord Nelson wanted us all to realize we could not escape the consequences of pollution by burying our garbage somewhere else or sending it up ever taller smokestacks.

Earth Day also reminds us we need to work internationally. We need to engage developing economies, such as China, India, and Russia, to head off major environmental disasters. We are not on this planet alone, and we can no longer pretend environmental damage around the globe does not come back to haunt us here at home. Senator Nelson understood that lesson almost 40 years ago, and he has been teaching it to the rest of us ever since.

We have made progress in heeding Gaylord Nelson's call to action over the last 34 years. Water quality is better off than it was in 1970. Many dangerous toxins are off the market, and some large environmental disasters of the past are clean today. But we certainly are not ready to declare we do not need Earth Day anymore, and we are not ready to let Gaylord Nelson retire. We are more aware today of the global and long-term impact our actions have on our Earth, and with that greater awareness comes a greater responsibility to leave the planet cleaner and healthier.

Earth Day is an opportunity for Members of Congress to recommit ourselves to that goal, and Earth Day is a day to thank Gaylord Nelson for focusing us on how we impact the environment that sustains us and the legacy we owe to the generations that follow us.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, there is no one here from the majority. I know this is time that has been set aside for morning business, and we have assigned speakers on this side. Senator DURBIN came over early this morning and expressed a desire to speak regarding Mary McGrory, who was a friend of a number of people in this body and thousands of people around the country. Senator DORGAN also came here to speak on her behalf. We have some extra time now.

Since there is no one here—and if the majority needs additional time, we will give that to them—I ask unanimous consent that there be an additional 10 minutes in morning business so that Senators on this side may speak about Mary McGrory. We also add that time in morning business for the majority. That will be an additional 20 minutes if, in fact, the majority wants that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

TRIBUTE TO MARY McGRORY

Mr. DURBIN. Madam President, I thank the Senator from Nevada for trying to accommodate a number of us who are anxious to come to the floor and say a few words about a great woman.

America lost one of its greatest journalists last night. Washington Post columnist Mary McGrory filed her last story at George Washington Hospital. Mary McGrory has been described by her peers as a "luminous writer," "the clearest thinker in the business," "a pioneering force in today's journalism," "a lyrical writer."

She hailed from the same Boston Irish roots as Tip O'Neill. She found the love of her life in the written word. She made it to the top in a man's world of reporting and sharp-elbow politics. There are those who ply their journalistic trade with blunt instruments and short-lived prose, but there are a few who make their word march and sing. Mary McGrory was one of those few.

I first heard her name 38 years ago when I was a college intern in the Senate. I can recall Senator Paul Douglas' personal secretary telling the Senator Mary McGrory was waiting to see him. Thirty years later, elected to the Senate, my staff would tell me, Mary McGrory is waiting to see you.

One could not help but be drawn to Mary, her Irish wit, her boundless energy, even in the later years. Her blunt criticism of hypocrisy and venality were a joy to witness.

It was my good fortune to be a member of Mary McGrory's "fruitcake club." It was a loose conspiracy drawn together for dinner at Mary's home at least once a year to celebrate the much honored but seldom eaten fruitcake which Senator Max Cleland sent to Mary at Christmas. We would all arrive late after votes on the House and Senate floor—Max Cleland, Congresswoman Louise Slaughter of New York, Phil and Melanne Verveer, longtime friends and a few new aspirants to the club. What followed were endless rounds of wine and a beef roast that always seemed to need a return trip to the oven.

After dinner, we would move to the living room surrounded by the mementos of Mary's storied career, reminders of her proud mention on Richard Nixon's enemy's list, rollcalls from the Watergate hearing and more. Over her desk, where she sat down to write at home, was a poem by her beloved W B. Yeats entitled "Adam's Curse."

I spotted it and started to read it one evening at the party, and Mary saw me. She walked over and recited from memory this part of the poem:

> Better go down upon your marrow-bones
> And scrub a kitchen pavement, or break stones
> Like an old pauper, in all kinds of weather;
> For to articulate sweet sounds together
> Is to work harder than all these, and yet
> Be thought an idler by the noisy set
> Of bankers, schoolmasters and clergymen
> The martyrs call the world.

Mary McGrory understood the burden of good writing. Yeats tells us in this poem that producing something beautiful is not easy, though it has the curse of looking easy. Mary McGrory did indeed make it look easy. Mary's poetry and beauty were shared in her word and in her life, and many of us were blessed to be a very small part of it.

Before she was cruelly silenced by a stroke last year, Mary would write and speak with the emotion of a poet's heart. I recall our last dinner when she turned and recited to me one of her favorite poems by William Butler Yeats. It is entitled "When You Are Old."

> When you are old and grey and full of sleep,
> And nodding by the fire, take down this book,
> And slowly read, and dream of the soft look
> Your eyes had once, and of their shadows deep;
> How many loved your moments of glad grace,
> And loved your beauty with love false or true,
> But one man loved the pilgrim soul in you,
> And loved the sorrows of your changing face;
> And bending down beside the glowing bars,
> Murmur, a little sadly, how Love fled
> And paced upon the mountains overhead
> And hid his face amid a crowd of stars.

In the clear night sky over our Nation's Capital there will always be one bright star called Mary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I personally express my appreciation to Senator DURBIN for his remarkable words on behalf of a tremendously interesting woman. I did not know Mary McGrory when she was a young woman; I only knew her when she was an older woman. She would come to my office and say: You have got more to tell me than that.

She was a wonderful person, and I was a newcomer to her fruitcake society gatherings, but I do say that one of the things that did break her heart was the defeat of Max Cleland. She talked to me about that more than she talked to me about many other things. She cared a great deal about Max, and of all of the unfairness in life that she had seen that was at the top of her list.

Mary McGrory is somebody who stood for fairness. A lot of people in the world are for fairness and level playing fields, but very few people are gifted. She was gifted. There are gifted athletes in the world. She was a gifted writer. She could write and you would say to yourself, that is how I feel, why can I not express it the way she does?

I will miss Mary very much. She was a wonderful woman, someone I will always remember as a person who not only believed in level playing fields but created many level playing fields during her lifetime.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, Mary McGrory was not always easy on me. In fact, sometimes I thought she was a little tough on me. On the other hand, I have to acknowledge she was a great writer. I enjoyed her personally. We had a number of conversations where we had very pleasant exchanges.

There is no question she was truly one of the most important journalists in this town. She was critical to the Washington Post. She believed what she did, she believed what she wrote, and she wrote well and set journalistic standards for many young journalists to follow.

I personally respected her and am grieved at her death. It was not unexpected. We know she had some difficulties over the last few years. But I, for one, will grieve at her death.

Mr. KENNEDY. Madam President, the Kennedy family, the city, and the nation lost a respected and valued friend yesterday with the passing of Mary McGrory.

My brothers, Jack and Bobby, admired her, as America does and did. Mary was Boston Irish to the core. Boston is proud of its many sons and daughters who have played a role in the country's life, and Mary McGrory was certainly in our nation's Hall of Fame as one of the all-time greats in journalism.

Here in the Nation's Capital, in this city of America's monuments, Mary McGrory belongs among them. She will always be remembered and respected for her keen intellect, her deep allegiance to the truth, her unquestioned integrity, her respect for principled leadership, as well as her impatience for empty policies and hollow politics.

Mary loved the issues, but she also loved her flowers and she loved to quote the poet Yeats. She was steeped with a keen sense of the levity of life, and she held everyone she met to the same high standards that she expected for herself. No other journalist could cut to the heart of a complicated issue as quickly or as beautifully as Mary McGrory could. Millions across the Nation eagerly looked for her writings, and the glow of her morning columns could last the entire day. I often thought she should win a Pulitzer Prize every year.

Vicky and I had the chance to visit with Mary last month. We were saddened by her long illness, but she remained the same beautiful, inquisitive, insightful, and full-of-life Mary to the very end. We'll miss her very much. We love you, Mary, and we always will.

Mr. DODD. Madam President, it is with a great deal of sadness that I rise in memory of an outstanding journalist and a good friend, Mary McGrory, who passed away last night at the age of 85.

Mary was truly one of the most accomplished journalists of our time. She was a real news reporter—one who spent enormous amounts of time and energy getting to the bottom of a story, and then spent hours more putting it into the right words. With her trademark wit and Pulitzer-Prize winning prose, Mary McGrory helped millions of Americans understand some of the most significant events of the past 50 years—from the McCarthy hearings, the Kennedy assassination, and Watergate to the attacks of September 11 and the buildup to the war in Iraq.

She began her career in journalism writing book reviews and other pieces for the Boston Herald-Traveler. In 1947, she transferred to the Washington Star, and it was there that she made her mark as a reporter. She remained at the Star until the paper shut down in 1981. From then on, she wrote for the Washington Post for over two decades. The only thing that could stop Mary from writing was the stroke she suffered a little over a year ago.

Mary's skill, integrity, and relentless effort won her tremendous esteem from her colleagues, as well as from the public figures whose lives and actions she detailed. Mary broke into a field that was very much a man's world, and she established herself as one of its giants. Her stature was clear to anyone who ever saw her during a political campaign, when fellow reporters and even the candidates themselves would literally carry her bags.

Mary came from the old school of reporting. During her later years, while many of her younger colleagues traveled with laptops, digital recorders, and cell phones, Mary made do with her pen and notebook.

Mary was never one to beat around the bush in her writing. You always knew where she stood. Her no-nonsense approach could delight those who agreed with her, and infuriate those who did not. But regardless of whether you were on her side or not, Mary McGrory earned your respect.

I was fortunate to experience not only Mary's writing, but her singular personality. She was truly someone who enjoyed life and tried to squeeze every last drop out of it.

I would like to share a few thoughts on Mary from some of her colleagues:

David Broder of the Washington Post said:

> If you traveled with Mary, you watched a consummate craftsman hard at work, an interviewer whose soft purr put citizens at ease and disarmed the most hard-shelled old pols. She talked with everyone, and everyone, great and small, wanted to talk with her.

Leonard Downie, Jr., the Executive Editor of the Washington Post:

> Mary was simply one of the best opinion columnists of her time.

Maureen Dowd of the New York Times called Mary:

> the most luminous writer and clearest thinker in the business.

Finally, Brian McGrory of the Boston Globe, who is also Mary's cousin, described Mary's life as:

> one of the most important, colorful, and enduring newspaper careers that the American public has had the pleasure to read.

I mourn Mary's passing. But I also celebrate her life. She was truly an outstanding reporter and writer, and a remarkable human being. We will all miss her very much.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the time on the quorum call run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. How much time remains in morning business on our side?

The PRESIDING OFFICER. There are 28½ minutes remaining.

Mr. DORGAN. Let me yield as much time as I may consume to myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This morning's news is very sad news for those of us who knew and loved Mary McGrory, one of the wonderful writers of our age, one of the really interesting thinkers and warm and wonderful human beings. According to the news reports, she died last evening at a hospital here in Washington, DC.

I wrote her a letter some months ago telling Mary, after she had fallen ill:

> I have been waiting and hoping that I may again see your byline in the Washington Post. I remain hopeful that we will once again be able to start the day by reading a Mary McGrory column and then shaking our fist in the air, shouting: Yes that is what I should have said.

Mary never did get back to work. Her column never again appeared. But this Capitol Building, the op-ed pages of the Washington Post, and political discourse in this country for 50 years have been affected by what Mary thought, what Mary said, and what Mary wrote.

She was quite a remarkable person. She won a Pulitzer Prize. She covered the major events for over 50 years, and she wrote columns using words that were extraordinary. She would find ways to say things that most of us are at a loss to explain.

Often in the morning I would open the newspaper to see the Mary McGrory column and think how wonderfully she wrote. More than that, she was also a very special friend to many of us, in many ways. She would stand outside this Chamber, sometimes early in the morning, sometimes late at night, and she would get the story. She would do the hard work, ask the questions, follow people until she got answers, and then she would write her column. Her cousin, Brian McGrory, wrote a piece that appeared in the Boston Globe and the Washington Post about Mary. He probably describes her best, and in many ways brings a smile to those of us who knew Mary. He said:

> While most Washington pundits closet themselves with their own profound thoughts, interrupted only by lunch at the Palm with the Secretary of Something, Mary employs old-fashioned tools: a sensible pair of shoes, a Bic, and a notebook. She haunts congressional hearings. She sits with the unwashed in the back of the White House briefing room.

He also said at the end of his article—this is an article that was written last November when Mary was ill:

> Hers is a world of soft irony. She checks into elaborate spas in Italy every year, but while there, always gains a few pounds. She was audited by the Nixon administration and got a refund. At a stiff Washington party she once whispered to me, "Always approach the shrimp bowl like you own it."

Mary McGrory was a wonderful human being with a great sense of humor. But she wrote like the wind. I wish I could again see her byline. David Broder in January wrote a wonderful piece about Mary Mack. He began:

> I am headed out this week for my 12th presidential campaign, but unlike the first 11, I will not have the company of my favorite traveling companion, Mary McGrory. The great liberal columnist, surely the most elegant newspaper writer Americans have read over the past half-century, has been ill since last March and recently accepted the generous buyout offer given to veteran employees by the Post. Incomprehensible as it seems, she has finished her journalistic career.

Then David Broder, in his own inimitable style, describes Mary McGrory.

I think of Mary McGrory. I think of not just seeing her here in the Capitol, or having lunch with Mary, I think of the questions she would ask politicians. I was on the receiving end of a number of those questions: Always coming from the oblique, always a bit different, from a slightly different angle, always from a slightly different perspective. Often they were the questions others didn't ask or wouldn't ask. She had a very inquiring mind and she had a wonderful ability to write.

So we will no longer be blessed with the presence of Mary McGrory here in this Capitol Building and in this Capitol of the United States, covering the major events, which she started doing 50 years ago in the McCarthy hearings. But she will be in our thoughts forever. My thoughts and prayers go out to Mary's relatives.

I attended a service once at which Senator BYRD spoke. He finished with a quote from Thomas Moore. The last two lines were:

> You can shatter, you can break the vase if you will,
> But the scent of the roses will hang round it still.

Although Mary has passed and all of us are saddened by the loss of a friend and America has lost one of the great writers in the last half century, Mary will remain with us forever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. It is my understanding we are still in morning business and we have about 5 or 6 minutes remaining on our side?

The PRESIDING OFFICER. There are 18 minutes remaining.

Mr. BURNS. I ask unanimous consent that I may proceed and use that time up.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend from Montana, that is true. We extended your side an additional 10 minutes. Your time was gone, but now you have additional time. As to when it is used now—you were to get the first half; we were to get the second half. It is kind of a jump ball right now, so you have the floor for 11½ minutes.

EARTH DAY

Mr. BURNS. Madam President, I thank my friend from Nevada and my good friend from Vermont. Today is Earth Day. Of course, most of us who are involved in agriculture, we don't set aside one specific day. Every day is Earth Day for those of us who use the Earth to produce the wealth of the country.

Anyway, every year about this time they always release the index of leading environmental indicators, which gives us an overall measuring stick on how good or how bad we are doing in dealing with the environment. This press release came out of San Francisco. It is released by a group that is a think tank in Bozeman, MT. They brought out some information that we tend to forget when we talk about the environment. Steven Hayward wrote the press release. Of course we are doing better than a lot of people think we are doing.

Environmental quality is improving steadily, in some cases dramatically, in key areas with which we try to deal. Vehicle emissions are dropping about 10 percent per year as the fleet turns over to inherently cleaner vehicles, including SUVs. We are making progress. Ninety-four percent of the population is served by water systems that have reported no violation of any health-based standards.

We are getting better in trying to provide clean water for our citizens. There has been a 55-percent decline in toxic releases since 1988 even while total output of industries covered by this measurement has increased 40 percent. We are making progress. That is dramatic progress as far as quality is concerned.

Despite most popular assumptions, U.S. air quality tends to be found at least equal, if not slightly better, than in Europe. It seems we have a lot of people who distract and criticize us for our environmental policies.

This year's index includes a list of the media's best environmental reporting on that, which includes the Boston Globe, the Washington Post, the Atlantic Monthly, the New York Times, the Los Angeles Times, the New Republic, and the Wall Street Journal.

In other words, all of these folks have earned their spurs, so to speak, in keeping the public informed on such matters.

There have also been notable improvements in our Government reporting with the EPA's first ever composite on national trends and State-based initiatives to improve water quality reporting and monitoring.

Private conservation efforts, such as Ducks Unlimited, and private water trusts have been highly successful as reported this year.

The index reports one of the few areas to show a decline in the quality is that of public lands. While funding and land allotments have increased, quality has deteriorated by the most significant measures. The root of the problem is excess of political management, and the answer can be found in innovative solutions such as land trusts and resource leases.

This year's index includes a special section comparing quality between the U.S. and Europe. We are winning that also.

The other ways:

> Doomsaying and know-nothingism gets better headlines and work well for direct-mail fundraising . . . but a serious look at the data helps us to appreciate how far we've come, and helps us set priorities for the next generation of environmental activism.

Whenever we hear a lot of doomsaying that we are doing very badly, the scorecard reports to us overall a different kind of story. The only place we are not making any improvements at all is on the lands the Federal Government manages, not the land that is managed in the private sector.

I ask unanimous consent the entire text of the press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARTH DAY IS CAUSE FOR CELEBRATION: ENVIRONMENTAL TRENDS MOSTLY POSITIVE

(By Steven Hayward, with Michael De Alessi, Holly L. Fretwell, Brent Haglund, Joel Schwartz, Ryan Stowers, and Sam Thernstrom)

SAN FRANCISCO.—The ninth annual Index of Leading Environmental Indicators, released today by the Pacific Research Institute and the American Enterprise Institute, shows that the environment continues to be America's single greatest policy success. Environmental quality has improved so much, in fact, that it is nearly impossible to paint a grim, gloom-and-doom picture anymore.

Environmental quality is improving steadily and in some cases dramatically in key areas: Average vehicle emissions are dropping about 10 percent per year as the fleet turns over to inherently cleaner vehicles, including modern SUVs; ninety-four percent of the population is served by water systems that have reported no violations of any health-based standards; there has been a 55-percent decline in toxic releases since 1988, even while total output of the industries covered by this measurement has increased 40 percent; and despite most popular assumptions, U.S. air quality trends are found to be at least equal, if not slightly better, than in Europe.

This year's Index includes a list of the media's best environmental reporting. Featured outlets include Boston Globe, Washington Post, Atlantic Monthly, New York Times, Los Angeles Times, The New Republic, and Wall Street Journal.

There have also been notable improvements in government reporting, with the EPA's first-ever composite on national trends and state-based initiatives to improve water-quality monitoring.

Private conservation efforts, such as Ducks Unlimited and the Peregrine Fund, and private water trusts have been highly successful.

And recent findings in climate-change science also give reason for hope. Because the climate models have been based on flawed economic assumptions, there is even greater uncertainty now in the range of CO2 emissions projections. This means the prognosis is probably not as grim as conventional wisdom would have us believe.

The Index shows that one of the few areas to show a decline in quality is that of public lands. While funding and land allotments have increased, quality has deteriorated by most significant measures. The root of the problem is an excess of political management, and the answer can be found in innovative solutions such as land trusts and resource leases.

This year's Index also includes a special section comparing air quality in the U.S. and Europe.

"Doomsaying and know-nothingism get better headlines and work well for direct-mail fundraising," said lead author Steven Hayward, "but a serious look at the data helps us appreciate how far we've come, and helps set priorities for the next generation of environmental activism."

Mr. BURNS. Madam President, I yield the floor. I thank the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

MARY McGRORY

Mr. LEAHY. Madam President, as I came on the floor, I heard a discussion of several Senators about the passing of Mary McGrory.

The distinguished senior Senator from Utah, who is now on the floor, and I were talking to editors and others at a press gathering in Washington this morning. I mentioned Mary McGrory at the beginning of that.

When Marcelle and I first came to Washington, Mary was one of the first people we met. I always enjoyed my time with her. She was a great writer with searching questions, and did not suffer fools idly. She was very quick and very able in deflating those who had inflated themselves far beyond what they deserved.

She also helped so many people. I remember the girl from an orphanage she helped, referring to her as "Mary McGlory." Indeed, she has gone to her own glory now, but she made it possible for some others.

She was a remarkable person, a remarkable person who will not be matched. There will be many others who will carry the banner, but none will do it with her ability.

I also liked the fact every time she would take a vacation in Italy she would come and chat with me about it. My mother's family is still in Italy. We would discuss favorite recipes, notwithstanding our Irish names.

EARTH DAY

Mr. LEAHY. Madam President, Earth Day usually marks the beginning of the President's and his green team's migration out to our Nation's parks, forests, and wildlife refuges.

Since this is an election year, I am sure they are ramping up their efforts to greenwash their environmental record with very nice photo ops.

Greenwash, like whitewash, doesn't stick. You have only to open the daily newspaper to see the laserlike focus the Bush administration has taken to rolling back our environmental laws, and while doing so rewarding special interests and corporate polluters. The starkest example is their outright assault on the most bipartisan environmental law of the 20th century, the Clean Air Act. I say bipartisan because leading Republicans and leading Democrats across the political spectrum, in the House and in the Senate, came together to pass the Clean Air Act. My predecessor, the senior Senator from Vermont, Bob Stafford, was one of those leaders.

You would think of all acts, one that would be put together by Republicans and Democrats would be safe from assault by this Administration. That is not the case.

By stealthy executive fiat, the Administration has dismantled the Clean Air Act bit by bit to let polluting industries off the hook when it comes to cleaning up dirty coal-fired powerplants that each year belch hundreds of thousands of tons of soot and toxic pollutants—pollutants like mercury.

The administration's actions to retreat from strong mercury controls, to undermine current lawsuits against the biggest utility companies, and to allow new coal-fired powerplants to be built without the best controls amounts to a triple whammy for public health and the environment.

We often speak about being family friendly in this body. How do we tell a pregnant mother or a parent with small children how family friendly it is to allow more mercury into our air and into our water and the fish we eat.

When the Clean Air Act was passed, Congress gave coal-fired powerplants a grace period to either clean up or shut down. At the end of the Clinton administration, we were making real progress toward meeting that goal. States such as my State of Vermont, which have been the dumping ground for toxic pollutants like mercury for decades, were finally going to get some relief. But, unfortunately, the only people letting out a sigh of relief now are the CEOs and corporate attorneys in the boardrooms of multibillion dollar energy companies. They are the only ones celebrating this Earth Day.

Despite all of the administration's public relations tactics, I believe the American people are catching on, and enough is enough. To date, this Administration has made well over 300 rollbacks to our environmental protections. Think of that, three years in office and they have had 300 rollbacks of our environmental laws.

There is certainly a lot about which the American people should be outraged. But I think it is important to take note of the strong bipartisan and growing outcry about the Administration's latest retreat from the Clean Air Act in the form of its mercury proposal.

Senators SNOWE, JEFFORDS, DAYTON, and I were joined by 41 other Senators in calling on the administration to withdraw its mercury proposal. The concerns are building so swiftly they may soon reach critical mass.

Look at this map. It gives some indication why the concerns are so great and why the objections are bipartisan.

This is the Environmental Protection Agency's own map: "Mercury Deposition in the United States."

This is the Canadian border along here. Look how the mercury, because they are willing to violate and allow violations of the Clean Air Act, comes across. Look how it inundates the States in this area. My own State of Vermont is basically hidden under the deepest red of mercury pollution on the chart.

The new EPA proposal to reduce mercury emissions was supposed to bring the powerplants into the 21st century and clean up their emissions. It does not do that. It falls short of what is necessary and falls far short of what is possible.

Despite the Administration's best efforts to use every tactic in its public relations arsenal to convince Americans more mercury in the water, food, and environment over a long period of time is the best we can do, it is not working.

In the last 2 months, much has come to light about the Administration's close collusion with polluting industries and devising its policy on mercury. The lobbyists from the industry sent their proposal to the Administration. The Administration does not even pretend to look at this scientifically or be independent. They just take it verbatim. They might as well have kept the letterheads from some of these companies. Instead of using the EPA letterhead, they could put "Polluters 'R Us," or whatever industry sent to them. There are 20 examples where industry helped ghostwrite the mercury proposal.

In a way, it is almost humorous that they would be so blatant about turning this over to the polluters, except that it suggests a very serious breach of the public rulemaking process and undermines the public trust in EPA's ability to be an independent decision-maker and perform its mission to protect human health and safeguard the natural environment.

This Administration has a credibility problem about its approach to the Clean Air Act and to mercury pollution. New warnings about mercury risk from tuna, increasing numbers of pregnant women with mercury levels above safe levels, more newborns being born with high mercury levels, all are adding up to widespread and growing public demand for prompt action. We know from reports in the New York Times that the Bush administration employed a favorite tactic of sweeping science under the rug when it was drafting the mercury proposal.

But we cannot ignore the facts. This chart shows the estimates of newborn children and women with unsafe mercury blood levels. They have doubled. These are some of the estimates from EPA scientists about which the White House wished the American people did not know.

Anyone who has children or grandchildren should worry about this issue. Anybody who is expecting a child should worry about what this administration is doing. Anybody who has young children should worry about what they are doing. The estimate of women of childbearing age with mercury levels above what EPA considers safe has doubled. Apparently, the administration does not want the public to know that their mercury proposal does not go far enough fast enough to protect mothers and newborns from mercury.

The same strategy is to ignore career staff and public health experts in the administration's proposal to write a giant loophole into the Clean Air Act New Source Review, called NSR. For anyone who has not seen it, I suggest a careful reading of the New York Times magazine article from several weekends ago titled "Up In Smoke" to see how the Bush administration strategically placed industry lawyers in key positions at EPA, spending the last few years helping the biggest utility companies in the country get off the legal hook of pollution control plans. They put the fox in to guard the henhouse. They have said to industry—and these are industries that contributed mightily to this administration—they have said: We will set aside the nonpartisan nonpolitical scientists; we will set aside the people whose sworn duty is to be here to protect the American public; we will put your lawyers in place, and we will let them write the rules for the rest of the country.

Agency experts repeatedly warned the political appointees at the EPA that through new policy, this new NSR policy would undercut the lawsuits.

And they went even further. They gave industry even more than they asked for and now industry attorneys are going to court where cases have been brought and are saying they should be dismissed because of the administration's actions. This is a very real problem in States like mine, if you are downwind.

If Government wins the NSR cases despite the administration's back-door tactics and hundreds of thousands of tons of toxic pollutants will be cut.

Unfortunately, the Bush administration is not satisfied. Retreating from strong mercury controls, undermining the NSR cases, is not enough. We now have reports that say the administration is considering new guidelines to States to limit their ability to require that new coal-fired plants use the best available technology to reduce emissions. That should set off alarm bells in the Northeast.

This chart shows where new proposed plants are. The power industry has plans to build nearly 100 new coal-fired powerplants in the United States over the next 10 years, but the administration is trying to make darn sure they do not have to put in the kind of technology necessary to cut pollutants. These plants, located mostly in the Midwest and Great Lakes, will add thousands of pounds of new pollutants to our Nation's air.

Over the last several decades, we have learned what comes out of the plants ends up in the lakes, rivers, and streams, as well as the food supplies of the children in the Northeast.

If coal really is making a come back, as people predict, we should ensure it is not at the expense of our health and environment. On every front, the Bush administration is selling American technology and American ingenuity short. The administrations is setting the bar way too low, and they have set the clock for far too long. The technology exists to go much further. The administration needs to start putting the public interest ahead of special interests and tell the industry to use it. Just think of that, putting the public interest ahead of special interest. What a novel idea. If we did that, the American people would much better served.

I hope the administration will withdraw its industry-ghostwritten, scientifically unjustifiable mercury rule, withdraw its NSR policy and drop plans to allow new powerplants to be built without the best environmental controls. I worry that the industry stalwarts within the administration will continue with their schemes to let corporate polluters off the hook.

Remember, this is the same White House that tried to put more arsenic in our drinking water. The American people know their real slogan is, "Go ahead and pollute, we don't give a hoot."

I yield the floor.

Mr. HATCH. What is the parliamentary situation?

The PRESIDING OFFICER. There are 3½ minutes on the majority side for morning business.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Utah.

PRO-ENVIRONMENT ADMINISTRATION

Mr. HATCH. Mr. President, I do not know how anybody can walk on the Senate floor and say Republicans—any Republicans or Democrats—are not for the environment.

Now, I have to say we from the West understand the importance of balancing the environment with jobs and families and opportunities. I think we do a pretty good job. We have to continue to be vigilant about the environment. But I think to try to make the case that this administration is anti-environment is not only a stretch, it is false.

This administration is pro-environment, but it is also pro-jobs, pro-family, pro-geographical areas, pro-West, and pro-proper utilization of Federal lands—almost all of which the environmental extremists decry.

To accuse the administration of putting arsenic in the water or being part of something that puts arsenic in the water is, I think, beyond the pale. The fact is, in many municipalities and towns the small bits of arsenic in the water are not dangerous, according to the EPA and others, but the costs of trying to change their water systems are so exorbitant they could not exist as towns.

Nobody wants any dilatory substance in our water. In fact, for years this town has been run by people from both parties, and, of course, we know the water in this town has all kinds of problems. Yet this is the greatest city in the world. So I think it is basically a stretch and an exaggeration and, of course, a seizure of political opportunity to criticize this administration environmentally in the way some of my colleagues have chosen to do.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2004—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2290, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (S. 2290) to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes for debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, my colleagues and I have been talking all week about the long overdue reforms that the Hatch-Frist-Miller bill will deliver.

I think it is clear to anybody that asbestos litigation has been spinning out of control with no end in sight for far too long. The shortcomings of the current system are crippling businesses, and, at the same time, depriving asbestos victims of prompt and adequate compensation for their injuries.

One of the most outrageous aspects of the current asbestos litigation system is that it allows—indeed, encourages—some lawyers of questionable ethics to find and bring claims that may be of questionable merit. In some egregious and hopefully rare instances, an entire plan of action has apparently evolved to track down potential claimants based more upon whether they can be properly coached to present a colorable claim than whether their claim has actual merit.

For example, I am told that several years ago, a first-year associate attorney at the law firm of Baron & Budd apparently inadvertently disclosed to defense counsel a memorandum that provides a sad but startling insight into how asbestos claims are created and spun into recoveries.

The memorandum, titled "Preparing for Your Deposition," offers clients detailed instructions. They are shown how to sound credible when giving testimony that they worked with particular asbestos products. The memorandum seems to make every effort to instruct clients to assert particular points that will act to increase the value of their claim, without regard to whether those assertions are actually true. The memorandum even goes so far as to inform clients that a defense attorney will have no way of knowing whether they are lying about their exposure to particular asbestos products.

One excerpt from the memorandum appears to help claimants identify defendant companies and prepares them for a cross-examination that could reveal how flimsy their claim might be. It reads as follows. This is from the Baron & Budd memo "Preparing for Your Deposition":

> You may be asked how you are able to recall so many product names. The best answer is to say that you recall seeing the names on the containers or on the product itself. The more you thought about it, the more you remembered! If the defense attorney asks you if you were shown pictures of products, wait for your attorney to advise you to answer, then say a girl from Baron & Budd showed you pictures of MANY products, and you picked out the ones you remembered.

Well, as you can see, that is pretty serious. Another excerpt from the memorandum steers claimants away from admissions that would undermine their claims. On this point, the memorandum equips witnesses with the following admonition. Again, from the Baron & Budd memo—one of the leading firms in these asbestos plaintiffs cases, to which more than $20 billion in fees—that is with a "B"—have been given. Here is this counseling or coaching. Here is what this law firm memorandum said:

> You will be asked if you ever saw any WARNING labels on containers of asbestos. It is important to maintain that you NEVER saw any labels on asbestos products that said WARNING or DANGER.

Finally, apparently to drive home the point that cross-examination may be of little value in certain circumstances, the memorandum advises claimants as follows—again, the same law firm:

> Keep in mind that these [defense] attorneys are very young and WERE NOT PRESENT at the jobsites you worked at. They have NO RECORDS to tell them what products were used on a particular job, even if they act like they do.

Law Professor Lester Brickman has studied the asbestos litigation process extensively and has written detailed analyses of that process. Professor Brickman reviewed the law firm's memorandum and said:

> In my opinion . . . this is subornation of perjury. Now, after the memorandum was discovered, the Dallas Observer conducted an investigation of the Baron law firm's asbestos practices. That investigation appeared to uncover an extensive process geared toward manipulating the asbestos litigation system.

As the Dallas Observer wrote:

> Two former paralegals . . . both say that a client-coaching system was in place at the firm. Workers were routinely encouraged to remember seeing asbestos products on their jobs that they didn't truly recall.

Still another aspect of the Dallas Observer investigation into the Baron firm's handling of asbestos cases revealed a process that put a premium on schooling claimants by planting the right bits of information in their heads.

As the Dallas Observer reported:

> A paralegal says that in many cases, the client had no specific recollection of some products before she interviewed them. "My original caseload was a thousand, but I didn't interview that many people. It was in the hundreds. I'd say that probably in 75 percent of those cases I had people identify at least one product they couldn't recall originally."

Now, manipulation of claimant memories and stories appear to have gone beyond implanting valuable facts to improve their claims. The Dallas Observer found that the Baron law firm also conveniently helped claimants eliminate facts from their stories where that would suit their purpose. The Observer reported the following:

> According to the paralegals, their job didn't stop with implanting memories; there were also the asbestos products they had to encourage clients not to recall. Two lawyers told her to discourage identification of Johns-Manville products because the Manville Trust was not paying claims rendered against it at the time. ... Thus, when a client would say he saw, for instance, a Johns-Manville pipe covering, the paralegal says, she would hand them a line. "You'd say, 'You know, we've talked to some other people, other witnesses, and they recall working with Owens-Corning Kaylo. Don't you think you saw that?' And they'd say, 'Yeah, maybe you're right.'"

Finally, another document obtained by the Observer consisted of handwritten notes apparently taken by a Baron & Budd attorney during an internal training session. I will just say these are the things that are wrong with asbestos litigation. Is this counseling or coaching? The memorandum states: "Warn plaintiffs not to say you were around it—even if you were—after you knew it was dangerous."

These practices, if they indeed took place—and I hope they did not take place in the way the Dallas Observer described them in its investigative report—distort a system that is already struggling to provide fairness. If lawyers for purported asbestos victims coach clients to lie in this manner, they may win some big fees for themselves along with some unjustified awards for clients who aren't actually sick, such practices have a sinister effect: They deprive seriously injured asbestos victims of the swift and fair recoveries that they deserve for their injuries and they cheat the payer firm out of money, they cheat employees of these firms out of their jobs, and they cheat investors and individual retirees of these firms out of their investments.

The time to act is now. I urge my colleagues to vote to invoke cloture against the minority's obstructive tactics. We owe it to these victims to put a halt to these abusive practices that enrich the few at the expense of many and enrich those who are not sick at the expense of those who are. We owe it to hardworking Americans who stand to lose their jobs and pensions because of this asbestos mess. And we owe it to everyday Americans to provide them a civil justice systems that works.

Ray Klappert lives in Ft. Lauderdale, FL, and is actively supporting passage of legislation establishing an asbestos trust fund. His support is not surprising given the serious asbestos health problems he may be facing in the future. Here is Ray's story:

Ray's father, Fred Klappert, was a Korean War veteran and self-employed in the construction business. In 1973, Fred contracted to work on the renovation of the interior of a commercial building in Miami Beach. During the renovation, which lasted several months and involved a partial demolition of the old building, Fred was exposed to asbestos.

Twenty-five years later, Fred Klappert developed a severe cough and doctors eventually diagnosed him with asbestosis. Fred has since passed away. Unfortunately, the Klapperts had nowhere to turn for help and no source from which to be compensated for their loss.

Ray has since learned about the dangers of asbestos and has grown quite concerned for his own health. Ray worked with his father on that same building in 1973. Ray fears he may also acquire an asbestos-related disease and, like his father, have nowhere to turn for help.

An asbestos trust fund ensures a potential asbestos victim like Ray Klappert that there will still be adequate compensation in the future—that will not be the case if asbestos litigation remains our method in the tort system. If a trust is established, Ray will not have to worry whether the defendant companies come insolvent, and thus the prospect of collecting pennies on the dollar from some bankruptcy trust. He also knows that the legislation will ensure that if he needs it, he will have access to medical monitoring as soon as the bill is enacted. This kind of security is essential for the peace of mind of all future asbestos victims.

What is wrong with asbestos litigation? It is running out of control and ruining our legal system. Compensation for victims such as Fred and Ray Klappert, under the current system, nothing. Under the FAIR Act, they get compensated.

Passage of S. 2290 will give Ray confidence that help is available should he need it in the future. If the legislation fails, Ray Klappert, like his father, will become just another victim of a tort system that has failed and will continue to fail thousands of Americans who have been exposed to asbestos.

As the asbestos litigation crisis continues unabated, nearly all of the major asbestos manufacturers are bankrupt. Consequently, more and more small businesses are forced to defend these costly lawsuits—some of which are without merit. A compelling illustration of this epidemic is the case of Monroe Rubber and Gasket, a small Monroe, Louisiana business with only 15 remaining employees—a number down 33 percent since asbestos litigation began against the company just 4 years ago.

Prior to 1986, Monroe Rubber and Gasket used a compressed asbestos sheet in manufacturing its gaskets. Mike Carter, one of its owners, called for a thorough examination of the company's gasket manufacturing process in order to determine whether any asbestos was actually released into the air when this sheet was cut. The results were negative. Additionally, not a single Monroe Rubber and Gasket employee, including Mr. Carter, who has worked around his company's products for decades, has acquired an asbestos-related disease.

In 2000, despite its decision to end the practice of using any products containing asbestos in its gasket manufacturing process nearly fourteen years earlier, Monroe Rubber and Gasket began to be named in lawsuits on behalf of individuals who worked at chemical plants and paper mills that used the company's gaskets in their own machinery. There are approximately 75 lawsuits currently pending against the company. In some cases, Monroe Rubber and Gasket is the only defendant. In others, Monroe Rubber and Gasket is simply one of dozens. I must point out that not one such lawsuit against Monroe Rubber and Gasket involves a current or former employee of the company. Needless to say, that reeks of irony.

Fighting these kinds of lawsuits is cost-prohibitive, especially for a small business that is at best a peripheral defendant. According to Mr. Carter, asbestos litigation costs his company more than $250,000 a year, and, if you can believe it, not one such claim against Monroe Rubber and Gasket has actually gone to trial. In addition to not including a case that has reached final disposition, this cost also fails to include the loss of productivity resulting from the thousands of hours spent on the litigation by Mr. Carter himself.

What is wrong with asbestos litigation? Take the case of Monroe Rubber and Gasket: The cost of litigation so far, $250,000 a year; the lawsuits filed against the company, 75; the workforce loss, 33 percent; the number of company employees who are sick throughout eternity has been zero; the number of company employees who have sued, zero. Yet this company is being torn apart by litigation that it should not have to face.

The impact of these considerable losses is felt not only by Mr. Carter and his fellow small business owners, but also by the employees. Moreover, Monroe Rubber and Gasket has been forced to cancel plans to open a new facility in Arkansas. The money that was going to be used to underwrite the expansion has gone instead to the lawyers. Some of them were not so voracious. They are defense lawyers who had to be retained under these circumstances.

For Mike Carter and the employees at Monroe Rubber and Gasket, the issue is simple—unless we choose to act, they will be out of work. At the moment, most of the costs of the litigation are covered by insurance, but it is uncertain how long that will last. In fact, the employees don't know who will go bankrupt first—the company or its insurance carrier. What they do know, however, is that if we fail to act, they will soon join thousands and thousands of other American workers who are out of work or who lost their pensions or their health plans because of the nightmare of asbestos litigation. This is not a fair and just result, and Congress should act to rectify the situation.

Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Fourteen minutes.

Mr. HATCH. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Mr. President, I am disappointed my friends across the aisle are insisting on proceeding to this partisan asbestos bill. I say that because the legislation is not ready for prime time. It is not ready for floor consideration. I am one who believes the Senate should pass legislation to establish a national trust fund to compensate asbestos victims. Actually, I chaired the first Judiciary Committee hearing on this subject back in September of 2002.

This bill would create a trust fund with unfair compensation, inadequate funding, no startup protections, delayed sunset provisions, and major solvency problems. Despite its title, this partisan bill is far from fair.

It is a mistake for the Republican leadership to insist on proceeding to a bill with so many major problems still unresolved. Again, this bill is not ready for floor consideration.

We did have a bipartisan dialog over the past year, and I hoped that would yield a fair and efficient compensation system we could in good conscience offer to those suffering today from asbestos-related diseases and also to those victims who we know are going to come in the future.

Unfortunately, the Senate majority leadership decided to walk away from those negotiations and resort to unilateralism by introducing a partisan bill, and that is a shame. I believe so many of my friends on the Republican side would like to have a good bill, but to have a good bill of this complexity requires real work and we have to work as legislators and we have to have substance, not symbolism. We have to have reality, not rhetoric.

The introduction of this bill raises many questions—most notably what the sponsors are trying to achieve because it is certainly not a fair compensation model for asbestos victims. By breaking off the bipartisan negotiations and hastily pushing a bill to the floor, the Republicans have turned their back on all of us who have worked so hard for so long to find a fair solution.

Creating a fair national trust fund to compensate asbestos victims is one of the most complex legislative undertakings I have been involved with in nearly 29 years in the Senate. The interrelated aspects necessary for a fair national trust fund are like a Rubik's Cube, and that is all the more reason why we should have a fair national trust fund bill and have it be a consensus piece of legislation. Otherwise it does not work, it does not become law.

That is why I have been involved in months of bipartisan negotiations. I worked so hard to encourage the interested stakeholders to reach agreement on all these critical details.

I thank Senators DASCHLE, DODD, FEINSTEIN, SPECTER, and other Senators, the representatives from organized labor, the trial bar, and industry who worked so hard to try to reach consensus on a national trust fund that would fairly compensate asbestos victims and also to provide the financial certainty for their defendants and their insurers.

We did reach bipartisan agreement on two of the four cornerstones of a successful trust fund. Senator HATCH and I brought together the Leahy-Hatch amendment that gave appropriate medical criteria to determine who should receive compensation and an efficient, expedited system for processing claims. But we have yet to reach consensus on the other two cornerstones of a successful trust fund—fair award values for asbestos victims and adequate funding to pay for the compensation. Even if we have the medical criteria and if we lowball the amounts, if we do not adequately handle it, it makes no difference.

Bipartisan medical criteria have already eliminated what businesses contend were the most troublesome claims, but that kind of fair compensation is not free.

The Judiciary Committee's unanimous agreement on the Leahy-Hatch medical criteria is meaningless if the majority, in effect, rewrites the categories by failing to compensate those who fall within them. Even with consensus on medical criteria, if the award value is unfair, then the bill is unfair and it is unworthy of our support. That is the case with this partisan bill.

Since my first hearing on this issue nearly 2 years ago, I have emphasized one bedrock principle: It has to be a balanced solution. I cannot support a bill that gives inadequate compensation to victims. I will not adjust fair award values into some discounted amount to make the final tally come within a predetermined and artificial limit. That is not fair.

It is critical that there is adequate funding at the inception of a national trust fund since there are more than 300,000 current pending cases in our legal system. Upfront contributions from defendants and insurers will be necessary to accommodate the inevitable, and that is thousands of these pending claims coming in on the very first day of the trust fund.

The new Hatch-Frist bill actually provides less upfront funding and less overall funding than we voted out of the Judiciary Committee. That is not fair. The partisan emphasis in this bill on behalf of the industrial and insurance companies involved, to the detriment of victims, has produced an unbalanced bill. This bill is a reflection of the priorities that went into it.

Many of us have worked hard for more than a year toward the goal of a consensus asbestos bill. So this new partisan bill is especially saddening and confounding. We could have a bill that protects defendants; it would protect the insurance companies; it would protect the corporations; and it would protect the people who have been sickened by asbestos. We could have done that. We could have brought finality to this issue. We could have ended endless litigation. We could have let corporations go on with their business. We could have made sure the victims knew they were going to get adequate compensation. We have missed a golden opportunity.

After the cloture vote on this partisan asbestos bill, the Senate will take up and pass the Kyl-Feinstein-Hatch-Leahy crime victims' rights legislation. This bipartisan legislation is a good example of what the Senate can do when we work together to reach consensus. Unfortunately, the bipartisan process of the crime victims' rights legislation is being abandoned by the majority on this partisan asbestos bill.

We should be asking ourselves this question: Does this partisan turn the sponsors of this bill have taken help or hurt our efforts to produce and enact a consensus asbestos bill? I say it does not help.

We have enough of a debate going on behind me, so I will yield to someone in a different part of the Chamber, Senator KENNEDY, so he can make himself heard for 10 minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BAUCUS. Mr. President, will the Senator yield? I am curious as to how long the Senator will be speaking.

Mr. KENNEDY. Ten minutes.

Mr. BAUCUS. I thank the Senator.

Mr. KENNEDY. Mr. President, the real crisis which confronts us is not an asbestos litigation crisis, it is an asbestos-induced disease crisis. Asbestos is the most lethal substance ever widely used in the workplace. Between 1940 and 1980, there were 27½ million workers in this country who were exposed to asbestos on the job and nearly 19 million of them had high levels of exposure over long periods of time, and that exposure changed many of their lives.

Each year more than 10,000 of them die from lung cancer and other diseases caused by asbestos. Each year, hundreds of thousands of them suffer from lung conditions which make breathing so difficult they cannot engage in the routine activities of daily life. Even more have become unemployable due to their medical condition.

Because of the long latency period of these diseases, all of them live with a fear of a premature death due to asbestos-induced disease. These are the real victims. They deserve to be the first and foremost focus of our concern. The victims are average, hard-working Americans. They are the construction workers who build our houses, machinists who keep our factories running, assembly workers who make products for our home, shipbuilders who help make our country strong and secure. They did their jobs faithfully and now it is time for us to do right by them.

All too often, the resulting tragedy these seriously ill workers and their families are enduring becomes lost in a complex debate about the economic impact of asbestos litigation. We cannot allow that to happen. The litigation did not create these costs. Exposure to asbestos created them. They are the costs of medical care, the lost wages of incapacitated workers, the cost of providing for the families of workers who died years before their time. Those costs are real. No legislative proposal can make them disappear. All legislation can do is shift those costs from one party to another.

Any proposal which would have the effect of shifting more of the financial burden on to the backs of injured workers is unacceptable to me, and I would hope that it would be unacceptable to every one of us. Unfortunately, that is precisely what the Frist bill would do.

The bill before us does not reflect what is necessary to compensate the enormous numbers of workers who suffer from asbestos-induced disease. It reflects only what the companies who made them sick are willing to pay.

The compensation levels in the Frist bill are unreasonably low, especially for the most seriously ill worker. They would receive much less compensation under the bill than they are currently getting on average in the tort system. For example, workers with 15 years of exposure to asbestos, who are dying of lung cancer, would get as little as $25,000 under the Frist bill. That is absurd.

While most of these workers smoke, a person who smoked and was exposed to asbestos is over four times more likely to get lung cancer than a person who smoked but was not exposed to asbestos. Asbestos was clearly a major contributing factor to their lung cancers. Yet this bill would give them next to nothing. Not only does this bill not provide adequate levels of compensation, there is no guarantee that sufficient funds will be available to fully pay all injured workers who are eligible, even what the bill promises them.

According to a CBO analysis, the Frist bill is underfunded by nearly $30 billion. If the asbestos trust fund does become insolvent, workers will have to wait years before they can return to the tort system, and many of them will be dead by then.

Any proposal which would merely create one new, large, unfunded trust in place of the many smaller underfunded bankruptcy trusts which exist today is unacceptable. Injured workers need certainty even more than businesses and insurers. The Frist bill merely shifts more of the financial burden of asbestos-induced disease to the injured workers by unfairly and arbitrarily limiting the liability of defendants.

Sick workers would receive lower levels of compensation than they receive on average in the current system, and payment of even those lower levels of compensation would not be guaranteed. That is no solution at all.

I hope we would not consider this bill before us but go back to the drawing board and get a bill that will meet the needs of all the parties.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I rise today to say I most regretfully oppose the motion to invoke cloture on the motion to proceed to the bill. I do not think we are quite ready. I do not think we are ready to tackle this important and complex legislation at this time.

This is a bill that would end for decades the rights of individual citizens to seek justice and compensation for their injuries in a court of law. That is not something we should act on too quickly; that is, before we have a complete understanding of what it is that we are doing and how it will impact asbestos victims, businesses, insurers over the long run.

Senators HATCH, LEAHY, and SPECTER, though, and many others, have worked very hard on this bill. Because of their efforts, we have come closer to a final compromise than I think anyone would have believed possible early last year. That is why I am puzzled, frankly, that we feel the need to rush to the floor to finish this bill before we have exhausted all opportunities to come to a compromise on the outstanding and very tough issues. Negotiations have yielded significant progress in certain areas. I believe there is no reason to believe that continued negotiations will not yield even more progress.

Being in the Senate, I have learned if one sticks to it and with it, one can find ways to work out solutions to very difficult problems.

My primary concern, though, has always been protecting the people of Libby, MT, in any asbestos legislation that Congress considers. I know I do not need to go into the details of the Libby tragedy because my colleagues have heard them many times, but I will emphasize that their situation for me, and for them especially, is unique. An entire town was poisoned with asbestos for decades by W.R. Grace, a company that lied to its workers, lied to the community about the deadly dust which it was exposing its workers to, lied to the families, and lied to the whole community. Hundreds of people have already died or become very sick, and hundreds more will likely follow.

I have pledged to the people of Libby that I will do everything in my power to help them make their community whole again, to make sure their long-term health care needs are met. The health care costs associated with treating asbestos-related diseases are crippling to families who do not have health care and are uninsurable and to a community that is struggling to get its economy back on track. Simple, routine procedures to help a person breathe more easily can cost at least $30,000.

The Libby dust, or fiber, is also unique. The Libby fiber is especially vicious. It is made up of what is called tremolite, a special kind of asbestos, and other similar fibers, fibers that doctors and scientists are now only beginning to realize are more deadly than ordinary asbestos.

Not only is it more likely to cause asbestos-related diseases, it often causes disease to progress more rapidly than traditional asbestos-related disease. Libby asbestos disease also looks different. It is hard to identify and hard to detect on x rays and CAT scans, much harder than traditional asbestos-related disease. That is why I was so concerned about Libby at the beginning of this debate.

Because Libby is unique in terms of the type and duration of asbestos exposure, the manner in which asbestos disease manifests itself in Libby, and the fact that an entire community was affected, it was clear that the medical and exposure criteria in the bill would unfairly exclude most of the population of Libby. That would pile injustice on top of injustice on these people, and I could not accept that.

Senators HATCH and LEAHY worked very closely with me and my staff, and I want to thank them for the very important provisions in the bill that would exempt people in Libby from both the exposure and the medical criteria in S. 2290. This was a huge step forward.

However, as we moved past these larger issues for the Libby victims, new concerns arose about the level of compensation that would be awarded to a Libby claimant. I was concerned that the administrator of the trust had absolute discretion to determine that a panel of medical experts was wrong, and that a Libby claimant was not that sick and was not entitled to the level of compensation they truly deserved.

I was also concerned that the compensation levels were tied directly to the medical criteria in the bill, medical criteria that we had already determined just would not work for the Libby victims. This raised the possibility that the Libby victims would not be fairly compensated.

Senator HATCH and I have spoken about this concern and we have tried to work out an acceptable way to address it. Again, I thank Senator HATCH for the concern he has always shown for my constituents and I thank him for the effort he has undertaken.

However, this important concern has yet to be addressed in S. 2290. I have heard from people in Libby that they would rather we not proceed to this bill until we find a way to solve this outstanding uncertainty in the bill. I know they also share some of the concerns of my colleagues about other factors of the bill and whether it will indeed be workable and solvent over the long term. This is obviously important to me and to the people of Libby.

I believe that asbestos legislation is very important. I believe that Congress should complete work on an asbestos bill this year. It is important to the victims, many of whom are not being fairly compensated because the system is overloaded and so many companies have filed for bankruptcy. That is one of the reasons I will continue to work hard to protect Libby in asbestos legislation.

The people of Libby face a very uncertain future right now, depending on what happens with the Grace bankruptcy proceedings. I believe that if we get the Libby provisions right in the asbestos bill, they stand a far better chance of receiving fair compensation under an asbestos trust than they would through the Grace bankruptcy.

A bill is also immensely important to the business community that is seeking some level of certainty about what their future asbestos liabilities will be. Providing them with that business certainty, while at the same time providing the victims with equal certainty that they will be fairly and promptly compensated for their asbestos exposure and disease, should be our goal.

We are very close to achieving that goal, thanks to the efforts of many different players in this debate. Let's go back to the negotiating table and see how far we can get before we take this very complex bill to the floor for amendment and debate, a process that will not allow us to be as considerate and thoughtful as we should be with this issue.

For the sake of the people of Libby, and ensuring that they receive the highest degree of justice and certainty that they deserve, I must oppose the motion to invoke cloture on the motion to proceed to S. 2290. I pledge to continue to work together with my colleagues to find an acceptable compromise as soon as possible. I also state, if we can work out this Libby language, then I will be for the bill. I very much hope that happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. CARPER. Mr. President and my colleagues, in a few minutes we will vote on whether to proceed to debating and amending this legislation on asbestos. It is an important issue and an important vote.

Before I say anything else, I wish to express my thanks to Senator HATCH and Senator LEAHY and others on the Judiciary Committee who have worked on this issue for years. I express our thanks for trying to help us narrow our differences. I think they have been narrowed.

I spent a good part of the 2 years myself learning about this issue and coming up to speed on it so I might be able to participate in a constructive way. I have certainly learned a lot and hopefully made at least a modest contribution.

As we have tried to develop consensus on this issue, I think there are about four basic principles that we can agree on and ought to agree on.

One is that when people are sick and dying from exposure to asbestos, they ought to get the money they and their families need and they should get it now.

When people become sick later on from an earlier exposure, they should receive reasonable compensation and it should come promptly.

People who are not sick, who may have had an exposure to asbestos and may not become sick, they should have medical monitoring at no cost but they should not be siphoning off the moneys from folks who truly are sick and are in desperate straits.

Finally, the last principle is we ought to reduce the transaction costs, essentially the legal costs, that are involved in this whole process.

Those are four basic principles. My guess is if we could vote on those principles, we would all vote for them. We are not ready to vote yet on bringing this bill to the floor. I say that with some reluctance.

I have these four core values. The Presiding Officer and I talked about core values before. One of my core values is just never give up. I have another way of saying that. I say sometimes: "No" means "find another way." The "no" vote I am going to cast—in the "no" votes that are going to be cast, I want to be clear what "no" means.

First, I will say what it doesn't mean. "No" doesn't mean let's give up. "No" doesn't mean this bill is dead in this session. So it doesn't mean that asbestos legislation is dead for all time.

This is what "no" means. "No" means let's build on the work that has been done, the good work that has been done within the Judiciary Committee. "No" means let's build on the good work that has been done in the so-called Specter-Becker process, involving retired Federal Judge Becker. Let's build on that.

There are a number of important issues that still have to be resolved. This is not a bill to write on the floor. I think among the issues we agree on is that this is complex stuff. I know it is for me and for a lot of our colleagues. This is not a bill to be written on the floor, and there is still too much that needs to be written for us to take the bill up today. There is a process taking place that yesterday, my leader, Senator DASCHLE, and the Republican leader, Senator FRIST, have bought into. I have urged them both for some time to build on the Specter-Becker process, which has focused mostly on administrative issues and with some real success, but to build on that process, given the kind of role Judge Becker has come to play as a mediator, one trusted by labor, by the trial bar, by the insurers, by the manufacturers, and by many of the defendants in these legal cases.

This is not something we ought to start doing next month or maybe in June or July. This is work that needs to continue today, tomorrow, next week, and in the weeks that follow.

There is an old saying that work fills up the time that we allocate to do a particular job. If we say we will take a year to do something, we will take a year to do it. In this instance, we need to keep our focus and our energy concentrated on resolving most of the outstanding issues. I don't think the Specter-Becker process will resolve all of the outstanding issues, but I think it will get us a lot closer to resolution to enable us, on the floor, to then finally debate, amend the bill, and send something good, something solid to the House of Representatives.

Let me close by saying there is too much at stake.

By the way, Judge Becker said he has cleared his schedule starting next week, next Monday. He was here several days this week. He addressed our caucus yesterday. He met with leaders on both sides and talked to any number of our colleagues. He met with manufacturers, insurers here, organized labor, the trial bar, just this week in this building. We need to not let one bit of our momentum on this issue go away with a "no" vote today. What we have to do is build on that momentum.

Let me close by saying there is too much at stake for us not to do just that. There are too many people who are sick. They are counting on us doing something about it and helping them now. Too many companies have gone bankrupt. Some 70 companies have gone bankrupt. I understand some 70,000 people have lost their jobs.

That doesn't even begin to say how much people who were working for those companies that have gone bankrupt have lost in their 402(k) plans. They have lost it all. How about the common stockholders? They have lost everything because the company went bankrupt. There is a great need there.

Finally, the other thing at stake is the loss of manufacturing jobs. We have seen an erosion of over 2 million jobs in this country over the last 3 years. That is a lot of manufacturing jobs. One of the reasons is because of the legal problems we have in this country. We have lost our sense of balance. We can do better, and we need to.

What does "no" mean? No means get to work and let us resolve these issues. Before we break for Memorial Day, I hope we can bring this bill to the floor and vote yes. Let us get it done.

Mrs. BOXER. Mr. President, I am voting against cloture on S. 2290 because I do not believe that it is fair to asbestos victims or meets their needs for compensation adequately.

Asbestos kills 10,000 Americans every year. For more than 50 years, manufacturing companies, asbestos producers, and insurance companies ignored evidence of the threat of asbestos to their employees and their families, as well as the public. They failed to warn their workers and must be held responsible for thousands of deaths and thousands made ill.

Asbestos victims are people not statistics. Bill and Geneva Hornsby from Fontana, CA are not a statistic. Geneva was diagnosed with lung cancer in 1998. It was caused by asbestos that her husband brought home from work on his clothes. Then, in March 2003, her husband Bill was diagnosed with malignant mesothelioma. Again, it was cause by exposure to asbestos at work. Three weeks after the diagnosis, Bill died.

Angela Ruhl from Long Beach, CA, is not a statistic. She was exposed to asbestos through the work clothes of her uncle who worked in the Navy. Now she has peritoneal mesothelioma. She has undergone three surgeries and two rounds of chemotherapy. She deserves justice.

Sam Silvestro from San Mateo, CA, is not a statistic. He was exposed to asbestos for decades, diagnosed with malignant pleural mesothelioma in June 2001, and died in November of that year. His wife Doris still lives in San Mateo.

The issue is not whether we do something or nothing. Most Democrats, if not all, could support an asbestos resolution fund that was fair to victims. But this proposal is not fair.

First, the funding proposed in this legislation is inadequate. The FAIR Act provides $29 billion less in funding than the bill that was approved by the Judiciary Committee.

Also, the FAIR Act would delay for years compensating victims with terminal cancer, mesothelioma, and other asbestos diseases. That is because while asbestos companies would be required to pay $2.5 billion annually into the fund, the fund will immediately be hit with 450,000 claims representing a cost to the fund of $54 billion in its initial years. That means victims with claims today will have to wait until the fund acquires enough contributions to compensate them.

This legislation also creates a windfall for large corporations. Many companies that failed their workers and owe asbestos victims under settlement agreements would have those agreements suspended and the settlements voided under this bill. Halliburton, for example, would pay only a small fraction of the billions of dollars it has already agreed to pay asbestos victims.

And, most important, the compensation for victims proposed in this legislation is inadequate. Even the sickest victims—those with mesothelioma and other fatal cancers—would receive less compensation under this bill than under the current system. And the tens of thousands of people with non-fatal diseases caused by asbestos, such as permanent repressive lung damage, would receive wholly inadequate assistance.

For these and other reasons, we need to go back to the table and negotiate a bill that would really be fair to victims.

Mr. CRAIG. Mr. President, I rise today to speak to S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004, or the FAIR Act. Last July, I voted to pass S. 1125, the original asbestos litigation reform bill, out of the Senate Judiciary Committee in an effort to fix the Nation's broken asbestos litigation system. And indeed it is broken.

There have been too many losers under the current tort system. Claimants who are not sick receive disproportionate jury awards, severely sick claimants have been made to wait too long for compensation, companies are going bankrupt, jobs are being lost, and attorneys' fees are cutting away at nearly half of all money spent on asbestos-related litigation.

More than 60 defendant corporations have declared bankruptcy due to asbestos-related litigation, leading to the direct loss of as many as 60,000 jobs, with each displaced worker losing an average of $25,000 to $50,000 in wages.

Indeed, the system is broken.

The constituents from my home State of Idaho have written to me asking me to fix the asbestos problem. The United States Supreme Court has called upon Congress to resolve the asbestos litigation crisis. And today, Senators HATCH, FRIST, and others are calling upon the Senate to pass S. 2290 with the same purpose in mind.

I commend these Senators for their work on this issue, especially Senator HATCH, the chairman of the Judiciary Committee, who, through study, compromise, and countless hours of negotiations, produced a 250-page bill to resolve the asbestos litigation crisis. The actions of the Senator from Utah, from the beginning, truly have been those of a statesman.

However, these good-faith efforts have not been matched by those on the other side of the aisle.

In the original asbestos litigation reform bill, the trust fund was to be administered by the Court of Federal Claims, a special court relatively removed from the political realm. However, Democrats and labor unions wanted the fund to be administered by the Department of Labor, which has the potential to keep Congress and the American taxpayer on the political hook of paying for claims that cannot be paid by the asbestos trust fund. They wanted it, and we gave it to them.

In the original asbestos bill, those on the other side of the aisle wanted to increase the price tag of the bill by raising the levels of compensation for asbestos claims. They wanted it, and before passing the bill out of committee, we gave it to them. During negotiations over S. 2290, they wanted new levels of payouts even higher than those agreed to in committee. Accordingly, half of the award levels have been increased by an average of more than 20 percent in S. 2290. They wanted it, and we gave it to them.

In the "Additional Views" to the committee report on S. 1125, I and several fellow Republican colleagues voiced concern over the bill's unscientific medical criteria. In fact, in addition to several financial experts' testimony about the unpredictability of future claims into the fund, Dr. James Crapo, a hearing witness and medical expert who specializes in asbestos-related disease, wrote that:

> the other categories compensated by the bill . . . pay compensation for illnesses that, according to the clear weight of medical evidence, either are not caused by asbestos or do not result in a significant impairment. Simply put, when medical research concludes that a condition is not caused by asbestos, or is not an illness at all, medical research will not be able to predict the number of such claims.

Despite these deep reservations, and in response to Democrats' demands, we agreed to criteria that "erred on the side of being over-inclusive" with regards to asbestos-related diseases. Many financial and medical experts suggested that as a result of doing so, the fund is likely to run the risk of insolvency as a result of paying claims for illnesses not caused by asbestos. They wanted it, and we gave it to them.

They wanted it, and we gave it to them. Yet, they still withhold their support from S. 2290. As a result, not only has the integrity of the bipartisan negotiations been compromised, but the integrity of the asbestos litigation reform bill itself.

Though no asbestos bill will be perfect, any reform measure in passable form will provide the certainty needed by all involved parties: businesses will know the amount of their liability and will be able to adjust accordingly in order to prevent bankruptcy, and, most importantly, injured workers will be adequately compensated by the companies that caused them injury.

However, the certainty I held hope in only a few months back has largely been replaced by skepticism—skepticism in the solvency of the asbestos trust fund, skepticism in the handling of asbestos claims by the Department of Labor, and skepticism in the integrity of the medical criteria.

However, my hope resides in further consideration and debate of the bill. The time for fair and efficient resolution of the asbestos litigation crisis is now, and I will vote for the cloture motion before the Senate.

I look forward to any amendments that will strengthen the solvency of the bill by making defendant companies—not taxpayers—fiscally responsible for their actions, amendments that will restore integrity to the medical criteria section of the bill, and any others that restore S. 2290 to its principled purpose.

Whatever a Senator's position on the bill may be, the issue of asbestos litigation reform must be considered and debated. Let us not sit this one out. This one is too important to sit out.

Mr. KOHL. Mr. President, I rise to discuss S. 2290, the newest version of the asbestos bill. Like many of my colleagues, we want to support an asbestos bill that ensures that sick people get compensated quickly. The current system is broken, leaving terminally ill victims to spend years waiting for compensation. Congress must act to solve this problem, but it must do so in a bipartisan fashion. I fear that will not happen this week, even though we want to remain optimistic that there is still a chance for this legislation.

That said, over the past year we have made more progress than many of us would have thought. But now we are at an impasse. What is most frustrating is that the remaining issues are not irreconcilable. Let's discuss a few of the major outstanding issues that must be resolved in order to broker a compromise.

First, more than any other issue, the size of the fund is preventing progress on this bill. We appear unable to negotiate, or have yet to negotiate what this number should be. To be sure, this is a complicated issue and it is especially important to get it right if we want to adequately compensate asbestos victims for the next 50 years. There is just not enough money to cover all the claims that will be made against this fund. As a result, some of us have serious concerns that this bill fails to go far enough to compensate asbestos victims suffering serious disease.

Though the base funding in the new bill is roughly the same as S. 1125, $104 billion, the overall funding falls far short because the new version eliminates a contingency amendment I introduced with Senator FEINSTEIN last summer in the committee. Our amendment would have provided up to an additional $45 billion over the life of the fund. The new Frist-Hatch version replaces it with a $10 billion contingency a source of funding which could not even be tapped until year 24 of the fund.

Second, in order to reach a better understanding of how much this bill will cost, we must better come to a final agreement on the individual awards that will be granted victims. Quite simply, this agreement will drive the overall cost of the fund, and not surprisingly, projections vary on this point. Proponents of the new bill predict that there will be $114 billion in total claims. The Congressional Budget Office, however, estimates that, based on the new award values present in S. 2290, the fund will need $134 billion to pay out all current and future claims. And labor believes that the number will be even greater if we were to raise award values to a more equitable level. Of course, any increase in award values will require a increase in the overall fund amount. But these are exactly the sort of tough choices and negotiations that need to take place if we are going to find a compromise.

Third, those of us opposed to this bill still feel that an unfair risk falls onto the victims if the fund goes bankrupt. Those in favor of the bill will argue that if they underestimate how much money the fund will need, victims can simply return to the court system. But it is not as simple at that. At the earliest, victims cannot return to the courts until year seven and there is a real risk that certain types of victims may be precluded from any further compensation for new injuries related to asbestos exposure.

Furthermore, the new version of the asbestos bill also results in unfair treatment of victims with pending claims. There are currently more than 300,000 asbestos victims with pending claims in the court system, many who have been waiting for years for a court date or settlement. The asbestos bill would eliminate most pending claims and even final settlements and throw them into the fund. So some victims who won a large verdict will be forced to start over from scratch in the fund. This hardly seems fair.

Finally, it is difficult to support a new bill that is the product of a flawed and one-sided negotiating process. Much of the new asbestos bill we are considering was negotiated by Senators FRIST and HATCH with business and insurance representatives. This process, lacking any participation from Democrats or labor, resulted in a bill that is not even as good as the version we opposed last July. To be fair, Senator SPECTER has been working hard in a bipartisan group mediated by retired Federal Judge Becker. The group has had some modest success in negotiating "non-economic" issues, but has yet to broker any deal on award values or overall fund financing. Perhaps a consensus solution is possible if we allow that bipartisan process to proceed.

Until then, I cannot support this bill in its current form. The new asbestos bill actually retreats from the progress made last summer in the Judiciary Committee. Until my major concerns regarding the overall dollar amount for the fund—an amount that will adequately satisfy the hundreds of thousands of asbestos victims for years to come—is resolved, I will vote against S. 2290. To be sure, there are several other issues to solve in this bill, but we must reach a consensus on an overall dollar amount, lest we regret supporting a fund that runs out of money, fails to compensate victims, and provides businesses no more certainty than they have today.

Mr. ALLEN. Mr. President, I rise today in support of the Fairness in Asbestos Injury Resolution Act or the FAIR Act.

Over the past decade, asbestos-related lawsuits have increased dramatically and have shown no sign of lessening. According to reports, at least 730,000 claimants have sued more than 8,400 defendant companies alleging some kind of injury by asbestos exposure. The number of defendant companies that have been sued has increased by 8,100 since 1983 according to the RAND Institute for Civil Justice.

There is no doubt that the current asbestos litigation system is a failure. The system is harmful on two fronts: it is harmful to the economy and harmful to the asbestos victims, who currently wait years for their cases to be resolved. Sadly, some of these victims die before even having their day in court.

I view this measure as a jobs bill. Some would ask: How is this legislation going to help create jobs? I would answer that while we are steadily recovering from an economic downturn exacerbated by the terrorist attacks of September 11, 2001, and our necessary response in the war on terrorism, we need to make sure that willing men and women can find jobs. Employment is improving. However, if the Senate does not act on this important reform legislation, the numbers of unemployed Americans will increase.

The fact is that asbestos-related bankruptcies inflict a staggering toll on the American workforce. Companies that have declared bankruptcy because of asbestos-related litigation employed more than 200,000 workers before their bankruptcies. So far, asbestos-related bankruptcies have led to the direct loss of as many as 60,000 jobs, while each displaced worker will lose an average of $25,000 to $50,000 in wages over his or her career, according to Joseph Stiglitz, cowinner of the 2001 Noble Prize in Economics.

One economic study by the Financial Institutions for Asbestos Reform found that, considering the multiplying effect of private investment, failure to enact asbestos legislation could reduce economic growth by $2.4 billion per year, costing more than 30,000 jobs annually. Extended over a 27-year time frame, this would translate into the loss of more 800,000 jobs and $64 billion in economic growth. And RAND concluded that 423,000 new jobs will not be created due to asbestos litigation, and $33 billion in capital investment will not be made.

My colleagues on the other side of the aisle preach the need for job growth and argue that Republicans are not doing enough to spur the economy and preserve and create jobs. This bill helps preserve jobs. But unfortunately, if we continue to allow this dysfunctional system to exist and let partisan politics run rampant, we will see a major dilemma in the American workplace—thousands of Virginians and Americans unemployed.

In addition, a failure to resolve this situation will have an adverse effect on employee pensions and retirements. Each worker who loses their job from an asbestos bankruptcy loses on average at least 25 percent of the value of their 401(k) retirement accounts. Thus, a failure to act will not only lead to job loss, but could hamper their long-term financial well-being. Furthermore, individuals use their pensions and 401(ks) for a number of things. An individual may use it to retire, to pay for their children's college education or for incurred health expenses as they grow older.

Unfortunately, the crisis does not stop there. Opponents seem to forget that many victims are unable to receive just compensation because the courts have been burdened by the sheer volume of cases—legitimate and less meritorious alike. They have been unable to ensure that even a majority of asbestos compensation goes to plaintiffs who are actually injured.

Shipyard workers and Navy veterans from my Commonwealth of Virginia should not have to suffer in the current system. The RAND study that I referenced earlier found that the vast majority of new claims—approximately 90 percent—are made by people who do not have any sort of cancer or mesothelioma. These individuals prevent the claims of those who are truly ill from being heard and given their day in court and zap the limited resources available to compensate true victims now and in the future.

This bill will provide some consistency in the settlements that are awarded to victims. Far too often, the awards are unfair, inconsistent, and erratic. Currently, victims can only expect to see 43 cents of every dollar in compensation awarded. The rest of the money goes to lawyers and administrative costs.

The FAIR Act seeks to remedy this injustice. This legislation will make sure that victims receive immediate compensation in full. By capping the litigation costs, we are making sure that awards are going into the bank accounts of the truly injured, rather than legal fees for companies and claimants.

As the Chicago Tribune said in September 2002, "Today's dysfunctional system benefits primarily trial lawyers and healthy plaintiffs—and that drains resources from those who are sick and dying because of asbestos. That's a national shame." The Fairness in Asbestos Injury Resolution Act is a long overdue attempt to correct that terrible wrong.

So what does this bill do? In short, the FAIR Act would establish a privately funded trust fund composed of mandatory contributions from current corporate defendants and their insurers as well as moneys from existing bankruptcy trusts. Plaintiffs who believe they have been injured by asbestos exposure would submit claims to the administrator of the trust fund with evidence that they were exposed to asbestos for a period of time sufficient to cause their medical condition. Qualified claimants would be paid a clear compensation depending on eligibility and disease type on a no-fault basis. Properly administered, the trust fund will ensure that nearly all defendants' and insurers' asbestos expenditures end up in the hands of injured claimants. And by paying fixed generous award amounts depending on the severity of the disease, the FAIR Act would ensure that the truly impaired are compensated.

I urge my colleagues to move to consider this bill. Too many jobs are being lost in bankrupted companies while Virginians and Americans with asbestos-related diseases receive inadequate compensation. The principal point is that action and leadership has been needed for years. There is no reason to procrastinate and avoid responsibility to remedy this current dysfunctional, failed situation. The FAIR Act is a reasonable, responsible way to move forward jobs and equity; to filibuster and block this bill is an avoidance of responsibility.

Mr. FEINGOLD. Mr. President, I want to speak today on S. 2290, the revised, but still misnamed, Fairness in Asbestos Injury Resolution Act. Reluctantly, I will oppose the motion to proceed to this bill.

I say "reluctantly" because I support the concept of a national trust fund to compensate victims of asbestos-related diseases and address the severe strain that cases brought by those victims have placed on our legal system and our economy. Ten thousand Americans now die each year—a rate approaching 30 deaths per day—from diseases caused by asbestos. My home State of Wisconsin ranks 16th in the Nation in asbestos-related deaths.

I was encouraged when the defendant companies in some of the many lawsuits that have been filed, their insurers, and organized labor began serious negotiations back in 2002 to try to develop legislation for a national trust fund that the Congress could enact on a consensus basis to address this serious problem. This was an issue that called out for a bipartisan solution.

Unfortunately, those discussions were short-circuited before an agreement could be reached. What began then was a process that has turned the asbestos issue into a partisan issue when it really shouldn't be. A bill very much slanted toward the defendants and insurers was introduced last spring by the chairman of the Judiciary Committee. Although I disagreed with the chairman's decision to call a halt to negotiations, I do give him credit for at least allowing the Judiciary Committee to work on the bill, in contrast to the process that was followed on the series of ill-advised medical malpractice bills that have been brought directly to the floor during this Congress. The Judiciary Committee held a hearing and then an extraordinary four meetings to mark up the bill. Two dozen amendments were debated and voted on.

The bill that emerged in July 2003 after that intensive work by the committee still did not win my support. But all of the committee members who voted against it agreed that it was much improved over the original bill. The committee's work could have been the foundation for further bipartisan negotiation that might have led, if all parties were willing to come to the table and compromise, to a bill that could be overwhelmingly approved by the Senate.

So what happened over the last 10 months? Well, the first thing that happened is that the insurers went to the Republican leadership and said they couldn't live with even the limited improvements that the committee approved. So no sooner had an amended bill come out of committee then its supporters started backing away. Instead of trying to make the bill reported out of the Judiciary Committee more acceptable to victims of asbestos in a serious effort to solve what we all agree is a difficult and important problem, the proponents of this legislation went backward.

And so in many respects the bill that the Senate is being asked to take up is worse than the committee bill. Important amendments adopted in committee that provide some certainty that money will be available to future victims of the horrible diseases caused by asbestos, and we know with certainty that there will be thousands of such victims, were removed by the sponsors of S. 2290. By what definition does that represent "fairness"?

Let me talk for a minute about some of the specific provisions that have led me to conclude that I cannot in good conscience vote to proceed to this bill.

The first issue is money. CBO estimates that between $124 billion and $136 billion will be needed to pay an expected 1.7 billion asbestos claims over the 27-year life of the fund. Some experts think that estimate might be too low. S. 2290 provides for a maximum of only $114 billion for the fund. The bill reported from the committee, as a result of amendments offered in committee by Senators FEINSTEIN and KOHL, included total funding of $154 billion. How can it be fair for a compensation fund to be doomed to failure from the start because it is underfunded?

Another issue is related to the issue of the adequacy of the fund. Senator BIDEN offered an amendment that was approved by an overwhelming bipartisan majority of the committee. It basically said to people who have claims that if the fund isn't adequately funded they will not be left empty-handed. It called for a return to the tort system for claimants who do not receive the payments that the bill calls for. S. 2290 substitutes a much weaker sunset amendment that would leave victims waiting for years and years without compensation before they are permitted to again pursue their claims in court. How is that fair?

I am concerned in addition that this bill treats certain companies such as Halliburton very favorably by capping their liability to the fund at a fraction of what they have already set aside to pay claims to asbestos victims. These companies have already agreed to settle claims against them and agreed to pay billions of dollars in compensation. Those settlements have been on hold as Congress considers this legislation and if it passes, the companies will save literally billions of dollars that they otherwise were prepared to pay to asbestos victims. How is that fair?

I am also very concerned that this bill would overturn longstanding settlements under which some victims have been receiving regular payments for years. How can it be fair to people who have settled their claims already, or who have even received jury verdicts in their favor that are now on appeal, to have to start over in an administrative process that could take years to get up and running and years to complete? An amendment offered by Senator FEINSTEIN in committee would have postponed the effective date of the bill until the fund was up and running. That would have allowed at least some far-advanced cases to proceed to final judgment. The deletion of the Feinstein amendment is another step backward taken by the sponsors of this bill.

We have an asbestos crisis not only because lawsuits are threatening the financial well being of American companies but because people are getting sick and dying. Some companies knew that exposure to asbestos caused asbestosis, a tragic lung disease, as early as 1918. In 1966, the Director of Purchasing for Bendix Corporation, now a part of Honeywell, stated in an internal memo " . . . if you have enjoyed a good life while working with asbestos products, why not die from it." There are countless other industry documents that have been uncovered to show that the industry knew it was endangering its workers' health by continuing to use asbestos. A 1958 National Gypsum Memo, for example, stated: "Because just as certain as death and taxes is the fact that if you inhale asbestos dust you get asbestosis."

We need to make sure that any national solution to the asbestos litigation issue keeps faith with people who have been injured by this dangerous product. And we now know that the problem is not limited to people who worked with asbestos. It is also the families of the men and women who worked with asbestos who have contracted asbestos-related diseases. Even consumers who used hair dryers, electric blankets, attic insulation, home siding and ceiling and floor tiles have suffered injury from asbestos exposure. These victims need compensation, and this hazardous substance needs to be banned once and for all.

We all want to see a resolution to this crisis, we want these victims to get the compensation they deserve. That is why I am so disappointed in the final version of this bill. Instead of working toward a negotiated solution that the whole Senate can support, the sponsors of this bill have assured its failure by going backward. Again I ask, how is that fair? Reluctantly, I will vote against the motion to proceed, and I hope the message that comes from the failure of this bill is not that no solution to the asbestos problem is possible, but rather that the only way to reach a solution is to involve all the interested parties, and Senators from both sides of the aisle, and try to arrive at a truly fair bill.

Ms. MIKULSKI. Mr. President, I rise today to oppose S. 2290, the so-called "FAIR Act." I oppose this bill because it is anything but fair to victims of asbestos exposure. This bill puts the interests of insurance companies and industry before those who are sick and often dying because of asbestos exposure. How can we call a bill fair—when it makes those who suffer as a result of asbestos exposure worse off and further delays their compensation. We need a balanced and fair approach to asbestos reform that will have bipartisan support. Democrats want it, business wants it, labor wants it and many of our friends on the other side of the aisle want it. Unfortunately, the FAIR Act is not it.

Even the process by which this bill came to the floor is not fair. This is not the bill that came out of the Judiciary Committee, its not the product of the negotiations that Senators SPECTER, LEAHY, DASCHLE and others have been pursuing, it is not a bill that has had any input from Democrats. Senators FRIST and HATCH decided what should be in the bill and put it on the floor. They skirted the usual Senate process and introduced a partisan bill.

This bill is not fair.

Is it fair that those who are seriously ill as a result of asbestos related illnesses would receive far less on average under this bill than they would in our court system?

Is it fair that victims who are suffering from lung cancer may only receive $25,000 when they were exposed to asbestos for 15 years and will likely die within a few years of diagnosis?

Is it fair that businesses will only put $109 billion into the fund when conservative estimates expect the fund's claims to reach at least $134 billion?

Is it fair that victims will be left with no recourse if, as many expect, the fund runs out of money and those who are sick are forced to wait years more for compensation?

And I ask you, is it fair that those who have already spent years in the court system will have their settlements and judgments wiped out and have to wait years more for compensation under the new system? These defects are simply unacceptable in a bill that is supposed to solve the asbestos nightmare and get victims real relief now.

None of these provisions is fair to the workers, mechanics, miners, and family members who have been exposed to asbestos and are now suffering from disease. These are the people who are relying on the Congress for help so they can spend their last days enjoying their families and loved ones and not litigating their claims. The U.S. Senate can do better than getting caught up in a political game when people's lives are at stake.

This legislation has three major flaws—it gives victims far too little, forces victims into a fund that has too few resources, and closes the courthouse door for victims of asbestos exposure.

Too many victims receive far too little under this bill. This new Frist/Hatch bill may have increased the awards for some victims over previous version of the bill, but it still leaves many of the most seriously ill victims with awards far below what they would receive if they went to court. For example, overall awards in this bill are far lower than what victims would receive in court. And to top it all off victims could see their awards reduced even further because of workers' compensation or insurers' liens, which this bill allows. That's not fair.

This bill forces victims out of the courts and into a fund that may run out of money. The level of funding under this Frist/Hatch bill is well below what even conservative estimates put as the likely cost of the fund. How can we ask all these victims to give up their right to go to court and then put them in a fund that will run out of money? They will be left holding the bag and waiting years more to get relief. Certainly business can do more for the trust fund in exchange for a reprieve from their litigation liability.

I am not only worried about the fund running out of money in the long term—but also up front. Over 300,000 cases are currently pending and it is expected that 90,000 additional cases will be filed each year of the first few years of the trust. Under this bill there simply is not enough funding in the early years to cover those costs. So what happens? Victims again are left waiting, as they have been in the tort system, for years for some compensation and sadly many of them will die before they ever see a cent.

This legislation shuts the courthouse door for victims. Many victims of asbestos exposure have already spent years in court and have received a settlement or judgment. The Frist/Hatch bill wipes out all pending claims, including those where a settlement has been reached or where a judge or jury has reached a judgment. These victims have spent years and often most of their resources litigating these cases. Now Congress wants to come in and say "Sorry, you have to file your claim again and wait for the fund to get your relief." That undermines the civil justice system, the faith we put in judges and juries and is simply not fair to victims who have been waiting years.

Senator FEINSTEIN had offered an amendment to the original bill in Committee that helped take care of part of this problem. It was based on a simple idea—victims have waited long enough and they ought to be allowed to pursue their claims while the fund was getting off the ground. But the Frist/Hatch bill gets rid of that provision and makes victims wait. Wait till the money is in the fund, wait till the administrative system is set up, wait till Administrators are appointed and then wait some more. It might take years to get the fund off the ground and until then victims have no where to go to pursue their claims.

I, like my colleagues, wanted a to be able to vote for legislation that would help victims, that would make sure they got the compensation they deserve and would also ensure that problems with the current legal system were addressed. But this bill is the wrong vehicle—it actually rolls back the progress that was made in the Senate Judiciary Committee and through months of negotiations between labor, business and insurance.

I know that Senators DASCHLE, LEAHY, DODD, FEINSTEIN and others have been working tirelessly with those on the other side of the aisle and with industry, insurance and labor to create a consensus bill. I have supported those efforts and am disappointed that Senator FRIST introduced this bill which sends us in exactly the opposite direction. It sends us away from common ground and negotiated positions to a strongly partisan bill that does not reflect any of those efforts. I think we should go back to the table, to finish the conversations, to reach a balanced agreement that the majority of us can support.

We need to protect those who have been exposed and are suffering from asbestos related diseases by putting sufficient amounts in the trust fund, by making sure that compensation levels are fair and awards are dispensed quickly, by ensuring that the fund is solvent and provides victims with the ability to go back to court if the system runs out of money. We also need to make sure that those who are in court can continue their cases until the fund is set up and that those who have reached a settlement or received a judgment can get the remedy their litigation has entitled them to.

I stand with my Democratic colleagues in saying "we want a bill." I want a bill that helps victims get just compensation, and that provides financial certainty for industry and insurers. But that cannot come at the cost of the rights and remedies for those who are and will become seriously ill as a result of asbestos exposure.

Mrs. LINCOLN. Mr. President, I voted against the cloture motion to S. 2290 because I did not believe this bill was ready to be debated on the Senate floor. Unfortunately, the process that created this bill did not give stakeholders an adequate opportunity to fully discuss and debate honest differences. As a result, significant issues remain that can and should be addressed before proceeding to consideration on the floor. I am confident, however, these issues can be resolved if the interested parties will come to the table and work in good faith until a compromise can be reached. In my conversations with asbestos victims, industry officials, and labor leaders a common thread has emerged; we are too close to walk away now.

I have consistently expressed support for a legislative solution to the asbestos crisis that would establish a trust fund to pay legitimate claims in a fair and efficient manner. However, if we ask American citizens to give up their right to a day in court, we must ensure they will be treated equitably by the alternative. Further, we must ensure that the trust fund remains solvent and efficient. We also must make certain that the fund will be up and running as quickly as possible.

All of the parties in this discussion have a vested interest in making the trust fund work. For the victims, many have waited far too long to receive the compensation they deserve in a timely and efficient manner. For the business community, they have agreed to commit a significant amount of money to this fund. It is in their best interest to make sure the fund works by paying victims a fair amount in a timely way to ensure they are not threatened by non-meritorious claims if this process returns to the courts

We can reach agreement on this vital legislation if all sides stay at the table. Legislation is rarely a work of art, it is a work in progress. We must continue to push forward until a solution is found.

Mr. HATCH. Mr. President, I have been listening to the arguments of my colleagues from the other side of the aisle.

I thank Senators CARPER, NELSON, MILLER, and BAUCUS, who indicated they will vote for this bill in the end if we can resolve some of the problems. These Senators in every sense have worked extraordinarily hard on this bill, especially Senator MILLER.

I believe we can accommodate Senator BAUCUS so he can literally vote for this bill. I do not want to see people from Montana be mistreated. Frankly, I believe we can make the appropriate change. We have talked about what it will be. It is what he has told me he would accept. I think we can make that change. But that is what you do on the floor of the Senate.

Having said that about these colleagues who have worked so hard with us, including Senator FEINSTEIN, who has worked with us on these matters, all of them are going to vote against cloture today, at least as far as I know.

Having said that, I was interested in the comments of the distinguished ranking member on the Judiciary Committee, that we have to get into reality here; reality the way the Senate is supposed to work, the way the legislative process works. After 15 months of meeting with everybody from one end of this country to the other, everybody in the Senate Judiciary Committee, and virtually everybody in the Senate, 15 months of intensive negotiations, where are we? In reality, they are filibustering even a motion to proceed which I think shows where this is all going. They are not filibustering the bill which would be next. They are filibustering the motion to even proceed to the bill. The reality is if we want to be legislators and we want to legislate, then we bring the bill up and we fight it out on the floor.

We have a filibuster here on the motion to proceed. We have had 15 months of negotiations. We have bent over backward to try to accommodate our colleagues on the other side of the aisle. There is virtually only one thing many of them want more of; that is, more money. That is after putting in the original $108 billion, which nobody thought we could get done; that almost everybody said if you get that we will go—virtually everybody involved, including the unions. We are now up to $114 billion, and it is still not enough.

If that is not enough, then bring an amendment to the bill on the floor. Make it more, if you can.

The problem is I think they know the vast majority of Senators in this body know it is enough. They know it is probably too much and know what a burden it is going to be on these companies that are basically near bankruptcy to pay for this. But we have done that.

I heard the distinguished ranking member of the Judiciary Committee say we should be legislators. If the funds are enough, they would go. Bring amendments. Let us fight out. That is what we do. That is what this floor is for—not just filibustering a motion to proceed so we can't fight it out, so we can't have amendments. I think they should quit hiding behind outrageous figures everybody around here knows can't be done.

I believe my friend said one of the problems is solvency protection. How can you protect from insolvency, if these companies start going into bankruptcy? We have had 70 so far. We will have more loss of health benefits, loss of pensions, and loss of jobs.

By the way, on the award values, it is interesting to me that I am hearing it is not enough in award values to individual people and the individual categories, and yet the award values were approved by the Senate Judiciary Committee 14-3. Only two Democrats did not vote. All the other Democrats voted for the award values we have in this bill—every one of them. The only three members on our side who didn't vote for the award values said they felt they were too high. The Democrats all agreed they were decent award values.

If we are going to be legislators, let us be legislators. Let us not hide behind a filibuster of a motion to proceed.

There have been a lot of comments by my friend on the other side about the fairness and adequacy of the claim values. He said they are low. What he failed to mention today in his remarks is the Feinstein bipartisan claims values amendment was adopted by the committee 14-3. It was a bipartisan vote. The only three who voted against it were Republicans who thought the claims values we had were too high. All of the votes from the other side of the aisle were 100 percent for the claims values.

I am not sure why my friend from Vermont is now saying the claims values we have adopted in a bipartisan fashion—he was there last July—are now too low. It is amazing to me. It is typical of what we have gone through for 15 months trying to work this out. I think they may figure as long as they can keep this going, there will be more and more demands on these few companies that are now stuck after the main companies that caused the problem are all bankrupt. These companies, such as Monroe, which I mentioned earlier, are stuck having to try to win but the defense costs alone would eat them alive and put them into bankruptcy.

We can talk about this forever. We can negotiate forever. But if it means more and more money, bring amendments to the floor. Maybe they will win on it. I don't know. All I can do is show how exorbitant they are under the circumstances.

We still have a hedge factor in this matter. If for some reason there are not enough funds at the end of this process to pay off claims—and we believe not only there will be, but there will be more than enough funds—then this will revert back to the tort system again.

Nobody will want that to happen. Nobody will let that happen. But even if it does, then these voracious claims lawyers, these personal injury lawyers—about 10 percent or even less of the American Association of Trial Lawyers—will be able to do the same things we have just mentioned they have been doing in this matter.

I think everybody is protected. There is no question about it.

Why are we not going to invoke cloture here and kill this bill? Why aren't we going to have amendments to make this bill more pure, if we can? Why don't we have amendments to increase the funding, if that is what they think should occur? The fact is they don't want to do it because they know darned well if they did, they probably couldn't win on these outrageous claims. But if they did, then the Senate will have worked its will. That is what legislators do. They don't hide behind filibustering every bill. They do not have obstruction tactics on every bill. Around here, we have to get 60 votes for virtually any bill that means anything. That is pretty pathetic. Sooner or later, we are going to have to address that. That includes judges for the first time in history.

But this bill is important. I acknowledge cloture will not be invoked today. I have known that for a long time. The fact of the matter is at least everybody is going to know where everybody stands on this matter. Does that mean we are going to quit negotiating and quit trying to bring people together? No. We will. But if we don't get that down in another week, it seems to me this bill is going to be dead. If it is dead, then I pity those 8,400 companies plus all the insurance companies—about 16 of those—because they are all headed toward bankruptcy and this country is going to suffer a tremendous problem while the truly sick are not going to get compensated. The truly sick are not going to get compensated. We have seen the sleazy approach of at least one of the personal injury law firms toward manipulating the process so those who aren't getting sick get a recovery which they should never have gotten. That takes money away from those who are sick. Guess who the beneficiaries of this whole process are. These personal injury lawyers, some of whom are honest, but probably some who are not.

This chart shows it all. The word "filibuster" comes from the Spanish word "filibustero," meaning pirating and hijacking. I shudder to think we will consign all of these people who have asbestos-related illnesses to oblivion and not do the best we can to help them when we have a system that is broken.

I am prepared to yield back the remainder of my time and proceed to the vote.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 472, S. 2290, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

Bill Frist, Orrin Hatch, Gordon Smith, Lamar Alexander, Saxby Chambliss, Ted Stevens, Michael B. Enzi, Trent Lott, Kay Bailey Hutchison, Susan M. Collins, Pete Domenici, Rick Santorum, Jon Kyl, George Allen, George V. Voinovich, John Ensign, Wayne Allard.

The PRESIDING OFFICER. By unanimous consent, the call of the quorum is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2290, the FAIR Act of 2004, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi

Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl

Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions

Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd

Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy

Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Campbell
Kerry
Specter

The PRESIDING OFFICER. On this vote, the ayes are 50, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I am disappointed that we did not invoke cloture on the asbestos reform bill. As I have said numerous times in recent days, this is an important issue, an issue we are not going to give up on. It is too important to the American people. It is an issue with victims, with veterans, with all people who are affected by asbestos. It would be a great disservice just to drop this issue; therefore, we are not going to drop it.

We have devoted now more than 300 days trying to work out the details of this bill, which I do believe is more than adequate time to reach consensus. Thus, later today, the Democratic leader and I—we have been in discussion over the course of the morning—will be discussing on the Senate floor a possible method of moving these discussions forward with the stakeholders over the next several days and possibly weeks. We will engage in a colloquy later in the day as to what that specific proposal will be.

I am confident we can make progress on this important issue, that we can move the stakeholders to a final agreement. I say that because people just saw the vote and that does not close the door in any way. In fact, it inspires us to work together more over the next several days and weeks.

For the information of Senators, next we will begin consideration of S. 2329, which is the victims' rights bill. It was introduced yesterday by Senators Kyl, Feinstein, and others. The order provides for up to 2 hours of debate before the vote on passage of that bill. That vote will likely be the last vote of this week.

Following the victims' rights bill, we will turn to, in the early part of next week, Monday, the Internet access tax bill. Discussions have been underway over the course of the morning and afternoon on that bill as to when we will actually begin consideration, and later this afternoon, I will have more to say about that bill.

As I believe I said this morning, following completion of the Internet tax bill, we will be turning to FSC/ETI, the JOBS bill. That is several days from now.

Mr. President, again, I am very disappointed in the cloture vote today, but we will be back, and I will talk more about that this afternoon.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to make a couple of comments about the asbestos bill. I see my colleague from Delaware. Does he want to say something before I make a short speech?

Mr. CARPER. Mr. President, yes, I want to mention to Senator Frist, as I did to Senator Daschle in the last few minutes, my appreciation for the way each of them are, as leaders, engaging in a bipartisan way to address the asbestos issue as something we have to get done; we can do better than the status quo and take up the bill under the good work of the Judiciary Committee and the Specter-Becker process. There is a good process in place showing results, and I am delighted both Senator Frist and Senator Daschle are embracing that process and enabling us to work together and resolve the remaining issues.

I mentioned when Senator Frist was not here that work has a way of expanding to fill the amount of time we allocate to a project. Senator Frist knows that better than I do. If we say we are going to take the rest of the year to resolve the asbestos bill, it will take the rest of the year. There is value in setting a date certain. Senator Frist may want to consider returning to this bill right before the Memorial Day recess. That gives us 3 weeks to buckle down, get the interested parties in a room together, and Senators who want to participate and their staff, along with Judge Becker, our leaders, and let's get this job done.

I thank the Senator for yielding.

Mr. FRIST. Mr. President, briefly in response, I understand the importance of setting dates and also of having a sense of urgency, since we do have victims who are suffering today. We will have more to say about overall timing when I have a colloquy with the Democratic leader a little bit later today.

The PRESIDING OFFICER (Mr. Graham of South Carolina). The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that following the remarks of Senator Nickles we proceed to consideration of the legislation which the leader announced so that Senator Feinstein can commence her presentation and hopefully have her first presentation concluded before 1 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to make a few remarks concerning the asbestos legislation we failed to reach cloture on a motion to proceed. I am disappointed that we did not go to the legislation. I came down yesterday to speak and others were engaged. Maybe it is more appropriate that I speak now.

We have a very serious problem dealing with asbestos in this country. I held a hearing in the Budget Committee 2 years ago and stated that some of the biggest problems that we face, as far as our economy, is regulations and litigation abuse. And heading the list of litigation abuse in this country is asbestos litigation. We have 8,000 companies now listed as defendants in suits, and 60 or 70 companies have already gone bankrupt. Thousands of jobs have been lost. I believe over 60,000 jobs have been lost from the bankrupt companies that have gone out of business. Maybe another 100,000 jobs have not been created as a result of the negative impact that asbestos litigation has on the economy, and it is wrong. When we find out that two-thirds of the awards or settlement payments have been going out to people who are not sick, something is wrong. So this system needs to be fixed.

I also want to compliment Senator Hatch, Senator Frist, and Senator Specter for their efforts. There has been a lot of work going into this legislation.

However, I have very serious problems with this particular legislation, S. 2290. In my opinion, a legislative solution that would propose creating a large federal trust fund is a mistake. I think there simply is a better way to do it. I asked the Congressional Budget Office to provide the Budget Committee analysis of the legislation, that we had before us, and the essence of its potential cost effects. I now ask to include their entire statement into the record. It states that CBO estimates operations of the fund would increase federal budget deficits by $13 billion over the first 10 years of the fund.

Thus, they estimate, that even though it will take in $118 billion of contributed funds over the life of trust, in the first 10 years it is going to add $13 billion to the deficit. Though the legislation says you can borrow against future anticipated revenues, it is still going to add to the deficit, and the Fund itself will become insolvent at some point because fund resources will be overwhelmed by anticipated claims liability. There are going to be major problems with this fund, too many problems.

As a matter of fact, I estimate that if we go with the trust fund approach there are going to be a lot of unqualified claimants saying, "We want to be covered under this fund." We can expect that, unless there is very strict medical criteria enforced, and this bill does not have very strict medical criteria. By very strict medical criteria, I mean there should be legislation in place that requires claimants to prove that they have an asbestos-related disease before they are compensated by the fund. And this bill does not do that.

Also, I hope we would abandon the idea of creating a trust fund, under this legislation, that has a fixed, capped, amount that must be contributed into the fund by insurers and defendant companies involved, while the liability remains virtually unlimited. What one should easily see, is that the insurers are limited in what they must contribute and the defendant companies are limited in what they must contribute, but the extent of liability is unlimited. This should indicate to my colleagues that this Fund may not work. The claims may greatly exceed the fund, there is a shortage, and we end up with an insolvent fund.

The bill says, well, we presume if the fund goes insolvent, the fund will terminate from a Government-funded fund managed by the Department of Labor, and then claimants who did not get in on the money are going to simply seek redress in the federal courts. I question that. I can see people coming back to Congress and saying: "Hey, we want the Federal Government to pay for it." This puts the taxpayer at risk.

So what is the solution? I am not trying to be critical. But, I think we should come up with realistic solutions. I have a couple of ideas I think we could do. One is to impose strict medical criteria in the existing tort system. The American Bar Association has said Congress should establish strict medical criteria in the tort system: in other words, a person must prove they have an asbestos related injury before they file a claim and get compensated. Let's make sure we are not paying payments to people who have lung cancer resulting from other causes, like a life-long smoking habit. My mother had lung cancer and my brother had cancer as a result of smoking. They should not be compensated out of an asbestos compensation fund. We should hold to the principle that if people are going to receive compensation from asbestos exposure they should have an asbestos-related disease; and they must prove it was the substantial contributing factor to the injury. If they prove it, they should be compensated.

We should also toll the statute of limitations for asbestos injuries to protect the legal rights of claimants who should develop a disease or impairment in the future. If they discover they have an asbestos-related disease in the distant future, the statute of limitations should not begin to run until that time. They would be able to file suit. That would eliminate a lot of these bogus claims and the mass action claims where people are filing claims saying, "We think we could develop asbestos disease in the future, and we understand the statute of limitations is going to run out, so therefore we are going to file claims now." Over two-thirds of the claimants today do not have asbestos-related disease, but they are filing claims. Let's enact legislation to toll the statute of limitations, so if it is proven that 10 or 20 years from now an individual develops asbestos-related disease, and it is proven, they can be justly compensated.

Finally, let's eliminate the abusive venue shopping. Let's keep it in court jurisdiction where the claim belongs, and stop bargain-hunting plaintiffs from shopping their claims in only the most lucrative district or State courts in the country.

There does not have to be a new Federal fund, or a new entitlement program, created to provide a reasonable solution to this problem. If we simply require claimants to prove in court that they have an asbestos-related disease or impairment, then we can compensate those who are truly sick and they can be compensated well. The defendants companies and the insurance companies could all pay a lot more to the most deserving victims of asbestos exposure, if they did not have to needlessly pay money to the two-thirds who do not have asbestos-related disease.

Many of these plaintiffs lawyers who are involved in these mass action suits, those who represent legitimate victims who are being pushed aside by the non-injured, actually say that a medical criteria bill would be the right solution. We do not need take away anybody's ability to go to court. The truly sick can be truly compensated. And do not need to pay false or premature claims. We simply do not need to pay claims to people who, frankly, should not be receiving benefits. The fact is, people who do not have asbestos-related disease are clogging the courts, and they are denying people who do have the disease just compensation.

I have introduced such legislation that will go a long way to solving these problems. I have kind of held back to see whether or not this trust fund approach would work, and, frankly, I do not believe it will work, whether it is $118 billion or $153 billion.

I heard many of my Democratic colleagues say if it had a little more money maybe they could support it. It will not work. My guess is if there was a fund of $153 billion or even $173 billion, as much money as that is, with the medical criteria being lax as it is in this bill especially for smokers, it will not work because you will still have thousands of unqualified people saying, "My lung cancer should be covered too."

As a matter of fact, if one looks at one of the compensation plans under this bill, yes, under levels VII, VIII and IX section C, smokers get compensation without having clear proof it was caused by their asbestos exposure. Now, maybe they worked in a plant that might have had asbestos present, but if they cannot prove that it was the cause of their cancer and not, for example, the five packs of cigarettes they smoked each day for thirty years, then they should not be compensated, but this Trust Fund bill would do this.

My point is, let's go back to the drawing board. I do not believe a trust fund approach is the right approach. I happen to think that S. 2290 is almost an invitation for people to say here is a bunch of money, probably not enough money, so let's make sure we run our claims early, fast, and get in while the money is still there. So the claims would greatly exceed the money available no matter what size the pot of money is on the table. And when it runs out the net result will be that people will come to the Federal Government to keep it going. This trust fund will simply not be adequate to compensate all the claims, especially not with lax medical criteria.

So I urge our colleagues to rethink this. Let's establish medical criteria in the courts using medical evaluation standards proposed by the American Medical Association, and consistent with a resolution endorsed by the American Bar Association, that calls on Congress to establish criteria standards along those lines and toll the statute of limitations for those who may become sick in the future. Let's compensate those families, those individuals, who are truly sick. Let's help the victims, and not reward people who do not even have asbestos disease or injury by giving them two-thirds of the benefits under this present flawed system.

I urge my colleagues to seriously review such an alternative approach when we reconsider this bill in the not too distant future.

I ask unanimous consent that the CBO letter of April 20, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 2004.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, CBO has prepared a cost estimate for S. 2290, the Fairness in Asbestos Injury Resolution Act of 2004, as introduced on April 7, 2004. The bill would establish the Asbestos Injury Claims Resolution Fund (Asbestos Fund) to provide compensation to individuals whose health has been impaired by exposure to asbestos. The fund would be financed by levying assessments on certain firms. Based on a review of the major provisions of the bill, CBO estimates that enacting S. 2290 would result in direct spending of $71 billion for claims payments over the 2005–2014 period and additional revenues of $57 billion over the same period. Including outlays for administrative costs and investment transactions of the Asbestos Fund, CBO estimates that operations of the fund would increase budget deficits by $13 billion over the 10-year period. The estimated net budgetary impact of the legislation is shown in Table 1.

S. 2290 contains both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate direct cost of complying with the intergovernmental mandates in S. 2290 would be small and would fall well below the annual threshold ($60 million in 2004, adjusted annually for inflation) established in UMRA. CBO also estimates that the aggregate direct cost of complying with the private-sector mandates in S. 2290 would well exceed the annual threshold established in UMRA ($120 million in 2004 for the private sector, adjusted annually for inflation) during each of the first five years those mandates would be in effect.

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF S. 2290

	By fiscal year, in billions of dollars—									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Claims and administrative expenditures of the Asbestos Fund:										
Estimated budget authority	*	18.5	12.8	12.9	5.3	5.3	5.3	5.2	5.0	4.9
Estimated outlays	*	7.5	10.7	14.6	9.8	7.6	5.3	5.3	5.2	5.0
Investment transactions of the Asbestos Fund:										
Estimated budget authority	5.4	2.0	−4.8	−3.3	0	0	0	0	0	0
Estimated outlays	5.4	2.0	−4.8	−3.3	0	0	0	0	0	0
Total direct spending:										
Estimated budget authority	5.4	20.6	8.0	9.6	5.3	5.3	5.3	5.2	5.0	4.9
Estimated outlays	5.4	9.5	5.9	11.3	9.8	7.6	5.3	5.3	5.2	5.0
CHANGES IN REVENUES										
Collected from bankruptcy trusts [1]	1.0	0	0	4.6	0	0	0	0	0	0
Collected from defendant firms	3.3	2.8	2.8	2.8	2.7	2.7	2.7	2.7	2.7	2.6
Collected from insurers	2.7	7.5	2.2	1.6	1.6	1.6	1.6	1.6	1.6	1.6
Total revenues	7.0	10.3	5.0	9.0	4.4	4.3	4.3	4.3	4.3	4.3
Estimated net increase or decrease (−) in the deficit from changes in revenues and direct spending	−1.5	−0.8	1.0	2.3	5.5	3.2	1.0	1.0	0.9	0.8

[1] Cash and financial assets of the bankruptcy trusts have an estimated value of about $5 billion. The federal budget would record the cash value of the noncash assets as revenues when they are liquidated by the fund's administrator to pay claims.

Notes.—Numbers in the table may not add up to totals because of rounding. * = less than $50 million. CBO estimates that by 2014 the Asbestos Fund under S. 2290 would have a cumulative debt of around $15 billion. Borrowed funds would be used during this period to pay claims and would later be repaid from future revenue collections of the fund. We estimate that interest costs over that period would exceed $2.5 billion, and CBO's projections of the fund's balances reflect those costs. However, they are not shown in this table as part of the budgetary impact of S. 2290 because debt service costs incurred by the government are not included in cost estimates for individual pieces of legislation.

Major provisions

Under S. 2290, a fund administrator would manage the collection of federal assessments on certain companies that have made expenditures for asbestos injury litigation prior to enactment of the legislation. Claims by private individuals would be processed and evaluated by the fund and awarded compensation as specified in the bill. The administrator would be authorized to invest surplus funds and to borrow from the Treasury or the public—under certain conditions—to meet cash demands for compensation payments. Finally, the bill contains provisions for ending the fund's operations if revenues are determined to be insufficient to meet its obligations.

S. 2290 is similar in many ways to S. 1125. A more detailed discussion of the fund's operations and the basis for CBO's estimates of the cost of compensation under these bills is provided in our cost estimate for S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003, which was transmitted to the Senate Judiciary Committee on October 2, 2003.

Budgetary impact after 2014

CBO estimates that S. 2290 would require defendant firms, insurance companies, and asbestos bankruptcy trusts to pay a maximum of about $118 billion to the Asbestos Fund over the 2005–2031 period. Such collections would be recorded on the budget as revenues.

We estimate that, under S. 2290, the fund would face eligible claims totaling about $140 billion over the next 50 years. That projection is based on CBO's estimate of the number of pending and future asbestos claims by type of disease that would be filed with the Asbestos Fund, as presented in our cost estimate for S. 1125. While the projected number of claims remains the same, differences between the two bills result in higher projected claims payments under S. 2290. The composition of those claims and a summary of the resulting costs is displayed in Table 2.

Although CBO estimates that the Asbestos Fund would pay more for claims over the 2005–2014 period than it would collect in revenues, we expect that the administrator of the fund could use the borrowing authority authorized by S. 2290 to continue operations for several years after 2014. Within certain limits, the fund's administrator would be authorized to borrow funds to continue to make payments to asbestos claimants, provided that forecasted revenues are sufficient to retire any debt incurred and pay resolved claims. based on our estimate of the bill's likely long-term cost and the revenues likely to be collected from defendant firms, insurance companies, and certain asbestos bankruptcy trust funds, we anticipate that the sunset provisions in section 405(f) would have to be implemented by the Asbestos Fund's administrator before all future claimants are paid. Those provisions would allow the administrator to continue to collect revenues but to stop accepting claims for resolution. In that event, and under certain other conditions, such claimants could pursue asbestos claims in U.S. district courts.

TABLE 2.—SUMMARY OF ESTIMATED ASBESTOS CLAIMS AND AWARDS UNDER S. 2290

[Dollars in billions]

	Initial 10-year period		Life of fund	
	Number of claims	Cost	Number of claims	Cost of claims
Claims for malignant conditions	59,000	$36	127,000	$82
Claims for nonmalignant conditions	627,000	17	1,230,000	36
Pending claims	300,000	22	300,000	22
Total	986,000	75	1,657,000	140

Major differences in the estimated costs of claims under S. 1125 and S. 2290

You also requested that CBO explain the major differences between our cost estimates for S. 1125 and S. 2290. On March 24, 2004, in a letter to Senator Hatch, CBO updated its October 2, 2003, cost estimate for S. 1125, principally to reflect new projections about the rate of future inflation and an assumed later enactment date for the bill. That letter explains that we now estimate enactment of S. 1125 at the end of fiscal year 2004 would result in claims payments totaling $123 billion over the lifetime of the Asbestos Fund (about 50 years).

Three factors account for the difference between the estimated cost of claims under S. 1125 and that under S. 2290 (see Table 3):

The award values specified in S. 2290 are higher for certain types of diseases. That difference would add about $11 billion to the cost of claims, CBO estimates.

Under S. 2290, most asbestos claims could not be settled privately once the bill is enacted. In contrast, under S. 1125, asbestos claims could continue to be settled by private parties between the date of enactment and the date when the Asbestos Fund is fully implemented; defendant firms could credit any payments made during that period against required future payments to the fund. Consequently, CBO estimates that the fund created by S. 2290 would face about $5 billion in claims that, under S. 1125, we anticipate would be settled privately.

S. 2290 specifies that administrative expenses of the program would be paid from the fund. Under S. 1125, in contrast, administrative costs would be appropriated from the general funds of the Treasury. That difference would increase costs to the fund by about $1 billion over its lifetime.

In the limited time available to prepare this estimate, CBO has not evaluated the differences between the two bills in administrative procedures. Under S. 2290, the Asbestos Fund would be operated by the Department of Labor rather than the U.S. Court of Federal Claims. This and other differences between the two bills could affect the cost of administration, the timing and volume of claims reviewed, and the rate of approval for claims payments.

TABLE 3.—DIFFERENCES IN ESTIMATED CLAIMS AGAINST THE ASBESTOS FUND UNDER S. 1125 AND S. 2290

	In billions of dollars
Estimated cost of asbestos claims under S. 1125:	123
Added costs due to higher award values under S. 2290	11
Additional claims not privately settled after enactment under S. 2290	5
Administrative costs under S. 2290[1]	1
Total estimated claims against the fund under S. 2290	140

[1] Under S. 1125 administrative costs would be appropriated from the general fund of the Treasury.

Major differences in estimated revenue collections under S. 1125 and S. 2290

CBO estimates that the Asbestos Fund under S. 2290 would be limited to revenue collections of about $118 billion over its lifetime, including contingent collections. CBO has not estimated the maximum amount of collections that could be obtained under S. 1125, but they could be greater than $118 billion under certain conditions. In our cost estimate for S. 1125, we concluded that revenue collections and interest earnings were likely to be sufficient to pay the estimated cost of claims under that bill. That is not the case for S. 2290.

Over the first 10 years of operations, we estimate that revenue collections under S. 1125 would exceed those under S. 2290 by $7 billion. Thus, under S. 2290 we estimate that there would be little interest earnings on surplus funds and that the Asbestos Fund would need to borrow against future revenues to continue to pay claims during the first 10 years of operations.

Estimates of the cost of resolving asbestos claims are uncertain

Any budgetary projection over a 50-year period must be used cautiously, and as we discussed in our analysis of S. 1125, estimates of the long-term costs of asbestos claims likely to be presented to a new federal fund for resolution are highly uncertain. Available data on illnesses caused by asbestos are of limited value. There is no existing compensation system or fund for asbestos victims that is identical to the system that would be established under S. 1125 or S. 2290 in terms of application procedures and requirements, medical criteria for award determination, and the amount of award values. The costs would depend heavily on how the criteria would be interpreted and implemented. In addition, the scope of the proposed fund under this legislation would be larger than existing (or previous) private or federal compensation systems. In short, it is difficult to predict how the legislation might operate over 50 years until the administrative structure is established and its operations can be studied.

One area in which the potential costs are particularly uncertain is the number of applicants who will present evidence sufficient to obtain a compensation award for nonmalignant injuries. CBO estimates that about 15 percent of individuals with nonmalignant medical conditions due to asbestos exposure would qualify for awards under the medical criteria and administrative procedures specified in the legislation. The remaining 85 percent of such individuals would receive payments from the fund to monitor their future medical condition. If that projection were too high or too low by only 5 percentage points, the lifetime cost to the Asbestos Fund could change by $10 billion. Small changes in other assumptions—including such routine variables as the future inflation rate—could also have a significant impact on long-term costs.

Intergovernmental and private-sector mandates

S. 2290 would impose an intergovernmental mandate that would preempt state laws relating to asbestos claims and prevent state courts from ruling on those cases. In addition, the bill contains private-sector mandates that would:

Prohibit individuals from bringing or maintaining a civil action alleging injury due to asbestos exposure;

Require defendant companies and certain insurance companies to pay annual assessments to the Asbestos Fund;

Require asbestos settlement trusts to transfer their assets to the Asbestos Fund;

Prohibit persons from manufacturing, processing, or distributing in commerce certain products containing asbestos; and

Prohibit certain health insurers from denying or terminating coverage or altering any terms of coverage of a claimant or beneficiary on account of participating in the bill's medical monitoring program or as a result of information discovered through such medical monitoring.

S. 2290 contains one provision that would be both an intergovernmental and private-sector mandate as defined in UMRA. That provision would provide the fund's administrator with the power to subpoena testimony and evidence, which is an enforceable duty.

CBO estimates that the aggregate direct cost of complying with the intergovernmental mandates in S. 2290 would be small and would fall well below the annual threshold ($60 million in 2004, adjusted annually for inflation) established in UMRA. CBO also estimates that the aggregate direct cost of complying with the private sector mandates in S. 2290 would well exceed the annual threshold established in UMRA ($120 million in 2004 for the private sector, adjusted annually for inflation) during each of the first five years those mandates would be in effect.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker (for federal costs, who can be reached at 226-2860, Melissa Merrell (for the impact on state, local, and tribal governments), who can be reached at 225-3220, and Paige Piper/Bach (for the impact on the private sector), who can be reached at 226-2960.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Mr. NICKLES. I yield the floor.

SCOTT CAMPBELL, STEPHANIE ROPER, WENDY PRESTON, LOUARNA GILLIS, AND NILA LYNN CRIME VICTIMS' RIGHTS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 2329, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2329) to protect crime victims' rights.

The PRESIDING OFFICER. Under the previous order, each of the following Senators control 30 minutes: Senators KYL, HATCH, LEAHY, and FEINSTEIN.

The Senator from California is recognized.

Mr. REID. Will the Senator yield for a parliamentary inquiry?

Mrs. FEINSTEIN. Absolutely.

Mr. REID. Following the use or yielding back of the time, the Chair just announced we will vote on this measure; is that true?

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. Mr. President, 8 years ago the Senator from Arizona asked me if I would join with him in a pursuit to give victims basic rights under the Constitution of the United States. It was something I knew a little bit about and I was delighted to do it. What I didn't know a lot about was the drafting of a constitutional amendment and how difficult it was. The next 8 years actually proved to be one of the most rewarding times of my Senate experience.

First, I thank the Senator from Arizona for his collegiality, for the ease with which we have been able to work together, and for his leadership on this issue, which has been absolutely 100 percent unrelenting.

In a time of increasing partisan separation in this body, the friendship, the collegiality, and the leadership has been so appreciated by me. It has been one of the bright spots in my Senate career. I want him to know how much I appreciate it.

I also thank victims, about 30 or 40 of whom are present in the gallery. These are victims who have had terrible things happen to them, but rather than sink back into the depths of despair, have decided they would fight for something so that anyone who had similar things happen to them could have a part in the criminal justice system. Particularly, I would like to acknowledge a few of those victims.

The first is Colleen Campbell. Colleen Campbell has lost two members of her family as a product of murder. Senator KYL, in his remarks, will make that clear. She has become an ardent supporter of our efforts, and a small pin that Senator KYL and I are wearing today is the pin which represents a group called "Force 100." These are victims who have been asking Congress to take this action. The pin depicts an angel holding a checkered flag. Her brother, Mickey Thompson, who was murdered, was a race car driver, and therefore the checkered flag. Her son, Scott Campbell, was also murdered. Colleen, a brilliant leader and a wonderful woman, has lost two members of her family—her son and her brother—to murder.

The other was Roberta Roper. Roberta is one of the first people I met. She hails from Maryland. Again, Senator KYL will say more about the circumstances of that crime.

The third is Steve Twist, who has represented the victims with integrity and steadfastness over these past 8 years, to try to get for them as much as could be possible in the recognition of their rights.

Essentially, bottom line, what we have found after numerous Judiciary Committee subcommittee hearings, committee hearings, markups, putting the victims' rights constitutional amendment out on the Senate floor in a prior session, taking it down because we didn't have the votes, beginning anew in this session, going through the processes in committee, and recognizing that we didn't have the 67 votes necessary for a constitutional amendment—both Senator KYL and I, as well as the victims and their advocates, decided that we should compromise. There are Members of this body who very much want a statute. There are Members of this body who very much want a constitutional amendment. We have drafted a statute which we believe is broad and encompassing, which provides enforcement rights for victims, provides funding for the Department of Justice victims' rights programs, for legal clinics, for enforcement to carry out this law federally and also to spread the word to local and State jurisdictions to enact similar laws.

We basically provide a set of eight rights:

The right to be reasonably protected from the accused; the right to reasonable, accurate, and timely notice of public proceedings so that you know what is happening as well as notice if the accused is released or escapes from custody—

I can't tell you how many victims who may have testified against their assailant live in dread of the fact that an assailant will be released, they won't know it, they won't be able to protect themselves, and the assailant will come after them. That is not theory. It has happened over and over again. There are cases of that, with which I am intimately, unfortunately, knowledgeable—

The right to be present at public proceedings, not to be barred from a court hearing, not to be barred by a public proceeding involving a plea agreement;

The right to be reasonably heard at critical steps in the process, those involving release, plea, or sentencing; the right to confer with the prosecutor;

The right to full and timely restitution, as provided by law;

The right to proceedings free from unreasonable delay;

And the right to be treated with fairness and with respect for the victim's dignity and privacy.

At one time the system of criminal justice in the United States of America provided these rights. Victims had rights until about the mid-19th century, the 1850s, when the concept of the public prosecutor was developed in our Nation. Up to that time, victims brought cases. Victims hired lawyers. Victims even hired sheriffs to prosecute cases. That changed in the mid-19th century, and in that change the victim became left out of the process.

Nowhere was the need for this legislation made more clear than during the trials over the Oklahoma City bombing.

Because we got involved, the Senate and the House, because victims were not being given the rights afforded to them by prior legislation, victims then went to a district court of appeals and victims were then subsequently still told that they had no standing.

A brief account of the trial in the Oklahoma City bombing case illustrates this point:

During pre-trial conference in the case against Timothy McVeigh, the District Court issued a ruling to preclude any victim who wished to provide victim impact testimony at sentencing from observing any proceeding in the case.

In a hearing to reconsider the issue of excluding victim witnesses, the trial court denied the victims' motion asserting standing to present their claims and denied the motion for reconsideration.

Three months later in February 1997, the Tenth Circuit Court of Appeals, rejected, without oral argument, the victims' claims on jurisdictional grounds finding they had no "legally protected interest" to be present at the trial and had suffered no "injury in fact."

Congress reacted the next month by overwhelmingly passing the Victims' Rights Clarification Act of 1997, which provided that watching a trial does not constitute grounds for denying the chance to provide a victim impact statement at sentencing. President Clinton signed the bill into law on March 20, 1997.

When the victims filed a motion with the District Court seeking a hearing to assert their rights under the new law, the District Court concluded "any motions raising constitutional questions about this legislation would be premature and would present issues that are not now ripe for decision."

The court then entered a new order on victim-impact witness sequestration, and refused to grant the victims a hearing on the application of the new law, stating that its ruling rendered the request "moot."

I believe the result would be different if the bill we are considering today was law then. The victims and the families would have had standing, and would have been able to avail themselves of the mandamus proceeding to get a timely ruling on the merits from the Court of Appeals. Perhaps that would not have been necessary—the District Court judge, armed with the standing provision of this bill, perhaps would have reached a different result during the trial.

We have written a bill that we believe is broad. We have written a bill that provides an enforcement remedy; namely, the writ of mandamus.

This part of the bill is what makes this legislation so important, and different from earlier legislation: It provides mechanisms to enforce the set of rights provided to victims of crime.

These mechanisms fall into four categories:

A direction to our courts that they "shall ensure that the crime victim is afforded the rights described in the law."

A direction to the Attorney General of the United States to take steps to ensure that our Federal prosecutors "make their best efforts" to see that crime victims are aware of, and can exercise these rights.

A specific statement that the victim of a crime, or their representative, may assert these rights; the result is that, for the first time victims will have clear standing to ask our courts to enforce their rights.

And a new use of a very old procedure, the writ of mandamus. This provision will establish a procedure where a crime victim can, in essence, immediately appeal a denial of their rights by a trial court to the court of appeals, which must rule "forthwith." Simply put, the mandamus procedure allows an appellate court to take timely action to ensure that the trial court follows the rule of law set out in this statute.

These procedures, taken together, will ensure that the rights defined in the first section are not simply words on paper, but are meaningful and functional.

The bill also has two separate resource provisions, which together will authorize the appropriation of $76 million over the next five years to ensure that the federal government assist crime victims in asserting these rights, and to encourage states to do the same: The bill authorizes a total of $51 million over five years for crime victim assistance grants administered by the Department of Justice to establish and maintain legal assistance programs throughout the nation.

These institutions are key to the success of this legislation, for this is how victims' rights will be really asserted and defended—by lawyers, standing up in court, and explaining to judges and prosecutors what the law means, and how it applies in the case at hand. Rights and remedies need articulation to work, and this money will help make that happen.

These grants, championed by my colleague Senator LEAHY, provide a total of $25 million over five years for a specific, and critical, purpose: to "develop and implement" the type of notification systems that take full advantage of modern technology.

Computers, linked to sophisticated telephone or automatic mailing systems, can help us ensure that the right to notice, set out in the first section of this bill, is not simply abstract, but is made real by a notification system that can provide "accurate, and timely" notice to victims' of crime and their families.

This act, of course, binds only the federal system, but is designed to affect the states also. First it is hoped that states will look to this law as a model and incorporate it into their own systems. This law encourages that by allowing both types of grants—legal assistance and victim notification—to be provided to state entities, and for use in state systems, where the state has in place "laws substantially equivalent" to this act.

Never before have these three critical components, rights, remedies and resources, been brought together. It has been said "a right without a remedy is no right at all," and this law would couple victims' rights with victims' remedies in a way that has never been done before in the federal system. I believe that taken together we have a formula for success, and this law will work, and hopefully become the model for our States.

So why is the law needed?

Senator KYL and I have been working on this issue for the past 8 years. We offer this legislation because the scales of justice are out of balance—while criminal defendants have an array of rights under law, crime victims have few meaningful rights.

In case after case we found victims, and their families, were ignored, cast aside, and treated as non-participants in a critical event in their lives. They were kept in the dark by prosecutors to busy to care enough, by judges focused on defendant's rights, and by a court system that simply did not have a place for them.

The result was terrible—often the experience of the criminal justice system left crime victims and their families victimized yet again.

Let me be clear. I am not talking about the necessary emotional and psychological difficulties which are almost inevitable in our adversary system. Cross examination can be hard. The legal system sometimes must seem complex and irrational to those who do not work in it. Sometimes judges and juries make decisions that victims of crime do not like. But that is not the problem that this law addresses.

That problem is one of process and fairness. The rights I have spoken about are basic, and do not come at the expense of defendant's rights.

Boiled down, they involve the simple right to know what is going on, to participate in the process where the information that victim's and their families can provide may be material and relevant, and the right to be safe from violence.

I mentioned earlier the dramatic disparity between the rights of defendants in our constitution and laws, and the rights of crime victims and their families. My point is to illustrate that our government, and our criminal justice system, can and should care about both the rights of accused and the rights of victims. That is what this law addresses.

Some have said that current law is adequate. For instance, the Victim of Crime Act of 1984 sets out rights for victims—in fact the bill before us restates many of those rights. But prior laws did not have the critical combination of rights and remedies that we now offer.

In fact, a number of victims' rights laws have been passed:

1982, the Victim and Witness Protection Act, mentioned before, which provided for victim restitution and the use of victim impact statements at sentencing in federal cases;

1984, the Victims of Crime Act, which encouraged the States to maintain programs that serve victims of crime, and established a Crime Victims' Fund, which now matches up to 60 percent of the money paid by States for victim compensation awards;

1990, the Victims' Rights and Restitution Act, which increased funding for victim compensation and assistance, and codified a victims' Bill of Rights in the federal justice system;

1994, the Violence Against Women Act, which authorized over $1.6 billion over six years to assist victims of violence and prevent violence against women and children;

1996, the Mandatory Victims Restitution Act, which required courts to order restitution when sentencing defendants for certain offenses;

1996, the Justice for Victims of Terrorism Act, which appropriated funds to assist and compensate victims of terrorism and mass violence;

And 1997, the Victim Rights Clarification Act, which reversed a presumption against crime victims observing any part of the trial proceedings if they were likely to testify during the sentencing hearing, an issue which developed during the Oklahoma City bombing case. Specifically, this legislation prohibited courts from (1) excluding a victim from the trial on the ground that he or she might be called to provide a victim impact statement at sentencing, and (2) excluding a victim impact statement on the ground that the victim had observed the trial.

All of these laws represent a step in the right direction. But they are not enough. They don't really work to protect victims' many had hoped. Why is this? I believe it because they fail to provide an effective procedure for victims to assert standing and vindicate their rights. The bill before us builds on these earlier attempts, and goes one very important step farther—linking rights to remedies, and, I hope, fixing the problem with these earlier laws.

Some have asked—why proceed with a statute, rather than a Consitutional amendment? Why a law and not a constitutional amendment?

Senator KYL and I have been working for many years towards a constitutional amendment to establish these rights. I have always believed that amending the Constitution is the best way to ensure victims' rights are protected in the criminal justice process. But many have disagreed, arguing that we should try, once again, a legislative approach.

It is clear to me that passage of a Constitutional amendment is impossible at this time. If we tried, and failed, it could be years before we could try again. Victims of crime have waited years for progress, and a compromise approach, resulting in the bill now under consideration, will result in meaningful progress.

Will it work? I hope so. The bill before us is a new and bolder approach, than has ever been tried before in our Federal system.

The standing provision, coupled with the mandamus provision, may have the desired effect. This will be a test, and I, for one, will be watching it closely.

I think for both Senator KYL, and now for Senator HATCH, the distinguished chairman of the Judiciary Committee, and Senator LEAHY, the distinguished ranking member, who join us as major cosponsors of this bill, that we will follow this bill carefully and we will see whether the enforcement rights contained in this bill are adequate. If not, you can be sure as the Sun will rise tomorrow, we will be back with a constitutional amendment.

This bill is named after some of the victims. Both Senator KYL and I briefly want to state the story of the victims after whom the bill is named. I would like to tell the Senate a little bit about Louarna Gillis, who was 22 years old when she was slain on January 17, 1979, as part of a gang initiation. Her murderer wanted to enter the world of narcotics as part of the Mexican Mafia and was told the quickest way to do so was to murder the daughter of a Los Angeles Police Department officer. Can you believe it? It is true.

Louarna Gillis was targeted by the killer. He knew her in high school. That was the reason he targeted her. The murderer picked her up a few blocks from her home, drove her to an alley in East Los Angeles where he shot her in the head as she sat in the car. He pushed her into the alley and fired additional shots into her back.

Louarna's murderer was apprehended 6 months later. He had a long history of violence, including felony convictions.

Louarna's family was not notified of the arraignment, nor were they notified of other critical proceedings in this case. Her family's rights were largely ignored. The first trial resulted in a hung jury, 11 for first-degree murder, 1 not guilty. Louarna's father, John Gillis, was not allowed in the courtroom.

At the second trial, the murderer pled guilty to second-degree murder to avoid the death penalty. He was sentenced to 17 years to life. Parole for Louarna's murderer has successfully been blocked by her family to this day. He will be eligible for parole again in the next 6 to 8 months. Louarna's father, a former homicide detective with LAPD, had just left an intelligence assignment working against street gangs and the Mexican Mafia at the time of her murder. Can you imagine?

Mr. Gillis was later appointed by President George W. Bush as the Director of the Justice Department's Office for Victims of Crime. He testified before Congress on July 17, 2002. I said:

> I know firsthand the personal, financial, and emotional devastation that violent crime exacts on its victims. As a survivor of a homicide victim, I testify . . . with the unique advantage of understanding the plight that victims and their families face in the criminal justice system . . . When a person is victimized by crime, he or she is thrust into a whole new world in which the State's or the government's needs take priority.
>
> This is the most devastating time in a person's life, when they have lost a loved one to homicide or violent crime; they need protection.
>
> They need to let the court know how this crime has impacted their lives, because it will have a long-lasting, traumatic impact in their lives. It's important that they have the opportunity to say something to defend their loved one.

This terrible story took place in my home State of California. This bill will help fathers like Mr. Gillis: he would be notified of key proceedings, and be able to participate in a meaningful way.

I would like to tell you about Nila Ruth Lynn. Here is her picture. She was 69 years old. She was murdered at a homeowners association meeting on April 19, 2000, when an angry man stormed into the meeting and announced: "I'm going to kill you."

He was unhappy with the way the association had trimmed the bushes in his yard the previous month. Nila and another woman were killed and several other men were injured during the rampage. She died on the floor in the arms of her husband Duane. They had been married 49 years and 9 months. Nila left behind Duane and six children. The money the children had been saving for a 50th wedding anniversary gift was instead used to pay for her casket.

Duane Lynn suffered through long delays and continuances in this case. Despite clear State constitutional and statutory rights, Duane was not allowed to make a sentencing recommendation for his wife's murderer. Nila's killer was sentenced to death. Duane wanted the defendant to be sentenced to life imprisonment without the possibility of parole, rather than deal with the continuing appeals involving the death sentence.

The U.S. Supreme Court has denied its petition for a review of the Arizona Supreme Court's refusal to protect the right. He testified before the Senate Judiciary Committee on April 8. Here is what he said:

> We, as a family of the victim, which was my wife, my love, the person I still expect to walk through my front door every day—she was a real person, not just a name and a number on a document. We could say nothing about the consequences of that man who took all this away from me. You have no idea what this feels like. The evil done by a murderer inflicts tragedy, and that is bad enough. But injuries inflicted by our legal system are even harder to take. I felt kicked around and ignored by the very system the government has in place to protect law-abiding citizens.

This is not the way criminal justice should be practiced in the United States of America. The time has come to give victims of crime the right to participate in the system, the right to notice of a public hearing, the right to be present at that public proceeding, the right to make a statement when appropriate, the right to have restitution, if ordered by a judge, the right to know when your assailant or attacker is released from prison, and the right to be treated by our prosecutors and by our criminal justice system with respect and dignity. That is not too much for the Congress of the United States to strive energetically to achieve for the 22 million victims in this country.

It is with great pleasure that over the years I have worked with Senator KYL to achieve this. Once again, I cannot thank him too much.

I thank the Chair. I yield the remainder of my time to the distinguished Senator from Arizona.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Arizona.

Mr. KYL. Madam President, it isn't always possible for us to schedule matters in the Senate in a convenient way. I am aware Senator FEINSTEIN must leave to attend another meeting. It is my hope she will able to be here before we vote.

While she is still here, I must say I share her sentiment that some of the most gratifying work I have done in the Senate has been my work with Senator FEINSTEIN and her good staff in putting together a constitutional amendment and working hard to try to get it passed and preparing for the hearings—speaking with the victims, meeting with the Justice Department—literally hundreds of hours of time we have spent together working on this issue. It has helped to foster a bond of trust and friendship between us that I think could be used as a template for our colleagues in this body to work together in a bipartisan way.

I can never thank Senator FEINSTEIN enough for her work on this amendment. I know the many victims who are here in the gallery share that sentiment.

This legislation would not be before us today without Senator FEINSTEIN. That is simply a fact. For all of the hard work we have put in with her cooperation and her commitment to this, I thank Senator FEINSTEIN deeply. She knows that bond of trust will continue to exist between us.

Mrs. FEINSTEIN. Madam President, I thank the Senator. I do appreciate those words. They mean a great deal to me.

If I might, I ask unanimous consent to add the Senator from Maryland, Senator MIKULSKI, as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I would like to retain the remainder of my time.

Mr. KYL. Madam President, I ask unanimous consent that Senators NICKLES and INHOFE be added as original cosponsors of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I join Senator FEINSTEIN in supporting S. 2329, which is the statutory version of the constitutional amendment we have prepared and about which Senator FEINSTEIN has spoken.

The legislation, as I will describe in a moment, will attempt to accomplish as much as possible the same goals the constitutional amendment which has been pending before us would have accomplished.

But before I discuss the details of that, there are several people I would like to thank. In addition to Senator FEINSTEIN—again it is impossible to express my appreciation enough for all of the hard work she put into this effort. We simply couldn't be here, because in order to get things passed in the Senate it is critical there be a bipartisan consensus, especially so for something that requires a supermajority. Without Democrats and Republicans working together, we would have never gotten to this point. Certainly Senator FEINSTEIN was largely responsible for the work on the Democratic side of the aisle.

I appreciate all of my colleagues' understanding and support on this as well.

Senator FRIST, who is willing to trust us in scheduling this for time on the floor—and there is very little time to take up matters, as the Presiding Officer knows—understood this was a very important commitment we had made to the victims of crime. During Crime Victims' Rights Month was the time to try to accomplish this. I appreciate his support.

I appreciate the support of Senator HATCH who throughout the years has never stood in the way but always lent us a hand in setting up a hearing and getting a time and a room for markup on the constitutional amendment and supporting its passage.

Again, it is not easy to get a constitutional amendment through even the Judiciary Committee, let alone to get it adopted. But Senator HATCH was supportive of that effort. I very much appreciate his cosponsorship of the statutory version of this amendment, as well as the support of Senator LEAHY.

I think I would be remiss if I didn't make the point that the first cosponsors of this legislation were Senator FEINSTEIN, myself, and Senators HATCH and LEAHY, chairman and ranking member of the Judiciary Committee.

Obviously this legislation has very strong support. We anticipate it will pass overwhelmingly and will be quickly sent to the House for action there, and hopefully to the President, who I am confident will be supportive of it and will sign it.

Let me at this point thank some of the victims' rights organizations. Again, they were responsible for bringing the issue to our attention and for providing a lot of the information we needed to be able to make the cases and for, frankly, the moral support to keep going. When Senator FEINSTEIN and I would get discouraged, after meeting with victims' rights groups we were no longer discouraged; we were even more committed to pursue this head on. Some of them are headed by remarkable people. There is a whole page of groups I will thank.

Specifically, I thank Mothers Against Drunk Driving, the National Organization for Victim Assistance, Parents of Murdered Children, and Force 100, and especially Colleen Campbell for her leadership of Force 100. Senator FEINSTEIN has already spoken of Colleen Campbell, and this pin in memory of Mickey Thompson speaks volumes about her leadership of this effort.

The fact this is Crime Victims' Rights Month and week I think is important. President Reagan actually had the first recognition of crime victims in a week that was designated for that purpose.

I think it is important at this time we especially recognize the victims of crime all over America; that with this year's memorial of victims' rights, America's values will be vindicated to some extent with the passage of this legislation.

It is especially poignant we would be waiting at this time to recognize these rights of victims of crime. Indeed, it is right to take up this issue. The right to fairness for crime victims and the right to notice and presence and participation are deeply rooted concepts in the United States of America. This country is all about fair play and giving power to the powerless in our society. It is about recognizing the values of liberty of the individuals against encroachments of the Government.

Fair play for crime victims, meaningful participation of crime victims in the justice system, protection against a government that would take from a crime victim the dignity of due process—these are consistent with the most basic values of due process in our society.

I was involved in Arizona issues for victims of crime even before I ever ran for the U.S. House of Representatives, so this was to some extent a cause for me before I became a public official. It was after I became a public official and people really came to me with these stories that I realized I had an opportunity to do more than the things I had done before. I have come to see the need for these protections as critical for our country.

While engaged in all of the other important activities, at bottom, it is a country about individuals who have inherent rights recognized and given to us by God. That is the basis for the creation of this country. Human dignity and the right that all people are made in God's image is such an important part of the foundation of our country that we would be remiss if we did not recognize that concept, that value, especially for those who have been victimized in our society because we could not as a government provide adequate protection for them.

I came to realize in many cases these victims were being victimized a second time because while we were asking them sometimes to come into court and testify against the perpetrators of the crime so they could be incarcerated or dealt with in an appropriate way for the further protection of society, we were not helping these victims at all. They were suffering through the trauma of the victimization and then being thrown into a system which they did not understand, which nobody was helping them with, and which literally prevented them from participation in any meaningful way. I came to realize there were literally millions of people out there being denied these basic rights, being victimized by our criminal justice system.

Let me mention two circumstances, but we will discuss all of the rights in a moment. The one circumstance that seemed to be the most frequent is: My mother was murdered, my daughter was murdered—whatever the situation—and I could not attend the trial. That is what our system says today.

While there are statutes in States and even some State constitutional provisions that purportedly guarantee a victim will not be denied access to the courtroom, it is still the case today that the victims, the victims' families, cannot even go into the courtroom. The defendant is there, the defendant's family is there seated in a reserved row seats, but the victim and the victim's family cannot be present. That is fundamentally wrong. We are not talking even about them saying anything. Obviously, everyone in the courtroom has to behave. The judge can throw anybody out if they do not behave or if they express emotions or try to communicate with the jury. That is not the issue.

They could not attend sometimes because the defendant's lawyer would say: It would be prejudicial to my client if the victims are seen in the courtroom. This was one of the circumstances that I could not believe our criminal justice system was imposing. It is one of those things that is fixed in this statute.

The other circumstance—and there is an especially telling, emotional case in Arizona I became familiar with which induced me to pursue this with all the vigor I could—is the circumstance where a crime has been committed, the perpetrator has been convicted and is in prison or jail, but unbeknown to the victim and the victim's family, the individual gets out of jail. The individual escapes, has some kind of a parole hearing or in some other way is able to leave before the sentence is up, and the victims are not even notified, let alone given an opportunity to appear before that parole board and say: Wait a minute, this person has a 15-year sentence and you are letting him out after 8 years. Let me tell you what he did to me.

Not to go into detail but to finish that story, in one of the Arizona cases with which I am familiar, the woman having been brutally raped and slashed and left to die recovered. Her perpetrator was convicted and put into prison. He had a parole hearing and the parole board decided to release him prematurely. She got no notice of that. She got no opportunity to be present.

By not quite coincidence but enormous alertness and compassion on the part of an individual in the Governor's office at the time routinely reading through the notices of the parole board, a staff person saw this and again almost coincidentally thought, Wait a minute, I don't think that is right under our law. He tracked down this individual who had by then moved to California and asked her if she would like an opportunity to appear before another parole board hearing if that could be arranged. She said yes. The parole board agreed to revisit the issue in a subsequent hearing and she testified. She told her story. After she told her story, the parole board reversed its opinion.

I asked her later: Were you afraid he would come after you if he were released? She said: No. My victimization was random. I was trying to hitchhike. I should never have done it.

He—and, by the way, his wife—picked her up and she was then brutalized as I described it. She said: It was random. I don't think he would come after me again. What I was concerned about was knowing the nature of the kind of individual that commits this kind of crime, he would do it again to somebody else.

I didn't want him to have that opportunity to hurt somebody else like he hurt me.

That tells you about the motivation of these victims of crime who are willing, despite the hurt that it causes them, to participate in the criminal justice system—not just for themselves because they get nothing out of it—because they know what it is like and they want to prevent that harm to others.

Those are the kind of people whose portraits are behind me and who Senator FEINSTEIN was talking about. That is why we are trying to do something about righting this wrong, about balancing the scales of justice. Rightly, defendants in this country are protected better than in any country in the world through constitutional amendments that give them rights. We are not trying to take one single right away from any defendant. That would be wrong under our system. But we do think it is time to balance the scales of justice. That was the motivation for Senator FEINSTEIN and me.

Let me talk about some of these individuals. Senator FEINSTEIN talked about Duane Lynn. Duane is from Arizona. I will not repeat the entire story, but he enjoyed the Navy as a young man. He performed in the military. He had a successful career as a highway patrolman upholding the laws of the State of Arizona. He and his wife Nila literally fell in love as teenagers and had been married 49 years and 9 months, just 3 months shy of their 50th anniversary when she was brutally murdered as Senator FEINSTEIN talked about. They had left their home to attend this homeowners' meeting and just happened to be in the wrong place at the wrong time because the murderer, who was a disgruntled and enraged former resident of the community, burst into the room saying, I am going to kill you, and he started shooting.

As I said, Duane and Nila had been married not quite 50 years when she was brutally murdered. In anticipation of the golden anniversary of their parents, the Lynn children had secretly been saving money to throw a surprise anniversary party, and that money was used to pay for Nila's casket.

It is at this point that Duane's journey through the legal system really started. As Senator FEINSTEIN recounted, he did not really understand what it meant to participate in the judicial system at that time but at least understood that he would have some voice in what happened.

Under the Arizona law and constitution, he had a right, for example, to make a recommendation to the judge when the judge sentenced the perpetrator. But despite having that right in the Arizona Constitution—and, by the way, Arizona judges are pretty good about enforcing these rights—he was denied the right to even appear at the time of sentencing to tell the judge the sentence he thought the perpetrator should get.

He lost an appeal to the Arizona Supreme Court and a petition for certiorari to the U.S. Supreme Court. They all told him his rights were unenforceable because for him to speak would violate the defendant's eighth amendment rights against cruel and unusual punishment.

Now, that is one of the reasons that Senator FEINSTEIN and I believed that a constitutional amendment was necessary, because as long as the defendant's rights are always asserted as Federal constitutional rights, a mere statutory right, such as we are creating today, is going to be subservient to that. It will be very difficult for victims to win in cases where the defendant's right is asserted under the U.S. Constitution.

Even as a State constitutional right, Duane Lynn was denied the right to speak because the court perceived that the Federal eighth amendment superseded the Arizona State Constitution. So we may still have problems, even with the adoption of a statute here. But Senator FEINSTEIN and I are committed to moving the cause forward, to see whether it is possible to make statutes work, so that we do not need a Federal constitutional amendment. If, as it turns out, we do, then we will revisit the issue, as she said. Hopefully, we will not need to do that.

Just a final I think paradoxical or ironic ending in the Duane Lynn matter. He wanted to speak at the time of sentencing, not to urge the court to impose the death sentence but to impose life without parole. That recommendation was denied because, as I said, the court held that the defendant's rights outweighed his rights.

Let me talk about some of the other victims. I just briefly want to mention Louarna Gillis, because John Gillis, her father, who was a Los Angeles police officer at the time, is now a very important person in our Government in protecting victims' rights because he heads up the Office for Victims of Crime in the Department of Justice.

One of the reasons the Attorney General and the President wanted him in that position is because he felt firsthand the sting of being a crime victim when his daughter was killed, picked out at random by a gang member because the gang member, to be initiated in the gang, had to kill the child of a cop. She just happened to be a child of a cop and she was killed.

John could not be here today, but his wife Patsy is in attendance. I commend her for her support of this effort as well.

Their family has suffered further tragedy in the very recent death of their only other child, their son John. So it reminds us that it is important not only for people to have rights as victims of crime, but to recognize that these very people are the people who are willing to take up the cause here to right this injustice.

By John Gillis' efforts, he literally became the person in charge of this issue in our Government. He is doing an incredibly great job. Part of this legislation is to give him some additional responsibility and a little bit more in the way of resources to see to it that our Federal Government, through the Department of Justice, the Attorney General, and the Office for Victims of Crime, can continue to support the effort of crime victims. I applaud John Gillis very much and appreciate his wife Patsy being with us today.

Let me mention three other people, because this legislation is named for five people—the two I mentioned and then the other three I will mention. Let me discuss each of them.

Roberta Roper is also in attendance. There is nobody who has pursued the cause for victims' rights more strongly than Roberta Roper. She has made numerous trips to Washington. She has testified before the Judiciary Committee in support of the constitutional amendment. She has given us incredible advice and strength. What she did, after her victimization, when her daughter Stephanie was murdered at the age of 22, was to start a foundation in her daughter's name, and that Stephanie Roper Foundation has been a tremendous asset in pursuing the cause of victims around the country.

Her daughter, on April 3, 1982, was kidnapped and raped, tortured and dismembered by two men. The killers had just come upon her when Stephanie's car had been disabled. They had kidnapped her and over a period of 5 hours had repeatedly tortured her. She tried to escape but was caught and killed in a most brutal manner.

Her parents were not even notified of the many continuances that were granted in this case. They were excluded from the courtroom for the entire first trial that occurred. They could not even go into the courtroom. In 1982, the defense convinced the court that the victims would be emotional, irrelevant, and probable cause for a reversal of an appeal. The court agreed and, therefore, denied Vince and Roberta Roper the right to be a voice for their daughter.

That is one of the things that will be corrected by this legislation. We hope a statutory correction will serve to be sufficient.

Roberta Roper is in attendance, and I thank her from the bottom of my heart. She and Collene Campbell—who I will mention next—have been two of the real troopers in this battle.

I also want to say, with regard to Collene Campbell, when Senator FEINSTEIN discussed the death of her son

Scott, it is unfortunately the case in many of these situations that more than once people are victimized. Collene and Gary Campbell have been victimized twice. Collene's brother was killed as well and that has been discussed as well.

One of the killers of their son Scott was released from prison. By the way, the circumstances of Scott's murder were especially gruesome. He met an individual who was going to fly him to North Dakota, and somewhere between Los Angeles and Catalina Island, Scott Campbell was killed. His body was literally thrown out of the airplane into the ocean and has never been located.

His parents were not permitted to enter the courtroom during the trials for the men who murdered their son. They were not even notified of a district court of appeals hearing. When one of the killers was released, as I said, the Campbell family was not notified. They only learned of the developments through the newspaper.

You can argue that a defendant might be prejudiced in certain situations by victims having certain rights, but to treat victims this way is not to treat them with the fairness and dignity any American deserves under our values as a nation. Even when these rights exist in statute, when they are not observed, it is time for the Congress to act. That is why we act here, so that no one else will have to suffer through this kind of unfair treatment.

Scott Campbell is shown in this picture. I mentioned Nila Lynn before, as shown in this picture. Roberta Roper's daughter Stephanie is this beautiful young lady shown in this picture right here. As I said, her mother is with us today.

I would also like to mention Robert Preston. In the case of Bob Preston's 22-year-old daughter, Wendy—the beautiful young lady shown in this picture right here—she was murdered in his home on June 23, 1977. She was killed when a man broke into the home to steal money to buy drugs. Her body was found 6 days later. Wendy's murderer was arrested and charged with first-degree murder. Her parents were told that the State of Florida was the victim in the case and they would be notified if and when they were called as witnesses. That was it.

After nearly 6 years, the murderer was allowed to plead to a second-degree murder charge, and he was sentenced to life in prison. In 1987, the Florida Supreme Court overturned the killer's conviction, and in the decision also held that the victims had no rights. This is the kind of example that needs to be brought to light so Americans can appreciate that it is time for Congress to act.

This is Wendy Preston, yet another example of victims being treated unfairly.

There are a lot of other cases we could talk about. Wendy Preston and Stephanie Roper, Scott Campbell, Mickey Thompson, Nila Lynn, and Louarna Gillis are the best of America. We owe them our best. Our best is to ensure the families of future victims will not suffer through the same indignity their families have had to endure.

That is why Senator FEINSTEIN and I began the effort to try to persuade our colleagues a constitutional amendment was necessary to protect these rights, because the defendant's right was always constitutional. Unless we had an equal constitutional right, there was no chance in a conflict the court would ever afford the victim an equal right. That is why we still have reservations about a statutory remedy.

But a lot of our colleagues have said, try a statutory remedy and let's see if by bringing these situations to light, by providing incentives for States to follow the Federal example, by embodying these same rights that were in the constitutional proposal in a statute and giving the victims a right to sue, a remedy, a mandamus remedy, let's see if that can work.

After 8 years of work on the Federal constitutional amendment, supported by President Bush and the Attorney General, we were able to schedule, after we passed the bill through the Judiciary Committee, that constitutional amendment for floor action today. Knowing we would not have the 67 votes to pass it, we decided it was time to get something tangible in statute to protect the rights of victims, and accompanying it could be a modest appropriation of money to help actually support these victims in court when that was necessary and called for. We believed despite the potential that it would not serve adequately, it was time to try something, to be successful, and to at least move the ball forward.

As Senator LEAHY said in a press conference we had earlier: The Judiciary Committee of the Senate will provide very strong oversight of implementation of this statute so we will know if it is not working. If it does not work, we will be able to come back and pursue the constitutional remedy. But we consulted with the victims' rights groups that have been most active in support of this. They concurred it was time to pursue the statutory remedy, if we could get some assurance we would be successful in that pursuit and that it would not be simply a fool's errand.

Through the significant help of an individual who I am sure all would acknowledge has been the national leader of this effort, Steve Twist, a lawyer from Phoenix, AZ, communicating with the various victims' rights groups, the consensus was reached it was time for us to convert the constitutional proposal into a statute. This occurred within the last 48 hours. Through the cooperation of Senator LEAHY, Senator HATCH, staff, and several other Senators, but most importantly because of the very hard work done by Senator FEINSTEIN's staff and mine, they were able to literally convert these rights in the constitutional proposal into the statutory proposal for submission. That is what is before us today and what we will be voting on.

These are the rights that are set forth in the new statute: That the victim would be reasonably protected from the accused; afforded reasonable, accurate, and timely notice of any public proceedings involving the crime or any release or escape of the accused; included in public proceedings; ensured proceedings are free from unreasonable delay; that they could confer with the attorney for the government in the case; that they would be given a voice to be heard at any public proceeding involving release or plea or sentencing.

I ask unanimous consent to take time from the time under the control of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I noted in a rather inaccurate Washington Post editorial of yesterday that somehow victims would have a right to speak to the jury. That is what the Washington Post thought. They were very wrong, as they were in other comments in the editorial. There is nothing in here about anything like that. It is only during the time of a release, like the parole hearing I talked about earlier, or sentencing or pleading there would be an opportunity to speak.

They would have a right to full and timely restitution in appropriate cases, and the right to be treated fairly, with respect for their dignity and privacy. Most importantly, they would be granted the right to enforce these rights. They would have legal standing to enforce their rights in court with the appropriate writ procedure to be able to take the court's decision to the higher court. That is one of the problems with existing Federal law which the Tenth Circuit Court of Appeals noted did not grant the victims the standing to sue. So that had to be corrected here.

Finally, we authorized an appropriation of funds to assure the proper oversight of these rights is exercised, that moneys would be made available to enhance the victim notification system, managed by the Department of Justice's Office for Victims of Crime, and the resources additionally to develop state-of-the-art systems for notifying crime victims of important states of development.

To pursue that a moment, all courts notify attorneys for the defendant, the prosecutor's office, and it is a relatively simple matter to add another name and telephone number or address to that list. That is what we are talking about here. It is now being done electronically. It is very easy. So the notice to victims of crime is not something that should be seen as an impediment.

I would like to conclude by thanking some people. Since I know Senator FEINSTEIN did have to attend another meeting, let me thank some folks. Before I do that, I ask unanimous consent to add Senators LOTT and NICKLES as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. As soon as Senator LEAHY is here, I will relinquish the floor to him.

I do want to thank President Bush and Attorney General Ashcroft; the Office for Victims of Crime Director John Gillis and the administration for their help; Colleen Campbell and her husband Gary; Roberta Roper; Bob Preston; Duane Lynn; Earlene Eason from Indiana, whose son Christopher was murdered; Sally Goelzer from Arizona, whose brother was murdered; Myssey Hartley from Arkansas, whose brother was murdered; Dee Engles, also from Arkansas, a family member murdered; the National Organization for Victim Assistance, especially Beth Rossman,, president, Marlene Young, executive director, and John Stein, deputy director, who has been a tremendous help; the National Organization of Parents of Murdered Children, Nancy Ruhe-Munch, executive director; Mothers Against Drunk Driving, Wendy Hamilton, president, and Stephanie Manning; Professor Douglas Beloof, director of the National Crime Victim Law Institute, one of the entities integral to ensuring these rights are enforced—he has done a tremendous job in Oregon in setting up the programs and the lawyers who can defend victims' rights—Attorney Meg Garvin, lead staff attorney at NCVLI; Attorney General Jane Brady and the National Association of Attorneys General—this has been a bipartisan effort and almost every attorney general in the country has signed on; the National District Attorneys Association; the Fraternal Order of Police, strongly in support of what we are doing; the International Association of Chiefs of Police; the National Restaurant Association; U.S. Chamber of Commerce; Maricopa County attorney Rick Romely and county attorney Barbara LaWall in Arizona, who have helped me a lot in this effort; District Attorney Josh Marquis; the Arizona Voice for Crime Victims.

On Senator HATCH's staff, I thank Grace Becker, and on Senator CORNYN's staff, Jim Ho. On Senator FEINSTEIN's staff, I can't thank enough Steve Cash and David Hantman who have been tremendously helpful in providing great advice and counsel, particularly in the last 3 or 4 days, helping us to convert the amendment to a statutory provision and in working on the Democratic side to make this a truly bipartisan process.

Without their assistance, we would not have the statute before the body either.

I have a couple legal interns, Tom Stack and Kevin Wilson, who provided tremendous help to me, and finally I wish to thank my chief person on my staff, Stephen Higgins and I mentioned Steve Twist.

All of these organizations and individuals have been of tremendous help in getting to this point and ensuring we will be able to get this statutory provision passed and sent over to the House for action.

Madam President, I am going to conclude with a couple of points. As soon as Senator LEAHY arrives, I am going to relinquish the floor to him because Senator FEINSTEIN has the remainder of the time, and I advise colleagues, if anyone wishes to speak, they should do so right away because I suspect at the conclusion of Senator LEAHY's remarks and anything Senator HATCH and Senator FEINSTEIN wish to say, we will proceed to the final passage vote.

The act before us, in addition to setting forth the rights and providing a remedy for the victims of crime, has an authorization of funding. Let me describe that authorization.

In the first year, fiscal year 2005, $16.3 million will be available to the U.S. Attorney's Victims Witness Office for the Victims of Crime Office in the Department of Justice; $300,000 is for the Office of Victims of Crime to administer these new rights; $7 million to the Office of Victims of Crime for the National Crime Victim Law Institute to provide grants and assistance to lawyers to help victims of crime in court. It is the only entity in the country that provides lawyers for victims in criminal cases, and it will provide for two new regional offices and nine specific clinics. Finally, borrowing a provision from a bill Senator LEAHY had earlier, there is $5 million for grants to States to develop and implement state-of-the-art victim notification systems.

In the following 4 years, there will be each year authorized an appropriation of $26.5 million generally to the same entities and offices to ensure that these programs are carried out, that victims will have the support they need, and that the notice that is guaranteed in the legislation will be provided. Those are the authorizations for the funding. That is a description of the legislation.

I will close by again referring to the people who have driven this effort, the people who represent the families and who are themselves victims of crime, who did not simply retreat into a shell following the tragedy that befell them but who were willing to muster the courage and the strength to do something about the issue, not necessarily so that they could receive any particular kind of vindication, but so future victims would not have to suffer through the same kind of problems and the same indignities they did.

This is the real spirit of great people, of leaders, and it is the spirit of America. I commend all of these victims for the leadership role they have played in being willing to step out in very difficult circumstances to prod those of us in the legislative body to move this process forward and to get this legislation adopted. They are the ones who deserve the primary thanks today.

The victory, when we pass this legislation, will be largely a victory for them and all of the future victims who will never have to suffer the same kind of indignities that they did.

Mr. President, as the sponsor of this bill, I would like to enter into a colloquy with the Senator from California. She is the primary cosponsor of this bill. After extensive consultation with our colleagues, we have drafted a bill with a broad bipartisan consensus. It is not the intent of this bill to limit any laws in favor of crime victims that may currently exist, whether these laws are statutory, regulatory, or found in case law. I ask Senator FEINSTEIN if she agrees.

Mrs. FEINSTEIN. Yes, it is not our intent to restrict victims' rights or accommodations found in other laws. I would like to turn to the bill itself and address the first section, (a)(1), the right of the crime victim to be reasonably protected. Of course, the Government cannot protect the crime victim in all circumstances. However, where reasonable, the crime victim should be provided accommodations such as a secure waiting area, away from the defendant before and after and during breaks in the proceedings.

Mr. KYL. I would like to address the notice provisions of section 2, (a)(2). The notice provisions are important because if a victim fails to receive notice of a public proceeding in the criminal case at which the victim's right could otherwise have been exercised, that right has effectively been denied. Public proceedings include both trial level and appellate level court proceedings. It does not make sense to enact victims' rights that are rendered useless because the victim never knew of the proceeding at which the right had to be asserted. Simply put, a failure to provide notice of proceedings at which a right can be asserted is equivalent to a violation of the right itself.

Equally important to this right to notice of public proceedings contained in this subsection is the right to notice of the escape or release of the accused. This provision helps to protect crime victims by notifying them that the accused is out on the streets.

For these rights to notice to be effective, notice must be sufficiently given in advance of a proceeding to give the crime victim the opportunity to arrange his or her affairs in order to be able to attend that proceeding and any scheduling of proceedings should take into account the victim's schedule to facilitate effective notice.

Restrictions on public proceedings are in 28 CFR Sec. 50.9, and it is not the intent here today to alter the meaning of that provision.

I ask Senator FEINSTEIN, if she can comment on her understanding of section (a)(2)?

Mrs. FEINSTEIN. My understanding of this subsection is the same the Senator's. Too often crime victims have been unable to exercise their rights because they were not informed of the proceedings. Pleas and sentencings have all too frequently occurred without the victim ever knowing that they were taking place. Victims are the persons who are directly harmed by the crime and they have a stake in the criminal process because of that harm. Their lives are significantly altered by the crime and they have to live with the consequences for the rest of their lives. To deny them the opportunity to know of and be present at proceedings is counter to the fundamental principles of this country. It is simply wrong. Moreover, victim safety requires that notice of the release or escape of an accused from custody be made in a timely manner to allow the victim to make informed choices about his or her own safety. This provision ensures that takes place.

I would like to turn to section 2, (a)(3) of the bill, which provides that the crime victim has the right not to be excluded from any public proceedings. This language was drafted in a way to ensure that the government would not be responsible for paying for the victim's travel and lodging to a place where they could attend the proceedings.

In all other respects, this section is intended to grant victims the right to attend and be present throughout all public proceedings.

This right is limited in two respects. First, the right is limited to public proceedings, thus grand jury proceedings are excluded from the right. Second, the Government or the defendant can request, and the court can order, judicial proceedings to be closed under existing laws. This provision is not intended to alter those laws or their procedures in any way. I ask the Senator is that is his understanding of this section.

Mr. KYL. Yes. That it is my understanding as well. There may be organized crime cases or cases involving national security that require procedures that necessarily deny a crime victim the right not to be excluded that would otherwise be provided under this section. This is as it should be. National security matters and organized crime cases are especially challenging, and there are times when there is a vital need for closed proceedings. In such cases, the proceedings are not intended to be interpreted as "public proceedings" under this bill. In this regard, it is not our intent to alter 28 CFR Sec. 50.9 in any respect.

Despite these limitations, this bill allows crime victims, in the vast majority of cases, to attend the hearings and trial of the case involving their victimization. This is so important because crime victims share an interest with the government in seeing that justice is done in a criminal case and this interest supports the idea that victims should not be excluded from public criminal proceedings, whether these are pretrial, trial, or post-trial proceedings.

This right of crime victims not to be excluded from the proceedings provides a foundation for the next section, section 2, (a)(4), which provides victims the right to reasonably be heard at any public proceeding involving release, plea, or sentencing. This provision is intended to allow crime victims to directly address the court in person. It is not necessary for the victim to obtain the permission of either party to do so. This right is a right independent of the Government or the defendant that allows the victim to address the court. To the extent the victim has the right to independently address the court, the victim acts as an independent participant in the proceedings. When a victim invokes this right during plea and sentencing proceedings, it is intended that the he or she be allowed to provide all three types of victim impact—the character of the victim, the impact of the crime on the victim, the victims' family and the community, and sentencing recommendations. Of course, the victim may use a lawyer, at their own expense, to assist in the exercise of this right. This bill does not provide victims with a right to counsel but recognizes that a victim may enlist counsel on their own.

It is not the intent of the term "reasonably" in the phrase "to be reasonably heard" to provide any excuse for denying a victim the right to appear in person and directly address the court. Indeed, the very purpose of this section is to allow the victim to appear personally and directly address the court. This section would fail in its intent if courts determined that written, rather than oral communication, could generally satisfy this right. On the other hand, the term "reasonably" is meant to allow for alternative methods of communicating a victim's views to the court when the victim is unable to attend the proceedings. Such circumstances might arise, for example, if the victim is incarcerated on unrelated matters at the time of the proceedings or if a victim cannot afford to travel to a courthouse. In such cases, communication by the victim to the court is permitted by other reasonable means. Is this the understanding of the Senator of this provision?

Mrs. FEINSTEIN. Yes. That is my understanding as well. The victim of crime, or their counsel, should be able to provide any information, as well as their opinion, directly to the court concerning the release, plea, or sentencing of the accused. This bill intends for this right to be heard to be an independent right of the victim, and thus cannot prevent the victim from being heard.

It is important that the "reasonably be heard" language not be an excuse for minimizing the victim's opportunity to be heard. Only if it is not practical for the victim to speak in person or if the victim wishes to be heard by the court in a different fashion should this provision mean anything other than an in-person right to be heard.

Of course, in providing victim information or opinion it is important that the victim be able to confer with the prosecutor concerning a variety of matters and proceedings. Section 2, (a)(5) provides a right to confer with the attorney for the Government in the case. This right is intended to be expansive. For example, the victim has the right to confer with the Government concerning any critical stage or disposition of the case. The right, however, is not limited to these examples. I ask the Senator if he concurs in this intent.

Mr. KYL. Yes. The intent of this section is just as the Senator says. This right to confer does not give the crime victim any right to direct the prosecution. Prosecutors should consider it part of their profession to be available to consult with crime victims about concerns the victims may have which are pertinent to the case, case proceedings or dispositions. Under this provision, victims are able to confer with the Government's attorney about proceedings after charging.

I would like to turn now to the section on restitution, section 2, (a)(6). This section provides the right to full and timely restitution as provided in law. This right, together with the other rights in the act to be heard and confer with the Government's attorney in this act, means that existing restitution laws will be more effective.

I am interested in the Senator's views of this restitution provision.

Mrs. FEINSTEIN. I thank the Senator. I join his comments.

I would like to move on to section 2, (a)(7), which provides crime victims with a right to proceedings free from unreasonable delay. This provision does not curtail the Government's need for reasonable time to organize and prosecute its case. Nor is the provision intended to infringe on the defendant's due process right to prepare a defense. Too often, however, delays in criminal proceedings occur for the mere convenience of the parties and those delays reach beyond the time needed for defendant's due process or the Government's need to prepare. The result of such delays is that victims cannot begin to put the crime behind them and they continue to be victimized. It is not right to hold crime victims under the stress and pressure of future court proceedings merely because it is convenient for the parties or the court.

This provision should be interpreted so that any decision to continue a criminal case should include reasonable consideration of the rights under this section.

I am eager to hear the Senator's view on this.

Mr. KYL. I concur in the Senator's comments. I would add that the delays in criminal proceedings are among the most chronic problems faced by victims. Whatever peace of mind a victim might achieve after a crime is too often inexcusably postponed by unreasonable delays in the criminal case. A central reason for these rights is to force a change in a criminal justice culture which has failed to focus on the legitimate interests of crime victims, a new focus on limiting unreasonable delays in the criminal process to accommodate the victim is a positive start.

I would like to turn to section 2, (a)(8). This provision contains a number of rights. The broad rights articulated in this section are meant to be rights themselves and are not intended to just be aspirational. One of these rights is the right to be treated with fairness. Of course, fairness includes the notion of due process. Too often victims of crime experience a secondary victimization at the hands of the criminal justice system. This provision is intended to direct Government agencies and employees, whether they are in executive or judiciary branches, to treat victims of crime with the respect they deserve.

Does the Senator agree?

Mrs. FEINSTEIN. Yes.

It is not the intent of this bill that its significance be whittled down or marginalized by the courts or the executive branch. This legislation is meant to correct, not continue, the legacy of the poor treatment of crime victims in the criminal process. This legislation is meant to ensure that cases like the McVeigh case, where victims of the Oklahoma City bombing were effectively denied the right to attend the trial and to avoid federal appeals courts from determining, as the Tenth Circuit Court of Appeals did, that victims had no standing to seek review of their right to attend the trial under the former victims' law that this bill replaces.

I would also like to comment on section 2, (b), which directs courts to ensure that the rights in this law be afforded and to record, on the record, any reason for denying relief of an assertion of a crime victim. This provision is critical because it is in the courts of this country that these rights will be asserted and it is the courts that will be responsible for enforcing them. Further, requiring a court to provide the reasons for denial of relief is necessary for effective appeal of such denial.

Is that the understanding of the Senator?

Mr. KYL. Yes, it is.

Turning briefly to section 2, (c), there are several important things to point out in this subsection. First, where there is a material conflict between the Government's attorney and the crime victim, this provision protects crime victims' rights. This means that if Government lawyers interpret a right differently from a victim, urge a very narrow interpretation of a right, or do not believe a right should be asserted, they are in conflict with the victim and this provision requires that they inform the victim of this and direct the victim to independent counsel, such as the legal clinics for crime victims contemplated under this law. This is an important protection for crime victims because it ensures the independent and individual nature of their rights. Second, the notice section immediately following limits the right to notice of release where such notice may endanger the safety of the person being released. There are cases, particularly in domestic violence cases, where there is danger posed by an intimate partner if the intimate partner is released. Such circumstances are not the norm, even in domestic violence cases as a category of cases. This exception should not be relied upon as an excuse to avoid notifying most victims.

Is that the Senator's understanding of this section?

Mrs. FEINSTEIN. Yes.

I would now like to address the enforcement provisions of the bill, specifically section 2, subsection (d)(1). This provision allows a crime victim to enter the criminal trial court during proceedings involving the crime against the victim and assert the rights provided by this bill. This provision ensures that crime victims have standing to be heard in trial courts so that they are heard at the very moment when their rights are at stake and this, in turn, forces the criminal justice system to be responsive to a victim's rights in a timely way. Importantly, however, the bill does not allow the defendant in the case to assert any of the victim's rights to obtain relief. This prohibition prevents the individual accused of the crime from distorting a right intended for the benefit of the individual victim into a weapon against justice.

The provision allows the crime victim's representative and the attorney for the Government to go into a criminal trial court and assert the crime victim's rights. The inclusions of representatives and the Government's attorney in the provision are important for a number of reasons. First, allowing a representative to assert a crime victim's rights ensures that where a crime victim is unable to assert the rights on his or her own for any reason, including incapacity, incompetence, minority, or death, those rights are not lost. The representative for the crime victim can assert the rights.

Second, a crime victim may choose to enlist a private attorney to represent him or her in the criminal case—this provision allows that attorney to enter an appearance on behalf of the victim in the criminal trial court and assert the victim's rights. The provision also recognizes that, at times, the Government's attorney may be best situated to assert a crime victim's rights either because the crime victim is not available at a particular point in the trial or because, at times, the crime victim's interests coincide with those of the Government and it makes sense for a single person to express those joined interests. Importantly, however, the provision does not mean that the Government's attorney has the authority to compromise or co-opt a victim's right. Nor does the provision mean that by not asserting a victim's right the Government's attorney has waived that right. The rights provided in this bill are personal to the individual crime victim and it is that crime victim that has the final word regarding which of the specific rights to assert and when. Waiver of any of the individual rights provided can only happen by the victim's affirmative waiver of that specific right.

Does all of this correspond with Senator KYL's understanding of the bill?

Mr. KYL. Absolutely. The enforcement provision the Senator addressed is critical to this bill. Without the ability to enforce the rights in the criminal trial and appellate courts of this country any rights afforded are, at best, rhetoric. We are far past the point where lip service to victims' rights is acceptable. The enforcement provisions of this bill ensure that never again are victim's rights provided in word but not in reality.

I want to turn to section 2, subsection (d)(2) because it is an unfortunate reality that in today's world there are crimes that result in multiple victims. The reality of those situations is that a court may find that the sheer number of victims is so large that it is impracticable to accord each victim the rights in this bill. The bill allows that when the court makes that finding on the record the court must then fashion a procedure that still gives effect to the bill and yet takes into account the impracticability. For instance, in the Oklahoma City bombing case the number of victims was tremendous and attendance at any one proceeding by all of them was impracticable so the court fashioned a procedure that allowed victims to attend the proceedings by close circuit television. This is merely one example. Another may be to allow victims with a right to speak to be heard in writing or through other methods. Importantly, courts must seek to identify methods that fit the case before that to ensure that despite numerosity of crime victims, the rights in this bill are given effect.

Does the Senator agree with this reading of the bill?

Mrs. FEINSTEIN. Absolutely. It is a tragic reality that cases may involve multiple victims and yet that fact is not grounds for eviscerating the rights in this bill. Rather, that fact is grounds for the court to find an alternative procedure to give effect to this bill.

I now want to turn to another critical aspect of enforcement of victims' rights, section 2, subsection (d)(3). This subsection provides that a crime victim who is denied any of his or her rights as a crime victim has standing to appellate review of that denial. Specifically, the provision allows a crime victim to apply for a writ of mandamus to the appropriate appellate court. The provision provides that court shall take the writ and shall order the relief necessary to protect the crime victim's right. This provision is critical for a couple of reasons. First, it gives the victim standing to appear before the appellate courts of this country and ask for review of a possible error below. Second, while mandamus is generally discretionary, this provision means that courts must review these cases. Appellate review of denials of victims' rights is just as important as the initial assertion of a victim's right. This provision ensures review and encourages courts to broadly defend the victims' rights.

Mr. President, does Senator KYL agree?

Mr. KYL. Absolutely. Without the right to seek appellate review and a guarantee that the appellate court will hear the appeal and order relief, a victim is left to the mercy of the very trial court that may have erred. This country's appellate courts are designed to remedy errors of lower courts and this provision requires them to do so for victim's rights. For a victim's right to truly be honored, a victim must be able to assert the rights in trial courts, to then be able to have denials of those rights reviewed at the appellate level, and to have the appellate court take the appeal and order relief. By providing for all of this, this bill ensures that victims' rights will have meaning.

I would like to turn our attention to section 2, subsection (d)(4) because that also provides an enforcement mechanism. This section provides that in any appeal, regardless of the party initiating the appeal, the government can assert as error the district court's denial of a crime victim's right. This subsection is important for a couple of reasons. First, it allows the Government to assert a victim's right on appeal even when it is the defendant who seeks appeal of his or her conviction. This ensures that victims' rights are protected throughout the criminal justice process and that they do not fall by the wayside during what can often be an extended appeal that the victim is not a party to.

Is that the Senator's understanding of the bill?

Mrs. FEINSTEIN. Yes.

I would like to turn to the next provision, section 2, subsection (d)(5). This subsection provides that a failure to afford a right under the act does not provide grounds for a new trial. This provision demonstrates that victim's rights are not intended to be, nor are they, an attack on defendants' protections against double jeopardy. This provision is not intended to prevent courts from vacating decisions in nontrial proceedings in which victims' rights were not protected and ordering those proceedings to be redone. It simply assures that a trial will not be redone. Thus, defendants' and victims' rights are both protected.

Is that the Senator's understanding?

Mr. KYL. Yes, it is. We have, over the years, tried to reassure those that oppose victims' rights that they are not an attempt to undermine defendants' rights. This provision reiterates that. It is important for victims' rights to be asserted and protected throughout the criminal justice process, and for courts to have the authority to redo proceedings other than the trial such as release hearings, pleas, and sentencings where victims' rights are abridged, but to not tread upon defendant's rights against double jeopardy in the process. Victims' rights are about a fair and balanced criminal justice system—one that considers defendant's rights as well as victims' rights. This provision protects that careful balance.

I want to turn to the definitions in the bill, contained in section 2, subsection (e). There are a couple of key points to be made about the definitions. A "crime victim" is defined as a person directly and proximately harmed as a result of any offense, felony or misdemeanor. This is an intentionally broad definition because all victims of crime deserve to have their rights protected, whether or not they are the victim of the count charged. Additionally, crime victims may, for any number of reasons, want to employ an attorney to represent them in court. This definition of crime victim allows crime victims to do that. It also assures that when, for any reason, crime victims are unable to assert rights on their own, those rights will still be protected.

Is that the Senator's understanding of the bill as well?

Mrs. FEINSTEIN. It is.

Now I would like to turn to the portion of the bill concerning administrative compliance with victims' rights, section 2, subsection (f). The provisions of this subsection are relatively self-explanatory, but it important to point out that these procedures are completely separate from and in no way limit the victim's rights in the previous section.

Is that Senator KYL's understanding?

Mr. KYL. Yes.

Let me comment briefly on section 4, Reports. Subsection (a) requires the Administrative Office of the U.S. Courts to report annually the number of times a right asserted in a criminal case is denied the relief requested, and the reasons therefore, as well as the number of times a mandamus action was brought and the result of that mandamus.

Such reporting is the only way we in the Congress and other interested parties can observe whether reforms we mandate are being carried out. No one doubts the difficulty of obtaining case-by-case information of this nature. Yes, this information is critical to understanding whether Federal statutes really can effectively protect victims' rights or whether a constitutional amendment is necessary. We are certain that affected executive and judicial agencies can work together to implement effective administrative tools to record and amass this data. We would certainly encourage the National Institute of Justice to support any needed research to get this system in place.

Is this Senator FEINSTEIN's understanding?

Mrs. FEINSTEIN. Yes.

One final point. Throughout this act, reference is made to the "accused." Would the Senator also agree that it is our intention to use this word in the broadest sense to include both those charged and convicted so that the rights we establish apply throughout the criminal justice system?

Mr. KYL. Yes, that it is my understanding.

Mr. President, I anticipate Senator LEAHY's arrival. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I see my good friend, the Senator from Arizona, in the Chamber. I know the distinguished Senator from California will be joining us shortly. What is the time allocation? I know the distinguished Senator from Arizona wants to make sure we all have time, but I was just curious where we are.

The PRESIDING OFFICER. The Senator from Vermont and the Senator from Utah each have 30 minutes. The Senator from California has 6 minutes 34 seconds.

Mr. LEAHY. I do not anticipate using all my time by any means. I appreciate the courtesy of the Senator from Arizona who had indicated earlier that he fit us in because of conflicting schedules that the Senator from California and I have. Before I even begin, I want to again thank the distinguished Senators from Arizona and California for all they have done on this issue.

This past Sunday, as we all know, marked the start of National Crime Victims' Rights Week. We set this week aside each year to refocus attention on the needs and rights of crime victims. One would almost think we would not have to do that, but as a matter of fact, too often, the needs of victims are not met, and their rights are not fully honored. I learned this during my time as a prosecutor. I think all of us have learned this, from the experiences and some terribly gripping stories that we have heard from our constituents.

This year, the Senate had been scheduled to mark the occasion of National Crime Victims' Rights Week by taking up S.J. Res. 1, a proposed constitutional amendment. It was going to end up being days, maybe weeks, of debate even though everyone knew that the constitutional amendment was not going to pass. We went through this process back in April of the year 2000, during the last Presidential election year.

I said then, during that earlier debate on the constitutional amendment, that I have worked long and hard to protect and advance crime victims' rights, as have many on both sides of the aisle in this body. As a prosecutor for 8½ years, I worked day to day, year to year alongside victims, seeking justice on their behalf. This was back at a time before people spoke much about victims having rights. I like to think that my office was a model in this regard, for making sure that victims were heard.

I have worked on and have led many legislative efforts on behalf of victims throughout my service in the Senate. One of the most recent of those efforts was the creation of the September 11 Victim Compensation Fund. I am grateful to have been able to take part in something that has brought some relief to so many victims.

But I will never forget the victims I worked with as a prosecutor or the needs of the new victims minted each day through the crimes committed against them.

For years, at Christmas time, I received a very poignant letter from a woman who was the victim of a very serious crime. She told me how she was doing, how her children were doing.

When I go to the grocery store in Vermont, or I'm walking down the street, I run into people who were helped during those years and who had a voice during those years. It is gratifying, but I have to think about the fact that every single day, there are a whole lot more crimes, and a whole lot more victims.

I have always believed that victims should be afforded certain basic protections. I believe victims should be notified when the defendant is in court or when he is about to be released. I believe victims should be heard at critical stages of the prosecution. I believe victims are entitled to restitution from offenders.

In recent years, the debate has never been about whether victims should be protected. Of course they should. Rather, the debate has been about how victims should be protected.

I did not think the proposed constitutional amendment was the best way forward. I still believe that. We all agree, and every witness who testified before the Judiciary Committee on this issue agreed, that every right provided by the victims' rights amendment can be, or already is, protected by State or Federal statutory law.

So we have long had the power to enhance victims' rights through regular legislation, passed with a simple majority vote, and make an immediate difference in the lives of crime victims. Legislative enhancements are more easily enacted, more directly applied and implemented, and more able to provide specific, effective remedies. In addition, as Chief Justice Rehnquist and others have pointed out, statutes are more easily corrected if we find, in hindsight, that they need correction, clarification, or improvement.

When we pass the Kyl-Feinstein-Hatch-Leahy Victims' Rights Act, we will take a step that I have long advocated. So I thank and commend the principal sponsors of S.J. Res. 1, the distinguished Senators from California and Arizona. We came from both sides on the constitutional debate, but all of us are deeply committed to the cause of victims' rights, and that is why we came together on this legislation.

This legislation will provide crime victims in the Federal system with all the rights and protections that the proposed constitutional amendment would have provided. In fact, our statute goes further than the constitutional amendment because it gives the same rights and protections to all crime victims, not just to the victims of violent crimes. The elderly woman who is defrauded out of her life savings will get the same protection from this statute as other crime victims.

This statute, S. 2329, also spells out how victims' rights are to be enforced, using language that Senator KENNEDY and I developed in S. 805, the Crime Victims Assistance Act. In addition to providing victims with standing to assert their rights in mandamus actions, S. 2329 will establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

We have incorporated other proposals from S. 805 as well, to help States implement and enforce their own victims' rights laws. And we have called for two annual reports, one by the Administrative Office of the Courts, and the other by the General Accounting Office, to make sure we get some feedback on how the rights and procedures established by the statute are working in practice. Over time, we will be able to modify and fine-tune the statute so that it provides an appropriate degree of protection for the rights of crime victims.

I have no doubt we are going to pass this law today. I believe the other body will pass the law, and the President will sign it. Then part of our duty is going to have to be to follow up to see how it works.

I said to some of the representatives of victims' groups this morning, keep our feet to the fire. Make sure we follow up. Passage of this bill will necessitate careful oversight of its implementation by Congress. If, as I hope, federal judges and prosecutors take victims' rights seriously, there should be little need for victims to bring mandamus actions to enforce their rights. But if, for whatever reason, victims feel that they are not being treated fairly, we may see a wave of new litigation in the federal courts, with victims and their lawyers having to insert themselves into criminal cases. We will need to monitor the situation closely.

I am committed to giving victims real and enforceable rights. But I am convinced that prosecutors should be capable of protecting those rights, once we make them clear. In my experience, prosecutors have victims' interests at heart.

Senator KENNEDY and I proposed in the Crime Victims Assistance Act a limited-standing provision, which applied with respect to the victim's right to attend and observe the trial, and under which a victim could assert her right if the prosecutor refused to do so. Passing such a provision would have allowed us to observe over a period of time whether direct participation of victims in criminal proceedings has any unanticipated consequences for the administration of justice.

This Victims' Rights Act proposes a bolder experiment, entitling victims to assert a panoply of rights, regardless of whether the prosecution is already asserting the same rights on their behalf.

For example, at the insistence of other sponsors, this bill will enable victims to bring mandamus actions alleging the denial of their statutory right "to be treated with fairness and with respect for the victim's dignity and privacy," which may be difficult claims to adjudicate.

I note with some regret that S. 2329 picks up language from S.J. Res. 1 denying victims any cause of action for damages in the event that their rights are violated. Allowing victims to vindicate their rights through separate proceedings for damages instead of through mandamus actions in the criminal case could well be a more efficient as well as a more effective way of ensuring that victims' rights are honored. Certainly the prospect of being held to account in such proceedings would provide a powerful incentive to take victims' rights seriously. But the Republican sponsors of the bill did not want to provide for damages.

Similarly, some Republican Senators did not want to allow courts to appoint attorneys to help crime victims. It is my hope and belief that victims will seldom need representation, since they already have powerful advocates in our public prosecutors. Still, it is possible that a judge would want to appoint an attorney for a victim in an extraordinary case, as for example if there is a material conflict between the victim's interests and the interests of the prosecution. By failing to provide for this possibility, S. 2329 may perpetuate a system of unequal justice for victims, where the wealthy have the benefit of counsel, and the poor do not.

There are other provisions that were also, regrettably, left on the cutting-room floor during negotiations on this bill. First, we dropped a provision that was in the proposed constitutional amendment, which would have given victims certain rights in the context of clemency proceedings. I know Attorney General Ashcroft, when he was a Member of the Senate, felt strongly that victims should have a voice in these proceedings. I would welcome the chance to work with him, to have him provide for that within the Federal system, to do in the Federal system what he wanted to do while a member of this body.

A second provision that I would have liked to include in the bill would have authorized funding for a broad range of compliance authorities to help enforce the rights of crime victims in the state systems. Senator KENNEDY and I proposed such a program in the Crime Victims Assistance Act, but I was unable to persuade my colleagues to include it in this bill.

There are a variety of remedies for violations of rights that are operating at the State level, all of which have strengths and weaknesses. Some States use more than one approach. Arizona has a non-statutory ombudsman staff position in the Attorney General's office, to receive and investigate victim complaints; a victims' legal assistance project run by a non-profit and the Arizona State University College of Law, and a system of auditing those who receive grants to implement victims' rights. Wisconsin uses a State employee to receive and attempt to resolve victim complaints, as well as a victims' rights board that can formally receive complaints and seek sanctions for violations. Alaska has a State Office of Victims' Rights. South Carolina has an independent victim ombudsman. Connecticut has a State Victim Advocate. Vermont is exploring various options. We do have a Center for Crime Victims Services, which advocates informally for victims and is one of the premier victims' services sites in the country.

Finally, I want to comment on the unusual genesis of this bill, and the extraordinary procedure that has brought us so swiftly to a vote in the Senate. As I mentioned earlier, the Senate was scheduled to begin work this week on the proposed constitutional amendment, S.J. Res. 1. On Wednesday, the Republican leadership moved to invoke cloture on the motion to proceed. I would not have opposed this motion. I voted to proceed to an earlier iteration of this constitutional amendment four years ago, and I would have been prepared to proceed to it again this week. Even given the time this would have taken and the expected outcome, I would not have opposed a debate on the constitutional amendment.

It was under these circumstances that we had so little opportunity to work on crafting the crime victims' statute. I would have liked to have gotten the views of the Office for Victims of Crime and other components of the Department of Justice, for example. Many victims' groups and domestic violence organizations opposed the constitutional amendment, as did many law professors, judges, and prosecutors. I would have liked to hear their views on this statute. I am personally concerned that the statute may not adequately address the special problems raised in domestic violence and abuse situations. If it does not, then we may need to amend it again.

Given the Republican leadership's insistence on proceeding to the constitutional amendment today, there was not as much time as I would have liked to develop the statutory alternative that we vote on today, and no time to hold hearings on it or improve the bill in Committee. Fortunately, however, this is to be a statute, not a constitutional amendment, and it can be modified and improved. We will be able to make it better as we go along.

I commend my good friend, Senator FEINSTEIN, for mediating this consensus legislation. I know that she would have preferred to pass a constitutional amendment. She has made that clear. Nevertheless, she worked hard to produce a bill that we all can support, showing once again that she is first and foremost a legislator who wants to get things done. Due in large part to Senator FEINSTEIN's efforts, we now have an opportunity to advance the cause of victims' rights with strong, practical, bipartisan legislation. I have never doubted Senator FEINSTEIN or Senator KYL's commitment to victims' rights. I am delighted that we have come together to advance that common cause.

My friend and the chairman of the Senate Judiciary Committee, Senator HATCH, is another lead sponsor of this legislation. He and I have worked together on the Judiciary Committee in this area. He has been a tireless advocate for the rights of crime victims, and more generally for fairness in the administration of justice.

I want to thank David Hantman and Steve Cash of Senator FEINSTEIN's staff; Bruce Artim and Grace Becker of Senator HATCH's staff; Steven Higgins of Senator KYL's staff; Robin Toone of Senator KENNEDY's staff; Bob Schiff and Alex Busansky of Senator FEINGOLD's staff; Neil MacBride and Louisa Terrell of Senator BIDEN's staff; Chris Kang of Senator DURBIN's staff; Mark Childress and Jennifer Duck of Senator DASCHLE's staff; and, most especially the members of my own staff for their hard work on this bill over the last several days under extraordinary circumstances and pressures.

I also want to commend and thank the many victims' advocates and service providers in Vermont and across the country who show their dedication every day of the year to crime victims. I want to thank those who work in the area of domestic violence and abuse in particular. I am thankful for their dedication and grateful for their advice and insights over the years.

For more than 20 years I have sponsored and championed legislation to help victims. I have mentioned the recent September 11 Victim Compensation Fund, and I am also proud of such other advancements on behalf of victims as a law to provide assistance to victims of international terrorism, and bills to raise the cap on victims' assistance and compensation programs and to protect the rights of the victims of the Oklahoma City bombing. Today's vote provides us the opportunity to make progress on yet another important measure to address the needs of victims.

I ask unanimous consent that a letter from the National Center for Victims of Crime stating strong support for S. 2329 be printed in the RECORD as well as, for the sake of completeness, a number of editorials that appeared on this subject recently.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL CENTER FOR
VICTIMS OF CRIME,
April 21, 2004.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The National Center for Victims of Crime strongly supports the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act. This landmark piece of legislation would provide clear and enforceable legal rights to all direct victims of crime at the federal level. We are pleased to see a long overdue recognition that victims of all crime, violent and nonviolent crime alike, deserve these important rights.

This bill also sets a new standard for federal victims' rights compliance, giving victims and prosecutors the legal standing to assert victims' rights; clearly authorizing victims and the government to seek writs of mandamus to enforce victims' rights; and calling on the Attorney General to develop regulations to promote victims' rights through training, disciplinary sanctions for violations of rights, and the creation of an office to receive and investigate complaints.

By making new funding available to jurisdictions with laws substantially equivalent to those established in this bill, this bill legislation will promote a strengthening of victims' rights across the country. By providing funding to promote victim notification and compliance with victims' rights at the state level, this bill will improve the implementation of victims' rights nationwide. We urge Congress to go further—to broaden this funding to support other mechanisms to promote compliance, such as state-level victim advocates and other authorities to receive and investigate the complaints of victims, and not limit funding for enforcement to one method.

This legislation represents a real Congressional commitment to improve our nation's response to victims of crime. The National Center for Victims of Crime commends you for your hard work and dedication to this issue, and we urge your colleagues to join you in this effort.

Sincerely,

SUSAN HERMAN.

[From the Washington Times, Apr. 19, 2004]

AMENDMENTITIS

(By Bob Barr)

The circus is back in town. Every 2 years, as we roll around to another grand Olympics of federal, state and local elections, the hopper in Congress begins to fill up with dangerous and unnecessary amendments to our U.S. Constitution.

Few, if any, are for "great or extraordinary occasions," the bar James Madison set for changing our Founding document. In fact, most are either one or two things: a cheap ploy to get votes or an attempt to streamroll through right- or left-wings social policies—think gun control or marriage—that have been unable to get any traction through normal channels of government.

Just this session alone, Congress has seen or will see votes on the Flag Desecration Amendment, the Victims Rights Amendment, the Federal Marriage Amendment, even the Continuity in Government Amendment. Frankly, I would like to see one last constitutional amendment—the No More Amendments Amendment.

In the American political system, the Constitution was meant to operate like people who freeze their credit cards in a block of ice. That is, when faced with supremely important and emotional decisions involving things like the censorship of unpopular ideas or the seizure of firearms, the Constitution makes us walk to the corner and take a time out.

Specifically, we have to get a two-thirds supermajority in both chambers of Congress and then tree-quarters of the States to agree. It is an amazingly onerous process.

The last amendment to the Constitution—the 27th—which set limits on congressional pay, was initially proposed in the States' petitions to the first Constitutional Congress in the 1780s but only started to move in the 1990s. It took more than two centuries to finally earn a spot alongside free speech and the right not to self-incriminate.

During the Cold War, Americans of conscience like to brag we were a Nation of laws, not men. That is, the main difference between American representative democracy and Soviet tyranny was that the latter's government did not have to abide by a piece of yellowing parchment with some petty clear instructions on what it could or could not do to its citizens.

And, while we have failed to meet those lofty goals on a number of important occasions, for the post part, we have managed to pedal through without too many monumental abridgements of personal liberty. That is why we are still here and they went long ago to a nursing home for evil ideas.

However, we risk betraying that proud history in the political imperative to fiddle with the Constitution. Take, for instance, the Victims Rights Amendment. Pushed by a mixture of Democrats and Republicans feeling the need to burnish their tough-on-crime badges, the VRA would be a disaster for basic principles of fairness and dispassion in our criminal justice system.

It would guarantee victims of crime—a loosely defined term in the legislation—the "right" to notice, to be present and to speak at an array of judicial proceedings, including those dealing with bail, trial, sentencing and parole. It also requires the court to take victims into account in deciding whether to release prisoners or when to schedule a trial.

As with many of these amendments, on its face the measure hits all the right notes. It is tough on crime and soft on victims. It is bipartisan—as a lawmaker, if you oppose it, the other side will accuse you of being "anti-victim," whatever that means. It cost no federal tax dollars (at least, not directly); states have to foot the bill. Finally, it makes for a feel-good, "I supported such and such" speech on the campaign trail.

But, as with many of these other amendments, it is seriously flawed. Foremost among its problems is that it will, ironically, obstruct justice. In 2000, Beth Wilkinson, the lead federal prosecutor in the Oklahoma City bombing case, explained in testimony against the amendment that, had it been in force, she might not have successfully sent Timothy McVeigh to death row and Terry Nichols to jail for life.

Their convictions hinged on the testimony of one Michael Fortier, who plea bargained to 12 years in federal prison, for knowing about the impending bombing but not informing authorities, in exchange for taking the witness stand. Had the relatives of the 168 people killed in that horrible tragedy been able to address the courtroom in opposition to Fortier's plea, it could have sunk the whole case.

In addition to these practical concerns, the VRA also threatens basic due process protections and objectivity in the criminal justice system by making it more about vengeance than justice. We trust our adversarial process—which pits zealous advocates against one another in front of a judge and jury—to arrive at the best approximation of the truth in criminal prosecution, which helps ensure the guilty are punished and the innocent go free.

However, when one injects the emotion of a murder victim's family into a bail or a parole hearing, that adversarial system is thrown directly out of whack. The defense counsel then faces an onslaught of vindictiveness that cannot be countered by facts or logic. Justice must remain blindfold to be effective. Otherwise, we will have vigilante posses waiting outside with lit torches and nooses tied every time something really senational goes to trail.

Finally, in an ironic twist that really hammers home the folly of such constitutional amendments, the vast majority of states—and the federal government—already have laws on the books protecting victims and ensuring their interests are not forgotten as their cases progress through the system.

The bottom line with the Victims Rights Amendment and its ilk is that the Constitution should not be co-opted as the tag line for a political attack ad. It is arguable the most sacred secular document in the history of the world, as it has kept humanity's strongest democracy healthy long enough to also make it humanity's oldest democracy.

[From the Chicago Tribune Online Edition, Apr. 18, 2004]

A PHONY PROPOSAL FOR VICTIMS' RIGHTS

THERE IS NO NEED TO TINKER WITH THE CONSTITUTION TO GUARANTEE THE RIGHTS OF VICTIMS—OUR ENTIRE JUDICIAL SYSTEM IS ALREADY SET UP TO DO JUST THAT

(By Steve Chapman)

Americans cherish and revere the Constitution. But often their attitude brings to mind the Broadway show: "I Love You, You're Perfect, Now Change." It seems that the only thing many of them like more than the Constitution is the opportunity to fix its grievous flaws. The latest suggestion for improvement stems from a belief that it shortchanges the needs of crime victims.

The entire criminal justice system, of course, could be seen as a giant apparatus set up to vindicate the interests of crime victims. Every year in the United States, we arrest more than 13 million suspects and keep more than 1.4 million offenders in prison. All those police, prosecutors, judges, parole officers and prison guards are there mainly to detect, investigate, prosecute and punish criminals for what they do to their victims.

But critics say the system often abuses the people it's supposed to protect. And they insist that the only way to assure fairness to victims is to enshrine their rights in the Constitution. President Bush has endorsed the amendment. Sen. John Kerry has not.

Americans often have a tendency to see a problem and conclude, "There oughta be a law." In this instance, though, there is already a multitude of laws. Every state has passed legislation to protect victims' rights, and at least 33 have such provisions in their state constitutions.

But Sen. Jon Kyl (R-Ariz.), co-sponsor of the amendment, says these efforts have been a bust. He says one study found that even in states with strong measures in place, 44 percent of victims weren't alerted to the sentencing hearing, and nearly half weren't notified of plea negotiations.

Why don't existing laws do the job? Because, according to Kyl, "criminal defendants have a plethora of rights that are protected by the Constitution that are applied to exclude victims rights."

The only way to correct the imbalance is to give victims' rights equal status.

But where are the constitutional provisions that work against victims?

Defendants do have a right to a speedy public trial by jury, to be represented by a lawyer, to avoid self-incrimination and so on. But nothing in the Constitution prevents authorities from informing victims of proceedings, from letting them speak during trials, sentencing and parole hearings, from altering them when an assailant is about to be released, or from requiring criminals to pay restitution. Those are the victims' rights specified in the constitutional amendment, all of which can be (and often are) safeguarded without the drastic step of altering the nation's charter.

Supporters complain that some courts have been so eager to assure the defendant a fair trial that they bar victims from the courtroom. But that happens only before a victim is scheduled to testify, and it's simply meant to prevent victims from tailoring their testimony (intentionally or not) to match what other witnesses say.

By protecting the truth-seeking function of a trial, the practice works to the benefit of victims—who, after all, gain absolutely nothing from sending the wrong person to jail.

If we want to abolish this custom, despite its virtues, we don't need an amendment. Duke University law professor Robert Mosteller says many states allow victims to be present throughout a trial even if they are going to testify. The practice of excluding victims until they testify, Mosteller notes, "is generally a matter of statutory or common law" and "rarely even approaches constitutional significance." It was an issue in Timothy McVeigh's Oklahoma City bombing trial—but in the end, all victims were allowed to attend even if they were expected to appear as witnesses.

Victims' rights, it's true, have not always been enforced. But that's partly because they're a new concept and take time to be fully implemented. And it's partly because they are administered by large, fallible government bureaucracies trying to keep track of a lot of people and information, sometimes without adequate funds.

Amending the Constitution won't make the bureaucracies less fallible. The obvious way to do that is to make them pay for their mistakes by letting victims collect damages when their rights are ignored. But this proposal explicitly forbids that remedy. It's all bark and no bite.

Unless, of course, the opponents hope to curtail the protections we grant to those accused of crimes. The supporters deny that, but they also decline to include a section stating that the amendment wouldn't diminish any existing guarantees.

So maybe the amendment would be an attack on longstanding constitutional rights, or maybe it would be an ineffectual piece of symbolism. Either way, we're better off without it.

[From the Washington Times, April 20, 2004]

We, the Clutterers . . .

(By Bruce Fein, special to the Washington Times)

The Senate should balk at cluttering the Constitution when it votes next Friday on a crime victims' rights amendment [VRA].

To forgo the VRA is not to cherish victims' rights less, but to venerate the brevity and accessibility of the Constitution more. Amendments are appropriate only when flexible and adaptable statutes would be insufficient to achieve a compelling objective; or, to protect discrete and insular minorities from political oppression. Neither reason obtains for the VRA.

Crime victims deserve and evoke legal sympathy. Every state and the District of Columbia feature statutes that endow victims with participatory rights in the criminal justice system. Further, 33 states have amended their state constitutions by overwhelming majorities to protect crime victims.

Congress has enacted a cornucopia of victim-friendly statutes since 1982, including a right to restitution, victim impact statements, and a victims' Bill of Rights. According to the latter, federal law enforcement agencies must treat putative victims with fairness and respect; protect them from accused offenders; provide them notice of court proceedings; offer opportunities to attend public sessions under certain conditions and to confer with government prosecutors; and transmit information about the conviction, sentencing, imprisonment, and release of the offender.

A crime victim's authenticity remains in doubt, it should be remembered, unless and until the accused is convicted.

As I previously testified before the Senate Judiciary Committee: "Crime victims have no difficulty in making their voices heard in the corridors of power; they do not need protection from the majoritarian political process, in contrast with criminal defendants whose popularity characteristically ranks with that of Gen. William Tecumseh Sherman in Atlanta, Ga." A recent vignette from Lake County, Mich., corroborates the political hazards of slighting crime victims. In September 2003, a county prosecutor was recalled by voters angry over a lenient plea bargain that had outraged the family of a murder victim: a 23- to 50-year sentence for the killer. The prosecutor's explanation he was seeking to avoid costly trials on a penurious $200,000 annual budget proved unavailing.

VRA proponents insist statutory rights are second-class rights compared with constitutional rights enjoyed by the accused. Statutes fortified by strong pubic sentiments, however, command virtual constitutional sanctity. The 1964 Civil Rights Act, the 1965 Voting Rights Act, the National Labor Relations Act, and the Sherman Antitrust Act are illustrative. As to the latter, the Supreme Court in United States vs. Topco Associates [1972] amplified: "Antitrust laws in general, and the Sherman Act in particular, are the Magna Carta of free enterprise."

Moreover, the elevation of victims' rights from a statutory to a constitutional plateau does not guarantee greater effectiveness. The 14th and 15th Amendment rights of blacks, for instance, slept for 80 years in the chambers of prosecutors and judges because of public indifference. In any event, government officers are every bit as bound by oath to obey statutes as to comply with the Constitution.

VRA crusaders speciously argue victims' constitutional rights in criminal prosecutions should reasonably mirror those of the accused. Unlike a putative victim, a criminal suspect confronts the loss of life, liberty, or property and a formidable arsenal of government investigatory and prosecutorial weapons. The victim, moreover, may seek damages from the defendant, including restitution, in parallel civil proceedings a la the O.J. Simpson wrongful death judgments.

History has also demonstrated a government propensity to persecute by overzealous prosecutions. The Declaration of Independence denounced King George III, "For transporting us beyond the seas to be tried for pretended offenses."

Former Attorney General and Associate Justice of the Supreme Court, Robert Jackson, worried that prosecutors are routinely tempted to pick a man to indict for personal or ideological reasons, and then to scour the books to pin an offense on him, in lieu of discovering a crime and then searching for the culprit. To blunt the potential for vindictive or wrongful convictions, the Constitution endows defendants with a modest array of rights, for example, proof beyond a reasonable doubt, jury unanimity, and the right to counsel. Crime victims, however, can point to no corresponding history of government oppression. Indeed, they are the contemporary darlings of state legislatures and Congress.

The VRA would also vitiate the truth-finding objective of trials by injecting victim concerns that could undermine the impartiality and reliability of verdicts. The amendment would require judges in jury selection, evidentiary rulings, or jury instructions to "consider the victim's safety, interest in avoiding unreasonable delay, and just and timely restitution from the offender." It would permit victims who intend to testify to avoid sequestration, a customary requirement to foil the tailoring of witness stories. Sequestration has been celebrated by an icon in the law of evidence, however, as "one of the greatest engines that the skill of man has ever invented for the detection of liars in a court of justice."

Thus, the biblical Apocrypha relates how Daniel exonerated Susanna of adultery by sequestering two accusing elders and eliciting conflicting answers as to where the alleged crime occurred.

Much additional mischief besets the VRA, but their telling must be forgone as a concession to the shortness of life. The proposed amendment should be smartly defeated.

[From the Washington Post, Apr. 21, 2004]

Wrong on Rights

The Senate is due to take up a constitutional amendment designed to grant rights in criminal court proceedings to victims of violent crimes. The last time the proposal arose, its sponsors, Sens. Jon Kyl (R–Ariz.) and Dianne Feinstein (D–Calif.), had to yank it back to avoid defeat. But support for the idea has grown. Nobody likes to oppose crime victims, and on its face the amendment's promises seem unobjectionable: "reasonable and timely notice" of proceedings; the right of victims to attend those proceedings and to speak at sentencing, clemency and parole hearings; and the right to seek restitution from perpetrators. What harm can there be in placing victims' rights even with the rights of the accused?

Quite a lot, actually. For starters, none of the amendments' terms are defined—including, critically, who counts as a "victim." Is it limited to immediate relatives or can extended family members qualify? Nor does the amendment specify a remedy for violations of victims' rights. In fact, it specifically says that it does not "authorize any claim for damages." So it is unclear how exactly a victim is supposed to take advantage of his rights. The result will be litigation—a lot of it—as victims seek to exercise their new constitutional rights and defendants seek to ensure that victims' rights don't come at the expense of their own.

The fundamental trouble is that victims' rights, if taken seriously, will come at the expense of the rights of the accused. Sometimes a defendant's right to a fair trial cannot be reconciled with a victim's right to speak to the jury. Right now, the victims' rights yield in such cases, as they should. The state, after all, is not seeking to deprive the victim of liberty or, in the extreme case, life. The rights of the accused flow out of the jeopardy in which the state puts them.

Though the criminal justice system's treatment of victims has improved, it could and should be better. But it would be a profound error to place such obligations on the same plane as the Constitution's essential protections against unchecked government power.

Mr. DEWINE. Mr. President, I rise today in support of the Crime Victims' Rights Act. As a former county prosecuting attorney, this is an issue about which I feel very strongly. All too often, our criminal justice system overlooks the victims of crime in efforts to ensure the legitimate rights of accused defendants.

Crime victims simply have not been given the equal footing that they deserve. From start to finish, the legal system sometimes can be a terrible ordeal for victims—a bureaucratic nightmare that seems to and in fact many times does go on and on and on.

We substantially protect the rights of defendants, as well we should. We ensure that they have every reasonable benefit—and that is good—so as to ensure the acquittal of the innocent. But, in the process, I believe that many times, we don't give the victims of crime the rights that they, too, deserve. When I was a county prosecutor in Greene County, OH in the 1970s I saw too many crime victims—people who had already been hurt—hurt a second time by a callous legal system. That is why I did everything that I could to protect the rights of those victims. Our bottom line has to be this: To be victimized once by crime is already once too often. To be victimized yet again by an uncaring judicial system is totally unacceptable.

Accordingly, I am pleased to cosponsor this bipartisan legislation that will afford these victims, the fundamental right to participate in the criminal justice system. It just makes good sense for the innocent victim of a crime to be given the right to know if his or her assailant is released or escapes from prison. It is simply fairness to recognize a crime victim's right to reasonable notice of public proceedings involving the crime; the right to not be excluded from such public proceedings; and the right to be heard at the public release, plea, sentencing, reprieve, and pardon proceedings involving that victim's assailant. It's about time that we guarantee crime victims their rights to court decisions that duly consider their safety, their rights to have the courts avoid unreasonable delay in adjudicating those charged with harming them, and their rights to just and timely restitution from their offenders. This legislation is about victims. This legislation is about working to keep victims safe from further harm. This legislation is about keeping their concerns at the forefront.

When I was Green County prosecuting attorney, I had seen the victims of murder and other terrible crimes. I interviewed people who had been abused, assaulted, and raped. I learned a lot from talking to these innocent people. I learned that we have to make the crime victim a full participant—not a forgotten person, not a neglected person—in the criminal justice system.

That is why I cosponsored this bipartisan legislation. It is designed to help guarantee that the victims of crime have access to our criminal justice system. It is time to stop treating the victims like they are the criminals. Let's move the legitimate concerns of victims toward center stage in our criminal justice system and finally provide these innocent victims with the rights they deserve.

Mr. DURBIN. Mr. President, I rise today in support of the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act.

This week is National Crime Victims' Rights Week—a time to recognize the impact of crime and the rights and needs of victims. In 2002, there were 23 million criminal victimizations in the United States, and many of these crime victims feels as if the criminal justice system has wronged them. These people were innocent victims, but they feel deprived of the fundamental need to participate in the process of bringing the accused to justice.

I support crime victims' rights, and I believed that every effort should be made to ensure that crime victims are not victimized a second time by the criminal justice system. At the same time, I agree with James Madison, who wrote that the United States Constitution should be amended only on "great and extraordinary occasions," and I am reluctant to amend our Constitution for only the 18th time since the adoption of the Bills of Rights.

This is why I am proud to be an original cosponsor of the Crime Victims' Rights Act, which reaches all of the goals that the proposed constitutional amendment sought to achieve, by providing crime victims with the same rights, including the following: No. 1, the right to notice of any public proceeding involving the crime or of any release or escape of the accused; No. 2 the right not to be excluded from any such public proceeding; No. 3, the right to be reasonably heard at any public proceeding involving release, plea, or sentencing; No. 4, the right to full and timely restitution; and No. 5, the right to proceedings free from unreasonably delay.

By enacting legislation rather than amending the Constitution, our approach today also addresses my concerns regarding the rights of the accused. The premise of criminal justice in America is innocence until proven guilty, and our Constitution therefore guarantees certain protections to the accused. These include the Fifth Amendment protection against double jeopardy, as well as the Sixth Amendment rights to a speedy trial, the assistance of counsel, and an impartial jury.

Although these protections for the accused sometimes are painful for us to give, they are absolutely critical to our criminal justice system. When the victim and the accused walk into the courtroom, both are innocent in the eyes of the law, but when the trial begins; it is the defendant's life and liberty that are at stake.

During the Judiciary Committee debate on the proposed constitutional amendment regarding victims' rights, I offered an amendment that would have ensured that the rights of the accused as guaranteed under the Constitution would not be diminished or denied. However, this language is unnecessary in the bill we are debating today, because rights provided in a statute can not supercede those guaranteed by the Constitution.

For example, I believe this statute would allow courts to protect defendants from possible violations of due process and to preserve the accused's right to an impartial jury, by excluding victims from a public proceeding if the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at trial.

This statutory approach also provides Congress with the flexibility to modify this legislation if we find it is not perfect.

I would like to commend Senators FEINSTEIN and KYL for their efforts to provide rights to crime victims and for introducing this statutory alternative. I am pleased to join them in this effort.

Mr. KENNEDY. Mr. President, I strongly support this bill to provide enforceable rights to victims of crime, and I urge the Senate to approve it.

For too long, our criminal justice system has neglected the hundreds of thousands of victims of crime whose lives are shattered by violence or other crime each year. Victims deserve better from our criminal justice system.

Too often, the current system does not provide adequate relief for victims of crime. They are not given basic information about their case—such as notice of a defendant's arrest and bail status, the schedule of various court proceedings, and the terms of imprisonment. Victims deserve to know about their case. They deserve to know when their assailants are being considered for bail or parole or adjustments of their sentences. They certainly deserve to know when offenders are released from prison.

Since 1997, Senator LEAHY and I have sponsored legislation to provide enhanced protections for victims of violent or non-violent crimes and establish an effective way to implement and enforce these protections. Our legislation is designed to give victims a greater voice in the prosecution of the criminals who injured them and their families, fill existing gaps in Federal criminal law, guarantee that victims of crime receive fair treatment and the respect they deserve, and achieve these goals in a way that respects the efforts of the States to protect victims in ways appropriate to each State's unique needs.

I am pleased to join Senator KYLE and Senator FEINSTEIN, who are the lead sponsors of the proposed Victims' Rights Constitutional Amendment, in moving forward on victims' rights legislation now. Our bill is called the "Scott Campbell, Stephanie Roper, Wendy Preston, Lourana Gillis and Nila Lynn Crime Victims' Rights Act," and is named in honor of five persons who were victims of crime. Our bill provides victims with a number of important rights, including the right to receive notice of public proceedings; to receive notice of the release or escape of the accused; to attend and be heard at proceedings involving release, plea, or sentencing; to confer with the government's attorney; and to receive full and timely restitution as provided by law. The bill also provides for the enforcement of these rights, by directing government officials to notify victims of their rights, requiring courts to grant these rights to victims, and giving standing to both prosecutors and victims or their legal representatives to assert the rights at trial and on appeal.

The legislation will protect all victims of crime, including victims of identity theft, personal property theft, fraud, embezzlement, vandalism, and other non-violent offenses. The National Center for Victims of Crime has emphasized the great importance of including protections for victims of nonviolent crime. Our legislation does so, and I commend the Center for its leadership on this important aspect of the issue.

Our Victims' Rights Act also directs the Attorney General to act within a year to issue regulations to enforce the rights of crime victims and ensure compliance by all relevant officials. The bill strengthens victims' rights at the Federal, State, and local levels by authorizing the use of Federal funds to establish programs to promote compliance and develop state-of-the-art systems for notifying victims of important dates and developments in their cases.

Once this bill is enacted into law, we intend to monitor its implementation by the Justice Department, other law enforcement and criminal justice agencies, and the courts, so that we can take appropriate action, if necessary, to ensure that the victims' rights are protected, and also ensure that the effective functioning of the law enforcement and criminal justice system is not impaired. I commend my colleagues for their leadership in making this legislation possible, and I urge the Senate approve it. We know that victims of crime have been waiting too long for our action, and hopefully this long-needed measure is finally on the fast track for enactment into law.

Mr. SMITH. Mr. President, I rise to speak about the Crime Victims' Rights Act.

America is a country ruled by law and not by individuals. For that reason, our criminal justice system serves as a beacon of light for many who live in the shadow of tyranny. Nowhere is this better demonstrated than those rights of the accused protected by the U.S. Constitution. A defendant has the right to due process under law, the right to a speedy trial, the right to counsel, the right against self-incrimination, the right to confront witnesses as well as a host of other protections. These constitutional rights aim to protect the innocent and punish only the guilty. No American should be wrongly incarcerated and denied the most basic liberties.

While the Constitution provides a panoply of rights for the accused, it does not guarantee any rights to crime victims. Victims do not have the right to be present during prosecution. Victims do not have the right to be informed of the defendant's hearing. They do not have the right to be heard at sentencing or at parole hearings. Victims have no rights to restitution or notification even if they may be endangered by the release of their attacker.

To maintain the integrity of our judicial system, a careful balance must be struck between the rights of the accused and the rights of victims. Unfortunately, the scales of justice have been tilted. As a result, 32 States have enacted constitutional amendments to provide some protections for victims. Today, I am proud to have joined my colleagues in sponsoring and voting in favor of the Crime Victims' Rights Act which would extend rights to victims of federal crimes as well. Nationally, this sends a clear message to victims that they will finally be given a voice in the Federal criminal process.

I also want to take this opportunity to recognize the leaders of the victim's rights movement in my home state. Established in 2000, the National Crime Victim Law Institute has been committed to the enforcement and protection of victims' rights in the criminal justice system. While there has been a flood of legislation at the State level on victims' rights, there has been a dearth of academic attention paid to this area of the law. The National Crime Victim Law Institute, at the Lewis and Clark School, is one of the first academic institutions to undertake a focused effort to study and enhance the effectiveness of victim rights laws. The Institute's Executive Director, Doug BeLoof, has authored Victims in Criminal Procedure, the first casebook to be published in this area of law.

Along with this important legal scholarship, passage of this legislation is an important step in the fight to protect victims' rights. I look forward to President Bush signing this legislation into law.

Mr. LEAHY. Madam President, I do not see others seeking time so I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding Senator LEAHY still has time remaining under his control.

The PRESIDING OFFICER. That is correct.

Mr. REID. How much time?

The PRESIDING OFFICER. The Senator has 19.5 minutes.

Mr. REID. Mr. President, using Senator LEAHY's time, I will proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT AND SENATOR KERRY

Mr. REID. Mr. President, during this lull, prior to the vote on this legislation that has been changed from a constitutional amendment to a statute, I would like to take a few minutes hopefully to clear some of the confusion about the record of my colleague, the Senator from Massachusetts, JOHN KERRY. This relates to the PATRIOT Act.

First of all, everyone should understand JOHN KERRY voted for the PATRIOT Act. This, of course, is a man who volunteered to fight for our country in the jungles of Vietnam. He risked his life to keep America safe. He was wounded on three separate occasions, received two medals for heroism for his acts above and beyond the call of duty. These were all in an effort to keep our Nation safe and strong.

Like most of us who voted for the PATRIOT Act, Senator KERRY believed it gave law enforcement officials essential tools they needed in the war against terror.

He not only voted for the PATRIOT Act, he actually authored parts of it. Senator KERRY helped draft the money-laundering provisions of the PATRIOT Act. He believes that provision should be strengthened to include nonbank institutions and increase funding for information gathering and sharing. These provisions have helped choke financial support to terrorist groups.

When Congress enacted the PATRIOT Act we gave it a sunset clause so we, the Senate, the Congress, and the American people, could see how it worked. We understood we were giving the Government unprecedented power and we would want to come back later and fine-tune the balance between the power of Government and the personal rights of citizens.

Some parts of the PATRIOT Act will expire in approximately 20 months. Frankly, with all the important issues and business this Senate has yet to address, I don't understand why we have had a series of speeches on the Senate floor about making permanent the PATRIOT Act. It will not expire, as I have indicated, for 20 more months. At some point we will have to decide which parts of the PATRIOT Act should be reviewed, renewed, expanded, or in some way limited in some instances.

Senator KERRY wants to extend more than 95 percent of the provisions of the PATRIOT Act. That is, so everyone is very clear, Senator KERRY believes 95 percent of the PATRIOT Act should remain as it is. But keeping America strong, as Senator KERRY believes, also means protecting our individual rights and privacy. Keeping America free means keeping a rein on the power of Government, so Senator KERRY does support some adjustments to the PATRIOT Act along with a number of other Senators, including the "liberals" CRAIG and SUNUNU. I say that facetiously because Senator CRAIG and SUNUNU are anything other than progressives.

I am also a cosponsor of the amendment Senator KERRY suggests should make adjustments to this act.

Nobody has ever accused any of these Senators—Senators CRAIG, SUNUNU, or KERRY—of being soft on terrorism. They are resolute in their commitment to protect our Nation from terror. But they are also resolute in their commitment to protect our individual rights and our freedom—just like JOHN KERRY.

Senator KERRY believes we need to improve the PATRIOT Act by making some changes in the provisions of a couple of wiretaps, sneak-and-peek warrants, and the seizure of business and library records.

He isn't alone. The House of Representatives voted 309–118 to ban funds for these so-called "sneak and peek" searches, which allow government agents to surreptitiously search the homes of citizens, without ever notifying them.

Senator KERRY wants to strengthen the Patriot Act in other areas, by adding new legal and organizational tools to fight terror.

He has been and will be tough on terror, and he will keep America safe. He knows that the Patriot Act is just one of the many weapons we need in that fight against terror.

Senator KERRY understands that we need to improve the lines of communication between different intelligence agencies, and between federal and local officials. He believes that appropriate state and local authorities should have immediate access to national terrorist lists and 24-hour operations center should be created to link local and federal law enforcement. It is called communication.

Senator KERRY has called for tighter protection of chemical factories that could be targeted by terrorists. I am a cosponsor of that legislation. Bowing to the chemical industry, the Bush administration has opposed common sense measures to improve security of 123 chemical plants where the EPA says a terrorist attack could kill or injure one million people. JOHN KERRY knows that we have to do a better job protecting these potential targets.

Senator KERRY understands that we must give our police, firefighters and other first responders the equipment and training they need to respond to terrorist attacks. Right now, they aren't getting everything they need, and the result could be tragic.

Finally, Senator KERRY knows that we aren't doing everything we should to keep our seaports safe. Ninety five percent of our trade outside North America moves by sea, and most of that is concentrated in a handful of ports. Senator KERRY understands that our economy and our national security both depend on keeping our ports safe. We need to develop security standards for our ports, invest in a system of container security and provide more customs inspectors.

These are common sense measures to protect our homeland. Every day that we delay, we leave ourselves open to potential acts of terrorism.

I hope my colleagues won't impugn Senator KERRY's commitment to national security just because he is concerned about safeguarding our personal rights and privacy.

I understand we don't all agree on the need for measures like "sneak and peek" searches of American citizens or improving security at our seaports.

Let's debate those differences—but let us never suggest that any Member of this body is not committed to keeping America strong and safe.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senator from New Mexico, Senator DOMENICI, be added as a cosponsor of the legislation before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I will say a few words in conclusion to my remarks.

I believe the Senator from Arizona, Senator KYL, will be coming back to the floor to make a small technical modification to the amendment since questions have been developed and they can be easily taken care of. I believe he will do that. Otherwise, I think everyone who is going to speak on this has spoken.

I would like to end by saying how grateful I am for this day. This is an important day for many of us who care about victims' rights—I think every Member of this Senate—because for the first time we have a strong and comprehensive measure to be able to achieve a compendium of victims' rights. That compendium will give victims access to the criminal justice system so they may retain their dignity; so they have an opportunity to know when there is a trial and be present at the trial; to make statements if there is a public proceeding with respect to a plea bargain; to be there to make a statement; to receive restitution, if offered by a judge; to know when their attacker is released from jail or prison—not too much, but certain basic, elemental rights for anyone who has either been the victim of or has been dramatically affected by a crime.

I am very proud of the work on this. I have worked with Senator KYL for a long time, and now with Senators HATCH and LEAHY as well.

I thank everybody who has been involved.

I particularly would like to thank my staff, Steven Cash and Dave Hantman, who over the years I think have grown more determined to get this job done.

I am hopeful we will have a unanimous vote in this body, that the bill will be accepted by the House, and we will be able to say to victims all across this country there is a Federal statute with a remedy and a method of enforcement that will guarantee the very basic rights in Federal crimes; and also the funding to be able to go out and secure some of those same rights under State law.

I thank everybody. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished Senator from California for her excellent work, and also the distinguished Senator from Arizona for his excellent work on this. They have worked on this year after year until we have finally reached this point where I believe we can get a bill through the Congress even though it is almost impossible to get a constitutional amendment through the Congress on this very important subject.

I rise today in support of S. 2329, The Crime Victims' Rights Act. The issue addressed by this legislation—protecting the rights of victims of crime—is one of utmost importance to the American people.

At the outset, let me commend the efforts of Senators KYL and FEINSTEIN, who have worked tirelessly since 1996 to try to get the crime victims' rights constitutional amendment passed.

No one has worked harder than these two Senators in trying to protect victims' rights. Over the last 8 years, they have met with countless victims, listened to their tragic stories, held hearings, drafted and redrafted constitutional language, and consulted with academics, outside experts and governmental officials to make sure they got it just right.

While I know their preference is to pass a constitutional amendment—and that would have been my preference as well—they have now prudently opted to pursue a statutory remedy.

I am especially pleased that the ranking minority member of the Judiciary Committee, Senator LEAHY, is joining us in this initiative.

When we last debated victims' rights, it was in April of 2000. There can be no question that the world has irrevocably changed since then.

Four years ago, many could not truly appreciate what it means to be a victim of violence. Today, in the post-9/11 era, it is impossible not to empathize with victims. I am sure that none of us will forget the image of planes crashing into the World Trade Center. None of us will forget the image of victims jumping out of windows to avoid the flames that were creeping up the buildings. None of us will forget the images of two of the tallest buildings in the world crumbling to the ground like a house of cards with the victims trapped underneath the rubble. And none of us will forget the gaping hole in the side of the Pentagon and the grief of the families of those that died that day.

In that single day, nearly 3,000 victims died in New York City and Washington, D.C. Yet as horrific as that statistic is, it cannot be compared to the more than five million violent crimes that are committed in the United States every year. Yet the victims of these violent crimes, as well as their families and loved ones, continue to suffer in silence. Some of them are not able to obtain notice of criminal proceedings; they are not permitted to remain in the courtroom while the trial is ongoing regardless of whether they are expected to be called as a potential government witness. That is why I am an original cosponsor of S. 2329.

Let me give a couple of examples of why we need this legislation.

On December 2, 1998, Jeffrey Weller, who was only 23 years old, was murdered by his childhood friend. The friend showed up at Jeff's home, where he lived with his new wife of 2 months. While the two men were sitting in a car, the murderer attacked Jeff with a knife. Jeff managed to get out of the car and run, but was shot once in the back. The man then shot Jeff again at point-blank range in the head. Although the defendant was arrested, convicted and sentenced to 10 years in prison, he was released after serving only 4 years. Jeff's family was denied a restraining order against the killer and was told to contact local law enforcement if he comes on the property. In January 2002, the killer kidnapped and murdered Jeff's 5-year old son and committed suicide. It is for families like the Wellers that we need to pass this bill—and there are so many. Yet, S. 2329 gives victims the right to be reasonably protected from the accused.

In my home state of Utah, Pam Kouris lost her 11-year old son, Michael, when he was hit by a car while riding his bicycle. The negligent driver was a police officer who was under the influence of pain killers, muscle relaxers and Valium. He ultimately pled guilty but he was not sentenced until 5½ years after Michael's death and he received probation. It is for people like Pam that we are passing this legislation to protect her right to proceedings free from unreasonable delay.

In addition to those rights, the bill also establishes other fundamental rights for victims, including the right to reasonable notice of public criminal proceedings, the right not to be excluded from those proceedings, and the right to be heard reasonably when a court is considering a criminal's release, plea or sentence. The bill also guarantees victims the right to confer with a Government attorney, the right to full and timely restitution, the right to proceedings free from unreasonable delay, and importantly, the right to be treated with fairness and with respect for the victim's dignity and privacy.

The bill also directs the Department of Justice to promulgate regulations to enforce these rights and to create an administrative authority to receive and investigate complaints relating to the violation of the rights of crime victims. This administrative remedy creates a framework to quickly enforce victims' rights.

Moreover, the bill provides that victims will have standing to sue in Federal court if they are wrongly denied these rights. For those who may be concerned that this bill might lead to new tort causes of action, let me assure you, that victims are not seeking to sue the government and get rich. All the victims want is a chance to participate in the criminal justice process. Accordingly, the bill states that there will be no cause of action for damages.

Public support for victims' rights protection is very strong. All 50 states have some form of victims' rights measures at a statutory or court-based level and 33 states have passed state constitutional amendments to protect victims' rights.

In sum, this bill has strong bipartisan support and I strongly urge my colleagues on both sides of the aisle to vote for this important legislation.

It is time to quit playing around and get this done. It is time to do what is right. The constitutional amendment itself, had we been able to bring that up, has been criticized because people around here say we should never amend the Constitution, it is perfect as it is.

One reason some members want to amend the Constitution is to get it back to where it really was. In other words, we have courts that have gone way beyond the pale and have amended the Constitution by judicial fiat. Most of these constitutional amendments, I have found through the years, have been to get the Constitution back where it really belongs, away from rogue judges just deciding on their own to amend the Constitution because they are in a position that some believe, as Federal judges, is the closest thing to God in this life. Frankly, some of them take advantage of that.

In the process, we wish we could get back to where the people rule and where the Constitution was before they changed it by judicial fiat. There are a number of reasons why judicial fiat has changed the laws with regard to victims' rights. Frankly, this bill will get us back to a point where we will be making headway on victims' rights and protecting the rights of those who have been suffering far too long.

I compliment my two dear friends and colleagues on the Judiciary Committee and others in this Congress who have worked so hard to see this come to fruition.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent Senator KOHL be added as a cosponsor to the legislation pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, notwithstanding the previous order, I ask the technical amendment which is at the desk be considered and agreed to and—I withhold on that request for a moment.

The PRESIDING OFFICER. The request is withheld.

Mr. REID. I apologize to my friend from Arizona. It is certainly not his fault. I told him it had all been cleared. I thought it had. Senator FEINSTEIN has cleared it; obviously, there are a couple more people.

Mr. KYL. I withdraw the request until it is clear.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3047

Mr. KYL. Notwithstanding the previous order, I ask the technical amendment at the desk be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3047) was agreed to, as follows:

On page 7, line 24, strike the first period and insert the following: ", subject to appropriation.".

On page 10, line 20, strike the first period and insert the following: ", subject to appropriation.".

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time remains on this matter now before the Senate?

The PRESIDING OFFICER. The Senator from Utah has 16 minutes, the Senator from Vermont, 12.

Mr. REID. Mr. President, I yield back the time of the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Senator SHELBY be added as a cosponsor of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, on behalf of Senator HATCH, I yield back the time that he has remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Hollings

NOT VOTING—3

Campbell
Kerry
Specter

The bill (S. 2329), as amended, was passed, as follows:

S. 2329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act".

SEC. 2. CRIME VICTIMS' RIGHTS.

(a) AMENDMENT TO TITLE 18.—Part II of title 18, United States Code, is amended by adding at the end the following:

"CHAPTER 237—CRIME VICTIMS' RIGHTS

"Sec.

"3771. Crime victims' rights.

"§ 3771. Crime victims' rights

"(a) RIGHTS OF CRIME VICTIMS.—A crime victim has the following rights:

"(1) The right to be reasonably protected from the accused.

"(2) The right to reasonable, accurate, and timely notice of any public proceeding involving the crime or of any release or escape of the accused.

"(3) The right not to be excluded from any such public proceeding.

"(4) The right to be reasonably heard at any public proceeding involving release, plea, or sentencing.

"(5) The right to confer with the attorney for the Government in the case.

"(6) The right to full and timely restitution as provided in law.

"(7) The right to proceedings free from unreasonable delay.

"(8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

"(b) RIGHTS AFFORDED.—In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

"(c) BEST EFFORTS TO ACCORD RIGHTS.—

"(1) GOVERNMENT.—Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).

"(2) CONFLICT.—In the event of any material conflict of interest between the prosecutor and the crime victim, the prosecutor shall advise the crime victim of the conflict and take reasonable steps to direct the crime victim to the appropriate legal referral, legal assistance, or legal aid agency.

"(3) NOTICE.—Notice of release otherwise required pursuant to this chapter shall not be given if such notice may endanger the safety of any person.

"(d) ENFORCEMENT AND LIMITATIONS.—

"(1) RIGHTS.—The crime victim, the crime victim's lawful representative, and the attorney for the Government may assert the rights established in this chapter. A person accused of the crime may not obtain any form of relief under this chapter.

"(2) MULTIPLE CRIME VICTIMS.—In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights contained in this chapter, the court shall fashion a procedure to give effect to this chapter.

"(3) WRIT OF MANDAMUS.—If a Federal court denies any right of a crime victim under this chapter or under the Federal Rules of Criminal Procedure, the Government or the crime victim may apply for a writ of mandamus to the appropriate court of appeals. The court of appeals shall take up and decide such application forthwith and shall order such relief as may be necessary to protect the crime victim's ability to exercise the rights.

"(4) ERROR.—In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.

"(5) NEW TRIAL.—In no case shall a failure to afford a right under this chapter provide grounds for a new trial.

"(6) NO CAUSE OF ACTION.—Nothing in this chapter shall be construed to authorize a cause of action for damages.

"(e) DEFINITIONS.—For the purposes of this chapter, the term 'crime victim' means a person directly and proximately harmed as a result of the commission of a Federal offense. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

"(f) PROCEDURES TO PROMOTE COMPLIANCE.—

"(1) REGULATIONS.—Not later than 1 year after the date of enactment of this chapter, the Attorney General of the United States shall promulgate regulations to enforce the rights of crime victims and to ensure compliance by responsible officials with the obligations described in law respecting crime victims.

"(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

"(A) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

"(B) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of crime victims, and otherwise assist such employees and offices in responding more effectively to the needs of crime victims;

"(C) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of crime victims; and

"(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.".

(b) TABLE OF CHAPTERS.—The table of chapters for part II of title 18, United States Code, is amended by inserting at the end the following:

"237. Crime victims' rights .... 3771".

(c) REPEAL.—Section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) is repealed.

SEC. 3. INCREASED RESOURCES FOR ENFORCEMENT OF CRIME VICTIMS' RIGHTS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404C the following:

"SEC. 1404D. CRIME VICTIMS LEGAL ASSISTANCE GRANTS.

"(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public and private entities, to develop, establish, and maintain programs for the enforcement of crime victims' rights as provided in law.

"(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section, subject to appropriation.".

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under section 1402(d) of the Victims of Crime Act of 1984, there are authorized to be appropriated to carry out this Act—

(1) $2,000,000 for fiscal year 2005 and $5,000,000 for each of fiscal years 2006, 2007, 2008, and 2009 to United States Attorneys Offices for Victim/Witnesses Assistance Programs;

(2) $2,000,000 for fiscal year 2005 and $5,000,000 in each of the fiscal years 2006, 2007, 2008, and 2009, to the Office for Victims of Crime of the Department of Justice for enhancement of the Victim Notification System;

(3) $300,000 in fiscal year 2005 and $500,000 for each of the fiscal years 2006, 2007, 2008, and 2009, to the Office for Victims of Crime of the Department of Justice for staff to administer the appropriation for the support of the National Crime Victim Law Institute or other organizations as designated under paragraph (4);

(4) $7,000,000 for fiscal year 2005 and $11,000,000 for each of the fiscal years 2006, 2007, 2008, and 2009, to the Office for Victims of Crime of the Department of Justice, for the support of—

(A) the National Crime Victim Law Institute and the establishment and operation of the Institute's programs to provide counsel for victims in criminal cases for the enforcement of crime victims' rights in Federal jurisdictions, and in States and tribal governments that have laws substantially equivalent to the provisions of chapter 237 of title 18, United States Code; or

(B) other organizations substantially similar to that organization as determined by the Director of the Office for Victims of Crime.

(c) INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404D the following:

"SEC. 1404E. CRIME VICTIMS NOTIFICATION GRANTS.

"(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified public or private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue in a timely and efficient manner, provided that the jurisdiction has laws substantially equivalent to the provisions of chapter 237 of title 18, United States Code.

"(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under section 1402(d), there are authorized to be appropriated to carry out this section—

"(1) $5,000,000 for fiscal year 2005; and

"(2) $5,000,000 for each of the fiscal years 2006, 2007, 2008, and 2009.

"(d) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section, subject to appropriation.".

SEC. 4. REPORTS.

(a) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Administrative Office of the United States Courts, for each Federal court, shall report to Congress the number of times that a right established in chapter 237 of title 18, United States Code, is asserted in a criminal case and the relief requested is denied and, with respect to each such denial, the reason for such denial, as well as the number of times a mandamus action is brought pursuant to chapter 237 of title 18, and the result reached.

(b) GENERAL ACCOUNTING OFFICE.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect and efficacy of the implementation of the amendments made by this Act on the treatment of crime victims in the Federal system.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees a report containing the results of the study conducted under subsection (a).

Mr. FRIST. Mr. President, I want to take a moment to comment on the passage today of the Crime Victims' Rights Act. I am gratified by the overwhelming, bipartisan support for this crucial legislation.

I especially thank the Senator from Arizona, JON KYL, and the Senator from California, DIANNE FEINSTEIN, for their labor over the past several years on behalf of a constitutional amendment, and for their efforts over the past days to write into Federal law appropriate protections for victims of crime across the country. Without their dedication we would not have this victory.

While a constitutional amendment is preferable, this victims' rights Federal statute represents a significant improvement over the status quo. It ensures that crime victims have the right to fair treatment in the criminal justice system. It will give crime victims new legal standing to enforce their rights in court.

Too often, victims are shut out of the criminal justice process. They aren't informed of hearings, plea deals, trial dates and sentencing, or of parole hearings once their attacker is convicted.

The system rightly strives to protect the rights of defendants. But too often it overlooks the rights of the victims.

Take, for example, the case of Jeanne Brykalski of Knoxville, TN. Nine years ago, Jeanne lost both of her parents in a double homicide.

It was a Friday night, Jeanne's parents, Lester and Carol Dotts, went out for dinner. When they returned, they surprised three burglars in the act of looting their home.

Jeanne's mother was shot seven times, once at point-blank range in the head. Her father was shot six times, first in the neck and then repeatedly while he lay crumpled on the floor. The assailants seized Jeanne's mother's purse. And in a final grisly act, stole her father's wallet from his back pocket as he lay dying.

Jeanne's parents would have celebrated their 45th anniversary that summer.

She tells my office:

> Something like this you never get over. At first you don't sleep. You can't sleep, because when you close your eyes, horrible images flood your mind. When you finally can sleep, that's when the nightmares come.

Jeanne found out about the first of the three perpetrators' public hearings on the front page of the local paper. As Jeanne recounts it, one morning before work, her husband went outside to fetch the paper from the delivery box. He came back in and tossed it on the kitchen table, telling her, "You'll want to read this."

Says Jeanne:

> I saw the headline, and of course had to keep reading. And then I found out for the first time the gruesome details of how my parents were murdered. I completely fell apart. And I still had to go to work that day.

Jeanne says it took a long time for the justice system to acknowledge her need to be a part of the process. In fact, on three occasions, she showed up for hearings that she was never told were canceled. The youngest of the perpetrators was plea bargained without Jeanne and her husband being informed.

Her experience with the system led her to become a volunteer for the East Tennessee Victims' Rights Task Force.

Says Jeanne:

> All we want is equality and fair play in the courtroom. We want to be treated with courtesy and respect. I don't think that's too much to ask for.

Mr. President, nor do I. And that is why I strongly support the Crime Victims' Rights Act and look forward to getting this bill to the President's desk.

My home State of Tennessee has a Victims Bill of Rights. It was passed in November of 1998.

Anna Whalley, clinical coordinator of the Shelby County Crime Victims Center, tells my office that the law has improved the status of victims in the Tennessee justice system. Judges are now getting used to seeing victims in their courtrooms and are making their courtrooms more comfortable and accommodating.

Because the Tennessee law does not provide funding, however, victims continue to fall through the cracks. There simply is not enough money to stay on top of all of the cases and keep victims informed throughout the judicial process.

The Crime Victims' Rights Act wisely addresses this problem. It provides legal assistance grants to help local law enforcement agencies promote victims' rights.

It also authorizes over $97 million over the next 5 years to broadly carry out the legislation's goals.

Mr. President, we are not all the way there. Our ultimate goal is to pass a victims' rights constitutional amendment. But this legislation represents a significant leap forward.

I thank my colleagues for their support today.

As we all agree, victims have rights, too.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. REID. Mr. President, will the Senator from New Mexico yield to me for a question?

Mr. DOMENICI. Yes, I yield.

Mr. REID. Senator LANDRIEU has been waiting for the vote to end. She has to pick up her children, but she first wants to speak about her children for a couple of minutes. Would the Senator allow her 2 minutes prior to beginning his speech?

Mr. DOMENICI. Of course.

Ms. LANDRIEU. I thank the Senator from New Mexico, and I thank my colleague from Nevada.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Ms. LANDRIEU. As a wonderful Senator from New Mexico, and also as a father of many girls and a grandfather, I know the Senator can appreciate the day we are celebrating today, which is Take Our Daughters and Sons to Work Day. We have literally hundreds of young people who are in the Chamber today. They have been around the Senate and the House celebrating this very special day, seeing their parents at work in the Senate and in the Capitol, not only as elected officials but as the staffers and support staff.

I have 20 young ladies with me today, nieces and friends from Louisiana, from Alabama, and from the Washington area. I am going to submit all of their names for the RECORD to show that they spent a day working in the Senate with me and with some of the other Senators and have seen firsthand the work that goes on.

I want to acknowledge MS Magazine Foundation that started Take Our Daughters and Sons to Work Day to thank them for organizing this effort where there are thousands, maybe perhaps millions, of young people who have taken a day out of their school work to go to the various places where Americans are working to contribute to making this country of ours a better country and this world a better place.

As we celebrate Earth Day today, which is also very important as we focus on the environment, I wanted to acknowledge this day. I thank my friend from New Mexico for giving me this time and I ask unanimous consent to have printed in the RECORD the names of these young ladies and thank them for being a part of this special day and taking their time to come and learn about the workings of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> From St. Richards School: Mary Claire Logue and Catherine Logue, Monroe, LA; from St. Dominic School: Erica Sensenbrenner, New Orleans, LA; from St Ignatius School: Lindsey Seiter, Mobile, AL; from Tchefuncte Middle School: Lauren Cook, New Orleans, LA; from Louise McGehee School: Meredith Chehardy, New Orleans, LA; from Spring Hill Elementary School: Caroline Hudson, Washington, DC; from Georgetown Day: Rachel Jerome, Washington, DC; from Georgetown Day: Hayley Gray, McLean, VA; from St Scholastica Academy Trinity School: Gabrielle Klein and Stephanie Harkness, Mandeville, LA; from Our Lady of the Lake School: Elise Ganacheaux, New Orleans, LA; from St. Catherine of Sienna School: Sarah Parent, New Orleans, LA; from Isidore Newman School: Jordan Warshauer, New Orleans, LA; from Louise McGehee School: Carol Irene Gelderman, New Orleans, LA; from Louise McGehee School: Catherine Cochran, New Orleans, LA; from Jackson Academy: Storey Wilson, Baton Rouge, LA; from Bradley Hills Elementary: Hannah Sherman, Bethesda, MD; from Pyle Middle School: Casey Thevenot, Washington, DC; Abigail-Ter Haar, Episcopal School, Baton Rouge, La.

The PRESIDING OFFICER. The Senator from New Mexico.

DOMESTIC NATURAL GAS PRODUCTION

Mr. DOMENICI. Mr. President, I have up to 10 minutes, but I do not believe I will use that, if anybody is wondering.

I rise to speak about a disaster that has occurred within the last 24 hours in the country of North Korea. We now have on the wire service recognition of the fact that there was a train wreck in North Korea where two trains ran into each other. It appears that between 1,000 and 3,000 people were killed. One report says 1,000 and another report says 3,000. In the meantime, the North Koreans have cut off the telephone lines to the area and have closed the border, so considering the nature of the country, I do not know when we will find out how many.

The reason I rose to talk about it is because the substances that we have been told were in those trains do not come close to the explosive power of liquefied natural gas. They are some kind of a liquefied petroleum and another product like propane, and it must have been sufficient power for this to ignite and blow up.

Why would I bring this subject up on the Senate floor? Well, I say to my colleagues, the Nation we live in has been on such an absurd path with reference to diversifying our energy resources that we are currently thinking about using liquefied natural gas in large quantities to take the place of natural gas, which is getting higher and higher in demand and less and less in terms of supply. I believe we ought to get on with producing as much natural gas from our own sources as possible. I believe the natural gas from the State of Alaska ought to be brought on board and we ought to help pay for the pipeline which will be the largest and most expensive construction job in our history, but it will transport voluminous quantities of natural gas and it will be ours. It will not be liquefied natural gas from Algeria, Tunisia, or wherever it comes from.

We are inviting the opposite. We are inviting States, principally in the eastern part of the United States—at least it is not the West or the South again. But I would like to make sure other parts of the country understand that if they have been holding out and not wanting us to get this energy bill passed because they think this is some easier way—like we can solve this with wind instead of natural gas—you know it just is not true. We cannot produce enough wind energy to take the place of the natural gas shortage we are going to have if we don't get on with producing it as fast as we can, in as large quantities as we can, and from safe sources, safe in terms of reliability and safe in terms of the environment.

We are going to hear more about this. I am sorry that I come to the Senate floor with such drastic statements about energy and the destruction of people and property because of this collision involving energy sources. But I can tell you, what the Committee on Energy and Natural Resources has been suggesting we do is so much less risky than this, this fuel that exploded, that I almost wonder what is it going to take to bring us to our senses.

There are Northern and Eastern States saying, once they hear about LNG, they don't want it either. But I can tell you, there is not going to be any gas for parts of our country and it is not going to be imported from the West to the East; it is going to be brought to where it is needed. We are going to see people who are now talking with permittees who want to build plants, refineries, bases where you can harbor and hold liquefied natural gas.

Unless one of those trains had LNG, and I don't think it did, we haven't seen anything yet. If you killed 1,000 and wounded 1,000 and blew up a town with two trains running into each other and one of them was not LNG, then whatever we know about will be less volatile than LNG. So we could be looking at a more disastrous situation.

I also suggest while we are talking about terrorism, just think of that. If we have to bring in shipload after shipload of natural gas, just think of what we are going to have to do to make sure it is not part of a terrorist plan to blow up part of our country.

I for one hope we don't have to bring very much in, but I am sure, with what has been going on—and I am sure the occupant of the chair shares my concern—we ought to be very careful. We ought to take on the issue of, can we get some nuclear powerplants built in a safer way than in the past? Can we produce some truly clean coal-burning plants? We can bring solar, wind, and geothermal on. We can give them subsidies, all that are in this bill which we will not bring up today.

I think for those who are looking at that terrible country, terrible in terms of the nature of the existence of the people in North Korea, we can do nothing but shake our heads in fear and trepidation. I just finished reading a book about North Korea. As a Senator from a free country, to just read what is going on in that country just scares me to death. How the people can be so ravaged, so disgraced as human beings by that regime, and then to have something like this happen to them makes me terribly unhappy to be part of leadership in this world, that we can still let that eyesore of terrible proportions exist. Here is another one—3,000 people. Just absolutely pathetic.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 2336 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. SMITH. Mr. President, like all of my colleagues, I went back home during the Easter recess and listened to the feelings of Oregonians. It is clearly on the minds of the people of my State and much of the country the circumstance we find ourselves in Iraq. I thought I would come and share some of my perspective on where America is, as this one Senator sees it, in the war on terrorism.

I shared these feelings with many of my constituents. I wanted to share them with the Senate today as my reflections on the week I have just had.

When I first came to the Senate 7 years ago, I was privileged to spend my first term as a member of the Senate Foreign Relations Committee. I came to the Senate with many preconceived views about the values of many of our alliances and our involvement in all kinds of international architecture—the United Nations, NATO, and many treaties. I have been an advocate of these institutions and treaties on many occasions. But I find myself now in a position where I am questioning some of my earlier positions, based upon my experience as a Senator.

My questioning first began when I watched with dismay the U.N. essentially stand by as nearly 1 million Rwandans were hacked to death.

I watched with further dismay when approximately a quarter of a million Bosnian Muslims were murdered in cold blood by Mr. Milosevic and his minions, and I wondered why they couldn't do anything?

I remember the occasion when a number of us were invited to meet with President Clinton as our European allies were pleading with the President to intervene with them as Europeans to help stop genocide on Europe's backdoor. I remember saying to the President: Mr. President, I think stopping genocide is a value that I share with the international community, it certainly is and ought to be an American value. So, Mr. President, you have my support, but I urge you to seek a resolution from the Security Council so we go in with the "legitimacy" of the United Nations.

He said to me: Senator, I can't because I have been promised a U.N. resolution to intervene to stop genocide in Kosovo would be vetoed by the Russians and the Chinese.

President Clinton believed that was a value high enough that nobody ought to veto it, and America's hand should not be held back by such a veto. I could not have agreed with him more.

As a Republican, I voted with President Clinton consistently in our efforts to bail out our European friends in Kosovo to stop genocide. I am proud of those votes. I am proud of President Clinton for that. But I left the experience scratching my head about the United Nations and its role in the security architecture of our planet and particularly my country.

Then after 9/11, I heard lots of great speeches and then began to become aware of lots of wonderful resolutions and was so disappointed that there was no resolve in the resolutions; that it ended at words.

Now we find ourselves confronted with an investigation in the United Nations in which an oil for food program is going to be revealed to all the world as a monstrous corruption. It would be better titled a "Fraud for Food Program." I wonder how well served we are by a Security Council that would tolerate such a thing.

I am not suggesting we withdraw from the United Nations, but I am telling you I believe we should question that is the place we go for legitimacy. I have concluded that the U.N. can do a few things well. Mr. Brahimi's efforts are to be applauded and gratitude expressed, but, frankly, to go there for legitimacy, as some suggest, I think is very misplaced because we cannot get legitimacy from the kind of corruption that has been engaged in the United Nations in its "Fraud for Food Program."

What happened here, as Mr. Volcker will soon reveal to the world, is a system of price fixing, price kiting, skimming, bribes, paybacks in which the

United Nations bureaucracy, or at least some members of it, were deeply complicit. What Saddam Hussein got out of that, according to the Washington Post, was $4 billion. According to the New York Times, it is $10 billion. According to other estimates, it could run as high as $100 billion. Somewhere in that range the truth will be found.

What did he do with the billions, whether it is 4 or 100? He went about systematically rebuilding his murderous machine to buy weapons and palaces and to exterminate about 400,000 Shiite Muslims. Then I wonder why it is we are going to the U.N. for resolutions for legitimacy.

I tell you these things because, frankly, I was astounded when our friend and colleague, the Democratic presumptive nominee for President, was on "Meet the Press." When asked what was the first thing he would do, he said: I will go back to the U.N.

I remember Dwight Eisenhower, when he became the Republican nominee, we were in trouble in Korea. He said: I will go to Korea. And JOHN KERRY is essentially saying: I will go to Paris. For what? Legitimacy? International involvement? We have gone to the U.N. and gotten 17 resolutions. Apparently, another is needed? For what? Legitimacy?

We are going to get people to sanction what we are doing when we will soon learn who was on the take and providing the money that Saddam Hussein used for palaces, weapons, and mass murder.

I hope JOHN KERRY runs his new ad in Oregon a lot because he repeats his "Meet the Press" statement in a slightly different version. He says: The first thing I will do is internationalize this. I will go to the international community.

I want the people of Oregon to know how vacuous a statement that is. I want my friend from Massachusetts to know I don't want the international community defending my family and my country. I know the American people want a sense of how do we get out of this because we don't want an open-ended commitment.

I hear it said by some of our European friends: You did it for oil. I tell the American people, if we had done it for oil, we would have invaded Venezuela. There is a lot of oil there, and they have no military. We did it for values. We did it because we believed in a post-9/11 world that Saddam Hussein was part and parcel of the war on terrorism. We believed, like all the other intelligence communities in the world, that he had weapons of mass destruction because he had declared them but not disclosed them. That is why Bill Clinton bombed Saddam Hussein for 4 days and nights in 1998. That is why this place, the United States Senate, under the direction and urging of Bill Clinton, passed a resolution calling for regime change.

The PRESIDING OFFICER (Mr. TALENT). The time of the Senator from Oregon has expired.

Mr. SMITH. Mr. President, I ask unanimous consent for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, we passed the resolution on regime change. In a post-9/11 world, with that intelligence that we had from President Clinton's administration and with that belief that he was a clear and growing danger to this country, and for all the reasons which President Bush has articulated, we did what President Clinton said we would ultimately have to do: Change that regime.

I tell you, my belief is that those who would say the war on terrorism is here, but Saddam Hussein is somehow exempted from that, are engaging in a theory because the truth is, he was, by every measure, a central financier and tormenter of terrorism. Ask the Israelis.

Where did Hamas get its money? There is a way out. There is a deadline that is drawing out of the shadows all those who want to compete for power. A lot of poison is being drained out of the Iraqi system and America is bearing the burden, but we will see a gradual transition of power and sovereignty from us to the Iraqi people because our country does not aspire to the territory or treasury or oilfields of Iraq. We desire a more peaceful world.

President Bush has concluded, yes, we can swat flies and we can send cruise missiles here and there, but the truth is, if the fundamentals on the ground cannot be changed to give the people some democratic institutions, frankly, nothing is going to be changed in the Middle East.

Now, there is a very tribal culture there and ultimately Iraq may be evolving into a three-part state, with Kurds in the north and Shia in the south and Sunnis in the center, and there may be a very loose confederacy of Iraq, but to avoid civil war they will have to have some religious and ethnic elbowroom as Iraqis. We are going to allow that to happen, I hope.

I say to the people of my State, regard with humor if you can but great skepticism if you will those who call for internationalizing America's war on terrorism. They can come in any time. The problem is, they are complicit in the financing of Saddam Hussein and they run at the first shot.

Tony Blair recently addressed this body and the House of Representatives. In conclusion, I share with my colleagues his words. Said the Prime Minister: I know how hard it is on America. And in some small corner of this vast country out in Nevada or Idaho, I know out there is a guy getting on with his life perfectly happy, minding his own business, saying to you, the political leaders of the country, why me and why us and why America? And the only answer is because destiny has put you in this place in history, in this moment of time, and the task is yours to do.

This world is a better place because of American leadership and because America's foreign policy is still based on the best values of our Bill of Rights, democracy, human rights, the spread of freedom and enterprise through trade, religious freedom, thought, press, assembly. Things that we are privileged to take for granted are, frankly, unknown in the Middle East. This is our idealism and it is a centerpiece now of our foreign policy, but those who would go to the U.N. to establish those principles, they will do it in vain and they will do it with my opposition, if to internationalize this means my family and theirs are protected by institutions which the Russians, the French, the Chinese, or anyone can veto when it involves the security of the American people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ WAR FUNDING

Mr. KENNEDY. Mr. President, in his remarks yesterday, Senator BYRD raised serious questions about whether the Bush administration violated the law when it first began to prepare for war with Iraq without informing Congress it was using funds appropriated for other purposes to do so. Three days after 9/11, both the Senate and the House of Representatives approved $40 billion in emergency funds in response to that tragedy. The legislation was signed into law on September 18, 2001.

Its clearly stated purpose was "to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks."

When the Congress approved these funds images of the World Trade Center towers falling and the plume of smoke over the Pentagon were fresh in the minds of every American, and the Nation was mourning the loss of 3000 men and women who were brutally murdered in the worst terrorist attack in our history.

We were at war with al-Qaida, a terrorist organization based in Afghanistan, and with the Taliban government that was giving it sanctuary. Congress was united in its determination to help the administration win the war in Afghanistan and do all we could to prevent any further terrorist attacks.

Congress clearly did not intend those funds to be used for a war with Iraq. There had been no debate about Iraq. We were not thinking about Iraq in those painful and dark days after the 9/11 attacks.

But the administration was.

As we now know, the Bush administration was focused on Iraq from day one after the inauguration, and it was quick to use the 9/11 tragedy to advance its agenda on Iraq.

According to former Treasury Secretary Paul O'Neill's account in Ron Suskind's book, "The Price of Loyalty," Iraq was on the agenda at the very first meeting of the National Security Council, just 10 days after President Bush's inauguration in 2001. As Secretary O'Neill said: "Getting Hussein was now the Administration's focus. From the start, we were building the case against Hussein and looking at how we could take him out and change Iraq into a new country. And, if we did that, it would solve everything. It was all about finding a way to do it. That was the tone of it. The President saying, 'Fine. Go find me a way to do this.' "

September 11 gave the administration the excuse they were looking for to go to war with Iraq. According to notes taken by an aide to Secretary Rumsfeld on September 11, the very day of the attacks, the Secretary ordered the military to prepare a response to the attacks. The notes quote Rumsfeld as saying that he wanted the best information fast, to judge whether the information was good enough to hit Saddam and not just Osama bin Laden. "Go massive," the notes quote him as saying. "Sweep it all up. Things related and not."

As Bob Woodward's new book, "Plan of Attack" reveals, President Bush himself asked Secretary Rumsfeld to get a war plan for Iraq on November 21—barely 2 months after the devastating attacks. In the many months that followed, Congress had no idea that secret preparations for war in Iraq were underway. It was not until September 2002, nearly 10 months later, that the administration even asked Congress to authorize war in Iraq.

Senator BYRD is right to raise this issue and to ask the tough questions. In a hearing in the Senate Armed Services Committee on Tuesday, Deputy Secretary Paul Wolfowitz gave us a non justification. He said that the administration notified Congress about $63 million in military construction spending for Iraq on October 11 2002—just 1 day after Congress passed the joint resolution authorizing the use of force in Iraq. After that, Secretary Wolfowitz said, "some $800 million were made available over the following months to support Iraq preparatory tasks consistent with that joint resolution."

But Mr. Wolfowitz's claim is inconsistent with the assertion in Bob Woodward's book that $700 million worth of "preparatory tasks" were approved in the summer of 2002 to accommodate the major U.S. troop deployment that would be required for the invasion of Iraq.

Diverting funds from the war in Afghanistan or from the Pentagon's regular operating budget to prepare for war against Iraq without the knowledge of Congress is clearly a fundamental breach of the trust that must exist between Congress and the President in our system of government. It is clearly at odds with the requirement of the Emergency Supplemental Appropriations Act itself, which states that "the President shall consult with the Chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds."

In the summer of 2002 when these plans were under way, the war against al-Qaida was far from over. Osama bin Laden was still at large. If Mr. Woodward is correct, the failure even to consult with Congress shows the contempt of the Bush administration for the constitutional role of Congress on the fundamental issue of war and peace.

We need satisfactory answers to many questions:

Did the administration divert funds provided to respond to the 9/11 attacks and spend them in the summer of 2002 to prepare for war in Iraq?

If the administration did begin spending those funds in the summer of 2002, why did it not consult the Chairman of the Appropriations Committee as the law required.?

If the administration did begin spending such funds in the summer of 2002, why did the quarterly reports provided to Congress not clearly indicate that projects were being funded to prepare for war with Iraq?

The failure to engage the Congress confirms what many of us have said all along. The administration had a hidden agenda from day one, and it shamelessly capitalized on fears created by 9/11 to advance that agenda.

The Congress and the American people deserve answers, and we deserve them now. The administration must tell the full truth and provide to the Congress and the American people a full accounting of all Iraq war related expenditures in 2002.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Ms. CANTWELL. I ask to speak for 20 minutes on two pieces of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTRICITY GRID AND RELIABILITY

Ms. CANTWELL. Mr. President, I rise to discuss with my colleagues two bills that I believe we are being negligent as a body in not taking up and passing. I am sure many of my colleagues are heading to the airport feeling like this week we accomplished a lot, or maybe they feel they gave a lot of speeches. The world is obviously a very dangerous and threatening place right now, and maybe my colleagues think if we get up and we communicate about that, we have done our job in Washington, DC. Well, the discussion is good, but action is even better when it comes to the American people. And there are two critical issues—two critical issues we have bipartisan support on, two critical issues both the House and Senate have passed legislation in the past to deal with and on which we could pass legislation today—that we cannot put on the priority list to take up and take action to help the American people.

The first one is on the electricity grid and reliability. Now, some of my colleagues may remember that the blackout of last August 14 led to a report from a commission that was released more than two weeks ago. When the blackout occurred last summer, we said that we were going to get to the bottom of how it happened and what we should do about it. The No. 1 recommendation from that commission was to make reliability standards mandatory and enforceable, with penalties for noncompliance. People across America probably woke up after that blackout and thought, what happened? How did this whole situation happen to us?

I can tell them how it happened. We do not have any mandatory rules in place for the electricity grid to make sure we protect consumers, that there is a reliability backstop governing actions by these energy companies.

Why is there not? The independent system operators and utilities have rules, but they are not mandatory. In fact, the commission's report said First Energy, one of the key companies involved in last August's blackout, was not complying with the voluntary rules.

Well, I am sure they did not feel there was much penalty in not complying with these rules because they were voluntary. So the commission's report is being very specific about what we should do. Congress needs to get about our business in passing legislation to make these rules mandatory.

Now I know some people think, I have sat a night at home with candles or gotten the flashlight out or my fuse box goes out and it is not so bad. Well, I tell my colleagues, last August's blackout was a bad situation. We had people in New York who could not get down elevators and lived many flights up in apartments. We had an increase of people going to emergency rooms in New York because they were having heart attacks or other kinds of things were happening to them physically. Under the stress of trying to vacate many of the facilities in New York, we had major gridlock for hours. We lost $4 billion to $10 billion economically as the result of the blackout, and we put our senior citizens at great risk of harm because they did not have access to electricity on a hot summer day.

So the question is, what are we going to do about this and are we going to move ahead? Well, I came to speak about this a couple of weeks ago, before we adjourned for the recess. And since then, I find we have now 20 different newspapers across America that basically have asked, why hasn't Congress operated and gotten this done?

For example, the Miami Herald—it is starting to get warm in Miami. People are realizing summer is not that far off and the Miami Herald stated that, "Another long, hot summer is looming." These reliability bills should be enacted and they should be enacted now. That is not surprising since they know what a blackout can do in the heat of a summer.

Another newspaper, the Boston Globe, stated that "at the top of the commission's proposals is legislation that would make mandatory the grid reliability standards that are now voluntary. Congress should quickly pass a bill . . . that would do just that."

There is another newspaper that knows about this because its readers were impacted by that electricity grid blackout last August. They know the commission came back and recommended this is what we should do.

The reason I am bringing this issue up now is because I think some people on the other side of the aisle think we are just going to take another stab at the good old Energy bill. We are going to make another attempt to pass legislation that just about every newspaper in America has editorialized against—a bill that myself and my colleagues have called legislation for hooters, polluters, and corporate looters, because those are the kinds of provisions that were included in the Energy bill that drowned out the more notable items such as the reliability standards also buried in there.

Why are we going to continue to hold hostage legislation on reliability standards that would protect consumers across America from future blackouts, just to getting a big, fat energy bill for which there is never enough support? My colleagues know how bad that legislation is.

My colleagues want to continue to use the reliability standards, which all the blackout commissions and various organizations across America have said consumers deserve as protection, as the train driving the energy bill. My colleagues are going to say, no, we are going to keep holding reliability hostage. We want to see if Congress blinks and maybe will go ahead and pass that big energy bill.

Well, do not come to blame this side of the aisle when we do not get the Energy bill and we do not have reliability standards, because we are trying to pass these standards, just as various newspapers across the country are saying. In fact, I think the Detroit Free Press said it best. They said " . . . the solution lies with Congress. Nearly 8 months post-blackout, it still has not passed mandatory standards. Voters should turn on their power and demand it."

I think what they mean is that voters should be demanding that we do our job. Reliability legislation could have been brought up any day this week—Tuesday, Wednesday, Thursday. I understand my colleagues have probably now gone to catch planes and meet other schedules, but this could be brought up next week. We could make a commitment to have it brought up. I do not think there is controversy over this particular legislation or the original provision as it was included in the Energy bill. It is just being used as bait and being held hostage.

So there are other newspapers across the country that say, "a responsible energy policy would be to strip out the mandatory federal [reliability] standards and pass them as a stand-alone bill." This is from the Memphis newspaper. The people in Memphis, TN, are asking, why are you doing this? Why are you continuing not to pass good legislation just so you can get bad legislation attached to it? When people across America are asking, what is going on here, we ought to come together as a body and figure this out.

I do not like to be partisan about it because I would rather get it done. I would rather pass it. But newspapers are starting to realize that it is getting partisan. The Philadelphia Inquirer said that Republicans were happy to consider the bill—meaning the Energy bill—happy to consider taking up some of the Energy bill's tax incentives as part of a corporate tax bill. That meant we took those tax credits out of the Energy bill or were willing to consider some energy tax credit on the FSC/ETI bill. So if we can do that, why can we not break out the reliability measure, why can we not take the reliability measure as stand-alone legislation?

Now, the head of the North American Electric Reliability Council came and spoke before the Energy and Natural Resources Committee just before this report was being released. I asked him this very question. Their job is to try to provide reliability of energy to Americans throughout this country. I asked: Should we pass a stand-alone bill? His response was yes. Now, he was interrupted by the chairman, who then said: We do not need to do that now.

Well, I disagree with the chairman of the Energy and Natural Resources Committee, and I think we should consider moving ahead. I think that is what The Washington Post is saying. It said it would be a shame if there is insistence on the whole bill or nothing. That means holding reliability hostage. It means Congress would never get around to shoring up the electricity grid, and perhaps that is a shame, or perhaps shame is too mild a word.

Well, I know I think it is too mild a word because we have been waiting since 1999 to get this legislation passed. By that, I mean we have had blackouts in various parts of America since 1996, and every time we have had one of those blackouts in those regions, people have come to us in Congress and said that we ought to pass some rules so we can get a mandatory reliability scheme in place and so utilities have to comply.

We have had multiple blackouts since 1996. This picture shows across America where we have had blackouts since then. You can see the huge amounts of territory in various States: Texas, New Mexico, Arizona, California, Washington, up now to the northeastern part of Ohio, Pennsylvania, New York. I ask my colleagues, are we going to wait until every State in the country has a blackout and then finally say, "Oh, I guess we get the message, I guess we ought to do something about it?"

I think the newspaper that said it best was the Indianapolis Star. These newspapers across America have shone a bright light on what has been an issue that most Members would like to get away from and not pay attention to. The Indianapolis Star said it best:

> . . . if the lights go out again this summer, spare the investigation. Congress is to blame.

I think that paper said it best. This is about us doing our job. This is about the attempt to bring up other legislation that may or may not have the agreement necessary for it to be passed, or to pass a cloture motion. There is support for this legislation. There is a report that demands our attention. There are consumers who are waiting for protection. We should do our job.

I ask unanimous consent the Senate now turn to Calendar No. 465, S. 2236, a bill to enhance the reliability of the electric system, that the bill be read three times and passed, the motion to reconsider be laid on the table, without any intervening action or debate.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I object.

Ms. CANTWELL. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Ms. CANTWELL. Mr. President, that sums it up. I am going to be here every day next week that we are in session, asking to pass this bill and asking my colleagues why, in the name of the American consumer and the assurance of our economy that cannot afford to have an unstable electricity grid with no rules and regulations, and energy companies that do not have to meet mandatory requirements—why we are not protecting these consumers.

Many of my colleagues know there is another issue this Senator believes has not gotten the attention of this body. Each month another set of unemployment and job creation numbers come out. And each month the American public becomes more and more convinced that we are not living up to the prediction and promise of 2.6 million jobs that were supposed to be created this year. And because of that empty promise, the American people want to know when this body will take up and pass legislation to reinstate the unemployment compensation program.

This program was designed for times just like these. The Federal government has an obligation to make sure this program is in place. What do you do during tough economic situations? You pass a Federal program to help ease the pain of those who are unemployed and cannot find work.

In the Economic Report of the President, Mr. Bush's Administration projected that this year we were going to create 2.6 million jobs. We are nowhere near that projection. In fact, last month was the first month we saw any real job growth at all. But, after just one month of decent growth some people are saying that the economy is all better. But, there are many economists who disagree. The Miami Herald ran this headline:

> Jobs Report: Mixed Messages. The White House gets a boost from strong job growth, but economists say unemployment will remain a problem.

Economists are saying it will remain a problem because the number of jobs being created is a long way away from what we need to get America back to work. There are 8.4 million Americans out of work. After the job creation in March, 8.1 million of those Americans will still be out of work.

Here's what the Dayton Daily News said:

> Maybe there are brighter days ahead. But that's no comfort now to the unprecedented number of laid-off workers, who have scrambled without success to find a job and . . . [they have] lost the little bit of help given under the State unemployment benefits programs.

So now those laid-off workers are looking to us for help. They want to know why they and their employers paid into the unemployment insurance system if there's no program to help them when they need it. There is $15.4 billion in the unemployment insurance trust fund—a fund that was created for economic times like these—and the federal government is not going to help us through this unemployment crisis.

What is really happening in this recovery is that there are 1.1 million jobless workers who have exhausted their benefits and are not receiving additional support. That is the number. Those 1.1 million people and the people who are following behind them want to point out to this Congress that the economy is not getting better at a fast enough pace to help them put food on the table today.

I think that drawing a comparison to the first Bush administration is helpful because the first Bush administration faced a similar problem with the economy in the early 1990s. That recession was not as deep as the one we are dealing with today. In fact, during that recession we lost a total of 1.6 million jobs, while in this recession we lost a total of 2.6 million. But in the last recession, even after the economy had started to create jobs, George H.W. Bush still extended unemployment benefits. The reason that administration passed an extension, even though job creation had started, was because they knew that it was going to be a long road to get to a place where there were enough jobs for Americans who wanted and needed to work. They also knew that unemployment benefits are a stimulus for the economy—the people pay their mortgage, keep their health insurance, keep food on the table, until the job creation engine of the private sector started going again. That is what the temporary federal benefits are. They are insurance until the economy gets going again.

We have had this debate back and forth, too, about who is to blame about this issue, or what is the big holdup. We have the Treasury Secretary who actually came to my State and said: We don't really believe that 2.6 million job creation number. Yes, the administration said it, but we don't think it is really going to happen. We don't know what the number is going to be.

So, we have the administration saying they really don't know how many jobs will be created this year. Then we have had Mr. Greenspan, who most people respect, come before a variety of committees. He just came before the Joint Economic Committee this week. When he was asked if we should extend unemployment benefits, he said:

> I do think it's a good idea, largely because of the size of exhaustions.

What he is saying is that those 1.1 million people who have exhausted their jobs are out there to demonstrate that the economy isn't getting better at a fast enough pace. Therefore, we should continue the Federal program until we see more job creation.

That is what I think should happen. I see lots of people across the country who are very frustrated by this.

In fact, the Dayton News just in the last few weeks said:

> GOP leaders still dodging jobless.

That is not this Democratic Senator saying this. This is a newspaper in a State that has been as hard hit by the loss of manufacturing jobs as my State has. Ohio and Washington are among the highest unemployment States. They are saying GOP leaders are dodging the jobless. Why are they saying that? Here's the answer of the Dayton paper:

> What's troubling . . . is how some Republican leaders are hoisting another "Mission Accomplished" banner, this one to hide the struggle of more than a million unemployed workers who have exhausted State benefits without finding another job.
>
> That is the Dayton paper saying that. That is not this Senator.

I happen to agree with the paper's point, that we should take care of these 1.1 million people Greenspan says are not getting help. The economists are saying we are not recovering fast enough; give these people the benefit. I believe the Senate must act.

That is what Business Week said:

> Government actions will act as a bridge that will help the economy cross over this extended valley of almost nonexistent hiring.

That is Business Week.

Why do they say that? Because they know the best thing for us to do is pass the unemployment benefits and create a bridge until we see substantial job creation.

I can't think of a better source to listen to than Business Week, which analyzes business trends, or Alan Greenspan, the Chairman of the Federal Reserve, when they say we ought to pass these benefits.

This is about the 16th or 17th time we have been to the floor. I know people say we are working on something. People say, Let's compromise. Let us cut the program in half. But, Alan Greenspan didn't say cut the program in half. The Dayton newspaper didn't say cut it in half.

UNANIMOUS CONSENT REQUEST

I ask unanimous consent that the Senate now turn to Calendar No. 470, which is S. 2250, a bill to extend unemployment insurance benefits for displaced workers, that the bill be read three times and passed and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. In my capacity as a Senator from Texas, I object.

Ms. CANTWELL. Thank you, Mr. President.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. Mr. President, I ask unanimous consent for another 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. The Presiding Officer has been so kind to listen with interest to these two issues. I hope he and my other colleagues will take these two issues to heart. I am being pointed in my remarks today because I believe these are two issues this body has the responsibility to deal with. These are two issues we can't get done and we are holding the American people hostage by not addressing our basic domestic economic security needs by giving people jobs and the reliable security of electricity grids.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

ASBESTOS LITIGATION REFORM

Mr. FRIST. Mr. President, today we had a vote on the motion to proceed to the asbestos bill. As a followup to that vote, the Democratic leader and I have been in discussions over the course of the day. Unfortunately, we have yet to work through the legislative impasse on asbestos. However, there are Senators on both sides of the aisle who are committed to getting something done.

This morning Senator DASCHLE and I confirmed our understanding that we must provide an opportunity for negotiations which will determine whether a bipartisan solution can be reached. We will oversee a mediation process to determine whether we can resolve the remaining differences. My hope is we can work through this quickly.

Mr. DASCHLE. Mr. President, while I am disappointed that we find ourselves in this situation, I am pleased we are now going to begin the negotiations and move forward. As we have discussed, starting on Monday, we will convene meetings of interested stakeholders utilizing Judge Edward Becker as a mediator. I am strongly committed to getting the bill done and working through the serious issues that still divide us. The issue of asbestos is too vitally important to let this opportunity slip away. I know Senator FRIST is committed as well.

Mr. FRIST. I believe the process needs to initially focus on the major issues—overall funding, claims values, and projections. If we can make progress on this front, I strongly believe we can resolve the others.

Mr. DASCHLE. I agree. I think the funding and the so-called economic issues are critical to finding a solution. If we can't get a fair funding level that provides just compensation to victims and certainty to businesses, then we won't be able to resolve the other interlocking issues.

Mr. FRIST. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARY McGRORY

Mr. HARKIN. Mr. President, this evening I want to take a few minutes of the time of the Senate to pay tribute to and to say a public goodbye to Mary McGrory, a friend of long standing to me and my wife Ruth and to our daughters Amy and Jenny. Mary passed away last evening here in Washington after having had a long illness.

Mary McGrory was a wonderful, warm, witty, and wise woman. Her death is, indeed, a passing of an era when the written word could carry meaning, when the written word could actually move people, when people looked to a Mary McGrory to give them the kind of inspiration they needed or to give them the in-depth analysis they needed to understand what was going on in Washington.

Her writing had such a clarity about it that once I read what Mary McGrory had written, I found myself many times saying: Yes, that's how I feel. Why didn't I think of that? Why couldn't I have said it that way?

I think of her passing as the passing of an era, like there is a time and a place and a circumstance that happens in the passing of time when certain individuals do something, make something, or leave an imprint in some way that you know will never happen again, such as the passing of a Michelangelo, a Leonardo da Vinci, a Shakespeare, a time and a place for Shakespeare and his magnificent writings never to be seen again. I think of that when I think of Mary McGrory because we may never see her kind of writing ever again.

Oh, with the advent of computers, sound bites, trying to get everything into 30 seconds or trying to make everything so simple that it is reduced to meaningless jabber, it may be that we will never see her kind of writing again.

Mary McGrory could make words dance. She could make sentences sing and turn paragraphs into symphonies. But it was not just her writing alone that endeared so many of us to Mary. It was just Mary, such a unique individual. It is hard to describe sometimes. I guess moments like this when you know you will never have her company again, you think about the pleasant times you spent together.

Of course, I always think about Mary's annual St. Patrick's Day bash—party, if you will—at her home on Macomb Street. I didn't make every one. Sometimes I was in Iowa on the weekend. It was always on the weekend before or after St. Patrick's Day. Usually before. But I made several of them.

They were wonderful affairs. There was, of course, music, a lot of singing, and, of course, Mary McGrory's lasagna which was always kind of odd. One would think that maybe on St. Paddy's Day one would have corned beef and cabbage, an Irish dish or Irish stew, something like that, but we always had lasagna. Mary McGrory was very proud of her Irish heritage, but I always thought she felt a bit confused. While she was Irish to the core, she loved Italy and loved going to Italy, and she loved having lasagna on St. Patrick's Day.

She one time said, and I am paraphrasing because I don't remember the exact words: It is too bad the Irish could not have been born in Italy. As I said, she was sometimes, I think, a little confused whether she wanted to be more Irish or maybe more Italian, but she was Irish to the core.

Her St. Patrick's Day events were wonderful occasions. There is that wonderful song about when Irish eyes are smiling, and something about the lilt of Irish laughter, you can hear the angels sing. When Mary McGrory's eyes lit up and when she laughed, she was all Irish and you really could hear angels sing.

We always had music and songs. Everyone had to perform at Mary's St. Patrick's Day parties. Everyone had to perform. She always had people of talent there to play the piano or some musical instrument. Since I am musically challenged, and she knew this, I was always commissioned to sing. My song always thereafter was Mother McCree. I always substituted the words "Mary McGrory" for "Mother McCree" which delighted her to no end.

Mary McGrory was a clever woman. She knew how to cajole, how to sometimes even plead, ask, prod, and act terribly helpless knowing that someone would pick up her suitcase, carry her belongings, get something for her, and when that happened, and you would retrieve something or carry something for her, do something for Mary, when you finished doing it, there was this twinkle in her eye and you knew you had been had one more time. She was very clever.

Mary and my wife Ruth became fast and strong friends over gardening.

I enjoyed gardening, although I am not much of a gardener myself. I would sit and listen to them talk about gardening, or Mary would come out to the house and my wife would take her around or ask her about this flower or that flower. Of course, we would go to her place and they would go out and look at Mary's flowers and what was wrong here and what should be planted there. I always felt my job was to go down to Connecticut Avenue and pick up something to eat and come back at the appropriate time when they had finished talking about gardening.

Much has been written and much will be written about Mary's background and where she went to school and what got her into journalism, but I think more should be said about the imprint she left on so many people. She was not only a warm, wise, witty, and clever woman, she was an inspirational woman to so many people.

After you had been with Mary, or after maybe reading one of her columns, you always felt better. You felt better about the world around you. You felt better about things maybe you thought were going wrong. Maybe you were mad about something the Government was doing in one administration or another. You read her column and you felt no matter how bad things were, it was going to be okay; we were going to get through it; right would prevail; justice would triumph and people of good will would take over.

There is an old folk song with this refrain: Passing through, passing through, sometimes happy, sometimes blue, glad that I ran into you. Tell the people that you saw me passing through.

Well, Mary, you passed through and in your passing through you inspired us; you made us think; you prodded us to question, and always, to the end, gave us hope and courage that life will be better for those who come after us.

So we say goodbye to Mary McGrory, thanks for passing through, thanks for touching each of us so profoundly as you did when you passed through.

I yield the floor.

FAIRNESS IN ASBESTOS INJURY RESOLUTION (FAIR) ACT

Mr. CHAFEE. Mr. President, earlier today I voted in favor of invoking cloture on the motion to proceed to S. 2290, the Fairness in Asbestos Injury Resolution Act. My vote was not an endorsement of S. 2290 as it was introduced in the Senate. I recognize that concerns have been raised about specific provisions of the bill, and I would consider supporting amendments to S. 2290 if the Senate has an opportunity to fully debate this legislation.

However, I am very concerned about shortcomings in the current system, and support legislating a bipartisan solution that offers a fairer, more efficient process for compensating asbestos victims. For this reason, I voted for cloture on S. 2290 in an effort to move the debate forward.

HONORING OUR ARMED FORCES

SERGEANT FELIX DELGRECO

Mr. DODD. Mr. President, I rise to pay tribute to Sgt. Felix Delgreco of the Connecticut Army National Guard, who was killed in action in Iraq on Friday, April 9, at the age of 22.

Sgt. Delgreco was the first Connecticut National Guardsman to be killed in Iraq. His unit, the C Company, 102nd Infantry, was based in Bristol and had been deployed in Kuwait since March. It had been in Baghdad for less than 3 days when Sgt. Delgreco was killed.

Felix Delgreco enlisted in the Guard in 1999, while he was still in high school. Before he went overseas this year, he had been deployed twice once on a peacekeeping effort in Bosnia in 2001, and once in 2003 to West Point for a homeland security mission.

Felix Delgreco was not ordered to go to Iraq. No one forced him to get on a plane. He volunteered. Felix Delgreco was an American patriot who wanted to serve his country and to help build a brighter future for the people of Iraq. He took it upon himself to make a difference in his community and in his world.

Felix Delgreco's friends say he was a friendly, outgoing young man who could fit in anywhere. He enjoyed writing poetry and playing music, and worked backstage during school plays at Simsbury High School. He was an Eagle Scout who took the values of leadership, service, and honor seriously. His cooking skills were well-renowned, both among his fellow scouts and among those who served with him in the Guard. He had dreams of one day running for President. From time to time, he would even plan out the details of his 2024 campaign with his friends.

Sgt. Delgreco was an individual whose warmth, enthusiasm, and spirit touched everyone around him. Perhaps his former scoutmaster, Richard Gugliemetti, put it best when he said, "Felix Delgreco made us all better people."

Felix Delgreco could have chosen many other paths in life. But he chose one of commitment, of duty, and of service. That was the kind of person Felix Delgreco was. And we are all forever in his debt for the tremendous sacrifice he made so that we can live in freedom and security.

I extend my deepest sympathies to Sgt. Delgreco's parents, Felix and Claire, to his entire family, and to everyone who was fortunate to know him.

TYANNA AVERY-FELDER

Mr. DODD. Mr. President, I rise in memory of U.S. Army SP4 Tyanna Avery-Felder, of Bridgeport, Connecticut, who was killed in the line of duty in Iraq. She was 22 years old.

Specialist Avery-Felder, who served as a cook with the Army's Stryker Brigade, based in Fort Lewis, WA, died on April 6, 2004, 2 days after her convoy was hit by an improvised explosive device in Mosul, Iraq. She is the first woman from Connecticut to be killed in Iraq since the United States began military operations there in March 2003.

Tyanna Avery-Felder's death is a sobering reminder to all of us, and particularly to people in my home State of Connecticut, that the brave members of our Armed Forces who are risking their lives for us overseas are no longer simply sons, brothers, and fathers. They are daughters, mothers, and sisters, as well.

Specialist Avery-Felder was not the only soldier in her family. She was married to U.S. Army SP4 Adrian Felder. The couple met while they were both completing their basic training in Fort Lewis, and they were married on December 20, 2002, just a few months before the war in Iraq began. Both of them knew of the commitment, risk, and sacrifice inherent in military service. But it was Tyanna who was called to serve overseas in Iraq. And it was she who would make the most powerful sacrifice of all.

Tyanna Avery-Felder was a graduate of Kolbe Cathedral High School in Bridgeport, where she enjoyed playing basketball and singing in the gospel choir. She spent 1 year at Southern Connecticut State University before enlisting in the Army. She was determined to be a teacher for young children when she finished her military service.

Tyanna was a driven, goal-oriented young woman whose mind was hard to change once she made it up. And she was the kind of soldier who inspired her drill instructor at boot camp to compliment her on her toughness. But Specialist Avery-Felder also had a kind heart, and a loving relationship with her parents and her husband.

All of us in Connecticut and across America owe a deep and solemn debt of gratitude to Tyanna Avery-Felder and to her family for her service to our country. On behalf of the U.S. Senate, I offer my deepest condolences to Tyanna's husband Adrian, to her parents, Ray and Ilene, and to everyone who knew and loved her.

BUSH ADMINISTRATION'S ENVIRONMENTAL ROLLBACKS

Mr. LEAHY. Mr. President, today is supposed to be a day to mark the importance of protecting the environment. And thankfully, many people are. But though we are all marking the day, the only people celebrating are industry CEOs and lobbyists.

The Bush administration's laser-like focus on rolling back our environmental and public health protections is breathtaking, literally. The rollbacks are dirtying our air and destroying the health of the planet.

Instead of packing the agencies responsible for the environment with environmental stewards as you would expect, the administration has focused on creating a public relations firm under the guise of the Environmental Protection Agency.

It's been a busy PR firm: announcing environmental rollbacks on Fridays or around holidays when they think the American public is not paying attention, assigning green names to destructive policies, scrubbing regulatory actions to downplay public health risks to meet their political needs and flat out ignoring scientific facts are just a few of their favorite marketing tools.

But for all their public relations maneuvering, the public recognizes the enormous and long-term effect of these policies on our environment and our health. This PR campaign is being led by the very people the administration is supposed to be policing: industry representatives often at the heart of the most egregious environmental neglect. The administration's lates rollback has the fingerprints of lobbyists all over it, the Bush retreat from strong mercury controls at coal-fired power plants.

Unfortunately, the "swoosh" from the revolving door between industry lobby shops and the Bush administration has now spilled over to the Federal bench. The Bush administration recognizes that the courts have become the final backstop against their environmental rollbacks, blocking Bush attempts to gut the Clean Air Act, Clean Water Act and protection of our national monuments.

The courts have ruled against Bush arguments to weaken the National Environmental Policy Act and the Endangered Species Act 80 percent of the time. The Bush solution, give anti-environmental, unqualified industry lobbyists lifetime judicial appointments.

The debate over William Myers, a former cattle and mining industry lobbyist, may be one of the most important environmental debates we have this year. Unlike the Bush industry appointees to Federal agencies, Mr. Myers' effect on environment and public lands would survive long past this Presidency. As I have said many times, the environment is not a partisan issue but this administration has made it clear that industry interests trump the public interest.

GOVERNOR FRANK B. MORRISON

Mr. HAGEL. Mr. President, Gov. Frank Morrison was quoted in the December 5, 1975 Lincoln Evening Journal:

> As long as Frank Morrison's alive, I'll never retire, even though I'm flat on my back. There are too many problems in this world which need attention.

Much has already been said about the late Gov. Frank B. Morrison and his remarkable life. However, I would like to add a couple of thoughts from the perspective of a Nebraskan, a U.S. Senator, and a Republican.

The first time I had the opportunity to meet Frank Morrison, I was a young radio station reporter in Omaha during the 1970 Nebraska Senate campaign. In my first interview with him, I was drawn to his passion and sense of purpose. Frank Morrison believed he could make the world better—and he succeeded. His political career and life were about enhancing the world around him and solving problems.

Frank's dedication to Nebraska was, and still is, seen and felt statewide. As Governor, he and his wife Maxine encouraged Nebraskans to take pride in their State. It was his vision and pride in Nebraska that eventually led to the completion of the Great Platte River Road Archway spanning Interstate 80 outside of Kearney. He was dedicated to recognizing Nebraska's role as an important crossroads in the Nation's development and westward migration.

I stayed in touch with Frank over the years, but it wasn't until I came to the Senate in 1997 that I communicated with him on a regular basis. He would write or call me, offering suggestions, observations, and thoughts on issues of the day. I last spoke with him a week after Maxine's death when Frank knew he had very little time left. In our last conversation, he never once mentioned his battle with cancer, his pain, or his impending death. Our conversations were always about the future.

I told my Senate colleague and Frank's former colleague, Senator FRITZ HOLLINGS (D-SC), that Frank did not have much time left. Frank and FRITZ were Governors together during the 1960s. I gave FRITZ Frank's phone number and he called him. They had a wonderful 45 minute conversation as they said their last goodbyes.

Frank Morrison was a remarkable man for many reasons. The ultimate compliment that can be paid to any of us at the end of our lives fits him well—he left the world better than he found it.

Frank's unyielding commitment to his family, State, and country is a model for all Nebraskans. He was a dedicated public servant who inspired others through his personal conduct and respect for others. All of Nebraska thanks Governor Frank and Maxine Morrison for their contributions to our State and humanity.

Mr. HOLLINGS. Mr. President, this week the citizens of Nebraska lost a legend with the passing of Governor Frank Morrison, and I rise to recognize my plain-spoken friend of 45 years.

When I was Governor of South Carolina, Frank became Governor of Nebraska, and I have admired him ever since. We spoke earlier this spring, and his mind was as sharp at age 98, as it was at age 58.

When I think of Frank I think of a man who knew how to get results. He was a progressive Governor, but also a fiscally conservative one. He implemented many changes, insofar as creating an educational television network and a statewide employee retirement system that modernized state government.

We will miss him, as we miss his wife Maxine, who just passed away last month. My wife, Peatsy, joins me in extending our deepest sympathy to their family.

Mr. NELSON of Nebraska. Mr. President, I rise today to honor a great Nebraskan, a statesman, and a friend—former Governor Frank Morrison.

On Monday, Frank Morrison passed away in McCook, NE.

For a boy growing up in McCook, Frank Morrison was more than a governor to me, he was a role model. The Morrisons were friends of my family and I still remember delivering my first May Basket to Jeanne Morrison at the age of five. Maxine Morrison was my kindergarten teacher and Frank was my mentor in my early years in Nebraska politics.

I would often talk to him about the issues of the day and he was always candid and fair in his advice. We didn't always agree, but Frank never let politics become personal. He had big dreams and big goals, but they were always practical and they became possible through his dedication. He worked with folks on both sides and he got a lot done because he understood that rhetoric and partisan passions were less important than making progress. He was a democrat and he loved the Democratic Party. But he loved Nebraska more. Nebraska was always, ALWAYS, first in his mind.

Althought not a native Nebraskan, he loved this state as much as anyone and, in every sense of the word, was a statesman. He was as synonymous with Nebraska as the Sandhills, the Panhandle, the Platte, and the Huskers. All Nebraskans owe Frank Morrison a debt of gratitude for the leadership and partnerships he offered us over the years.

Just last year, we had an illustration for the kind of regard in which Frank was held. Last September, the Chancellor of the University of Kearney, Dough Christenson, presented Frank with an honorary degree. The degree recognized Frank's more than seven decades of public service and his tireless advocacy for Nebraska. Frank said that it was the greatest day of his life, except the day his wife Maxine said "yes". Truly a well-deserved honor for a beloved Nebraska statesman.

I would be leaving something out if I didn't also talk about Frank's sense of humor. His wit was legendary in Nebraska and it was undiminished even in his final days. I remember, just after one of my first elections—a very close primary race, I spoke with Frank and he told me about one of his first races.

He had been nominated to the local school board by both parties. And he said he lost to a write-in candidate.

But losing an election didn't bother Frank. He was dedicated to public service and to promoting Nebraska.

He brought pride to our State and he was a tireless advocate of the natural wonders of a State that he had not been born in, but that he called home.

Frank was 98 years old when he passed and that is a long life by anyone's standards. But the measure of his accomplishments is longer still.

Just a little over a month ago, Frank's beloved wife Maxine passed away. The loss of these two Nebraska legends had signaled, perhaps, the end of an era. They have left a void that will be very difficult to fill, but they have also left a legacy and a love of Nebraska and his country that will likely outlive us all.

I conclude with some words from the McCook Daily Gazette, the daily paper from the hometown Frank and I share:

"Frank had a grand vision, but he was also a down home person who loved his family, his adopted hometown, the people of Nebraska and this nation and this world.

"We will miss you, Frank. But we are very, very glad you lived such an abundant life. Thank you for living with purpose and passion. We will try, as best we can, to follow your example."

CELEBRATING EARTH DAY 2004

Mrs. FEINSTEIN. Mr. President, since the first Earth Day on April 22, 1970, we have celebrated this day as an annual occasion on which to examine our Nation's environmental policies.

Sadly, there is little to celebrate in terms of environmental protection this year and much to worry about.

Just last week, we learned that 474 counties throughout our Nation failed to meet air quality standards set by the Environmental Protection Agency. A total of 159 million people—more than half the Nation's population—live in these communities.

In my home State of California nearly 90 percent of State residents live in areas with unhealthy levels of smog. That means that 90 percent of Californians are at increased risk of asthma, reduced lung function and chronic lung diseases.

What is also alarming is that eight national parks, four of which are in California, contain excessively high levels of ozone.

Can you believe that the air in Yosemite, Sequoia, Kings Canyon, and Joshua Tree National Parks is harmful to your health?

And then there is the gravest threat to our environment and ultimately, our health—global warming. Climate change is the most important environmental issue facing us today.

I would like to take a minute now to talk about a likely impact of climate change that has not received very much attention—its effect on our water supplies.

The evidence is growing that climate change threatens water supplies throughout the western United States—and especially on the West Coast.

Just recently, researchers at the University of California at Santa Cruz analyzed the impact of global warming on Arctic Sea ice.

What they found was that higher temperatures will cause Arctic Sea ice to melt which will, in turn, reduce the west coast's water supply.

According to the Santa Cruz scientists' models, melting sea ice will create columns of warmer air that change air flow in the atmosphere and deflect storms and needed precipitation away from Western U.S. lands.

Forecasts indicate that Arctic Sea ice may shrink by up to 50 percent in summer months by the year 2050. This could have truly devastating consequences for our Nation's water supplies.

Under the UC-Santa Cruz researchers' models, in 2050, the West Coast, from southern British Columbia to southern California, could receive 30 percent less rain than it does now.

And this is not just a problem for California. The research models show that the melting ice could decrease precipitation as far inland as the Rocky Mountains.

The water infrastructure in the West, particularly in California, is already stretched to the limit this year. Even now we are struggling to provide enough water for our communities, farms, forests, fish, and wildlife. What would we do with 30 percent less precipitation?

The Santa Cruz study is not the only one forecasting reduced water supplies in the West. In fact, many global and regional statistical models agree that the West will see reduced snowpack as a result of rising temperatures.

Under those models, California and the West will receive more winter rain and less snow meaning two things for Western States—increased flooding in the winter and water shortages in the summer.

We are not talking about minor effects.

In February of this year, scientists at the Pacific Northwest National Laboratory forecasted reductions in snowpack of up to 70 percent in the coastal mountains over the next 50 years as a direct result of warming temperatures.

In the West, our water infrastructure is based on the gradual melting of snowpack throughout the spring and summer. A 70-percent decline in snowpack would be catastrophic.

The evidence is also mounting that climate change threatens not only our water supplies, but also global biodiversity.

A report published in the January edition of the British journal Nature estimates that 25 percent of Earth's plant and animal species will be wiped out in the next 50 years if global temperatures continue to rise as expected.

This means that more than 1 million of the estimated 5 million land species could face extinction within our children's and grandchildren's lifetimes.

It is time to take global warming seriously and reduce our greenhouse gas emissions. The consequences of delaying and deferring decisions are severe.

As a country with only 4 percent of the world's population, but which produces 25 percent of carbon dioxide emissions, the United States has a responsibility to act.

And yet, there are many steps we can take—steps which are broadly supported—that will help protect the environment.

For example, we should continue to promote the production and use of hybrid cars. A few simple steps such as opening up carpool lanes and municipal parking spaces to hybrid cars will encourage motorists to buy these environmentally friendly automobiles.

Congress should also act to bring corporate average fuel economy standards of light-duty trucks and SUVs in line with the requirements for cars.

This one action alone could save a million barrels of oil a day and prevent about 200 million tons of carbon dioxide from entering the atmosphere each year.

We also know that investments to improve the environment like these pay off.

A study released by the President's Office of Management and Budget last fall found that the social and health benefits of enforcing strong clean-air regulations were five to seven times greater than the costs of adhering to the rules.

The study estimated that, during the 10-year period from October 1992 to September 2002, between $120 billion and $193 billion were saved in reduced hospital stays, emergency room visits, premature deaths and lost workdays as a result of improved air quality.

Just as we have asked so many nations around the world to assist us in the war on terror and in securing and rebuilding Iraq, so, too, should we help those nations who want our assistance in addressing global environmental problems.

On this 35th Earth Day we are reminded here in the Congress of the importance of protecting the planet for future generations.

It is my hope that we will step up and meet this responsibility.

Mr. DURBIN. Mr. President, today marks the 34th anniversary of the designation of April 22 as Earth Day. It is fitting to contemplate the words of former Senator Gaylord Nelson of Wisconsin, who, in 1970, was instrumental in launching this now annual event. Thanks to his determination, what began as a nationwide "teach-in" on college campuses and in American communities to catalyze growing public awareness of ensuring a livable world, has become a traditional day devoted to raising public consciousness about our environmental stewardship responsibilities.

Senator Nelson observed that "(t)he real loser in man's greedy drive is the youth of this country and the world. Because of the stupidity of their elders, the children of today face an ugly world in the near future, with dangerous and deadly polluted air and water; overcrowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all. Since youth is again the great loser, perhaps the only hope of saving the environment and putting quality back into life may well depend on our being able to tap the energy, idealism, and drive of the oncoming generation."

Senator Nelson's reflections and the fact that today is Earth Day provide an opportunity to offer a special salute to the initiatives of a remarkable young native son of Illinois. Less than 3 miles away in the District of Columbia, within the shadow of this Capitol, hundreds of local volunteers led by a dynamic crew of young Illinoisans have spent the last 3 weeks tackling the tons of trash along the shores of the Anacostia and Potomac Rivers—soda cans and bottles, snack bags, styrofoam, and just about anything else you can imagine.

This Capital River Relief Project is spearheaded by Chad Pregracke, an industrious and impressive young man from East Moline, IL, who founded Living Lands and Waters, a non-profit organization to support his Mississippi River Beautification and Restoration Project to collect and recycle debris. Over the past seven years, Chad's work has expanded from the Mississippi River to include clean-up projects on the Illinois, Ohio, Missouri, and currently the Anacostia and Potomac Rivers. What began as a "one man and his dog with one boat" clean-up effort has grown to an eight-state, 56-community project with thousands of volunteers and an estimated 900 tons of trash removed from the waters and banks of several major American rivers.

Doug Siglin, Director of the Chesapeake Bay Foundation's Anacostia River Initiative, has partnered with Chad in the local effort. Numerous corporate backers, led by Koch Industries, have provided financial support for the project.

Many organizations host annual river clean-up projects along both the Potomac and Anacostia Rivers. However, this year's clean-up effort is different. For the first time, a 140-foot barge is being moved up and down both the Potomac and Anacostia Rivers, cleaning 30 miles of riverbanks. The barge serves as a temporary repository for all the garbage and materials collected from the rivers.

As of April 19, Chad, his crew, and volunteers have loaded the barge with 2,800 bags filled with trash, along with 746 tires, 25 55-gallon barrels, 12 shopping carts, 7 refrigerators, 6 messages in bottles, 3 water heaters, and 1 mannequin hand gathered from the banks and water. When the project concludes this weekend, all recyclable items will be taken to recycling facilities. Anything remaining will be taken to conventional landfills.

Chad has received numerous awards for his efforts, including an honorary doctorate degree from St. Ambrose University in Davenport, Iowa, the Jefferson Award for Public Service, and the Manhattan Institute of Public Policy's Social Entrepreneurship Award. He also has been featured in an array of publications including People, Time, Reader's Digest, Outside, Smithsonian, and Biography magazine, which included Chad in its "Top Ten Future Classics in America" issue. Several networks have highlighted Chad's work including CNN, the National Geographic Channel, MTV, and PBS.

In tandem with the clean-up drives, Chad's organization last year hosted 15 free, Big River Education Workshops from St. Louis, Missouri, to Davenport, Iowa, aboard a floating barge classroom. The workshops drew 295 teachers and river advocates, who then shared the knowledge and experience with the thousands of students whose lives they touch.

Although Chad and his crew will be returning to the Midwest soon, they will leave behind not only cleaner local river shorelines, but a bevy of fans inspired by the realization that one person's vision, combined with muscle and resolve, can make a real difference. I applaud Chad Pregracke and his team of Lisa Hoffman, Erick Louck, Tammy Becker, Chris Fenderson, and Kim Erndt.

Not only on Earth Day, but every day, I hope what they have set in motion for restoration of the historic waterways in our Nation's capital will be contagious.

We owe it to our children and our children's children to restore and preserve all of the priceless waterways throughout our country, which sustain the lives of many fish, birds, and other species, provide abundant recreational opportunities, and help support not only our economy but our precious earth, 70 percent of which is covered in water, the building block of life.

Mr. FEINGOLD. Mr. President, Wisconsin has inspired some of the greatest conservationists this Nation has ever known. Wisconsinites have had a powerful influence on the environmental movement. I now hold the Senate seat held by Gaylord Nelson, the founder of Earth Day, and a man for whom I have the greatest admiration and respect. I am pleased that Wisconsin can lay claim to the genesis of Earth Day, a day of national and international remembrance of the importance of our natural resources and a clean environment. I know that the people of Wisconsin, living in such a beautiful and ecologically diverse State, feel a special connection to our natural resources and share a long tradition of our State government achieving excellence in its conservation policies.

I want to take this opportunity to congratulate Gaylord Nelson, a former member of this body and a distinguished former Governor of the State of Wisconsin, and a recipient of the Presidential Medal of Freedom, for changing the consciousness of a nation. He is the living embodiment of the principle that one person can literally change the world.

During his 18 years of service in the Senate, Gaylord Nelson brought about significant change for the "greener" in both our Nation's law and the institution of the Senate itself. He is the coauthor of the Environmental Education Act, which he sponsored with the senior Senator from Massachusetts, Mr. KENNEDY, and the Wild and Scenic Rivers Act, and he sponsored the amendment to give the St. Croix and the Namekagon Rivers scenic protection. In the wake of Rachel Carson's book "Silent Spring," Gaylord Nelson, along with Senator Philip Hart of Michigan, directed national attention to the documented persistent bioaccumulative effects of organochlorine pesticides used in the Great Lakes by authoring the ban on DDT in 1972. He was the primary sponsor of the Apostle Islands National Lakeshore Act, protecting one of northern Wisconsin's most beautiful areas.

And Senator NELSON, of course, was the founder of Earth Day. Thanks to him, here we are, 34 years later, taking time out of our lives to think about conservation. Earth Day is an event which in addition to changing the environmental consciousness of the country literally stopped the Senate. Members of both bodies voted to adjourn their respective Houses in the middle of the legislative week to attend Earth Day events, an adjournment that would be extremely rare today. Here in this body, the CONGRESSIONAL RECORD indicates, at 3:31 pm. on Tuesday, April 20, 1970, our colleague the senior Senator from West Virginia, Mr. BYRD, adjourned the Senate until Friday, April

23, 1970. In the other body, Chamber action was adjourned from the middle of the day on April 21, 1970, the actual date of the first Earth Day, through April 23 of that year.

In addition to Gaylord Nelson, the list of Wisconsin environmentalists includes Sierra Club founder John Muir, whose birthday is the day before Earth Day. Also notable is the writer and conservationist Aldo Leopold, whose Sand County Almanac helped to galvanize the environmental movement. Finally, Wisconsin also produced Sigurd Olson, one of the founders of the Wilderness Society.

Conservation is part of our culture in Wisconsin, and the people Wisconsin are very environmentally savvy. Every year I hold a town hall meeting in each one of Wisconsin's 72 counties, and protecting the environment is a top issue.

Earth Day has become an important part of who we are. From Milwaukee, WI, to Mumbai, India, millions of people across the world are taking Senator Nelson's legacy to heart. They are volunteering this weekend to conserve the environment—whether it is in their backyard, local river, or park.

I hope that on this Earth Day 2004, the Congress will re-dedicate itself to achieving the bipartisan consensus on protecting the environment that existed for nearly two decades. The Clean Water Act, for example, passed the U.S. Senate in 1971 by a vote of 86 to 0. When President Nixon vetoed it, the Senate overrode his veto, 52 to 12. The Endangered Species Act, which is under such attack right now, was passed by the Senate on a 92 to 0 vote in 1973.

Unfortunately, during the course of this congressional session we have faced numerous proposals to roll back the environmental and health and safety protections upon which Americans depend. From clean water to clean air, the list of environmental rollbacks is stunning and disturbing. We need to work together to protect the environment, not revert to the times when we saw the Cuyahoga River catch fire, when at least one of the Great Lakes was considered "ecologically dead," and when dumping of toxic wastes into rivers was standard operating procedure.

In the upcoming months, I hope that Wisconsinites and citizens across America use this Earth Day to collect their thoughts and voice their opinions about pending Federal legislation and its impact on the environment. Wisconsinites value a clean environment, not just for purely aesthetic or philosophical purposes, but because a clean environment ensures that Wisconsin and the United States as a whole remains a good place to raise a family, start a business, and buy a home. It is important on this Earth Day 2004 that we keep the need for strong environmental laws in mind. Let's continue to move forward, not roll back.

Mr. THOMAS. Mr. President, I am pleased to share my views about the environment on Earth Day. I know many Members in this body support efforts to clean up our environment.

Earth Day 2004 is the ideal time to recognize just how much our environment has improved. Over the last 3 years, the focus has been on results—making our air, water, and land cleaner. To get to that point and to keep improving in the future, we need to employ the best science and data available for decision-making. Our policies should encourage innovation and the development of new, cleaner technologies.

We should continue to build on America's ethic of stewardship and personal responsibility through education, volunteer opportunities, and in our daily lives. Opportunities for environmental improvements are not limited to Federal Government actions. States, tribes, local communities, and individuals must be included.

Over the last 30 years, our Nation has made great progress in providing for a better environment and improving public health. In that time, our economy grew 164 percent, population grew 39 percent, and our energy consumption increased 42 percent. Yet air pollution from the six major pollutants decreased by 48 percent. In 2002, State data reported to EPA showed that approximately 251 million people, or 94 percent of the total population, were served by community water systems that met all health-based standards. This number is up from 79 percent in 1993.

Others areas of the environment can also be improved. I have introduced legislation to clean up old abandoned mine sites. While we have done a good job in addressing this problem, we can do better. I have a very simple solution to deal with this problem that will make our communities safer.

The United States is holding $1 billion of money due States and tribes to clean up abandoned sites, and deal with problems associated with coal mining activities. The money has already been collected and allocated, but not yet appropriated. There is no justification for Congress to continue to hold this money. States are pleading for help to fix abandoned mine problems that will make communities safer and healthier for their citizens. It is unfortunate their pleas are being disregarded.

This is a specific issue where we can make a huge dent in the problem today, right now. I ask Members to listen to the pleas of communities and immediately appropriate the $1 billion due States and tribes. If my colleagues care about the environment and want to clean up these cities, join me and we will get that money released.

Let's show the American public that statements made in support of the environment are not political rhetoric and truly reflect the positions and feelings of Members. We can get this done today, and I ask each of you my colleagues to join me in making this happen on Earth Day 2004.

There is no doubt that environmental progress is continuing. The facts are unequivocal: Today the Nation's environment is cleaner and healthier than it was 3 years ago. We are getting results more quickly and more substantially by reforming outmoded, command-and-control mandates that hinder environmental progress. We have been able to accomplish this with innovative, market-based approaches that harness the power of technology to achieve maximum environmental benefits.

TRIBUTE TO THE LATE SENATOR THOMAS WARD OSBORN

Mr. GRASSLEY. Mr. President, today I would like to speak of a man who was instrumental in the completion of the Washington Monument, a former Senator from Florida, Thomas Ward Osborn. The cornerstone of the Washington Monument was laid July 4, 1848, but the monument itself was not completed and opened to the public until October 9, 1888. The construction of the memorial was stopped in 1856 due to the Civil War, a lack of funding, and political difficulties within the Washington Monument Society.

Senator Thomas Ward Osborn was instrumental in passing the legislation required to complete the monument after the Civil War. Many were reluctant to finish funding the project because of technical issues related to the construction and the perception among some that it was a waste of money. S. 245, a bill to secure the completion of the Washington and Lincoln Monuments, was introduced on the Senate floor by the Honorable Thomas Ward Osborn on April 1, 1869. Through Senator Osborn's efforts, this legislation was enacted and construction of the Washington Monument quickly resumed. The design of the monument was altered to remove much of the embellishment in the original design and the result was the 555 foot obelisk that is so recognizable today as the symbol of an exceptional man and an exceptional Nation.

Senator Thomas Ward Osborn was motivated out of a sense of patriotism and a desire to create a permanent reminder for posterity of the character of George Washington. It is important for citizens to retain a link to their country's origins in order to fully engage in civic life in the present. To understand the exceptional nature of Washington's character is to understand the exceptional nature of the United States as a Nation.

I believe that Senator Thomas Ward Osborn deserves recognition for his vital efforts in seeing to the completion of the Washington Monument. In fact, I have written to the Department of the Interior urging that some form of recognition, such as a plaque, be provided to remind visitors of Senator Osborn's efforts. It is my understanding that the regional director for the Park Service National Capitol Region has since directed the chief of Visitor Services to research Senator Osborn's efforts and share that information with the park rangers whose job it is to help interpret the monument for visitors. The late Senator Thomas Ward Osborn played a key role in seeing that George Washington received the recognition he deserves, and now it is my hope that Senator Osborn will receive the recognition he deserves.

89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, this year I once again come before the Senate to pay tribute to those who lost their lives or were forced from their homeland as a result of the horrific genocide perpetrated against the Armenian people from 1915 through 1923. During those years, the Turkish Ottoman government used the outbreak of World War I as a pretext for subjecting its citizens of Armenian descent to deportation, abduction, torture, massacre, and starvation. The land on which some of the Armenians had lived for generations was expropriated from them. It is imperative for the American people and for people around the world to commemorate this tragedy, with the hope that by remembrance we will advance the day when the world will no longer witness such horrors.

Over one million Armenians perished as part of a deliberate campaign of murder in the waning days of the Ottoman Empire. Armenians, given that they were neither Turks nor Muslims, were treated as threats, even though the Armenians had been exemplary citizens and had lived together peaceably with their Turkish neighbors for centuries. April 24th is the date chosen to commemorate this genocide, since it was on that day in 1915 that government leaders rounded up 300 Armenian leaders, writers, thinkers and professionals for their deportation and for many, their deaths. While the preeminent members of the Constantinople's Armenian community were being rounded up on that day, 5,000 others were slaughtered in their homes and on the streets.

Many Western, democratic nations became aware of the ruthless targeting of the Armenian population yet did not act to stop it. In May 1915, Great Britain, France, and Russia advised the Turkish leaders that they would be held personally responsible for this crime against humanity. Later that year, Henry Morgenthau, the American Ambassador to the Ottoman Empire, cabled the State Department saying, "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion." His successor, Abram Elkus, wrote in 1816 that, ". . . unchecked policy of extermination through starvation, exhaustion, and brutality of treatment hardly surpassed even in Turkish history."

In addition to the government records decrying the events in the Ottoman Empire, historians have been able to record the memories of the victims. It is important to share these stories, to ensure that the subsequent generations can truly understand the appalling conditions under which their ancestors both perished and survived. The Genocide Project, an effort by the San Francisco Bay Area Armenian National Committee, has done a remarkable job of compiling oral and visual documentation from some of the survivors.

Edward Racoubian told the project how when, "We reached the Euphrates River and despite the hundreds of bodies floating in it, we drank from it like there was no tomorrow. We quenched our thirst for the first time since our departure. . . . Of a caravan of nearly 10,000 people, there were now only some 300 of us left. My aunt, my sisters, my brothers had all died or disappeared. Only my mother and I were left. We decided to hide and take refuge with some Arab nomads. My mother died there under their tents. They did not treat me well—they kept me hungry and beat me often and they branded me as their own."

"Sometime later, Turkish gendarmes came over and grabbed all the boys from 5 to 10 years old. I was about 7 or 8. They grabbed me too," Sam Kadorian said. "They threw us all into a pile on the sandy beach and started jabbing us with their swords and bayonets. I must've been in the center because only one sword got me . . . nipped my cheek . . . here, my cheek. But, I couldn't cry. I was covered with blood from the other bodies on top of me, but I couldn't cry. If had, I would not be here today."

I believe the highest tribute we can pay to the victims of a genocide is by acknowledging the horrors they faced and reaffirming our commitment to fight against such heinous acts in the future.

In commemorating the tragedy of the genocide today, I would also like to recognize the fact that yesterday Canada's House of Commons, took the courageous step of officially recognizing that the events initiated on April 24, 1915, were in fact a genocide and crime against humanity. It is my hope that all people of goodwill will join in calling this tragedy by its correct name—a genocide. I hope that our colleagues will join me in commemorating this tragedy and vowing to honor and remember the innocent victims of the Armenian genocide.

Mr. REED. Mr. President, I rise today with my colleagues, my fellow Rhode Islanders, and our Armenian American community to observe the 89th anniversary of the Armenian Genocide.

At this time, it is fitting that we reflect on this tragic event in order to ensure that future generations remember and learn from the pain and suffering of those who came before us.

The Armenian Genocide was a demonstration of evil. From its genesis on April 24, 1915, through the end of 1923, nearly one and a half million Armenians were killed and over a half a million survivors exiled.

All the while, the United States Government, too busy trying to defeat the Austro-German alliance and attempting to stay out of a war in Europe, ignored these atrocities. The United States Ambassador to Turkey, Henry Morgenthau, Sr., attempted to bring the tragic string of events to a climax, pleading with both President Wilson and Secretary of State Robert Lansing to get involved. Former President Theodore Roosevelt, frustrated by a lack of response from his own government, petitioned President Wilson on 24 November 1915, saying "Until we put honor and duty first, and are willing to risk something in order to achieve righteousness both for ourselves and for others, we shall accomplish nothing; and we shall earn and deserve the contempt of the strong nations of mankind."

Unfortunately, the Armenian genocide was only the first of several 20th century tragedies—the Nazi extermination of the Jews and others during the Second World War; Pol Pot and the Khmer Rouge's slaughter of nearly two million Cambodians in the mid-1970s; the Hutu massacre of the Tutsis in Rwanda in the summer of 1993; and, at the same time, the Serbian annihilation of Bosnian Muslims in Bosnia from 1993 to 1995.

Thus, as we reflect on this atrocity, let us call for our own country to recognize the Armenian Genocide, just as my own State of Rhode Island has done, and as the parliaments of Belgium, Canada, Cypress, France, Greece, Italy, Lebanon, Russia, and Sweden have done over the past 6 years. Let us also pledge never to ignore atrocities by those who claim the legitimacy of government. We must never ignore and we will never forget.

IN SUPPORT OF S. RES. 330

Mr. FEINGOLD. Mr. President, I rise to express my support for S. Res. 330, which expresses the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries, OPEC, cartel and non-OPEC countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

I am proud to again be a cosponsor of this resolution. In the 106th Congress, I was a cosponsor of a virtually identical resolution along with, among others, the current Secretary of the Department of Energy. Unfortunately, the need to stand up to OPEC is even more pressing today than it was two Congresses ago.

Ensuring access to and stable prices for imported crude oil for the United States and major allies and trading partners of the United States is vital to United States foreign and economic policy. Regrettably, the 2004 OPEC production cuts have resulted in outrageous increases in oil prices. The eleven countries that make up OPEC produce 40 percent of the world's crude oil and control three-quarters of proven reserves, including much of the spare production capacity. When OPEC instituted its production cut in February 2004, it reduced production by 2,000,000 barrels per day. From February to March 2004, crude oil prices have gone from $28 per barrel and now exceed $38 per barrel.

High gasoline prices are inextricably linked to high crude oil prices. And these high oil and gas prices hurt Americans across the Nation and from all walks of life. Farmers, teachers and small business owners are among those getting hit hard by these skyrocketing costs. For gasoline, the increases in crude oil prices have resulted in a pass-through of cost increases at the pump to an average national price of $1.80 per gallon. These are the highest gas prices we have seen in 13 years.

We cannot allow this foreign oil cartel to wreak havoc on our economy. The President should use diplomatic pressure to urge OPEC to increase production. The actions of this cartel have real consequences for Americans. And in an already shaky economy, high oil and gas prices can put working families over the financial edge.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

A lesbian couple was assaulted by a group of men and women outside a Scottsdale, AZ, bar on April 4, 2004. The assailants called the couple derogatory names and beat one of the women and ripped the other woman's dress and then took photographs of her exposed breasts.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

Mr. DURBIN. Mr. President, I rise today to ask my colleagues to join me in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases, PIDD, are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenuous immunoglobulin, IGIV. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because of a family in my State, the Jones family, whose daughter, Emma, was born with common variable immune deficiency, CVID, and hypogammaglobulinenimea. Emma has no immune system and relies on IGIV infusions every month to keep her alive. Emma, 9 years old, is a patient at Duke University Medical Center, and is hoping to be a candidate for a stem cell transplant. Emma's mother, Jill, also has CVID and receives IGIV infusions. The Jones family has become active volunteers for the Immune Deficiency Foundation, to help other families facing PIDD in my home State of Illinois.

I would also like to tell you about another courageous family in my State, the Berryhills, who became foster parents to an infant that was finally diagnosed with severe combined immune deficiency, SCID, or bubble boy syndrome. Their son, who they want to adopt, would have died if Zina and Ray Berryhill did not persist in finding out why he was dying before their eyes. Their son was finally diagnosed with SCID, and the cure for him is a bone marrow transplant. Unfortunately, they have not been able to find a match, due to the shortage of African Americans on the Marrow Donor List. Zina Berryhill continues to hold bone marrow drives, and keeps her son isolated, except for his frequent trips to the hospital for his IGIV infusions. The Berryhill family has also become active volunteers for the Immune Deficiency Foundation.

Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

I commend the Immune Deficiency Foundation for its leadership in this area and I am proud to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

FIVE-YEAR ANNIVERSARY OF COLUMBINE

Mr. LEVIN. Mr. President, this week marks the 5-year anniversary of the tragic shooting of 12 students and one teacher at Columbine High School in Littleton, CO. The very mention of Columbine High School strikes a nerve with the American public. It reminds us of that horrendous scene of terrified children running from their assailants as SWAT teams descended on their school.

Earlier this week, students, parents and residents of Littleton gathered at Columbine High School to remember those who died and renew their commitment to address school violence. The anniversary brought back painful memories. Michael Shoels, the father of student Isaiah Shoels, who was killed in the shooting, told the Associated Press, "It's most definitely something I think about every day but, you know, we can't wallow in victimhood. Under the circumstances, we need to get out there and do something about it."

In response to this massacre, many schools have implemented security measures such as posting in-school police officers, installing security cameras and metal detectors, and developing emergency response programs. But a recent report from the National School Safety and Security Services, a firm specializing in school security and school safety for K–12 schools, found an increase in school-related violent deaths in the 2003–2004 school year. According to the report, there have been 43 violent deaths nationwide this school year, more than the previous 2 years combined and more than any school year prior to Columbine. In addition, there have been more than 60 non-fatal shootings this year and more than 160 other incidents of high-profile violence, such as stabbings and riots. This is simply not acceptable.

Despite continued school violence, the President has not led on this issue and Congress has also failed to enact sensible gun safety laws that could help to turn the tide. In fact, President Bush's budget proposes eliminating funding for the COPS school resource officer program. We have yet to close the gun show loophole, despite bipartisan support in the Senate. And, while the President has said he supports reauthorizing the assault weapons ban and a bipartisan majority in the Senate is on the record supporting reauthorization there are no plans to consider this important legislation before it expires on September 13 of this year.

America's schools need our help and these are simple, commonsense steps we can take to improve school safety. I urge my colleagues to close the gun show loophole, keep the ban on assault weapons, and restore funding for COPS school resource officers. As the end of another school year approaches, the push to enact sensible gun safety legislation must continue.

100TH ANNIVERSARY OF THE AMERICAN LUNG ASSOCIATION

Mr. DURBIN. Mr. President, I am pleased to rise today recognizing the 100th anniversary of the American Lung Association.

For a century, the American Lung Association has been addressing some of the Nation's most pressing health issues. In 1904, a dedicated and hardworking group of physicians, nurses, and volunteers came together with the goal of eradicating tuberculosis. The result was one of the Nation's oldest community-based, voluntary health organizations, and its fight against tuberculosis has produced amazing results throughout the 20th century.

When the American Lung Association realized there was a new and dangerous problem facing the Nation—that of chronic lung disease—it began to shift focus away from TB and toward healthy lungs. Soon, the Lung Association had one of the most extensive programs for fighting lung disease in the Nation.

Using a multi-faceted approach, the American Lung Association works in the areas of research, education, and advocacy. It has courageously battled tobacco companies for the past 40 years, though its position was not always a popular one. Furthermore, the Lung Association, concerned about environmental factors such as air pollution, was a leader in passing the 1970s Clean Air Act.

Our Nation is a better place and our families are healthier because of the work of the American Lung Association. I am proud to congratulate the association, and I ask my colleagues to join me in formally acknowledging their fine work.

ADDITIONAL STATEMENTS

TRIBUTE TO THE CITY OF ASHLAND, KY

• Mr. BUNNING. Mr. President, today I would like to take the opportunity to congratulate the leaders in Ashland, KY who contributed to the downtown revitalization of the city. Ashland was one of 31 cities in Kentucky that received national recognition for its efforts in historic preservation on Tuesday, April 20, 2004.

First Lady Laura Bush presented the Preserve America recognition award to Ashland Mayor, Steve Gilmore, and Main Street Board President, Larry Jones. The initiative recognizes communities that protect and celebrate their heritage, use their historic assets for economic development and community revitalization and encourage people to experience and appreciate historic resources through education and tourism programs.

Of the 65 "Preserve America" U.S. communities that the First Lady Laura Bush has designated, 31 are in Kentucky. In President Bush's proposed budget for fiscal year 2005, he included $10 million for Preserve America communities. Ashland will be eligible to compete for some of the money Congress appropriates.

The large number of Kentucky communities honored by the First Lady shows how important preservation is in Kentucky, and I commend these communities for their hard work and dedication to the various projects. I join all Kentuckians in congratulating Mayor Gilmore and the city of Ashland on their beautiful downtown revitalization.•

RECOGNITION OF DANIEL T. BRANTON

• Mr. COCHRAN. Mr. President, I am pleased to commend Daniel T. Branton of Leland, MS, for his distinguished service as president of Delta Council this year.

Delta Council is an economic development organization representing the 18 Delta and part-Delta counties of Northwest Mississippi. Organized in 1935, Delta Council has worked to bring together the agriculture and business leadership of the region to focus on the challenges which face the economy and the people of the Mississippi delta.

Ad president of Delta Council and a farm leader, Dan has been a strong proponent of maintaining the agricultural policies which were adopted in the 2002 Farm Law. As a representative voice of farmers from the Delta region which produces more than $3 billion of agricultural goods annually, Dan's advice on matters affecting agriculture has been invaluable to me and my staff as we attempt to address those issues which will ensure the future viability of American agriculture.

Dan has been a strong proponent of Delta Council's programs in education and health care. During Dan's year as president, the teacher shortage programs which evolved from earlier Delta Council policies have expanded in a way that is having a meaningful impact on the problem of attracting school teachers to rural areas.

I am pleased that I have had the opportunity to work with Dan and Delta Council to make certain that special health care needs in areas such as the Mississippi Delta, where there is a large underserved population, have been enhanced. Through Delta Council's efforts to establish the Delta Health Alliance, a new Federal and local partnership is now producing extraordinary outcomes. In the area of transportation and water resource improvement, Dan has coordinated the activities of Delta Council in a manner which has brought local consensus to very touch issues facing the Delta's economic future. Dan has been a leader in all aspects of Delta Council's work while maintaining a successful family farming operation.

Dan has also been a leader in his community. He currently serves as president of Burdette Gin Company and is a director of Leland Compress. He is also a delegate and has served as a director of the National Cotton Council. Dan serves on the Black Bayou Drainage Commission and is a former member of the Advisory Board for the Mississippi Department of Agriculture and Commerce.

I congratulate Dan Branton for his contributions to the Delta region, the State of Mississippi, and the Nation. I look forward to his future contributions in improving the quality of life for our citizens.•

IN TRIBUTE TO JOHN PALMS

• Mr. HOLLINGS. Mr. President, John Palms, the former president of the University of South Carolina, will be honored this week with Mepkin Abbey's newly established Wisdom Award.

All of us in the Senate would be a little wiser ourselves to read the following article from the April 10 Charleston Post and Courier, on Dr. Palms. He is an inspiration to all that the American dream is alive and well. I ask that the article be printed in the RECORD.

The article follows.

[From the Charleston Post and Courier, Apr. 10, 2004]

JOHN PALMS—NUCLEAR PHYSICIST LEADS THE WAY IN SCIENCE, EDUCATION, RELIGION AND THE WORLD STAGE

(By Judy Watts)

"Learning humanizes character and does not permit it to be cruel" is the University of South Carolina motto.

The words also epitomize John Palms' philosophy, not only as the former USC president, but as a physicist and a human being.

Although his formal training is in nuclear physics, his life events have given him an educated perspective on physics' ambiguous nature, both in the weapons he designed and in the research, which had medical applications. As president of two universities, he fulfilled his destiny as an educator who believed in building not only well-educated people, but also people of character.

On April 24, Palms will be presented with Mepkin Abbey's newly established Wisdom Award, given for a lifetime of achievement based on the highest human aspirations. Since his years as a cadet at The Citadel, Mepkin Abbey has been a personal touchstone, a place where he has been able to focus and center his life.

John Palms has come a long way from the little dutch boy who fled a Hitler-terrorized Europe with his family.

MAKING OF THE MAN

It was 1939 and Hitler had invaded Poland. John Palms was 4 years old and sandbags were being piled on the front lawn in anticipation of war. Palms; father, deciding it was dangerous for the family to remain, concocted a story that they needed to travel to South America to buy wool for his underwear factory that supplied the Dutch military.

"The North Sea had been mined and there were severe restrictions about visas," says Palms.

The family took a train to Italy and from there a boat headed for South America. En route, a submarine stopped the boat and someone was taken off, says Palms.

"I remember commotion and crying. My father has 8-mm film of the submarine."

For seven months the family lived in Rio de Janeiro until they could obtain visas to continue on to New York, where they arrived in February 1940. They waited out the war there.

When Palms was 11, the family returned to Holland to get restitution for the family's damaged textile factory and haberdashery.

"We didn't want to go back because we were already Americanized."

Once in Holland, he and his siblings were faced with an academic hardship.

"We spoke Dutch in our house in New York, so when we went back I could speak Dutch but could not read a word of it.

"I was home-schooled for awhile and then tutored by the Jesuits."

At 14, he passed the comprehensive exam to get into St. Aloysius College at The Hague.

"I wasn't an outstanding student. I was excited about being in a different country. There was lots of talk about the war when we returned to Holland."

Palms heard firsthand stories of Buchenwald from his uncle who had been arrested for helping Jews escape from the Nazis.

"His own neighbor told on him and he was taken to Buchenwald. There was such fear that even if you knew about something and didn't report it, you were at risk. But he survived. Every time I see a German movie, I have to watch it, and I read anything I can find on the concentration camps and Buchenwald."

The taste of American culture so prevalent in postwar Hollard fueled the family's desire to return to the United States. In 1951, they came back and settled in Clearwater, Fla.

Palms graduated from Clearwater High School with no plans for the future.

"I decided to do nothing. I was over-Americanized by all the American movies where people raised themselves up by their bootstraps. I never got the message that you needed an education. I thought I would find some opportunity by being ingenious and creative."

His parents had not gone to college, yet his father had been a successful entrepreneur, a salesman who had bought one sewing machine, then another and another, and ended up with his own factory. Palms tried his luck first as a painter's helper, then as a plumber and first mate on a boat.

His nonplan didn't work out. When he and some friends heard about the great-paying automobile factory jobs in Detroit, they made the trip. A day after they arrived, there was a strike.

"That was a real semester of realizations for me."

Back in Clearwater, he ran into a friend who made a suggestion. It was a suggestion that set his life on a remarkable course.

"My buddy said I could go to St. Petersburg Junior College for $50. So, I borrowed $50 from my father."

Palms enrolled. He wanted to find out if he was capable of college work. Although he could read English, he read slowly. He pulled a C in English and did well in math and chemistry. Another suggestion from this brother was that he attend a military academy. Palms wrote to West Point and got a letter back saying he couldn't apply because he was not an American citizen. His citizenship was still two years away.

His older brother had heard about The Citadel.

"If I graduated as a distinguished cadet, I would get a regular commission and could become a pilot. The Citadel had just appointed a new president, Gen. Mark Clark, whom my dad thought was the most wonderful American. I applied to The Citadel and, sight unseen, I got in. Absolutely amazing; they must have been short of students that year.

"It was 1954. Dad drove me up to No. 2 barracks and saw those bars on the windows and in his Dutch accent said, "Zyahn'—he couldn't say the J—'you don't have to go here if you don't want to.' I told him it was exactly what I wanted; that I needed the discipline and the structure. I signed up for Air Force ROTC."

The plan was to get his business degree, gain his commission and become an Air Force pilot. He managed C's in English and history, but again excelled in math, science and German. He followed his strength and switched his major to physics. There were five students in the program. As planned, he graduated as a distinguished ROTC cadet.

"But I failed the eye exam, so I couldn't be a pilot. The head of the physics department and the ROTC called me in and said they would give me a commission anyway and send me to graduate school for one year. I chose Emory because they were on the quarter system and I could finish my master's in a year there."

ACADEMIA

Two days after graduating from Emory, he was married to Norma Cannon ("the most wonderful person I ever imagined finding"), and the next few years were filled with completing his master's, teaching physics at the Air Force Academy, getting out of the Air Force and completing his Ph.D.

He went to Los Alamos Scientific Laboratory in New Mexico, where he did his dissertation and designed nuclear weapons.

"Emory kept track of me and offered me to come back as a professor. We struggled with that. I had the opportunity to go to Stanford, but Southern ladies have to come back to the South, so we did. We had a 23-year career at Emory."

Palms worked his way through the ranks from associate professor to vice president for academic affairs more than two decades later, when he took a sabbatical. During the break, he received numerous calls from other universities that wanted him to come on board as president. Georgia State was his choice.

But he had barely settled in there when he got a call from a head hunter that the problem-ridden University of South Carolina wanted Palms as President. The decision to move was not easy and came only after a family weekend of soul-searching and discussion.

They arrived in Columbia on the Ides of March 1991. The first couple of years in Columbia were rough.

"All the qualities that are important at a university had been violated. And that affects hiring and tenure. The president is expected to be the role model. The faculty is, also. People don't understand the life of a university president. There is a moral authority," says Palms.

He wanted to return the university to its core: learning and the search for truth.

Within three years, USC's reputation was restored and the school was in a position to launch a major campaign. He and Norma traveled all over the country, cultivating and nurturing people who might contribute. They also developed a professional staff for financial development. Their goal was to raise $200 million. When he stepped down after 11 years, the couple had raised more than $500 million for the school.

During his tenure at USC, the SAT scores of incoming freshmen rose 150 points, hundreds of thousands in research grants were gained, and standards for hiring and tenure were raised in all 52 departments.

PHYSICS

Physics was the platform on which Palms built his career.

"All my life I have struggled with the place of modern physics in society and the morality of nuclear deterrence. Should we be using nuclear weapons to deter war?"

Palms has been chairman of IDA—the Institute for Defense Analysis—for five years and a member for 14 years.

"IDA was set up right after WWII to bring university talents into issues of national security," says Palms. "It started with the presidents of Harvard and MIT and a board of military people and former congressmen."

The group conducts independent analysis for the Secretary of Defense and for Congress.

"It (defense) can be so political, but this is really independent analysis. We do everything from evaluating and testing weapons systems to designing and forecasting."

The issue of fighter planes and mobile-force transformations from a Cold War world to present-day needs is now being studied.

"More coordination and use of equipment among the services is becoming an integral part of what we are doing now and in the future," says Palms. "We are heavily involved in homeland security right now, and we are also heavily involved in Iraq—the whole operation. We are mainly sitting there looking at what needs to be done and standing ready to do these studies."

IDA also works on advanced computer systems and mathematics for cryptology.

"You have the very best minds in the world to do this. Every two years, we take 20 of the very best Ph.D.s in universities and orient them to this work."

After two years of site visits and orientation, new members are assigned to a committee.

Palms became involved in IDA, in part, because he had developed systems at Los Alamos, and IDA needed somebody who knew about weapons. He also brought a firsthand perspective to what happened in Europe during World War II. He says he is always watchful for the signs of a similar situation emerging.

"When I was at Los Alamos (1963–66), I worked on weapons design and fundamental physics research, which could have been used for weapons development, or input to medicine, the environment, ecology or therapeutic medicine. So, even though funded by the Department of Defense, the results are there for the world to use the way it wants to. Just because the research is used in nuclear weapons, you shouldn't stop doing it because it is also used in all these other areas.

"There is the issue of a two-edged sword. As a scientist, you have the obligation to make the public aware and anticipate how the information should be used, whether it is proper to use it one way or another."

Such discussions of religion and science were a familiar topic that he and the late Cardinal Joseph Bernardin often considered.

"He wrote a commission report on the morality of nuclear deterrence (Time, Nov. 29, 1982, issue; titled "God and the Bomb"). You can justify only so much deterrence. If there had been no Russia and we had been the only nuclear power, we would have to be very careful. We are living in that kind of age now. You can't overuse your power. It must always be used in response to the threat. Where's the other threat?"

Palms first met Cardinal Bernardin while a cadet at The Citadel. His wife knew Bernardin as her teacher at Bishop England High School.

"He baptized our children. It's a funny world."

Palms is currently involved with neutrino research through USC and a consortium of 13 universities.

"Neutrino is one of the subatomic particles. People have been trying to find if it has mass or not. It might explain the missing dark matter in the universe. My role is that I built one of the first detectors. Those detectors have evolved. I'm trying to make a contribution and also helping to find funding for this. It will cost about $40 million to $50 million."

He also continues to teach physics classes at USC, including a lab course in which the class will conduct four Nobel prize-winning experiments.

Although he didn't continue in the Air Force, he is content that he is doing his part through IDA.

"This is almost better. This is my contribution to the country and to national security, and I'm happy to be able to serve my country."

THE HOME FRONT

Norma Palms describes her husband of 45 years as a great husband and father with a wonderful sense of humor.

"Everyone wants him full time, yet he never wants to take the credit for anything," she says.

Today, the couple divide their time between Columbia and their home in Wild Dunes. His retirement from USC has allowed more time for their grown children, Lee, John and Danielle, and nine grandchildren. Norma says they have looked forward to this time as a couple.

"The time to be with our children and grandchildren has been very special," she says. "We can take off and go see the grandchildren on their birthdays and for holidays. We couldn't do that before. We especially look forward to getting everyone together for family reunions here at the house."

The couple are very involved at their church, St. Thomas More, and served as honorary chairs for the church's recent 50th-anniversary celebration.

Mepkin Abbey also is part of their spiritual life. In fact, Palms sees a link between the abbey and finding Norma.

"When I was 21, I was ready to make a serious commitment to someone and went to Mepkin Abbey and prayed about that. I was trying to find out if I was doing the right thing with my life. Two weeks later I met Norma."

Today, the couple go to the abbey together, then they take different paths and read alone in the gardens.

"We contemplate our lives and come back together and get rededicated again. We think a lot of the brothers. Their spirituality has been important in our lives," says Norma.

Palms says he is honored to receive the Wisdom Award from Mepkin Abbey.

"I have a lot more years to live, and there are many people who have done a lot more for the state for a lot longer than I have. This is a wonderful honor from them."

Chairman of the award committee, Dr. Theodore Stern, says Palms was chosen because of his abilities as a team leader.

"He's very dedicated and has made a tremendous contribution to the academics of South Carolina. He is an outstanding individual and leader and has worked on so many education and government commissions," says Stern, "and his wife, Norma, also has been a leader."

Norma headed up the abbey's capital campaign.

"My whole heart was in that. I still hold them as No. 1 on my priority list," she says.

Palms credits Norma's outgoing personality with softening his technocratic tendencies.

"I'm made up of everyone I've ever met and known, but Norma is the biggest influence and the most important person in my life," says Palms.●

HONORING EAST BRUNSWICK HIGH SCHOOL'S SUCCESS IN "WE THE PEOPLE" PROGRAM

● Mr. LAUTENBERG. Mr. President, more than 1,200 students from across the United States will descend upon Washington, DC, from May 1–3, 2004, to compete in the national finals of the "We the People: The Citizen and the Constitution" program. This program, funded by the U.S. Department of Education, instructs our youth about the U.S. Constitution and the importance of civic participation by providing schools with textbooks that offer both historical information and critical-thinking activities.

I am proud to announce that students from East Brunswick High School in East Brunswick, NJ, have won my home State's competition and will represent New Jersey in our Nation's capital next weekend. I wish the following students, and their teacher Alan Brodman, the best of luck in the future and congratulate them on their hard work and inspiring civic advocacy: Kian Barry, Patrick Bell, Kathleen Cammidge, Jessica Castles, Jennifer Chen, Ryan Citron, Jenna Elson, Daniel Gartenberg, Scott Goldschmidt, David Goldstein, Kristen Hamaoui, Marc Mondry, Jason Noah, Eric Nowicki, Nicholas Parais, Greg Parnas, Jessica Rebarber, Joa Roux, Blake Segal, Jody Shaw, Andrew Silver, Jeffrey Smith, Daniel Temkin, Abraham Tran, Arin Tuerk, and Haiwei Wang.●

HONORING THE LIFE OF JUDGE GENE E. BROOKS

● Mr. BAYH. Mr. President, today I wish to pay tribute to the life of a distinguished public servant and a true friend, Judge Gene E. Brooks, who passed away Monday, April 19, 2004. His long life was filled with conscientious service and unwavering dedication to our State and Nation. The contributions he made to American jurisprudence, combined with the many lives he touched along the way, leave behind a positive legacy that will not soon be forgotten.

Judge Brooks began his career in public service by honorably serving our country with the United States Marines during the Korean War. He earned his undergraduate degree from the Indiana State Teachers College and went on to study law at the Indiana University School of Law. Judge Brooks practiced law as a prosecuting attorney and in private practice in Posey County, IN, from 1960 to 1968. He was then appointed to serve as the first full-time bankruptcy judge for the Southern District of Indiana, where he worked until 1979, when President Jimmy Carter appointed Judge Brooks as a United States District Court Judge. His nomination was forwarded to President Carter by my father, Senator Birch Bayh. Judge Brooks went on to become the Chief Judge of the Southern District in 1987.

The positive imprints Gene made upon the United States legal landscape came not only through his many judicial rulings, but also through his active role as advisor to the United States Congress, as well as his membership and leadership as former president of the National Conference of Bankruptcy Judges. In addition to his professional service, Judge Brooks was an active member of many community organizations, including the Indiana Legal Aid Society, the Kiwanis Club, Toastmasters, the Indiana State Museum Foundation, and the Evansville Petroleum Club. He was a Kentucky Colonel and a 32nd Degree Mason.

Judge Brooks is survived by his wife, Jan Darlene (Gibson) Brooks; his three sons, Gene E. "Geno" Brooks, Jr., Marc E. Brooks, Gregory A. Brooks; his daughter, Stephanie Jobe; his sister, Joyce Brochman; and his three grandchildren.

Judge Brooks was a man who walked with kings, but never lost the common touch. The citizens of the State of Indiana and the United States of America were well served by the life led by the Honorable Judge Brooks. Gene was a dedicated family man and public servant. He touched many lives over the course of his career and will be remembered as a loving husband, father, and an incredible leader.

It is my sad duty to enter the name of Gene E. Brooks in the official RECORD of the U.S. Senate. May God be with all who mourn his passing, as I know He is with Gene.•

WILLIAM SHAKESPEARE

• Mr. SMITH. Mr. President, I rise today to recognize the 440th anniversary of the birth of William Shakespeare in Stratford-upon-Avon. Shakespeare's name is undoubtedly the most recognized in English literature. Every one of us has spent time exploring the Elizabethan society and language through Shakespeare's dramas, poems, and sonnets. I remember with great enthusiasm the times I read Shakespeare or watched one of his plays. Who among us does not have their favorite line from one of Shakespeare's many works? Mine, which all of us in this chamber should pause to consider from time to time, comes from "Hamlet Prince of Denmark": "This above all: to thine own self be true, and it must follow, as the night the day, thou canst not then be false to any man."

His plays abound with all of the human emotions: love, jealousy, hatred, joy, envy, and are filled with the eternal themes of loyalty, betrayal, friendship, and revenge. He wrote of family strife, of the best laid plans gone awry, of tender love and bitter feuds. His themes transcend culture, nationality, and ethnicity. They are universal; and to this day are repeated time and time again throughout the world. From the American retelling of "Romeo and Juliet" in "West Side Story" to the Japanese adaptation of "King Lear" in "Ran," Shakespeare's cultural influence is virtually limitless. Was William Shakespeare a visionary? Or was he simply a keen observer, chronicling human relationships that have essentially remained unchanged in the four centuries since he lived?

We, in Oregon, are very fortunate to have the renowned Oregon Shakespeare Festival which has been presenting its namesake's works, as well as other classic and contemporary plays, for nearly 40 years. Some 380,000 people—Oregonians and audiences from various parts of the country and the world—visit Ashland each year to attend these repertory performances. From the very first productions of "The Merchant of Venice" and "Twelfth Night" to this year's "The Comedy of Errors," "King Lear," "Henry VI," and "Much Ado About Nothing," the Oregon Shakespeare Festival has brought Shakespeare's magic and great wit to life.•

TRIBUTE TO COLONEL AARON "BURLEY" BURLESON

• Mr. NICKLES. Mr. President, on behalf of Senator INHOFE and myself, I wish to honor and pay respect to a great Oklahoman, COL (Ret) Aaron "Burley" Burleson. Currently, he is the director of Military Development of the Altus Chamber of Commerce, Altus, OK. He has served the State of Oklahoma and the United States for many years.

Mr. Burleson was born in Lawton, OK, and graduated from Lawton High School. While attending Cameron College in Lawton, he was mobilized for active duty with the 45th Infantry Division in 1940. After completing pilot training in 1944 at Pampa Army Airfield, TX, Burley Burleson received his commission as a second lieutenant. Over the next 30 years he would serve his country around the globe.

He served as special air missions officer in the Office of the Vice Chief of Staff, U.S. Air Force, the Pentagon. During this assignment, Burley worked directly with the White House, the Office of the Secretary of State, the Senate and the House of Representatives. His main assignment was to provide airlift for both United States and foreign dignitaries.

In 1970, he transferred to Altus Air Force Base, OK, where he served as Vice Commander of the 443rd Military Airlift Wing and later as base commander in 1973.

Retiring as a colonel from the Air Force in 1974, he immediately became the executive director of the "Committee of 100," a special part of the Altus Chamber of Commerce. The main purpose of the committee was to strengthen and promote economic development of Altus and Jackson County, OK. After serving as the head of the organization from 1975 to 1984, Burley became the community's liaison between the men and women of Altus and the personnel assigned to Altus Air Force Base.

Burley's leadership brought about tremendous support for Altus AFB. Working with Air Force personnel and congressional Members, he was able to help secure needed funding and resources for the base. Some examples include new housing, runway easements, a parallel assault runway, a corrosion control facility and a drop zone. In 1982, a tornado struck Altus AFB and caused severe damage. Under Burley's leadership, critical funding was obtained to repair the damages. These projects helped Altus Air Force Base become rated as the best base in the Air Force a few years ago.

Burley has received numerous awards and citations through the years for his many achievements. Recently, Air Education Training Command singled Burley out for one of four, first time, "Pioneer Awards" to commemorate the 50th anniversary of the U.S. Air Force. He was also heavily involved with the Air Force Association, at the national and the State levels, as well as numerous civic and charitable organizations in Altus.

Burley Burleson, unfortunately, suffered a stroke in November of 2002 and is currently recovering. JIM INHOFE and I are proud to call him a friend and appreciate his dedicated service to our great country. His positive contributions to countless friends, all Oklahomans, and the U.S. Air Force are greatly appreciated.•

TRIBUTE TO MICHAEL SCHOPP

• Mr. TALENT. Mr. President, I rise today in the Senate to honor 15 year-old Michael Schopp, from Creve Coeur, MO. In a ceremony honoring his achievement on May 2, 2004, Mr. Schopp will receive the Eagle Scout Award, which is the highest advancement rank a young man may earn in scouting.

To earn his Eagle Award, Mr. Schopp designed, planned and supervised the construction and landscaping of a planter and two dugout benches for the Ballwin Athletic Association baseball fields where he played ball for several years.

Mr. Schopp began his scouting experience as a Cub Scout in elementary school and has been a member of Troop 631, sponsored by St. Mark Presbyterian Church in Ballwin, MO, since March 2000. Mr. Schopp's dedication to the values of scouting and his leadership ability are demonstrated in his many scouting activities over the years: he has served his boy scout troop as Patrol Leader and Assistant Patrol Leader, and is currently one of the leaders of his troop as a member of the Executive Patrol and as Assistant Senior Patrol Leader. Mr. Schopp participated in the Junior Leader Training Camp and also attended three Boy Scout High Adventure Camps: Northern Tier in Ely, MN; Sea Base in Florida; and OKPIK Winter Camp in Northern Minnesota.

The rank of Eagle Scout has always carried with it a special significance since it was first awarded in 1912 and its rigorous standards have been maintained over the years. That rigor is demonstrated in the fact that only 4 percent of young men across America who join the boy scouts earn this prestigious award. Mr. Schopp will be in good company as there are leaders in every walk of life who have endeavored to earn this coveted award. Indeed, many Eagle Scouts have gone on in life to excel in professional athletics, business, space exploration, entertainment, scientific discovery and public service in government. President Gerald Ford is an Eagle Scout as well as two of my distinguished colleagues in this chamber, Senator JEFF SESSIONS of Alabama and Senator RICHARD LUGAR of Indiana.

The people of Creve Coeur, MO are fortunate to have Mr. Schopp living and growing in their community. I congratulate Mr. Schopp for his success in earning his Eagle Scout Award. But also, I congratulate all of his peers, members of his troop, coaches, teachers, and parents for all the support and encouragement they have given that has helped Mr. Schopp reach his goals.

I know that all of my colleagues in the Senate will join me in offering congratulations to Mr. Schopp on a job well done and to extend best wishes for all of his future endeavors.•

HONORING LT. COL. MARC SUKOLSKY

• Mr. CRAPO. Mr. President, I rise to honor Lt. Col. Marc Sukolsky, a long time Idaho resident, upon his retirement from 24 years of service in the U.S. Air Force. Mark has served his country well, in peacetime and in war. Idaho is proud to be represented by such a dedicated soldier.

Marc Sukolsky received his master's degree in music pedagogy and then taught at Idaho State University. After 4 years of teaching, Marc began his extensive military leadership career in logistics in the Ninth Air Force and 363rd Fighter Wing. Exhibiting strong leadership early in his career, Marc was chosen as a senior logistics and resource inspector to develop future military base locations in Southwest Asia. In this position his inherent abilities as a negotiator and diplomat became well known. As his expertise grew, so did his influence. Mark's advice was solicited by the most senior officials including the Joint Chiefs of Staff.

In 1993, while stationed at the U.S. Embassy in the Netherlands, Marc played an important role in organizing logistical agreements between the U.S. and the Netherlands. This involved organizing troop and equipment movement both within the Netherlands and throughout Europe. As a military representative for the U.S. Secretary of State, Marc was also able to negotiate with foreign officials for permanent troop positions in Europe.

In the mid 1990's, he was called to assist NATO Allied Forces during the crisis in the Balkans. He drafted and implemented strategies for all logistical arrangements between the U.S. and Allied forces. In addition, he provided guidance and training for those nations seeking NATO membership.

His abilities to plan and execute defense, economic, and trade policy were tested and proven, when as a Commander he led the deployment of over 1.5 million pounds of equipment and 3,400 personnel to sensitive areas including the Persian Gulf. He managed to save the government over $19 million with new budgetary and finance programs. Leading the quality assurance of flying wing he recorded over 28,000 sorties and over 49,000 hours of flawless flying. In this position he was the principal advisor to the U.S. Ambassador of U.S. European Command on all armament matters. While serving in this capacity, he negotiated over $135 million in arms sales in 2002. He also contracted an $800 million aircraft development deal with the Netherlands.

In all of this, the role of his wife Ellen should not be understated. During 25 years of marriage, she has made tremendous sacrifices during Marc's time in the military. Together, they have spent 11 years overseas, relocated eleven times, and even spent 2 years apart during two 2-year separations.

I would like to honor Lt. Col. Marc Sukolsky and Ellen Sukolsky for their selfless service and sacrifice for their country. It is especially appropriate during this time of conflict to recognize a couple who have done so much for the freedom and stability of their country and the world. I wish both of them the best as they approach this new chapter of life together.•

LAURA JOSS

• Mr. SARBANES. Mr. President, I pay tribute today to Laura Joss, superintendent of Fort McHenry National Monument and Historic Shrine and Hampton National Historic Site, NHS. Laura has recently been appointed superintendent of Arches National Park in southern Utah and I wish her and her family the best of luck with this new assignment and thank her for the outstanding job she did in managing and enhancing Fort McHenry and Hampton NHS since coming to Maryland in 2000.

Over the past 4 years, I have had the opportunity and privilege to work closely with Laura Joss in efforts to protect and restore the historical resources of Fort McHenry and Hampton NHS and to develop a Star Spangled Banner National Historic Trail to help educate our citizens about a pivotal, but sadly neglected period in our Nation's history. In every instance, Laura proved herself to be a skillful and highly effective leader. Under her direction, Fort McHenry's seawalls and many historic structures have been restored, plans have been advanced to develop a new visitors center to accommodate the increasing number of visitors to the fort, many preservation projects have been undertaken at Hampton and a new general management plan for this historic site has been completed. Laura and her dedicated staff have frequently gone beyond the call of duty, offering to assist with the recovery efforts from the recent water taxi accident in Baltimore's Harbor and the September 11 attack on the World Trade Center and volunteering with the National Flag Day Foundation, Historic Towson Inc, and the Baltimore City Heritage Area, to name only a few examples.

Laura's dedication to the stewardship of the National Park System has earned her the respect of everyone with whom she has worked. During her 14-year career in the National Park Service, she has protected and improved some of our Nation's most precious natural and cultural treasures. Beginning as a volunteer at Mesa Verde National Park, she quickly advanced to serve in a number of national park units throughout the country, including Yellowstone National Park, Bryce Canyon National Park, and Glen Canyon National Recreation. Through her accomplishments she has set a high bar for all those to follow in her path, and the visitors to these national parks will benefit from her efforts for years to come. I greatly value the assistance Laura provided to me and my staff. I extend my personal congratulations and thanks for her many years of hard work and dedication to the principal conservation mission of the National Park Service and join with her friends and coworkers in wishing her, her husband Stuart Meehan, and her daughters Lindsay and Elizabeth, well with this new assignment and relocation.•

IN HONOR OF BRIGADIER GENERAL RICHARD L. URSONE

• Mr. DODD. Mr. President, I rise to pay tribute to an outstanding American soldier, BG Richard L. Ursone. General Ursone, a native of Stamford, CT, is retiring June 30, 2004 after 33 years of distinguished service in the United States Army Medical Service Corps.

General Ursone played a critical role in shaping and successfully executing the mission of the United States Army Medical Department. When brave men and women across our country commit to serving our country in the Armed Forces, our country also makes a commitment to them. And part of that commitment is to provide them with world-class medical care, both on and off the field of battle. Throughout his career, General Ursone has made invaluable contributions to the health and well-being of soldiers in the United States Army. Over the past three decades, General Ursone has served in a series of demanding assignments around the globe and in leadership positions of increasing responsibility.

Of particular note was General Ursone's service in combat during Operations Desert Shield and Desert Storm. From 1990 to 1991, General Ursone, then a Lieutenant Colonel, served as commander of the 47th Medical Logistics Battalion. He successfully deployed and led his soldiers in supporting the war effort and the entire U.S. Army Central Command Theater of Operations with the delivery and replenishment of needed medications and medical supplies.

From 1994 to 1996, then-Colonel Ursone served as the commander of the U.S. Army Medical Materiel Center, Europe in Pirmasens, Germany. Through his leadership, he reengineered the center's business practices to ensure that our soldiers stationed in Europe and their families received medical supplies and medications quickly and efficiently. His hard work and many accomplishments were recognized with the prestigious Vice President Gore's Hammer Award.

In 2000, he was promoted to brigadier general. As a general officer he served in multiple senior positions and was also appointed as the fourteenth chief of the Army Medical Service Corps.

As the commander of the Europe Regional Medical Command, General Ursone led a health care system comprised of a medical center, two hospitals, and 27 clinics. This medical command supported operations spanning over three continents—Europe, Africa and Asia—while simultaneously providing healthcare to over 250,000 soldiers, family members, retirees and civilians from the Department of Defense. In subsequent assignments as the Assistant Surgeon General for Force Sustainment and the Assistant Surgeon General for Force Projection from June 2002 to June 2004, General Ursone's leadership was integral in preparing the Army Medical Department to serve our troops in their efforts against the new and unfamiliar threat of global terrorism.

As chief of the Medical Service Corps, General Ursone has unified the most diverse group of specialties in the Army. His commitment to leader development and mentoring of junior officers helped the Corps achieve annual increases in recruiting and retaining officers. General Ursone's vision and leadership have created opportunities for officers to serve our Nation while also achieving their own professional and personal aspirations.

Health care in the Army encompasses a staggering array of services, from basic medical and dental checkups to prescription medications to emergency care on the battlefield to vaccinations against biological and chemical threats. Officers serve as medical operations officers, healthcare administrators, medical logisticians, preventive medicine officers, allied scientists, behavioral science officers as well as optometrists and pharmacists.

To lead and manage such a wide and complex network, you need to be a special person—one who is able to think strategically and act appropriately for the time and circumstances. You need a leader who will take swift and decisive action in a crisis, like when General Ursone worked around the clock managing the evacuation and care of the victims of the USS *Cole* bombing. You need a compassionate leader capable of implementing Women, Infant and Child programs. Above all, you need a leader who recognizes that his decisions will have a tremendous impact on thousands and thousands of individual soldiers and their families. In each and every one of these critical areas, Richard Ursone has gone above and beyond the call of duty.

Brigadier General Ursone's service and contributions to fellow soldiers and our Nation are eloquent testimony to his loyalty, dedication, talents, and abilities. General Ursone is not a physician. However, it is difficult to imagine any individual who has done more to ensure that every single soldier, family member and retiree in the U.S. Army receives the most advanced, efficient, and compassionate health care. His commitment to the men and women of our Armed Forces is truly an inspiration to us all. I send him my best wishes on his well-deserved retirement. And on behalf of our Nation, I extend to him thanks and gratitude for a remarkable career of service.●

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REPORT PREPARED BY THE NATIONAL SCIENCE BOARD ENTITLED "SCIENCE AND ENGINEERING INDICATORS—2004"—PM 75

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, "Science and Engineering Indicators—2004." This report represents the sixteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 22, 2004.*

* * *

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1779. An act to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

H.R. 3147. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building".

H.R. 3970. An act to provide for the implementation of a Green Chemistry research and Development Program, and for other purposes.

H.R. 4019. An act to address the participation of Taiwan in the World Health Organization.

H.R. 4030. An act to establish the Congressional Medal for Outstanding Contributions in Math and Science Education programs to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education.

At 5:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2844. An act to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

* * *

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1779. An act to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Finance.

H.R. 3147. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building"; to the Committee on Environment and Public Works.

H.R. 3970. An Act to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4019. An act to address the participation of Taiwan in the World health Organization; to the Committee on Foreign Relations.

H.R. 4030. An act to establish the Congressional Medal for Outstanding Contributions in Math and Science Education programs to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; to the Committee on Health, Education, Labor, and Pensions.

* * *

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3550. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

* * *

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2844. An act to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7194. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Tolerance Exemptions for Certain Biopesticides" (FRL7353–5) received on April 22, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7195. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, the report on the National Guard Challenge Program dated March 2004; to the Committee on Armed Services.

EC–7196. A communication from the Acting General Counsel, Department of Defense, transmitting, the report of legislation entitled "Support of Sensitive Military Operations to Combat Terrorism" as part of the National Defense Authorization Bill for Fiscal Year 2005; to the Committee on Armed Services.

EC–7197. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Mandated Electronic Filing for Form ID" (RIN3235–AJ09) received on April 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7198. A communication from the Director of the Office of Congressional Affairs, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; Fee Recovery for FY 2004" (RIN3150–AH37) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7199. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates" (FRL7651–8) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7200. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona" (FRL7651–1) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7201. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans, Finding of Attainment, and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard, East Kern County, California" (FRL7641–7) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7202. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of RFP for Capacity Building Project in NIS" received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7203. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the 1-Hour Ozone Standard; Determination Regarding Applicability of Certain Clean Air Act Requirements; Approval and Promulgation of Ozone Attainment Plan; San Francisco Bay Area, California" (FRL7645–7) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7204. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL7651–4) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7205. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Action to Stay and Defer Sanctions Based on Attainment of the 1-Hour Ozone Standard for the San Francisco Bay Area, California" (FRL7645–8) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7206. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Kern County Air Pollution Control District" (FRL7640–7) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7207. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL7650–4) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7208. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7651–3) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7209. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "South Dakota: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7653–2) received on April 22, 2004; to the Committee on Environment and Public Works.

EC–7210. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Family Educational Rights and Privacy Act" (RIN1855–AA00) received on April 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7211. A communication from the Assistant Secretary, Office of National Programs, Employment and Training Administration, transmitting, pursuant to law, the report of a rule entitled "Senior Community Service Employment Program; Final Rule" (RIN1205–AB28) received on April 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7212. A communication from the Acting Assistant Director, Civil Division, United States Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Amendments Contained in the 21st Century Department of Justice Appropriations Authorization Act of 2002" (RIN1105–AA75) received on April 22, 2004; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 328. Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 310. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2270. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2334. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 2335. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 2336. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2337. A bill to establish a grant program to support coastal and water quality restoration activities in States bordering the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself, Mr. KENNEDY, and Mr. JOHNSON):

S. 2338. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Ms. MIKULSKI):

S. 2339. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. KENNEDY, and Mr. REED):

S. 2340. A bill to reauthorize title II of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2341. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 2342. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself and Mrs. LINCOLN):

S. 2343. A bill to amend title XVIII of the Social Security Act to improve the medicare program, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 2344. A bill to permit States to require insurance companies to disclose insurance information; to the Committee on the Judiciary.

By Mr. DODD:

S. 2345. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 684

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1748

At the request of Mr. DEWINE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1748, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 1931

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1931, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 2020

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2020, a bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2055

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2055, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 2238

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2238, a bill to amend the National Flood Insurance Act of 1968 to reduce loses to properties for which repetitive flood insurance claim payments have been made.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2278

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2283

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

At the request of Mr. GREGG, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2283, supra.

S. 2321

At the request of Mr. BYRD, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Georgia (Mr. MILLER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2329

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oregon (Mr. WYDEN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. SNOWE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. LOTT), the Senator from North Carolina (Mrs. DOLE), the Senator from Alabama (Mr. SHELBY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2329, a bill to protect crime victims' rights.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2329, supra.

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2329, supra.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2329, supra.

S.J. RES. 28

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 313

At the request of Mr. FEINGOLD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

S. RES. 331

At the request of Mr. FITZGERALD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 331, a resolution designating June 2004 as "National Safety Month".

S. RES. 342

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Res. 342, a resolution designating April 30, 2004, as "Día de los Niños: Celebrating Young Americans", and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2334. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, I rise to introduce the Caribbean National Forest Act of 2004, along with Senator SCHUMER.

The Caribbean National Forest Act designates approximately 10,000 acres of the Caribbean National Forest (CNF) as the El Toro Wilderness. The El Toro Wilderness would be the only tropical forest wilderness in the U.S. National Forest system.

The CNF has long been recognized as a special area, worthy of protection. The Spanish Crown proclaimed much of the current CNF as a forest reserve in 1824. One hundred years ago, President Theodore Roosevelt reasserted the protection of the CNF by designating the area as a forest reserve.

Located 25 miles east of San Juan, the CNF is a biologically diverse area. Although it is the smallest forest in the national forest system, the CNF ranks number one in the number of species of native trees with 240. In addition, the CNF has 50 varieties of orchids and over 150 species of ferns. The area is also rich in wildlife with over 100 species of vertebrates, including the endangered Puerto Rican parrot. The only native parrot in Puerto Rico, they numbered nearly one million at the time that Columbus set sail for the New World. Today there are fewer than 35 of these parrots. The Forest Service, the U.S. Fish and Wildlife Service and Puerto Rico's Department of Natural Resources and the Environment have initiated a recovery program for the Puerto Rican Parrot. Wilderness designation will ensure that the forest home to the parrot will remain protected and the ongoing recovery efforts, consistent with the Wilderness Act, will continue.

The CNF also provides valuable water to the people of Puerto Rico. The CNF receives over 10 feet of rain each year. As a result, the major watersheds in the CNF are able to provide water to over 800,000 residents. In addition, the CNF provides a variety of recreational opportunities to over 700,000 Puerto Ricans and tourists each year. Families, friends and school groups come to the forest to hike, bird watch, picnic, swim and enjoy the scenic vistas.

Wilderness designation of the El Toro will protect approximately one third of the forest. A companion House bill, H.R. 1723, has been introduced by Puerto Rico's Resident Commissioner, Abibel Acevedo Vila. During a House hearing on this measure last summer, the U.S. Forest Service stated its support for the designation of the El Toro Wilderness Area.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caribbean National Forest Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map dated April 13, 2004 and entitled "El Toro Proposed Wilderness Area".

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1113 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico described in the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land described in the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

(B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—

(A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and

(B) shall have the same force and effect as if included in this Act.

(3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmcspheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

By Mr. REED (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 2335. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Preparing, Recruiting, and Retaining Education Professionals Act of 2004 to ensure high quality preparation, induction, and professional development programs for teachers, early childhood education providers, principals and administrators in order to improve learning and achievement for all students.

As Congress turns to the reauthorization of the Higher Education Act, we need to increase support for prospective, new, and experienced educators in early childhood education programs, elementary schools, and secondary schools.

My legislation challenges teacher preparation programs to make improving student achievement the engine that drives all activities, training, and support for teachers. The goal here is not to be punitive but to put students and their achievement first.

We know that strong teaching skills make a difference. Studies have shown that students who attend classes taught by high-quality teachers perform significantly better on assessments. The No Child Left Behind Act requires that all teachers be highly qualified. To be so deemed, in general, a teacher must hold a bachelor's degree, be fully certified by a State, and demonstrate content knowledge of the subjects taught by the 2005–2006 school year. New teachers must meet this standard now. Yet, according to the U.S. Department of Education, only 54 percent of our Nation's secondary school teachers were highly qualified during the 1999–2000 school year. The percentage of highly qualified teachers varies widely by State and by subject matter. For example, a 2003 survey by the Council of Chief State School Officers found that only my home State of Rhode Island, Nebraska, New Jersey, North Dakota, and Minnesota have more than 80 percent of their math teachers with college majors in math and full certification. Seven States report having more than 10 percent of their teachers on waivers; that is, teaching with emergency, temporary, or provisional licenses.

The Preparing, Recruiting, and Retaining Education Professionals Act modifies and strengthens the current State, partnership, and recruitment grants contained within title II of the Higher Education Act to focus on improving teaching skills of prospective, new, and experienced teachers and early childhood education providers as well as improving the capacity of principals to provide instructional leadership and classroom support for teachers.

My legislation ensures States hold institutions of higher education and entities that provide alternative routes to State certification equally accountable for preparing highly qualified teachers and highly competent early childhood education providers via reforms to ensure preparation program effectiveness. The goal is to provide teachers and early childhood education providers the scientific knowledge of teaching skills needed to understand and respond effectively to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs; the ability to integrate technology into the classroom; strategies to effectively use assessments to improve instructional practices and curriculum; and an understanding of how to communicate with and involve parents in their children's education.

The Higher Education Act's existing partnership grants are strengthened by improving the effectiveness of the teaching skills and learning practices taught through inclusion of academic departments such as psychology, human development, or one with comparable expertise in the disciplines of teaching, learning, and child and adolescent development. Partnerships are expanded to include pre-service clinical, field, or practicum components whereby the prospective teachers receive close supervision and mentoring. A residency program would be created to provide ongoing training support during new teachers' first 3 years. Professional development opportunities would have to be provided for experienced teachers to encourage continual retraining to further their skills. Managerial skill development is also included to improve the capacity of principals to provide instructional leadership and classroom support for teachers.

The time for action is now because too few of the teachers that we have prepared choose to enter the schools and stay. According to the National Commission on Teaching and America's Future, after 3 years, 33 percent of beginning teachers have left teaching and after 5 years, 46 percent have left. Not surprisingly, the turnover rate in high poverty schools is approximately one-third higher than the rate for all teachers. During the 1999–2000 school year, 232,000 new teachers were hired, but schools lost more than 287,000—a net loss of 24 percent. Teacher attrition undermines teacher quality and drives teacher shortages. Investing in the preparation of our educators and their continued professional development is critical for addressing these needs which, in turn, will improve outcomes and results for all children.

One of the primary reasons for such high attrition, according to the Commission, is the lack of support once a teacher is hired. Approximately one-third of those teachers who expressed dissatisfaction cited poor administrative support, a lack of faculty influence and inadequate planning and collaboration time. By providing mentoring and support during the pre-service experiences, the early years of teaching, and through ongoing professional development opportunities for experienced teachers, we can substantially reduce the terrible turnover rates that our Nation experiences.

There are also extensive teaching vacancies in schools nationwide. The General Accounting Office has found that 23 of 37 State officials reported teacher shortages in high-need subject areas such as mathematics, science, bilingual education and special education.

My legislation focuses recruitment activities where high teacher turnover and shortages exist, where there is great difficulty meeting academic standards, or where there is great difficulty demonstrating that teachers are highly qualified. The grants also allow funds for outreach to encourage recruitment in inner city and rural areas.

The State, partnership, and recruitment grants are currently funded at only $90 million a year—far too little of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of No Child Left Behind, but for real kids in real classrooms. My bill significantly boosts this funding, authorizing $500 million for these vital programs.

The PRREP Act is supported by a diverse array of education organizations, including the American Association of Colleges for Teacher Education, American Psychological Association, Center for Civic Education, Council for Exceptional Children, Higher Education Consortium for Special Education, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Association for the Education of Young Children, National Council of Teachers of English, National Council of Teachers of Mathematics, National Science Teachers Association, and National PTA.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Higher Education Act.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

Additionally, I am pleased to be joining Senator BINGAMAN, who is introducing the CLASS Act. This legislation shares the PRREP Act's spirit of improving teacher preparation and therefore, student achievement. In addition to encouraging the development of data systems to measure teacher quality, the CLASS Act authorizes pilot studies to evaluate the impact of teacher preparation programs on student achievement and to identify the specific practices that result in achievement gains. The legislation also seeks to improve minority teacher recruitment and retention.

The PRREP Act, Senator BINGAMAN's bill, and the bill we joined Senator KENNEDY in introducing last year—S.

1793, the College Quality, Affordability, and Diversity Improvement Act—will all go a long way toward ensuring the high quality preparation, induction, and professional development that our Nation's educators—and students—deserve.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preparing, Recruiting, and Retaining Education Professionals Act of 2004”.

SEC. 2. PURPOSES; DEFINITIONS.

Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended to read as follows:

“SEC. 201. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purposes of this part are to—

“(1) improve student achievement;

“(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing ongoing professional development activities;

“(3) encourage partnerships among institutions of higher education, early childhood education programs, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit educational organizations;

“(4) hold institutions of higher education and all other teacher preparation programs (including programs that provide alternative routes to teacher preparation) accountable in an equivalent manner for preparing—

“(A) teachers who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

“(B) early childhood education providers who are highly competent;

“(5) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;

“(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

“(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

“(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate, work with, and involve parents in ways that improve student achievement.

“(b) DEFINITIONS.—In this part:

“(1) ARTS AND SCIENCES.—The term ‘arts and sciences’ means—

“(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

“(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

“(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘early childhood education program’ means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 645A of that Act.

“(3) EXEMPLARY TEACHER.—The term ‘exemplary teacher’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(4) FACULTY.—

“(A) IN GENERAL.—The term ‘faculty’ means individuals in institutions of higher education who are responsible for preparing teachers.

“(B) INCLUSIONS.—The term ‘faculty’ includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

“(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

“(A)(i) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

“(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

“(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

“(B)(i) there is a high percentage of teachers who are not highly qualified; or

“(ii) there is a chronic shortage, or high turnover rate, of highly qualified teachers.

“(6) HIGH-NEED SCHOOL.—The term ‘high-need school’ means an early childhood education program, public elementary school, or public secondary school—

“(A)(i) in which there is a high concentration of students from families with incomes below the poverty line; or

“(ii) that, in the case of a public elementary school or public secondary school, is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316); and

“(B) in which there exists—

“(i) in the case of a public elementary school or public secondary school, a persistent and chronic shortage, or high turnover rate, of highly qualified teachers; and

“(ii) in the case of an early childhood education program, a persistent and chronic shortage of early childhood education providers who are highly competent.

“(7) HIGHLY COMPETENT.—The term ‘highly competent’ when used with respect to an early childhood education provider means a provider—

“(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

“(B) with—

“(i) a baccalaureate degree in an academic major in the arts and sciences; or

“(ii) an associate's degree in a related educational area; and

“(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

“(8) HIGHLY QUALIFIED.—The term ‘highly qualified’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(9) MENTORING.—The term ‘mentoring’ means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with faculty, provides active support for prospective teachers and new teachers through a system for integrating evidence-based practice, including rigorous, supervised training in high-quality teaching settings. Such support includes activities specifically designed to promote—

“(A) knowledge of the scientific research on, and assessment of, teaching and learning;

“(B) development of teaching skills and skills in evidence-based educational interventions;

“(C) development of classroom management skills;

“(D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

“(E) ongoing supervision and communication regarding the prospective teacher's development of teaching skills and continued support for the new teacher by the mentor, other teachers, principals, and administrators.

“(10) PARENT.—The term ‘parent’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(11) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(12) POVERTY LINE.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(13) PROFESSIONAL DEVELOPMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘professional development’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(B) EARLY CHILDHOOD EDUCATION PROVIDERS.—The term ‘professional development’ when used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and approaches to learning) and pedagogy of children from birth until entry into kindergarten.

“(14) TEACHING SKILLS.—The term ‘teaching skills’ means skills—

“(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

“(B) that require an understanding of the learning process itself, including an understanding of—

“(i) the use of teaching strategies specific to the subject matter;

“(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curriculum;

“(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

“(iv) effective classroom management; and

“(v) effective ways to communicate, work with, and involve parents in their children's education.”.

SEC. 3. STATE GRANTS.

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:

“SEC. 202. STATE GRANTS.

“(a) In General.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

“(b) Eligible State.—

“(1) Definition.—In this part, the term ‘eligible State’ means—

“(A) a State educational agency; or

“(B) an entity or agency in the State responsible for teacher certification and preparation activities.

“(2) Consultation.—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and other State entities that provide professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

“(3) Construction.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) Application.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

“(1) meets the requirement of this section and other relevant requirements for States under this title;

“(2) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs;

“(3) describes the eligible State's plan for continuing the activities carried out with the grant once Federal funding ceases;

“(4) describes how the eligible State will coordinate activities authorized under this section with other Federal, State, and local personnel preparation and professional development programs; and

“(5) contains such other information and assurances as the Secretary may require.

“(d) Uses of Funds.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified and possess strong teaching skills and knowledge to assess student academic achievement, by carrying out 1 or more of the following activities:

“(1) Reforms.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing teachers who are highly qualified or early childhood education providers who are highly competent. Such reforms shall include—

“(A) State program approval requirements regarding curriculum changes by teacher preparation programs that improve teaching skills based on scientific knowledge—

“(i) about the disciplines of teaching and learning; and

“(ii) about understanding and responding effectively to students with special needs;

“(B) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the effectiveness and impact of teacher preparation programs, including on student achievement;

“(C) assurances from institutions that such institutions have a program in place that provides a year-long clinical experience for prospective teachers; and

“(D) collecting and using data, in collaboration with institutions of higher education, schools, and local educational agencies, on teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State's teacher support system.

“(2) Certification or licensure requirements.—Ensuring the State's teacher certification or licensure requirements are rigorous so that teachers have strong teaching skills and are highly qualified.

“(3) Alternative routes to State certification.—Carrying out programs that provide prospective teachers with high-quality alternative routes to traditional preparation for teaching and to State certification for well-prepared and qualified prospective teachers, including—

“(A) programs at schools or departments of arts and sciences, schools or departments of education within institutions of higher education, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills;

“(B) a selective means for admitting individuals into such programs;

“(C) providing intensive support during the initial teaching experience, including mentoring;

“(D) establishing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

“(E) providing support in the disciplines of teaching and learning to ensure that prospective teachers have an understanding of evidence-based learning practices and possess strong teaching skills.

“(4) State certification reciprocity.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

“(5) Recruitment and retention.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to effectively recruit and retain highly qualified teachers, highly competent early childhood education providers, and principals, and provide access to ongoing professional development opportunities for teachers, early childhood education providers, and principals, including activities described in subsections (d) and (e) of section 204.

“(6) Social promotion.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers, principals, administrators, and parents to effectively address the issues raised by ending the practice of social promotion.”.

SEC. 4. PARTNERSHIP GRANTS.

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) is amended to read as follows:

“SEC. 203. PARTNERSHIP GRANTS.

“(a) Grants.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

“(b) Definitions.—

“(1) Eligible partnership.—In this part, the term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a partner institution;

“(ii) a school or department of arts and sciences within the partner institution under clause (i);

“(iii) a school or department of education within the partner institution under clause (i);

“(iv)(I) a department of psychology within the partner institution under clause (i);

“(II) a department of human development within the partner institution under clause (i); or

“(III) a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development within the partner institution under clause (i);

“(v) a high-need local educational agency; and

“(vi)(I) a high-need school served by the high-need local educational agency under clause (v); or

“(II) a consortium of schools of the high-need local educational agency under clause (v); and

“(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A) (including a community college), a public charter school, other public elementary school or secondary school, a combination or network of urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

“(2) Partner institution.—In this section, the term ‘partner institution’ means a private independent or State-supported public institution of higher education, or a consortium of such institutions, that has not been designated under section 208(a) and the teacher preparation program of which demonstrates that—

“(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

“(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and—

“(i) in the case of prospective elementary school and secondary school teachers, to become highly qualified; and

“(ii) in the case of prospective early childhood education providers, to become highly competent.

“(c) Application.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of early childhood education providers, general and special education teachers, and principals, the extent to which the program prepares new teachers with strong teaching skills, a description of how the partnership will coordinate strategies and activities with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parental involvement;

"(2) contain a resource assessment that describes the resources available to the partnership, including the integration of funds from other related sources, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

"(3) contain a description of—

"(A) how the partnership will meet the purposes of this part, in accordance with the needs assessment required under paragraph (1);

"(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e) based on the needs identified in paragraph (1) with the goal of improving student achievement;

"(C) the partnership's evaluation plan pursuant to section 206(b);

"(D) how faculty at the partner institution will work with, over the term of the grant, principals and teachers in the classrooms of the high-need local educational agency included in the partnership;

"(E) how the partnership will enhance the instructional leadership and management skills of principals and provide effective support for principals, including new principals;

"(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching preservice clinical program component;

"(G) the in-service professional development strategies and activities to be supported; and

"(H) how the partnership will collect, analyze, and use data on the retention of all teachers, early childhood education providers, or principals in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its educator support system;

"(4) contain a certification from the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f);

"(5) include, for the residency program described in subsection (d)(3)—

"(A) a demonstration that the schools and departments within the institution of higher education that are part of the residency program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in the science of teaching and learning;

"(B) a demonstration of capability and commitment to evidence-based teaching and accessibility to, and involvement of, faculty documented by professional development offered to staff and documented experience with university collaborations;

"(C) a description of how the residency program will design and implement an induction period to support all new teachers through the first 3 years of teaching in the further development of their teaching skills, including use of mentors who are trained and compensated by such program for their work with new teachers; and

"(D) a description of how faculty involved in the residency program will be able to substantially participate in an early childhood education program or an elementary or secondary classroom setting, including release time and receiving workload credit for their participation; and

"(6) include an assurance that the partnership has mechanisms in place to measure and assess the effectiveness and impact of the activities to be undertaken, including on student achievement.

"(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities, as applicable to teachers, early childhood education providers, or principals, in accordance with the needs assessment required under subsection (c)(1):

"(1) REFORMS.—Implementing reforms within teacher preparation programs, where needed, to hold the programs accountable for preparing teachers who are highly qualified or early childhood education providers who are highly competent and for promoting strong teaching skills, including integrating reliable evidence-based teaching methods into the curriculum, which curriculum shall include parental involvement training and programs designed to successfully integrate technology into teaching and learning. Such reforms shall include—

"(A) teacher preparation program curriculum changes that improve, and assess how well all new teachers develop, teaching skills;

"(B) use of scientific knowledge about the disciplines of teaching and learning so that all prospective teachers understand evidence-based learning practices and possess teaching skills that enable them to meet the learning needs of all students;

"(C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

"(D) assurances that the most recent scientifically based research, including research relevant to particular fields of teaching, is incorporated into professional development activities used by faculty; and

"(E) working with and involving parents in their children's education to improve the academic achievement of their children and in the teacher preparation program reform process.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education programs to further develop the teaching skills of all general education teachers and special education teachers, at schools within the partnership, at the school or department of education within the partner institution, or at evidence-based practice school settings. Such programs shall—

"(A) incorporate a year-long, rigorous, and enriching activity or combination of activities, including—

"(i) clinical learning opportunities;

"(ii) field experiences; and

"(iii) supervised practica; and

"(B) be offered over the course of a program of preparation and coursework (that may be developed as a 5th year of a teacher preparation program) for prospective general and special education teachers, including the mentoring in instructional skills, classroom management skills, and strategies to effectively assess student progress and achievement, and substantially increasing closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs, elementary schools, or secondary schools, and providing support, including preparation time and release time, for such interaction.

"(3) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Creating a residency program that provides an induction period for all new general education and special education teachers for such teachers' first 3 years. Such program shall promote the integration of the science of teaching and learning in the classroom, provide high-quality mentoring opportunities, provide opportunities for the dissemination of evidence-based research on educational practices, and provide for opportunities to engage in professional development activities offered through professional associations of educators. Such program shall draw directly upon the expertise of teacher mentors, faculty, and researchers that involves their active support in providing a setting for integrating evidence-based practice for prospective teachers, including rigorous, supervised training in high-quality teaching settings that promotes the following:

"(A) Knowledge of the scientific research on teaching and learning.

"(B) Development of skills in evidence-based educational interventions.

"(C) Faculty who model the integration of research and practice in the classroom, and the effective use and integration of technology.

"(D) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

"(E) A forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution.

"(F) Application of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences and by the National Research Council.

"(4) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for experienced general education and special education teachers, early childhood education providers, principals, administrators, and faculty that—

"(A) improves the academic content knowledge, as well as knowledge to assess student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students;

"(C) provides mentoring, team teaching, reduced class schedules, and intensive professional development;

“(D) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

“(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

“(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs; and

“(iii) to effectively communicate, work with, and involve parents in their children's education;

“(E) creates an ongoing retraining loop for experienced teachers, principals, and administrators, whereby the residency program activities and practices—

“(i) inform the research of faculty and other researchers; and

“(ii) translate evidence-based research findings into improved practice techniques and improved teacher preparation programs; and

“(F) includes the rotation, for varying periods of time, of experienced teachers—

“(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

“(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

“(5) Support for participants.—Providing support for those individuals participating in the required activities under paragraphs (1) through (4) who serve as role models or mentors for prospective, new, and experienced teachers, based on such individuals' experience. Such support—

“(A) also may be provided to the preservice clinical experience participants, as appropriate; and

“(B) may include—

“(i) release time for such individual's participation;

“(ii) receiving course workload credit and compensation for time teaching in the partnership activities; and

“(iii) stipends.

“(6) Leadership and managerial skills.—

“(A) In general.—Developing and implementing proven mechanisms to provide principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable) with—

“(i) an understanding of the skills and behaviors that contribute to effective instructional leadership and the maintenance of a safe and effective learning environment;

“(ii) teaching and assessment skills needed to support successful classroom teaching;

“(iii) an understanding of how students learn and develop in order to increase achievement for all students; and

“(iv) the skills to effectively involve parents.

“(B) Mechanisms.—The mechanisms developed and implemented pursuant to subparagraph (A) may include any of the following:

“(i) Mentoring of new principals.

“(ii) Field-based experiences, supervised practica, or internship opportunities.

“(iii) Other activities to expand the knowledge base and practical skills of principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable).

“(e) Allowable Uses of Funds.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

“(1) Dissemination and coordination.—Broadly disseminating information on effective practices used by the partnership, including teaching strategies and interactive materials for developing skills in classroom management and assessment and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership. Coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

“(2) Curriculum preparation.—Supporting preparation time for early childhood education providers, teachers in elementary schools or secondary schools, and faculty to jointly design and implement teacher preparation curricula, classroom experiences, and ongoing professional development opportunities that promote the acquisition and continued growth of teaching skills.

“(3) Communication skills.—Developing strategies and curriculum-based professional development activities to enhance prospective teachers' communication skills with students, parents, colleagues, and other education professionals.

“(4) Coordination with other institutions of higher education.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

“(5) Teacher recruitment.—Activities described in subsections (d) and (e) of section 204.

“(f) Special Rule.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

“(g) Construction.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.”.

SEC. 5. RECRUITMENT GRANTS.

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

“SEC. 204. RECRUITMENT GRANTS.

“(a) Program Authorized.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsections (d) and (e).

“(b) Eligible Applicant Defined.—In this part, the term ‘eligible applicant’ means—

“(1) an eligible State described in section 202(b) that has—

“(A) high teacher shortages or turnover rates; or

“(B) high teacher shortages or turnover rates in high-need local educational agencies; or

“(2) an eligible partnership described in section 203(b) that—

“(A) serves not less than 1 high-need local educational agency with high teacher shortages or turnover rates ;

“(B) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

“(C) demonstrates great difficulty meeting the requirement that teachers be highly qualified.

“(c) Application.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

“(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

“(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, including principals and early childhood education providers, or both, who are enrolled in, accepted to, or plan to participate in teacher preparation programs or professional development activities, as described under section 203, in geographic areas of greatest need, including data on the retention rate, by school, of all teachers in schools located within the geographic areas served by the eligible applicant;

“(3) a description of the activities the eligible applicant will carry out with the grant; and

“(4) a description of the eligible applicant's plan for continuing the activities carried out with the grant once Federal funding ceases.

“:(d) Required Uses of Funds.—An eligible applicant receiving a grant under this section shall use the grant funds—

“(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

“(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

“(C) for followup services (including mentoring and professional development activities) provided to former scholarship recipients during the recipients first 3 years of teaching; and

“(D) in the case where the eligible applicant also receives a grant under section 203, for support for mentor teachers who participate in the residency program; or

“(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that high-need local educational agencies, high-need schools, and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers, highly qualified teachers, and principals.

“(e) Allowable Use of Funds.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

“(1) Outreach.—Conducting outreach and coordinating with inner city and rural secondary schools to encourage students to pursue teaching as a career.

“(2) Early childhood education compensation.—For eligible applicants focusing on early childhood education, implementing initiatives that increase compensation of early childhood education providers who attain degrees in early childhood education.

“(f) Service Requirements.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher education programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.".

SEC. 6. ADMINISTRATIVE PROVISIONS.

Section 205 of the Higher Education Act of 1965 (20 U.S.C. 1025) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "ONE-TIME AWARDS;";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraph (2) and inserting the following:

"(2) COMPOSITION OF PANEL.—The peer review panel shall be composed of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under this part. A majority of the panel shall be composed of individuals who are not employees of the Federal Government.";

(C) by inserting after paragraph (2) the following:

"(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants' proposals to improve the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

"(A) with respect to grants under section 202, give priority to eligible States that—

"(i) have initiatives to reform State program approval requirements for teacher preparation programs that are designed to ensure that current and future teachers are highly qualified and possess strong teaching skills, knowledge to assess student academic achievement, and the ability to use this information in such teachers' classroom instruction;

"(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

"(iii) involve the development of innovative efforts aimed at reducing the shortage of—

"(I) highly qualified teachers in high-poverty urban and rural areas; and

"(II) highly qualified teachers in fields with persistently high teacher shortages, such as special education;

"(B) with respect to grants under section 203—

"(i) give priority to applications from eligible partnerships that involve broad participation within the community, including businesses; and

"(ii) take into consideration—

"(I) providing an equitable geographic distribution of the grants throughout the United States; and

"(II) the potential of the proposed activities for creating improvement and positive change; and

"(C) with respect to grants under section 204, give priority to eligible applicants that have in place, or in progress, articulation agreements between 2- and 4-year public and private institutions of higher education and nonprofit providers of professional development with demonstrated experience in professional development activities."; and

(D) by adding at the end the following:

"(5) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of peer review panel members who are not employees of the Federal Government."; and

(c) by striking subsection (e) and inserting the following:

"(e) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds appropriated to carry out this title for such fiscal year, whichever amount is greater, to provide technical assistance to States and partnerships receiving grants under this part.".

SEC. 7. ACCOUNTABILITY AND EVALUATION.

Section 206 of the Higher Education Act of 1965 (20 U.S.C. 1026) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";

(B) in paragraph (2), by striking ", including," and all that follows through the period and inserting "as a highly qualified teacher.";

(C) in paragraph (3)—

(i) by striking "highly"; and

(ii) by striking the period at the end and inserting "that meet the same standards and criteria of State certification or licensure programs.";

(D) by striking paragraph (4) and inserting the following:

"(4) TEACHER AND PROVIDER QUALIFICATIONS.—

"(A) ELEMENTARY AND SECONDARY SCHOOL CLASSES.—Increasing the percentage of elementary school and secondary school classes taught by teachers—

"(i) who are highly qualified;

"(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and child and adolescent development so the teachers understand and use evidence-based teaching skills to meet the learning needs of all students; or

"(iii) who have completed a residency program throughout their first 3 years of teaching that includes mentoring by faculty who are trained and compensated for their work with new teachers.

"(B) EARLY CHILDHOOD EDUCATION PROGRAMS.—Increasing the percentage of classrooms in early childhood education programs taught by providers who are highly competent.";

(E) by striking paragraph (5) and inserting the following:

"(5) DECREASING SHORTAGES.—Decreasing shortages of—

"(A) qualified teachers and principals in poor urban and rural areas; and

"(B) qualified teachers in fields with persistently high teacher shortages, such as special education."; and

(F) by striking paragraph (6) and inserting the following:

"(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves—

"(i) the knowledge and skills of early childhood education providers;

"(ii) the knowledge of teachers in special education;

"(iii) the knowledge and skills to assess student academic achievement and use the results of such assessments to improve instruction; or

"(iv) the knowledge of subject matter or academic content areas—

"(I) in which the teachers are certified or licensed to teach; or

"(II) in which the teachers are working toward certification or licensure to teach;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to teachers' teaching practice and to teachers' ongoing classroom assessment of students; and

"(C) provides enhanced instructional leadership and management skills for principals.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "for" and inserting "for teachers, early childhood education providers, or principals, as appropriate, according to the needs analysis required under section 203(c)(1), for"; and

(B) by striking paragraphs (1) through (6) and inserting the following:

"(1) increased demonstration by program graduates of teaching skills grounded in scientific knowledge about the disciplines of teaching and learning;

"(2) increased student achievement for all students as measured by the partnership, including mechanisms to measure student achievement due to the specific activities conducted by the partnership;

"(3) increased teacher retention in the first 3 years of a teacher's career based, in part, on teacher retention data collected as described in section 203(c)(3)(H);

"(4) increased success in the pass rate for initial State certification or licensure of teachers;

"(5) increased percentage of elementary school and secondary school classes taught by teachers who are highly qualified;

"(6) increased percentage of early childhood education program classes taught by providers who are highly competent;

"(7) increased percentage of early childhood education programs and elementary school and secondary school classes taught by providers and teachers who demonstrate clinical judgment, communication, and problem-solving skills resulting from participation in a residency program;

"(8) increased percentage of qualified special education teachers;

"(9) increased number of general education teachers trained in working with students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

"(10) increased number of teachers trained in technology; and

"(11) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents."; and

(3) in subsection (d)—

(A) by inserting ", with particular attention to the reports and evaluations provided by the eligible States and eligible partnerships pursuant to this section," after "funded under this part"; and

(B) by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions".

SEC. 8. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in the matter preceding paragraph (1), by striking ", within 2 years" and all that follows through "the following" and inserting ", on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods previously developed for teacher preparation programs by the Commissioner of the National Center for Education Statistics, a State report card on the quality of teacher preparation in the State, which shall include not less than the following";

(B) in paragraph (4)—

(i) by striking "teaching candidates" and inserting "prospective teachers"; and

(ii) by striking "candidate" and inserting "prospective teacher";

(C) in paragraph (5)—

(i) by striking "teaching candidates" and inserting "prospective teachers";

(ii) by striking "teacher candidate" and inserting "prospective teacher"; and

(iii) by striking "candidate's" and inserting "teacher's";

(D) in paragraph (7), by inserting "how the State has ensured that the alternative certification routes meet the same State standards and criteria for teacher certification or licensure," after "if any,";

(E) in paragraph (8)—

(i) by striking "teacher candidate" and inserting "prospective teacher"; and

(ii) by inserting "(including the ability to provide instruction to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs)" after "skills";

(F) by adding at the end the following:

"(10) Information on the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children's education.";

(4) in subsection (b)(1), as redesignated by paragraph (2)—

(A) by striking "not later than 6 months of the date of enactment of the Higher Education Amendments of 1998 and";

(B) by striking "subsection (b)" and inserting "subsection (a)";

(C) by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions"; and

(D) by striking "not later than 9 months after the date of enactment of the Higher Education Amendments of 1998";

(5) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking "(9) of subsection (b)" and inserting "(10) of subsection (a)"; and

(B) by striking "and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter" and inserting ", and made available annually"; and

(6) in subsection (e)(1), as redesignated by paragraph (2)—

(A) by striking "not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report" and inserting "shall report annually"; and

(B) by striking "methods established under subsection (a)" and inserting "reporting methods developed for teacher preparation programs".

SEC. 9. STATE FUNCTIONS.

Section 208 of the Higher Education Act of 1965 (20 U.S.C. 1028) is amended—

(1) in subsection (a)—

(A) by striking ", not later than 2 years after the date of enactment of the Higher Education Amendments of 1998,";

(B) by inserting "and within entities providing alternative routes to teacher preparation" after "institutions of higher education";

(C) by inserting "and entities" after "low-performing institutions";

(D) by inserting "and entities" after "those institutions"; and

(E) by striking "207(b)" and inserting "207(a)";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) TEACHER QUALITY PLAN.—In order to receive funds under this Act, a State shall submit a State teacher quality plan that—

"(1) details how such funds will ensure that all teachers are highly qualified; and

"(2) indicates whether each teacher preparation program in the State that has not been designated as low-performing under subsection (a) is of sufficient quality to meet all State standards and produce highly qualified teachers with the teaching skills needed to teach effectively in the schools of the State.";

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking "of Education"; and

(B) in paragraph (2), by striking "of this Act"; and

(5) in subsection (d), as redesignated by paragraph (2), by striking "subsection (b)(2)" and inserting "subsection (c)(2)".

SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

(1) by redesignating section 210 as section 211; and

(2) by inserting after section 209 the following:

"SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

"(b) ELIGIBLE ENTITY.—In this section:

"(1) IN GENERAL.—The term 'eligible entity' means a consortium composed of institutions of higher education that—

"(A) award doctoral degrees in education; and

"(B) are partner institutions (as such term is defined in section 203).

"(2) INCLUSIONS.—The term 'eligible entity' may include the following:

"(A) Institutions of higher education that—

"(i) do not award doctoral degrees in education; and

"(ii) are partner institutions (as such term is defined in section 203).

"(B) Nonprofit entities with expertise in preparing highly qualified teachers.

"(c) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of how the eligible entity will provide professional development that is grounded in scientifically based research to faculty;

"(2) evidence that the eligible entity is well versed in current scientifically based research related to teaching and learning across content areas and fields;

"(3) a description of the assessment that the eligible entity will undertake to determine the most critical needs of the faculty who will be served by the Academies for Faculty Excellence; and

"(4) a description of the activities the eligible entity will carry out with grant funds received under this section, how the entity will include faculty in the activities, and how the entity will conduct these activities in collaboration with programs and projects that receive Federal funds from the Institute of Education Sciences.

"(d) REQUIRED USE OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to enhance the caliber of teaching undertaken in preparation programs for teachers, early childhood education providers, and principals and other administrators through the establishment and maintenance of a postdoctoral system of professional development by carrying out the following:

"(1) RECRUITMENT.—Recruit a faculty of experts who are knowledgeable about scientifically based research related to teaching and learning, who have direct experience working with teachers and students in school settings, who are capable of implementing scientifically based research to improve teaching practice and student achievement in school settings, and who are capable of providing professional development to faculty and others responsible for preparing teachers, early childhood education providers, principals, and administrators.

"(2) PROFESSIONAL DEVELOPMENT CURRICULA.—Develop a series of professional development curricula to be used by the Academies for Faculty Excellence and disseminated broadly to teacher preparation programs nationwide.

"(3) PROFESSIONAL DEVELOPMENT EXPERIENCES.—Support the development of a range of ongoing professional development experiences (including the use of the Internet) for faculty to ensure that such faculty are knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty activities that link content and pedagogy.

"(4) DEVELOPMENT PROGRAMS.—Provide fellowships, scholarships, and stipends for teacher educators to participate in various faculty development programs offered by the Academies for Faculty Excellence.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2005 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Higher Education Act of 1965, as redesignated by section 10, is amended—

(1) by striking "part $300,000,000 for fiscal year 1999" and inserting "part, other than section 210, $500,000,000 for fiscal year 2005";

(2) by striking "4 succeeding" and inserting "5 succeeding";

(3) in paragraph (1), by striking "45" and inserting "20";

(4) in paragraph (2), by striking "45" and inserting "60"; and

(5) in paragraph (3), by striking "10" and inserting "20".

By Mr. REID (for himself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 2336. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I introduce a bill on behalf of myself, Mr. CHAFEE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG.

We are very fortunate to live in a democratic nation where we can express our opinions freely. That is what America is all about. We can attempt to influence the policies of our Government and even criticize them without fear of retaliation. We can debate important issues without fear of retaliation by anyone.

One of the most heated debates in the last two decades has been the issue of abortion. People on both sides of the issue feel extremely strong. They have argued, demonstrated, and protested with much emotion and passion. The issue is not going to go away soon. I doubt that one side will be able to suddenly convince the other to drop its deeply held beliefs.

However, there is a need and even an opportunity to find common ground. We can move toward a goal we all share, reducing the number of unintended pregnancies in America. It is possible. And it is necessary to come together and enact effective legislation to prevent unintended pregnancies, reduce the number of abortions performed in this country, and address the unmet health care needs of American women.

We can only find common ground by being honest with each other. We can find not only common ground but also common sense solutions in this legislation which I am introducing entitled "Putting Prevention First." I am pleased that Senators CHAFEE, BOXER, MURRAY, CORZINE and LAUTENBERG are joining me as cosponsors of this legislation.

The Putting Prevention First Act will help reduce the staggering rates of unintended pregnancies in America. It will reduce the rate of infection with sexually transmitted diseases, reduce the number of abortions, and improve access to health care for women.

Specifically, the Putting Prevention First Act will: No. 1, end insurance discrimination against women; No. 2, improve awareness and understanding of emergency contraception; No. 3, ensure that rape victims have information about emergency contraception and access to emergency contraception; No. 4, increase funding for the National Family Planning Program; No. 5, provide funding to allow States to implement a comprehensive approach to sexuality education that includes information about both abstinence and contraception; No. 6, expands teen pregnancy prevention programs; and, No. 7 allows States to expand Medicaid family planning services to low-income women without having to apply for a waiver from the Federal Government.

Nationwide, about one-half of all pregnancies are unintended and half of those end in abortion. This is not just a health problem; it is a public health tragedy. But it does not have to be this way. Most of the unintended pregnancies and resulting abortions can be prevented. We must work together to make that happen, we can find a common ground.

One of the most important steps we can take to prevent unintended pregnancies is ensuring that American women have access to affordable, effective contraception.

I have been on national radio call-in shows and talked about legislation I have worked on with Senator SNOWE for so many years to provide for contraceptive equity. One time, a woman called and said: I don't believe in contraception. Well, my simple answer to her was: Then don't use them. But don't prevent others who have different beliefs from having the ability to use these contraceptives.

Today, numerous forms of safe and highly effective contraception are available by prescription. If used correctly, they could greatly reduce the rate of unintended pregnancies.

One of the greatest obstacles to the use of prescription contraceptives by American women is their cost. Women are educated. They know that they work. They simply do not have the money.

Again, on a radio program, a woman called in and said: I have diabetes. I am pregnant. I didn't want to become pregnant. It is not good for me. She said: But my husband's insurance doesn't cover the pill.

It is amazing, but many insurance policies do not cover prescription contraceptives for women. But they do automatically cover tubal ligations, vasectomies, abortions, and other such things that are much more expensive than prescription contraception.

Now, we have made progress. Federal Employees have access to prescription contraception through the Federal Employees Health Benefits Program. But we shouldn't limit this benefit to just federal employees.

We know that women on average earn less than men, and yet they must pay far more than men for health-related expenses. According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket costs for medical expenses than men, and, of course, that is largely due to their reproductive health care needs.

Because many women cannot afford the prescription contraceptives they would like to use, many go without. Far too often, this results in unintended pregnancies.

The high cost of prescription contraceptives is not just a problem for the millions of women without health insurance, but also for millions of American women who do have health insurance because many insurance plans that cover prescription drugs do not cover contraceptives. So women are forced to either do without contraceptives or pay for them out of pocket and, as I have given an example or two, many families simply cannot afford it. This is unfair to women and their families and it is a bad policy because it causes additional unintended pregnancies and adversely affects the health of women.

Since 1997, Senator OLYMPIA SNOWE and I have worked to remedy this problem. Today, as part of the Putting Prevention First Act, I am again proposing common-sense legislation that has received bipartisan support.

The Equity in Prescription Insurance and Contraceptive Coverage Act—EPICC, as we call it—requires insurance plans that cover prescription drugs to provide the same coverage for prescription contraceptives. We are not asking for special treatment, only equitable treatment within the context of an existing prescription drug benefit. This legislation is simply the fair thing to do for women.

And making contraception more affordable and more available will enable more women to use safe and effective means to prevent unintended pregnancies. As I said, it is a goal we all share.

Contraceptive coverage is much cheaper than other services, including, as I have said, abortions, sterilizations, and tubal ligations that insurance companies routinely cover. The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years because of an amendment offered on this floor, has proved that adding such coverage does not increase the cost of a plan.

This commonsense, cost-effective legislation is long overdue. Promoting equity in health insurance coverage for American women, while working to prevent unintended pregnancies and improve the health of women, is by any means the right thing to do.

We should also take additional steps that would improve access to women's health care for poor and low-income women. Public health programs such as Medicaid and title X provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals. Yet these programs are struggling to meet the growing demand for subsidized family planning services without corresponding increases in funding.

The Putting Prevention First legislation would increase the authorization for title X, and it would allow States to expand Medicaid family planning services to women with incomes of up to 200 percent of the Federal poverty level without having to apply to the Federal Government for a waiver.

This commonsense approach has long been championed by Senator LINCOLN Chafee. My friend and cosponsor of this legislation knows that contraceptive use saves scarce public health dollars. Every $1 spent on providing family planning services saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

The Putting Prevention First Act would increase the awareness and availability of emergency contraception, an important yet poorly understood form of contraception. Approved for use by the Food and Drug Administration, emergency contraception pills work to prevent pregnancy, and they cannot disrupt or interrupt an established pregnancy. The emergency contraception pills work to prevent pregnancy, not to interrupt and disrupt a pregnancy. The availability of emergency contraception is very important for women who survive a sexual assault.

I can remember a young woman who worked for me, a teenager. She came to me and said: Could I see you in your office?

I said: Sure. What is the matter?

She said: I was jumped.

She was driving through a part of town alone. Some people pulled her car over and they raped her. I sent her to another friend of mine who is an OB/GYN.

It is difficult to imagine the physical, psychological, and emotional pain endured by a woman who is raped. In addition to the violent attack, she must also worry about the possibility she could become pregnant.

The availability of emergency contraception is important for women who survive a sexual assault. A woman could use emergency contraception in an emergency, such as if she has been raped and doesn't want to become pregnant.

Compassion is a word we have heard a lot from political leaders in recent years. Actions speak louder than words. Surely it would be compassionate to make emergency contraception available to a woman who is raped so she doesn't become impregnated by the thug who brutalized and traumatized her.

The Putting Prevention First Act includes a provision that has been advocated by Senators Corzine and Murray. This provision would require hospitals receiving Federal health dollars to provide information about emergency contraception and make it available to sexual assault survivors who are treated in the emergency room. Simply put, emergency contraception should be made available in an emergency room.

Emergency contraception and emergency rooms go hand in hand. Women who are the victims of rape should be informed of all their options, including emergency contraception.

If they choose that option, it should be available to them right then.

Emergency contraception has been studied extensively and is regarded as a safe and effective method to prevent unintended pregnancies. Its use has been recommended by leading medical authorities, including the American Medical Association and the American College of Obstetricians and Gynecologists. It has been approved by the Food and Drug Administration. An FDA advisory panel has recommended emergency contraception be made available without a prescription. This could prevent 1.7 million unintended pregnancies and 800,000 abortions in America each year.

Unfortunately, however, emergency contraception remains for the most part a well-kept secret. Most of the women who would use this to prevent an unintended pregnancy are unaware of its existence, and they don't know it is available, if it is available. Even many health care providers do not understand what emergency contraception is, how it works, and who can use it.

To reduce unintended pregnancies by raising awareness about emergency contraception, the Putting Prevention First Act includes a provision championed by Senator MURRAY that will provide funding to develop and distribute information about emergency contraception to public health organizations, health care providers, and the public. I commend Senator MURRAY and appreciate her allowing me to include this in my legislation.

These are some of the simple but necessary steps we can and should take to prevent unintended pregnancies. We should embrace these measures to protect the health of American women, prevent unintended pregnancies, and reduce abortion. It is time to put prevention first.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Putting Prevention First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

Sec. 101. Short title.
Sec. 102. Authorization of appropriations.

TITLE II—FAMILY PLANNING STATE EMPOWERMENT

Sec. 201. Short title.
Sec. 202. State option to provide family planning services and supplies to additional low-income individuals.
Sec. 203. State option to extend the period of eligibility for provision of family planning services and supplies.

TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

Sec. 301. Short title.
Sec. 302. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 303. Amendments to Public Health Service Act relating to the group market.
Sec. 304. Amendment to Public Health Service Act relating to the individual market.

TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

Sec. 401. Short title.
Sec. 402. Emergency contraception education and information programs.

TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

Sec. 501. Short title.
Sec. 502. Survivors of sexual assault; provision by hospitals of emergency contraceptives without charge.

TITLE VI—FAMILY LIFE EDUCATION

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.
Sec. 604. Sense of Congress.
Sec. 605. Evaluation of programs.
Sec. 606. Definitions.
Sec. 607. Appropriations.

TITLE VII—TEENAGE PREGNANCY PREVENTION

Sec. 701. Short title.
Sec. 702. Teenage pregnancy prevention.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Although the Centers for Disease Control and Prevention ("CDC") included family planning in its published list of the "Ten Great Public Health Achievements in the 20th Century", the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Each year, three million pregnancies, nearly half of all pregnancies, in the United States are unintended; and half of unintended pregnancies end in abortion.

(3) In 2000, 34 million women—half of all women of reproductive age (ages 15-44)—were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(4) The United States also has the highest rate of infection with sexually transmitted diseases ("STDs") of any industrialized country: in 2000 there were approximately 18.9 million new cases of STDs.

(5) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy,

abortion, and infection with STDs. Contraceptive use saves public health dollars: every dollar spent on providing family planning services, saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(6) Contraception is basic health care that improves the health of women and children by enabling women to plan and space births.

(7) Women experiencing unintended pregnancy are at greater risks for physical abuse and women having closely spaced births are at greater risk of maternal death.

(8) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(9) The ability to control fertility also allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.

(10) The average American woman desires two children and spends five years of her life pregnant or trying to get pregnant and roughly 30 years trying to prevent pregnancy; without contraception, a sexually active woman has an 85 percent chance of becoming pregnant within a year.

(11) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. 12.1 million or 20 percent of all women aged 15–24 were uninsured in 2002, and that proportion has increased by 10 percent since 1999.

(12) Public health programs like Medicaid and Title X, the national family planning program, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.

(13) Medicaid is the single largest source of public funding for family planning services and HIV/AIDS care in the United States. Half of all public dollars spent on contraceptive services and supplies in the United States are provided through Medicaid and approximately 5.5 million women of reproductive age—nearly one in ten women between the ages of 15 and 44—rely on Medicaid for their basic health care needs.

(14) Each year, Title X services enable Americans to prevent approximately one million unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for STDs does so at a Title X-funded clinic. In 2002, Title X-funded clinics provided three million Pap tests, 5.2 million STD tests, and 494,000 HIV tests.

(15) The increasing number of uninsured, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and STDs, have diminished the ability of Title X funded clinics to adequately serve all those in need. Taking inflation into account, funding for the Title X program declined 57 percent between 1980 and 2003.

(16) While Medicaid is the largest source of subsidized family planning services, many States have had to make significant cuts in their Medicaid programs due to budget pressures putting many women at risk of losing coverage for family planning services.

(17) In addition, eligibility for Medicaid in many States is severely restricted leaving family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow them to expand access to Medicaid family planning services. However, the administrative burden of applying for a waiver poses a significant barrier to States that would like to expand their Medicaid family planning programs.

(18) Many private health plans still do not cover contraceptive services and supplies. The lack of contraceptive coverage in health insurance plans places many effective forms of contraception beyond the financial reach of many women.

(19) Including contraceptive coverage in private health care plans saves employers money: not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(20) Emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion.

(21) In 2000, 51,000 abortions were prevented by use of emergency contraception; increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(22) Access to comprehensive sex education is critical to reducing rates of unintended pregnancy, abortion, and STD infection among teens. Over 60 percent of teens have had sex before they graduate from high school and nine out of ten people have sex before they get married. 822,000 teenagers become pregnant each year; 35 percent of teen girls become pregnant at least once before turning 20; and 78 percent of teenage pregnancies are unintended. Nearly half (48 percent) of new STD cases are among people ages 15–24, even though these youth make up only a quarter of the sexually active population.

(23) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society for Adolescent Medicine, support responsible sexuality education that includes information about both abstinence and contraception.

(24) Comprehensive sex education protects adolescent health. A recent survey found that only 15 percent of American parents believe that schools should just teach about abstinence.

(25) A recent study showed that teens who took pledges to remain virgins until marriage were just as likely to contract STDs as teens who did not take virginity pledges and that although teens taking the pledges delayed sexual debut, they were less likely to use condoms once they were sexually active.

(26) Teens who receive sex education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sex and to have fewer partners and use contraceptives when they do become sexually active.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

SEC. 101. SHORT TITLE.

This Act may be cited as the "Title X Family Planning Services Act of 2004".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act, there are authorized to be appropriated $643,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year.

TITLE II—FAMILY PLANNING STATE EMPOWERMENT

SEC. 201. SHORT TITLE.

This Act may be cited as the "Family Planning State Empowerment Act".

SEC. 202. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS

"SEC. 1935.

"(a) IN GENERAL.—A State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual not otherwise eligible for such assistance—

"(1) whose family income does not exceed an income level (specified by the State) that does not exceed the greatest of—

"(A) 200 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved;

"(B) in the case of a State that has in effect (as of the date of the enactment of this section) a waiver under section 1115 to provide such medical assistance to individuals based on their income level (expressed as a percent of the poverty line), the eligibility income level as provided under such waiver; or

"(C) the eligibility income level (expressed as a percent of such poverty line) that has been specified under the plan (including under section 1902(r)(2)), for eligibility of pregnant women for medical assistance; and

"(2) at the option of the State, whose resources do not exceed a resource level specified by the State, which level is not more restrictive than the resource level applicable under the waiver described in paragraph (1)(B) or to pregnant women under paragraph (1)(C).

"(b) FLEXIBILITY.—A State may exercise the authority under subsection (a) with respect to one or more classes of individuals described in such subsection.".

(b) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(1) by striking "and" at the end of clause (xii);

(2) by adding "and" at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following new clause:

"(xiv) individuals described in section 1935, but only with respect to items and services described in paragraph (4)(C),".

(c) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance provided on and after October 1, 2004.

SEC. 203. STATE OPTION TO EXTEND THE PERIOD OF ELIGIBILITY FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

"(13) At the option of a State, the State plan may provide that, in the case of an individual who was eligible for medical assistance described in section 1905(a)(4)(C), but who no longer qualifies for such assistance because of an increase in income or resources or because of the expiration of a post-partum period, the individual may remain eligible for such assistance for such period as the State may specify, but the period of extended eligibility under this paragraph shall not exceed a continuous period of 24 months for any individual. The State may apply the previous sentence to one or more classes of individuals and may vary the period of extended eligibility with respect to different classes of individuals.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2004.

TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

SEC. 301. SHORT TITLE.

This Act may be cited as the "Equity in Prescription Insurance and Contraceptive Coverage Act".

SEC. 302. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for participants or beneficiaries that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

"Sec. 714. Standards relating to benefits for contraceptives.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2005.

SEC. 303. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for enrollees that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2005.

SEC. 304. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2005.

TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

SEC. 401. SHORT TITLE.

This Act may be cited as the "Emergency Contraception Education Act".

SEC. 402. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) EMERGENCY CONTRACEPTION.—The term "emergency contraception" means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that is—

(A) used after sexual relations; and

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term "health care provider" means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception, and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2005 through 2009.

TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

SEC. 501. SHORT TITLE.

This Act may be cited as the "Compassionate Assistance for Rape Emergencies Act".

SEC. 502. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "emergency contraception" means a drug, drug regimen, or device that is—

(A) used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term "hospital" has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "sexual assault" means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

TITLE VI—FAMILY LIFE EDUCATION

SEC. 601. SHORT TITLE.

This Act may be cited as the "Family Life Education Act".

SEC. 602. FINDINGS.

The Congress finds as follows:

(1) The American Medical Association ("AMA"), the American Nurses Association ("ANA"), the American Academy of Pediatrics ("AAP"), the American College of Obstetricians and Gynecologists ("ACOG"), the American Public Health Association ("APHA"), and the Society of Adolescent Medicine ("SAM"), support responsible sexuality education that includes information about both abstinence and contraception.

(2) Recent scientific reports by the Institute of Medicine, the American Medical Association and the Office on National AIDS Policy stress the need for sexuality education that includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS and other sexually transmitted diseases ("STDs").

(3) Research shows that teenagers who receive sexuality education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sexual activity and to use contraceptives when they do become sexually active.

(4) Comprehensive sexuality education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sexuality education children receive from their families.

(5) The median age of puberty is 13 years and the average age of marriage is over 26 years old. American teens need access to full, complete, and medically and factually accurate information regarding sexuality, including contraception, STD/HIV prevention, and abstinence.

(6) Although teen pregnancy rates are decreasing, there are still between 750,000 and 850,000 teen pregnancies each year. Between 75 and 90 percent of teen pregnancies among 15- to 19-year olds are unintended.

(7) Research shows that 75 percent of the decrease in teen pregnancy between 1988 and 1995 was due to improved contraceptive use, while 25 percent was due to increased abstinence.

(8) More than eight out of ten Americans believe that young people should have information about abstinence and protecting themselves from unplanned pregnancies and sexually transmitted diseases.

(9) United States teens acquire an estimated 4,000,000 sexually transmitted infections each year. By age 24, at least one in three sexually active people will have contracted a sexually transmitted disease.

(10) An average of two young people in the United States are infected with HIV every hour of every day. African Americans and Hispanic youth have been disproportionately affected by the HIV/AIDS epidemic. Although less than 16 percent of the adolescent population in the United States is African American, nearly 50 percent of AIDS cases through June 2000 among 13- to 19-year olds were among Blacks. Hispanics comprise 13 percent of the population and 20 percent of the reported adolescent AIDS cases though June 2000.

SEC. 603. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.

(a) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary of Health and Human Services, for each of the fiscal years 2005 through 2009, a grant to conduct programs of family life education, including education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

(b) REQUIREMENTS FOR FAMILY LIFE PROGRAMS.—For purposes of this title, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(6) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(7) encourages family communication about sexuality between parent and child;

(8) teaches young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances; and

(9) teaches young people how alcohol and drug use can effect responsible decision-making.

(c) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education, a State may expend a grant under subsection (a) to carry out educational and motivational activities that help young people—

(1) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(2) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(3) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(4) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, sexual orientation, and other subjects;

(5) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(6) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including, but not limited to, friendships, dating, romantic involvement, marriage and family interactions; and

(7) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

SEC. 604. SENSE OF CONGRESS.

It is the sense of Congress that while States are not required to provide matching funds, they are encouraged to do so.

SEC. 605. EVALUATION OF PROGRAMS.

(a) IN GENERAL.—For the purpose of evaluating the effectiveness of programs of family life education carried out with a grant under section 603, evaluations of such program shall be carried out in accordance with subsections (b) and (c).

(b) NATIONAL EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for a national evaluation of a representative sample of programs of family life education carried out with grants under section 603. A condition for the receipt of such a grant is that the State involved agree to cooperate with the evaluation. The purposes of the national evaluation shall be the determination of—

(A) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(B) the effectiveness of such programs in preventing adolescent pregnancy;

(C) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS;

(D) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs; and

(E) a list of best practices based upon essential programmatic components of evaluated programs that have led to success in subparagraphs (A) through (D).

(2) REPORT.—A report providing the results of the national evaluation under paragraph (1) shall be submitted to the Congress not later than March 31, 2008, with an interim report provided on a yearly basis at the end of each fiscal year.

(c) INDIVIDUAL STATE EVALUATIONS.—

(1) IN GENERAL.—A condition for the receipt of a grant under section 603 is that the State involved agree to provide for the evaluation of the programs of family education carried out with the grant in accordance with the following:

(A) The evaluation will be conducted by an external, independent entity.

(B) The purposes of the evaluation will be the determination of—

(i) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(ii) the effectiveness of such programs in preventing adolescent pregnancy;

(iii) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS; and

(iv) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs.

(2) USE OF GRANT.—A condition for the receipt of a grant under section 603 is that the State involved agree that not more than 10 percent of the grant will be expended for the evaluation under paragraph (1).

SEC. 606. DEFINITIONS.

For purposes of this title:

(1) The term "eligible State" means a State that submits to the Secretary an application for a grant under section 603 that is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

(2) The term "HIV/AIDS" means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term "medically accurate", with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 607. APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of carrying out this title, there is authorized to be appropriated $100,000,000 for each of the fiscal years 2005 through 2009.

(b) ALLOCATIONS.—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this title for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 605(b).

TITLE VII—TEENAGE PREGNANCY PREVENTION

SEC. 701. SHORT TITLE.

This Act may be cited as the "Preventing Teen Pregnancy Act".

SEC. 702. TEENAGE PREGNANCY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399N the following section:

"SEC. 399O. TEENAGE PREGNANCY PREVENTION GRANTS.

"(a) AUTHORITY.—The Secretary may award on a competitive basis grants to public and private entities to establish or expand teenage pregnancy prevention programs.

"(b) GRANT RECIPIENTS.—Grant recipients under this section may include State and local not-for-profit coalitions working to prevent teenage pregnancy, State, local, and tribal agencies, schools, entities that provide afterschool programs, and community and faith-based groups.

"(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give—

"(1) highest priority to applicants seeking assistance for programs targeting communities or populations in which—

"(A) teenage pregnancy or birth rates are higher than the corresponding State average; or

"(B) teenage pregnancy or birth rates are increasing; and

"(2) priority to applicants seeking assistance for programs that—

"(A) will benefit underserved or at-risk populations such as young males or immigrant youths; or

"(B) will take advantage of other available resources and be coordinated with other programs that serve youth, such as workforce development and after school programs.

"(d) USE OF FUNDS.—Funds received by an entity as a grant under this section shall be used for programs that—

"(1) replicate or substantially incorporate the elements of one or more teenage pregnancy prevention programs that have been proven (on the basis of rigorous scientific research) to delay sexual intercourse or sexual activity, increase condom or contraceptive use (without increasing sexual activity), or reduce teenage pregnancy; and

"(2) incorporate one or more of the following strategies for preventing teenage pregnancy: encouraging teenagers to delay sexual activity; sex and HIV education; interventions for sexually active teenagers; preventive health services; youth development programs; service learning programs; and outreach or media programs.

"(e) COMPLETE INFORMATION.—Programs receiving funds under this section that choose to provide information on HIV/AIDS or contraception or both must provide information that is complete and medically accurate.

"(f) RELATION TO ABSTINENCE-ONLY PROGRAMS.—Funds under this section are not intended for use by abstinence-only education programs. Abstinence-only education programs that receive Federal funds through the Maternal and Child Health Block Grant, the Administration for Children and Families, the Adolescent Family Life Program, and any other program that uses the definition of 'abstinence education' found in section 510(b) of the Social Security Act are ineligible for funding.

"(g) APPLICATIONS.—Each entity seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(h) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant for a program under this section unless the applicant demonstrates that it will pay, from funds derived from non-Federal sources, at least 25 percent of the cost of the program.

"(2) APPLICANT'S SHARE.—The applicant's share of the cost of a program shall be provided in cash or in kind.

"(i) SUPPLEMENTATION OF FUNDS.—An entity that receives funds as a grant under this section shall use the funds to supplement and not supplant funds that would otherwise be available to the entity for teenage pregnancy prevention.

"(j) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall—

"(A) conduct or provide for a rigorous evaluation of 10 percent of programs for which a grant is awarded under this section;

"(B) collect basic data on each program for which a grant is awarded under this section; and

"(C) upon completion of the evaluations referred to in subparagraph (A), submit to the Congress a report that includes a detailed statement on the effectiveness of grants under this section.

"(2) COOPERATION BY GRANTEES.—Each grant recipient under this section shall provide such information and cooperation as may be required for an evaluation under paragraph (1).

"(k) DEFINITION.—For purposes of this section, the term 'rigorous scientific research' means based on a program evaluation that:

"(1) Measured impact on sexual or contraceptive behavior, pregnancy or childbearing.

"(2) Employed an experimental or quasi-experimental design with well-constructed and appropriate comparison groups.

"(3) Had a sample size large enough (at least 100 in the combined treatment and control group) and a follow-up interval long enough (at least six months) to draw valid conclusions about impact.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year. In addition, there are authorized to be appropriated for evaluations under subsection (j) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.".

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2337. A bill to establish a grant program to support coastal and water quality restoration activities in States bordering the Great Lakes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to introduce the Great Lakes Community Restoration Act.

Before I discuss the bill, I want to say that it is extremely fitting that we are discussing the restoration of the Great Lakes, because today is Earth Day. Earth Day is a time to reflect on the environmental gains we have made, and to challenge ourselves with a new environmental commitment for the future. Our environmental and natural resources are not merely important, they are vital to our future health and survival. The Great Lakes are one of our Nation's most precious and vital natural resources. I believe it is extremely important that we have a strong Federal, State and local commitment to protect them.

The Great Lakes contain one-fifth of the world's fresh water, and supply safe drinking water to thirty-three million people, including 10 million people who rely on Lake Michigan alone. The Great Lakes' coastlines are home to wetlands, dunes, and endangered plants and species. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake. Millions of people use the Great Lakes each year for recreation, enjoying beaches, good fishing and boating. The latest estimate shows that recreational fishing totals a $1.5 billion boost to Michigan's tourist economy alone.

However, it takes a real Federal, State, and local partnership to maintain this critical natural resource. Unfortunately, there are several environmental threats to the Great Lakes that we need to address. These include cleaning up contaminated sediments and pollutants that are affecting the Great Lakes ecosystem. During last year's electricity blackout, 650 pounds of vinyl chloride were dumped into the St. Clair River. This past February, another serious chemical spill occurred, dumping approximately 42,000 gallons of methyl ethyl ketone and methyl isobutyl ketone into the river, and forcing the shutdown of 10 drinking water plants. Last summer alone, 81 beaches in Michigan were closed due to elevated E coli levels. This contamination affects our water supply, our recreation and tourism, and Michigan's overall economy.

The Great Lakes have also been inundated with invasive species. Over the past century, more than 87 non-indigenous aquatic species have been accidentally introduced into the Great Lakes. They have damaged the lakes in a number of ways. They have destroyed thousands of fish and threatened our clean drinking water. For example, Lake Michigan once housed the largest self-producing lake trout fishery in the world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago has fed-on and greatly contributed to the decline of trout and whitefish in the Great Lakes. Today, lake trout must be stocked because it cannot naturally reproduce in the lakes. These invasive species also cause damage to our community water and sewer systems.

Michigan also is home to over 120 lighthouses, more than any other State in the Nation. The oldest Michigan lighthouses date back to the 1820s. These lighthouses are an inseparable part of Michigan's identity and cultural history. Unfortunately, many of our lighthouses are poorly maintained and in grave need of repair. In order to preserve our history and heritage of the Great Lakes, it is imperative that we maintain our lighthouses.

As I mentioned before, protecting the Great Lakes requires a coordinated effort at all levels of government. However, our local communities are the ones who are immediately affected by these problems, both environmentally and economically.

That is why I have introduced the Great Lakes Community Restoration Act. The Act will provide $400 million directly to local communities to help protect and restore the Great Lakes coastal region. NOAA will award the grant for local projects, such as repair of sewer systems damaged by invasive species, lighthouse restoration, and the local cleanup of water pollution and sediments.

Protecting the Great Lakes requires a Federal, State and local partnership, and this Act will provide local communities with the resources they need to continue their vital stewardship of the Great Lakes.

By Mr. BOND (for himself, Mr. KENNEDY, and Mr. JOHNSON):

S. 2338. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues, Senator CHRISTOPHER BOND and Senator TIM JOHNSON, in introducing the Arthritis Prevention, Control, and Cure Act of 2004. Senator BOND has been outstanding in his leadership and support of this bipartisan legislation, which is a product of the untiring efforts of many leaders in the arthritis community including patients, families, and health care providers. The goal of this legislation is to lessen the burden of arthritis and other rheumatic diseases on citizens across our Nation.

Seventy million adults in the United States now suffer from arthritis or related conditions. Of these, one in three is under 65. Over 300,000 are children who struggle each day to get out of bed, go to school, and play with their friends. Arthritis accounts for 4 million days of hospital care ach year. It costs $51 million in annual medical care, and $86 million more is lost in productivity. Arthritis is an overwhelming and debilitating hardship for countless families across the Nation.

In recent years, increasing effective research into the prevention and treatment of arthritis has led to measures that successfully reduce pain and improve the quality of life for millions who suffer with this disease. Cooperative efforts at every level have led to the development of a National Arthritis Action Plan, with emphasis on public health strategies to make timely information and medical care much more widely available across the country. However, the commitment to implement these important public health approaches has been very limited so far. Advances in research and treatment reach less than 1 percent of people with arthritis. We need to do much more to bring the highest quality of care to those with arthritis and other rheumatic diseases.

Our legislation will reduce the burden of unnecessary suffering for our citizens by supporting implementation of effective strategies to carry out the National Arthritis Action Plan. That means support for comprehensive arthritis control and prevention programs. It means the development of arthritis education and outreach activities, and more research on the best ways to prevent and treat the illness at various ages.

It also means developing better care and treatment for children with arthritis and rheumatic diseases. We include planning grants to support innovative research on juvenile arthritis. We support training for health care providers specializing in pediatric rheumatology, so that all children will have greater access to physicians trained in state-of-the-art care for arthritis.

This legislation will improve the quality of life for large numbers of adults and children, and avoid thousands of dollars in medical costs for each patient. Millions of our fellow citizens will have greater access to the best available information and medical care to prevent and treat this debilitating disease. I urge our colleagues to support this timely and needed legislation.

Mr. JOHNSON. Mr. President, today I join a bipartisan group of Senators in introducing the Arthritis Prevention, Control and Cure Act of 2004. This legislation is so important to addressing arthritis and chronic joint problems which are the leading causes of disability in the United States impacting nearly 70 million adults. I want to thank Senators KENNEDY and BOND who have been working hard on this legislation over the last year.

The prevalence of chronic diseases in the U.S. have become the most significant public health problem of our current day. The beginning of the last century raised many infectious disease public health problems. But safe drinking water, clean working conditions and modern medicines have changed the public health dynamics. While we do need to continue to be concerned about newly emerging infectious diseases such as SARS and West Nile Virus, the biggest threat to our health as a nation is the impact of chronic diseases. It is estimated that by the year 2020, 157 million Americans will suffer from some chronic illness. Whether it be asthma, diabetes, heart disease or arthritis, these conditions are costly to our health care system and erode quality of life.

Arthritis and other rheumatic diseases are among the most common conditions in the United States, diminishing mental health and imposing significant limitations on daily activities. One out of every 3, or nearly 70 million adults in the United States suffer from arthritis or chronic joint symptoms. In my home State, approximately 173,000 adults suffer from the disease, or 31 percent of the adult population. Arthritis is exceeded only by heart disease as a cause of work disability. In addition, nearly 300,000 children in the United States, or 3 children out of every 1,000, have some form of arthritis or other rheumatic disease. The costs associated with arthritis are immense. The disease results in 750,000 hospitalizations, 44 million outpatient visits and 4 million days of hospital care every year. The estimated total costs of arthritis in the U.S., including lost productivity exceeds $86 billion.

While the current impact of the disease is quite astounding, there is much that can be done to prevent and control arthritis. Despite myths that inaccurately portray this illness as an old persons disease, some forms of arthritis, such as osteoarthritis, can be prevented with weight control and other precautions. More broadly, the pain and disability accompanying all types of arthritis can be minimized through early diagnosis and appropriate disease management. There are many interventions that have been proven effective in reducing the burden of this disease, but unfortunately up until this point, those strategies have been underutilized.

The National Arthritis Action Plan, developed by the Centers for Disease Control or CDC, Arthritis Foundation and the Association of State and Territorial Health Officials, put forward a comprehensive strategy to meet the challenged of addressing arthritis. This legislation puts the action plan into law, directing the CDC and National Institutes of Health to formalize the intentions of that action plan.

This legislation enhances support for the implementation of public health strategies consistent with the National Arthritis Action Plan. Through the CDC, the legislation will implement comprehensive arthritis control and prevention programs, developing arthritis education and outreach activities, and conducting research on prevention and treatment across the lifespan. It also includes planning grants in support of innovative research related to juvenile arthritis and supports health care provider training for those specializing in pediatric rheumatology. This bill will also assure that the National Arthritis Action Plan is implemented in a systematic way, and guarantees continued focus on quality research and care for adults and children who suffer from this debilitating disease.

The bill provides funds for local demonstration projects, including community-based and patient self-management programs for arthritis control, prevention and care. State and tribal grants will also be made available for comprehensive prevention programs administered by state health departments. While CDC does provide for some grants currently, it is my hope that by moving this legislation forward, eventually, all states will have comprehensive arthritis programs to meet the increasing need.

I want to again thank Senators KENNEDY and BOND for their leadership on this issue. I urge my colleagues to support this important bill.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Ms. MIKULSKI):

S. 2339. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today along with my colleagues, Senators LAUTENBERG, STABENOW, and MIKULSKI, to introduce legislation, the Preserving Access to Affordable Drugs (PAAD) Act. This legislation is essential to ensuring that no senior who has existing prescription drug coverage receives less coverage once the Medicare prescription drug program goes into effect.

The Congressional Budget Office has estimated that as many as 1.7 million retirees could lose their employer-based prescription drug benefits as a result of the new Medicare prescription drug benefit. Also as a result of the new law, hundreds of thousands of seniors currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private Medicare drug plan. Additionally, approximately six million seniors who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which are more generous and provide greater access to a variety of drugs than the Medicare benefit will. And, despite the fact that the new Medicare law has huge gaps in coverage, seniors who choose to enroll in the new drug benefit will be prohibited from purchasing Medigap coverage to pay for prescription drugs not covered by the new Medicare benefit.

No senior should be made worse off by the new Medicare law. The law should expand benefits—not rescind them. The PAAD Act will make critical changes to the Medicare law to ensure that the above-mentioned benefits are safeguarded.

First, the PAAD Act will preserve retiree prescription drug benefits by allowing employer contributions to count towards the out of pocket threshold. Under the Medicare law, retirees with employer-based coverage would receive less of a subsidy from Medicare than seniors without such coverage. This lower subsidy creates a disincentive to employers to continue to provide these benefits and will lead to a significant reduction in employer-based benefits. The PAAD Act will ensure that employer-based plans receive the same subsidization as the Medicare prescription drug plans.

Second, the PAAD Act will restore language that I added to the Senate-passed Medicare bill to allow states with pharmaceutical assistance programs to administer the Medicare prescription drug benefit to Medicare beneficiaries enrolled in these programs. This will ensure a seamless transition for these seniors and will ensure that they maintain the generous prescription drug coverage that many states, including New Jersey, offer.

Third, the PAAD Act will enable states to supplement the Medicare prescription drug benefit for the neediest Medicare beneficiaries, those dually-eligible for the Medicaid program. Under current law, Medicaid wraps around Medicare, paying for copayments and premiums, for those beneficiaries who are extremely sick and poor. Under the new Medicare law, states will be prohibited from using Medicaid to wrap around the Medicare drug benefit for these seniors, stripping them of access to needed prescription drugs. The PAAD Act will ensure that states can provide supplemental Medicaid prescription drug coverage to complement the Medicare drug benefit for seniors who are dually eligible for Medicare and Medicaid.

Fourth, the PAAD Act will restore seniors' access to supplemental drug benefits through the Medigap program. Seniors should be allowed to improve the Medicare drug benefit if they so choose.

Finally, the PAAD Act will also eliminate the risky demonstration program to privatize Medicare, a program which if not eliminated is likely to impact my state of New Jersey. Under the new Medicare law, seniors who live in areas where a large number of seniors are enrolled in Medicare managed care plans could end up in this privatization scheme. This new program is slated to go into effect in 2010. But, if it were to go into effect today, Gloucester, Burlington, Camden and Salem Counties in New Jersey would likely be chosen to participate in it.

One of the goals of medicine is to do no harm. The new Medicare law violates that tenet. My legislation is critical to preserving and protecting existing prescription drug coverage while expanding it to those who currently lack such coverage. I look forward to working with my colleagues to pass this legislation and improve prescription drug benefits for all seniors.

By Mr. BINGAMAN (for himself, Mr. KENNEDY, and Mr. REED):

S. 2340. A bill to reauthorize title II of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Capacity to Learn for All Students and Schools (CLASS) Act of 2004, along with Senators KENNEDY and REED, to ensure that all of our students receive the high quality of instruction they need and deserve. We know that teacher quality is the single most important factor in determining the success of our school children. Children who consistently have access to good teachers are more likely to do well academically; those who do not are more likely to fall behind.

As the son of two former teachers, I am well aware of the satisfactions and challenges that accompany a career in teaching. I have been a long-time and strong supporter of our devoted teachers and our public schools. Over the years, I have visited many schools throughout my home State of New Mexico and spoken with countless students and teachers. I frequently have witnessed the dedication of our teachers in preparing young people to lead meaningful and productive adult lives.

So many of us can look back on our own student years and recall a special teacher whose passion for learning ignited a similar passion in us, whose high standards caused us to set higher standards for ourselves, and whose commitment to education provided a model for our own lives. We need to ensure that all children have access to such special teachers. Many other Senators share my interest in this issue, including my colleagues on the HELP Committee. In fact, I am pleased to be introducing this bill along with the Senior Senator from Rhode Island. Senator REED's PRREP Act is a great complement to the CLASS Act, and I look forward to working with him and other members of the Committee as we proceed toward reauthorization of the Higher Education Act.

The current act authorizes three types of competitively awarded grants: State Grants, Partnership Grants, and Recruitment Grants. The CLASS Act significantly increases funding for these programs, strengthens the provisions of the current law, and expands the learning and teaching capacity of students, teachers, and schools. I want to mention some of our critical educational needs and explain how the CLASS Act addresses those needs.

First, we need to ensure that all teachers are highly qualified, have strong teaching skills, understand scientifically based research and its applicability, and can use technology effectively in the classroom. The preparation afforded prospective teachers must enable them to meet the varied needs of our nation's students, of our schools and institutions of higher education, and of our competitive workforce.

The CLASS Act will address this need in a number of ways. For example, the CLASS Act establishes Academic Teaching Centers (ATCs). The ATCs provide a setting—a model teaching laboratory—for the integration of education and training, research, and evidence-based practice for teacher candidates, university professors, and master teachers. Modeled on academic health centers, ATCs offer prospective teachers with a system of practice-based support at initial levels of preparation, training during the first years of practice, and continued support in maintaining high levels of skill mastery. The ATC provides a clinical setting with an education and research mission, mentorship by expert practitioners, cross-pollination between practice and research, and high-quality services for its K–12 students.

The CLASS Act also authorizes a Professional Development Program (PDP) that encourages states to pursue alignment with National Board for Professional Teaching Standards, a tiered licensure system, multiple career paths, and opportunities for professional growth. The PDP will improve teacher recruitment and retention by increasing the attractiveness of a teaching career, encouraging teachers to enhance their competencies and skills, and reinforcing their efforts to advance in their profession. The CLASS Act also encourages clinical, field, induction, mentoring, and other professional development experiences.

Further, the CLASS Act requires rigorous standards for teacher certification or licensure designed to enhance teacher quality and to ensure that all prospective teachers meet the same high State standards. The act also expands programs that prepare prospective teachers to use advanced technology.

Second, we need to empower teachers and schools to provide access for all students to a high-quality general education curriculum, including minorities, students in high-need schools, and students with disabilities and limited-English proficiency. Our teachers need to be able to provide effective instruction to diverse student populations and to address special learning needs. We also need to recruit new teachers from underrepresented groups and to increase access to certification or licensure for other qualified individuals.

The CLASS Act will address this need by creating Centers of Excellence. The Centers of Excellence will increase minority teacher and principal recruitment, development, and retention. The act will also prepare teachers to provide access to the general education curriculum for all students, including students with disabilities and limited-English proficiency.

Third, we need to enhance the ability of schools, districts, and states to collect, analyze, and utilize data to improve schools and programs and to fulfill the requirements of No Child Left Behind and the Higher Education Act. Good data and data systems are the bedrock on which accountability is built. Yet present data and data systems are too often inadequate to meet the needs of our schools, districts, states, and nation. For example, in 2003 the General Accounting Office reported that states did not have complete or consistent criteria to determine the number of highly qualified teachers and that state data systems did not track the federal criteria.

The CLASS Act will address this need by strengthening accountability through improved assessment procedures that are valid and reliable, are aligned with reporting requirements, and allow for accurate and consistent reporting. The CLASS Act will also require a State-level needs assessment for Teacher Enhancement Grants to identify areas of greatest need and to specify a timetable for meeting identified needs. The needs assessment will assist States to identify teacher production needs in high-need academic subjects, such as mathematics and science; in high-need services, such as special education, bilingual education, and early childhood education; in high-need rural and urban areas; and in high-poverty, high-minority, and low-performing schools.

Further, the CLASS Act will create data systems designed to improve public education, including enhancing teacher preparation programs. State educational agencies can apply for new Data Systems Grants that enable them to develop or expand data systems that have the capacity to integrate and coordinate individual student data from educational and employment settings; to conduct analyses necessary for evaluating programs and policies and identifying best practices; and to facilitate alignment among schools, institutions of higher education, and employment settings. These data systems also allow teacher preparation programs to follow graduates as they proceed toward certification or licensure and into the classroom.

Fourth, we need to improve teacher recruitment and retention. Each year, more of the nation's teachers leave the field than enter the profession. In fact, approximately one-third of teachers leave the field during their first 3 years, and almost half leave during their first 5 years. Moreover, the overall turnover rate for teachers in high-poverty areas is almost a third higher than the rate for all teachers. Some of our schools, such as the rural schools in New Mexico, face unique challenges in recruiting and retaining highly qualified teachers. These challenges include low salaries, geographic and social isolation, housing shortages, poor physical working conditions, a paucity of teacher preparation programs targeted to rural schools, limited opportunities for professional development, and the necessity for teachers to teach more than one grade or subject.

The CLASS Act will address this need in the following ways. Among other initiatives, the act will fund a wide range of teacher recruitment and retention strategies designed to put—and keep—highly qualified teachers in every classroom, including induction and mentoring for beginning teachers and ongoing opportunities for professional growth and advancement.

Importantly, the CLASS Act will also create the Rural Education Recruitment and Retention Program to address the needs of rural districts by funding a range of recruitment strategies, such as tuition assistance, loan forgiveness, housing assistance, and financial incentives for working in areas of greatest need; as well as retention strategies, such as mentoring programs and ongoing opportunities for professional growth and advancement. In addition, the act encourages partnerships designed to meet the needs of rural schools.

Fifth, we need to better prepare students for postsecondary education and a competitive workforce. According to recent data, a majority of college professors and employers rate high school graduates' skills in spelling, grammar, writing, and math as only fair or poor. Too many students leave high school ill-prepared to meet the requirements of postsecondary education or the demands of high-skilled, high-wage employment. Half of all students entering higher education take at least one remedial course, and, according to the U.S. Chamber of Commerce, employers frequently report difficulty in finding qualified workers who have satisfactory skills. High school graduation requirements are often not aligned with the requirements governing college admission, obtaining a job, or enrolling in credit-bearing courses once in college. High school curricula and assessments often stress different knowledge and skills than are required by college entrance and placement requirements.

The CLASS Act will address this need by creating the data systems described above that are designed to improve public education and to facilitate alignment among schools, institutions of higher education, and employment settings. These systems will have the capacity to integrate and coordinate individual student data from educational and employment settings. The CLASS Act will also support programs that provide special certification in advanced placement (AP)-level or international baccalaureate (IB)-level content and pedagogy.

In conclusion, I would like to say that I am very pleased to introduce a bill designed to ensure that all of our students are taught by highly qualified and effective teachers. No task is more important.

Each child who falls behind diminishes the power of our society's future. I hope you will all join me in reinforcing our national commitment to teacher preparation and teacher quality.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Capacity to Learn for All Students and Schools Act".

SEC. 2. TEACHER QUALITY ENHANCEMENT.

(a) TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS.—Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student academic achievement;

"(2) increase the size and scope of programs funded under this part to ensure that all teachers are highly qualified;

"(3) hold institutions of higher education accountable for preparing teachers who are highly qualified, have the necessary teaching skills, and are trained in the effective uses of technology in the classroom;

"(4) recruit and retain individuals who—

"(A) increase the diversity of the workforce;

"(B) teach high-need academic subjects, such as mathematics and science;

"(C) provide high-need services, such as special education, bilingual education, and early childhood education;

"(D) serve in high-need areas, such as rural and urban communities;

"(E) meet the needs of high-poverty, high-minority, and low-performing schools; and

"(F) are prepared to provide access to the general education curriculum for all students, including students with disabilities and students with limited-English proficiency;

"(5) enhance the quality of the current and future teaching force by improving the preparation of prospective teachers and expanding professional development activities;

"(6) ensure that all teachers, regardless of their route to the profession, meet the same rigorous State standards for certification or licensure;

"(7) encourage learning partnerships among parents, community members, and educators that lead to improved student academic achievement; and

"(8) promote collaboration among college and university faculty and administrators, elementary school and secondary school teachers and administrators, State educational agencies, teacher and education organizations, and organizations representing the scientific disciplines associated with teaching and learning.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

"(2) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency in which—

"(A)(i) 15 percent of the students served by the agency are from families with incomes below the poverty line;

"(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

"(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and each of the schools served by the agency is designated with a school locale code of 7 or 8, as determined by the Secretary; and

"(B)(i) there is a high percentage of teachers who are not highly qualified; or

"(ii) there is a high teacher turnover rate.

"(4) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or secondary school—

"(A) in which there is a high concentration of students from families with incomes below the poverty line; or

"(B) that is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965.

"(5) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(6) PARENT.—The term 'parent' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(8) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(9) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(10) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(11) TEACHING SKILLS.—The term 'teaching skills' means skills—

"(A) grounded in the science of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

"(B) that require an understanding of the learning process itself, including an understanding of—

"(i) the use of strategies specific to the subject matter;

"(ii) ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

"(iii) identification of individual differences in ability and instructional needs;

"(iv) the use of strategies that will meet the instructional needs of students with disabilities and students with limited-English proficiency;

"(v) classroom management; and

"(vi) interaction with parents and others to promote student learning.

"SEC. 202. STATE GRANTS.

"(a) GRANTS AUTHORIZED.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out 1 or more activities authorized under subsection (d) for the following purposes:

"(1) Enhancing teacher preparation, licensure or certification programs, recruitment, or retention.

"(2) Developing or expanding data systems designed to collect, analyze, and utilize data for the purpose of improving public education, including enhancing teacher preparation.

"(3) Increasing opportunities for professional development.

"(b) ELIGIBLE STATE.—

"(1) DEFINITION.—In this part, the term 'eligible State' means a State educational agency.

"(2) CONSULTATION.—The State educational agency shall consult with the Governor, State board of education, or State higher education agency, as appropriate, with respect to the activities assisted under this section.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

"(1) meets the requirements of this section;

"(2) demonstrates that the State is in full compliance with the relevant provisions of sections 208 and 209;

"(3) demonstrates that the State has developed a plan that includes steps described in section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965;

"(4) includes a State-level needs assessment to identify areas of greatest need related to—

"(A) teacher production—

"(i) in high-need academic subjects, such as mathematics and science;

"(ii) in high-need services, such as special education, bilingual education, and early childhood education; and

"(iii) among underrepresented groups, including minorities;

"(B) the instructional needs of students with disabilities and students with limited-English proficiency;

"(C) teachers who are not highly qualified or who teach out of field;

"(D) high-poverty, high-minority, or low-performing, or all of such, schools;

"(E) teacher retention;

"(F) professional development; and

"(G) instructional technology;

"(5) specifies measurable objectives based on the State-level needs assessment, as well as a timetable for achieving these objectives;

"(6) reflects knowledge of scientifically based principles of learning in State standards;

"(7) includes a plan for achieving the specified objectives;

"(8) includes a description of how the eligible State intends to use funds provided under this section to address the needs identified in subparagraph (D); and

"(9) contains such other information and assurances as the Secretary may require.

"(d) Uses of Funds.—

"(1) Uses of funds for teacher enhancement grants.—

"(A) Required uses of funds.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(1) shall use the grant funds for both of the following:

"(i) Rigorous and aligned teacher certification or licensure programs.—Ensuring that—

"(I) the State's teacher certification or licensure program is rigorous and meets high State-determined standards that are grounded in scientifically based research about how students learn;

"(II) the State's program approval standards are aligned with kindergarten through grade 12 curriculum standards and State teacher licensure standards;

"(III) teachers are highly qualified and have the necessary teaching skills; and

"(IV) teacher certification and licensure assessments are—

"(aa) used for purposes for which such assessments are valid and reliable;

"(bb) consistent with relevant, nationally recognized professional and technical standards; and

"(cc) aligned with the reporting requirements of sections 207 and 208.

"(ii) Recruitment and retention.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to—

"(I) recruit and retain highly qualified teachers;

"(II) address identified needs concerned with—

"(aa) underrepresented groups;

"(bb) high-need academic subjects, such as mathematics and science;

"(cc) high-need services, such as special education, bilingual education, and early childhood education;

"(dd) high-need areas, such as rural and urban communities;

"(ee) high-need schools, including those with high rates of teacher turnover; and

"(ff) students with disabilities and students with limited-English proficiency;

"(III) offer mentoring programs for new teachers during such teachers' first 3 years of teaching; and

"(IV) provide access to ongoing professional development opportunities for teachers and administrators.

"(B) Allowable uses of funds.—In addition to the requirements of subparagraph (A), an eligible State that receives a grant under this section to carry out the purposes of subsection (a)(1) may use grant funds for the following:

"(i) Reforms.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified, possess strong teaching skills, are able to understand scientifically based research and its applicability, and are able to use technology effectively in the classroom.

"(ii) Alternative routes to certification for teaching.—Providing prospective teachers with alternative routes to State certification or licensure that—

"(I) enhance access to certification or licensure for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college graduates with distinguished academic records;

"(II) impart the necessary academic content to produce highly qualified teachers;

"(III) impart the necessary teaching skills;

"(IV) demonstrate that all teachers, regardless of their route to the profession, meet the same rigorous State standards; and

"(V) provide mentoring and support during the teachers' initial years of teaching, as well as training and compensation for such activities.

"(iii) Pilot studies.—In collaboration with teacher preparation programs (including alternative routes to certification) that agree to participate, and using a data system consistent with paragraph (2) unless the State already has sufficient information system capacity to support pilot studies with 1 or more programs, conducting pilot studies designed to develop and evaluate procedures that can provide credible and persuasive evidence that graduates of teacher preparation programs (including those who complete alternative routes to certification) are effective at improving student achievement, including using funds for—

"(I) efforts to assess the impact of teacher preparation program graduates on student achievement;

"(II) identification of specific practices that lead to consistent student achievement gains;

"(III) identification of variables that can influence student achievement; and

"(IV) development of mechanisms for leaders of institutions of higher education to make use of the information identified in subclauses (I), (II), and (III) for purposes of teacher preparation program improvement.

"(iv) Special certification for prospective advanced placement teachers.—Developing and implementing teacher preparation programs that provide special certification in advanced placement (AP) level or international baccalaureate (IB) level content and pedagogy, including undergraduate specializations in in-depth study of subject-specific content and practical pedagogical experience through student teaching, and master's degree level programs that lead to a master's degree in AP level or IB level content.

"(v) Social promotion.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers to effectively address the issues raised by ending the practice of social promotion.

"(2) Use of funds for data systems grants.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(2) shall use the grant funds to develop or expand data systems. The data systems shall do each of the following:

"(A) Enable the eligible State to—

"(i) integrate and coordinate the analysis of individual student-level data from multiple data systems, including data from kindergarten through grade 12 education, postsecondary education, and employment;

"(ii) conduct analyses necessary to help educators evaluate programs and policies, identify and study best practices, and continuously improve schools and programs; and

"(iii) facilitate alignment and coordination between kindergarten through grade 12 schools and institutions of higher education, and between institutions of higher education and postgraduate employment settings.

"(B) Have the ability to match, compare, or track, as appropriate—

"(i) individual records of the same student over time;

"(ii) an individual student with an individual teacher;

"(iii) kindergarten through grade 12 data and higher education data;

"(iv) higher education data and postgraduate data; and

"(v) all of the data systems to State employment records.

"(C) Include a State data audit process to ensure accurate and complete information.

"(D) Be designed so as not to infringe on the established privacy rights of students, teachers, and employees.

"(3) Use of funds for professional development program grants.—An eligible State that receives a grant under this section to carry out the purposes of subsection (a)(3) may use the grant funds to carry out any of the following activities:

"(A) Aligning State teacher standards with those of the National Board for Professional Teaching Standards.

"(B) Developing a progressive career system in which highly qualified teachers who pursue advanced licensure levels are required to demonstrate increased competencies and undertake increased responsibilities, for increased compensation, as they progress through levels such as the following:

"(i) Level I: an initial license issued for the first 3 years of teaching that gives a beginning highly qualified teacher the opportunity, through a formal induction program, to progress to Level II.

"(ii) Level II: a professional license given to an experienced teacher whose performance has been satisfactory during such teacher's first 3 years of teaching.

"(iii) Level III: a master license for those teachers who—

"(I) obtain advanced credentials as board-certified teachers, exemplary teachers, master teachers, or other advanced credentials;

"(II) choose to advance as instructional leaders in the teaching profession and undertake greater responsibilities, such as curriculum development, peer intervention, and mentoring; or

"(III) demonstrate exceptional effectiveness in helping students learn.

"(C) Developing multiple career paths for teachers, such as highly qualified mentor teachers or exemplary teachers.

"(D) Providing opportunities for professional growth, such as special certification in advanced placement or international baccalaureate content and pedagogy.

"(E) Subsidizing candidates who pursue advanced credentials.

"(F) Providing financial incentives, such as a bonus or higher salary, for teachers who obtain advanced credentials.

"(e) Rule of Construction.—Nothing in subsection (d)(2) shall be construed to authorize the public release or publication of personally identifying information.

"SEC. 203. PARTNERSHIP GRANTS.

"(a) Grants.—From amounts made available under section 211(2) for a fiscal year, and not reserved under such section, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

"(b) Definitions.—

"(1) Eligible partnership.—In this part, the term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a partner institution;

"(ii) a school of arts and sciences; and

"(iii) a high-need local educational agency; and

"(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a community college, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, a business, a teacher organization, or a prekindergarten program.

"(2) Partner institution.—In this section, the term 'partner institution' means a private independent or State-supported public institution of higher education, the teacher preparation program of which demonstrates that—

"(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

"(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience to meet high academic standards, to possess strong teaching skills, and to become highly qualified.

"(c) Application.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

"(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

"(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

"(3) contain a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e); and

"(C) the partnership's evaluation plan pursuant to section 207(b).

"(d) Required Uses of Funds.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out each of the following activities:

"(1) Reforms.—Implementing reforms within teacher preparation programs to hold the programs accountable for preparing teachers who are highly qualified, have strong teaching skills, are able to understand scientifically based research and its applicability, and are able to use technology effectively in the classroom.

"(2) Clinical experience and interaction.—Providing sustained and high quality preservice and in-service clinical experience in school settings, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including training and compensation, for such interaction.

"(3) Professional development.—Creating opportunities for enhanced and ongoing professional development for teacher educators and other school personnel.

"(4) Teacher preparation and parental involvement.—Preparing teachers with the knowledge and skills to—

"(A) provide instruction to diverse student populations, including individuals with different learning styles, disabilities, limited-English proficiency, and special learning needs;

"(B) implement gap-closing instructional strategies, as appropriate;

"(C) manage and improve student behavior in the classroom;

"(D) work with and involve parents in their children's education; and

"(E) use technology effectively in the classroom.

"(e) Allowable Uses of Funds.—An eligible partnership that receives a grant under this section may use such funds to carry out any of the following activities:

"(1) Development of alternative routes to state certification.—Developing or refining alternative route programs that provide prospective teachers with the necessary teaching skills and that lead to State certification.

"(2) Dissemination and coordination.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

"(3) Managerial and leadership skills.—Developing and implementing proven mechanisms to provide teacher leaders, principals, and superintendents with effective managerial and leadership skills that result in increased student achievement.

"(4) Teacher recruitment.—Activities described in section 204(d).

"(5) Teacher mentoring.—Developing a teacher mentoring program that offers mentoring for teachers in their first 3 years of teaching, including requiring rigorous qualifications for mentors, providing training and stipends for mentors, providing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day, and establishing an evaluation and accountability plan for mentoring activities.

"(6) Professional development.—Creating opportunities for enhanced and ongoing professional development throughout the educational continuum for new teachers, teachers already in the classroom, paraprofessionals, and school administrators that leads to a steady increase in mastery of content knowledge and the repertoire of effective teaching, assessment, and leadership skills. Such professional development shall include specially developed opportunities for mid-career enhancement.

"(7) Coordination with other institutions of higher education.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

"(8) Field experience in mathematics, science, and technology.—Creating opportunities for teachers and prospective teachers for field experience and training through participation in professional business, research, and work environments in areas relating to mathematics, science, and technology.

"(9) Teacher preparation enhancement internship.—Developing a 1-year paid internship program for prospective teachers who have completed a teacher preparation program at an institution of higher learning to enable such prospective teachers to acquire the skills and experience necessary for success in teaching, including providing intensive clinical training and combining inservice instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns shall have a reduced teaching load and a mentor for assistance in the classroom.

"(10) School/higher education partnerships.—Developing new models of teacher preparation that—

"(A) involve partnerships between schools and institutions of higher education;

"(B) meet the requirements listed in subsection (d)(4); and

"(C) offer leadership preparation that incorporates recruitment, high-quality clinical experience, field experiences, mentoring, and professional development.

"(f) Special Rule.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

"(g) Construction.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

"SEC. 204. TEACHER RECRUITMENT GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

"(b) ELIGIBLE APPLICANT DEFINED.—In this section, the term 'eligible applicant' means—

"(1) an eligible State described in section 202(b); or

"(2) an eligible partnership described in section 203.

"(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

"(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical teaching needs of the participating high-need local educational agencies;

"(2) a description of the activities the eligible applicant will carry out with the grant and how such activities will address the identified needs; and

"(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

"(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

"(1) to assist prospective and current teachers by providing—

"(A) scholarships to help prospective teachers pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

"(B) support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

"(C) opportunities for teachers who are not highly qualified to become highly qualified through coursework, credentialing courses, or other mechanisms; and

"(D) followup services to former scholarship recipients during such recipients' first 3 years of teaching, including providing mentoring by teachers who receive training and compensation for the teachers' services; or

"(2) to develop and implement effective mechanisms, including financial incentives, to ensure that high-need local educational agencies and high-need schools are able to effectively recruit and retain highly qualified teachers.

"(e) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher preparation programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.

"(f) RURAL EDUCATION RECRUITMENT AND RETENTION PROGRAM.—

"(1) FINDINGS.—Congress finds that rural school districts face unique challenges in fulfilling the requirement that all teachers be highly qualified, including challenges such as low salaries, geographic and social isolation, housing shortages, poor physical working conditions, a paucity of teacher preparation programs targeted to rural schools, limited opportunities for professional development, and the necessity for teachers to teach more than 1 grade or subject.

"(2) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants for the purpose of addressing the teacher recruitment and retention needs of eligible rural school districts and consortia of eligible rural school districts.

"(3) ELIGIBILITY.—In this subsection, the term 'eligible rural school district' means a school district—

"(A) with a total of less than 600 students in average daily attendance at the schools that are served by the district; and

"(B) each of whose schools is designated with a school locale code of 7 or 8.

"(4) APPLICATION.—An eligible applicant that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(5) USE OF FUNDS.—An eligible applicant that receives a grant under this subsection may use the grant funds to address the needs of eligible rural school districts through implementing—

"(A) incentive teacher recruitment strategies, including tuition assistance, student loan forgiveness, housing assistance, a signing bonus, local programs that develop recruitment strategies for secondary school students wanting to return to the community as teachers, and a higher salary or bonus for teaching high-need academic subjects, providing high-need services, or teaching in high-need schools;

"(B) nonincentive teacher recruitment strategies, including advertising, hiring teachers from alternative programs, and recruiting online, from local populations, from the substitute teacher list, or through a State teacher clearinghouse or job bank;

"(C) teacher retention strategies, including mentoring programs for teachers during the teachers' first 3 years of teaching and ongoing opportunities for professional growth and advancement; and

"(D) partnerships with institutions of higher education designed to—

"(i) develop or strengthen a partnership focused on preparing beginning teachers to teach in schools served by eligible rural school districts; or

"(ii) assist teachers who are not highly qualified to become highly qualified teachers through—

"(I) after-school or summer programs;

"(II) electronically delivered education (e-learning), online, and distance learning technologies; and

"(III) flexible programs that enable multiple-subject teachers to become highly qualified teachers.

"SEC. 205. ACADEMIC TEACHING CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable such applicants to create academic teaching centers. Academic teaching centers shall—

"(1) promote excellence in the Nation's training of prospective teachers by creating settings for the integration of education and training, research, and evidence-based practice; and

"(2) provide a system of practice-based support at initial levels of preparation, training during the first years of practice, and continued support in maintaining high levels of skill mastery.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE APPLICANT.—

"(A) IN GENERAL.—The term 'eligible applicant' means a consortium composed of each of the following:

"(i) A school of education housed in an institution of higher education.

"(ii) A college or school of arts and sciences within an institution of higher education.

"(iii) Not less than 1 academic unit (such as a department of psychology, a department of educational psychology, or a department of human development) whose faculty focuses on teaching and learning, developmental processes, and the assessment of learning.

"(iv) Not less than 1 local educational agency that serves a qualified school.

"(B) INCLUSIONS.—The term 'eligible applicant' may include an academic unit not described in subparagraph (A)(iii) whose faculty is able to contribute to the work of an academic teaching center.

"(2) QUALIFIED SCHOOL.—The term 'qualified school' means a public elementary school or public secondary school (urban, rural, or suburban), a school district, a campus school, a charter school, or any combination or network of schools, that—

"(A) is home to exemplary teachers who can provide high-quality mentoring and modeling to prospective teachers based on a demonstrated record of student academic achievement; and

"(B) demonstrates a commitment to evidence-based teaching confirmed by professional development offered to staff or by documented experience with university collaborations.

"(c) APPLICATION REQUIREMENTS.—An eligible applicant that desires to receive a grant under this section shall submit to the Secretary an application that demonstrates how the proposed academic teaching center will—

"(1) ensure that prospective teachers will have instruction in, and exposure to, scientific research derived from the social and behavioral sciences and applied to teaching and learning;

"(2) offer prospective teachers skill development opportunities in evidence-based educational interventions;

"(3) include, involve, and utilize faculty from all members of the eligible applicant in modeling the integration of research and practice in the classroom;

"(4) foster real interdisciplinary collaboration and cross-fertilization among and between—

"(A) education faculty;

"(B) prospective and current elementary school and secondary school teachers;

"(C) faculty within an academic unit who focus on teaching and learning, developmental processes, and the assessment of learning, such as faculty from a department of psychology, department of educational psychology, or department of human development; and

"(D) faculty from disciplines within the institution of higher education, including history, English, biology, chemistry, foreign languages, and psychology;

"(5) enhance the ability of faculty in the school of education, college or school of arts and sciences, and the academic unit specified in paragraph (4)(C) to participate more fully in elementary school or secondary school classroom teaching;

"(6) afford novice teaching candidates opportunities for rigorous, closely supervised internships in high-quality teaching settings;

"(7) include mechanisms to assess the quality of teacher preparation at the academic teaching center by the value the center adds to student achievement, as assessed by objective measures of student growth;

"(8) ensure that teachers who have participated in the academic teaching center are highly qualified upon completion of the teachers' degree; and

"(9) apply relevant scientific research on teaching and learning.

"(d) USE OF FUNDS.—An eligible applicant that receives a grant under this section may use the grant funds to carry out any of the following activities:

"(1) PROGRAM DEVELOPMENT, EVALUATION, AND ACCOUNTABILITY.—Funds may be used to—

"(A) develop and refine mechanisms to measure the value added to student academic achievement by evidence-based practice;

"(B) develop and refine mechanisms to measure the value added to student academic achievement by teachers trained in academic teaching centers;

"(C) develop mechanisms to evaluate acquisition of clinical judgment, communication, and problemsolving skills on the part of teacher candidates resulting from participation in an academic teaching center;

"(D) develop professional programs to enhance teacher candidates' communication with students, families, colleagues, and other education professionals; and

"(E) develop mechanisms to observe, evaluate, and reinforce ethical principles though formal instructional efforts.

"(2) CURRICULUM DEVELOPMENT FOR USE IN DEVELOPING TEACHING SKILLS.—Funds may be used to—

"(A) develop interactive teaching materials for the attainment of teaching skills in classroom management; and

"(B) develop interactive materials regarding other teaching skills, such as classroom assessment and individualizing for student abilities and backgrounds, that can be used at other field worksites and in education school courses.

"(3) SUPPORT FOR PARTICIPANTS.—Funds may be used to—

"(A) create and implement evidence-based curricula to be piloted in academic teaching centers;

"(B) provide workload credit for master elementary school or secondary school teachers to serve as adjunct faculty at the academic teaching center; and

"(C) provide workload credit for faculty at the school of education and the college or school of arts and sciences to serve as adjunct faculty at the academic teaching center.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal year 2004; and

"(2) such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 206. ADMINISTRATIVE PROVISIONS.

"(a) DURATION; PAYMENTS.—

"(1) DURATION.—

"(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under sections 202, 204, and 205 shall be awarded for a period not to exceed 3 years. If an eligible State or an eligible applicant receives a grant under any of such sections, such eligible State or eligible applicant may not receive an additional grant under such section during the grant period. After such grant period, such eligible State or such eligible applicant may receive an additional grant under such section.

"(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under section 203 shall be awarded for a period of 5 years. If an eligible partnership receives a grant under such section, such eligible partnership may not receive an additional grant under such section during the 5-year grant period. After such grant period, such eligible partnership may receive an additional grant under such section.

"(2) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

"(b) PEER REVIEW.—

"(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation and shall ensure that each peer review panel reflects the diversity of educational participants and eligible grantees provided for in sections 202, 203, 204, and 205. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

"(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall, with respect to grants under sections 202, 203, and 204, give priority to eligible States and eligible partnerships—

"(A) whose applications involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers from underrepresented groups, in high-need academic subjects, in high-need services, in high-need rural and urban areas, and in high-need schools;

"(B) whose awards promote an equitable geographic distribution of grants throughout the United States; and

"(C) whose awards promote an equitable geographic distribution of grants among rural and urban areas.

"(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

"(c) MATCHING REQUIREMENTS.—

"(1) STATE GRANTS.—Each State served by an eligible State that receives a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

"(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(e) TEACHER QUALIFICATIONS PROVIDED TO PARENTS UPON REQUEST.—Any local educational agency or school that benefits from the activities assisted under this part shall make available, upon request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the professional qualification of the student's classroom teacher with regard to the subject matter in which the teacher provides instruction. The local educational agency shall inform parents that the parents are entitled to receive the information upon request.

"(f) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds appropriated to carry out this title, whichever amount is greater, to provide technical assistance to entities receiving grants under this part.

"SEC. 207. ACCOUNTABILITY AND EVALUATION.

"(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

"(1) HIGHLY QUALIFIED TEACHERS.—Ensuring that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year, as required under section 1119 of the Elementary and Secondary Education Act of 1965.

"(2) STUDENT ACADEMIC ACHIEVEMENT.—Improving academic achievement for all students.

"(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession, including, where appropriate, through the use of incentives to incorporate the requirement of an academic major in the subject, or related discipline, in which the teacher plans to teach.

"(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing the pass rate for initial State teacher certification or licensure, or increasing the number of highly competent individuals being certified or licensed as teachers through traditional and alternative programs.

"(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of qualified teachers from underrepresented groups, in high-need academic subjects, in high-need services, in high-need areas, and in high-need schools.

"(6) INCREASING TEACHER RETENTION.—Increasing teacher retention in the first 3 years of a teacher's career.

"(7) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach, and that promotes strong teaching skills.

"(8) TECHNOLOGY INTEGRATION.—Increasing the number of teachers trained in the appropriate use of technology as an instructional tool.

"(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish and include in the application submitted under section 203, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increasing the percentage of highly qualified teachers;

"(2) improving academic achievement for all students;

"(3) increasing the pass rate for initial State teacher certification or licensure for individuals from traditional and alternative teacher preparation programs;

"(4) decreasing shortages of highly qualified teachers among underrepresented groups, in high-need academic subjects, in high-need services, in high-need areas, and in high-need schools;

"(5) increasing teacher retention in the first 3 years of a teacher's career;

"(6) increasing opportunities for enhanced and ongoing professional development that enables teachers already in the classroom and teacher educators to upgrade such teachers' and educators' skills and knowledge; and

"(7) increasing the number of teachers trained in the appropriate use of technology as an instructional tool.

"(c) Revocation of Grant.—

"(1) Report.—Each eligible State or eligible partnership receiving a grant under this part shall report annually to the Secretary on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

"(2) Revocation.—

"(A) Eligible states and eligible applicants.—If the Secretary determines that an eligible State or eligible applicant (as defined under section 204 or 205) is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

"(B) Eligible partnerships.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

"(d) Evaluation and Dissemination.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 208. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) High-Quality Teacher Preparation Program.—Each applicant for a grant under this part shall provide assurances that the applicant will provide prospective teachers with the following:

"(1) Knowledge of—

"(A) the arts and sciences;

"(B) the science of teaching and learning;

"(C) research on school impact on student learning; and

"(D) the academic content areas in which the teachers plan to teach.

"(2) Teaching skills that enable the teachers to—

"(A) enhance student academic achievement;

"(B) promote the ability of students to apply knowledge and research findings;

"(C) provide effective instruction in subject matter content;

"(D) implement ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

"(E) identify and address individual differences in ability and instructional needs;

"(F) address the instructional needs of students with limited-English proficiency and students with disabilities within both the general education and special education curricula;

"(G) employ effective classroom management strategies;

"(H) use technology effectively in the classroom; and

"(I) reflect on practices to improve teaching effectiveness and student learning.

"(3) Opportunities to—

"(A) apply the teachers' knowledge and skills in the classroom;

"(B) collaborate with colleagues, parents, community members, and other educators; and

"(C) work in partnership with parents to advance their children's education.

"(b) State Report Card on the Quality of Teacher Preparation.—Each State that receives funds under this Act shall provide to the Secretary, on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods developed by the State for teacher preparation programs, a State report card on the quality of teacher preparation in the State, which shall include at least the following:

"(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State. Such assessments shall—

"(A) be used for purposes for which such assessments are valid and reliable;

"(B) be consistent with relevant, nationally recognized professional and technical standards;

"(C) be aligned with the reporting requirements of this section and section 207; and

"(D) allow for accurate and consistent reporting on teacher preparation programs.

"(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State. Such standards and criteria shall incorporate the qualifications specified in subsection (a).

"(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

"(4) The percentage of prospective teachers who have completed 100 percent of the coursework required by a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment, both of which shall be made available widely and publicly.

"(5) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

"(6) A description of each State's alternative routes to teacher certification, if any, and standards and criteria used by the State for certification or licensure, including indicators of teacher candidate skills and academic content knowledge and of evidence of gains in student academic achievement, and the number and percentage of teachers certified through each alternative route who pass State teacher certification or licensure assessments.

"(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of candidate academic content knowledge and teaching skills.

"(8) For each teacher preparation program in the State, the number of prospective teachers in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time and part-time faculty, excluding graduate students and clinical supervisors who are not on faculty, and prospective teachers in supervised practice teaching.

"(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(10) Information on the data systems developed or expanded by the State under section 202(d)(2), including a description of the systems and an analysis of procedures used by the State regarding such systems.

"(11) Information on pilot studies conducted under section 202(d)(1)(B)(iii), if applicable, including a list of teacher preparation programs (including alternative routes to certification) that participated in such studies, the procedures used to provide evidence that graduates of teacher preparation programs (including those who complete alternative routes to certification) are effective at improving student achievement, and other findings relevant to the impact of teacher preparation programs on student achievement.

"(c) Report of the Secretary on the Quality of Teacher Preparation.—

"(1) Report card.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (11) of subsection (b). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

"(2) Report to congress.—The Secretary shall report to Congress—

"(A) a comparison of States' efforts to improve teaching quality;

"(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure;

"(C) a description of data systems developed or expanded by States pursuant to section 202(d)(2) and an analysis of procedures used in different States regarding such systems; and

"(D) a description of pilot studies undertaken by States pursuant to section 202(d)(1)(B)(iii) and an analysis of procedures used in different States regarding such studies.

"(3) Special rule.—In the case of teacher preparation programs with fewer than 10 prospective teachers who have completed 100 percent of the coursework required by a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the

Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(4) DATABASE.—The Secretary shall collect data and develop a national and public database that provides reports on States' passage rates on certification and licensure assessments, the placement rates for teacher preparation programs, the percentage of full-time faculty in institutions of higher education in each State who teach classes offered by a school, college, or department of education, the tracking of graduates 5 years after graduating from a teacher preparation program, and other relevant information, as appropriate.

"(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"(e) INSTITUTIONAL AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls prospective teachers receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and reporting methods developed by the State for teacher preparation programs, the following information:

"(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate for each prospective teacher who has completed 100 percent of the coursework required by the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution or alternative certification program is located, but only for those prospective teachers who took those assessments within 3 years of completing the coursework.

"(ii) A comparison of the institution's or alternative certification program's pass rate for prospective teachers who have completed 100 percent of the coursework at the teacher preparation program with the average pass rate for institutions and alternative certification programs in the State.

"(iii) In the case of teacher preparation programs with fewer than 10 graduates who have completed 100 percent of the coursework required by the program taking any single initial teacher certification or licensure assessment during an academic year, the institution or alternative certification program shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(B) PROGRAM INFORMATION.—The number of prospective teachers in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and prospective teachers in supervised practice teaching.

"(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's teacher preparation program or alternative certification program's teacher preparation program is so approved or accredited, by the State and any other entities, as applicable.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 209(a).

"(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's or alternative certification program's teacher preparation program graduates, including materials sent by electronic means.

"(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education or an alternative certification program for failure to provide the information described in this subsection in a timely or accurate manner.

"(f) DATA QUALITY.—The eligible State shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

"(g) NATIONAL ACADEMY OF SCIENCES CORE CURRICULUM STUDY.—

"(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop a suggested core curriculum for States to use as guidance when developing their program standards for teacher preparation programs in their State. The core curriculum shall address the pedagogical requirements of teacher preparation programs and assist those within the education profession and prospective teachers to understand what prospective teachers need to know to become effective teachers.

"(2) DOMAINS OF FOUNDATIONAL AND PEDAGOGICAL KNOWLEDGE.—The study conducted pursuant to paragraph (1) shall include each of the following domains of foundational and pedagogical knowledge:

"(A) Learning, which would include building on existing knowledge and experience shaped by social and cultural context in the community and in the classroom.

"(B) Human development, which would include how children and adolescents think and behave, taking in account different ages, contexts, and learning styles.

"(C) Assessment, which would include the introduction of standards-based reform.

"(D) Teaching skills, which would include providing all teachers with the tools needed to be successful in the classroom and to meet the instructional needs of students with disabilities and students with limited-English proficiency.

"(E) Reading instruction, which would include taking in account different ages, contexts, and learning styles.

"(3) BEST RESEARCH; SUGGESTED TRAINING.—The suggested core curriculum developed pursuant to paragraph (1) shall—

"(A) reflect the best research into how students learn, on content-specific methods shown to be effective with students, and on effective gap-closing criteria; and

"(B) include preparation in working with diverse populations, interacting with parents, assessing classroom performance, and managing student behavior.

"(4) COLLABORATION.—

"(A) IN GENERAL.—In conducting the study under paragraph (1), the National Academy of Sciences shall collaborate with interested parties in developing the suggested core curriculum.

"(B) INTERESTED PARTIES.—In this paragraph, the term 'interested parties' means—

"(i) college presidents;

"(ii) deans of teacher education programs;

"(iii) teacher preparation faculty;

"(iv) chief State school officers;

"(v) school superintendents;

"(vi) teacher organizations;

"(vii) exemplary teachers;

"(viii) teacher preparation accrediting organizations;

"(ix) nonprofit education organizations;

"(x) organizations or associations representing the scientific disciplines associated with teaching and learning; and

"(xi) other entities determined appropriate by the National Academy of Sciences.

"SEC. 209. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall develop a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at-risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 208(b).

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education;

"(2) shall not be permitted to accept or enroll any prospective teacher who receives aid under title IV of this Act in the institution's teacher preparation program; and

"(3) shall provide transitional support, including remedial services if necessary, for prospective teachers enrolled at the institution at the time of termination of financial support or withdrawal of approval.

"(c) NEGOTIATED RULEMAKING.—The Secretary shall engage in a negotiated rulemaking process with representatives of States, institutions of higher education, and educational and student organizations when developing regulations to carry out subsection (b)(2).

"SEC. 210. GENERAL PROVISIONS.

"(a) METHODS.—In complying with sections 208 and 209, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

"(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

"(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

"(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

"(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

"(d) Release of Information to Teacher Preparation Programs.—

"(1) In general.—For the purpose of improving teacher preparation programs, a State educational agency shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

"(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

"(B) is possessed, controlled, or accessible by the State educational agency.

"(2) Content of information.—The information described in paragraph (1)—

"(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

"(B) may include—

"(i) kindergarten through grade 12 academic achievement and demographic data, without individual identifying information, for students who have been taught by graduates of the teacher preparation program; and

"(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

"(3) Privacy.—Actions taken pursuant to paragraph (1) shall not be considered a violation of section 444 of the General Education Provisions Act or of the individual's privacy pursuant to any other provision of law. Any information obtained by a teacher preparation program in accordance with this section shall be considered a part of the graduate's education records and shall be protected as such.

"SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

"(1) 20 percent shall be available for each fiscal year to award grants under section 202;

"(2) 60 percent shall be available for each fiscal year to award grants under section 203; and

"(3) 20 percent shall be available for each fiscal year to award grants under section 204.".

(b) Preparing Tomorrow's Teachers To Use Technology.—Part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1041 et seq.) is amended to read as follows:

"PART B—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

"SEC. 221. PURPOSE AND PROGRAM AUTHORITY.

"(a) Purpose.—It is the purpose of this part to assist consortia of public and private entities—

"(1) to carry out programs that prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards; and

"(2) to improve the ability of institutions of higher education to carry out such programs.

"(b) Program Authority.—

"(1) In general.—The Secretary is authorized to award grants to eligible applicants, or enter into contracts or cooperative agreements with eligible applicants, on a competitive basis in order to pay for the Federal share of the cost of projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

"(2) Distribution.—In awarding grants, or entering into contracts or cooperative agreements under this part, the Secretary shall ensure an equitable distribution of financial assistance among eligible applicants located in urban and rural areas of the United States.

"(3) Period of awards.—The Secretary may award grants, or enter into contracts or cooperative agreements, under this part for periods that are not more than 5 years in duration.

"SEC. 222. ELIGIBILITY.

"(a) Eligible Applicants.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an applicant shall be a consortium that includes the following:

"(1) At least 1 institution of higher education that awards baccalaureate degrees and prepares teachers for their initial entry into teaching.

"(2) At least 1 State educational agency or local educational agency.

"(3) One or more of the following entities:

"(A) An institution of higher education (other than the institution described in paragraph (1)).

"(B) A school or department of education at an institution of higher education.

"(C) A school or college of arts and sciences (as defined in section 201) at an institution of higher education.

"(D) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs.

"(b) Application Requirements.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

"(1) A description of the proposed project, including how the project would—

"(A) ensure that individuals participating in the project would be prepared to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

"(B) improve the ability of at least 1 participating institution of higher education described in section 222(a)(1) to ensure such preparation.

"(2) A demonstration of—

"(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

"(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project.

"(3) A description of how each member of the consortium will participate in project activities.

"(4) A description of how the proposed project will be continued after Federal funds are no longer awarded under this part for the project.

"(5) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) Matching Requirements.—

"(1) In general.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

"(2) Acquisition of equipment.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

"SEC. 223. USE OF FUNDS.

"(a) Required Uses.—A consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part for—

"(1) a project creating 1 or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

"(2) evaluating the effectiveness of the project.

"(b) Permissible Uses.—The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, such as the following:

"(1) Developing and implementing high-quality teacher preparation programs that enable educators—

"(A) to learn the full range of resources that can be accessed through the use of technology;

"(B) to integrate a variety of technologies into curricula and instruction in order to expand students' knowledge;

"(C) to evaluate educational technologies and their potential for use in instruction;

"(D) to help students develop their technical skills; and

"(E) to use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

"(2) Developing and implementing high-quality teacher preparation programs that prepare educators in—

"(A) the uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services; and

"(B) maximizing access for students with disabilities to participate in the general education curriculum through the use of such technology.

"(3) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators.

"(4) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

"(5) Providing technical assistance to entities carrying out other teacher preparation programs.

"(6) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

"(7) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.

"SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part—

"(1) $200,000,000 for fiscal year 2004; and

"(2) such sums as may be necessary for each of the 5 succeeding fiscal years.".

(c) Centers of Excellence.—

(1) In general.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. PURPOSES; DEFINITIONS.

"(a) Purposes.—The purposes of this part are—

"(1) to help recruit, prepare, and retain teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom;

"(2) to help recruit, prepare, and retain principals (including minority principals and assistant principals) to address the shortage of principals in our Nation's public elementary schools and secondary schools; and

"(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers and principals.

"(b) Definitions.—In this part:

"(1) Eligible institution.—The term 'eligible institution' means—

"(A) an institution of higher education—

"(i) that has a teacher preparation program that meets the requirements of such a program under section 203(b)(2);

"(ii) that is—

"(I) a part B institution (as defined in section 322);

"(II) a Hispanic-serving institution (as defined in section 502);

"(III) a Tribal College or University (as defined in section 316);

"(IV) an Alaska Native-serving institution (as defined in section 317);

"(V) a Native Hawaiian-serving institution (as defined in section 317); or

"(VI) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart 1 of part A of title IV for that year; and

"(iii) that has not received a grant under this part during the 5-year period preceding the date the institution applies for a grant under this part;

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

"(2) Highly qualified.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(3) Scientifically based research.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(4) Teaching skills.—The term 'teaching skills' means skills—

"(A) grounded in the science of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

"(B) that require an understanding of the learning process itself, including an understanding of—

"(i) the use of strategies specific to the subject matter;

"(ii) ongoing assessment of student learning and the use of such assessment for evaluation of curriculum and instructional practices;

"(iii) identification of individual differences in ability and instructional needs;

"(iv) the use of strategies that will meet the instructional needs of students with disabilities and students with limited-English proficiency;

"(v) classroom management; and

"(vi) interaction with parents and others to promote student learning.

"SEC. 232. CENTERS OF EXCELLENCE.

"(a) Program Authorized.—From the amounts appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions to establish centers of excellence.

"(b) Application.—Any eligible institution desiring a grant under this part shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

"(c) Use of Funds.—

"(1) Required uses.—An eligible institution that receives a grant under this part shall use the grant funds to establish a center of excellence that shall ensure that current and future teachers are highly qualified, by carrying out 1 or more of the following activities:

"(A) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use of instructional techniques to improve student academic achievement, by—

"(i) developing and implementing programs that enhance the competencies of faculty to reflect advances in theory, research, and practice; and

"(ii) designing or redesigning teacher preparation programs that—

"(I) prepare teachers to close student achievement gaps;

"(II) prepare teachers to utilize scientifically based research and rigorous academic content and to teach rigorous academic content and challenging State academic content standards; and

"(III) promote strong teaching skills.

"(B) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers and principals by exemplary teachers and principals, respectively; substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; providing support, including preparation time, for such interaction.

"(C) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly minority teachers and principals, including programs that provide—

"(i) teacher or principal mentoring from exemplary teachers or principals, respectively; or

"(ii) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(2) Permissible uses.—An eligible institution that receives a grant under this part may use a portion of the grant funds to carry out 1 or more of the following activities:

"(A) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program or principal preparation program.

"(B) Disseminating information on effective practices for teacher preparation and induction and successful teacher certification and licensure assessment preparation strategies.

"(C) Disseminating information on effective practices for principal preparation, successful principal certification and licensure preparation strategies, and successful principal induction.

"(D) Activities authorized under sections 202, 203, and 204.

"(d) Minimum Grant Amount.—The minimum amount of each grant under this part shall be $500,000.

"(e) Duration.—Grants awarded under this part shall be for a period of 3 years.

"(f) Disbursement.—An eligible institution that receives a grant under this part shall receive—

"(1) 60 percent of the grant award during the first year of the grant period;

"(2) 25 percent of the grant award during the second year of the grant period; and

"(3) 15 percent of the grant award during the third year of the grant period.

"(g) Matching Requirement.—

"(1) In general.—Each eligible institution that receives a grant under this part shall provide matching funds, from non-Federal sources that may be in cash or in the form of in-kind contributions, in an amount equal to—

"(A) 25 percent of the grant award for the first year of the grant;

"(B) 35 percent of the grant award for the second year of the grant; and

"(C) 50 percent of the grant award for the third year of the grant.

"(2) Waiver.—The Secretary may waive the matching requirement under paragraph (1) for an eligible institution if the Secretary determines, based on regulations promulgated by the Secretary, that such requirement would be a financial burden for such institution.

"(h) Limitation on Administrative Expenses.—An eligible institution that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

"(i) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part—

"(1) $10,000,000 for fiscal year 2004; and

"(2) such sums as may be necessary for each of the 5 succeeding fiscal years.".

(2) Transition.—The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this subsection.

THE CAPACITY TO LEARN FOR ALL STUDENTS AND SCHOOLS (CLASS) ACT OF 2004

Senator Bingaman's CLASS Act is designed to strengthen the Teacher Quality Enhancement Grants program of the Higher

Education Act by expanding the capacity of teachers and schools to offer all students the quality of instruction they need and deserve.

What will the CLASS Act accomplish? This capacity-enhancing act will:

Ensure that all teachers are highly qualified, have strong teaching skills, understand scientifically based research and its applicability, and can use technology effectively in the classroom.

Empower teachers and schools to provide access for all students to a high-quality general education curriculum, including students with disabilities and limited-English proficiency.

Better prepare students for postsecondary education and a competitive workforce.

Enhance the ability of schools, districts, and states to collect, analyze, and utilize data to improve schools and programs and to fulfill the requirements of No Child Left Behind and the Higher Education Act.

How will the CLASS Act accomplish these goals? The CLASS Act provides the following capacity-building resources:

Data systems designed to improve public education, including enhancing teacher preparation programs. State educational agencies can apply for new Data Systems Grants that enable them to develop data systems that have the capacity to integrate and coordinate individual student data from educational and employment settings; to conduct analyses necessary for evaluating programs and policies and identifying best practices; and to facilitate alignment among schools, institutions of higher education, and employment settings.

Academic Teaching Centers that feature a model teaching laboratory: a setting for the integration of education and training, research, and evidence-based practice for teacher candidates, university professors, and master teachers.

A Professional Development Program that encourages innovation by allowing states to pursue alignment with National Board for Professional Teaching Standards, a tiered licensure system, multiple career paths, and opportunities for professional growth.

A Rural Education Recruitment and Retention Program designed to address the needs of rural districts by funding a range of recruitment strategies, such as tuition and housing assistance, and retention strategies, such as mentoring programs and professional development.

Centers of Excellence that will increase minority teacher recruitment, development, and retention.

Rigorous standards for teacher certification or licensure to ensure that all prospective teachers meet the same high state standards.

Strengthened accountability through improved assessment procedures for teacher certification or licensure that are valid and reliable, are aligned with reporting requirements, and allow for accurate and consisting reporting.

A state-level needs assessment to identify areas of greatest need and to ensure the effective use of federal funds.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, and Mr. DURBIN):

S. 2341. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Safe Healthcare Reporting (SHARE) Act, which Senator LAUTENBERG and I have developed to add nurses and other licensed health care professionals to the National Practitioner Databank.

In 1986, Congress passed legislation that established a national databank, the National Practitioner Databank (NPDB), to track licensing, disciplinary, and medical malpractice actions taken against U.S. physicians. While the NPDB has served as an important source of information on physicians, it fails to incorporate critical information on millions of non-physician licensed health care professionals, including nurses.

The recent case of Charles Cullen, a New Jersey nurse who has claimed responsibility for as many as 40 murders carried out at multiple hospitals in New Jersey and Pennsylvania over the last decade, has highlighted the need for a national reporting system on nurses and other licensed health professionals. As the health care workforce becomes increasingly mobile, such a system would be an invaluable resource to health care employers seeking information on potential employees.

The SHARE Act will help break the chain of silence currently plaguing our health care system. This chain of silence prevented critical employment history on Cullen—including five firings and at least one suspension—from ever reaching his future employers. While Charles Cullen kept killing people, hospitals kept hiring him. They didn't know his history. They didn't understand the risk he posed to patients. This is because hospitals and other employers are reluctant to share employee information because they are afraid of being sued.

The goal of our legislation is to make sure that hospitals know—to make sure that employers have access to critical information on health care practitioners. It will ensure that adverse employment actions, licensing and disciplinary actions, and criminal background information are available to all health care employers. The SHARE Act mandates that hospitals and other health care entities report adverse employment actions taken against employees who violate professional standards of conduct. This would include things like drug diversion and falsification of documents.

Importantly, the legislation protects health care employers from suit when they, in good faith, report information that they believe is truthful. Any employer who reports false information in an effort to smear a nurse's record would receive no protection under our bill. In fact, anyone who abused the information reported to the databank would be fined by the Federal Government.

Health care employers, such as hospitals and nursing homes, would be required to report to the National Practitioner Databank, which currently provides such information on physicians. They would also be required to report to the appropriate state licensing board. In turn the State licensing board would report the results of its investigations and licensing or disciplinary actions to the databank. The legislation also encourages nurses and other health care professionals to report suspected activities to state boards by providing whistleblower protections to those individuals.

The SHARE Act also ensures that a practitioner who is subject to reporting is informed of the report, offered a hearing on the issue, and allowed to comment on the report.

I believe that this legislation is a critical first step toward improving access to important information on our health care workforce. Since 1986, the Federal Government has required hospitals to report employment information on physicians. It's time we include nurses and other health care professionals that provide direct patient care. In fact, the average nurse spends more time at a patient's bedside than the patient's physician. We simply must ensure that the person at the bedside is competent and professional.

I look forward to working with my colleagues on both sides of the aisle to move this bill through Congress and get it to the President's desk. We must and we can improve patient safety and the integrity of our health care system. This bill takes an important step toward that goal.

Mr. LAUTENBERG. Mr. President, I rise to join my colleague, Senator CORZINE, in introducing the Safe Healthcare Reporting (SHARE) Act.

The first rule of the medical profession is "do no harm." Unfortunately, Charles Cullen spent his career doing harm to people in New Jersey and Pennsylvania.

The overwhelming majority of nurses are excellent practitioners of medicine who save countless lives every day. Nurse Cullen is the exception—not the rule—he was a bad apple of the worst kind.

As many as 40 people died as a result of Charles Cullen's actions. He did it at different hospitals in different States. But no one put the pieces of the puzzle together for decades.

That is why the legislation Senator CORZINE and I are introducing is so important. This legislation adds nurses to the centralized, national data bank of medical errors and misconduct. Our bill will require hospitals to notify state nursing boards—and the national data bank—if they launch an investigation into an employee—something Senator CORZINE and I believe is badly needed. The bill also requires hospitals to reference the national database when hiring nurses and other licensed health care professinals.

We must prevent more people like Charles Cullen from becoming nurses in the future. The vast majority of nurses out there are dedicated professionals, but we need a way to track and monitor the few who are using the profession as a means to commit terrible crimes. It makes no sense to allow a medical professional to go from job to job, leaving under suspicious circumstances, with virtually no means of detection.

Cullen's ability to perpetrate such despicable acts against patients highlights serious flaws in our current system. The system let this man slip through the cracks and continue to work as a professional healthcare provider even as investigations of his killings at previous employers were being launched. This is appalling.

Patient safety must always be at the forefront. Our bill will close the holes in this system and make it harder for people like Charles Cullen to commit such horrific crimes in the future.

I look forward to working in a bi-partisan fashion to further this important legislation.

By Mr. WARNER:

S. 2342. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WARNER. Mr. President, I rise today to introduce an important piece of legislation for my State, the Virginia Ridge and Valley Wilderness and National Scenic Areas Act of 2004. This bill will add four new wilderness areas, five additions to existing wilderness areas, and two National Scenic Areas to the Jefferson National Forest. Congressman RICK BOUCHER is introducing companion legislation in the United States House of Representatives.

It is no coincidence that I introduce this legislation on Earth Day, a time when we can reflect on our natural world and the obligations we have to protect the earth which provides so richly for us. Throughout my career in the United States Senate, I have strived to preserve Virginia's natural resources and heritage through the designation of wilderness areas. In fact, I have worked to pass three wilderness bills through Congress. I stood here not four years ago and introduced a bill that added two exceptional areas in the George Washington National Forest to the wilderness system. With the help of many, that legislation is now law, and Virginia has approximately 100,434 acres of designated wilderness lands.

However, there is still work to be done. Within the Jefferson National Forest, designated wilderness areas total only 7 percent of the total forest acreage. The enactment of this legislation will substantially increase our opportunities for uninterrupted enjoyment in the forest with the addition of nearly 29,000 acres of new wilderness areas and almost 12,000 acres of national scenic areas.

Virginia is blessed with great beauty and natural diversity. From the complex ecosystem of the Chesapeake Bay, to the exquisite vistas, streams, vegetation, and wildlife of the Shenandoah Mountains, residents and visitors alike can enjoy a bountiful array of natural treasures. As demand for development in Virginia increases, it becomes incumbent upon Congress to act expeditiously to protect these wild lands. Through wilderness and national scenic area designations, we can ensure that these areas retain their primeval character and influences.

I consider myself an avid outdoorsman, and I enjoy opportunities for recreation. I want to stress the many activities that will continue to occur in these wilderness areas, including: hunting, fishing, hiking, camping, canoeing, and horseback riding, to name a few. In addition, the Wilderness Act is flexible and provides for reasonable local forest management and emergency services in wilderness areas, such as the use of motorized equipment and aircraft for search and rescue operations; or to combat fire, insects and disease.

I am particularly pleased to include in the legislation an authorization for the establishment of a non-motorized trail between County Route 650 and Forest Development Road 4018 outside of the new Raccoon Branch Wilderness area. This trail will follow the historic Rye Valley Railroad Grade and will be a popular route for mountain bikers, equestrians and hikers. In addition, this bill directs the Forest Service to develop trail plans for the wilderness and national scenic areas.

As a father and a grandfather, I feel a weighty obligation to ensure that our children have lasting opportunities to enjoy Virginia's immense natural beauty and diversity. This legislation is a crucial step in our quest to preserve these lovely areas for the enjoyment and use of future generations.

By Mr. CONRAD (for himself and Mrs. LINCOLN):

S. 2343. A bill to amend title XVIII of the Social Security Act to improve the medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, I am being joined by Senator BLANCHE LINCOLN in introducing the Medicare Prescription Drug Improvement Act (MEND) of 2004, which aims to make various improvements to the recently enacted Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (H.R. 1).

I said when we passed H.R. 1 that we could do better for seniors and that I would keep pushing to improve the Medicare drug bill. This bill is an important first step in that effort. It provides a better, more stable prescription drug benefit and lowers the costs of drugs for seniors. It also removes the giveaways to health plans and it will reduce the deficit. In short, this bill is a win for seniors, a win for good government, and a win for taxpayers.

I supported the new Medicare law, but this was not an easy decision. While this legislation takes important steps to add a drug benefit to the Medicare program and makes needed provider payment reforms, this legislation has many flaws that must be addressed. The legislation I am unveiling today takes steps in this direction.

Before I describe this new effort, I'd first like to highlight why I believe supporting the Medicare bill was the right decision, particularly for Medicare beneficiaries in my home State of North Dakota.

The first—and most basic—reason I supported this legislation is because it takes critical steps to add a drug benefit to the Medicare program. This benefit will provide America's seniors—for the first time—the opportunity to receive help with their medication costs. If seniors are satisfied with their current health care coverage, they do not have to sign up for this new benefit. But if they need extra help covering their prescription costs, the new Medicare drug benefit offers an important coverage option.

The second major reason I supported this legislation is because it provides a very generous benefit for lower-income seniors with incomes below 150 percent of the Federal poverty. Under the legislation, about 40 percent of seniors in North Dakota will get the vast majority of their drugs covered, with minimal out-of-pocket costs. This extra assistance will make a critical difference to lower-income seniors in my State, many of whom have told me that they are often faced with the choice of paying for their medicines or paying for food, rent and other living costs. In my view, this is a choice that no senior citizen should be forced to make. The legislation we passed took important steps to address this problem.

In addition, the Medicare drug benefit will provide substantial assistance to those with catastrophic drug costs. Specifically, after a beneficiary spends $3,600 out-of-pocket, Medicare will pick up 95 percent of the cost. This catastrophic coverage is an important component of the bill, which we estimate will help nearly 11 percent of North Dakota seniors better afford high-cost medications.

As we move forward on implementing this new benefit, it is my strong hope that it will improve health care coverage for the millions of seniors across the Nation who are struggling to afford life-saving and life-enhancing medications.

Finally, another major reason that I supported the Medicare bill is that it includes a whole host of rural provider payment reforms that I authored along with Senator CRAIG THOMAS from Wyoming and Representative EARL POMEROY from my State of North Dakota. These measures take important steps to address payment disparities that were causing rural health care providers to receive significantly less reimbursement than their urban counterparts. Over the next 10 years, these payment changes will improve funding to the rural health care system by more than $20 billion. It is my hope that these important provisions will help ensure health care providers can continue offering quality and affordable health care services to rural communities in my State and across the Nation.

Those are positive aspects of the recently enacted Medicare legislation. But, as I said when we passed it, the bill also had a number of significant flaws. The bill I am introducing today addresses these flaws and makes some important improvements to the new Medicare law.

To be clear, my new legislation does not include every change I would like to make to the Medicare law. To do that, we would need to spend hundreds of billions of dollars. Given the Federal budget deficit we are facing, this is simply not possible.

But it is possible to make some common-sense improvements to the bill. And that is what my legislation does. Let me describe it in further detail.

The first area of my bill will include new measures to reduce the costs of prescription drugs. We know that drug costs have skyrocketed over the last few years. This is a real problem for seniors and others across the Nation who are having increasing trouble affording their medications.

It is also a problem for the Medicare program, which will face increasing cost pressures when we add the new drug benefit. Given this situation, we must take steps to reduce and control drug costs. My legislation would do that in two ways.

First, it would allow pharmacists and licensed wholesalers to reimport less expensive drugs from Canada. The Medicare bill gives the Department of Health and Human Services authority to allow this reimportation, but it put roadblocks in place that will effectively ensure reimportation never happens.

My bill would remove these roadblocks and allow reimportation to begin immediately. If at any time a reimported drug is found to be unsafe, the Secretary would have authority to immediately suspend reimportation of this product.

The second thing my bill would do to reduce costs is to allow the Secretary of HHS to negotiate with drug companies to lower the costs of medications in the new drug benefit.

As my colleagues know, the Medicare law specifically prohibits the Secretary from directly negotiating with pharmaceutical companies to lower drug prices. We know that allowing the government to negotiate in other programs, like the VA, has significantly lowered costs. There's no reason we shouldn't also allow it in the new Medicare drug benefit.

In addition to taking steps to reduce drug costs, my legislation also includes measures to improve the stability of the Medicare drug benefit.

Under the new Medicare benefit, I am concerned that seniors may face different drug costs, different drug formularies, and different approved pharmacies as they switch from plan-to-plan every year. If we know anything, we know that seniors want certainty.

One way to fix this is to allow seniors to stay in the drug plan of their choice for more than 1 year—even if it is a "government fallback plan." My legislation includes this change.

Another shortfall of the new Medicare law is that it prohibits seniors from purchasing supplemental insurance to assist with costs not covered by the new benefit. My legislation would lift this restriction and give seniors another choice for covering their medication costs.

Beyond that, my legislation also includes new measures to ensure seniors retain access to the local pharmacy of their choice. In many communities, the local pharmacist is the most accessible source of health care services. Given this, my bill contains measures to protect local pharmacy services.

Specifically, it would require that the Medicare program allow seniors to go to their local pharmacy to get their prescriptions filled, rather than forcing them to receive their drugs by mail-order or forcing them to go to a pharmacy in a nursing home or hospital that may not be as accessible. My hope is that this provision would ensure that seniors can continue to visit their local pharmacist.

My legislation would also authorize $500 million that could be used to help pharmacists cover the costs of educating seniors about the new drug plan choices. This funding would provide pharmacists a one-time payment for providing information to seniors as they enroll in the new benefit.

My bill also includes other measures to provide seniors with better information about the new drug benefit. Specifically, it would require drug plans to provide seniors with detailed information about what drugs will be covered—before the seniors signs up. It also would require that plans inform seniors of any changes to these covered drugs—either through the telephone, by mail or on the Internet.

My legislation would also take other steps to protect seniors by repealing the premium support demonstration project that is set to begin in 2010. Although seniors will be able to choose whether they want to enter private plans under this demonstration, I believe it is a step in the wrong direction toward privatizing the program and could drive up premiums for those in fee-for-service. Given this, my bill will repeal this privatization demonstration.

Finally, my bill includes additional measures that will help reduce spending and protect the financial integrity of the Medicare program.

In particular, the legislation will include measures to expand the chronic care management demonstration project in the Medicare law.

Today, roughly 5 percent of seniors account for about 50 percent of the entire Medicare budget. The Medicare law will test providing coordinated care to these beneficiaries, which many believe will help improve quality of care and reduce costs. My legislation will build on this effort by providing additional resources to expand chronic care management to more areas of the country. I believe this will save money for Medicare and improve health outcomes for these seniors.

Finally, my new legislation will eliminate provisions in the Medicare law that provide unfair, extra payments to private plans. Specifically, it will repeal a new $8.9 billion taxpayer subsidy to bring more private plans into the market. It will also address inequities that currently allow HMOs to receive significantly higher payments than traditional Medicare—for serving the exact same patient. These policies are simply a waste of money.

According to unofficial estimates by the Congressional Budget Office, eliminating these private plan overpayments could result in significant cost savings. Under my plan, these cost savings would be used to reduce the Federal budget deficit, which has reached record levels this year.

This is a basic overview of the provisions that will be included in my new legislation—the Medicare Prescription Drug Improvement Act (the MEND Act).

I believe this legislation will take significant steps toward improving the new Medicare law. I would like to thank Senator LINCOLN for joining me in this effort and I look forward to working with my colleagues on this important legislation.

By Mrs. BOXER:

S. 2344. A bill to permit States to require insurance companies to disclosure insurance information; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing the Armenian Victims Insurance Fairness Act. This bill is the Senate companion to legislation introduced by Congressman ADAM SCHIFF, my good friend and colleague from the 29th District of California.

This legislation authorizes states to enact laws that require insurance companies to disclose and make public information about any policy issued in areas controlled by the Ottoman Empire between 1875 and 1923.

This week marks the 89th anniversary of the Armenian Genocide. Between 1915 and 1923, the Ottoman Empire conducted the first Genocide of the 20th Century, killing an estimated 1.5 million Armenians and displacing thousands more. The campaign was so devastating that at the beginning of World War I, there were 2.1 million Armenians living in the Ottoman Empire. Following the Genocide, fewer than 100,000 Armenians remained.

This legislation is important because survivors and descendants of the Armenian Genocide are still trying to recoup the benefits owed to them under the tens of thousands of insurance policies that were issued prior to the Genocide. According to a news report, one Californian has been attempting to collect on an insurance policy for 40 years, but has been stonewalled by the company that issued the policy.

Insurance policy documents were often destroyed during the Genocide, and death certificates were not issued to those Armenians who lost their lives. Therefore, survivors and descendants can only rely on the documents held by insurance companies as proof that they are owed benefits. Unfortunately, we have seen little cooperation from insurance companies on disclosing these documents and opening up their records.

This bill closely follows legislation that would help Jewish Holocaust survivors. Last year, the Supreme Court ruled that a California state law requiring the disclosure of insurance information related to Holocaust-era policies was unconstitutional—in part because of the Federal Government's responsibility to make foreign policy. I support pending legislation to allow States to pass laws requiring the disclosure of Holocaust-era policies.

My bill is designed to ensure that state laws to force insurance companies to disclose insurance information on policies related to the Armenian Genocide do not run into similar legal challenges.

It is an injustice to the memories of those slain during the Armenian Genocide that insurance companies have not paid the benefits owed to the survivors and victims of this tragic chapter of history. This legislation will help survivors and their families pursue these claims.

I urge my colleagues to support the Armenian Victims Insurance Fairness Act.

By Mr. DODD:

S. 2345. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I come to the floor of the Senate today to introduce legislation, "The No Child Left Behind Reform Act." This legislation makes three basic changes to the No Child Left Behind Act which was signed into law in January of 2002.

The No Child Left Behind Act received the support of this Senator and 86 of our colleagues. Like most, if not all, of our colleagues who supported this bill, I supported it because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve that goal by establishing more rigorous standards for measuring student achievement, by helping teachers do a better job of instructing students, and last but not least, by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place.

Regrettably, the high hopes that I and many others had for this law have not been realized. The law is being implemented by the Administration in a manner that is inflexible, unreasonable and unhelpful to students. Furthermore, the law is not only failing to help teachers do their best in the classroom, it reflects, along with other Administration policies and pronouncements, a neglect and even hostility towards members of the teaching profession.

Worse still, the Administration's promise of sufficient resources to implement No Child Left Behind's much needed reforms is a promise that has yet to be kept. Indeed, the current budget proposed by the Bush Administration underfunds No Child Left Behind by $9.4 billion. Since passage slightly over 2 years ago, the law has been funded at a level that is more than $26 billion below what was promised when the President signed the Act into law.

As a result of the failures of the current Administration to fulfill its commitment to our nation's school children under this law, those children and their teachers are today shouldering new and noteworthy hardships. Throughout the State of Connecticut, for example, students, teachers, administrators and parents are struggling to implement requirements that are often confusing, inflexible and unrealistic. And they are struggling to do so without the additional resources they were promised to put them into place.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a false promise—a false promise that has left students and their teachers grappling with new burdens and little help to bear them.

The legislation I am introducing today proposed to make three changes to the No Child Left Behind Act. These changes will ease current burdens on our students, our teachers and our administrators without dismantling the fundamental underpinnings of the law.

First, the No Child Left Behind Reform Act will allow schools to be given credit for performing well on measures other than test scores when calculating student achievement. Test scores are an important measure of student knowledge. However, they are not the only measure. There are others as well. These include dropout rates, the number of students who participate in advanced placement courses, and measures of individual student improvement over time. Unfortunately, current law does not allow schools to use these additional measures in a constructive manner. Additional measures can only be used as a measure of how a school is failing, not how a school is succeeding. This legislation will allow schools to earn credit for succeeding.

Second, the No Child Left Behind Reform Act will allow schools to target school choice and supplemental services to the students that actually demonstrate a need for them. As the current law is being implemented by the Administration, if a school is in need of improvement it is expected to offer school choice and supplemental services to all students—even if not all students have demonstrated a need for them. That strikes me as a wasteful and imprecise way to help a school improve student performance. For that reason, this legislation will allow schools to target resources to the students that actually demonstrate that they need them. Clearly, this is the most efficient way to maximize their effect.

Finally, the No Child Left Behind Reform Act introduces a greater degree of reasonableness to the teacher certification process. As it is being implemented, the law requires teachers to be "highly qualified" to teach every subject that they teach. Certainly none of us disagree with this policy as a matter of principle. But as a matter of practice, it is causing confusion and hardship for teachers, particularly secondary teachers and teachers in small school districts. For example, as the law is being implemented by the Administration, a high school science teacher could be required to hold degrees in biology, physics and chemistry to be considered highly qualified. In small schools where there may be only one 7th or 8th grade teacher teaching all subjects, these teachers could similarly be required to hold degrees in every subject area.

Such requirements are unreasonable at a time when teachers are increasingly hard to find. The legislation I introduce today will allow States to create a single assessment to cover multiple subjects for middle grade level teachers and allow states to issue a broad certification for science and social studies.

In my view, these changes will provide significant assistance to schools in Connecticut and other states currently struggling to comply with the No Child Left Behind law. I would hope that our colleagues would look with some favor on it.

Of equal if not greater importance is the urgent need to provide our schools with the additional resources they need to help our children learn. Obviously, funding this law is beyond the scope of this bill. I would note, however, that efforts to increase education funding to authorized levels have thus far been unsuccessful.

Earlier this year, I supported Senator MURRAY's amendment to fully fund No Child Left Behind by increasing the budget allocation by $8.6 billion. Unfortunately, Senator MURRAY's amendment was defeated purely on party lines. Clearly, funding for No Child Left Behind is not at the top of the Majority's priority list. I will continue to work to change this outcome. Clearly, our children deserve the resources needed to make their dreams for a better education a reality.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Child Left Behind Reform Act".

SEC. 2. ADEQUATE YEARLY PROGRESS.

(a) Definition of Adequate Yearly Progress.—Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (C)(vii)—

(A) by striking "such as";

(B) by inserting "such as measures of individual or cohort growth over time based on the academic assessments implemented in accordance with paragraph (3)," after "described in clause (v),"; and

(C) by striking "attendance rates,"; and

(2) in subparagraph (D)—

(A) by striking clause (ii);

(B) by striking "the State" and all that follows through "ensure" and inserting "the State shall ensure"; and

(C) by striking "; and" and inserting a period.

(b) Academic Assessment and Local Educational Agency and School Improvement.—Section 1116(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is amended by striking ", except that" and all that follows through "action or restructuring".

SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

"(a) Grant Authority.—The Secretary may award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to develop or increase the capacity of data systems for accountability purposes and award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage information databases for the purpose of measuring adequate yearly progress.

"(b) Priority.—In awarding grants under this section the Secretary shall give priority to State educational agencies that have created, or are in the process of creating, a growth model or proficiency index as part of their adequate yearly progress determination.

"(c) State Use of Funds.—Each State that receives a grant under this section shall use—

"(1) not more than 20 percent of the grant funds for the purpose of increasing the capacity of, or creating, State databases to collect information related to adequate yearly progress; and

"(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (d).

"(d) Authorized Activities.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agencies to upgrade databases or create unique student identifiers for the purpose of measuring adequate yearly progress, by—

"(1) purchasing database software or hardware;

"(2) hiring additional staff for the purpose of managing such data;

"(3) providing professional development or additional training for such staff; and

"(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement.

"(e) State Application.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) LEA Application.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put such a database in place.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part $80,000,000 for each of fiscal years 2005, 2006, and 2007."

SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.

(a) Targeting Transfer Options and Supplemental Services.—Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i), and (8)(A)(i) of subsection (b), by striking the term "all students enrolled in the school" each place such term appears and inserting "all students enrolled in the school, who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),";

(2) in subsection (b)(1), by adding at the end the following:

"(G) Maintenance of Least Restrictive Environment.—A student who is eligible to receive services under the Individuals with Disabilities Education Act and who uses the option to transfer under subparagraph (E), paragraph (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be placed and served in the least restrictive environment appropriate, in accordance with the Individuals with Disabilities Education Act.";

(3) in clause (vii) of subsection (c)(10)(C), by inserting ", who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)," after "Authorizing students"; and

(4) in subparagraph (A) of subsection (e)(12), by inserting ", who is a member of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)" after "under section 1113(c)(1)".

(b) Student Already Transferred.—A student who transfers to another public school pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) before the effective date of this section and the amendments made by this section, may continue enrollment in such public school after the effective date of this section and the amendments made by this section.

(c) Effective Date.—This section and the amendments made by this section shall be effective for each fiscal year for which the amount appropriated to carry out title I of the Elementary and Secondary Education Act of 1965 for the fiscal year, is less than the amount authorized to be appropriated to carry out such title for the fiscal year.

SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.

Section 9101(23)(B)(ii) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amended—

(1) in subclause (I), by striking "or" after the semicolon;

(2) in subclause (II), by striking "and" after the semicolon; and

(3) by adding at the end the following:

"(III) in the case of a middle school teacher, passing a State approved middle school generalist exam when the teacher receives the teacher's license to teach middle school in the State;

"(IV) obtaining a State social studies certificate that qualifies the teacher to teach history, geography, economics, and civics in middle or secondary schools, respectively, in the State; or

"(V) obtaining a State science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle or secondary schools, respectively, in the State; and".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3047. Mr. KYL proposed an amendment to the bill S. 2329, to protect crime victims' rights.

TEXT OF AMENDMENTS

SA 3047. Mr. KYL proposed an amendment to the bill S. 2329, to protect crime victims' rights; as follows:

On page 7, line 24, strike the first period and insert the following: ", subject to appropriation.".

On page 10, line 20, strike the first period and insert the following: ", subject to appropriation.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 22, 2004, at 9:30 a.m. on the U.S. Commission on Ocean Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 9:30 a.m. to hold a hearing on Iraq Transition: Obstacles and Opportunities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 1:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 2:30 p.m. to hold a Subcommittee on East Asian and Pacific Affairs hearing on U.S.-China Relations: Status of Reforms in China.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 22, 2004, at 4 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 22, 2004, at 11 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William Duane Benton to be United States Circuit Judge for the Eighth Circuit; Robert Bryan Harwell to be United States District of South Carolina; George P. Schiavelli to be United States District Judge for the Central District of California; and Curtis V. Gomez to be Judge for the District Court of the Virgin Islands.

II. Legislation: S. 1735. Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Chambliss Cornyn, Feinstein, Graham, Grassley, Schumer]; S. Res. 310. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers [Campbell, Hatch, Leahy]; H. Con. Res. 328. Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month; S. 2270. No Oil Producing and Exporting Cartels (NOPEC) Act of 2004 [DeWine, Durbin, Feingold, Grassley, Kohl, Leahy, Schumer, Specter]; S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009 [DeWine, Leahy]; S. 2192. Cooperative Research and Technology Enhancement (CREATE) Act of 2004 [Hatch, Feingold, Leahy]; H.R. 1561. United States Patent and Trademark Fee Modernization Act of 2004; S. 1933. Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Cornyn, Feinstein]; S. 2237. Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004 [Leahy, Hatch]; and S. 1932. Artists' Rights and Theft Prevention (ART) Act of 2003 [Cornyn, Feinstein, Graham, Hatch].

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 22, 2004, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on Parents Raising Children: The Workplace during the session of the Senate on April 22, 2004, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet conduct a hearing on "State and Local Authority To Enforce Immigration Law: Evaluating a unified approach for stopping terrorists" on Thursday, April 22, 2004, at 2:30 p.m. in SD226

Witness List:

Panel I: Professor Kris W. Kobach, Former Counsel to the Attorney General, Professor of Law, University of Missouri-Kansas City School of Law, Kansas City, MO; E.J. Picolo, Regional Director, Florida Department of Law Enforcement, Ft. Myers, FL; Michelle Malkin, Journalist and Author of Invasion, Bethesda, MD; and David A. Harris, Balk Professor of Law and Values, University of Toledo College of Law, Toledo, OH.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent for a legislative fellow, Erik Winchester, to be granted the privilege of the floor throughout today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Tom Stack and Kevin Patrick Wilson be granted the privilege of the floor during the course of debate on S. 2329.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET TAX NONDISCRIMINATION ACT

Mr. FRIST. Mr. President, as I have announced on several occasions, we intend to begin consideration of the Internet tax access legislation next week. To review for a moment, the bill was reported by the Commerce Committee on September 29 of last year and the Finance Committee on October 29. The Senate began consideration of the bill on November 6 of last year.

Since that time, there have been many discussions as to how to best proceed through this issue. I understand Members have been continuing their efforts to find a solution, but it is time to come forward and debate the underlying issue. It would be my hope to begin consideration of the bill on Monday, and Senators could offer their amendments and the Senate could then work its will on the moratorium.

I understand some of my colleagues desire to delay this bill, but I would respectfully say it is now time to start the process and begin the debate.

Having said that, at this point I would have asked consent that at 1 p.m. on Monday, April 26, the Senate proceed to the consideration of Calendar No. 353, S. 150, a bill relating to taxes on Internet access. Given the objections from Members on both sides of the aisle, I will withhold that request.

CLOTURE MOTION

I now move to proceed to the consideration of S. 150. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 353, S. 150, a bill to make permanent a moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Bill Frist, George Allen, Jon Kyl, Orrin Hatch, James Inhofe, Elizabeth Dole, Larry Craig, John Ensign, Gordon Smith, Mitch McConnell, Norm Coleman, Sam Brownback, Trent Lott, Conrad Burns, James Talent, John Sununu, Mike Crapo.

Mr. FRIST. I now ask consent that the mandatory quorum under rule XXII be waived and the vote occur on the motion to invoke cloture at 5:30 p.m. on Monday, April 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME

Mr. FRIST. I understand H.R. 2844 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative read as follows:

A bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to further proceeding on this matter.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 26, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today it adjourn until 1 p.m. on Monday, April 26. I further ask that, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders the Senate begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each; provided that at 2 p.m. the Senate resume consideration of the motion to proceed to Calendar No. 353, S. 150, the Internet tax bill, and at 5:30 p.m. the Senate proceed to the cloture vote on the motion to proceed, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. On Monday at 2 p.m. the Senate will resume consideration of the motion to proceed to the Internet tax bill. This is a piece of legislation that was on the floor for debate only last November. However, minutes ago I was forced to file cloture in order to bring the bill back for consideration.

The cloture vote on the motion to proceed will occur at 5:30 p.m. on Monday, and that will be the next rollcall vote. It is my hope cloture will be invoked and we can move forward with debate on the bill.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DAYTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I be granted the time necessary to make my full remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DAYTON. Mr. President, thank you for your indulgence this evening. I, for the last couple of nights, have been reading through much of Bob Woodward's new book, "Plan Of Attack." It provides, believe me, quite an exceptional insight into the timetable and the process by which President Bush, Vice President CHENEY, and their top advisers secretly planned and then engineered our country and the world into the Iraq war.

It is remarkable that virtually every top administration official from the President on down provided so much information to Mr. Woodward, information that they withheld from Congress and from the American people.

For example, in the fall of 2002, I sat through several hours of top secret briefings with the Director of the Central Intelligence Agency and he never told us it was a "slam-dunk" that Saddam Hussein had weapons of mass destruction, as he reportedly said to the President. I guess I am glad he didn't, because he was wrong.

I voted against the Iraq resolution that fall because I was not persuaded that Saddam Hussein had or was close to acquiring weapons that threatened the national security of the United States. So I guess I am fortunate that I wasn't slam-dunked.

I wasn't, either, at the September 26, 2002, meeting which President Bush reportedly, according to Mr. Woodward, had with 18 Members of the House of Representatives. In the book, the President is quoted as saying—Mr. Woodward says initially:

> Putting the most dire spin on the intelligence he, the President, said "It is clear he, Saddam Hussein, has weapons of mass destruction, anthrax, VX. He still needs plutonium. The timeframe would be 6 months for Iraq having a nuclear weapon if they could obtain sufficient plutonium or enriched uranium.

That was a significantly shorter timetable than anything that was represented to me in any of the briefings that I attended, even under those circumstances of procuring from the outside, weapons materials.

Then the President went to the Rose Garden and said to the assembled press corps, and therefore to the Nation and the world:

> The Iraqi regime possesses biological and chemical weapons, and, according to the British government, the Iraqi regime could launch a biological or chemical attack in as little as 45 minutes after the order was given.

That is an alarming statement, coming from a President of the United States, a statement likely to frighten a great many Americans and also pressure a great many Members of Congress that Iraq was, right then and there, an urgent and immediate threat to our national security.

Mr. Woodward goes on to say that the CIA Director and others had warned the British not to make that allegation, which was based on a questionable source and almost certainly referred to battlefield weapons, not ones that Iraq could launch even at neighboring countries, let alone American cities. He quotes the Director of the CIA as referring privately to this as:

> . . . they-can-attack-in-45-minutes shit.

I know one of my Senate colleagues who has said that he based his vote in support of the war resolution on that stated threat, and the peril, if true, in which it would have placed coastal cities in his State—if true. Of course it was true if the President, the President of the United States, said so to the American people from the White House, with Members of the House of Representatives, Democrats and Republicans, standing right behind him.

They presumably also believed in the President, that he was speaking the truth—a truth that perhaps only he could know. And surely, certainly, if he happened to misspeak, someone in the administration who knew otherwise, especially the person in charge of our national intelligence agency, would make sure the necessary correction would be issued quickly so as not to mislead anyone or everyone. But that wasn't done.

That is just one example of the misuse of prewar intelligence by the Bush administration. But in that instance the President himself and the commission the President appointed to look into the intelligence failures, if there were, or successes leading up to and through the Iraqi war, that commission will not be looking into that use or misuse of intelligence information by the administration officials because the President's directive does not permit them to do so.

If anybody in this body needs sufficient cause to insist upon, as members of my caucus have for many months now, a truly independent commission, one with full authority to investigate whatever its members determine warrants their investigation so that we all can know the truth and the full truth about who had what information and who used what information truthfully or untruthfully and, therefore, led us into that war, if they need sufficient cause, this book certainly provides it.

It is clear to me, however—I say this very reluctantly—that the administration won't provide us with the truth themselves—perhaps only part of it through Mr. Woodward. I regret to say I am convinced that my colleagues on the other side of the aisle won't require the administration to do so. Instead, it is hunkered down, admitting no mistakes, acknowledging no difficulty, keeps spinning the party line about how well everything is going in Iraq, how much better and safer the Iraqi people are, we are, and the world is as a result of this war.

That is what we have been told repeatedly and emphatically in every Senate Armed Services Committee meeting I have attended and in every secret and top secret briefing I received. And in the now dwindling number of real opportunities to question the administration's decisions about what is going on in Iraq, we get instead the party line about what they want us to know—what they won't tell us because they don't want us to know. What they tell us is usually contradicted as a result of some good investigative journalism. And I thank the Lord for a free and vigilant press in this country. It is just an absolute requirement for successful democracy.

Increasingly now what we are finding out is the hard realities—the ugly truths about what really is happening or not happening in Iraq—grab the headlines and seize our attention and sear our consciences as more and more Americans are dying there, as more and more are wounded, injured, and maimed for life.

I have been to the hospitals here. I think most of my colleagues have as well. I have seen lives that have changed forever. And, of course, I have gone to services for those whose lives were ended forever, and those families have to struggle and go on.

It is incredible to watch what is going on in Iraq now and see that more and more of our incredibly courageous men and women serving over there are being murdered by the people they saved—the people that the administration with certainty said would support our troops as liberators and not attack them as enemies.

What do our incredibly brave American troops over in Iraq need to be able to do the enormous task that was assigned to them? We keep asking that question in Congress. We certainly asked it in the Armed Services Committee. We wanted to provide it.

This Congress and the Congress previous to this one—in which I also served—provided the administration with every single dollar it requested for the operation in Iraq, whether it was a regular appropriation, a supplemental appropriation, or emergency supplemental appropriation. I personally voted for every dollar the President said is needed for military supplies and equipment for the Iraqi security force training, for economic development in that country, and for social rehabilitation.

My colleague, Senator COLEMAN, and I added funding that had been overlooked to help pay for those American heroes who are serving over there to travel home to see their families during their 2-week leave in the middle of what has become a 12-month or 18-month or indefinitely extended tours of duty.

Senator BOB GRAHAM saw to it that the wounded soldiers wouldn't have to pay for their own hospital meals during their recuperations. Senator LINDSEY GRAHAM and Senator TOM DASCHLE tried to extend the health care coverage that is provided to reservists and National Guard men and women and their families to make it year round, since their service in certainly incredibly increasing numbers of cases have become year round, and subject to that at a moment's notice. I was a proud cosponsor of that legislation. It was opposed by the administration. Despite that opposition, last year we were partially successful, and we are going to be trying to accomplish the rest this year.

Most of my caucus and quite a number of my Republican colleagues have also voted several times to restore the funding cuts that the administration proposed for the VA health system which is even now seriously overloaded.

When with no forewarning and apparently with very little foreknowledge, heavy fighting escalated from where it was before in Iraq and erupted where it was not before; when American forces are suffering their highest casualties in the years since President Bush flew onto the aircraft carrier *Abraham Lincoln* and proclaimed "mission accomplished;" when 20,000 of our troops, our constituents, the families in our States were told they were literally packing up and heading for home, and then told they must stay for an indefinitely extended period; then we in the Senate Armed Services Committee meeting this week are told by the Deputy Secretary of Defense that "the increase in violence was not entirely unexpected;" it is hard to reconcile what has occurred.

Just 3 weeks earlier—just hours, in fact, before the four American contractors were ambushed and massacred and then part of hell broke loose over there—those expectations were not mentioned in a briefing we attended. They weren't even suggested. When I made that point—I didn't ask in that briefing about Fallujah—well, what about it now? "Unsettled," I was told this week but U.S. forces will soon secure the city.

The next morning they published a report that a:

> Senior American officer in Fallujah was quoted as saying "We have the potential to turn it into the Alamo, if we get it wrong."

The Alamo? That was pretty unsettling, as I recall from my history books, and it kept getting worse thereafter.

Again at a hearing, I queried that there have been reports that Iraqi forces which we have been paying $1 billion through supplemental appropriations to supposedly train and equip so they can fight and protect their own country and our men and women can come home, there were reports some of them in the last couple of weeks—many of them—would not fight, that they ran away and even left our guns and equipment to be used by the insurgents to try to kill our own forces. How many did so? In other words, how effective has our training been? Didn't know. Estimated maybe 5 to 10 percent.

That very night I read in an article I overlooked in a morning paper, that same day an American general who was in Iraq put the percentage of Iraqi forces who failed to fight at 40 percent; 40 percent of our supposed allies were not allies when needed and 40 percent of our equipment is being used against our own troops.

The question I most want to be answered is, What is your current timetable for bringing our troops home? They are showing a big chart at the hearing for the timetable of the transfer of political responsibilities and government authority. It is quite detailed. It went through 2004, 2005, and into 2006. What, then, I asked, is the timetable for the transition of military responsibility to the Iraqis? No answer, not even in the closed session following. What is the United States force level now projected in 6 months, in 12 months in Iraq? No answer.

Surely these projections are being made. Nobody likes to predict in public what the uncertain future might hold, but we have a right to know. More importantly, the American people have a right to know. These are their sons and daughters over there on the orders of their Commander in Chief and they deserve to be told the truth. We are not even being told how much money the war in Iraq and the war in Afghanistan is expected to cost in the next fiscal year, which starts in 5 months.

We cannot even find out when the $87 billion we appropriated last October will run out. That is ridiculous. After all, whose money is it? Whose Government is it? It is our Government, all of us here and all of the American people, we are all in this together for better or for worse. We will pay for it or avoid paying for it together. We will benefit from an improved world or suffer from the reported unprecedented Arab hatred toward America. We will do that together. Our lives and our children's lives, our beloved Nation's future, will all be affected for many years profoundly by what is being done in our names and by the results and consequences that have occurred.

Please, tell the truth, Mr. President, the real truth, the whole truth, and we will face it together.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, APRIL 26, 2004, AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until Monday, April 26, 2004, at 1 p.m.

Thereupon, the Senate, at 7:04 p.m., adjourned until Monday, April 26, 2004, at 1 p.m.

HOUSE OF REPRESENTATIVES—*Thursday, April 22, 2004*

The House met at 9 a.m.

The Reverend Ronald J. Nuzzi, Director, ACE Leadership Program, University of Notre Dame, offered the following prayer:

In every age, O Lord, You have been our refuge. So we seek Your wisdom that justice may flow from our deeds. Bless the work of our hands this day.

By the power of Your outstretched arm, open our eyes to see the needs of all who suffer, our ears to hear the cry of the poor, our hearts to feel the anguish of those who do not know freedom.

Hear our prayers, O Lord, as they rise up to You from this, the people's House. To these deliberations bring a spirit of wisdom and understanding.

Grant us a vision of the world as Your love would have it, a world where the weak are protected and children do not go hungry; a world where the riches of creation are shared by all; a world where all cultures and races live in harmony and respect; a world where peace is built with justice and justice is guided by love.

Make us prudent in our planning, courageous in taking risks, patient in suffering, unassuming in prosperity.

As You have been in every age, O Lord, be our refuge and our strength now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. RYAN) come forward and lead the House in the Pledge of Allegiance.

Mr. RYAN of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WARM WELCOME FOR THE REVEREND RONALD J. NUZZI

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, I would just like to take this opportunity to thank Father Ron Nuzzi for his uplifting prayer this morning and his great work not only in the Catholic Church but in his leadership and developing catholic school teachers through his program at University of Notre Dame. He is a lifelong friend of mine and my family and has been there for me and my family for every special occasion, good and bad, that our family shares. So I would like to take this opportunity to thank him again for his wonderful prayer this morning.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, April 20, 2004, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. To all of you I want to say good morning. On behalf of the House of Representatives, I am happy to welcome to the Chamber very good friends of this institution, former Members of Congress.

You are not only friends of this institution; you are also friends of ours, and we look forward to this opportunity every year when we have this chance to visit with you and catch up on each other's lives.

Every one of you has spent precious years of your life, some of the best years of your life, working to represent the needs and concerns of the American people right here in this Chamber.

Your commitment to your Nation did not end when you left the halls of Congress. Many of you have committed to serve the Nation in many other honorable ways.

Senator Sam Nunn is one of those people, and he currently is an ideal and worthy choice to receive the Distinguished Service Award.

While deprived of the opportunity to serve in the House, Senator Nunn served the other body with great distinction. Known as an expert on defense issues, Senator Nunn was respected by both sides of the aisle for his sense of fair play, his patriotism, and his commitment to the security of this Nation.

Finally, I would like to take this opportunity to thank all former Members for their continued efforts both home and abroad. Your outreach in college campuses throughout this country has helped to strengthen the work of our government and to encourage public service. Your support on parliaments around the world is invaluable, and I want to thank you for those efforts as well.

At this time, I would request that the gentleman from Missouri, Mr. Jack Buechner, vice president of the Former Members Association, take the chair.

Mr. BUECHNER (presiding). Will the Clerk call the roll of the former Members of Congress.

The Clerk called the roll of the former Members of the Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 34TH ANNUAL SPRING MEETING, APRIL 22, 2004

Hon. Beryl Anthony (Arkansas)
Hon. William V. "Bill" Alexander (Arizona)
Hon. Robert E. Badham (California)
Hon. James J. Blanchard (Michigan)
Hon. John Brademas (Indiana)
Hon. William Broomfield (Michigan)
Hon. James T. Broyhill (North Carolina)
Hon. John H. Buchanan, Jr. (Alabama)
Hon. Jack Buechner (Missouri)
Hon. Richard R. Chrysler (Michigan)
Hon. James Coyne (Pennsylvania)
Hon. Norman D'Amours (New Hamsphire)
Hon. Joseph J. Dioguardi (New York)
Hon. Robert B. Duncan (Oregon)
Hon. Louis Frey, Jr. (Florida)
Hon. Benjamin A. Gilman (New York)
Hon. Ralph R. Harding (Idaho)
Hon. Margaret Heckler (Massachusetts)
Hon. Dennis M. Hertel (Michigan)
Hon. Peter Hoagland (Massachusetts)
Hon. William J. Hughes (New Jersey)
Hon. Robert W. Kastenmeier (Wisconsin)
Hon. David S. King (Utah)
Hon. Robert "Bob" Krueger (Texas)
Hon. Lawrence P. "Larry" LaRocco (Idaho)
Hon. Jim R. Lightfoot (Iowa)
Hon. Marilyn Lloyd (Tennessee)
Hon. Matthew F. McHugh (New York)
Hon. Thomas McMillen (Maryland)
Hon. Lloyd Meeds (Washington)
Hon. Robert H. Michel (Illinois)
Hon. Dan Miller (Florida)
Hon. Richard Dale "Dick" Nichols (Kansas)
Hon. Sam Nunn (Georgia)
Hon. Stanford E. Parris (Virginia)
Hon. Howard W. Pollock (Arkansas)
Hon. John J. Rhodes, III (Arizona)
Hon. Ron Sarasin (Colorado)
Hon. Richard T. Schulze (Pennsylvania)
Hon. David E. Skaggs (Colorado)
Hon. Don Sundquist (Tennessee)
Hon. James W. Symington (Missouri)
Hon. Charles W. Whalen, Jr. (Ohio)
Hon. Harris Wofford (Pennsylvania)

☐ 0915

Mr. BUECHNER (presiding). At this time Chair will recognize the President

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the Former Members of Congress, the gentleman from Idaho, Larry LaRocco.

Mr. LaROCCO. My thanks to the Speaker pro tem and to all of you for being with us. We are especially grateful to Speaker HASTERT for taking time from his busy schedule to greet us and give us his warm welcome. It is very gratifying to see such a great turnout this morning.

It is always a privilege to return to this wonderful institution which we revere and where we shared so many memorable experiences. Service in Congress is both a joy and a heavy responsibility, and, whatever our party affiliation, we have great admiration for those who continue to serve this country in this unique institution. We thank them all for once again giving us this opportunity to report on the activities of the U.S. Association of Former Members of Congress.

This is our 34th Annual Report to Congress, and I ask unanimous consent that all Members be permitted to revise and extend their remarks.

The SPEAKER pro tempore. Without objection, so ordered.

Mr. LaROCCO. Mr. Speaker, our Association is nonpartisan, bipartisan, if you will. It has been chartered, but not funded by the Congress. We have a wide variety of domestic and international programs, which several other Members and I will discuss briefly. Our membership numbers approximately 560, and our purpose is to continue, in some small measure, the service to country that we began during our term in the Senate and the House of Representatives.

Our finances are sound. We support all our activities via three income sources: membership dues, program grants and our annual fund-raising dinner. In addition, we have had the good fortune of a bequest by Frieda G. James, whose husband, Benjamin Franklin James, served five terms in the House representing Pennsylvania as a Republican. Her kind gift to the Association has been a blessing, especially given the economic downturn over the past few years, which really took its toll on the nonprofit sector.

At our last Board meeting, the Board of Directors voted to commence an endowment fund campaign. The goal of this fund is to ensure the financial viability of the Former Members Association for many years to come. We envision a time when investment earnings of the endowment fund can be used to supplement the Association's budget during lean years, sort of a safety net to guarantee that tough economic times will not shut us down. In addition, the endowment fund can serve to expand the programs and reach of our Association and to support new ventures and services created by our staff members and Board. We will send you information about the endowment fund later this year, and I encourage you to become involved.

Mr. Speaker, I would now like to turn to the many programs and services the Former Members of Congress Association offers to its Members, to sitting Members of the House and Senate, and to the public at large.

Our most significant domestic activity, mentioned by the Speaker of the House this morning, is our Congress to Campus Program. This is a bipartisan effort to share with college students throughout the country our unique insight on the work of the Congress and the political process more generally.

A bipartisan team of Former Members spends up to 2.5 days on college campuses throughout the United States, meeting with students both in the classroom and outside, as well as with members of the faculty and the local community. This is a great experience for our Members, and it generates a deeper appreciation for our democratic form of government, as well as encouraging young people to participate actively in public service.

Since the program's inception in 1976, Former Members of Congress have reached more than 150,000 students through their visits to campuses in 49 States and the District of Columbia. In the 2003 and 2004 academic year thus far, we have visited 26 schools and in 18 States. The Association partners with the Center for Democracy and Citizenship and the Stennis Center for Public Service at Mississippi State University to administer this program.

At this point, I would like to yield to David Skaggs, the gentleman from Colorado, who currently serves at executive director of the Center For Democracy and Citizenship, to discuss the new administration and endeavors of the Congress to Campus Program.

David, just let me say on behalf of the Board and all of the members of the U.S. Association of Former Members of Congress how much we appreciate your dedication and your incredible administrative skills that you have lent to this program, to take us from doing about 10 programs a year to 26 so far, and we think we may even hit 40. But you will report to us right now. Thank you so much.

Mr. SKAGGS. I thank the gentleman for yielding. He has done a good job already in describing the fundamental purposes of the Congress to Campus Program, but let me report more fully to the Members here and to the Congress about our activities during this past academic year.

As Larry mentioned, we have two principal purposes for this program. One is to educate college students and faculty about how this wonderful institution operates, maybe with a little bit more insight than the textbooks typically give. Our other principal purpose is to really inspire young people to consider public service careers.

Finally, by having a bipartisan pair of former colleagues involved in this activity, we hope that we can model behavior that may have otherwise escaped their notice, that Republicans and Democrats actually can discuss issues civilly and work out their differences more often than not.

This is the second year of a major effort to expand the program, as the gentleman from Idaho mentioned. I want to thank all of the schools, all of my colleagues and the membership of the Association who have pitched in to make this possible, as well as the Association Board of Directors, and, in particular, our friends at the Stennis Center for Public Service down in Mississippi. We have had a wonderful working relationship with them.

All told, we have been able to expand this program now in the last 2 academic years from about on the average of 7 or 8 visits per year to this year's total of 26 domestic college and university visits and our first international Congress to Campus visit. That represents more than a 200 percent increase over the average in the past.

We try to make sure that this is being handled as professionally as possible, and so actually try to evaluate the program with some rigor with reports back in from schools, from the Members that make these visits, and, probably most importantly, from the students that we interact with on these college and university campuses. We ask them to complete a little survey with a control group of students from the same schools that did not participate.

I am pleased to report that after a rigorous statistical analysis, I can tell the Members that this actually works, that the students that are exposed to this program have a significantly higher, one, propensity to think about public service careers than the students not exposed to it, and, even more miraculously, think better of public officials than do the students who have not had the treat of being involved with one of our Congress to Campus visits. So we should be encouraged that this really does matter.

Just to give the Members here who may not have participated a more fulsome idea of what a pleasure it is and how rewarding it is to participate, I would like to yield at this time, if I may, to my friend and colleague from the State of Iowa Mr. Lightfoot to share briefly his reflections on his Congress to Campus visit.

Mr. LIGHTFOOT. Thank you, David. I would say to all of our former colleagues, how come you are all looking so much older?

Actually, if David gives you a phone call, say yes. This was one of the greatest opportunities I think I have participated in in a long, long time. It was earlier this month, I went to Colby College up in Maine. I now live in Florida.

The second call was to Sandy Maisel, who heads the political science department at Colby College. I asked him about the weather. I said, well, how about the ice report? He said they still have ice on the lakes, and we actually got almost a half of foot of snow the day we got there.

Martin Lancaster from North Carolina was my colleague on this trip. Most of you know Martin, a fine guy, a great guy to travel with. He now is continuing his life in public service with some 800,000 students in North Carolina in the community college system. Professor Maisel had a lot of fun with that while we were there, reminding the folks in his neighboring State of Vermont that they only had 500,000 people, and Martin had more people in his college system than they had in the entire State.

It was 2 days of fun. We went to a number of classes. This school was a little bit smaller, so they decided to split us up so they could get more out of having two former Members of Congress there. But due to the size of the school, we discovered a lot of cross-pollination. I would be at a class and say something, and somebody would say, Mr. Lancaster said that or disagreed with that this morning.

But it was a tremendous opportunity to try to sell public service to young people. That is really what our whole goal was. Whether it is to run for elective office, or to take their law or science degree or whatever and work in government, hopefully we have shone a little light on the value of public service, that it is more than a paycheck, there are a lot of great rewards for doing it.

David, I would just like to thank you for the opportunity to have participated. I am on your list to go again whenever. I would really seriously from the bottom of my heart encourage any of you, if David gives you a call, it is only a couple days, say yes. What I came away with was probably more than the students. Most of you know, if you work around young people, I am not so worried about tomorrow as I was before I went up there. There was a great bunch of young people. They will inspire you as well.

David, I thank you.

Mr. Speaker, I yield back.

Mr. SKAGGS. One of our real troopers this year was the gentleman from Washington, Mr. Meeds. I want to call on him for some reflections on his experience, if I may, as well.

Mr. MEEDS. Thank you, David, and especially thank you for the telephone call asking me to get involved in this program. It has really been a fine experience, at least for me, and I hope for the students that were out there.

I visited with two other Members from the other side, two colleges, one in North Carolina and one in New York State, and had a wonderful experience with the young people. I think the single strongest impression I had was that it brought to them a new impression of the Congress itself, a closer analysis of the Congress than they get in the daily newspaper or in their texts.

The bipartisanship which was displayed with the group, both groups with which I spent time, was outstanding. The Members on the other side and I disagreed on issues, we disagreed and were not disagreeable in front of these students, and took on some pretty tough ones. It was a good experience for us, and, I hope, a good experience for the students.

Mr. SKAGGS. Thank you.

Mr. Speaker, I submit a full report for the RECORD.

CONGRESS TO CAMPUS PROGRAM—REPORT TO THE ANNUAL MEETING OF THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, APRIL 22, 2004

INTRODUCTION

The Congress to Campus Program addresses a significant shortfall in civic learning and engagement among the country's college-age young people, combining traditional educational content with a strong message about public service. The Program sends bipartisan pairs of former Members of Congress—one Democrat and one Republican—to visit college, university and community college campuses around the country. Over the course of each visit, the Members conduct classes, hold community forums, meet informally with students and faculty, visit high schools and civic organizations, and do interviews and talk show appearances with local press and media.

In the summer of 2002, the Board of Directors of the U.S. Association of Former Members of Congress (Association) engaged the Center for Democracy & Citizenship (CDC) at the Council for Excellence in Government to help manage the Congress to Campus Program (Program) in partnership with the Stennis Center for Public Service (Stennis). CDC and Stennis, with the blessing of the Association, have worked together since to increase the number of campuses hosting Program visits each year, expand the pool of former Members of Congress available for campus visits, develop new sources of funding, raise the profile of the Program and its message in the public and academic community, and devise methods of measuring the impact of the program at host institutions.

INCREASED QUANTITY AND QUALITY OF PROGRAM VISITS

This is the second year of the program expansion. In the 2003–2004 academic year, the Program sponsored visits to twenty-seven schools around the country—almost triple the number for the 2001–2002 academic year. [See Attachment 1—Roster of '03–'04 Academic Year Visits & Participants.] These visits took former Members to universities, service academies, colleges and community colleges in nineteen different states. While the total fell short of the goal of forty for the year, it should be noted that twelve additional scheduled visits had to be cancelled or rescheduled due to factors beyond the control of the program staff.

The ultimate goal is to have fifty Congress to Campus school visits per academic year. This is probably about the limit the Program can sustain with available Member participation, staff support and funding. This remains an ambitious goal, but at this early date twenty-five schools have already approached program staff to discuss hosting a 2004–2005 Congress to Campus visit. Given that a Presidential election year is likely to generate additional interest, we anticipate a significant increase in demand for Program visits.

In addition to an increase in number of visits, we continue to fine-tune the content and substance of Program visits based on feedback from Members and host professors. The Program asks visiting Members and host professors to complete an evaluation of each visit.

Those evaluations have prompted us to make several adjustments. We have trimmed the length of a campus visit to two full working days; limiting Members' time away from home and work to two working days plus travel time makes recruiting Members an easier matter. We also have reduced and restructured the use of "open forum" events during campus visits to insure greater student attendance and participation and eliminated campus tours in favor of activities that involve interaction between visiting Members and students. Finally, we have added to the list of suggested visit activities "in service" style meetings with high school civics and social studies teachers that allow Members to provide insights and encouragement to local teachers in their efforts to educate students about the U.S. government and civic responsibility.

The Program asks host schools to insure contact with at least 250 students over the course of a visit, and that number is often exceeded. For the past academic year, approximately 8000 students heard Members' unique story about representative democracy and their special call to public service.

A draft schedule of events is prepared in advance of each campus visit and reviewed by staff to assure variety as well as the substance. There is a conference call before each trip with Members and the responsible campus contact person to review the revised schedule and iron out any remaining problems. Members also receive CRS briefing materials on current issues and background information on government service opportunities prior to each visit.

RECRUITING MEMBER VOLUNTEERS FOR CAMPUS VISITS

The success of the Program obviously depends on Members' participation. With travel back and forth, Members end up devoting about three days to each campus visit. That is a priceless contribution of an extremely valuable resource.

Members of the Association were sent a survey again last summer to solicit information regarding their availability for and interest in a Program campus visit. Using responses to these surveys and direct contact with a number of former Members, CDC developed a pool of just over one hundred available former Members, and some forty-seven participated in visits this year. A "bench" of one hundred was deep enough to fill the openings during the current academic year, but more will be needed to meet the demands of the expanding schedule for next and future academic years. Association Members are encouraged to complete and return the survey they will receive in June and then to be ready to accept assignments to one of the fine institutions of higher education the program will serve next year.

FUNDING SOURCES

In addition to the generous contribution of money and staff time made each year by the Stennis Center for Public Service and the

Association, several organizations provided funding to help with the expansion of the Congress to Campus Program for the academic years 2002–2003 and 2003–2004, including the Pew Charitable Trusts, the Carnegie Corporation of New York, and the National Cable & Telecommunications Association (NCTA). While Stennis' commitment to the Program is ongoing, funding from the other organizations ended in January 2004. In the spring semester, the American Association of Retired Persons provided a major gift and has pledged additional support. CDC and Stennis are continuing to work with the Association leadership and other organizations to find new sources of funding for Congress to Campus.

Host schools are expected to cover the cost of Members' on-site accommodations and local travel and to make a contribution to cover a portion of the cost of administering the Program. A suggested amount of contribution is determined according to a sliding-scale based on an institution's expenditures per pupil [see Attachment 2—Application Form]; a waiver is available to schools that are not able to pay the scale amount. Several schools received a full or partial waiver in 2003–2004. Still, school contributions produced several thousand dollars in support of the program.

The expansion of the Program—clearly justified by the interest expressed by schools seeking to host a first or a repeat visit and by the assessment of its positive effects (see below)—will require a significant increase in funding.

INTERNATIONAL INITIATIVE

Congress to Campus made its first international visit in October 2003 to the United Kingdom. An earlier Association study tour had laid the groundwork for the visit and established a relationship with Philip John Davies, Director, Eccles Centre for American Studies at The British Library and Dennis Spencer Wolf, Cultural Attache at the U.S. Embassy. Dr. Davies was instrumental in arrangements for the visit in London and at De Montfort University, Leicester, where he is Professor of American Studies. The Embassy assisted with travel and logistics. We undertook this first Program visit abroad as a trial run to determine whether other international visits might be worthwhile and practicable. The experience of our Members and of their British academic audiences suggests an international dimension for the Congress to Campus Program is a good idea. Preliminary discussions are now underway with potential sponsoring institutions in Europe, Asia and Latin America.

PROGRAM OUTREACH AND PUBLICITY

The increased number of institutions hosting and applying to host a Congress to Campus visit is the result of an aggressive outreach effort. Association leadership and numerous former Members, as well as staff at CDC and Stennis, have made many personal contacts on behalf of the Program. In addition, we are continuing the sustained promotional effort begun last year.

Articles about the Program have appeared in the newsletters of the Political Organizations & Parties Section of the American Political Science Association (APSA) and the Federal Relations section of the American Association of Universities. CDC Executive Director and former Member David Skaggs made a presentation in behalf of Congress to Campus to the APSA at its August 2003 convention in Philadelphia. Informational material has been emailed directly to the Chairs of all relevant APSA Sections, all members of the APSA Legislative Studies Section, as well as to many other college and university organizational contacts.

In the past, local and campus press and media have often covered Congress to Campus school visits. In addition to continuing that coverage, the Program encourages each host institution to make commercial print and broadcast media interviews a part of each Congress to Campus visit's schedule.

MEASURING THE PROGRAM'S IMPACT

Over the years, anecdotal information has tended to validate the basic premise of the Congress to Campus Program—that these visits by former Members of Congress positively affect students' views of public service and government officials. In an effort to confirm this anecdotal information, the Program asks host schools to have students complete one-page surveys. The surveys elicit students' views on public service careers and feelings about different categories of public officials; they are to be completed by a group of students who attended sessions with the former Members and by a control group of similar students who did not have contact with the former Members.

While all schools hosting a visit do not return the surveys, the data that was generated for the 2002–2003 academic year shows that the underlying goals of the Congress to Campus program are sound. Those students who have contact with former Members during their Congress to Campus visits have a measurably more favorable view of public servants and of public service as a career option than similar students who do not have the opportunity to interact with the visiting former Members.

Last year we reported preliminary findings for 2002–2003. That data has now been analyzed by the Center for Information and Research on Civic Learning and Engagement (CIRCLE) at the University of Maryland. Their report [see Attachment 3] confirms our preliminary finding and found that the Congress to Campus Program had a statistically significant positive impact on student's attitudes towards public service and public servants. We are still receiving data from the 2003–2004 academic year and will provide Members with a report as soon as that information is analyzed.

As previously discussed, the Program requests the principal contact at each host school to submit an evaluation of the visit. We receive valuable feedback on various aspects of each visit and try to incorporate lessons learned and helpful suggestions in the on-going effort to improve the Program. The best indication of satisfaction with the Program is the fact that every school visited this year has said it wants to do a Congress to Campus Program visit again.

CONCLUSION

The Program has made significant progress toward achieving its new goals. The number of campus visits has been increased nearly 200% this year over 2001–2002 levels. However, Program funding remains a matter requiring attention. Efforts to raise the public profile of the Program have met with some success, but more needs to be done. Finally, objective data supports the basic premise of the Congress to Campus Program: that campus visits by Members are effective in raising interest in public service careers and in improving attitudes about public officials among the students who participate in Program events.

Attachment 1

Congress to Campus Program

The United States Association of Former Members of Congress

2003 –2004 ACADEMIC YEAR VISITS AND PARTICIPANTS

Fall Semester

Bowling Green State University – September 16-18, 2003

Republican: *Bill Barrett (NE)*
Democrat: *Ken Hechler (WV)*

University of Texas at Austin – September 30-October 2, 2003

Republican: *Robin L. Beard, Jr. (TN)*
Democrat: *Butler Derrick (SC)*

Principia College – October 7-9, 2003

Democrat: *Martha Keys (KS)*
Republican: *George Wortley (NY)*

University of Georgia – October 14-16, 2003

Democrat: *Bob Carr (MI)*
Republican: *Orval Hansen (ID)*

Wesleyan University – October 14-16, 2003

Democrat: *Tony Beilenson (CA)*
Republican: Mickey Edwards (OK)

De Montfort University (UK) – October 20-25, 2003

Democrat: *Larry LaRocco (ID)*
Republican: *Lou Frey (FL)*

Attachment 1

University of Northern Iowa – October 27-29, 2003

Republican: *Bill Goodling (PA)*
Democrat: *Harold Volkmer (MO)*

SUNY Albany – October 28-30, 2003

Democrat: *Andy Jacobs (IN)*
Republican: *Jack Buechner (MO)*

Lake Forest College – November 3-5, 2003

Democrat: *Bruce A. Morrison (CT)*
Republican: *Ronald Sarasin (CT)*

Eastern Michigan University – November 4-6, 2003

Republican: *Peter Torkildsen (MA)*
Democrat: *Owen B. Pickett (VA)*

Baker University – November 9-11, 2003

Republican: *John J. Rhodes, III (AZ)*
Democrat: *Jim Slattery (KS)*

Dartmouth College – November 11-13, 2003

Republican: - *Jan Meyers (KS)*
Democrat: *David Skaggs (CO)*

Sienna College – November 17-19, 2003

Democrat: *Lloyd Meeds (WA)*
Republican: *Steven T. Kuykendall (CA)*

Ursinus College – November 17-19, 2003

Democrat: *Michael Barnes (MD)*
Republican: *William Clinger (PA)*

Attachment 1

Spring Semester

University of Akron - February 3-5, 2004

Republican: *Dan Miller (FL)*
Democrat: *James Bilbray (NV)*

University of South Florida - February 11-13, 2004

Democrat: *Dennis Hertel (MI)*
Republican: *Edward Derwinski (IL)*

Western Carolina University - February 18-20, 2004

Republican: *Bill Zeliff, Jr. (NH)*
Democrat: *Lloyd Meeds (WA)*

Denison University - February 23-25, 2004

Democrat: *Robert Underwood (GU)*
Republican: *Arlen Erdahl (MN)*

Baker University – February 24th (additional activities)

Republican: *Jan Meyers (KS)*
Democrat: *William Roy (KS)*

U.S. Naval Academy - March 1-3, 2004

Republican: *Robin Beard (TN)*
Democrat: *Dick Swett (NH)*

Dickinson College – March 22-24, 2004

Democrat: *Matthew McHugh (NY)*
Republican: *Robin Beard (TN)*

Goucher College - March 29-31, 2004

Democrat: *Robert Kastenmeier (WI)*
Republican: *Jan Meyers (KS)*

Attachment 1

Fitchburg State University – April 5-7, 2004

Democrat: *George Hochbrueckner (NY)*
Republican: *Greg Laughlin (R-TX)*

West Virginia University - April 4-6, 2004

Republican: *Lou Frey (FL)*
Democrat: *Jim Lloyd (CA)*

Colby College - April 5-7, 2004

Democrat: *Martin Lancaster (NC)*
Republican: *Jim Lightfoot (IA)*

Western Kentucky University – April 5-6, 2004

Democrat: *David Skaggs (CO)*
Republican: *Ronald Sarasin (CT)*

Washington State University – April 21 & 22, 2004

Republican: *Barbara Vucanovich (NV)*
Democrat: *Sam Coppersmith (AZ)*

Attachment 2

Congress to Campus Program

The United States Association of Former Members of Congress

in partnership with

center for
DEMOCRACY
and CITIZENSHIP

and

STENNIS
Center for Public Service

APPLICATION FOR CONGRESS TO CAMPUS VISIT

Please complete this form (you may include attachments as needed) and email, fax or mail copies to:

Congressman David Skaggs
Center for Democracy & Citizenship
1301 K Street NW, Suite 450 West
Washington DC 20005
Fax: 202-728-0422
Email: dskaggs@excelgov.org

Name of Institution ______________________________________

Address ______________________________________

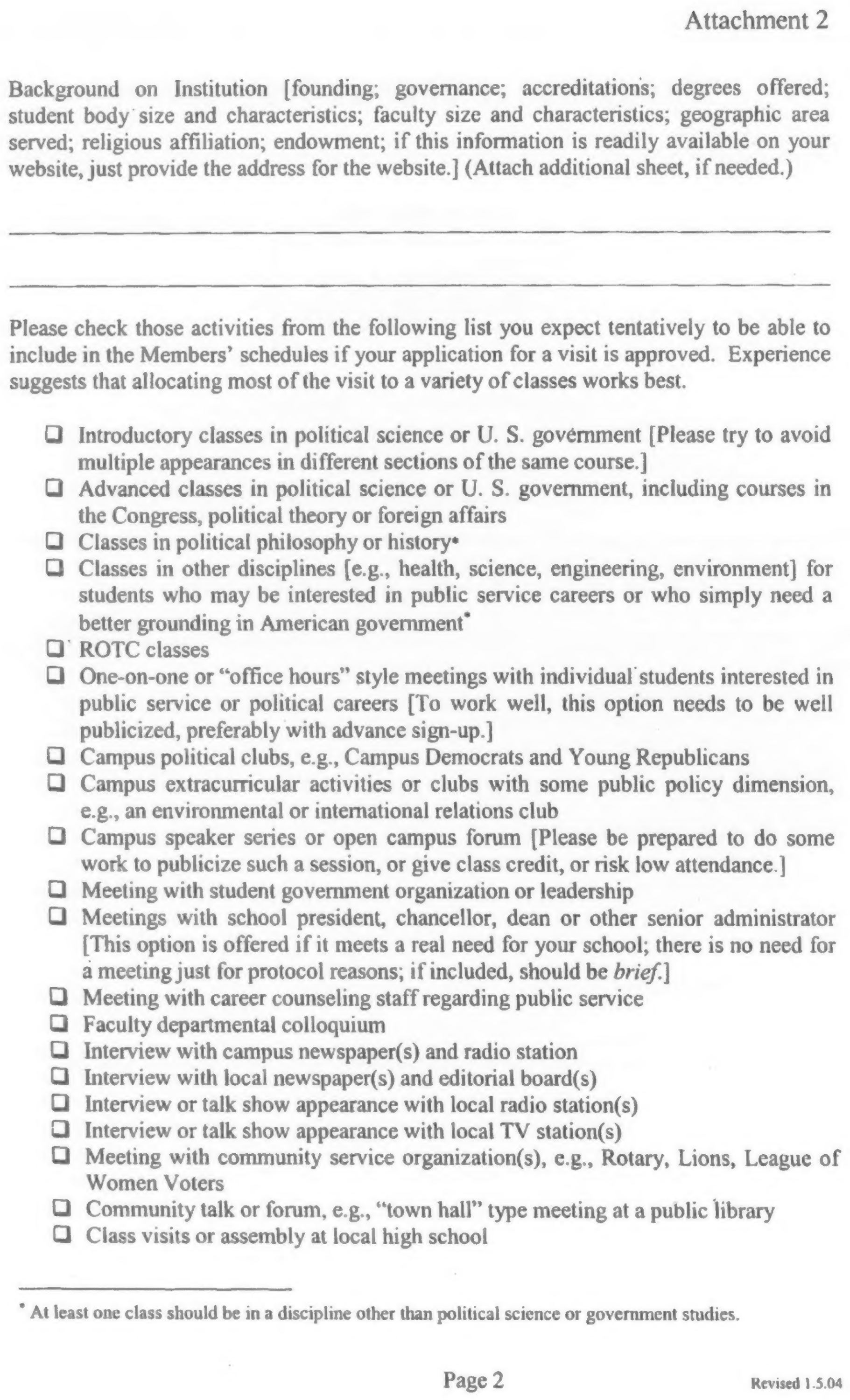
Sponsoring Department ______________________________________

Responsible Contact Person ______________________________________
[This individual must have authority to act for the host school regarding all arrangements and aspects of the visit.]

Address ______________________________________

Email ______________ Phone ______________ Fax ______________

Submitted by ______________________________ Date: ______________
[signature]



Attachment 2

Background on Institution [founding; governance; accreditations; degrees offered; student body size and characteristics; faculty size and characteristics; geographic area served; religious affiliation; endowment; if this information is readily available on your website, just provide the address for the website.] (Attach additional sheet, if needed.)

Please check those activities from the following list you expect tentatively to be able to include in the Members' schedules if your application for a visit is approved. Experience suggests that allocating most of the visit to a variety of classes works best.

- ☐ Introductory classes in political science or U. S. government [Please try to avoid multiple appearances in different sections of the same course.]
- ☐ Advanced classes in political science or U. S. government, including courses in the Congress, political theory or foreign affairs
- ☐ Classes in political philosophy or history[*]
- ☐ Classes in other disciplines [e.g., health, science, engineering, environment] for students who may be interested in public service careers or who simply need a better grounding in American government[*]
- ☐ ROTC classes
- ☐ One-on-one or "office hours" style meetings with individual students interested in public service or political careers [To work well, this option needs to be well publicized, preferably with advance sign-up.]
- ☐ Campus political clubs, e.g., Campus Democrats and Young Republicans
- ☐ Campus extracurricular activities or clubs with some public policy dimension, e.g., an environmental or international relations club
- ☐ Campus speaker series or open campus forum [Please be prepared to do some work to publicize such a session, or give class credit, or risk low attendance.]
- ☐ Meeting with student government organization or leadership
- ☐ Meetings with school president, chancellor, dean or other senior administrator [This option is offered if it meets a real need for your school; there is no need for a meeting just for protocol reasons; if included, should be *brief*.]
- ☐ Meeting with career counseling staff regarding public service
- ☐ Faculty departmental colloquium
- ☐ Interview with campus newspaper(s) and radio station
- ☐ Interview with local newspaper(s) and editorial board(s)
- ☐ Interview or talk show appearance with local radio station(s)
- ☐ Interview or talk show appearance with local TV station(s)
- ☐ Meeting with community service organization(s), e.g., Rotary, Lions, League of Women Voters
- ☐ Community talk or forum, e.g., "town hall" type meeting at a public library
- ☐ Class visits or assembly at local high school

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[*] At least one class should be in a discipline other than political science or government studies.

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Revised 1.5.04

Attachment 2

- ☐ "In-service" teacher training on Congress, federal government for middle and high school social studies teachers arranged through local school district(s)
- ☐ Major federal government installation or major private sector employer near campus able to host a session with a significant number of employees
- ☐ Meeting with local government officials, e.g., appearance at City Council or County Board session or meet with state legislators
- ☐ Other (specify) ______________________________

While it is not possible to include all the activities suggested above, the schedule for each visit should include a good variety of activities and not be limited only to classes. Please include at least one class from outside the political science (or government studies) department. Visits typically cover 2 full days following Members' arrival, with no more than two nights on site. If Members arrive the evening before the schedule begins, they will expect to depart in time to get home the evening of the second day of scheduled events; if they arrive on a morning, they will expect to leave after noon on the third day. Activities may be scheduled from 8 or 9 AM until (as late as) 9 PM, including (some) meal times; for each 4 or 5 hours of scheduled time, an hour of "down" time should be set aside (this may be lunch hour), with facilities for Members to check emails and use a phone. Please attach a proposed schedule for your school visit, comprised of two full days, incorporating the elements tentatively checked above. Please indicate the number of students expected at each proposed activity. (The Program hopes for both quality and quantity, with substantive contact with at least 250 students during a visit as a goal.)

If your application is approved, you will need to submit a complete schedule for the visit at least one month prior to the visit; this is a critical deadline. For class presentations, the instructor for the course should provide brief written guidance to the Members in advance of the visit about what they should discuss during the class period and how it fits into the course (a copy of the course syllabus is helpful. Program staff may request revisions to the schedule if necessary to meet Program standards. Formal campus tours and other area touring are secondary to the Program's educational objectives and generally should be avoided.

Preferred dates for a visit that fit your academic calendar. ____________________

Transportation: nearest airport; distance from campus; means of transportation to

campus. ____

____

Other considerations that make your school a good site for the Program. __________

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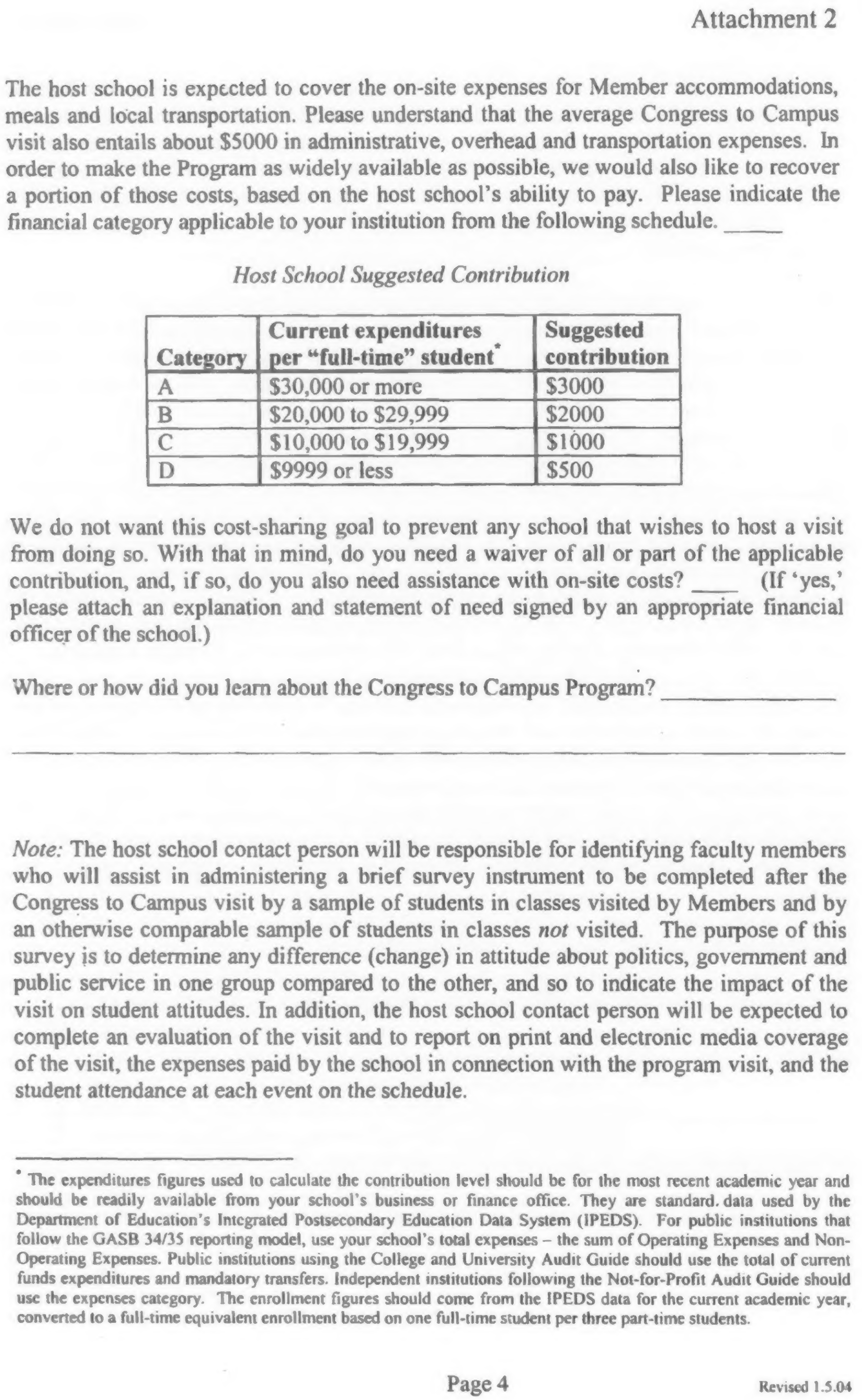

Attachment 2

The host school is expected to cover the on-site expenses for Member accommodations, meals and local transportation. Please understand that the average Congress to Campus visit also entails about $5000 in administrative, overhead and transportation expenses. In order to make the Program as widely available as possible, we would also like to recover a portion of those costs, based on the host school's ability to pay. Please indicate the financial category applicable to your institution from the following schedule. _____

Host School Suggested Contribution

Category	Current expenditures per "full-time" student[*]	Suggested contribution
A	$30,000 or more	$3000
B	$20,000 to $29,999	$2000
C	$10,000 to $19,999	$1000
D	$9999 or less	$500

We do not want this cost-sharing goal to prevent any school that wishes to host a visit from doing so. With that in mind, do you need a waiver of all or part of the applicable contribution, and, if so, do you also need assistance with on-site costs? ____ (If 'yes,' please attach an explanation and statement of need signed by an appropriate financial officer of the school.)

Where or how did you learn about the Congress to Campus Program? _______________

____

Note: The host school contact person will be responsible for identifying faculty members who will assist in administering a brief survey instrument to be completed after the Congress to Campus visit by a sample of students in classes visited by Members and by an otherwise comparable sample of students in classes *not* visited. The purpose of this survey is to determine any difference (change) in attitude about politics, government and public service in one group compared to the other, and so to indicate the impact of the visit on student attitudes. In addition, the host school contact person will be expected to complete an evaluation of the visit and to report on print and electronic media coverage of the visit, the expenses paid by the school in connection with the program visit, and the student attendance at each event on the schedule.

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[*] The expenditures figures used to calculate the contribution level should be for the most recent academic year and should be readily available from your school's business or finance office. They are standard data used by the Department of Education's Integrated Postsecondary Education Data System (IPEDS). For public institutions that follow the GASB 34/35 reporting model, use your school's total expenses – the sum of Operating Expenses and Non-Operating Expenses. Public institutions using the College and University Audit Guide should use the total of current funds expenditures and mandatory transfers. Independent institutions following the Not-for-Profit Audit Guide should use the expenses category. The enrollment figures should come from the IPEDS data for the current academic year, converted to a full-time equivalent enrollment based on one full-time student per three part-time students.

Attachment 3

Memorandum

Date: September 5, 2003
To: David Skaggs, Executive Director,
Center for Democracy and Citizenship, CEG
From: Mark Hugo Lopez, Ph.D.,
Research Director, CIRCLE
Subject: The Congress to Campus Presentation Experiment

I have taken a close look at the data from the Congress to Campus program, and generally I think it tells us some interesting things. It appears that students in the treatment group were more likely to have positive views of public service careers and public institutions than students in the comparison group with most differences of interest statistically significant, though there are some concerns about the validity of the experiment and causality.

I have divided the memo into several sections, the first of which examines the quality of the experiment, the next two assess the outcomes of interest. Finally, the memo concludes with comments, recommendations, and caveats.

Assessing the Quality of the Experiment

As a first step to evaluating the impact of the Congress to Campus program experiment, I examined both the treatment and comparison sample on a range of background characteristics. If this were a randomized experiment, the treatment and comparison groups would look similar statistically on a range of observed background characteristics, and this is what I am looking for as I assess the quality of the experiment.

All demographics are contained in Table 1, and a cursory look at the data suggests that the treatment and comparison samples are very similar in their distributions of gender and race/ethnicity. For each of these variables, there are no statistical differences in their distribution across the treatment and comparison groups, suggesting that assignment to the treatment or the comparison group was not a function of either of these observed characteristics, which is good.

However, there are some difficulties with the distribution across the treatment and comparison groups of the background characteristics age, school, class, and whether or not the student had discussed a career in public service with a counselor. In each of these cases, the treatment and comparison groups are not similar in their characteristics, with the treatment group more likely to have older students and fourth year students than the comparison group, and less likely to have first year students than the comparison group. Furthermore, the treatment group was more likely to have students who had talked with a guidance counselor about a career in public service, and students in the treatment group were more likely to be from the US Naval Academy or Nebraska-Omaha than comparison group students.

Taken together, these statistics suggest that the assignment to the treatment and comparison group samples is good, but not excellent. More than likely the greatest difficulty with the assignment is the dissimilarity between the treatment and comparison group samples on the measures of class standing and age (which are essentially measuring the same thing). However, the even distribution across gender and race/ethnicity between the treatment and control groups lends plenty of support to the overall validity of the experiment, though one should be cautious about causality.

Furthermore, some caution should be taken when making statements about the possible treatment effects of the Congress to Campus program on college students generally since the comparison and treatment groups do not look like the general college student population, at least as of 2000. The treatment and comparison samples are more likely to be male, white and younger than the general college student population.

Measuring Differences in Self-Reported Career Option Viewpoints

One of two outcomes examined with these data is the viewpoint of college students towards potential career choices. Table 2 and Graph 1 display the average response across all occupational groupings for the treatment and comparison groups. Generally speaking, treatment and comparison group students express "neutral/ok" opinions of every career option except Agriculture/Farming and Manufacturing/Industrial, which is expected given that this is a group of college students.

In only two cases are there statistical differences between the responses of treatment and comparison group students. In the area of "State or Local Government Service" and "Federal Government Service" treatment group students express a higher level of positive opinion about these careers for themselves than do comparison group students. For both career options, treatment group students express an average opinion that is 0.3 points higher than the opinions of comparison group students. While it is difficult to claim that there is a casual relationship between participation in the Congress to Campus program and opinions of careers in public service, it is suggestive that there is a modest improvement in expressed opinions of public service as a career option.

I have explored these differences further with a multivariate analysis, and in both cases, the estimated differences in opinion (for careers in federal or state and local service) between comparison and treatment groups are statistically significant once gender, race/ethnicity, school, counseling experience, age and class are controlled for. I would be happy to share these results with you if you would like to see them at a later date. Given that observed differences hold up in a multivariate environment for federal and state and local career viewpoints, these estimated program effects may indeed be robust, and a reflection of true program effects.

Measuring Differences in Views of Public Officials

Table 3 and Graph 2 show average responses to the question about student views of public officials in various public institutions. In all cases, treatment group students express greater positive views of public institutions than comparison group students, with all differences statistically significant. On average, the improvement in views after participation in the Congress to Campus program is on the order of 0.25 points.

In this case, I have also estimated multivariate models, and have found that all statistical differences are robust once controls for gender, race/ethnicity, class, age, school and counselor guidance have been controlled for.

Conclusions

Students who participated in the Congress to Campus speaker program generally express more positive views of public service career choices and of public institutions than students who were not exposed to the program treatment. Furthermore, the experiment appears relatively good since on many background characteristics there are no differences between the comparison and treatment groups of students. While I believe one should be cautious when interpreting these results (many more controls are needed to assess the validity of the experiment), they are suggestive that there are modest gains in views of public service associated with participation in the Congress to Campus Program.

Recommendations

Analysis of this data entailed several data cleaning efforts, and a superior data collection would alleviate the need for large scale cleaning efforts. If a future evaluation is planned, several changes to the survey instrument should be considered. These include:

1. Reverse the scoring scale from 1 "very favorable" to 5 "very favorable."
2. Ask for more background information such as parental income, parental education, how often the student reads the newspaper or watches the news, grade point average, and whether or not the student has ever worked for the public sector in an internship. We have very little information on background characteristics, and in order to more properly assess the validity of the experiment, more background characteristics would be useful.
3. It might be worthwhile, in any future evaluation, to perform a "Solomon Four" style assessment. This would entail the administration of the survey instrument before and after participation in the program for the treatment and comparison groups. This way, one could perform an analysis that looks at gains in views rather than a cross-sectional comparison between the treatment and comparison groups.

Cautions and Caveats

In the process of performing this analysis, I turned around the coding on all the variables so that a "5" would represent "very favorable" and "1" would represent "very unfavorable." Note that by doing this, my averages are 1 point higher than those reported in the graphs you had initially shared with me (the method used to calculate the means in those graphs presented an average that was a full point too low). This suggests that the students in both the treatment and comparison samples actually have a more favorable view of public sector career options and institutions than was shown before.

I also urge caution in the interpretation of these results since

1. Estimated program effects are rather small, and do not necessarily translate into large swings in student opinion of careers in the public sector or their views of public sector institutions as a result of program participation.
2. The measurement of views was taken immediately after the treatment. We would need to know what happens one month later, six months later, or one year later.
3. The sample of colleges is limited to Midwestern and east coast schools.
4. This was not a randomized experiment, and we can only discuss "associations", not causation.
5. The treatment may not have been similar across schools.

Table 1 – Demographic Characteristics

	Treatment Group	Comparison Group	All U.S. Undergraduates, 2000
Background Characteristics			
Female	0.462	0.473	0.551
White	0.830	0.831	0.688
African American	0.067	0.073	0.113
Latino	0.024	0.027	0.095
Asian	0.038	0.027	0.064
Mixed Race	0.033	0.039	
Native American	0.008	0.002	0.001
Class Year			
First	0.476	0.584	***
Second	0.237	0.217	***
Third	0.152	0.110	***
Fourth	0.126	0.064	***
Grad	0.007	0.025	***
Age			
18 and younger	0.231	0.307	0.231
19	0.320	0.330	
20	0.180	0.174	0.370
21-24	0.225	0.165	
25 or older	0.043	0.025	0.390
Talked with a Guidance Counselor about a Career in Public Service	0.387	0.284	***
School			
Abilene Christian University	0.032	0.079	***
Ball State University	0.150	0.144	***
Central Michigan University	0.243	0.265	***
Mississippi State University	0.120	0.199	***
Nebraska-Omaha	0.137	0.071	***
US Naval Academy	0.250	0.208	***
Wellesley	0.069	0.034	***
Sample Size	540	437	15,312,000

Note: Column 3 shows statistics from 2000 for the population of enrolled college students. See the Digest of Education Statistics from the Department of Education for more information.

Table 2 – Career Options

	Treatment Group	**Comparison Group**
Feelings of Career Options for Self in:		
Private Enterprise - Corporate	3.396 (1.143) [538]	3.246 (1.138) [435]
Private Enterprise – Small Business	3.564 (1.070) [537]	3.463 (1.024) [434]
Professional (law, medicine, journalism, accounting, etc.)	3.699 (1.229) [538]	3.618 (1.152) [434]
State or Local Government Service	3.300*** (1.168) [535]	3.000 (1.131) [431]
Federal Government Service	3.368*** (1.249) [538]	3.087 (1.230) [435]
Military Service	2.835 (1.593) [537]	2.768 (1.531) [436]
Public Safety: Fire, police	2.935 (1.231) [535]	2.843 (1.264) [434]
Teaching	3.637 (1.289) [537]	3.563 (1.305) [435]
Non-Profit, community service	3.204 (1.180) [534]	3.069 (1.246) [435]
Agriculture/Farming	2.265 (1.268) [536]	2.323 (1.248) [434]
Manufacturing/Industrial	2.268 (1.173) [535]	2.305 (1.164) [430]

Note: Students were asked to rate career options for themselves on a scale of 1 to 5, where 1 is "very unfavorable," 2 is "unfavorable," 3 is "ok/neutral," 4 is "favorable," and 5 is "very favorable." All reported figures above are means, with standard errors in parentheses and sample sizes in brackets. *** indicates statistical significance between the treatment and comparison groups at the 5 percent level of statistical significance.

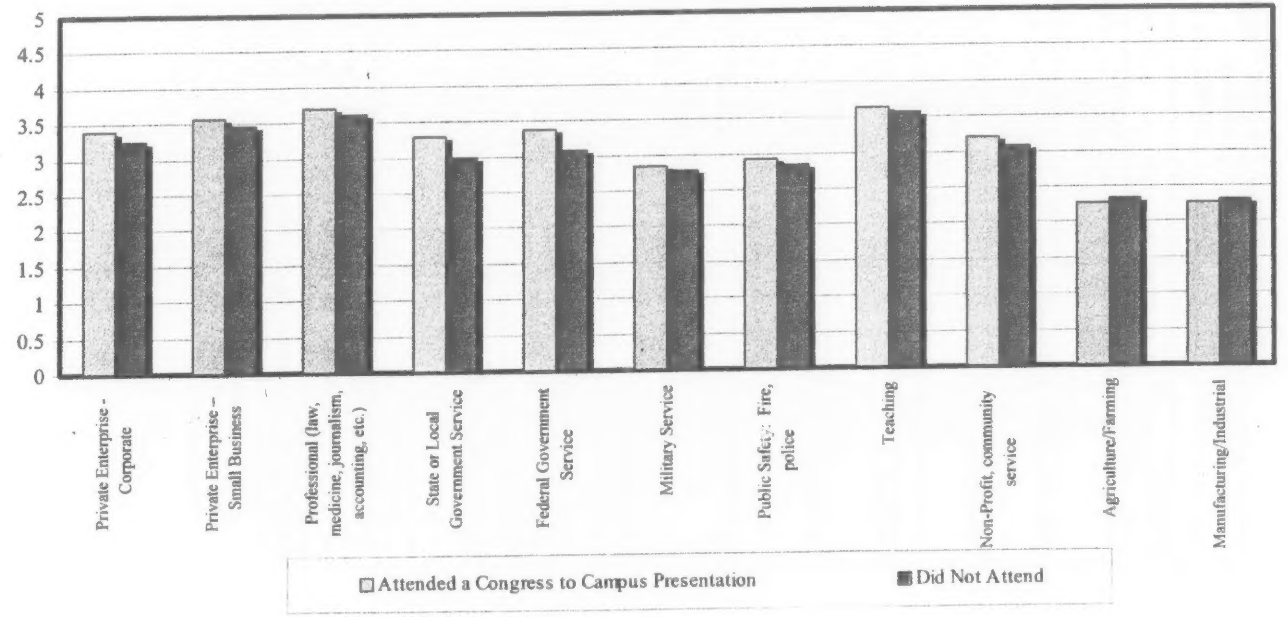
Table 3 – Student Views of Public Institutions

	Treatment Group	**Comparison Group**
Views of:		
Federal Government	3.822*** (0.895) [539]	3.579 (0.984) [437]
State and Local Government	3.731*** (0.840) [539]	3.474 (0.897) [437]
U.S. Congress	3.656*** (0.904) [538]	3.395 (0.918) 435]
Politicians	3.126*** (0.956) [539]	2.787 (0.945) [437]
Candidates for Elected Office	3.278*** (0.873) [539]	3.011 (0.822) [434]
City or Town Council	3.384*** (0.886) [537]	3.227 (0.901) [435]
State Legislature	3.432*** (0.830) [539]	3.198 (0.811) [434]
Government and Civil Service Employees	3.549*** (0.907) [537]	3.369 (0.864) [434]
Firefighters and Police	4.180*** (0.955) [538]	4.022 (1.013) [437]

Note: Students were asked to provide views of public sector groups/institutions on a scale of 1 to 5, where 1 is "very unfavorable," 2 is "unfavorable," 3 is "ok/neutral," 4 is "favorable," and 5 is "very favorable." All reported figures above are means, with standard errors in parentheses and sample sizes in brackets. *** indicates statistical significance between the treatment and comparison groups at the 5 percent level of statistical significance.

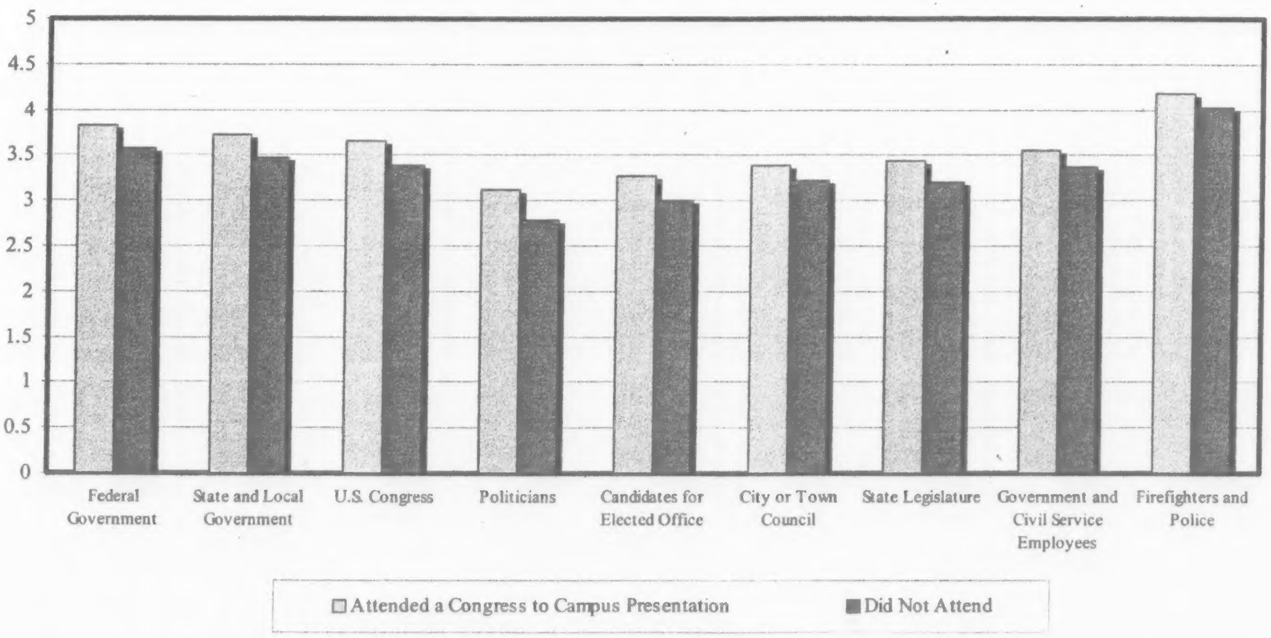
Graph 1: CAREER OPTIONS

Please rate how you feel personally about each of the following career categories as an option for yourself, from 1 (very unfavorable), 2 (unfavorable), 3 (OK/neutral), 4 (favorable), to 5 (very favorable).



Graph 2: FEELINGS ABOUT GOVERNMENT OFFICIALS

Please indicate your feelings, from 1 (very unfavorable), 2 (unfavorable), 3 (OK/neutral), 4 (favorable), to 5 (very favorable), about each of the following.



Mr. SKAGGS. Mr. Speaker, I yield back to the gentleman from Idaho.

Mr. LaROCCO. Thank you, David and Jim and Lloyd, for your report, and for giving us a feel for exactly how those visits are put together and how you related to the students. I encourage everybody in the membership to contact David to see if you could also make a Congress to Campus visit.

One outgrowth of the Congress to Campus Program was an interest in producing a book that would take an inside look at Congress from different viewpoints. There are many fine books written by individual Members of Congress, as we all know, but, to our knowledge, there was no compendium that goes beyond the scenes in a very personal way. Therefore, one of our past presidents, Lou Fry of Florida, together with the head of the political science department at Colgate University, Lou's alma mater, coedited the book Inside the House: Former Members Reveal How Congress Really Works.

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This book has been very well received and currently is in its third printing. The book is being used by the political science departments of several universities, and it is a case study of the Congress from many different points of view. My opinion may be biased, but I think it is an extremely instructive look behind the scenes of Congress. It can be purchased via the Web site of the association as well as through the Capitol Historical Society.

Mr. Speaker, I am pleased to now report on a new and very exciting domestic program the U.S. Association of Former Members of Congress is undertaking. Through a generous grant of the AARP, the association is partnering with the Library of Congress in support of its Veterans History Project. This program honors our Nation's war veterans and those who served in support of them. It creates a lasting legacy of recorded interviews and other documents chronicling veterans' and other citizens' wartime experiences and how those experiences affected their lives and America itself. There is a great urgency in collecting wartime memories which become more precious as the number of veterans dwindles by 1,500 every day.

The Veterans History Project encompasses veterans of World War I, World War II, the Korean and Vietnam and Persian Gulf wars. I would like to take this opportunity to call on all sitting and former Members of Congress to become involved in this important creation of a lasting record of America's war veterans. The association is working on several ideas to ensure that all former Members of Congress who are veterans will have the opportunity to fully participate in this important program.

You can receive more information about the Veterans History Project by contacting the association's office and association members over the next several months. And all of you will be receiving numerous updates and materials to assist in creating your own veterans history. So we have got this button here on the Veterans History Project that I will put on now to express my support for this great program. We need the oral histories of all of us that have served in the military.

Mr. Speaker, beyond the programs we administer dealing with domestic issues, the association is very active in overseeing international programs. We have become an important liaison involving the leaders of other nations and the United States. We have arranged almost 470 special events at the U.S. Capitol for international delegations from over 80 countries and the European Parliament. These are programmed short-term visits for individual members of Parliament and long-term visits for parliamentary staff. And we have hosted 51 foreign policy seminars in 11 countries involving more than 1,500 former and current parliamentarians and conducted 21 study tours abroad for former Members of Congress. Since our last report to Congress alone, we have hosted 27 events, meetings, and conferences involving foreign government officials and members and staff of the U.S. Congress including two sitting-members CODELs to Germany, a former-members CODEL to Mexico, a senior staff trip to Mexico, and, most recently, a senior staff visit to Germany.

We are very proud of our efforts to establish a dialogue between the United States and countries around the globe. The association supervises the work of the Congressional Study Group on Germany, the largest and most active exchange program involving the U.S. Congress and the parliament of another country. It is a bipartisan group involving more than 170 Representatives and Senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation. Ongoing study group activities include conducting a distinguished visitors program at the U.S. Capitol for government officials from Germany; sponsoring annual conferences involving Members of Congress and their German colleagues; and conducting an exchange program involving senior congressional staff.

I understand, Mr. Speaker, that you would like to update the Congress on the activities of the Congressional Study Group on Germany. So with that, I would like to turn the floor over to our vice president, Jack Buechner.

Mr. BUECHNER (presiding). I thank the President for yielding to the Chair.

Mr. President, in its many years of existence, the Congressional Study Group on Germany has established itself as one of the premier tools for the United States Congress to develop an impact upon foreign policy. I believe, though, its greatest success has come from giving Members from both the House and the Senate the opportunity to establish a personal network with elected officials from Germany's legislative as well as executive branches. Past study group guests on Capitol Hill have included subcommittee chairs, opposition leaders, heads of parties, cabinet members, and business leaders. For example, Germany's Foreign Minister Fischer has been a guest of the congressional study group five times in the past 4 years. This type of interaction enables former and sitting Members to engage in a foreign policy discussion that otherwise would not be available to them.

In addition to bringing high-level German government representatives to Capitol Hill, the study group organizes and hosts an annual conference for sitting Members and Bundestag members. This year's conference will take place in the district of the study group's Republican House chairman GIL GUTKNECHT of Minnesota. Also, this year for the first time, the study group has replicated our members conference on the congressional staff level. Just a few weeks ago, our international programs manager led a delegation of 10 chiefs of staff to Berlin and Heidelberg for meetings with the German Bundestag, the Chancellor's office, the foreign ministry, U.S. and German military headquarters, and corporate representatives.

Mr. President, the Congressional Study Group on Germany is a unique program of vital importance to the Congress's international relations activities. The program would not be possible were it not for the bipartisan record and credence lent to it by the Former Members Association. In addition, without our group of financial supporters, we could not offer this important dialog to Members of Congress.

Let me single out Craig Kennedy of the German Marshall Fund for its continuous support. For over 20 years we have been able to rely upon the German Marshall Fund of the United States. Also, the staff of the association has assembled an extraordinary group of corporate supporters, and I wish to take a minute to thank them publicly: Peter Lefkin of Allianz/Fireman's Fund; former Member of Congress Tom Coleman, who now works for BASF; Rob Liberatore of DaimlerChrysler; Wolfgang Pordzik of Deutsche Post; Wolfgang Jakubek of Deutsche Telekom; Bill Sweeney of EDS; Bill Inglee of Lockheed Martin; Bob Bergmann of RGIT; Tom Medaglia of RWE; Uli Werner of SAP; Gregg Ward of Siemens; and David Geanacopoulos of Volkswagen.

In addition, we should thank our House leadership, the gentleman from

Minnesota (Mr. GUTKNECHT) and the gentleman from Texas (Mr. LAMPSON), as well as our Senate leaders CHUCK HAGEL of Nebraska and TIM JOHNSON of South Dakota.

The Congressional Study Group on Germany is an excellent example of how the Former Members Association does provide a service to current Members that is unequaled in Washington and is of the utmost importance to the foreign relations of this country. I thank the former Members, and I would remind them that they can be very proud of the work they do to make this group possible. I look forward to being an active participant in the activities of this study group on Germany for many years to come.

Thank you, Mr. President.

Mr. LAROCCO. Thank you, Jack. Thank you for that report.

I would like to now turn to other international programs, particularly Mexico. While our German group is our most active, we are also very proud of our work with Mexico, Japan, and China. The Mexican program in particular has seen an unprecedented surge of activity. Members of the Mexican Chamber of Deputies as well as President Fox's administration have been guests of the study group on Capitol Hill. We have sent a delegation of senior congressional staff to Mexico in 2003, and we are planning on doing so again in the fall of this year.

In addition, a delegation of former Members of Congress traveled to Mexico City and met with vice president of the Chamber of Deputies, the legislative adviser to President Fox, the head of Mexico's OMB, and the Foreign Ministry's USA desk. Currently, we are cosponsoring a program with the Woodrow Wilson International Scholar Center to telecast live to Mexican universities presentations by former Members of Congress on the U.S.-Mexico relationship. These broadcasts also will include live Q and A sessions involving the former Members and the Mexican university students. I am very pleased that former Member Jim Jones, who also served as U.S. Ambassador to Mexico, has become actively involved in our program with Mexico and will be one of the featured speakers during the Woodrow Wilson Center telecast. The other speaker is our vice president, Jack Buechner.

In addition, the association is working with the Council on Foreign Relations to create a town hall meeting specifically aimed at Chicago's Hispanic community. During this event former Members of Congress will conduct a mock debate on the issues which will be discussed during the 2004 Presidential election. Funding for this program in the past has come from numerous sources, including the Tinker Foundation and corporate sponsors such as Cemex. I wish to thank the gentleman from Arizona (Mr. KOLBE) and Senator CHRIS DODD for being our outstanding House and Senate chairmen.

Turning to Japan and China, in 1993 the association founded the Congressional Study Group on Japan with the East-West Center in Hawaii. It is a bipartisan group of about 120 Members of the House and Senate providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet as well as an opportunity to educate themselves on U.S.-Japanese relations. The study group brings experts in academics to Capitol Hill in addition to Japanese government officials to discuss security issues as well as trade and investment.

Last month we had the great honor to host one of our own, former Speaker Tom Foley, who served as U.S. Ambassador to Japan, as part of our congressional study group on Japan. Ambassador Foley provided many of his former colleagues with the opportunity to ask very pointed and important questions about our relationship with Japan and about the domestic issues that currently affect one of our most important trading partners. The afternoon we spent with him was truly enlightening, and I am pleased to report that Ambassador Foley has agreed to play a very active role in shaping the Congressional Study Group on Japan even further.

Our program activities would not be possible without the invaluable support of Dr. Eric Gangloff, who heads up the Japan-U.S. Friendship Commission. This partnership has lasted for almost 10 years, and we are very appreciative of the commission's continued support.

We have exceptional congressional leadership for this group both in the House and the Senate. Our House chairmen are the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from New York (Mr. HOUGHTON), and our Senate chairs are GORDON SMITH and MARIA CANTWELL. We thank them for their tireless efforts on our behalf.

In August of 1999 the U.S.-China Inter-Parliamentarian exchange group was created by Speaker HASTERT. He asked our association because of its excellent track record of acting as a liaison between the U.S. Congress and foreign legislative branches to lend a hand in getting this program off the ground. Thus, the Congressional Study Group on China was born. Since its inception, the study group has hosted several delegations of members of the National People's Congress of China to Washington and has even sent a sizable delegation of sitting and former Members to China. It should be noted that the CODEL the association assembled was the first visit to China by a congressional delegation since 9/11 and that the resulting discussions with representatives of the Chinese Government were truly historic and extraordinary.

In addition, the association has brought numerous experts on China to Capitol Hill in an effort to educate Members about U.S.-China relations and address specific questions Members may have about China. The association is very proud of having facilitated this important discussion and wishes to thank the U.S. Department of State for funding this undertaking. I also thank the gentleman from Illinois (Mr. MANZULLO) for being the group's House chairman.

Our experience with these congressional study groups has been incredibly positive. As the Former Members Association, we are in the unique position that we can establish a link between the U.S. Congress and parliaments in other countries that is credible, responsible, bipartisan, and non-advocacy. Numerous countries, organizations, and embassies have approached the association about creating additional study groups, and we are examining several possibilities at the moment keeping in mind, of course, our own limitations due to staff and budget, as well as the needs for the dialogue that we wish to establish to be of current interest and importance to the foreign policy goals of the United States Congress.

Mr. Speaker, the association also has worked in other parts of the world to promote the operations of a democratic system of government. In the past, we have organized legislative strengthening programs in the Czech Republic, Slovakia, Hungary, Poland, Ukraine, and Macedonia. The association also assisted with U.S.-Cuban relations via three former Members delegations to Cuba from 1996 through 2000.

We are currently applying for a grant from the U.S. Agency For International Development to conduct election-related projects in the Ukraine along with a legislative strengthening program following that country's election. Also through USAID we are exploring the possibility of conducting legislative strengthening seminars for visiting Iraqi representatives here in Washington. In addition, we are working with the U.S. Department of State to involve former Members of Congress in their international information programs. The U.S. Association of Former Members of Congress is uniquely qualified to provide the resources for the education of the legislators in emerging democracies. Former Members of Congress have experiences in State legislatures as well as on the Federal level. We cannot expect other countries to adopt our ways, but we can help them identify the basic elements of a free representative government sensitive to the traditions of their country.

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In addition, Mr. Speaker, as I move on to other programs, I would like to mention that the Association, after each congressional election, conducts its "Life After Congress" seminar. The purpose of this conference is to ease the transition away from Capitol Hill for those sitting Members who will not return for the next Congress. We will conduct this seminar again in December of this year.

During the 2002 seminar, former Members Jack Buechner, Marc Lincoln Marks, Bob Carr, Jim Coyne, Martin Lancaster, Ed Pease and David Skaggs shared their experiences about the adjustments they had to make when they left Congress and how they managed to seek and pursue careers in a variety of fields.

Congressional spouse June Hansen also described how members of families cope with leaving Congress and beginning a new life. In addition, congressional support staff outlined the services available to former Members of Congress. As in the past, the 2002 seminar was followed by a reception hosted by our outstanding Association's Auxiliary.

The Association organizes study tours for its members and their spouses, who, at their own expense, have participated in educational and cultural visits to places such as Australia, Canada, China, New Zealand, the former Soviet Union, Vietnam, Western and Eastern Europe, Turkey, the Middle East, Mexico and South America. Last year a delegation of Former Members travelled to Mexico for a week of meetings, presentations, discussions, and sightseeing.

For the fall of this year, we are planning a trip to France. The Association recognizes a need for dialogue involving France and the United States following the divisive debate over Iraq and the U.N. Security Council. We therefore believe that a Former Members of Congress study group to France could not come at a better time. Through the French Embassy here in Washington, we will create a program for our delegation that will include high-level meetings and discussions. In addition, to honor those who served their country in uniform during World War II, our study tour to France will include a visit to Normandy. 2004 marks the 60th Anniversary of the D-Day invasion, and the Association looks forward to commemorating our fallen heroes at the D-Day memorial sites. I hope many of the Association members will be able to participate in this trip.

The Association also organizes events that serve more of a social function. We know how important that is. In other words, we try to create ways in which our members can each keep in touch with old friends and colleagues just as we are doing today. One such undertaking is our annual golf tournament here in Washington. Another is a brand new event which we are hoping to make an annual tradition: an informal family picnic for former Members, which last October was hosted at the home of June and Orval Hansen. The picnic was a joint undertaking involving the Association and its auxiliary, and we are already looking forward to replicating the get-together later this year.

I would like to turn now to our annual fund-raising event, the Statesmanship Award Dinner. Mr. Speaker, as you can see, the Association conducts a wide variety of programs and is continuing to expand them. All of this requires financial support. As I mentioned earlier, at present our funding comes from three primary sources, membership dues, program grants and an annual fund-raising dinner and auction. On March 2 of this year, we held our seventh annual Statesmanship Award dinner at which five of our friends and colleagues were honored for their service to country in uniform during World War II before serving their country on Capitol Hill. The five honorees were Bob Dole, Sam Gibbons, John Glenn, George McGovern and Bob Michel.

They represent a group of truly great Americans, and I would like to place in the RECORD the names of those former members of Congress who are veterans of World War II and who unequivocally deserve our recognition and gratitude.

Mr. BUECHNER (presiding). Without objection, so ordered.

There was no objection.

34TH ANNUAL SPRING MEETING, U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, LIVING FORMER MEMBERS WHO SERVED IN UNIFORM DURING THE SECOND WORLD WAR, APRIL 22, 2004

Jim Abdnor, Army, (Repub.–SD, House 1973–81; Senate 1981–87)

Brock Adams, Navy, (Dem.–WA, House 1965–77; Senate 1987–93)

John B. Anderson, Army, (Repub.–IL, House 1961–81)

William R. Anderson, Navy, (Dem.–TN, House 1965–73)

Mark Andrews, Army, (Repub.–ND, House 1963–81; Senate 1981–87)

Thomas Ludlow Ashley, Army, (Dem.–OH, House 1955–81)

Eugene V. Atkinson, Navy, (Dem.–PA, House 1979–83)

Howard H. Baker, Jr., Navy, (Repub.–TN, House 1967–85)

Perkins Bass, Army Air Corps., (Repub.–NH, House 1955–63)

J. Glenn Beall, Jr., Navy, (Repub.–MD, House 1969–71; Senate 1971–77)

Berkely Bedell, Army, (Dem.–IA, House 1974–87)

Alphonzo E. Bell, Jr., Army, (Repub.–CA, House 1961–77)

Henry L. Bellmon, Marines, (Repub.–OK, Senate 1969–81)

Charles E. Bennett, Army, (Dem.–FL, House 1949–93)

Lloyd Bentsen, Army, (Dem.–TX, House 1949–54; Senate 1971–94)

Tom Bevill, Army, (Dem.–AL, House 1967–97)

Benjamin B. Blackburn, Navy, (Repub.–GA, House 1967–75)

John Brademas, Navy, (Dem.–IN, House 1959–81)

Daniel B. Brewster, Marines, (Dem.–MD, House 1959–63; Senate 1963–69)

Edward W. Brooke, Army, (Repub.–MA, Senate 1967–79)

Jack Brooks, Marines, (Dem.–TX, House 1953–95)

William Broomfield, Army Air Corps, (Repub.–MI, House 1957–93)

Donald Brotzman, Army, (Repub.–CO, House 1963–65)

Joel T. Broyhill, Army, (Repub.–VA, House 1953–75)

James Lane Buckley, Navy, (Cons.–Repub.–NY, Senate 1971–77)

Dale Bumpers, Marines, (Dem.–AR, Senate 1975–99)

Clair W. Burgener, Army Air Corps, (Repub.–CA, House 1973–83)

Laurence J. Burton, Navy, (Repub.–UT, House 1963–71)

George Bush, Navy, (Repub.–TX, House 1967–71)

M. Caldwell Butler, Navy, (Repub.–VA, House 1972–83)

Harry F. Byrd, Jr., Navy, (Dem.–VA, Senate 1965–83)

Catherine Callahan, Navy, (Dem.–Nebraska, House 1965–67)

Howard H. Callaway, Army, (Repub.–GA, House 1963–67)

Ronald Brooks Cameron, Marines, (Dem.–CA, House 1963–67)

Elford A. Cederberg, Army, (Repub.–MI, House 1953–79)

Frank M. Clark, Army Air Corps, (Dem.–PA, House 1955–75)

Donald H. Clausen, Navy, (Repub.–CA, House 1963–83)

Raymond F. Clevenger, Army Med. Corps, (Dem.–MI, House 1965–67)

Frank Coffin, Navy, (Dem.–ME, House 1957–61)

Marlow W. Cook, Navy, (Repub.–KY, Senate 1968–74)

Emilio Quincy Daddario, Navy, (Dem.–CT, House 1951–70)

E. "Kika" de la Garza, Navy, (Dem.–TX, House 1965–97)

Steven B. Derounian, Army, (Repub.–NY, House 1953–65)

Edward J. Derwinski, Army, (Repub.–IL, House 1959–83)

William L. Dickinson, Navy, (Repub.–AL, House 1965–93)

William Jennings Bryan Dorn, Army, (Dem.–SC, House 1947–49, 1951–75)

Don Edwards, Navy, (Dem.–CA, House 1963–95)

Robert F. Ellsworth, Navy, (Repub.–KS, House 1961–67)

John N. Erlenborn, Navy, (Repub.–IL, House 1965–85)

Frank E. Evans, Navy, (Dem.–CO, House 1965–78)

J. James Exon, Navy, (Dem.–NE, Senate 1979–97)

Paul Findley, Navy, (Repub.–IL, House 1961–83)

John J. Flynt, Jr., Army, (Dem.–GA, House 1954–79)

Hiram L. Fong, Army Air Corps, (Repub.–HI, Senate 1959–77)

Gerald R. Ford, Navy, (Repub.–MI, House 1949–73)

Donald M. Fraser, Navy, (Dem.–MN, House 1963–79)

Peter H.B. Frelinghuysen, Navy, (Repub.–NJ, House 1953–75)

Richard H. Fulton, Navy, (Dem.–TN, House 1963–75)

Robert N. Giaimo, Army, (Dem.–CT, House 1959–81)

John J. Gilligan, Navy, (Dem.–OH, House 1965–67)

Kenneth Gray, Army Air Corps, (Dem.–IL, House 1955–75 1985–89)

Robert P. Griffin, Army, (Repub.–MI, House 1957–64; Senate 1965–78)

Wayne R. Grisham, Army, (Repub.–CA, House 1979–83)

James R. Grover, Army, (Repub.–NY, House 1963–75)

Frank Guarini, Navy, (Dem.–NJ, House 1979–93)

Gilbert Gude, Army Med. Corps, (Repub.–MD, House 1967–77)

John Paul Hammerschmidt, Army, (Repub.–AR, House 1967–93)

Orval Hansen, Navy, (Repub.–ID, House 1969–75)

William H. Harsha, Marines, (Repub.–OH, House 1961–81)

James Harvey, Army, (Repub.–MI, House 1961–75)

Harry G. Haskell, Jr., Coast Guard, (Repub.–DE, House 1957–59)

James F. Hastings, Navy, (Repub.–NY, House 1969–75)

William D. Hathaway, Army Air Corps, (Dem.–ME, House 1965–73; Senate 1973–78)

Ken Hechler, Army, (Dem.–WV, House 1959–77)

Howell Heflin, Marines, (Dem.–AL, Senate 1979–97)

Cecil “Cec” Heftel, Army, (Dem.–HI, House 1977–86)

Jack Hightower, Navy, (Dem.–TX, House 1975–85)

Elwood Hillis, Army, (Repub.–IN, House 1971–87)

Earl Hogan, Army Air Corps, (Dem.–IN, House 1959–61)

Frank Horton, Army, (Repub.–NY, House 1963–93)

William L. Hungate, Army, (Dem.–MO, House 1964–77)

Earl Hutto, Navy, (Dem.–FL, House 1979–95)

Robert W. Kastenmeier, Army, (Dem.–WI, House 1959–91)

William J. Keating, Navy, (Repub.–OH, House 1971–75)

Hastings Keith, Army, (Repub.–MA, House 1959–73)

Thomas S. Kleppe, Army, (Repub.–ND, House 1967–71)

Horace R. Kornegay, Army, (Dem.–NC, House 1961–69)

Peter Kyros, Navy, (Dem.–ME, House 1967–75)

Robert J. Lagomarsino, Navy, (Repub.–CA, House 1974–93)

Melvin R. Laird, Navy, (Repub.–WI, House 1953–69)

Cathy Long, Navy, (Dem.–LA, House March 1985–1987)

Thomas A. Luken, Marines, (Dem.–OH, House 1974–75, 1977–91)

John C. Mackie, Army Air Corps, (Dem.–MI, House 1965–67)

James R. Mann, Army, (Dem.–SC, House 1969–79)

John O. Marsh, Jr., Army, (Dem.–VA, House 1963–71)

Charles McC. Mathias, Navy, (Repub.–MD, House 1961–69; Senate 1969–87)

Wiley Mayne, Navy, (Repub.–IA, House 1967–75)

John Y. McCollister, Navy, (Repub.–NE, House 1971–77)

Mike McCormack, Army, (Dem.–WA, House 1971–81)

Donald F. “Don” McGinley, Army, (Dem.–NE, House 1959–61)

Robert J. McIntosh, Army Air corps, (Repub.–MI, House 1957–59)

Abner J. Mikva, Army Air Corps, (Dem.–IL, House 1969–73, 1975–79)

Joe Minish, Army, (Dem.–NY, House 1963–85)

G.V. “Sonny” Montgomery, Army, (Dem.–MS, House 1967–97)

Arch A. Moore, Jr., Army, (Repub.–WV, House 1957–69)

Thomas G. Morris, Navy, (Dem.–NM, House 1959–69)

Austin J. Murphy, Marines, (Dem.–PA, House 1977–95)

John T. Myers, Army, (Repub.–IN, House 1967–97)

Lucien N. Nedzi, Army Air Corps, (Dem.–MI, House 1961–81)

Gaylord A. Nelson, Army, (Dem.–WI, Senate 1963–81)

Richard Dale “Dick” Nichols, Navy, (Repub.–KS, House 1991–93)

Willilam N. “Bill” Patman, Marines, (Dem.–TX, House 1981–85)

James B. Pearson, Navy, (Repub.–KS, Senate 1961–79)

Claiborne Pell, Coast Guard, (Dem.–RI, Senate 1961–96)

Charles H. Percy, Navy, (Repub.–IL, Senate 1967–84)

Peter A. Peyser, Army, (Both.–NY, House R 1971–77; D 1979–83)

J.J. “Jake” Pickle, Navy, (Dem.–TX, House 1963–95)

Otis G. Pike, Marines, (Dem–NY, House 1961–79)

Bertram L. Podell, Navy, (Dem.–NY, House 1968–75)

Richard H. Poff, Army Air Corps, (Repub.–VA, House 1953–73)

Howard W. Pollock, Navy, (Repub.–AK, House 1967–71)

Graham Purcell, Army, (Dem.–TX, House 1962–73)

Albert H. Quie, Navy, (Repub.–MN, House 1958–79)

James M. Quigley, Navy, (Dem.–PA, House 1955–57, 1959–61)

Ed Reinecke, Navy, (Repub.–CA, House 1965–69)

Peter W. Rodino, Jr., Army, (Dem.–NJ, House 1949–89)

Robert A. Roe, Army, (Dem.–NJ, House 1969–93)

Angelo D. Roncallo, Army, (Repub.–NY, House 1973–75)

Fred B. Rooney, Army, (Dem.–PA, House 1963–79)

J. Edward Roush, Army, (Dem.–IN, House 1959–68 1971–77)

J. Roy Rowland, Army, (Dem.–GA, House 1983–95)

Bill Royer, Army Air Corps, (Repub.–CA, House 1979–81)

J.T. Rutherford, Marines, (Dem.–TX, House 1955–63)

Pierre Salinger, Navy, (Dem.–CA, Senate Aug.–Dec. 1964)

Gus Savage, Army, (Dem–IL, House 1981–93)

William B. Saxbe, Army, (Repub.–OH, Senate 1969–Jan. 1974)

Richard S. Schweiker, Navy, (Repub.–PA, House 1961–69; Senate 1969–81)

William W. Scranton, Army Air Corps, (Repub.–PA, House 1961–63)

John F. Seiberling, Army, (Dem.–OH, House 1971–87)

Hugo S. Sims, Jr., Army, (Dem.–SC, House 1949–51)

George A. Smathers, Marines, (Dem.–FL, House 1947–51; Senate 1951–69)

Robert T. Stafford, Navy, (Repub.–VT, House 1961–71; Senate 1971–89)

Louis Stokes, Army, (Dem.–OH, House 1969–99)

Robert E. Sweeney, Army, (Dem.–OH, House 1965–67)

James W. Symington, Marines, (Dem.–MO, House 1969–77)

Burt L. Talcott, Army Air Corps, (Repub.–CA, House 1963–77)

Lionel Van Deerlin, Army, (Dem.–CA, House 1963–81)

Charles A. Vanik, Navy, (Dem.–OH, House 1955–81)

Weston E. Vivian, Navy, (Dem.–MI, House 1965–67)

Charles W. Whalen, Jr., Army, (Repub.–OH, House 1967–79)

G. William Whitehurst, Navy, (Repub.–VA, House 1969–87)

John S. Wold, Navy, (Repub.–WY, House 1969–71)

James C. Wright, Army Air Corps, (Dem.–TX, House 1955–89)

Wendell Wyatt, Marines, (Repub.–OR, House 1964–75)

Leo C. Zeferetti, Navy, (Dem.–NY, House 1975–83)

Roger H. Zion, Navy, (Repub.–IN, House 1967–75)

Mr. LAROCCO. Mr. Speaker, we presented the five honorees with our Statesmanship Award at a dinner that was truly magnificent and lived up to the great occasion it was. I would like to thank the gentleman from Florida, Lou Frey, who yet again provided the leadership and was the spark plug that helped make the previous six dinners so successful. This year's event was no exception.

I yield to the gentleman from Florida for his remarks.

Mr. FREY. Mr. Speaker, it was truly a great event, and, Bob, you graced us all with being there, and your remarks were incredibly touching.

And for those of you who missed it, you really missed a wonderful, wonderful evening. This was the seventh dinner. We have honored in the past Secretary of Agriculture Dan Glickman, Lee Hamilton, Lynn Martin, Norm Mineta, DICK CHENEY, and Don Rumsfeld, and this is the seventh in a row. We have been successful. We have grossed probably well over a million dollars now. I think it has become an annual event in Washington. It is a fun dinner. Jimmy Hayes spends a year collecting memorabilia which we can get, which is a lot of fun, and some valuable things are there.

We had over 450 people at this dinner. It was sold out. You could not get a ticket. So get your tickets early for next March when we will have the next dinner.

It takes a lot of work. We have a number of people that really do so much. It is a team effort. It takes about 9 months to put together. We have not decided the honorees next year, but I am sure it will be not as maybe a great event, I do not think we will be ever able to duplicate that and the event itself, but we hope it will come close.

Our president is a great auctioneer. He did a great job of auctioning off at the live auction, and the gentleman from Minnesota (Mr. GUTKNECHT) auctioned off two flags that will be flown over the Capitol on the 60th anniversary of D-Day, and a certificate will go with that signed by the five honorees.

The Executive Committee is the driving force for it. It is Larry LaRocco, Jack Buechner, Jim Slattery, and Jay Rhodes, Matt McHugh, Jimmy Hayes, Jim Symington and Bob Carr. Barbara Boggs Associates has worked for 7 years with us to run the dinner. Verizon has been a chief sponsor of the dinner for 6 years. This year, thanks to Larry, the AARP for the first time participated in the dinner, and we used that occasion to announce it.

Let me say, Larry really worked hard on that day after day. It was sort of a cliff-hanger, but as usual Larry came through.

This is really the only outreach we have to the community. We need everybody's help on this. It really allows us to do all these programs. We hope next year you will join us in making the eighth annual dinner a success.

Thank you, Mr. President. I appreciate the chance to address the group.

Mr. LaROCCO. Thank you, Lou. Again, on behalf of the Executive Committee, the officers, the Board and all of the membership, we just want to thank you for your leadership in the past and what you do to get us all together to make this dinner such a huge success.

Mr. Speaker, in addition to financial support, the Association benefits enormously from the efforts and leadership of many people. I want to thank the officers of the Association, Jack Buechner, Jim Slattery, Jay Rhodes and John Erlenborn; the members of our Board of Directors and our Counselors for providing the excellent guidance and support necessary to oversee these activities. In addition, we are assisted by the Auxiliary of the Association, this year led so wonderfully by Dana Martin, a truly wonderful person. We are particularly grateful to them in their Life After Congress seminars, our annual dinners, and the new undertaking, our annual picnic.

Needless to say, our programs could not be so effectively run without the exceptional support provided by our staff. Last year our Executive Director Linda Reed retired, and we wish her all the best with this new stage of her life. She was an incredibly able and energetic executive. We thank her for her many years of hard and dedicated service to our Association.

She is succeeded as Executive Director by our former Program Director for Germany, Pete Weichlein. Our international programs are managed by Miss Sudha David-Wilp. Our member relations team includes Tom McGettrick and Rebecca Zylberman. Our staff sees as its main responsibility to communicate to our members and to the general public all the good work of the Association, and we have become much better in using new technology for this communication. And many of you have commented on what a great benefit it is to receive continuous program updates and other news via e-mail. In addition, we are making much more use of our Website, www.USAFMC.org, and will continue to do so. In the very near future we hope to be able to offer video and audio reports on our activities via the Website.

These are truly very exciting times for the Association, and the Executive Committee is always asking Peter, do you have the technology you need to communicate? How can we be more productive in getting the word out to our membership? The video conference that we will be doing with Mexico is one example of how we will utilize the technology to expand the reach of our Association.

The SPEAKER pro tempore. Would the gentleman yield for a special guest?

Mr. LaROCCO. Mr. Speaker, I would be delighted to yield to a special guest.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Thank you very much, Mr. Speaker. That has a nice ring to it. Thank you very much, Larry, for yielding your time.

I am pleased to join our very distinguished Speaker in welcoming you to the floor of the House of Representatives. You are an inspiration to us. You built a strong foundation.

Mr. Michel, it is always an honor to be in the same room with you. As minority leader I understand part of your role. I have a certain level of impatience with it myself. But I am pleased to see that bipartisanship is alive and well, at least among the former Members in the Congress of the United States.

Good for you for honoring Sam Nunn. Sam Nunn is a great American recognized throughout our country even though he has not been in office for a few years now. He has always been an inspiration to us in and out of public office. He is always in public service, and his initiative and leadership on Nunn-Lugar is as valid and as important an initiative now as it was then, perhaps even more needed today. You were a leader. You saw early what the need would be, and it is an answer for us. So thank you, Sam Nunn, for your great leadership, and thank you to all of you for honoring Sam Nunn.

I had to go to a discussion about continuation of government, so forgive me for being in and out. As I look around, I see so many friends on both sides of the aisle, and it should not be a partisan issue, but I am afraid it has come down to that again today. But any thoughts that you have about, one thought was that the Members of Congress could suggest their successor in time if an act of terrorism hits Congress. I said that would be good, you would not have to change the boards. We would just have the same names up there. We could be well represented by our very able family members, our constituents would. But you come at a time when you have a great deal, should we say, of lively debate on the issues.

Seeing you reminds us of another time when we were able to work out these issues more easily and more amicably. Hopefully that day will return soon. And when it does, it will be because of the influence you all have on all of us.

Congratulations on your good work on Congress to Campus. I am not surprised that it is such a success with David Skaggs and Mr. Lightfoot, I do not know where he is now, and all the others working on it, going from 6 to 40 campuses in a short period of time. Thank you for making public service more appealing to young people. Hopefully those of us still in office will be able to follow your lead on that as well.

Welcome. Good luck in your deliberations. You are a source of strength and inspiration to us. And I want to extend the greetings of all of the Members of the House and Democratic Caucus to every single one of you.

Again, Mr. Michel, a special welcome to you always.

The SPEAKER pro tempore. The Chair wants to thank the gentlewoman and remind her that in 1990, the St. Louis Cardinals beat the San Francisco Giants, and she still owes me two quarts of chowder. It was based against Anheuser-Busch's product. I thank the gentlewoman.

The Chair recognizes the time yielded back to the gentleman from Idaho (Mr. LaRocco).

Mr. LaROCCO. Mr. Speaker, I was mentioning when I yielded to the gentlewoman from California (Ms. PELOSI) that we were expanding our technology capability, and we are certainly doing that.

I want to mention some special guests that we have with us today. We are very pleased to have with us today Douglas Rowland and Douglas Frith of the Canadian Association of Former Parliamentarians. They are here in the Chamber with us, and we are delighted to have them with us. It has been a tradition to have the Former Parliamentarians from Canada join us for our meeting and that we go to Canada for theirs. We have exchanged very valuable information about our programs and how we can help each other and expand our reach within our own constituencies and across the border.

Doug and Doug, we are very, very honored that you have come to Washington to participate in our annual meeting, and we would like to thank you.

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Many association members over the past several years have had the good fortune, as I have had, to meet their Canadian colleague, Barry Turner, who has joined us for quite a few of our annual spring meetings. Unfortunately, he could not join us this year, but he sends his regards; and I know I speak for all of us when I send our best wishes to Barry. I spoke to him this week on the phone, and he certainly extends his greetings to all of you from north of the border.

Mr. Speaker, it is now my sad duty to inform the House and all of our colleagues of those persons who served in Congress and have passed away since our report last year. The deceased Members of Congress are: Lamar Baker, Tennessee; Harold Budge, Idaho; Barber Conable, New York; Glenn Cunningham, Nebraska; Joshua Eilberg, Pennsylvania; Thomas S. Gettys, South Carolina; David Henderson, North Carolina; Louise Day Hicks, Massachusetts; Jeffrey P. Hillelson, Missouri; Richard Lankford, Maryland; Thomas Lewis, Florida; John Lyle, Texas; Nicholas Mavroules, Massachusetts; Francis Xavier McCloskey, Indiana; Don Mitchell, New York; Patsy T. Mink, Hawaii; Frank E. "Ted" Moss, Utah; James Henry Quillen, Tennessee; John J. Rhodes, Arizona; J. Edward Roush, Indiana; William J. Scherle, Iowa; Carlton Sickles, Maryland; Paul Simon, Illinois; Joseph R. Skeen, New Mexico; Bob Stump, Arizona; Strom Thurmond, South Carolina; David G. Towell, Nevada; James D. Weaver, Pennsylvania;

I respectfully ask all of you to rise for a moment of silence in their memory. Thank you. I can tell as I looked around that there were certain memories invoked as I read the names of the people that have served in this House and our colleagues, and we miss them and are grateful for their service.

Mr. Speaker, as you know, each year the association presents a Distinguished Service Award to an outstanding public servant. The award normally rotates between parties, as do our officers. Last year, we presented the award to an extraordinary Republican, Bill Archer. This year, we are pleased to be honoring a remarkable Democrat, Senator Sam Nunn.

Sam Nunn served in the United States Senate from 1972 to 1996. For 24 years, he represented the fine State of Georgia, attended Georgia Tech, Emory University and Emory Law School, and served in the United States Coast Guard. Like many of us, his political career began on the State level, when he entered the Georgia House of Representatives in 1968.

During his tenure in the United States Senate, Senator Nunn served as chairman of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations. He also served on the Intelligence and Small Business Committees.

His legislative achievements include the landmark Department of Defense Reorganization Act, drafted with the late Senator, Barry Goldwater, and the Nunn-Lugar Cooperative Threat Reduction Program, which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological, and chemical weapons.

Sam Nunn is co-chairman and chief executive officer of the Nuclear Threat Initiative, a charitable organization working to reduce the global threats from nuclear, biological, and chemical weapons. It is no understatement that Sam Nunn, both during his years in the Senate and after leaving the U.S. Congress, has made the world a safer place. We are deeply indebted to him for his energy, determination, and commitment in the area of nuclear threat containment. On behalf of the association, I am delighted to present our Distinguished Service Award to the honorable Sam Nunn.

The plaque that I am going to present to the Senator on behalf of the whole association, and I will call the Senator up here to receive it, says: "Presented by the U.S. Association of Former Members of Congress to the Honorable Sam Nunn for his over 40 years of exemplary public service to his beloved State of Georgia and the Nation. Sam Nunn served 24 years as a United States Senator, chairing for Congress the Committee on Armed Services. His legislative accomplishments are too many to list. He truly has made the world a safer place, both as a Senator through the Nunn-Lugar Cooperative Threat Reduction Program, and as former Member by cochairing and guiding the work of the Nuclear Threat Initiative."

Senator, I am so pleased to present you with a scrapbook of letters from colleagues offering their congratulations for this well-deserved symbol of our respect, appreciation and admiration; and I would like to present this to you, Senator, and we would be honored to receive some comments.

Mr. NUNN. Thank you very much, particularly for this wonderful day and this wonderful honor.

Mr. Speaker, Minority Leader PELOSI, Members of the House and Senate, my former colleagues, my Canadian colleagues, my friends and fellow pensioners, as Bill Archer said so well last year when he received this award, being honored by your colleagues and your peers, those who work with you and who know the opportunities, as well as the perils, of public service, is an honor that transcends all others. I am indeed grateful to the Association of Former Members for this award and for your continued dedication to serving our Nation and to continuing to help in every way possible those who remain on the frontline, as well as your extraordinary work on college campuses. In my view, basically inspiring our young people probably is our most important responsibility both as Members of Congress and former Members.

My first job out of law school in 1962 was working here in the House of Representatives as a staffer for the House Armed Services Committee. Over the years, some of my friends have posed the question, Sam, how did you get that great job right out of law school? Did you have a great law school record, academic record? Did the committee recognize your great potential for leadership? Perhaps, but the more honest and straightforward answer is that my great uncle, Carl Vinson, was chairman of the House Armed Services Committee, having served from 1915 through 1965, as a Member of this House; and in 1962 when I came to Washington and spent such a meaningful year, he was the chairman of the committee.

Here, as a House staffer and later in the United States Senate, I developed my passion for public policy and the political process. It all started here. This is where really I became enamored of the political process and where I knew that one of these days I was going to make a run. Here, I learned from Uncle Carl and others that Congress has no higher responsibility under the Constitution of our Nation than to provide for the common defense.

Here, in the fall of 1962, I was exposed to a close-up view of the Cuban missile crisis, which left me with an indelible awareness of our duty to avoid nuclear use and to avoid nuclear conflict, a lesson that basically occupied a tremendous amount of my time when I became a United States Senator and that even today continues to dominate my post-Senate focus.

Here, during my one brief, but impactful, year as a member of the House staff, I met Colleen O'Brien, my bride of now nearly 39 years; and I made a solemn commitment to myself to run for the House and Senate if I ever even had half a chance, which I did fortunately in 1972.

Here today, like every day as a staffer in 1962 and 1963, and as a Senator for 24 years, I get tingles of excitement and awe when I walk into this Capitol and I think of the tremendous power, the tremendous responsibility, and the tremendous influence of those who serve in the Congress of the United States. In the long run, and I think I have realized this more since I left the Congress than I did when I was in the Congress, but in the long run, the most important influence we have, I believe, is our influence over young people by word, but mostly by example. This may be the single most important responsibility of public service. Every day, we must demonstrate that we can be in the political arena and yet retain intellectual honesty and ethical behavior and civility. That is of enormous importance to the continuing of our form of government.

Here, today, I again acknowledge my profound admiration to the men and women, and I must add staffers and congressional employees, like those who are sitting behind us today, including my old friend Charlie Johnson, Parliamentarian of the House, who remain in this arena and in the service of America. Here, today, I express my gratitude to the Members of the House and Senate, past and present, of both political parties who have been my friends, who have been my mentors, who have been my teachers, and who have been my legislative partners in many different initiatives.

Let me leave you with one brief observation that may have some relevance today, particularly to newer Members of the House and Senate, in this era of significant challenges abroad but increasingly bitter political warfare here at home. Every major improvement in national security and defense during my time in the United States Senate was a result of a few Senate and House Members of both parties putting our Nation's security ahead of partisan politics. I have never succeeded in any major national security initiative without a Republican partner. No matter who wins the elections this fall, the most serious problems facing America today cannot be met successfully by one party alone.

I thank all the Members who are here today. I thank the Speaker and the minority leader. You have been most generous in sharing your time this morning with our former Members. The time has come for me to invoke cloture before the Rules Committee sends out the hook. So let me thank you again for this high honor, and let me thank each of you for your splendid service and continued service to our Nation.

Mr. Speaker, I yield the floor.

Mr. BUECHNER (presiding). The Chair thanks the gentleman from Georgia.

At this time, the Chair would like to recognize two other special guests that we have had join us. We have got the gentleman from Maryland, part of the Democratic House leadership, STENY HOYER. Would the gentleman like to make a few remarks?

Mr. HOYER. Certainly. I will, as John Brademas did, I will use the traditionally opposite podium. I understand NANCY had spoken to you a little earlier and welcomed you here. I have spoken at many of these, perhaps not all, in the last few years.

I might say that I heard how long Senator Nunn served in the Senate. There are some of us who believe he did not serve long enough in the Senate; and, Sam, congratulations to you for this honor and appropriate recognition of the extraordinary work that you have done for our country and, happily for our country, continue to do. We appreciate that.

For those of us from the University of Maryland, we recognize Bill Archer's claim to fame is that he is the father-in-law of Fred Funk, the former coach. For those of you who are golf fans, Fred Funk is one of the great golfers in America on the pro circuit and always does a great job; and I always tell Bill Archer that is why he is famous, not for being in the House.

I am pleased to be here with all of you and add my word of welcome to you. I have said it in the past. Sam just mentioned it. At a time of great challenge for our country abroad, we find ourselves unfortunately divided at home, not only in the Congress but our country divided, as all of us know, and that is reflected in the very close divisions that we find when the public goes to the poll; and when they are polled, we find out how closely divided they are.

It is important, I think, for those of you who had the opportunity to serve, and John Brademas, this morning, my predecessor, I hung the pictures of all the former whips in the hallway leading to my office now, an extraordinary group of people.

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And, John, thank you for all that you have done for our country as well.

But I would urge all of us, not you and me, but all of us, together, to try to increase the dialogue and understanding, lower the confrontation and increase the cooperation that we so desperately need when challenged so heavily, I think, abroad.

I noticed the Speaker, my Speaker, has his arm around a wonderful staffer as well, Billy Pitts, who left the Congress, went out and made vast sums of money in the private sector, I hope, and is now back with us trying to straighten out DAVID DREIER. A very difficult job, but Billy is so talented, he may be able to do that.

So welcome to all of you. We are glad you are here, but much more importantly, we are glad that you continue to be active, involved, and leaders in our country. Thank you very much. Good to see you.

Oh, I might just say, and I was going to start with this, that, tragically, sadly, and, Larry, I came in as you were reading the list of Members who have passed away, but two of the Members who were my predecessors in the Fifth Congressional District of Maryland passed away this past year.

Dick Lankford, I know some of you knew Dick, he was here for 10 years, served on the Committee on Armed Services. I was a sophomore at the University of Maryland. I think he was the first Member of Congress that I really met. Dante Fascell was the first one I knew about when I was going to high school in Florida.

And then Carlton Sickles. You mentioned Carlton Sickles, who called up Danny Brewster, for whom I was working in 1962 and 1963 and 1964, when I was graduating from law school, and they asked me to run for the State senate. I turned them down twice. Tom, you may remember this. I turned them down twice because I did not think I could win the State senate seat. And Carlton Sickles, who was then the Congressman-at-large over here and was running for Governor, called up Brewster and said, no, urge him to run, he can win. I will help him. We will give him a lot of money, et cetera, et cetera.

You have all been there and done that. I did run. He did give me a lot of support; no money, but a lot of support, and I was successful. But he passed away, and I had the honor of speaking at his memorial service just a few weeks ago.

So we have been diminished by their losses, but we are advantaged by your continuing participation. God bless you. Thank you very much.

Mr. BUECHNER (presiding). In order to provide some sort of balance with the comments by sitting Members, the Chair would like to invite the chairman of the Committee on Rules, the Congressman from California, DAVID DREIER, to say a few remarks.

Mr. DREIER. Thank you very much, Mr. Speaker. Let me just join in the bipartisan welcome and to say that STENY HOYER has just recognized Billy Pitts, and I think it is important to note that Billy Pitts' father worked for 41 years for the longest-serving whip in the history of this institution, Les Arends. Billy, as you all know, worked for Bob Michel and ran this place when we actually were in the majority, even though many on the other side of the aisle did not realize that, during the 1980s, leading up to 1994. Billy made sure that we were in the majority, and I feel very fortunate that he has come back to work with me on the House Committee on Rules. He is sitting next to the guy who appointed me to the Committee on Rules.

And it is interesting as I sit here and listen to the great remarks, and I listened upstairs, I had the television on and listened to Larry's comments about the international involvement that so many of you all are having. I have just come back from a 12-nation and 12-day trip. Billy and I went all over Southern Europe, Central and South Asia. And because I come from California, I have talked to a number of people from Mexico who have referred to the fact that the work of the study group has had a great impact on this very important relationship. So I want to encourage you there.

I also want to join in recognizing my friend Sam Nunn, and you all are absolutely right on target, and STENY is right in saying that we wish he were still here because of the stellar leadership he has provided us. But he is doing it in so many other areas, and I have been thrilled to work with him at CSIS and in a number of other fora.

In just a few minutes, we are going to be beginning a very interesting debate that all of you will be fascinated with, and that is the question of the continuity of Congress. After September 11, we looked at the prospect of this fact. I was the last person to leave the Capitol on September 11. I left about 11 a.m. that morning, and I did so when one of the guards down here said there was a plane they had lost contact with that was headed right for this building. We all know it was the plane that ended up going into the ground in Pennsylvania because of those courageous people who were on board that flight.

After that time we looked at the thought that really had not been contemplated by many, except it was discussed in the 1950s, of a huge loss of life. So we are going to today be considering legislation which would call for expediting the special elections that would be held following that loss of life. And just to give you my view on it, I am struggling because there are some who want to have Governors appoint Members of the House of Representatives or have us actually appoint our successors, which to me is completely counter to the Madisonian view of this being the people's House.

I see two former Members of the Senate here, and you can serve in the Senate by appointment. We know from the former minority leader of this place, Jerry Ford, that you can become President of the United States by appointment, yet we all know this is the only federally elected office where you have to be elected to serve. So we are going to begin in just a few minutes that debate, and I hope that all of you will follow it because it is going to be a fascinating one as we look at this challenge to the institution.

Anyway, I hope it is a long time before I join your ranks, but I just wanted to let you know it is nice to be here with you all. Thanks.

Mr. LaROCCO. Mr. Speaker, I have noticed some former Members have joined us during the course of our report, and I would like to invite them to come up to the desk and make sure their attendance here is noted for the Record.

This, essentially, concludes our 34th Annual Report to the Congress. I just want to say personally that my term is ending shortly as president of the Association. I want to thank the Board and the Executive Committee for their great support, and all of you for your support of the Association and just for giving me the honor and the privilege to serve as your president for the last 2 years. It has truly been a wonderful 2 years to work on the programs here.

And I want to thank Sam Nunn, too, for honoring us here to receive the award and for his great remarks. Thank you so much, Sam. And to our bipartisan leaders of the current Members who have come to greet us.

We have a wonderful program today, starting in just a few minutes, with a press panel over in the Cannon House Office Building, but with that, Mr. Speaker, I yield back my time and conclude my report.

The SPEAKER pro tempore. The gentleman has concluded his report, but before terminating these proceedings, the Chair would like to recognize the gentleman from Florida, Lou Frey, for a special presentation.

Mr. FREY. Mr. Speaker, this will just take a couple of minutes, but I think this is really important. It is a great privilege for me to recognize the outgoing president, Larry LaRocco, for his many years of outstanding service to the organization. As he just said, his term as president comes to an end this year, and all of us, members of the Executive Committee, the Board of Directors, Association members and our staff, wish to thank Larry for his exceptional leadership. He has amazing drive and energy, and he has brought a vision to the presidency like few others before him.

Ever since he joined our Association, he has been such a great asset, and we are glad he will remain on our Board and on the Executive Committee even now that his term as president is ending. In my opinion, and I know many of my colleagues share in this assessment, this Association has taken quantum leaps since Larry became president.

He has talked about the Congress to Campus program that has almost quadrupled in size, the international component that we have, and the tours to Taiwan, France and Germany. In addition, Larry has brought us into the 22nd century, I think, with his space-age technology, and he continues to drag us in that direction.

I personally believe that because of Larry LaRocco's leadership, the U.S. Association of Former Members of Congress is perceived as a vibrant and engaged NGO that allows its unique membership to continue their service to the country. He took existing programs and made them better. He brought ideas to the table that upon implementation have resulted in new and exciting ventures for our Association.

Larry, you just did an incredible job. We thank you so much. And on behalf of the Association, I would like to present this plaque to you, which is just a small token of the thanks for so many years of effort and such a great job, and we truly are blessed with your service. Thank you so much, Larry.

The SPEAKER pro tempore. The gentleman yields back his time.

The Chair again wishes to thank the former Members of the House for their presence here today. And to reiterate the remarks of the gentleman from Idaho, for all those Members present who did not record their presence, please come to the reading clerk and be so designated.

Good luck to you all.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 25 minutes a.m.), the House continued in recess.

☐ 1045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaHood) at 10 o'clock and 45 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KLINE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Congressional Record and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

JOHN KERRY DOES NOT BELONG IN THE WHITE HOUSE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, on this day in 1971, John Kerry showed his true colors; and they are not red, white, and blue.

Before the Senate, before America, and before the world, he blasted our Nation, chastised our troops, and hurt our morale. He famously declared that soldiers tortured innocent Vietnamese and that America was the worse violator of the Geneva Conventions, not Vietnam.

In 1971 when John Kerry had the freedom to stand up to defy duty, honor, and country, I just emerged from 4 years of solitary confinement, where the Vietnamese did not adhere to the Geneva Conventions.

What he did was nothing short of aiding and abetting the enemy. A person like John Kerry does not belong in the White House.

Is it any wonder my comrades from Vietnam and I have a nickname for him similar to "Hanoi Jane"? He is called "Hanoi John."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to refer in a personal way to Senators who are candidates for President.

RISING COSTS OF COLLEGE EDUCATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, today's New York Times states that middle-class families are being edged out of the prestigious universities by rising costs of college education. Access to college for middle-class families has worsened over the last few years, another example of the middle-class squeeze in America.

The greatest disservice that we have done to middle-class families in America is to convince them of the necessity of college education for their children and then priced it out of reach for their children.

College tuition at public universities has increased by 14 percent last year and in certain States by 20 or 30 percent. In my home State of Illinois today, when a college graduate gets a diploma, on the backside is their first Visa bill. Every kid graduates with an average of $15,000 of debt.

College tuition is running three times the rate of inflation; but Congress has not made the investment in higher education, and costs have soared. While college costs have skyrocketed, Pell grants have been frozen for 3 years. And in the year in which we are to reauthorize the Higher Education Act which deals with Pell grants and Perkins loans, what has Congress done?

RECOGNIZING MEMBERS OF 432ND CIVIL AFFAIRS BATTALION

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. GREEN of Wisconsin. Mr. Speaker, it is my great honor to recognize before this House the brave members of the 432nd Civil Affairs Battalion who are returning home today from their overseas deployment.

Northeastern Wisconsin is often called the "land of legends" for our fabled football team, the Green Bay Packers. The gridiron leadership of men like Lombardi and Lambeau and Nitschke made Green Bay synonymous with strength and courage and triumph.

But it is not our sports heroes who make our area truly legendary. It is our servicemen and -women who have put their lives on the line to defend freedom. Under the most difficult conditions, brave troops of the 432nd have strived to rebuild a nation ravaged by tyranny and war and strife. Obviously, our work there is not yet done. But we can take comfort in the fact that some of our finest countrymen carry the torch of liberty in Iraq.

Mr. Speaker, the members of the 432nd, along with all of our servicemen and -women, deserve our praise, our support, our gratitude. They are genuine heroes.

MEDICARE MODERNIZATION

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, since Medicare was founded, medicine has changed and seniors have changed. We all know how medicine has changed, MRIs, open heart surgery, all the dramatic procedures, all the new diagnostic tests; and Medicare has a cumbersome though slow way of accommodating its system to be able to deliver modern medicine.

More importantly, seniors have changed. They are living longer. They are living with chronic diseases. And Medicare has not accommodated at all to that dramatic change in our seniors' lives.

So I was delighted this week to announce with Secretary Tommy Thompson the implementation of those provisions of the Medicare Modernization Act which will for the first time enable Medicare to deliver to our seniors modern medical care to better support those with chronic illnesses.

Twenty percent of our seniors have five or more chronic illnesses. They use two thirds of the Medicare dollars, and we have not been able to deliver what modern medical science knows about how to prevent the progress of chronic illness. We started today through the Medicare Modernization Act which we voted through in this House, to do just that.

EMBEDDED COSTS OF MEDICAL LIABILITY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, we have heard several times about how the embedded costs of the medical justice system, medical liability, negatively impact the medical system in this country. In fact, I think on Fox News over the weekend they had a rather dramatic piece on how the cost of soaring premiums has driven some doctors out of practice.

But make no mistake about it. While it may affect the doctors' livelihood, it ultimately affects access for patients. In my district, that has meant perinatologists, specialists who deal in high-risk obstetrics, who have closed their shops; neurosurgeons who have left town; trauma centers that have been put at risk.

Traveling to Nome, Alaska last summer, I was told by a group of doctors there that they could not afford the liability premiums for an anesthesiologist in the town of Nome, Alaska. When their obstetricians have a complicated pregnancy, they have to put that woman on a plane and send her to Anchorage. I fail to see how that furthers patient safety.

A director of a residency program told me that currently they are now accepting people they would not have interviewed for their obstetrics and gynecology program 5 years ago because young men and women do not want to go into obstetrics and gynecology.

Mr. Speaker, we have a President who will sign a medical liability bill. We have a candidate who has either voted "no" or been absent when that bill has come to the Senate.

PRESCRIPTION DRUG COVERAGE

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, for the first time in history, seniors across the country are about to have an option of choosing Medicare prescription drug coverage if they so desire. Beginning May 3, thanks to the improvements we made to Medicare, each beneficiary will be entitled to select a prescription drug discount card of their choice that will provide immediate savings, including a $600 credit for qualifying low-income individuals.

Those who voted against these changes do not seem to want seniors to know that the new prescription drug coverage will help 14 million low-income Medicare recipients who need it most, those who are having to choose between food and medicines they need.

For the past 4 months, those who have voted against the drug coverage have not been sharing with seniors information about the new opportunity to sign up for prescription drug coverage.

Why should seniors not be allowed to learn that they will soon have choice and control over their prescription drug plans? Do seniors not have the right to know that their new coverage will give them better access to more prescription drugs at lower prices? Do they not have the right to know that if they already have prescription drug coverage that they can stay with their plan if they like it?

Ten days from now seniors will be free to choose for themselves.

DISPARAGING REMARKS BY JOHN KERRY

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today with many of my fellow veterans in this body to bring attention to a serious decision facing our Nation. Very soon the American people will be asked to make an important choice. We will be asked to decide who will best lead our Nation for the next 4 years. One candidate, JOHN KERRY, would claim to have the best interests of America at heart. However, Mr. KERRY's history tells a different story.

Thirty-three years ago today, he stood before the Senate Foreign Relations Committee disparaging, disparaging our brave servicemen and -women as murderers. Yet today in pursuit of the Presidency of what he called a "hypocritical" Nation, he boasts of his service alongside them.

Every man and woman who has stood in defense of our Nation deserves our thanks. But JOHN KERRY's service does not excuse him from joining ranks with Jane Fonda and others in speaking ill of our troops or their service then or now.

On the anniversary of these outrageous claims by JOHN KERRY, I believe we must remind the veterans of our United States Armed Forces, past, present, and future of our appreciation, of our thanks for their service to our military and our Nation.

JOHN KERRY SHOULD APOLOGIZE TO AMERICAN VETERANS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, 33 years ago today, John Kerry appeared before the Senate to talk about Vietnam. Many veterans, including myself as a veteran, view JOHN KERRY's testimony that day as one of the worst public slanders ever against the valor and character of the American military.

In a sad act of political theater, JOHN KERRY accused American soldiers of rape, torture, murder, and even offered up comparisons of Genghis Khan. What he said that day has been discredited. Some of the men used as sources for war crimes later were found to have never been to Vietnam.

Yet just last Sunday on "Meet the Press," JOHN KERRY failed to apologize for his extremist accusations. His words in 1971 are important because he used false information to turn public opinion against the men who were serving their country honorably, such as the gentleman from Texas (Mr. SAM JOHNSON), who survived 7 years as a POW in Vietnam.

These troops returned to face unfair persecution, and John Kerry owes them an apology.

In conclusion, may God bless our troops, and we will never forget September 11.

EARTH DAY

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, today is Earth Day, and the President is coming to my home State of Maine to speak about the environment.

Unfortunately, the administration has taken us backward in protecting the environment, and Maine is worse off because of it. In August, the EPA rolled back pollution controls for coal-burning plants in the Midwest and just recently announced plans to allow more mercury to be emitted into the air, just as we find that many parts of Maine do not meet quality air standards.

This is not just bad for air. It is bad for jobs. When the EPA rolled back mercury regulations in August, hundreds of pipe fitters were laid off because the pollution-control equipment they installed was no longer needed.

Protecting our air is not a partisan issue. Clean air improves public health, saves money, and can create jobs for Americans. The administration cannot just "outsource" the responsibility for protecting our environment to another country.

JOHN KERRY AS COMMANDER IN CHIEF?

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, Colonel Bud Day, former Vietnam prisoner of war for over 6 years, recalls in his book on how Jane Fonda, Ramsey Clark, and JOHN KERRY energized the enemy through their accusations and hurt them as prisoners of war.

Mr. Speaker, I was shot down over North Vietnam at that time. I can remember the anger and the disparaging remarks that JOHN KERRY made about our service. I remember the rage in all of us from his slander.

I am proud of the men and women that I served with in Vietnam and those that are serving us at great risk today in Iraq and Afghanistan and all over the world.

Even today, JOHN KERRY votes against defense, the military, veterans, and intelligence bills that would enforce the safe return of our men and women. We do not need someone that would vote like a Jane Fonda as commander in chief.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that personal attacks on Members of the Senate do not comport with the rules of the House.

JOHN KERRY'S ACCUSATIONS AGAINST AMERICAN SOLDIERS IN VIETNAM

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, when Americans watched U.S. troops take Baghdad through embedded media, they saw the American GI in his true character. They saw a GI who was compassionate, who was honorable, and who had great courage. In a way they saw also the GIs of Vietnam because in many cases those were the sons and grandsons and granddaughters of people who had fought in Vietnam, people who had the same character, the same honor, the same courage.

☐ 1100

Yet we have had a person who is running for President, Senator JOHN KERRY, describe those people as having murdered 200,000 people in Vietnam, being stoned on pot 24 hours a day, that is he said 60 to 80 percent of them, and ravaging the country in a Genghis Khan-like fashion.

I think Americans have a choice. If you feel that your son or daughter did those acts in Vietnam, if that was a true characteristic of American GI's in Vietnam if you served in Vietnam, if you think your husband conducted himself in that fashion, perhaps you want to vote for JOHN KERRY. If you think that is a wild-eyed, nutty statement that is not an appropriate statement for somebody running for President of the United States, vote against JOHN KERRY.

TROUBLING REMARKS BY JOHN KERRY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today also to highlight some very troubling remarks by JOHN KERRY, who is now seeking the Presidency of the United States, our Commander-in-Chief.

In 1971, KERRY testified before a Senate committee that communism was not a real threat to the United States. He went so far as to say that the U.S. was "reacting under Cold War precepts which are no longer applicable."

Mr. Speaker, that was 1971. I think we can all agree the Cold War was very much applicable and continued to be for the next two decades.

Now JOHN KERRY has the gall to compare our efforts in Iraq to Vietnam.

Mr. Speaker, as a veteran of Vietnam War, I take great offense to Mr. KERRY's statements, then and now. Our efforts in Iraq have liberated millions of civilians from a brutal dictator that has used weapons of mass destruction against his own people.

The world is a safer place without Saddam Hussein in power, and the United States is a safer place with President Bush as Commander-in-Chief.

KERRY PLANS TO ELIMINATE SMALL BUSINESS FEDERAL CONTRACTS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the Nashville Business Journal recently ran an article entitled "Kerry Plan Would Cut 100,000 Government Contracting Jobs." This was reporting on JOHN KERRY's plan to eliminate 100,000 private sector contractor jobs. Apparently, he does not feel that the private sector provides much bang for the taxpayer buck. His solution is bigger government, less competition.

According to the Professional Services Council, small businesses would bear the brunt of KERRY's return to big government. Last year, small businesses competed for and won $63 billion in government contracts, equaling more than 25 percent of the Federal Government's contracting budget.

Study after study has shown that contracting with our Nation's small business sector reduces the cost to taxpayers, conserving taxpayer dollars. That should trump favors to special interests and big business any day.

Mr. Speaker, those of us in touch with folks outside the Beltway know small businesses make this country run.

DISPARAGING THE HONORABLE SERVICE OF VIETNAM VETERANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, 30 years ago a Vietnam veteran went to the Senate Committee on Foreign Relations and he delivered a stinging indictment of our American troops, all of the American troops serving in Vietnam. He stated that murders and other crimes were "not isolated instances, but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command."

That individual who alleged that our military openly and systematically violated the Geneva Conventions more than any other body is now running for President, and that is Senator KERRY.

Many of these charges rose from the Winter Soldier Investigation, where activists gathered to describe these war crimes. It was later learned that many of those who confessed these war crimes never served near a battlefield. It was a fraud.

Senator KERRY disparaged the honorable service of all the countless veterans who served in Vietnam with these charges, and he should apologize for what he said against his fellow veterans.

IN DEFENSE OF JOHN KERRY

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, especially with so many in the gallery today, I rise to defend JOHN KERRY from the onslaught on the floor today, a decorated veteran in Vietnam, a person who received three Purple Hearts and the Silver Star for serving with distinction. And now, because he is a candidate for President of the United States, he receives the unbridled attack from the opposition.

We ought to rise above this here on the floor of the House and across the Nation in this debate. What we need to do is focus on the issues that this country desperately needs to address, seniors that need prescription drugs, people that are out of work and unemployed.

What we need is leadership, the kind of leadership that JOHN KERRY provided in the fields of Vietnam, that he has provided with distinction in the United States Senate, and that he will provide as President of the United States.

THE BENEFITS OF MEDICARE'S NEW DRUG PROVISIONS

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, for too long seniors have been paying extraordinary high prescription drug costs with no relief measures in sight. But thanks to the recently signed Medicare and Prescription Drug Improvement and Modernization Act, Medicare will now provide drug cards to all seniors who need them at a cost ranging from a $30 maximum each year to free.

These cards, even for those who would get them for free, are completely voluntary. They will be made available to seniors beginning June 1 of this year. Low-income seniors will have a $600 annual credit on their card. Seniors can sign up for a Medicare-endorsed discount card as early as May 3.

Seniors are encouraged to find out what card is best for them by calling 1-800-MEDICARE and asking about drug savings. Seniors and their families can visit www.medicare.gov to find out more about which card is best for them where they live.

Mr. Speaker, I encourage all seniors and people who care about them to inquire about enrollment, to see if this is a better plan for them, and to begin immediately saving on their drug costs.

CREDENTIALS NEEDED FOR THOSE ATTACKING JOHN KERRY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I came to the floor to talk about Earth Day, but listening to what is going on out here makes me think I will change my subject.

I spent 2 years, 1968 to 1970, as a psychiatrist in the United States Navy taking care of people who lived through what JOHN KERRY went to war about, and for anybody to come out here and attack his war record, you have to have pretty good credentials.

Now, if you served and showed up for drills at your local National Guard, I think those would be acceptable credentials. But if you were in the National Guard and you did not show up, you were AWOL for a whole year, you have got real nerve to start an attack on JOHN KERRY's character.

During that war many people on both sides of the issue, whether we should go to war or were against the war, acted bravely. But some people were simply not available. They never showed up for their flight physical. They were not there.

ATTACKS ON JOHN KERRY SHOULD NOT BE COUNTENANCED

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, one of the things America abhors is a sneak attack. President Roosevelt in this Chamber described December 7 as a day that would live in infamy.

What I saw a few minutes ago is a sneak attack on a Member of the U.S. Senate by a bunch of my colleagues who came down here and disparaged him, contrary to the rules of the House. The Speaker repeatedly admonished them for violating the best traditions of this House, and my colleagues continually came to the Chamber to continually violate those traditions of this House.

Mr. Speaker, I want to give notice that we have a long time in this election period coming up, and we have problems deciding what we are going to do about Iraq, and it is not going to help us if we turn this into a Chamber of personal assassination.

Let me just say, there is a lot of nerve in this Chamber attacking a guy who has a Bronze Star, a Silver Star and Purple Hearts in the tradition of his Nation, and it should not be countenanced by the Speaker ever under any circumstances, whether Democrats are in the Chamber to object or not.

PARLIAMENTARY INQUIRY

Mr. LEWIS of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. LEWIS of Georgia. Mr. Speaker, I just want to raise a question. Is it proper, is it appropriate, is it a violation of House rules for Members of this body to attack Members of the other body by name?

The SPEAKER pro tempore. When a Member of the Senate is a presumptive nominee for President, it is proper and fair to speak about the Senator's record, but not to make personal attacks.

Mr. LEWIS of Georgia. Mr. Speaker, it is my understanding this person is not even the nominee of his party yet.

The SPEAKER pro tempore. The Chair has not purported to identify an actual nominee.

PARLIAMENTARY INQUIRY

Mr. INSLEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. INSLEE. Mr. Speaker, is it appropriate for the Speaker, who presides over this Chamber, when there is a clear and direct personal attack using personally disparaging comments about a Member of the United States Senate on a repeated basis, is it appropriate or allowable for the Speaker to interject and prohibit that activity, even without a Member of the Chamber expressing a concern?

In other words, does the Speaker have the ability to exercise preemptory power to enforce the rules of this House when there is a sneak attack disparaging the personal integrity of a U.S. Senator?

The SPEAKER pro tempore. That is the Speaker's role, and the Member should have seen the Chair admonish those not following the rules.

HONORING THE GARDEN GROVE ELKS CLUB

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the Garden Grove Elks Lodge 1952 for their contributions to my community of Garden Grove, California.

The Garden Grove Elks Club is just one of thousands of Elks chapters across this Nation. They operate on the ideals of charity and patriotism, contributing to schools, police and fire departments, and also working with their youth in their community.

The Elks Club consists only of volunteers, those citizens who strive to make a difference based solely on the goodness of their heart.

I would also like to recognize Elks Lodge 1952's newly installed officers: Dave Offhaus, Dave Skelton, Gary Mueller, Randy Barrows, Lynn Johnson and Jim Faulkner. I wish these new officers much luck in the coming year, and I would also like to extend my appreciation for all that they do for our community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will clarify what he had said to the gentleman from Washington.

In the event that a Member does need to be interrupted for improper references to presidential and nominated candidates, the Chair will interrupt the Member and admonish the Member if he is not in comportment with the rules.

MAKING IN ORDER AMENDMENT IN LIEU OF AMENDMENT 3 PRINTED IN HOUSE REPORT 108–466 DURING CONSIDERATION OF H.R. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker I ask unanimous consent that during consideration of H.R. 2844, pursuant to House Resolution 602, the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary be considered as the original bill for the purpose of amendment, and the amendment I have placed at the desk be in order in lieu of the amendment printed in part B of House Report 108–466 and numbered 3.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

An amendment offered in lieu of amendment No. 3 printed in House Report No. 108–466 offered by Mr. SKELTON of Missouri: In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

"(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

"(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

"(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.".

Mr. HASTINGS of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Washington?

There was no objection.

CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed 60 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 602 is a structured rule providing for the consideration of H.R. 2844, the Continuity in Representation Act of 2004. The rule provides 60 minutes of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII requiring the inclusion of general performance goals and objectives in a committee report.

The unanimous consent request just agreed to provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment which shall be considered as read.

The original text for purpose of the amendment will not include the text of part A of the Committee on Rules report. The unanimous consent agreement also makes in order the bipartisan amendment of the gentleman from Missouri (Mr. SKELTON), the gentleman from Missouri (Mr. BLUNT), and the gentlewoman from New York (Mrs. MALONEY) in lieu of the Skeleton-Maloney amendment printed in part B of the Committee on Rules report.

The rule provides that the amendments made in order shall be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the whole House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, the tragic events of September 11, 2001, made clear that, as much as we might wish otherwise, at some point in the future it may be necessary to replace a large number of Members of this body killed in some type of a terrorist attack.

As my colleagues know, the Constitution has always required that the vacancies in the House, no matter how many or what their cause, be filled only by popular election of the people. The timing of such special elections is set on a state-by-state basis. Some States require that congressional vacancies be filled relatively quickly while others it takes quite a few months before a special election is held.

Such disparities are little cause for concern when vacancies are few and far between, as has thankfully been the case throughout the long history of this body. In those cases, only the citizens of a district temporarily left without representation are adversely affected until that vacancy is filled.

However, Mr. Speaker, we face a grim new reality today. The reality is that so many vacancies might suddenly occur in the House that our ability to function and to be confident that the decisions made in this Chamber reflect the broad desires of the American people, as expressed by their ballots, could be severely impaired.

That harsh new reality must be faced squarely. This, after all, is a national government and we are the Nation's legislature exercising national responsibilities. We must be able to act in the best interest of the Nation, and never more so than following a major catastrophe. No longer, Mr. Speaker, do we have the luxury of leaving it to the 50 States to decide when it would be possible to fully reconstitute the people's House in the wake of a deadly tragedy.

My colleagues will recall that after the attacks of September 11 the House passed H. Res. 559 expressing the sense of the House that each State should examine its existing statutes, practices, and procedures governing special elections so that in the event of catastrophic vacancies in the House, those vacancies might be filled in a timely fashion. Regrettably, Mr. Speaker, only one State, the State of California, has responded to that request and changed its election laws to provide for expedited special elections in the wake of a catastrophe.

I should note also, Mr. Speaker, that the impetus for that resolution was in part work done by a bipartisan task force chaired by the House Republican Policy Committee chairman, the gentleman from California (Mr. COX), and my colleague across the aisle, the gentleman from Texas (Mr. FROST), who then served as the chairman of the Democratic Policy Committee. The Cox-Frost task force met regularly during the 107th Congress to consider a wide range of issues following under the umbrella of the "continuity of Congress." Since then I am pleased that a number of Members on both sides of the aisle have continued this important dialogue, seeking neither personal gain nor partisan advantage. After all, surely no Member's election will be won or lost over this issue, nor should it.

The bill we will consider today represents but one part of a comprehensive strategy for preparing for the unthinkable. For that is what we are doing, preparing for the unthinkable. And prepare we must. H.R. 2844 is a key element of that strategy. We simply must make it possible for the people to reconstitute the people's House as quickly as possible if a large portion of this body is suddenly deceased.

To be sure, there are other equally important continuity issues still to be addressed. We must, for example, consider appropriate responses in the event that a large number of Members are incapacitated rather than killed. Certainly in a time of chemical, biological, and radiological weapons, that is a potential scenario that cannot be ignored.

In order to act, the Constitution requires the House to achieve a quorum of Members, a quorum of a majority of all Members living and sworn. When a Member dies or resigns, the Speaker under the rules adjusts the quorum. However, the Framers never contemplated and made no provision for the need to adjust the required quorum when a large number of Members are still living but unable to carry out, temporarily or otherwise, the duties of the office. Simply put, under current law, if more than half the House were to become incapacitated, yet not deceased, the House would be unable to act at a time when the need to do so could hardly be greater.

Therefore, I am pleased, Mr. Speaker, to advise my colleagues that this complex issue of incapacitation will be the subject of a hearing to be held next week by the House Committee on Rules under the chairman, the gentleman from California (Mr. DREIER), whose personal involvement and leadership on these issues, frankly, has gone largely unreported, but has contributed immeasurably to this important continuity in Congress effort.

Indeed, the gentleman from California (Mr. DREIER) and the Committee on the Judiciary chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), are the principal authors of the bill which will shortly be before us, the Continuity Representation Act of 2004.

Mr. Speaker, H.R. 2844, which was reported favorably by both the Committee on House Administration and the Committee on the Judiciary, provides for the expedited special election of new members to fill seats left vacant due to extraordinary circumstances. Such circumstances would be deemed to exist when the Speaker announces that vacancies in the House exceed 100 Members, in other words, more than 100 Members of this body have been killed. When such extraordinary circumstances occur, a special election must be held within 45 days unless a regularly scheduled election is to occur within 75 days.

The bill provides political parties with a 10-day window in which to nominate candidates and sets forth judicial review procedures for announcements by the Speaker regarding those vacancies.

The Congressional Budget Office estimates that H.R. 2844 would have no significant impact on the Federal budget. Although the bill does contain an unfunded mandate, this mandate does not exceed the threshold amount established in the Unfunded Mandates Reform Act.

Mr. Speaker, in closing, let me acknowledge that there are some Members in this Chamber who believe that we should amend the Constitution to permit the immediate appointment of replacements in the event that a tragedy as I described should occur. That is not my position, Mr. Speaker, for I share the framers' love for their ideal of a House of Representatives of the people, for the people, and elected by the people.

But I do sincerely believe that our colleagues who support the constitutional amendment deserve an opportunity for consideration of the merits of that approach. Many Members will be pleased to learn that we have been assured that such an opportunity will take place in the very near future.

At the same time, I think equally important would be to provide supporters of expedited special elections an opportunity to consider their legislation. Those who disagree should bear in mind that enacting this bill that we are going to take up today will do little or nothing to affect the odds of a constitutional amendment of continuity being adopted and eventually ratified.

And, for at least several years, neither approach precludes the other. Because let us be completely honest about this: even if successful, under the best circumstances, it takes several years to amend the Constitution. So in the meantime does it not make sense to do the work that we can within our existing constitutional framework to prepare for the worst?

Mr. Speaker, that is the question that can only be answered by the entire House. Accordingly, I urge my colleagues to support the rule for the consideration of H.R. 2844 so that the important debate may begin.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been over 2½ years since terrorists commandeered four airplanes and killed 3,000 people in New York, Washington, and Pennsylvania. The events of September 11, 2001, made it abundantly clear that the United States is not immune from attack. But I am deeply concerned that for most Members of the House that day did not make a deep enough impression about what might happen if this institution or its Members were successfully targeted by terrorists or other enemies of our democracy. United Flight 93 was headed here. Had it not been for the brave souls on that plane who fought the terrorists who took over their flight, this very building could have been destroyed. Had Flight 93 not been taken down in the field in Pennsylvania, a large number of Members might have been killed.

On September 11, 2001, we did not have a procedure in place to reconstitute this body. And on April 22, 2004, we still lack such a plan. I am sad to say, Mr. Speaker, that the bill before us today does not give us a viable plan. And the manner in which this bill is being brought to the floor does a disservice to the very serious issue of continuity of government.

The very fact that the chairman of the Committee on the Judiciary has chosen to push this remedy to the exclusion of any other idea shows that the leadership of this House has chosen to make this a partisan issue. And the stability of our government and its institutions should not now, or ever, become a partisan issue.

In the spring of 2001, the gentleman from California (Mr. COX) and I cochaired a bipartisan working group that sought to examine the issues in play. No Member in the history of this body has ever taken the oath of office without first having been elected by the people.

Mr. DREIER. Mr. Speaker, would the gentleman yield? I wanted to clarify one point that my friend was making.

Mr. FROST. Mr. Speaker, the gentleman from California (Mr. DREIER) will have time. I need to finish my statement, but then I will be glad to yield.

□ 1130

Given that no Member in the history of this body has ever taken the oath of office without first having been elected by the people, the group focused on what might have been done within the law or with statutory amendments to replenish the House in the event of a catastrophe.

We had on a bipartisan basis serious and thoughtful discussions. We made modest but important changes to the rules of House that aid the Speaker in the event of a catastrophe. We passed a resolution that called on the States to put into place procedures by which expedited elections might be conducted in the event that a large number of Members are killed.

But the members of the working group grappled with much larger issues, that of incapacitation, if it would be possible to skirt the constitutional requirements for election through statutory changes, the judicial review of decisions made by a House composed of only a few Members.

We soon realized that those Members as well as many others needed to be addressed by the committees of jurisdiction. We had high hopes of a thoughtful, serious, nonpartisan debate and serious issues. What we got instead was a poorly thought out and wholly inadequate response to the questions we raised 2 years ago.

I know the Chair of the committee will want to seek recognition in a moment, and I will acknowledge that the Chair said yesterday that the Committee on the Judiciary will mark up a constitutional amendment in the immediate future, and for that we are very grateful. Unfortunately, that amendment is not here on the floor, and we do not know when that amendment will actually have the opportunity to be voted on upon the floor.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me clarify again the statement that I made when this question came forward.

The chairman of the Committee on the Judiciary is here on the floor, and, as you know, in the past couple of weeks he and I have been discussing and I have shared those conversations, and the chairman has indicated his willingness to at the next markup the Committee on the Judiciary holds, they will mark up the constitutional amendments that you all put forward.

And I think it is also very important for us to note that we have been seeking, having worked with the task force that the gentleman and my colleague, the gentleman from California (Mr. COX), shared to work in a bipartisan way on this, and I know from having had discussions with friends on the gentleman's side of the aisle that there is, in fact, bipartisan support for the effort that we are proceeding with here. And that is one of reasons that as we look at the structure of this rule, we did make in order amendments offered by Democrats.

I see my friend, the gentleman from Connecticut (Mr. LARSON), here who has a thoughtful one. I know the gentleman from Washington (Mr. BAIRD) has been working on this issue as well. I will say to my friends, bipartisanship is something that we have been seeking on this, and I hope at the end of the day we will be able to find that.

Mr. FROST. Reclaiming my time, Mr. Speaker, the issue is of serious magnitude. While the chairman of the Committee on the Judiciary has indicated he will mark up a constitutional amendment, we have no assurance that that amendment will be considered on the floor by this body in a timely manner this year.

Let me, if I may, address comments not just to the chairman of the committee and the chairman of the Committee on the Judiciary, but to all the Members of this House. The reason that some of us and many of us feel that this legislative approach is inadequate, and that a constitutional approach is the only one that can serve this country, is that if a number of Members were killed in a common disaster, the period of time that would pass before this House could be reconstituted under the bill that is being voted on today is unacceptable. We would find ourselves without a functioning Congress perhaps for months under this bill.

Now, there is an historical anomaly in our Constitution that provides that Members of the Senate when they die can be replaced by an appointment of a Governor, and there is no such procedure in the Constitution for Members of the House. The reason for, the gentleman will have plenty of time, the reason for this historical anomaly is that when the Constitution was originally drafted, Members of the Senate were chosen by appointment. They were appointed by their State legislatures, and when we went from an appointed Senate to direct election of the Senate, the power of Governors to replace Senators was continued.

There was no such provision for Members of the House. That does not mean that in this 21st century today that there should not be such a procedure. The fear is that if a large number of Members were to be killed in a common disaster, that the Congress could not function in a timely manner when the country would most need a Congress.

Now, there is a second unfortunate aspect of current law. Under current law, a quorum of the House of Representatives is a majority of those Members living and sworn into office, sworn and living, so that if, of the 435 Members of the House, if, for sake of argument, 400 were to be killed in a common disaster, and 5 survived because they were not present in the Chamber at the time of the disaster or for whatever reason, 3 Members of those remaining 5 would constitute a quorum. And you could say, well, then the Congress could continue to function with those 5 Members.

The question that I would pose is would decisions made by three individuals be respected by the country at a time of crisis? We have to provide for continuity in our government, and for us to pretend that a terrible disaster like this could never happen, and we all hope that it never happens and trust that it never happens, but for us to pretend that it could not happen, and that if it did happen, oh, we would have a leisurely pace of months to replace Congress during that time does a disservice to our form of government and to the people that we represent.

Now, there are disputes and concerns on the type of constitutional amendments, on how you provide for the prompt, orderly replacements of Members. People have different views on that. Some people feel that the Governor should be able to appoint their replacements just as the Governor can appoint a Senator. Others feel that the Members in advance should be able to put a list, put together a list and designate who their successor would be, or perhaps have a list and the Governor chooses from that list. There are a lot of provisions that could be considered.

What we are saying is that this House now, not a couple of months from now or a couple of years from now, should face up to this hard decision, should consider a constitutional amendment on this issue, submit it to the people so that if, God forbid, there were a disaster in which all or substantially all the Members of the House were killed in a terrorist attack, that our government would go on. If we do not do this, then we will cede total power and authority to the executive branch, if there is an executive branch at the end of a common disaster, and presumably there would be in some form, and there would be no functioning legislative branch for a period of months.

That is why many of us, and I will complete my statement, the other side has plenty of time to make their points, that is why many of us feel this legislation is inadequate and is a poorly thought out response to a situation that, while we hope never happens, could put this country and our form of government in serious jeopardy.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, a gentleman who has worked extremely hard on this continuity issue.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me time. I appreciate his very, very thoughtful opening statement.

I want to thank my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary with whom I have been privileged to work with on this; the whip; I mentioned my friends, the gentleman from Texas (Mr. FROST) and my colleague, the gentleman from California (Mr. COX) who in the last Congress chaired a task force on this. I know the gentleman from Washington (Mr. BAIRD) and the gentleman from Connecticut (Mr. LARSON) are very thoughtful Members who have spent a great deal of time contemplating this issue.

Mr. Speaker, September 11 of 2001, as we all know, was a devastating day for our Nation. It really launched the global war on terrorism. It changed all of our lives. And many of us had not pondered the thought of this Capitol being under attack. I was, in fact, the last person to leave this building on September 11 of 2001, and I did so when one of the guards said that there was a plane they had lost contact with, and it was headed right towards this building, and it ended up being the plane that was very courageously taken down by those passengers into the ground in Pennsylvania.

Since that time, Mr. Speaker, a great deal has been done focusing on this issue of what would happen if we were to see a tremendous loss of life of Members of the House of Representatives.

We know that almost immediately the Speaker of the House took some steps. He established the ability to adjourn to an alternative place and to declare an emergency recess, the ability to effect a joint leadership recall from a period of adjournment through designees, and requires the Speaker to submit to the Clerk a list of designees to act in the case of a vacancy in the office of the Speaker.

These are actions that the Speaker has taken codifying a number of important things, including the quorum provision, which does allow us to continue our work.

As I listen to the remarks by my friend from Dallas (Mr. FROST), the ranking minority member of the Committee on Rules, I do think it is important to note that we do have a bicameral Legislature, and the United States House of Representatives does not operate unilaterally. So there would, even if we went through a period of time, and I would say it would not be months. Our legislation that the gentleman from Wisconsin (Mr. SENSENBRENNER) and I have calls for special elections to be held within 45 days following that disaster.

Let me say that the legislation that we do have addresses a number of very important issues, but I want to get to this issue of service here, representation, and what our framers went through on this question.

When I was an undergraduate, I had a professor, with whom I spoke last night, who pounded the Federalist Papers into me. It was after that great Constitutional Convention, and I remember when we marked the bicentennial of the Connecticut Compromise, and the House of Representatives convened in Philadelphia on July 16 of 1987 to mark that. It was the Connecticut Compromise that established this bicameral Legislature, which is a very, very important thing for us to note.

And what I did last night is I went through and I started rereading the Federalist, and I went to some of the items that were mentioned, Federalists 52 through 57, where James Madison talked at length about this institution. And some of the things that I believe are important for us to note on this as we look at the work of James Madison is that he talked about as he was justifying the Constitution this importance of the institution being elected, and a couple of items that he raised.

He said in Federalist number 53, "Where elections end tyranny begins."

As my friend, the gentleman from Washington (Mr. HASTINGS), pointed out, it was very clear that this House is the only Federal office where no one has ever served without having first been elected. And they talked about the fact that this is the body of the people. The other body is the body of the States. Madison in Federalist 52 wrote, "It is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on and an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured."

He went on in Federalist 57 to write, "Who are to be the electors of the Federal representatives? Not the rich more than the poor, not the learned more than the ignorant, not the haughty airs of distinguished names more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States."

And Madison rejected the idea that appointment of Members is acceptable to the American public. He said, "The right of suffrage is certainly one of the fundamental articles of democratic government and ought not be regulated by the Legislature. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruin of popular reforms."

I think it is very important for us to understand that there have been times in our Nation's history where we have faced even greater difficulty than we do today, and that was the Civil War. If we think back to the time of the Civil War, this Capital was surrounded by troops who were threatening our very being. And yet President Abraham Lincoln proceeded with elections, understanding how critically important that is for our Republic's survival.

□ 1145

That is why when we look at some of these options, the stand-in provision, whereby Members of the House would actually select their successors if they were to lose their life, we ask about the challenges that would be before us. Will stand-ins be responsible for passing laws, declaring war, or suspending habeas corpus or perhaps both? Will stand-ins be running for office in special elections? Would those follow soon after their appointments? What incentive does someone who has gotten into this House by appointment have to, in fact, be responsible to the people? Is it possible that we could, through intrigue or cabal, see some make an attempt to prevent the prospect of elections in the future?

I just believe that when we take this very, very unique institution, the people's House, where no one has served without having been elected and move in that direction away from elections, we threaten the very basis on which this institution is founded. So that is why, as we look at this tough challenge, this legislation is the most responsible way to deal with it.

If we look at the loss of more than 100 Members, the idea of having the States hold special elections in that 45-day period is something that is doable. My State of California went through last year an unprecedented time. We had the recall of a Governor; and with the election that took place, it was 55 days after we saw certification, and it was not a single congressional district where 644,000 people reside and there are two to three candidates. We had 125 candidates on the ballot, and we have a State of 35 million people; and I am happy to say that that election came off without a hitch. Many people had predicted doom and the fact that it could not work; and that is why I believe that for us to deal with this situation, if we do see tremendous loss of Members of Congress, this country will have suffered greatly.

I am convinced as we look at the struggles taking place in Iraq today that the building of a democratic institution is something that is very important; and I am convinced, too, that following a tragedy, after people are feeding their families and getting a roof over their head, choosing their leader is a very important key to success and proceeding and survival; and that is why I believe that this legislation would, in fact, provide us an opportunity to do that.

We are going to have a great chance for rigorous debate today, and I will say that it is because I believe that Members of the minority who are proponents of the amendment to the Constitution, that I did get in contact with the chairman of the Committee on the Judiciary and asked him to do this, and he agreed very readily to at his next markup, as I just said, report out the constitutional amendment.

While I am not in a position to guarantee, I would say to my friend from Dallas, to say exactly when this would be scheduled, we are trying to have a full debate on the constitutional amendment on the floor, but as the gentleman from Washington (Mr. HASTINGS) said in his opening remarks, it seems to me to be very important for us to use the structure that exists for us today, and that is, the legislative structure, to deal with this.

This legislation may not be the panacea, but I think that it is so important to realize again, Madison said, "When elections end, tyranny begins," we should do everything we possibly can to make sure that we keep the very precious election process.

I thank my friend for yielding me the time.

Mr. BAIRD. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I know the gentleman from Texas (Mr. FROST) has time, but I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Speaker, I appreciate the gentleman's reference to Madison. I have spent a fair bit of time studying Mr. Madison as well.

My question would be, where in the Federalist Papers or in the entire body of information from the Constitutional Convention do we see provisions for how this body should deal with the complete elimination of its Members or for how the executive branch should function in the absence of a constitutional quorum within the Congress?

Mr. DREIER. If I could reclaim my time, what I would say is that the Civil War was a time when this Republic faced its greatest threat, greater than the threat that we face today, and the answer that was provided at that point by President Lincoln was to proceed with elections, and so, of course, there was tremendous uncertainty at the founding. We saw all kinds of challenges, but Madison continued to go back time and time again.

He argued at first for annual elections and then they ended up with this issue of biennial elections, and so we have had the Speaker establish this quorum requirement.

My friend says it is true that it is possible that very few Members could be serving here in the House; but within 45 days, those special elections would be held under the structure that we have, and there would be a chance for us to deal with those issues.

I would say that I somewhat rhetorically ask what issues would we be dealing with here in the House of Representatives? Health care? a tax issue? No, we would be dealing with the crisis that would be before us at that time, and that is why I am convinced that the best way to do that is to have the people's representatives make that decision, and I am convinced that that could happen within a short period of time.

I thank my friend for his contribution, and let me again compliment him for all the time and energy he has put in the effort.

I thank my friend for yielding this time, and I look forward to our debate.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is as serious a matter as we could have before the House. We run the risk of becoming a herd of ostriches in putting our heads in the sand.

This is not the 18th century. This is not the 19th century. It is not even the 20th century anymore. It is the 21st century. No one in the 18th century or the 19th century could have contemplated the type of terrorist act that could potentially eliminate at one time all or virtually all the elected Members of this House. We hope that never occurs, but for us to ignore the possibility that it could occur in the 21st century does a great disservice to the American people.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I want to compliment the gentleman from Texas and associate myself with his remarks.

I rise to reject, without prejudice or malice, the previous question, the rule, and the underlying bill. As has been mentioned, this is not partisan disagreement because the issue does not advantage or disadvantage either party. This is a disagreement on the wisdom of the proposed policy. I am against the bill because it fails to correct the most egregious problems caused by forcing all States to conduct elections within 45 days of the Speaker's announcement of mass Member fatalities.

Regardless of how one feels about a constitutional amendment to address congressional continuity, we should defeat this bill because it will not work in practice and does not address the need to "stand up" the Congress immediately following a disaster. It does not support the immediate restoration of representative democracy, a key element in the Connecticut Compromise, noting that as important as it is that the people elect representatives, it is equally important to note that the people they send here represent the States.

I want the Members in this body, because this is a difficult and complex issue, to understand its complexity; and the best way that I have seen to relate this to Members is to evoke two images in their mind.

The first image is that of Members of this body, huddled in the Capitol Police office, waiting to hear word of what happened from our leaders who were somewhere, and who later that afternoon conveyed to us over the phone what had transpired and what happened and asked that this body not return here to the Capitol, out of concerns for safety. The Members there rejected that overwhelmingly, and came en masse—and in one of the most remarkable and memorable moments in our history—stood on the steps of the House—united. It is a moment I will always cherish and remember, and I want my colleagues to reflect on that, it was an important symbol that we sent out to our people. Immediately standing there, Democrat and Republican, Senate and House, all united.

The other image is this: not too long after that event, we convened in this House, a joint caucus called by the gentleman from Illinois (Speaker HASTERT) and the gentleman from Missouri (Minority Leader GEPHARDT). The issue was different. It dealt with anthrax. There were concerns, purportedly a deal had been agreed to, signed off by the President and the Senate, that because of concerns as they related to safety, that we would close down this Chamber, and people would go home.

It was not met agreeably amongst the caucus. But our leaders appealed to our better angels, and we agreed to go home. The Senate did not. Recall, if you will, how you and your colleagues felt viscerally when the papers reported that the Senate was here, and the House had gone home.

I asked the Committee on Rules to make four amendments in order. The Committee on Rules only made two in order. My two proposed amendments, which were taken prisoner by the committee, would have allowed States to use their regular means of selecting candidates, and would have avoided trampling on 40 years of voting rights laws.

Under this bill, political parties must select candidates within 10 days of the Speaker's declaration, or give up their place on the ballot. So much for the participatory process of candidate selection.

In my heart, and I thought it was great discussion in front of the Committee on Rules, I agree with what the gentleman from Massachusetts (Mr. MCGOVERN) had to say. He suggested in the Committee on Rules that this issue is of such gravity, and such importance, that it actually transcends the normal committee processes, and that, in a joint committee, much like the one that the gentleman from Illinois (Mr. HASTERT) and the gentleman from Missouri (Mr. GEPHARDT) called, we should discuss this issue amongst ourselves.

These are complex issues that require us to examine them throughly, but I do not believe the underlying bill provides that. Some of the things eloquently addressed by the gentlemen who are proposing the underlying bill, do protect, do promote, and do give great glory to this body and its grand tradition.

Others have spoken equally eloquently on that issue as well, in talking about the need for representative democracy to be promptly installed, while making sure that in fulfilling the mission of having people duly elected, we do not trample on the democratic rights and the processes by not allowing enough time.

I urge a "no" vote.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 6 minutes remaining. The gentleman from Texas (Mr. FROST) has 14 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, there may be differences on this bill, but the issue I want to raise is one I am pleased to say there are no differences on.

I appreciate this debate and the country appreciates it. I have already raised the matter with the gentleman from Wisconsin (Mr. SENSENBRENNER). I appreciate the way in which he received the fact that the District of Columbia and the four territories are technically not included in this bill because it authorizes the States to hold a special election.

I come to the floor only before the local press and the national press raise it with me. The District of Columbia, of course, is likely to be a preeminent target. The other territories might well be. It might be easier to get to them than to us. I can understand how such an oversight would occur because we do not have the vote on the floor. We all have the vote in committee.

In any case, I know the House would want everybody to be represented in case there was a catastrophe of any kind, and I want to give my thanks once again to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for receiving this issue which he has assured me will be corrected.

I thank the gentleman for yielding me the time.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentleman from Washington (Mr. BAIRD).

☐ 1200

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) not only for yielding me this time, but for his leadership on this issue. I also want to acknowledge the gentleman from California (Mr. COX) for his work, the gentleman from Connecticut (Mr. LARSON), the gentleman from Rhode Island (Mr. LANGEVIN), the gentlewoman from California (Ms. LOFGREN), the gentleman from California (Mr. SHERMAN), and the gentleman from California (Mr. ROHRABACHER), all of whom, I think, have proposed innovative and real solutions to this problem.

It is the night of the State of the Union Address. The President of the United States is here addressing the assembled body of the House and Senate.. Behind him sits the Vice President of the United States in his capacity as President of the Senate. The Speaker of the House sits next to him. The Joint Chiefs of Staff are here, the diplomatic corps, and the judges of the Supreme Court.

In midspeech, the television screens and radios across this country go blank. No one knows what has happened. A few moments later, one station reemerges on the air and says, "Ladies and gentlemen, we have received word that a nuclear weapon has been detonated in our Nation's Capital. It apparently was set off very near the Capitol itself. We have no preliminary word, but it is quite possible that all Members of the House and the Senate and the President and his Cabinet, save one Member, have perished."

At that moment someone must tell our Nation and must tell the world what happens next. The bill before us answers that question with the words chaos and uncertainty. There are provisions put forward that would give a constitutionally valid mechanism of rapidly reconstituting this body, of assuring the Article I checks and balances that were so important to Mr. Madison, to that individual, Mr. Washington, and to the Constitutional Convention. But, Mr. Speaker, 2½ years after September 11, we have not been allowed to debate those measures that are true solutions before this body.

We have argued here, and we have heard eloquent arguments that elections are important, and let me be clear about something: Not one proposal that requires or provides for a temporary amendment, not one, would eliminate elections. We all share that conviction, all of us do, and it is duplicitous to suggest otherwise.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And, Mr. Speaker, I in no way said that people are trying to avoid elections. What I am arguing is, if we do move in the direction of appointments, we create the opportunity for Members of this institution who would serve here by appointment to potentially move in that direction.

Mr. BAIRD. Reclaiming my time, Mr. Speaker, it is my understanding the gentleman from California and the Chair of the Committee on the Judiciary have sent a letter to our colleagues suggesting that people have attempted to ban elections. If the gentleman would wish to retract that, I would welcome that opportunity, because it is false, and the gentleman knows it. I believe it was circulated under the gentleman's signature.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, I would just say that I have not seen the letter, and I do not believe that we are seeking to ban elections, so I want to make that clear.

Mr. BAIRD. Mr. Speaker, I thank the gentleman for that clarification.

It is absolutely true. Not one proposal seeks to ban elections. What do we seek? Checks and balances. We seek to ensure that the Article I responsibilities of declarations of war, appropriating funds, impeaching a President, and all the other things that this body is tasked for in Article I, not the executive branch, are preserved, and the bill before us today does none of that. Does none of that.

It leaves this country and the world with an unelected person serving in the executive branch and claiming extraordinary unconstitutional powers, and that is perilous for a republic, not simply a democratic republic, but a republic where representatives carry the voice of the people to this Capitol.

Let me tell you what I think is wrong with the bill beyond that. In providing for a 45-day election, let me, first of all, say that many experts in this country have said a 45-day period is insufficient time for a genuine election, and that includes the head of the Elections Board of the State of Wisconsin, who said a minimum of 62 days would be necessary. It includes our own Member of this House, the gentleman from Rhode Island (Mr. LANGEVIN), a former secretary of state, who has conducted elections. It is not enough time.

Furthermore, what happens if a State cannot conduct its election in 45 days? What happens? A nuclear weapon is not only detonated here, but, in a quite plausible scenario, it is detonated also in New York City and in San Francisco, California. Are they to conduct elections in 45 days in those circumstances? Will the Members subsequently elected not be seated? What happens to the structure of this body if a few Members survive, and then more Members come as one election is held? Who is the Speaker of the House?

And by the way, let me clarify something. The Constitution is absolutely clear that a quorum is not a majority of those chosen, sworn and living, it is a majority of the membership. This notion that three or four people would be enough to have a House of Representatives flies so in the face of what the Framers intended.

The first official act of the first Congress was to adjourn for lack of a quorum. They did not believe for a moment that a handful of people should be present and maybe make decisions to take this country into war, or impeach a President, or levy taxes, or appropriate funds. A majority must be present. What happens until that majority comes back under this rule? Again, chaos and uncertainty.

We have an opportunity to discuss real solutions. A bipartisan, nonpartisan commission made up of scholars and distinguished statesmen, people like Alan Simpson from Wyoming, hardly, hardly a liberal Democrat, hardly a partisan, a true statesman, joined together and said let us look at this issue. To a person, that commission to a person began and said, we do not want to solve this by amending the Constitution. And yet after a year of study and review, to a person they agreed that that is the solution, with great regret, that we must resort to.

And, no, it does not take away your right to elect a Representative, but it preserves your right to have a Representative here when we decide how to respond to that attack. And it says you shall have the opportunity to have an election to replace that person as promptly as possible, through a real election, not a sham, expedited election that disenfranchises independent voters, as the bill does today. To a person these statesmen started with saying we do not want an amendment, and they reached the conclusion that we have to.

Let me close with this. On September 11, on flight 83, those passengers gave their lives to give us a second chance. That fourth plane was heading here with the full intent to kill everybody in this building if it possibly could. We know that our adversaries would seek nuclear weapons. We know nuclear materials are available. We know if they get one, they will set it off, and they will do so in this Capitol. We have been given a second chance.

The September 11 Commission has shown what happened to this country and to the world when advanced warnings were not heeded and action was not taken. Shame on us, eternal shame on us, if we do not take action to protect the Article I responsibilities of this body. Protect the right to elect Representatives, but protect the right to have a Representative and protect the checks and balances and separation of powers that have preserved this great Republic.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, at 9:50 in the morning on September 11, 2001, I was standing in this Chamber waiting to bring up three bills that had come out of the Committee on the Judiciary. At that time the Sergeant at Arms told Speaker HASTERT that another plane had been unaccounted for; that it was heading in the direction of Washington, D.C., and the Speaker promptly ordered the evacuation of the Capitol and told me to run for my life.

Had that plane not left the gate at the Newark, New Jersey, airport, I would not be standing here today, nor would this building be standing here today. I think that gave me pause to think of what would happen to preserve this unique representative government should there be a disaster that wiped out the entire Congress. And the debate today goes basically to the issue of whether the reconstituted House should preserve the tradition that the House of Representatives has always consisted of Members that were first elected by the people, or whether we should have appointed Representatives, appointed by the Governor, appointed by the legislature, or appointed by ourselves before we passed away.

Now, if Armageddon should take place and a disaster should happen, we can have an executive branch that is headed by an appointed Cabinet Secretary under the Presidential succession law. We could have a Senate of 100 Members appointed by the Governor of the respective States. And if we should amend the Constitution to allow the appointment of Members of the House of Representatives, then we would have an appointed House. Is that what the Framers of the Constitution had in mind, an appointed President, an appointed Senate, and an appointed House of Representatives? No way. And the comments of James Madison in the Federalist Papers are right on target.

So the issue today is whether we should amend the Constitution to allow for the appointment of interim Representatives or figure out a way to elect replacement Representatives who would come to Washington, D.C., or wherever the Congress would be meeting, with a mandate from the people at the time of the most severe crisis in the history of this country. And this bill attempts to set up a mechanism so that we can have prompt special elections.

Now, no election is perfectly run. We have sure found that out 4 years ago in the Presidential election. But I am here to tell you that elections, no matter how imperfect they are, are much better than having an appointed House of Representatives where the loyalty would be nowhere but to whomever made the appointment.

Now, I have heard a lot of complaints from my friends on the other side of the aisle that I am stonewalling consideration of a constitutional amendment. That is not true. We had a hearing last year on the constitutional amendment proposed by the gentleman from Washington (Mr. BAIRD). It did not get very much support. But at the first markup of the Committee on the Judiciary that we will have, we will take up his constitutional amendment and send it to the floor. I will vigorously oppose it on the principle that I am opposed to having appointed Members sit in this House of Representatives. But we ought to have a debate on this, and we ought to see who wants to have our replacements be elected or our replacements be appointed should we be wiped out.

Then I hear the complaints that 45 days is too quick to be able to organize a fair election. That is not true. In Virginia, when there is a vacancy in the Virginia General Assembly due to a death or a resignation, there have been special elections that have been held within 12 days after that vacancy occurred, and nobody has complained that the successor Representative was unfairly elected.

During World War II, the British House of Commons, which, like the House of Representatives, has entirely consisted of people who have been elected by the people since 1215 A.D., they were able to have special elections within 42 days after a vacancy occurred. Notwithstanding the point that the Nazis were bombing Britain every night incessantly, they still were able to stand up and preserve the notion that people should come to the House of Commons with a mandate from the people and not be appointed by anybody else.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding me this time.

The chairman of the Committee on the Judiciary has properly framed the debate that we should be having to date as a choice between this bill and the options of having constitutional amendments. What he failed to indicate was that the rule does not make in order that debate, and it is for that reason that I rise in opposition to the rule itself, because this is not an issue about which there is a right or wrong answer. There are a number of different alternative solutions to the problem that present themselves if a number of people are wiped out in this body.

What we ought to be doing is having a serious debate about each one of those options so that each Member of this Congress can make a reasoned evaluation of what way to go. So I think we should defeat the rule, go back to the drawing board, and let us bring all the options to the body for debate.

□ 1215

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I want to express my appreciation to the chairman of the Committee on the Judiciary for indicating he would bring my proposed amendment up; but I would also like to underscore that my belief is we should not simply bring my amendment up. The gentleman from California (Mr. ROHRABACHER) has a proposed amendment, the gentlewoman from California (Ms. LOFGREN) has a proposed amendment, as do several other Members.

I proposed a rule that would allow for multiple possible amendments to be considered, plus ample time for debate and amendment of those amendments until we move toward two-thirds vote for final passage.

Last night on this floor I met with many Members of this body, and I asked them if they knew enough about this bill today to vote on it in an informed way. The collective answer was, no. Because of that, we should defeat the rule before us today, give this issue adequate time, as the gentleman from North Carolina (Mr. WATT) said, and make sure that all opportunities are discussed.

I am pleased that the chairman of the Committee on the Judiciary wants to address amendments, but I would respectfully ask the gentleman to not just simply consider mine; consider others so various approaches may be debated and this body has a chance to choose the true and best solution.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule, but in opposition to the underlying bill, H.R. 2844. This is a very serious issue, and we have heard two sides of the debate. One emphasizes making appointments, and the other emphasizes having expedited elections.

I have a constitutional amendment proposed, H.J. Res. 92, which satisfies both of these objectives and would permit Members when they are being elected by the public to designate a successor in case they are incapacitated or killed during the time they are in office. This would permit the public to vote on someone's successor as well as the person running for office. It seems to me this is the best approach.

The current approach that we are being offered today in H.R. 2844, I do not believe is the best way to go because it would leave the party leaders to nominate who the choices are for the public. In essence, the party hacks are going to control who the public can vote on. Let us give the public a chance to really vote in an ordinary election and oppose H.R. 2844.

Mr. Speaker, I rise in support of this rule, but in opposition to the underlying bill, H.R. 2844.

Continuity of representation in Congress is a very serious matter. On one side of this debate we will hear that we must have temporary replacements as quickly as possible in a national emergency. On the other side, we will hear that to be legitimate, any replacement House Members need to be chosen through the electoral process.

I happen to think both sides are right in their stated principles, and that's why I've introduced a congressional succession constitutional amendment, H.J. Res. 92, which I believe satisfies the core objectives of each side.

Under my proposal, each general election candidate for the House and Senate would be authorized to appoint, in ranked order, 3 to 5 potential temporary successors. For these appointments to be valid, the successful candidate would have to have submitted them in publicly available form at least 60 days prior to the election. In the case of the elected legislator's death or incapacity, the highest ranked person on the list of successors would become the Acting Senator or Representative. Determination of incapacity in my proposal generally follows the precedent of the 25th Amendment, under which the President either declares his own incapacity, or people he has appointed do so.

The legitimacy of a successor designated under H.J. Res. 92 temporarily succeeding a deceased or incapacitated Representative or Senator is similar to that of a Vice President succeeding a deceased or incapacitated President—not separately elected, but chosen by the principal and known well in advance of the election. Primarily to provide the incentive for incumbent and non-incumbent candidates to submit successor lists, state governors would be empowered to appoint temporary replacements only if no such list is submitted, or if no one listed is able to serve.

Continuity of representation, I think we would all agree, means that the death or incapacity of Senators and Representatives should cause as little change in the composition of Congress as possible, which means that replacements should be politically as much like the deceased or incapacitated Member as possible. Who better to determine who fits that bill than the elected official him- or herself?

There is no reason to limit a satisfactory solution to the "continuity of representation" problem to a situation horrible enough to kill or incapacitate a quarter or more of the House. Even 50 or 20 Representatives being killed or incapacitated could make a profound change in the direction and control of the House. And the death or incapacity of even one Representative deprives 600,000 U.S. citizens of representation for the several months it typically takes for the vacancy to be filled. Also, the legitimacy of a congressional succession plan is more likely to be accepted in a national emergency if it has previously worked in smaller tragedies.

When State governors use their current power under the 17th Amendment to appoint temporary Senators, they naturally appoint someone who is politically like themselves, even if that appointee is the complete political opposite of the deceased Senator.

We saw this played out most recently in the aftermath of the tragic death of Senator Paul Wellstone (D–MN) when control of the Senate was in the hands of the third-party governor of Minnesota.

Also, during the last Congress there was a constant theme of speculation about the fact that the death in office of the aged and ailing Senator Strom Thurmond (R–SC) would allow the Democratic governor of South Carolina to change party control of the senate for up to 2 years.

There is also clearly a democratic problem with the status quo in the House in which we allow death or incapacity to leave the seat vacant and the district unrepresented for months.

But H.R. 2844 in some ways would actually make the democratic problem worse. Although replacement would be sooner than the status quo, the replacement would be someone whose nomination was decided by party bosses, not by a vote of the people. For all the talk about ensuring that this House of Representatives stays "the people's house," that is just not a democratic way of filling vacancies.

By contrast, H.J. Res. 92 gets an immediate replacement already vetted by the voters, and then allows States to get a regularly elected replacement who is both nominated and elected by the voters. It is obvious to me that H.J. Res. 92 is better for both the continuity of Congress and for democracy than H.R. 2844.

I ask my colleagues to defeat H.R. 2844, and support my congressional succession constitutional amendment, H.J. Res. 92.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the matter we are about to consider today, how to keep the House of Representatives functioning in the event of catastrophe, is one of the most serious and important issues we will ever consider.

When I cochaired the Continuity of Congress Working Group in 2002, Members from both parties took a nonpartisan approach to the issue and kept an open mind as to how we could achieve a solution.

How times have changed. The open-minded, nonpartisan spirit we had when we began discussing this issue has completely disappeared. The restrictive rule that the Committee on Rules reported out last night has completely convinced me that this House is now putting partisanship ahead of its institutional duties.

Mr. Speaker, a number of very intelligent people have devoted a lot of time and effort considering this question. I think it is a tragedy that their ideas will not be debated today. That is why I am urging a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that immediately after the House passes H.R. 2844, it will take up the bill of the gentleman from Washington (Mr. BAIRD), H.J. Res. 83, under a comprehensive and thorough debate process that this issue deserves. The Baird bill would amend the Constitution to provide for an emergency procedure to keep the House of Representatives working should a significant majority of this House be killed or incapacitated. I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as evidenced by the remarks, this is a very important issue. I want to remind Members, in my opening remarks I mentioned that there are several things that need to be taken up. One, obviously, is a quick way to try to get the elected representatives back here. The other is the issue of incapacitation, which will be taken up next week in the Committee on Rules, and also the issue of a constitutional amendment of the various types that are floating around. That was confirmed by the chairman. There will be more debate on the issue. This is the first step, however. We ought to pass this rule, pass this bill, and continue our discussion on the other issues.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 602.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. FROST. Mr. Speaker, reserving the right to object, and I will not object, but I would like to point out that in the Committee on Rules, and I understand Members want to revise and extend their remarks on the rule and submit all kinds of material, but I would point out when this rule was being considered by the committee, we asked for an additional hour of debate on the bill itself and we were denied that by a rollcall vote. That vote was Committee on Rules record vote No. 247, three "yeses" and six "noes."

I will not object to Members being able to revise and extend their remarks, but I wish we had provided for additional debate time on this very important piece of legislation. That was a reasonable proposal that was made in the Committee on Rules and was rejected by the other side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are going to have more debate on this important issue of continuity in Congress. We will have several more opportunities, and I suspect we will have plenty of time to have that debate. I certainly hope we will.

Mr. LINDER. Mr. Speaker, I rise in support of this rule, and I thank my friend and colleague from the Rules Committee, DOC HASTINGS, for yielding me this time.

H. Res. 602 is a fair, structured rule, which House members on both sides of the aisle should strongly support. It makes in order a total of four amendments, all of them offered by members of the Minority Party. Debating these amendments will allow the House to work its will on some of the key issues raised by H.R. 2844.

I also rise in support of the underlying legislation, H.R. 2844. In his Second Treatise on Government, John Locke wrote "the first and fundamental positive law of all commonwealths is the establishing of legislative power. Itself is the preservation of the society and of every person in it."

Today, we examine whether the current mechanisms by which our government is created and maintained sufficiently provides for the continuation of representation in the event of a horrific disaster. Our efforts should answer the question of whether we are, in modern times, prepared to provide a rapid governmental response if and when disaster strikes that very government.

The executive branch has made contingency plans so that in a dire emergency it would be able to continue functioning on behalf of the American people. This is a prudent thing to do. The House in its opening day rules package included significant positive rules changes stemming from the recommendations made by the bipartisan Continuity of Congress Task Force.

Today, with the consideration of H.R. 2844, the U.S. House of Representatives begins to put in place a new system for ensuring the continuity of the Congress in the aftermath of a catastrophic event.

H.R. 2844 provides that, if more than 100 House Members are killed, the Speaker of the House can declare that "extraordinary circumstances" exist. Such a declaration would trigger expedited special elections in those districts whose Members have been killed within 45 days. The political parties are given 10 days within which to nominate candidates for these elections.

The important constitutional principle that this bill upholds is the unique nature of the People's House. The government should neither exist nor change but with the express will of the people by whom and for whom it was created. Without an elected House, legislation could be passed by a Federal Government composed entirely of the unelected. We must continue the tradition of the People's House, and H.R. 2844 does so.

With that, Mr. Speaker, I urge support of this important rule.

The material previously referred to by Mr. FROST is as follows:

At the end of the resolution add the following new section:

SEC. 2. On the next legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives. The first reading of the joint resolution shall be dispensed with. All points of order against consideration of the joint resolution are waived. General debate shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Baird of Washington and the chairman of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule in accordance with sections 3 and 4. The joint resolution shall be considered as read. No amendment to the joint resolution, or to the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, shall be in order except as specified in this resolution. Clause 6(g) of rule XVIII shall not apply with respect to a request for a recorded vote on any amendment.

SEC. 3. (a) Before consideration of any other amendment, it shall be in order to consider the amendments in the nature of a substitute specified in subsection (b). Each such amendment may be offered only if the Member has caused the amendment to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, may be offered only in the order specified, may be offered only by the Member designated or a designee of such Member, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment except as specified in section 4. All points of order against such amendments are waived (except those arising under clause 7 of rule XVI). If more than one amendment in the nature of a substitute specified in subsection (b) is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole.

(b) The amendments in the nature of a substitute referred to in subsection (a) are as follows:

(1) Any amendment offered by any member (other than any amendment described in paragraph (2), (3), or (4)).

(2) An amendment offered by the ranking minority member of the Committee on the Judiciary.

(3) An amendment offered by the chairman of the Committee on the Judiciary.

(4) An amendment offered by Representative Baird of Washington.

SEC. 4. (a) After disposition of the amendments in the nature of a substitute specified in section 3(b), the Committee of the Whole shall rise. On the fourth legislative day which follows the legislative day on which the Committee rises under this section, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole for further consideration of the joint resolution. After an additional period of general debate, which shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Baird of Washington and the chairman of the Committee on the Judiciary, the provisions of the joint resolution, or the provisions of the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, shall be considered as an original joint resolution for the purpose of further amendment under the five-minute rule, subject to subsection (b). Each such further amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent (except as provided in subsection (c)), shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(b) No further amendment may be offered pursuant to this section except for the following, each of which (other than the amendment described in paragraph (7)) may be offered only if the Member has caused the amendment to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII:

(1) If an amendment in the nature of a substitute to the joint resolution is finally adopted (in accordance with section 3), two amendments offered by the sponsor thereof.

(2) One amendment offered by the chairman of the Committee on the Judiciary.

(3) One amendment offered by the ranking minority member of the Committee on the Judiciary.

(4) Two amendments offered by the majority leader.

(5) Two amendments offered by the minority leader.

(6) Two amendments offered by Representative Baird of Washington.

(7) The amendment referred to in subsection (c).

(c) After disposition of the amendments described in paragraphs (1) through (6) of subsection (b), it shall be in order to consider an amendment offered by the sponsor of the amendment in the nature of a substitute to the joint resolution finally adopted (in accordance with section 3) or his designee, or if no such amendment in the nature of a substitute is so adopted, an amendment offered by Representative Baird of Washington or his designee. All points of order against such amendment are waived (except those arising under clause 7 of rule XVI). The amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 5. If at any time during the consideration of the joint resolution the Committee of the Whole rises and reports that it has come to no resolution on the joint resolution, then on the next legislative day (except as provided in section 4), immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole for further consideration of the joint resolution.

SEC. 6. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution, or the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, to the House with such further amendments as may have been adopted. Any Member may demand a separate vote in the House on any further amendment adopted in the Committee of the Whole to the joint resolution as perfected by an amendment in the nature of a substitute finally adopted. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 7. It shall be in order to take from the Speaker's table H.J. Res. 83, with any Senate amendment thereto, and to consider in the House, without intervention of any point of order (except those arising under clause 7 of rule XVI), a motion offered by the sponsor of the amendment in the nature of a substitute to the joint resolution finally adopted (in accordance with section 3) or his designee, or if no such amendment in the nature of a substitute is so adopted, offered by Representative Baird of Washington or his designee, to dispose of any such Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 210, nays 198, not voting 25, as follows:

[Roll No. 126]

YEAS—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—25

Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Fossella
Gallegly
Gephardt
Greenwood
Hall
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Miller (FL)
Mollohan
Peterson (PA)
Pombo
Shuster
Tauzin
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1245

Messrs. ROTHMAN, JOHN, CARSON of Oklahoma, DEUTSCH, CASE, CONYERS, McNULTY, MARSHALL, and LIPINSKI changed their vote from "yea" to "nay."

Mr. NUSSLE changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 197, not voting 24, as follows:

[Roll No. 127]

AYES—212

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri

Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—24

Cannon
Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Gallegly
Gephardt
Greenwood
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Mollohan
Peterson (PA)
Pombo
Shuster
Strickland
Tauzin
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1254

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 602 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2844.

☐ 1254

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 2844, the Continuity in Representation Act of 2003. This important legislation furthers the important objective of ensuring that the House of Representatives, the people's House, continues to function effectively during times of national emergency.

Mr. Chairman, it has now been over 2 years since the horrific events of September 11, 2001, a day in which terrorist enemies of the United States murdered thousands of innocent American citizens in cold blood and struck devastating blows against symbols of our country's economic and military power. These lethal attacks served as a very painful reminder of the destructive intent of our terrorist enemies, as well as the increasingly sophisticated and devastating methods by which they carry out their deadly work.

Since that grim day, we have been forced to contemplate the dreadful possibility of a terrorist attack aimed at the heart of our Nation's government here in Washington, D.C., possibly carried out with nuclear, chemical or biological weapons of mass destruction. Such an attack could potentially annihilate substantial portions of our Federal Government and kill or maim hundreds of Members of Congress. This is not a comfortable scenario for any of us to confront, as it forces us to contemplate the possibility of our own demise at the hands of our terrorist enemies.

Nevertheless, if such an attack were ever to occur, the presence of strong national leadership would be more important than ever. The American people would be desperately seeking reassurance that their government remained intact and capable of acting vigorously in the Nation's defense.

In the aftermath of a catastrophic attack, it would be imperative that a functioning Congress be in place with the ability to operate with legitimacy as soon as possible. How best to ensure the continuity of the House of Representatives in the wake of a terrorist attack is a complex and difficult question that defies a simple solution.

When drafting the Federal Constitution, our Founding Fathers designed the House to be the branch of government closest to the people. They believed the only way this objective could be accomplished was through frequent elections. Consequently, the Constitution, Article I, Section 2, Clause 4, provides that vacancies in the House may be filled only through special elections. As a result, no Member has ever served in this House who was not first elected by the people he or she represents.

Last September, the Committee on House Administration, which I chair, along with our ranking member, the gentleman from Connecticut (Mr. LARSON), and Members from both sides of the aisle, conducted a hearing on H.R. 2844 to allow leading thinkers on the issue of congressional continuity to provide insight on the many different aspects of this important issue. That hearing revealed that the debate on this subject essentially divides into two camps: Those who view a quick reconstitution of the House as the most important consideration, and, thus, support a constitutional amendment allowing for the appointment of temporary replacements to fill vacant House seats; or, the second camp, those who believe retaining the House's elected character is paramount and, therefore, support expedited special elections as the exclusive means for reconstituting the House of Representatives. The second camp I described is what this bill of the gentleman from Wisconsin (Chairman SENSENBRENNER) does.

Though the two sides in this debate disagree on many fundamental issues, both agree that expedited elections should be part of the solution to this complex and difficult question. For this reason the Committee on House Administration marked up and passed out of committee H.R. 2844, which establishes a framework for conducting expedited special elections to fill House vacancies resulting from a catastrophic terrorist attack. The goal of this legislation is to ensure the continuing operation of the House during times of national crisis, while at the same time protecting the character of the House as truly an elected body.

The Continuity in Representation Act requires that expedited special elections be held within 45 days of the Speaker of the House announcing that more than 100 vacancies exist in the House. The political parties authorized by State law to make nominations would then have up to 10 days after the Speaker's announcement to nominate a candidate. However, a State would have to hold an expedited special election if a regularly scheduled general election were to be held within 75 days after the Speaker's announcement, thus basically providing a 30-day extension for such States.

We are under no illusion that holding expedited special elections would be challenge-free for the States. We know that. When we have regular course of order, it is a challenge, as we all know. Even under the best circumstances, conducting an election presents many logistical hurdles. Nevertheless, a number of States already require House vacancies to be filled via the special election within 45 days or less.

In addition, the majority opinion of the Nation's chief election officials, one of whom testified, appears to be that 45 days would provide sufficient time to plan and prepare for an expedited special election. Again, they did not say it would be easy, but they thought it would provide enough time.

□ 1300

Therefore, I believe H.R. 2844 strikes the proper balance between the demand to fill House vacancies through special elections in as short a time frame as possible and the need for election officials and the voting public to have the time necessary to get ready for the elections to make informed choices.

In conclusion, as Members of Congress we owe a duty to the people whom we represent to contemplate and devise response to worst case scenarios, which we all hope never happens; but we have to again be ready and be able to respond to those scenarios to ensure that no terrorist attack will ever cripple the ability of the people's House to function effectively.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill through the process. I also want to thank our ranking member, the gentleman from Connecticut (Mr. LARSON). I thought we had a very good look at the different issues in the Committee on House Administration and a very healthy debate on those issues. And I urge the support of the bill.

Mr. Chairman, also I want to thank our whip, the gentleman from Missouri (Mr. BLUNT), for his work on this issue also.

Mr. Chairman, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin also by thanking my distinguished colleague from Ohio. Throughout this debate and discussion, clearly when there was an opportunity where issues were non-germane because of the importance and gravity of this issue, the chairman saw fit to make sure that this discussion was able to flow in our committee.

I further want to thank the Speaker of the House and the gentleman from Missouri (Mr. BLUNT), as well, for their intercessions and understanding of the importance and significance of this issue. And as was mentioned by the gentleman from California (Mr. DREIER), and the gentleman from Wisconsin (Mr. SENSENBRENNER) earlier as well, their willingness to bring a constitutional proposal before their committees, which I think is an important step in this process.

The continuity of Congress, as was pointed out by the distinguished chairman, apparently means different things to different people. But in reality, it comes down to one question: Can the legislative branch be fully functional in the immediate aftermath of a disaster which affects some or all of its Members? Can it "stand up" immediately in the wake of a catastrophe? For that kind of thing to take place, I turn to "Justice," or more appropriately Judge Learned Hand, whose name I think is among the great names in history. But more importantly, what Judge Learned Hand said is "The spirit of liberty is the spirit which is not too sure that it is right."

As we approach this debate today, and understanding the complexity of the issues involved, as the gentleman from North Carolina (Mr. WATT) said earlier, neither side should be claiming that it is "right," but both sides should be citing the principles that they are adhering to in trying to put them forward in the current context.

In my remarks before the Committee on Rules, I cited a couple of images that are seared in my memory, and I think the minds of most people here—the image of us all united on the steps of the Capitol immediately following the attacks on September 11, together and unified. And then also, not too long afterward, another situation that arose with respect to anthrax that moved the Speaker and then-Minority Leader GEPHARDT to convene a joint caucus. In that joint caucus we also discussed very important issues.

And at that time, because of the safety concerns around this building, our leaders argued that we had to shut down the legislative process, shut down the building for safety reasons, in what was thought to be an agreement with both the President and the other body. Appealing to our better angels, even though the Membership itself did not want to go home, we did, only to read in the papers that while the House was at home, the Senate was doing its duty. We know what the reality of that situation is.

I raise these symbolic images because of the message it sends out to the American people. And as was pointed out by the distinguished gentleman from Ohio, I think it directly points to the differences that we have with regard to this bill. And they are important distinctions.

Earlier debate on the rule highlights the fact that there are really two convergent remedies before us today. Under immediate consideration is a statutory scheme to quickly fill House vacancies in the wake of mass casualties. Like it or not, even these expedited elections, which maintain the elective character of the House, cannot satisfactorily fill the potential power vacuum created in the wake of a catastrophic event, and do not address the issue at all with respect to incapacity.

It is important because, if either the House or the Senate cannot operate, or their actions are subject to questions of legitimacy, our systems of checks and balances fails, and our democracy is in jeopardy. These questions of legitimacy were raised most notably in my research by Estes Kefauver, when he said, having nobly served in this House, that no one enters into this Chamber who has not—as the gentleman from Wisconsin (Mr. SENSENBRENNER) eloquently said—been duly elected by the people. That is a powerful and unique statement to make. But Kefauver went on to say that there is an important concern about the representative nature of this democracy—that while we are, in fact, elected by people, we are sent here by the States. And a catastrophe that could prevent whole States from not being represented for 45 days goes to the heart of my concern about the underlying bill.

So I have some questions that I pose to the House today, for our consideration as we debate this bill.

First, in the wake of a disaster, is the House able to reconstitute itself so that its actions are viewed by the American people as legitimate and representative under the Constitution? And legitimacy here is very important. Unless representatives from nearly all the 50 States are present to debate and deliberate, then the answer is "No." Although, arguably, the House could function under parliamentary rules with as few as three Members, would the action of three Members have the legitimacy that it needs?

We all know and have heard from earlier debate that the Senate could immediately reconstitute itself. And there is a process for succession for the President. The smaller the number of Members, and the fewer the number of States represented, the greater the question of legitimacy.

Unless fully constituted with all 50 States participating, through some form of representation, there is no "representative" body for the people of various States, and House actions would lack the legitimacy of national "majority rule" under the Constitution.

Second, if immediate legislative authority is necessary to validate and support executive branch functions, and I believe it would be, or to hold them in check, will that legislative authority be there? If not, will the executive branch feel constrained to wait for a reconstituted legislative branch to work its legislative will? In a crisis, will we be governed by the rule of law, or by the will of men?

No one I have ever talked to about this scenario believes that the executive branch will put its functions on "hold" while the House is being reconstituted. If there is a national threat, or a natural disaster, the executive branch will respond however it chooses, perhaps extralegally, because of the absence of checks and balances from a functioning legislative branch. In other countries, this type of executive branch action would be called "martial law."

Third, is it necessary to squeeze the lifeblood out of our democracy's electoral process in the name of expedited elections? Clearly, that is not the intent of the proponents of this bill—I understand that. But unintended consequences happen in these situations.

Presumably state-chosen representatives, could save temporarily, while awaiting permanent replacements which are the result of legitimate popular elections conducted in the 50 States under their own election processes. This bill Federalizes State election procedures in these circumstances, and its timetable, unfortunately, tramples all over essential elements of our democracy, squeezing out most States' candidate eligibility and the selection procedures, voter registration opportunities and voter choice. It also tramples on 40 years of civil rights and voting rights laws. Is this really necessary?

Mr. Chairman, I will include for the RECORD the following letters and documents.

SECRETARY OF THE STATE,
CONNECTICUT,
Hartford, CT, December 11, 2003

Hon. JOHN B. LARSON,
Longworth HOB,
Washington, DC.

DEAR CONGRESSMAN LARSON: As the Chief Elections Official for the State of Connecticut, I am writing to express my concern over H.R. 2844 currently being debated in Congress that would require states to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

While Connecticut General Statutes under Section 9–215 already allows for a special election for state representatives and state senator in 45 days, a special election for a member of Congress would represent a much larger geographic and electoral population. In Connecticut, for example, a congressional seat can be 50 times the size of a state representative or a state senate district.

A 45 day special election in a Connecticut congressional district would not only be unworkable but runs counter to a fair and democratic process. Specifically, such a short time frame would not give voters the opportunity to make an informed decision about any of the candidates running for office or about the issues being discussed. In addition, a 45 day special election for Congress would not allow the opportunity for a primary. This would essentially force Connecticut back to a closed election process after the General Assembly recently opened up our democratic primary system this past legislative session.

In addition, pursuant to State and Federal law, the State of Connecticut has 45 days to issue overseas ballots. These ballots contain the names of candidates for federal office only and are available 45 days before any election where the names of candidates for federal office appear. Holding a special election for Representative in Congress 45 days after the vacancy would create a timeline too short to comply with the State and Federal laws requiring the availability of the 45 day overseas ballots.

Thank you for your consideration of my comments and I commend you on all of your hard work as you coOntinue to debate this very important issue in Congress. Please do not hesitate to contact me or my Deputy Secretary of the State, Maria Greenslade, if you have any questions or if I can be of assistance.

Sincerely,

SUSAN BYSIEWICZ.

STATE OF WISCONSIN,
ELECTIONS BOARD,
Madison, WI, September 5, 2003.

Hon. JOHN CORNYN,
U.S. Senator, Chairman, Senate Subcommittee on the Constitution, Civil Rights and Property Rights, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CORNYN: Thank you for the opportunity to comment regarding the proposals pending before the Subcommittee which would require special elections to be held to fill multiple congressional vacancies resulting from the a catastrophic event. I am the chief state election official for Wisconsin. I will endeavor to respond to your inquiries.

Twenty-one days would not be enough time to conduct an expedited special election in a crisis situation. Election preparation requires securing polling places, retaining poll workers, qualifying candidates, preparing ballots, delivering absentee ballots, setting up voting equipment and conducting the election. Candidate qualification requires a notice and filing process that will take at least 6 days, the current minimum under Wisconsin law. Ballot preparation, voting equipment programming and set up would take at least 1 week.

This leaves a week for absentee voting. This would effectively eviscerate the absentee voting privilege. The primary effect would be felt by military and overseas electors.

Twenty-one days would not be enough time to time to ensure the integrity of the democratic process. Candidate qualification would be so abbreviated that candidates would not have the time to meet qualification requirements, even if these requirements were loosened to expedite the process. In a crisis situation the focus of candidates and voters will likely be on the crisis and its daily impact. There would be no time for effectively winnowing the field through a primary, so the winner will likely have a small plurality of the vote.

Twenty-one days would effectively disenfranchise many voters. Overseas and military electors generally need 45 days of ballot transit time. Voters would have very little opportunity to learn about the qualifications of the candidates, the time of voting and location of the polling place. Voters with disability would likely have a more difficult time participating in the proposed timeframe.

Sixty-two days is the minimum time necessary to ensure proper mechanical operation of an expedited special election, consistent with democratic integrity and offering all voters the opportunity a meaningful opportunity to vote.

An expedited special election would likely cost the state of Wisconsin and local government at least $2 million dollars in out of pocket costs for notices, ballots, postage, poll worker salary, voting equipment vendor support and supplies. The cost of state and local election officials salaries and fringe benefits would be increased for overtime and other work would be set aside for the conduct of the expedited special election.

A 21 day schedule for special elections has the potential to undermine public confidence in the election process just when this confidence would be needed most. Na expedited election process needs to be put in place, but it should not be so abbreviated that individuals elected under the process lose credibility.

If you need additional information please contact me.

KEVIN J. KENNEDY,
Executive Director.

AUGUST 22, 1961.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on House Joint Resolution 91, a resolution to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

The Constitution, as amended by article XVII, provides that the Senate of the United States "shall be composed of two Senators from each State, elected by the people thereof . . . When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

However, with respect to Representatives, the Constitution provides in article I, section 2: "The House of Representatives shall be composed of members chosen every second Year by the People of the several States . . ." Section 2 also provides that "When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies."

The proposed amendment to the Constitution would provide that whenever the total vacancies in the House of Representatives exceed one-half of the authorized membership, for a period of 60 days thereafter the executive authority of each State shall have the power to make temporary appointments to fill any vacancies in the representation from his State in the House of Representatives. The amendment also provides that such appointee shall serve temporarily until the vacancy has been filled by an election as provided for by article I, section 2, of the Constitution.

While the Constitution has provision for dealing with vacancies in the Senate, other than through the time-consuming election process, there is no such provision with respect to vacancies in the House. The Supreme Court in *United States* v. *Classic* (313 U.S. 299), made it clear that elections are required for Members of the House of Representatives. The need for this amendment, especially during a period of national emergency or disaster, is pointed up by the critical world conditions today, and the ability of some nations, through the use of atomic and hydrogen devices, to wreak mass destruction in target areas.

The committee may wish to consider whether the power to fill vacancies should be operative only when more than one-half of the membership is vacant. It is noteworthy that similar proposals have been considered by past Congresses which provided for vacancies to be filled when the total number exceeded 145, or approximately one-third of the authorized membership.

The Department of Justice does not object to the enactment of this resolution, although it might be desirable to include a provision which would establish a procedure for officially notifying the Governors of the States, perhaps through Presidential proclamation, as to when they are authorized to make such temporary appointments.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

STATEMENT OF SENATOR ESTES KEFAUVER

Mr. Chairman, as a former member of this distinguished body where I was also a member of this particular committee, it is a real pleasure and privilege for me to have this opportunity to express to it my opinions on a subject of vital importance of the House of Representatives and the entire Nation.

I know from personal experience that the House of Representatives is properly proud of its historical role as representing the will of the people of the United States. No Member has ever entered this body except by the mandate and popular vote of his constituents. The Founding Fathers were determined that Members of the House should be responsible directly to the people. For this reason, they established a 2-year term of office and provided that vacancies should be filled in all events by special election. However, the framers of the Constitution could not foresee the stark realities of the mid-20th century when weapons of war which can wreak mass destruction almost instantaneously would come into the hands of hostile world powers.

Of course, the Senate, too, has since become a body elected by direct popular vote and although Members of the Senate are not required to submit themselves to the elective process so often, I believe that its Members are also keenly conscious of the fact that they are elected by, and are responsible to, the people.

In order that constitutional representative government may be continued in all events, I believe it is of vital importance to take precautionary steps so that some disaster could not prevent the legislative branch of our Federal Government from continuing to function in a fully representative capacity. As you know, presidential succession is assured by law. Vacancies in the judicial branch can be filled by Executive appointments. When the Constitution was amended to provide for direct election of Senators, provision was also made for temporary appointments by State governors to fill vacancies. Thus, if some nuclear disaster fell upon the Capitol, the executive and judicial branches and the Senate could be speedily reconstituted, but special elections would be required to fill vacancies in the House of Representatives. The delay in such a time could paralyze the functioning of the Federal government.

I do not say that it would necessarily be constitutionally impossible for the House of Representatives to function with but a fraction of its Members. I am informed that present parliamentary precedents indicate that the House can operate with a quorum of its living Members. But any disaster which killed one-half of one-third of the Representatives might well disable or isolate so many others that quorum of the survivors could not be mustered. Also, if this occurred before a new Congress had organized and adopted its rules, a point of order might well be sustained that a quorum consists of a majority of all Members chosen. In any event, it would be important at such a time that the representative character of the House be preserved, and that the delegations of the people of all the States be substantially intact for the urgent legislative action which would be taken. The President should have that degree of support and national unity which only a fully constituted Congress could give him.

For this reason, I have favored for a number of years an amendment to the Constitution which would authorize the Governors of the various States to make temporary appointments to the House of Representatives whenever some disaster substantially reduced its membership. I believe such appointments should be as temporary as conditions will permit and that the appointees should serve only until successors can be elected. However, in normal times, special elections require from 60 to 90 days, and in times of national emergency and disaster it could well be much longer before elections could properly be held.

Former Senator William Knowland of California was one of the earliest to become concerned about the continuity of constitutional representative government in the event of nuclear attack. In September of 1949, it was learned that the Soviet Union had exploded an atomic bomb. In the 81st Congress, Senator Knowland then introduced Senate Joint Resolution 145 on January 18, 1950. It set the number of vacancies which would authorize temporary appointments at one-half of the authorized membership of the House and set forth a detailed provision for a proclamation to inform the State Governors that their appointive power had arisen. In the 82d Congress, Senator Knowland introduced Senate Joint Resolution 59, which reduced the operative number of vacancies to 145 and also contained notification provisions. The Senate hearings held in the 81st and 82d Congresses indicate that it was thought that a majority of the authorized membership of the House was necessary for a quorum, and this may partially explain why Senator Knowland changed the operative number of vacancies from one-half to one-third in his proposal. It was developed in the course of hearings in the 84th Congress that parliamentary precedents required for a quorum only a majority of the Members of the House who are duly chosen, sworn, and living. Neither figure, therefore, has any particular constitutional or parliamentary significance. In my opinion, the operative number of vacancies should be determined by the point at which the representative character and legislative efficiency of the House might become so impaired as to require temporary appointments.

In the 83d Congress, Senator Knowland introduced Senate Joint Resolution 39, which again specified one-third and contained proclamation provisions. This resolution was approved by the Senate by a vote of 70 to 1 on June 4, 1954.

In the 84th Congress, as chairman of the Senate Subcommittee on Constitutional Amendments, I became interested in this subject and introduced Senate Joint Resolution 8, which set the number of vacancies at one-half and did not contain a proclamation provision. I felt then and feel now that the operation of the authority granted by such an amendment should not depend upon the following of some detailed notification procedure. There are many pitfalls in attempting to deal constitutionally with all the unforseeable difficulties which might prevent a specified mode of notification from being carried out. This resolution was approved by the Senate by a vote of 76 to 3 on May 19, 1955. In the 85th Congress, I introduced Senate Joint Resolution 157 along the same lines. In the 86th Congress, I introduced Senate Joint Resolution 39 and it was approved by the Senate by a vote of 70 to 18 despite the fact that two additional and separate articles of amendment were added to it on the Senate floor.

From this background, I believe it is safe to say that if the House of Representatives approves a constitutional amendment on this subject, the chances are very good that the Senate will also approve it.

Early in this Congress, I introduced Senate Joint Resolution 18, which set the operative number of vacancies at one-half. From discussion in the Subcommittee on Constitutional Amendments, I have concluded that one-third is a more suitable basis than one-half, although any choice is necessarily somewhat arbitrary. In considering the possible effects of the type of disaster which we should guard against, I think it is most likely that any disaster which killed one-third of the membership of the House would incapacitate so many of the survivors that the House would probably be left with substantially less than one-half of its membership available for the transaction of business. A strong argument can be made that the operative number of vacancies should be even less. Indeed, I doubt if the average citizen is conscious of any valid reason why individual vacancies in the House and Senate are treated differently by the Constitution with respect to temporary appointments.

Senator Kenneth B. Keating, also a former Member of the House of Representatives, and I have, therefore, introduced Senate Joint Resolution 123, which specifies one-third. It also authorizes Congress to enforce the article by legislation, leaving the way open to provide statutory procedures for determining when the requisite number of vacancies exist and notifying the State Chief Executives of this fact. Of course, the House will continue to be the constitutional judge of the qualifications of its own Members, in case unforeseen difficulties arise in the exercise of this grant of authority.

I know that the Department of Justice and the Office of Civil and Defense Mobilization are very much in favor of some amendments along these lines, and I understand that representatives of these agencies will appear personally at these hearings. At a time when we are preparing ourselves militarily for the possibility of World War III and we are calling upon our citizens for personal sacrifice to the point of urging construction of personal fallout shelters, I feel very strongly that it is the height of folly to leave a constitutional gap which might prevent the continuation of orderly representative government. The time is now singularly appropriate for approval of an amendment of this sort. It would demonstrate to Mr. Khrushchev that we are preparing governmentally, as well as militarily, if the enemies of freedom chose to precipitate World War III.

Mr. Chairman, I commend you and your committee for going into this subject at this time. I am not wedded to any particular form which the amendment should take, but I believe strongly that some amendment along these lines should be approved promptly by the Congress. I know that you will give this problem full and careful consideration and I am confident that the result will be a solution which serves the interests of all the American people, protects the integrity of this great legislative body, and insures the continuation of democratic government. Thank you for your courtesy and consideration.

(The statement referred to is as follows:)

STATEMENT BY REPRESENTATIVE CHARLES E. CHAMBERLAIN

Mr. Chairman, I wish to thank the committee for this opportunity to appear in support of House Joint Resolution 508. Although I think that the purpose of and the very real need of this constitutional amendment are self-evident and require no elaborate dissertation to prove their validity, I am pleased to present to the committee the reasons which have influenced my thinking and convinced me of its merit. I make no claims with respect to the authorship of this proposal to provide for the effective operation of Congress in the event of a national emergency or disaster, but I wholeheartedly favor it because I have been concerned, for several years, about the future of representative government during a period of hostilities of the devastating proportions that can be expected should the cold war become a hot war.

Mr. Chairman, I think we have all heard talk of the extensive plans to ensure the uninterrupted functioning of the essential agencies of the executive branch in the event of a nuclear attack on Washington . . . and this is, certainly, as it should be. But the question remains as to what would happen to the legislative branch under the same situation. As things now stand, should there be such an attack in which a large segment of the membership of the House of Representatives was lost, Congress would be unable to exercise all its constitutional powers and prerogatives until elections could be held. In the meantime we would have, for all intents and purposes, government by the executive branch. In addition, should Congress not be able to function, the morale of the Nation would be dealt a serious psychological shock which would only accentuate the chaos and confusion that would follow such an attack. Clearly, while we are acting to beef up our defenses, both at home and abroad, and while we are finally beginning to pay more attention to civil defense, this is a most opportune time to focus attention on this problem of how our system of government would function in such an eventually. Clearly, it is a time to anticipate every contingency and to act accordingly.

House Joint Resolution 508 provides for an amendment to article 1, section 2, clause 4, of the Constitution, which reads, "When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to file such Vacancies." The purpose of the amendment is to make it possible for the Governor of each State to fill immediately by appointment any vacancies resulting from an emergency or disaster. This would be effected when the Speaker, or in his stead some other duly empowered officer of the House, had certified to the President that over 145 vacancies existed in the membership, and when the President had then issued a proclamation permitting the Governor of each State affected to appoint new Members within 90 days. All other vacancies after this 90-day period would be filled in accordance with the customary procedures under clause 4 as it now reads.

I believe that is essential that we safeguard our form of government as well as our populations from the disorder and devastation that such an attack would precipitate. Consider if you will the possible effect if the legislative system of the leading Nation of the free world were suddenly paralyzed? In such a circumstance the very essence of representative government . . . so often unjustly attacked as being inefficient and incapable of functioning effectively in times of crisis . . . is challenged. In past years the failure of such institutions to meet the demands of the times has had a marked impact. The inability of representative government in Germany in the 1920's and 1930's to prevent the rise of nazism should indicate to us the need for sustaining strong representative institutions. Our system of government successfully met the Nazi challenge, but today it is threatened the world over by communism . . . which attempts to justify itself under the misleadingly innocent name of democratic centralism, which makes a mockery of true representative principles. Certainly we cannot permit to exist any foreseeable situation where our response to this threat might falter.

In addition, many of the newer nations, whose peoples are not sufficiently prepared to maintain representative institutions, have resorted to various types of authoritarian government for the espoused purpose of preparing the people for democracy. The example we set in this country might well influence, that is, to encourage or discourage, the final adoption of representative government in these new nations. As the leading legislative body of the free world, we cannot afford to overlook any contingency that might possibly reflect upon our constitutional system that has served us so well and brought us to our position of leadership in the free world.

I trust that the committee will not see any partisan feelings motivating my concern in this area out of fear of powers that the present administration would assume in the event of such a national catastrophe. My feelings with respect to this problem have no relationship to the party affiliation of the President of the United States. As I have just said, my concern is more with the reputation and preservation of representative government. But we should also keep in mind that the period in American history since the Second World War has been characterized by the dramatic ascendency of the supremacy of the executive branch in our system of separated powers. And there are many students of politics and history who view this tendency with considerable apprehension. Whatever the validity of this viewpoint, it is irrefutable that we must keep our representative institutions in constant repair, and never fail, tacitly or otherwise to defend them against all dangers, imminent and potential.

Mr. Chairman, those of us whose job it is to make the representative system work, too infrequently take time to consider the longer view and to speculate upon the probable future of our political institutions. Whatever the nature of future developments and the possible impact that such an attack might have on them. I do no believe that there can be any doubt as to the practical wisdom or this proposal. It is my understanding that the Judiciary Committee of the other Chamber is prepared to consider a similar proposal. This is encouraging. However, it seems to me that too much time has already been gambled and that we should act on this proposal immediately. . . particularly in view of the usually time consuming ratification process required. May I suggest to the committee that we never know how late the hour is . . . how close we may be to another Pearl Harbor. Naturally we hope that it will be prevented, but we should always be prepared.

Certainly as we meet our responsibilities of national security we must not overlook the Congress itself and our responsibility to insure the continuance of representative government.

Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), our whip.

Mr. BLUNT. Mr. Chairman, I thank the chairman of the committee, the gentleman from Ohio (Mr. NEY), for recognizing me and for the hard work that he has done on this bill.

I also want to say sitting here and listening to the gentleman from Ohio (Chairman NEY) and my friend, the gentleman from Connecticut (Mr. LARSON), talk about this bill shows the heartfelt thought that has gone into this.

This is a circumstance that we would all hope and pray that we would never have to exercise, whatever we do today or may do in the future. It is a moment that deserves some time and consideration. As we talk about lofty constitutional principles, I am reminded, though I would have to paraphrase Benjamin Franklin, who, after the Constitutional Convention said that he had had other ideas when he came to Philadelphia. And while he was not totally satisfied with the product yet, he was not sure that he would not sometime come to believe that it was not the best possible thing that could be done and should be done. That is the spirit of the debate we need to have here today.

I certainly appreciate the work the gentleman from Wisconsin (Chairman SENSENBRENNER) has done, the willingness he has to go beyond this and look at constitutional solutions as they are presented. I appreciate our friend, the gentleman from Washington (Mr. BAIRD), and his immediate approach to me back shortly after September 11 on the floor and his immediate concern for this issue.

I am more than happy to see a constitutional debate occur on an amendment at a later time. I do not know that there is an amendment out there that satisfies my concerns. In fact, I personally have become persuaded as I thought about this by the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Ohio (Mr. NEY) and others who have taken a scholarly look at this that the elected character of the House is the unique and vibrant thing about the House. And if it is at all possible to come up with a solution that maintains that character of this as the only body that the only way you can get here is to be elected, we should try to do that. But we can continue to have that discussion.

I would suggest to my good friends on the other side of this debate that even if that happened, the proposal before us today could be seen as an appropriate interim step. Even if we were to find an amendment to the Constitution that would satisfy the broad concerns and the character of the institution, to have that on the floor, to have two-thirds of the Members of both Houses supportive of it, to then go to the States and have the States ratify would take a considerable amount of time.

I hope we have a considerable amount of time before this ever matters. I, in fact, hope that the work we do here today is never tested one way or another. But if we do not have a considerable amount of time to come up with an approach that solves the immediate problem with a solution that is clearly workable and brought to this floor in good faith that would reconstitute the body that would allow us to continue to have that greater discussion, in the interim we have at least taken a step to do what we could to see that the House was reconstituted as soon as possible.

I also hope that our friends will work with us, and the gentleman from Maryland (Mr. HOYER) and I have talked about that, this is the gentleman from Connecticut (Mr. LARSON), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Ohio (Mr. NEY); and I have to look at the rules and see if another interim thing in the rules themselves can be done on the issue of capacity.

It is certainly possible that we would have Members who did not vacate their seats because of death, but were not able to serve for some period of time in the kind of circumstance we are anticipating today. Is there some way, again, either as a short or a final solution, we can deal with that at some point between now and the beginning of the next Congress in terms of the rules?

□ 1315

Mr. Chairman, I am for this bill. I think it is a great step in the right direction. It may be the final step, it may be an interim step, but it is a step that this body needs to take; and I encourage our colleagues to vote for this bill.

Mr. LARSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today as a proud cosponsor of this legislation, and I urge my colleagues to support this very, very important bill.

This bill really reflects our willingness, I think, to think about what to do in regards to the United States House of Representatives if the unthinkable were to happen. We need to have a mechanism in place to ensure that our government remains strong, remains stable in the events of a catastrophic attack.

Article I, Section 2 of our Constitution states that when vacancies happen in the representation of any State, the executive authority thereof shall issue writs of election to fill such vacancies. Here the operative phrase is clearly "elections." And so we know that our Founding Fathers intended for any Member of the United States House to only serve after being elected. And this House, the people's House, has fulfilled that intention, and I think this legislation will continue that tradition.

Before coming to Congress, I was very honored to serve as Michigan's secretary of state with the principal responsibility of serving as the chief elections officer. So let me direct a few of my remarks to the actual mechanics of holding an election within the framework of this legislation.

When we first proposed this bill, many of my former colleagues in the elections community expressed reservations over our original mandate for election to be held within 21 days. The bill we consider today has extended that deadline to 45 days. And the individuals who I rely on as expert within this field say that they could conduct an election certainly within that time frame.

In regards to election administration functions such as programming, testing, hiring election workers and preparing polling places, most polling places are relatively stable, so much so that in most States they are actually listed on the voter identification cards.

If tragedy required this legislation to be acted upon, we need to remember that the ballot would only contain names for a single office, which would dramatically ease printing, programming and testing. It should also be noted that since Congress has passed the Help America Vote Act, most States are embracing the election reform such as following the model in Michigan of a statewide computerized voter registration file which is constantly updated by local election clerks, motor vehicle departments as well, thereby allowing an up-to-date, clean file to be printed at any time and provide it to all the polling places.

Also, all of the States are rapidly moving toward a uniform system of voting equipment. Michigan, for example, will soon have all of our 5,300 precincts using optical scan voting equipment, which would allow for the vendor to always have a camera-ready ballot, and then all you have to do is fill in the names of the candidates for Congress and go to print.

These elections obviously would not take place in optimal conditions, but it has been my observation that elections officials will always rise to the occasion to complete the required work, especially in time of a national emergency. This legislation will ensure the integrity of the elections process. And while I recognize that there are various ideas about how we should approach the situation of mass vacancies, it is my personal belief that under no circumstances should we deviate from the direct election of Members of the people's House. Clearly it is incumbent upon us to find a solution to this issue which honors the wishes and the wisdom of our Founding Fathers that no individual will serve in this Chamber without being first elected by the people.

This legislation, under the guidance of the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from California (Mr. DREIER), and the gentleman from Ohio (Mr. NEY) is a remarkable achievement and certainly deserves bipartisan support.

It has often been said that the price of freedom is being ever vigilant. The enemies of freedom will find that America is.

Mr. LARSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time and for his wonderful leadership on this profoundly important legislation.

I would also commend the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for his work on this bill, and to no lesser extent the gentleman from Washington (Mr. BAIRD), who has, I think, singularly brought this issue to the attention of our colleagues in the days immediately following September 11.

I want to rise in strong support of the Continuity in Representation Act. Thinking of that ancient text that says, Teach us to number our days aright, that we might gain a heart of wisdom. I think it is about that, as the majority whip said, it is about that in that spirit that we gather here today.

I must tell you, Mr. Chairman, this topic is not theoretical to me or my family or to anyone who was here on September 11. I stood on the Capitol lawn that morning and saw the smoke rising from the Pentagon, and scarcely 1 month later I was informed by security officials that the anthrax bacillus was on my desk, exposed to my staff and my family.

While I pray that our Nation and this Congress will never experience any similar events with greater catastrophic effect on this institution, we must prepare for the eventuality. This legislation does that. By ensuring the continuity of this Congress, we will ensure that the people's House will be available to meet the people's needs in their most troubled hour.

The House of Representatives is truly a unique facet of the American Government. It has been called the people's House. In fact, in the Federalist Papers' James Madison said that elections, as this legislation dictates, elections would be "unquestionably the only policy" by which the House can have "intimate sympathy with the people."

Madison also wrote that "the definition of the right of suffrage is very justly regarded as a fundamental article of republican government . . . to have it left open for the occasional regulation of the Congress would have been improper."

Our Founders knew it. This legislation contemplates it. We must preserve the right and the obligation to be elected to serve in the House while we prepare necessarily for that dark day that we hope and pray shall never come.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on the Judiciary favorably reported H.R. 2844, but we actually had a rather narrow jurisdiction on this bill. In fact, our review was limited to the review by the three-judge panel of the announcement by the Speaker that a sufficient number of vacancies existed to trigger the special election requirements of the bill. I think that actually skirts the more fundamental question that faces us as an institution.

As we know, the Constitution, through its 17th Amendment, permits State Governors to appoint Senators to vacant seats, but there is no comparable provision for the prompt replacement of the Members of the House of Representatives. In fact, Article I, Section 2, Clause 4 of the Constitution requires the executive authority of the State in which a vacancy occurs in the House to order a special election to fill the vacancy. And the bill before us accelerates the time in which an election would be held.

The bill itself, I think, does raise some questions. We have concerns about whether the fine history of voter protection would be, in terms of the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizen Absentee Voting Act, the National Voter Registration Act of 1993, the Americans With Disabilities Act, and the Rehabilitation Act of 1973, could be fully adhered to in the time frame outlined in the bill. Further, we worry whether the preclearance requirements outlined in section 5 of the Voting Rights Act could be met in the time frame outlined in the bill before us.

However, there is a more fundamental issue, which is what happens, should this bill become law, in the 45 days between a disaster that eliminates the House of Representatives and the holding of an election. Now, I have heard and I agree with Members who have quoted our Founding Fathers with some affection about the need to have this body be the people's House. It is this body where every one of us who serves walks through this door knowing that we have been elected, selected by the voters of our respective districts. That is unique and important in our system of government. But there is another fundamental and important aspect to our system of government, and that is the necessity of checks and balances.

When we think back to 9/11 and that great tragedy that befell our country, we are well aware that action was required by the Congress in the 45 days that followed that attack on the United States. We needed to implement the War Powers Act. Only Congress can appropriate funds. And if we do not have a House of Representatives, we do not have a Congress; and if we do not have a Congress, whoever is the chief executive, when a disaster of the magnitude that eliminates the House occurs, must of necessity assume dictatorial powers in contradiction of the Constitution. And I think that specter of dictatorial powers contradicting the checks and balances needs to be weighed when we consider replacing the election on a temporary, short-term basis, perhaps even just a few weeks, 45 days, so that we would have a functioning Congress in the event of a disaster.

To do that we need to have a constitutional amendment, and I am hopeful that we will be about soon, the consideration of the constitutional amendments that have been so far introduced. And, frankly, I have authored one of them. I think it is a starting point. There are others. This is a complex issue, and none of the amendments, I think, are quite ready for our approval, but they do command our attention.

I would note that the Continuity of Government Commission, which was a joint project of the American Enterprise Institute and the Brookings Institute, sort of the odd fellows of political institutes, came up with the conclusion that it was a constitutional amendment that was required to address mass vacancies in the Congress. When Jimmy Carter and Gerald Ford, Lloyd Cutler and Alan Simpson, Newt Gingrich and Tom Foley can agree on that, I am hopeful that in the end all of us will reach that same conclusion.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. LOFGREN) will control the time of the gentleman from Michigan (Mr. CONYERS).

There was no objection.

Mr. NEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Ohio (Mr. NEY) has 3 minutes remaining. The gentleman from Connecticut (Mr. LARSON) has 11 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 5 minutes remaining.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, as a cosponsor I am very pleased to support H.R. 2844, the Continuity in Representation Act.

H.R. 2844 provides a practical and constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 Members are killed. H.R. 2844 thus protects the people's right to choose their Representative at a time when such a right may be most important, while ensuring continuity of the legislative branch.

The version of H.R. 2844 before Congress today was drafted with input from the State election commissioners to make sure it sets realistic goals and will not unduly burden State governments.

Mr. Chairman, there are those who say the power of appointment is necessary in order to preserve checks and balances and prevent an abuse of executive power during a time of crisis. Of course, I agree that is a very important point to carefully guard against and protect our constitutional liberties, and that an overcentralization of power in the executive branch is one of the most serious dangers to our liberties. However, during a time of crisis, it is all the more important to have Representatives accountable to the people.

Otherwise, the citizenry has no check on the inevitable tendency of government to infringe on the people's liberties at such a time.

Supporters of amending the constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only be temporary. However, the laws passed by these "temporary" representatives will be permanent.

The Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the "time, place, and manner" clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution. In conclusion, I urge my colleagues to support H.R. 2844, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency.

Mr. Chairman, I am pleased to support H.R. 2844, the Continuity in Representation Act, introduced by my distinguished colleague, House Judiciary Committee Chairman JAMES SENSENBRENNER. H.R. 2844 provides a practical and Constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 members are killed, H.R. 2844 thus protects the people's right to choose their representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

Article I Section 2 of the United States Constitution grants state governors the authority to hold special elections to fill vacancies in the House of Representatives. Article I, Section 4 of the Constitution gives Congress the authority to designate the time, place, and manner of such special elections if states should fail to act expeditiously following a national emergency. Alexander Hamilton, who played a major role in the drafting and ratification of the United States Constitution, characterized authority over federal elections as shared between the states and Congress, with neither being able to control the process entirely. H.R. 2844 exercises Congress's power to regulate the time, place, and manner of elections by requiring the holding of special elections within 45 days after the Speaker or acting Speaker declares 100 members of the House have been killed.

I have no doubt that the people of the states are quite competent to hold elections in a timely fashion. After all, it is in each state's interest to ensure it has adequate elected representation in Washington. The version of H.R. 2844 before Congress today was drafted with input from state elections commissioners to make sure it sets realistic goals and will not unduly burden state governments.

I am disappointed that some of my colleagues reject the sensible approach of H.R. 2844 and instead support amending the Constitution to allow appointed members to serve in this body. Allowing appointed members to serve in "the people's house" will fundamentally alter the nature of this institution and sever the people's most direct connection with their government.

Even with the direct election of Senators, the fact that members of the House are elected every 2 years while Senators run for statewide office every 6 years means that members of the House of Representatives are still more accountable to the people than members of any other part of the federal government. Appointed members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in Federalist 52: "As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured."

Mr. Chairman, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power during a time of crisis. Of course, I agree that it is very important to carefully guard our constitutional liberties in times of crisis, and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Chairman, during a time of crisis it is all the more important to have representatives accountable to the people. Otherwise, the citizenry has no check on the inevitable tendency of Government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are considering reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of amending the constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only be temporary. However, the laws passed by these "temporary" representatives will be permanent.

Mr. Chairman, this country has faced the possibility of threats to the continuity of this body several times in our history. Yet no one suggested removing the people's right to vote for members of Congress. For example, the British in the War of 1812 attacked the city of Washington, yet nobody suggested the States could not address the lack of a quorum in the House of Representatives through elections. During the Civil War, the neighboring State of Virginia, where today many Capitol Hill staffers reside and many members stay while Congress is in session, was actively involved in hostilities against the United States Government. Yet, Abraham Lincoln never suggested that non-elected persons serve in the House. Adopting any of the proposals to deny the people the ability to choose their own representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering rejecting H.R. 2844 in favor of a Constitutional amendment will question the wisdom of handing terrorists a preemptive victory over republican government.

As noted above, the Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the "time, place, and manner" clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution. In conclusion, I urge my colleagues to support H.R. 2844, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency. This is what the Drafters of the Constitution intended. Furthermore, passage of H.R. 2844 sends a strong message to terrorists that they cannot alter our republican government.

Mr. LARSON of Connecticut. Mr. Chairman, may I inquire, we have reserved our time, but who will close and in what order?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) will be first, then the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Connecticut (Mr. LARSON), and then the gentleman from Ohio (Mr. NEY).

Mr. LARSON of Connecticut. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD), who as has been pointed out by several others, has done extraordinary work on behalf of this institution and this body to bring this very important issue before us.

□ 1330

Mr. BAIRD. Mr. Chairman, I thank the gentleman from Connecticut for the time, and I thank my friends on the other side.

Let us start with where we agree. Everyone who has spoken has said that the ideal way to replace Members permanently is through elections. People have suggested that this is somehow a covert way or a slippery slope to do away with elections for Members of the House. It is not true. There will not be a single voice in the record of this discussion that argues that it is true. We all agree on that. Let us ask if we agree on some other things.

Do we agree that article I functions of the Congress should not be usurped by the executive branch? I think we should because we have sworn an oath to that Constitution; but if we do not act to ensure that there is a legislative branch, what alternative is left but for the executive to usurp those responsibilities, and if they so choose, what vehicle and what body is left to rein them in from that usurpation?

I submitted an amendment to this very bill which was not ruled in order that would have at least had the Congress of the United States on record affirming that the executive, in time of crisis, should not usurp our authority; but it was ruled out of order. I find it frankly astonishing that my friend, the gentleman from Texas (Mr. PAUL), who is such an adamant defender of the Constitution, is apparently willing to abrogate all of our article I until we can have special elections and an unelected executive could run the entire country.

Ask yourselves, would the Framers really have let two or three people constitute a House of Representatives when they themselves adjourned? Would they really have believed that two or three survivors or no survivors should allow an executive to take this Nation into war? Ask your constituents. Go back home. Ask your constituents: If your representatives in Congress are all killed, and a Cabinet member who you never chose and do not know who they are, have no information about their background, emerges one day and says I am now the President of the United States of America, should they have 45 days carte blanche to take this country into war, take away your civil rights and you will have no one here to express your concerns?

This notion that we are going to somehow appoint people who are totally unresponsive to the American people boggles my mind. We have been entrusted with our constituents, with impeachment of Presidents, with taking our country into war, with levying taxes and all the other article I duties; and yet somehow we are not capable of choosing people, former statesmen, former stateswomen who would serve this Nation well in time of crisis. Somehow that escapes our capacity. To create straw men as convenient vehicles for rhetorical argument, that would leave our country without a functioning Congress, is not a service to the people who wrote this Constitution.

There are two portraits of this gentleman in this hall that I revere. First of all, Washington's presence right here because he looks over us and reminds us to take our job seriously; but in the rotunda of this building there is a portrait in which Washington is giving back his commission as Commander in Chief of the Army to a republican form of representative government. He is not saying, I won the war, now I as chief executive want to run the country. He is saying there must be a Congress that runs this country; representatives of the people must run this country.

We agree that you must have special elections, but my friends have not made provisions for what else to do in the interim; and in the time in which there would be elections, they have created a vehicle which is laden with problems.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

I simply would like to ask my friend, as we have been discussing this issue of a constitutional amendment, the one question that I have is that it is my sense that in this House there is not a two-thirds vote that would, in fact, allow for the process of the constitutional amendment to begin.

Mr. BAIRD. Reclaiming my time, the gentleman cannot filibuster me.

We have waited 2½ years since we watched 3,000 of our fellow citizens die, and this body has not acted. They now give us 2 hours. We have not given this body time to debate. Ask my colleagues, as I did yesterday, have they had sufficient time to study this matter of this magnitude before we vote on it. They will tell you, no, sir, I have not. They will vote party line, as we far too often do here; but they will not vote conscience because their conscience has not grappled with this. I will not yield because this matters, and we have not been given sufficient time.

Give us time for real debate, not in a committee chaired by someone who is antithetically opposed to it. Give us time in this great body because it is our entire future that is at stake, not the future of the Committee on the Judiciary or the Committee on House Administration. It is the future of this body. Give us time; give the people time for real debate.

How can my colleagues say that elected representatives are sacrosanct and then not give those elected representatives time to debate a matter that concerns the very existence of this body? That, if for no other reason, is reason enough to vote "no" on this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

"The right of suffrage is certainly one of the" most "fundamental articles of republican government, and ought not to be regulated by the legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms." That was said by James Madison on August 7, 1787, to the Constitutional Convention; and the very proposal that is offered by opponents of this bill, a constitutional amendment to allow Congress to require that vacant House seats be filled by appointment, even temporarily, was explicitly rejected by the founders as antithetical to republican government.

My committee had a hearing in 2002 on the amendment offered by the gentleman from Washington (Mr. BAIRD). There was not very much support for it; and I imagine that when this House debates the Baird amendment, it will be voted down. It will go far short of the two-thirds necessary to propose a constitutional amendment because there are enough Members of this House that believe that the principle of having an elected House of Representatives is paramount.

I will get my colleague his vote and his debate for him with the cooperation of my friend from California, the chairman of the Committee on Rules, who is the cosponsor of my bill; but what I would like to know is those of my colleagues who criticize the Sensenbrenner-Dreier bill, what is their alternative if the constitutional amendment gets voted down? They have not stated what alternative they have, and that is why this bill is important.

On September 11, 2001, the fourth hijacked plane was headed for this building. If it had not been for the heroic actions of the passengers of United Flight 93 who forced the plane down over Pennsylvania, Congress' ability to function may have been severely disrupted. While the 17th amendment allows Governors immediately to appoint replacement Senators, currently there are no mechanisms to quickly replace House Members. However, we can act today to enact such a mechanism through the legislative process, just as the founders intended. The Continuity of Representation Act of 2004 will, unlike other proposals, preserve the people's constitutional right to elect directly their representatives.

The bill provides for the expedited special election of new Members to fill seats left vacant in extraordinary circumstances, which the bill defines as occurring when the Speaker announces that there are more than 100 vacancies in the representation from the States. Within 10 days after such an announcement, the political parties of the States with House vacancies, as provided by State law, may nominate candidates to run in a special election to be held within 45 days.

While some may argue for the adoption of a constitutional amendment allowing the appointment of replacement House Members if a terrorist attack leaves large numbers of vacancies, such an amendment would destroy the uninterrupted tradition that only Members duly and directly elected by their local constituents should serve in the House, while ignoring the current mechanism for preserving continuity in government, the founders, in their wisdom, included in the Constitution and which is the basis for this bill.

Madison used the strongest terms when stating the House must be composed of only those elected by the people. Madison wrote in the Federalist Papers that direct elections are "unquestionably the only policy" by which the House can have "an intimate sympathy with the people."

The House, uniquely among all branches and bodies of the entire Federal Government, is rooted in democratic principles, and those principles must be preserved at all costs. Current Federal law allows the Presidency and the Senate to consist entirely of the unelected. Without an elected House, the entire Federal Government would be run without a single branch reflecting the popular will. Think about it. If we have an appointed House and an appointed Senate and an appointed President, our democracy will end up being run by appointed people. That is not what James Madison and the others who were in that convention envisioned ever happening.

Congress has the clear constitutional authority to enact H.R. 2844 under article I, section 4, of the Constitution, which states that "the Congress may at any time by law make or alter" State election laws. Consistent with the right to chosen representation, the founders explicitly considered Congress' power to require expedited special elections the solution to potential discontinuity in government in extraordinary situations. As Alexander Hamilton wrote in the Federalist Papers, the Constitution gives the Congress "a right to interpose" its special election rules on the States "whenever extraordinary circumstances might render that interposition necessary to its safety." The Supreme Court has unanimously approved such clear-cut constitutional authority.

While some take a pessimistic view of the resiliency of the electoral process following an attack on the Nation's Capitol, I have a different view.

In England during the Second World War, many members of the House of Commons were killed in battle. Our friends across the Atlantic never devolved to appointed rule, and special elections were held within 42 days after the date of death to fill the vast majority of seats left vacant, even when the Nazis were bombing England during the Blitz. I have no doubt that here today in the United States the boundless spirit of the American people will ensure that democracy prevails in the most pressing conditions. Just as the recovery of the Pentagon and the World Trade Center sites were accomplished far quicker than imagined, I have the greatest confidence in the people of this great country that State and local election authorities would expeditiously work to restore the people's House in time of emergency.

R. Doug Lewis, executive director of the Elections Center, a nonpartisan organization representing the Nation's election officials, has testified that elections administrators from combined responses nationwide feel that they can conduct an election in as few as 45 days. While others assert that it would be too burdensome for special elections to be required within 45 days of a catastrophic attack, 10 States, as the Congressional Budget Office has pointed out, already require special elections within 45 days in normal, nonemergency situations. Vacancies in the Virginia General Assembly during the session have been filled in as few as 12 days after the vacancy has occurred, and no one has complained that those elections were unfair or unrepresentative.

One does not have to look far for examples of the resiliency of the voting process and our State and local election officials' dedication to the cause of democracy. Take, for example, last year's gubernatorial recall election in California that involved 135 candidates and an election that was certified 54 days after the certificate was issued. Voters were also asked to consider two constitutional amendment propositions. The election proceeded smoothly amidst unprecedentedly high voter turnout and 10,000 fewer polling places in the State of California than normal.

While some imagine horrific scenarios regarding catastrophic attacks on the Capitol, more inspiring scenarios can be imagined that resonate more closely with the American spirit. Should such a terrible situation occur, millions of people around the country might fill schools and gymnasiums, churches and meeting halls and freely exercise, in the wake of a vigorous attack by haters of freedom and democracy, their right to directly chosen representation, a right that has served uninterrupted in the history of our country.

□ 1345

Indeed, while some argue that adopting an amendment to the Constitution authorizing appointed Members is necessary in the light of a potential terrorist attack, the very adoption of such an amendment itself would accomplish what no terrorist could ever do, namely striking a fatal blow to what otherwise has been called the people's House. H.R. 2844, on the other hand, is founded on clear, existing constitutional authority that preserves the vital, time-tested constitutional value of directly elected representation that has made this country the most successful experiment in representative government the world has ever known.

The issue here in this debate has been if there is a catastrophe whether this House should stay elected or whether we should amend the Constitution to allow successors to be appointed in some manner or another. It is vitally important that in a time of crisis, whomever enters the doors to the Chambers where the House of Representatives meet enters the door with a mandate from the people, because if an appointed representative enters this door, the mandate would come from whomever appointed them.

Pass the bill. Do the right thing.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

I think there is broad agreement in this House, more than one might know from listening to the debate, that we all value an elected House of Representatives, but we are talking about a worst-case scenario here.

The chairman mentioned what if we had appointed Senators and appointed House Members and an appointed President. That would surely be a catastrophic event that would yield that situation where no one who was elected was left living to run the American Government. In that case I would argue it would be better to have appointed people rather than a single appointed person to run the government, because the issue really is between dictatorship and a tripartite form of government between the judiciary, the executive, and the legislative branches.

The chairman asks what is our alternative to his bill for expedited elections? And I would ask what is the alternative for the 45 days that leaves a vacancy, a void that the adoption of this bill would provide? I worry that we have not begun the work on this constitutional amendment.

I introduced a constitutional amendment in December of 2001 contemplating a worst case. It may be that that amendment needs additional work. Frankly, I think it does. But that work needs to be in a bipartisan effort in the Committee on the Judiciary and later here on the floor. I would urge we begin that as soon as possible.

Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who has also been in the forefront of this issue, and I thank him for his comments.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me this time and for his fine work on this important legislation.

Mr. Chairman, I rise in opposition to this legislation and am disappointed that we are not able to discuss the matter of continuity in the thoughtful, thorough, and nonpartisan manner it deserves. Many of my colleagues, including the gentleman from Washington (Mr. BAIRD), the gentleman from California (Mr. COX), the gentleman from Texas (Mr. FROST), the gentleman from Ohio (Mr. NEY), and the gentleman from Connecticut (Mr. LARSON), have tried to encourage dialogue on this matter, but this bill does not address many of the concerns raised by Members of this House and outside experts during the last 2½ years.

Under H.R. 2844, if the House experienced the deaths of more than 100 Members, the Speaker could direct States to conduct special elections within 45 days. Well, as a former secretary of state, I know how to run elections, and the 45-day time frame in this bill would severely limit election officials' ability to prepare ballots, train poll workers, select polling locations, and inform the voting public about the process. The short time frame would also disenfranchise our military and citizens living abroad, as well as certain elderly and disabled citizens who would not be able to apply for, receive, and return their absentee ballots by mail. All of these things and many more would clearly undermine the process and the outcome of such a special election.

Now, while 45 days is not enough time to conduct special elections, it is certainly too long for Congress to remain inactive. In the 6 weeks after the attacks of September 11, Congress passed legislation authorizing the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriation bills, the farm bill, and legislation pertaining to bioterrorism, victims assistance, and going after terrorism financing. H.R. 2844 would leave important decisions to a greatly diminished and possibly an unrepresentative House. In the case of widespread incapacitation, the House would be unable to achieve a quorum and become inoperative during a time of crisis.

I am disappointed that H.R. 2844 does not address these important issues and ignores a priority of mine, deciding how Congress could communicate and function if terrorist acts prevented it from meeting in one location. These matters warrant greater discussion than the limited bill before us, and the gentleman from Washington (Mr. BAIRD) has introduced a discharge petition for a full and fair debate on continuity, which I have signed.

Mr. Chairman, I urge my colleagues to vote against H.R. 2844 and to sign the Baird discharge petition.

Mr. NEY. Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

There has been a lot of serious discussion here on the floor today, and I think some wonderful things have been said, but a few things that have come to my mind in listening to them. Certainly Madison's wonderful discussion about the elected nature of this body is important to all of us, but also we must recall those words were said at a time when the United States Senate was totally appointed.

Now, of course, the Senate is elected, but not a one of us would argue, I think, that Senator MURKOWSKI is not a real Senator. She is. And just as would the temporary House Members be, if the worst-case disaster came and all the House Members were killed, if we had temporaries until an accelerated election system allowed for replacement by elected people.

I worried on September 11 that if the terrorists really understood our system of government, they would know that the easiest way to turn the American democracy into a dictatorship would be to kill the Members of the House, because that is our weak link in terms of our American democracy. I think if we can provide for the continuity of the legislative branch of government, we will do a wonderful thing for our country, because we will preserve the American democracy, and we will do something else: We will make the legislative branch safer from attack. If terrorists cannot destroy the American democracy by killing the Members of the House, it is a lot more less attractive to kill the Members of the House.

I would like to say something else. We have talked about the dictatorship that would be necessary if Congress could not function. There is another aspect, which is the element of the confidence of the people in the legislative branch. For example, and I mentioned this at the Committee on Rules hearing last night, how would the American people feel if the terrorists went out to the Republican Conference retreat and they killed all the Republican Members, and only the House Democrats were left? Would that feel comfortable for the country as a whole, for a country that is almost evenly divided in terms of party representation? I think not.

What if all the Members on the east coast were killed, and only the west coast Members survived to run the country? Would that really lead to confidence on the part of the American people?

We need to make sure that this branch of government survives on a temporary basis while these accelerated elections can be held. I personally think that the 45 days may be a bit too aggressive. I know my own State of California has suggested a slightly longer time frame to actually hold an election that will work. And I know that there will be an amendment offered to extend the amount of time by a small amount that hopefully might gain some favor from Members on both sides of the aisle. But I do think whatever we do with the accelerated election bill before us today, we will have let down our country if we do not address the constitutional issues required to really save the American democracy from the worst case that the terrorists might throw out.

Mr. Chairman, I yield back the balance of my time.

Mr. NEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me this time.

Following the horrific attacks on September 11, it became evident that Congress had to act in case there was a catastrophic event that literally jeopardized the ongoing government. We handled this in many different ways. There was a working group. We held a hearing in my subcommittee, the Subcommittee on the Constitution, should we go the constitutional amendment route or statute. I became convinced the statute was the best way to go to ensure directly elected representatives in this body.

I would urge my colleagues to continue to make this the people's House, where we are all elected by the people, and nobody is appointed by Governors or anybody else.

Mr. LARSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I appreciate the chairman's yielding me this time.

I support the Continuity In Representation Act of 2004. This legislation preserves the right of the people of the United States to elect their own representatives, even after a deadly attack. One of the cornerstones of our Constitution is the right of the people to govern themselves through elected representation. This right should be upheld and, in fact, continued.

H.R. 2844 provides for the expedited special election of new Members of Congress if more than 100 seats are vacant. This is designed to address a situation in which our country is attacked and significant numbers of Members of Congress are killed.

Mr. Chairman, in the wake of such an attack on our country, Americans need to be assured that their government is legitimate, and citizens need to feel that actions undertaken by Congress at a time of disaster or war are also legitimate. By allowing for the election of Representatives rather than for their appointment, Americans can be reassured that our government is continuing to function in a truly representative fashion.

Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for moving legislation that guarantees our government would survive. It has been over 2 years since September 11.

This issue must be addressed today in a democratic fashion.

Mr. LARSON of Connecticut. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, Congressional succession is one of the most timely—yet challenging—issues facing this body. In order to successfully resolve this issue, we must craft a solution that will ensure that the legislative branch of government remains fully functional; while also guaranteeing that the will of the people is constantly reflected. Along the way, of course, we must also guarantee that all of the civil rights laws—currently on the books—remain unaffected.

I initially agreed to serve as an original cosponsor of the legislation before us because I generally believe that we should avoid amending the Constitution, when a statutory response is available. Such an approach is quicker, more likely to be passed into law, and avoids amending our most sacred national charter. While recognizing that this bill is far from perfect, I considered it to be a good first step—something we could build upon in a bipartisan way.

Unfortunately, several serious concerns remain unaddressed. For example, it has been suggested that the 45 day time-frame may be insufficient to conduct expedited elections, and lead to the disenfranchisement of many of our men and women in the armed services. It also has been brought to my attention that the bill contains several unfunded mandates and is completely silent on the issue of Member disability or incapacity.

However, the aspect of the bill that I am most deeply troubled by relates to its possible impact on our civil rights laws—laws that I have fought long and hard to protect throughout the tenure of my career. Namely, the impact that the legislation would have on the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the American with Disabilities Act of 1990, and the Rehabilitation Act of 1973—just to name a few.

The expedited timeframe that some seek to establish in this bill could substantially undermine the pre-clearance requirements outlined in Section 5 of the Voting Rights Act. Needless to say, this is an extreme provision of the Act. It remains a bedrock principle of the law.

The current bill before us could also lead to the disenfranchisement of countless handicapped and elderly voters—if due to the expedited timeframe—election authorities are forced to use polling places that are not wheelchair accessible. Or, if individuals with disabilities failed to receive the required 30 day notice with respect to polling place information—as required under the ADA.

To address these obvious deficiencies, Ranking Member LARSON of the House Administration committee submitted an amendment to the Rules committee that would have made clear that nothing within this bill would be construed to affect the application of the numerous civil rights and voting laws I just mentioned. It is worth pointing out that similar language was included in the Help America Vote Act, recently passed by this body. Unfortunately, it was the wisdom of some to object to making that amendment in order.

It was my sincere hope that we could have worked together today on a bipartisan basis to reach agreement on these difficult issues. This should not have been an issue that necessitated a partisan debate.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself the balance of my time.

Let me say, Mr. Chairman, how much I have appreciated the debate this afternoon on this important issue. I want to go back, because of the focus of this debate, to comments made by Estes Kefauver. This is not an issue that is new to this Chamber. It has been raised in the past, and I think Kefauver cuts to the core of this issue.

He said, "I do not say that it would be necessarily impossible for the House of Representatives to function with but a fraction of its Members. I am informed that present parliamentary precedents indicate that the House can operate with a quorum of its living Members. But any disaster which killed one-half or one-third of the Representatives might well disable or isolate so many others that a quorum of survivors could not be mustered.

"Also, if this occurred before a new Congress had organized and adopted its rules, a point of order might well be sustained that a quorum consists of a majority of all Members chosen. In any event, it would be important at such time that the representative character of the House be preserved. And that the delegations of the people of all States be substantially intact for the urgent legislative action which could be taken."

□ 1400

The representative character of the House is equally as constitutionally compelling as is being duly elected here, because as so often quoted today, the Connecticut Compromise focused on the representation of States, and if a disaster did occur, I cannot imagine a body or this democracy would be able to proceed in a legitimate fashion with the potential of States, many States, not even being represented.

Kefauver went on to say the President should have the degree of support and national unity which only a fully constituted Congress can give him. Think back to those images I talked about earlier and how important it was as a symbol for this country. I think that cuts to the heart of how strongly people feel about this issue.

Mr. Chamberlain of Michigan shared a similar concern. His concern was that this body, its representative nature, without being legitimate, could force us into a situation that would not be reflective of this great institution and this great body.

Mr. NEY. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for the commission they headed up. But most of all, I want to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who cares about the institution and helped with this piece of legislation.

This legislation falls in line with what we have always done in the entire history of our country, which is to elect Members. It is a good bill. Also, let us have some faith in the American people. If a crisis happens, which we hope it does not, the American people are resilient. The American people will continue with their democracy and will exercise the purest form of democracy, which is to vote. I support the bill.

Mr. COLLINS. Mr. Chairman, today, this House passed important legislation that will help ensure elected representation in the House of Representatives in the event that there is a tragic and catastrophic loss of life amongst the membership of this body. It is important that, should such a tragedy occur, that the people's House remain a body of elected officials, and H.R. 2844 would protect this character of the House of Representatives. H.R. 2844 would ensure that, in the event of a national tragedy and an extraordinary loss of life in this House, our government would continue to operate in a timely and effective manner that upholds the rights and ideals afforded to every American in our Constitution.

Had I not had a previous commitment in my home State of Georgia, I would have voted "no" on rollcall Vote No. 129, a vote on amendment No. 2 offered by Mr. LARSON of Connecticut to H.R. 2844; and I would have voted "yea" on rollcall Vote No. 130, a vote on passage for H.R. 2844, the Continuity in Representation Act of 2004.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the committee on the Judiciary took this bill up in a markup in January of this year, and I expressed my reservations with its provisions as drafted on the Committee record. This bill has major flaws that require the attention of Members of both sides of the aisle. Since one of the pillars of our government is the principle of due process as set forth in the 5th and 14th Amendments to the U.S. Constitution, it is critical that a piece of legislation such as this that deals with the mechanics of electing leaders in emergency situations be crafted with full respect for those principles. The 45-day deadline for State special elections set forth in this bill, as drafted, will not alleviate the fact that States won't have sufficient time to hold primary elections. Furthermore, such a short amount of preparation time could arguably favor candidates who are wealthy or well-backed because only these candidates would have the resources and ability to prepare such a quick election campaign.

Therefore, I have proposed amendments that are geared toward the maintenance of our due process guarantees with respect to the emergency special election process that would be triggered under this Act.

The first potion of this amendment, JACKSO.173, reads as follows:

In section 26(b)(4)(C)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "2 days" and insert "7 days."

This change would amend the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives in excess of 100. This change would amend paragraph (4), subparagraph (B)(i) and expand the ability of an aggrieved party to file suit for either declaratory or injunctive relief from just two (2) days to seven (7) days.

Because not every State has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every State in the country. The principle of procedural due process dictates that every citizen be given a realistic opportunity to obtain legal relief through our Judicial Branch.

The second portion of this proposal speaks even more to the issue of due process for all citizens. Its test reads as follows:

> In section 26(b)(4)(C)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "the action" the following: "(taking into account an opportunity for an expedited appeal of the initial decision)."

Because the 45-day deadline for special State elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens. Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Thirdly, the amendment reads as follows:

> In section 26(b)(4)(C)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "vacant" the following: "any citizen of the district and any political party of the State."

This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics. As the bill is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House solely to the "executive authority," in Houston's case, the Governor. Such very limited language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election under this Act, this provision must be amended to allow citizens and political party representatives to sue for relief.

As legislators charged with the duty to uphold the U.S. Constitution, the principles of democracy call for an expansion of the rights of citizens rather than a diminution. H.R. 2844, as drafted, totally leaves the citizens and constituents out of the democratic process. Our colleagues on the other side of the aisle have fervently argued that this bill gives the people their constitutional right to participate in the electoral process. However, the truth of the matter is that our colleagues' arguments are misguided and serve to avert the "meat and potatoes" of the bill. Key to the operant provisions of H.R. 2844 is the ability to file suit with respect to the announcement of a vacancy or vacancies in the House to the extent that no quorum exists in addition to the provision of time in which to file such an action. As drafted, the bill not only provides an unrealistic period in which to file an action and it gives standing to do so exclusively to the Governor of a State. This is not democratic. This is not truly representative. Because this legislation fails to do what it purports to do, I cannot support it.

I urge my colleagues to join me in opposing H.R. 2844.

Mr. UDALL of Colorado. Mr. Chairman, I have concerns and reservations about this bill—but I will vote for it.

I will vote for it because I think we need to recognize and respond to the risk that a terrorist attack or some similar event might kill or disable enough of our colleagues that it would be impossible for the House of Representatives to play its vital role in our constitutional government. And this bill does take a first step in addressing this problem.

However, I think it would have been better for the House to have had more time to fully debate the measure, and that it should have been taken up under a less-restrictive procedure that would have allowed consideration of more amendments.

Elections are central to our political system. They are essential to assure that our government is based on the will and the preferences of the American people. But the conduct of elections can be as difficult as it is important—ask any State official with responsibility in this area. So, we need to proceed carefully and thoughtfully when we legislate on this subject—more carefully and with more opportunity for considering revisions than was permitted under the procedures established by the Republican leadership for today's debate.

As that debate made clear, some of our colleagues—including some for whom I have the highest respect—think it would be better to go further than this bill, or any simple statutory change, can go. They would prefer to address the problem through a constitutional amendment.

While I am very reluctant to consider changing the Constitution, I do think that on this subject, the possibility of a constitutional amendment should not be ruled out. However, in the meantime I think we need to do what can be done short of such a fundamental change. That is what this bill does, and that is why I will vote for it.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the legislation before us today. The loss of a large number of Members of the House of Representatives is an important institutional issue to which we should devote a substantial amount of consideration. This issue deserves an open rule to allow every Member time to express his or her opinion and offer their ideas. It is outrageous that we are only being offered one choice to decide how the entire House of Representatives will be governed in a time of national crisis. Should tragedy strike the House, this legislation could give unprecedented power to the executive branch or a few Members of Congress who were elected by just a small sliver of the country. We have not had adequate time to review this legislation, nor have we been allowed to bring sufficient amendments to the floor for debate. Once again, we are considering legislation without ample debate time and without alternatives. I oppose this bill and encourage my colleagues to do the same.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill shall be considered as an original bill for the purpose of amendment and, pursuant to the rule, shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuity in Representation Act of 2004".

SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO FILL VACANCIES IN HOUSE IN EXTRAORDINARY CIRCUMSTANCES.

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking "The time" and inserting "(a) IN GENERAL.—Except as provided in subsection (b), the time"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

"(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

"(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 45 days after the Speaker of the House of Representatives announces that the vacancy exists, unless a regularly scheduled general election for the office involved is to be held at any time during the 75-day period which begins on the date of the announcement of the vacancy.

"(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, not later than 10 days after the Speaker announces that the vacancy exists, the political parties of the State that are authorized to nominate candidates by State law may each nominate one candidate to run in the election.

"(4) EXTRAORDINARY CIRCUMSTANCES.—

"(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

"(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

"(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

"(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

"(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

"(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy".

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in part B of the report and the amendment designated in the previous order of the House. Each amendment may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 108–466.

AMENDMENT NO. 1 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LARSON of Connecticut:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "45 days" and insert "75 days".

The CHAIRMAN. Pursuant to House Resolution 602, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Ohio (Mr. NEY) each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the two amendments I have been restricted to offering today during this truncated debate will attempt to restore to the bill some of the elements which the American people associate with true democracy and legitimate elections, elections which allow the public to make a reasoned choice from among candidates who have had a fair chance to present themselves and to conduct campaigns, and elections which allow the American people to feel secure that their officials are representative of the diversity of their views.

That is, after all, the essence of our democracy. That is what this arbitrarily crafted legislation would strip away from all of us at a time when the stability of our political system will be under more stress than at any point since the Civil War.

One basic element of elections is the time required by our political system to conduct them. Supporters of expedited special elections, or in the case of this bill would be better called "rushed" special elections, would no doubt say that time is of the essence in replacing deceased Members of the House, and I agree. But the essence of democracy is choice, and the practices to facilitate that choice.

Meaningful democratic elections provide time for candidates to choose to run, time for political parties to choose among them through primaries and other methods, time for minor parties and independent candidates to qualify for the ballot, time for voters to register to vote, time to secure polling places, time to train poll workers, print ballots and mail out and receive back absentee ballots.

My first amendment today addresses the bill's short overall time frame. It would increase the maximum time allowed to conduct special elections to 75 days, up from 45 days. There is nothing in this amendment which prevents any State from holding expedited special elections in a shorter time should they wish to do so and should they be capable of doing so. H.R. 2844, as introduced, contained a 21-day deadline for the conduct of special elections, which could not possibly have worked, but which demonstrated, in my view, the urgency to "stand up" a democracy that has been debated previously on the bill.

The amended version approved by the Committee on House Administration at the behest of the gentleman from Wisconsin (Mr. SENSENBRENNER) specified 45 days. This number is, I believe, too low, although a number of State laws provide for special elections within such a time frame. But most States, including my own State of Connecticut, as well as the State of Wisconsin, do not.

Conducting elections is difficult. It is time-consuming work, and it must be done correctly or the rights of the people will be violated, and the legitimacy of election winners will be questioned.

This amendment would alleviate a number of serious problems in the bill, better maintain the stability of our political process, and enhance the role of States in making decisions about the process they value most in conducting truncated special elections.

Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY), our distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman and both chairmen for bringing this important piece of legislation to the floor. I rise in opposition to the amendment. It seems 75 days may be necessary to run a special election, but our experience in Texas is we can run a special election in less than 30 days. Ours is 36 days. I guarantee Members, when people get fired up to do an election, they can do it quite quickly, particularly with everybody interested in winning that election. I think 75 days is way too long to allow this body to sit and wait for something to happen.

I want to talk now about something even more fundamental. I carry the Constitution around with me in my pocket in order to constantly remind myself when I get dressed in the morning there still is a Constitution in this country. I know some, particularly those on the other side of the aisle, call this a living document, it does not mean a whole lot, and they are willing to change it and not even consider the unintended consequences or consider why the genius of our Founding Fathers understood what it took to build a democracy and what it took to maintain a democracy.

That is why we have checks and balances. That is why we do not place all of the power into one person or even one branch. It is vitally important for this body to be elected, and there is a reason for that. The reason is this is the people's House. We have to be elected in order to reflect the will of the people at the moment.

The other body is set up in our Constitution to slow us down, but we are set up to reflect the will of the people at the moment. We cannot do that if we put all of the power, particularly after a catastrophe, in the hands of one or two people to make the appointments. The appointees, the people who would come here to serve, would have no allegiance to the American people. They would not care about what the American people did because they were not elected by the American people. They were appointed by some big power broker back in their State or in their district, or even in their local counties. That is not the way to continue this democracy.

We cannot have a democracy if we have a body sitting here in judgment of what is good for this country by appointed people. I heard a Member from the other side of the aisle earlier say, well, we changed the Constitution in 1913, and we now elect Senators. I am willing to have a debate that electing Senators by popular vote has had a very real negative impact on this country.

I am prepared to say why in the world would anybody want to take away the will of the people to have their own House, the United States House of Representatives, by election and not by some power-broker-type appointment.

I am opposed to those who have suggested that we ought to appoint our successors. That is the worst thing we could do is for us to announce, once we get elected, who is going to succeed us. That would create all kinds of havoc. Who is the leader in the congressional district, the elected Member of Congress or the heir-apparent appointed by that Member of Congress?

It is important in order for the continuity of this government and the continuity of freedom in this country to understand the genius of our Founding Fathers and the genius that put it together and not change it and not change the way this country works. We have to pass this bill. We have to elect this House. This is the people's House.

Mr. LARSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I would like to ask the distinguished gentleman from Texas (Mr. DELAY), as the majority leader of this body, if the other party were in power and this body were eliminated, would the gentleman be perfectly comfortable, under his constitutional fealty, in letting the executive branch rule this country, take this country into war, and do all of the other things reserved under that Constitution with no checks and balances?

Again, it is a false straw man to say that anybody here wants to do away with elections. The issue is do we do away with the entire Congress temporarily until we can hold elections? We need those checks and balances. And they are not the only ones standing up for this Constitution who are opposing the alternatives of temporary appointments. We, too, are standing up for it. We are standing up for checks and balances, separation of powers, and all of the Article I provisions that are ensured in the Constitution.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, the amendment that is offered by the gentleman from Connecticut (Mr. LARSON) cuts directly against every argument he has made up to now.

What the gentleman's amendment does is delay for another 30 days the right of the people to elect their own replacement Representatives. We either can reconstitute the House quickly or reconstitute the House slowly, and this amendment makes it happen slower.

The gentleman also brings up the issue that in Wisconsin we need 62 days. We have primary elections and special elections in Wisconsin. This bill says there should be no primary elections, and that cuts it down to 34 days. So Wisconsin runs a primary election 34 days after the vacancy occurs. We would have no problem replacing me or any of my colleagues from Wisconsin within the 45-day period of time.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Throughout history States have often been the engines of political diversity and experimentation. The reason I chose the 75-day time frame was to allow more of those elements to be sustained. The 45-day time frame is far shorter than the special election time frames in a majority of States. The Commission on the Continuity of Government, the Brookings Institution and the American Enterprise Institute, estimate that the average length of vacancies over the last nine Congresses has been more than 120 days. A 75-day time frame thus provides a process significantly faster than the norm in many instances, while avoiding some of the more jarring effects of the bill's far more drastic limitation.

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That was the rationale in crafting this legislation. That was the rationale where others have suggested 60, or even 90, days. I felt 75 days guaranteed the cherished rights that we all seek to protect under any proposal. The 75-day proposal, I will admit, is arbitrary, like the 21-day, or the 45-day period selected previously by the sponsors, but the entire bill is constructed around arbitrary numbers which we are only permitted to amend in a limited way.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Let me state that there is absolutely nothing whatsoever that is arbitrary about the 45-day period. The State of New York has a maximum of 40 days, and we know that it has worked very well in the State of New York. And I think it is also important to note that there are three former Secretaries of State, I know at least on our side of the aisle, who serve here; and we fashioned this legislation in consultation with Secretaries of State in seeking the amount of time that would, in fact, address the concern that the gentleman from Washington (Mr. BAIRD) has raised that we as quickly as possible make sure that this institution is reconstituted. So I think it is important just to note that we have not been arbitrary in the selection of this 45 days. A lot of research went into this.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, there is no doubt in my mind of the great effort and the intellect and the able people that they have put behind this. The CBO reports that more than 40 States are going to have a problem with this mandate, and will be forced to go well beyond their means. In hearing from my own State of Connecticut—from my Secretary of State—about all the underlying concerns that are raised, especially as it relates to voting rights acts, she said she would not feel comfortable unless there was a 60-day period.

Can it be accomplished in 45 days? Perhaps. But as I indicated earlier, as Judge Learned Hand said, this is a question that leaves us "not too sure that we are right," and with all due respect, I would rather err on the side of making sure that people were guaranteed those rights.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I briefly mentioned during the debate on the rule what happened out in California. We know that each congressional district has about 650,000, fewer than 650,000 people. We might have two or three candidates in those races. In California, we had 125 candidates and we had a total of 55 days; and the prediction of doom, I was frankly suspicious about the prospect of seeing us put together in a 55-day period with 35 million Californians this special election when in fact we found that we were able to do it in that period of time for a State of 35 million people. I think in the congressional districts that are a fraction of that size, 45 days is a reasonable period.

I thank my friend for yielding.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, I just wanted to close by saying that this has been an extraordinary afternoon, and I deeply appreciate the hard work and effort that has gone into this proposal on all sides. I simply disagree in principle with terms of the bill itself, notwithstanding my own position on the need for a constitutional amendment; but I do not think the bill before us gets the job done, and I think it imperils the very democratic processes that we all cherish so much, that allows a person to walk in here as a duly elected representative of his constituents.

Mr. Chairman, I yield back the balance of my time.

Mr. NEY. Mr. Chairman, I yield myself such time as I may consume.

I just want to weigh in with a couple of comments. I think probably enough has been said about this issue, but I wanted to dovetail on some of the comments made by the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, who put a lot of time and effort and testified at the Committee on House Administration on this issue.

An election conducted within the 45-day time frame, I would be the first to admit, and I said it earlier, would undoubtedly present challenges and would present some difficulties for State and local election officials more so than would an election conducted under certain normal circumstances; and in a perfect world we would like to provide as much time as necessary for election officials to prepare for an election and the electorate to make informed choices about candidates. Election officials all over this country on both side of the aisle work very hard. I think all of us have viewed on election day the activities of these officials. They are hard workers, and I believe that under a crisis situation they will step up, they will perform, but again, I state, in a crisis situation.

In the unique situation where large numbers of House Members have been killed in a terrorist attack, the desire for extensive election preparation time has to be weighed, has to be weighed against the urgent need to fill House vacancies with elected Members as quickly as is reasonable under the circumstances.

Doug Lewis, executive director of the Election Center, a national nonprofit organization serving the elections and voter registration profession, testified before the Committee on House Administration last year that the majority of our country's chief election officials believe that 45 days would provide sufficient time to plan and prepare for an expedited special election. And I believe that Doug Lewis had done a polling throughout his organization, and I should tell the Members that Doug Lewis and his organization have credibility. They are on the forefront of the Help America Vote Act, and they work and represent the people who are right in the trenches that deal with this every single election period. At present there are 10 States, including Minnesota, Texas, New York, and Georgia that require the filling of House vacancies within 45 days. Thus I believe if they can do it, we can do it nationally; and I believe 45 days is a reasonable time frame for conducting a fair, open, and meaningful election.

So for these reasons, Mr. Chairman, I would oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LARSON of Connecticut. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

It is now in order to consider amendment No. 2 printed in part B of House Report 108–466.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LARSON of Connecticut:

Amend paragraph (3) of section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, to read as follows:

"(3) ELIGIBILITY OF CANDIDATES.—

"(A) IN GENERAL.—A candidate shall be eligible to run in a special election held in a State under this subsection if the candidate meets such requirements as may apply under State law.

"(B) EXTENSION OF DEADLINE FOR ELECTION.—A State may extend the deadline provided under paragraph (2) for a special election to the extent the State considers necessary to prepare balloting materials and distribute absentee ballots which include the names of all eligible candidates, and to otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.".

The CHAIRMAN. Pursuant to House Resolution 602, the gentleman from Connecticut (Mr. LARSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would restore democratic protections to candidates who wish to run in expedited special elections under H.R. 2844, and would enhance the voters' electoral choices, which the bill, I believe, needlessly seeks to limit. It would also give to the States, who are our first responders in elections, greater flexibility to respond to problems raised by a potential catastrophe or terrorist attack.

The amendment accomplishes several major improvements in the bill. First, it would eliminate the bill's perhaps most outrageous defect, the ban on primary elections in the great number of States which use them in special elections. The bill does this indirectly by requiring political parties in the States to select their nominees within 10 days of the Speaker's announcement of vacancies. The amendment strikes out that provision while adding entirely different language enhancing candidate eligibility, voters' electoral choices, and State flexibility in election administration.

The use of primaries was one of the great reforms in American politics which distinguishes us from many forms of parliamentary government. There is no way States could conduct primaries under the 10-day restriction. Indeed, this deadline provides barely enough time for prospective candidates to assess whether they even want to run.

In place of primaries, the bill would require political party committees of some sort to select a nominee, which is a legitimate mechanism already in use in some States for special elections; but even in those States, 10 days is a very short time. And of course many States do not allow selection of candidates by party committees because they consider it undemocratic, and require the selection of candidates by popular vote.

The gentleman from Wisconsin (Mr. SENSENBRENNER), in answering a question that I posed at the Committee on House Administration markup of this bill, when I was seeking clarity about some of the provisions his bill—what the bill would actually do—was crystal clear on one issue in this bill. He would penalize political parties in those States which could not meet the 10-day deadline by requiring that their party lines to be left blank on the ballot. He writes to the committee that H.R. 2844 clearly provides that political parties may, not must, nominate candidates within the 10-days allowed in any manner they see fit. If they do not, or cannot nominate a candidate within the time allowed, such parties will not appear on the ballot.

Selection of nominees, of course, is the ultimate political process, but it is more often known for controversy, deal-making, and intrigue, rather than speed and efficiency. That is why we have the expression "the smoke-filled room."

Imagine the nightmare if this bill became law, and the political parties in your district were unable to field any candidate because they could not convene under potentially adverse circumstances due to a national crisis, or if a party committee did not meet, but could not reach agreement on a nominee because there was strong competition among well-qualified candidates. How could there then be an election? Whom would the voters choose from the blank page?

I remind the Members that this bill's stated purpose is to expedite special elections, and to reconstitute the House of Representatives. Having elections without candidates would certainly accomplish the first goal, but would obviously fail miserably in the second. Not only could the bill leave the voters without any candidates to choose from, but it could have other irrational effects as well.

For example, even in a State like Minnesota, which in 1977 held both a special primary and a special election for a House seat in only 29 days, H.R. 2844 would require the abandonment of the primary system even though such a State might, under normal conditions, be able to comply with the overall 45-day deadline of the bill. The State managed to hold its primary in this case in 15 days, but could it do it in 10 days—the time limit for candidate selection in H.R. 2844? Why should the bill penalize those States, which could achieve their electoral results following regular order, by forcing them to change their basic political practices, and suddenly start choosing candidates through party committees?

Mr. Chairman, the 10-day provision of this bill, and its potentially disastrous side effects, constitutes reason enough for the adoption of my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I claim time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I share the gentleman from Connecticut's (Mr. LARSON) concern that an expedited special election should be open to as many eligible candidates as possible. However, this amendment, although I do not believe intended, would indirectly undermine the very core of H.R. 2844, which is the establishment of a time frame for conducting expedited special elections that promptly fill House vacancies while still providing the necessary time for election preparation.

This amendment would permit each State to determine how much or how little time it needs to conduct a special election, thereby rendering meaningless H.R. 2844's 45-day time frame for conducting those elections. The framework for expedited special elections that is set forth in H.R. 2844 represents a balanced approach, taking into consideration both the need for an accelerated reconstitution of the House and also the need for adequate election preparation time. This amendment would knock that framework out of balance and would in all likelihood unnecessarily prolong the period that many American people would be without representation in the House of Representatives in the aftermath of a catastrophic attack.

I do say I appreciate the commitment to the States rights that my friends are showing on the other side of the aisle, demonstrated by their support of this amendment. I hope that commitment will continue to be reflected in future votes on other election-related matters, on all issues, for that matter.

However, I think we could agree that if there was ever a time when Federal preemption of State laws was appropriate, it would be in the aftermath of an attack that has killed over 100 of us as Members of the House. We have an obligation to take action to make sure that in those circumstances this House is reconstituted with elected Members as quickly as possible. That is a Federal responsibility, not one that should be left to the States to decide. I cannot think of a more appropriate or more necessary time to exercise our article I, section 4 powers to regulate the time, place, and manner of elections.

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Therefore, I would oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, earlier I asked this body to consider two questions: How would the Framers feel about the House of Representatives constituted by a few Members or no House of Representatives at all, and how would their constituents react if they had no voice as the country were taken into war by an unelected Cabinet member?

Let me ask this question: The distinguished majority leader proudly held the Constitution of the United States up and presented to us that he was defending the Constitution with this legislation. Where, my good friends, in that sacred Constitution does it say that the political parties will be authorized to select the candidates who can be elected for the House of Representatives? If we are defending the Constitution, how in the name of the Framers can we say that political parties will select the candidates for office? And if we are saying that we are protecting the rights of our voters, how can we do so when we disenfranchise all independent voters from selecting their candidate of choice, and instead put that decision into the political elites, the very people who you assert you are protecting the voters from with your base bill?

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Chairman SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, this is another amendment to gut the bill. All you need to do is look at the last three lines of the amendment that says "or otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election."

A State could decide to postpone the election indefinitely because they decided that all the candidates needed to have 30 face-to-face debates, and that would fall into the catch-all clause. We need to have a specified time frame to reconstitute the House with elected Members, and that is why we have the time frame put down here.

I am very interested in listening to the argument of the gentleman from Washington that completely misses the point. His side won a special election in Kentucky. I congratulate the gentleman from Kentucky (Mr. CHANDLER) for his victory. He did not win a primary election. He was not nominated by a Democratic Party convention and his opponent in the election was nominated by a Republican Party convention.

The election of the gentleman from Kentucky (Mr. CHANDLER) to the House to promptly fill the vacancy caused by the election of Ernie Fletcher, his predecessor, as Governor of Kentucky is no less democratic than the election of those of us that went through primaries.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is easy to conceive of the circumstances in which companies that print ballots or manufacture voting machines or paper or computer equipment could be disrupted by the same catastrophic events which are triggering the special elections. The Nation's communications and commerce could be disrupted. My amendment gives the States the flexibility to respond.

Mr. Chairman, this is a very important amendment. It removes a number of major problems in the bill. I find it hard to imagine how Members could not support a proposal which could restore primaries, enhance the ability of candidates to get on the ballot, and give the States greater flexibility to administer special elections in a time of crisis.

Mr. Chairman, I urge an "aye" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. NEY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I would like to begin by yielding to my friend from Washington (Mr. BAIRD), to see if he would like to pose a question to me.

Mr. BAIRD. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Chairman, if the gentleman would please show me where in the United States Constitution political parties are authorized to select candidates for the House of Representatives, I would be happy to engage in this colloquy.

Mr. DREIER. Mr. Chairman, reclaiming my time, I thank the gentleman for his question. I wanted to respond to it earlier.

Article I, Section 4 of the Constitution makes it very clear that times, places and manner of election are within the purview of this institution.

I would go on to say that the United States Supreme Court has correctly, in my opinion, held that the times, places and manner clause of Article I, Section 4, grants Congress broad power, broad power, over elections, including, and I quote from the Smiley v. Holm decision of the Supreme Court, where they say "authority to provide a complete code for Congressional elections, not as only to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting votes, making and publication of election returns."

Mr. Chairman, let me say that is the provision that was upheld by the Supreme Court, and to me that makes it very, very clear that we have that authority.

The issue of uniformity is something we were very, very careful in crafting in this legislation. Why? Because as we look at this 45-day period, we want to make sure that all across the country we have an opportunity for people in a time of crisis to at the same time cast their ballots.

Now, when my friend the gentleman from Connecticut (Mr. LARSON) used the issue of the State, I think it was Minnesota, that had that 15-day provision, I am convinced that just as we in California were able to take on that very unique and unprecedented recall election that we held last year, similarly States like Minnesota, which have had that nominating process take place, they have held those primaries in 15 days, similarly that nominating process could take place within the 10-day period.

We all know, Mr. Chairman, that this would be an extraordinary circumstance. And one of the reasons, I would say to my friend from Washington who raised the concern about the immediacy of trying to ensure that we have a full complement of Members of the House working, that is the reason that we have the 45-day period put into place, and that is the reason that we spent a great deal of time over the last year and a half talking with secretaries of state across this country, including, as I said, the three members of this institution who did serve as secretaries of state, to come up with a time which would best allow us to ensure those rights, realizing that this is in an extraordinary, potentially very difficult time for our Nation.

Mr. BAIRD. Mr. Chairman, if the gentleman will yield further, my question is, where in the Constitution of the United States? I understand the Supreme Court has ruled that, but the point is if the gentleman is asserting that the purpose of this bill before us today is to protect the rights of all voters to elect their Representatives, effectively it is my position that you are disenfranchising those from independent parties or minority parties from selecting their candidates.

The second thing I would ask, since we are quoting the Constitution, is where in the Constitution or in subsequent Supreme Court decisions has it authorized the executive branch to function without checks and balances from a House of Representatives or from a House of Representatives comprised of less than a quorum?

Mr. DREIER. Mr. Chairman, reclaiming my time, let me say there is no attempt whatsoever to give the executive branch the opportunity to run without the oversight that is, in fact, ensured in the Constitution. I believe that we would have a complement of Members. I do not know exactly what that would consist of, but the goal of this legislation is to make sure that we can get back to the full 435 membership, ensuring that we are the body of the people.

I would say that one of the interesting things about our Constitution, juxtaposed to other constitutions in the world and State constitutions, mine in California being an example, is the fact that any of us, just like the majority leader, are able to put it in our pocket. So that is why that very small item that I mentioned in Article I, Section 4 of the Constitution, makes it clear, and that interpretation, upheld by the United States Supreme Court, makes it clear that we do have the ability to do that. That is how we are legislatively able to proceed with this.

I will once again say to my friend from Washington and others on this issue, as we look at what appears to me to be growing opposition to amending the U.S. Constitution, and I will say to my friend, I have had Democrats as well as nearly every Republican with whom I have spoken on this say they are opposed to it, I think that there should be a realization that for us to take this first step with this very responsible, very balanced, very thoughtful approach, which has been considered over a long period of time, is the route for us to take.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again I would add sincerely how much I have appreciated the debate and the depth of the debate that has taken place on the floor today.

I harken back to something I said during the debate on the rule, a notion that was brought up by the gentleman from Massachusetts (Mr. MCGOVERN), that the only time, to my knowledge, that we have met in joint caucus has been when we were discussing the anthrax issue, and by the nature of this debate and the richness of this debate and the feelings on all sides, it rises above in so many respects the Committee on Rules, the Committee on House Administration and the Committee on the Judiciary and belongs in front of Members to discuss because of so many of these issues that are before us.

I quoted Judge Learned Hand before, and I will continue to quote him, because while you may be sure that all of these things can be accomplished in 45 days, I remain skeptical that that could happen, and my skepticism comes from wanting to provide the very constituents that would send someone through these doorways, duly elected, to have fully participated and therefore legitimized that election as well.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would say that there is no way that you are going to get me to argue with Learned Hand. I share that skepticism, and I believe that is a very healthy thing, and it is an important thing.

We have pondered almost every possibility. As I listened to the opening statement that was made during the debate on the rule from my friend from Washington describing what conceivably could happen if we were in the midst of a State of the Union Address, and we had every single Member of the House and Senate and everyone, save the one member of the Cabinet who does not come to these addresses, obliterated, what would happen. Frankly, if it was as described, a nuclear bomb were to go off in this area, who knows how far that would reach, and that individual could be killed. So we have pondered everything.

What we have done, I believe, is we have worked very hard talking to many, many different people about the most balanced way that we can approach an imponderable, difficult situation, and I think we have come up with something reasonable. That is why in light of the fact it is going to be very difficult, I am happy to say, for a constitutional amendment to pass this body, I think that we need to ask the question, what is the backup position? What is it that is proposed, short of a constitutional amendment, other than this legislative approach, which we have tried to take in a bipartisan way?

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, I would suggest that my amendments, I think, improve that.

Mr. DREIER. Mr. Chairman, if the gentleman would further yield, the amendment extending from 45 to 75 days in fact lengthens the amount of time when we could possibly get this body back together.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, this deals with the 10-day provision underneath, which again prohibits primaries.

Mr. NEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LARSON of Connecticut. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

It is now in order to consider Amendment No. 3 made in order by the order of the House of earlier today.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentlewoman from New York (Mrs. MALONEY) the designee of the gentleman from Missouri (Mr. SKELTON)?

Mrs. MALONEY. Yes, Mr. Chairman, I am.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order by a previous order of the House in lieu of Amendment No. 3 printed in House Report No. 108–466 offered by Mrs. MALONEY:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

"(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

"(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

"(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.".

The CHAIRMAN. Pursuant to House Resolution 602, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York. (Mrs. MALONEY).

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Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Skelton amendment, and I am pleased to join my colleague and friend, the gentleman from Missouri (Mr. SKELTON), in offering this amendment. He has always been a strong advocate for the men and women in the military. And the purpose of this amendment is to ensure that overseas voters, including the men and women who are risking their lives to protect our country, their dependents, and private citizens, will have an opportunity to vote in a continuity-of-government election.

I join my colleague in thanking the gentleman from California (Chairman DREIER) and the gentleman from Missouri (Mr. BLUNT) for working with us to bring this amendment to the floor. While this is not the amendment that we originally offered before the Committee on Rules, we appreciate their good-faith efforts to reach this compromise.

The terrorist attacks of September 11 made us all aware of how vulnerable our government could be in the event of a catastrophe. The underlying bill provides for special elections if more than 100 Members of the House are incapacitated or killed. While there are many objections to the bill, it protects the tradition that Members of the House may only serve if they have been elected by the people.

Our amendment simply requires States to provide overseas voters 45 days to return their ballots from the date on which the ballot is mailed. If we are going to have elections to deal with disasters as envisioned by this legislation and which we hope will never happen, our amendment will ensure that overseas voters have the same opportunity that our voters at home have to cast their ballots.

For several years I have been working on making sure that overseas voters can participate in elections. In the Help America Vote Act, my colleague from the other side of the aisle, the gentleman from New York (Mr. REYNOLDS), and I were able to include provisions that will ensure that overseas voters have a better opportunity to vote in Federal general elections.

The Skelton-Maloney amendment is a continuation of this effort by helping overseas American voters participate in a continuity-of-government election if one should be necessary.

We owe a tremendous debt of gratitude to the men and women who are serving our country. At the very least we must make the efforts to make sure that they are included in the basic right of participating in elections. This extends the number of days from the date that the ballot is mailed so that they have time to mail it back and be part of this election.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUNT. Mr. Chairman, I ask unanimous consent to control the time in opposition to this amendment, though I do not oppose the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to be working with my colleagues, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Missouri (Mr. SKELTON), to bring this amendment to the floor. It does allow additional time for those who are serving in the military or those who are overseas to receive their ballot and be allowed to return their ballot. It does not prevent the States from certifying a winner, but only allows extra time if needed for those overseas ballots to be counted.

As a former Secretary of State and chief election official of our State, there would be many occasions when you might still have a ballot out, but it is clear to the State election official that the ballot out would make no difference in the outcome and consequently no particular reason to slow down the process of certifying in the circumstances we are talking about.

At the same time, if those ballots that had not been returned would make a difference, they would have to be counted, have to be part of the process, and would assure that all those who could have made a difference in the outcome of the election had a chance to do this.

In all likelihood, we would see State election officials doing everything they could to expedite this process. We give them in the language here certainly authority to use electronic means to transmit ballots to people overseas or in the military. Also we require that, if practical, election officials have a ballot ready to send out within 15 days of the starting of that original 45-day clock. I think in these circumstances that is certainly a time that election officials could meet. But because the way this is worded, if they cannot meet that language, there is no penalty. There is just a clear encouragement here to move this process along, get those ballots in the mail, and take time then, as necessary, for those ballots to return.

I particularly appreciate my friend, the gentleman from Missouri (Mr. SKELTON), and the great commitment he has on this and to those who serve us. It is a privilege for me to stand here in support of this amendment that he and the gentlewoman from New York (Mrs. MALONEY) and I have jointly recommended be included in this legislation.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, first let me say that the amendment being offered today by my friend and colleague, the gentlewoman from New York (Mrs. MALONEY), and by my next door neighbor back home, the gentleman from Missouri (Mr. BLUNT), is very important. It would ensure that adequate time is provided to the States holding continuity-of-government elections to ensure that overseas and deployed servicemembers have sufficient time in which to register and vote.

I would like to thank the gentleman from California (Mr. DREIER) also and the ranking member of the Committee on Rules, the gentleman from Texas (Mr. FROST). Again, a special thanks to the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Missouri (Mr. BLUNT) for working with us. We had to work it out over a period of several days. And we appreciate, I think, at the end of the day, it is a very, very good amendment. So we thank them for that.

This act would require States to conduct expedited special elections in extraordinary circumstances which means that there are more than 100 vacancies in the House of Representatives. States would have 45 days in which to nominate candidates and hold elections to fill these congressional vacancies.

The deadly terrorist attacks on September 11 raised the Nation's awareness that a catastrophic assault on our country's soil was not just a historical event, but a constant threat that we truly must face. We are living in an environment where terrorists are willing to target unarmed civilians and innocent bystanders to call attention to their cause. Unlike military conflicts in the past, these extremists do not follow acceptable standards for rules of engagement under the Geneva Convention.

The threat of future terrorist attacks convinces me that we need to review the process by which we provide continuity of government in case of a catastrophic attack on Congress. However, any effort we undertake should not alienate or disenfranchise any American citizen, particularly those who volunteered or who serve at the point of the spear, American servicemembers.

This amendment would ensure that adequate time is provided to military members who are serving overseas to participate in the most basic right of this country's democracy, the right to vote.

The Department of Defense has been working with States to ensure that at least 45 days of transit time are provided during regular elections so that overseas and deployed members and other Americans stationed overseas have the opportunity to participate. To be fair to our men and women in uniform, States should provide 45 days from the time from which the ballot is mailed to the voter to the date by which the voter must return the ballot to the local election official.

The amendment that is offered today by the gentleman from Missouri (Mr. BLUNT), the gentlewoman from New York (Mrs. MALONEY), and me simply seeks to ensure that servicemembers and American citizens who are stationed or deployed overseas may fully participate in this special electoral process. The amendment seeks no more than basic fairness.

I urge my colleagues to support this amendment, to protect the voting rights of those in uniform and those who serve so well and so ably overseas.

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in relation to this, the general topic here of the bill, I mentioned the importance of preparing these ballots in a quick period of time. I know that my friend, the gentleman from Rhode Island (Mr. LANGEVIN), earlier, also a former Secretary of State, questioned whether 45 days was practical or not. I would just like to point out that 10 States already have a time frame that is 45 days or less. Rhode Island is pretty small. A State very close, New York, that is very big, has a 40-day time frame now. Texas has a time frame that is within the 45 days, and eight other States do as well.

I certainly think that is a reasonable period of time, particularly in these extraordinary circumstances. I think we would see State election officials not only eager to help reconstitute the House but also encouraging the quick movement in the process of the selection of candidates and the preparation of ballots. Those ballots would then be mailed to military personnel and personnel overseas. And those individuals serving, as the gentleman from Missouri (Mr. SKELTON) said, particularly those in the military serving at the point of the spear, would have the time that they would appropriately need to have to respond to this process.

Mrs. MALONEY. Mr. Chairman, having no other speakers, I yield back the balance of my time.

Mr. BLUNT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 108–466.

AMENDMENT NO. 4 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, the gentlewoman from Texas (Ms. JACKSON-LEE) has an amendment at the desk made in order under the rule that I will be offering on her behalf as her designee.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCHIFF:

In section 26(b)(4)(C)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "2 days" and insert "7 days".

In section 26(b)(4)(C)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "the action" the following: "(taking into account an opportunity for an expedited appeal of the initial decision)".

In section 26(b)(4)(C)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "vacant" the following: "any citizen of the district and any political party of the State".

The CHAIRMAN. The gentleman from California (Mr. SCHIFF) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, the amendment that I offer today on behalf of the gentlewoman from Texas (Ms. JACKSON-LEE) would make a few minor changes with respect to the judicial review provisions currently within the bill. The amendment would briefly extend the amount of time for an action to be filed in court with regard to the Speaker's announcement of a vacancy. It would further provide for the appeal of that court's decision and for participation in this process by all citizens.

Mr. Chairman, the matter we are discussing today on the floor, the reconstitution of this House in response to a devastating attack, is certainly a contingency that none of us would like to imagine. It is a scenario that, frankly, seems unthinkable. However, because of the continuing threat of terrorism that we face, we must contemplate even the unthinkable.

The House of Representatives is indeed a unique body. As a purely representative body, there is only one way to get here: by direct election of the people of this great Nation. I cherish that heritage, and I know my colleagues do as well; but the love of that tradition cannot take precedence over the need to ensure continuity of our representative government in the face of unprecedented disaster, the annihilation of a large number of our Members.

The base bill contemplates that we would operate without a government for 45 days. This, my colleagues, is a dereliction of duty. It is a dereliction of our duty to ensure that the governance of our Nation goes on in the face of such a tragedy. I, therefore, oppose the base bill. During the 45 days that followed the events of September 11, Congress worked vigorously to respond to the attacks on our Nation. No doubt the devastation of our Congress and the equally accompanying trauma of such a devastation would require the most prompt response likewise. The principle that all the people should be equally represented is essential to our democratic character, and mass vacancies for 45 days will be a departure from the representative rule of that body.

Without a quorum in the House, the inability to conduct business may, in turn, force a President to act extraconstitutionally in any immediate response to an attack. By protecting one tradition, we would instead be scuttling others; and in the process we will only deny the American people the assurance that our swift and decisive response was a legitimate one.

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Mr. Chairman, the survival of our very Nation must take precedence over our fond and philosophical adherence to the principal of direct election to the House under all circumstances. The temporary appointment of Members to fill vacancies where 100 or more of our Members are killed or incapacitated is the narrowest of exceptions. In the unlikely event we should ever face such a terrible contingency, our country's future will depend more, far more, on the swift response of a fully reconstituted Congress than on a blind adherence to the principle of direct elections for 45 excruciating days. I, therefore, oppose the base bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is another amendment that is designed to slow down having an election to replace Members who have been wiped out as a result of a terrorist attack. It has a number of features that will do that and will open up Pandora's box to allow people to game the system.

The first part of the amendment extends by 5 days, from 2 days to 7 days, the time in which legal action can be filed on the narrow issue of whether there are 100 vacancies and whether a vacancy occurs in a particular district.

The second section of the gentleman's amendment is not properly drafted. The base bill says that the decision of the district court of 3 judges must be rendered within 3 days and is not reviewable. However, the second section of the amendment says, taking into account the opportunity for an expedited appeal of the initial decision.

There is no appeal of the initial decision in the base bill, and the second section makes that section of the revised statute inconsistent in its text.

The third section of the amendment proposes to allow anybody or a political party to petition for an appeal. This is how the system can be gamed. My district is an overwhelmingly Republican district. It has never elected a Democrat to the House of Representatives in over 40 years. If I should be annihilated, I am sure that there would be the temptation that would be there for the Democrats in my district to try to stop an election and try to stop a Republican from probably being elected and seated to replace me. Similarly, in the district next door to me, currently represented by the gentleman from Wisconsin (Mr. KLECZKA), that is an overwhelmingly Democratic district, and the temptation would be there under this amendment for the Republican Party or Republican citizens to file a lawsuit to slow down the election of the replacement of the gentleman from Wisconsin (Mr. KLECZKA) should he be annihilated in a terrorist attack.

So the amendment that has been offered allows people to game the system for political ends rather than to rise above partisanship at times of a crisis and to speedily elect a replacement Member when someone has been wiped out in a terrorist attack.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments of the chairman of the Committee on the Judiciary and all the work that he has done on the committee. He expresses a concern about the timeliness of the process contemplated by this amendment, and I share the concern about the timeliness of the process contemplated in the base bill. And, in fact, this is one of the reasons I have such concerns about the base bill. Whether it is 45 days or 47 days or 50 days, this is far too long in the wake of catastrophe to be reconstituting the Congress.

I also share the chairman's desire that we rise above considerations of partisanship and think that this bill should go back to committee and come forth with a bipartisan measure that comes forth for all of us. This is a bipartisan bill. It should have a bipartisan work product.

Mr. Chairman, I yield 60 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, in reading the base bill I have a concern, and it has nothing to do with the number of days, but it has all to do with how that is triggered.

In the legislation itself it says, "Extraordinary circumstances occur when the Speaker of the House of Representatives announces that vacancies have occurred."

Now, should, and God forbid on the evening that we would have the State of the Union, and we are all here, and there should be a missile, it could wipe out everyone, including everyone that is on the list at that time. Who then triggers this action? Who are the people? Who has the authority to put this process in place?

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Ms. WATSON. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentlewoman for yielding to me.

Let me say that the imponderable, if every single one, all 537 of the Federally elected officials, the President, the Vice President and all the Members of the House, and all the Members of Senate, in fact, are killed, including all of the Cabinet members, including the Cabinet member who is not here at the State of the Union message, it would be up to the people to come together and make the determination as the rebuilding process begins.

I thank my friend for yielding.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard an awful lot that this is not a bipartisan bill. This is a bipartisan bill, and I would draw the attention of the Members to the reported bill does show that additional cosponsors include the two top Democrats on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN).

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 offered by the gentleman from Connecticut (Mr. LARSON);

Amendment No. 2 offered by the gentleman from Connecticut (Mr. LARSON).

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 1 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 229, not voting 25, as follows:

[Roll No. 128]

AYES—179

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John

Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)

Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky

Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle

Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline

Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula

Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg

Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt

Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Cardin
Carter
Clyburn
DeMint
Duncan
Forbes
Gallegly
Gephardt
Goss

Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald

Mollohan
Peterson (PA)
Pombo
Shuster
Smith (MI)
Sullivan
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1531

Messrs. BURNS, PUTNAM, NORWOOD, BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Messrs. ROGERS of Alabama, FROST, OTTER, and TAYLOR of North Carolina changed their vote from "aye" to "no."

Mr. EDWARDS and Ms. SLAUGHTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 217, not voting 28, as follows:

[Roll No. 129]

AYES—188

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin

Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)

Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps

Capuano
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hefley
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel

Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor

Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Case

Castle
Chabot
Chocola
Coble
Cole
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte

Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood

Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—28

Cardin
Carter
Clyburn
Collins
Cox
DeMint
Duncan
Emerson
Forbes
Gallegly
Gephardt
Goss
Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Neugebauer
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1540

Ms. PRYCE of Ohio changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NEUGEBAUER. Mr. Chairman, on rollcall No. 129, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GOSS. Mr. Chairman, on roll call Nos. 128, 129, I was unavoidably detained. Had I been present, I would have voted "no."

PREFERENTIAL MOTION OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BAIRD moves that the Committee of the Whole do now rise and report the bill H.R. 2844 back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes in support of his motion.

Mr. BAIRD. Mr. Chairman, this is as serious as it gets. Two and a half years ago, we were given a remarkable gift. We were given the gift of life itself, as a plane was heading this way with the intent to kill all of us. Had they succeeded, the institution that we hold so dear, that provides for representation on a proportional basis by the citizens of our areas would have at least temporarily perished.

We have no adequate provisions before us today to fill that gap should it happen, but we have no question today that we must confront that possibility. In an era of nuclear weapons, of terrorists who mean our destruction, we must accept our own mortality in order that we can preserve the immortality of this institution we all so cherish.

We have had a spirited debate today. I lament that we were not all given sufficient time to participate, that key amendments were not offered, and that we were not all here for this. I know well that we have many things to do, but this is about the very existence of the institution.

Yesterday I had the privilege of speaking with many of my colleagues on both sides of the aisle, and I asked a simple question: Have we, in all sincerity and honesty, given enough thought to the measure before us, given the gravity of the issue before us? And many of those colleagues looked me in the eye and said, frankly, no. And yet today we are moving forward towards passage of a bill, which well-intentioned, and I do not doubt the intentions of the authors of this bill, and there is merit to expediting elections, and I appreciate the give and take, but, my colleagues, please understand, this bill carries with it a number of problems.

I believe this bill disenfranchises independent voters. I believe it does not provide for situations in which States cannot conduct their elections in 45 days. I believe it leads to a chaotic process as some States replenish their Members and others have yet to, and the leadership of the House changes. But most importantly of all, it leaves us without a Congress.

My friends on the other side have suggested some things which I need to clarify, because I think they are not fair and they are not accurate. They have suggested some of us want to take away the rights of citizens to elect their Representatives. It is not true. Not a single voice in the House of Representatives today shared that message. Instead, we all said we love, and would adhere to and would defend to the death the rights of citizens to elect their Representatives.

But we have also said that no representation at all for a period of 45 days is a more grave and egregious insult to the intent of the Framers than would be temporary appointments in some fashion followed by direct election. Do not let anyone suggest to you that we want to take away the right to election, but neither imagine that the bill today will solve the problem.

At a time of the most grave crisis in the history of our Nation, we would be left without a United States Congress. Go home and look at the Constitution and tear out Article I. That is the consequence if we do not take further action.

Let me ask this, too. Go home and ask your constituents that if you were to perish, along with hundreds of our colleagues today, and a Cabinet member became the President of the United States, someone they had never elected and do not even know, and that individual chooses to send their son or daughter to war, would they like to have a Representative from their region there to express their views, or would they prefer that that seat be vacated? That is the issue before us.

I am going to ask my colleagues to vote "no" on this resolution, not because it is not well intentioned, but because we have not adequately given it the attention we deserve. If you can look yourself in the eye as you put that card in that slot and say, I have given 5 hours of study to this resolution, 5 hours, then vote your conscience.

☐ 1545

But if you have not, please vote "no" so you can have more time to study this and discuss it with scholars.

Finally, we have asked and the chairman has agreed, and I am grateful for that, that we explore and debate the issue of a constitutional amendment to solve this. But I would beseech the chairman to please not only bring up my proposal, give other Members a chance to bring up proposals so the issue gets full and fair debate.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, we have been debating this matter in the Committee of the Whole and before that when the rule was adopted for almost 5 hours. It has become crystal clear that the entire thrust of this debate is whether a reconstituted House of Representatives following a disaster will be comprised of elected Members or temporary appointments, appointed by somebody, maybe the Governor, maybe the legislature, maybe we ourselves before our demise.

The issue of maintaining the people's House I think is the paramount consideration we ought to be giving on this issue. But even if Members agree we should amend the Constitution to have temporary appointments, I think everybody ought to agree we ought to have special elections as quickly as possible so that those who come to replace us will arrive with a mandate from the people of our district.

So whether or not Members favor a temporary appointment method, which

I do not, or Members favor keeping the House being solely elected, Members ought to vote for this bill because it does allow for the filling of vacancies when 100 or more seats are vacant as quickly as possible. That is the issue we have before us today, and it is an issue which I believe is of paramount importance because, should this Nation be in crisis as a result of a huge number of Members in the House of Representatives being killed in a terrorist attack, the sooner we put the people back in charge with representatives elected by the people I think should be the paramount issue.

Now, the final point I would like to make is, yes, my committee will mark up and send out to the floor the Baird constitutional amendment at our next markup, and I hope that the leadership would schedule that as quickly as possible. I for one will vigorously oppose it because I believe the principle of an elected House of Representatives is one that should prevail over everything.

The final point I would like Members to consider is if we end up having an appointed House of Representatives even temporarily and an appointed Senate and an appointed President, where do the people rule? They do not rule in any of the three branches that make laws and appropriate the public's money; that is all done by appointed positions. And that is why I believe it is important to maintain the elected nature of this House of Representatives even in the case where a catastrophe occurs. I would urge rejection of the preferential motion and urge passage of the bill.

Mr. BAIRD. Mr. Chairman, I withdraw my preferential motion.

The CHAIRMAN. Without objection, the preferential motion is withdrawn.

There was no objection.

The CHAIRMAN. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, pursuant to House Resolution 602, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WATT

Mr. WATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WATT. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WATT moves to recommit the bill H.R. 2844 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

"(5) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

"(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

"(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

"(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

"(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

"(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

"(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

"(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in support of his motion to recommit.

Mr. WATT. Mr. Speaker, the artificial time frames and deadlines specified in H.R. 2844 could make it impossible to comply with many State and Federal laws. Consequently, it has the potential to cause serious violations of voting rights and civil rights. To correct that problem, I rise to offer this motion to recommit with instructions.

The motion to recommit seeks to limit the damage posed by H.R. 2844 by ensuring that nothing in the bill will undercut the requirements of the civil rights and voting rights laws that this Congress enacted and this country has painstakingly honored over the last 40 years.

I cannot support a measure that does not protect the voting rights of every American, including racial and language minorities, people with disabilities, the elderly, and our young men and women serving in the military.

H.R. 2844 jeopardizes those protections now afforded to racial and language minorities under section 5 of the Voting Rights Act of 1965 by making it impossible to provide voting materials to States or political subdivisions with more than 5 percent of the citizens of voting age who are single-language minorities and are limited-English proficient within the time frame prescribed by this legislation.

Are these citizens not entitled to participate? The Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 sought to empower individuals with disabilities to participate fully in society. H.R. 2844 will diminish both laws by not providing sufficient time to find facilities to host polling sites that are accessible to persons with disabilities. These citizens should be entitled to participate in our democracy even in crisis times.

In the last term of Congress, we passed the Help America Vote Act of 2002. The bill passed with bipartisan support in an effort to address the problems brought to light during the 2000 Presidential elections. Does H.R. 2844 allow enough time for provisional ballots to be printed and for other important provisions of that law to be complied with? The answer is, no.

H.R. 2844 will also undermine the Uniformed and Overseas Citizens Absentee Voting Act by failing to provide sufficient time for absentee ballots to be printed, distributed, and returned from Americans living abroad. This includes military and diplomatic personnel, their families, and other Americans living abroad. The Department of Defense believes that a minimum of 45 days should be allowed from the time ballots are printed, not from the date the election is called. Our military men and women are serving our Nation all around the world. They should be entitled to participate in our democracy, even in times of crisis.

I think we should be sure that every law passed by this body to ensure equal protection of voting rights to every citizen, not just certain Americans, should apply to special elections. H.R. 2844 fails to make good on that promise.

For these reasons, I offer this motion to recommit and ask my colleagues for their support based on the proposition that every citizen should be able to participate in our democracy, especially in times of crisis.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit for now, but I am prepared to accept this motion to recommit for a number of reasons.

First of all, I think the motion to recommit is redundant in that all Federal laws apply to these special elections, not just the laws that are enumerated to the motion to recommit with instructions that the gentleman from North Carolina (Mr. WATT) has offered, but I want to be much more serious in terms of dealing with this.

How the House is reconstituted following a disaster should not be an issue of partisan debate. Much of what has gone on here today has been a partisan debate; and in accepting this motion to recommit, I am reaching out to the other side to say let us make the passage of this bill bipartisan because the acceptance of the motion to recommit should make the bill bipartisan.

□ 1600

And that, coupled with my commitment to deal with the gentleman from Washington's (Mr. BAIRD) constitutional amendment, certainly should show that we are dealing with this issue in good faith. And whether one supports the gentleman from Washington's (Mr. BAIRD) amendment or not, it is important, I think, to make sure that the replacement representatives that are elected are elected and seated as soon as humanly possible, and that is what this bill attempts to do.

So I would hope that after the acceptance of this motion to recommit, we could pass this bill by an overwhelming vote; and I would reach out to my friends on the other side of the aisle and make that offer and hope that they reciprocate.

I yield to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, I would join with the chairman of the Committee on the Judiciary and say that we do truly want to work in a bipartisan way to make sure that the greatest deliberative body known to man is maintained as that, and I hope very much that our decision to accept the motion to recommit which is being offered in good faith by the gentleman from North Carolina will see us proceed with an overwhelming vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER pro tempore. Is the gentleman from Wisconsin (Mr. SENSENBRENNER) reporting back on behalf of the Committee on House Administration?

Mr. SENSENBRENNER. I am, Mr. Speaker, in the absence of the chairman.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 2844, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

"(5) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

"(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

"(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

"(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

"(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

"(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

"(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

"(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 97, not voting 30, as follows:

[Roll No. 130]

YEAS—306

Abercrombie
Ackerman
Aderholt
Akin
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thompson (MS)

Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—97

Alexander
Allen
Andrews
Baird
Baldwin
Bell
Berkley
Berry
Brady (PA)
Brown (OH)
Clay
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hefley
Hill
Holt
Honda
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lucas (OK)
Lynch
Majette
Matsui
McCollum
McDermott
McGovern
McInnis
Meehan
Menendez
Michaud
Miller, George
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (MN)
Pomeroy
Rohrabacher
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Serrano
Slaughter
Solis
Stark
Strickland
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Tierney
Van Hollen
Visclosky
Waters
Watson
Waxman
Woolsey

NOT VOTING—30

Boehlert
Cardin
Carter
Clyburn
Collins
Delahunt
DeMint
Duncan
Forbes
Gallegly
Gephardt
Hastings (FL)
Hinchey
Hinojosa
Houghton
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Nunes
Payne
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Taylor (NC)
Toomey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1623

Ms. BERKLEY, Mr. GORDON and Ms. LINDA T. SÁNCHEZ of California changed their vote from "yea" to "nay."

Mr. SPRATT and Mr. LEWIS of Georgia changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I missed votes on Thursday, April 22, 2004, due to a representational activity. Had I been present, the record would reflect that I would have voted: roll 128, Larson No. 1 amendment; "aye"; roll 129, Larson No. 2 amendment, "aye"; roll 130, Final Passage H.R. 2844 Continuity in Representation Act, "nay."

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, during rollcall votes 126, 127, 128, 129, and 130 I was unavoidably detained. If I had been present, I would have voted "yea" on rollcall votes 126, 127, and 130. I would have voted "nay" on rollcall votes 128 and 129.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2844.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the schedule for the following week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the distinguished whip for yielding to me.

Mr. Speaker, next week the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of rules. A final list of these bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday and Thursday, the House will convene at 10 a.m. We plan to consider H.R. 4181, which would permanently remove the marriage tax penalty from the Internal Revenue Code. In addition, we expect to consider a short-term extension of the highway bill, as the current extension expires at the end of this month.

Finally, I would like to remind all Members that we do not plan to have votes next Friday, April 30.

Mr. HOYER. Ms. Chairman, I appreciate that information.

With respect to the transportation reauthorization bill, can the leader tell me for what length of time we will extend the existing authorization?

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, it is just an extension of the authorization. As far as length of time, the bill has not been written yet, but in the discussions that I have been privy to, I am advised that it could very well be about 2 months.

Mr. HOYER. The same period as we had on this bill.

Mr. DELAY. Yes.

Mr. HOYER. I thank the gentleman.

With respect to the fiscal 2005 budget resolution, do you expect we might see a conference report on the budget next week?

Mr. DELAY. If the gentleman will yield further, based on the feedback that I have gotten from the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, I believe that we could very well see the budget resolution conference report be completed in time so that we could vote on it sometime next week.

Mr. HOYER. Is the pay-as-you-go provision still a major stumbling block in the conference, or does the gentleman know?

Mr. DELAY. If the gentleman will yield further, I am not privy to the discussions between the other body and the House in the conference committee, so I really cannot answer that question.

Mr. HOYER. With respect to the marriage penalty tax bill, will this bill be considered in the Committee on Ways and Means?

Mr. DELAY. The marriage penalty bill, yes, will be marked up by the Committee on Ways and Means, I believe.

I am being corrected, and I appreciate the correction. I think it is not going to be marked up by the Committee on Ways and Means. It is coming straight to the floor.

Mr. HOYER. Reclaiming my time, the reason I asked the question, obviously, is members of the Committee on Ways and Means had not heard about marking up that bill. Is there some reason we are not pursuing the regular order and having that bill reported back out of the committee?

Mr. DELAY. If the gentleman will yield further, this is a very simple, straightforward provision. It is the same provision we have carried and passed by this House many times. It is not very complicated. I am advised that the chairman of the committee did not feel that he needed to use the time of the committee to mark up such a very simple bill that has been discussed and debated on this floor many times, and passed by the House many times.

Mr. HOYER. I cannot help myself for making this remark, Mr. Leader, but I am not surprised that the chairman of the committee feels it would not be necessary to go to the committee to ask for approval to have something passed out of that committee. We

Democrats particularly know that that is the case.

Mr. Leader, we have information that leads us to believe that on subsequent weeks we are going to be considering the child care tax credit, the 10 percent tax bracket and possibly AMT. Is that information accurate?

Mr. DELAY. If the gentleman will yield further, as the gentleman knows, when we passed the Jobs and Economic Growth Tax Act last year, we accelerated several important provisions from the 2001 tax bill. Our goal was to allow more families and more businesses to keep more of their money, thereby encouraging private sector investment and consumer spending. These investments are driving, we feel, the economy forward. They are helping create more than half a million jobs in this year alone.

Over the next few weeks, I expect the House to continue those efforts by considering legislation, as the gentleman has outlined, that will ensure that families do not face a tax increase next year by extending marriage penalty relief, continuing the new low 10 percent bracket, extending the $1,000-per-child tax credit, and I believe the Committee on Ways and Means is considering an AMT reform. That will be done over the next several weeks.

Mr. HOYER. Reclaiming my time, I take that as a yes.

The gentleman mentioned extending the $1,000 child tax credit. Do you think this time we might include those families that are making less than $26,000 on this go-around? That has been pending for many, many months now, and, seeing as how you mentioned it, I thought I might inquire as to whether or not we might finally include the poorest working Americans in the benefit that has been extended to those that are doing a little better.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I cannot prejudge what the Committee on Ways and Means might decide to do on that particular bill, but I have a feeling that if this bill became law, the gentleman's concerns would all be taken care of.

Mr. HOYER. I doubt that there is any bill that can pass that will take care of all my concerns, Mr. Leader, but I appreciate the information.

On those additional items, do you expect them as well not to go through the committee process and be considered by the committee, but come directly to the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding further.

As the gentleman has already found out, I thought it was being marked up this week and was told differently. I do not know how to answer that question, other than the fact that each bill will be considered on its own merits by the Committee on Ways and Means, and they will have to make a decision whether the bill merits a markup or allow it to come straight to the floor.

Mr. HOYER. Mr. Leader, the last question I would ask you with respect to these tax bills, is it your expectation that the minority will be given the ability to offer a substitute on the bill coming up this week, the marriage penalty, but as well on the subsequent bills?

I yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding further.

Of course, I obviously would defer for a final decision to the Committee on Rules, but I imagine, as is our longstanding tradition and custom of the House procedures, particularly in regard to tax measures, I would believe that they would prefer to limit the number of amendments, if any, to limit those amendments to germane substitutes.

□ 1630

Mr. HOYER. Mr. Speaker, reclaiming my time, let us assume the substitute is germane. Will we be allowed the opportunity to offer a germane substitute?

Mr. DELAY. Mr. Speaker, if the gentleman would yield, again, I would defer that kind of decision to the Committee on Rules; but, obviously, in most cases that I can remember a tax bill, there have been substitutes to the tax bills as long as they are germane.

Mr. HOYER. I thank the gentleman for that observation.

Lastly, I would say to the leader we understand this morning that the National Security Adviser Condoleezza Rice briefed the Republican Conference. I want to say that we have been offered the opportunity to have the National Security Adviser brief the Democratic Caucus. I think we will take advantage of that. But, Mr. Leader, clearly the present situation in Iraq is not what any of us would want.

During the course of this effort in Iraq, and immediately before it, we had briefings on this floor. Secretary Rumsfeld and from General Myers, from Deputy Secretary Wolfowitz, from Mr. Tenet, the Director of the CIA, from Mr. Mueller of the FBI, numerous others. And we came together as Republicans and Democrats and had the opportunity to be briefed. We had the opportunity together to ask questions. Some of those, as my colleague knows, were in closed session because we discussed security information.

I want to say to my friend that we were disappointed that we did not do that this morning. Both of our caucuses are partisan; they represent parties. We were disappointed that this briefing was given on a partisan basis. We do not think that is in the best interest of the country; we do not think it is in the best interest of this Congress.

Mr. Leader, I would urge you to, on behalf of your leadership, join with us in assuring that, A, we have a number of bipartisan briefings from the principals involved as to what is going on. Our public is concerned, my colleague's people, my people, very concerned about what is happening to our troops, very concerned about our success in Iraq. I say that, as my friend knows, as one of those who supported the effort, supported the funding of this effort. But all of us have to be concerned about the situation.

So I would ask the leader if he might comment on the fact that we have historically had under Democratic leadership, Republican leadership, bipartisan briefings. I would hope that we could continue to have such. As I say, I think it is in the best interest of the country.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I can appreciate his disappointment, but I need to point out to the gentleman that this is not limited to Republicans. The gentleman has already said that Dr. Rice would gladly brief his caucus. Just as the President meets with bipartisan leadership, he has meetings with bipartisan Members of Congress, he also has meetings with Republicans. And he has on occasion had meetings with Democrats. This is not limiting or closing out anybody. It is just in this particular case we invited the NSC director to speak to the Republican Conference.

We have had and have notified your leadership that bipartisan briefings will be held by the NSC director as bipartisan meetings, as the gentleman has pointed out, have been held by the Secretary of Defense, the Chiefs of Staff, the CIA, and many, many others. It is just an added briefing that we felt we wanted to have. And certainly, the NSC director made sure that the same courtesy was paid to the Democratic Caucus, and she is more than willing to come before the Democratic Caucus.

No one is trying to be shut out, but there are times when our caucus wants to talk to this administration and we ought to be allowed to do that as long as we get briefings and open briefings in a bipartisan way as well.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that comment. I understand his observation. The gentleman will remember one of the most wrenching caucuses in which I participated was a bipartisan caucus after we tragically lost those 18 members of the service when the Black Hawk went down in Mogadisho, Somalia. And as you may recall, it was extraordinary. I think we must have had 350 of our Members in HC–5 in which Secretary Christopher and Secretary Aspin came and reported to us on the situation on the ground.

I understand what my colleague is saying, and he certainly has that right; but I think that the fact that we can meet together to get information together so that we are all getting the same information and hear one another's questions, hear one another's concerns, which reflect the concerns of the 280 million Americans, many of whom have young people overseas, and some, as he knows, because he has met with them as I have that are not so young in the National Guard and Reserve, we think it would be useful to do that in a bipartisan way together so that we could all hear the same information and therefore be able to work together to assist in solving what is a very difficult problem, ensuring to the greatest extent we can the safety of our people and the success of our mission.

But I thank the gentleman for his observations.

ADJOURNMENT TO MONDAY, APRIL 26, 2004, AND HOUR OF MEETING ON TUESDAY, APRIL 27, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, April 26, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, for morning hour debate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
April 21, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 637(d)(1) of the HELP Commission Act (P.L. 108–199), I hereby appoint Mr. Lynn C. Fritz of California, Mr. C. Payne Lucas of Washington, D.C. and Mr. Jeffery D. Sachs of New York, to the Helping To Enhance The Livelihood Of People (HELP) Around The Globe Commission.

Best regards,

NANCY PELOSI.

SENATOR KERRY HAS THE SUPPORT OF VETERANS

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. Mr. Speaker, throughout this Presidential campaign, we have heard from the Republicans repeatedly that they will not question Senator KERRY's patriotism. We all figured that was an empty promise, but it has been proven true in the well of this House this morning.

Several Republican Members came up and directly called into question Senator KERRY's patriotism based on his objections to the Vietnam War. And beyond that, we have even heard Republicans out on the airwaves questioning his service in Vietnam.

I do feel that there are many more important issues in this campaign that are legitimate to talk about. Senator KERRY has unbelievable support from veterans in this country. All 50 States have veterans for Kerry organizations that are strong and hard-working to support the Senator and, perhaps most tellingly, are the people who served with him in Vietnam. All of those people are supporting Senator KERRY regardless of their political stripes. Many are taking large chunks of personal time to go around and be supportive of him.

His record in Vietnam and his record afterwards should not be questioned, and it is being questioned by the Republicans. I think Senator MCCAIN said it best some time ago when asked about this and asked about Senator KERRY's protest against the war. He said that Senator KERRY's service in Vietnam fighting for our country more than gave him the right to protest the war if he thought it was wrong.

Senator KERRY honorably served this country in Vietnam, volunteered to serve, volunteered for combat duty, and he honorably upheld the traditions of this country when he came home and pursued his personal convictions to oppose the war. We should recognize that service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The gentleman will refrain from making improper references to individual Senators.

AMERICANS NEED JOBS

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, another week has gone by in the United States Congress, and nothing has been done with unemployment benefits for unemployed workers throughout this country; 2 million to 3 million workers still do not have work. Thousands in the State of Ohio are losing their unemployment benefits every single day. And we sit here and we want to take pot shots at different Members of this body, different members of the Senate, candidates for President.

The real issues today are people do not have any place to go to find work. Those people that did have work have lost their jobs, and they are looking for unemployment benefits to feed their families. They want to send their kids to school. We have no manufacturing program in this country. We are bleeding jobs every day.

We better get our act together in the Congress. I think it is time for a change. I think we need to focus on what is most important here and what our job is here, and that is to take care of the American people.

CALLING SENATOR KERRY "HANOI JOHN" IS SHAMEFUL

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, something happened on the floor of the House this morning that in my judgment is shameful, shameful, because the record of an American hero who shed his blood, who earned three Purple Hearts, a Silver Star, and a Bronze Medal was referred to on the floor of this House as "Hanoi John." Is that what we have come to in this House?

I would remind those listening that when the President of the United States found some reason not to show up for his responsibilities and when Vice President CHENEY said he had other responsibilities during the Vietnam War, it was Senator JOHN KERRY who took the bullets for this country and for us and our freedoms.

Shame on those, shame on those who would denigrate the record of a true American hero.

REPUBLICANS ARE UNWILLING TO MEET THE COMMITMENT TO VETERANS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, by attacking JOHN KERRY's war record this morning, the Republicans would revive the controversy of the war in Vietnam, yet they are unwilling to meet the commitment to the veterans of that war who are still waiting for the benefits they were promised. They will attack veterans of the war, and they will not help the veterans of the war in the way we promised when they went to war.

They have not yet repealed the disabled veterans tax. They are supporting $1 billion less than we need to provide health care. The President is proposing to double the prescription drug cost for our veterans. And yet they have the temerity to attack a distinguished veteran of that war, one who has also voted to meet the commitments to the veterans of that war and the veterans who are coming home today. But they are not willing to pay that bill, they are just willing to attack.

NO BOUNDARIES

(Mr. BELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BELL. Mr. Speaker, are there no boundaries?

□ 1645

Earlier today several Republicans came to the floor of this House of Representatives to attack the military record of Senator JOHN KERRY, to attack the military record of an individual whose medals alone would take almost all of my allotted time to name, to attack the military record of a man who risked his very young life for his country in Vietnam and was wounded on three different occasions, a man who risked his life to save others; and then when we he came home to the United States, decided he was not finished saving lives. Instead, he decided to stand with thousands of other Americans and question a war that had clearly lost direction.

JOHN KERRY's appearance before the Senate Committee on Foreign Relations back then was a turning point in the debate on Vietnam, and he showed the same level of patriotism by taking that stand here at home as he did with his act of bravery in Vietnam. To attack him in this manner is simply shameful. But I guess in this day and age of politics, there are no boundaries, and regretfully we should not be surprised.

KERRY, HIGHLY DECORATED VETERAN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, December 1968, JOHN KERRY gets wounded in the arm. He is awarded the Purple Heart. February 1969, KERRY is wounded again, shrapnel in the left thigh. He is awarded a second Purple Heart. February 28, 1969, pursues a Viet Cong fighter, kills him and retrieves a rocket launcher, awarded a Silver Star. March 1969, a mine detonates the boat, wounding him in the right arm. He is awarded a third Purple Heart. He is also awarded a Bronze Star for saving a crew member.

As my colleagues have pointed out, Republicans came to this floor today to attack JOHN KERRY's military record. Shame on them. JOHN KERRY honors our men and our women in uniform. He honors the principles upon which this great Nation was founded. There are those who serve in the Republican side of this aisle who would do well to take heed and give honor to someone who served so well this great country of ours.

KERRY, A DECORATED WAR HERO

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I was actually baffled to hear that some of my colleagues came to the floor this morning to criticize JOHN KERRY in his capacity as an enlisted soldier and war veteran. JOHN KERRY, the highly decorated hero, recipient of the Silver Star, Bronze Star, three Purple Hearts, Combat Action Ribbon, Navy Presidential Unit Citation, Navy Unit Commendation Ribbon, National Defense Service Medal, Vietnam Service Medal and the Vietnam Campaign Medal, that JOHN KERRY was blasted and accused of being unpatriotic for being critical of the Commander-in-Chief during the Vietnam War.

I am baffled that my colleagues would even choose to go there because our current Commander-in-Chief has, what can I say, a less than heroic military career, and the majority of the Americans are more than a little concerned about a President who has sent our soldiers into battle without an exit strategy, without a post-Saddam plan and without body armor.

DANGEROUS DUTY FOR KERRY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, JOHN KERRY volunteered for service in the Navy during the Vietnam War where he served as skipper on a swift boat that patrolled the Mekong Delta. Navy Admiral Elmo Zumwalt, who devised Operation Sea Lord, calculated in his biography that swift boat sailors had a 75 percent chance of being killed or wounded during a typical war. Under Sea Lord, swift boat duty was one of the most dangerous duties you could draw in the entire U.S. Navy. KERRY was wounded three times in Vietnam, received three Purple Hearts for those injuries. He was also awarded a Silver Star and a Bronze Star for his actions in combat.

In addition to the individual awards for bravery, KERRY's unit was awarded the Presidential Unit Citation Ribbon by President Richard Nixon.

I could go on, but I have to say I am ashamed to hear the statements that are being made by Republicans, by my colleagues on the other side, talking about Senator KERRY, who served so honorably, who was a decorated veteran. And if he decided that he wanted to question the Vietnam War after serving in it, that was his right as an American.

PRAISE KERRY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, JOHN KERRY did serve his country honorably in Vietnam and stood up with many Americans to question a war that had lost purpose and was losing many American lives.

JOHN KERRY's speech played an important role in moving the debate from the streets to the floor of the Senate. The Nixon administration was not responding to the changes in the war in Vietnam and was deceiving the American people about the war.

KERRY's testimony saved lives. KERRY and other veterans who marched in D.C. in 1971 exercised the same patriotism that drove them to serve their country in the battle in Vietnam. They had fought for liberty and freedom of expression for the Vietnamese, and they returned to the United States to stand up and be heard. His actions should be praised, not scorned.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BUSH'S WAR ON ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we see the Iraq war in the newspapers every morning and on the television every evening, but we are not seeing reports on the administration's undeclared war on the environment.

It is a war. It is being fought on our own soil, and the polluters are winning.

This Earth Day this administration has launched a full frontal assault on the environment. The assaults include the air we breathe, the water we drink, the land we cherish, the fish in the sea and the people themselves.

I am a doctor. My medical training and experience taught me you have to treat illness by curing the problem, not by treating the symptoms. This administration does neither. We could write a prescription, but it will not be filled while this President is in office.

Air pollution shortens the lives of thousands of Americans, and air pollution worsens the lives of millions more. Breathing polluted air is bad enough when you are in good health. It can be catastrophic when you suffer from any one of a number of respiratory illnesses.

When I was a kid, I had asthma. It is a respiratory illness which can clog or even close the bronchial tubes which carry air to the lungs. In other words, asthma can impair the ability to breathe. In severe cases, asthma can be life-threatening and require immediate medical attention. An asthma attack can be triggered by smoke and by environmental pollution. And we have seen the enemy, and it is the administration.

The environmental pollution this administration has let loose on America saves the polluters millions of dollars, but costs individual Americans dearly. Do not take my word for it. Ask anyone with asthma or any other person with a respiratory condition in this country.

Respiratory problems are just one area of medicine impacted severely and negatively by pollution. There are others, from skin disease, to chronic allergy, to a host of medical problems hurting Americans, young and old. Polluters have poisoned water supplies. They have contaminated rivers and streams. And worst of all, they are getting away with it. They are changing the rules.

This country is more in danger at 5 o'clock on Friday than at any other time environmentally during the week because that is when the administration puts out the new regulations under the radar, no press conference, no anything, just give the polluters an open door. They invite them to secret meetings to craft America's energy policy. This administration does not look the other way. Instead they hold fund raisers.

The President cannot remember making a mistake the other day on television. I cannot remember the President doing anything right about the environment. The record is that abysmal. And unless we change administrations this November, it will only get worse.

In my home State of Washington, it takes committed local organizations like the People for Puget Sound and others to monitor the regulators. In my home State of Washington, we now fear new environmental actions Republicans openly hint about that may harm or kill whales, porpoises and dolphins.

No one and nothing is safe from the undisclosed war of this President on the environment. Now, whales cannot vote, but we can. Porpoises cannot vote, but we can. Dolphins cannot vote, but we can. Children cannot vote, but we can. Lakes and streams cannot vote, but we can. The Arctic National Wildlife Refuge cannot vote, but we can. The water, the air, and the Earth cannot vote. We must vote on their behalf.

This is Earth Day. Sadly, the Earth is in grave danger, much greater than it was in 1970s when this first was put on the calendar. We know who was responsible, and we know why. It is all about money, about greed. Energy producers are saying, we cannot clean up the air.

In the President's own State, the major city is one of the most polluted in the country. When he was Governor, he did nothing. When he is President, he does nothing. Houston might as well not have a President or a Governor.

We must save the planet before it is too late, and the sand is quickly flowing out of the hour glass. Today is the day we decide to vote for the planet and vote this President out of office in November.

CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, April is Child Abuse Prevention Month. It is an important time to focus on how we can deal with this painful and preventable scourge on America's children.

It is estimated that a staggering 896,000 children were neglected or abused in the United States in 2002, approximately 12 out of every 1,000 children. In 2001, there were 1,300 deaths from neglect or abuse, but some estimate that half the deaths from neglect go unrecorded. And although cases of abuse have dropped slightly since the 1990s, the number has remained alarmingly steady in recent years. Most times the abuse is from a parent, and there is abuse at all income levels.

The effects go far beyond the immediate and obvious impact. There are long-term consequences that include developmental delays, learning disorders, aggressive behavior and depression. Now, these consequences do not just affect the individual, but they effect society as a whole. Survivors are at a greater risk later in life to abuse their own children.

State, Federal, and local governments, human service agencies, schools, faith-based groups and health care facilities have a stake in helping to prevent child abuse. These groups can all work together with combined resources to improve protective factors such as parenting skills and attitudes. At the same time by working together they can reduce risk factors such as parent depression, caregiver stress and children's behavior problems. These risk factors are critically important because they can precipitate the rage that leads to abuse.

It is well worth noting that this is not just a problem of poverty, but all walks of life. This is not the family in the other part of town. This is our neighbors next door, down the street, or around the corner. This is not someone else's problem. This is all of our problem.

Now, there have been positive accomplishments by those who work at the Federal level, notably passage of the Child Abuse Prevention and Treatment Act, but we cannot solve the problems of child abuse by laws alone. And there is an alarming lack of coordination among the Federal agencies that are already in place to prevent and treat victims of abuse. When one considers the fact that there are 33 offices, agencies and bureaus in the Federal Government that deal with child abuse, added to the fact that there are a staggering 46 separate streams of funding, it is a wonder that anything gets accomplished.

The old cliche, the left hand does not know what the right hand is doing, may well fit here.

The Federal Government cannot single-handedly stop child abuse, but it can provide valuable tools to assist those working to save our families and our children. Right now, however, the system is splintered, disjointed and sometimes ineffective.

☐ 1700

Next month the Committee on Government Reform will hold important hearings on cleaning up the Federal Government's approach to preventing and treating child abuse; but with a steady 900,000 cases per year, despite the millions and millions and millions spent by the Federal, State and local government, it is clear the current approach is failing.

We must streamline these agencies and funding streams. We cannot just preach a proactive approach to stopping child abuse. We must also set the example. The most direct way to end child abuse is to stop it before it starts. Prevention and early intervention is the key.

Community-based programs have shown positive improvements by utilizing a proactive approach that includes improving parenting skills and attitudes, as well as reducing risk factors such as parental depression, caregiver drug use, caregiver stress, and children's behavior problems. President Bush's fiscal year budget proposal shows a commitment to helping our children by doubling funding for two critical funding programs, money that provides funds to States.

It is also imperative that we streamline the Federal system and ensure that money being spent is utilized effectively in programs that work.

We owe our children nothing less than the right to feel safe in their own homes with their own parents. It is a duty that is a responsibility and a moral obligation that we all share. We must do our part here in Washington.

I call upon all Americans to take an active role, to open their hearts to America's hurting children. I call upon all Members of Congress to recognize that of all the things we do, of all the things we do, stopping the pain, stopping the rage against our innocent children could indeed be the most courageous and noblest task of all.

EXCHANGE OF SPECIAL ORDER TIME

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to replace the gentleman from Maryland (Mr. WYNN), the next speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize and celebrate the 34th annual celebration of Earth Day. I have a long-standing commitment to conservation and environmental protection, as well as to peace and justice; and I am pleased to join in today's celebration.

Earth Day festivities take place all across the country. I would like to pay special tribute to my constituents in Dallas, Texas, who are so active in their support of environmental issues.

I would like to give special recognition to TXU under the leadership of Mr. Earl Ney, who has shown a great deal of sensitivity in correcting many of the environmental damaging fumes from their electrical power plans, and to Mr. Stavely of Irving, Texas, who led the dry cleaning industry into taking a responsible position of establishing a State fund to share in cleaning up industrial waste.

The city of Dallas will recognize Earth Day on Friday with a celebration of live entertainment and educational exhibits. I would like also to pay tribute to Bonnie Bowman, a north Texan, who has championed a host of environmental causes from clean air and water to recycling and tree preservation. Those efforts have garnered her special recognition this Earth Day in the form of an environmental awareness award from the League of Women Voters, and Trammel Crow who back over the years planted many trees back along the highways.

In 1963 following President Kennedy's death, the Nation was reminded of his words he had spoken the year before: "Never have the nations of the world had so much to lose, or so much to gain. Together we can save our planet, or together perish in its flames. Save it we can, and save it we must." We must ensure that diversity of life on Earth and enrich the quality of life now and for future generations.

Today, however, many of the environmental gains of the past 34 years are under attack or have been rolled back. The Clean Air Act and the Clean Water Act have been weakened. EPA enforcement funds have been cut. The "polluter pays" principle for cleaning up toxic waste sites has been abandoned. Mining and logging on public lands have increased, protection from wilderness areas has been removed, and attempts are being made to open up the Arctic National Wildlife Refuge for oil drilling and weaken protections for the California coast.

Mr. Speaker, Texas is already the Nation's mercury hot spot, and our children should not be suffering from the toxic exposure. Texas leads the Nation in mercury pollution from coal plants. Nineteen coal-burning plants spew out nearly 9,000 pounds of toxic mercury per year in Texas. Coal waste contains mercury that can leach into the waterways as well. Utilities, the largest source of mercury, 34 percent, are the only industry unregulated for this dangerous pollutant.

I consider environmental protection to be a national priority. I pledge to work with my colleagues to ensure the preservation of our natural resources and the protection of the public's health. Today, as we celebrate Earth Day, let us reaffirm our commitment to a cleaner and more peaceful world.

SCIENCE AND ENGINEERING INDICATORS 2004 REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and together with the accompanying materials, without objection, referred to the Committee on Science:

To the Congress of the United States:

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, "Science and Engineering Indicators—2004." This report represents the sixteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 22, 2004.*

HONORING SPECIALIST JUSTIN JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to the life of a true American hero, Specialist Justin Johnson from Floyd County, Georgia. Specialist Johnson was killed in action on April 10, 2004, when he was hit by shrapnel from a roadside bomb in Iraq. He is the first soldier from Floyd County to fall in our effort to free the Iraqi people.

Like countless others after 9/11, Justin felt called to serve and protect his country, so he enlisted in the Army. Prior to enlisting in the Army, Justin worked construction with his father, Joe, who was himself a retired soldier. By enlisting, Justin proudly followed in the footsteps of his father and his older brother, Josh, who is currently stationed at Fort Bragg, North Carolina. Like his father, Justin was a forward artillery observer.

On April 10 Justin had only been in Baghdad 8 days when he was riding gunner on a Humvee and paid the ultimate price. His mother received word of his death when she returned home from church on Easter Sunday and just 2 weeks after undergoing major surgery. The news came to her as her husband, Justin's father, was joining a National Guard unit in Washington State that was preparing to deploy to Iraq so as to be with his son in the defense of our Nation. As they had earlier on the construction site, Justin and his father would have worked together, worked in the rebuilding of Iraq and assuring their freedom and protecting the world from terrorism.

I recently had the opportunity to visit with Mr. and Mrs. Johnson, and I was moved by their reaction to this tragic event. When I spoke to them, all they could say was that their loss had only made them more resolute in their conviction about the rightness of this war; and Mrs. Johnson was especially vocal about how America's efforts have given her, and all Americans, a freedom from fear. Mr. and Mrs. Johnson remain firm in their support of President Bush's stand in Iraq and declared that he is a "true man of God."

At Specialist Johnson's funeral, when a bugler began to play taps and the honor guard fired a rifle volley, Joe Johnson saluted his son for the last time as they laid him to rest. Justin was posthumously awarded a Purple

Heart and a Bronze Star for his heroic service.

Mr. Chairman, this is a proud American family giving all that they have to their country and more. Mr. and Mrs. Johnson are to be commended and honored for their sacrifice, and my thoughts and prayers remain with them as they endure this difficult time.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask to take the time of the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 2 days from now the people of Cyprus will take a historical vote on the future of their country, voting on a referendum finalized several weeks ago by U.N. Secretary General Kofi Annan.

Secretary General Annan has dedicated a great deal of time over the past couple of years to finally resolving the 30-year Cyprus problem. He has been extremely patient in dealing with the intransigence of Turkish-Cypriot leader Rauf Denktash, intransigence that continues to this day.

Having met with the Secretary General last month, I have no doubt that he understands the concerns of both the Greek Cypriots and the Turkish Cypriots; but unfortunately, his final plan unfairly benefits the Turkish side and does not achieve the goal of truly reunifying the island nation.

Mr. Speaker, I have serious reservations about the final Annan plan because it forces the Cypriot people to put too much faith in the Turkish Government. When Cypriots go to the voting booth on the 24th, they are forced to take the Turkish Government at its word that the Turkish parliament will ratify the treaty. The Cypriots are forced to take the Turkish Government at its word that occupied land will be returned to its rightful owners 3 to 5 years down the line, and the Cypriots are forced to believe that Turkey will remove its troops according to the timetable in the Annan plan and are forced to deal with the fact that Turkish troops will remain in Cyprus forever with Turkey having the unilateral right to intervene at any time.

I am afraid, Mr. Speaker, the final Annan plan gives Turkey too much opportunity to either delay or not implement critical property and security issues in the years to come.

When I met with the Secretary General, I strongly recommended that the U.N. maintain a presence on the island as long as the Turkish Army remains. The Secretary General assured me that U.N. forces would remain on Cyprus for a considerable amount of time, but his final plan allows Turkish troops to stay indefinitely without an international presence; and I find this simply unacceptable. I am extremely worried about the actions Turkish troops might take with the absence of a neutral international presence to keep them in line. I am also concerned that Turkey will not abide by the final agreement and its troops will contribute to further instability and insecurity.

Over the next couple of weeks, the people of Cyprus will carefully analyze this plan and determine if it provides the best framework for the island nation to enter the European Union united. This is their decision alone, and outside forces should not attempt to scare or threaten them into voting a certain way. Whatever the outcome, it is important the international community and the United States honor that decision and work to ensure Cyprus's future remains bright.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, over 700 Americans have given their lives for the war in Iraq, a conflict with no end in sight. That number does not take into consideration the report the Pentagon just released stating that over 18,000, 18,000 soldiers have been evacuated from Iraq for medical reasons, nor does it take into consideration the billions of dollars the United States has spent to date on this conflict or the international goodwill we are squandering.

We were told that this war was necessary to keep us safe. We were told last November that by sending another $87 billion for military operations and reconstruction, on top of just a few months earlier $78 billion for the same purposes, that Iraq would be in better shape and that our soldiers across the world would have the support that they need.

The fact is, even after Congress approved $155 billion in supplemental spending bills, Iraq is not in better shape; and many of our troops in Iraq still lack the equipment that is essential for their survival: body armor capable of stopping bullets; armor for tanks that will help prevent the destruction of U.S. military convoys; and the necessary water equipment to keep them hydrated in the desert heat.

□ 1715

Under the Bush administration, the annual Pentagon budget has grown from $310 billion in fiscal year 2001 to $420 billion in fiscal year 2005, an increase of 35 percent in just 4 years. At the same time the United States spends outrageous amounts of money on outdated weapon systems, America's contribution to U.N. peacekeeping missions has suffered a 6.5 percent cut, despite the fact that several critical peacekeeping missions will be launched in the coming year.

There has to be a better way, and there is, one that emphasizes brains instead of brawn, and one that is consistent with American values. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for sensible multilateral American response to terrorism.

We need to shift our budget priorities so that they reflect the true security needs of the American people instead of spending billions on new bunker-buster nuclear weapons and the President's beloved missile defense system, which would not provide an effective defense against a full frontal missile attack in the first place.

SMART security calls for stronger and smarter investments abroad in peacekeeping and conflict prevention programs and at home on homeland security and first responders. SMART security means creating a permanent postconflict unit that provides the first layer of reconstruction in countries that have been devastated by war and/or by oppressed dictators, like Iraq and Afghanistan. And SMART would mean funding all Army peacekeeping units devoted to studying and preparing for future peacekeeping missions. SMART would develop a real strategy for energy independence because nothing threatens our national security more than our dependence on Middle Eastern oil.

The Bush doctrine has been tried, and it has failed. It is time for a new national security strategy. SMART security defends America by relying on the very best of America, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

SMART security is tough, pragmatic and patriotic. SMART security is smart, and it will keep America safe.

HOLOCAUST MEMORIAL AND REMEMBRANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I am here on the floor to talk about an extraordinary event that took place in our Nation's Capital today and what it signifies to me.

I attended the Holocaust Memorial and Remembrance Program that took place in the dome of the United States Capitol. I was struck by two different feelings as I sat there and I listened to one extraordinary remembrance and speech after another. The first was, of course, that feeling that always startles me; that man's inhumanity to man knows no bounds, and that a mere 60 years ago 6 million Jews were exterminated throughout the world. Their only transgression was the fact that they were Jewish.

I was also struck by the incredible fact that 60 years after this most heinous episode in our civilized world's history, that there we were, generation after generation after generation of survivors, those that survived, their children, their grandchildren, and their great-grandchildren, all gathered under the dome of the United States Capitol, the very seat of power, the most important and strongest Nation in the world. And here we have a seat at the table where we are welcomed, where we are valued as citizens, and where we have an opportunity to participate in our government as we have never been able to participate before. Here we gather not only to remember those that lost their lives in the Holocaust, but to ensure that something that happened 60 years ago could never ever happen again.

I am second-generation American. My grandparents walked across Europe to come to this country. My mother's side of the family comes from Salonika, Greece. Prior to World War II, prior to the Nazis, there were 80,000 Jews in Salonika. By the time the Nazis finished, there were merely 1,000 left. I am not presumptuous enough to think I would have been among the 1,000 selected to live.

On my father's side, the Russia-Poland side, there were no towns, no Jews. Hundreds and hundreds of years of a rich culture and civilization obliterated, exterminated in the course of the Second World War.

When my grandparents came to this country, they could not speak the language, they had no money, they had no skills, but they had a dream, and that dream was that their children and their children's children would lead a better life here in the United States than they had where they came from. My grandparents, who could not speak English, have a granddaughter who serves in the United States House of Representatives. It does not get better than that.

Last year, I had an opportunity to go back to Greece, back to Salonika to meet with the 1,000 Jews that survived and their children and grandchildren. I was there to help rededicate the Holocaust memorial, and I remember standing there in a beautiful plaza with Greek Orthodox and Jewish Greeks knowing that if my grandparents had not gotten out when they did, that memorial would have been to them, and I would not exist.

So for those who organized this extraordinary day of remembrance, to all those that spoke, to everybody that participated, and to all our fellow countrymen, let me give you a hearty and heartfelt thank you for giving me the opportunity I have to live in this incredible country, but also tasking me with a responsibility that future generations of our world citizens will never, never have to go through what this world went through 60 years ago.

EARTH DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, it is an honor to be here this evening on the 34th anniversary of Earth Day. Now, the pollsters tell us that the environment may not be the very first thing that springs to people's minds when asked about the most important issues of the day, but we find that when you probe just a little bit, it is clear that that really does not give the whole picture, because the environment is more than just an issue, it is an umbrella, it is an overview, it is a prism through which Americans see the things that touch their lives most intimately.

When you get those Americans starting to talk about what matters to them most, we hear things like clean air and clean water, a secure energy future, a quality of life for their families. In dealing with the children, one in four admissions, we know in urban areas, are for children with respiratory problems to emergency rooms. When you start Americans down that path, they do not stop talking about it.

If we look at the hundreds of millions of dollars that State and local communities have voted to increase their money spent on water quality and open space, in community after community we see demonstrated concern and action at the local level.

One of the things that characterized the first Earth Day and the activities that followed it was a bipartisan spirit of commitment to improving environmental quality overall and in very specific terms in communities across the country.

I am proud to spring from an Oregon tradition that was decidedly bipartisan and environmental. My first governmental position was an appointment by then-Governor Tom McCall, a legendary Republican in our State, to the Livable Oregon Committee. I was privileged to serve in the Oregon Legislature a third of a century ago when we enacted the first comprehensive land use planning legislation of any State in the Union, and it was the product of bipartisan leadership and concern. On the Federal level, the Clean Air Act and the Clean Water Act were enacted during Republican administrations with bipartisan leadership.

Unfortunately for our success in protecting the environment, on this Earth Day we are seeing that the bipartisan tradition of environmental leadership is being abandoned for short-term political advantage catering to powerful special interests. We can take, for example, the sad saga of President Bush's efforts to weaken the Clean Air Act, documented in a fascinating article in The New York Times Magazine 3 weeks ago.

But it is something that Members of this Congress are familiar with, as we have struggled with this administration under the New Source Review Program, which was requiring old power plants to install pollution controls. Instead, this administration has radically transformed the Nation's Clean Air Act quietly, trying to do it under the radar screen by way of regulatory changes and bureaucratic detectives. And now, older polluting power plants that should have been cleaned up decades ago have been given essentially a free pass, allowed to continue to spew forth harmful pollution and global-warming gases into the air.

Mr. Speaker, it is frustrating to the extreme to see what is happening in terms of global climate change. The administration has been challenged just 2 weeks ago by the Union of Concerned Scientists, a group of 60 scientists, including 20 Nobel laureates, who are concerned about how this administration is turning science on its head, shifting, changing, and obscuring, when, in fact, the role of science should be one that is a constructive one to help us promote environmental protection.

We are seeing at this point the situation where these environmental threats are increasing on the global scale, in terms of global climate change, global warming. We have a generation of Americans today who may be the first generation where there will be no glaciers in Glacier Park, and who may witness the eradication of polar bears in their natural habitat.

But it is not an obscure activity that is going to occur in remote reaches of wilderness or in the Arctic netherland. No American is immune to the deadly consequences of the actions of the last 100 years of assaulting our environment and our government's inaction in some of the simplest common-sense steps.

□ 1730

No one in America will be immune from global warming. It is not just the disappearance of permafrost in areas of the Arctic tundra, the buckling of roads and the erosion of coastline we are seeing in our 49th State, it is the increasing temperatures, rising ocean levels, extreme weather events, and storm surges in coastal areas put all Americans at risk.

We are a rich country, and much of our territory is in temperate areas. Imagine what will happen in poor countries around the world already prone to drought, or to tens of millions of poor people in Bangladesh that will be threatened with drowning by rising sea levels and storm surges.

But there is good news for us to consider on this Earth Day, and a growing consensus of Americans across the country, contrary to the approaches of this administration. They want us to take simple, common-sense steps today to clean up the air, slow global warming and protect our public lands. One simple step is simply to keep in place the Clean Air Act and Clean Water Act and other landmark legislation. We have hundreds of Federal rules, regulations and efforts at rollback that demonstrate that we are actually having initiatives by the leadership in this Congress and by the administration for environmental activities that, rather than making the air cleaner, the water more pure, will actually put us at risk.

Today we need to stick to some of the fundamental underlying environmental legislation we have got. It will be a cleaner America, a healthier environment than if we were to follow some of the so-called reforms of this administration.

Another critical step is to reduce our dependence on fossil fuels. The reality is now that our best estimates are that U.S. production of oil is going to peak in 2008, and there will be a decline of 18 percent over 20 years. It is not happening because of environmental protections, it is because we simply do not have enough oil. However, according to the Energy Information Agency, we are going to be skyrocketing in terms of demand, over 40 percent in the next 20 years, which will increase our demand on foreign oil. Under the current situation, placing our reliance on unstable areas is simply not a good strategic undertaking.

I am pleased that the likely standard-bearer for our party, Senator JOHN KERRY, has put on the table a wide range of environmental initiatives, including fuel efficiency for automobiles, one that could be good for the American consumer, for the environment, and indeed for our auto industry.

Right now there are three alternatives for the American consumers who want hybrid vehicles, but they are, sadly, all Japanese. General Motors has announced it is bringing pickups on the market that will improve gas mileage, but that is the tip of the iceberg. There is far more we can do.

I am pleased that I have been joined by a number of colleagues here who have ideas to lend to this discussion this afternoon, but I want to just put on the table the notion that the most important thing the Federal Government can do for new initiatives is to model the behavior it expects of other Americans. If the Federal Government would simply clean up after itself, establish high standards for the hundreds of millions of square feet it has in offices, the tens of millions of acres that it manages, its vast enterprises, it could have a transformational effect. There are opportunities to discuss this further, but I want to turn to some of my colleagues that are here.

I note I have been joined by the gentlewoman from the District of Columbia (Ms. NORTON), who is charged with one of the most difficult tasks in Congress, and that is providing a representation for the people in the District of Columbia, who, although they are taxed, although they are under the control of the Federal Government more than citizens of any State in the Union, they have not been graced with the opportunity of a voting Member of Congress. I must say it is astounding the work that the gentlewoman from the District of Columbia (Ms. NORTON) does in terms of providing leadership on a wide variety of areas, and not the least of which has to do with the environment.

I have visited with the gentlewoman in areas around American University where we are still struggling 85 years after World War I with the consequence of failing to clean up after ourselves with the chemical weapons that were tested inside the District of Columbia. The gentlewoman is fighting for a wide variety of interests.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON) to discuss the impacts that she is facing in the District of Columbia and some of the noteworthy efforts she is leading.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his many interests here, in his district, and throughout the Nation. The fact is that people in the District are living with the aftermath of munitions that were buried after World War I, which is not very pleasant, particularly when they pay some of the highest taxes in the United States. I agree with the gentleman that if the Federal Government would simply set an example by cleaning up after itself, more of the rest of America would be likely to follow.

One example I have been able to get into a recent bill which has passed the House is for the Federal Government to use solar energy in its own buildings. There is $60 million for 5 years for that to occur.

I also see that the gentleman from Oregon has a bike pin in his lapel, and I must state what a wonderful steward of the environment the gentleman has been, how much his leadership is appreciated there, not only with his signature issue, livability, but the gentleman's across-the-board leadership on environmental issues. It stands to reason that the gentleman from Oregon would be leading this Special Order today.

This is Earth Day, and we come to the floor today, as many of us do on many other occasions. It may be Earth Day, but part of talking about the Earth is talking about water, so I want to talk about the Safe Drinking Act and the Clean Water Act at a time when Members may be imbibing lead as they drink the water at their workplace, the Congress of the United States. The water that we drink, and we are served water where we eat, when we go into committee, there is always water there, and we drink some of that, that water comes right out of the faucet, and we have to think about what that means. If it were only a District of Columbia matter, I would not be raising it on Earth Day, but the Safe Drinking Water Act is being violated all across the United States. I want to alert Members on this Earth Day to what it seems to me each of us should be doing to ensure that we have safe drinking water.

One of the great dividing lines between developing and advanced societies is safe drinking water. When you come to the District of Columbia, you should not have to ask: Is the water safe to drink here? I suggest anyone who comes in fact asks that question, and that is a question that needs to be asked in your own jurisdiction as well when you consider what has happened to the District of Columbia and what it has exposed about safe drinking water.

I am not sure what side our country is on when it comes to the dividing line between countries with safe drinking water and countries without, but it was surely a wake-up call when we learned that there was lead in the water of the Nation's Capital.

The reason this is a matter of national concern is because two Federal agencies control the water here. The Environmental Protection Agency does the same for the District of Columbia as it does for the Nation. If we want to talk about stewards of the environment, the Environmental Protection Agency would not be included there. Of course, it does double duty here since it acts as our State EPA as well as the watchdog Federal EPA.

It gets worse. The water here is purified by the Washington Aqueduct. That is run by the Corps of Engineers, and that is because they built it more than 100 years ago. We have learned that the Environmental Protection Agency signed off on public notice that there was lead in the water a year after it was found, and so buried so nobody knew about it or could have discovered it. Can Members imagine how many pregnant women and small children at developmental ages have been drinking that water without knowing it? That is the kind of environmental crime that the Safe Drinking Water Act was passed to avoid.

The EPA signed off on the public notice, or I should say the lack of public notice; but the problems are more fundamental. The problems are with the very basics themselves. All of the regulations that the EPA has us living under, any good on this Earth Day we should ask ourselves, and does the EPA enforce them? On the basic science, we do not know how much lead is harmful or not. Why are we this long in finding out? We know how much is harmful for young children, but public health officials tell us that lead is harmful for people as old as you and me, Mr. Speaker, but we do not know what the amount is, and nobody has funded the science to find out.

When it comes to enforcement, what the Environmental Protection Agency tells us is they should test for lead, and if they find lead, they keep testing. So what they do is they keep testing until they dilute the findings, and then they do not have to clean up the water at all. This is a public health catastrophe. Every jurisdiction is supposed to be doing this. WASA kept testing, hoping to dilute the results it found so as not to have to remove lead pipes. It backfired on WASA because it found more, not less, lead.

We are living with bad science, wrong assumptions. Even in the 19th century when the service pipes in the District of Columbia were built with lead, there was an outcry that it was unsafe to use lead service lines. That is more than 100 years ago. They knew that. That is what we have today.

So we are told when you do find that there is lead in the water, you have to do partial replacement; that is to say replacement of the lead service lines in the public part of the area. We learned in hearings if you do this partial replacement, and the line on private property is left there, it can be worse because apparently the partial replacement acts as a battery to whatever remaining lead is there, and the problem worsens.

They switched chemicals from chlorine to chloramine. We think that may have caused the corroding of lead into the water. Now, when we see problems like that, the people who purify the water may have made it worse by switching chemicals because they did not do the right tests, and the Environmental Protection Agency does not begin to know how much lead is bad or good and lets you keep testing until you do not have to, in fact, remove lead lines at all. I suggest that on this Earth Day we go back to basics when it comes to safe drinking water and start all over again and rebuild the regulatory basis of the Safe Drinking Water Act.

Finally, let me say the Clean Water Act is another great achievement of this Congress. More than 30 years ago we cleaned up the Potomac, but there is another river that lies within 2,000 yards of the Capitol dome, the Anacostia River, which is utterly polluted. Some of that pollution comes from the fact that there was a naval gun factory; but today, more of it comes from underground sewage and storm water conveyance systems that are over 100 years old. I am trying to have that fixed. It will cost $1 billion, but if we get $100 million every year, we will clean up the Anacostia River, we will do a lot for the Chesapeake Bay, and do a lot for the drinking water here in this area.

I am very pleased to name the cosponsors of this bill in this region. The gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN), the gentleman from Maryland (Mr. VAN HOLLEN), the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. TOM DAVIS), and others from this region are coming on, the gentleman from Pennsylvania (Mr. FATTAH), for example. Virtually all of the Senators from this region are on this bill. It is time we stepped up and did for the Anacostia River what we did for the Potomac River 30 years ago.

□ 1745

I appreciate the time the gentleman from Oregon (Mr. BLUMENAUER) has given me to discuss water on this Earth Day, for it reminds us that Earth Day is about the entire environment. And when we say the Earth, we mean the Earth, we mean the water, and we mean the air. I thank him very much for his leadership once again.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman for her comments and for her leadership. I hope that I will see the time here in Congress where the Anacostia becomes a model for the country in the backyard of Congress about how to do it right after, as she says, decades of abuse.

I yield to the gentleman from Arizona (Mr. GRIJALVA), who has been one of the most forceful voices in his short time in Congress for speaking out for the preservation of the environment, somebody who is deeply concerned and has focused in on what is happening with the rollbacks and somebody who comes from a State that is facing some of the most unique environmental challenges that he has been a leader in long before he came to Congress.

Mr. GRIJALVA. Mr. Speaker, I thank the gentleman very much for yielding. I appreciate the opportunity.

Mr. Speaker, I rise today on this Earth Day to comment that while our Nation is distracted by war and terrorism, the Bush administration has systematically and methodically been dismantling our most fundamental public health laws such as the Clean Air Act and the Clean Water Act; but the people of America and in my community, in addition to wanting peace and security in the world, also want a clean and healthy environment for themselves and for their children to live in.

On this Earth Day we state clearly, and I want to repeat, we state clearly that Americans want and deserve clean air to breathe, clean water to drink, and natural places to experience. We want our most special lands like our national parks to be cared for so they can be enjoyed by future generations as we do today.

But the test results are in, and it is official. The George W. Bush Presidency is the worst environmental Presidency in the history of this country. From our urban areas to our national forests, the Bush administration is sacrificing our health, our environment for the benefit of corporations. Communities of color continue to suffer disproportionately from Bush's policy to lower air and water quality standards and to gut funding for Super Fund cleanup programs, which impact communities across this country.

Our constituents are eating mercury-tainted fish, drinking lead-tainted water, living near toxic contamination sites. Our national parks are deteriorating. Our national forests and public lands are being opened up for polluting uses like oil and gas development, mining, and logging. Meanwhile, the administration disputes that global warming exists and refuses to take steps to address this growing and imminent threat.

This administration is, to say the least, industry-friendly. But we also want one that is Earth friendly. We do not have to sacrifice our economic future for a healthy environment. We can have both a healthy economy and a healthy environment.

We Democrats in Congress are fighting for our environment. My colleagues have fought to keep oil drilling out of the Arctic, to ensure that polluters clean up their messes, to prevent our forests from being clear cut for profit, to keep our air and water clean. We have called for comprehensive and sensible energy policy that does not reward the polluting industries with massive subsidies, but enhances opportunities for renewable energy sources.

As we reflect on the Earth's environment on Earth Day, let us not forget that we have only one Earth to live on. Let us keep our environment and our families healthy by fighting for the protection of our air, water, and land. America's environmental laws have succeeded in improving people's health and lives. Let us continue that legacy by protecting what we have gained and enhancing what we still need to gain.

On this Earth Day, at stake for all Americans is the very essence of what makes us unique as a country and as a people: our land, our people, and our public places. At stake is our public health. At stake is the protection of our natural resources. At stake is a legacy that we all share in, a shared legacy and responsibility about protecting our environment and protecting the health of our people.

The record of the Bush administration on rollbacks of protections and giveaways to special interests is a destruction of that very essence and that legacy. I think the people of America deserve much more. They deserve a country that values its people, protects its environment, and assures that we protect the very essence of what makes us different as a country.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Arizona (Mr. GRIJALVA) for his statement, and I appreciate his eloquence in terms of looking at the big picture and the impacts that people are facing.

The gentleman from New Mexico (Mr. UDALL), his fellow Southwestern colleague, has himself a rich family tradition dealing with these issues and continues that on the Committee on Resources today and being a vigilant spokesperson on a wide range of environmental issues.

I yield to the gentleman from New Mexico if he has some comments to share with us this evening.

Mr. UDALL of New Mexico. Mr. Speaker, I thank my good friend from Oregon for yielding, and I thank him for leading this Special Order. I would like to say that his leadership in this Congress has been exceptional when it comes not only to sustainable communities and making sure we build up the quality of life in our communities but it is also, as we see by the bicycle on his lapel, a good solid balanced approach to transportation and transportation systems and realizing that bicycles and modes of transportation other than automobile traffic are very important to our communities. I thank him for that and thank him for his leadership.

In hopes of keeping our public lands as beautiful and as productive as possible, I would like to offer a few thoughts concerning recent changes to our National Forest Management policies. National Forest Management plans were first conceived by Gifford Pinchot, the first United States chief of the Forest Service. He was a Republican like the President at the time, Teddy Roosevelt, who thought that we should organize the country's forests into a National Forest System that we now know today as our vast system of national forests.

Pinchot was initially led by the utilitarian philosophy as of "the greatest good for the greatest number." In guiding the management of the national forests, he later appended to that statement "in the long run": "The greatest good for the greatest number in the long run." Because he recognized that forest management consists of long-term decisions in protecting the resources.

By the end of 1910, at the end of Pinchot's term, there were 150 national forests covering 170 million acres of land. And he wrote about the U.S. Forest Service and what he was trying to do, and he said "not a single acre of the government, State, or private timberland was under systematic forest management anywhere on this most richly timbered of all continents . . . When the Gay Nineties began, the common word for our forests was 'inexhaustible.' To waste timber was a virtue, not a crime. There would always be plenty of timber . . . The lumbermen . . . regarded forest devastation as normal and second growth as the delusion of fools . . . And as for sustained yield, no such idea had ever entered their heads."

He went on to say: "Without natural resources," and this was when he was really talking about his idea of conservation and good stewardship, "life itself is impossible. From birth to death, natural resources, transformed for human use, feed, clothe, shelter, and transport us. Upon them we depend for every material necessity, comfort, convenience, and protection in our lives. Without abundant resources prosperity is out of reach."

Such was the philosophy that guided the management of our national forests at the beginning of the 20th century.

The beginning of the 21st century is a far different story altogether. Republicans are still in control, but they have abandoned bipartisanship, wise stewardship. Under the warm and fuzzy name "The Healthy Forests Initiative," the Bush administration is proposing an agenda that includes sweeping changes to the management of our National Forests, cutting people out of the process of participating and commenting on forest plans. The first assault came only weeks after the Bush administration took office when they chose to put on hold all the proposed regulations that had been developed by the previous administration. Those regulations were the results of years of efforts by an independent committee of scientists. Those new regulations were science- and ecosystem-based. They reflected the state-of-the-art knowledge concerning the management of natural resources.

One of the first things President Bush's new Assistant Secretary for Forests, Mark Rey, did was scrap all of these science-based, commonsense regulations. And in place of the science-based regulations encouraging conservation and protections, the new administration proposed regulations that reflect a wish list of the timber industry. Instead of "the greatest good for the greatest number in the long run," the philosophy of this administration appears to be "the greatest good for the special interests in the quickest time," using our forests for a few wealthy individuals.

We have been expecting these new regulations for a while, but now it seems the administration might be holding back, afraid to show their cards in an election year. They know the American people will not stand for a President who time and again sells off our public lands, our public trust, to the highest bidder.

The administration has succeeded in passing a law, the Healthy Forests Restoration Act, which has begun to codify some of their plans to sell, no, let me make that give away, our National Forests to the timber industry.

Other sections of the act give timber companies the right to log big trees from the backcountry. Taxpayer dollars are going to be used to build roads that will take these timber industries into the backcountry, to take trees that pose no fire risk to people, all under the umbrella of this reckless piece of legislation.

Healthy forests under this administration means healthy bank accounts for a fortunate few and barren hillsides for Americans and for the plants and animals and human beings that depend on truly healthy forests.

On Earth Day we would do ourselves the biggest favor by looking back 100 years and remembering the guiding philosophy of our country's first forester, "the greatest good for the greatest number in the long run."

And I would suggest that Gifford Pinchot, our first forester, and Teddy Roosevelt would say to the Republicans, Why have you abandoned the time-tested bipartisan solutions?

And with that I say once again to the gentleman from Oregon that he has been a great leader on these environmental issues, and I hope that we can continue to carry on these discussions and let the American people know that there are very important issues at stake on this Earth Day.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his statement. We were just last night at the National Parks Conservation Association awards dinner, and we were reminded how these issues do not have partisan boundaries that are required, that it unites us as a country, that it spoke to opportunities that were different, hearkening back to the context that he offered up.

I am hopeful that we can embrace the spirit of the history that he has given us that will help guide and inform some of our decisions here, and I appreciate his leadership in trying to make that happen.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman.

Mr. BLUMENAUER. Mr. Speaker, I think it is appropriate, as we are referring to some history, we are joined by the gentleman from Wisconsin (Mr. KIND), someone I have been privileged to work with on issues dealing with water resources, the reform of some of the opportunities for the Corps of Engineers and how Congress works with the Corps of Engineers; and I note not only is he a leader in issues that deal with environment and uniting sports people of varied interests of his State but I think appropriate the legacy of that marvelous State of Wisconsin, and 34 years ago it was Senator Gaylord Nelson who helped launch us on this path.

□ 1800

Mr. Speaker, I yield to the gentleman for observations he might make that will help us focus on what we are celebrating here today.

Mr. KIND. Mr. Speaker, I thank my friend and colleague from Oregon for, first of all, taking time this evening for this Special Order to commemorate the 34th anniversary of Earth Day, and for the leadership he has shown on a variety of conservation and environmental measures that we have a chance to work on in the United States Congress.

But I want to take a moment to pay a special tribute and give special thanks to a terrific statesman, a former Governor and former United States Senator from the great State of Wisconsin, the father of Earth Day, Senator Gaylord Nelson.

It was his vision that led to the first Earth Day in our country over 34 years ago. During his maiden speech in the United States Senate, he came out with 11 specific proposals on policy changes that we needed to pursue as a Nation in order to enhance the protection and the quality of our environment and our natural resources.

He was one of the first public officials that recognized that economic growth and development could go hand in hand with the protection of our natural resources and the protection of our environment; that they did not have to be mutually exclusive.

But he also recognized that public opinion was way ahead of public officials in this area; that it was the policymakers that needed to catch up with where the American people were; and recognizing the value of doing a better job, of being the stewards of our lands and our water and our air that we breathe, the environment in which we raise our children; and it is to him we owe a debt of gratitude that can never be repaid.

This is a person who today if you talked to him, and he is still very active in the environmental field, working at the Wilderness Society here in Washington, delivering countless speeches every year, traveling extensively throughout the United States and parts of the world, who would probably be a little surprised to realize that last year, during the 33rd anniversary of Earth Day, there were hundreds of millions of people in over 180 countries all joining together to celebrate Earth Day, something that he gave birth to.

He is also someone that recognizes that there is still so much more work that needs to be done. He has been invaluable to me personally with the conversations that I have had, the privilege of going to him for advice, whether it is on work and how better to preserve and protect the Mississippi River Basin, what we can do to guard against the global warming phenomena, which generations, unfortunately, will have to wrestle with today, and the unfinished business he left when he left the United States Senate many years ago, which is our calling today.

There was a very good biography written about Senator Gaylord Nelson by a very talented former journalist and writer in Wisconsin, Bill Christopherson, entitled The Man From Clear Lake. That is the small town in which Gaylord Nelson was born and raised in. It is in northwestern Wisconsin, and it is small-town America. It is not too far from my wife's small town of Cumberland, where she was born and raised.

But Gaylord Nelson is living testimony to the idea that one person with a great idea can have a profound change in the direction of our Nation and of the world. It was that idea of what we needed to do in working together, those of us in decision-making positions, but also all of us as citizens of this planet of ours, what we can do working together to better preserve and protect the natural resources so we leave a better legacy for our children to inherit.

I come from a State with a very proud legacy of giants, like Gaylord Nelson, like Bill Proxmire, like Fighting Bob LaFollette, that gave birth to the progressive tradition in this country. But there is no one who I have idolized with greater esteem or have greater admiration for than that man from the small town of Clear Lake, Wisconsin, Gaylord Nelson, and the idea that he gave the Nation and the world 34 years ago today in envisioning the need for Earth Day celebrations, and the constant reminder to us that there is so much that we need to do to protect our environment, especially during challenging days like today when, unfortunately, there is an administration in power that seems quick to roll back much of the progress and much of the achievement that has been made over the last few decades, rolling back provisions of the Clean Air and Clean Water Acts; releasing those 5 p.m. press releases from the Environmental Protection Agency on Friday afternoons when they think no one is paying attention or when people are starting their weekends or going to their Friday night dinners or whatever.

But it is up to us to shed light on what is taking place, and it is up to us to try to foster the bipartisan atmosphere in which we have to work in order to make great strides in this area.

So, again, I thank my colleague from Oregon for yielding me some time on this very special day and for the opportunity to pay tribute to a very special American, a great citizen, former Senator Gaylord Nelson.

Mr. BLUMENAUER. We appreciate your hard work and leadership in putting this spotlight on Senator Nelson.

We have been joined by the gentleman from Maine (Mr. ALLEN), who I note, no small note of irony, the President was celebrating Earth Day at a location that the gentleman and I have visited in the past in Wells, Maine, as we have been doing work environmentally. I did not know if the gentleman had any thoughts or observations based on that experience today in his district.

I would be pleased to yield to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding and for his leadership. It is true, the President is today visiting the Wells National Estuarine Research Reserve up at the Laudholm Farms. The gentleman and I went there 2 years ago. We also went up a mountain nearby that is part of a project that people are trying to save some land.

Though we appreciate the President coming to Maine on Earth Day, it really cannot hide the fact that his record on the environment is one of probably the worst records of any President in my lifetime.

Let me give a few examples. He went today to the Wells National Estuarine Research Reserve. It is very clear when you look at the budget that the President has proposed, in light of the need for more research funds for marine-related research, he came because his budget proposes to increase funding for this tiny $16 million National Estuarine Research System by 3 percent. That is a 3 percent increase. So, this small program gets a reasonable increase, but it is the exception.

The reserve system is an important part of NOAA's Ocean and Coastal Management Program, which President Bush proposes to cut by 20 percent. The National Ocean Service is cut a whopping 35 percent. NOAA itself receives an overall 8 percent reduction.

The President proposes to reduce the budget of the EPA, the Fish and Wildlife Service and the U.S. Forest Service. He proposes to seriously underfund the National Park Service. He proposes to slash the Land and Water Conservation Fund that purchases Federal land for facilities like the Rachel Carson National Wildlife Refuge. As a result of Land and Water Conservation Fund cuts, the Fish and Wildlife Service received only $10 million this year for lands nationwide.

Maine, on the other hand, is investing more, renewing its commitment to bond funding for what we call the Land for Maine's Future Program.

A couple of other points. Mercury contamination is now a huge issue in this country. The EPA recently announced that twice the number of infants are born with high levels of mercury in their blood than they thought before. Now, 600,000 infants are born each year. The Maine Bureau of Health has a warning, and it reads as follows: "Pregnant and nursing women, women who may get pregnant, and children under 8 should not eat any freshwater fish from Maine's inland waters."

We have gone about the process of restricting emissions from our waste incinerators, and yet coal-fired power plants from across the country still emit 48 tons of mercury every year. It gets up in the air, it runs with the wind west to east, it comes down in the rain, it pollutes our waterways, it gets into our fish and is consumed by human beings.

But what is the President's record on mercury? He has delayed full mercury regulation from 2008 to 2030, submitting another generation of Maine children and children around the country to fish they cannot safely consume. We believe that what he has done is illegal under the Clean Air Act.

Really, Maine has taken the opposite approach, trying to regulate everything we can with respect to the mercury emissions that are within our control. It is just another contrast.

I happen to feel he came to Maine because Maine has a record as an environmentally-conscious State. But it takes more than a visit to my State to make you an environmentalist.

I will mention two other things quickly. Ozone pollution, Wells, Maine, where the President visited today has just been found to be out of compliance with the 8-hour ozone health-based standards under the Clean Air Act. Let me tell you, Wells, Maine, is not polluting the air. There is not enough manufacturing activity going on in Wells to pollute Wells or any surrounding communities. This is pollution that comes to our State from outside.

The President's action in this regard with respect to ozone pollution has been to undermine the New Source Review court cases filed by the Clinton administration that would have led to the most significant reduction in air pollution in recent memory, and he has issued new New Source Review rules that allow the dirtiest power plants in the country to continue to pollute, even when they expand their capacity to produce electricity.

I have always said he has what he calls his Clear Skies legislation, and if I have ever heard of legislation that is a triumph of marketing over substance, it is Clear Skies, because it does not clear the skies, it clouds them. It would not be as effective as the enforcement of existing law.

Finally, climate change. Here is an issue, the President made a promise in the campaign. He walked away from it right after he was elected. In Wells, Maine, this estuarine area, this is the kind of area that is at risk from climate change and rising seas. It seems to me once again the rest of the world is concerned about this issue. The science is clear. The President denies the science and simply refuses to deal with one of the growing and potentially horrendous environmental challenges that lie in front of us.

There is a better way. We can work together based on sound science with a commitment to improving the quality of our air and water for ourselves and our children for years to come. This administration will not do that, but I know others will.

I thank the gentleman for giving me this time.

Mr. BLUMENAUER. I appreciate the gentleman's illustrations. We were on this floor earlier this week talking about the long-term budget implications which will guarantee that these unfortunate, ill-advised and unacceptable cuts are the tip of the iceberg, and we are going to be looking at that for years to come unless we change the priorities of the administration or unless we change the administration.

We are reaching a conclusion here. We have three more of my colleagues. I think we have at least 4 minutes each for them. I will not take more of my time.

But I would turn, if I could, to my friend from California (Mr. FARR), who is here not just on Earth Day, but this week as a spokesman and a champion for ocean health and environment. It is a great juxtaposition, and I am happy to yield time for him to make some comments that would be appropriate.

Mr. FARR. Thank you very much, my distinguished colleague from Portland, Oregon. I think but for your personal involvement in changing a city, we would not see the cities of America be as beautiful as Portland, Oregon, one of the most beautiful places to live now, and certainly the transportation system that the gentleman created there is the model for the country.

I am proud to be here on this 34th anniversary of Earth Day with all my colleagues. As I heard the people before me, I could not help but think that some of my colleagues will someday be future U.S. Senators, Governors and members of the Cabinet. With what they have said, it is obvious that their hearts and minds are in the right place.

I have a long statement, and I will submit it for the RECORD. I just wanted to say that today we launched, and this week, essentially a focus on how we should upgrade the oceans in America. We have ignored them. We paid attention to clean air, clean water, and we have 10 different agencies, departments in the Federal Government, hundreds of laws, and the right hand does not know what the left hand is doing.

We have had a private sector report by the Pew Commission, a public sector report that we in Congress authorized, the U.S. Oceans Commission. They made the report back to Congress on Tuesday of this week. Now it is our responsibility, the legislative branch of government, to come up with a new organization, new laws, that will essentially focus on the ocean. In essence, to put it in perspective, more than 1,500 people have successfully climbed Mount Everest; more than 300 people have journeyed into space; 12 people walked on the moon; but only 2 people have ever descended to the bottom of the ocean and returned.

□ 1815

They are about that. I mean, we just do not know about the ocean. We know more about the Moon than we know about the oceans on the planet.

So we are going to spend the next few months here developing an oceans bill that I think will set the policy for this country, which will hopefully lead the policy of the world and the mechanism for ensuring that the oceans can be managed on an ecosystem basis and they can be cleaned up and made as the lungs of this Earth for children for generations to come.

It is the responsibility of this generation. We have found it in bad shape, and we have got to leave it in better shape.

I would just conclude on this Earth Day by inviting everybody to go out this weekend to celebrate Earth Day. There are all kinds of activities in your local community. I think the best quote about Earth Day and ourselves is what Teddy Roosevelt once reminded this country. He said: "Do what you can with what you have where you are. Just do it."

Mr. BLUMENAUER. Mr. Speaker, the gentleman from California (Mr. FARR) must feel no small sense of satisfaction. I know that he was the driving force behind the first ocean's conference with President Clinton in his beautiful district in Monterey, bringing home how important this is to all of us. And I extend my deep appreciation for his leadership, insight, and patience.

Mr. FARR. Let us hope we can get some good legislation adopted.

Mr. Speaker, I will include my statement for the RECORD at this point.

Mr. Speaker, I am glad that we are holding this special order on the occasion of the 35th anniversary of Earth Day.

It is important that we take the time to recognize the importance of environmental conservation efforts and renew our commitment to them until we make everyday Earth Day.

We all must do our parts to be good stewards of our ocean, our land and our atmosphere. This is the only planet that we have after all.

Earth Day was born at a time of great concern over the degradation of the environment and the effects of that degradation on all species, including humans.

I like to think of Earth Day as an ecological version of New Year's Day—a time to reflect, take stock and make resolutions.

With that in mind, I want to take my time in this special order to talk about our oceans—two thirds of the earth that we need to know a lot more about.

Tuesday's release of the "U.S. Commission on Ocean Policy's" report marks a milestone for our oceans and for the way we view them. Their report is the result of almost 2 years of reflecting and taking stock of our current ocean management practices.

For the first time in more than 30 years, we as a nation, have re-considered our relationship with the sea. Unfortunately, the past 30 years have not been kind to our oceans.

Plain and simple our oceans are in a state of crisis—a crisis that affects each and every one of us.

Today, between one third and one half of the world's population lives within 50 miles of the coast.

We all depend on our oceans and coasts from the person who lives off the water to the person who visits once in a lifetime.

The oceans provide food, jobs, vacation spots, scientific knowledge, and opportunities for reflection, our movies our art and music.

In spite of this we tend to act with a great deal of ignorance about how our own activities actually threaten that economic value. In fact we have limited knowledge of how oceans work as an ecosystem.

I have some interesting numbers that I want to share with you. More than 1,500 people have successfully climbed Mount Everest. More than 300 people have journeyed to space. 12 people have walked on the moon. Yet, only two people have descended and returned in a single dive to the deepest part of the ocean.

Think about it—we know more about the moon than oceans on earth.

This morning I was testifying on the other side of the Capitol at the Senate Commerce Committee.

I met with Bob Ballard who showed me the most recent edition of Oceanography. He showed me two pictures. The first was of Mars and the second was of the ocean floor. What caught my eye was, to date, our pictures of outer space are 250 times higher resolution than from the ocean's depths.

Mr. Speaker, as I mentioned Earth Day was born at a time of great concern over the deprivation of our environment and out of this grass root effort we saw dramatic changes.

We proved that if we put our minds and resources to the problem, as we did in putting a man on the moon, we could bring things right again. We made giant progress with the Clean Water Act and the Clean Air Act.

Sadly, these land mark pieces of legislation have recently come under fire, administratively there has been a failure to investigate violations and enforce the laws on the books.

Protection of our oceans will require a change of course, a commitment from Congress and the administration. This commitment must be in the form of a new ocean ethic; one that is ecosystem-based with a governance structure that protects, restores, and maintains healthy marine ecosystems.

Regrettably, all too often we take our oceans for granted: We underestimate their value and we ignore the negative consequences human-related activities can have on them.

Our oceans represent the largest public trust resource in the U.S. and cover an area nearly one and a half times the size of the continental United States.

Americans expect the Government to safeguard this vast resource and I hope that the report just released will be the motivation for us to actually begin to do so.

Simply put, our current ocean and coastal management system, created over thirty years ago, is archaic and incompatible with new knowledge about how the oceans and coastal waters function as a whole.

Our policies are fragmented, both institutionally and geographically.

For example, today we find ourselves with over ten federal departments involved in the implementation of more than 130 ocean-related statutes.

It is time to reconsider this incoherent and often times incompatible management situation and bring order to our ocean governance structure.

The U.S. Commission's Report and last year's Pew Report offer some guidance on how to do just this.

We now know the natural world functions as interdependent ecosystems, with each species intricately connected to the other parts that make up the whole.

The U.S. Commission's Report, as well as the independent Pew Oceans Commission Report released last June, clearly states that we must adopt a new policy framework that is based on the concept of "the whole," an ecosystem-based approach rather than one based on political boundaries.

This approach will not be as easy or straight forward as our previous approaches, but we must pass the legislation necessary to make it a reality.

Part of making it a reality is creating a strong regional governance structure. With a comprehensive national ocean policy explicitly written to maintain healthy ocean ecosystems, our oceans will be a bountiful resource in which we can all take pride.

The Report also stresses the importance of instilling a new ecosystem-based stewardship ethic. Involved in instilling this ethic is increasing ocean-related education for all Americans at all levels, from first-graders learning how to read to graduate students investigating challenging scientific processes.

The U.S. Commission details suggestions on how we can instill a new stewardship ethic by emphasizing and investing in greater marine science education.

The Report released earlier this week is, technically, a Preliminary Report. It is being sent to the Governors for their comments. This comment period lasts until May 21, 2004. I urge all my colleagues to contact their Governors, let them know how important this issue is.

I sincerely hope that all states will take this opportunity to acknowledge that the oceans provide value for every American, whether intrinsic worth or direct economic benefit, and provide the Commission with input before the comment period ends.

Despite historic and geographic patterns suggesting otherwise, every state has a role to play in the management of our oceans.

The bipartisan House Oceans Caucus leadership is drafting legislation—the BOB, or Big Oceans Bill—that sets our country on the right path—the path of protecting our oceans.

Many of the details are still being worked out; however, the broad sections of BOB include national governance, regional governance, science and technology, and education.

We will be introducing our legislation this session. We have high hopes that our comprehensive bill will receive hearings and be considered this year, thereby demonstrating the bipartisan nature of the importance of protecting the health of our oceans for future generations.

It is up to each of us to not let this unprecedented opportunity pass us by. With the U.S. Commission on Ocean Policy and The Pew Oceans Commission Reports in the last year, the Bush Administration has a prime opportunity to take the steps necessary to instill a new ocean ethic in our government.

And, it's my earth day resolution to work with all my colleagues to make the decisions necessary to protect our largest public trust resource.

The time for leadership is now.

I will close with a quote from Commission's report:

> The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will make the sands of beaches from Maine to Hawaii long after ours have washed away.

Don't forget to celebrate Earth Day, too. There are activities and festivities scheduled everywhere. Get out and participate, revel in the spring, and help build awareness just by being there. As Teddy Roosevelt once said: "Do what you can with what you have where you can."

Mr. BLUMENAUER. Mr. Speaker, next there is the opportunity to hear from the gentlewoman from California (Ms. SOLIS). Although she has been a more recent arrival to Congress, she has distinguished herself as a Member of the California legislature, as a tireless champion of the environment, of dealing with the problems at home on the neighborhood level, and has carried that passion back here affecting Federal policies. I am happy to yield to her.

Ms. SOLIS. Mr. Speaker, I thank the gentleman from Oregon (Mr.

BLUMENAUER) for providing us with the opportunity to celebrate Earth Day. We do have much to celebrate, but we also have to reflect on what is happening here in our country and what policies are having effects in our communities.

I appreciate the fact that so many of my colleagues spoke before me very eloquently about the status of the environment here in our country. I am happy to talk a little bit about a place that I represent, and I represent the 32nd Congressional District in Southern California, much viewed by people as probably the armpit of America in many ways. Smog levels are very high. I have ownership of three Super fund sites. There are 17 gravel pits, many that are abandoned.

So we have various problems that exist in our district, many challenges, long before I was even born. But that does not mean that we give up the hope to fight to improve those conditions for the people that I represent. And I was very fortunate in the California legislature to work on environmental justice legislation, one of the first pieces of legislation in the entire country to be codified in the State of California. And as a result I believe there are close to 30 States now in this Union that have done likewise and have followed suit.

It is unfortunate, however, that this administration here does not believe in the true essence of environmental justice. And what environmental justice means for many Americans and for people that I represent is equal treatment under the law when placing projects in our districts. And, unfortunately, people have had blindfolds on their eyes when they come into our district because they place projects that have negative effects on our health in my district.

We have higher rates of asthma than other parts of L.A. County. We have children that cannot go out and play on the playgrounds when the summer heat goes up and the smog levels go up. We have children that have to go to the emergency trauma units because they are suffering from asthmatic attacks, both children and our elderly. We see that our drinking water is also contaminated.

For many years there were prior Congressmen, for example, Congressman Torres, who led the way to clean up our basin almost 20 years ago. We still have not found a solution to entirely clean up our local area. Perchloric contaminates our water. That is rocket fuel that was allowed to enter into our water table through Department of Defense contractors. Many have come to the table to try to clean that up, but we have not gone far enough.

And just yesterday we had a hearing in the Committee on Energy and Commerce regarding DOD exemptions that this administration would like to see rip away at the protections that we have in our States such as California. I came out strongly opposed to those exemptions as did many attorneys general representing many States as well as many water agencies and purveyors that want to provide clean water to millions and millions of people who live in our country. We need to do the right thing. And I know that I can count on my colleagues here that have spoken this evening to help educate the public that, in fact, there are Members of this Congress who are willing to fight, willing to stay here late, to do the right thing, to make sure that we do not erode the protections that have been in place for the last 50 years.

And, as a new Member of Congress, I would like to say that I am proud to represent the district that I come from, East Los Angeles, that many people forget about. People there are experiencing high levels of unemployment. Many of them have low skills, low educational levels; and they live in the dirtiest communities in our country, and it is not fair. That is why we need strong laws. That is why we need adequate funding to protect everybody on an equal and fair basis.

And I applaud the gentleman from Oregon (Mr. BLUMENAUER) and all the Members that have come forward tonight to share with us that Earth Day, in fact, should be a celebration for the entire world.

In Spanish we say "para todo el mundo." That means the entire world. The entire world is looking at us right now to see that we do the right thing, to see that we address the issues of global warming, water pollution, clean air. Those are the things that my community is advocating for, and I am going to continue to fight for that.

Mr. BLUMENAUER. Mr. Speaker, I think it is clear that there is very little likelihood that East Los Angeles will be forgotten with my colleague's eloquence, her insights, and her leadership.

Mr. Speaker, I am happy to turn to the gentleman from Washington (Mr. INSLEE), who has represented several congressional districts. He has distinguished himself with the wilderness and with energy and with thinking about how these pieces fit together for the future. I am honored to yield to him this evening.

Mr. INSLEE. Mr. Speaker, I appreciate the opportunity to join this effort on Earth Day. I have two messages, one inspirational and one that desires, frankly, a good fight. Let me start with the inspirational message. I want to tell my colleague about a friend of mine, a Dennis Hayes, who as a young man the first Earth Day stood up and said, I am going to become personally committed to the environment of the globe. And he became, actually, the manager of the organization that conducted the first Earth Day. And Dennis Hayes is still fired with the vigor of dealing with these multiple environmental challenges, and he is working in Seattle now for the Bullet Foundation, which helps promote many great ideas and environmental agendas.

I hope other people who are of his youth become inspired on multiple environmental challenges now, politically and otherwise, and stay working as long as Dennis has, who is still working on solar cell technology and a host of other efforts to deal with our energy.

I appreciate this opportunity. We will have other opportunities next week to continue this discussion.

Mr. SCHIFF. Mr. Speaker, distinguished colleagues, the 34th annual Earth Day is a time to reflect on our stewardship of the environment: where we have been, and where we are going. We should use this opportunity to rethink our current direction. America's status-quo energy policy is untenable. Our dependence on fossil fuels is polluting our air and water, overheating our planet, and tying up our foreign policy. Yet a sustainable, energy-efficient future lies before us—if we are willing to reach for its.

The consequences of fossil fuel use are everywhere. The Environmental Protection Agency determined that almost 500 counties across the country suffer from unhealthy levels of smog that must be reduced. Gas prices have hit record highs, which bites into the cost of living for ordinary Americans and threatens economic growth. Our dependence on oil limits our foreign policy and makes us rely on other nations for survival. And behind it all looms global warming.

The biggest lost opportunity of the current Administration has been the failure to set a goal for this country of halving our dependence on fossil fuels in the next decade. I believe in the American entrepreneur and our ability to develop technologies that will dramatically reduce our dependence on fossil fuels. Many of those technologies already exist. Many are on our roads. But they must be nurtured if they are to develop further.

The first step is to encourage the use of hybrid gas-electric cars. These cars have double the gas mileage of standard cars and dramatically lower emissions. Moreover, unlike other clean car technologies, they are also available now in meaningful numbers. With a small encouragement, we can bring about the widespread adoption of this exciting new technology.

Hybrids are only the first step. We should draw on our technological prowess to solve our energy challenges with renewable sources of energy that reduce pollution, such as solar, geothermal, biomass, landfill gas, and fusion. I have great confidence in America's technological know-how in solving these challenges; our national public policy should aim to create research and development incentives for the public sector to partner with the private sector in bringing promising technologies to market. As a nation, we must reduce pollution and help leave a sustainable energy future for our children.

Together, we can turn our country away from its current unhealthy practices and toward a cleaner, more sustainable tomorrow. It will not be easy, but it must be done.

Mr. HOLT. Mr. Speaker, on this Earth Day, I think it is vital to point out the increasing need for this country and this Congress to put together a sensible, rational energy policy that lowers our dependence on fossil fuels and continues to stimulate our economy.

Developing such a policy is not simply about protecting our environment. From a national security standpoint, our dependence on oil, especially in the transportation sector, is a continuing danger. You can look under every rock and drill in every inch of wilderness and coastline we have, and we will simply never be able to meet our current level of consumption. The sobering fact is that the Middle East contains a tremendous share of the world's oil supply—and the more we remain dependent on their oil, the more we expose ourselves and the world to violence and terrorism.

From a public health standpoint, we can no longer rely so heavily on those energy sources that are poisoning us. Coal is cheap and abundant in the U.S.—but its emissions, including mercury and sulfur dioxide, cause thousands of premature deaths and diseases like emphysema and asthma every year. These are the very human costs that we must consider when we think about where we are getting our energy.

Of course, the environmental impact of our dangerous addiction to fossil fuels is well known. Even as our cars get cleaner, their combined carbon dioxide emissions, along with those from power plants and other sources, are largely to blame for global warming. The emissions from burning coal foul the air, creating smog and acid rain, while mercury falls to the ground and pollutes our waterways.

Equally troubling is the way we extract fossil fuels—to get coal, we rip off the tops of mountains and dump them into nearby streams; to get oil and natural gas, we drill extensively, often risking spillage. The oil and gas industries seem to have an insatiable appetite for opening and exploiting our most precious lands and our coastlines—yet even they must realize that we cannot drill our way to a better energy future.

Mr. Speaker, the legislation we passed in this House last year was not an energy policy. It was a grab bag of goodies for special interests. The bill reads as if every sector of the energy industry simply submitted their wish lists, translated nicely into legislative language—much like the development of the recommendations of the Vice President's Energy Task Force.

What we really need is a rational energy policy that puts us on the road to a more secure energy future. We should invest in research into renewable and sustainable sources and energy efficiency. We should set intelligent goals for the future: ten, twenty, fifty years in the future, how much energy should we be producing from each source? How much should we be consuming in each sector—transportation, residential, industrial? How can we protect our environment and our health while meeting the energy needs of a growing economy? We should also get our hands around the growing demand across the country for gas for our cars, electricity for our lights and computers, and natural gas for our heat—and find out how to be efficient as possible with all of that consumption.

I would like to lay out a challenge to all of my colleagues. Let's reject the stalled energy legislation. Let's move beyond the politics of squeezing every last bit of oil, gas, and coal out of this country and work on policies that envision a sustainable, secure energy future. A future where more of our energy needs are met by those sustainable sources like wind fusion, the sun, and biomass. A future where Americans don't have to sacrifice their own health just to keep using their air conditioners. A future where cartels like OPEC no longer hold us captive to the volatile world oil market and our energy needs no longer imperil national security. A future where protecting our environment and meeting our energy needs go hand in hand.

To do so will take patience, research, and some innovative thinking. I plan to do all of these in the coming months and years, and I hope my colleagues will join with me.

Mr. OBEY. Mr. Speaker, Earth Day is a great day to call attention to the many environmental and public health challenges that face everyone on the planet. It is also a great opportunity to reflect on the history of the Earth Day movement and to pay tribute to one of recent history's great statesmen and founding father of the movement, our former Senator from Wisconsin, Gaylord Nelson.

Today, people all around the nation are celebrating Earth Day. Local communities have organized events to, once again, bring to the public eye the importance of working together to improve our quality of life and to protect our natural heritage.

However, without the leadership of a passionate public servant from Wisconsin, we would no be breathing air as clean. We would not be swimming in lakes, rivers and streams as safe. We would not be enjoying the beauty of public lands as special as those we were able to protect under laws he championed. We would not be holding Earth Day celebrations each year on April 22nd.

Earth Day was "born" in September, 1969. Senator Gaylord Nelson was invited to give a speech at a conference held at the Seattle Science Center. In his speech, he suggested that, just as Americans had been involved in "teach-ins" to protest the Vietnam war, the country should also set aside a day to call attention to the environmental problems facing our planet and to demand that Congress address those important issues. He expressed his firm belief that the American people needed to put their leaders "on notice," and he encouraged folks everywhere to explain to their elected officials that they were tired of empty promises. It was time for real action on the environment.

At that same conference, he suggested that in the spring of 1970, there should be a nation-wide grassroots demonstration on behalf of the environment, and he encouraged the listening public to participate. Wire services carried the story from coast to coast, and as history showed, the response was overwhelmingly positive.

Within hours of that Seattle speech, telegrams, letters and telephone inquiries from across the country poured into his Senate office. His phones in the Capitol were literally ringing off the hook, as people called in to say that they wanted to organize Earth Day celebrations in their own communities. It was obvious that Senator Nelson had struck a chord, and that this was an idea whose time had come. Over the next four months, the calls and letters increased in number until his Senate staff was overwhelmed by the response. At that point, he decided to hire several talented students to help organize and respond to peoples' calls to action.

Senator Nelson himself has said that no one individual or group had either the time or the resources to organize and coordinate all of the activities of the 20 million people and thousands of schools, community groups and others who made the first Earth Day such a success. Instead, he credits the many dedicated people in communities across the country, that were sparked to organize at the local level in response by his speech, and send a loud and clear wake-up call to their elected officials on the issue of environmental health. While his speech had resonated with Americans everywhere, and was clearly a catalyst for change, he insists that no single individual was responsible for organizing the first Earth Day. Rather, Earth Day 1970 literally organized itself. It is, to this day, a stellar example of how individuals can make a difference and literally change history.

In April 1970, twenty million people spoke out for the environmental health of the planet—rich people and poor people, young and old, farmers and city dwellers, Republicans and Democrats—stood together for the planet. A week-long series of Earth Day events in Philadelphia drew over 30,000 people to Independence Mall on April 21, 1970 and an estimated 75,000 people to Fairmount Park on Earth Day itself, April 22. People came in droves to listen to the keynote speaker and author of the landmark 1970 Clean Air Act, Senator Edmund Muskie.

Following that initial activism, thousands more attended events at every college in that region during that week. The organizers of those events accomplished this without having any contact with Senator Nelson, his staff, or any other national coordinating body. Like ripples in a pond, thousands of people in other communities across the country organized their own local Earth Day events in 1970 until the movement was 20 million strong. Today, local, ad hoc Earth Day groups continue to organize their own events on April 22, focusing on the local, regional, national or global issues that matter most to them. That was and continues to be the strength and power of Earth Day.

As Senator Nelson is fond of pointing out, it is the activist students and folks in communities across the country, and their actions as a group rather than those of any one individual, who ensured the environment finally took its place as a priority issue on the national political agenda. They made possible the dramatic environmental gains of the past 34 years. We are all in debt to that generation of young people—grade school, high school, and college—who supplied the energy, enthusiasm, and idealism that made Earth Day such a spectacular success. Earth Day was and is a pluralistic event in which every individual and every group that wants to be involved is able to do so, and claim "ownership" of the day.

Twenty years later, Earth Day has gone global and more than 200 million people from 141 countries participated in the last celebration. However, the millions who rallied on that first Earth Day are what gave Senator Nelson's simple idea its power. And in 1995, while celebrating the 25th anniversary of Earth Day, President Bill Clinton appropriately honored Senator Nelson's timely contribution to the movement by presenting him with the Medal of Freedom.

We can all be proud and grateful for the contribution of one of Wisconsin's great statesmen, the thoughtful and provocative founding father of Earth Day, Senator Gaylord Nelson.

Mr. MORAN. Mr. Speaker, with today's celebration of Earth Day marked locally by public anxiety over lead contamination in our area drinking water, I thought it fitting to commemorate the life of Clair Patterson, a scientist who worked singlehandedly to reduce our exposure to lead and, in the process, save millions of lives.

As a scientist specializing in the environment, Clair Patterson's pioneering work stretched across an unusual number of subdisciplines, including archaeology, meteorology, oceanography, chemistry and geology. Despite these many areas of expertise, he is best known for determining the age of the Earth.

The son of a postal worker, Clair Patterson began a lifelong attraction to chemistry that began at an early age and ultimately led to a thesis in molecular spectroscopy. Besides working on the Manhattan Project, he continued his dissertation in 1951 and analyzed lead samples that gave lead isotopic compositions for minerals separated from a billion-year-old sample of Precambrian granite.

Prompted by a visit to the U.S. Geological Survey in Washington DC, Mr. Clair Patterson began research that opened up a new field of dating for geologists. This led to hundreds of age determinations based on his methods and techniques and affirmed his predictions on the most accurate age of the planet.

In 1962, he and other scientists observed that the lead concentration in the deeper parts of the Pacific Ocean were 3 to 10 times less than surface water. These observations provided new evidence that human industrial activity had disturbed the natural geochemical cycle for lead and raised concentrations levels.

He could have stopped there and returned to his scientific and academic pursuits. He did not and for that we should all be grateful. He deserves recognition today for taking a different path. A path that invited controversy, derision from many of his peers and even threats from industries he challenged. When he found that the lead concentration in the blood of many Americans was over 100 times that of the natural level, and dangerously close to the accepted limit for symptoms of lead poisoning to occur, he began to track down the sources of lead contamination and take on the industries responsible for polluting the environment with lead and challenged governments, Federal, State and local to limit our exposure.

He wrote to California Governor Pat Brown emphasizing the dangerously high levels of lead in aerosols, particularly in the Los Angeles area. In it he claimed that the California Department of Public Health was not doing all it should to protect the population from the dangers of lead poisoning. By 1966, Governor Brown signed a bill directing the State Department of Public Health to hold hearings and to establish air quality standards for California by February 1, 1967. Although that deadline was not met, Patterson clearly played a role in advancing concern over California air control standards.

He testified before the Senate Subcommittee on Air and Water Pollution in 1966. Patterson believed it was wrong for public health agencies to work so closely with lead industries, whom he considered often biased in matters concerning public health.

By 1970, Patterson and his colleagues had completed studies of snow strata from Greenland and Antarctica that showed clearly the increase in atmospheric lead began with the industrial revolution. Modern Greenland snow contained over 100 times the amount of lead in pre-industrial snow, with most of the increase occurring over the last 100 years.

In 1971, he criticized a National Research Council report on the Environmental Protection Agency's policies on lead pollution as not being forceful enough in interpreting its data and being too heavily weighted toward industrial scientists. Although Patterson's work was initially ignored, by December 1973 the EPA announced a program to reduce lead in gasoline by 60–65 percent in phased steps. Thus was the beginning of the removal of lead from gasoline.

In the late 1970s Patterson turned his attention to lead in food. He wrote to the commissioner of food and drugs at the Environmental Protection Agency asserting that his headquarters laboratory could not correctly analyze for lead in tuna fish and called for more accurate analysis. Patterson made several recommendations for improvements that were taken seriously and prompted EPA to conduct better lead analyses.

In 1980, Patterson and a fellow researcher Dorothy M. Settle published a warning on the amount of lead entering the food chain due to lead solder used in sealing cans. By 1993 lead solder was removed from all food containers in the United States. Patterson's influence is again clearly evident.

Patterson was appointed in 1978 to a 12 member National Research Council panel to evaluate the state of knowledge about environmental issues related to lead poisoning. The panel report cite the need to reduce lead hazards for urban children (a finding that demands renewed attention following the Washington area's lead scare) and called for further research on the relationship between lead ingestion and intellectual ability.

In short, Patterson argued that the dangers of lead were already clear enough and that efforts should start immediately to drastically reduce or completely remove industrial lead from the everyday environment. That included gasoline, food containers, foils, paint, and glazes. He also cited water distribution systems and urged investigations into biochemical effects of lead at the cellular level.

As we reflect on Patterson's lifelong commitment to environmental health, we must listen to today's unsung heroes who are calling for more vigilant protection of public health and an end to the assault on our Nation's environmental laws that jeopardize the health of our children and grandchildren.

In a world increasingly marked by technological and scientific innovation, Clair Patterson's lifelong efforts demand renewed attention. On this Earth Day, as we see so many of our country's environmental laws being rolled back, let us honor Clair Patterson's lifelong commitment to finding that balance between modern technology and preserving the environmental and human health. We have a collective responsibility to preserve our natural surroundings for generations to come.

Mr. KIND. Mr. Speaker, I rise today in commemoration of the 34th anniversary of Earth Day. Started in 1970 by Wisconsin's own Senator Gaylord Nelson, this annual celebration marks the birth of the modern environmental movement.

For much of the 20th century, people accepted pollution as the inevitable price of progress. That began to change in the early 1960s. In 1970, when Senator Nelson saw that few U.S. leaders were paying attention to public concern about the environment, he announced a series of teach-ins across the country to be held on April 22. That year, 20 million people participated in the first Earth Day.

Soon after, the Congress passed and President Nixon signed a series of unprecedented laws creating the Environmental Protection Agency, establishing national limits for air and water pollutants, and requiring environmental impact assessments before federally funded projects could begin.

Sadly, the current administration seems to be doing all it can to reverse decades of bipartisan progress on the environment at the behest of large special interests. Landmark legislation that has successfully protected the public health such as the Clean Air Act, Clean Water Act, and the Safe Drinking Water Act are under assault.

It would appear that Senator Nelson's visionary efforts to build a grassroots movement to demonstrate the public's insistence on a clean and healthy environment for themselves and future generations, is needed as much today as it was 34 years ago.

And, in fact, Earth Day continues to be an event that unites people concerned about their environment, and who strive to protect it for our children's future. Last year, hundreds of millions of people in more than 180 countries around the world came together to celebrate the progress that has been made over the past 33 years.

Today, the vast majority of Americans do not believe that pollution is a necessary price for our progress, and want clean air, clean water and pristine public lands for their children. People want their government to improve, rather than undermine our country's public health and environmental protections. Instead of taking steps backwards, I urge the President to engage in the bipartisan work needed to build on a positive environmental agenda that Senator Gaylord Nelson envisioned when he started Earth Day.

Mrs. KELLY. Mr. Speaker, I rise today, Earth Day, to discuss the critical importance of investing in America's clean water infrastructure. As we begin the 21st century, investment in water infrastructure stands as one of the most important economic and environmental investments our government will make.

Since 1972, our Nation has made important progress in improving the water quality of lakes, rivers and harbors across the land. However, we are at an important crossroad in the effort to make our Nation's waters fishable and swimmable. Recent studies by EPA, GAO and the Water Infrastructure Network all point to a water infrastructure funding crisis. According to EPA's Clean Water and Drinking Water Gap Analysis, America is facing a $535 billion funding shortfall for water infrastructure over the next two decades. This analysis comes at a time when the Federal Government is committing less than $2 billion dollars a year to water and wastewater infrastructure.

The most significant improvements in water quality have resulted from our investments in wastewater treatment—if we fail to replace and upgrade existing wastewater treatment facilities we could see the progress of the past 30 years reversed. As we enter the summer months, over 30 million fisherman will head to their favorite fishing holes, millions more Americans will head to beaches and lakes for a refreshing swim. These simple summer pleasures share one common element—clean water.

Investing in clean water infrastructure also makes eminent economic sense. According to the American Public Works Association, over 40,000 jobs are created for every billion dollars that is invested in wastewater infrastructure construction.

As we reflect on the importance of clean water to our quality of life, I believe it is time to consider providing water infrastructure with the same funding priority we assign to highways and airports. Congress must begin considering long-term, dedicated funding for our Nation's water infrastructure.

Mr. BOEHLERT. Mr. Speaker, as we celebrate Earth Day, it is important to reflect upon our environmental accomplishments and plan for the environmental challenges ahead. For over three decades investments in clean water infrastructure, wastewater treatment facilities, have been the linchpin of water quality improvements in lakes, rivers and bays. Today, over 30 million Americans enjoy fishing in waters that have been improved through wastewater treatment investments.

Unfortunately, the future of clean water has become increasingly murky. According to analysis conducted by the Environmental Protection Agency and confirmed in studies by the Water Infrastructure Network and the Government Accounting Office, America is facing a water and wastewater infrastructure funding gap that will exceed $500 billion over the next 20 years. This infrastructure funding crisis, if not addressed, will have devastating economic and environmental consequences for our Nation.

Historically, Congress has developed legislation providing long-term, dedicated sources of funding for massive infrastructure investment priorities. Our Nation's highway and aviation infrastructure needs are funded primarily through dedicated trust funds. I believe it is time to begin a constructive dialogue between State, local and Federal officials on how our Nation is going to ensure that needed investments in clean water infrastructure are going to be made in the future.

Ms. McCARTHY of Missouri. Mr. Speaker, as we celebrate the 34th anniversary of Earth Day, I rise to recognize the ongoing struggle to preserve and protect our environment for future generations. We have made significant progress since the first Earth Day in 1970, but recent funding cuts and policy changes are now jeopardizing vital environmental programs such as the Clean Water Act and the Clean Air Act. The Natural Resources Defense Council, a national organization that advocates environmental action, recently released a report, "Rewriting the Rules," which documents more than 150 assaults on our environmental safeguards between January 2003 and March 2004. Of particular concern is the rollback of environmental regulations that keep sewage out of our waterways and drinking water, protect our public lands, and limit mercury pollution in our air. As the principal sponsor of Missouri's Clean Air and Air Emissions Standards Acts during my tenure in the state legislature and as Chairwoman of the Missouri Commission on Global Climate Change and Ozone Depletion, I am alarmed and concerned by these weakened standards. Earth Day was created in 1970 as a call to action after drastic environmental events such as the chemical emergency at Love Canal and the "death" of Lake Erie. This massive environmental protest drew attention to environmental problems plaguing communities across our country. Today, we must continue that commitment to preserve our planet not only on our continent, but around the world. As we honor the 34th anniversary of Earth Day, we acknowledge the achievements of some of our most conscientious global environmental leaders. On April 19, the Sierra Club awarded the 15th annual Goldman Environmental Prize to several grassroots activists who have worked to make our world a better place to live.

These seven leaders, Rudolf Amenga-Etego of Ghana, Rashida Bee and Chama Devi Shukla of India, Manana Kochladze of Georgia, Demetrio Do Amaral de Carvalho of East Timor, Margie Eugene-Richard of the U.S., and Libia Grueson of Colombia, have made significant contributions to their communities: providing safe drinking water for the people, seeking justice for world disaster survivors, blocking the construction of environmentally damaging oil pipelines, leading reforestation and watershed management programs, fighting pollution and protecting rainforests. Yet as these global activists serve their communities and work to better their environment, here in the United States we are rolling back much of the progress our own leaders have made. We must reverse this direction and restore our commitment to the environment, to breathable air and drinkable water, and to preservation of wildlife and our quality of life.

On the first Earth Day in 1970, I joined more than 20 million Americans in demonstrating for a healthy, sustainable environment. I have worked at the state and federal levels for landmark legislation such as the Clean Water Act, the Clean Air Act, the Endangered Species Act, Global Climate Change and the establishment of the Environmental Protection Agency, among other legislative initiatives.

This Saturday, I join members of my community in celebrating our local progress at the Eighth Annual Bridging the Gap Earth Day Walk. Kansas City has developed a plan to restore and maintain our natural resources for current and future generations. I worked with the city to assure biodiesel as an alternative source of energy for our buses in order to maintain our air quality for the health of our citizens.

There is much more we must do to ensure the protection of our environment. We must strengthen, not weaken, regulations that protect our natural resources. We must provide necessary funding for programs that ensure the quality of the air we breathe and the water we drink. On this 34th anniversary of Earth Day, we must pledge to continue our commitment to protecting and preserving our environment.

Mr. Speaker, please join me in recognizing this important anniversary of Earth Day and saluting organizations like the Sierra Club that act globally to honor those who work for sustaining our planet.

Ms. LEE. Mr. Speaker, I rise today, on Earth Day, to speak out in support of policies that protect our planet, promote energy security, and preserve human health. Unfortunately, in its 3 years in office, the Bush administration has launched an all-out assault on our environment in all three of these areas.

Bush policies have weakened protections on air, water, and public lands, and these assaults pose a direct threat to public health now and in the future. The actions we take now to protect these vital resources and to reinvent our approach to energy will have enormous consequences for future generations. Global warming, perhaps the most catastrophic and far-reaching consequence of our current practices, will not wait; our efforts to tackle these problems can't wait either.

We need to begin by preserving existing protections, from maintaining the well being of the Arctic National Wildlife Refuge by continuing to ban drilling in this precious wilderness to maintaining the well being of our children by halting the disastrous Bush administration rollbacks of our clean air and water regulations.

Our next step must be enforcement of existing laws and regulations. The Republican budget cuts environmental programs by $39 billion. At those levels, we cannot enforce existing public health safeguards. To make matters worse, the administration has abandoned the "polluter pays" principle: taxpayers, not the polluters themselves, will now be responsible for the costs of cleaning up toxic Superfund sites. And one in every four people in this country live within 4 miles of a major toxic waste site on the Superfund list.

For people of color, these numbers are even worse and so are the consequences. Life expectancy itself is an environmental justice issue. In this country, life expectancy projections are shaped as much by race as by gender. These disparities follow a cradle to grave cycle: beginning with infant mortality, continuing with workplace hazards and increased exposure to pollution, and ending with disparate access to healthcare, diagnoses, and medical treatment.

We see these forces clearly in diseases that strike most deeply into our cities and affect children most severely. Asthma rates among the urban poor are reaching alarming proportions. Death rates from asthma, and a host of other treatable diseases, are significantly higher among African Americans than any other ethnic group. Asthma rates in Oakland, in my district, are among the highest in the country. Children in West Oakland are seven times more likely to be hospitalized for asthma than children in the rest of California.

On Earth Day, it is important that we recognize just what is at stake here: our air, our water, our lands, and our children's health. We need to stop the Bush administration's assault on existing protections, and we need to invest in new solutions, especially in the energy arena, that will increase our own security as well as protect the environment around us.

Ms. SLAUGHTER. Mr. Speaker, I rise today as the world recognizes Earth Day, to express my strong concern with a recent proposal by the administration to weaken standards on mercury emissions from power plants.

This administration seems to have forgotten that Earth Day is our special day to look at the planet and see what needs changing. We should be moving forward with environmental policy, as we have done for nearly 35 years. Unfortunately, I fear that this administration is set on reversing these decades of progress.

My constituents and other Americans are being shortchanged by attempts to weaken clean water and clean air standards, particularly the mercury proposal. As co-chair of the Congressional Caucus on Women's Issues, I am very concerned that women and children, the groups who are at most risk from mercury exposure, are hurt by this proposal. A recent analysis by the EPA indicates that 1 in 6 women of childbearing age have levels of mercury in their blood at unsafe levels; 1 in 12 women of childbearing age has enough mercury in her system to pose a potential threat to fetal health. This contamination results in more than 600,000 newborns at risk of neurological problems due to mercury exposure.

We need to take immediate action to reduce women and children's exposure to mercury. Under the Clean Air Act, toxic substances like mercury must be controlled at each and every power plant by using the maximum achievable control technologies. Two years ago, EPA estimated that under this standard, existing technologies could reduce 90 percent of mercury pollution from power plants, bringing mercury emissions down to roughly 5 tons per year by 2008.

Unfortunately, EPA's proposed mercury standards are not protective of public health. The emission limits proposed are 10–20 times higher than what some plants achieve today. In the end, EPA's proposal allows power plants to emit six to seven times more mercury into our airways for a decade longer compared what EPA has said is achievable. I call on the administration to significantly strengthen this approach so that as much mercury as possible is removed from the emissions of each and every power plant.

It is sad that this administration has absolutely no environmental accomplishments on its record. The administration has repeatedly ignored the dangers that environmental toxins like mercury pose to women and children, and instead bends over backwards to cater to their friends in polluting industries. We cannot continue to play politics with human health, the environment and our children's futures.

Mr. DINGELL. Mr. Speaker, as you know, Earth Day marks a day of reflection for the American public, an opportunity to evaluate our progress in the fight to protect our environment. This past year we have seen the Bush administration's blatant disregard for the environment. Each one of us has the responsibility to stand up for environmental protection irrespective of the wishes of special interests. However, my Republican colleagues have failed to keep our Nation's commitment to a healthy and secure environment.

I have been here for a long time. I am proud of the role I played in many of our cornerstone environmental laws. In the 1970s, we recognized that we owe it to future generations to protect the environment, the laws we passed were not revolutionary, they were common sense. These laws were passed on an overwhelmingly bipartisan basis. One could even say that these environmental laws were so important that they were, in fact, nonpartisan.

Sadly, the tide has turned.

The Bush administration has shown, over and again, that they care more about their corporate buddies than the health and well-being of the American public. This has resulted in the weakening of some of our most fundamental environmental protections, including the Clean Water Act and the National Environmental Policy Act. Producing profits for their fat cat friends has given rise to plans to open protected lands for oil and gas drilling. Commercial logging companies have been invited into our national forests and attempts to dredge and fill our wetlands. Mr. Speaker, this administration does not recognize that we can have, and we have had, both economic booms and environmental protection. The two are not mutually exclusive.

One item on this extreme, anti-environment agenda is altering our current Superfund program. My colleagues on the other side of the aisle have abandoned the "polluter pays" principle and have instead turned to the taxpayer to "pay the polluter" and shoulder the cost of toxic waste cleanups. In 1995, the Clinton administration paid for 82 percent of toxic waste clean-ups from the Superfund Trust Fund, funded by polluter-paid fees. The current administration, on the other hand, has emptied this fund and are handing the bill to the American taxpayer. Furthermore, the swiftness of cleanups has declined 45 percent from the average of 87 sites per year during President Clinton's second term to a mere 40 sites in 2003. Polluters need to be held responsible, which is why "polluter pays" should be restored.

Furthermore, my Republican colleagues have undermined the safeguards put in place by the Clean Water Act. President Bush's guidance to federal agencies has left 20 million acres of wetlands and countless miles of streams unprotected. What's more, the administration is proposing to slash states' Clean Water revolving loan funds by $492 million in 2005. Mr. Speaker, the Clean Water Act protects all waters of the United States, a fact this administration fails to see. Today, as a result of the Clean Water Act, our lakes, rivers, and streams are in considerably better condition than they were 30 years ago. But that progress can easily be lost. We cannot let these unprincipled rascals in the White House continue to roll back the Clean Water Act.

An additional assault on our environmental laws appears in President Bush's forest policy. I am particularly concerned that President Bush's plan calls for overriding and ignoring many environmental rules, resulting in the stifling of public input and the reliance on private industry to do work on local forests. This outlandish plan attempts to justify destroying forests in the name of saving them. The roadless rule has opened pristine forests, such as the Tongass National Forest, to logging projects, threatening one of America's few remaining temperate rain forests. As the author of the National Environmental Policy Act, I believe the Federal Government must weigh the environmental consequences of an action before it is undertaken. This is a common sense law that needs to be enforced, not rolled back.

When I first arrived in Congress, the United States had virtually no environmental protection statutes on the books. Businesses, governments and individuals could spew into the air, pump into the water, or dump onto the ground virtually anything—with impunity. Our Government has made strong environmental gains during the past generation and the current administration is a threat to that progress. Ultimately, it must be our goal as a nation to create and maintain a vibrant, thriving and healthy ecosystem.

Mr. Speaker, we borrow the Earth from future generations, and we owe it to these future inhabitants to protect it to the best of our ability. We have serious environmental problems, but unfortunately, the Bush administration is making matters worse, not better.

Mr. ACEVEDO-VILA. Mr. Speaker, I rise today to show strong support for Earth Day. It is a great opportunity to encourage citizens to be conscious and take action regarding their responsibility towards environmental protection.

The first Earth Day was held in 1970 as an annual event to honor our planet and our responsibility for it. Earth Day's purpose is to educate our citizens of the importance of conserving the environment and to encourage them to restore their local community, improving quality of life and human health for all.

The natural resources of Earth are the essential components of our environment and the development of life; therefore our dedication to its conservation is very important for sustaining future generations. Currently, Puerto Rico, as well as the rest of the world, is facing many environmental challenges due primarily to human development and environmental pollution. Essential resources such as water, air, soil and biodiversity are threatened by human activity. The existing population of Puerto Rico is almost 4 million people and this overpopulation results in limited available resources to support its residents. Water scarcity and contamination, air pollution and climate change, the destruction of natural habitats for construction, erosion causing water shortage, and the endangerment of many species are among the main problems that our environment is facing.

Pure water is essential for all life on Earth and provides habitat to many organisms. The human race is putting in serious danger this vital resource by the energy production, interruption of water flows, deforestation, and the wasting of water by those who overuse this resource. Air is an essential resource for life as well. Its pollution comes primarily from coal burning power plants, automobiles, and industrial operations. These activities affect not only human health but also the atmosphere that protects us from the sun's radiation. Human activities also destroy biodiversity through contamination, deforestation and destruction of natural habitats for construction and other developments. As humans, we are totally dependent on nature for survival and, instead of conserving, our actions negatively impact nature.

In Puerto Rico, we are faced with immediate challenges in areas like Vieques, Culebra and Roosevelt Roads, where contamination threatens the health and well being of thousands of residents, water quality, and sustainable economic development. Residents of these regions deserve full and prompt clean up and decontamination of their lands. Another challenge for the Island is the protection and recovery of endangered species population. Endemic species' population such as the golden coquí (Eleutherodactylus jasperi), the Puerto Rican boa (Epricates inornatus), and the Puerto Rican parrot (Amazona vittata) that lives primarily at the Caribbean National Forest, El Yunque, have been significantly reduced due to encroachments of their habitats. The West Indian manatee (Trichechus manatus) and the green sea turtle (Chelonia mydas) are other examples of endangered species as a result of marine contamination on coastal areas due to human development.

In order to protect some of the natural environment of Puerto Rico, I have introduced legislation designating approximately 10,000 acres of land in the Caribbean National Forest in Puerto Rico as the El Toro Wilderness and as a component of the National Wilderness Preservation System. Through this legislation, the habitats within the El Toro Wilderness will be protected, as well as the forest's magnificent biodiversity.

It is necessary to educate our citizens about the importance of environmental conservation and conservation practices to maintain the natural resources of Puerto Rico and the rest of the world for future generations. This can be better accomplished by providing information through schools, communication media, conservation programs, and volunteer or special activities. Earth Day is a perfect moment to put in practice these goals by instructing and encouraging citizens to contribute to environmental conservation. As responsible and dedicated citizens to the conservation of our environment, Earth Day should become an every day priority to ensure and increase the quality of life and human health. Earth Day is not only one day; it is every day because every day is a good time to consider our environment, and take action to protect the nature that surrounds us.

GENERAL LEAVE

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore (Mr. BURNS). Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE REAL LESSONS OF 9/11

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, we are constantly admonished to remember the lessons of 9/11. Of course, the real issue is not remembering, but rather knowing what the pertinent lesson of that sad day is. The 9/11 Commission will soon release its report after months of fanfare by those whose reputations are at stake.

The many hours and dollars spent on the investigation may well reveal little we do not already know, while ignoring the most important lessons that should be learned from this egregious attack on our homeland. Common sense already tells us the tens of billions of dollars spent by the agencies of government whose job it is to promote security and intelligence for our country failed.

A full-fledged investigation into the bureaucracy may help us in the future, but one should never pretend that a government bureaucracy can be made efficient. It is the very nature of a bureaucracy to be inefficient. Spending an inordinate amount of time fingerpointing will distract from the real lessons of 9/11. Which agency, which department, or which individual receives the most blame should not be the main purpose of the investigation.

Despite the seriousness of our failure to prevent the attacks, it is disturbing to see how politicized the whole investigation has become. Which political party receives the greatest blame is a high-stakes election-year event and distracts from the real lessons ignored by both sides.

Everyone I have heard speak on the issue has assumed that the 9/11 attacks resulted from the lack of government action. No one in Washington has raised the question of whether our shortcomings brought to light by 9/11 could have been a result of too much government. Possibly in the final report we will hear this discussed, but, to date, no one has questioned the assumption that we need more government and, of course, though elusive, a more efficient one. The failure to understand the nature of the enemy who attacked us on 9/11, along with a predetermined decision to initiate a preemptive war against Iraq, prompted our government to deceive the people into believing that Saddam Hussein had something to do with the attacks on New York and Washington.

The majority of the American people still contend that the war against Iraq was justified because of the events of 9/11. These misinterpretations have led to many U.S. military deaths and casualties prompting a growing number of Americans to question the wisdom of our presence and purpose in a strange, foreign land 6,000 miles from our shores.

The neocon defenders of our policy in Iraq speak of the benefits that we have brought to the Iraqi people: removal of a violent dictator, liberation, democracy and prosperity. That the world is a safer place is yet to be proven. So far it is just not so.

If all of this were true, the resistance against our occupation would not be growing. We ought to admit we have not been welcomed as liberators as was promised by the proponents of the war. Though we hear much about the so-called benefits we have delivered to the Iraqi people and the Middle East, we hear little talk of the cost to the American people: lives lost, soldiers maimed for life, uncounted thousands sent home with diseased bodies and minds, billions of dollars consumed, and a major cloud placed over U.S. markets and the economy.

Sharp political divisions reminiscent of the 1960s are rising at home. Failing to understand why 9/11 happened and looking for a bureaucratic screw-up to explain the whole thing, while using the event to start an unprovoked war unrelated to 9/11, have dramatically compounded the problems all Americans and the world face.

Evidence has shown that there was no connection between Saddam Hussein and the guerrilla attacks on New York and Washington. And since no weapons of mass destruction were found, other reasons are given for invading Iraq.

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The real reasons are either denied or ignored: oil, neoconservative, empire building and our support for Israel over the Palestinians.

The proponents of the Iraqi war do not hesitate to impugn the character of those who point out the shortcomings of current policy, calling them unpatriotic and appeasers of terrorism. It is said that they are responsible for the growing armed resistance and for the killing of American soldiers. It is conveniently ignored that if the opponents of the current policy had had their way, not one single American would have died, nor would tens of thousands of Iraqi civilians have suffered the same fate. Al Qaeda and many new militant groups would not be enjoying a rapid growth in their ranks.

By denying that our sanctions and bombs brought havoc to Iraq, it is easy to play the patriot card and find a scapegoat to blame. We are never at fault and never responsible for bad outcomes of what many believe is, albeit well-intentioned, interference in the affairs of others 6,000 miles from our shores. Pursuing our policy has boiled down to testing our resolve.

It is said by many who did not even want to go to war that now we have no choice but to stay the course. They argue that it is a noble gesture to be courageous and continue no matter how difficult the task. But that should not be the issue. It is not a question of resolve, but rather a question of wise policy. If the policy is flawed, and the world and our people are less safe for it, unshakable resolve is the opposite of what we need.

Staying the course only makes sense when the difficult tasks are designed to protect our country and to thwart those who pose a direct threat to us. Wilsonian idealism of self-sacrifice to make the world safe for democracy should never be an excuse to wage preemptive war, especially since it almost never produces the desired results. There are always too many unintended consequences.

In our effort to change the political structure of Iraq, we continue alliances with dictators and even develop new ones with countries that are anything but democracies. We have a close alliance with Pakistan, Saudi Arabia, and many other Arab dictatorships, and a new one with Qadhafi of Libya. This should raise questions about the credibility of our commitment to promoting democracy in Iraq, which even our own governments would not tolerate. Show me one neocon that would accept a national election that would put the radical Shiites in charge. As Secretary Rumsfeld said, it is not going to happen.

These same people are condemning the recent democratic decisions made in Spain. We should remember that since World War II, in 35 U.S. attempts to promote democracy around the world, none have succeeded. Proponents of war too often fail to contemplate the unintended consequences of an aggressive foreign policy. So far, the antiwar forces have not been surprised with the chaos that has now become Iraq's, or Iran's participation, but even they cannot know all the long-term shortcomings of such a policy.

In an eagerness to march on Baghdad, the neocons gloated, and I heard them, of the shock and awe that was about to hit the Iraqi people. It turns out that the real shock and awe is that we are further from peace in Iraq than we were a year ago. And Secretary Rumsfeld admits his own surprise.

The only policy now offered is to escalate the war and avenge the death of American soldiers. If they kill 10 of our troops, we will kill 100 of theirs. Up until now, announcing the number of Iraqi deaths has purposely been avoided, but the new policy proclaims our success by announcing the number of Iraqis killed. But the more we kill, the greater becomes the incitement of the radical Islamic militant.

The harder we try to impose our will on them, the greater the resistance becomes. Amazingly, our occupation has done what was at one time thought to be impossible. It has united the Sunnis and the Shiites against our presence. Although this is probably temporary, it is real and has deepened our problems in securing Iraq. The results are escalations of the conflict and the requirements for more troops. This acceleration of the killing is called pacification, a bit of 1984 newspeak.

The removing of Saddam Hussein has created a stark irony. The willingness and intensity of the Iraqi people to fight for their homeland has increased manyfold. Under Saddam Hussein essentially no resistance occurred. Instead of jubilation and parades for the liberators, we face much greater and unified effort to throw out all foreigners than when Saddam Hussein was in charge.

It is not whether the Commission investigation of the causes of 9/11 is unwarranted, if the Commissioners are looking in the wrong places for answers, it is whether much will be achieved.

I am sure we will hear that the bureaucracy failed, whether it was the FBI, the CIA, the National Security Council or all of them, for failure to communicate with each other. This will not answer the question of why we were attacked and why our defenses were so poor. Even though $40 billion are spent on intelligence gathering each year, the process failed us.

Now, it is likely to be said that what we need is more money and more efficiency. Yet that approach fails to recognize that depending on government agencies to be efficient is a risky assumption. We should support any effort to make the intelligence agencies more effective, but one thing is certain: More money will not help. Of the $40 billion spent annually for intelligence, too much is spent on nation building and activities unrelated to justified surveillance.

There are two other lessons that must be learned if we hope to benefit by studying and trying to explain the disaster that hit us on 9/11. If we fail to learn them, we cannot be made safer, and the opposite is more likely to occur. The first point is to understand who assumes the most responsibility for securing our homes and businesses in a free society. It is not the police. There are too few of them, and it is not their job to stand guard outside our houses and places of business. More crime occurs in the inner city where there are not only more police, but more restrictions on property owners' rights to bear and use weapons if invaded by hoodlums. In safer rural areas where every home has a gun and someone in it who is willing to use it, there is no false dependency on the police protecting them, but full reliance on the owner's responsibility to deal with any property violators. This understanding works rather well, at least better than in the inner cities where the understanding is totally different.

How does this apply to the 9/11 tragedies? The airline owners accept the rules of the inner city rather than that of rural America. They all assume that the government was in charge of airline security, and, unfortunately, by law it was. Not only were the airlines complacent about security, but the FAA dictated all the rules relating to potential hijacking. Chemical plants or armored truck companies that carry money make the opposite assumptions, and private guns do a reasonably good job in providing security. Evidently we think more of our money and chemical plants than we do our passengers on airplanes.

The complacency of the airlines is one thing, but the intrusiveness of the FAA is another. Two specific regulations proved to be disastrous for dealing with the thugs who, without even a single gun, took over four airlines and created the havoc of 9/11. Both the prohibition against guns being allowed in the cockpit and precise instructions that crews not resist hijackers contributed immensely to the horrors of 9/11. Instead of immediately legalizing a natural right of personal self-defense guaranteed by an explicit second amendment freedom, we still do not have armed pilots in the sky.

Instead of more responsibility given to the airline companies, the government has taken over the entire process. This has been encouraged by the airline owners, who seek subsidies and insurance protection. Of course, the nonsense of never resisting has been forever vetoed by passengers.

Unfortunately, the biggest failure of our government will be ignored. I am sure the Commission will not relate our foreign policy of interventionism, practiced by both major parties for over 100 years, to being seriously flawed and the most important reason 9/11 occurred. Instead, the claims will stand that the motivation behind 9/11 was our freedoms, prosperity and our way of life. If this error persists, all the tinkering and money to improve the intelligence gathering will bear little fruit.

Over the years the entire psychology of national defense has been completely twisted. Very little attention has been directed towards protecting our national borders and providing homeland security.

Our attention all too often was and still is directed outward toward distant lands. Now a significant number of our troops are engaged in Afghanistan and Iraq. We have kept troops in Korea for over 50 years, and thousands of troops remain in Europe and in over 130 other countries. This twisted philosophy of ignoring our national borders while pursuing an empire created a situation where Seoul, Korea, was better protected than Washington, D.C., on 9/11. These priorities must change, but I am certain the 9/11 Commission will not address this issue. This misdirected policy has prompted the current protracted war in Iraq, which has gone on now for 13 years with no end in sight.

The al Qaeda attacks should not be used to justify more intervention. Instead they should be seen as a guerilla attacks against us for what the Arabs and the Muslim world see as our invasion and interference in their homeland. This cycle of escalation is rapidly spreading the confrontation worldwide between the Christian West and the Muslim East. With each escalation the world becomes more dangerous. It is especially made worse when we retaliate against Muslims and Arabs who had nothing to do with 9/11, as we have in Iraq, further confirming the suspicions of the Muslim masses that our goals are more about oil and occupation than they are about punishing those responsible for 9/11.

Those who claim that Iraq is another Vietnam are wrong. They cannot be the same. There are too many differences in time, place and circumstance. But that does not mean the Iraqi conflict cannot last longer, spread throughout the region and possibly throughout the world, making it potentially much worse than what we suffered in Vietnam.

In the first 6 years we were in Vietnam, we lost less than 500 troops. Over 700 of our troops have been killed in Iraq in just over a year. Our neglect at pursuing the al Qaeda and bin Laden in Pakistan and Afghanistan and diverting resources to Iraq have seriously compromised our ability to maintain a favorable world opinion of support and cooperation in this effort. Instead, we have chaos in Iraq while the Islamists are being financed by a booming drug business from U.S-occupied Afghanistan.

Continuing to deny that the setbacks against us are related to our overall foreign policy of foreign meddling throughout many years and many administrations makes a victory over our enemies nearly impossible. Not understanding the true nature and motivation of those who have and will commit deadly attacks against us prevents a sensible policy from being pursued.

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Guerrilla warriors who are willing to risk and sacrifice their all as part of a war that they see as defensive are a far cry philosophically from a band of renegades who, out of unprovoked hate, seek to destroy us and kill themselves in the process. How we fight back depends on understanding these differences.

Of course, changing our foreign policy to one of no preemptive war, no nation-building, no entangling alliances, no interference in the internal affairs of other nations, and trade and friendship with all those who seek it, is no easy task. The real obstacle, though, is to understand the motives behind our current foreign policy of perpetual meddling in the affairs of others for more than 100 years. Understanding why both political parties agree on the principles of continuous foreign intervention is crucial. Those reasons are multiple and varied.

They range from the persistent Wilsonian idealism of making the world safe for democracy to the belief that we must protect our oil. Also contributing to this bipartisan foreign policy view is the notion that promoting world government is worthwhile. This involves support for the United Nations, NATO, control of the world's resources through the IMF, the World Bank, the WTO, NAFTA, FTAA and the Law of the Sea Treaty, all of which gained the support of those sympathetic to the poor and socialism, while too often the benefits accrue to the well-connected international corporations and bankers sympathetic to economic fascism.

Sadly, in the process, the people are forgotten, especially those who pay the taxes; those who lives are lost and sacrificed in no-win, undeclared wars; and the unemployed and the poor who lose out as the economic consequences of financing our foreign entanglements evolve.

Regardless of one's enthusiasm or lack thereof for the war and the general policy of maintaining American troops in more than 130 countries, one cold fact must be soon recognized by all of us here in the Congress. The American people cannot afford it; and when the market finally recognizes the overcommitment we have made, the results will not be pleasing to anyone.

A guns-and-butter policy was flawed in the 1960s and gave us interest rates of 21 percent in the 1970s with high inflation rates. The current guns-and-butter policy is even more massive, and our economic infrastructure is more fragile than it was back then. These facts will dictate our inability to continue this policy both internationally and domestically.

It is true, an unshakable resolve to stay the course in Iraq or any other hot spot can be pursued for many years; but when a country is adding to its future indebtedness by over $700 billion per year, it can only be done with great economic sacrifice to all our citizens.

Huge deficits financed by borrowing and Federal Reserve monetization are an unsustainable policy and always lead to higher price inflation, higher interest rates, a continued erosion of the dollar's value, and a faltering economy. Economic law dictates that the standard of living then must go down for all Americans, except for the privileged few who have an inside track on government largess if this policy of profligate spending continues.

Unfortunately, the American people, especially the younger generation, will have to decide whether to languish with the current policy or reject the notion that perpetual warfare and continued growth in entitlements should be pursued indefinitely. I am sure the commission will not deal with the flaw in the foreign policy endorsed by both parties for these many, many years.

I hope the commission tells us, though, why members of the bin Laden family were permitted immediately after 9/11 to leave the United States without interrogation when no other commercial or private flights were allowed. That event should have been thoroughly studied and explained to the American people. We actually had a lot more reason to invade Saudi Arabia than we did Iraq in connection with 9/11; but that country, obviously no friend of democracy, remains an unchallenged ally of the United States with few questions asked.

I am afraid the commission will answer only a few questions while raising many new ones. Overall, though, the commission has been beneficial and provides some reassurance to those who believe we operate in a much too closed-off society. Fortunately, any administration under the current system still must respond to reasonable inquiries.

HAITI

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again, it is a great honor to address the House of Representatives and the American people on a recent armed services trip that I took to Haiti and also talk about Haiti and the U.S. relations as we move forth from this point on.

Many Americans understand the changes that Haiti has gone through and the Haitian people, but tonight I wanted to share a few things because many times we hear on the news and read in the newspaper about what is going on in Port-au-Prince, Haiti; what happened today in Port-au-Prince, Haiti; what happened as it relates to government, a lack of a parliament and the legislature in Haiti; an interim government in Haiti; what is happening as relates to AIDS and HIV in

Haiti; also, as it pertains to hunger in Haiti and transportation. I think it is so very, very important, since Haiti had so much to do and does have so much to do with our very own independence.

Haiti took part in helping us fight for our own independence. "Us" is the United States of America. There are many Haitian Americans that are playing vital roles not only in our government but also in our democracy here in the United States, and I must say that this is a very pivotal time for Haiti. So I would ask the American people and Members of the Congress to just take a moment and pay attention to some of the things that I would like to share with my colleagues this evening to talk about this country, and I am going to have a map put up here beside me talking about why it is important that the United States of America plays a very strong role in not the rebuilding of Haiti but the building of Haiti, a country that is comprised of people that work every day, a country that wants to continue to move forth as a democracy, and I am going to address that. I am going to continue to address the issue of democracy because democracy is very, very important.

As my colleagues know, many thousands of miles away from the United States of America we are working hard to create and to also maintain democracies throughout the world; but I will tell my colleagues, as it relates to Haiti being in our own hemisphere, being the poorest country in our hemisphere, in the Caribbean, the very same Caribbean, I myself being from Miami, cruise ship capital of the world, many Americans and people throughout the world cruise the Caribbean for celebration, relaxation and sun; but Haiti that sits in the middle of our Caribbean, northern Caribbean, is a country that is in desperate need of assistance.

With the United States being the largest, most vibrant free society on the face of the Earth, the richest country on the face of the Earth, we are doing, in my opinion, more to Haiti than for Haiti; and that is the reason why we have to go through a paradigm shift.

First of all, I just would like to point out here, Haiti is actually only 600 miles away from the United States; and as we start talking about Haiti, we have to look at the Bahamas. That is up here. That is our friend and ally that has been really working with the United States as it relates to making sure that we not only stop the flow of illegal narcotics but also the flow of illegal immigrants to the United States of America. We have Jamaica down here that has also been very helpful to the United States in making sure that we fight the war against drugs and also illegal immigration.

I think it is very important for us to understand, 600 miles away, Cuba is actually 90 miles away, and we have many Haitians that are looking for safe harbor in the United States due to political persecution. I just want to talk for a moment, since we know exactly where Haiti is now and we know exactly where it sits as it relates to our own homeland security and where it sits as it relates to our responsibility of being able to assist Haiti as much as possible with the United Nations, I want to just share a few things with my colleagues.

Last Tuesday, I took the opportunity to travel to Haiti along with Senator BILL NELSON of Florida and also General Hill of SouthCom, who I think the commander of Southern Command is doing an outstanding job. He has a number of Marines that are there as a part of the international force to bring about peace in Haiti, and they are doing the best job that they can do under the circumstances. There are also French troops that are there in the north.

General Hill and I, we flew to northern Haiti. We actually flew to three cities in northern Haiti, and these cities are small cities but large as it relates to the population in Haiti.

The first place we traveled to was Fort Liberte, which is a city of over 5,000 people. French troops are up here securing this area of Haiti. It is close to the Dominican border, and there are a number of poor individuals there that are mainly fishermen and peasants. We walked through the streets of this city, dirt roads, and spoke to everyday Haitians; and I was stopped by a father that had two daughters that were dressed the same. They had matching umbrellas, in the heat of the day. This is Haitian time, maybe around 10:30, eleven o'clock. It was lunchtime. He was walking his daughters home, and I asked him how is life, through an interpreter, and he said, well, it is quite difficult because we have not had power in our city since December of last year.

Being from Miami and understanding hurricanes and disasters and power being knocked out, it is very difficult to survive. It is very difficult to be able to maintain some level of normalcy without having power and utilities; and that is so very, very important. It is an area that we have to make sure that we get more humanitarian assistance in the area of food, also in the area of clean drinking water; and definitely electricity should be provided up in this area.

We then moved from Fort Liberte that we see here over to Cap Haitian, which is also a border area. It is not a border area, but they have a port that is there, a deep water port that could be open for commerce, but right now the main business that they have now is humanitarian aid that actually comes in from that particular area. They have the World Food Programme that is there in that area that is providing meals every day. The population there is approximately 100,000 Haitians.

I met with representatives from the Catholic Relief Services and also the archdiocese of Cap Haitian and from the World Food Programme. I also met with local school educators, which it was a very good meeting that we had, also a representative from a local orphanage.

□ 1900

We met there at the airport, and I must say that when we met there, it was more like an airport hangar. And in that region of Haiti, it is still a very dangerous region. Rebel forces still control half of Haiti. Now, I am not saying that rebel forces are violent or not violent, but what I am saying is that danger is still present there in Cap Haitien and throughout certain parts of Haiti. Even though we have French troops in the area, there is still a level of danger that is there.

We met with the school representatives that were there, the principal of a primary elementary school and also a principal of a number of the high schools that we would call our ninth grade through twelfth grade experience. They both said that they have the issues of power. This is a major, major issue in this country, and Haiti has to have some level of commerce, some level of economic development to be able to help itself. And I think for very little investment from the United Nations and from the United States of America we can achieve that.

So we had the opportunity to meet for about an hour and 15 minutes while General Hill moved on, meeting with the French troops, making sure our coalition is strong there in order to provide the right atmosphere for another larger United Nations force to take over.

I also spoke with one of the representatives from the archdiocese of the Catholic Church, and Catholic Relief Services, and he spoke to me in Creole, and through an interpreter he said, Congressman, that is fine. It is fine that you are here. We are glad that you are here. But we have had other visitors from the United States of America, though this was the first time he said he had personally met with a Member of Congress. But people come and people go, and Haitians are used to hearing, using his words, oh, this is wonderful; and, yes, we will take our notes, and we appreciated the meeting, and we will be back. And he said many people board planes and boats, and they leave, and they never see them ever again.

But this issue of hunger, the issue of the lack of having the opportunity to build jobs, the issue of children needing to be educated are very important. This is a very fertile area for economic development. We can put local peasants to work. And I am going to come back to that a little later on.

We moved from Cap Haitien by helicopter, a very mountainous area along this area between Cap Haitien and the city of Gonaives. Gonaives is an interesting city because this is where the rebellion started, right here in Gonaives, which many of the rebels are still there in that city. It is a very dangerous place.

The security responsibility of Gonaives is in the hands of the French troops that are there, and I commend those men and women that are there serving on behalf of the United Nations' international presence. I met with representatives of the CARE organization, which is one of the three to four providers that provide food through USAID, and he shared with me that, once again, energy, power, being able to keep the lights on in Haiti, in Gonaives, why power is so important; because, guess what, it generates clean drinking water.

They have four pumps in that city. Three of them work, but one of them needs repairs. These are very small things. These are issues that usually a city government or a county government may have an issue, and they appropriate a very small number of dollars towards repairing that, and the problem is solved. But fuel and petroleum is an issue in Haiti right now because of the lack of power. In Haiti they have to use gas generators, which is very expensive, so this means some days the pumps work, and other days they do not work.

They also provide meals for 60,000 people in this city of 200,000 people, which he said they can do a lot more. It is 70 miles northwest of Port-au-Prince, Haiti. Now, one would say, why would you have to travel by helicopter? Well, Haiti is a very mountainous area, and the roads in Haiti, if Americans have experienced a dirt road experience, magnify that by 10 times. The best built road in Haiti was built by the United States Army Corps of Engineers in 1994. So it is very, very difficult to travel from Port-au-Prince to Gonaives.

We returned back on that Tuesday, back to Port-au-Prince, and flew back to Miami, Florida. Senator NELSON flew back to South America on another mission. The reason why we could not stay overnight in Haiti, my colleagues, was due to the fact that they still have a departure order in Haiti. It is that dangerous. It is so dangerous that even myself, a Member of Congress, not only had U.S. Marine security but State Department security on top of that and Haitian national police security.

Imagine. I can walk down the streets of the United States of America, even here in Washington, D.C., without security. I might be a little security-conscious, but without physical security, and without M–5 semiautomatic machine guns, but I cannot stay overnight in Haiti. The State Department will not allow me to stay overnight in Haiti. So imagine some who may feel any credible claim of fear or persecution, imagine what they may feel without security, without having armored vehicles to ride around the streets of Port-au-Prince in.

So we flew back to Miami Wednesday, stayed there, Thursday returned back to Haiti and spent that day, all day, in Port-au-Prince, and met with the USAID mission that is there, Director David Adams, who I believe is doing an outstanding job. And I want to say not only to his staff but to the administrators here with USAID, you could not have a better, more committed staff in Haiti than what you have under the leadership of Director Adams. He is emotionally attached to the work. But they need more resources to be able to do the things they need to do to develop jobs in Haiti, and I will address that in a few seconds.

I think it is important for us to remember that we have a lot of people doing great things in Haiti, but more needs to be done. We met with nongovernmental organizations from Haiti's southern claw.

Now, let me just point out the southern claw of Haiti. This looks pretty much like a lobster claw or a crab claw, but this is the southern claw. This is Port-au-Prince, Haiti, the capital, where the Presidential palace is located. You hear a lot about events taking place here. Port-au-Prince, Haiti, is the most populated city in Haiti, and it is its nation's capital. There is the southern claw, along this area here, south of Port-au-Prince.

This southern claw is not secured yet. This southern claw is still controlled by rebel forces. This southern claw is where many Haitians are hungry. This southern claw is where there is no power at all to be able to stimulate any level of sensible adult education, any level of humanitarian assistance. Everything is run by generator in the southern claw.

We have to remember that because I am going to talk a little about migration and the reason why Haitians leave Haiti. And I think it is important that we remember and we set the stage for the environment that they have to live in and the environment that we allow them to live in, because they are the poorest country in our hemisphere. We seem to have more interest in areas thousands and thousands of miles away, while we have this democracy, as shaky as it may be, with hungry, starving people, and very little assistance from the U.S. or from the U.N.

This is an area that can be very vibrant and prosperous, much more prosperous than what it is right now. Prosperity is only in pride in Haiti. There are very few numbers of individuals that have wealth in Haiti. The average per capita income of the everyday Haitian is a little bit over $400. That is a year; $400 in U.S. money is the per capita income for the average Haitian. And we will talk about that a little later.

But there is only one road down into the southern claw, my colleagues, and that road is not a secured road. The CMOC that is located there, which is operated by Southern Command, provides the very gateway or security for humanitarian efforts to make it to the southern claw and some parts of northern Haiti. The U.S. has security responsibility for Port-au-Prince only at this particular time. There are plans to move into the southern claw to be able to provide the kind of humanitarian assistance and health assistance that is needed there.

CMOC is an acronym which stands for the Civil Military Operations Center. This center was once located in 1994 when the Army was there, the 82nd Airborne. CMOCs are set up in many areas in Iraq, which has the largest CMOC. The CMOC in Haiti is a very small operation, and it brings together nongovernmental organizations where they work hand in hand with USAID.

Once again, the staff that is down there at that CMOC, which is mainly run by a gentleman that is a reservist, a colonel, is doing an outstanding job there. I met with Major Ray, who gave us an overview of the activities of the CMOC there, and my hat is off to those individuals, those patriots that are trying to provide just common things for the Haitian people and the plans they have there of being able to try to assist Haitians restore some level of health care in Port-au-Prince, and also making sure that nongovernmental organizations have a way to be able to carry food and the necessary cooking oil, things of that nature, to the southern claw of Haiti. I commend them.

The United Nations Development Program office tells me that the residents there are really looking forward, and they are continuing to engage the citizens of Haiti as it pertains to learning more about how the United Nations can play a role in humanitarian and economic development there. I would use the philosophy of not giving fish, but teaching how to fish. But I must say to the American people and to Members of Congress, the Haitian people are very creative people, so we do not necessarily need to teach them how to fish, we just have to provide the very essentials for them to go ahead and move forward with their entrepreneurial spirit to provide jobs in Haiti.

I want to share with my colleagues a few more facts about Haiti, and then I must talk about immigration, because that is the main thrust of the interest of our country. It seems to be the main thrust of the administration, any administration, because of illegal immigration and those individuals who take to the sea, and who our Coast Guard rescue many times.

I showed this map that had Florida in it. It is 600 miles to Florida from Haiti, and 90 miles from Cuba. When I was flying over in either a plane or helicopter, 20 feet out of shore, and many of the Members of Congress who are sports enthusiasts or are into water sports or fishing can understand what I mean when I say the deep blue water, it was deep blue water. That means that once you fall in it, you cannot touch the bottom. We have lost thousands, not hundreds but thousands, of Haitians trying to escape political persecution in Haiti.

I commend the Coast Guard for the work that they have tried to do to prevent the loss of life, but they also have a job to do, and they have been ordered to do it and they are doing it. I will also talk about that.

First, however, I want to share a little about the U.S. involvement. The reason why I am here today is to make sure that we have a paradigm shift in our policy as relates to Haiti. The U.S. involvement goes back to 1915 and 1934, when we occupied Haiti. The U.S. helped set up the Haitian Coast Guard. We built the embassy there during that period. We built the ambassador's residence during that period, and Ambassador Foley, James Foley, I believe, is trying to do the best that he can do under the circumstances.

□ 1915

He is going to need the help of this Congress to be able to carry out the effort in Haiti.

In 1994, the U.N. multinational force, led by the United States of America, military intervention eventually worked towards the return of President Aristide. We were there for a very short time. I must say a lot was done during that period, but not one U.S. soldier lost his or her life during that period because, contrary to what one may hear on television or read in the paper, the Haitian people are very peaceful. There are a few that create thuggery in Haiti and give Haiti a black eye that it does not deserve.

On February 23 of this year, the U.S. sent U.S. Marines to secure U.S. facilities, which was a fast response team. In March 2004, as a part of a U.N.-backed force, the United States, Canadians, French and Chileans restored and maintained order of Haiti. My hat is off to those individuals who served. We had a Marine injured in an ambush. Marines returned fire, and three or four individuals have been killed that have tried to attack our men and women in uniform.

Secondly, as it relates to power in Port-au-Prince alone, the capital city, the largest city, the Marines and SouthCom, and once again I cannot say enough about them and what they are trying to do there, did an assessment of the needs of electricity in Haiti because it means so much. It goes towards the security of Haiti. Just imagine if you did not have lights in your neighborhood, what kind of safety, what kind of level of safety would you have in your neighborhood, let alone a sense of community or a community that would like to thrive. This was done by SouthCom, this report here that was given to the Prime Minister, saying his number one goal should be to ask for international assistance to get their energy facilities up to date. This can be done for $1.8 million.

When we look at the size of Port-au-Prince, and for Members who are engineers, you know for $1.8 million that is a very small price tag to repair the power resources in Port-Au-Prince alone. Port-au-Prince, Haiti, is not just the capital city; it is the heartbeat of the economy of Haiti. It is also the area we have to secure.

There is a city called Cite Soleil, which is more like what one would call squatters. They are tin roofs. In the country and heartland of America, you may have a barn with a tin roof. That makes the four walls and the top of the houses in Cite Soleil. Some of the most violent gangs are in the Cite Soleil. It is important that we understand that we have to provide power or have to make sure they have power in this city because usually when the violence starts, it starts in Port-au-Prince, Haiti. That is why we hear so much about Port-au-Prince, Haiti. We should be hearing about the hard-working people in Haiti, but we will not hear that unless we target to restore and repair power there.

There are U.S. corporations in Port-au-Prince in the industrial part, which the HERO bill here in this Congress, represented by Members in this body and the other body, to provide not only trade opportunities with Haiti, but to also generate jobs within Haiti. One of the main cities that would benefit from that would be Port-au-Prince, Haiti.

I think what is also very, very important for us to discuss here is the issue of immigration. This is the very center I believe of the reason why we have to do the right thing now. There are a number of issues that are going on here on this island. We also have the drug trade, not Haitians growing poppy plants. Haitians are not growing marijuana plants or any other thing that may create some sort of illegal substance or illegal drug, but because of the lack of an economy in Haiti, drug lords have found not safe haven, but an opportunity to thrive as a point where they can take their drugs to move to the next area.

I want to bring my other chart back up because I think it is important that we understand what we are dealing with here.

We have Haiti here and within 600 miles to Miami, Florida. It is maybe even a shorter distance to Key West and what we call here the Gold Coast. As we see the Bahama islands, and there are over 700 Bahama islands, we have Cuba here. Drug dealers try to find some way to work in Haiti due to the lack of an economy. If we want to head off what we are dealing with in Colombia and some other parts of the southern hemisphere, we should do the right thing as it relates to the economy.

But also what comes along with drugs is, what, violence. What happens especially when you do not have police, when you do not have individuals that are provided jobs, then you will have a very small population of individuals that are gangs that will take control and will arm themselves and will end up giving the government the problems that they have now.

I said I was going to go back to the Coast Guard, and I think it is important. I do not want Members to feel that the Coast Guard is doing something wrong; they are doing everything right in my opinion. They are doing what they are told. Being a member of the Committee on the Armed Services, the Coast Guard carries out their orders. They report to the committee I serve on as it relates to the Select Committee on Homeland Security; but as it relates to U.S. policy towards Haitians that are interdicted at sea, it is not just, it is not fair and it is a violation of international law, period. No qualms about it.

Let me just share something with Members. This is not even what has happened over the last few years. The Coast Guard in January of 2004 intercepted and repatriated 113 Haitians. In February of 2004, they intercepted 1,076 Haitians, but only 11 out of 1,076 Haitians actually were found to have a credible claim of fear of persecution. Eleven out of 1,076. That means 1,065 went back to Haiti, and they were repatriated in Port-au-Prince. A lot of them were leaving because of political persecution. They were paraded right through Port-au-Prince. Many of them left from the northern and southern claw of Haiti, trying to escape political persecution; and they were repatriated. We do not know if those individuals made it home or did not. It is a violation of international law for us to do that.

Now, I said that to say this, what is important for us to do here in this Congress, the most important thing that we can do is to make sure that we appropriate the necessary dollars, just like we appropriate throughout the world. We have Members saying we have our own issues and we have the deficit and other things. Let me say I am overly concerned as relates to the deficit. I do not take pride as it relates to being in the 108th Congress, and history will say I was in Congress when we had the highest deficit in the history of the country, the history of the Republic. But at the same time we are giving international assistance to other countries, in the billions and in the millions. Haiti is slated to receive in the millions, a very small number as it relates to the big numbers that many of the other countries are receiving.

There will be an appropriations amendment to ask for $50 million for Haiti. The President has asked for $20 million, and some of that is in in-kind contributions, not necessarily hard dollars. It is important for the U.S. to be able to appropriate more than what the President has asked for for Haiti for two reasons. One, we cannot carry out acts of repatriating over 1,076 Haitians and say there is no real reason, you are leaving for other reasons. The 11 that had credible claims of fear, they are not in the United States; they are in Guantanamo Bay along with the terrorists from the Middle East, the enemy combatants that are jailed and are an issue before the Supreme Court right now.

So if we do not want Haitians coming over to the United States of America, if we do not want Haitians risking their lives, and we no longer want to see on the nightly news 300 Haitians falling in the middle of the Gulf Stream, and one may see with the Gulf Stream right off the coast of Florida where they will go on and on and we will never find these individuals, if we do not want that to happen, we should have more thrust to make sure we do right in Haiti. I want to say it is very, very important that we do this.

Mr. Speaker, I will be leaving, along with a bipartisan delegation, at 7:20 a.m. from Andrews Air Force Base to fly to Haiti and meet with Haitian government officials, those who we may call stewards of democracy at this time. But it is a very, very important message that we are sending to the Haitian Government, and that is they have to rule with a level hand.

To the ministers, the Prime Minister, I have not met with the President, maybe we will do that tomorrow, but it is important if they are going to set out warrants for members of the Lavalas Party and for the Aristide government, the interior minister has already been jailed of the Aristide government, if you are going to do that, I have no qualms about you carrying out the rule of law. But if you are putting out warrants there, you have to put out warrants for the arrest of individuals who are in the rebel forces and other parties that we know and they are known criminals and are carrying out daily acts of thuggery throughout Haiti.

There are some Members in this body that will cut off dollars, assistance dollars, if the Haitian Government does not stand for equality in making sure that we have security for all Haitians. The backdrop of American people is making sure that we set forth an environment for elections. Right now in Haiti they do not have this democracy that we celebrate here this evening, this Congress that allows representatives from different parts of Haiti to come to the capital to represent their constituents.

□ 1930

They no longer have a parliament. They no longer have an elected president. They no longer are able to have mayors in their cities. Many of the cities are mayorless, without leadership; and so it is important that we set the security stage, that we help Haiti set the policy stage of making sure that we are able to have those elections so they can move forth.

So on this 200th bicentennial of Haiti's history and future, this country that was one of the first countries to get its own independence, Haitians. I share with the Prime Minister, who is a Haitian who was living in Boca Raton, Florida, in my State, that his role in this government in this time in this place will speak for the next 200 years. By the agreement of the Prime Minister's being in the office that he is in, he can no longer run for office in Haiti. He cannot run for office in Haiti. He cannot move on to the next government that hopefully will be elected. He cannot take part in that. So he has an opportunity to be an honest broker. The people around him in the ministry have an opportunity to be honest brokers of making sure that Haitians get a fair opportunity to have power, to be able to stimulate an economy in Haiti, and to be able to work with the international community to provide the kind of assistance that the Haitian people deserve.

Mr. Speaker, if anyone has traveled to Haiti, and I will tell the Members right now, it cannot help but pull on their heart to see people living under those circumstances and those conditions to do the things that they do day in and day out, to lay flat down and attend house that is clean, which may be the ground but it is swept, living under those conditions of not being able to have the clean water that they need, having electricity, but every day they try to send their children to school. Ninety-five percent of the schools in Haiti are privatized. USAID is building schools. We commend them for that. But the missions and things of that nature are providing an opportunity for them to educate themselves. But I can say, Mr. Speaker, that it is so very important.

So if we are concerned about Haitians coming to the United States illegally trying to escape political persecution because of thuggery in their local town or city, then we should have an effort here in Haiti to make sure that we provide the best environment possible for this country.

We are providing food, yes. We are providing medicine, yes. Are we helping Haiti as it relates to HIV and AIDS? Of course we are. But those are issues of providing fish, not providing the resources so that they can go and fish for themselves.

There are some countries that we have been in in Europe since World War II, Mr. Speaker. It is important that we do it right this time so that we do not have to deploy U.S. troops, so that we do not have to call in Reservists to go because our military is stretched too thin, so that we do not have to have emergency orders through the Security Council at the UN. It is very important.

The gentleman from New York (Mr. MEEKS), no relation to me, also represents a large concentration. I have the highest concentration of Haitians in my district, Haitian Americans. He has the second largest in New York.

I yield to the gentleman.

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman from Florida (Mr. MEEK) for his leadership and for his courageous battle to make sure that the people of Haiti are not forgotten, and that is really what this is all about, and that is why the leadership of the gentleman from Florida's focus has been not on the politics, not on what is in the best interest of this one or that one. His focus has been on what can we do for those people, those average everyday citizens that live in Haiti who have dreams and aspirations just like we do, who all they want is for their children to be able to have a better life, to be able to get an education, to be able to go to work to provide a living so that they can have a family themselves and live a life that is a life that is free of violence and that is free of the deprivation of food and human rights violations. And that is what this is really all about. It is about people.

And I am going to travel with the gentleman because he is going, and I know there is a bipartisan CODEL that will be leaving for Haiti tomorrow morning, and I have decided to change my schedule based upon his courageous trip that he has already taken, that he already visited, and he has gone out to not just the big cities. He has gone out to the side roads. He has gone out to the rural areas. He has gone out to where the people are.

And I want to just get a chance to get a feel of that so that we can make sure when we come back here that we can implement a kind of program and a kind of attention on Haiti that does not last just for 6 months, just for 1 year or 2 years, but something where it is sustained, 10, 15, 20 years, to establish a true and strong democratic institution, not for the United States of America, quite frankly, not for Canada, not for France, not for anybody else, but for the people of Haiti, that little country that is connected to the island of Hispaniola. We need to make sure that we do something for those people, and I just appreciate the gentleman's leadership on that.

Mr. MEEK of Florida. Mr. Speaker, I just want to say to the gentleman from New York (Mr. MEEKS) quickly that I appreciate his speaking out not only here on the floor of this great House of Representatives but also speaking out in the halls of Congress. As the gentleman knows, we partner in a bipartisan effort to try to do what is best for Haiti. Regardless of the politics, regardless of who is in control, we are supporters; and I know that he joins me in that, of democracy. And the only way we are going to get to truly elect a democracy is making sure that we bring the level of safety, number one, up in Haiti; number two, set the real stage for elections, which the United Nations is going to play a role in it.

And I am glad that he points out the fact that we are not trying to impose anything on the Haitian people. We want to make sure that we are there to be the bridge for the Haitian people to move forth and elect its government. And the interim government that is in there that, I must add, cannot continue on past the 2005 elections, that is in the agreement, that they have the necessary tools to be able to provide some of the things that I talked about here tonight. But it is good to have not only a partner like the gentleman from New York but someone who is willing to look at the big picture on behalf of the Haitian people. That is just the bottom line.

Mr. MEEKS of New York. That is it, Mr. Speaker. I think if we do not create the kind of democratic institutions and help them go along, and not just America, I think that he said it absolutely right. Not just us, but with the help of the United Nations, with them involved, so that we can create a climate of security. Because only if they have security can they have elections, and then only with elections can they have a true democratic government. And I do not like to get into these comparisons to Haiti and Iraq and things of that nature. We know that there are substantial differences. But one thing that is clear is there is a question as to what people of Iraq want and wanted. There is no question as to what the people want. Yes, they want us and they want the United Nations there to help them. They are begging for us to do this. So this is not something that is imposed, and they are just saying, if you give us the window of opportunity to create a secure environment, we know what we want to do and we just need that kind of help, not just for a day or for a week, as I said, but where it is a continuous help, and just help us get on par with the Dominican Republic, for example. Forget being another United States.

Help us so that when it is time to negotiate trade agreements when we are doing the FTAA that we as a country can take advantage of it and we can create the jobs. As the gentleman appropriately said, we can fish on our own.

So we are moving now. We have got the FTAA coming. We have got some other pieces dealing with the Caribbean Basin Initiative. We have got various other trade agreements. And if we do not help now, these people could be left out. But if we help now, they can be included in. And guess what? It will be short-term pain for us for long-term gain for everybody because then they will not be dependent upon us. Our troops will not be necessary there. They then will become a prosperous neighbor, and we do not have to worry about people coming over in a boat trying to get to our Nation, trying to flee an island that should be one of the most beautiful islands in all of the Caribbean. That is what this is all about.

Mr. MEEK of Florida. Mr. Speaker, they have some of the best beaches in the world, and the cruise ships used to go there all the time. Now there is a little small part of Haiti on the northern tip that is gated, secured, and they go there.

Does the gentleman from New York wish to share with us anything else this evening? Because I am going to close because I know we have an early morning and we have other Members who have to address the House.

Mr. MEEKS of New York. Mr. Speaker, I will close with this: I will follow his leadership. He has been a great leader, and I think that the people of Miami, but more importantly, the people of Haiti, are well served by his leadership. I think he is doing this not in a political way, but in a bipartisan manner; and I look forward to being with him in the morning.

Mr. MEEK of Florida. Mr. Speaker, I cannot tell the gentleman how much I appreciate his saying that. I hope my mother was watching, who is a past Member of this body. Hopefully, she will see how important and how my colleagues think of me. I thank the gentleman from coming down.

I just want to say this very quickly in closing, Mr. Speaker, that it is very important we do what is right on behalf of this Nation. It is very important, if we are going to have a policy and interdict Haitians at sea and we want to save lives so that the Coast Guard will not have to pick bodies out floating face down around the waters of Haiti and between the United States of America that we provide the kind of atmosphere for economic development, and I would also say to the Members that it is vitally important that we continue to pay very close attention in a bipartisan way and do what is right on behalf of this nation that helped us fight for our independence.

TAXES AND THE IRS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to address the body and an opportunity to address the American people. This period of time that we have here this evening is a way to get a message out that sometimes does not get out. I also appreciate the remarks by the gentleman from Florida with regard to Haiti and promotion of freedom not just in this hemisphere but around the world. I think it is something we all agree with.

I would like to start out tonight by talking about an issue that is fundamentally important to the United States of America from an economic standpoint, something that I think affects us not just fiscally but socially and how we develop ourselves as a Nation, and I think it is an issue that will establish our American and national destiny for a long time to come.

We sit today with a lot of years of experience with an Internal Revenue Service that is too big, it is too intrusive, it injects itself into our private lives, and it slows down our business and our commerce. So I want to start out with how I got to this point, and I want to conclude with why we ought to eliminate the entire Internal Revenue Service code and why we ought to eliminate the Internal Revenue Service entirely and why we ought to give people back their freedom and why we should cease taxing our productivity and remove the first lien that exists on everyone's wages in this country and replace it with an opportunity to decide when they pay their taxes when they go and purchase.

So for me it works in this way: in 1975 I started up a business. I went out and bought a bulldozer and began doing custom work on farms, building terraces and dams and waterways. And as I did that work, all I really wanted to do was simply run my business, provide a service and collect a fee for that and pay my bills and raise my family. That was the American dream. Maybe I was simplistic in my aspirations, and maybe I should have realized how complicated it could get. But as the years went by, I began to realize that I did not get to spend every waking moment, I did not get to spend every sunshine day out there doing something productive, working and moving earth and preserving soil and water quality. Instead, there was a day I finally had to pull in and park a machine on a sunny day and go in and start filling out more Federal forms.

On that first day that that happened that I could not any longer have energy to meet the Federal regulations at night or on rainy days or on weekends or on Sundays, that was the first day I lost real productivity in our small little business.

□ 1945

Well, it was also about the time that I was audited for the first time by the Internal Revenue Service, and I thought I had that behind me. A couple of years later, along came another audit. The second audit was for the year 1979, and I remember that clearly. The IRS did let me know that they wanted to do an audit on a certain date, and I accommodated them in every way possible.

But we did not have copy machines in those days, and I did not have staff in those days that could pull these records out of my files. I had done the records myself, I had built the bookkeeping system that I had, and it was accurate, and it was precise, and it was thorough, and I had excellent records, and I could document where every single penny went without hesitation.

What I did not have was a copy machine where I could have copied a lot of records, handed them to the IRS and said, I will come back and see you tonight when the sun goes down, and we will see if you need any more information for your audit tomorrow.

So I made a decision that I would not allow them to rummage around in my files, pull records out. They did not know my filing system. I could not be assured that they could put them back in the filing system the way they were. Not being able to copy them in any efficient fashion without a copying machine, I insisted that I will sit here with you, and any record you want, I will pull it out of the file. I will show it to you, you can take your notes, do your documentation and due diligence. Then when you are finished with those documents, I will put them back in my file and get you the next ones.

So I did that. I did that for 4 days, 4 days of being scrutinized by the Internal Revenue Service, believing all the time that I had done everything within the law, everything exactly right, not just legally but also ethically, filed my taxes on time, paid my taxes. And at the ends of 4 days, 4 days of lost productivity, the IRS agent finally sat down with me, and we went through these numbers that she had evaluated.

There were subjective decisions that were made, and I got hit for a loss in interest, in penalty and principal for taxes that to this day I do not believe that I had a legal obligation to pay, but if I had gone to court to defend myself against this behemoth of the IRS, it would have broke me.

I could not afford any more days of not being out making money, because I had bills that I had to pay, so I made a very, very difficult decision for me, and that difficult decision, for a person who believes in standing on principle, almost no matter what the cost, I made the decision that the principle of preserving my business was more important than the principle of going to court to defend I will say the subjective and arbitrary decision by a single IRS agent.

So, I had to set up a time payment, but I paid the principal and the interest and the penalty, and it hurt financially, but it hurt a lot more as a matter of principle.

So here I was, starting a business, creating jobs, doing the things that are within the parameters of the American dream, and I was being punished and penalized by an IRS service.

So that next day, on the fifth day when the sun came up, I went out to work, climbed in the seat of a bulldozer, and I began to build terraces. Well, there it is not the most exciting and thrilling thing a person can do. I have enjoyed a lot of it and built many thousands of feet, but while you are there, you are looking at the top of the hill, the machine is loud so you cannot have a radio, and that means that there is no entertainment there except what work is in front of you and what is going on around you, which is not a lot, and what goes on, the entertainment and the things that go on in one's own mind to keep you entertained.

Well, it was not entertainment that I was after. I had smoke rolling out of my ears from the IRS audit. So I began to day by day think about how do we go about eliminating the IRS? I mean, I did not work up to that premise, I just started with here is a basic premise, I wanted to eliminate the IRS.

I came to that conclusion from the beginning and did not consider the political difficulties of that. I simply considered what the world would be like if we had our freedom back and if we did not have this intrusive agency that was entering into my life and obstructing this thing, that all I wanted to do was run the business and raise a family.

So, day by day I sat there and began to think, well, we would have to replace the revenue. If we eliminate the IRS, how do we replace the revenue? And it did not take very long. I looked at what about an excise tax? What about import-export duties? What about user fees?

And it does not take very long of considering those alternatives before one can easily conclude that you cannot raise enough revenue in that method to fund this large Federal Government that we have, and the only alternative to eliminating the IRS and eliminating the tax on our income would be to establish a national sales tax that would be established at a rate all across this country, for 100 percent of the sales and service for the last retail stop for the dollar.

So I began to work that through, and I worked it through day by day, hour by hour. And I looked forward to going to work every day so I could sit there on that dull bulldozer and think about how we could get rid of the IRS. That was in a way my therapy. I had no idea in 1980 I would end up in the United States Congress in the year 2003 and 2004 and have an opportunity to come here and advocate for something that had taken place clear back then, that 20-plus years ago.

But that was what was taking place. Many days I was establishing a philosophy for a lot of things, not just the taxes. But as I worked through the problem of resolving this and eliminating the IRS and replacing the revenue, I asked question after question, the devil's advocate question of what goes wrong when we make a decision like this? How many things will change? What do we do about people that smuggle goods over the border to avoid the tax? What do we do about tax evasion? How do we get the States to comply? How many States already have the tax policy?

Well, I worked those things through, and I worked every one of the questions that I could come up with over weeks and weeks. I worked that all through in my own and had an answer back for all those questions that I could ask. And yet I would stop in town, the first one in the coffee shop in the morning, and the next one that would show up, I would begin to talk with them, what do you think about eliminating the IRS and going to a national sales tax? Nobody had thought of it before. It seemed like a concept that there should have been a few million people thinking about, but I could not find anybody that had thought about it before.

So as I went around my circle of friends and coworkers that I had and associates, I could get them to answer me, and it would be things like, well, I do not know, but it must not be a good idea, or we would be doing it.

I had all the answers to everything I could think of, so I would go to the library and look. I could not find anything on eliminating the IRS and going to a national sales tax. I thought there must be some economic study. I did not have the Internet, so I could not simply do a Google search and come up with whatever has happened out there in the Library of Congress. It was not available.

Finally, after weeks of trying to find a conversation with someone who knew something about this, someone who had at least thought about it before, had an opinion on it after I told them what I worked on, and trying to find some research, I finally told myself, well, Steve, you know, this makes ultimately so much sense to me that it should make that much sense to everyone else. Surely the rest the world must intuitively know what is wrong with it, they know that, and it is something I simply cannot comprehend or figure out, so that is the only reason why we are not doing it.

And I put it on the side shelf of my mind. I never put it away, it was always something that was there, but I was not as active on it for a number of years. But I always wanted to get rid of the IRS, always believed it was the economic stimulus, and I always believed there was a solution to any problem that anyone could raise that might be a reason not to move forward with what today is the bill that we call Fair Tax, or H.R. 25.

Well, this took place and began in 1980, and as those years unfolded, along about 1993, I get mailings that come into my office, and I always send out a little letter, make a phone call, so publications would come in, and I would send off for a book here and there.

As I built this little private library at home and this filing cabinet at home of all the things that interested me, which, again, was the foundation for the philosophy that I think gave me this great privilege and honor of serving in the United States Congress, I saw an advertisement for a book that caught my eye right away, and the name of the book was Fire the IRS.

I ordered this book, Fire the IRS, by Dan Pilla, copyrighted 1993. As I devoured this book, word by word, page by page, read it through forwards and backwards, marked it up and highlighted it, Dan Pilla had documented all of the things I had considered and more, and he also had some words for us from some economists. Dan Pilla was an IRS officer who understood this clearly.

This book, by the way, has been in my bookcase now for almost 10 years without me touching it until just a couple of days ago, I happened to see it peeking out of the rest of the books, reached in and grabbed it. There was a reason why it popped out and into my hand.

But this book, Fire the IRS, by Dan Pilla, documented all of these things that I believed, and it gave me confidence that I had gone down a path that really was a legitimate path from an economic standpoint, a legitimate path where the best economists in America could stand up and defend a philosophy like this.

Now, I have only raised one issue with the IRS, and that is the intrusiveness of it and the burden of it. But we have a huge burden with the Internal Revenue Service, and it is not that they are not good people working for the agency. They have their job to do, and I do not take issue with that. It is that we need to establish good public policy here. We need to take the load off of tax collection.

It adds like this: When you add up the cost of funding the IRS, paying their wages, their overhead, their buildings and all the maintenance on those buildings, and their transportation, and all the things that go on to fund the IRS, you take that number; then you add up all of the dollars that we pay our tax preparers that take the data that we give them and put it together in a report that goes to the IRS and its tax filing, you add up that number; and you add up the number for all the tax lawyers that are out there that are working with tax avoidance, and that is the legal term, working for tax avoidance, and it is legal, the costs we are paying them; and our accountants, all the people that compile and process that data that gets that April 15 date turned in; and then you add to that the loss of income for people that have decided that my tax rates are too high. I do not want to work any harder this week. This 40 or 50 hours a week I work and this offer of 10 extra hours of overtime, I am not going to take it up, I am not going to do the overtime because I do not get to keep enough of the money that I earn. The IRS takes too much of it. So they make a rational decision, and they decide I am not going to work the overtime or I am not going to make the extra sales calls, or I am not going to start up that production line on my plant I have going here, because I can make the same cash flow, and I am happier living on the income I have got, rather than taking on all of the responsibility and burden of trying to make a little more money with the IRS taking a bigger and bigger chunk out of it as you go up the ladder. So, the people make a rational decision and decide, well, I am going to pick up my golf clubs or my fishing pole and take a little time off. There is nothing wrong with that either.

But when you add up all of these costs, all of these costs, 1985, by an economist in this book called Dr. Payne, $720 billion a year, that is with a B, to fund the IRS and the revenue shortfall that is there. He also has calculated that for every $100 collected by the IRS, it costs another $65 to collect that $100.

But if it is $720 billion in 1985, and I have not extrapolated the inflation factor on this to take us to the year 2004, but $720 billion, and we would know it would be substantially more in today's dollars, but I will tell you it adds up to over $1 trillion a year because of the inflation factor on the $720 billion.

And another factor that is so huge in its implications that there is not an economic model that can evaluate that, and that is what happens to these millions of people that are out here collecting data that goes into the IRS and into the tax policy? There are millions of people out there that at least in part, and of them as a whole, make their money with taxes. Those people would go to work in the productive sector of the economy as opposed to the nonproductive regulatory sector of the economy.

So you add up all those numbers, the $720 billion from Dr. Payne by 1985, add an inflation factor to that, and then add to that the economic impact of the people that are now in the regulatory sector, the nonproductive sector, and they would be shifted over into the private sector, the productive sector of the economy, it is easily over $1 trillion a year the size of the anchor we drag along behind this ship chugging along here, which is our Nation's economy.

We are dragging that anchor across the bottom, and that anchor is at least 10 percent of our gross domestic product, and probably significantly more than that. We have about a $11.4 trillion economy, and over $1 trillion of it is the burden of the IRS. If we eliminate them, we can cut the chain on that anchor, and we can sail this economic ship free, and it will sail pure, and it will sail fast, and we will do a lot of good things.

Now, one of the things that we have is a negative balance of trade. Today our balance of trade is a minus $503 billion a year. That means when we are buying $503 billion more of goods than we sell to foreign countries. Foreign interests then own half a trillion dollars of our assets more every year. Each year that goes by, that number gets bigger, and they own more and more of the United States of America.

We cannot go on indefinitely mortgaging our assets and letting them be held as collateral by foreign interests because we have got a negative balance of trade. We need to turn that to the positive.

If we are able to pass H.R. 25, the Fair Tax, and if we are able to substitute then for that tax a national sales tax, consumption-based, that means that we untax all of these entities out here that are paying income tax today.

Now, it might come as a shock to some Americans that corporations do not pay taxes. Does it sound outrageous? Corporations do not pay taxes. They send the check in, all right. They fill out their tax forms, all right. But they do not really pay taxes. No one in this place has ever been able to figure out how to get a corporation to actually pay a tax.

They have to pass the tax through, and they pass it through to real people. People pay taxes; corporations do not. So we untax corporations. We do not ask them to go out and collect them anymore, is the essence of it. By the way, many of them are spending hundreds of millions of dollars just filling out the forms and paying their attorneys to do the tax, the legal tax avoidance.

□ 2000

And it is so effective that 61 percent of our domestic corporations in America paid no taxes at all for last year, and 71 percent of the foreign corporations doing business in the United States filled out their forms but did not pay taxes.

So we are down to 40 percent, 39 percent of the domestic corporations, and 29 percent of the foreign corporations are all that are actually paying any taxes whatsoever. But, nonetheless, they are all passing it off to their customers. They are not digging out their asset base. So the cost in the goods of everything that we see on the retail shelf, the retail sales and service, that is the tax component that they are passing along to you, to the citizens of the United States, ranges from about 20 percent on up to 35 percent depending on how intensive their labor is and what their tax burden is.

And we can, by taking the tax off of our businesses that are providing the retail products and the service products, by taking that tax component out, that averages 22 percent. So that item that will cost you $1, 78 cents of it is actual cost of the production and 22 cents is the cost of the built-in tax. That is the tax, the corporate income tax and the payroll tax that they have to pay their employees and a few other assorted taxes that accumulate along the way.

If we quit taxing everyone's productivity, of course, we quit taxing corporate and business productivity as well. That means that the retail costs of goods go down by 22 percent. When that happens, that does a lot of great things. But what it really does with our balance of trade is it discounts the price of what we are selling to foreign companies, foreign countries by 22 percent.

So, for example, if we have a sign up like everybody else, back when I did the math, gas was $1.50. So if we put our neon sign up that says gas is $1.50, our competition overseas, they are selling theirs at the same price, we are selling goods into foreign countries as far as we can compete and no further. When we cannot get the price down any lower or the label of the United States is on it, that is the static line by which we are not going to sell any more goods overseas, and that line is different for every commodity, and it is different in every country; but it is competition that sets that line. We can get an advantage by untaxing the cost of the products made by American companies. Taking the burden of that tax out, that will bring the cost down by 22 percent.

So now both of us today have a sign up that says gas is $1.50; ours go to $1.17. That is the equivalent component now for our competition for our prices of the goods that are going overseas. And it also it says "Made in America," which helps to sell it as well.

So we know what will happen. We will sell that competitive good, that product that is made in America into foreign countries until such time as they match our price and our quality, or they put up some kind of trade barrier, which is another can of worms that we need to address. That changes our balance of trade. It shifts our balance of trade from minus $503 billion a year to a plus number. That is a great number, but I do not know how great it is. I know it is solid, and I know it is substantial. That means more jobs here in the United States of America. That means more American products sold overseas. That means we bring back our balance of trade.

Now, another thing that is happening is we are losing industrial jobs overseas. And it is going to happen. If they are paying 68 cents an hour equivalent in China and they buy a punch press or a lathe or whatever kind of industrial product, they are upgrading their productivity with that technology. And as they train their people to do that, we are not going to be able to hire people at 68 cents an hour. We cannot compete with that indefinitely. But what we can do is by discounting what we are selling to those countries is we will keep those jobs here longer. We will be competitive longer by taking the 22 percent out, that cost of the tax component of everything we sell, we take that out and we are more competitive longer which means we keep those industrial jobs here longer.

The gentleman from Georgia (Mr. LINDER) believes that we will get some of those jobs back again. And I believe that we will get some, and I think we will lose some. I think it will be a slow loss, but we will dramatically slow the loss at a minimum. And it is essential that we hold industry in this country and put tax and regulatory structures in place so that we can.

One of the reasons would be national security. It is not just our economy. But we have to produce things that are competitive in the world for our economy. But from a national security standpoint think, for example, that there is a foreign country over there in Europe that produces a guidance piece of technology that guides our missiles or our bombs. Think that that foreign country disagreed with our policy in Iraq when we went in there militarily and think what happens when they stop shipment of that guidance technology and we are not able to use our missiles or our bombs in that same fashion. It puts our national security at risk. That is a fact, by the way, that that did happen.

We need to hold our technology here. We need to hold our industry here. We need to hang on to our blue collar jobs. We need to slow this loss of our industry overseas. If we can push it around and bring them back, we can do that.

For example, Ireland untaxed new corporations that would move there. A little island of 4 million people. And they now they have about 12½ percent flat tax on their corporations, far more competitive than the rest of Europe, at any rate. But when they untaxed corporations that would come and stay for 10 years, they ended up with today 560 American companies that are established on the little island of Ireland.

We should untax these companies that are here. We have lost a lot of American companies overseas. A lot of them would come back home again because of the new tax policy. We have foreign corporations that moved to the United States because of our new tax policy when we untaxed them. That means we have more jobs here in the United States, and that means our productivity goes up and it will be producing those kind of goods that will go overseas, and it improves our balance of trade.

Now, Ronald Reagan said what you tax you get less of. He also said what you subsidize you get more of. I will not go down the subsidy side tonight, but I will go down the tax side. What you tax you get less of. We are taxing everyone's productivity in this country.

The Federal Government has the first lien on everyone's labor, on everyone's productivity. That means that they reach into your check, they reach into your check at the end of the week and they take out what they want, and they let you take home the rest. That is called take-home pay. We have been so numbed by this that a lot of us do not even think about the money that we make; we think about the money we take home as the money we make. So we can let you keep all of the money that you earn and no longer have to take a withholding out of that check.

And then we are incenting the capital formation. We are not taxing either. Here are some of the taxes that we get rid of. I said corporate business tax, income tax, your personal income tax all goes away. The payroll tax on Social Security, Medicare, and Medicaid, that is the most regressive tax we have in America. Everybody pays that on the first dollar and all the way up to $87,000, and then after that you do not have to pay any more of the Social Security portion, but you do Medicare and Medicaid. That is a regressive tax. It is an extraordinarily regressive tax. And we eliminate that.

So we are going to eliminate income tax of all kinds. We eliminate inheritance tax. The death tax goes away. We eliminate tax on interest income, dividend income. We eliminate the tax on capital gains. The tax on your Social Security income, the tax on your pension all goes away. The tax on your interest in dividend income, as I said.

So who are the winners in this? Senior citizens are winners. And they are some of the people that I have to think of first because I represent the 5th district of Iowa. And they are in the western third of the State. I have 32 counties. We in Iowa have the highest percentage of our population over the age of 85 of any of the States in the Union. We are arguably the oldest State in the Union. And in this possibly the oldest

State in the Union. And of the 32 counties that I represent, I have 10 of the 12 most senior counties in Iowa. I would only advocate a policy that was good for the seniors in this country because it is good for the district that I represent.

But what we are able to do with a fair tax is take away your tax on your Social Security income, tax on your pension income, tax on your interest income, your dividend income. We eliminate the tax on capital gains that will let you, if you own a house that you would like to sell, that maybe you bought it for $10,000 now it is worth $110,000, you do not have to pay the capital gains on that any longer if we pass fair tax H.R. 25. You can sell that parcel of real estate without a tax burden. It does not have to be part of the equation, part of the calculation in making a decision.

So if you want to go in and lease a duplex or apartment or independent living, if that is your decision, sell your farm too if you choose to do that. Maybe you paid $100 an acre for the farm and today it is worth $3,500. The capital gains on it would be tremendous. That is why we have people hanging on to real estate and hanging on to assets, because they cannot afford to sell them because of the capital gains burden.

Senior citizens make out very, very well on this because we untax their income stream, and we let them sell their assets without penalty and they can manage their retirement, and we eliminate the damage tax so they can pass what is left over on to the next generation, which is a part of the American dream as well. Seniors also get along, get another advantage here, that is part of what everybody gets and that is we have to remove the regressive nature of a sales tax. And that regressive nature comes with having to pay a tax rate for everything that you buy.

The less income people have, the greater percentage of their income will go to taxes. So we need to address that. That actually is the hardest problem to fix. But the solution is actually very simple once you come to that. That is this: we send into every household in America a rebate check at the first of the month to compensate each family in advance for the amount of money that they will pay in a Federal sales tax in the necessary items on up to the poverty level.

So, for example, a family of four would get a check the first day of the month, or wired to their account is more likely going to happen, for an amount of $479 for that month. That is actually a pretty good check. That is the tax portion of what they would spend. Senior citizens get that check; so does the poorest family in America. So does Bill Gates, by the way.

Everyone gets untaxed up to the poverty level. Then from there on, you start to pay your tax at a rate that would then be calculated. The average family then would pay less in taxes when the bill is passed than it does today. Senior citizens make out very well. The poorest people in America make out very well because we untax them. And they do not have any tax burden. They get the check for the first of the month for the necessary items.

And then neither are we taxing capital formation. We are not punishing you when you save money, when you invest money. You can invest money and earn income off of that without a penalty. So we incent then, we provide for and promote, capital formation. There will be billions of dollars that flow into all kinds of investment accounts. These investment accounts, they do not get sewed into a mattress. That money goes to some good, gets put to some use. Say someone decides I make a lot of money and I only want to spend a little bit of money. So I will take this money and save it, and I will put it into maybe a time deposit at the bank, a CD, certificate of deposit. Well, the bank will take that money and roll it into another investment or loan it to a young entrepreneur in the community that is starting up a business or maybe wants to buy that real estate that has primarily been tied up because of a capital gains bind. That is released. Start that up and maybe we have got young people that go in and buy a farm where they could not do that otherwise or they start a business that they could not do otherwise, or maybe that money goes into research and development.

And that is going to produce more items out here. And we use the creativity of America to bring more things to the marketplace. Or the money gets invested by companies to put capital investment in that does improve the productivity of every American. If it is a research and development that produces more of those innovations or higher education, all of those things, where the future of America's economy is, that future up there in the high-tech side, the development side, the investment side where it takes dollars and education and technology, we will incent that and those dollars will be invested there.

Those dollars, by the way, improve the productivity of the American worker who will then make more wages. There will be more demand for the American worker. The American worker has then more money in their pockets. They spend that money in the retail counter which then drives this economy. We watch how our economy is when we go up towards Christmas. We say are sales up or down; that tells us a lot about how strong our economy is. There will be more money in the end spent at the retail level.

By the way, all those things sold at the retail level get cheaper. They get 22 percent cheaper.

If you are wondering how it works, if you are a businessman, again I am from Iowa so we always put it into farming analogies, if you are a farmer and you go out and spend $250,000 on a brand-new combine, and you are thinking I do not want to pay the tax on that, well, you do not pay the tax on that. You do not pay the tax because that is a business input. It is not a last retail stop for personal consumption.

So there would be no tax on the combine or the new tractor or the parts that go into it, or the seed or the fertilizer or all the other inputs that are there. Or if you are running a retail store, and you are purchasing inventory for that store, say, for example, you run a grocery store, you do not pay the sales tax on your wholesale cost of those goods. You collect it when you sell. Or if you are running a jewelry store and you happen to be buying jewelry that gets purchased at the inventory level, you put that inventory in the store, you are not paying tax on that inventory.

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But when the person comes in and purchases that brand new diamond engagement ring that starts out that unique family that hopefully has a lot of children to participate in the American dream, that that new diamond ring does not get income tax on if when you purchase the diamond as a wholesaler or as a retailer, but the person that does it at the resale level from the retailer does pay the tax. But if you are selling it, you get the discounts on average of about 22 percent because the tax burden is off, and all the people, the people that you are paying to work in the grocery store or in the jewelry store or in the grain elevator, wherever it may be, you are no longer paying the payroll tax out of the wages, the 15.3 percent that you take out of the wages and send off to the Federal Government for Social Security, Medicare and Medicaid.

Many times I have sat there and made payroll out for over 28 years, 1,400 and some consecutive weeks, and I do not know how many different payroll checks I signed, but I met that payroll, and I sat there with that calculator, and I punch out .0765, multiply it times the gross wages, take it out of the employee's wages, add it. As an employer it is 15.3 percent. That does not get withheld any longer. You get to keep that in your payroll as well.

Most people think that that half of that 15.3 percent, .0765, can be added to the employee's wages because, after all, that is the cost of the employee. So wages will go up by 7½ percent.

Now, this is, every piece of this policy is a good thing. Everything rolls around to the positive. And when we are finished with this, it adds up this way.

What is the rate? You all have to be asking and wondering what is the rate?

Well, the rate adds up this way. Remember we are discounting everything you purchase by 22 percent, so compare it with that. We have to put the rebate check into every household to make sure it is not regressive, to make sure we can untax the poor and untax the people on fixed incomes. We will untax Bill Gates if he wants to live at the poverty level, and I am sure he will not. But when we do all of that, that cost is 3 percent. And then when we replace the payroll tax, and that is Social Security, Medicare, Medicaid, that .0765 times 2, 15.3 percent of your payroll, that replacement costs 8 percent at the retail level.

So now we are at 11 percent as a tax rate, but the replacement portion, then that takes us up to the revenue-neutral number, that number that just generates the income that is coming from the income tax today, that takes 12 percent. So when you add the numbers up, it is 3 percent plus 8 percent, which is 11, and you add 12, so you are at 23 percent; 23 percent embedded tax. But we discounted the same items by 22 percent.

So you will ask, how can we do that? That sounds almost like something for nothing. The reason that this works out this way, and we have over $20 million of research on this that supports this, the reason that it works out so well is, first of all, we have a broad tax. It is all sales and service. We allow no exceptions or exemptions of any kind, because if we do, that opens the door up for this big machinery here in Washington, D.C., this monstrosity of a lobby that about half of it is all here because they are looking for a tax discount, the tax credit, the way to minimize the tax liabilities of these companies. And actually individuals only at 61 percent are paying taxes. Remember, as I said, domestic companies, and 61 percent, 71 percent of foreign do not, 61 percent of domestic do not.

So this whole component that we have here is the economic model that stimulates the maximum amount of economic growth. So we have incented this capital formation on the high-tech side. We have saved this loss of jobs that drain into overseas. We kept the blue-collar jobs that are here. We have fixed the balance of trade. We put money into investments. We put money into research and development, into high tech, into higher education. All of these are the good things we need to do on the top side of the economy and on the bottom side of the economy and on the balance of trade. And we have done that by changing this retail price by a little bit, because the price goes down by 22 percent when you take the tax out, but the tax rate is embedded at 23 percent. We will tax all sales and all service at that. That is why when it is broad, we can keep the tax cheap. That is an essential component of this.

Now, another thing that I think about is today about 44 percent of Americans do not pay income tax. Now, I said corporations do not pay taxes, and they do not. People pay taxes. People producers pay taxes. If you are making an income high enough and do not have discounts or do not have deductions that make sure that you do not, but 44 percent of the Americans are not paying income tax today. That means that that number is growing. That number has grown dramatically in the last few years. If that number grows up over 50 percent, as soon as 51 percent of the people in this country figure out that they can go to the polls and elect themselves members of Congress and elect Members of Congress that will then tax the producers and send the money to the people who are not paying taxes, we have lost. We have lost this freedom. We have lost this constitutional Republic. We have lost this democracy if we let it get that far.

It only takes another 6 percent plus 1 for the nonproductive sector of the voting populace, those who are not paying income tax, to have a majority control in this country. Then the only thing that keeps them from voting themselves benefits out of the Treasury may be lack of organization, and maybe it bothers their conscience. I want everybody to have some skin in the game. I want everybody in America to pay some taxes.

We will send the rebate check into every household so we untax the poor, but when the poor goes out, when everybody goes out and purchases anything at the retail level, any sales or any service, then they are paying their taxes. That means they understand every day that they do a transaction how expensive the Federal Government is.

Every little kid when they grow up in America and they go to buy their baseball cards, let me see if I have them here, buy their baseball cards or buy their Barbie doll clothes, and they have to reach in and pull a couple of dimes out for Uncle Sam, that will hurt a little bit every time they have to do that. They will think about where that money goes. They will know intuitively from the time they are 4 or 5 years old that they have to fund this government. When they do that, I think they will understand when they get old to vote and participate in public life and old enough to hopefully serve in this United States Congress someday that there is such a thing as personal responsibility. And today we have created this dependent society where many of them look at government as the first solution instead of the last resort.

I want generations of Americans that look at government as the last resort and come up with their own first and second solutions and do everything they can to resolve their own problems at home. We need to have more independence and more freedom. This bill does that.

H.R. 25. You can find information about all of the statistics and data I have given you at fairtax.org.

We today have some 46 or so cosponsors on the bill. The gentleman from Georgia (Mr. LINDER) is the lead. The people in Georgia understand how important this is. They support a fair tax. They know this is the most dynamic thing we can get done. As I said earlier, the economists out there do agree. The only question is the political difficulty, not the economic difficulty. We are here to solve this political difficulty, and I am here speaking to this tonight.

I have done programs in Council Bluffs and in Sioux City. In Council Bluffs it was sitting room only. In Sioux City it was standing room only. I did not find anyone that could come up with a comment or question that would be a reason why we should not do this.

I believe everybody in America is a winner when we replace the IRS and the Income Tax Code with a fair tax, a retail sales and service tax, an embedded cost of 23 percent; discount those retail prices on sales and service by 22 percent because we are able to untax the businesses that produce those sales and service.

And by the way, when you look around this country, there are some people that do not pay taxes, and there are some people I would really, really like to tax, and I am looking around at the drug dealers in America. They are living in a black market, illegal economy, and they are dealing in cash. Do you think that they call up H&R Block and say, I brought in $1.5 million this year, and I had a 67 percent profit margin; therefore, I must have a tax liability on $1 million? They are not doing that. These people live in the shadows, but they take their cash out, and they go to the retail, and they buy things. That is why they are doing what they can do so they can buy things off the shelf. Clothes, cars, and entertainment and all the things the rest of us do, they are doing it tax free. Their business is in the shadows. We get to tax them not through the income tax, because we cannot catch them with that, on their cash income, but we will catch them at the retail level when they purchase things from the shelf.

So we get to tax drug dealers and prostitution. There is about a trillion dollars worth of illegal economy going on in America. We get to tax it all. So that is about $230 billion in our Treasury there that ups the ante. That allows us to take the rest of your taxes down a little bit.

Tourists come into this country. They do not mind taxing me when I go into their country. We seem to mind taxing tourists in this country. If we can tax the tourism industry that comes in here, people from foreign countries that are using our infrastructure, they drive on our roads, they flush our toilets, they use the electricity, all of these things that are part of our system in this country flowing and going so well, if we can tax them on what they spend in this country, that would be $50 billion a year added to the $230 billion that I mentioned earlier. We are up to where we have $3 billion in revenue from the illegal side of this thing and from the tourism side, the prostitution, the drugs and all of that. So it is nice to have those people carrying part of the burden. They have not carried any of their fair share. The fair tax will require them to carry their fair share.

There are other things that we need to do to bring them in line. That is the big picture on this.

Every aspect of our economy gets better and better and better as we look at this policy and program. So we tax the tourists. We tax the drug trade. We tax the prostitutes. We tax the illegal industry that is in America and generate a number approaching $300 billion a year. We untax the poor. We untax the senior citizens on fixed incomes at least, and the middle-American family that will get that rebate check in their households at about $479 a month for a family of four. That makes that number around $40,000 a year. They will find their tax rate at about 15.6 percent. So they get a cheaper tax rate, too.

It helps everybody in America, and, by the way, there is a political dynamic to this. When we started selling American products into countries that have not been competitive before, the European Union comes to mind, when that happens, they have to look at their own tax policy when they cannot be competitive any longer. That means they have to go back into their Parliament and make a decision on what their tax policy will be in order to compete with the United States of America. And that policy will be closer to a fair tax policy than the 70 percent income tax they have today that goes to, and that was Denmark, for example, where they take that income tax and provide all kind of things for people that take away their personal responsibility, create a dependency, grow a socialistic philosophy, and puts the burden on the economy that does not allow them to be competitive unless they raise the taxes so they can subsidize the things they need to, like our egg products, so it is harder for us to compete with them.

At some point our competition in this country breaks their bank, and they have to buy into our policy. When they do that, the European countries, the rest of the countries in the world will be more free than they are today. There will be a lower tax rate. People will be able to keep all the money they earn instead of having to give up 70 percent of it, and that means they will be more productive. And they will advocate for the same things we do. And the center for political gravity in Europe, for example, shifts to the right. When it does that, they are a closer friend to us, and they become more allies than they are today. And they have been good allies over the years, but we can improve that with the fair tax policy.

So H.R. 25, fairtax.org, embedded tax costs of 23 percent, reducing the cost of everything we sell by 22 percent. We repair our balance of trade; that minus $503 billion a year in balance of trade goes to a plus number. We slow the loss of unskilled jobs or lower-skilled jobs going overseas, and we promote capital formation that grows our economy on the high-tech side. And we lower the taxes on middle-income America, and untax the poor and the senior citizens on fixed income.

It does everything that a tax policy can do. Additionally, the costs of compliance gets reduced by 95 percent. Forty-five States in the Union today have a sales tax in place. They already have the collection system there. They already have the audit system in there. So only five States have to put in place a sales tax system. They will grumble and groan about it a little bit, and they will be the five States to oppose this, and yet the best thing overall for America.

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So, when they do collect those taxes, it will just be the State treasurer sends the check to the U.S. Treasury. It is that simple, and the audit systems are there now, and we can contract with them to continue to do the audits as they have, and we also want to pay ¼ of 1 percent to the States for collecting the tax and to the retailer for collecting the tax.

Have you ever had the government send you a check for collecting taxes before or did you just send it in and be glad you can keep the little bit that is left? We change that. So April 15, that day when people stay up all night long pulling their hair out to make sure they can file the forms, make sure they can meet their tax obligations, and there are millions of Americans that go to borrow money to pay their taxes on that day or the day after, April 15 is the worst day on our calendar, and it can become just another day when this Congress passes the fair tax, H.R. 25.

The time is right. The majority leader understands this. He has been a supporter of the fair tax for a long time. We know we need to bring tax reform. We know we need to bring a dynamic energy into this economy. No one, no one in their right mind, that is, would advocate that we would take the internal revenue code we have today and modify it and amend it and try to somehow get tax reform out of this monstrosity of pages and produce something that provided equity for the American people. It is not possible with that monstrosity.

If we went to the flat tax, as Steve Forbes advocated some years ago and as Dick Armey, who was the majority leader in this chamber, advocated some years ago, that postcard, if you put your taxes on, still keeps the IRS intact, still requires an audit. That postcard is your income tax the way it looked 90 years ago when this monstrosity first began. If we could cut it back to that with a flat tax, it would still grow into another monstrosity again. Over time, we can eliminate the IRS, we can eliminate the tax code, and by the way, we must amend the Constitution so that income tax is unconstitutional again and repeal the amendment that established and legalized the income tax, and the American people will be ready to do that; they will get confidence in.

We will pass the bill and introduce a constitutional amendment and watch this dynamic economy jump, but the piece that is most important is a $1 trillion anchor on our economy imposed by the IRS today. That $1 trillion anchor can be cut.

H.R. 25 cuts that anchor chain. That anchor can stay in the bottom of the ocean, and we can sail this ship of our economy free, and we can take these people that are now involved in the regulatory sector of the economy, the IRS workers and all those people who are so busy working for tax avoidance or tax compliance, I mean, we have got this whole competition going on out here. They can all go to work in the private sector producing a good or service that has value, that they can cash a check for, and they can go out, too, with the money they earn, keep all the money they earn, spend it at the retail level, decide when they pay their taxes.

It is freedom; it is fair. It is fairtax.org. It is time this Congress moves. It is time we have a conference to debate and discuss this and get off the dime on what is the best policy. This is the best policy. I believe that should be settled with the American people. We need to move forward and get past this indecision.

So with that, Mr. Speaker, I appreciate the opportunity to address the chamber tonight, and I look forward to some action on this issue and many others as this time unfolds.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARDIN (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of official business.

Ms. Jackson-Lee of Texas (at the request of Ms. Pelosi) for today on account of official business in the district.

Mr. Tauzin (at the request of Mr. DeLay) for the week of April 19 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Pallone) to revise and extend their remarks and include extraneous material:)

Mr. Wynn, for 5 minutes, today.

Mr. Conyers, for 5 minutes, today.

Mr. McDermott, for 5 minutes, today.

Mr. Filner, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Ms. Berkley, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Mr. Smith of Washington, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. Cummings, for 5 minutes, today.

Mr. Inslee, for 5 minutes, today.

(The following Members (at the request of Mr. Murphy) to revise and extend their remarks and include extraneous material:)

Mr. Moran of Kansas, for 5 minutes, April 27.

Mr. Burgess, for 5 minutes, April 27 and 28.

Mr. Nethercutt, for 5 minutes, today.

Mr. Osborne, for 5 minutes, April 27 and 28.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. Eddie Bernice Johnson of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sam Johnson of Texas and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $2,917.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 22, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1274. To direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. To provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. To designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 2004, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7715. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Extra Long Staple Cotton Outside Storage and Strength Adjustment for Loan (RIN: 0560-AH03) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7716. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Delay of Compliance Date [Docket No. 03-072-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7717. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7718. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Transportation of Animals on Foreign Air Carriers [Docket No. 02-012-2] (RIN: 0579-AB51) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7719. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Emergency Conservation Program (RIN: 0560-AG26) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7720. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Tree Assistance Program (RIN: 0560-AG83) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7721. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Electronic Commerce; Organization; Standards of Conduct and Refferal of Known or Suspected Criminal Violations; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Borrower Rights (RIN: 3052-AB69) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7722. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Borrower Rights; Effective Interest Rate Disclosure (RIN: 3052-AC04) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7723. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act which occurred in the Coast Guard's annual Operating Expenses appropriation accounts, pursuant to 31 U.S.C. 1341; to the Committee on Appropriations.

7724. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7725. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1167] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7726. A letter from the Legal Counsel, CDFI Fund, Department of the Treasury, transmitting the Department's final rule — Notice of Funds Availability (NOFA) inviting applications for the FY 2004 funding round of the Financial Assistance Component of the Community Development Financial Institutions Program — received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7727. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Burma — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7728. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Myanmar Mayflower bank and Asia Wealth Bank (RIN: 1506-AA63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7729. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7634] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7730. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7731. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7732. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7829] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7733. A letter from the Acting General Counsel, FEMA, Department of Homeland

Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7734. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7735. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7770] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7736. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7827] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7737. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7738. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7739. A letter from the Acting General Counsel,. FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7740. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7444] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7741. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7742. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7743. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7553] received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7744. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Requirement in HUD Programs for Use of Data Universal Numbering System (DUNS) Identifier [Docket No. FR-4876-I-01] (RIN: 2501-AD01) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7745. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Changes in Maximum Mortgage Limits for Multifamily Housing [Docket No. FR-4913-F-01] (RIN: 2502-AI19) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7746. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Inspector Roster [Docket No. FR-4720-F-02] (RIN: 2502-AH76) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7747. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Adjustable Rate Mortgages [Docket No. FR-4745-F-02] (RIN: 2502-AH84) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7748. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgages to Refinance Existing HECM's [Docket No. FR-4667-1-02] (RIN: 2502-AH63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7749. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2003, which includes an addendum containing information (as required by the Ex-Im Bank's 2002 reauthorization) on the status of the Bank's information technology and small business outreach, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

7750. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action; Corporate Credit Unions; Credit Union Service Organizations; Member Business Loans; Regulatory Flexibility Program — received April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7751. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance; Living Trust Accounts — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7752. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Surety and Guaranty; Maximum Borrowing Authority — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7753. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7754. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7755. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversion of Insured Credit Unions to Mutual Savings Banks — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7756. A letter from the Assistant Secretary, Office of Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program (RIN: 1830-ZA04) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7757. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2001, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

7758. A letter from the Secretary, Department of Energy, transmitting draft of proposed legislation "To reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes"; to the Committee on Energy and Commerce.

7759. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crowell, Bonham, Bridgeport, Palestine, Ranger, Stephenville, Wellington, Texas; Apache, Ardmore, Bennington, Cache, Elk City, Lawton, Oklahoma) [MM Docket No. 01-293; RM-10302; RM-10547] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7760. A letter from the Special Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clarksville, Texas and Haworth, Oklahoma) [MM Docket No. 01-182; RM-10202] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7761. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman and Tusayan, Arizona, Moapa Valley, Nevada, and Beaver and Cedar City, Utah) [MM Docket No. 02-12; RM-10356; RM-10551; RM-10553; RM-10554] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7762. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sheffield, Texas) [MB Docket No. 02-350; RM-10600] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7763. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Encinal, Texas) [MM Docket No. 01-152; RM-10168] received April

19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7764. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Winnsboro and Annona, Texas) [MM Docket No. 01-189; RM-10204] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7765. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Nampa, Idaho) [MM Docket No. 01-54; RM-9918] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7766. A letter from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 76.51 Of the Commission's Rules To Include Merced and Porterville, California in the Fresno-Visalia-Hanford Clovis Television Market [CS Docket No. 00-1] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7767. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Freer, Hebbronville, and Orange Grove, Texas) [MB Docket No. 02-260; RM-10502; RM-10853] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7768. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Fort Collins, Westcliffe and Wheat Ridge, Colorado) [MB Docket No. 03-57; RM-10565] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7769. A letter from the Chief Financial Officer, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 0 and 1 of the Commission's Rules; Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Deliquent Debtors [MD Docket No. 02-339] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7770. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with the provisions of Section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017), Section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and Section 108 of the Inspector General Act of 1988 (31 U.S.C. 105(a)(25)), proposed legislation which authorizes appropriations for FY 2003; to the Committee on Energy and Commerce.

7771. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Aruba, Netherlands Antilles, East Timor, and Democratic Republic of the Congo, and Update of Country Names, in the Export Administration Regulations [Docket No. 040330104-4104-01] (RIN: 0694-AC83) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report describing conditions in Hong Kong that are of interest to the United States, covering the period from April 1, 2003, to March 31, 2004, pursuant to Public Law 104—107, section 576; to the Committee on International Relations.

7773. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7774. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7775. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7776. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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7778. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7779. A letter from the Chairman, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2003, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7780. A letter from the Administrator, Federal Aviation Administration, transmitting Progress of the aircraft cabin air quality activities, pursuant to 49 U.S.C. 40101nt; to the Committee on Transportation and Infrastructure.

7781. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Discrimination Complaints under Section 6 of the Pipeline Safety Improvement Act of 2002 (RIN: 1218-AC12) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendment [Docket No. 30407; Amdt. No. 447] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7783. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Benton, KS. [Docket No. FAA-2003-16756; Airspace Docket No. 03-ACE-94] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Manual Requirements in Part 135; Correction [Docket No. FAA-2004-17119] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2002-11301; Notice No. 04-05] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30405; Amdt. No. 3090] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendment [Docket No. 30406; Amdt. No. 3091] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Model DC-9-20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes [Docket No. FAA-2003-16647; Directorate Docket No. 2002-NM-203-AD; Amendment 39-13520; AD 2004-05-25] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Testron Lycoming) AEIO-540, 10-540, LTIO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. 2002-NE-31-AD; Amendment 39-13519; AD 2004-05-24] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Lancair Company Models LC40-550FG and LC42-550FG Airplanes [Docket No. 2004-CE-07-AD; Amendment 39-13535; AD 2004-06-09] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. 2004-NM-43-AD; Amendment 39-13546; AD 2004-07-02] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model

Mystere-Falcon 50 Series Airplanes [Docket No. 2002-NM-232-AD; Amendment 39-13547; AD 2004-07-03] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstram) Model 4101 Airplanes [Docket No. 2002-NM-63-AD; Amendment 39-13543; AD 2004-06-17] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-300-AD; Amendment 39-13542; AD 2004-06-16] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Construction or Alteration in the Vicinity of the Private Residence of the President of the United States [Docket No. FAA-2003-14972; Special Federal Aviation Regulation No. 98] (RIN: 2120-AH83) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7796. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmoniation with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International C ivil Aviation Organization's Technical Instructions [Docket No. RSPA-03-13658(HM-215E)] (RIN: 2137-AD41) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7797. A letter from the Chairman, Federal Maritime Commission, transmitting the 42nd Annual Report of the Federal Maritime Commission for fiscal year 2003, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

7798. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule — Optional Rider for Proof of Additional NVOCC Financial Responsibility [Docket No. 04-02] received April 13, 1004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7799. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Regulations Governing Fees for Service Performed in Connection with Licensing and Related Services-2002 New Fees — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7800. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Electronic Filing Option for Certain Documents — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7801. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Professional Research Experience Program (PREP); Availability of Funds [Docket No.: 040318097-4097-01] (RIN: 0693-ZA57) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7802. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Small Grant Programs; Availability of Funds [Docket No.:040205042-4042-01] (RIN: 0693-ZA54) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7803. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Gavernment Property — Instructions for Preparing NASA Form 1018 (RIN: 2700-AC73) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7804. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Coorperative Agreement Handbook — Grant and Cooperative Agreement Announcement Numbering (RIN: 2700-AC98) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7805. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Performance Period Limitations (RIN: 2700-AC94) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7806. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and Global Change Program, FY 2005 Program Announcement [Docket No. 000616180-4095-08] (RIN: 0648-ZA91) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7807. A letter from the Secretary, Department of Labor, transmitting the first report of the President's National Hire Veterans Committee, pursuant to 38 U.S.C. 4100 Note; to the Committee on Veterans' Affairs.

7808. A letter from the Secretary, Department of State, transmitting the 2003 Annual Report on United Nations voting practices, pursuant to 22 U.S.C. 2414a; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 388. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 108–467). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 389. Resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (Rept. 108–468). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 376. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 108–469). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK:

H.R. 4193. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4194. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. Holt, Mr. Pallone, Mr. Andrews, Mr. Pascrell, Mr. Rothman, and Mr. Payne):

H.R. 4195. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 4196. A bill to authorize the conveyance of certain environmentally sensitive land at former Fort Sheridan, Illinois, for the purpose of ensuring the permanent protection of the lands; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4197. A bill to suspend temporarily the duty on othro nitro aniline; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4198. A bill to suspend temporarily the duty on Bis (2,2,6,6,-tetramethyl-4-piperidyl) sebaceate; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4199. A bill to suspend temporarily the duty on 2,5-thiophenediybis(5-tert-butyl-1,3-benzoxazole); to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. Skelton) (both by request):

H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4201. A bill to suspend temporarily the duty on Tetrakis ((2,4-di-tert-butylphenyl)4,4-biphenylenediphonite); to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. Moran of Virginia, and Mr. Tom Davis of Virginia):

H.R. 4202. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 4203. A bill to suspend temporarily the duty on nitrocellulose; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Mr. WATT, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Ms. BALDWIN, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mrs. BONO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DeFAZIO, Ms. DeGETTE, Ms. DeLAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LoBIONDO, Mrs. LOWEY, Mr. LYNCH, Ms. MAJETTE, Mrs. McCARTHY of New York, Ms. McCARTHY of Missouri, Ms. McCOLLUM, Mr. McDERMOTT, Mr. McGOVERN, Mr. McNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mr. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Mr. SANDERS, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Mr. WALSH, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4204. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. COX:

H.R. 4205. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the installation of hydrogen fueling stations; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. MARKEY, Mr. MATSUI, and Mr. LEWIS of California):

H.R. 4206. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO (for herself, Mr. OBERSTAR, Mr. RANGEL, Mr. SANDERS, Mr. EMANUEL, Mr. LYNCH, Mr. LEVIN, Ms. LEE, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. FORD, Ms. WATERS, Ms. MILLENDER-McDONALD, Mr. RODRIGUEZ, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. CONYERS, Ms. BALDWIN, Ms. CARSON of Indiana, Mr. FROST, Ms. SOLIS, Mr. MICHAUD, Mr. SERRANO, Mr. BISHOP of New York, Mr. McGOVERN, Mr. HOEFFEL, Mr. BERMAN, Mr. MARSHALL, Mr. OWENS, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. CROWLEY, and Ms. SLAUGHTER):

H.R. 4207. A bill to amend the Internal Revenue Code of 1986 to increase the refundability of the child tax credit; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4208. A bill to discourage the abuse of stock options by executives of public companies by preventing unjust enrichment through the recapture of profits when shareholders suffer losses; to the Committee on Financial Services.

By Ms. GRANGER:

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. LoBIONDO (for himself and Mr. ALLEN):

H.R. 4210. A bill to amend the Farm Credit Act of 1971 to support the commercial fishing industry; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 4211. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 4212. A bill to promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DeLAURO, and Mr. LARSON of Connecticut):

H.R. 4213. A bill to provide uniform criteria for the administrative acknowledgment and recognition of Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself and Mr. FERGUSON):

H.R. 4214. A bill to require a report on acts of anti-Semitism around the world; to the Committee on International Relations.

By Ms. VELÁZQUEZ (for herself, Mr. ACEVEDO-VILÁ, Mr. GUTIERREZ, and Ms. LEE):

H.R. 4215. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 4216. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit of $500 to public safety volunteers; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. JOHN, Mr. ALEXANDER, Mr. CASE, Mr. JEFFERSON, Mr. GREEN of Wisconsin, Mr. BLUMENAUER, Mr. BAKER, Mr. DeFAZIO, Mr. WALDEN of Oregon, Mrs. CAPITO, Mr. McCRERY, and Mr. YOUNG of Alaska):

H.R. 4217. A bill to amend title 32, United States Code, to rename the National Guard Challenge Program as the National Guard Youth Challenge Program, to increase the maximum Federal share of the costs of State programs under the National Youth Guard Challenge Program, and for other purposes; to the Committee on Armed Services.

By Ms. LEE (for herself, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. WAXMAN, Mrs. MALONEY, Mrs. CHRISTENSEN, Ms. MILLENDER-McDONALD, Mr. TIERNEY, Ms. NORTON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. GRIJALVA, Mr. LEWIS of Georgia, Ms. WATSON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. HOEFFEL, Mr. PAYNE, Ms. BERKLEY, Mr. CONYERS, Mr. McDERMOTT, Ms. WATERS, Ms. BALDWIN, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. HARMAN, Mr. BRADY of Pennsylvania, Mr. FROST, Mr. CROWLEY, Ms. McCARTHY of Missouri, Mr. CUMMINGS, Mrs. LOWEY, Ms. McCOLLUM, Ms. KILPATRICK, Mr. VAN HOLLEN, Mr. FARR, Ms. WOOLSEY, Mr. ABERCROMBIE, Ms. CARSON of Indiana, Mr. GONZALEZ, Mr. MEEK of Florida, Mr. STARK, Mr. WEINER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. WYNN):

H. Res. 603. A resolution commending the marchers, expressing the belief that each individual has the right to manage his or her own fertility, recognizing that the expression of sexuality is a lifelong aspect of human development, trusting individuals to make responsible choices related to having children, supporting loving families in all of their relationship forms, and celebrating the March for Women's Lives in which individuals make their voices heard through collective pro-choice power; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. BOEHLERT, Mr. VAN HOLLEN, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. EVANS, Mr. CARDOZA, Ms. LEE, Mr. ENGLISH, Mr. MARKEY, Mr. DeFAZIO, Mr. SHERMAN, Mr. SMITH of Michigan, Mr. FARR, Mr. HALL, Mr. HOLT, Mrs. TAUSCHER, Mr. BOUCHER, Mr. ALLEN, Mr. CROWLEY, Mr. MCDERMOTT, Ms. LOFGREN, Mr. BOSWELL, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. KIND, Mr. KENNEDY of Rhode Island, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Ms. HART, Mr. MCNULTY, and Mr. SERRANO):

H. Res. 604. A resolution establishing the Congressional Science Competition for conducting academic competitions in the sciences among high school students in Congressional districts, and for other purposes; to the Committee on House Administration.

By Mr. TIERNEY (for himself, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. CASE, Mr. DELAHUNT, Mr. DOGGETT, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KIND, Ms. LEE, Mrs. MALONEY, Mr. MOORE, Mrs. MCCARTHY of New York, Mr. PICKERING, Mr. SANDLIN, Mr. SCHIFF, Mr. SMITH of New Jersey, Mr. TURNER of Texas, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Ms. LOFGREN, Mr. STARK, and Mr. TERRY):

H. Res. 605. A resolution recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H. Res. 606. A resolution commending Kankakee County, the Kankakee River Basin Partnership, the Illinois Department of Natural Resources (IDNR), The Nature Conservancy (TNC), the Illinois Clean Energy Community Foundation, and local citizens for their work in preserving the Kankakee Sands Ecosystem in Kankakee County, Illinois; to the Committee on Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

297. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8050 memorializing the U.S. Congress and the Dept. of Agriculture be fully aware of the current expertise that exists as the Washington Animal Disease Diagnostic Laboratory & College of Veterinary Medicine at Washington State University and the head start this institution has to fulfill needs on projects related to TSEs including an ability to develop a BSE test for live cattle; conduct an itemized list of enhanced TSE research projects; or administer a quick surveillance BSE testing program for the state or the to the Committee on Agriculture.

298. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 105 memorializing the United States Congress to give strong consideration to both increasing the current mission and adding additional missions to Mountain Home Air Force Base; to the Committee on Armed Services.

299. Also, a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8039 memorializing the President of the United States, the Congress, and the Department of Defense to recognize the strategic importance of Washington State's military bases to our nation's security and not make them victims of this round of the Base Realignment and Closure process; to the Committee on Armed Services.

300. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 notifying the United States Congress that the Idaho Legislature is committed to maintaining the states as sole regulators of the business of insurance, and continue to support state efforts to streamline, simplify and modernize insurance regulation; to the Committee on Financial Services.

301. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 20 notifying the United States Congress of the Idaho Legislature's committment to maintaining the role of the states in enforcement of consumer protection laws and in dual regulation of financial institutions, and it opposes any federal rule that undermines this state authority, including the OCC's rules preempting state consumer protection laws and enforcement that apply to national banks, their operating subsidiaries and agents; to the Committee on Financial Services.

302. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 memorializing the United States Congress to support amendments to the No Child Left Behind Act that will allow determinations of "adequate yearly progress" to be made on the basis of individual student growth from year to year; target options for choice & supplemental services to specific subgroups that fail to make adequate yearly progress ; provide flexibility & more reasonable rules for English Language Learners; & permit states to identify those schools that fail to meet adequate yearly progress for two consecutive years in the same subject to the Committee on Education and the Workforce.

303. Also, a memorial of the House of Delegates of the State of West Virginia, relative to House Resolution No. 6 memorializing the President and Congress of the United States to amend the No Child Left Behind Act to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states such as West Virginia that have successfully increased student achievement through their own standards and accountability reforms; to the Committee on Education and the Workforce.

304. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 17 memorializing the United States Congress to amend Section 1917(b)(1)(C) of the Social Security Act (49 Stat. 620, 42 U.S.C. 1396p(b)(1)(C)) by deleting May 14, 1993 as the deadline for approval by states of long-term care partnership plans; to the Committee on Energy and Commerce.

305. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1442 Joint Resolution memorializing the President, Congress, and the Postal Service of the United States to maintain current levels of service; to the Committee on Government Reform.

306. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 27 memorializing the United States Government to conduct salmon survival evaluations in the 2004 spill year, the goal of which should be to determine if it is possible to achieve the same or greater levels of survival and biological benefit to migrating fish as is currently achieved while reducing the amount of water spilled, thus decreasing the adverse impacts on the region's power supply; to the Committee on Resources.

307. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 579 memorializing the President of the United States and the Pennsylvania Congressional Delegation to do all in their power to encourage the United States Department of Justice to review its September 11, 2002, refusal to classify Christopher Kangas as a "public safety officer" under the Public Safety Benefits Act of 1976; to the Committee on the Judiciary.

308. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 109 commending the United States Congress for its efforts to date to increase transit funding for Idaho and to apply a higher federal match to transit projects due to the presence of significant federal lands in a state; to the Committee on Transportation and Infrastructure.

309. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 15 supporting the passage of H.R. 871, to amend the national Highway System Designation Act of 1995; to the Committee on Transportation and Infrastructure.

310. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 22 memorializing the President of the United States and the Congress to support and expand the Idaho National Laboratory; to the Committee on Science.

311. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8040 memorializing the President of the United States to insure the U.S. Department of Veterans Affairs health care system in Washington State will be adequate to serve the current and future demands of the state's veterans; to the Committee on Veterans' Affairs.

312. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 18 memorializing the United States Congress, that in negotiating any national trade agreements, to recognize the economic impact of such trade agreements on the states and consider those impacts to maintain viable economic health of agricultural industries as well as all industries, with an emphasis on fair trade, rather than free trade; as well as to renogiate the provisions of CAFTA to limit sugar exports from the Central American countries to fairly protect sugarbeet and cane growers in the United States; to the Committee on Ways and Means.

313. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4031 memorializing the President and the Congress of the United States to extend and make retroactive the federal temporary unemployment compensation program; to the Committee on Ways and Means.

314. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 21 supporting the concurrent receipt of military retirement pay and disability compensation; jointly to the Committees on Armed Services and Veterans' Affairs.

315. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 110 memorializing the congressional delegation representing the state of Idaho to work toward enactment of the Clearwater Basin Project Act; jointly to the Committees on Resources and Agriculture.

316. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 memorializing the United States Congress to preserve access to, and the historic use of, backcountry airstrips by introducing into Congress legislation which will preserve backcountry landing strips on currently-owned federal lands and any future federal acquisition of lands; jointly to the Committees on Resources, Agriculture, and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. PALLONE, Mr. SANDLIN, Mr. PAYNE, and Mr. BRADLEY of New Hampshire.

H.R. 121: Mr. VAN HOLLEN.

H.R. 300: Mr. KLINE, Mr. BURNS, and Mr. KINGSTON.

H.R. 333: Mr. RANGEL.

H.R. 348: Mr. REYES and Mr. HOEFFEL.

H.R. 391: Mr. FOLEY.

H.R. 476: Mr. CASE, Mr. PASCRELL, and Mr. SCOTT of Georgia.

H.R. 548: Mr. WELDON of Pennsylvania.

H.R. 584: Mr. PAYNE.

H.R. 623: Mr. LANGEVIN.

H.R. 648: Mr. FRANKS of Arizona.

H.R. 676: Ms. BALDWIN and Mr. SANDERS.

H.R. 713: Mr. LEWIS of Kentucky, Mr. BRADLEY of New Hampshire, and Mr. PASTOR.

H.R. 716: Mr. KIRK.

H.R. 775: Mr. CARSON of Oklahoma and Mr. KLINE.

H.R. 806: Ms. SCHAKOWSKY and Mr. LIPINSKI.

H.R. 832: Mr. ALLEN.

H.R. 852: Mr. KUCINICH.

H.R. 857: Ms. DeGETTE.

H.R. 918: Mr. TERRY, Mr. FERGUSON, and Mr. McDERMOTT.

H.R. 962: Mr. WYNN.

H.R. 1043: Mr. KIND and Mr. BOEHLERT.

H.R. 1083: Mr. STRICKLAND, Mr. JENKINS, and Mr. SPRATT.

H.R. 1084: Mr. GREEN of Wisconsin.

H.R. 1105: Mr. GEPHARDT.

H.R. 1117: Mr. HALL.

H.R. 1136: Mr. LEVIN.

H.R. 1173: Mr. WALSH.

H.R. 1225: Mr. REYES.

H.R. 1231: Mrs. JOHNSON of Connecticut.

H.R. 1306: Mr. MORAN of Virginia.

H.R. 1345: Mr. DEUTSCH and Ms. CARSON of Indiana.

H.R. 1359: Mr. MORAN of Virginia.

H.R. 1480: Mr. HONDA.

H.R. 1501: Ms. PELOSI, Mr. TOWNS, Mrs. MALONEY, Mr. BACA, Mr. DOOLEY of California, Mrs. DAVIS of California, Mr. ORTIZ, Mr. PALLONE, Ms. DeLAURO, Mr. GORDON, Ms. WATSON, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. ABERCROMBIE, and Mr. RODRIGUEZ.

H.R. 1552: Mr. VITTER.

H.R. 1639: Mrs. JONES of Ohio.

H.R. 1700: Mr. MICHAUD.

H.R. 1734: Ms. JACKSON-LEE of Texas, Mr. FILNER, and Mr. CASTLE.

H.R. 1735: Mr. GRIJALVA, Mr. MICHAUD, Ms. LOFGREN, and Ms. SOLIS.

H.R. 1736: Mr. PRICE of North Carolina.

H.R. 1749: Mr. BOEHLERT.

H.R. 1755: Mr. FRANKS of Arizona.

H.R. 1762: Mr. KLECZKA.

H.R. 1769: Mr. BISHOP of New York.

H.R. 1871: Mr. HOEFFEL.

H.R. 1873: Mr. MORAN of Virgina.

H.R. 1919: Mr. SAXTON and Mr. DeFAZIO.

H.R. 2011: Mr. HOYER.

H.R. 2157: Mr. HOBSON and Mr. SANDERS.

H.R. 2181: Mr. UPTON.

H.R. 2201: Mr. UDALL of New Mexico.

H.R. 2217: Mrs. DAVIS of California.

H.R. 2227: Mr. HINOJOSA.

H.R. 2265: Mr. HERGER.

H.R. 2394: Mr. HILL and Mr. CHANDLER.

H.R. 2494: Mr. LEACH.

H.R. 2525: Mr. DOOLEY of California, Mr. HINJOSA, and Ms. JACKSON-LEE of Texas.

H.R. 2527: Mr. PASCRELL.

H.R. 2536: Mr. GRIJALVA.

H.R. 2621: Mr. McDERMOTT.

H.R. 2699: Mr. PORTMAN, Mr. EHLERS, Mr. GUTKNECHT, Mr. BOEHLERT, Mr. WYNN, Mr. ROSS, and Mr. EMANUEL.

H.R. 2711: Mr. OTTER.

H.R. 2735: Ms. SCHAKOWSKY and Mrs. NORTHUP.

H.R. 2828: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2941: Mr. BACA.

H.R. 2952: Mr. MOORE.

H.R. 2959: Mr. FRANK of Massachusetts, Mr. BOYD, and Ms. PRYCE of Ohio.

H.R. 3004: Mr. HOLT.

H.R. 3111: Mr. MARSHALL, Mr. SHAW, Mr. DAVIS of Illinois, and Mr. KING of New York.

H.R. 3127: Mr. FILNER and Mr. MORAN of Virginia.

H.R. 3194: Mr. CUNNINGHAM, Mr. RUSH, Mr. PALLONE, Mr. FROST, and Mr. SMITH of New Jersey.

H.R. 3204: Mr. PITTS.

H.R. 3220: Mr. CROWLEY and Mr. DAVIS of Alabama.

H.R. 3242: Mr. COLLINS.

H.R. 3307: Mr. OSBORNE.

H.R. 3308: Mr. SIMPSON and Mr. OTTER.

H.R. 3309: Ms. JACKSON-LEE of Texas, Mr. RANGEL, and Mr. GRIJALVA.

H.R. 3355: Mr. DEUTSCH.

H.R. 3359: Mr. MORAN of Virginia.

H.R. 3378: Mr. OWENS, Mr. WEXLER, Mr. WEINER, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. GALLEGLY, and Mr. HONDA.

H.R. 3422: Ms. WATSON.

H.R. 3446: Ms. LOFGREN, Ms. DeLAURO, Mr. SHAW, Mr. MEEHAN, and Mr. NADLER.

H.R. 3450: Mr. ABERCROMBIE, Mr. GORDON, Ms. HOOLEY of Oregon, Mr. HINOJOSA, and Mr. LANGEVIN.

H.R. 3563: Mr. BURNS.

H.R. 3567: Mrs. JONES of Ohio, Mr. THOMSPON of Mississippi, Mr. PALLONE, and Mr. DEUTSCH.

H.R. 3574: Mr. LANTOS and Mr. JONES of North Carolina.

H.R. 3593: Mr. GRIJALVA and Ms. NORTON.

H.R. 3696: Mr. GEORGE MILLER of California.

H.R. 3716: Mr. GREENWOOD, Mr. CRAMER, and Mr. MARSHALL.

H.R. 3719: Mr. PAYNE and Mr. FARR.

H.R. 3729: Mr. ANDREWS, Mr. HONDA, and Mr. CASE.

H.R. 3731: Ms. SCHAKOWSKY.

H.R. 3737: Ms. NORTON.

H.R. 3751: Mr. VAN HOLLEN.

H.R. 3779: Ms. LEE and Mr. McCOTTER.

H.R. 3800: Mr. COLLINS, Mr. BALLENGER, Ms. DUNN, and Mr. NUNES.

H.R. 3801: Mr. ROGERS of Alabama, Mr. TOM DAVIS of Virginia, and Mr. MILLER of Florida.

H.R. 3802: Mr. ETHERIDGE, Mr. MOORE, Mr. INSLEE, Mr. PASCRELL, and Mr. MORAN of Virginia.

H.R. 3858: Mr. BAKER, Mrs. WILSON of New Mexico, Mr. BRADLEY of New Hampshire, Mr. WELDON of Florida, Mr. STENHOLM, and Mr. DICKS.

H.R. 3889: Mr. WICKER and Mr. GREEN of Wisconsin.

H:R. 3903: Mr. QUINN and Mr. SNYDER.

H.R. 3916: Mr. LEACH.

H.R. 3950: Mr. ENGLISH.

H.R. 3968: Mr. DOGGETT and Mr. WAXMAN.

H.R. 3980: Mr. HALL, Ms. ROS-LEHTINEN, Mr. CARTER, Mr. PRICE of North Carolina, Mr. CULBERSON, Mrs. CAPITO, and Mr. LUCAS of Oklahoma.

H.R. 3987: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.

H.R. 3988: Mr. TOWNS, Mr. KILDEE, Mr. OWENS, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. RUSH, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. SANDERS, and Mr. FROST.

H.R. 4016: Mr. CONYERS and Mr. TERRY.

H.R. 4026: Mr. SIMMONS and Mr. WHITFIELD.

H.R. 4057: Mr. GREEN of Wisconsin.

H.R. 4061: Ms. MILLENDER-McDONALD, Ms. HARRIS, Mr. HONDA, Mr. HASTINGS of Florida, Mr. GREENWOOD, and Mr. HOEFFEL.

H.R. 4063: Mr. CUMMINGS.

H.R. 4065: Mrs. WILSON of New Mexico, Mr. MILLER of Florida, Mr. GINGREY, Mr. ENGLISH, Mr. SMITH of New Jersey, Mr. McCOTTER, and Ms. HART.

H.R. 4067: Mr. BLUMENAUER, Ms. LEE, Mr. HINCHEY, Mr. CASE, Mr. HONDA, Mr. McDERMOTT, and Mr. CASTLE.

H.R. 4108: Mr. BEREUTER, Mr. FERGUSON, Mr. CROWLEY, Mr. ANDREWS, Mrs. MALONEY, Mr. EMANUEL, Mr. HINCHEY, Mr. FORD, Ms. McCARTHY of Missouri, Mr. McGOVERN, Mr. TIBERI, Ms. PELOSI, Mr. ACKERMAN, and Mr. GERLACH.

H.R. 4126: Mr. BRADLEY of New Hampshire, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. NETHERCUTT, Mr. McCOTTER, Mr. MANZULLO, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey.

H.R. 4131: Ms. PRYCE of Ohio.

H.R. 4142: Mr. GARRETT of New Jersey and Mrs. MUSGRAVE.

H.R. 4143: Mr. SHAYS.

H.R. 4147: Mr. FROST, Mr. GRIJALVA, and Mr. KUCINICH.

H.R. 4150: Mr. KING of New York.

H.R. 4169: Mr. BURTON of Indiana, Mr. OWENS, and Mr. MICHAUD.

H.R. 4181: Mr. WAMP, Mr. ROGERS of Michigan, Mr. WELDON of Florida, Mr. BURNS, Mr. BOEHNER, and Mr. BROWN of South Carolina.

H.R. 4182: Mr. DOOLEY of California, Mr. PRICE of North Carolina, Mr. McDERMOTT, and Mr. ACEVEDO-VILÁ.

H.R. 4185: Mr. SOUDER and Ms. HARRIS.

H.R. 4192: Mr. CARDOZA, Mr. FARR, Mr. LEVIN, Mr. SABO, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. RUSH, Mr. DELAHUNT, Mr. GREEN of Texas, Mr. LAMPSON, Mr. BELL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 72: Mr. DAVIS of Illinois, Mr. POMEROY, Mr. FARR, Mr. DeFAZIO, and Mr. PASCRELL.

H.J. Res. 91: Mr. FILNER.

H. Con. Res. 98: Mr. CULBERSON.

H. Con. Res. 218: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 224: Mr. DUNCAN.

H. Con. Res. 242: Mr. VAN HOLLEN.

H. Con. Res. 261: Ms. LEE, Ms. DeLAURO, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. REYES, Mr. OWENS, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ROSS, and Mr. ROTHMAN.

H. Con. Res. 298: Mr. BAKER and Mr. BROWN of South Carolina.

H. Con. Res. 330: Mr. SIMMONS, Mr. DEUTSCH, and Mr. HINOJOSA.

H. Con. Res. 332: Mr. CRAMER and Mr. SKELTON.

H. Con. Res. 366: Mr. RUPPERSBERGER, Mr. ISRAEL, Ms. LOFGREN, Mr. OLVER, Mr. MICHAUD, Mr. JACKSON of Illinois, Mr. SMITH of Washington, Mr. WATT, Mr. TAYLOR of Mississippi, Mr. LANGEVIN, Mr. DAVIS of Alabama, Mr. INSLEE, and Mr. BALLANCE.

H. Con. Res. 371: Mr. CRAMER.

H. Con. Res. 375: Mr. HONDA, Mr. CUMMINGS, Mr. LAHOOD, and Mr. LANGEVIN.

H. Con. Res. 378: Mrs. NAPOLITANO, Mrs. LOWEY, Mr. MICHAUD, and Mr. DEUTSCH.

H. Con. Res. 390: Mr. RUPPERSBERGER, Mr. PALLONE, Mr. BACHUS, Mr. CRAMER, and Mr. DEUTSCH.

H. Con. Res. 391: Mr. WEXLER and Mr. KENNEDY of Rhode Island.

H. Con. Res. 392: Ms. NORTON and Mr. FILNER.

H. Con. Res. 396: Ms. ESHOO and Ms. SLAUGHTER.

H. Con. Res. 406: Mr. BRADY of Pennsylvania.

H. Res. 313: Mr. CASE and Mr. PASCRELL.

H. Res. 516: Mr. DOYLE.

H. Res. 550: Mr. JENKINS and Mr. ALLEN.

H. Res. 575: Mr. WAMP.

H. Res. 577: Mr. BLUNT, Mr. PAYNE, Mr. BLUMENAUER, Mr. BERMAN, and Mr. GALLEGLY.

H. Res. 596: Ms. DELAURO, Mr. ENGLISH, Mr. MURTHA, Ms. HARRIS, Mr. BEREUTER, Mr. FROST, and Mr. NEY.

H. Res. 598: Mr. BOEHNER, Mr. BURR, Mr. CASE, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. EDWARDS, Mr. ETHERIDGE, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. MCKEON, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. RYUN of Kansas, Mr. SIMMONS, Mrs. TAUSCHER, and Mr. TERRY.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7. April 21, 2004, by Mr. BAIRD on House Resolution 572, was signed by the following Members: Brian Baird, Lloyd Doggett, Max Sandlin, John W. Olver, Jim McDermott, Janice D. Schakowsky, Shelley Berkley, Luis V. Gutierrez, George Miller, Peter A. DeFazio, Sherrod Brown, Joseph M. Hoeffel, Bob Filner, Marcy Kaptur, C. A. Dutch Ruppersberger, Michael M. Honda, Jim Cooper, Adam B. Schiff, Jesse L. Jackson, Jr., Stephanie Tubbs Jones, Stephen F. Lynch, Dale E. Kildee, Ciro D. Rodriguez, Solomon P. Ortiz, Grace F. Napolitano, Wm. Lacy Clay, Michael H. Michaud, Nydia M. Velazquez, Joe Baca, Hilda L. Solis, Bob Etheridge, Artur Davis, David Scott, Mike Ross, Charles A. Gonzalez, Karen McCarthy, Julia Carson, Jane Harman, Diane E. Watson, Maurice D. Hinchey, Rick Larsen, Lincoln Davis, Frank W. Ballance, Jr., Carolyn McCarthy, Nita M. Lowey, Charles B. Rangel, Betty McCollum, Dennis A. Cardoza, Sam Farr, Sanford D. Bishop, Jr., John Lewis, Brad Sherman. James R. Langevin, Susan A. Davis, Timothy H. Bishop, Lynn C. Woolsey, James L. Oberstar, Diana DeGette, Louise McIntosh Slaughter, Xavier Becerra, Chris Van Hollen, Albert Russell Wynn, Donald M. Payne, Linda T. Sanchez, Ron Kind, Danny K. Davis, Bart Stupak, Mark Udall, Martin Frost, Robert A. Brady, Eddie Bernice Johnson, Brad Miller, Tom Udall, Corrine Brown, Dennis Moore, Earl Pomeroy, Lane Evans, Bart Gordon, and Tim Ryan.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Barney Frank, Darlene Hooley, Dennis Moore, Michael R. McNulty, Norman D. Dicks, Dale E. Kildee, Peter A. DeFazio, Michael E. Capuano, and Bob Filner.

EXTENSIONS OF REMARKS

TESTIMONY OF JOHN KERRY FROM 1971

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to insert the following testimony into the RECORD.

On this date in 1971, JOHN KERRY stated that America violated the Geneva Conventions in Vietnam. Mr. Speaker, when Mr. KERRY made these remarks, I just emerged from nearly four years of solitary confinement in Vietnam. Trust me when I say the Vietnamese regularly violated the Geneva Conventions, not the other way around.

JOHN KERRY also alleges American soldiers tortured innocent Vietnamese. These statements were later proved incorrect (during the question and answer session).

Last, JOHN KERRY said communism was not a threat in 1971. This could not have been further from the truth.

These are just a few reasons I believe America needs to see this testimony. It says a lot about JOHN KERRY.

LEGISLATIVE PROPOSALS RELATING TO THE WAR IN SOUTHEAST ASIA

The committee met, pursuant to notice, at 11:05 a.m., in Room 4221, New Senate Office Building, Senator J. W. Fulbright (Chairman) presiding.

Present: Senators Fulbright, Symington, Pell, Aiken, Case, and Javits.

The CHAIRMAN. The committee will come to order.

OPENING STATEMENT

The committee is continuing this morning its hearings on proposals relating to the ending of the war in Southeast Asia. This morning the committee will hear testimony from Mr. John Kerry, and, if he has any associates, we will be glad to hear from them. These are men who have fought in this unfortunate war in Vietnam. I believe they deserve to be heard and listened to by the Congress and by the officials in the executive branch and by the public generally. You have a perspective that those in the Government who make our Nation's policy do not always have and I am sure that your testimony today will be helpful to the committee in its consideration of the proposals before us.

I would like to add simply on my own account that I regret very much the action of the Supreme Court in denying the veterans the right to use the Mall. [Applause.]

I regret that. It seems to me to be but another instance of an insensitivity of our Government to the tragic effects of this war upon our people.

I want also to congratulate Mr. Kerry, you, and your associates upon the restraint that you have shown, certainly in the hearing the other day when there were a great many of your people here. I think you conducted yourselves in a most commendable manner throughout this week. Whenever people gather there is always a tendency for some of the more emotional ones to do things which are even against their own interests. I think you deserve much of the credit because I understand you are one of the leaders of this group.

I have joined with some of my colleagues, specifically Senator Hart, in an effort to try to change the attitude of our Government toward your efforts in bringing to this committee and to the country your views about the war.

I personally don't know of any group which would have both a greater justification for doing it and also a more accurate view of the effect of the war. As you know, there has grown up in this town a feeling that it is extremely difficult to get accurate information about the war and I don't know a better source than you and your associates. So we are very pleased to have you and your associates, Mr. Kerry.

At the beginning if you would give to the reporter your full name and a brief biography so that the record will show who you are.

Senator JAVITS. Mr. Chairman, I was down there to the veterans' camp yesterday and saw the New York group and I would like to say I am very proud of the deportment and general attitude of the group.

I hope it continues. I have joined in the Hart resolution, too. As a lawyer I hope you will find it possible to comply with the order even though, like the chairman, I am unhappy about it. I think it is our job to see that you are suitably set up as an alternative so that you can do what you came here to do. I welcome the fact that you came and what you are doing.

[Applause.]

The CHAIRMAN. You may proceed, Mr. Kerry.

STATEMENT OF JOHN KERRY, VIETNAM VETERANS AGAINST THE WAR

Mr. KERRY. Thank you very much, Senator Fulbright, Senator Javits, Senator Symington, Senator Pell. I would like to say for the record, and also for the men behind me who are also wearing the uniforms and their medals, that my sitting here is really symbolic. I am not here as John Kerry. I am here as one member of the group of 1,000, which is a small representation of a very much larger group of veterans in this country, and were it possible for all of them to sit at this table they would be here and have the same kind of testimony.

I would simply like to speak in very general terms. I apologize if my statement is general because I received notification yesterday you would hear me and I am afraid because of the injunction I was up most of the night and haven't had a great deal of chance to prepare.

WINTER SOLDIER INVESTIGATION

I would like to talk, representing all those veterans, and say that several months ago in Detroit, we had an investigation at which over 150 honorably discharged and many very highly decorated veterans testified to war crimes committed in Southeast Asia, not isolated incidents but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command.

It is impossible to describe to you exactly what did happen in Detroit, the emotions in the room, the feelings of the men who were reliving their experiences in Vietnam, but they did. They relived the absolute horror of what this country, in a sense, made them do.

They told the stories at times they had personally raped, cut off ears, cut off heads, taped wires from portable telephones to human genitals and turned up the power, cut off limbs, blown up bodies, randomly shot at civilians, razed villages in fashion reminiscent of Genghis Khan, shot cattle and dogs for fun, poisoned food stocks, and generally ravaged the countryside of South Vietnam in addition to the normal ravage of war, and the normal and very particular ravaging which is done by the applied bombing power of this country.

We call this investigation the "Winter Soldier Investigation." The term "Winter Soldier" is a play on words of Thomas Paine in 1776 when he spoke of the Sunshine Patriot and summertime soldiers who deserted at Valley Forge because the going was rough.

We who have come here to Washington have come here because we feel we have to be winter soldiers now. We could come back to this country; we could be quiet; we could hold our silence; we could not tell what went on in Vietnam, but we feel because of what threatens this country, the fact that the crimes threaten it, not reds, and not redcoats but the crimes which we are committing that threaten it, that we have to speak out:

FEELINGS OF MEN COMING BACK FROM VIETNAM

I would like to talk to you a little bit about what the result is of the feelings these men carry with them after coming back from Vietnam. The country doesn't know it yet, but it has created a monster, a monster in the form of millions of men who have been taught to deal and to trade in violence, and who are given the chance to die for the biggest nothing in history; men who have returned with a sense of anger and a sense of betrayal which no one has yet grasped.

As a veteran and one who feels this anger, I would like to talk about it. We are angry because we feel we have been used in the worst fashion by the administration of this country.

In 1970 at West Point, Vice President Agnew said "some glamorize the criminal misfits of society while our best men die in Asian rice paddies to preserve the freedom which most of those misfits abuse," and this was used as a rallying point for our effort in Vietnam.

But for us, as boys in Asia whom the country was supposed to support, his statement is a terrible distortion from which we can only draw a very deep sense of revulsion. Hence the anger of some of the men who are here in Washington today. It is a distortion because we in no way consider ourselves the best men of this country; because those he calls misfits were standing up for us in a way that nobody else in this country dared to, because so many who have died would have returned to this country to join the misfits in their efforts to ask for an immediate withdrawal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from South Vietnam, because so many of those best men have returned as quadriplegics and amputees, and they lie forgotten in Veterans' Administration hospitals in this country which fly the flag which so many have chosen as their own personal symbol. And we cannot consider ourselves America's best men when we are ashamed of and hated what we were called on to do in Southeast Asia.

In our opinion, and from our experience, there is nothing in South Vietnam, nothing which could happen that realistically threatens the United States of America. And to attempt to justify the loss of one American life in Vietnam, Cambodia, or Laos by linking such loss to the preservation of freedom, which those misfits supposedly abuse, is to us the height of criminal hypocrisy, and it is that kind of hypocrisy which we feel has torn this country apart.

We are probably much more angry than that and I don't want to go into the foreign policy aspects because I am outclassed here. I know that all of you talk about every possible alternative of getting out of Vietnam. We understand that. We know you have considered the seriousness of the aspects to the utmost level and I am not going to try to dwell on that, but I want to relate to you the feeling that many of the men who have returned to this country express because we are probably angriest about all that we were told about Vietnam and about the mystical war against communism.

WHAT WAS FOUND AND LEARNED IN VIETNAM

We found that not only was it a civil war, an effort by a people who had for years been seeking their liberation from any colonial influence whatsoever, but also five found that the Vietnamese whom we had enthusiastically molded after our own image were hard put to take up the fight against the threat we were supposedly saving them from.

We found most people didn't even know the difference between communism and democracy. They only wanted to work in rice paddies without helicopters strafing them and bombs with napalm burning their villages and tearing their country apart. They wanted everything to do with the war, particularly with this foreign presence of the United States of America, to leave them alone in peace, and they practiced the art of survival by siding with whichever military force was present at a particular time, be it Vietcong, North Vietnamese, or American.

We found also that all too often American men were dying in those rice paddies for want of support from their allies. We saw first hand how money from American taxes was used for a corrupt dictatorial regime. We saw that many people in this country had a one-sided idea of who was kept free by our flag, as blacks provided the highest percentage of casualties. We saw Vietnam ravaged equally by American bombs as well as by search and destroy missions, as well as by Vietcong terrorism, and yet we listened while this country tried to blame all of the havoc on the Vietcong.

We rationalized destroying villages in order to save them. We saw America lose her sense of morality as she accepted very coolly a My Lai and refused to give up the image of American soldiers who hand out chocolate bars and chewing gum.

We learned the meaning of free fire zones, shooting anything that moves, and we watched while America placed a cheapness on the lives of orientals.

We watched the U.S. falsification of body counts, in fact the glorification of body counts. We listened while month after month we were told the back of the enemy was about to break. We fought using weapons against "oriental human beings," with quotation marks around that. We fought using weapons against those people which I do not believe this country would dream of using were we fighting in the European theater or let us say a non-third-world people theater, and so we watched while men charged up hills because a general said that hill has to be taken, and after losing one platoon or two platoons they marched away to leave the high for the reoccupation by the North Vietnamese because we watched pride allow the most unimportant of battles to be blown into extravaganzas, because we couldn't lose and we couldn't retreat, and because it didn't matter how many American bodies were lost to prove that point. And so there were Hamburger Hills and Khe Sanhs and Hill 881's and Fire Base 6's and so, many others.

VIETNAMIZATION

Now we are told that the men who fought there must watch quietly while American lives are lost so that we can exercise the incredible arrogance of Vietnamizing the Vietnamese.

Each day——

[Applause.]

The CHAIRMAN. I hope you won't interrupt. He is making a very significant statement. Let him proceed.

Mr. KERRY. Each day to facilitate the process by which the United States washes her hands of Vietnam someone has to give up his life so that the United States doesn't have to admit something that the entire world already knows, so that we can't say that we have made a mistake. Someone has to die so that President Nixon won't be, and these are his words, "the first President to lose a war."

We are asking Americans to think about that because how do you ask a man to be the last man to die in Vietnam? How do you ask a man to be the last man to die for a mistake? But we are trying to do that, and we are doing it with thousands of rationalizations, and if you read carefully the President's last speech to the people of this country, you can see that he says, and says clearly:

But the issue, gentlemen, the issue is communism, and the question is whether or not we will leave that country to the Communists or whether or not we will try to give it hope to be a free people.

But the point is they are not a free people now under us. They are not a free people, and we cannot fight communism all over the world, and I think we should have learned that lesson by now.

RETURNING VETERANS ARE NOT REALLY WANTED

But the problem of veterans goes beyond this personal problem, because you think about a poster in this country with a picture of Uncle Sam and the picture says "I want you." And a young man comes out of high school and says, "That is fine: I am going to serve my country." And he goes to Vietnam and he shoots and he kills and he does his job or maybe he doesn't kill, maybe he just goes and he comes back, and when he gets back to this country he finds that he isn't really wanted, because the largest unemployment figure in the country—it varies depending on who you get it from, the VA Administration 15 percent, various other sources 22 percent. But the largest corps of unemployed in this country are veterans of this war, and of those veterans 33 percent of the unemployed are black. That means 1 out of every 10 of the Nation's unemployed is a veteran of Vietnam.

The hospitals across the country won't, or can't meet their demands. It is not a question of not trying. They don't have the appropriations. A man recently died after he had a tracheotomy in California, not because of the operation but because there weren't enough personnel to clean the mucous out of his tube and he suffocated to death.

Another young man just died in a New York VA hospital the other day. A friend of mine was lying in a bed two beds away and tried to help him, but he couldn't. He rang a bell and there was nobody there to service that man and so he died of convulsions.

I understand 57 percent of all those entering the VA hospitals talk about suicide. Some 27 percent have tried, and they try because they come back to this country and they have to face what they did in Vietnam, and then they come back and find the indifference of a country that doesn't really care, that doesn't really care.

LACK OF MORAL INDIGNATION IN UNITED STATES

Suddenly we are faced with a very sickening situation in this country, because there is no moral indignation and, if there is, it comes from people who are almost exhausted by their past indignations, and I know that many of them are sitting in front of me. The country seems to have lain down and shrugged off something as serious as Laos, just as we calmly shrugged off the loss of 700,000 lives in Pakistan, the so-called greatest disaster of all times.

But we are here as veterans to say we think we are in the midst of the greatest disaster of all times now because they are still dying over there, and not just Americans, Vietnamese, and we are rationalizing leaving that country so that those people can go on killing each other for years to come.

Americans seem to have accepted the idea that the war is winding down, at least for Americans, and they have also allowed the bodies which were once used by a President for statistics to prove that we were winning that war, to be used as evidence against a man who followed orders and who interpreted those orders no differently than hundreds of other men in Vietnam.

We veterans can only look with amazement on the fact that this country has been unable to see there is absolutely no difference between ground troops and a helicopter crew, and yet people have accepted a differentiation fed them by the administration.

No ground troops are in Laos, so it is all right to kill Laotians by remote control. But believe me the helicopter crews fill the same body bags and they wreak the same kind of damage on the Vietnamese and Laotian countryside as anybody else and the President is talking about allowing that to go on for many years to come. One can only ask if we will really be satisfied only when the troops march into Hanoi.

REQUEST FOR ACTION BY CONGRESS

We are asking here in Washington for some action, action from the Congress of the United States of America which has the power to raise and maintain armies, and which by the Constitution also has the power to declare war.

We have come here, not to the President, because we believe that this body can be responsive to the will of the people, and we believe that the will of the people says that we should be out of Vietnam now.

EXTENT OF PROBLEM OF VIETNAM WAR

We are here in Washington also to say that the problem of this war is not just a question of war and diplomacy. It is part and parcel of everything that we are trying as human beings to communicate to people in this country, the question of racism, which is rampant in the military, and so many other questions also, the use of weapons, the hypocrisy in our taking umbrage in the Geneva Conventions and using that as justification for a continuation of this war, when we are more guilty than any other body of violations of those Geneva Conventions, in the use of free fire zones, harassment interdiction fire, search and destroy missions, the bombings, the torture of prisoners, the killing of prisoners, accepted policy by many units in South Vietnam. That is what we are trying to say. It is part and parcel of everything.

An American Indian friend of mine who lives in the Indian Nation of Alcatraz put it to me very succinctly. He told me how as a boy on an Indian reservation he had watched television and he used to cheer the cowboys when they came in and shot the Indians, and then suddenly one day he stopped in Vietnam and he said "My God, I am doing to these people the very same thing that was done to my people." And he stopped. And that is what we are trying to say, that we think this thing has to end.

WHERE IS THE LEADERSHIP?

We are also here to ask, and we are here to ask vehemently, where are the leaders of our country? Where is the leadership? We are here to ask where are McNamara, Rostow, Bundy, Gilpatric and so many others. Where are they now that we, the men whom they sent off to war, have returned? These are commanders who have deserted their troops, and there is no more serious crime in the law of war. The Army says they never leave their wounded.

The Marines say they never leave even their dead. These men have left all the casualties and retreated behind a pious shield of public rectitude. They have left the real stuff of their reputations bleaching behind them in the sun in this country.

ADMINISTRATION'S ATTEMPT TO DISOWN VETERANS

Finally, this administration has done us the ultimate dishonor. They have attempted to disown us and the sacrifice we made for this country. In their blindness and fear they have tried to deny that we are veterans or that we served in Nam. We do not need their testimony. Our own scars and stumps of limbs are witnesses enough for others and for ourselves.

We wish that a merciful God could wipe away our own memories of that service as easily as this administration has wiped their memories of us. But all that they have done and all that they can do by this denial is to make more clear than ever our own determination to undertake one last mission, to search out and destroy the last vestige of this barbaric war, to pacify our own hearts, to conquer the hate and the fear that have driven this country these last 10 years and more, and so when, in 30 years from now, our brothers go down the street without a leg, without an arm, or a face, and small boys ask why, we will be able to say "Vietnam" and not mean a desert, not a filthy obscene memory but mean instead the place where America finally turned and where soldiers like us helped it in the turning.

Thank you. [Applause.]

The CHAIRMAN. Mr. Kerry, it is quite evident from that demonstration that you are speaking not only for yourself but for all your associates, as you properly said in the beginning.

COMMENDATION OF WITNESS

You said you wished to communicate. I can't imagine anyone communicating more eloquently than you did. I think it is extremely helpful and beneficial to the committee and the country to have you make such a statement.

You said you had been awake all night. I can see that you spent that time very well indeed. [Laughter.]

Perhaps that was the better part, better that you should be awake than otherwise.

PROPOSALS BEFORE COMMITTEE

You have said that the question before this committee and the Congress is really how to end the war. The resolutions about which we have been hearing testimony during the past several days, the sponsors of which are some members of this committee, are seeking the most practical way that we can find and, I believe, to do it at the earliest opportunity that we can. That is the purpose of these hearings and that is why you were brought here.

You have been very eloquent about the reasons why we should proceed as quickly as possible. Are you familiar with some of the proposals before this committee?

Mr. KERRY. Yes, I am, Senator.

The CHAIRMAN. Do you support or do you have any particular views about any one of them you wish to give the committee?

Mr. KERRY. My feeling, Senator, is undoubtedly this Congress, and I don't mean to sound pessimistic, but I do not believe that this Congress will, in fact, end the war as we would like to, which is immediately and unilaterally and, therefore, if I were to speak I would say we would set a date and the date obviously would be the earliest possible date. But I would like to say, in answering that, that I do not believe it is necessary to stall any longer. I have been to Paris. I have talked with both delegations at the peace talks, that is to say the Democratic Republic of Vietnam and the Provisional Revolutionary Government and of all eight of Madam Binh's points it has been stated time and time again, and was stated by Senator Vance Hartke when he returned from Paris, and it has been stated by many other officials of this Government, if the United States were to set a date for withdrawal the prisoners of war would be returned.

I think this negates very clearly the argument of the President that we have to maintain a presence in Vietnam, to use as a negotiating block for the return of those prisoners. The setting of a date will accomplish that.

As to the argument concerning the danger to our troops were we to withdraw or state that we would, they have also said many times in conjunction with that statement that all of our troops, the moment we set a date, will be given safe conduct out of Vietnam. The only other important point is that we allow the South Vietnamese people to determine their own future and that ostensibly is what we have been fighting for anyway.

I would, therefore, submit that the most expedient means of getting out of South Vietnam would be for the President of the United States to declare a cease-fire, to stop this blind commitment to a dictatorial regime, the Thieu-Ky-Khiem regime, accept a coalition regime which would represent all the political forces of the country which is in fact what a representative government is supposed to do and which is in fact what this Government here in this country purports to do, and pull the troops out without losing one more American, and still further without losing the South Vietnamese.

DESIRE TO DISENGAGE FROM VIETNAM

The CHAIRMAN. You seem to feel that there is still some doubt about the desire to disengage. I don't believe that is true. I believe there has been a tremendous change in the attitude of the people. As reflected in the Congress, they do wish to disengage and to bring the war to an end as soon as we can.

QUESTION IS HOW TO DISENGAGE

The question before us is how to do it. What is the best means that is most effective, taking into consideration the circumstances with which all governments are burdened? We have a precedent in this same country. The French had an experience, perhaps not traumatic as ours has been, but nevertheless they did make up their minds in the spring of 1954 and within a few weeks did bring it to a close. Some of us have thought that this is a precedent, from which we could learn, for ending such a war. I have personally advocated that this is the best procedure. It is a traditional rather classic procedure of how to end a war that could be called a stalemate, that neither side apparently has the capacity to end by military victory, and which apparently is going to go on for a long time. Speaking only for myself, this seems the more reasonable procedure.

I realize you want it immediately, but I think that procedure was about as immediate as any by which a country has ever succeeded in ending such a conflict or a similar conflict. Would that not appeal to you?

Mr. KERRY. Well, Senator, frankly it does not appeal to me if American men have to continue to die when they don't have to, particularly when it seems the Government of this country is more concerned with the legality of where men sleep than it is with the legality of where they drop bombs. [Applause.]

The CHAIRMAN. In the case of the French when they made up their mind to take the matter up at the conference in Geneva, they did. The first thing they did was to arrange a ceasefire and the killing did cease. Then it took only, I think, two or three weeks to tidy up all the details regarding the withdrawal. Actually when they made up their mind to stop the war, they did have a ceasefire which is what you are recommending as the first step.

Mr. KERRY. Yes, sir; that is correct.

The CHAIRMAN. It did not drag on. They didn't continue to fight. They stopped the fighting by agreement when they went to Geneva and all the countries then directly involved participated in that agreement.

I don't wish to press you on the details. It is for the committee to determine the best means, but you have given most eloquently the reasons why we should proceed as early as we can. That is, of course, the purpose of the hearing.

Mr. KERRY. Senator, if I may interject. I think that what we are trying to say is we do have a method. We believe we do have a plan, and that plan is that if this body were by some means either to permit a special referendum in this country so that the country itself might decide and therefore avoid this recrimination which people constantly refer to or if they couldn't do that, at least do it through immediate legislation which would state there would be an immediate ceasefire and we would be willing to undertake negotiations for a coalition government. But at the present moment that is not going to happen, so we are talking about men continuing to die for nothing and I think there is a tremendous moral question here which the Congress of the United States is ignoring.

The CHAIRMAN. The Congress cannot directly under our system negotiate a cease-fire or anything of this kind. Under our constitutional system we can advise the President. We have to persuade the President of the urgency of taking this action. Now we have certain ways in which to proceed. We can, of course, express ourselves in a resolution or we can pass an act which directly affects appropriations which is the most concrete positive way the Congress can express itself.

But Congress has no capacity under our system to go out and negotiate a cease-fire. We have to persuade the Executive to do this for the country.

EXTRAORDINARY RESPONSE DEMANDED BY EXTRAORDINARY QUESTION

Mr. KERRY. Mr. Chairman, I realize that full well as a study of political science. I realize that we cannot negotiate treaties and I realize that even my visits in Paris, precedents had been set by Senator McCarthy and others, in a sense are on the borderline of private individuals negotiating, et cetera. I understand these things. But what I am saying is that I believe that there is a mood in this country which I know you are aware of and you have been one of the strongest critics of this war for the longest time. But I think if we can talk in this legislative body about filibustering for porkbarrel programs, then we should start now to talk about filibustering for the saving of lives and of our country. [Applause.]

And this, Mr. Chairman, is what we are trying to convey.

I understand. I really am aware that there are a tremendous number of difficulties in trying to persuade the Executive to move at this time. I believe they are committed. I don't believe we can. But I hope that we are not going to have to wait until 1972 to have this decision made. And what I am suggesting is that I think this is an extraordinary enough question so that it demands an extraordinary response, and if we can't respond extraordinarily to this problem then I doubt very seriously as men on each that we will be able to respond to the other serious questions which face us. I think we have to start to consider that. This is what I am trying to say.

If this body could perhaps call for a referendum in the country or if we could perhaps move now for a vote in 3 weeks, I think the people of this country would rise up and back that. I am not saying a vote nationwide. I am talking about a vote here in Congress to cut off the funds, and a vote to perhaps pass a resolution calling on the Supreme Court to rule on the constitutionality of the war, and to do the things that uphold those things which we pretend to be. That is what we are asking. I don't think we can turn our backs on that any longer, Senator.

The CHAIRMAN. Senator Symington?

WITNESS' SERVICE DECORATIONS

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Kerry, please move your microphone. You have a Silver Star; have you not?

Mr. KERRY. Yes, I do.

Senator SYMINGTON. And a Purple Heart?

Mr. KERRY. Yes, I do.

Senator SYMINGTON. How many clusters?

Mr. KERRY. Two clusters.

Senator SYMINGTON. So you have been wounded three times.

Mr. KERRY. Yes, sir.

Senator SYMINGTON. I have no further questions, Mr. Chairman.

The CHAIRMAN. Senator Aiken. [Applause.]

NORTH VIETNAMESE AND VC ATTITUDE TOWARD DEFINITE WITHDRAWAL DATE

Senator AIKEN. Mr. Kerry, the Defense Department seems to feel that if we set a definite date for withdrawal when our forces get down to a certain level, they would be seriously in danger by the North Vietnamese and the Vietcong. Do you believe that the North Vietnamese would undertake to prevent our withdrawal from the country and attack the troops that remain there?

Mr. KERRY. Well, Senator, if I may answer you directly I believe we are running that danger with the present course of withdrawal because the President has neglected to state to this country, exactly what his response will be when we have reached the point that we do have, let us say, 50,000 support troops in Vietnam.

Senator AIKEN. I am not telling you what I think. I am telling you what the Department says.

Mr. KERRY. Yes Sir; I understand that.

Senator AIKEN. Do you believe the North Vietnamese would seriously undertake, to impede our complete withdrawal?

Mr. KERRY. No, I do not believe that the North Vietnamese would and it has been clearly indicated at the Paris peace talks they would not.

Senator AIKEN. Do you think they might help carry the bags for us? [Laughter.]

Mr. KERRY. I would say they would be more prone to do that than the Army of the South Vietnamese. [Laughter.] [Applause.]

Senator AIKEN. I think your answer is ahead of my question. [Laughter.]

SAIGON GOVERNMENT'S ATTITUDE TOWARD COMPLETE WITHDRAWAL DATE

I was going to ask you next what the attitude of the Saigon government would be if we announced that we were going to withdraw our troops, say, by October 1st, and be completely out of there—air, sea, land—leaving them on their own. What do you think would be the attitude of the Saigon government under those circumstances?

Mr. KERRY. Well, I think if we were to replace the Thieu-Ky-Khiem regime and offer these men sanctuary somewhere, which I think this Government has an obligation to do since we created that government and supported it all along. I think there would not be any problems. The number two man at the Saigon talks to Ambassador Lam was asked by the Concerned Laymen, who visited with them in Paris last month, how long they felt they could survive if the United States— would pull out and his answer was 1 week. So I think clearly we do have to face this question. But I think, having done what we have done to that country, we have an obligation to offer sanctuary to the perhaps 2,000, 3,000 people who might face, and obviously they would, we understand that, might face political assassination something, else. But my feeling is that those 3,000 who may have to leave that country

ATTITUDE OF SOUTH VIETNAMESE ARMY AND PEOPLE TOWARD WITHDRAWAL

Senator AIKEN. I think your 3,000 estimate might be a little low because we had to help 800,000 find sanctuary from North Vietnam after the French lost at Dienbienphu. But assuming that we resettle the members of the Saigon government, who would undoubtedly be in danger, in some other area, what do you think would be the attitude of the large, well-armed South Vietnamese army and the South Vietnamese people? Would they be happy to have us withdraw or what?

Mr. KERRY. Well, Senator, this obviously is the most difficult question of all, but I think that at this point the United States is not really in a position to consider the happiness of those people as pertains to the army in our withdrawal. We have to consider the happiness of the people as pertains to the life which they will be able to lead in the next few years.

If we don't withdraw, if we maintain a Korean-type presence in South Vietnam, say 50,000 troops or something, with strategic bombing raids from Guam and from Japan and from Thailand dropping these 15,000 pound fragmentation bombs on them, et cetera, in the next few years, then what you will have is a people who are continually oppressed, who are continually at warfare, and whose problems will not at all be solved because they will not have any kind of representation.

The war will continue. So what I am saying is that yes, there will be some recrimination but far, far less than the 200,000 a year who are murdered by the United States of America, and we can't go around President Kennedy said this many times. He said that the United States simply can't right every wrong, that we can't solve the problems of the other 94 percent of mankind. We didn't go into East Pakistan; we didn't go into Czechoslovakia. Why then should we feel that we now have the power to solve the internal political struggles of this country?

We have to let them solve their problems while we solve ours and help other people in an altruistic fashion commensurate with our capacity. But we have extended that capacity; we have exhausted that capacity, Senator. So I think the question is really moot.

Senator AIKEN. I might say I asked those questions several years ago, rather ineffectively. But what I would like to know now is if we, as we complete our withdrawal and, say, get down to 10,000, 20,000, 30,000 or even 50,000 troops there, would there be any effort on the part of the South Vietnamese government or the South Vietnamese army, in your opinion, to impede their withdrawal?

Mr. KERRY. No. I don't think so, Senator.

Senator AIKEN. I don't see why North Vietnam should object.

Mr. KERRY. I don't for the simple reason, I used to talk with officers about their—we asked them, and one officer took great pleasure in playing with me in the sense that he would say, "Well, you know you Americans, you come over here for 1 year and you can afford, you know, you go to Hong Kong for R. & R. and if you are a good boy you get another R. & R. or something you know. You can afford to charge bunkers, but I have to try and be here for 30 years and stay alive." And I think that that really is the governing principle by which those people are now living and have been allowed to live because of our mistake. So that when we in fact state, let us say, that we will have a ceasefire or have a coalition government, most of the 2 million men you often hear quoted under arms, most of whom are regional popular reconnaissance forces, which is to say militia, and a very poor militia at that, will simply lay down their arms, if they haven't done so already, and not fight. And I think you will find they will respond to whatever government evolves which answers their needs, and those needs quite simply are to be fed, to bury their dead in plots where their ancestors lived, to be allowed to extend their culture, to try and exist as human beings. And I think that is what will happen.

I can cite many, many instances, sir, as in combat when these men refused to fight with us, when they shot with their guns over in this area like this and their heads turned facing the other way. When we were taken under fire we Americans, supposedly fighting with them, and pinned down in a ditch, and I was in the Navy and this was pretty unconventional, but when we were pinned down in a ditch recovering bodies or something and they refused to come in and help us, point blank refused. I don't believe they want to fight, sir.

OBLIGATION TO FURNISH ECONOMIC ASSISTANCE

Senator AIKEN. Do you think we are under obligation to furnish them with extensive economic assistance?

Mr. KERRY. Yes, sir. I think we have a very definite obligation to make extensive reparations to the people of Indochina.

Senator AIKEN. I think that is all.

The CHAIRMAN. Senator Pell.

Senator PELL. Thank you, Mr. Chairman.

As the witness knows, I have a very high personal regard for him and hope before his life ends he will be a colleague of ours in this body.

GROWTH OF OPPOSITION TO WAR

This war was really just as wrong, immoral, and unrelated to our national interests 5 years ago as it is today, and I must say I agree with you. I think it is rather poor taste for the architects of this war to now be sitting as they are in quite sacrosanct intellectual glass houses.

I think that this committee, and particularly Chairman Fulbright, deserve a huge debt of gratitude from you and everyone of your men who are here because when he conducted hearings some years ago when we were fighting in Vietnam. At that time the word "peace" was a dirty word. It was tied in with "appeasement" and Nervous Nellies and that sort of thing. Chairman Fulbright and this committee really took public opinion at that time and turned it around and made "peace" a respectable word and produced the climate that produced President Johnson's abdication.

The problem is that the majority of the people in the Congress still don't agree with the view that you and we have. As the chairman pointed out, and as you know as a student of political science, whenever we wanted to end this war, we could have ended this war if the majority of us had used the power of the purse strings. That was just as true 5 years ago as it is today.

I don't think it is a question of guts. We didn't have the desire to do that and I am not sure the majority has the desire to do that yet. Whenever we want to as a Congress, we could do it. We can't start an action, but we can force an action with the purse strings.

I think it is wonderful you veterans have come down here as a cutting edge of public opinion because you again make this have more respect and I hope you succeed and prevail on the majority of the Congress.

VOTING OF VETERANS AND NONVETERANS CONCERNING VIETNAM WAR

It is interesting, speaking of veterans and speaking of statistics, that the press has never picked up and concentrated on quite interesting votes in the past. In those votes you find the majority of hawks, were usually nonveterans and the majority of doves were usually veterans. Specifically, of those who voted in favor of the Hatfield-McGovern end-the-war amendment in the last session of the Congress 79 percent were veterans with actual military service. Of those voting against the amendment, only 36 percent were veterans.

Now on the sponsors of the Cooper-Church amendment you will find very much the same statistics. Eighty-two percent were veterans as compared to 71 percent of the Senate as a whole being veterans. So I would hope what you are doing will have an effect on the Congress.

OBLIGATION TO SOUTH VIETNAMESE. ALLIES

I have two questions I would like to ask you. First, I was very much struck by your concern with asylum because now I see public opinion starting to swing and Congress passing legislation. Before they wouldn't get out at all; now they are talking about getting out yesterday. When it comes to looking after the people who would be killed if we left or badly ruined, I would hope you would develop your thinking a little bit to make sure that American public opinion, which now wants to get out, also bears in mind that when we depart we have an obligation to these people. I hope you will keep to that point.

ACTIONS OF LIEUTENANT CALLEY

Finally, in connection with Lieutenant Calley, which is a very emotional issue in this country, I was struck by your passing reference to that incident.

Wouldn't you agree with me though that what he did in herding old men, women and children into a trench and then shooting them was a little bit beyond the perimeter of even what has been going on in this war and that that action should be discouraged. There are other actions not that extreme that have gone on and have been permitted. If we had not taken action or cognizance of it, it would have been even worse. It would have indicated we encouraged this kind of action.

Mr. KERRY. My feeling, Senator, on Lieutenant Calley is what he did quite obviously was a horrible, horrible, horrible thing and I have no bone to pick with the fact that he was prosecuted. But I think that in this question you have to separate guilt from responsibility, and I think clearly the responsibility for what has happened there lies elsewhere.

I think it lies with the men who designed free fire zones. I think it lies with the men who encouraged body counts. I think it lies in large part with this country, which allows a young child before he reaches the age of 14 to see 12,500 deaths on television, which glorifies the John Wayne syndrome, which puts out fighting man comic books on the stands, which allows us in training to do calisthenics to four counts, on the fourth count of which we stand up and shout "kill" in unison, which has posters in barracks in this country with a crucified Vietnamese, blood on him, and underneath it says "kill the gook," and I think that clearly the responsibility for all of this is what has produced this horrible abberation.

Now, I think if you are going to try Lieutenant Calley then you must at the same time, if this country is going to demand respect for the law, you must at the same time try all those other people who have responsibility, and any aversion that we may have to the verdict as veterans is not to say that Calley should be freed, not to say that he is innocent, but to say that you can't just take him alone, and that would be my response to that.

Senator PELL. I agree with you. The guilt is shared by many, many, many of us, including the leaders of the get-out-now school. But in this regard if we had not tried him, I think we would be much more criticized and should be criticized. I would think the same fate would probably befall him as befell either Sergeant or Lieutenant Schwarz of West Virginia who was tried for life for the same offense and is out on a 9 months commuted sentence. By the same token I would hope the quality of mercy would be exercised in this regard for a young man who was not equipped for the job and ran amuck. But I think public opinion should think this through. We who have taken this position find ourselves very much in the minority.

Mr. KERRY. I understand that, Senator, but I think it is a very difficult thing for the public to think through faced with the facts. The fact that 18 other people indicted for the very same crime were freed and the fact among those were generals and colonels. I mean this simply is not justice. That is all. It is just not justice.

Senator PELL. I guess it is the revolutionary adage. When you see the whites of their eyes you are more guilty. This seems to be our morality as has been pointed out. If you drop a bomb from a plane, you don't see the whites of their eyes.

I agree with you with the body count. It is like a Scottish nobleman saying, "How many grouse were caught on the moor." Four or five years ago those of us who criticized were more criticized.

Thank you for being here and I wish you all success. [Applause.]

The CHAIRMAN. Senator from New Jersey.

Senator CASE. Thank you, Mr. Chairman.

STRATEGIC IMPLICATIONS OF VIETNAM WAR

Mr. Kerry, thank you too for coming You have made more than clear something that I think always has been true: that the war never had any justification in terms of Indochina itself. I wish you would take this question a little further and touch on the larger strategic implications. It is in these larger strategic implications, if anywhere, that may be found justification for our involvement. As you know, the President said the other day that it is easy to get out and to end the war immediately.

The question is to get out and leave a reasonable chance for lasting peace. We have to look at this because the American people are going to see the issue in the terms he has defined it. I would be glad to have your comment on this matter, although I won't press you to discuss it because in a sense you have already said this is not your area.

Mr. KERRY. I do want to. I want to very much.

Senator CASE. And I would be very glad to have you do it.

Mr. KERRY. Thank you, sir. I would like to very much.

In my opinion what we are trying to do, as the President talks about getting out with a semblance of honor is simply whitewashing ourselves. On the question of getting out with some semblance for peace, as a man who has fought here, I am dying to say that this policy has no chance for peace. You don't have a chance for peace when you arm the people of another country and tell them they can fight a war. That is not peace; that is fighting a war; that is continuing a war. That is even criminal in the sense that this country, if we are really worried about recrimination, is going to have to some day face up to the fact that we convinced a certain number of people, perhaps hundreds of thousands, perhaps there will be several million, that they could stand up to something which they couldn't and ultimately will face the recrimination of the fact that their lives in addition to all the lives at this point, will be on our conscience. I don't think it is a question of peace at all. What we are doing is very, very hypocritical in our withdrawal, and we really should face up to that.

Senator CASE. May I press you just a little further or at least raise the question on which I would ask you to comment.

Mr. KERRY. I wish you would, please.

INDOCHINA AND QUESTION OF WORLD PEACE

Senator CASE. I think your answer was related still to the question of Indochina, but

I think the President has tried to tie in Indochina with the question of world peace.

Mr. KERRY. I would like to discuss that.

It is my opinion that the United States is still reacting in very much the 1945 mood and postwar cold-war period when we reacted to the forces which were at work in World-War II and came out of it with this paranoia, about the Russians and how the world was going to be divided up between the super powers, and the foreign policy of John Foster Dulles which was responsible for the creation of the SEATO treaty, which was, in fact, a direct reaction to this so called Communist monolith: And I think we are reacting under cold-war precepts which are no longer applicable.

I say that because so long as we have the kind of strike force we have, and I am not party to the secret statistics which you gentlemen have here, but as long as we have the ones which we of the public know we have, I think we have a strike force of such capability and I think we have a strike force simply in our Polaris submarines, in the 62 or some Polaris submarines, which are constantly roaming around under the sea. And I know as a Navy man the underwater detection is the hardest kind in the world, and they have not perfected it, that we have the ability to destroy the human race. Why do we have to, therefore, consider and keep considering threats?

At any time that an actual threat is posed to this country or to the security and freedom I will be one of the first people to pick up a gun and defend it, but right now we are reacting with paranoia to this question of peace and the people taking over the world. I think if we are ever going to get down to the question of dropping those bombs most of us in my generation simply don't want to be alive afterwards because of the kind of world that it would be with mutations and the genetic probabilities of freaks and everything else.

Therefore, I think it is ridiculous to assume we have to play this power game based on total warfare. I think there will be guerrilla wars and I think we must have a capability to fight those. And we may have to fight them somewhere based on legitimate threats, but we must learn; in this country, how to define those threats and that is what I would say to this question of world peace. I think it is bogus, totally artificial. There is no threat. The Communists are not about to take over our McDonald hamburger stands. [Laughter.]

Senator, I will say this. I think that politically, historically, the one thing that people try to do, that society is structured on as a whole, is an attempt to satisfy their felt needs, and you can satisfy those needs with almost any kind of political structure, giving it one name or the other. In this name it is democratic; in others it is communism, in, others it is benevolent dictatorship. As long as those needs are satisfied, that structure will exist.

But when you start to neglect those needs, people will start to demand a new structure, and that, to me, is the only threat that this country faces now, because we are not responding to the needs and we are not responding to them because we work on these old cold-war precepts and because we have not woken up to realizing what is happening in the United States of America.

Senator CASE. I thank you very much. I wanted you to have a chance to respond to the question of Indochina in a large context.

Mr. Chairman, I have just one further thing to do. Senator Javits had to go to the floor on important business, and he asked me to express his regret that he couldn't stay and also that if he had stayed he would have limited his participation to agreement with everything Senator Symington said. [Applause.]

BACKGROUND OF VIETNAM WAR

The CHAIRMAN. Mr. Kerry, I have one other aspect of this I would like to explore for a moment. I recognize you and your associates, putting it on a personal point of view, feeling the seriousness and the tragedy of the experience in Vietnam. But I am disturbed very much by the possibility that your generation may become or is perhaps already in the process of becoming disillusioned with our whole country, with our system of government. There was much said about it. You didn't say it, but others have said this. I wonder if we could explore for a moment the background of this war.

It has seemed to me that its origin was essentially a mistake in judgment, beginning with our support of the French as a colonial power, which, I believe, is the only time our country has ever done that. Always our sympathies has been with the colony. If you will recall, we urged the British to get out of Egypt and India, and we urged, many thought too vigorously, the Dutch prematurely to get out of Indonesia. I think there was much criticism that we acted prematurely in urging the Belgians to get out of the Congo. In any case, the support of the French to maintain their power was a departure from our traditional attitude toward colonial powers because of our own history.

It started in a relatively small way by our support of the French. Then one thing led to another. But these were not decisions, I believe, that involved evil motives. They were political judgments which at that time were justified by the conditions in the world. You have already referred to the fact that after World War II there was great apprehension, and I think properly. The apprehension was justified by the events, especially from Stalin's regime. There was apprehension that he would be able, and if he could he would impose his regime by force on all of Western Europe which could have created an extremely difficult situation which would amount to what you said a moment ago. You said if our country was really threatened, you would have no hesitancy in taking up a gun. So I think, in trying to evaluate the course of our involvement in this war, we have to take all of this into consideration. It was not a sign of any moral degradation or of bad motives. They were simply political judgments as to where our interest really was.

In retrospect I think we can say that our interest was not in supporting the French, that it was not in intervening, and it was not in undoing the Geneva Accords by the creation of SEATO, but that is all history. I am not saying this in order to try to lay the blame on anyone, but to get a perspective of our present situation, and hopefully to help, if I can, you and others not to be too disillusioned and not to lose faith in the capacity of our institutions to respond to the public welfare. I believe what you and your associates are doing today certainly contributes to that, by the fact that you have taken the trouble to think these things through, and to come here. I know it is not very pleasant to do the things you have done.

While I wouldn't presume to compare my own experience, I have taken a great deal of criticism since I myself in 1965 took issue with the then President Johnson over his policies. I did what I could within my particular role in the Government to persuade both President Johnson and subsequent political leaders that this was not in the interests of our country. I did this, not because I thought they were evil men inherently or they were morally misguided, but their political judgment was wrong. All of us, of course, know that as fallible human beings we all make errors of judgment.

POSSIBILITY OF MAKING U.S. INSTITUTIONS WORK EFFECTIVELY

I think it is helpful to try to put it in perspective and not lose confidence in the basically good motives and purposes of this country. I believe in the possibility of making our institutions work effectively. I think they can be made responsive to the welfare of the people and to proper judgments. I only throw this out because I have a feeling that because of the unusual horror that has developed from this war too many people may lose confidence in our system as a whole. I know of no better system for a country as large as this, with 200-plus millions of people. No other country comparable to it in history has ever made a democratic system work.

They have all become dictatorships when they have achieved the size and complexity of this country. Only smaller countries really have made a democratic system work at all.

So I only wish to throw it out hopefully that, in spite of the tragic experiences of you and so many other people and the deaths of so many people, this system is not beyond recall and with the assistance of people like yourself and the younger generation we can get back on the track, and can make this system operate effectively.

I know that the idea of working within the system has been used so much, and many people have lost confidence that it can be done. They wish to destroy the system, to start all over, but I don't think in the history of human experience that those destructions of systems work. They usually destroy everything good as well as bad, and you have an awful lot of doing to recreate the good part and to get started again.

So I am very hopeful that the younger generation—and I am certainly getting at the end of my generation because I have been here an awfully long time—but that you younger people can find it possible to accept the system and try to make it work because I can't at the moment think of a better one given the conditions that we have in this country and the great complexity and diversity.

I really believe if we can stop this war—I certainly expect to do everything I can. I have done all I can with all my limitations. I am sure many people have thought I could do bettor, but I did all that I was capable of doing and what wisdom I may have has been applied to it. I hope that you and your colleagues will feel the same way or at least you will accept the structure of the system and try to make it work. I can see no better alternative to offer in its place.

If I thought there was one, I would certainly propose it or try.

CAN BASIC SYSTEM BE MADE TO WORK?

Have you yourself arrived at the point where you believe that basic structural changes must be brought about in our system or do you believe it can be made to work?

Mr. KERRY. I don't think I would be here if I didn't believe that it can be made to work, but I would have to say, and one of the traits of my generation now is that people don't pretend to speak for other people in it, and

I can only speak as an individual about it, but I would say that I have certainly been frustrated in the past months, very, very seriously frustrated. I have gone to businessmen all over this country asking for money for fees, and met with a varying range of comments, ranging from "You can't sell war crimes" to, "War crimes are a glut on the market" or to "well, you know we are tired now, we have tried, we can't do anything." So I have seen unresponsiveness on the racial question in this country. I see an unwillingness on the part of too many of the members of this body to respond, to take gutsy stands, to face questions other than their own reelection, to make a profile of courage, and I am—although still with faith—very, very, very full of doubt, and I am not going to quit. But I think that unless we can respond on as a great a question as the war, I seriously question how we are going to find the kind of response needed to meet questions such as poverty and hunger and questions such as birth control and so many of the things that face our society today from low income housing to schooling, to recent reaction to the Supreme Court's decision on busing.

But I will say that I think we are going to keep trying. I also agree with you, Senator. I don't see another system other than democracy, but democracy has to remain responsive. When it does not, you create the possibilities for all kinds of other systems to supplant it, and that very possibility, I think, is beginning to exist in this country.

The CHAIRMAN. That is why I ask you that. The feeling that it cannot be made responsive comes not so much from what you have said but from many different sources. I can assure you I have been frustrated too. We have lost most of our major efforts. That is we have not succeeded in getting enough votes, but there has been a very marked increase, I think, in the realization of the seriousness of the war. I think you have to keep in perspective, as I say, the size and complexity of the country itself and the difficulties of communication. This war is so far removed. The very fact, as you have said, you do not believe what happens there to be in the vital interests of this country, has from the beginning caused many people to think it wasn't so important.

GRADUAL DEVELOPMENT OF CONCERN ABOUT VIETNAM WAR

In the beginning, back in the times that I mentioned when we first supported the French and throughout the 1950's up until the 1960's, this whole matter was not very much on the minds of anybody in the Congress. We were more preoccupied with what was going on in Western Europe, the fear, particularly during Stalin's time, that lie might be able to subjugate all of Western Europe, which would have been a very serious challenge to us. This grew up almost as a peripheral matter without anyone taking too much notice until the 1960's. The major time when the Congress, I think, really became concerned about the significance of the war was really not before 1965, the big escalation. It was a very minor sideshow in all the things in which this country was involved until February of 1965. That was when it became a matter that, you might say, warranted and compelled the attention of the country. It has been a gradual development of our realization of just what we were into.

As I said before, I think this came about not because of bad motives but by very serious errors in political judgment as to where our interest lies and what should be done about it.

I am only saying this Hopefully to at least try to enlist your consideration, of the view that in a country of this kind I don't believe there is a better alternative from a structural point of view. I think the structure of our Government is sound.

To go back to my own State certainly, leaving out now the war, its affairs are being well managed. The people are, as you may say, maybe too indifferent to this.

Mr. KERRY. As it does in Massachusetts, too.

The CHAIRMAN. I have often thought they were too indifferent to it, but they have responded to the arguments as to where our interest lies quite well, at least from my personal experience. Otherwise I would not be here. But I think there is a gradual recognition of this.

WAR'S INTERFERENCE WITH DEALING WITH OTHER PROBLEMS

I also feel that if we could finish the war completely within the reasonably near future, as some of the proposals before this committee are designed to do if we can pass them, I think the country can right itself and get back on the track, in a reasonably quick time, dealing with the problems you mentioned. We are aware and conscious of all of them.

The thing that has inhibited us in doing things about what ,you mention has been the war. It has been the principal obstacle to dealing with these other problems with which you are very concerned, as, I think, the Congress is. Always we are faced with the demands of the war itself. Do you realize that this country has put well over $1,000 billion into military affairs since World War II?

I think it now approaches $1,500 billion. It is a sum so large no one can comprehend it, but I don't think outside of this war issue there is anything fundamentally wrong with the system that cannot be righted.

If we can give our resources to those developments, I don't have any doubt myself that it can be done. Whether it will be done or not is a matter of will. It is a matter of conviction of the various people who are involved, including the younger generation.

In that connection, I may say, the recent enactment of the right of all people from 18 years up to vote is at least a step in the direction where you and your generation can have an effect.

I hope that you won't lose faith in it. I hope you will use your talents after the war is over, and it surely will be over, to then attack these other problems and to make the system work.

I believe it can be made to work.

Do you have anything else you would like to say?

Mr. KERRY. Would you like me to respond at all, sir?

The CHAIRMAN. If you care to.

Mr. KERRY. Well, my feeling is that if you are talking about the ideal structure of this country as it is written down in the Constitution, then you or I would not differ at all. Yes, that is an ideal structure.

DEVELOPMENTS IN UNITED STATES REQUIRING FUNDAMENTAL CHANGES

What has developed in this country, however, at this point is something quite different and that does require some fundamental changes. I do agree with you that what happened in Vietnam was not the product of evil men seeking evil goals. It was misguided principles and judgments and other things.

However, at some point you have to stop playing the game. At some point you have to say, "All right we did make a mistake." At some point the basic human values have to come back into this system and at this moment we are so built up within it by these outside structures, other interests, for instance, government by vested power which, in fact, you and I really know it is. When a minority body comes down here to Washington with a bill, those bodies which have the funds and the ability to lobby are those which generally get it passed. If you wanted to pass a health care medical bill, which we have finally perhaps gotten to this year, we may, but in past years the AMA has been able to come down here and squash them. The American Legion has successfully prevented people like Vietnam Veterans against the War from getting their programs through the Veterans' Administration. Those bodies in existence have tremendous power.

There is one other body that has tremendous power in this country, which is a favorite topic of Vice President Agnew and I would take some agreement with him. That would be the fourth estate. The press. I think the very reason that we veterans are here today is the result partially of our inability to get our story out through the legitimate channels.

That is to say, for instance, I held a press conference here in Washington, D.C., some weeks ago with General Shoup, with General Hester, with the mother of a prisoner of war, the wife of a man who was killed, the mother of a soldier who was killed, and with a bilateral amputee, all representing the so-called silent majority, the silent so-called majority which the President used to perpetuate the war, and because it was a press conference and an antiwar conference and people simply exposing ideas we had no electronic media there.

I called the media afterward and asked them why and the answer was, from one of the networks, it doesn't have to be identified, "because, sir, news business is really partly entertainment business visually, you see, and a press conference like that is not visual."

Of course, we don't have the position of power to get our ideas out, I said, "If I takesome crippled veterans down to the White House and we chain ourselves to the gates, will we get coverage?" "Oh, yes, we will cover that."

So you are reduced to a position where the only way you can get your ideas out is to stage events, because had we not staged the events with all due respect, Senator, and I really appreciate the fact that I am here obviously, and I know you are committed to this, but with all due respect I probably wouldn't be sitting at this table. You see this is the problem.

It goes beyond that. We really have a constitutional crisis in this country right now. The Constitution under test, and we are failing. We are failing clearly because the power of the Executive has became exorbitant, because Congress has not wanted to exercise its own power, and so that is going to require some very fundamental changes.

So the system itself on paper, no, it is a question of making it work, and in that I would agree with you, and I think that things are changing in a sense. I think the victory of the ABM was a tremendous boost.

The CHAIRMAN. SST.

Mr. KERRY. SST, excuse me.

The CHAIRMAN. I hope the ABM.

[Applause.]

Mr. KERRY. Wrong system.

I think the fact that certain individuals are in Congress today, particularly in the

House, who several years ago could never have been. I would cite Representative Dellums and Congresswoman Abzug and Congressman Drinan and people like this. I think this is a terribly encouraging sign, and I think if nothing more, and this is really sad poetic justice, if nothing more, this war when it is over, will ultimately probably have done more to awaken the conscience of this country than any other similar thing. It may in fact be the thing that will set us on the right road.

I earnestly hope so and I join you in that.

But meanwhile, I think we still need that extraordinary response to the problem that exists and I hope that we will get it.

IMPACT OF VIETNAM WAR AND OTHERS ON CONSTITUTIONAL BALANCE

The CHAIRMAN. I am glad to hear you say that. I have the same feeling. But you must remember we have been through nearly 30 years of warfare or cold war or crises which I think have upset the balance, as you say, in our constitutional system. Senator Javits has introduced a bill with regard to the war powers in an effort to reestablish what we believe to be the constitutional system in which you say you have confidence. I introduced and we passed a commitments resolution. There are a number of others. I won't relate them all, but they are all designed to try to bring back into proper relationship the various elements in our Government. This effort is being made.

I think the culprit is the war itself. The fact we had been at war, not just the Vietnam war but others too, diverted the attention of our people from our domestic concerns and certainly eroded the role of the Congress. Under the impact of this and other wars we have allowed this distortion to develop. If we can end the war, there is no good reason why it cannot be corrected.

REPRESENTATION OF CONSTITUENCIES

You mentioned some new faces in the Congress. After all, all these people get here because of the support back home, as you know. They are simply representative of their constituents. You do accept that, I believe.

Mr. KERRY. Partially, not totally.

The CHAIRMAN. Why not?

Mr. KERRY. As someone who ran for office for 3½ weeks, I am aware of many of the problems involved, and in many places, you can take certain districts in New York City, the structure is such that people can't really run and represent necessarily the people. People often don't care. The apathy is so great that they believe they are being represented when in fact they are not. I think that you and I could run through a list of people in this body itself and find many who are there through the powers of the office itself as opposed to the fact they are truly representing the people. It is very easy to give the illusion of representing the people through the frank privileges which allow you to send back what you are doing here in Congress. Congressman insert so often.

You know, they gave a speech for the Polish and they gave a speech for the Irish and they gave a speech for this, and actually handed the paper in to the clerk and the clerk submits it for the record and a copy of the record goes home and people say, "Hey, he really is doing something for me." But he isn't.

The CHAIRMAN. Well——

Mr. KERRY. Senator, we also know prior to this past year the House used to meet in the Committee of the Whole and the Committee of the Whole would make the votes, and votes not of record and people would file through, and important legislation was decided then, and after the vote came out and after people made their hacks and cuts, and the porkbarrel came out, the vote was reported and gave them an easy out and they could say "Well, I voted against this." And actually they voted for it all the time in the committee.

Some of us know that this is going on. So I would say there are problems with it. Again I come back and say they are not insoluble. They can be solved, but they can only be solved by demanding leadership, the same kind of leadership that we have seen in some countries during war time. That seems to be the few times we get it. If we could get that kind because I think we are in a constant war against ourselves and I would like to see that come—they should demand it of each other if we can demand it of people.

The CHAIRMAN. Take the two cases of what goes on in the House about the secret votes. That is not a structural aspect of our Government. That is a regulation or whatever you call it of the procedures in the House itself.

NECESSITY OF INFORMED ELECTORATE

Fundamentally you said that the people can bamboozle their constituents; they can fool them. Of course, that is quite true of any system of a representative nature. The solution to that is to inform the electorate itself to the extent that they recognize a fraud or a phony when they have one. This is not easy to do, but it is fundamental in a democracy. If you believe in a democratic system, the electorate who elect the representatives have to have sufficient capacity for discrimination. They have to be able to tell the difference between a phony, someone who simply puts pieces in the record, and someone who actually does something, so that they can recognize it in an election, if they are interested.

Now if they are apathetic, as you say they are apathetic, and don't care, then democracy cannot work if they continue to be apathetic and don't care who represents them. This comes back to a fundamental question of education through all different resources, not only the formal education but the use of the media and other means to educate them. Our Founding Fathers recognized that you couldn't have a democracy without an informed electorate. It comes back to the informing of the electorate; doesn't it? That is not a structural deficiency in our system. You are dealing now with the deficiencies of human nature, the failure of their education and their capacity for discrimination in the selection of their representatives.

I recognize this is difficult. All countries have had this same problem and so long as they have a representative system this has to be met. But there is no reason why it cannot be met.

A structural change does not affect the capacity of the electorate to choose good representatives; does it?

COST OF ELECTION CAMPAIGNS

Mr. KERRY. Well, no, sir; except for the fact that to run for representative in any populated area costs about $50,000. Many people simply don't have that available, and. in order to. get it inevitably wind up with their hands tied.

The CHAIRMAN. That is a common statement, but we had an example during this last year of a man being elected because he walked through Florida with a minimum of money. As he became attractive to the people he may have received more, but he started without money. You are familiar with Mr. Chiles.

Mr. KERRY. Yes, I am familiar. I understand it.

The CHAIRMAN. I know in my own state, our Governor started without any money or with just himself and came from nowhere and defeated a Rockefeller. So it is not true that you have to have a lot of money to get elected. If you have the other things that it takes, personality, the determination and the intelligence, it is still possible. "There were other examples, but those are well known. I don't think it is correct to say you have to have a lot of money. It helps, of course. It makes it easier and all that, but it isn't essential. I think you can cite many examples where that is true.

ESSENTIAL QUESTION WILL BE RESPONSE TO VIETNAM ISSUE

Mr. KERRY. Senator, I would basically agree with what you are saying and obviously we could find exceptions to parts of everything everywhere and I understand really the essential question is going to be the response to the issue of Vietnam.

The CHAIRMAN. I agree with that. I can assure you that this committee and, certainly, I are going to do everything we can. That is what these hearings are about. It is lust by coincidence you came to Washington in the very midst of them. We only opened these hearings on Tuesday of this week. I personally believe that the great majority of all the people of this country are in accord with your desire, and certainly mine, to get the war over at the earliest possible moment. All we are concerned with at the moment is the best procedure to bring that about, the procedure to persuade the President to take the steps that will bring that about. I for one have more hope now than I had at any time in the last 6 years because of several things you have mentioned. I think there is a very good chance that it will be brought about in the. reasonably near future.

COMMENDATION OF VIETNAM VETERANS AGAINST THE WAR

I think you and your associates have contributed a great deal in the actions you have taken. As I said in the beginning, the fact that you have shown both great conviction and patience about this matter and at the same time conducted yourself in the most commendable manner has been the most effective demonstration, if I may use that word. Although you have demonstrated in the sense that has become disapproved of in some circles, I think you have demonstrated in the most proper way and the most effective way to bring about the results that you wish and I believe you have made a great contribution.

I apologize. I am not trying to lecture you about our Government. I have just been disturbed, not so much by you as by other things that have happened, that the younger generation has lost faith in our system. I don't think it is correct. I think the paranoia to which you referred has been true. It arose at a time when there was reason for it perhaps, but we have long since gone out of that time, and I think your idea of timing is correct. But I congratulate you and thank you very much for coming. [Applause.]

Senator Symington would like to ask a question.

Senator SYMINGTON. Yes. Mr. Kerry I had to leave because we are marking up the selective service bill in the Armed Services Committee. But I will read the record.

ATTITUDE OF SERVICEMEN TOWARD CONGRESSIONAL OPPOSITION TO WAR

The staff has a group of questions here, four of which I would ask. Over the years members of this committee who spoke out in opposition to the war were often accused of stabbing our boys in the back. What, in your opinion, is the attitude of servicemen in Vietnam about congressional opposition to the war?

Mr. KERRY. If I could answer that, it is very difficult, Senator, because I just know, I don't want to get into the game of saying I represent everybody over there, but let me try to say, as straightforwardly as I can, we had an advertisement, ran full page, to show you what the troops read. It ran in Playboy and the response to it within two and a half weeks from Vietnam was 1,200 members. We received initially about 50 to 80 letters a day from troops there. We now receive about 20 letters a day from troops arriving at our New York office. Some of these letters—and I wanted to bring some down, I didn't know we were going to be testifying here and I can make them available to you—are very, very moving, some of them written by hospital corpsmen on things, on casualty report sheets which say, you know, "Get us out of here." "You are the only hope we have got." "You have got to get us back; it is crazy." We received recently 80 members of the 101st Airborne signed up in one letter. Forty members from a helicopter assault squadron, crash and rescue mission signed up in another one.

I think they are expressing, some of these troops, solidarity with us, right now by wearing black arm bands and Vietnam Veterans Against the War buttons. They want to come out and I think they are looking at the people who want to try to get them out as a help.

However, I do recognize there are some men who are in the military for life. The job in the military is to fight wars. When they have a war to fight, they are just as happy in a sense, and I am sure that these men feel they are being stabbed in the back. But, at the same time, I think to most of them the realization of the emptiness, the hollowness, the absurdity of Vietnam has finally hit home, and I feel if they did come home the recrimination would certainly not come from the right, from the military. I don't think there would be that problem.

Senator SYMINGTON. Thank you.

Has the fact Congress has never passed a declaration of war undermined the morale of U.S. servicemen in Vietnam, to the best of your knowledge?

Mr. KERRY. Yes; it has clearly and to a great, great extent.

USE OF DRUGS BY U.S. SERVICEMEN IN VIETNAM

Senator SYMINGTON. There have been many reports of widespread use of drugs by U.S. servicemen in Vietnam. I might add I was in Europe last week and the growth of that problem was confirmed on direct questioning of people in the military. How serious is the problem and to what do you attribute it?

Mr. KERRY. The problem is extremely serious. It is serious in very many different ways. I believe two Congressmen today broke a story. I can't remember their names. There were 35,000 or some men, heroin addicts that were back.

The problem exists for a number of reasons, not the least of which is the emptiness. It is the only way to get through it. A lot of guys, 60, 80 percent stay stoned 24 hours a day just to get through the Vietnam——

Senator SYMINGTON. You say 60 to 80 percent.

Mr. KERRY. Sixty to 80 percent is the figure used that try something, let's say, at one point. Of that I couldn't give you a figure of habitual smokers, let's say, of pot, and I certainly couldn't begin to say how many are hard drug addicts, but I do know that the problem for the returning veteran is acute because we have, let's say, a veteran picks up a $12 habit in Saigon. He comes back to this country and the moment he steps off an airplane that same habit costs him some $90 to support. With the state of the economy, he can't get a job. He doesn't earn money. He turns criminal or just finds his normal sources and in a sense drops out.

The alienation of the war, the emptiness of back and forth, all combined adds to this. There is no real drug rehabilitation program. I know the VA hospital in New York City has 20 beds allocated for drug addicts; 168 men are on the waiting list, and I really don't know what a drug addict does on the waiting list.

And just recently the same hospital gave three wards to New York University for research purposes.

It is very, very widespread. It is a very serious problem. I think that this Congress should undertake to investigate the sources because I heard many implications of Madam Ky and others being involved in the traffic and I think there are some very serious things here at stake.

Senator SYMINGTON. In the press there was a woman reporter. I think her name was Emerson. In any case she stated she bought drugs six or nine times openly, heroin, in a 15-mile walk from Saigon. The article had a picture of a child with a parasol and a parrot. She said this child was one of the people from whom she had bought, herself, these drugs and that the cost of the heroin was from $3 to $6.

If we are over there, in effect, protecting the Thieu-Ky government, why is it that this type and character of sale of drugs to anybody, including our own servicemen, can't be controlled?

Mr. KERRY. It is not controllable in this country. Why should it be controllable in that country?

Senator SYMINGTON. It isn't quite that open in this country, do you think?

Mr. KERRY. It depends on where you are. [Applause.]

Senator SYMINGTON. We are talking about heroin, not pot, or LSD.

Mr. KERRY. I understand that, but if you walk up 116th Street in Harlem I am sure somebody can help you out pretty fast. [Laughter.]

ACCURACY OF INFORMATION THROUGH OFFICIAL MILITARY CHANNELS

Senator SYMINGTON. Mr. Kerry, from your experience in Vietnam do you think it is possible for the President or Congress to get accurate and undistorted information through official military channels.

(Shouts of "No." from the audience.)

Mr. KERRY. I don't know——

Senator SYMINGTON. I am beginning to think you have some supporters here.

Mr. KERRY. I don't know where they came from, sir, maybe Vietnam.

I had direct experience with that. Senator, I had direct experience with that and I can recall often sending in the spot reports which we made after each mission and including the GDA, gunfire damage assessments, in which we would say, maybe 15 sampans sunk or whatever it was. And I often read about my own missions in the Stars and Stripes and the very mission we had been on had been doubled in figures and tripled in figures.

The intelligence missions themselves are based on very, very flimsy information. Several friends of mine were intelligence officers and I think you should have them in sometime to testify. Once in Saigon I was visiting this friend of mine and he gave me a complete rundown on how the entire intelligence system should be re-set up on all of its problems, namely, that you give a young guy a certain amount of money, he goes out, sets up his own contacts under the table, gets intelligence, comes in. It is not reliable; everybody is feeding each other double intelligence, and I think that is what comes back to this country.

I also think men in the military, sir, as do men in many other things, have a tendency to report what they want to report and see what they want to see. And this is a very serious thing because I know on several visits—Secretary Laird came to Vietnam once and they staged an entire invasion for him. When the initial force at Dang Tam, it was the 9th Infantry when it was still there—when the initial recon platoon went out and met with resistance, they changed the entire operation the night before and sent them down into the South China Seas so they would not run into resistance and the Secretary would have a chance to see how smoothly the war was going.

I know General Wheeler came over at one point and a major in Saigon escorted him around. General Wheeler went out to the field and saw 12 pacification leaders and asked about 10 of them how things were going and they all said, "It is really going pretty badly." The 11th one said, "It couldn't be better, General. We are really doing the thing here to win the war." And the General said, "I am finally glad to find somebody who knows what he is talking about." (Laughter.)

This is the kind of problem that you have. I think that the intelligence which finally reaches the White House does have serious problems with it in that I think you know full well, I know certainly from my experience, I served as aide to an admiral in my last days in the Navy before I was discharged, and I have seen exactly what the response is up the echelon, the chain of command, and how things get distorted and people say to the man above him what is needed to be said, to keep everybody happy, and so I don't—I think the entire thing is distorted.

It is just a rambling answer.

Senator SYMINGTON. How do you think this could be changed?

Mr. KERRY. I have never really given that aspect of it all that much thought. I wish I had this intelligence officer with me. He is a very intelligent young man.

REPORTING OF VIETNAM WAR IN THE PRESS

Senator SYMINGTON. There has been considerable criticism of the war's reporting by the press and news media. What are your thoughts on that?

Mr. KERRY. On that I could definitely comment. I think the press has been extremely negligent in reporting. At one point and at the same time they have not been able to report because the Government of this country has not allowed them to. I went to Saigon to try to report. We were running missions in the Mekong Delta. We were running raids through these rivers on an operation called Sealord and we thought it was absurd.

We didn't have helicopter cover often. We seldom had jet aircraft cover. We were out of artillery range. We would go in with two quarter-inch aluminum hull boats and get shot at and never secure territory or anything except to quote Admiral Zumwalt to show the American flag and prove to the Vietcong they don't own the rivers. We found they did own them with 60 percent casualties and we thought this was absurd.

I went to Saigon and told this to a member of the news bureau there and I said, "Look, you have got to tell the American people this story." The response was, "Well, I can't write that kind of thing. I can't criticize that much because if I do I would lose my accreditation, and we have to be very careful about just how much we say and when."

We are holding a press conference today, as a matter of fact, at the National Press Building—it might be going on at this minute—in which public information officers who are members of our group, and former Army reporters, are going to testify to direct orders of censorship in which they had to take out certain pictures, phrases they couldn't use and so on down the line and, in fact, the information they gave newsmen and directions they gave newsmen when an operation was going on when the military didn't want the press informed on what was going on they would offer them transportation to go someplace else, there is something else happened and they would fly a guy 55 miles from where the operation was. So the war has not been reported correctly.

I know from a reporter of Time—showed the massacre of 150 Cambodians, these were South Vietnamese troops that did it, but there were American advisers present and he couldn't even get other newsmen to get it out let alone his own magazine, which doesn't need to be named here. So it is a terrible problem, and I think that really it is a question of the Government allowing free ideas to be exchanged and if it is going to fight a war then fight it correctly. The only people who can prevent My Lais are the press and if there is something to hide perhaps we shouldn't be there in the first place.

Senator SYMINGTON. Thank you, Mr. Chairman.

[Applause.]

REQUEST FOR LETTERS SENT TO VIETNAM VETERANS AGAINST WAR

The CHAIRMAN. With regard to the letters you have mentioned, I wondered about them. I have received a great many letters, but usually particularly in those from Vietnam, the men would say that they would not like me to use them or use their names for fear of retaliation. Of course, I respected their request. If you have those letters, it might be interesting, if you would like to, and if the writer has no objection, to submit them for the record which would be for the information of the committee.

CHANGING MOOD OF TROOPS IN VIETNAM

Mr. KERRY. Senator, I would like to add a comment on that. You see the mood is changing over there and a search and destroy mission is a search and avoid mission, and troops don't—you know, like that revolt that took place that was mentioned in the New York Times when they refused to go in after a piece of dead machinery, because it didn't have any value. They are making their own judgments.

There is a GI movement in this country now as well as over there, and soon these people, these men, who are prescribing wars for these young men to fight are going to find out they are going to have to find some other men to fight them because we are going to change prescriptions. They are going to have to change doctors, because we are not going to fight for them. That is what they are going to realize. There is now a more militant attitude even within the military itself, among these soldiers evidenced by the advertisements recently in the New York Times in which members of the First Air Cavalry publicly signed up and said, "We would march on the 24th if we could be there, but we can't because we are in Vietnam." Those men are subject obviously to some kind of discipline, but people are beginning to be willing to submit to that. And I would just say, yes, I would like to enter the letters in testimony when I can get hold of them and I think you are going to see this will be a continuing thing.

(As of the date of publication the information referred to had not been received.)

The CHAIRMAN. If you would like to we can incorporate some of them in the record.

DOCUMENTARY ENTITLED "THE SELLING OF THE PENTAGON"

This is inspired by your reply to the Senator from Missouri's question. Did you happen to see a documentary called, "The Selling of the Pentagon"?

Mr. KERRY. Yes, I did. I thought it was the most powerful and persuasive and helpful documentary in recent years.

The CHAIRMAN. But you know what happened to CBS? They have been pilloried by the——

Mr. KERRY. They are doing all right.

The CHAIRMAN. You think they can defend themselves?

Mr. KERRY. I think they have; yes sir. I think the public opinion in this country, believes that, "The Selling of the Pentagon." I was a public information officer before I went to Vietnam, and I know that those things were just the way they said because I conducted several of those tours on a ship, and I have seen my own men wait hours until people got away, and I have seen cooks put on special uniforms for them.

I have seen good food come out for the visitors and everything else. It really happens.

The CHAIRMAN. The Senator from New York has returned. Would he care to ask a question?

RESOLUTION CONCERNING VIETNAM VETERANS' ENCAMPMENT

Senator JAVITS. I don't want to delay either the witness or the committee. Senator Case was tied up on the floor on your resolution on the encampment and the expected occurred, of course. It has gone to the calendar.

Senator SYMINGTON. If you will yield, Senator. I have to preside at 1 o'clock. I thank you for your testimony.

Mr. KERRY. Thank you, Senator. [Applause.]

Senator JAVITS. It has gone to the calendar but I think the point has been very well made by, I think, the total number of sponsors. There were some 27 Senators.

WITNESS' CREDENTIALS

Senator Case was kind enough to express my view. I wish to associate myself with the statement Senator Symington made when I was here as to your credentials. That is what we always think about with a witness and your credentials couldn't be higher.

The moral and morale issues you have raised will have to be finally acted upon by the committee. I think it always fires us to a deeper sense of emergency and dedication when we hear from a young man like yourself in what we know to be the reflection of the attitude of so many others who have served in a way which the American people so clearly understand. It is not as effective unless you have those credentials. The kind you have.

The only other thing I would like to add is this:

EVALUATION OF TESTIMONY

I hope you will understand me and I think you will agree with me. Your testimony about what you know and what you see, how you feel and how your colleagues feel, is entitled to the highest standing and priority. When it comes to the bits and pieces of information, you know, like you heard that Madam Ky is associated with the sale of narcotics or some other guy got a good meal, I hope you will understand as Senators and evaluators of testimony we have to take that in the context of many other things, but I couldn't think of anybody whose testimony I would rather have and act on from the point of view of what this is doing to our young men we are sending over there, how they feel about it, what the impact is on the conscience of a country, what the impact is on even the future of the military services from the point of view of the men who served, than your own.

Thank you very much.

Mr. KERRY. Thank you, Senator. [Applause.]

The CHAIRMAN. Mr. Kerry, I am sure you can sense the committee members appreciate very much your coming. Do you have anything further to say before we recess?

EXPRESSION OF APPRECIATION

Mr. KERRY. No, sir; I would just like to say on behalf of the Vietnam Veterans Against the War that we do appreciate the efforts made by the Senators to put that resolution on the floor, to help us, help us in their offices in the event we were arrested and particularly for the chance to express the thoughts that I have put forward today. I appreciate it.

The CHAIRMAN. You have certainly done a remarkable job of it. I can't imagine their having selected a better representative or spokesman.

Thank you very much. [Applause.]

(Whereupon, at 1 p.m. the committee was adjourned subject to the call of the Chair.)

IN RECOGNITION OF NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the united States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product know as intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because of a constituent of mine who has a primary immune deficiency disease called selective antipolysaccharide antibody deficiency syndrome. Linda Keegan, like so many primary immune deficiency patients was not diagnosed until adulthood. Linda spent a great part of her life winding her way through the health-care system, suffering from recurrent sinus and ear infections, sinus surgery, and the mid-life onset of asthma. She felt that virtually nobody with a medical degree of any sort was willing to understand or believe that she was unable to resist infections in the same way that most people do. She spent her life being sick and on antibiotics. Finally, one morning in an urgent care unit, a physician's assistant listened to her medical history, and said "there might be something wrong with your immune system." Linda took it upon herself to research the immune system on the Internet, and eventually met an immunologist who diagnosed her correctly, in her mid-40's.

Linda is eligible for IGIV therapy, but so far a daily dose of two antibiotics is preventing sinus and ear infections, and her asthma symptoms have become sporadic, rather than chronic. She knows that someday she might have to depend on IGIV, but for now she is trying to make good lifestyle choices and keep a positive attitude. One way Linda has done this is by becoming a volunteer peer contact for the Immune Deficiency Foundation. In my home State of Wisconsin, Linda provides information and support to other PIDD patients or parents who have children with PIDD.

Linda is not unique with the delay in diagnosis of her primary immune deficiency disease. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical that we raise awareness about these illnesses within the general public and the health care community.

Mr. Speaker, I commend the Immune Deficiency Foundation for its leadership in this area and I am proud to join them in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

IN RECOGNITION OF MIKE HEALY ON HIS SERVICE TO THE BAY AREA RAPID TRANSIT DISTRICT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 22, 2004

Mrs. TAUSCHER. Mr. Speaker, on behalf of the members of the San Francisco Bay Area Congressional Delegation, including Representatives STARK, PELOSI, MILLER, LEE, LANTOS, LOFGREN, HONDA, ESHOO, POMBO, WOOLSEY and THOMPSON, I rise to pay tribute to Mike Healy, Department Manager of Media and Public Affairs for the Bay Area Rapid Transit (BART) District. For his steadfast commitment and dedication as the face and voice of BART, even before the system carried a single passenger, we would like to thank Mike Healy and wish him well in his retirement. His thirty-two years of energetic leadership at BART have helped shape one of the largest and most vital mass transit systems in the United States for the better, for all of those who call the San Francisco Bay Area home.

Born in South Bend, Indiana, Mike Healy was raised in Los Angeles and graduated from the University of Southern California with a Bachelor's Degree in Journalism and Telecommunications. Though initially more interested in writing screenplays for movie studios during his early career, it was transportation that was destined to attract and retain his attention.

When BART first hired Mike Healy, he was told his tenure there would most likely end before six months had passed. Instead, Mike Healy has worked for six different general managers and many more elected directors since he first began work for the system in 1971.

During Mike Healy's tenure at the transit district, directing media and public affairs, BART has gone from serving 17,000 passengers daily to more than 300,000. As the service added more patrons and more trains, the need to communicate quickly and effectively with the public and media took on added significance. Reaching such a large and complex audience was at times a monumental task, but one to which Mike Healy never faltered. Indeed, his calm professionalism serves as a model for public relations to countless transit systems throughout the nation.

He is most often remembered for his striking performance during the 1989 Loma Prieta earthquake. It was, as has been said, BART's "shining hour." BART was shown to be indispensable to the region. When the Bay Bridge failed, BART was there. And Mike Healy's reassuring voice told an uncertain public that BART would be there to help the Bay Area move past the wide reaching natural disaster. He was right.

Mike Healy has contributed his energy to serving the people in so many ways. He has served on the Board of Directors of the Oakland Visitors and Conventions Authority and has worked with the American Public Transportation Association (APTA) as Chair of its National Public Affairs and Community Relations Committee.

It has been our great pleasure to have worked with Mike Healy over the years on transit issues affecting our great region. He has been a supportive colleague and a good friend. We wish him and his wife, Joan, best wishes in their future endeavors together.

Mike Healy has made a singularly unique and constructive impact upon the lives of those who live, work, play in and visit the communities of the Bay Area. He has been an invaluable servant to the public. It is with honor that we commend Mike Healy for his 32 years of service and for his contribution in making travel easier for millions of people in one of the most populous metropolitan areas in America.

HONORING THE CAMELOT NEIGHBORHOOD WATCH PROGRAM

HON. TOM DAVIS

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 22, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the Camelot Neighborhood Watch Program (CNWP) of Fairfax County, Virginia.

In the 25 years since its inception, the CNWP has achieved great success, helping lower the general crime rate in its community. As former Fairfax County Supervisor from the Mason District, I can personally attest to the program's accomplishment.

The CNWP boasts the largest number of volunteers in Northern Virginia. These volunteers selflessly have committed themselves to informing local police of suspicious activities. While it is financially and logistically impossible to place a police officer on every street corner, the CNWP has provided Fairfax County with an effective alternative. CNWP volunteers have become the eyes and ears of local police, deterring crime and saving taxpayers millions of dollars.

Those who take the time to cast a watchful eye on their surroundings ensure a safer, friendlier place to live. Through committed neighborhood watch, CNWP participants have proven that community involvement can make a difference.

It is important to note that the CNWP has embraced neighborhood diversity. Participants have bridged culture and language gaps in the name of collective security. By recognizing shared community values, the CNWP has facilitated improved understanding and relations between individuals from a variety of backgrounds.

One of the greatest assets of the CNWP is its ability to bring neighbors together. In that spirit I am proud to recognize: Mr. Paul Cevey, CNWP founder and Coordinator for the first 12 years; Mr. Dave Shonerd, his successor who for the next 11 years continued to mold the program into the great success it is today; and Mr. Frank Vajda, who continues the great CNWP tradition.

Years of CNWP success have merited several notable accolades. The Fairfax County Mason District Police Department has recognized the CNWP as one of the most effective crime reduction units in the county. The Virginia Crime Prevention Association has recognized the CNWP as the Best Neighborhood Watch in Virginia.

The CNWP is the oldest, continuously active Neighborhood Watch in the United States. This highly accomplished neighborhood program serves as an impressive model for other organizations across the nation.

Mr. Speaker, in closing, I would like to thank the Camelot Neighborhood Watch Program for 25 years of dedicated service to its community. Programs like the CNWP are vital in our efforts to combat crime. I call upon my colleagues to join me in applauding the CNWP's past accomplishments and in wishing the program continued success in the many years to come.

HONORING CHARLES AND MARJORIE BENTON

HON. RAHM EMANUEL

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 22, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Charles and Marjorie Benton for their selfless commitment to our community. I am particularly proud to congratulate Charles and Marjorie for winning the 2004 Distinguished Grantmaker Award at the annual conference of the Council on Foundations.

After fifty years of marriage, Charles and Marjorie are both widely recognized as active members of the community and continue to support and contribute to the many causes important to them. Charles chairs the Benton Foundation and Marjorie acts as a trustee. They are the first couple in the history of the Council on Foundations to be honored.

Marjorie co-founded the Chicago Foundation for Woman, the Woman's Issues Network and The Peace Museum. She has also served as a delegate to the United Nations special sessions on disarmament in the 1970s and then as U.S. Ambassador to the United Nations Children's Fund.

In addition, Marjorie chaired the board of Save the Children, which advocates women, children and development in countries around the world. She is also the first woman to serve on the boards of the Bernard Van Leer Foundation and the Van Leer Group Foundation in the Netherlands.

She also chaired the Council on Foundations board from 1994 to 1996.

One of Marjorie's most recent activities is co-founding the local Chicago Global Donor Network, which involves the local community in contributing to international humanitarian projects.

Marjorie continues to work hard to raise millions of dollars a year for social change and progress. She goes out of her way to include donors in the fundraising process, making them active participants in each cause.

Family has also been a priority to the Bentons. Their daughter, Adrianne Furniss, has taken over running the local family business. Their middle son, Craig, owns a recycling business in Ireland and is a strong advocate for environmental preservation. Their youngest son Scott is in the landscaping business. They are also the proud grandparents of four.

Mr. Speaker, I join with the fifth district and entire Chicago community in congratulating my friends, Charles and Marjorie Benton on receiving the 2004 Distinguished Grantmaker Award, and wish them and her extended family, all the happiness in the future.

HONORING THE WINNERS OF THE SIXTH ANNUAL ENERGY CHALLENGE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. UDALL of Colorado. Mr. Speaker, today I rise to honor the winners of the sixth annual Energy Challenge which took place April 4 at Winter Park, Colorado. Fourteen teams of engineering students from colleges and universities across the country competed for awards for designing, constructing and racing snowboards constructed entirely from paper. The winning team was Miami University with a total score of 88.8. The team's board measured 83 percent paper fiber.

The Energy Challenge is sponsored by the U.S. Department of Energy's National Renewable Energy Laboratory, the American Forest and Paper Association, and Institute of Paper Science and Technology at Georgia Tech. It is designed to help the pulp and paper industry, one of the most energy intensive industries in the U.S., reach the goal of creating an energy efficient manufacturing process by the year 2020.

The contest rules required the snowboards to be made of at least 80 percent paper fiber. The total score was based on factors such as best snowboard performance, gross weight, materials composition, board volume, compressive strength, aesthetics, novelty of design, and written reports. The teams also participated in a slalom race that included rollers and a rail slide.

The winning Miami University team members included: Margaret Huseman, Den Van Lear, Colleen O'Donnell, Michael Loufman and Joel Hahn. The team engineered their snowboard with materials such as chemical wood fiber, corrugated board and liner board. They cleverly used a Formica finish, which has 75 percent paper content, on the bottom of the board to improve its gliding ability on the snow. The second place winner was the Savannah College of Art and Design and Pasadena City College finished third overall.

The Congressional Ski and Snowboard Caucus sees the Energy Challenge as a great example of how public-private partnerships can bring together ideas like energy efficiency, outdoor recreation and fitness in order to create a more sustainable and healthy world. The caucus is interested in promoting skiing and snowboarding to encourage fitness and create an appreciation for the environment. The Energy Challenge demonstrates that through greater use of renewable materials, we can create jobs, protect the environment, and make our nation more energy independent.

Mr. Speaker, I urge my colleagues to join me in congratulating these teams and honoring their creativity and innovation.

TRIBUTE TO LINCOLN UNIVERSITY ON THE OCCASION OF THEIR 150TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Lincoln University, a fine institution of higher learning that will celebrate its 150th anniversary on May 6, 2004.

Lincoln University was established in Pennsylvania in 1854 as the nation's first Historically Black College and University (HBCU). During its first 100 years of existence, Lincoln graduated twenty percent of America's African American physicians and more than ten percent of the country's African American attorneys. Currently, Lincoln is one of the nation's largest producers of African Americans with baccalaureate degrees in the physical sciences, computer and information sciences, and biological and life sciences.

Lincoln University has produced top leaders who have gone on to make major contributions in the civil rights movement, the independence movements in Africa and the global information society. Among the more visible graduates of Lincoln are: Supreme Court Justice Thurgood Marshall '30; poet and playwright Langston Hughes '29; the first president of Ghana, Kwame Nkrumah '39; and the first African American female rear admiral in the U.S. Navy, Lillian Fishburne '71.

Lincoln University also has the unique distinction of having graduates who went on to found U.S or Foreign Universities. The list of universities include South Carolina State University; Livingston College (North Carolina); Albany State University (Georgia) and Texas Southern University.

Mr. Speaker, this remarkable institution of higher learning has helped develop some of the best minds in the world. Their commitment to excellence in education is to be commended. For this reason, I ask that my colleagues join me in honoring this fine institution on the occasion of its 150th anniversary.

TRIBUTE TO SENIOR CORPORAL VERNA L. DURDEN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. FROST. Mr. Speaker, I rise today to commemorate Dallas Senior CPL Verna L. Durden for her years of service and commitment to the Dallas community as a Dallas Police officer.

CPL Verna L. Durden, who retired last month after 36 years of dedicated service, began her career with the Dallas Police Department during an evolving era. She became the second African American woman on the Dallas Police force in 1972, a time period when women on the force were still required to wear dresses and high heels. In 1979, she swore in Police Chief Glen D. King, becoming the first woman in the nation to perform this important duty. During her 36-year tenure, CPL Verna Durden swore in over 4,000 Dallas police officers, earned 68 commendations, and received four certificates of merit.

Corporal Durden, who has fought her own personal battle with cancer, plans to continue serving her community through volunteer work with the American Cancer Society. CPL Verna Durden's personal qualities and pioneering career has set an example for young women throughout the Dallas community to follow.

Mr. Speaker, I honor CPL Verna L. Durden for her years of commitment and continuing contributions to the Dallas community.

TRIBUTE TO REVEREND HANS CHRISTEN MAMEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LANTOS. Mr. Speaker, I rise today to honor Reverend Hans Christen Mamen, an extraordinary and remarkable individual, who turned 85 on April 20th, and whose courage, humanity and unselfishness saved Jews during the Nazi occupation of Norway during World War II. Risking his own life, Reverend Mamen guided Jews and other refugees into safety to Sweden.

Reverend Mamen's life reads like a storybook. Born in 1919 on a small farm in Vogelland, outside of Oslo, Norway, he was the sixth of eight children. His parents, Hans Christen and Marie Louise, raised him and his siblings with strong Christian values and a profound respect for others. At the tender age of 13, he decided to study theology—in hopes of becoming a priest. In 1939, he started his studies at the Norwegian Lutheran School of Theology ("Menighets Fakultetet").

Sorrowfully, in 1939, dark clouds began encasing Europe. Hitler, elected to office in 1933, unveiled his true identity when German forces first moved into Rhineland (1936), and then occupied Czechoslovakia (1939). Shortly thereafter, the Soviet Union invaded Finland. Hans Christen, who was 20 at the time, felt it was his duty and obligation to do something. He volunteered for the Norwegian Red Cross, serving as an ambulance driver in Finland. On April 6th, just weeks after returning to Norway, Hans Christen married his childhood sweetheart Ruth. Three days later the Nazi's invaded and occupied Norway.

While continuing his studies at the Norwegian Lutheran School of Theology, Hans Christen opted to get involved with the Norwegian Resistance. On October 26, 1942, the Nazi's began gathering, arresting, and deporting Jews to German concentration camps. Disgusted with the inhumane Nazi philosophy and ideology, Hans Christen Mamen helped Jews by guiding them to safety in Sweden.

After completing theology school, Hans Christen Mamen was ordained and served a various parishes throughout Norway. In 1959, he and his family of five children moved to Inwood, Iowa, as a part of his Lutheran exchange. When Dr. Martin Luther King was awarded the Nobel Peace Price, Hans Christen welcomed Dr. King on behalf of the Norwegian Church. His meeting with Dr. King remains one of the most unforgettable memories of Hans Christen.

In recognition for his heroism, the State of Israel in 2001 bestowed upon Hans Christen Mamen—as the only Norwegian—honorary citizenship of Israel. He has also received several awards and medals for his courageous deeds during the war.

Today, nearly 60 years after World War II, Hans Christen is still going strong—determined to persevere. His unequivocal thirst for knowledge has continued to increase throughout his life. And as a result, he has remarkably contributed to more than 40 books and over 300 articles.

Mr. Speaker, I ask my colleagues to join me in honoring a great humanitarian, who continues to inspire, guide, and lead by displaying tremendous beliefs, compassion, and generosity for his fellow human brethren.

RECOGNITION OF NATIONAL MINORITY CANCER AWARENESS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 18–24, 2004 as National Minority Cancer Awareness Week. This national campaign, initiated by Congress in 1987, seeks to heighten awareness of the unequal cancer burden borne by racial and ethnic minority populations and other medically underserved communities.

Despite all the progress that has been made in the battle against cancer, a disproportionate burden of cancer continues to fall on specific populations. African Americans have the highest death rate for all cancers. Cancer is the leading cause of death for Asian American women. And even when controlling for income level, African American, American Indian, Alaska native, Asian American, and Pacific Islander men have a lower 5–year survival rate than non-Hispanic white males.

In my state of Wisconsin in 2003, 25,800 new cancer cases were diagnosed and 10,800 people in my community died from cancer. Once these statistics are analyzed, I believe we will find that a disproportionately high burden of these cancer deaths will be borne by minority populations. The future health of Wisconsin—and of America as a whole—depends on our success in improving the health of minority and other medically underserved populations.

I am a proud cosponsor of H.R. 918, the Patient Navigator, Outreach, and Chronic Prevention Act. This legislation would set up patient navigator systems, which would provide patients with a trained navigator "buddy" from their own community, who speaks their own language, and who will act as their advocate in navigating the health care system. This program would do wonders to increase awareness of programs and services in minority communities, and provide an opportunity to empower impacted communities in the fight against cancer.

By passing legislation like H.R. 918 and lending support to National Minority Cancer Awareness Week, we can reduce and ultimately eliminate the disparate burden of cancer and other diseases on minority and medically underserved communities. I urge my colleagues to support both of these important initiatives.

CLEAN WATER ON EARTH DAY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise this afternoon to recognize Earth Day and discuss the clean water challenges facing America. Over the last three decades our nation has made significant progress in addressing the pollution of lakes, streams, rivers and estuaries. However, these crucial gains in water quality are in jeopardy of being lost. The wastewater treatment facilities that have been the cornerstone of the Clean Water Act's success are now in need of critical upgrades and the resources for this environmental imperative are no where to be found.

The Government Accounting Office, the Environmental Protection Agency and the Water Infrastructure Network have all found a wastewater infrastructure funding gap in excess of $500 billion, over the next 20 years. These assessments come at a time when we continue to reduce the federal commitment to clean water infrastructure. The FY 2005 Administration budget calls for less than $2 billion in federal investment for both wastewater and drinking water infrastructure. This declining investment in America's clean water comes at a time when we are providing nearly $4 billion to Iraq for water infrastructure.

The time has come for our nation to rededicate itself to the importance of clean water and the infrastructure which makes it possible. It is time for Congress and the Administration to give serious consideration to making significant new investments in clean water infrastructure. We have dedicated funding sources to support our highway, aviation, and navigation infrastructure and it is now incumbent upon us to find similar funding support our nation's most critical infrastructure—water infrastructure.

Mr. Speaker, I have introduced legislation to reauthorize the Clean Water State Revolving Fund in the last three Congresses that would increase the federal investment in clean water infrastructure ten-fold. This investment would help clean our environment and help our economy by producing thousands of new, good paying jobs. Unfortunately, this year's version of this important legislation is being held up over ideological issues that have nothing to do with cleaning up the environment or providing future Americans and our habitats with clean, safe water.

I call on my colleagues this Earth Day to reflect on the importance of water in our daily lives and provide the infrastructure that makes clean water possible with funding that it requires.

COMMEMORATING THE 50TH ANNIVERSARY OF THE MOUNT VERNON-LEE CHAMBER OF COMMERCE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, Mr. MORAN and I rise today to commemorate the 50th anniversary of the Mount Vernon-Lee Chamber of Commerce (MVLCC) located in Fairfax County, Virginia.

Since 1954, the MVLCC has provided dedicated service to southeast Fairfax County, working tirelessly to promote business development and success. The chamber has effectively created an environment in which both well-established and new businesses can thrive. With regard to public policy, the

MVLCC has powerfully advocated local business priorities, working with local, state, and federal officials on economic, transportation, and public safety issues.

In addition, the MVLCC plays an active role in local tourism, providing helpful information on hotels, restaurants, and points of interests to visitors in the area. Recently, the chamber contributed greatly to the community-based efforts responsible for bringing the National Museum of the United States Army to Fort Belvoir, Virginia.

Over the years, the MVLCC has demonstrated great commitment to the entire Mt. Vernon-Lee area. Having recognized the importance of education to a strong community, the MVLCC grants scholarships to six graduating high school students each year. The MVLCC and its members run a weekly Meals on Wheels delivery route to provide warm and friendly meals to home-bound members of the community.

Since its inception in 1954, the MVLCC has proven an invaluable asset to the Mt. Vernon-Lee community, helping make southeastern Fairfax County a great place to live, learn, work, do business, and visit. We greatly appreciate the chamber's notable contributions to Northern Virginia.

Mr. Speaker, in closing, we would like to commend and congratulate the MVLCC on fifty years of success. They have served the interests of both their members and their community well, truly meriting recognition. We call upon our colleagues to join us in applauding the MVLCC's past accomplishments and in wishing the chamber continued success in the many years to come.

HONORING LANE TECH HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Lane Tech High School of Chicago for its achievement on winning the third place title in the citywide Academic Decathlon and the fourth place position at the Illinois Academic Decathlon competition on March 13, 2004.

The Academic Decathlon is a team competition wherein students are tested through a diverse group of scholastic categories including: art, economics, essay interview, language and literature, mathematics, music science, social science and speech.

With up to nine members from each team competing in all ten events of the decathlon and representing a diversity of scholastic aptitude, the true spirit of this year's "America: The Growth of a Nation" theme has been advanced.

The decathlon, which was first created by Dr. Robert Peterson, has helped maximize the learning potential of young minds through competitive challenge. Lane Tech High School has demonstrated its ability to shine among the best and brightest of Chicago's academic community.

As finalists in the citywide Academic Decathlon, the nine students from Lane Tech High School went on to compete in the Illinois Academic Decathlon, participating in the semifinals of one of the most prestigious high school academic competitions in the United States.

I commend each of our Lane Tech competitors: Carlos Becerril, Moiz Bhai, Rosa Alamo, Jennifer Brown, Jason Thomas, Kristin Stein, Abdulmajid Umer, Linda Ta, Xenia Basarab, Dessislavia Harizanova, Sheraz Khan, Lenny Soez Ocasio and Peter Porok.

Reaching this level of competition is a tremendous achievement and deserves special recognition. Lane Tech students set the standard for scholastic excellence that the Academic Decathlon seeks to attain.

Mr. Speaker, I join with all residents of the Fifth Congressional District of Illinois in congratulating Lane Tech High School on its achievement. I wish the Academic Decathlon winners the best of luck and continued success as their education continues. I am very proud of these young and future leaders of tomorrow. It is my privilege to represent them in the U.S. Congress.

TRIBUTE TO COOPERATION IN RESTORATION OF DAMAGED PUBLIC LANDS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. UDALL of Colorado. Mr. Speaker, the public lands are the property of all the American people, and we all have a stake in their condition. That's why it's encouraging to see various groups working together to remedy problems on those lands.

Just last week, for example, members of the Longmont-based Trailridge Runners Four-Wheel Drive Club joined Sierra Clubbers, other environmentalists, and U.S. Forest Service employees to help restore a degraded meadow in the Lefthand Canyon area of the Arapaho-Roosevelt National Forest, in Colorado. Volunteers helped grade and reseed areas of the meadow that have been eroded by four-wheeling activities. The impetus for this was a $250,000 grant procured by the four-wheel group.

Their efforts drew the attention of the Daily Camera in Boulder, which praised them in an editorial that rightly noted the "The land doesn't care if we're Democrats or Republicans, recreationalists or preservationists, bird watchers or mountain bikers. And no matter how gingerly we tread, all who use public lands contribute to the impacts. And coming together to help heal the land beats pointing fingers any day."

I join in congratulating this exemplary cooperative effort. For the benefit of our colleagues, I am attaching the full text of the Camera's editorial.

[From the Boulder, Colorado Daily Camera, Apr. 21, 2004]

SEEDS OF COOPERATION

LAND IS THE BENEFICIARY OF VOLUNTEER EFFORTS

Especially when budgets are tight at the local, state and federal levels, our public lands can use all the help they can get.

So it's nice to know that volunteers are so often willing to invest their own sweat, time and scraped knuckles in personal stewardship when public money isn't there. They can't fill all the gaps, but every bit helps.

And it's even better when disparate groups—even antagonists—can all agree that whatever their differences, it's the land that matters. That was the case Saturday, when members of the Longmont-based Trailridge Runners Four-Wheel Drive Club joined Sierra Clubbers, other environmentalists, and U.S. Forest Service employees to help restore a degraded meadow in Lefthand Canyon.

The impetus for this laudable cooperation was a $250,000 grant procured by the four-wheel group. Volunteers helped grade and reseed areas of the meadow that have been eroded by four-wheeling activities.

Groups that often come under fire for most environmental degradation—though the culprits are usually a small minority—increasingly recognize the value of reaching out and caring for the land. In this case, it's four-wheelers, but on Boulder Open Space, dog advocates routinely hold mass poop baggings, and a group of trail runners last fall pitched in a remarkable 180 hours of trail work in exchange for permission to hold a grueling race up Mt. Sanitas.

The land doesn't care if we're Democrats or Republicans, recreationalists or preservationists, bird watchers or mountain bikers. And no matter how gingerly we tread, all who use public lands contribute to the impacts. And coming together to help heal the land beats pointing fingers any day.

TRIBUTE TO ELYSE LEON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Elyse Leon, a remarkable woman who has dedicated the past three years of her life to the restoration of the Bronx River, which is vital to my congressional district.

Elyse began working for the restoration of the Bronx River on March 21, 2001, while a student at New York University. After graduating with a double major in Spanish and Psychology, she became a full time Bronx River Outreach Coordinator for the New York City Department of Parks and Recreation and the Bronx River Alliance. Elyse has been an outstanding ambassador for the Bronx River. Working with residents, colleagues and more than 70 partner organizations of the Bronx River Alliance, as well as with the board, teams and staff of the Alliance, Elyse has found multiple ways to involve people in the Bronx River renaissance, whether by planting, cleaning, biking, paddling, walking, planning or dancing. In all of these activities and more, Elyse has a talent for making people feel welcome.

For three years Elyse has successfully organized two very important annual events; the Bronx River Flotilla and the Golden Ball Celebration. These two events, which I have attended, draw a large number of supporters to the river to celebrate its restoration. In addition, Elyse could be found at innumerable community meetings, outdoor events, and Bronx River Alliance gatherings, encouraging people to get involved with the Bronx River and its greenway. She also produced a biweekly e-mail newsletter and other publications, such as the recent Safety Guide to River Park, which reached thousands of people.

Mr. Speaker, the restoration of the Bronx River has been one my top priorities as a Member of both the New York Assembly and the U.S. House of Representatives. Rejuvenating its greenway and corridor will provide recreational, educational and economic resources for the communities through which the river flows. Such an important project could not have been undertaken without the participation of dedicated and resourceful individuals like Elyse Leon.

I ask that my colleagues join me in honoring Ms. Elyse Leon for her years of service as Outreach Coordinator for the Bronx River Alliance and in wishing her well in all her future endeavors.

CONGRATULATING DR. RON ANDERSON

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. FROST. Mr. Speaker, I rise today to congratulate Dr. Ron Anderson, president and chief executive officer of Parkland Health & Hospital System in Dallas, Texas, for receiving the American Hospital Association's 2004 Award of Honor.

During his tenure with Parkland Hospital in Dallas, Dr. Anderson has displayed outstanding leadership capabilities through his exemplary efforts to serve the health care needs of a densely populated city. As a result of Dr. Anderson's dedication and strong commitment to improving health policies and social initiatives, Parkland Hospital has gained the respect and praise as a national model for all public hospitals around the country.

As a devoted doctor, Dr. Anderson strives to improve the quality of care every patient receives when they go to Parkland Hospital. Through his tireless efforts to revolutionize Parkland Hospital in Dallas, and his passion for medicine, Dr. Anderson is well deserving of the American Hospital Association's 2004 Award of Honor. He deserves special recognition and praise for his direction and hard work.

Mr. Speaker, I am pleased to congratulate Dr. Anderson on his prestigious award and his significant accomplishment. Parkland Health & Hospital System in Dallas has greatly benefited from the dedication and leadership skills Dr. Anderson has shown as president and CEO. I know my colleagues will join me today in honoring Dr. Anderson, as we wish him continued success in his future endeavors.

A TRIBUTE TO TRYGVE LIE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Trygve Lie, the first Secretary General of the United Nations. Mr. Lie was more than an outstanding citizen of Norway and public official, he was truly the beacon of light and bedrock of peace for which the world yearned in the aftermath of World War II.

Trygve Lie was born in Oslo, Norway on July 16, 1896. After being elected a local Labor Party president at the age of 16, Lie's course in politics was set. Following his graduation from the Oslo University Law School in 1919, he was appointed Administration Secretary for the Norwegian Labor Party. He subsequently became a legal advisor to the Trade Union Federations, where Lie honed his skills at conflict resolution and negotiation.

Trygve Lie's distinguished career in government saw him appointed to several different ministerial positions, but none more career defining than his time spent as Minister of Foreign Affairs. After the German invasion of Norway, Mr. Lie's triumph in saving his country's merchant fleet led to his appointment as Foreign Affairs Minister while the Norwegian government fled to England. This position would prove to be a seminal moment in Lie's career, and would elevate his profile internationally.

As Norway's Foreign Minister, Lie was an outspoken advocate of international cooperation and a more level political playing field, while remaining acutely aware of the responsibilities inherent to the then-current world powers.

Mr. Lie attended the U.N. Conference on International Organizations as Head of the Norwegian Delegation in April of 1945, where he also served as Chairman of Commission III, which was responsible for drafting the Security Council provisions of the U.N. Charter. Lie's diplomatic skills and shining abilities as an expert negotiator led to his near-unanimous election as the first Secretary-General of the United Nations in February 1946.

In his new position, Trygve Lie faced the unenviable task of uniting a world that had been torn apart by the destruction, devastation, and hatred of World War II. Despite the onset of the Cold War and innumerable other set-backs, Mr. Lie held true to his beliefs in the U.N. Charter, the need for peace, and the importance of building a new world order. Though his new position granted him a great deal of oversight and authority, Lie's vision of the U.N. remained one of a body that would primarily act as a mediator for the world's conflict and friction.

During his time as U.N. Secretary-General, Trygve Lie established his post as one of honor and dignity that held an internationally recognized sphere of influence. His rise to the top position in the U.N. illustrated as much about Lie's professionalism and diplomacy as did his decision to step down in April 1953. Upon realization that his departure could better facilitate peace in Korea and therefore help restore international harmony, he graciously offered his resignation. His sacrifice for the greater good is seldom seen. Trygve Lie was an outstanding contributor to his native Norway and to the international community at large. His success in transitioning the global society away from a period of seemingly irreparable damage created a legacy of peace and hope that should be both commended and emulated.

COMMEMORATING THE 25TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MOORE. Mr. Speaker, twenty-five years ago this April the Taiwan Relations Act was signed into law. For the last quarter of a century, there has been relative peace and tranquility in the Taiwan Strait—thanks in large part to the enactment of the Taiwan Relations Act, which spells out the extent of our commitment to Taiwan in the event of an armed invasion from the People's Republic of China against Taiwan.

Today the people of Taiwan enjoy freedom and prosperity. In the years ahead, I am confident that the relationship between the U.S. and Taiwan will only grow stronger as we continue to build on common principles, including freedom, democracy and human rights.

On the eve of the 25th anniversary of the TRA, I commend the foresight and wisdom of my colleagues and former colleagues in Congress for having written this landmark piece of legislation, which has benefited both the people of Taiwan and people of the United States. Today I urge my colleagues to join me in celebrating the strong tradition of cooperation and friendship between the United States and Taiwan. I look forward to the continuation of a relationship that will last for the next twenty-five years and beyond.

CONGRATULATING ELLWOOD CITY AREA PUBLIC LIBRARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Ellwood City Area Public Library in Ellwood City, Pennsylvania for their week long celebration commemorating their 90th anniversary starting April 26, 2004. It is an honor to represent such a steadfast facility within the Fourth Congressional District of Pennsylvania.

For the past nine decades the Ellwood City Area Public Library has provided the residents of Ellwood City with a useful, high-quality institute. The success of the library is often attributed to its ability to constantly adapt to the changing times—always providing the citizens of Ellwood City with the most up-to-date resources available. Now the Ellwood City Area Public Library offers over 45,000 items, ranging from large-print books and magazines to audio and videotapes. Furthermore, the library offers computers for free public internet access and a variety of children's programming. The 90th anniversary celebration is not only a festival to celebrate all the past accomplishments of the library but also to focus on the success that are sure to come in the future.

I ask that all of my colleagues in the House of Representatives join me in honoring this institution in my district. The Ellwood City Area Public library has provided an invaluable service to the community for 90 years and, undoubtedly, the next 90 years will be just as successful.

HONORING THE 432ND CIVIL AFFAIRS BATTALION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House the brave members of the 432nd Civil Affairs Battalion, who today return home from a 14–month deployment overseas.

Northeastern Wisconsin is often called "the land of legends" for our fabled football team—the Green Bay Packers. The gridiron leadership of men like Vince Lombardi, Curly Lambeau and Ray Nitschke helped make Green Bay synonymous with strength, courage and triumph. But, it's not our heroes of the playing field that make our area truly legendary—it's the men and women in uniform who put their lives on the line to defend freedom.

Under the most dangerous conditions, the brave troops of the 432nd served 14 intense months overseas, striving to rebuild an Iraq ravaged by tyranny, war and strife. They fought to rebuild schools, reactivate power grids, train police, and so much more. They knew well that all their hard work and they themselves were under constant threat of attack. But, because of their commitment and unwavering devotion to the cause of freedom, this nation reborn can continue to move toward a brighter, more peaceful future.

Our war in Iraq is obviously not finished. But, even with the ongoing challenges, Americans can take comfort in the fact that some of our finest countrymen carry the torch of liberty in Iraq. The proud men and women of the 432nd carried this torch for 14 months, traveling far from here and from their loved ones, putting their lives on hold to fight for democracy and freedom. Today, they are home with us again, and my constituents and I couldn't be happier.

Mr. Speaker, I am honored to be able to thank the soldiers of the 432nd Civil Affairs Battalion on behalf of myself, my family, the state of Wisconsin and the people of a grateful nation. It is my distinct pleasure and privilege to serve them and their families in Congress. They, along with all our servicemen and women, deserve our continued praise, support and gratitude. They are our genuine heroes.

TRIBUTE TO RABBI MICHAEL MELCHIOR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Rabbi Michael Melchior, a distinguished member of the Knesset. Rabbi Michael Melchior was born in 1954 in Denmark. He received his rabbinical ordination from Yeshivat Hakotel in Jerusalem. Rabbi Melchior comes from a long line of Scandinavian rabbis, and has served as rabbi of a Jerusalem congregation since 1986. He also has held the title of Chief Rabbi of Norway since 1980.

Since 1996, Rabbi Melchior has been the chairman of Meimad, a modern-Orthodox party, which in 1999 became a faction of One Israel. He was elected to the Knesset in May 1999. From August 1999 until March 2001, Melchior served as Minister in the Office of the Prime Minister, responsible for Diaspora and social affairs. Michael Melchior served as Deputy Minister of Foreign Affairs from March 2001 until October 2002.

Rabbi Melchior has a passionate interest in the improvement of Israeli society. To this end, he established many programs that deal with the narrowing of gaps in the society between rich and poor, Arab and Jew, secular and religious. Rabbi Melchior has eloquently advocated for an Israel that allows Israelis to feel a strong sense of Jewish identity without pressure or coercion. He has won appreciation both in Israel and abroad for his tireless work for tolerance, democracy and peace. Furthermore, he is universally recognized, from the Israeli Knesset to the international stage, as a figure of vision, conciliation, and peace.

Mr. Speaker, Rabbi Melchior was part of a very unique group of religious leaders at a summit meeting in Alexandria, in January 2002, which resulted in the historic Alexandria Declaration and initiated the Alexandria process, in which mainstream religious leaders of the Holy Land gave legitimacy for the first time to a religiously authorized peace process. Over the past 2 years the Alexandria process has created positive waves in Israel, Palestine, and throughout the entire Arab world.

Among Rabbi Melchior's many awards are the Norwegian Nobel Institute's Prize for Tolerance and Bridge-Building, and Yeshivat Hakotel's Award for Work in the Diaspora Rabbinate. Rabbi Melchior has written numerous articles published in the Israeli and foreign press.

Mr. Speaker, Rabbi Melchior's passionate commitment to a comprehensive and lasting peace reveals true leadership and I urge my colleagues to join me in honoring him today.

COMMEMORATION OF THE 34TH EARTH DAY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. COSTELLO. Mr. Speaker, today the United States commemorates the 34th Earth Day. In celebration of the Nation's commitment to a healthy environment, I urge my colleagues to devote sufficient resources and attention to providing safe and clean water for all Americans. The Congress must expand its efforts to provide communities with the resources and tools necessary to meet our enormous clean water challenges. I ask Members to join me in making an Earth Day commitment to support significant, long-term, sustainable funding for our Nation's water and wastewater infrastructure.

This Nation has realized significant environmental improvements over the last three decades. Yet, the United States Environmental Protection Agency (EPA) reports that some 40 percent of our Nation's assessed lakes, rivers, streams, and estuaries are still too impaired for their designated uses such as fishing, swimming, or as a drinking water supply source. Discharges from aging and failing sewage systems, urban storm water and other sources continue to pose serious threats to our Nation's waters, endangering not only public health, but also the fishing and recreation industries.

Population growth and development place additional stress on the Nation's water infrastructure and its ability to sustain hard-won water quality gains. EPA itself stated that without significant new investment in wastewater infrastructure, the gains of the past 30 years will be lost. Maintaining clean, safe water remains one of our greatest national and global challenges and responsibilities.

EPA's Clean Water and Drinking Water Infrastructure Gap Analysis found that there is a gap in excess of $400 billion between current spending and projected needs for water and wastewater infrastructure over the next 20 years. It is critical that the Federal government do its part in partnership with state and local governments in order to avert the pending water infrastructure crisis. That is why the Committee on Transportation and Infrastructure supports expanded funding for addressing water quality needs.

Unfortunately, the current Administration seeks to reduce the Federal commitment to water and wastewater infrastructure. The President's budget for fiscal year 2005 cuts funding by $815 million, even as the need for funding increases. The cuts are indefensible, and imperil the Nation's ability to maintain water quality, let alone improve it.

In celebration of this Earth Day, I encourage all Members of the House to support legislation aimed at investing in the improvement of water quality in our Nation's lakes, rivers, streams and estuaries.

RECOGNIZING NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. JENKINS. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week.

Primary immune deficiency diseases (PIDD) are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States.

I am familiar with primary immune deficiencies because of a young man in my district, Matt Seals, who was born with an extremely rare PIDD called X-linked Agammaglobulinemia (XLA), a genetic disorder that prevents his body from producing B-cell antibodies that protect him from infections. Matt experienced difficulty and delay in diagnosis of his primary immune deficiency disease. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis is 9.2 years.

Those who remain undiagnosed may suffer repeated and serious infections and possibly irreversible damage to internal organs. That is why it is critical to raise awareness about these illnesses with the general public and health care community. I want to commend the Immune Deficiency Foundation for its leadership in the areas of education and support, and I am proud to join them in recognizing the week of April 19th as National Primary Immune Deficiency Diseases Awareness Week.

TRIBUTE TO DR. JERAULD D. FERRITTO, JR.

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to extend my congratulations to Dr. Jerauld D. Ferritto, Jr., a successful and respected podiatrist from my district, upon the completion of his tenure as President of the American Podiatric Medical Association.

Following in the footsteps of his father, Dr. Ferritto began his podiatric career at the Ohio College of Podiatric Medicine, Cleveland, Ohio, in 1972. In 1977 he established a practice in Grove City, Ohio.

Dr. Ferritto's unwavering integrity, trailblazing spirit, and energetic quest to expand recognition for the field of podiatric medicine serve as a role model for countless young practitioners of that fine profession. His credentials include Board Certification by the American Board of Podiatric Surgery and by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine. He is generous in his giving, and has served the profession in a myriad of ways, including tenure on the Council on Podiatric Medical Education and Medicare's Region V Carrier Advisory Committee.

It is my honor to represent a constituent whose leadership helps ensure the continued mobility and independence of our citizens through the delivery of medically necessary and appropriate foot and ankle care.

TRIBUTE TO DR. C. DOUGLAS PARKS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. KIRK. Mr. Speaker, I would like to congratulate Dr. C. Douglas Parks on his retirement from the Aptaskistic-Tripp School District 102 in Buffalo Grove, Illinois. After thirteen years as Superintendent and nearly forty years in public education, Dr. Parks is retiring, committed in both belief and practice to that idea that all children can learn. The vision and leadership he has provided ensure that School District 102 is and will continue to be a world class learning environment.

During Dr. Parks' tenure, he worked to expand opportunities for learning for all children, believing that every student should have a supportive environment, every student should be involved both individually and collectively in learning, and that every student can be empowered through learning. He has remained committed to developing a foundation of respect, pursuit of excellence, accountability, fairness, trustworthiness and honesty in his district. Besides applying these principles to academics, he is also committed to improving the quality of life for his students, because he believes that the learning environment has no boundaries.

I would like to extend my thanks to Dr. Parks for being such a positive influence in District 102, and wish him all the best in his future endeavors.

TRIBUTE TO MRS. LYNDON JOHNSON

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. FROST. Mr. Speaker, I rise today to honor Mrs. Lyndon "Lady Bird" Johnson, Texas' first First Lady, who has impacted the lives of many with her selfless contributions.

Mrs. Lady Bird Johnson has created a living legacy through her tireless efforts throughout her lifetime. During her years in the White House, Mrs. Johnson was an important advisor to her husband, and a passionate advocate for numerous causes. She served as honorary chairman of the National Head Start Program. She also devoted her time as First Lady advancing the cause of women in government, holding special luncheons for women of achievement, and suggesting women for top official posts.

While in Washington, she promoted the growth and protection of the country's national parks, and the planting of wildflowers on the nation's highways. Upon returning to Texas, she established the National Wildflower Research Center in Austin. In 1998, its name was changed to "The Lady Bird Johnson Wildflower Research Center," as a tribute to her ardent devotion to the preservation of the nation's wildlife. In honor of her many contributions to society Mrs. Johnson has received the Presidential Medal of Freedom, the highest civilian award from the United States.

Mrs. Lady Bird Johnson is soon to be honored by the Bluebonnet Trails Community Mental Health and Mental Retardation Center for her assistance in the public health sector. Her passionate support for the passage of the Civil Rights Act of 1964, the legislation creating Medicare and Medicaid, and the Community Health Centers Act of 1965 created a solid foundation for our nation's public health system.

Mr. Speaker, I honor Mrs. Lady Bird Johnson for her years of commitment and continuing contributions to people, places and beliefs of this nation.

TRIBUTE TO PEGGY A. DZIERZAWSKI

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. KNOLLENBERG. Mr. Speaker, today I commend Peggy A. Dzierzawski of Troy, Michigan, on the occasion of her thirty year anniversary in the accounting profession. Ms. Dzierzawski has a long and notable career as a public servant in Michigan. I have known Peggy for many years now. Her good nature, dedication, and enthusiasm for her work are extraordinary. She is a trusted and dedicated individual who has much to be proud of on this milestone in her career.

Peggy has truly distinguished herself through her work for the Michigan Association of Certified Public Accountants (MACPA) and its nearly 16,000 CPAs and affiliated professionals in Michigan. As President and CEO since 1997, she rose to the MACPA's top position after working in each of its departments. Her tenure is filled with laudable accomplishments, including helping to protect and assist the citizens of Michigan by overhauling the state's public accountancy statute.

Peggy attended Oakland University in Rochester, Michigan, and the Institute for Organizational Management at the University of Notre Dame where she earned the prestigious national Certified Association Executive (CAE) designation from the American Society of Association Executives in 1995.

It should be noted that Peggy has long been active in many professional and community organizations, on both the national and local level. She is a member of the American Institute of Certified Public Accountants, and is Past Chairman of the Michigan Society of Association Executives (MSAE). In fact, she was the first award recipient of the MSAE's Strategic Association Leader Award in 2002. Moreover, Peggy is a member of the American Society of Association Executives and Meeting Planner (Professionals) International, as well as a Board member of Junior Achievement of Southeastern Michigan.

Mr. Speaker, I congratulate Peggy A. Dzierzawski for her many years of service and devotion to the accounting profession and community as a whole. I am glad to have known Peggy these many years and I wish her, her husband Ron, and all of her family, my heartfelt congratulations on this day.

THE CASE OF IGOR SUTYAGIN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I draw to the attention of my colleagues the plight of Russian scientist Dr. Igor Sutyagin. On April 5th of this year, he was convicted of espionage by a closed court and sentenced to 15 years of labor camp. Sutyagin's attorneys have filed an appeal with the Russian Supreme Court.

As part of project initiated in 1997, Dr. Sutyagin was commissioned by the Institute of USA and Canada Studies, a prominent think tank in Moscow, to conduct research on civilian-military relations in Russia and eleven other Eastern European countries. As described by its initiators, this project was designed to provide the new post-Soviet democracies with Western expertise in military reform and to help civilian governments gain oversight over their militaries. The research was conducted through interviews with military and civilian government officials and was supplemented by open sources such as newspaper articles. At no time were researchers privy to, or expected to use classified materials. Military officials of the countries participating in this project were informed prior to the beginning of the research.

Despite the transparency of the research conducted, Dr. Sutyagin was arrested in October 1999 by the Russian Federal Security Office and charged with espionage, specifically passing information to a British organization allegedly associated with British intelligence. A thorough search conducted by the FSB in the home and office of Dr. Sutyagin produced no evidence of any classified documents. At the end of the day, the FSB concluded that the research conducted by Dr. Sutyagin did not use classified material, but that his conclusions were so accurate he must have used classified documents to reach them . . . a rather unique approach to scientific inquiry and national security.

As Ludmilla Alexeyev, chairperson of the Moscow Helsinki Group, put it so succinctly, "The FSB tends to make up spies."

Dr. Sutyagin spent the last four and a half years in jail under investigation. In March 2001, the case went to court, but the judge found insufficient grounds for conviction. However, as occurs frequently in these "spy" cases, the prosecution got another bite of the apple. The FSB was allowed to begin the investigation anew, and, with a reputedly more compliant judge presiding, the second trial opened on March 15 of this year.

The Washington Post of November 12, 2001 compared this case to a bad parody of Kafka: "The FSB wants Russians to know that it has the ability to jail anyone who somehow displeases the authorities, regardless of evidence or the law."

Mr. Speaker, it would be presumptuous of me, from the halls of Congress, to make a blanket judgment as to Dr. Sutyagin's innocence or guilt. However, I would point out that even the director of his institute, who was not sympathetic to Sutyagin's work with foreigners, confirmed that he did not have access to classified information. Sutyagin was paid for newspaper clippings, he told the press. Moreover, it is instructive that even Sutyagin's detractors in the security services, as quoted in the media after the trial, did not claim that he possessed or passed to foreign sources classified material. His only crime, in the words of the former U.S. Defense Attache in Russia, was that "he had a passion for navies and he liked to talk to foreigners."

Mr. Speaker, as Chairman of the Helsinki Commission, I have watched Russia move from an authoritarian police state under communist rule to a sovereign nation with democratically elected leadership and many of the civil liberties that we in our country take for granted. I have encouraged these positive trends and have been encouraged by them. But the Sutyagin case is a sobering reminder that the free flow of information, a principle encoded in many international agreements, remains vulnerable to the whims of the security apparatus in today's Russia.

I hope the Russian Supreme Court will review this case with the utmost care.

REMEMBERING THE ARMENIAN GENOCIDE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. LEE. Mr. Speaker, I join my colleagues in recognition of one of the great tragedies of the 20th Century, the Armenian Genocide.

The Armenian Genocide occurred between 1915 and 1916. On April 24, 1915, it began when Armenian leaders were rounded up, deported and murdered. One and a half million Armenians were murdered and hundreds of thousands of others displaced and deported.

Today, we must reflect on those whose lives were taken as a result of the Genocide. Many political leaders, scholars, and professional organizations are becoming proactive in making sure everyone acknowledges and remembers this devastating event to the Armenian population.

This genocide is another significant example of the injustice, torture, pain, and death that grows out of intolerance, cruelty, and hatred.

There are still a great number of survivors of the genocide in America and many of their children and grandchildren reside throughout the country.

On this day we join them in remembering and acknowledging the heinous act that victimized their families. If we let such atrocities be forgotten, then we are in danger of letting them be repeated.

COMMEMORATING THE 50TH ANNIVERSARY OF THE SALK POLIO VACCINE FIELD TRIALS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SKELTON. Mr. Speaker, on April 26, 2004, we will commemorate the 50th anniversary of the Polio Field Trials. This day holds great significance for the American people and for our global community, for on April 26, 1954, on the grounds of Franklin Sherman Elementary School in McLean, Virginia, the first dose of the Salk Polio Vaccine was administered as part of the National Field Trial Program. In the months that followed, more than 1,800,000 school children, America's "Polio Pioneers," participated in these trials. It was the largest peacetime volunteer mobilization in United States history, and it represents a remarkable act of collective courage and citizenship by the youngsters and adults who participated.

The crusade against poliomyelitis began at Warm Springs, Georgia, a spa where Franklin Delano Roosevelt first traveled in 1924, seeking the therapeutic effects of the warm spring waters. Other polio victims followed, and in 1926, Roosevelt purchased the entire property establishing the "Warm Springs Foundation" with former law partner Basil O'Connor. As the polio epidemic spread, in 1938, this Foundation grew into the National Foundation for Infantile Paralysis, emphasizing the nationwide significance and non-partisan character of the polio crusade. Believing that people could solve any problem if they worked together, Roosevelt appealed to the masses for financial help—asking the country to send their dimes directly to the White House, thus coining the phrase described by Comedian Eddie Cantor, "March of Dimes".

Over the next 17 years, the National Foundation focused on funding research to develop a vaccine against polio. While researchers worked tirelessly in their labs, volunteers helped polio victims and their families around the country. For a number of years, I served as the Lafayette County, Missouri, March of Dimes Secretary, helping to coordinate volunteer and fundraising efforts in my home area.

In 1948, with funding from the Foundation, Dr. Jonas Salk was able to grow the three known types of polio virus in his lab and eventually develop an experimental killed virus vaccine. In 1952, Salk tested the vaccine on children who'd already recovered from polio as well as himself and his family. The results were amazing. No one became inflicted with the disease as all volunteers had produced the needed antibodies.

In April 1954, nationwide testing of the vaccine began. The results of the field trials were clear. Statistics showed that the Salk vaccine was 80 to 90 percent effective in preventing polio. In the next four years, 450 million doses of the vaccine were administered, making it a standard fixture among childhood immunizations. As a result, in 1979, the National Foundation for Infantile Paralysis officially changed its name to the March of Dimes.

Mr. Speaker, I ask all of my colleagues to join me today in commemorating April 26, 2004, as the 50th Anniversary of the Salk Polio Vaccine field trials and a day that truly holds great significance for the world.

DRUG INDUSTRY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. STARK. Mr. Speaker, I rise today because, once again, the drug industry has lied to the American people in another desperate attempt to justify their outrageously high profits. While this fact should shock no one—indeed, it has become routine—we must not let their ridiculous propaganda go unchallenged.

On Wednesday, April 7, speaking on C–SPAN's Washington Journal, Pfizer CEO Hank McKinnell told listeners that Pfizer spends only two percent of its revenue on advertising for prescription drugs. Even under the most optimistic projections, that's just fuzzy math.

In 2003, total advertising expenses for Pfizer were a whopping $2.962 billion. That's 6.55 percent of the company's revenue, over three times the amount cited by Mr. McKinnell. Moreover, a report from Families USA, Profiting from Pain: Where Prescription Drug Dollars Go, which was based on a review of industry annual financial reports submitted to the SEC, found that Pfizer spent 35 percent of its revenue on marketing and promotion, and only 15 percent on research development (and 24 percent on profit). That same study found that Pfizer spent 8 percent more of its revenue on marketing than the average of all companies reviewed.

Not only does Pfizer and the drug industry lie about the amount of money they spend on ads, but the ads also mislead consumers about the advertised drugs themselves. According to one advertising executive with significant experience with DTC ads, the purpose of advertising is not to educate consumer, but rather "to identify the emotions we can tap into to get that customer to take the desired course of action." Moreover, in a survey of 1,872 people who viewed drug advertisements, 70 percent said they had learned little or nothing more about the conditions the drug is supposed to treat, and over half said they learned little or nothing more about the drug being advertised. Very few ads informed viewers of how successful the treatment is, what alternative treatments are available, how long a patient needs to take the drug, or attempts to correct common misconceptions about the disease the drug treats. Predictably, a strong majority of doctors—75 percent—said that the ads caused patients to think that advertised drugs work better than they do.

These ads have contributed to the skyrocketing cost of prescription drugs. In fact, a 2000 study showed that nearly half of the increased spending on pharmaceuticals was attributable to the fifty most advertised prescription drugs.

Americans have been clamoring for lower prescription drug prices, yet all the drug companies have offered them is a string of excuses, empty promises, and outright lies. Mr. Speaker, Americans deserve better.

COMMEMORATION OF THE LIFE AND LEGACY OF CESAR ESTRADA CHAVEZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. GRIJALVA. Mr. Speaker, today we must take a moment to commemorate the life and legacy of a national leader Cesar Estrada Chavez. It is an honor for me to have this opportunity to discuss the life of this man. Cesar E Chavez was born and died in the district that I represent, in Yuma and San Luis, Arizona. Today would have been his 77th birthday.

The celebration of his life is a legacy that he leaves with us; however, upholding a chronological, biographical statement of the life of Cesar E Chavez would not embrace the essence of what he stood for in life or the expectations and opportunities he left for others. I stand before you to honor a man, not for what material wealth he accumulated or positions he held, rather for his pursuit for justice.

For me to make Cesar E Chavez bigger than life and to describe him as a hero would be offensive to him. He was a man that did not want to be bigger than life. He was human and stayed that way but his beliefs and way of life are the future and the legacy that he left all of us to uphold. Cesar E Chavez, cofounder, along with Dolores Huerta, of the United Farm Workers' Union, initiated a historic struggle for labor unions, grassroot efforts, and mobilization to show power of the people.

The United Farm Workers' Union and the tactics that Cesar E Chavez incorporated for justice changed the face of activism and consumerism. His non-violence and popular education approach made the country recognize that renouncing a system of injustice was the right of all Americans. He reminded us then, and now, of our role to seek humanity and justice; and to be aware of our decisions in life from minor accountability, like where to buy basic home products, to protecting our soldiers and looking for effective non-violence approaches as an alternative to war.

Through the influence of Cesar E Chavez and the UFW, the face of labor unions in this country was changed. The awareness of strikes, went beyond the bargaining table for basic rights such as just pay and benefits. Strikes become a responsibility for all consumers to demand justice and peace of mind to the consumer and the employer that the employee was respected in all aspects. The union struggle also became more inclusive in fighting for justice in this country, going beyond the calls for labor rights to include human rights, immigrant rights, and civil rights. Labor unions across the country are currently among the leaders of creating coalitions and developing the grass roots community to strengthen representation for all Americans.

The concept of grass roots and the belief in the power of the people was strengthened through the works of Cesar E Chavez. The leading energy/influence in providing a voice for the masses was simply stated in three words iSí, se puede!, which roughly translates to yes, it can be done. A simple phrase that Cesar E Chavez coined, but like his life and legacy a powerful action that cannot be measured. This assurance in people and the ability of communities and movements resonates throughout our great Nation today. iSí, se puede! is an attitude and way of life for change, hope, and our constituency, especially our youth.

Cesar E Chavez, although a Latino, did not limit the group he strived for to an ethnicity. He understood the need to be inclusive in his service to others in the plight for justice. The legacy he leaves us is to uphold his approach to life and to educate our youth for future generations on his teachings of non-violence, justice, and equity for all. I challenge my colleagues to remember Cesar E Chavez not only for his history, but also for his approach to life and the example he left us.

GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. BACA. Mr. Speaker, I rise in support of the Guardsmen and Reservists Financial Relief Act of 2003.

This bill allows military reservists or national guardsmen to make withdrawals from their retirement plans without incurring penalties.

Unfortunately, this bill is a short-term fix for a larger problem.

Why hasn't the Administration and Congress done more to help reservists and soldiers in Iraq?

Our brave men and women are fighting and dying in Iraq. Their families are struggling to get by.

We need to help our soldiers.

We can start by giving targeted pay raises. We can give meaningful tax relief for military families, not tax cuts for the rich that President Bush supports.

We can make sure they receive the benefits and healthcare that they have more than earned!

We can make sure that our veterans, those brave Americans who already gave so much for this country are also taken care of.

Over 500,000 veteran's benefits claims are still pending in the VA. My bill, H.R. 1264, will help reduce this backlog of claims. This is the type of help our soldiers and veterans need!

Our reservists, soldiers, and veterans deserve our help! Let's not keep them waiting any longer!

Congress has to put its money where its mouth is when it comes to taking care of those who help protect this nation. We have no other choice.

EXPLANATORY STATEMENT ON H.R. 4062

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MANZULLO. Mr. Speaker, on March 31, 2004, the House took up consideration and passed H.R. 4062, a bipartisan bill to resolve problems associated with the restrictions imposed by the Small Business Administration on loans made pursuant to § 7(a) of the Small Business Act. The bill was then passed by the Senate and signed into law by the President. Since the bill was taken directly to the floor, no committee report accompanies the bill. As Chairman and on behalf of the Ranking Democratic Member, NYDIA M. VELÁZQUEZ, I am submitting for insertion into the RECORD, the attached explanation of the bill by its sponsors. We would expect the Administrator, in implementing the provisions of H.R. 4062, to accord the enclosed explanation the same weight in divining congressional intent that the Administrator would give to a committee report on a bill that first went through a mark-up prior to floor consideration.

JOINT EXPLANATORY STATEMENT ON H.R. 4062

Filed by Chairman MANZULLO for himself and Ranking Democratic Member VELÁZQUEZ

Section 1. Additional Temporary Extension of Authorization

Temporary authorizations are needed to ensure continued operation of certain programs authorized by the Small Business Act and Small Business Investment Act of 1958. This section extends those programs while the House and Senate work out their differences on a broader reauthorization package.

Section 2. Extension of Certain Fee Authorizations

The qualified state and local development company (referred to in this statement as "certified development company" or "CDC") program authorized by Title V of the Small Business Investment Act of 1958 operates on fees charged by the Administrator to lenders. Those fees need to be reauthorized to prevent the program from ceasing operation. Given the complexity of the financing arrangements loans made pursuant to Title V, CDCs and small businesses need sufficient time to develop the appropriate financing packages and submit applications to the Administrator. To accommodate the needs of lenders and borrowers under Title V, the sponsors determined that an extension of the fee authorization through the end of the fiscal year would be appropriate. Furthermore, the sponsors believe that if the recent problems in the loan programs authorized by 7(a) of the Small Business Act were resolved through the end of this fiscal year, equity demands that CDCs be able to operate unencumbered for the same period.

Section 3. Fiscal Year 2004 Purchase and Guarantee Authority under Title III of the Small Business Investment Act of 1958

The Small Business Investment Company ("SBIC") program operates without the use of appropriated funds. Fees and profits are used to cover the cost of the program, including coverage of losses in investment portfolios. While the sponsors believe that the fees authorized for the purchase of securities and debentures would allow the program to continue full operation without modification to the authorization levels, clarification to ensure that the program could continue operations was an appropriate course of action. To avoid any possible confusion or action by the Administrator to curtail the operation of the program, the sponsors extended the authorizations for both the purchase of participating securities and guarantees of debentures at FY 2003 levels for the rest of the fiscal year.

Section 4. Combination Financing

For a number of years, the Administrator authorized the use of so-called piggyback financing when using the loan program authorized by 7(a) of the Small Business Act. The Administrator defines "piggyback financing" as a situation in which "one or more lender(s) provides more than one loan(s) to a single borrower at or about the same time, financing the same or similar purpose, and where the SBA guarantees the loan secured with a junior lien position." Small Business Administration, Standard Operating Procedure 50–10(4)(E), at 20. Furthermore, the Administrator notes that the determination of "piggyback financing" requires an assessment of both the lien position and the commonality of purpose. Id.

Earlier in the year, the Administrator, presumably pursuant to the authority set forth in § 7(a)(24) of the Small Business Act, made certain policy changes to the operation of the guaranteed loan program. In particular, the Administrator prohibited the use of piggyback financing.

The sponsors believe that "piggyback financing" plays a valuable role in the provision of capital to small businesses. This is particularly the case for small businesses requiring larger loans in cyclical sectors of the economy. The financing technique is quite similar to that statutorily authorized in Title V of the Small Business Investment Act of 1958.

Section 4 creates, for the rest of fiscal year 2004, a temporary combination-financing program by adding a new paragraph (31) to § 7 of the Small Business Act. The provisions sunset at the end of the fiscal year, i.e., at the end of the day on September 30, 2004.

The sponsors adopted the more formal language "combination financing" rather than the term "piggyback financing." The sponsors define "combination financing" as a loan consisting of both a commercial loan and a guaranteed loan. A commercial loan is defined as one that has no portion guaranteed by the government. The sponsors intend the term "combination financing" to have the same characteristics as "piggyback financing" as that term is used in the Small Business Administration's Standard Operating Procedure already cited in this statement.

The authorization of combination financing is limited to those situations in which the small business concern (borrower) obtains both a guaranteed loan pursuant to § 7(a) of the Small Business Act and a commercial loan. Again the sponsors intend that the provision should operate in a manner similar to the Small Business Administration's determination that the commercial and guaranteed loans are obtained for the same or similar purposes and the loans are originated and disbursed (in whole or in part) at about the same time.

To ensure that the public fisc is protected even when the Administrator's lien is subordinate to the commercial loan, the sponsors restricted the size of the combination loan to that of the guaranteed loan. In other words, there is a one-to-one ratio between the commercial and guaranteed loans. While the commercial loan cannot exceed the size of the guaranteed loan, the sponsors do not intend to prevent a commercial loan from being smaller than the guaranteed loan.

The sponsors authorize the commercial loan may be made by the lender that is making the guaranteed loan. However, the sponsors also permit the commercial loan to be made by a different lender as long as the loans meet the simultaneity of time and purpose already limned. In addition, the sponsors also authorize lenders designated as "Preferred Lenders" by the Administrator to make the commercial loan in such combination financings.

The sponsors also authorize lenders designated as "Preferred Lenders" by the Administrator to make the commercial loan in combination financings. In order to expedite the processing of combination financings in these circumstances, it is the sponsors' intent that the Administrator process applications for combination financings submitted by such "Preferred Lenders" through the Preferred Lenders Program Processing Center.

The sponsors explicitly authorize the commercial loan to be secured by a lien senior to that of the guaranteed loan. Nothing in this provision prevents the Administrator from continuing or discontinuing this practice after September 30, 2004 unless directed otherwise by statute.

In normal commercial transactions, lenders that take a subordinated lien position on an asset are compensated for the additional risk through additional upfront fees or by a higher interest rate. The Administrator did not require any additional payments or modification of applicable interest rates for taking a junior position in its "piggyback financing." Section 4 requires the Administrator to charge an upfront fee equal to 0.7 percent of the amount of the commercial loan as reimbursement for the risk associated with taking a subordinate lien position. The sponsors expect that the lender that is benefiting from senior lien position to pay the fee.

While lenders pay all fees charged pursuant to § 7(a) of the Small Business Act, some fees are recoverable from borrowers. Lenders may obtain reimbursement of the upfront fees mandated by § 7(a)(18) of the Small Business Act from borrowers but are prohibited from recovering from borrowers the annual ongoing fee mandated by § 7(a)(23) of the Small Business Act. Since the ultimate beneficiary of the combination financing as authorized by this section is the bank making the commercial loan, the sponsors determined that the lender should be prohibited from recovering that fee and imposed the restriction set forth in § 7(a)(23)(B) of the Small Business Act on the payment of the commercial loan fee. The cross-reference to the provision in § 7(a)(23) ensures that the lender will be unable to recoup the 0.7 percent from the borrower.

The Administrator had procedures in place for combination financing (styled in the Standard Operating Procedures as "piggyback financing") on October 1, 2003, and the Administrator processed combination loan financings in the normal course of business on October 1, 2003. To ensure that the Administrator accept and process combination financing loan applications, the sponsors imposed a requirement that the Administrator must process those loan applications as those loans were processed under the "piggyback financing" procedures in effect on October 1, 2003.

The sponsors did not believe that it would be prudent to mandate the issuance of regulations to implement a temporary program, which will sunset in about six months. In fact, the sponsors were concerned that the promulgation process would be sufficiently lengthy and the program would sunset before any regulations were in place. The sponsors recognized that the Administrator would be approving combination financings under the rubric of "piggyback financings" in accordance with already extant standard operating procedures. The sponsors believe that these provisions are adequate for immediate issuance of combination financing loans. The sponsors therefore authorize the Administrator to use the standards already in existence upon enactment without the necessity of formal rulemaking. The provision has the additional benefit that industry is well aware of the procedures and standards for business eligibility in the standard operating procedures.

The sponsors recognize that additional standards may be necessary to determine business loan eligibility under this section. The sponsors authorize the Administrator to adopt such additional standards as may be necessary (in order to reduce risk to the government and increase transparency to the private sector) so long as those standards do not unreasonably restrict the availability of combination financing as was available prior to the issuance of any additional standards. Thus, the sponsors expect that the Administrator will make reasonable decisions that may in some ways restrict the availability of combination financing. However, standards that prohibit or reduce by a significant number the combination financings made after the adoption of additional standards would not be within the intention of the sponsors. The sponsors do not expect any new standards adopted by the Administrator to impose significant restrictions on combination financings. The 0.7 percent fee sufficiently compensates the Administrator for the additional risk. Any additional standards should focus on the procedures for processing combination financings or resolving situations that are not adequately addressed under current procedures for "piggyback financing."

Section 5. Loan Guarantee Fees

In late December of 2003 and early January of 2004, the Administrator, in part pursuant to the Anti-Deficiency Act, temporarily ceased lending under the loan program established pursuant to §7(a) of the Small Business Act. Shortly after the Administrator halted lending, funds were reallocated enabling the program, but with a mandatory loan cap of $750,000.

This restriction continues to impede the ability of small businesses to obtain capital, expand their businesses, and create jobs. The sponsors recognized the need to reopen the program to its fully authorized levels ($2 million loan maximum with a guarantee up to $1 million). Two options were available for doing this. The first would require additional appropriations. The second would be to raise fees associated with the lending program authorized by §7(a) of the Small Business Act. The sponsors were not sanguine about the prospect of obtaining additional appropriations for fiscal year 2004. So the sponsors reluctantly turned to the second option.

The approach adopted by the sponsors raise, through the end of fiscal year 2004, the annual ongoing fee charged to lenders. The reduction was reauthorized in Pub. L. No. 107–100. The statutory fee is currently set at a 0.5 percent but was reduced temporarily, to encourage the creation of new jobs, in the last reauthorization bill to 0.25 percent. Section 5 raises that level from 0.25 percent to 0.36 percent. The sponsors also eliminate the authority of lenders to retain 0.25 percent of the ongoing fee for loans of less than $150,000. According to the Administrator and the Office of Management and Budget, these fee changes, along with other temporary modifications, raise sufficient funds to operate a guaranteed loan program at a $12.55 billion level without any restrictions on combination financing or caps on loan size.

Section 6. Express Loan Provisions

Section 7(a)(25)(B) authorizes the Administrator to create pilot loan programs. In exercising that authority, the Administrator created an "Express Loan Pilot Program." The program authorizes lenders to use their own forms in submitting requests to the Administrator for the issuance of guarantees. Two significant restrictions are imposed by the "Express Loan Pilot Program;" the guarantee cannot exceed 50 percent of the loan and the maximum loan amount is $250,000.

According to the Administrator and the Office of Management and Budget, expansion of the "Express Loan Pilot Program" to authorize lenders to make loans up to the statutory maximum of $2 million would contribute to a significant reduction in the subsidy rate. The sponsors adopted this concept to ensure that sufficient funds were made available to reopen the program at expected loan volumes.

Section 6 defines the term express lender as a lender authorized to participate in the "Express Loan Pilot Program." The sponsors do not intend that the Administrator need change any of the requirements for designation as an express lender but is authorized to do so.

Section 6 defines an "Express Loan" as one in which the lender utilizes, to the maximum extent practicable, its own analyses of credit and forms. The sponsors fully expect that the conditions under which express loans are made will not vary significantly from those conditions that currently exist under the "Express Loan Pilot Program." However, the sponsors recognize that the Administrator may want to impose some additional conditions on the use of forms or analyses for larger express loans. Nothing in H.R. 4062 prohibits the Administrator from imposing these additional requirements.

Section 6 codifies the existing concept of the Administrator's "Express Loan Pilot Program." In other words, the pilot program is one in which lenders utilize their own forms and get a guarantee of no more than 50 percent.

Subsection 6(b) restricts the program, including the increased loan amount, to those lenders designated as express lenders by the Administrator. Designation as an express lender does not limit the lender to making express loans if the lender has been authorized to make other types of loans pursuant to §7(a) of the Small Business Act. Although a lender may only seek status as an express lender, this subsection was included to ensure that the Administrator not limit the ability of an express lender to seek other lending authority from the Administrator. Nor is the Administrator permitted to change its standards for designating an express lender in a manner that only authorizes the lender to make express loans. To the extent that the lending institution wishes to offer a full range of loan products authorized by § 7(a) and is otherwise qualified to do so, the Administrator shall not restrict that ability on the lender's status as an express lender.

Subsection 6(c) prohibits the Administrator from revoking the designation of any lender as an express lender that was so designated at the time of enactment. This prohibition does not apply if the Administrator finds the express lender to have violated laws or regulations or the Administrator modifies the requirements for designation in a way that the express lender cannot meet those standards. The sponsors do not expect that the Administrator will impose new requirements for express lenders that prohibit them from making loans under other loan programs authorized by the Small Business Act for which they have approval from the Administrator.

Subsection 6(d) temporarily expands the Express Loan Pilot Program to $2 million. After September 30, 2004, the sponsors expect the Administrator to operate the Express Loan Pilot Program according to the standards that were in effect prior to the enactment. Since the Administrator had the authority to modify or alter the pilot program prior to the enactment of this Act, nothing in the Act restricts the Administrator from taking appropriate regulatory action with respect to the program after the authority vested in this Act terminates.

The President's FY 2005 budget request for the Small Business Administration did not include any funding for the loan programs authorized by §7(a) of the Small Business Act. Administrator Barreto testified at a full Committee hearing that the loan programs should be self-funding with a subsidy rate of zero and, as a result, the §7(a) lending programs would be on the same footing as the CDC and SBIC programs. Administrator Barreto's suggested mechanism for achieving a zero subsidy rate was through a mandatory expansion of the Express Loan Pilot Program to incorporate almost all smaller loans (initially all loans under $250,000 but in subsequent years could increase if needed to maintain a zero subsidy rate). The mandatory nature of the proposal did not garner much acceptance among members of the House or Senate Small Business Committees.

Given Administrator Barreto's stated preference for resolving the funding crisis associated with the §7(a) lending programs through an expansion of express loans, the sponsors are concerned that the Administrator will take regulatory actions that unduly favor express lending over other types of lending authorized by §7(a) of the Small Business Act. As such, the sponsors determined that it was appropriate to impose certain restrictions on the Administrator's operation of the expanded Express Loan Pilot Program in order to prevent actions that unnecessarily and unduly favor express lending.

Any significant policy change in the operation of the lending programs authorized by §7(a) of the Small Business Act requires notification to the House and Senate Small Business Committees. Subsection 6(e) does not limit the restrictions imposed on the Administrator's regulatory discretion to those matters that would require notification pursuant to §7(a)(24) of the Small Business Act.

The most significant restriction is that the Administrator cannot take any action that directly forces a lender to make an express loan for any level. Thus, if a lender wishes to make an express loan for $1.5 million dollars and is a designated express lender, the lender may do so. If the same lender is qualified to make other types of loans and wants to make a $1.5 million dollar loan at a 75 percent guarantee, the Administrator may take no action that forces the lender to select the

50 percent guarantee over the 75 percent guarantee.

One mechanism for demonstrating favoritism is to impose conditions on loan programs other than express loans that have the effect of coercing lenders to make express loans. Paragraph (2) of subsection 6(e) ensures that the Administrator imposes like terms and conditions on both express and other lending programs authorized by §7(a) of the Small Business Act. The sponsors intend that this requirement apply to all of the terms and conditions of loans made pursuant to §7(a) of the Small Business Act, including collateral and the likelihood of repayment standards.

Even if the terms and conditions on the loans are identical, the Administrator has other mechanisms for demonstrating favoritism of express lenders over other types of Administrator-designated lenders. For example, the Administrator could delay processing of 75 percent guarantee loans, i.e., loans other than express loans, such that lenders would, for all practical terms, be required to do express loans. Thus, paragraph (3) of subsection 6(e) prevents the Administrator from making any personnel changes or altering the application of resources (be it personnel, equipment, or funding) that increases the loan processing and disbursement times for all loans authorized by §7(a) of the Small Business Act as those were in effect on October 1, 2003. For example, if the time for disbursement of an express loan was five days and the time for disbursement of a 75 percent guaranteed loan was seven days, the Administrator may take no action that increases the relative disparity between the express loan and the 75 percent guarantee loan. Nothing in this subsection shall be interpreted to prevent the Administrator from improving the overall processing, approval, or disbursement rates of all loans except that any such improvements must affect all lenders and all lending programs operating pursuant to §7(a) of the Small Business Act in an identical manner.

To ensure that the sponsors' intent is clear that the expansion of the express loan is optional and the Administrator shall take no action that has the practical effect of making it mandatory, the sponsors incorporated a catchall requirement that the Administrator not take action to create incentives that would favor express loans over other types of loans. The sponsors believe that the determination of the appropriate nature of a loan should not be made by regulatory fiat but by the sound judgment of lenders, borrowers, and the Administrator's commercial loan officers.

The dramatic expansion of the express loan program, even on a temporary basis, may shed dramatic light on the purposes for which such loans are made. That information will be critical in resolving, on a long-term basis, the funding issues associated with the §7(a) lending programs. Therefore, the sponsors requested, to the extent practicable, monthly reports on the types and purposes for express loans made in excess of the current pilot program cap of $250,000.

Subsection 6(g) terminates the effectiveness of various subsections after September 30, 2004. Subsection (d) has its own internal sunset provision. No sunset is made on subsection (a), as it simply codifies existing practice of the Administrator with respect to definitions related to express loans. Nothing in subsection (g) is intended by the sponsors to constitute a permanent change in any program authorized pursuant to §7(a) of the Small Business Act.

Section 7. FY 2004 Deferred Participation Standards

As already noted, the sponsors are concerned that regulatory or other administrative changes in loan programs could have the practical implication of forcing lenders to make express loans. The sponsors determined that by freezing all terms and conditions of loans as they existed on October 1, 2003 would be a sound means of deterring favoritism for express lending. The sponsors intend this provision to require, upon enactment, the lifting of the cap on loans made pursuant to §7(a) of the Small Business Act that are currently in place. Section (7) does permit the Administrator to modify those terms and conditions if needed to ensure continued operation of the program within the amounts appropriated. Although the sponsors, based on assertions by the Office of Management and Budget, believe that the Administrator will have sufficient funds through the end of the fiscal year to operate without any regulatory restraints, the sponsors do not want to prevent the Administrator from taking actions needed to prevent violations of the Anti-Deficiency Act. In other words, the sponsors fully expect the terms and conditions of October 1, 2003 to apply unless unusual and very unexpected consequences occur. Should such changes be necessary, nothing in H.R. 4062 repeals, either implicitly or explicitly, the notification requirements set forth in §7(a)(24).

Section 8. Temporary Increase in Loan Limit

Access to capital is vital to the growth of small businesses. Particularly for manufacturers and high technology research and development businesses, typical amounts of capital available under the loan programs authorized by §7(a) of the Small Business Act often are inadequate. If these manufacturers and high technology companies are investing to increase their productivity, the job creation requirements of Title V of the Small Business Investment Act may make it difficult, if not impossible, to obtain that type of financing. Therefore, the sponsors determined that it would be appropriate to temporarily increase the amount of the loan guarantee from $1 million to $1.5 million. No additional changes were made in the overall statutory cap of a gross $2 million loan. The sponsors did not believe that was necessary because any additional gaps in financing can be addressed using combination financing, under the terms of this Act. Given the fact that borrowers are getting an additional increment in loan guarantees, the sponsors determined that it would be appropriate to require an additional 0.25 percent fee for the amount of guarantee in excess of $1 million. Thus, on the amount of the guarantee between $1 million and $1.5 million, the upfront fee authorized pursuant to §7(a)(18) of the Small Business Act increases from 3.5 percent to 3.75 percent. This is consistent with typical commercial lending practices of charging fees that are commensurate with the lenders' exposure to risk.

IN RECOGNITION OF THE 1ST BATTALION, 69TH INFANTRY OF THE NEW YORK NATIONAL GUARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mrs. MALONEY. Mr. Speaker, I rise to recognize the soldiers of the 1st Battalion, 69th Infantry of the New York National Guard, who are currently preparing to serve their country in Iraq. Additionally, I would like to extend my appreciation and gratitude to all of our brave National Guard and Reserve soldiers, whose time, energy and sacrifice do so much to ensure the safety of our nation and fellow citizens.

Today's National Guard soldiers are part of a rich tradition in American life that stretches back to the Revolutionary War. At that time, our Founding Fathers placed the country's security in the hands of citizen-soldiers who organized and trained in their home states. The members of our current National Guard, in addition to demonstrating leadership in private enterprise, public service and a variety of other professions, must also be ready to put their ordinary lives "on hold"—often at a moment's notice—to serve their country.

The 1st Battalion, 69th Infantry has a distinguished history in both battle and disaster response. As part of the Irish Brigade during the Civil War, the 69th Infantry was famous for its tenacity on the battlefield and earned its nickname, "The Fighting 69th," from Confederate General Robert E. Lee. The 69th also took part in the Spanish-American War, World War I and World War II, where its soldiers fought in the battles of Makin, Saipan and Okinawa.

The regiment was initially formed by Irish-American residents of New York City; through the years, the unit has taken great pride in being a reflection of New York and its immigrant population. Today, the Battalion is an incredibly diverse group whose common goal is the protection of the American people.

The Fighting 69th are infantry soldiers—the "guns on the ground"—whose mission is to engage and destroy enemy forces in close combat. Upon deployment to Iraq, the Battalion will likely be asked to perform highly difficult and dangerous assignments. Despite the challenges that these men and women will likely encounter, their spirit and resolve is remarkable. Indeed, they are ready and eager to serve their country.

The Battalion has also mobilized during emergencies in their home state of New York. The Battalion Commander, Lt. Col. Geoffrey Slack, informs me that the Fighting 69th was the first National Guard unit to arrive on the scene following the attacks of September 11, 2001. In the hours after the attacks, the Battalion assisted medical teams treating the wounded and helped significantly in rescue and recovery operations. The Battalion worked through the night and into the morning of September 12th, when they were directed to secure the perimeter around Ground Zero. This mission continued for the next 315 days. During this time, Battalion soldiers were also deployed to secure the bridges and tunnels leading to and from Manhattan. Additionally, the unit's armory was the initial support center for family members of World Trade Center victims.

In closing, I ask that my colleagues also recognize and honor the tremendous courage of Lt. Gerard Baptiste, a Fighting 69th soldier who died on September 11th while on duty as a New York City Firefighter. Lt. Baptiste gave his life to help rescue those who were trapped in the north tower of the World Trade Center. I hope that Lt. Baptiste's friends, family and fellow soldiers will accept my sincere condolences for their loss.

Mr. Speaker, I request that my distinguished colleagues rise and pay tribute to the 1st Battalion, 69th Infantry of the New York National Guard. All Americans should be grateful for the dedication demonstrated every day by both the men and women of the Fighting 69th and all of the brave soldiers serving in National Guard and Reserve units throughout our nation.

HONORING THE LIFE OF MR. AMOS CROOMS, JR.

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. KILPATRICK. Mr. Speaker, I rise today to honor the life of Mr. Amos Crooms, Jr., who passed away February 15, 2004.

Mr. Crooms spent most of his adult life in public service and his selfless dedication is an inspiration for us all. He enlisted in the Navy in 1959 and was assigned to the USS *Topeka* when it was deployed to respond to the Cuban Missile Crisis in 1962.

After Mr. Crooms' honorable discharge from the Navy in 1963 he returned to Detroit and joined the Detroit Police Department in 1967. He served on the front line of law enforcement by working in the newly created mini-stations on narcotics, undercover operations, and recruiting. As one of Detroit's finest, he received many citations for his 26 years of service.

Mr. Crooms' dedication to public service has inspired many of his family members and friends to pursue careers in public service. His devotion to his country, family, and the city of Detroit will be remembered, and the city is a better place for his contributions to the community.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Mr. Amos Crooms, Jr, and express my deepest condolences to his family and to all who knew and loved him.

IN RECOGNITION OF MINORITY CANCER AWARENESS WEEK

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. DAVIS of Florida. Mr. Speaker, this week is National Minority Cancer Awareness Week. This national campaign was initiated by Congress in 1987 to heighten awareness of the unequal hardship of cancer borne by racial and ethnic minority populations and other medically underserved communities.

Despite all the progress that has been made in the battle against cancer a disproportionate burden of cancer continues to plague a number of populations. For instance:

African-American men have the highest rate of prostate cancer in the world and the lowest rate of survival. The head of the American Cancer Society, Charles J. McDonald, MD, says: "Black men in America are 1.5 times more likely to develop prostate cancer and are 2 to 3 times more likely to die of the disease than white men."

Cancer is the leading cause of death for Asian American women.

Even controlling for poverty level, African American, American Indian, Alaskan Native, Asian American and Pacific Islander men all have a lower 5-year survival rate than non-Hispanic white males.

The consequences of inadequate access to preventive services and early detection are that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment, as well as the odds of survival, are decreased.

The American Cancer Society urges more education about all forms of cancer and stronger involvement of community grassroots organizations, particularly in underserved minority communities, to engage in advocacy and in education and patient support initiatives.

I urge us all to heed the recommendations of the American Cancer Society because the future of America as a whole will be influenced substantially by our success in improving the health of minorities and other medically underserved populations.

INTRODUCTION OF A BILL TO EXTEND THE FARM CREDIT ACT OF 1971 TO THE FISHING INDUSTRY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LoBIONDO. Mr. Speaker, the Farm Credit Act of 1971 allows the Farm Credit Administration to oversee and regulate banks and associations to provide long-term and short-term credit and financial services to farmers, ranchers, producers, and commercial fishermen in all 50 States and the Commonwealth of Puerto Rico. In many parts of the country, Farm Credit is an important and significant lender to the farming and commercial fishing industry. Over one-fourth of the total credit used by farmers and fishermen derives from the FCA through a network of Farm Credit Banks, Federal Land Banks, Production Credit Associations, and Banks for Cooperatives.

Under the current law, Farm Credit institutions are also authorized to finance individuals furnishing farm-related services related to their operating needs including custom fertilizers, irrigation installation, and land leveling services. It has been brought to my attention by a local Farm Credit institution in my District that a similar authorization to provide credit and financial services for individuals furnishing services to producers and harvesters of aquatic products does not exist. As a result of this limitation, Farm Credit institutions are not authorized to finance businesses such as boat repair shops, net makers, ice suppliers, or dock operations that provide necessary services for commercial fisherman.

This omission in the Farm Credit Act means that Farm Credit institutions cannot serve the commercial fishing industry in the same manner that they currently serve the farming industry. The Farm Credit Act clearly states that it includes fishermen, but then does not go on to include those who support the industry in the same way it includes those that support the farming industry.

An amendment is needed to the Farm Credit Act to authorize Farm Credit institutions to serve businesses that provide services related to the operating needs of producers and harvesters of aquatic products. This bill would extend the Farm Credit Act to numerous commercial fishing industry providers such as boat repair shops and dock operators that provide the necessary business needs to these fishermen.

I urge my colleagues in the House to support this legislation.

REINTRODUCTION OF LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the bipartisan Local Law Enforcement Hate Crimes Prevention Act of 2003, along with Representatives PELOSI, SKELTON, FRANK, BALDWIN, ROS-LEHTINEN, KOLBE, FOLEY, SHAYS, and more than 170 other original cosponsors.

There is no more important time in the history of this Nation, since the civil rights era, to pass legislation that sanctions hate violence. The FBI has reported a dramatic increase in hate motivated violence since the September 11 terrorist attacks which has sent a wave of fear through our immigrant communities. While the overall crime rate has grown by approximately 2 percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001, a 20.7 percent increase.

Although it is unclear how many of the 2001 reported hate crimes were directed at individuals in the aftermath of the September 11 terrorist attacks, we do know that the number of reported "anti-Islamic" crimes increased from 28 in 2000 to 481 in 2001, which represents an increase of over 1600 percent. In addition, the number of hate crimes directed at individuals on the basis of their national origin/ethnicity more than doubled—from 911 in 2000 to 2,098 in 2001. Racial bias again represented the largest percentage of bias-motivated incidents (44.9 percent), followed by Ethnic/National Origin Bias (21.6 percent), Religious Bias (18.8 percent), Sexual Orientation Bias (14.3 percent), and Disability Bias (0.4 percent).

While many of these crimes do and should get prosecuted at the State and local levels, many do not. Current law limits Federal jurisdiction over hate crimes to incidents that occur during the exercise of federally protected activities, such as voting, and does not permit Federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability.

This loophole is particularly significant given the fact that four States have no hate crime laws on the books, and another 21 States have extremely weak hate crimes laws.

If enacted, this legislation would give the Federal Government the jurisdictional tools necessary to assist local law enforcement in fighting the scourge of hate violence. In instances where State and local governments do not have the capacity to prosecute such crimes, the legislation creates a Federal backstop—the ability for the local U.S. attorney to ensure that justice will be done, deterring hate violence regardless of whether the victim happened to be engaged in a "federally protected" activity. And even in those cases, Federal prosecution can only proceed if approved by the Attorney General.

The gruesome, hateful murders of James Byrd and Matthew Shepard remain symbols of the incidence of hate violence that have only worsened since their deaths. Hate crimes do not only visit unspeakable violence on the immediate victims, but also send a message of a desired apartheid that its sponsors want to violently enforce.

The Local Law Enforcement Hate Crimes Prevention Act of 2004 is a constructive and measured response to a problem that continues to plague our Nation—violence motivated by prejudice. Our primary desire here is to ensure that these crimes get prosecuted by State and local governments more effectively. That's why the bill authorizes funds to support State investigative and prosecutorial efforts. The bill is not and should not be treated as a partisan exercise. As a Congress, we should be in unanimous agreement that there will be "zero-tolerance" for the hate. This bill takes the first step in that direction.

ON THE 40TH ANNIVERSARY OF THE FOUNDING OF CALVARY CATHEDRAL INTERNATIONAL, THE 50TH ANNIVERSARY OF PASTOR BOB NICHOLS' MINISTRY, AND THE 50TH WEDDING ANNIVERSARY OF PASTOR AND MRS. NICHOLS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. GRANGER. Mr. Speaker, I rise today to recognize an outstanding church, an outstanding pastor and a great couple in my district. On Sunday, April 18, 2004 Calvary Cathedral International celebrates the 40th anniversary of its founding by Pastor Bob Nichols and his wife, Joy. On this day, Pastor Nichols also celebrates his 50th anniversary in full time ministry and the upcoming 50th wedding anniversary of Pastor Nichols and Joy.

Through Calvary Cathedral, Pastor Nichols and Joy touch the lives of thousands of people not only in Fort Worth, but throughout the world. With integrity and outstanding character, Pastor Nichols and Joy daily help the less fortunate and hungry, as well as the many people who make up their congregation.

To appreciate the high esteem in which Calvary Cathedral and Pastor and Mrs. Nichols are held today, one must understand the humble beginnings from which they come.

In 1964, after 10 years in full time ministry, God called Pastor Nichols to start a church where all faiths were welcome and members of the church could grow in faith. With no members or financial resources, Pastor Nichols started Calvary Cathedral in an old post office building. By 1976, Calvary Cathedral had grown to the point that the congregation purchased a historic, 2,000-seat church on the banks of the Trinity River. That site was home to Calvary until it was destroyed by a tornado on March 28, 2000. In 2001, Calvary elected to purchase the Midtown Church of Christ facility. The existing facilities and property, as well as the construction of a new facility for the Calvary Christian Academy, is enabling Pastor Nichols, Joy and the congregation to reach out to even more people.

As pastor and president of Calvary Cathedral International, Pastor Nichols administers a wide range of ministries that includes the Calvary Christian Academy, the Calvary Day Care, Calvary Cathedral International Bible School, the Calvary daily Faith, Hope and Love radio show, the Calvary jail and prison ministry, the Stitches central city outreach program and a foreign missionary outreach. Through Lighthouse Television, Ltd., Pastor Nichols reaches out with his message to residents of Uganda. Not only does Pastor Nichols use the blessing of Calvary Cathedral to reach out to people, he is renowned for his stewardship to other ministers, which has earned him the title "Pastor to Pastors."

Pastor Nichols and Joy demonstrated their deep faith and their trust in God to carry forth during the Tornado of 2000 by being positive about the tragedy that struck the church and the Fort Worth community that day. They used the disaster to instill hope and trust among church members and Fort Worth residents, alike.

Mr. Speaker, it is my honor to recognize a church that has contributed so much to not only Fort Worth, but to the world. And it is my honor to praise the leadership and compassion that Pastor Nichols and his wife Joy have exhibited during their 40 years of ministry at Calvary Cathedral International.

INVESTING IN OUR INFRASTRUCTURE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. DUNCAN. Mr. Speaker, I rise today to express my strong support for investment in the infrastructure that provides our citizens with clean and safe water. Our Nation's communities are facing enormous needs in their effort to safeguard human health and the environment and to comply with Federal environmental mandates. The wastewater investment needs in our cities, counties, towns and townships are far greater than the amount of money now being made available at the local, state, and federal levels. The GAO, the EPA and the Water Infrastructure Network have all found shortfalls in wastewater infrastructure funding over the next 20 years in the hundreds of billions of dollars.

It is critical for the federal government to do more to help meet these needs. Local ratepayers already pay 90 percent of the burden and face rising water and sewer rates every year. The federal government must once again become a partner with local and state governments to provide the necessary funds to protect our watersheds and citizens.

Additional investment in the Nation's water and sewer systems also creates jobs for Americans. For every $1 billion spent on water and wastewater construction, 42,000 jobs are created. Billions of dollars are needed to help keep our water infrastructure strong and sound. The President requested $3.7 billion for water and sewer projects in Iraq, highlighting its critical importance to a working society. Yet we are neglecting our own wastewater systems here at home.

We should not allow another Earth Day to pass without making a firm commitment to our citizens and our communities. The federal government must become a full partner and provide its share of the billions of dollars that are needed to safeguard the integrity of our Nation's water and wastewater infrastructure.

RECOGNIZING THE 100TH ANNIVERSARY OF THE INDEPENDENT OIL PRODUCERS' AGENCY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. THOMAS. Mr. Speaker, I rise today to recognize the 100th anniversary of the Independent Oil Producers' Agency IOPA, which IOPA will be celebrating on April 30. Specifically, I want to congratulate them for all that they have accomplished and to wish them well as they begin their second century.

Many people do not realize the incredible amount of oil and natural gas production in the State of California and particularly Kern County, which I represent. The magnitude of California's production is apparent when one considers that in 2002, California's 210 active fields and 47,135 wells produced 289.5 million barrels of oil, more than every state but Louisiana, Texas, and Alaska. It is also apparent when one considers that over 26.8 billion barrels of oil have been extracted from California wells and that California's estimated oil reserves are 3.7 billion barrels. In addition, in 2002, California's 1,232 natural gas wells produced 366 billion cubic feet of natural gas, and California's cumulative natural gas production is 37.1 trillion cubic feet. It is hardly an overstatement to say that California's energy production has been and is vital to the American economy.

However, none of this incredible production would have been realized without the hard work, ingenuity, dedication, and sacrifice of the men and women of IOPA. IOPA was formed in 1904, in the wake of the discovery of vast amounts of crude oil and natural gas beneath the rugged terrain of the southern San Joaquin Valley, including Kern County. IOPA was formed to ensure that smaller producers, many of them families, received a fair market price for the oil they produced, as can be seen in its mission statement: "It is the mission of the Independent Oil Producers" Agency to secure equitable prices for its members' crude oil and to serve these members at the government, business, and industry levels in matters relating to advocacy, legislative, and regulatory affairs."

Utilizing the proven powers of a cooperative marketing agency, IOPA has succeeded in achieving its objective. During the past century, as it served its members, IOPA has also served our nation by providing a steady domestic source of oil during wars, shortages, and embargos. It is also important to note, and I appreciate the fact that, IOPA and its members have given back to the community by supporting youth activities, education, scholarships, museums, and hospitals. Accordingly, I trust that my colleagues will join me in congratulating IOPA upon their 100th anniversary.

INTRODUCTION OF THE EFFECTER ACT "EFFICIENT ENERGY THROUGH CERTIFIED TECHNOLOGIES AND ELECTRICITY RELIABILITY ACT OF 2004"

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today as our country celebrates Earth Day to introduce the Efficient Energy Through Certified Technologies and Electricity Reliability EFFECTER Act of 2004. I am joined in this effort by a substantial and diverse coalition of my colleagues including Mr. MARKEY of Massachusetts, my Chairman Mr. LEWIS of California, Mr. MATSUI of California, as well as Senator SNOWE of Maine and Senator FEINSTEIN of California. This bill is a more developed version of the EFFECT Act that Mr. MARKEY and I introduced in March 2003.

With the President's Energy Plan currently stalled in the other body, we believe that this bill can deliver on one of the less controversial issues when it comes to energy policy—energy efficiency. I support the President's Energy Plan and voted in favor of H.R. 6 when it came before this body for final passage. Unfortunately, politics has prevented this fine legislation from implementing a desperately needed energy policy in this country.

My constituents in San Diego suffered through the Energy Crisis during the summer of 2001. The aftershocks of the rolling blackouts and outrageously high energy prices are still being felt. Gas prices in California are currently the highest in the country at over $2.50 per gallon. The entire Eastern seaboard suffered through a major blackout last August, also suffering the consequences of needing the comprehensive energy policy of H.R. 6. We risk another major blackout and continually soaring fuel prices if we choose to wait for the politicking to end and H.R. 6 to be implemented. My constituents, the American people need solutions now. I am introducing this bill in an effort to pass a portion of our long-term energy plan that can produce results now.

In our legislation introduced last year, Congressman MARKEY and I created legislation that would give builders and consumers a reason to construct housing and purchase equipment that not only saves the consumer money in the long run, but also helps save energy. We have taken this idea and have put it into this bill along with other cost-saving provisions. This legislation offers tax incentives to encourage the production and sale of technologically advanced, energy-efficient buildings and equipment. The incentives will reduce peak power demand, which can diffuse the risk of blackouts and high electricity prices. Peak power shortages cost California $15 billion in 2000 alone.

These tax incentives are performance based, not cost based. One dollar of federal tax incentives for energy efficiency offered today will not be paid until January–April 2005, but manufacturers will respond to the incentives by investing in production facilities for more efficient products immediately. This will promote the creation of competitive markets for new technologies and designs that are not widely available today, but have the possibility of being cost effective to the consumer in the future.

This bill will have the government lead by example by cutting our own energy bills by upgrading our building energy efficiency standards and purchase specifications, and reauthorizing Federal Energy Savings Performance Contracts, which allow private companies to partner with the government for mutually beneficial cost-effective energy savings. Finally, it includes mandatory electricity reliability requirements that address directly the failures that caused the blackout of 2003.

This bill increases the security and reliability of the electric grid, while reducing natural gas and electricity prices by cutting the demand for natural gas and electricity in the near term, as well as in the longer term. Grid security is improved by adopting mandatory standards for operation.

The EFFECTER Act seeks to address two key power supply issues—electric reliability and natural gas prices. Reducing peak electric demand not only eases pressure on the electric grid but also reduces utility demand for natural gas, a major factor that has led to higher prices. Over the next ten years, this legislation can produce natural gas savings of over 3.3 quads annually—over 12 percent of total gas use; and peak electricity savings of 145,000 megawatts—equivalent to 350 new power plants of 400 MW capacity.

Mr. Speaker, as we celebrate Earth Day, please join me in supporting the EFFECTER Act which will help reduce energy needs and provide for a cleaner environment. Let's respond to our country's desperate needs today, before we have another energy crisis.

TRIBUTE TO ANNA B. "PEG" JACOBI

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my long-time friend, Anna B. "Peg" Jacobi, a resident of the Borough of Tuckerton for more than a half century.

Peg served as Tuckerton's Mayor from 1994 to 1998, after retiring from 36 years of public service. She served as Tuckerton Borough registrar, and secretary for the Board of Health, tax collector, treasurer and executive director of the Tuckerton Municipal Utilities Authority. She was also a member of the Pinelands Regional Board of Education for a decade.

A charter member of both the Tuckerton Historical Society and the Tuckerton Seaport, Peg was the first president of the New Jersey Association of Rural Water and Watershed Utilities, and is currently president of Rural Water. She is also the current chairman of the Ocean County Utilities Authority, the Ocean County Board of Social Services, the Board of the Southern Ocean County Hospital Foundation, and finance chair of the Lutheran Church of the Holy Spirit and Ocean County Girl Scout Council, where she originated the community Christmas Tree on Lake Pohatcong.

Married for 48 years to the late Egbert M. "Jake" Jacobi, Peg is the mother of four, grandmother of two, and great-grandmother of two fine boys.

It has been a pleasure and a privilege working with Peg Jacobi through the years, and I am proud to recognize her for her many, many contributions to her community, county and State. I am proud, too, to call her my friend.

DISEASE KNOWN AS CUSHING'S SYNDROME

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise to recognize Americans suffering from a rare and debilitating disease known as Cushing's syndrome. Named after Dr. Harvey Williams Cushing, the early 20th century surgeon who discovered the disease, Cushing's is a hormonal disorder that affects only 5 to 10 adults for every million each year. Symptoms range from obesity to high blood pressure, and if left untreated may result in infertility and even death.

Unfortunately, like most other rare illnesses, Cushing's patients are often mis-diagnosed, delaying important treatment options. This was the plight of my constituent, Jayne Kerns of Spotsylvania, Virginia. Suffering from many of the typical symptoms of the disease, Mrs. Kerns went undiagnosed through frequent physician visits and medical testing for over a year until an educated medical observation brought appropriate treatment.

I bring Mrs. Kerns' story to your attention, Mr. Speaker, to raise public and medical awareness about the Cushing's syndrome, a serious and often elusive disease. Educating Americans about Cushing's, its symptoms and treatment options, is an opportunity to save lives.

TRIBUTE TO UNITED STATES MARINE CORPS STAFF SERGEANT DENNIS W. HAMMOND

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to United States Marine Corps Staff Sergeant Dennis W. Hammond who was captured by the Viet Cong on February 8, 1968 and died in a Prisoner of War camp in March, 1970. Staff Sergeant Hammond was one of several American POWs who were held at a camp in Quang Nam Province numbered ST18. He attempted escape with the other POWs in the spring of 1968 and was shot in the leg by Montagnards in a nearby village. After 36 long years, the Department of Defense has positively identified Staff Sergeant Hammond's remains and will lay him to rest with full military honors in Bremond, Texas on May 22, 2004.

Staff Sergeant Hammond's story was brought to my attention by a patriotic and thoughtful newspaper reporter for the Gloucester County Times named Jim Six. Mr. Six has collected more than 400 dog tags from Vietnam and has spent over ten years trying to return these identification tags to their rightful owner or next of kin. As part of this statement, I am submitting three columns published by Jim Six to be included as part of the RECORD.

[From the Gloucester County Times, Feb. 4, 2004]

MARINE'S LENGTHY JOURNEY NEARS END

(By Jim Six)

They found him! After 36 years, U.S. Marine Sgt. Dennis Wayne Hammond is on his way home from Vietnam.

You may remember a story I wrote back in 2001. I have more than 400 dog tags that I gave a friend a hundred bucks to buy from a street vender in Vietnam in 1993. The dog tags may or may not have belonged to American servicemen. The jury is still out on that.

But one of the dog tags matched a real person.

Denny Hammond was captured by the Viet Cong on Feb. 8, 1968, almost exactly 36 years ago. He was shot trying to escape and never quite recovered. By March 1970, the once-strapping Marine weighed about 89 pounds. He died, some say, while reciting the military oath of allegiance.

Previous efforts by the U.S. government to find Denny's body had been unsuccessful. In 1995, a former POW who had helped bury Denny was able to lead searchers to the grave, but it was empty.

On Jan. 20, 2001, in Mexia, Texas, I handed Carlene Tackitt a dog tag bearing the name of her brother, Denny Hammond. Carlene's mother, Opal, had died in 1981, out of her mind with grief for the son who had been captured in the jungles of Vietnam. Before Carlene's dad died, he said it was probably the not knowing that had killed Opal, the not knowing where her boy was.

My visit to Mexia was brief, just long enough to be the recipient of Carlene's Texas hospitality and to hand her a donated jewelry box containing that old dog tag.

She clasped that little piece of metal tightly, not wanting to let go of something that might have been her brother's. "Keep that next to me . . . I ain't never giving that up," Carlene said back then. "You don't know how much we appreciate this. You have no idea."

The story about the dog tag and the man it might have belonged to was probably one of the most important things I have written. Denny Hammond, for some reason, became part of my life. I have a POW bracelet with his name on it. His high school graduation picture is somewhere on my desk at home. I have an ancient arrowhead Denny's nephew gave me. I think about Denny Hammond a lot.

Last week, Carlene Tackitt was notified by the government that her brother's remains had been located and were now in Hawaii. I got the news Sunday in an e-mail from Carlene's daughter-in-law. "We wanted you to know this because you had played a part in finding a piece of him and thought you might want to know how his story ends finally . . . his family has gotten the peace we need." When I got the news, I cried, then wanted to smoke a cigar, drink some champagne, dance, sing. I hope to talk to Carlene soon. Dennis Wayne Hammond's long journey is almost at an end. He will be buried in Texas, next to his mother and father, sometime in March. Boy, I'd like to be there for that.

[From the Gloucester County Times, Apr. 6, 2004]

MARINE'S JOURNEY HOME NEARS END

(By Jim Six)

The U.S. contacted Carlene Tackitt earlier this year to tell her they finally had her brother's remains. Marine Corps Staff Sgt. Dennis W. Hammond was captured by the Viet Cong on Feb. 8, 1968 and died in a Prisoner of War camp in March, 1970.

I've been anxiously awaiting news of how they finally found Denny's remains. As it turns out, the U.S. may have had Denny's remains for almost 20 years.

A team went to Carlene's house in Mexia, Texas, Saturday—a full-dress Marine, a DNA expert, someone from mortuary services. Carlene chose to bury her brother in Bremond, Texas, rather than Arlington, because Bremond is where his parents, Opal and Ernest, are buried.

Having given Carlene what we think was her brother's dog tag in January, 2001, it was pretty exciting news when I got word on Feb. 1 that they'd identified Denny's body. I thought he might have been one of four GIs whose remains had been found in north central Vietnam in mid-January. It seems I was wrong about that.

"Daddy was probably right," Carlene said when she called me Monday. Back in 1985, the government believed they had found Denny's body. Somebody changed their mind, though, and announced the remains they had found were really too small to be those of a Caucasian and were probably those of a Montagnard tribesman. Carlene's father didn't quite buy that story and thought those remains probably really were his son's.

Finally, modern technology caught up with Dennis Hammond. Carlene gave the government a DNA sample two years ago. Recently, they told her Saturday, they started rechecking more than 860 boxes of remains from Vietnam. They showed her a picture of bones they believe are her brother's. They made a DNA match through a tooth.

Carlene signed a paper Saturday saying she accepts the proof and believes these particular remains are those of her brother, Dennis.

When I wrote about this in February, several people contacted me immediately to offer to pay my way to the funeral. Others, when it appeared Carlene might be responsible for some costs of a funeral in Texas, agreed to make up any difference. I'll let you know later who those folks are. She's asking the government to pay for an airplane ticket so her other brother, Willie, can make it out to Bremond from Detroit for the funeral. Carlene's the oldest. Willie is next. Denny was the baby—he was only 23 when he died in the jungles of Vietnam.

When she sets the date, a Marine will be assigned to guard Dennis Hammond's casket 24 hours a day as it travels from Hawaii to Bremond, Texas. There will be a full-tilt military funeral, complete with 21-gun salute.

My pal, Gene Lillie, himself a Marine Corps Vietnam veteran, has already mailed Carlene his POW bracelet that bears Denny's name. I'm still wearing mine. I figure I'll give it to Carlene in person—at the funeral.

I plan to be there when Dennis Hammond's long journey home finally ends.

[From the Gloucester County Times, Apr. 20, 2004]

MARINE'S CHARISMA TOUCHING MANY

(By Jim Six)

How does a Marine who died in Vietnam more than 34 years ago wind up affecting the lives of so many people, many of whom never knew him in life? It's a mystery, so far.

On Saturday, May 22, I'll be attending the funeral of Dennis W. Hammond, a Texas boy by way of Detroit who joined the Marines, served two tours in Vietnam, was captured by the Vietcong in 1968 and died in a POW camp in 1970.

I got drawn into his life, and death, when I was able to present one of his dog tags to his sister, Carlene Tackitt, in Mexia, Texas in 2001. Dennis' parents, Ernest and Opal, are buried nearby in Bremond, Texas. After all these years, Dennis is coming home. His remains—possibly found in the mid to late 1980s but only recently identified thanks to DNA testing—will be returned to Texas.

Mike "Tiny" Readinger served with Dennis in 1968 in a Combined Action Program unit that lived and worked among the Vietnamese. Dennis was ending his second tour in the country, had just a couple weeks left until he'd go home.

Dennis went out with a hastily assembled rescue team to help an ambushed unit. They were overrun by something like 300 Vietcong fighters. Most were killed, only one or two escaped and a couple, including Dennis, were captured.

Dennis tried to escape, got shot, was beaten and nearly starved by his captors. In March 1970, he died, weighing something like 89 pounds, They say he was reciting the military oath of allegiance, more probably the military Code of Conduct, when he died.

Mike found out about Dennis' recovery only a few days ago. His voice cracks when he tells about starting to read the e-mail. He had to get up and go out into his backyard for a while before getting his wife to read the rest of the message. He read it several times after that.

Andy Anderson is a school teacher in Fort Worth who "adopted" Dennis Hammond after getting a POW bracelet bearing his name. Anderson is so involved with Dennis, he has had his students write about the POW every year on Feb. 8. Anderson usually felt quite depressed on Feb. 8 each year. This year, he didn't and, in retrospect, wonders whether he subconsciously knew Dennis Hammond had been found and was on his way home.

Marty Eddy spent 17 years heading the Michigan POW/MIA Committee and, because Dennis had enlisted in Detroit, has followed his amazing story. She never met Dennis, but has a friend who went through boot camp with Hammond.

Now comes the funeral. We'll all meet—his sister from Texas, his brother from Detroit, the comrade-in-arms from Indiana, the teacher from Fort Worth, the woman and boot camp pal from Michigan, the journalist from Gloucester County.

Maybe then I'll find a clue to this incredible mystery, to the charisma of this remarkable hero who died never knowing how much he'd affect lives of family, friends and complete strangers.

TRIBUTE TO DR. TYREE WEIDER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Tyree Weider who is celebrating her 10th anniversary as President of Los Angeles Valley College. She is a remarkable woman whose accomplishments are extraordinary.

Dr. Weider was raised in South Central Los Angeles. She attended local public schools and began her career path as a student at Compton Community College. She completed her Bachelor's degree in sociology at California State University Northridge and earned a Master's degree in Educational Psychology. A few years later, she received her Doctorate degree in Higher Education Administration from the University of California Los Angeles.

Early in her career, Dr. Weider worked as an Employment Counselor for the State Employment Service in Compton, South Central Los Angeles, and Pacoima. She also worked as a therapist in adult outpatient mental health. She then moved to Los Angeles Mission College to serve as Dean of Student Affairs and was later appointed Dean of Academic Affairs. She was then selected as the Director of Educational Programs for the Los Angeles Community College District. In 1989, she began working at Los Angeles Valley College as the Vice President of Academic Affairs. In 1995, Dr. Weider became the President of the College.

Since becoming President, Dr. Weider has taken significant steps to revitalize the campus to benefit students and the community at large. Under her guidance, the college has begun developing plans for the construction of five new educational buildings and major renovations to several campus facilities. Dr. Weider has also forged innovative partnerships with various businesses and organizations in the community to provide students an opportunity to perform community outreach and become involved in public service.

Over the years, Dr. Weider has proven to be a tireless leader for numerous community-based agencies and organizations. For example, she is currently a member of the California Community College CEO Board of Directors and a member of the advisory committee of the Auto Club of Southern California. She has also served on the Board of Directors for Northridge Hospital Medical Center, Universal City Tomorrow, the Economic Alliance of the San Fernando Valley, Catholic Healthcare West and Temple Ahavat Shalom.

Dr. Weider's hard work and leadership deserves acknowledgement. Recently she received the 2004 Pioneer Women Award. In March 2002, she was recognized as one of the most outstanding residents in the San Fernando Valley. In 1998, the Speaker of the Assembly bestowed upon her the San Fernando Valley's Woman of the Year Award. Her achievements are legion and recognition is well deserved.

Mr. Speaker, I ask my colleagues to join me in honoring and congratulating Dr. Weider for all of her wonderful accomplishments and her unyielding commitment to education and public service.

COMMEMORATION OF THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 89th anniversary of one of history's most terrible tragedies, the Armenian Genocide.

On April 24, 1915, 300 Armenian leaders, intellectuals and professionals were rounded up in Constantinople, deported and killed, under orders from the Young Turk government. This was the beginning of a campaign of terror resulting in the deaths of 1.5 million Armenians and the deportation of more than 500,000.

The government of the Ottoman Empire justified this policy by claiming it was necessary to suppress revolts being launched by Armenians as a consequence of the ongoing military operations of World War I. This assertion was patently denied by survivors and witnesses. United States Ambassador to the Ottoman Empire, Henry Morganthau reported at that time, "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

Not content with perpetrating this atrocity, the Young Turks denied a genocide had taken place. Generations have since been raised denying this tragedy. Such denials are refuted by the archival documents and first-hand accounts found in such recent scholarly works as Peter Balakian's The Burning Tigris and Samantha Power's A Problem From Hell. Director Atom Egoyan presented the horror of the siege of Van in his film Ararat, which was based, in part, on the memoirs of Clarence Ussher, an American physician and missionary working in Turkey at the time.

In Detroit and its surrounding suburbs live one of the largest Armenian-American communities in the United States, many of whom are the children and grandchildren of survivors or actual survivors themselves. This weekend, I will be attending a commemoration ceremony at St. John's Armenian Church in Southfield, Michigan, in which some of these individuals will be in attendance. To those who suggest that this ruthless genocide of a people and culture did not happen, I ask, what further testimony could the world possibly want?

Mr. Speaker, for myself and my constituents, I rise today to urge those who deny this genocide to accept it as fact. Only then can we move forward and stop these atrocities from repeating themselves over and over again.

H.R. 1799—THE GUARDSMEN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to express my strong support for H.R. 1779, the Guardsmen and Reservists Financial Relief Act of 2003. This bill would allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period.

It is now more important than ever to work to mitigate the financial hardship we are placing on our reservists. At the outset of Operation Iraqi Freedom, both the White House and Department of Defense spoke of swiftly achieving victory in Iraq and bringing our servicemembers home within a few short months.

Despite the valorous efforts of our military personnel, it is clear that we are facing a very different picture. According to DOD, stabilizing and ultimately winning the peace in Iraq will require the mobilization of at least 100,000 to 150,000 reserve component personnel annually for the next several years. Reserve component personnel comprise nearly 40 percent of our current force, whereas they only comprised 2.0 percent of the initial force used in the invasion.

In light of the tragic upsurge in violence over the last month, 20,000 soldiers recently learned that their year-long deployments to Iraq had been extended for an additional 3 months. Nearly one-fourth are reservists.

It is apparent that our success in Iraq and Afghanistan, and in the broader war on terrorism, is dependent on the continued commitment of our reservists. And I don't think we are doing enough right now to ensure that they are being adequately compensated for their sacrifice.

According to GAO, nearly 41 percent of reservists are impacted by a pay discrepancy between his or her military and civilian salary. This is taking its toll. Not only are families racking up credit card debt, falling behind on bills, and losing businesses, but many are grappling with not re-enlisting when their service is up.

And the fear of financial hardship may be hurting recruiting efforts. In 2003, every active and reserve component achieved its recruiting goals except the Army National Guard, which fell short of its recruiting goal by 7,798 (12.6 percent).

We must begin to alleviate the financial burden on reservists, and I believe this bill is an important step in the right direction. However, it is not enough. Simply allowing our reservists to raid their retirement is not the answer.

We must provide better re-enlistment bonuses, we must secure the extension of TRICARE benefits, we must secure the continuation of hazardous duty pay and family separation allowance, and we must continue to push for pay raises for our military families. In short, we must do everything in our power to compensate our guardsmen and reservists for their unprecedented sacrifice.

INTRODUCING CASSANDRA TAMEZ'S ESSAY INTO THE CONGRESSIONAL RECORD

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. PAUL. Mr. Speaker, I am pleased to enter into the CONGRESSIONAL RECORD the following essay by Miss Cassandra Tamez, a high school student who resides in my Congressional district. Miss Tamez's essay, entitled "My Commitment to America's Future," earned her a Voice of Democracy Scholarship award from the Veterans of Foreign Wars. I am very proud of Miss Tamez's efforts and I wish her well in her future endeavors.

"MY COMMITMENT TO AMERICA'S FUTURE"

(By Cassandra Tamez)

When I think of the word "commitment," an image of my school's athletic teams pops into my mind. I think of what the coaches used to say during their pep talks before a game, "There's no question about it, we're going to win tonight. I have seen the effort put in by this team . . . We have determination; we have dedication; and we have commitment." My teammates and I would get really "pumped up." We were ready to go out there and win. Looking back now, though, I do not think that as individuals we were truly committed, because commitment is not merely an effort for one game but for every practice and every game.

I think commitment is doing something, whether you have the ability to or not, and sticking with it. Commitment is following through every single day. Commitment is focusing solely on the one thing that you commit yourself to. Commitment is binding yourself to something. It is a pledge.

So with all this in mind I ask myself, what is my commitment to America's future? Should I recycle or join a beautification committee to preserve America? Should I donate money to foundations that help kids? Or perhaps I could pledge my time to hospitals or nursing homes to help the sick people of America . . .

Most people would probably think that my efforts in any of these would make little difference. After all, I am only one person, a speck of sand on a beach.

Recycling . . . Yes, collecting cans and glass bottles would be a Tremendous help. My mother recycles. I went with her one day to help her put all our old newspapers in the recycling bin. I started thinking. How many people are there in the world, billions? Out of all these people, how many recycle? I laughed to myself, probably not that many. My mom was definitely wasting her time.

Donating money . . . I am not rich. How could the amount of money that I give even help one person with cancer or in need of help? I have seen programs on T.V. that talk about saving the life of a child by just donating 88 cents a day. Then I began thinking about how much it costs for me to eat for just one day. I estimated that my food alone costs eight to fifteen dollars. How could a child survive on 88 cents a day? Is it possible?

Pledging my time . . . I used to do volunteer work in a nursing home. I would go there every day during the summer and try and help out however I could. However, I remember this one day that something really horrible happened. I was walking down the hall when all of a sudden this lady started screaming. I looked around, waiting for someone to come running and help her. I waited for about ten seconds, but no one came. I ran towards the nurses' station to see if anyone was on their way. Three of them were just standing there. I knew they could hear the woman screaming . . . I wanted to tell them something, but was it my place? I returned to the woman screaming instead. As soon as I walked in the room she said, "Help me, Honey. Please, it's my leg. I need to move it." I moved forward to help her, but then I hesitated. What if her legs were not supposed to be moved? Could I hurt her if I moved them? By this time I was getting frantic. I told her I would go get someone to help and ran out. I took five steps out the door, and a nurse was standing there, calmly writing on a piece of paper. "Um, I think that lady needs some help", I told her. She looked up in annoyance and shouted to another nurse that she needed something for "The Screamer." I stood there for a moment in shock. They acted as if this woman were just a nuisance. At that moment I felt hatred; clearly that woman was in pain. I did not know what was wrong with her, and I could not help her. There was no point in my being there.

Taking all of my experiences into consideration, I think this is exactly how many other people think; they feel helpless and insignificant. They feel too small to make any real difference in the world. And then I came across this poem by Edward Everette Hale. He said,

I am only one,
But still I am one.
I cannot do everything
But still I can do something.
And because I cannot do everything
I will not refuse to do
The something that I can do.

I have to admit that this poem has inspired me. Because even though I am but one speck of sand on a beach, I know that I am a solid and firm speck, and that there are other specs like me that compose the sand. I am one of many who may carry the optimistic attitude of commitment to America. Once again, I think back to my efforts of recycling, donating money, and pledging my time, and realize that they were not futile efforts at all. When I recycled, I know it was probably only thirty newspapers out of trillions in the world, but what if I recycled once a month? That would be 360 newspapers a year for a lifetime. I might save a beautiful tree or even more. As for donating money, well 88 cents a day from me might not feed a child, but if only nine more people in my state donate 88 cents, then that child has a total of $8.80, my estimate of money needed for a day. Now, as far as pledging my time goes, I do not think my time spent in the nursing home was a complete waste. I did help one patient who was in pain.

So once again, what is my commitment to America's future? My commitment is to "play to my strengths." My commitment is to do my best. Like the patriotic commercials on television say, "We, the children, are America's future," and every bit we can do helps.

TRIBUTE TO VIOLA PITTS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. FROST. Mr. Speaker, I rise today to commemorate the late Viola Pitts, an African American leader who made a tremendous impact in the lives of many throughout the North Texas community.

Mrs. Viola Pitts, a native born Texan, spent the vast majority of her life in the heart of Como, a historically black neighborhood in west Fort Worth. Her vigorous efforts to strengthen the voter turn out amongst African Americans, earned her the title of "unofficial mayor of Como." Mrs. Pitts' determination, tenacity and honesty earned her the respect of many top elected public officials in North Texas.

Mrs. Pitts, who was never afraid to confront an issue, worked tirelessly to ensure that the Como community received proper funding for their community center, elementary school, and neighborhood streets. Her selfless contribution to the Como area were recognized and honored in 2000, when Tarrant County officials renamed the new medical clinic to JPS Health Center—Viola M. Pitts/Como.

Mrs. Viola Pitts was truly a civic minded individual who helped make the Fort Worth community a better place to live by simply being active and involved. Hopefully, through her memory we can all continue to draw on these same personal qualities that so many of us have come to respect and admire.

Mr. Speaker, I honor Mrs. Viola Pitts for her lifelong contributions and commitment to the residents of the Fort Worth community.

HONORING SELMA F. BARTLETT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. PORTER. Mr. Speaker, it is with great pleasure that I stand here today and honor an individual that has been dedicated to her community for over 50 years. Selma F. Bartlett has been a resident of Henderson Nevada since 1954, when she began working as a banker. In 1958 Selma became one of Nevada's first female bank officers, in which she served in many capacities.

Selma Bartlett has given of her time freely and without reserve to the many business and civic organizations surrounding her in Southern Nevada. She has helped Henderson, Nevada to become what it is today through her service and dedication to the people there. Through continually striving for the progress, success, and growth of Henderson through her support of educational needs within the community, she has been able to win many friends and the respect that only those like her can achieve. Her example will be a lasting one in which all will be able to look to for the future. Children will have the opportunity to attend a school named after Selma in which her example will be a lasting impression upon those that attend the school.

Mr. Speaker, I congratulate Selma Bartlett on her successes and on her dedication to her fellow neighbors and colleagues. I know that she will continue to give to those in her community and I sincerely hope that those around her will see her as an example and learn from her teachings.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 118, 119, 120, had I been present I would have voted "yes."

PAYING TRIBUTE TO THE GORNICK FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a dedicated family that has provided a tremendous service to the Pueblo community for many years. Rose and Jack Gornick, the original founders of the Gornick Furniture Store, and their sons Jack Jr. and Gene, and now Jack's grandsons Ken and Scott have devoted their time to helping Pueblo citizens improve the decor of their homes. I would like to join my colleagues here today in recognizing their longstanding generosity and creative endeavors before this body of Congress.

What initially began in 1928 as a small but successful grocery store on Northern avenue, has transitioned into a blossoming and prosperous furniture store that has kept generations of customers coming back to furnish their homes. The Gornick family has devoted over eighty years of long hours in the store and at trade shows, taking risks to find the cutting-edge pieces of furniture that will lure customers into their store. Despite the tough years during World War II in the grocery business, and the immense amount of devotion that goes into the furniture business, the family has maintained their Slovenian tradition, which prides itself on providing the customers innovative items with high quality. The family has been able to watch their combined hobby and business interests bear fruit as childhood friends grew up to become loyal customers.

Mr. Speaker it is a privilege to honor the Gornick Family for their many years of dedication to the Pueblo community. They are lucky to inherit and pass along to future generations a wonderful business that gives people a reason to come home to peaceful and relaxing locales that offer salvation from the hectic pace of today's modern world. The Gornick family is truly a gem in the Pueblo community that I hope will long endure as an example of amiable citizens that inspire future generations to work hard and to achieve their dreams. I wish them all the best in their future endeavors, and I thank them for their service.

RECOGNIZING LANKENAU HOSPITAL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Lankenau Hospital on the 50th anniversary of its move to Wynnewood, Pennsylvania and for its 50 years of dedication and service to the Wynnewood community.

Established in 1860, Lankenau Hospital is an acute care teaching hospital with an affiliated medical research center on its campus. In 1953, Lankenau moved to its present location in Wynnewood, Pennsylvania where it continues its contribution to the overall quality of life in communities throughout the entire Delaware Valley.

Lankenau Hospital is known for its pioneering vision in the field of medicine. Its specialties include: a heart center, a neonatal intensive care unit, accredited sleep medicine services and a cancer center. Lankenau Hospital offered the first cobalt radiation unit in the Philadelphia area and the fourth in the country. It opened the first hospital-based health education museum in the country, while also creating the first suburban kidney transplant program (now in its tenth year) and the area's first suburban heart failure and transplant program which recently performed its first transplant on a patient from Philadelphia.

Above all, Lankenau Hospital has a history of an outstanding medical staff, including physicians who are internationally-recognized innovators in the treatment of cancer, heart disease, kidney disease, and other disorders. For example, it was a Lankenau physician who developed the first digital hearing aid. The Hospital is proud to have served hundreds of thousands of patients during the past 50 years in Wynnewood. The community has benefited greatly from the outstanding contributions of Lankenau Hospital and its staff and area citizens, look forward to a bright future of medical achievement and service.

Mr. Speaker, I ask that my colleagues join me today in recognizing Lankenau Hospital for its 50 years of exemplary service to the Wynnewood community and the Commonwealth of Pennsylvania.

RECOGNIZING SPECIALIST ENRIQUE ALVARADO

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004–

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize U.S. Army Specialist Enrique Alvarado, a resident of the 28th district of Texas and, most importantly, a returning hero from Operation Iraqi Freedom.

Specialist Alvarado grew up in Villa Coronado on San Antonio's Southside and graduated from Southside High School in 1993. In 1999, Specialist Alvarado enlisted in the US Army and was assigned as a Cavalry Scout in Iraq with the Scout Platoon of the 2nd Battalion 7th Infantry Regiment, 3rd Infantry Division based in Fort Stewart, Georgia.

In Operation Iraqi Freedom, Alvarado served courageously with his fellow soldiers of the 3rd Infantry Division who, along with its supporting units, was awarded the Presidential Unit Citation. During Operation Iraqi Freedom, the division defeated or destroyed four Republican Guard Divisions, one Iraqi Regular Army Division, three Special Republican Guard Brigades, and thousands of paramilitary forces.

Individually, Specialist Alvarado received an Army Commendation Medal (ARCOM) for his service in Iraqi Freedom and a Certificate for Order of the Golden Spur. Specialist Alvarado has also been nominated for the prestigious Soldiers Medal for rescuing a fellow soldier in Iraq.

Specialist Alvarado now resides in San Antonio and serves in the Garrison Headquarters at Fort Sam Houston. He has been happily married for six years and has three children.

Specialist Alvarado served and continues to serve our country valiantly. Mr. Speaker, it is my great honor to recognize him today.

.TRIBUTE TO REVEREND LACY R. HARWELL SR.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Reverend Lacy R. Harwell Sr., a man who faithfully dedicated his life to serving his family, his congregation, his community and his country.

The City of St. Petersburg was blessed with Rev. Harwell's talents starting in 1969 when he came to serve as senior pastor at Maximo Presbyterian Church. For a quarter of a century, Rev. Harwell guided his congregation and ministered to the poor and downtrodden.

Rev. Harwell worked to establish substance abuse programs in the community. As a member of the board of Bayfront Medical Center, he fought for better health care services for the poor.

As St. Petersburg struggled with racial conflicts, Rev. Harwell worked to unify the community. In the 1970s, after the Pinellas County School Board ordered the busing of school children to further integrate public schools, Rev. Harwell, who served on the School Board's Bi-racial Committee, called a special meeting of his congregation to encourage parents to support public education and to refrain from pulling their students out of the schools.

Rev. Harwell ministered to his community in countless other ways. He was a chaplain and student government adviser at the University of Florida, a charter member of the Community Alliance, and he served on the boards of trustees for Eckerd College, St. Petersburg Junior College and the Presbytery of Southwest Florida. In 1986, the local chapter of the National Conference of Christians and Jews honored Rev. Harwell for his "strong commitment to interfaith service and community involvement."

Before entering the ministry, Rev. Harwell served his country in the U.S. Coast Guard and then as a chaplain in the U.S. Naval Reserve. By the time he retired as a Captain in 1986, he had earned the USNR American Defense Medal, Armed Forces Reserve Medal, and the USCG Commendation Medal.

The citizens of St. Petersburg, as well as Philadelphia, where Rev. Harwell had also ministered, were very fortunate to have him as a devoted servant. On behalf of our community, I would like to extend my deepest sympathies to Rev. Harwell's family.

PAYING TRIBUTE TO THE DENT FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a dedicated family that has been servicing the cars of residents in the Pueblo, Colorado community for many years. James Dent and his sons Dan, Josh and Roland Dent along with brother-in-law Dave Humphries, have devoted their time to providing a valuable customer service. I would like to join my colleagues here today in recognizing their generosity and longstanding commitment before this body of Congress.

For over fifty years, the Dent Brothers service station at the corner of Abriendo Avenue and Lincoln Street in Pueblo have given their customers a true full service visit, including cleaning the windows, checking the oil and tires—not to mention pumping the gas. The dedication and warmth of the Dent Family has kept generations of loyal customers coming back to their station. The Dent family has devoted over fifty years of long hours at the station despite inclement weather conditions and the occasional customer mishap or prank. The immense amount of devotion that goes into the family business has helped to send all twelve children through Catholic schools with the money earned from the store.

Mr. Speaker it is an honor to recognize the Dent Family for their many years of dedication and commitment to their community. They are lucky to inherit and pass along such a wonderful business to future family members. The Dent family is a wonderful part of the Pueblo community, and they serve as an example of hard work to inspire future generations. I wish them all the best in their future endeavors and I thank them for their service.

RECOGNIZING THE MONTGOMERY COUNTY-NORRISTOWN PUBLIC LIBRARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the Montgomery County-Norristown Public Library on its 210th anniversary.

The Montgomery County-Norristown Public Library was founded in 1793 as the "Norristown Library Company" by 90 families residing in Lower Merion, Norriton, Plymouth, Providence, Whitemarch, Whitpain, and Worcester Townships in Pennsylvania. The Library was formally incorporated in 1796. One of the signers of the Library's new charter was Pennsylvania Supreme Court Justice Thomas McKean, who was one of the original signers of the Declaration of Independence.

The first library building was constructed in 1824 on land given by the Pawling family members, who were among the Library's founders. The cost of construction was $153.43.

From 1898 through 1937, the Royersford Free Public Library, the Conshohocken Free Public Library, the Schwenksville Library, and the McCann Library were founded and all went on to eventually become branches of the Montgomery County-Norristown Public Library.

In 1942, the Library officially changed its name to the Norristown Public Library with the financial backing of the Norristown Borough Council. The name was changed again in 1968 when it merged with the Montgomery County Free Library. The Library was then given its present title of the Montgomery County-Norristown Public Library.

In addition to the Library's impressive growth throughout the years, the Library has a history of contribution to the community. The Library established the Backyard Library Van program, along with launching programs like the "Mini-Bookmobile" for senior citizens, and "Books-Go-Round," a bookmobile for children in day care.

In 2001, the "Books and Me" program began at the Library under a grant from the Institute of Museum and Library Services under the provisions of the Library Services and Technology Act administered by the Commonwealth of Pennsylvania.

Mr. Speaker, I ask that my colleagues join me today in recognizing the Montgomery County-Norristown Public Library for its exemplary service to the Montgomery County community and the Commonwealth of Pennsylvania.

RECOGNIZING LIEUTENANT COLONEL (RETIRED) CONSUELO CASTILLO KICKBUSCH

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize Lieutenant Colonel (Retired) Consuelo Castillo Kickbusch for her efforts to motivate and encourage youth across the country. I am especially proud of her work with the U.S. Army's Yo Soy El Army Tour.

Born and raised in Laredo, Texas, LTC Kickbusch overcame the challenges of poverty to become the highest-ranking Hispanic woman in the Combat Support Field of the United States Army. LTC Kickbusch earned many decorations during her service, including the Legion of Merit, the National Defense Service Medal, Meritorious Service Medal (four times), and the Army Achievement Medal (twice).

In 1996, LTC Kickbusch retired from the U.S. Army after 22 years of service. She moved to San Antonio and founded Educational Achievement Services, Inc. (EAS). Through EAS, LTC Kickbusch has realized her dream of impacting others and serves as a motivational speaker to audiences ranging from corporations like IBM to children living in some of the roughest neighborhoods in the country.

LTC Kickbusch encourages all of her audiences to perform to the best of their abilities, give back to their families and communities, and to never give up hope. LTC Kickbusch also promotes among her corporate clients the value diversity brings to the workplace.

Her ability to connect to audiences and deliver these important messages has earned LTC Kickbusch numerous awards, such as the Latina Leadership Excellence Award from the US Army and Hispanic Magazine and the 2002 Women at their Best Award from Saturn and Glamour. Recently, Hispanic Business named LTC Kickbusch in their list of the 100 Most Influential Hispanics in America.

For the past three years, LTC Kickbusch has traveled the country speaking to youth through the Yo Soy El Army National Motivational Youth Tour. This program reaches out to Hispanic youth who face many of the challenges encountered by LTC Kickbusch growing up in Laredo. LTC Kickbusch offers them a positive role model who can identify with the everyday struggles these young people face. She offers a message that promotes leadership, determination, and integrity.

Mr. Speaker, I am proud to represent such a hard-working, dedicated individual as LTC Kickbusch. The immeasurable impact she has made on our nation's youth deserves the highest praise.

TRIBUTE TO CIRCUIT JUDGE ROBERT J. SIMMS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Circuit Judge Robert J. Simms, a dedicated public servant, whose sudden death has left his Hillsborough County colleagues and our entire community in shock and mourning.

Judge Simms presided over a host of high-profile civil, criminal and family law cases during his time on the bench, but whether the cases were closely watched or obscure, Judge

Simms always strived to do his best and skillfully upheld the highest standards of justice.

A University of South Florida and Stetson College of Law graduate, Judge Simms worked as a prosecutor for the Pinellas-Pasco and Hillsborough State Attorney offices, then as a criminal defense lawyer before being elected in 1990. He had been reelected to the bench in 2002.

Judge Simms served both on the Judicial Liaison Committee for the Hillsborough County Bar Association and as an adjunct professor for the paralegal program at Hillsborough Community College. However, Judge Simms' colleagues will remember him best for his patient, unassuming and kind demeanor on and off the bench. He was a judge's judge and a powerful example to all who knew him.

On behalf of the Hillsborough County community, I would like to extend my deepest sympathies to Judge Simms' family. His dedication to service and justice will leave a lasting impression on our community and those who strive to serve justice as well as he did.

PAYING TRIBUTE TO JACK OTT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a dedicated forester and Korean War veteran from Mancos, Colorado. Jack Ott has devoted the majority of his life to preserving our nation's forests. His enthusiasm spirals throughout the community, as he encourages others to respect their environment. I would like to join my colleagues here today in recognizing Jack's tremendous service to the Mancos community.

Jack has recently been recognized by the San Juan Chapter of the Society of American Foresters for his fifty year membership in the organization. After graduating from Michigan State University in 1952, he joined the U.S. Forest Service, spending thirty years in the Rocky Mountain Region. Jack began his service to this nation in the Korean War and today is a life member of the Veterans of Foreign Wars and National Rifle Association. He is also an active member of the community, serving as the Treasurer of the Mancos Masonic Lodge and a dynamic member of the Mancos United Methodist Church.

Mr. Speaker, Jack Ott is a dedicated individual who uses his talent to enrich the lives of members of his Mancos community. Jack has demonstrated a love for forestry that resonates in his compassionate and selfless service to his town. Jack's enthusiasm and commitment to this nation certainly deserves the recognition of this body of Congress and this nation. I wish him all the best in his future endeavors.

RECOGNIZING THE NURSES OF MONTGOMERY HOSPITAL ON THE OCCASION OF NATIONAL NURSES WEEK

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. GERLACH. Mr. Speaker, I rise today to commend the hard-working nurses of Montgomery Hospital in Norristown, Pennsylvania in anticipation of the upcoming National Nurses Week from May 6–12, 2004.

Though National Nurses Week gives us an opportunity to celebrate all nurses in this country, particularly those serving in the armed forces, I want to specially recognize the nursing staff and nursing leadership of Montgomery Hospital in Norristown, Pennsylvania. Their tireless commitment to providing quality care is exemplary and I want to say "thank you" on behalf of the people of the Norristown area and Montgomery County, Pennsylvania.

Outside of Philadelphia, Montgomery Hospital is the oldest general hospital in Southeastern Pennsylvania. The original hospital was located in a vacant school at Powell and Basin Streets in Norristown. Originally named "Charity Hospital of Montgomery County," the Hospital opened its doors on January 1, 1891 with a staff of just six. Today, Montgomery Hospital Medical Center occupies two city blocks in the heart of Norristown. It is Norristown's largest private sector employer with over 1,300 individuals on staff. The entire staff at Montgomery Hospital, including its nurses, remains committed to providing the highest quality of care to all their patients.

As Montgomery Hospital has changed, so has the nursing profession. Nurses today require more and more training and education. Their jobs are also much more specialized. In fact, 49 states now allow advanced practice nurses to prescribe medications. In the future, as our healthcare systems continue to evolve, I am certain the nursing profession will as well. One thing is clear, nurses will play a vital role in the future of healthcare in America.

Today, there are nearly 2.7 million registered nurses in the United States. These nurses are working every day to save lives and maintain the health of millions of Americans. As a profession, they are one of the most respected and admired for their hard work and commitment to their fellow citizens.

Mr. Speaker, National Nurses Week is an appropriate way to honor the work of all our nation's nurses and I urge my colleagues to join me in this regard. And to the dedicated nurses at Montgomery Hospital, I say thank you for your efforts.

CELEBRATING EARTH DAY 2004

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise to today to acknowledge today, April 22, as Earth Day 2004. It is a day for Americans to recognize our responsibility to protect our environment and enhance our quality of life. Our air, water, land and other natural resources sustain human life, and it is our duty as stewards of this planet to safeguard these resources for us and for future generations.

With the growth of eco-tourism, environmental protection and economic growth can both advance together. Protecting sensitive land not only preserves our natural heritage but enhances the value of surrounding areas and our quality of life. In South Texas I have helped protect numerous natural resources that grace this region. I secured funding to expand the Lower Rio Grande Valley National Wildlife Refugee and the Texas World Birding Center in Roma, Texas, and I continue to lead and support efforts to complete the Missions Trail in San Antonio and the Camino Real de los Tejas National Historic Trail. In addition, I have supported legislation such as the Yellowstone Protection Act and the National Forest Roadless Area Conservation Act to protect our precious national lands. Protecting these valuable resources is important, contributes to a healthy ecosystem, and provides enjoyment and recreation to hundreds of thousands of visitors annually.

I encourage every Texan to take a moment today to appreciate the natural beauty of our state and also to consider taking actions that can decrease pollution. Simple actions such as recycling, car-pooling, and turning off the television when no one is watching can contribute to large pollution reductions. Working with the entire community, individuals can help reduce pollution in Texas. Decreasing pollution levels can improve the lives of Texans and all Americans by reducing the number of pollution induced illnesses, such as asthma and cancer. Put simply, lowering pollution saves lives and increases economic productivity.

As a nation, we are moving in the right direction. Pollution levels have greatly decreased since the first Earth Day in 1970, and we continue to achieve greater pollution control. I will continue fighting to reduce pollution and to protect our natural resources while building for a bright economic future. I believe that environmentalists and businesses can unite to develop strategies that can respect our health, ecosystem, and promote economic growth, and I look forward to achieving that goal.

TRIBUTE TO BUSTER AGLIANO

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Buster Agliano, an Ybor City icon, who recently lost his battle with cancer.

Buster was a well loved fixture in the Ybor community. His family-owned seafood market, S. Agliano and Sons Fish Co., remained open for business long after other shops had abandoned the Latin Quarter to make way for bars and nightclubs. The market, founded in 1915 by Buster's grandfather, had since turned its focus to wholesale business, but Buster always kept the front case stocked for his loyal customers, and he will be fondly remembered for offering his seafood on credit to those facing hard times. Buster could have sold his business for a hefty profit long ago, but Buster would never have sold out his customers and community to cash in for himself.

Buster's fish market was equally well known for the political debates that played out in the front of the shop. Everyone who was anyone in Tampa's political scene would join in Buster's informal gatherings to talk shop. In Tampa's political world, Buster was enormously respected as a source of advice and counsel, and as a result, local politicians always sought his support.

Buster was easy to love and easy to respect. His warmth always shone through his generosity, his love of family, his dedication to serving his community and his persistent positive attitude. I am honored to have called Buster my friend.

On behalf of the entire Tampa Bay community, I extend my deepest sympathies to Buster's family. Buster's legacy in Ybor City and in our hearts will not be forgotten. He was one of a kind, and everyone who called Buster his or her friend is a better person for having known him.

PAYING TRIBUTE TO GARY THOMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Gary Thomas on his recent retirement from the Daily Sentinel in Grand Junction, Colorado after nearly forty years of service as a prepress worker. His behind the scenes efforts have helped to ensure the high quality that Grand Junction residents have come to expect from their newspaper, and it is my privilege to pay tribute to his outstanding career today.

During his career, which began in the days when operating a press was truly dangerous work, Gary has seen many changes, including four different publishers. Gary's dedication to the paper was most prevalent when the Sentinel burned down in 1974. To ensure the paper was still delivered on time he drove daily to Glenwood Springs to print the paper between shifts clearing the rubble from the fire. After 14 years as a pressman, Gary moved to the camera department, preparing photos for printing. His hard work and skills helped establish the Sentinel's reputation for superb color photography.

–Mr. Speaker, I am honored to bring the career of Gary Thomas to the attention of this body of Congress and this Nation. I would like to congratulate him on an outstanding career. His tireless work has been crucial in ensuring the quality of the Daily Sentinel, and I would like to wish him the best in his retirement.

CYPRUS SETTLEMENT

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to express my strong support for a just, lasting, and comprehensive settlement on Cyprus that protects the rights of Turkish and Greek Cypriots alike.

As the people of Cyprus head to the polls on April 24th to vote on the settlement plan put forth by United Nations Secretary General Kofi Annan, I am concerned that numerous provisions in the proposal fail to uphold the fundamental rights of the Greek Cypriot community.

Since Turkey's invasion and illegal occupation of northern Cyprus in 1974, the government of Cyprus has vigorously pursued efforts to reunify the island through an equitable and viable settlement. While the Turkish Cypriot government under the leadership of Rauf Denktash has repeatedly stonewalled negotiations, the commitment of Greek-Cypriots to a unified Cyprus has been unwavering.

The Annan plan, which was originally drafted by the Secretary General in November of 2002, has undergone five major revisions to accommodate the demands of Mr. Denktash. I'm concerned that the proposal sacrifices too many of the Greek Cypriots' needs in return for Mr. Denktash's acquiescence.

The Annan plan would authorize Turkish troops to remain in Cyprus indefinitely, threatening the security and stability of the island. While the number of troops would gradually decrease to 650 over a period of 14 years, their continuing presence and intervention rights would prevent Cyprus from achieving full sovereignty.

I am also concerned that the Annan plan would continue to allow Turkish settlers to illegally occupy northern Cyprus. Numerous U.N. Security Council resolutions have called for the withdrawal of all Turkish settlers from Cyprus, yet the Annan plan would permit 45,000 settlers to receive automatic citizenship rights within the United Cyprus Republic and additional settlers to remain on the island as permanent residents.

Moreover, the Annan plan imposes tough restrictions on the right of displaced Greek-Cypriots to return to their homes. The agreement would prohibit Greek-Cypriots from accounting for more than eighteen percent of the population of the Turkish Cypriot Constituent State for the first nineteen years, or until Turkey accedes to the European Union, even though it is their native soil. These Greek-Cypriots would not have the right to vote for representatives in the federal Senate, further denying fundamental rights to many citizens.

Finally, the Annan plan fails to adequately compensate displaced Greek-Cypriots for the loss of their property. According to the plan, 90 percent of the compensation from the federal State would be paid for by Greek-Cypriots, meaning that Greek-Cypriot taxpayers are forced to pay for the loss of their own property.

The Annan plan is a positive starting point on the path toward a negotiated settlement, but it is not an ending point. In order for a solution to the Cyprus problem to succeed, the rights of both parties must be equally guaranteed.

TRIBUTE TO PATRICK J. EIDING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, it is my privilege to highlight the accomplishments of a Philadelphia labor legend, Mr. Patrick J. Eiding. Mr. Eiding is President of the Philadelphia Council of the AFL–CIO and a representative of the working man and woman. He has effectively and consistently fought for the rights of the great citizens of Philadelphia.

Mr. Eiding rose through the ranks of leadership throughout his career, holding positions such as President of the Asbestos Workers Middle Atlantic States Conference and President of the Mechanical Trades Council in Philadelphia and New Jersey. He currently serves as an official for both the Pennsylvania and Philadelphia Building Trades Councils, as well as the Pennsylvania AFL–CIO.

Mr. Eiding represents the interests of working families through his involvement on numerous labor boards and commissions. He cochairs the Philadelphia Area Labor Management and serves as Commissioner for the Philadelphia Housing Authority and the Philadelphia Planning Commission. He is a member of the Executive Committee for the Philadelphia Workforce Investment Board and sits on the Board of Directors for organizations such as the United Way of Southeastern Pennsylvania and the Multiple Sclerosis Society.

Since being elected President of the Philadelphia Council AFL–CIO, Mr. Eiding has spread the message of the working family, cohosting the weekly "Labor to Neighbor" radio show whose goal is to educate listeners on the issues affecting the current working family and to voice the needs and opinions of the community.

I ask you and my other distinguished colleagues to join me in commending Mr. Patrick Eiding for his career of service and dedication to the working families of Pennsylvania's First Congressional District.

PAYING TRIBUTE TO SHAWNA VALDEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McINNIS. Mr. Speaker, it is my pleasure to rise today to recognize Shawna Valdez for her selfless dedication to the community of Dolores, Colorado, and congratulate her on being recognized by the Dolores Chamber of Commerce as their 2004 Citizen of the Year. The award is presented to an individual who has shown an outstanding commitment to the

Dolores community, and Shawna could not be a more worthy recipient. It is a privilege to pay tribute to Shawna for her well-deserved award, and her ongoing efforts to better her community.

A lifelong resident of Dolores, Shawna participates in a vast array of civic functions in her community. A past president of the Dolores Chamber of Commerce, she currently serves as a member of their board of directors. She also serves on the board of the Community Center, the McPhee Lake Planning Committee, and is a member of the Dolores Library Board. Dolores is also an active member of the local Methodist Church and Dolores Rotary Club, and is a past member of the local school Accountability Committee and the Booster Club. Her enthusiasm for taking part in these organizations comes from the joy she receives in giving back to the community she loves.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Shawna Valdez before this body of Congress and this Nation. Her efforts to strengthen her community are truly remarkable, and the recognition she received from the Dolores Chamber of Commerce as their 2004 Citizen of the Year is a well-deserved testament to her tireless efforts. I sincerely thank Shawna for her service, and wish her the best in her future endeavors.

HONORING THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MEEHAN. Mr. Speaker, I rise to commemorate the 89th anniversary of the Armenian Genocide, in which 1.5 million Armenian men, women, and children were brutally massacred by the Ottoman Turk regime. The Armenian Genocide was one of the darkest tragedies in human history, one that must never be forgotten.

On April 24, 1915, nearly three hundred Armenian intellectuals and political leaders were rounded up, deported and executed under the orders of the Ottoman Turk Regime, marking the beginning of the first genocide of the 20th century. Later that day, 5,000 more Armenians were slaughtered in their homes and on the streets. For 5 years, the brutal regime carried out the systematic destruction of the Armenian people through forced labor, concentration camps, and death marches, until millions were dead or exiled.

As we look back on the bloodshed and atrocities committed against the Armenian people, we must recognize the event for the genocide that it was. As Henry Morgenthau, Sr., the former Ambassador to the Ottoman Empire stated, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

To deny this truth is to tarnish the memories of the millions of Armenians who lost their lives to ethnic cleansing. As a member of the Congressional Armenian Caucus, I have joined my colleagues in sending a letter to President Bush urging him to acknowledge the Armenian Genocide during his April 24th commemoration address. By drawing attention to the legacy of this genocide, we can strengthen our resolve to prevent future human tragedies of this kind.

I am proud to represent a large and vibrant Armenian community in the Fifth Congressional District of Massachusetts. Every year, survivors and their descendants make public and vivid the hidden details of the Armenian Genocide as they participate in commemoration ceremonies across the Merrimack Valley. In my hometown of Lowell, the Armenian-American Veterans Honor Guard will lead a procession to City Hall for a flag raising ceremony in recognition of the 89th anniversary of the genocide. The commemoration offers participants an opportunity to remind the world of the tragedy that befell Armenians of the Ottoman Empire.

I am honored to add my voice to those of my colleagues today in commemorating the Armenian Genocide. We will never forget the truth.

TRIBUTE TO MR. WILLIAM GALBRAITH

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a respected member of the Philadelphia community. Mr. William Galbraith recently turned 90 years young.

Mr. Galbraith celebrated his 90th birthday this April 14, 2004. He has led an exemplary life filled with admirable achievements. Whether it be graduating from the Philadelphia College of Textiles and Science or becoming the head of a carpet mill, Mr. Galbraith has been an exemplary figure for our great city.

This nonagenarian wisely has continued to show a real zest for life. Until recently, Mr. Galbraith remained an avid golfer, skier, and tennis player. He has traveled extensively including a trip to China to teach workers how to use mill equipment.

Married to Anna, Mr. Galbraith's family includes his nephew Clyde Galbraith and his niece Joyce Burke. I am quite sure his entire family is very proud of his numerous accomplishments.

Along with her family and friends, I ask that you and my other distinguished colleagues join me in congratulating Mr. William Galbraith during his 90th birthday celebration.

PAYING TRIBUTE TO TIMOTHY LEACH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before you today to pay tribute to the life of Timothy Brooks Leach of Aspen, Colorado, who passed away recently from injuries sustained in a skiing accident at the age of 27. Tim was a man deeply devoted to his family, and his job as a psychotherapist. His kindness, intelligence and work ethic, along with his strong desire to help others, gained him the reputation as a respected professional. His loss at such a young age will be deeply felt by his family and the community of Aspen.

Tim, a native of Charlottesville, Virginia, earned his bachelor's degree from the University of Virginia in 1998, and subsequently earned his master's from Virginia Commonwealth University in 2000. After earning his degree, he worked as a counselor for Commonwealth Catholic Charities in Richmond.

In 2002, Tim and his wife Amy moved to Aspen. Tim eagerly took on a variety of challenging counseling positions: opening Leach and Leach Psychotherapy with his mother Clare, taking a position on the emergency-crisis counseling team at Aspen Counseling Services, and leading DUI classes and other rehabilitative programs. Despite his workload, Tim always managed to devote time to his beloved family.

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation and pay tribute to the life and memory of Timothy Brooks Leach. He dedicated his life to his family, to the service of his community, and to his profession. His passing is a great loss to the town of Aspen and the State of Colorado. My thoughts are with his loved ones during this difficult time of bereavement.

A MESSAGE TO THE PEOPLE OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about the upcoming elections on the Annan Plan in Cyprus to be held on Saturday April 24, 2004.

I wish to make it clear that there should be no pressure on the outcome of these elections. If the Greek or Turkish Cypriots reject the Annan Plan, then negotiations will ultimately continue. This vote will not be the last chance to have a reunited Cyprus.

The goal of the process must be to attain a just and lasting solution, not a rushed solution. I know the people of Cyprus are being made to feel that this is the only way to achieve a solution, but that is not true. This is the way to achieve a pressured solution. In the end, it may be too much to ask that concerns that have been unresolved for 30 years be effectively settled in a process that lasted less than 3 months.

I encourage each and every eligible Cypriot voter to cast a free ballot on Saturday. Please vote for your beliefs, not the beliefs of others. The great privilege of free and fair elections is that they are just that, free and fair. Vote freely and for what you think is fair. If that is 'no', do not believe that this is the end of negotiations. They will continue, because a lasting and equitable solution for the people of Cyprus, and the goal of a united Cyprus, is too important to abandon, now or ever.

Mr. Speaker, I myself have very serious reservations about the Annan Plan that I have expressed in writing to both Secretary General Annan and Secretary Colin Powell. I ask unanimous consent that these letters be introduced into the RECORD immediately following my remarks.

Regardless of my personal reservations, it is the people of Cyprus who will vote on Saturday. I hope every Cypriot realizes that they need to vote for what they believe. They must understand that, while we are interested in the outcome, there can be no pressure on them. We will accept any outcome so long as the elections are free and fair.

Have no fear, people of Cyprus, your friends will never abandon you.

U.S. CONGRESS,
Washington, DC, March 23, 2004.

Hon. COLIN L. POWELL,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY POWELL: We want to thank you for your active engagement in the issues and negotiations that concern the reunification of the Republic of Cyprus. As you know, negotiations between the Greek and Turkish Cypriots are currently being conducted under the framework outlined by UN Secretary General Kofi Annan on February 13, 2004.

While we applaud both Greek and Turkish Cypriots for agreeing to negotiate the important issues affecting the future of a reunited Cyprus, we believe the timeframe outlined by the Annan Plan is too compressed. Under the Annan Plan, there is a deadline for the people of Cyprus to vote on a referendum concerning the future of Cyprus on April 20, 2004.

As you know, the people of Cyprus have been struggling with issues related to the division and reunification of Cyprus for 30 years. It is difficult for us to believe that concerns that have been unresolved for 30 years can be effectively and permanently settled in negotiations that are scheduled to be completed in less than three months.

It is our belief that a solution should come through comprehensive negotiations that do not force the citizens of Cyprus to vote on a referendum that may be perceived as an ultimatum. It is also our firm belief that the people of Cyprus will not approve any plan they are pressured to accept.

It is in the best interest of a permanent, peaceful solution for Cyprus that the important negotiations between Greek and Turkish Cypriots be given an adequate amount of time to decide these issues. Mr. Secretary, we respectfully request that you use your influence to ensure that the people of Cyprus are given a longer, more appropriate, schedule in order to ensure that all issues affecting the reunification of Cyprus are settled to the satisfaction of all concerned. The reunification of Cyprus should be settled through comprehensive negotiations that do not impose an arbitrary time constraint on the affected parties.

We appreciate the support that you have provided to the efforts of the UN Secretary General in resuming the Cyprus talks and your personal commitment and involvement in the process. We urge you to continue to use your diplomatic abilities for reaching a just, functional and viable settlement in Cyprus.

Sincerely,
LINCOLN DIAZ-BALART.
ILEANA ROS-LEHTINEN.
MARIO DIAZ-BALART.

U.S. CONGRESS,
Washington, DC, March 19, 2004.

Hon. COLIN POWELL,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY POWELL: We are writing to express our concerns on certain key issues, which are currently being discussed under the auspices of the United Nations (UN) as part of the Annan plan, for the reunification of Cyprus.

It is with great satisfaction that we learned of the resumption of the direct UN sponsored Cyprus talks. The commitment of the parties to negotiate within a specific time framework and on the basis of the Annan plan with the aim of reuniting the island before May 1, 2004, is of immense importance. It is our sincere wish and hope that Cyprus will join the European Union as a reunited country.

There are certain provisions in the current Annan plan that could render it unworkable and should be revised. We feel that the United States must help the UN reach a fair and viable agreement that will lead to a strong endorsement by the people of Cyprus. We must secure for the people of Cyprus a democratic system of governance based on the rule of law and the ideals that guide our own democracy.

It is our firm belief that in order to achieve this goal the Administration must promote, within the framework of the Cyprus talks, the following proposals:

(1) It is absolutely necessary that all legal obligations of the guarantor powers (Turkey, Greece, UK), including the security aspects, be in place prior to the two simultaneous referenda that will be held on April 20 by the two communities in Cyprus. In addition, all federal laws and no national agreements have to be completed and agreed before the referenda. The people of Cyprus must have a completed accord to consider so they fully understand what they are voting to approve our disapprove. Furthermore, the federal government of the United Cyprus Republic will have to be able to function immediately and effectively after the new state of affairs is established. It is, therefore, essential that the final accord be readily implemented and self-executing.

(2) The Annan plan proposes a highly complicated system for resolving property issues that may force rightful owners to give up their property rights. It is essential that the agreed system for resolving property issues be consistent with the European Convention on Human Rights and international law.

(3) The agreed number of settlers from Turkey that will remain in Cyprus must be clearly defined. This number should be as low as possible and a fair immigration structure should be developed.

(4) During the transitional period, the land that will be returned to the Greek Cypriot side must come under the control of the United Nations so that the process of retuning this land and the resettlement of the refugees will be irreversible.

(5) The Annan plan calls for the full demilitarization of both, Greek-Cypriot and Turkish-Cypriot sides, so it makes no sense for troops from Greece and Turkey to remain in Cyprus indefinitely. The U.S. should insist that security arrangements in Cyprus be enhanced through an enlarged UN force mandated by the UN Security Council.

The achievement of a genuine resolution to the Cyprus issue is in the interest of the United States and should therefore be energetically pursued. As you have stated, a lasting peace will benefit the people of Cyprus, Greece, and Turkey and at the same time serves American interests in the region. The division of Cyprus and its people must come to an end once and for all. A comprehensive settlement appears possible and Cyprus, a good friend and strong ally of the United States, deserves a bright future as a reunited country in the European Union. The United States should help to make this happen.

We appreciate the support that you have provided to the efforts of the UN Secretary General in resuming the Cyprus talks and your personal commitment and involvement in the process. We urge the administration to continue to use all its diplomatic leverage for reaching a just, functional and viable settlement in Cyprus.

Sincerely yours,
MICHAEL BILIRAKIS,
CAROLYN MALONEY,
ILEANA ROS-LEHTINEN,
LINCOLN DIAZ-BALART,
ROBERT MENENDEZ,
GEORGE RADANOVICH,
Members of Congress.

U.S. CONGRESS,
Washington, DC, March 19, 2004.

Hon. KOFI ANNAN,
Secretary General, United Nations, New York, NY.

DEAR SECRETARY ANNAN: We are writing to express our concerns on certain key issues which are currently being discussed under the auspices of the United Nations (UN) as part of the Annan plan for the reunification of Cyprus.

It is with great satisfaction that we learned of the resumption of the direct UN sponsored Cyprus talks. The commitment of the parties to negotiate within a specific time framework and on the basis of the Annan plan with the aim of reuniting the island before May 1, 2004, is of immense importance. It is our sincere wish and hope that Cyprus will join the European Union as a reunited country.

There are certain provisions in the current Annan plan that could render it unworkable and should be revised. We feel that reaching a fair and viable agreement will lead to a strong endorsement by the people of Cyprus. We must secure for the people of Cyprus a democratic system of governance based on the rule of law and the ideals that guide our own democracy.

It is our firm belief that in order to achieve this goal your office must promote, within the framework of the Cyprus talks, the following proposals:

(1) It is absolutely necessary that all legal obligations of the guarantor powers (Turkey, Greece, UK), including the security aspects, be in place prior to the two simultaneous referenda that will be held on April 20 by the two communities in Cyprus. In addition, all federal laws and international agreements have to be completed and agreed before the referenda. The people of Cyprus must have a completed accord to consider so they fully understand what they are voting to approve or disapprove. Furthermore, the federal government of the United Cyprus Republic will have to be able to function immediately and effectively after the new state of affairs is established. It is, therefore, essential that the final accord be readily implemented and self-executing.

(2) The Annan plan proposes a highly complicated system for resolving property issues that may force rightful owners to give up

their property rights. It is essential that the agreed system for resolving property issues be consistent with the European Convention on Human Rights and international law.

(3) The agreed number of settlers from Turkey that will remain in Cyprus must be clearly defined. This number should be as low as possible and a fair immigration structure should be developed.

(4) During the transitional period, the land that will be returned to the Greek Cypriot side must come under the control of the United Nations so that the process of returning this land and the resettlement of the refugees will be irreversible.

(5) The Annan plan calls for the full demilitarization of both, Greek-Cypriot and Turkish-Cypriot sides, so it makes no sense for troops from Greece and Turkey to remain in Cyprus indefinitely. We believe that security arrangements in Cyprus be enhanced through an enlarged UN force mandated by the UN Security Council.

This historic opportunity for solving the Cyprus issue must be energetically pursued. We believe that a lasting peace will benefit the people of Cyprus, Greece, and Turkey. The division of Cyprus and its people must come to an end once and for all. A comprehensive settlement appears possible and Cyprus deserves a bright future as a reunited country in the European Union.

We appreciate your efforts in the resumption of the Cyprus talks. We also welcome your personal commitment and involvement in the process. We are sure that you are committed to reaching a just, functional and viable settlement in Cyprus.

Sincerely yours,

MICHAEL BILIRAKIS,
CAROLYN MALONEY,
ILEANA ROS-LEHTINEN,
LINCOLN DIAZ-BALART,
ROBERT MENENDEZ,
GEORGE RADANOVICH,
Members of Congress.

ON THE PASSING OF JUDGE JOHN R. PERRY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. DINGELL. Mr. Speaker, I rise today with heartfelt sadness to acknowledge the death of a great public servant to the State of Michigan. On April 12, 2004, Judge John R. Perry was killed by a hit-and-run driver while walking home. John Perry was known for his passion for the law and for the legal process and for the enthusiasm and commitment he brought to his family and his community.

Judge Perry was born in Wyandotte, MI on January 11, 1931. He earned his law degree from the University of Detroit School of Law in 1958 and since then he has never looked back, embarking on a 24-year career as an attorney and serving as a mentor to many young lawyers as they worked their way through the course of their legal profession. In 1982, Mr. Perry was appointed to the 36th District Court bench and served for 12 years as an executive presiding judge in the court's environmental, criminal, and traffic and ordinance divisions. Judge Perry was a great friend to the district court, often lending a hand to younger judges who joined the court.

While John was known in part for his legal career, he was also known for his compassion, his involvement in the community and his friendship to many of us. John was a good husband and father and I extend my deepest sympathy to his wife, Suzanne, his two sons, John and James, his daughter Julie Mulligan, his stepdaughter, Barbara Evans, his stepson James Madigan and his seven grandchildren.

Mr. Speaker, the State of Michigan lost one of its most important leaders; his family has lost a father and husband and many have lost a friend. It is with great sadness that we acknowledge his passing but is also my honor to acknowledge the important contributions he has made throughout his life. I will miss his friendship and the State of Michigan will miss his wisdom and service on the bench.

IN RECOGNITION OF CECIL O. SEWELL, JR.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Cecil O. Sewell, Jr., who on April 25, 2004 will celebrate his 50th year in the ministry.

Pastor Sewell was born on August 12, 1936, and was called to the ministry in April of 1954. He continued serving as a minister while he attended college and divinity school. He graduated from Samford University in Birmingham, Alabama, in 1958, and went on to graduate studies at the University of Alabama. He then attended Divinity School at Houston Baptist University, where he graduated in 1982.

Pastor Sewell has been pastor to six churches. He has gone on missions and done evangelism in twelve states and eight foreign countries, including three missions to Romania and six missions to Brazil. He has served on numerous state and national convention committees and as Trustee of the Baptist Health System. One of the most telling things about Cecil Sewell is that he has been an interim pastor for four churches in his most recent years, having retired from the ministry and been called back to service on these four occasions. He is now interim pastor of First Baptist Church in Saks, Alabama.

I am so very proud to salute Cecil O. Sewell, Jr., for his 50 years of ministry, and appreciate the House's attention today in observance of his ministry.

HONORING MICHAEL SCHOPP

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. CLAY. Mr. Speaker, I rise today to honor fifteen year old Michael Schopp, from Creve Coeur, Missouri. In a ceremony honoring his achievement on May 2, 2004, Mr. Schopp will receive the Eagle Scout Award. This award is the highest advancement rank a young man may earn in scouting.

To earn his Eagle Scout Award, Mr. Schopp designed, planned and supervised the construction and landscaping of a planter and two dugout benches for the Ballwin Athletic Association baseball fields where he played ball for several years.

Mr. Schopp began his scouting experience as a Cub Scout in elementary school and has been a member of Troop 631, sponsored by St. Mark Presbyterian Church in Ballwin, Missouri, since March 2000. Mr. Schopp's dedication to the values of scouting and his leadership ability are demonstrated in his many scouting activities over the years: he has served his Boy Scout Troop as Patrol Leader and Assistant Patrol Leader, and is currently one of the leaders of his troop as a member of the Executive Patrol and as Assistant Senior Patrol Leader. Mr. Schopp participated in the Junior Leader Training Camp and also attended three Boy Scout High Adventure Camps: Northern Tier in Ely, MN; Sea Base in FL; and OKPIL Winter Camp in MN.

I congratulate Mr. Schopp for his success in earning his Eagle Scout Award. First awarded in 1912, the rigorous standards are demonstrated in the fact that only 4 percent of Boy Scouts across America earn this prestigious award. I also commend his peers, members of his troop, coaches, teachers and parents for their support and encouragement that has helped him succeed.

Mr. Speaker. It is with great privilege that I recognize Michael Schopp today before Congress. I applaud him for his success and extend best wishes for all of his future endeavors. I urge my colleagues to join me in honoring Michael Schopp.

IN RECOGNITION OF THE 18TH ANNIVERSARY OF NATIONAL MINORITY CANCER AWARENESS WEEK

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize the 18th annual National Minority Cancer Awareness Week and to address an issue that is of grave concern to thousands of Americans. Cancer is the second leading cause of death among Americans, responsible for one of every four deaths. In 2004, over 560,000 Americans—or more than 1,500 people a day—will die of cancer. Over 18 million new cases of cancer have been diagnosed since 1990, and about 1.4 million new cases will be diagnosed in 2004 alone. I am sure that each of us has either lost a family member or close loved one to this dreadful disease or know of someone who has suffered such a loss.

In 1971, President Nixon and Congress declared an all out war on cancer. Since then, national investment in cancer research and programs have reaped remarkable returns, including a 57 percent decline in cancer mortality rates. Unfortunately, cancer still remains the number two killer in America, just behind heart disease. And despite all the progress that has been made in the battle against cancer, this disease doe not affect all races equally. The burden of cancer continues to fall on communities of color. Mr. Speaker, African Americans are more likely to die of cancer than people of any other racial or ethnic group. From 1996 through 2000, the average annual death rate per 100,000 people for all cancers combined was 257 for African Americans, 199 for whites, 138 for Hispanics, 138 for Native Americans/Alaska Natives, and 125 for Asians/Pacific Islanders. In fact, my state of Maryland ranks 12th in cancer mortality rates among the 50 states and the District of Columbia. Between 1996 and 2000, African Americans in Maryland outpaced the national average on every leading cancer mortality index: lung cancer (68.7 per 100,000 persons), colorectal cancer (30.6 per 100,000 persons), breast cancer (35.5 per 100,000 persons), and prostate cancer (75.6 per 100,000 persons). It is estimated that 25,310 new cancer cases will be diagnosed in Maryland, and 10,430 members of my community will die from this disease in 2004.

To make these numbers real, on a national basis if you are a black man in the United States and contract prostate cancer, you have a 73.0 percent mortality rate versus the national average of 32.9 percent. If you are an African American woman and contract breast cancer, you have a higher mortality rate, 35.5 percent versus the national average of 27.7 percent. I am sure like me many of you find these statistics truly shocking.

According to the American Cancer Society, the primary cause of disparities in cancer between African Americans and the general population is poverty. Biological or inherited characteristics are less important than socioeconomic factors in explaining differences in cancer incidence and mortality among major racial and ethnic populations in the United States. As a result, many economically challenged racial and ethnic minorities lack access to high quality health care. The major consequences of inadequate access to preventive services and early detention are that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment, as well as the odds of survival, are decreased. The future health of America as a whole will be substantially influenced by our success in improving the health of minority and other medically underserved populations.

Mr. Speaker, this year marks the 18th annual National Minority Cancer Awareness Week, a national campaign initiated by Congress in 1987 to heighten awareness of the unequal cancer burden borne by racial and ethnic minority populations and other medically underserved communities. This week incorporates the theme "Cancer is a Burden, Finding Help Shouldn't Be". The goal is to increase the nation's awareness of the programs and services available in minority communities and to provide an opportunity to engage impacted communities in the fight against cancer. This week also provides an important opportunity to commend those working tireless in my district and in communities across this nation to improve the quality of life for all Americans.

Mr. Speaker, on this 18th anniversary of National Minority Cancer Awareness Week, I urge my colleagues to make cancer research and the eradication of this terrible disease a national priority. Cancer research saves lives. We must maintain the pace of cancer research by increasing the budget of the National Institutes of Health at least 8.5 percent for fiscal year 2005. Unfortunately, the Administration's FY 2005 budget proposal only calls for a 2.6 percent increase, where an 8 percent increase is needed; thereby falling behind inflation and far short of what is required to sustain the current pace of discovery.

Mr. Speaker, we must also address the national nursing shortage. Nurses serve on the front-line in the battle against cancer, providing critical patient care services and also helping conduct cancer research through clinical trials. This complex and multifaceted chronic disease demands an adequate supply of trained, educated, and experienced nurses. As such, we must adequately fund the Nurse Reinvestment Act and other nursing workforce programs.

Finally, Mr. Speaker, advances in cancer prevention, detection and treatment over the past several decades have increased longevity and improved the quality of life for many people. Once again, however, not all segments of the U.S. population have benefited equally. A strong investment in the National Center for Minority Health and Health Disparities (NCMHHD) will expand our knowledge about health disparities and target initiatives geared to reduce, and ultimately eliminate, the disparate burden of cancer and other diseases on minority and medically underserved communities. The Healthcare Equality and Accountability Act of 2003, H.R. 3459, introduced by the Congressional Black Caucus, Congressional Hispanic Caucus and the Asian-Pacific Caucus, would help enable community-based organizations to increase detection and screening efforts; would establish guidelines for treatment modalities for minorities; and would provide additional funding for cancers that impact minorities more adversely, such as prostate and breast cancer.

Mr. Speaker, I urge this body to use the 18th anniversary of National Minority Cancer Awareness Week to renew its commitment to the eradication of this devastating disease. Together, we can reduce and ultimately eliminate the disparate burden of cancer and other diseases on minority and medically underserved communities.

RENEWING THE ASSAULT WEAPONS BAN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LANGEVIN. Mr. Speaker, today I rise in strong support of renewal of the Assault Weapons Ban. In 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act, which banned the manufacture and importation of many semiautomatic assault weapons. This law is set to expire on September 13, 2004, just 144 days away.

In 1995, the FBI reported that trace requests for assault weapons declined 20 percent only one year after enactment of the ban. Since enactment, criminals are using these guns less frequently, and innocent lives are saved every day as a result.

I am proud to join 108 of my colleagues as a cosponsor of H.R. 2038, the Assault Weapons Ban and Law Enforcement Protection Act. This vital legislation will permanently extend the 1994 Act and help keep these weapons out of our country and away from criminals.

If we allow the assault weapons ban to expire, our streets will again be flooded with an arsenal of Uzis and AK–47s—guns which are responsible for pre-ban killings such as the Stockton Schoolyard Massacre and a shooting at the CIA Headquarters.

Twenty percent of police officers killed in the line of duty today are shot using these banned assault weapons. This number is sure to increase if these weapons are more readily available. The weapons banned under current law pose too great a risk to the general public, and especially law enforcement officers, to be legalized. For this reason, the International Association of Chiefs of Police and the Fraternal Order of Police both support extending the ban.

In addition to this important measure, I have introduced two other pieces of legislation to cut down on shooting deaths. Approximately 1 percent of the nation's gun stores are the source of 57 percent of the firearms traced to crimes. H.R. 1540, the Crackdown on Deadbeat Dealers Act, would increase the ability of the Bureau of Alcohol, Tobacco, Firearms and Explosives to investigate record-keeping compliance among these delinquent gun dealers. The second bill is H.R. 821, the Accidental Shooting Prevention Act, which requires chamber load indicators on handguns, allowing gun owners to quickly recognize if their weapons are loaded. I encourage my colleagues to cosponsor these two bills and help reduce the number of gun deaths in America without infringing on the rights of lawful gun owners.

The three pieces of legislation I have mentioned do not unreasonably restrict law-abiding citizens from using appropriate firearms for sporting purposes or self-protection. Rather, sensible gun control prevents firearms from getting into the wrong hands.

My colleagues in the House and Senate must understand how important it is that we continue this ban on assault weapons to prevent parents and children from suffering life-altering senseless violence should these guns again become legal.

WILLIAM A. BOOTHE, M.D., REACHES 50,000

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate William A. Boothe, M.D. on his successful completion of 50,000 laser vision correction procedures. Dr. Boothe, a benchmark of success and a pioneer in his field, has certainly set the standard for which his colleagues will aspire.

For years, Dr. William Boothe has administered a state-of-the-art refractive surgical procedure called Laser In-Situ Keratomileusis

(LASIK) which requires much experience and extensive research. Dr. Boothe, second to none, is one of the first surgeons in the country with the necessary talent required to use the technologically advanced equipment required in LASIK procedures.

As a member of several professional organizations, with an impressive educational background and years of experience, Dr. William Boothe has provided a better quality of life for all who receive this surgery under his care. I place great confidence in Dr. Boothe. He will continue to lead the corrective eye surgery profession for years to come.

I congratulate Dr. Boothe for his lasting dedication and selfless efforts in helping correct people's vision. Best wishes to Dr. Boothe and his staff in their future endeavors.

150TH ANNIVERSARY OF THE VILLAGE OF YOUNGSTOWN, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 150th anniversary of the Village of Youngstown, New York.

The Village of Youngstown is a small village that has evolved with the times, but whose residents have never lost touch with their roots. Its history resembles that of many of the small towns on which our Nation was built. The area began to grow after the American forces took over Historic Old Fort Niagara. Many tradesmen and shopkeepers came to the area during the War of 1812 to provide needed supplies and services to the Fort, which sits at the edge of the village. The village was the site of many major battles during the War of 1812 and was also a major shipping port in the 1800's.

The village was named for John Young who originally came from across the river in Canada. One hundred fifty years ago, the Village of Youngstown was officially incorporated in Niagara County, on the shores of the mighty Niagara River and Lake Ontario.

The village sits on beautiful, fertile Western New York land which is renowned for its sailing regattas and year round sportfishery. The surrounding area is home to many of New York's famous apple orchards. Youngstown is an internationally designated important Bird Area.

With a population of nearly 2,000 people, Youngstown is a close-knit community where everyone is a neighbor. Most people know each other, and even if you are not well acquainted, faces smile with recognition and greetings are exchanged with warmth. Friendly inquiries are made when there has been an experience with pain—or joy. Anytime a neighbor is suffering from ill health or some loss, the community is there to help, to lighten the burden, and to express its loving concern. Beyond the village's long and distinguished history, Youngstown is simply a place residents are proud to raise a family.

Mr. Speaker, on the occasion of the Village of Youngstown's 150th birthday, I unite with its residents to celebrate their accomplishments and contributions to Niagara County, our state, and our Nation.

RECOGNITION OF THE 25TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF ALAMEDA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the 25th Anniversary of the League of Women Voters of Alameda, California. The League of Women Voters of Alameda became a fully approved Local League in September 1978. The founders of the League established the organization based on their belief that our Nation's democracy depends on an informed and participative citizenry.

The Alameda League has made significant contributions to the City of Alameda, as well as Alameda County, the State of California, and the Nation by supporting sound government initiatives, providing voter education on ballot measures, conducting candidate's forums, and registering voters.

The Alameda League continues to be an active participant in local and regional civic committees and has taken action in addressing city, state and national issues through careful study. The League reviews issues and takes positions that enhance the quality of the city of Alameda such as clean air and water, education, libraries, civic safety preparation, housing planning and development, and open space. Additionally, the Alameda League provides neutral observers to monitor the activities of the city council, school board and other boards and commissions within the City of Alameda.

I congratulate the Alameda League of Women Voters for their commitment to public service. The organization, over the last 25 years, has provided valuable contributions to Alameda, California. I applaud their dedication to making sure their local, State, and Federal government is close to the public's pulse as they continue to reach out to the citizenry through education and civic participation.

HONORING KENNETH CLARK LOGGINS

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LARSEN of Washington. Mr. Speaker:

Whereas Kenneth Clark Loggins was born in Everett, Washington, on January 7, 1948 and is now professionally known as Kenny Loggins; and

Whereas Kenny Loggins has become one of the most world-renowned singers/songwriters and guitarists of his time; and

Whereas Kenny Loggins has enjoyed a music career that has spanned more than three decades; and

Whereas Kenny Loggins has sold over 20 million albums worldwide; and, he has attained 12 Platinum Plus albums and 14 Gold albums; and

Whereas the music of Kenny Loggins has spanned many genres, earning both the respect of his peers and a widely-diverse fan base; and

Whereas Kenny Loggins has earned a reputation of historical importance in the field of film music for his creative contribution to movie soundtracks; and

Whereas Kenny Loggins is active in environmental and social projects; and

Whereas Kenny Loggins tirelessly gives his time, talents, and resources to benefit these organizatons and his community; and

Whereas Kenny Loggins is well respected and admired throughout the entertainment industry for his enormous impact on the world of music; and

Whereas Kenny Loggins is loved and appreciated by his family, friends, and devoted fans; and

Whereas in the month of August of 2000, Kenny Loggins was the first recipient of the Hollywood Film Festival's Outstanding Achievement in Songwriting Award; and in that same month, he also received a Star on the Hollywood Walk of Fame; and

Whereas in August 2003, Kenny Loggins' fans launched a year-long Celebration in tribute to the longevity of his outstanding music career; and

Whereas the United States Congress now wishes to recognize Kenny Loggins for his many accomplishments.

Whereas it is the overwhelming consensus of all concerned parties that Kenny Loggins is much deserving of this honor.

Therefore, I, RICK LARSEN, Member of the Congress representing the Second Congressional District of Washington State, do hereby hold up Kenny Loggins for great honor and recognition and declare the month of August to be Kenny Loggins Appreciation Month.

In witness whereof, I have hereunto set my hand and caused the seal of the United States Congress to be affixed this 22nd day of April 2004.

HONORING CLEVELAND READS VOLUNTEER OF THE YEAR WILMA CHRISTIAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mrs. Wilma Christian and every volunteer who participated this past year in Cleveland Reads, bringing hope and possibility through the gift of literacy to countless children and adults—thereby changing their lives forever. I also rise in recognition of Cleveland Reads Volunteer of the Year Nominees: Andy Everidge; Anne Gannon; Edna Goodwin; Stephanie Hiedman; Reid Isaac; Kristen Monchak; and Elaine Thiery.

Established in 1987, Cleveland Reads, a non-profit organization, has consistently worked to draw individuals, businesses and agencies into their, volunteer literacy projects and campaign. Mrs. Christian, seventy-seven years young, consistently reflects a joyous, caring and enthusiastic attitude throughout her busy days in service to others.

Every Monday through Friday for the past three years, Mrs. Christian volunteers mornings as an Experience Corps Tutor at Marion-Sterling Elementary School, then volunteers her lunch hour to prepare and serve meals to disabled residents of the Golden Age Center. Then remarkably, she heads back to Marion-Sterling School for three more hours of tutoring. All the while, her levels of enthusiasm and energy remain as expansive as her love and concern for others.

Mr. Speaker, please join me in honoring every Volunteer of the Year Award nominee, especially, Mrs. Wilma Christian, as she is named the Volunteer of the Year by Cleveland Reads. Mrs. Christian's patience, kindness and concern for our children and our elderly offers them strength, hope and a promise of a better tomorrow, where none existed before. By giving of her time and talent to the children at Marian-Sterling Elementary School, Mrs. Christian empowers them daily with the priceless tool of literacy, which leads to understanding and offers these children the self-confidence to dream and to achieve. By raising up the life of a child, Mrs. Christian raises up our entire community.

INTRODUCTION OF THE CONGRESSIONAL SCIENCE COMPETITION RESOLUTION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SCHIFF. Mr. Speaker, today, along with 35 of my House colleagues, I introduce bipartisan legislation to authorize the Congressional Science Competition. This legislation will allow Members the opportunity to conduct academic competitions in the sciences among high school students in their Congressional Districts.

Pre-college science and mathematics education is one of the most important factors affecting the nation's scientific literacy and awareness, as well as the future supply of America's scientific and technological personnel. Unfortunately, indicators of the performance of United States students in pre-college science and math education indicate a need for improvement, including the need to increase student interest in science.

In 2000, the National Center for Education Statistics, NCES, released its most recent National Assessment of Educational Progress, NAEP, on the Sciences. As a division of the United States Department of Education, the NCES has, since 1969, issued National Assessments on subjects such as reading, mathematics, history and civics.

Unfortunately, the 2000 Science Assessment found that from 1996, the first year a Science Assessment was completed, to 2000, proficiency in the sciences by America's 12th graders declined. Using a scale of 0–300, America's 12th graders scored 147, with 47 percent of students testing below a basic knowledge in the sciences. Only 34 percent of students showed a basic knowledge and even more discouraging, only 16 percent of students tested at or above a proficient knowledge in the sciences.

Coupled with these declining scores and declining interest in the sciences from pre-college students, enrollment in graduate science and engineering programs over the last decade has not kept pace with foreign student enrollment in these same programs. According to a report released by the National Science Foundation, enrollment in graduate science and engineering programs by United States citizens and permanent residents from 1993 to 2001 declined by over 10 percent from just over 330,000 students to 296,000 students. However, at the same time, enrollment in these same programs by foreign students living in the United States with temporary visas rose by over 26 percent from just over 105,000 in 1993 to approximately 133,000 in 2001.

Global competition and rapid advances in science and technology increasingly require a national workforce that is more scientifically and technically proficient and Congress must take action to support the need to develop national expertise in the areas of science and engineering.

Americans have been responsible for some of the most fantastic scientific discoveries. From Thomas Edison's work with electricity, Dr. Jonas Salk's discovery of the Polio vaccine, to the development of the personal computer and the Internet, Americans and their discoveries have changed the world in remarkable and unmistakable ways. Even today, America's space program is coordinating our most sophisticated space exploration effort ever. The Mars Rover program is a tremendous scientific success developed by NASA's best and brightest scientists.

Yet if academic indicators are correct, America will face a vast drain of scientific knowledge and ambition in the near future and we must begin to ask ourselves where we will find America's next Dr. Salk or the talent to develop America's future missions in space.

Congress has a clear interest in ensuring that America's great scientific past and present continues into the future. The Congressional Science Competition is an effective way for Congress to demonstrate leadership in promoting scientific education as a national priority, to show support for the process of scientific inquiry, and to foster enthusiasm for science. I urge all of my Colleagues to join me in cosponsoring this legislation and in doing so, indicate their support for making science education and interest a national priority.

TRIBUTE TO DR. STUART D. COOK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. PAYNE. Mr. Speaker, it is with a great deal of respect that I rise to acknowledge the accomplishments made by Dr. Stuart D. Cook during his tenure as president of the University of Medicine and Dentistry of New Jersey (UMDNJ). As Dr. Cook steps down from the presidency after six years, the Concerned Citizens at UMDNJ and the UMDNJ-University Hospital are proud of the contributions he has made to this institute of excellence.

During his presidency, Dr. Cook partnered with the Board of Trustees at UMDNJ, faculty, staff and students to create a compelling vision for the future. Through his efforts, federal research support to UMDNJ more than doubled over the past five years. Over the past four years, the university's funding from the National Institutes of Health has increased at a faster rate than the average for all schools and universities in the nation. The National Science Foundation, in its most recent rankings of research universities across the nation, ranks UMDNJ as the number one research university in New Jersey as measured by federal research expenditures and 71st out of the top 100 research universities in the country. This marks the university's highest ever ranking.

Under Dr. Cook's leadership, the university is in the midst of a $535 million statewide capital construction program to upgrade existing space and provide new space for scientists and clinicians. On the Newark campus, which is in the heart of the 10th Congressional District, the University Behavioral Health Sciences Building and the International Center for Public Health have been completed. Additionally, construction of the UMDNJ-New Jersey Medical School-University Hospital Cancer Center and a second Ambulatory Care Center are underway. Construction of a new clinical building for the UMDNJ-New Jersey Dental School will be completed in the first quarter of next year. On the Piscataway campus, a new building housing a research tower for UMDNJ-Robert Wood Johnson Medical School and UMDNJ-School of Public Health was opened. In New Brunswick, the steel structure for the Child Health Institute was completed and the new wing of Cancer Institute of New Jersey facility will open in early 2005. On the Stratford campus, the University Doctors Pavilion is open and construction is underway for a new wing of the Science Building.

Complementing these outstanding efforts, other initiatives include, the establishment of a University Professorship Program which has to date, named 15 researchers to the faculty. This program significantly increased the overhead revenues to the University as the researchers brought with them more than $7.5 million in federal funding. The University also created a program that is unique in the nation—the Master Educators Guild—which recognizes teaching excellence. The Guild now has 48 faculty members. Through collaboration with other colleges and universities throughout the state, a school of public health emerged. As a result of this effort and Dr. Cook's leadership, the School of Public Health established the Institute for the Elimination of Health Disparities.

Mr. Speaker, as he returns to the faculty at UMDNJ-New Jersey Medical School to continue his clinical practice and research in multiple sclerosis, I urge my colleagues to commend Dr. Cook for all that he has done in his years as president of UMDNJ.

HAPPY 50TH WEDDING ANNIVERSARY, HENRY AND BARBARA WIRSTSHAFTER

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor two very extraordinary Americans who are celebrating their 50th wedding anniversary—Henry and Barbara Wirstschafter.

Henry and Barbara are a joy to know. Perky, humorous, and filled with the spirit of life, the two share their love and their youthful spirit with their four children: Gary, Joy, Robert and Greg, and their six grandchildren.

For many years, the two have participated in the life of the community. Henry and Barbara met back in 1953, and were married in June of 1954 in McGee, Arkansas. Since that time they have had the opportunity to tour the country. They even saw the world come together when they volunteered for the 1984 Olympic Games in Los Angeles.

In addition, they recognize the special needs of the community. Henry and Barbara have been loyal and dedicated in helping the less fortunate. They assist the hungry with their involvement with Meals on Wheels, and they assist the poor by providing families with affordable housing units. Their loyalty and dedication to assisting others is a true virtue.

Surely their secret to a long happy life together is to be warm, outgoing, motivated, optimistic, and to be of service to others. For Henry and Barbara, their marriage has been filled with many wonderful memories. All who know Henry and Barbara have been charmed by their presence. Happy 50th wedding anniversary, and best wishes.

IN MEMORY OF WILLIAM MAURER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MURTHA. Mr. Speaker, it is with great sadness that I share with my colleagues the news that a distinguished Veteran and longtime friend, Bill Maurer, has passed away. I submit the following announcement:

William W. "Bill" Maurer, 72, of Fort Collins died Tuesday, April 13, 2004, at Poudre Valley Hospital. He passed peacefully with his family members at his side.

While in the Wyoming National Guard he rose from the rank of private to sergeant first class and was ultimately commissioned as a second lieutenant in 1953. He was called to active duty in the, Army in mid 1953 and attended the Artillery Basic Officers Course at Fort Sill, Okla., and then joined the 37th Infantry Division at Fort Polk, La.

He married Joyce Marie Huntzinger in Douglas on Dec. 28, 1953. They were blessed with two children, Deborah Ruth and David William. During their marriage, Bill and Joyce traveled to many duty assignments around the world with tours of duty in Fort Polk, La.; Fort Sill, Okla.; Fort Riley, Kan.; Germany; Fort Leavenworth, Kan.; and Washington, D.C. During his military career Bill commanded the 5th Battalion, 29th Artillery in the Republic of Vietnam and the 1st Infantry Division Artillery at Fort Riley. He also was a graduate of the Army Command and General Staff College and the U.S. Army War College. During his military career he served in many high-level positions that included tours of duty as an Army liaison officer to the U.S. Senate, deputy chief of legislative liaison, Office, Secretary of the Army and deputy secretary of defense -legislative affairs. He retired from the Army on June 30, 1979, with more than 30 years of service at the rank of brigadier general. His military decorations include the Silver Star, one OLC; Legion of Merit, one OLC; Defense Superior Service Medal, the Soldiers Medal, the Bronze Star Medal for valor, one OLC; the Purple Heart medal, one OLC; the Meritorious Service Medal, two OLC; the Air Medal for valor, 12 OLC; and the Army Commendation Medal, three OLC, and numerous foreign and service awards.

After his retirement he joined Chrysler Corporation as director of the Washington office of the Chrysler Defense subsidiary. In 1981 Chrysler Defense was purchased by General Dynamics Corporation, he assumed new duties in the General Dynamics Washington Corporate Office as manager of legislative affairs. In 1984 he was promoted to corporate director of legislative affairs and later became corporate vice president for congressional relations in 1991. He retired from General Dynamics in March 1994, and Bill and Joyce relocated to their retirement home in Fort Collins, where he still remained active as a consultant to General Dynamics.

He was a 43-year member of the American Legion, a life member of the Retired Officers Association, the Reserve Officers Association and the Army War College Alumni Association.

Bill was a generous, caring man who will be missed by all who knew him. He was a wonderful husband, father and grandfather.

Bill is survived by his daughter, Debbie Prentiss; his son-in-law, Paul; grandsons, Jason and Steven Prentiss of Fort Collins; his son, David Maurer of Fort Collins; and his brother, Richard C. Maurer of Manassas, Va.

Bill was preceded in death by his beloved wife, Joyce of 48 years; and his parents, Richard and Lenore Maurer.

INTRODUCTION OF BIA REFORM LEGISLATION

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SIMMONS. Mr. Speaker, I rise today on behalf of the entire Connecticut House delegation to introduce legislation to provide uniform criteria for the administrative acknowledgment and recognition of Indian tribes, and for other purposes.

Today's legislation seeks to codify in statute the seven mandatory criteria for the recognition of Indian tribes and to end the "revolving door" exemption that allows former BIA officials to represent and lobby on behalf of groups seeking recognition immediately after they leave the federal government.

The Connecticut congressional delegation recently met with Interior Secretary Gale Norton. At that meeting, I raised the two issues contained in this legislation. With regard to putting the seven criteria in statute, Secretary Norton said that she had no "immediate objection to it." When asked about ending the "revolving door" exemption, she responded even more favorably, saying that since coming to the Interior Department she had been "troubled by it." Mr. Speaker, I am encouraged that we have found common ground with Secretary Norton on these two key issues and I'm hopeful that our delegation can work with her and the BIA to pass this bill.

Tribes need to be granted the federal status they deserve and accorded their sovereign rights, but the determination to acknowledge such tribes cannot and should not be made unless these groups clearly meet all seven of the criteria. To ensure these standards are met, my legislation would codify each of these seven criteria, ensuring that "federal acknowledgement or recognition shall not be granted to an Indian tribe unless the Indian tribe has met all of the criteria listed." This law will provide an equitable process to groups that clearly meet all seven tests, while preventing claims from groups that fall short of one of these standards. No longer will the BIA be able to pick and choose among these criteria to find in favor of a petitioner.

What's more, Mr. Speaker, my legislation would end the so-called "revolving door" exemption that allows former BIA officials to immediately begin representing petitioning groups before their former colleagues and employer. When members of Congress or other members of the executive branch leave government service for the private sector they must refrain from lobbying for one year. It is unfair to have one particular agency exempted from this law. Moreover, it is particularly troublesome that this agency enjoys such an exemption given the significant role that money, gambling, and political influence have come to play in recognition decisions.

Mr. Speaker, I urge all members to support these two much-needed reforms to the BIA to make our Indian recognition process more transparent and more equitable for all parties involved.

HONORING WALLA WALLA COUNTY'S 150TH BIRTHDAY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. NETHERCUTT. Mr. Speaker, today I come before the House of Representatives to pay tribute to Walla Walla County on its 150th birthday. Nestled in the valley of the Blue Mountains, Walla Walla County anchors the southern end of the 5th Congressional District of Washington State.

During their exploration of the Louisiana Purchase, Meriwether Lewis and William Clark passed through Walla Walla County on the Nez Perce trail on their return trip East. In the 1800s, numerous settlements, forts, and trading posts were established in the region by fur-traders. The Walla Walla Valley was also home to a diverse Native American population including the Walla Walla, Yakama, Nez Perce, Umatilla and Cayuse tribes. In fact, the name Walla Walla is of Indian origin and means "many waters."

The 1st Washington Territorial Legislature created Walla Walla County on April 25, 1854. After the Washington Territory was established in 1853, Walla Walla County was established a year later and stretched from the crest of the Cascades to the crest of the Rockies, an area now represented by 13 congressional districts. Today, Walla Walla County is home to many wonderful towns, including Walla Walla, Waitsburg, Prescott, Burbank, Dixie, Touchet, Lowden, Wallula, and College Place.

Walla Walla is known for its gorgeous scenery, expansive farmlands, miles of beautiful forests, and historic cityscape. Although the area is famous for its sweet onions, Walla Walla farms produce vast amounts of wheat, barley, apples, asparagus, alfalfa, carrots, cherries, corn, garbanzo beans, and green peas. More recently, Walla Walla has become one of the fastest growing wine producing regions in the country.

Walla Walla County is a wonderful place to live. It offers year-round cultural events including theater, musical performances, art displays, and wonderful festivals. The county is also home to three institutions of higher learning: Walla Walla College, Walla Walla Community College, and Whitman College, all of which add greatly to the vitality of the area. The city of Walla Walla is also home to what Sunset magazine named as the "Best Main Street in the West."

If you haven't made vacation plans or visited Walla Walla and its surrounding area before, this is surely the time to come to Washington and join us in celebrating Walla Walla County's 150th birthday. Walla Walla County is one of the most beautiful places in America, and I am proud to say I represent this area and the people who call it home.

THE PRESERVING ACCESS TO AFFORDABLE DRUGS ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MENENDEZ. Mr. Speaker, today I am proud to be joining Senator CORZINE and my Democratic Colleagues from New Jersey in introducing the Preserving Access to Affordable Drugs Act to preserve the drug benefits that millions of seniors in our country currently enjoy. Unfortunately, the misguided Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which was recently signed into law, threatens to reduce or eliminate the prescription drug benefits that millions of seniors across the country already have. Based on these and other detrimental provisions in the new law, which seniors continue to oppose vehemently, we should simply repeal the entire bill outright. But in the meantime, the bill I'm introducing today highlights the most egregious loss of benefits that seniors will suffer under the new law, and provides mechanisms to "hold harmless" those seniors who already have good drug coverage.

The Congressional Budget Office has estimated that as many as 1.7 million retirees could lose their employer-based prescription drug benefits as a result of the new Medicare prescription drug benefit. Also as a result of the new law, hundreds of thousands of seniors currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private Medicare drug plan. Approximately 6 million seniors who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which is more generous and has greater access to a variety of drugs. And, despite the fact that the new Medicare law has huge gaps in coverage, seniors who choose to enroll in the new drug benefit will be prohibited from purchasing Medigap coverage to pay for prescription drugs not covered by the new Medicare benefit.

In my home state of New Jersey, alone, 94,000 retirees will lose their employer-based prescription drug benefits. More than 150,000 low-income seniors in New Jersey who are dually eligible for, and enrolled in, both Medicare and Medicaid will lose access to the Medicaid drug benefits they currently rely on. And 220,000 New Jersey seniors who are currently enrolled in Pharmaceutical Assistance for the Aged and Disabled (PAAD) and Senior Gold, the state's pharmacy assistance programs for the aged and disabled, will face disruption in coverage and will likely receive less drug coverage than they currently receive.

It is my view—and based on what I have heard in town hall meetings in my district, the view of an overwhelming majority of seniors in this country—that no senior should be made worse off by the new Medicare law.

The legislation I'm introducing today will:

Preserve employer-based retiree prescription drug coverage by allowing employer expenditures on drug costs to count toward the out-of-pocket threshold of $3,600. By not counting toward the catastrophic cap any costs covered by employer-provided retiree benefits, those employers that maintain their retiree health benefits would see their retirees receive less of a Medicare subsidy than a beneficiary without employer-provided benefits. Without this fix, approximately 94,000 New Jersey seniors and 1.7 million retirees nationwide will likely lose their employer-based drug coverage.

Enable states, if they choose, to administer the Medicare prescription drug benefit through their existing state pharmacy assistance program. This means that my home state of New Jersey could continue to provide prescription drug benefits to seniors through the very successful and popular existing PAAD and Senior Gold programs. As a result, these seniors will not have to enroll in the less-generous Medicare drug program, will be able to remain in PAAD and Senior Gold, and will experience no disruption in coverage.

Ensure that states can provide supplemental Medicaid prescription drug coverage to complement the Medicare drug benefit to seniors who are dually eligible for Medicare and Medicaid. Currently in New Jersey, 152,000 low-income seniors and disabled individuals who are Medicare eligible receive 100% of their drug coverage through the state Medicaid program. The Medicare bill replaces Medicaid coverage with more limited drug coverage and prohibits states from wrapping around the Medicare benefit with Medicaid coverage. This bill will enable states to completely wrap around through the Medicaid program.

Restore Medicare beneficiaries' ability to purchase supplemental drug coverage through the Medigap program. Under the new law, those who participate in the new Part D drug benefit are prohibited from purchasing supplemental drug coverage through the Medigap program.

Eliminate the premium support (Medicare privatization) demonstration program. This is particularly important for Gloucester, Camden, Burlington and Salem counties in southern New Jersey, which currently meet the qualifications to be selected to participate in this program.

Simply stated, a Medicare prescription drug benefit that chips away at the generous drug coverage that some seniors already enjoy is hardly a benefit at all. The new Medicare law is bad for seniors and should be repealed; but in the meantime, at the very least, we must do no harm. That's exactly what this bill intends to do.

HONORING FRANCES PRESTON FOR HER MUSIC INDUSTRY ACCOMPLISHMENTS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize a good friend, Frances W. Preston, or her nearly 50 years of commitment and service to the music industry, spending the last 18 years as president and chief operating officer of BMI, a powerful organization of songwriters and publishers. She will retire in September.

Frances is widely regarded as one of the music industry's most influential executives. Fortune magazine, for example, called her a "powerhouse" in the business. During her tenure as president of BMI, which represents more than 300,000 songwriters and composers in all musical genres, Frances helped the organization triple its revenues. Last year, BMI distributed $533 million in royalties to songwriters and composers.

Frances has helped shape copyright-protection legislation both here in the U.S. and abroad. Her business acumen and commitment to the music industry have garnered her the utmost respect. An outstanding advocate for the artists who write songs and compose music, she has helped me better understand music-industry issues during my tenure here in the House of Representatives. I sincerely have appreciated her friendship and candid advice over the years.

Despite her busy and hectic schedule, Frances took part in numerous civic organizations and charities. And she never forgot her

Tennessee roots. Instrumental in helping country music become a mainstream entertainment venue, Frances began her career at country radio station WSM in Nashville, Tennessee, and was inducted into the Country Music Hall of Fame in 1992. Her service to the industry has been truly remarkable. I congratulate her for her dedication to the industry and wish her well in future endeavors.

HONORING EILEEN DAVIS UPON HER RETIREMENT

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McCOTTER. Mr. Speaker, I rise today in honor of Eileen Davis upon her retirement after 15 years of service to the citizens of the City of Livonia.

Eileen Davis began her service to the citizens of Livonia in 1989 when she accepted the full time Clerk I position. Over the next 15 years she was promoted twice to the positions of Clerk II and Elections Record Clerk. During this time, she processed rezoning and waiver use petitions, handled the recording of easements and deeds, processed absentee ballot applications, tabulated ballots on election nights, inputted payroll data and supervised the conducting of elections within the City. For a period of 12 years, she was a stellar help to the Livonia City Clerk, Joan McCotter.

Her husband, Donald, and daughters, Lynette and Deanna, should be extremely proud of the undeniable mark she has left on the community. We at home will sorely miss and always benefit from her dedication and leadership.

Mr. Speaker, I extend my sincere appreciation to Mrs. Eileen Davis, upon her retirement after 15 years in the Livonia City Clerk's Office, for her fine service to our country.

RECOGNIZING ASIAN AMERICAN HERITAGE MONTH, THE EAST SAN GABRIEL VALLEY JAPANESE COMMUNITY CENTER, AND THE CONTRIBUTION OF JAPANESE AMERICANS IN WORLD WAR II

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. SOLIS. Mr. Speaker, I stand to recognize the 100th Infantry Battalion, 442nd Regimental Combat Team, Military Intelligence Service, 522nd Field Artillery Battalion, 232nd Combat Engineer Company, 1399th Engineering Construction Battalion, and the many Japanese American men and women who bravely served our country during World War II. I also would like to recognize the leadership of the East San Gabriel Valley Japanese Community Center for organizing the Cherry Blossom Festival in West Covina, CA in honor of Asian American Heritage Month and in honor of the contribution Japanese Americans have made to the United States of America.

As the U.S. entered World War II in late 1941, many living during that period, including the government, questioned the loyalty of Japanese Americans to the United States. Sadly, thousands of Japanese Americans were heavily scrutinized and sent to live in confinement at concentration camps throughout the duration of the war. Additionally, the U.S. government would not enlist soldiers of Japanese descent into its military, due to its growing distrust of Japan. It was not until February 1, 1943, that the U.S. reversed its decision on enlisting Japanese Americans to the armed forces, as one of the first Japanese American infantry divisions known as the 442nd Regimental Combat Team was formed.

Despite their questioned patriotism, many Japanese Americans proudly demonstrated their loyalty to the U.S. by volunteering to defend their adopted country. As loyal American soldiers, they did everything necessary to assist the United States during the war. Whether it be fighting enemies in war-torn Europe, providing the U.S. military with invaluable human intelligence, or engineering and constructing military bridges with unmatched skill, Japanese Americans helped turn the tide of World War II and helped lead the United States to victory in the mid 1940s.

Although not well received by many Americans after the war and sometimes sadly forgotten in today's history books, Japanese Americans serving in World War II should and will always be remembered for their exceptional and invaluable contribution to the well being of our country. As evident in today's Cherry Blossom Festival in West Covina and throughout the nation, these unsung heroes will never be forgotten and will always share a place in American history. They have and will continue to exemplify the excellence in American leadership today.

RECOGNIZING NATIONAL MINORITY CANCER AWARENESS WEEK

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to join my colleagues in recognizing the 18th National Minority Cancer Awareness Week.

We continue to make great strides in the fight against cancer. As a member of the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee, I was pleased to hear from Dr. Elias Zerhouni, the director of the National Institutes of Health, just this morning. Dr. Zerhouni and Dr. Von Eschenbach, the director of the National Cancer Institute, spoke about the enormous strides that are being made in cancer research. There are now 10 million cancer survivors in the U.S. compared to 3 million in 1971. Death rates from the four most common cancers—lung, breast, prostate, and colorectal—continue to decline.

However, cancer continues to take a significant toll in the U.S. This year, 1.3 million Americans will be diagnosed with cancer and, unfortunately, 556,000 are expected to die. Cancer remains the number two killer in the U.S.

I am particularly dismayed to see that the benefits of the research—the breakthroughs that have been made in terms of prevention and treatment—are not being enjoyed by all communities equally. Sadly, minority communities continue to bear a disproportionate burden of cancer cases.

We know the consequences of such health disparities, and we know that many of them stem from inadequate access by our minority communities to preventative services and early detection. Minorities also have a lower survival rate. Clearly, these will continue to be significant issues that need to be addressed by the National Cancer Institute and the National Center for Minority Health and Health Disparities.

I was very pleased to visit this week with constituents from my congressional district representing One Voice Against Cancer. My constituents included Ivonne DeCorra from Huntington Park and Julie Fleshman from Los Angeles, who is also the executive director of the Pancreatic Cancer Action Network. Another visitor, Michele Perry, knows the heartache of cancer first hand. Having lost her mother to cancer at a young age, Michele was herself diagnosed in 2000. Her personal trials however, have driven her to become an advocate for cancer research and patient programs so that she, her daughter, and countless other will never have to feel the heartache of cancer again.

It is that type of dedication and commitment—stemming from sometimes tragic personal experiences—that have made One Voice Against Cancer an effective voice in advocating for adequate funding for cancer research, prevention and treatment. I and my colleagues heard their message this week, and despite difficult budget circumstances, we will continue the fight against cancer.

The future health of America as a whole will be influenced substantially by our success in improving the health of minority and other medically underserved populations. By increasing awareness of programs and services in minority communities, we can provide an opportunity to engage these communities in the fight against cancer.

That was the message of One Voice Against Cancer this week, incorporated in their theme—"Cancer is a Burden. Finding Help Shouldn't Be." And that is the message that my colleagues and I must act on as we recognize National Minority Cancer Awareness Week and continue the fight against cancer.

PRESERVING ENVIRONMENTALLY SENSITIVE LAND

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. KIRK. Mr. Speaker, today I introduced legislation authorizing the Secretary of the Navy to transfer ownership of environmentally sensitive land at the former Fort Sheridan, Illinois, to a nonprofit organization whose mission is to preserve the environment. This bill will preserve some of the last remaining pristine wilderness along the lakeshore north of Chicago for generations to come.

The bluffs, ravines, and beachfront at Fort Sheridan are a treasure that deserves to be protected. Preserving this land as a park will benefit not only the people of the surrounding communities, but the hundreds of military families who make their home at the Fort. The Secretary of the Navy, Gordon England, is committed to making the Navy a good steward of the environment and he understands the responsibilities associated with control of large parcels of government-owned land. This bill not only will ensure the preservation of the land, it also relieves the Navy of the responsibility for maintaining property that has no military value.

As urban sprawl and development pushes outward from our cities, our military bases are quickly becoming some of the last wide open, wild spaces. This encroachment pushes countless species onto these bases, making it even more important to conserve these critical ecosystems. I will continue working to find practical ways to protect and preserve the environment and critical habitats in the Great Lakes.

TRIBUTE TO DONALD ROLLERT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to one of my constituents, Donald Rollert, a veteran and dedicated civil servant who recently retired from the U.S. Government Printing Office.

Donald Rollert was born in Colorado, grew up in Kansas, and graduated from the Coast Guard Academy. During the Second World War, he served as an officer on an LST in the South Pacific and was subsequently stationed in Italy. Before returning to the United States and civilian life, Don married his wife Myriam in Trieste, Italy. He did post-graduate work at Columbia University and worked for several companies as an engineer. While working at Mergenthaler Linotype Corporation in the 1960's, he assumed responsibility for developing one of the first electronic composition systems. When Don came to the Government Printing Office, he continued developing composition software. He is the author of the GPO's current composition program, Microcomp, which is producing the CONGRESSIONAL RECORD, bills, hearings, and many other government publications including the Federal Register and related publications. As the author of Microcomp, Don Rollert is largely responsible for the GPO's success in the modern publishing world. His hard work, determination, and decision making over the years have made GPO a leader in modern publishing technologies.

A recently published book about the men and women who have served in WWII refers to those people as the "greatest generation." Don Rollert is and deserves to be a member of the greatest generation. Retiring at the age of 82, Don looks forward to spending more time with his wife, children, and grandchildren. He also looks forward to having more time for building models of early sailing ships, traveling, and working at his computer.

I join with his many colleagues and friends in wishing Don Rollert a long and happy retirement.

IN MEMORY OF COL. AARON BANK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of the passing of Colonel (Retired) Aaron Bank earlier this month.

Colonel Bank, who was known as "the father of the United States Army's Special Forces" for his role in creating the unconventional warfare units that became known as the Green Berets, died of natural causes on April 1 at his home in Dana Point, CA. He was 101.

Colonel Bank, a native of New York City and fluent in both French and German, entered the Army in 1939. During World War II, he volunteered for the extremely hazardous duty of working behind enemy lines with the French Resistance and guerrilla forces as a member of the famous Jedburgh Teams. Often posing as civilians, he and his three-man team helped organize a guerrilla force of up to 2,000 men and women and led them on numerous hit-and-run missions throughout Nazi-occupied France.

Colonel Bank remained in the Army after the war and became an advocate for special operations units that could do the type of work carried out by the O.S.S. While serving with a combat unit in the Korean War in 1951, he was called back to Washington to work on the creation of guerrilla-style units within the United States Army. COL Bank's personal diligence was rewarded when the Army approved the special operations concept, and the 10th Special Forces Group (Airborne) was subsequently activated on June 19, 1952, under his personal leadership.

Special Forces, who first gained prominence while serving in Vietnam with their distinctive green berets, are today deployed throughout the world working side-by-side with indigenous forces to combat global terrorism. America has such a capability because of this one man's vision and undaunted drive for excellence.

Mr. Speaker, our Special Operations Forces are among the best warriors this country has ever produced, and Colonel Aaron Bank stood at the forefront of that group. I am sure my fellow Members will join me in extending heartfelt condolences to his family, and in recognizing this great American for the service he offered his country. He was truly the quiet professional.

COMMEMORATING YOM HASHOAH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. WAXMAN. Mr. Speaker, I rise to commemorate Yom HaShoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered during World War II.

I join my colleagues in mourning the innocent lives and vibrant communities destroyed by Nazis while the world shamefully stood by, and call upon all of us to redouble our efforts to combat resurgent anti-Semitism and intolerance around the world.

As we observe the anniversary of the Warsaw ghetto uprising, when a brave cadre of fighters battled a Nazi siege to liquidate the community's last remaining Jews, we must also pay tribute to survivors who continue today to battle the traumatic horrors of their past.

I would like to take this opportunity to recognize Café Europa, a social service and Holocaust survivors advocacy group of Jewish Family Services of Los Angeles, which marked its 16th anniversary this week in a Yom HaShoah ceremony at Mount Sinai Memorial Park in Hollywood Hills.

Café Europa, like other groups across the country, has played a key role in making sure that Holocaust survivors have the social support and resources they need to overcome their haunting suffering and live out their years in peace.

We all have a responsibility to make sure the atrocities they witnessed are not forgotten and never again repeated. While we have come very far in combating Holocaust denial and racial hatred against Jews, new and difficult challenges unfortunately remain ahead.

There is a terrible climate of anti-Semitism growing worldwide. In European and Arab countries, there has been a dramatic rise of anti-Semitism and Holocaust denial fomenting violent attacks against Jews and exacerbating tensions in the Middle East. It is incumbent upon the United States to speak out, raise awareness, and call for action.

While the State Department annual country reports on human rights and religious freedom have attempted to track anti-Semitism the results have been woefully inadequate. For example, the 2003 State Department Country Report on the United Arab Emirates mistakenly characterizes the closure of the Zayed Centre for Coordination and Follow-up as a form of censorship instead of commending the UAE government for taking action to shut down an institution widely criticized for promoting vehemently anti-Semitic symposia, speakers, and materials.

At a time when blood libels, canards like the Protocols of the Elders of Zion, and other anti-Semitic conspiracy theories are being broadcast on Arabic television channels, the United States must be more vigilant in its stance on this issue. We cannot allow governments afraid or unwilling to confront the blight of anti-Semitism to turn a blind eye and permit defamation to be accepted as freedom of speech.

Today, we must resound the words "never again" to the community of nations whose failure to take action against hatred and incitement against Jews quickly turned to devastation and murder a mere half century ago.

REMEMBER YOM HASHOAH

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. CROWLEY. Mr. Speaker, I rise today to join people around the world to remember Yom HaShoah. Remembrance of victims of the Holocaust is an indispensable and enduring task. We all must honor and identify with the victims.

The most horrifying extent of anti-Semitism took place during the Nazi and Fascist reign in Europe. Jewish people were beaten, discriminated, and deported to concentration camps where they had to suffer from hard labor and medical experiments or were executed in gas chambers. This most horrible form of anti-Semitism took the lives of more than six million people, and the Jewish fate must never be forgotten. Indeed, we must ensure that the seeds of anti-Semitism are never sown again in Europe or elsewhere in the world.

And although we are currently in the sixth decade after the end of the Holocaust, the fight against anti-Semitism is far from over. Quite the contrary, new hatred against Jews can be witnessed in Europe, the Caucasus, and Central Asia. Nazi slogans are shouted in the streets of Germany, synagogues are burnt, and Jews are beaten up. This kind of hatred has already brought catastrophe to the Jewish people. Remembrance of the past is therefore essential as it helps focus attention on current and future threats to the Jewish people.

Remembrance must, however, go beyond intellectual insight and historical facts and should also include an emotional understanding, as far as this is possible. Only then are people ready to develop an attitude of zero-tolerance against anti-Semitism and discrimination in general.

NATIONAL COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LANTOS. Mr. Speaker, today in the great rotunda of the Capitol Building, the annual Days of Remembrance ceremony was held to remind us of the victims of the Holocaust and again commit ourselves that such a horror shall never again take place. It was my great privilege to join other Members of Congress and leaders in lighting one of the six candles in memory of the six million victims of the Holocaust.

The focus of today's commemoration was particularly meaningful for me, Mr. Speaker, because this year marks the 60th anniversary of the Holocaust in Hungary. In March of 1944, Nazi German troops occupied Hungary. Hungary had been an ally of Hitler, but as Germany began to fall back before the advancing Soviet army, the German high command was uncertain about Hungary's loyalty. Germany occupied Hungary, established a puppet regime in Budapest, and Adolf Eichmann was sent to Hungary to oversee the elimination of Hungary's entire Jewish population.

As the Germans began to move against Hungary's population, the United States took action to help preserve the Jewish population. The U.S. War Refugee Board was established in January 1944. On March 25, 1944—less than a week after German troops occupied Hungary—President Franklin D. Roosevelt called for the rescue of the Jewish population in Hungary: "In the name of justice and humanity let all freedom loving people rally to this righteous undertaking."

Mr. Speaker, at the request and through the involvement of the U.S. War Refugee Board, Swedish businessman Raoul Wallenberg was given diplomatic status and sent by his government to Budapest. He and his Swedish colleagues, including Per Anger, helped protect tens of thousands of Hungarian Jews from being deported to Auschwitz by distributing protective Swedish passports or travel papers. With funds provided by the United States he also rented apartment blocks and declared them protected Swedish diplomatic enclaves, and he was able to protect numerous Jews in these buildings.

Carl Lutz, a Swiss diplomat, also issued certificates of emigration that placed thousands of Jews in Budapest under Swiss protection. Italian businessman Giorgio Perlasca, posing as a Spanish diplomat, issued forged Spanish visas and established under his "authority" safe houses, including one for Jewish children. Many other diplomats, including the Portuguese diplomat Branquinho, were active in saving lives.

Mr. Speaker, I was one of those fortunate individuals who were able to find refuge in one of the Wallenberg safe houses after I successfully escaped from a forced labor camp north of Budapest. Most of the members of my family and a large portion of my wife Annette's family were killed during that dark period.

When Soviet military forces liberated Budapest in January and February 1945, more than 100,000 Jews were still alive in the city because of the efforts of Wallenberg, Lutz, Perlasca, and other diplomats and individuals. There are many individuals alive today—as well as our children and grandchildren—because of the work of these individuals and the efforts of the United States War Refugee Board.

Mr. Speaker, as we mark the 60th anniversary of the Holocaust in Hungary, I urge my colleagues to join me in this solemn remembrance. At the same time, I urge all of us to recommit ourselves to fighting against the evils that led to the Holocaust—anti-Semitism, racism, bigotry, and intolerance. Unfortunately, as we have seen too often lately, these precursors to violence and the murder of innocents have not been eradicated. We have seen a resurgence of anti-Semitism in many places in Europe. We have seen religious extremists in the Middle East and elsewhere carrying out horrendous atrocities against others in the misused name of their God. We have seen ethnic differences lead to genocide in Africa—a tragic event whose 10th anniversary we marked just a few days ago.

Mr. Speaker, let us recommit ourselves to fight against the intolerance and bigotry that led to the Holocaust and that continues to produce such suffering and tragedy in our world. Let us recommit ourselves to respect for individual differences and to fight for human rights.

HOLOCAUST REMEMBRANCE DAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. DELAURO. Mr. Speaker, today marks the national commemoration of Holocaust Remembrance Day. Today the Congress will stop to remember the six million Jews murdered in the Holocaust. That dark time in history taught us lessons which we must always remember, and which must guide our future. We know the depths to which humanity can descend; we know how millions of people can embrace evil; and we know that it must never happen again.

Indeed, from that terrible moment in history, the world took up a battle cry against bigotry and hatred: "Never again." As the world's only superpower, it is our responsibility to make that statement an element of our foreign policy. The United States must be ever vigilant in preventing genocide, as we did in Kosovo. We must be willing to stand up quickly and forcefully to the ideology of hate, wherever we find it.

We must be vigilant at home, as well. This vigilance requires us to tell the story of the Holocaust to each other and to our children. We owe nothing less to the survivors and to the brave men who fought to liberate the Ghettos and the death camps. We also owe this debt to the men and women who, in the midst of Holocaust, stood out as some of humanity's brightest lights: Raoul Wallenberg and Per Anger provided nearly 100,000 Hungarian Jews with fake passports and other tools to escape Nazi persecution. Oskar Schindler's employment of Polish Jews spared thousands from death. In Denmark, entire fishing communities helped ferry almost 90 percent of Denmark's Jews to safety in Sweden. These stories must be told.

On this day when the Congress stops to remember the six million people slaughtered in the Holocaust, I hope that we also recall these incredible stories of courage and of the good that humanity can achieve, even in the midst of unspeakable horror.

DAY OF REMEMBRANCE FOR THE HEROES AND MARTYRS OF THE HOLOCAUST

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. ACKERMAN. Mr. Speaker, I rise to call the attention of the House to the Day of Remembrance for the Heroes and Martyrs of the Holocaust. Today is the National Commemoration day, and the Rotunda of the Capitol again will serve as the focal point of America's obligation to remember. Sadly, the Holocaust is not old news, even though the last camp was liberated in 1945, even though the last victim was killed in 1945, even though the Nazi regime fell in 1945.

Unfortunately Mr. Speaker, the Holocaust is a current event. It is not then, it is now. It is today, it is this moment. Today in America, Holocaust survivors are still struggling to win back their lost property and overdue compensation. Today in Europe, on the same streets the Nazis declared Judenrein—Jew-free—Jews are again being attacked and assaulted. Today around the world, newspapers and media outlets are spewing vicious, venomous anti-Semitic lies and incitement. Today in other countries, ethnic cleansing is taking place. Today, intolerance, xenophobia, racism, and anti-Semitism are realities in our world, and we cannot ignore this fact.

Our obligation as a nation which has adopted the ethos of "Never Again," at a very bare minimum, is to remember. Our national commitment to remember the Holocaust is worth reflecting on and is something we can be proud of as long as we remain vigilant and aware of the unique nature of this tragedy in human history.

The American people's commitment is embodied in the U.S. Holocaust Memorial Museum and its ongoing mission. The American public also gives generously to non-profit groups that develop and share Holocaust education programs around the country. And most importantly, the United States remains an active and vocal supporter of universal human rights and guardian against the continued risk of genocide. There is, unfortunately, a justification for this activity beyond good heartedness.

The shame of this country's refusal to either admit Jewish refugees from Nazi persecution or even to bomb the railway lines to the concentration camps will forever remain a blackmark on our national honor. While this loathsome chapter of our national history cannot be unwritten, we can and must pursue policies that ensure such tragedies never occur again. Refugees continue to deserve the protection and assistance of the United States, and we must never be afraid to intervene to prevent genocide or ethnic cleansing.

We must also continue to build and strengthen the bonds of friendship and support between this nation and the State of Israel, which emerged out of the ashes of the Holocaust. While much of the world quibbles over, or disputes entirely, the right of the Jewish people to establish a state in their historic homeland, the United States has never for a moment doubted the rightness and morality of this enterprise or questioned the right of the Jewish people to have a state of their own. Indeed, many of those states which either assisted the Nazis in the liquidation of their Jewish populations, or simply sat by quietly as the Nazis fulfilled their vicious agenda, are today among Israel's most vigorous critics.

By contrast, the United States is, and I hope always will be, Israel's closest ally and friend in the international community. I am proud of America's support for Israel, and I think it is no coincidence that the United States and this Congress do so much answer the call of memory the Holocaust demands.

Today in the Capitol we recall the stark facts of the Holocaust: that in the years between 1933 and 1945, a modern, cultured, Western nation transformed from a democracy into a dictatorship; that this dictatorship initiated a war not only against the nations of Europe, but against the Jewish people; that to fulfill the mandate of genocide Nazi Germany established ghettos, special military killing units, a bureaucracy to manage the construction and operation of the concentration camps, slave labor camps and extermination camps, and a transportation system to bring Europe's Jews to their doom; and that at the end of the Nazis' regime, their campaign of persecution and annihilation had systematically murdered some 6,000,000 innocent Jews.

Mr. Speaker, we must remember this. To ignore the Holocaust is to risk its repetition and to clear a path for deniers and bigots and their agenda of hate. The Holocaust must be remembered. As a moral nation, we can do no less.

COMMEMORATION OF HOLOCAUST REMEMBRANCE DAY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. HOLDEN. Mr. Speaker, I rise today as we join together at the United States Capitol to observe the national commemoration of Holocaust Remembrance Day.

Also known as Yom HaShoah, a Hebrew term for "The Holocaust," this is an internationally recognized day set aside each year to remember the victims of the Holocaust and to remind each of us what can happen when bigotry and hatred are not confronted.

The Holocaust's magnitude of destruction with more than 12 million deaths—6 million Jews, including 1.5 million children (more than ⅔ of European Jewry) and 6 million others—challenges comprehension. Studying the Holocaust presents a framework of many relevant moral issues. The Holocaust illustrates the consequences of prejudice, racism and stereotyping on a society. It forces us to examine the responsibilities of citizenship and confront the powerful ramifications of indifference and inaction. The Holocaust also shows us how a combination of events and attitudes can erode a society's democratic values.

As we commemorate Holocaust Remembrance Day, we must acknowledge that anti-Semitism and other dangers still exist. Acts of anti-Semitism in countries throughout the world, including some of the world's strongest democracies, have increased significantly in frequency and scope over the last several years. During the first 3 months of 2004, there were numerous instances of anti-Semitic violence around the world. For instance:

In Australia, poison was used to ignite, and burn anti-Semitic slogans into, the lawns of the Parliament House in the state of Tasmania;

In St. Petersburg, Russia, vandals desecrated approximately 50 gravestones in a Jewish cemetery, painting the stones with swastikas and anti-Semitic graffiti;

In Toulon, France, a Jewish synagogue and community center were set on fire;

And just 4 weeks ago in Toronto, Canada, vandals attacked a Jewish school, a Jewish cemetery, and area synagogues, painting swastikas and anti-Semitic slogans on the walls of a synagogue and on residential property in a nearby, predominantly Jewish, neighborhood.

Anti-Semitism in old and new forms is also increasingly emanating from the Arab and Muslim world on a sustained basis, including through books published by government-owned publishing houses throughout the Arab region.

The sharp rise in anti-Semitic violence has caused international organizations such as the Organization for Security and Cooperation in Europe (OSCE) to elevate, and bring renewed focus to, the issue, including the convening by the OSCE in June 2003 of a conference in Vienna dedicated solely to the issue of anti-Semitism. The OSCE will again convene a conference dedicated to addressing the problem of anti-Semitism on April 28–29, 2004, in Berlin, with the United States delegation to be led by former Mayor of New York City Ed Koch.

Mr. Speaker, I am proud of the manner in which Congress has consistently supported efforts to address the rise in anti-Semitic violence. In that spirit we must ensure the United States Government remains strongly committed to supporting international efforts to address anti-Semitism through bilateral relationships and interaction with international organizations such as the OSCE, the European Union, and the United Nations. It is in this spirit that we can truly say, "Never Again."

ON THE OCCASION OF HOLOCAUST REMEMBRANCE DAY

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues to commemorate Yom Ha-Shoah, Holocaust Remembrance Day, which memorializes the 6 million Jews murdered by the Nazis during World War II.

We mourn the innocent lives and vibrant communities destroyed while the world shamefully stood silent. We encourage the advancement of Holocaust education and we must continue the battle against resurgent anti-Semitism and intolerance around the world.

We must also do more to stop the steady stream of hatred. The dramatic rise of anti-Semitic attacks and Holocaust denials in Europe and in Arab countries is unacceptable.

We shall never forget the horrific crimes of murder and destruction committed by the Nazis. We firmly commit ourselves to ensuring that future generations shall never be forced to endure the suffering, humiliation, and ultimate death experienced by the victims of the Holocaust. We commit ourselves—as a country and as human beings—to never allow the pleas of those in need to ever again go unanswered.

We recommit ourselves to stand against anti-Semitism, discrimination, and intolerance in all forms—at home and abroad. As we reflect upon the murder of 6 million innocent Jewish men, women and children, and the systematic destruction of families and vibrant communities, we reestablish our determination to confront the past, and our dedication to perpetuating the memory of those who suffered.

We shall never forget.

HOLOCAUST REMEMBRANCE DAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. BACA. Mr. Speaker, I rise today to remember the tragic horror of the Holocaust. The memory of the six million Jews murdered by the Nazis must never be forgotten.

Yom Ha Shoah, Holocaust Martyrs' and Heroes' Remembrance Day, stands as the day when people all over the world remember the inhuman actions of Nazis and the righteous actions of heroes.

Six million people were murdered in concentration camps, in homes, on the street, and in the ghettos.

Their lives were lost and all that is left are memories and mementos.

We must remember the lives of those who perished during the Holocaust. We must teach the children of the horror and terror that can happen when the world turns the other way and refuses to notice hatred and bigotry, racism and anti-Semitism.

When I visited Israel and Yad va Shem, I remember walking into the Hall of Remembrance and seeing the single memorial flame casting light in the dark room.

The memorial light always burns never forgetting what took place during the Holocaust.

It is this light that I think of when I hear that Temple Emanu-El in San Bernardino held an interfaith ceremony commemorating the Holocaust.

But commemoration should not end with Holocaust Remembrance Day. Throughout the year, whenever we see the injustice of anti-Semitism and the injustice of racism we need to remember the Holocaust and speak out.

All over Europe, the Middle East and North America, anti-Semitic acts occur with disheartening frequency. We must speak out against these attacks. We must speak out against the stereotypes and anti-Semitic forgeries seen on the Internet and in the foreign press. We must speak out against all racist and bigoted actions.

We must be vigilant, so that we can say that the Holocaust will never happen again.

HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyr's and Heroes Remembrance Day. I join the people of Israel and those around the world to memorialize the 6 million Jews who were murdered by the Nazis during World War II.

In 1933, there were over 9 million European Jews. By 1945, close to two out of every three had been killed as part of the Nazi's Final Solution. European cities have never recovered the diversity and way of life they had prior to the war. The Jewish people killed were teachers, lawyers, doctors, musicians, parents, and children. These innocents were killed because they were Jewish and targeted for no other reason, they were no different from you or I.

There are few Holocaust survivors alive and it is important for them to share their stories and educate people about the Holocaust, here and abroad. Over 50 years have passed since the Holocaust but anti-Semitism still exists. There has been an upsurge of anti-Semitism overseas and it must stop before there are further extreme acts.

We must also remember the others who were murdered for being different. Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny for no specific reason except they were different.

The Holocaust was not an accident. It was a planned attempted extermination. Individuals, organizations and governments made choices that not only legalized discrimination but also allowed prejudice, hatred, and ultimately, mass murder to occur. As a global society we must work to ensure something like this does not occur again.

We will never forget.

SO THAT THE WORLD WILL NEVER FORGET: REMEMBERING THE VICTIMS OF THE HOLOCAUST

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MEEK of Florida. Mr. Speaker, today I rise to join with my community and my colleagues to recognize Yom HaShoah, the day established to remember the state-sponsored persecution and murder of approximately six million Jews by the Nazi regime and its collaborators.

Yom HaShoah, the Hebrew word for destruction, is the term used to describe the war that swept up the souls of six million Jews between 1938 and 1945. A war in which unspeakable atrocities were perpetrated against a defenseless and blameless people, whose only "crime" was their religious beliefs.

Men and women, young and old alike, perished at the hands of the Nazis and their allies. Every year, on Yom HaShoah, we remember the martyrs who perished in the camps, in the ghettos, and in the gas chambers.

It has been 60 years since the Holocaust. To survivors, and those who lost friends and family members, it remains real and ever-present. But to many people, who did not directly experience the Holocaust or have a connection to those who did, 60 years makes the Holocaust seem like ancient history.

It is for this reason that we meet here today, for the world must never forget the unspeakable horror of the Holocaust. Every person has a responsibility to fight against ignorance, intolerance and prejudice in all its forms.

So let us rededicate ourselves as we commemorate this day of Yom HaShoah, so that the memories of the Jewish victims of the Holocaust can live on for eternity and that a tragedy like this will never happen on the face of the earth again.

HOLOCAUST MARTYRS' AND HEROES' REMEMBRANCE DAY

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. SANDLIN. Mr. Speaker, last Sunday, April 18, 2004, the people of the world memorialized Yom HaShoah—a special day of remembrance honoring the martyrs and heroes of the Holocaust. Holocaust Remembrance Day is a day that has been set aside to remember the victims of the Holocaust and to remind each of us what can happen when bigotry and hatred are not confronted.

Mr. Speaker, I am humbled as I rise today with my colleagues to honor the memories and the lives of the more than 6 million victims of Nazi hatred and aggression during the pogrom known to us as the Holocaust. I am also humbled to stand in this cathedral of freedom and honor the lives of the many heroes who fought so bravely against unimaginable odds to defeat a genocidal madman.

More than 60 years ago, Adolf Hitler and his Nazi regime set out to eradicate European Jewry. So committed were they to the accomplishment of this goal, their so-called "Final Solution," that even in the waning days of World War II, when defeat was imminent, the Germans continued rounding up Jews all over Europe and sending them to their deaths.

Mr. Speaker, driven by a radical and uncompromising anti-Semitic ideology, the Nazis redoubled their efforts to reach every last Jew before the war ended. They were in a rush; time was running out. Depleting sorely-needed resources from the war effort, German forces swept across Europe, assembling and annihilating community after community, individual after individual, from their homes, ghettos and hiding places.

Mr. Speaker, during the last year of the war in Europe, German defeat was all but accomplished, and yet their hatred and bigotry survived and thrived. Consequently, the Nazis murdered more than 700,000 Jews in the last full year of the war, including most of the Jews of the last large community in Europe, Hungary. In one of the most efficient deportation and murder operations of the Holocaust, the Nazi and Hungarian regimes deported 437,000 Jews to Auschwitz-Birkenau in just eight weeks, and killed tens of thousands more later that year.

Six decades have passed since Allied troops liberated the labor and death camps, and yet the memory of the horrors perpetrated against the Jewish people is seared into the collective conscious of the world. However, Mr. Speaker, sadly, we cannot undo history, and we cannot reverse the atrocities carried out by a barbarous German regime.

What remains for us is to honor and preserve the memories and lives of both the victims and the survivors of the Holocaust. Out of the great tragedy of the Holocaust emerges a tremendous object lesson for humanity: hatred and bigotry can never be taken for granted or left unchecked. We must never forget.

Mr. Speaker, memory is critical—our own and that of the victims of unprecedented evil and suffering. The Holocaust is an era we must remember not only because of the dead; it is too late for them. Not only because of the survivors; it may even be too late for them. Preserving memory is a solemn responsibility, aimed at saving men and women from apathy to evil, if not from evil itself. We must never forget.

Mr. Speaker, sixty years ago, much of the world overlooked the deadly plight of an entire people until it was almost too late. We have a sacred obligation—in order to truly keep faith with the principles upon which our great nation was founded—to remain vigilant, to remember the horrors of the past, to learn from them, and to protect against them for all eternity. We must never forget.

Mr. Speaker, Nobel laureate and Holocaust survivor, Elie Wiesel, perhaps summed it up best when he said, "to remain silent and indifferent is the greatest sin of all." As Americans, we must heed his call and embrace his challenge. We must never forget.

COMMEMORATION OF YOM HASHOAH, AND UPCOMING OSCE CONFERENCE ON ANTI-SEMITISM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. CARDIN. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered by the Nazis during their campaign of genocide in World War II. We mourn the innocent lives lost and vibrant communities destroyed while the world shamefully stood silent, and honor those heroes of the Warsaw Ghetto who faced certain death when they refused to submit to the Nazi's planned extermination of their community.

To this day, Mr. Speaker, many European countries have failed to right the past wrongs of the Holocaust by failing to adequately redress the wrongful confiscation of property by the Nazi and communist regimes. These seizures took place over decades; they were part of the modus operandi of repressive, totalitarian regimes; and they affected millions of people. The passage of time, border changes, and population shifts are only a few of the things that make the wrongful property seizures of the past such difficult problems to address today.

While I recognize that many obstacles stand in the way of righting these past wrongs, I do not believe that these challenges make property restitution or compensation impossible. On the contrary, I believe much more should have been done—and can still be done now-while our elderly Holocaust survivors are still living.

Today I also want to sound the alarm about a disturbing trend that Jews face today: a rising tide of anti-Semitism throughout the world.

I serve as the Ranking Member of the Commission on Security and Cooperation in Europe (CSCE), commonly known as the Helsinki Commission. Later today I will travel to Europe as part of the U.S. Delegation to several meetings of the Organization for Security and Cooperation in Europe (OSCE), a fifty-five national regional security organization which includes Europe, Central Asia, and North America. The Helsinki Commission has held multiple hearings on this issue, and the House and Senate have adopted resolutions strongly condemning this rising tide of anti-Semitism, as has the OSCE Parliamentary Assembly.

As part of my upcoming Helsinki Commission trip, I will travel to Warsaw, Krakow, and then to the death camps at Auschwitz, to see firsthand the remains of the factories of intolerance, hate, and death. From there I will travel to an OSCE Conference on Anti-Semitism, which will also be attended by Secretary of State Colin Powell. I will then return to the United States, where I will host a group of constituents at the U.S. Holocaust Memorial Museum in Washington.

The Berlin Conference will be instrumental in the battle against anti-Semitism, as elected officials, government leaders and executives of non-governmental organizations come together to discuss how to fight this destructive evil. Anti-Semitism still afflicts societies throughout the world, including the United States. While we have made some progress in moving governments to respond through public denunciations and vigorous law enforcement, there is much more we can do to confront and combat anti-Semitism. The Conference will specifically address the roles of governments, civil society, education and the media in combating prejudice and in promoting tolerance.

As we commemorate Yom Hashoah, let us honor the memory of those who perished in the Holocaust by pledging to fight intolerance, hate crimes, and violence in our community and around the world. We shall never be silent again.

HOLOCAUST REMEMBRANCE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to pay tribute to the 6 million Jews who perished at the hands of the Nazis during the Holocaust. Today in the nation's Capitol, we gather to pay our respects with our Days of Remembrance ceremony. My district, the 9th Congressional District of Illinois, is home to a large number of survivors of the Nazi death camps, and this day holds deep meaning for those individuals and the entire Jewish community.

Recent events in the Middle East and around the world underscore the importance of this day. Anti-Semitic and anti-Israel rhetoric and demonstrations continue in numerous countries. And while we respect the right of every person to be heard, the hateful displays throughout the world that are directed at the Jewish people remind us that "Never Again" is not a guarantee, but a promise that we must uphold through education, dialogue, and determination. It reminds us that we must continue to strengthen the U.S. commitment to the security of Israel. Moreover, we must redouble our efforts to bring lasting peace to the Middle East.

"Never Again" also means that we must combat hate and genocide wherever it exists. We must never turn a blind eye to terror or discrimination. We must demand that our government hold those who carry out acts of needless brutality accountable and that it take action to prevent unwarranted human misery.

We recently marked the ten year anniversary of the Genocide in Rwanda, a horrific period in recent history. The world, including the United States, allowed for the brutal murder of 800,000 Tutsis in just 100 days of barbaric killings. President Clinton has cited the Rwandan genocide as one of his worst regrets.

In my Congressional district last weekend, the Cambodian Association of Illinois held a groundbreaking ceremony for the first Killing Fields Memorial Museum in the United States.

While we must honor those who were lost during the Holocaust and other past genocides by carrying on and living honorable and productive lives, the most important thing we can do to honor lives lost in the past is to refuse to repeat the same mistakes today that allowed for those atrocities to occur in the past.

Today, as we mark the Holocaust and honor the lives that were lost in the world's worst murder case, and, as we reflect on other past genocides, history appears, shamefully, to be repeating itself.

Today, in the Sudan, civilians are being systematically murdered, raped and brutalized by the government and other forces. We will likely witness the loss of hundreds of thousands of innocent lives in the coming weeks if the world stands idly by and does nothing to intervene.

Some in this body may feel some comfort in pointing to the fact that a hearing has been held or that they were willing to sign a letter or cosponsor a non-binding resolution expressing concern. Those are important steps to take to put the Congress on record, but unfortunately, they will not save lives. The situation in Sudan is a human rights emergency, one that demands immediate action, not just words from the United States and the international community. "Never Again" means making tough decisions to preserve human life.

While President Bush has acknowledged the situation in Sudan and has expressed concern, he has not taken action to address it. Phone calls and press statements do not constitute action. Today, I call on President Bush in the name of human dignity and compassion to honor those who were lost in years past while the world watched in silence, to exert true leadership and take action to stop the killing in the Sudan.

Each one of us has a responsibility to condemn the senseless killing that is taking place and to demand that our great nation lead the world in bringing the bloodshed to an end.

RECOGNIZING HOLOCAUST COMMEMORATION CEREMONY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise to honor the millions of Jews who perished in the Holocaust and extend my support to today's annual Days of Remembrance ceremony at the U.S. Capitol.

The Days of Remembrance ceremony, along with the creation of the United States Holocaust Memorial Museum, were established by Congress to permanently honor these victims. The lasting legacy of the museum and today's annual ceremony is not only to remember those who perished, but also to educate the world about human rights.

The 2004 Days of Remembrance asks us to pay tribute to the memory of the Jews of Hungary, who were deported 60 years ago in the final stages of World War II, and to honor those courageous individuals as well as the few organizations and countries who attempted to rescue them.

When I served in the Connecticut Senate as Senate President Pro Tempore, I had the great honor of presiding over the Days of Remembrance for 8 years. These ceremonies were incredibly moving. They inspired all in attendance to reflect on how such tremendous horror could happen in a civilized world. Every memorial candle lit by survivors and their family members was a testament that the eternal flame of life may flicker and dim, but it can never be extinguished.

One family in particular that understands this painful moment in history all too well is that of my colleague from Connecticut Senator JOE LIEBERMAN. Senator LIEBERMAN's wife Hadassah, is the daughter of Auschwitz death camp survivors. Although her father, Rabbi Samuel Freilich, has died, he bravely confronted his memories of Auschwitz by writing the book, The Coldest Winter.

Hadassah Lieberman was part of the U.S. delegation who attended the ceremony to mark the 50th anniversary of the liberation of Auschwitz. I can't possibly begin to know what that trip must have meant to her. Yet, I do know that her courage to travel to this place of horrible evil, and the courage of every survivor and their families, is truly remarkable.

This year's Days of Remembrance theme is "For Justice and Humanity." Sadly, thousands around the world have not found justice from the crimes against humanity that they have endured.

A United Nations Commission on Human Rights statement issued yesterday indicates that human rights violations around the world are far from eliminated. The Commission agreed to assist countries that have recently experienced violence or are still combating insurgencies, such as Afghanistan, Nepal, Timor-Leste, Cambodia, Haiti, Burundi, Somalia, the Democratic Republic of the Congo, Chad, Liberia, Somalia and Sierra Leone.

Today's ceremony is a critical reminder that the fight against repression and violence is a difficult battle. Yet, it also reminds us that while the capacity to hate does exist in this world, an equally potent capacity for hope, for courage and for justice also exists.

RECOGNIZING HOLOCAUST REMEMBRANCE DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. LANGEVIN. Mr. Speaker, I rise to honor the millions who lost their lives during the Holocaust as we observe Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day.

Yom Hashoah commemorates the April and May 1943 Warsaw Ghetto uprising. Led by 23-year-old Mordecai Anielewicz, 750 Jewish resistance fighters battled heavily armed German troops and police attempting to deport the surviving ghetto inhabitants to concentration camps. In an appeal to the world community to end the atrocities of the Holocaust, the fighters wrote, "A battle is being waged for your freedom as well as ours. For you and our human, civic, and national honor and dignity." Unfortunately, their call went largely unanswered. While the fighters were able to hold out for nearly a month, the German firepower was too much. In the end, more than 56,000 Jews were captured, 7,000 were shot, and the remainder were deported to concentration camps.

Between the years of 1941 and 1945, more than 12 million innocent civilians were murdered in the Holocaust, including 6 million Jews. These people were singled out not because of any wrongdoing, but rather because of their families' religion or where they were born.

Nearly 60 years after the end of this attempt to exterminate an entire religion, anti-Semitism, racism, and xenophobia continue to plague humanity. People are discriminated against and even targeted for violence simply because of where they were born or who their ancestors are. Every day, this occurs not only in Europe, the Middle East, and North Africa, but also here in America. Now more than ever, we all must work to understand those of different cultures, races, and religions. Mutual respect for differences will lead to the end of hostilities, and only then will the opportunity for world peace exist.

As philosopher George Santayana said, "Those who cannot remember the past are condemned to repeat it." I encourage my constituents to take this opportunity to visit the Rhode Island Holocaust Memorial Museum, speak to a Holocaust survivor, or read a book by Eli Wiesel. I solemnly remember and honor all of those who lost their lives in the Holocaust, and I will do all in my power to ensure that similar atrocities never occur again.

HOLOCAUST REMEMBRANCE DAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. ENGEL. Mr. Speaker, I rise in honor of this Holocaust Remembrance Day, Yom HaShoah, to remember both the best and the worst of humanity. Six million Jews and millions of others were rounded up, tortured, and murdered, by the Nazis 6 decades ago. The martyrs of these indescribably vicious and inhumane deeds will never be forgotten, neither their deaths nor the principles for which they stood. We remember those who were too weak to defend themselves, who were brutally slaughtered in death camps. We remember those like Anne Frank who battled to preserve their humanity in their own unique way. We remember those who fought back, like the brave men and women who rose up against the Nazis in the Warsaw ghetto 60 years ago.

Yet, nearly 6 decades after the Holocaust concluded, Anti-Semitism still exists as the scourge of the world. The Anti-Defamation League has found that in 2003 more than 1500 Anti-Semitic incidents occurred in the United States alone. Holocaust museums were the victims of arson and community centers defaced with swastikas. Tombs of Jews around the world, from Argentina to France, have been damaged and disgraced. For years we have spoken about this unacceptable situation, but we must reinforce our words with actions. As George Washington wrote in a letter to the Jewish Community of Newport, Rhode Island 204 years ago, the Government of the United States must always give "to bigotry no sanction."

As it did 60 years ago, the best of humanity must not stand silent but respond. Too small is our world to allow discrimination, bigotry and intolerance to thrive in any corner of it, let alone in the United States of America. Let this day of memorial strengthen our resolve to ensure that tolerance and coexistence will never be defeated by those who wish us harm.

IN OBSERVANCE OF HOLOCAUST REMEMBRANCE DAY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. MATSUI. Mr. Speaker, I rise today to join the international community in reflecting on the appalling events of the Holocaust and honoring the victims of this horrific tragedy by observing Holocaust Remembrance Day. On this day in 1943, the brave Jewish men and women of the Warsaw ghetto revolted against their Nazi captors in what was, unfortunately, a doomed battle. Yet their courage in the face of incredible odds showed the world the strength of the human spirit against oppression, prejudice, and racism.

The sheer magnitude of the destruction and loss of life during the Holocaust is beyond comprehension. Over 12 million people lost their lives—more than 6 million of which were Jewish. In some cases, entire Jewish families and communities were wiped out.

Unfortunately, the struggle against anti-Semitism continues today, as recent reports indicate an increase in violence against the Jewish community around the world. Remembrance Day serves as a reminder that we must never forget the appalling tragedy of the Holocaust—and that the struggle against prejudice has not yet ended.

Today, we rededicate ourselves to fighting intolerance, racism and apathy so that future generations do not experience the suffering, terror and ultimate death endured by the victims of the Holocaust. We must strive to understand these horrific events and work together as an international community to never again remain silent and indifferent in the face of others' oppression.

HOLOCAUST REMEMBRANCE DAY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 2004

Mr. WEXLER. Mr. Speaker, today, we mourn for the 6 million whose innocent lives were taken simply because they were Jews. Today, we honor the survivors of the Holocaust whose deep wounds will never heal. And today, we recognize the families of the fallen, whose lies were forever marred by irreparable loss and pain.

As we join together to pay tribute to those whose lives were tragically cut short, it is our moral obligation and duty to confer the lessons of the Holocaust l'dor v'dor—from one generation to the next. We must use Holocaust education as a shield, guarding future societies from incitement, ignorance and hate. Now, more than ever, as anti-Semitism increase both in Europe and throughout the globe, we must remember the horrors of the past to ensure that they may never happen again.

It is in this spirit that I join my colleagues in Congress in honoring the 6 million whose lives have been lost, but whose memories will forever live on.

HOUSE OF REPRESENTATIVES—*Monday, April 26, 2004*

The House met at noon and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 26, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speake of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, with the right amount of sunlight and rain You provide the greening of earth. With just enough daytime and nighttime You measure the activity and the rest of Your people.

As a new week unfolds before us, may each person find an inner balance that speaks of health and holiness. May every day be a response to Your word and prove to be an opportunity to correct our faults and grow in virtue to work together for justice, and sow seeds of peace.

In us and through us may Your holy will be revealed today, tomorrow and always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2329. An act to protect crime victims' rights.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2329. An act to protect crime victims rights; to the Committee on the Judiciary.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, April 27, 2004, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2003 and the first quarter of 2004, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. MAC COLLINS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 22 AND FEB. 28, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mac Collins	2/22	2/28	Vietnam		1,109.00		37.19		521.93		1,668.12
Committee total					1,109.00		37.19		521.93		1,668.12

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MAC COLLINS, Apr. 15, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MARGARET PETERLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 26 AND SEPT. 29, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Margaret Peterlin	9/26	9/27	Costa Rica		225.00						225.00
	9/27	9/29	Guatemala		434.00						434.00
Committee total					659.00						659.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARGARET PETERLIN, Mar. 23, 2004.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 18 AND FEB. 21, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred L. Turner	2/18	2/21	Austria	691.28	819.00					691.28	819.00
Committee total				691.28	819.00					691.28	819.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, Mar. 24, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARNETT E. BELL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 22 AND FEB. 28, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Garnett E. Bell	2/22	2/28	Vietnam		1,109.00		37.19		521.93		1,668.12
Committee total					1,109.00		37.19		521.93		1,668.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARNETT E. BELL, Apr. 15, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, IRAQ, UZBEKISTAN, AFGHANISTAN AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 28 AND FEB. 2, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	1/29	1/30	Jordan	168.50	238.00		(3)			168.50	238
	1/31	2/1	Uzbekistan		456.00		(3)				456
	2/1	2/2	Germany		250.00		(3)				250
Hon. Ike Skelton	1/29	1/30	Jordan	168.50	238.00		(3)			168.50	238
	1/31	2/1	Uzbekistan		456.00		(3)				456
	2/1	2/2	Germany		250.00		(3)				250
Hon. Robin Hayes	1/29	1/30	Jordan	168.50	238.00		(3)			168.50	238
	1/31	2/1	Uzbekistan		456.00		(3)				456
	2/1	2/2	Germany		250.00		(3)				250
Michael W. Sheehy	1/29	1/30	Jordan	168.50	238.00		(3)			168.50	238
	1/31	2/1	Uzbekistan		456.00		(3)				456
	2/1	2/2	Germany		250.00		(3)				250
Henry J. Schweiter	1/29	1/30	Jordan	168.50	238.00		(3)			168.50	238
	1/31	2/1	Uzbekistan		456.00		(3)				456
	2/1	2/2	Germany		250.00		(3)				250
Hugh N. Johnston, Jr.	1/29	1/30	Jordan	168.50	238.00		(3)			168.50	238
	1/31	2/1	Uzbekistan		456.00		(3)				456
	2/1	2/2	Germany		250.00		(3)				250
Committee total				1,011.00	5,664.00					1,011.00	5,664.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

NANCY PELOSI, Mar. 10, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 19 AND FEB. 23, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas E. Petri	2/19	2/23	United Kingdom		1,830.00		2,989.37				4,819.37
Hon. Doug Bereuter	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. John Boozman	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. JoAnn Emerson	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. Paul Gillmor	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. Joel Hefley	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. Peter King	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. Dennis Moore	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. James Oberstar	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. John Tanner	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Hon. Ellen Tauscher	2/19	2/23	United Kingdom		1,830.00		(3)				1,830.00
Robin Evans	2/19	2/22	United Kingdom		1,380.00						1,380.00
Debbie Gebhardt	2/19	2/23	United Kingdom		2,155.00		5,875.07				8,030.07
Charles Johnson	2/19	2/23	United Kingdom		1,830.00						1,830.00
John Lis	2/19	2/22	United Kingdom		1,380.00						1,380.00
Fran Marcucci	2/19	2/22	United Kingdom		1,705.00		5,875.07				7,580.07
Vince Morelli	2/19	2/21	United Kingdom		920.00						920.00
Susan Olson	2/19	2/23	United Kingdom		1,830.00						1,830.00
Marilyn Owen	2/19	2/22	United Kingdom		1,380.00						1,380.00
Mark Wellman	2/19	2/22	United Kingdom		1,380.00						1,380.00
Committee total					34,090.00		14,739.51				48,829.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; it U.S. currency is used, enter amount expended.
[3] Military air transportation.

TOM PETRI, Mar. 12, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, Apr. 6, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Dean D'Amore	2/13	2/14	Italy		246.00		(3)				246.00
	2/14	2/16	Jordan		238.00		(3)				238.00
	2/17	2/17	Uzbekistan		283.00		(3)				283.00
	2/17	2/18	Turkey		233.00		(3)				233.00
Committee total					1,000.00						1,000.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Furnished by DOD.

SHERWOOD BOEHLERT, Chairman, Apr. 2, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Chairman, Apr. 6, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHUCK GRASSLEY, Apr. 7, 2004.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7809. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Regarding Market Timing and Selective Disclosure of Portfolio Holdings (RIN: 3235-AI99) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7810. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Indirect Food Additives; Polymers; Technical Amendment [Docket No. 1996F-0176] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7811. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling and Indirect Food Additives Regulations; Technical Amendment — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7812. A letter from the Assistant Bureau Chief, International Bureau, Policy Division, Federal Communications Commission, transmitting the Commission's final rule — International Settlements Policy Reform [IB Docket No. 02-324]; International Settlement Rates [IB Docket No. 96-261] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7813. A letter from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Mobility Division, Federal Communications Commission, transmitting the Commission's final rule — Review of Quiet Zones Application Procedures [WT Docket No. 01-319] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7814. A letter from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Mobility Division, Federal Communications Commission, transmitting the Commission's final rule — Year 2000 Biennial Regulatory Review—Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and other Commercial Mobile Radio Services [WT Docket No. 01-108] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7815. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — International Bureau Filing System (IBFS) — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7816. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Subsistence Harvest Regulations for Migratory Birds in Alaska during the Spring/Summer 2004 Subsistence Season (RIN: 1018-AJ27) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7817. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and

Threatened Wildlife and Plants; Determination of Endangered Status and Prudency Determination for Designation of Critical Habitat for Two Plant Species from the Commonwealth of the Northern Mariana Islands (RIN: 1018-AG09) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7818. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida (RIN: 1018-AT65) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7819. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7820. A letter from the Director, Regulations Management, Office of Regulation, Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice--Notice Procedures Relating to Withdrawal of Services by a Representative (RIN: 2900-AL45) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7821. A letter from the Acting Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation and Apportionment of Expenses; Alternative Method for Determining Tax Book Value of Assets [TD 9120] (RIN: 1545-BA92) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7822. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2004-36) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7823. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2003 — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7824. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-25) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7825. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Frivolous arguments to avoid concerning statutory and nonstatutory stock options [Notice 2004-28] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7826. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Loss Deduction for Diminution in Value of Stock Attributable to Corporate Misconduct [Notice 2004-27] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7827. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Intercompany Financing Using Guaranteed Payments [Notice 2004-31] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7828. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2004-32] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7829. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements — received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7830. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Tax Return Preparers — Electronic Filing [TD 9119] (RIN: 1545-BC12) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7831. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2004-23) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7832. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Modification [Notice 2004-34] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7833. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004-42) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7834. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2004-40) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7835. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Election of Alternative Deficit Reduction Contribution (Announcement 2004-38) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7836. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Transition Relief-Prescription Drugs [Notice 2004-25] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7837. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — HSAs-Preventive Care [Notice 2004-23] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7838. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations. (Rev. Proc. 2004-24) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1349: Mr. ROTHMAN.

H.R. 1630: Mr. PASTOR.

H.R. 2173: Ms. MCCARTHY of Missouri and Mr. GONZALEZ.

H.R. 2176: Mr. SOUDER, Mr. EMANUEL, Mr. MCGOVERN, and Mr. PAYNE.

H.R. 2318: Mr. GONZALEZ and Mr. MEEK of Florida.

H.R. 2490: Mr. FATTAH.

H.R. 2905: Ms. SLAUGHTER, Mr. ROGERS of Alabama, and Mr. WALDEN of Oregon.

H.R. 3832: Mr. SHAYS.

H.R. 4187: Mr. SHAYS.

H. Con. Res. 406: Mrs. MUSGRAVE.

H. Res. 402: Ms. SLAUGHTER.

SENATE—*Monday, April 26, 2004*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, CAPT Albert L. Hill, of the Chaplain Corps, United States Navy. He is stationed at the Naval Amphibious Base at Little Creek, VA.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Eternal Father, Lord of the nations, we, the people of this Nation, give You our thanks for the existence of our Senate. We lift up to You once again these 100 men and women we have selected from among us to serve in this place—to be the Senators who craft our laws and attend to our well-being as a people and a nation.

Amid the complexity and confusion of competing perspectives, attune their thoughts and their actions to Your Divine will so that each and all may speak what is true and do what is right and good. Sustain their patience and respect for those with whom they disagree, and provide them humility in the expression of their own convictions, recognizing the limitations of all human knowledge and understanding. Protect them and their loved ones from danger and disease. Shelter them from the pressures that every moment press in and down upon them so that they may always have room to breathe and time to think. Give to each man and woman in this Senate at least one moment of pure and honorable joy today, to restore a hopeful spirit in the midst of weary work.

Wise and gracious God, make this Senate a blessing to the Nation and to all the peoples of the world. Hear us and grant this prayer for the sake of Your glory. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, the Senate will conduct a period of morning business until 2 p.m. I ask unanimous consent that the time be equally divided.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Following morning business, the Senate will resume consideration of S. 150, a bill relating to the taxation of Internet access. I remind my colleagues that the moratorium on these taxes expired last year. Last year we began consideration of the bill; however, it was set aside to allow the principals involved in the legislation an opportunity to try to negotiate a resolution. I have put everyone on notice that we would resume consideration this week, and it is time to proceed with this important legislation.

I had hoped the Senate would resume the bill today; however, there was an objection to proceeding from both sides of the aisle. Therefore, today, at 5:30 p.m., the Senate will conduct a rollcall vote on invoking cloture on the motion to proceed to S. 150. I encourage Members to allow us to go forward and begin consideration of this bill.

Members may want to offer other alternatives to the underlying moratorium; therefore, I hope that cloture can be invoked so we can allow amendments to come forward. If we are able to proceed to the bill, then I expect amendments and votes throughout this week, with the expectation of finishing the bill prior to the week's end.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, equally divided.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET TAXATION

Mr. WYDEN. Mr. President, this week the Senate will spend most of its time on the question of taxation of the Internet. Having been the principal sponsor of the legislation on this subject in the Senate twice, I would be the first to say this subject inherently is about as interesting as prolonged root canal work. But at the same time, I think it is fair to say the decisions the Senate makes with respect to this subject will say a whole lot about the future of the Internet.

For example, the decisions will determine, to some extent, whether e-mail and spam filters and Google searches and Web sites and instant messaging are singled out for discriminatory tactics. The Senate is going to have to make some decisions about whether Internet access through cable is tax free, but consumers who choose DSL Internet access would get taxed.

I wanted to take just a few minutes this afternoon to go through some of the history with respect to this issue, and particularly suggest that I think the key, as the Senate takes up this subject, is to keep in mind two principles that have been important to me.

First has been the question of technological neutrality. I think it is absolutely key that as the Senate looks to make technology a policy that we ensure there is fair treatment and true competition among all of the various technologies that drive decisions in this field.

I say to the President pro tempore of the Senate, I can recall when we were looking at this legislation initially, and the Senator from Alaska was enormously helpful to me. What we found out was, for example, early on, if you bought the Wall Street Journal in some States and you got the interactive edition, you paid a big tax, but if you bought it the traditional way, through snail mail, for example, there was no tax. That, it seemed to me, was not technologically neutral. That did not ensure we would have competition in the greatest possible way to benefit the consumer, and that was very much at the heart of my concern as I authored in the Senate the first internet tax freedom bill.

The second concern that was foremost in my mind was the question of how this would affect our States and localities with respect to revenue. At that time, we had a number of Governors, mayors, county officials, and others expressing tremendous concern with respect to revenue. I have always tried to take those concerns very seriously. That is why I wanted to outline some of what was said during the years when those early bills were debated because I think we are going to have a repeat of those discussions.

To some extent, some of the State and local officials who raised concerns about the revenue impact of what we did during the first two iterations of the internet tax freedom bill have dusted off the arguments and, in effect, brought them to the Senate again.

To go through some of the history, if I might, back in 1997, the National Governors Association, an organization I tremendously respect, said the Internet Tax Freedom Act would "cause the virtual collapse of the State and local revenue base." But the record shows that the following year, State and local sales tax revenues were up $7.2 billion.

Let me repeat that. We were told in 1997 that we would have a virtual collapse of the State and local revenue base. The following year, we saw a significant increase in local and State tax revenues.

In 2001, when we dealt with the issue again, opponents said:

> The growth of e-commerce represents a significant threat to State and local tax revenues and they might lose tax revenue in the neighborhood of $20 billion in 2003.

Once again, the record shows otherwise. According to the National Association of State Budget Officers, State sales tax collections rose from $134.5 billion in 2001 to $160.4 billion in 2003, an increase of more than $15 billion in just 2 years.

We saw this pattern continue in 1998 as well when the National League of Cities said:

> A tax-free Internet would place Main Street retailers at competitive disadvantage and would doom the sales tax.

But e-commerce still only represented 1.6 percent of total retail sales in 2003, while brick-and-mortar retail sales grew from $2.6 trillion in 1998 to $3.4 trillion in 2003, according to the Commerce Department.

In three instances with respect to projections by the National Governors Association, the National Association of State Budget Officers, and the National League of Cities, as the Senate dealt with the two iterations of the tax freedom bill, when this body was told that tremendous amounts of revenue would be lost, in each instance, as I have just documented this afternoon, actual revenues collected went up rather than revenues going down.

The reason I have taken the time to go through that is I am sure during the course of this week, we are going to hear the same kinds of projections. We are going to see State and local officials come and say if the Senate reauthorizes this law that has been reauthorized twice, pretty much Western civilization is going to come to an end. They are going to say they are going to be in dire straits with respect to the funds they are going to need for critical services and that they will find all form of financial calamity.

I am very interested in addressing those concerns. I have great empathy for the challenge of funding State and local services, but I just want the Senate to know, and why I am focusing on this point at the start of the debate, that again and again over the last 7 years, as this debate has gone forward, the Senate has been given these projections about calamitous losses to our States and localities if the internet tax freedom bill is passed, and as I have pointed out, in instance after instance, revenue has gone up rather than down.

I think it is fair to say that all of these technologies, in the issue of whether someone gets internet access over DSL or whether they obtain it through cable, are complicated. That is why I, Senator ALLEN, Senator MCCAIN, and others who have worked on this issue have tried to spend time talking to all concerns. Frankly, we have made a number of changes in an effort to try to accommodate the issues brought up by those who do not share our view.

For example, we have in several instances tightened definitions of Internet access that have been raised. We have agreed to a request for new statutory language on what is called bundling, where various technologies are bundled together. We have added language to protect a host of taxes for States and localities, such as property and income taxes that have never been affected by the original legislation, but because there was concern on the part of States and localities, we wanted to drive home our intent not to have these areas taxed.

We have also agreed to a request for provisions to protect universal service, regulatory proceedings, and we also agreed to deal with some requests from States for what is called grandfathering so as to protect existing sources of revenue.

At the end of the day, we want to make sure that consumers who now hear the message "You've got mail" don't get a message, "You've got special taxes." That is what this issue has always been about. It is clear from the history of this legislation that we do not want the Internet to get preferential treatment, nor do we want it singled out for discriminatory treatment. That is what I sought to do when we began this debate late in 1996. I pointed out, for example, how a newspaper that was purchased online would be taxed, but a newspaper that was purchased in the traditional way would not be taxed. That is not technological neutrality.

That is what the sponsors of this legislation are seeking to protect. The alternative that several of our colleagues are interested in would take a very different approach. That alternative would essentially break up Internet access into individual components so that if they chose to do so, States and localities could tax each one of those components.

Under that, for example, Internet consumers could be subjected to close to 400 separate telecommunications taxes, administered by something like 10,000 different jurisdictions.

In effect, each piece of e-mail, the filtering systems that families use to block pornography and spam and each Web site, each blackberry message conceivable is exposed to tax by scores of jurisdictions. Each town that chooses to do so could tax the e-mail flowing through its phone or cable lines even if the e-mail was not being sent from or to someone in the jurisdiction. I think it is fair to say if even a modest portion of the jurisdictions that could impose these taxes chose to do so, we would be talking about a massive increase in the cost of Internet access to every consumer in America.

What I think this is really all about is that the States and localities essentially see the Internet as the last cash cow in the pasture. In effect, they have been barred by the courts from going after phone sales. They have been barred by the courts from going after mail order. So now along comes the Internet, and the Internet is being seen as an enormous cash opportunity.

The fact is, Internet sales in 2003 are still only 1.6 percent of total retail sales. They grew at a far more modest rate than brick and mortar sales grew over the last few years, but that is not even the central point.

All of us understand the value of the Internet as a tool for businesses and communication and to improve health care and extend cultural opportunities. The Chair and I share a State with mostly small towns and folks who have to go great distances, and the Internet is one of the best tools, if not the ideal tool, for compensating for major distances from commercial centers and major population centers.

So I hope my colleagues will think through the history I have outlined with respect to the revenue protections and the question of whether vast amounts of revenue are going to be lost because I think the record shows those dire projections to State and localities have not come to pass.

I hope my colleagues will also see the principle of technological neutrality that I sought 7 years ago still is a sound one and one that the Senate ought to preserve. It does not make sense to me to say, for example, that cable Internet access ought to be tax free and then stick it to consumers who choose DSL Internet access.

So we are going to be dealing with these issues over the course of the week, but I wanted to take a few minutes to make clear that we are going to be protecting the States and localities from property and income taxes and telecommunications carriers. They are concerned about it. We agreed to their proposal to deal with what is called bundling to make sure that Internet service providers cannot hide from tax services that would otherwise be subject to bundling. We narrowed the definition of Internet access so as to try to find common ground.

States and localities were concerned about sweeping up all telecommunication services into Internet access so that no telecommunication service could be taxed. The changes in definitions that we made narrowed the definition and ensured that the Senate would still keep up with the significant technological developments in the field.

The bill ensures that all platforms, whether dial-up, digital subscriber lines, cable mode, satellite, wireless, or any other technology platform, as well as the components used to provide Internet access, would be covered by the moratorium.

So I think we are going to have an important debate this week. I expect to spend a fair amount of time on the Senate floor as we discuss it. This has never been a partisan issue. I have worked on this legislation with Chairman McCain and with Senator Allen over the last few years since he has come to the Senate. I think ultimately the decisions that the Senate makes are going to say a whole lot about where the Senate wants Internet to go in the future.

I cannot believe the Senate wants to subject e-mail, blackberries, and a variety of technologies to scores of new and discriminatory taxes. That is what this debate has always been about: should the Internet be subject to discriminatory taxation. If a jurisdiction, for example, taxes brick And mortar sales, they can tax sales online and through the Internet in exactly the same kind of fashion.

I hope the Senate can find common ground on this legislation this week and continue a law that has worked. I am proud to be able to have been a part of this consideration over the last 7 years, and I hope we can pass reauthorization for a third time so as to promote true competition between all technologies in a fashion that ensures that this idea of technological neutrality we had 7 years ago is preserved, and to do it as we have sought to do so that the dire revenue projections we will hear this week about States losing vast amounts of money will not come true as they have not come true over the last 7 years.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation? Are we still in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. LEAHY. I thank the Chair.

ENVIRONMENTAL POLICY

Mr. LEAHY. Mr. President, last Thursday I came to the floor to mark Earth Day, and I wanted to highlight the laser-like focus of the Bush administration in rolling back 30 years of environmental protections. When one looks at their record, it is literally breathtaking.

The reason I am concerned about this is that most of our environmental legislation was put together by bipartisan coalitions. In my State of Vermont we do not think of the environment as a Republican or a Democratic issue. We think of it as an issue of protecting what is best about our country and protecting it for not only ourselves but for our children and our grandchildren.

Unfortunately, this administration tends to look at the environment as something where they should react to their largest contributors and take advantage of what it may do for them today and let our children and our grandchildren worry about it tomorrow.

Why do I say this? Three years into office, the Bush administration has taken well over 300 actions to weaken and sometimes to gut environmental protections to clean the air we breathe, the water we drink, and the food we eat. They have taken huge steps to hand over our public lands to timber, oil and gas companies for more drilling and logging.

With this record, it is no wonder that the administration continues to use every page of its public playbook to downplay the effect of these rollbacks.

One of their favorite tactics is announcing environmental rollbacks on Fridays or around holidays when they think the American public will not be paying attention. In fact, we all know if you have something good you want to announce, you do it early in the week, you do it with a lot of fanfare. But if you have something you don't want anybody to pay much attention to, you do it late on Friday.

The administration has announced at least 40 environmental rollbacks on Fridays, another 20 on holidays. Actually, for them, every Friday is Friday the 13th: Friday, November 22, the clean air rollback; Friday, January 3, 2003, fast-tracked logging; Friday, January 29, 2003, clean water protections threatened; Friday, July 11, 2003, weakened our drinking water protections; Friday, October 10, 2003, changed environmental rules for mining waste; on Friday, October 17, 2003, dioxin regulation, or in this case deregulation. And on and on. These are just a few of the actions they have taken on Friday. They show just how far the administration has gone in gutting the Clean Air Act, ramping up logging in some of our spectacular national forests, dumping more mining wastes on public lands, and dumping more sewage sludge on private lands.

Another favorite tactic is either ignoring or sometimes, if the science doesn't suit their political needs, if they cannot get away with ignoring the science, then they just change it. One of the most blatant examples of this was the White House scrubbing of an annual EPA air report to avoid any mention of evidence of climate change.

Just recently, the New York Times reported on the creative White House fact spinning of the administration's proposed retreat from strong mercury controls at powerplants.

We all recognize their favorite tactic: If you are going to gut the environment, then just give it a nice name. You can see the number of focus groups they must use in the administration to come up with these names. They don't say, we are going to join Polluters-R-Us, or we are going to give a payoff to some large polluting corporation because they helped out in a fundraiser. Instead, they will go to focus groups and find out what will sound good to people, what is a good line we can use and maybe they won't look behind it, maybe they will just look at the rhetoric and ignore the reality.

I will give some examples. "Clear Skies" and "Healthy Forests"—these are lines they use, but they are just about as accurate as "No Child Left Behind."

They have used all of these tactics when it comes to misleading the public. For example, on wetlands protections, last January—on a Friday, of course—the administration announced one of its most sweeping rollbacks to take away protections under the Clean Water Act for 20 million acres of wetlands. This policy created such a groundswell of opposition from hunters, anglers, environmental groups, and others that the President finally withdrew the proposed rulemaking last December. One of the things they found out is hunters, anglers, and environmentalists often include a whole lot of Republicans as well as a whole lot of Democrats, and that the environment is not just for one party. But they got such enormous objection that they withdrew it—they had to withdraw it—but they did not tell the public they were not revoking the underlying instructions to Federal agencies to follow the same policy that leaves 20 million acres of wetlands at risk.

That is why I found it so interesting that the President would start his reelection attempts to greenwash his administration's anti-environmental record by talking about wetlands. Here you have this enormous anti-environmental record. You put at risk 20 million acres of wetlands. You would think the last thing in the world they would want to do is talk about wetlands, but that is what he started with. He had some nice photo-ops walking around the salt marshes and wetlands of Maine, but when you look between the lines of his Earth Day announcement, it doesn't hold water.

While the President was touting his plan to restore 1 million acres of wetlands, he made no mention of his policy to revoke protection of 20 million acres. We will give you 1, we will take back 20. He didn't tell the folks in Maine that he proposed to cut the funding next year for one of the programs, the Wetlands Reserve Program, that was supposed to help meet his 1 million-acre target. You take back 20 million acres, you promise 1 million acres, but then you say, we won't even give you the money for the 1 million. He did not tell the folks in Maine that his administration has not fully funded this program since Congress expanded it in the last farm bill.

Yes, as he said in Maine, the President did indeed sign the farm bill to expand it. That is part of his job. But it is quite a leap for the administration to now promote that as one of their environmental accomplishments. In fact, the administration has done everything it can to shortchange the conservation programs that are so important, not only to Maine and Florida but to every other State. He not only proposed cuts to the WRP but also to other programs that might help landowners and farmers conserve the resources on their land.

When the President went down to Florida campaigning the next day, he also forgot to mention a few key facts, such as the fact that the Army Corps has allowed more than 3,800 acres of wetlands to be drained or filled in the Everglades. The Bush administration stood by and watched as the Army Corps signed off on development permits that are destroying the Everglades. It has also argued against Clean Water Act regulations of water being pumped from urban Broward County into the Everglades.

If you go back to the 300-plus rollbacks under this administration, it brings up even more policies that are hurting the environment in Maine and Florida and Vermont. The administration's retreat from aggressive mercury controls on powerplants has just been the most recent of these all-out environmental assaults.

It is hard to say we are family friendly when we are going to put more mercury into the air, the water, and the fish pregnant women eat, or by which the newborn children might be affected. That is not being family friendly, to say we have to support our polluting industries because they have been strong supporters of the President and it is tough about the newborn children.

The President, as any President of any party, can always get nice photo-ops. But his record on the environment is too mired on reversals and rollbacks for any greenwash to last too long. Greenwash, like whitewash, doesn't stick too long, and despite all the public relations maneuvering, the public recognizes the enormous and long-term effect of the Bush policies on our environment and on our health. When the administration is done, it will mean more pollution in the rivers and streams, more toxins in the air, and of course a lot less natural resources to pass on to the next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent to address the body for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG PRICING

Mr. JOHNSON. Mr. President, the United States remains the only developed nation that does not protect its consumers from drug price discrimination and, as a result, American consumers continue to pay the highest prices in the world for prescription drugs.

Drug spending in the United States and Canada rose by 11 percent last year to $230 billion, which accounts for nearly half of all the worldwide sales. Among seniors, total prescription drug spending rose an estimated 44 percent between 2000 and 2002. In 2002, a Families USA study found that for the 50 drugs most frequently used by seniors that year, prices rose 3.4 times the rate of inflation in 2002.

The House Committee on Government Reform report released last year found that seniors who lack drug coverage must pay twice as much for the five most popular drugs as purchasers in foreign countries, those prices being 131 percent higher than the United Kingdom, 112 percent higher than Canada, and 105 percent higher than France. For some drugs, U.S. seniors pay well over twice the price. For example Zocor, a cholesterol medication, costs only $37 in France for a monthly supply, but in the United States that same drug costs $117—over three times as much. A month's supply of Prevacid, an ulcer medication, costs only $42 in the United Kingdom compared to $118 in our country.

Clearly, this price discrimination must be addressed. Many, including myself, had hoped that the Medicare drug bill would be the first step in tackling the skyrocketing cost of prescription drugs. Unfortunately, the final product did very little to address these concerns. The new law expressly prohibits the Secretary of the Department of Health and Human Services from negotiating lower prices.

Again, this law not only does not correct the price differential, believe it or not, the new Medicare drug bill signed by the President last December actually prohibits the United States from negotiating lower drug prices the way every other foreign nation does. The United States remains alone.

When I traveled to South Dakota earlier this year to discuss the Medicare bill, seniors back home found this astonishing.

The new law also includes provisions that will allow the Secretary to prohibit real access to drug reimportation. Meanwhile, the cost estimates of the new prescription drug program continue to rise—to somewhere between $500 billion and $600 billion over 10 years.

We are in need of real solutions to this problem. It is my hope a real discussion could occur about drug pricing. What do we do about that gap and about the fact that American citizens pay twice the price or more as citizens of other nations?

There are several alternatives. We could allow drug reimportation from Canada or other countries and take advantage of their lower prices, and do so in a carefully monitored way that will secure the safety of those drugs. That would be one course. But, unfortunately, the White House and President Bush are opposed to that.

Second, we could be more direct. We could join the rest of the industrialized world and negotiate in behalf of our own citizens lower prices. That is what everybody else does. That is why France, Italy, Germany, Scandinavia, Great Britain, Mexico, Canada, and every other industrialized nation have prices far lower than the United States. But President Bush and the administration don't want to do that either.

Do you know what their answer is? Their answer increasingly is to use our trade rules not to cut the price of drug costs for U.S. citizens but to demand that other countries raise their drug prices on their citizens. That almost boggles the mind—that the solution is not to lower the cost of drugs for U.S. citizens but to raise them for everybody else in the world. Maybe in this case it is the United States that is out of step and the rest of the world has been in step in terms of drug pricing. The rest of the world has figured it out and we haven't.

In this country, we have done an extraordinary job of guaranteeing that the pharmaceutical industry has incredible levels of profits. And, of course, this new effort to use the trade rule would further enhance the profitability of the big drug companies, but it would do little or nothing for U.S. citizens. What good does it do U.S. citizens to know that the citizens of other nations have to pay higher prices? We need to moderate those prices and get the United States in step with the rest of the industrialized world.

It is an outrageous tactic to push the U.S. Trade Representative—USTR—to try to force other countries, through trade agreements, to up the price of prescription drugs in those nations. Most recently, the Speaker of the House and some in the Republican leadership in the Senate have advocated that USTR negotiate with Australia to increase its drug prices within its Pharmaceutical Benefits Scheme, or PBS. These proposals are outrageous for several reasons.

First, our Government should not be telling other nations how to run their health care system. How would we feel if Australia asked us to develop a universal health care program and do so in a way that would cost our citizens more than was necessary? Many of my colleagues and I do not believe anybody would believe it is appropriate for another country to tell us how we should run our health care system in America. Additionally, I find it inappropriate that some in Congress and the administration find it appropriate to ask other countries to increase their drug prices, but we certainly wouldn't do the same for our citizens at their request.

Would we be willing to increase drug prices under the VA program because Australia asked us to? I doubt it. I hope not.

Some of our colleagues will say other countries need to share the burden of research and development and that in so doing we will indirectly help to reduce prices in the United States. We should be very clear. Any trade agreement proposal that would require another country to increase its prescription drug prices provides no guarantee that prices will go down for U.S. consumers.

Does anyone really believe the pharmaceutical industry, which is reaping the highest profits of any sector of the Fortune 500, wouldn't pocket these as additional profits and say, Thank you, very much? Why would they lower costs to U.S. citizens? There is no data available to indicate that our prices would go down. In my mind, if this argument is the underlying justification for promoting these types of policies, the Trade Representative and members of Congress supporting these plans and the President owe it to our trade partners and American consumers to provide them the data—the proof that American consumers would benefit from increasing drug prices for everybody else around the world.

I also think we need to be very careful when making these assumptions—the unspoken assumption here—that research and development is the cause of our higher prices in this Nation. Isn't it the reality—that the lion's share of the prices paid by American consumers is not going into R&D but is going into the pockets of the pharmaceutical industry and its stockholders rather than research and development. There are very few industries that can boast the type of sales claimed by the drug industry, which has enjoyed average annual sale increases of 15 percent in recent years.

A Public Citizen June 2003 report found that in 2002 the top 10 drug companies netted profits of $36 billion, or more than one-half of all the profits of all the Fortune 500 companies.

While some may argue this increased spending is justified because it reduces other costs of health care spending, the overall rate of health care inflation continues to soar with no end in sight.

Beyond straight profits, the pharmaceutical industry continues to increase their spending on direct consumer advertising and lobbying. One study found that eight major American pharmaceutical companies spent more than twice as much on marketing and administrative costs as they did on R&D. For all the talk about research and development, in fact, more than twice of that is being spent on marketing and administrative costs.

The Security and Exchange Commission's 2002 financial data finds that for the fiscal year ending in December of 2002, the average profits of Pfizer, Merck, Bristol-Myers Squibb, Abbott and Wyeth was $5.1 billion, marketing and administration were $5.2 billion and R&D was much less at $2.3 billion. And let's not forget the campaign spending habits of the drug industry. During the 2000 election cycle, the drug industry gave disproportionate support to President George W. Bush and seventy percent of the industry's unprecedented $24.4 million in campaign contributions was spent on Republicans.

With all this in mind, I find it very hard to believe that American consumers are carrying the research and development burden, rather than the stockholder profit burden. And given that drug companies spend more on TV ads, marketing and administration than they do on drug research, perhaps we should first ask why the domestic pharmaceutical industry won't spend more of its money on developing new drugs, before we start asking our trading partners to pay higher prices for drugs.

The outcome of the Australia trade agreement included requirements that the PBS program in that country provide more transparency in how decisions are made about covered drugs. The PBS system seems to me to be a very good system. Before a medicine can be subsidized by the Australian government, the Pharmaceutical Benefits Advisory Committee or PBAC must recommend that a drug be listed on the PBS. When deciding what drugs make the list, the PBAC takes into account the medical conditions for which the medicine has been approved for use, its clinical effectiveness, safety and cost-effectiveness compared to other treatments. A drug providing new benefits receives a higher price reflecting that advantage. This system rewards true innovation by the pharmaceutical industry while ensuring value for the taxpayer dollar.

This is a well thought out and scientific process and I think the U.S. should at least explore similar steps in order to reduce drug prices under the Medicare program. I also think that the clinical comparative effectiveness analyses that the PBAC conducts are something that we should be making a priority in our country. The U.S. should also establish an independent source of this type of information. Right now, one of the reasons drug costs are so high in the U.S. is because consumers, doctors and purchasers do not have access to objective, unbiased, reliable data to compare how drugs measure up to one another. This type of information would force drug companies to truly compete with one another based on the value of their products. Australia is on the right track here and we should follow suit.

With the help of Senator CONRAD, I am pleased we were able to obtain support during the Fiscal Year 2005 budget markup for a sense-of-the-Senate resolution supporting $75 million for the Agency for Health Care Research and Quality for getting these types of studies—drug comparative effectiveness studies—that are needed to find out what the real facts are. Having such information available and accessible to physicians and their patients has the potential to reduce our nation's prescription drug expenditures, by enabling doctors to make better informed prescribing decisions. I hope that my colleagues will support funding this year for these fund, which in the long run will mean lower drug prices for all Americans.

The very notion that the response from the Bush administration is not to allow cheaper drugs into the United States and not to negotiate lower prices for our citizens the way every other nation does but to try to demand that other countries raise the prices for their drugs indicates that the administration is out of touch and out of tune with the real needs and real priorities of American citizens. I urge my colleagues to join me in rejecting these proposals and ask that all members of this body work together to achieve real solutions to address the skyrocketing costs of prescription drugs.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, while we are waiting for someone from our side who will manage the issue dealing with the Internet tax, I ask unanimous consent to speak in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL POLICY

Mr. DORGAN. Mr. President, while this week we will take up the Internet tax issue, which is complicated and, in some ways, controversial—and I expect it will take some time—I wanted to mention something about fiscal policy for a moment and hope that perhaps this week, or in the intervening weeks, we may take up a couple of these issues.

As you know, we have a Federal budget deficit that will be in this fiscal year the largest in the history of this country, by far. They say now there will be over a $530 billion Federal budget deficit in this fiscal year. I think everyone understands that saddling our children and their children with debt they must pay because this President and this Congress has decided we will spend money we don't have—we will borrow it and saddle someone else with the responsibility to pay it—is wrongheaded fiscal policy. It is bad for this country; it doesn't represent a value system that we should embrace, and, second, in the long-term it retards economic growth and crushes opportunity in the future for our children and those who follow them.

My hope is we will begin to address this issue of fiscal policy. We cannot spend more for defense—nearly $100 billion more for defense and say, by the way, we don't have to pay for it. We cannot spend more for homeland security and say it doesn't count, we don't have to pay for that. We cannot cut taxes as we spend more for defense and homeland security and, as we spend more for health care, which costs more each year, say we will just charge all that. That is not a responsible thing to do.

But we have a Federal budget that is sent to us, which comes from the President, and then the Congress works on this budget plan that says a couple of things. We know we are going to have increases in health care spending. We know that because both Medicare and Medicaid represent entitlement programs, we know the cost of health care spending is increasing. We know the President is recommending very substantial increases in costs for defense. We know the President is recommending substantial increases in spending for homeland security. We also know the President is recommending making permanent tax cuts, which at this point are temporary.

The point is that this doesn't add up. It is a fiscal policy that doesn't add up. So how could we begin to make some sense of this? There are a couple of things that have happened in recent weeks which I think we need to address. This past weekend there was a story in the Washington Post about the issue of the $145 billion mistake that was made in the estimate of the cost of the prescription drug plan for Medicare.

We are told now from press reports that the chief actuary who works on the Medicare Program knew long before the Congress voted on a prescription drug plan in the Medicare Program that this would not cost $400 billion, as was provided for in the budget, but, in fact, would cost over $140 billion more than that during the 10-year period. But he was told he would be fired if he informed Congress of this information. So the Congress acted without having information that was available in the executive branch because the chief actuary, who is not partisan—he is not part of the political system, he has been a career public servant and, by all accounts, an excellent one—was told he would lose his job if he informed the Congress of what this would cost.

I think there needs to be an investigation into who threatened this person's job, who had this information and refused to turn it over to Congress, who indicated it was inappropriate for the Congress to know this information before it voted on this legislation. I believe this Congress owes it to the American people to investigate that because how can we legislate in the future on issues of this type without having adequate information or without being able to trust the information that is coming from, in this case it was Health and Human Services and from the chief actuary of the Medicare Program?

I believe one way or another in the coming weeks, we ought to find a way to investigate that circumstance. I believe we owe that to the American people.

FUNDING MILITARY OPERATIONS IN IRAQ

Mr. DORGAN. Mr. President, what I want to talk about, in addition to the prescription drug issue, is the notion that—at the end of last week it was addressed—we would probably need more money for the military with respect to the fighting that is occurring in Iraq and Afghanistan. This Congress passed a supplemental emergency bill that was nearly $87 billion—I believe it was just under $87 billion—some months ago. We were told that would take us through the end of this calendar year and perhaps even a bit more.

The President's budget that was sent to us contained zero money requested for the activities in Iraq and Afghanistan. The reason the President recommended there would be no funding in the regular budget for Iraq and Afghanistan is because he and the administration said they could not estimate what it would cost; therefore, they recommend zero.

We know it is not zero. We know we are spending $5 billion a month—$4 billion in Iraq and $1 billion in Afghanistan. If we are spending $5 billion a month or $60 billion a year, it is unfathomable to me that we get a budget request from the President that says, "I recommend nothing at this point because I will later on ask for an emergency appropriations."

Late last week we heard perhaps more money will be needed than was otherwise expected and that Congress would be asked to appropriate this on an emergency basis.

It is clear to me we will do whatever is necessary to protect the safety of the troops we have sent to Iraq. There is no question but that when we ask American men and women in uniform to fight for this country and to defend this country's interest and then to send them overseas, there is no question we have an obligation to protect them and provide for their safety. If they need more equipment, if we need to spend more money to provide for their safety, this Congress, in my judgment, is going to do that.

Let me make a point about all of this. In addition to providing the supplemental emergency funding that was necessary for the Pentagon some months ago—almost 6 months ago now—we also were requested by the President to appropriate $20.3 billion for reconstructing Iraq.

I offered an amendment in the Senate to strike that spending. It was the largest proposed spending cut for this fiscal year that was offered in the Congress. The single largest spending cut that was offered last year is one I offered on the floor of the Senate to strike the $20.3 billion for reconstructing Iraq.

I came up short. I had over 40 votes for the amendment, but, nonetheless, it did not prevail. I want to explain why I did that and why it has relevance today.

I proposed striking that funding for a very simple reason: We did not target Iraq's infrastructure. When we decided to displace Saddam Hussein and send American troops to Iraq, we did not target their roads, bridges, dams, or electric grid. That is not what we targeted. We did not try to bomb Iraq in a way that destroyed their infrastructure.

It is my judgment the American taxpayers should not be required to rebuild the Iraq infrastructure. Iraq has the second largest reserves of oil in the world, next only to Saudi Arabia. In fact, one of the troops who came back from Iraq with the National Guard unit from North Dakota told me one day he was standing in an area in Iraq, in some sandy area, and the bottom of his boots became black with oil.

There is a great deal of oil in the country of Iraq. I believe, based on Ambassador Bremer's testimony of how much oil they would be pumping this year and next year, that when they get to 3 million barrels of oil a day, which is something they will reach very soon, they will have $16 billion of net export value of oil in Iraq—$16 billion a year. That is $160 billion of net export value of oil in 10 years. That is above and beyond that which they need to use in Iraq.

It seems to me with respect to the reconstruction of Iraq, it makes a great deal of sense for a country with the second largest reserves of oil in the world to be told the Iraq people ought to use Iraqi oil to reconstruct Iraq. It is not the job or the burden or the responsibility of the American people to reconstruct Iraq.

I lost that debate in the Senate and lost the vote. So now we have just under $20 billion available to reconstruct Iraq. There is a very thick booklet that describes the reconstruction of Iraq. There is a jobs program for Iraq paid for by the American taxpayers. There is a housing program for Iraq paid for by the American taxpayers. There is a highway program for Iraq, a health care program for Iraq, a security program for Iraq, all paid for by American taxpayers. There is marsh restoration and there is the creation of ZIP codes, all paid for by the American taxpayers.

Since I lost that vote on the floor of the Senate and since nearly $20 billion was then appropriated for the reconstruction of Iraq, paid for by the American taxpayers, I have watched the progress of that reconstruction and I noticed, for example, some of the things that were happening in Iraq with respect to expenditures. I have been bothered about it, but nonetheless I had my vote and I lost that vote.

Then last week, I learned we are short of money for the troops in Iraq, and it is very likely an emergency supplemental request will need to be passed by the Congress and, indeed, we will pass it if it is necessary to support the troops in Iraq. I checked and discovered at the last count, somewhere close to $17 billion—$16-plus billion—remains unspent with respect to the reconstruction funds that were appropriated by the Congress for Iraq. It seems to me what we ought to do is transfer that unexpended reconstruction funding and use it for the benefit of the support of the American troops in Iraq.

If, in fact, we are short of money, if we are going to need to expend additional emergency funds in Iraq, why not use the funds that are unspent at this point for the reconstruction of Iraq and, indeed, use that for the support of the American troops in Iraq, and then engage the Iraqi government—first of all the provisional government and, second, the government that takes effect on July 1—and have that government securitize future production of Iraqi oil and raise their own funds to reconstruct this country. It is their job, not the job of the American taxpayers, to have a program for housing, health care, jobs, and highways in the country of Iraq. That ought not be the burden of the American taxpayer.

When we have a fiscal policy that is desperately out of balance and we are borrowing money at a record pace—$530 billion this year alone—I think it is responsible for us to take a look at how we might ease that burden and at least one small portion of that ought to be to revisit this proposition of a reconstruction fund for Iraq. A substantial amount of that money is as yet unspent.

Incidentally, while I am on the subject, let me also say with respect to the military funding, we need to do a much better job with that expenditure. I noticed, for example, the Halliburton Corporation—I held a hearing on this subject in the Democratic Policy Committee a couple of months ago—the Halliburton Corporation has had to now restore funding for kickbacks they made for inappropriate expenditures.

Here is a company, for example, that was billing the U.S. Government, the Defense Department—therefore, the U.S. taxpayers—they were billing us for serving 42,000 meals a day. The problem was they were only making 14,000 meals a day for the American troops. Somehow 28,000 meals got lost. They were overbilling by 28,000 meals a day. I come from a small town of about 300 people. I can understand somebody overbilling for 10 meals, maybe 100 meals, but 28,000 meals a day? That is absurd.

That is the sort of thing that the American taxpayer reads about and is angry about, and should be because there is a substantial amount of money being wasted, yes, even in these defense contracts. That is something the American taxpayers expect better of with respect to the use of their funds.

I want to come back to this central point. I think it is time we revisit this question of reconstruction funds for Iraq. I suggest we do that by deciding that which is yet unspent be used to support the American troops because we are told there is not sufficient money to do that at this point, and I believe, because it is not the American taxpayers' burden to reconstruct Iraq but it is the American taxpayers' burden to support troops who we have asked to go in harm's way on our behalf, that this would represent a positive step and would also help with fiscal policy that now is creating the largest deficits in history.

We will be on the subject of the Internet tax issue soon, and I will have more to say on that subject later, but in the meantime I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ON THE DEATH OF STAFF SERGEANT CORY W. BROOKS

Mr. DASCHLE. Madam President, South Dakotans have a proud tradition of military service and volunteerism. Today, in Iraq, a new generation is carrying that tradition forward. South Dakota's percentage of its citizens serving in active duty in Iraq is among the highest in the Nation.

The spirit of service and volunteerism runs throughout South Dakota's towns and neighborhoods, and young children grow up learning that they have an obligation to one another, to their communities, and to their country. The families of South Dakota look upon the service of our young men and women with great pride, because they are carrying the values of South Dakota across the world and bringing freedom to the people around the world and the people of Iraq.

Alongside our pride for our soldiers' service comes an awareness of the cost. As our soldiers shoulder much of the burden of battle, so, too, must our communities shoulder a greater burden of grief.

We were reminded of this yet again this past week.

On April 19, SGT Keith O'Donnell, a native of McIntosh, SD, and a member of the 141st Engineer Combat Battalion in the North Dakota National Guard, was injured when an explosive device detonated during his patrol.

South Dakota this week also mourns the death of Staff Sgt. Cory Brooks, from Philip, SD. SGT Brooks was a Combat Engineer in the 153rd Engineer Battalion. SGT Brooks' death comes just 1 week after the death of another member of the 153rd, Specialist Dennis Morgan, from Winner, SD.

Cory Brooks was typical of South Dakota's youth. He grew up playing backyard wiffle ball in the summertime and football in the fall. He was a loving son, a good student, and a caring friend.

Ray Rhodes, the father of Cory's closest friend and one of Cory's high school football coaches said, "He was just like family. He was one of those kids you love to work with. He was very happy-go-lucky." Cory's friend, Ray Coyle, remembered him for his sense of fun and his friendship. "He was a very loyal friend. I could count on him for whatever," he said. "We shared a lot of laughs. Cory was up for anything to have fun."

Perhaps what made Cory most typical of South Dakota's children was his eagerness to serve his country. He joined the National Guard after high school, in 1989, and served continually for the past 15 years. His battalion was deployed in February. Staff SGT Brooks and his comrades were stationed at Forward Operating Base Chosin, south of Baghdad. They were engaged in the difficult and dangerous work of defusing roadside bombs and other explosives. It was the kind of service the friends of Sgt. Brooks would have expected from him: He put himself at greater risk in order to make things safer for those around him.

Forty years ago, President Kennedy noted that no nation "in the history of the world has buried its soldiers farther from its native soil than we Americans or closer to the towns in which they grew up." Cory Brooks learned the values of service growing up in South Dakota. And it is the measure of those values that he and so many other children of my State have volunteered to put their lives at risk to bring freedom and security to people all across the world.

Cory Brooks, like those who preceded him in Iraq, was a hero in the truest sense. His Nation mourns his loss and offers his parents, Darral and Marilyn Brooks, its prayers, its condolences, and its gratitude.

TRIBUTE TO MARY McGRORY

Mr. DASCHLE. Madam President, today is the funeral of another American. This American fought for 50 years, in her own inimitable way, to defend the ideals of our democracy.

Mary McGrory was the most elegant political writer I have ever known, and one of the bravest. She loved many things in life: a well-told tale, a good joke, good books, good dogs, orphans, lazy August days in Italy, time with her family in Boston, and almost everything about her Irish-American heritage. Most of all, Mary McGrory loved politics and newspapering. I sometimes thought she had newspaper ink in her veins. She never tired of asking questions, chasing stories or writing truth.

I can't count the number of times that I have held press briefings in the hallway just off this floor, surrounded by two or three dozen reporters, all jostling for position. And there, among them, was Mary, reporter's notebook in hand. She was 40, 50 years older than some of the other reporters, but there she was, in the thick of it. She didn't need to be there. She could have asked a colleague to pose her question for her and relay the answer to her. But that was not the way of Mary McGrory. She had an extraordinary eye for the telling detail. She wanted to see and hear things herself, and form her own judgments. President Nixon put her on his enemies list, but many of us adored her.

In the last year, a stroke robbed Mary of her legendary ability to find just the right word. But she remained a passionate observer of politics and of life. Many of us hoped that she might regain her mastery of words and resume writing. If anyone could conquer the ravages of a stroke, Mary seemed like a likely candidate But Mary will live through her words. She was an American treasure.

Many times this past year, I have missed Mary's wise voice. I am sure I will miss her often in the future, too. These are hard times for our Nation. We could use Mary's insight, her passionate commitment to peace and her fierce belief in democracy. Fortunately, Mary has left us more than a half-century of extraordinary work—work for which she won a Pulitzer Prize and the respect of untold millions. There is more than enough beauty, wit and wisdom in her words to last a lifetime.

I am honored to have known Mary McGrory. My thoughts and prayers are with her family and her many, many friends. We have lost a legend.

Mary's cousin, Brian McGrory, is a columnist for the Boston Globe. Last November, he wrote a column for the Washington Post about what he called "the amazing journey that is Mary McGrory's life" and "one of the most important, colorful and enduring newspaper careers that the American public has had the pleasure to experience." The headline on the column was "The Best I'll Ever Know."

I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 11, 2003]

THE BEST I'LL EVER KNOW

(By Brian McGrory)

Today, I ask your indulgence. I'm about to commit the boorish act of bragging about a relative, and I'm hoping you'll understand why.

Mary McGrory is my cousin. Merely typing those words fills me with pride. For the unknowing, she's a Post columnist, a lion of the left, winner of the Pulitzer Prize.

Born in Roslindale and educated in Boston, she has written about the world's most significant events for nearly 50 years. People still quote her words from the Kennedy assassinations. She landed prominently on President Nixon's enemies list. The elder George Bush once lamented in his private journal, "She has destroyed me over and over again."

I raise these points because in the amazing journey that is Mary McGrory's life, this has been a bittersweet week. Wednesday in New York she received the John Chancellor Award for Excellence in Journalism, but a sad reality came clear amid the laudatory words and the applause.

Mary fell ill in March, and eight months later she has yet to fully recover. Barring a breakthrough, she has probably written the last of her syndicated columns, ending one of the most important, colorful and enduring newspaper careers that the American public has had the pleasure to experience.

While most Washington pundits closet themselves with their own profound thoughts, interrupted only by lunch at the Palm with the secretary of Something, Mary employs old-fashioned tools: a sensible pair of shoes, a Bic and a notebook. She haunts congressional hearings. She sits with the unwashed in the back of the White House briefing room.

And after finding her perpetually lost keys and remembering where she parked, she rushes back to The Post to create elegantly understated prose, on point and on deadline.

Times have changed in the news business, but Mary never has. Technology baffles her, and I'm not talking about Palm Pilots and Blackberries. I mean the answering machine and the computer. I've received countless voice mails from her that proceed: "Hello?" Pause. "Cousin?" Pause. "Click." In a rant against Toshiba, she once wrote, "I came along in an era when the transmission of one's copy did not require an advanced degree from MIT," adding of the old days, "all I had to carry was my portable typewriter, and I never really carried that."

Indeed, from the very beginning, she mastered the role of the helpless naif. On her many campaign trips, if her colleagues aren't carrying her jumble of bags, then the candidate probably is. No one is exempt; to her, I'm more porter than reporter.

But that's just part of the deal. The reward is an invitation to Sunday supper. Members of Congress from both parties, diplomats, newshounds and activists gather regularly to dine on her lasagna and sing Irish songs. Newcomers are first sent to work in her garden; George Stephanopoulos might still be fertilizing her impatiens but for Bill Clinton's victory in 1992.

Her one true love was the Washington Star—"just a wonderful, kind, welcoming, funny place, full of eccentrics and desperate people," she once told an interviewer. Star editor Newby Noyes plucked her from the anonymity of the book section in 1954 to cover the Army-McCarthy hearings with the advice, "Write it like a letter to your favorite aunt."

When the Star closed in 1981, she went to the more formal newsroom of The Post, where she liked to remind people of the fun they didn't have. Still, its staff and owners have poured out their hearts to her since she fell ill, with a generosity like a throwback to another time.

Hers is a world of soft irony. She checks into elaborate spas in Italy every year, but while there always gains a few pounds. She was audited during the Nixon administration and got a refund. At a stiff Washington party, she once whispered to me, "Always approach the shrimp bowl like you own it."

Blood aside, in my chosen field, she's the best I'll ever know, and that's the joy and the sadness of it all.

Mr. DASCHLE. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. ALEXANDER. Madam President, what is the order of business?

The PRESIDING OFFICER. Morning business is closed.

INTERNET TAX NONDISCRIMINATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will resume consideration of the motion to proceed to S. 150, which the clerk will report.

The legislative clerk read as follows:

> A motion to proceed to the bill (S. 150), a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, and for other purposes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I would like to address my remarks for the next few minutes on the discussion that we have been having for the last 6 months in this body on the question of how to deal with the phenomenon of high-speed Internet access. It is the fastest growing new technology in America, according to a New York Times article last week. We have some differences of opinion about how to proceed in terms of the taxation and regulation of this phenomenon, not only what it should be but whether the Federal Government, the State government, or local government should do it.

The leader has asked all of us who have different opinions to work together. We have tried that. We have worked hard. Senator MCCAIN, chairman of the Commerce Committee, has been especially involved. I am grateful to him for that. Senator ALLEN and Senator WYDEN, who have principled positions on this discussion, have worked hard to try to compromise on the issues, as have I and my colleagues, but we simply have a difference of opinion.

Now, today, we begin debating a motion to proceed and to move down a track in the Senate that, I believe, is the wrong track. I welcome this opportunity and I thank the leader for giving us a chance to have a full debate, which we will be having this week. I am confident that by the time we are finished the Senators who have had a chance to spend more time on this, and that the citizens of the country who have had a chance to understand more clearly what we are talking about, and the State and local officials who will see exactly what we are doing which might affect the future of State and local governments in America will suddenly say there is a little more to this than meets the eye and that we will come to a good conclusion.

I believe it was President Harry Truman who had on his desk a sign that said, "The buck stops here." What we are about to do today and later this week with the consideration of S. 150 is to begin a series of votes about passing the buck. I looked on the Truman Presidential library Web site to see why Harry Truman, who was noted for plain speaking, liked the phrase "The buck stops here." Here is what the Truman Web site says:

> The saying "the buck stops here" derives from the slang expression "pass the buck" which means passing the responsibility on to someone else. The latter expression is said to have originated with the game of poker, in which a marker or a counter, frequently in frontier days a knife with a buckhorn handle, was used to indicate the person whose turn it was to deal. If the player wishes to deal, he could pass the responsibility by passing the buck, as the counter came to be called, on to the next player.

That would be my text today, if I were preaching a sermon, because we are about to vote about passing the buck. By passing the buck, if we were to do this, we would create permanent confusion about how to regulate and tax the fastest growing new technology in America—high-speed Internet access. We would create a permanent tax loophole for the high-speed Internet access industry and the telecommunications industry, and the high-speed Internet access industry, so far as I can tell, must already be the most heavily subsidized in America by Federal, State, and local laws. We would be voting for higher taxes, not lower taxes, because if you order taxes to be lowered on telecommunications or high-speed Internet access, you are raising taxes on local property taxes or local sales taxes on food or local corporation taxes on manufacturing companies that might be struggling to keep from moving their jobs overseas.

It is a big trick to say this is a bill that lowers taxes. It does create a tax loophole for one industry. But what cost does that mean? That just means everybody else pays higher taxes.

Aren't a lot of people going to be surprised if this should be enacted and suddenly they find their mayor and their Governor raising local property taxes, raising local sales taxes on food and imposing a car tax again? That is what happens. You lower this tax and you raise that tax.

Then the worst thing to me as a former Governor—and there are many in this body who have been Governors, who have been State tax commissioners, who have been mayors, who have been State treasurers, who have been local officials—the worst thing to me is we are breaking our promise about doing no harm to State and local governments, particularly on my side of the aisle, the Republican side of the aisle.

We were elected promising to do no harm to State and local governments. I will be talking a lot about that this week because I believe in that. I heard it. It wasn't just from me.

In 1994, the Republican revolution began to occur. In 1995 and 1996, we had Presidential elections. When the Republican Party gained control of Congress in 1995, the first thing it did in this body was pass S. 1.

The Presiding Officer very well knows the distinguished Senator who was the majority leader at that time. His name was Senator Bob Dole of Kansas. He carried around in his pocket the tenth amendment. He said S. 1 means no more unfunded mandates.

If we vote to put into motion S. 150 and the companion measure that passed the House, we will be imposing a massive unfunded mandate on State and local governments. We will be breaking our promise.

It is rare that the Senate has had an opportunity to do so much harm with one vote. It is very difficult to find a situation where you can cast one vote and create permanent confusion about the fastest growing technology and a permanent tax loophole for the most subsidized technology I can find. With that one vote, you could also impose higher taxes, local property taxes, car taxes, taxes on food, and sales taxes, and break your promise to State and local governments to do no harm.

There is a better way to go about this. I believe that I and my colleagues have suggested that. Senator CARPER and I and a group of nine other Senators of both parties have said: Wait a minute. Let us do this a different way. There is a way we can vote to ban new taxes on Internet access for 2 years. We can provide the Senate time to consider what to do about this phenomenon of high-speed Internet access growth, and we can keep our promise to State and local governments.

Rarely has there been a chance to do so much good with one vote, and that would be to pass the Alexander-Carper compromise, or take the original moratorium of 1998 and enact it for 2 more years. That would be a vote for no taxes, it would be a vote for no unfunded mandates, and it would be a vote for time to study it. That would be the wise and prudent course. That will be the argument we will be making today.

Today, we begin a series of procedural motions—that is the way the Senate works—designed to give us a full opportunity to consider and discuss these issues.

Senators ALLEN and WYDEN have offered S. 150 which will be coming up this afternoon. I am under no illusions about the fact we will be getting to it even though I think it is moving us in the wrong direction and along the wrong track. Senator CARPER and I, and nine others, have offered the compromise I just suggested. I believe that would be the best way to go—a 2-year extension of the current ban on State and local taxing of international access. We did it in 1998. Congress did it in 2000. Congress can do it again in 2004.

By voting to extend the original moratorium on taxation for 2 more years, Members of Congress will be casting a vote against taxing Internet access—casting a vote for allowing time to consider what the best long-term solution is and casting a vote for doing no harm to State and local governments. I believe, if the House were to agree with us, we could get the legislative action we desire in this session.

I am prepared to move ahead, as I have been all year, and I have suggested for 2 years ways we could move ahead. I am for banning taxation for the next 2 years. I am willing to support that. I am for no unfunded mandates and I am for time to study. Prospects for legislative action might have been different this year, if the House of Representatives had sent to the Senate a different piece of legislation to begin with instead of sending legislation to extend the current moratorium.

Moratorium means a temporary timeout. That was the idea in 1998. Everybody said we have this new thing, the Internet. In 1998, when the moratorium was passed, I would wager that almost no one in the Congress had ever heard of high-speed Internet access. The only kind of Internet access we were using was AOL which hooks up to your dial telephone. But we said—and I agreed with this and I supported this—that we don't really understand what this is. This is new. Let us just put in a temporary timeout. Then we will decide what to do. The assumption, in my mind at least, was that as the Internet industry grew and became mature, it would pay the same taxes as everyone else. We don't say the Senator from North Carolina and the Senator from Tennessee will pay taxes which the Senator from Wyoming will not pay. We have to have an awfully good reason for that. We believe in the fair and equitable distribution of taxes.

We are talking about whether the Internet industry should pay the same sales taxes and the same kind of business taxes that everybody else is paying or whether we should lower their taxes permanently and create a great big loophole for them, subsidize them some more, and then have higher taxes for everybody else.

The House didn't send us another temporary timeout which would have been the third on State and local taxation of Internet access. The House sent over a permanent ban. But it was more than that. Instead of banning State and local taxation of Internet access—which would mean my relationship to the Internet service provider, the same as my relationship to a telephone company or a cable company or a satellite TV company—they broadened the definition of Internet access.

Whether intentionally or unintentionally, this train got on the wrong track, running completely out of control. Maybe it was because this is a very complex subject, we have a lot going on here, and not many people were paying close attention, but it got out of control.

Basically, what started out as a modest benefit to consumers, a temporary timeout while we could see what was happening, the House turned it into a permanent big tax loophole for the Internet access industry, the telecommunications industry. Then, on top of that, they turn around and send the bill to State and local governments. We do not do that much. We debate taxes all the time. We reduce taxes. Sometimes they go up, but we do it ourselves. I did not know you could do this.

I ran for the Senate the same year as the Presiding Officer the Senator from North Carolina. If I knew the Senate could do this, I might have run for the Senate promising to make a Federal law abolishing local property taxes as my way of encouraging home ownership, or I might have run for the Senate promising to pass a Federal law to abolish State car taxes as a way of encouraging transportation to work, or I might have run for the Senate promising to pass a Federal law abolishing State taxes on food because there are a lot of hungry people. But that would have been a trick on the voters. The voters would have caught up with me and said, Wait a minute, LAMAR, who are you trying to fool? You cut our sales taxes, and now we will have an income tax in Tennessee. Because if sales taxes go down, this must go up.

I suppose one could say we will close a few schools, raise tuition, and cut the cost of Government. But it means lower taxes for one group of taxpayers and it means higher taxes for another. That is what we have over here.

Sometimes it has been said these figures that have been used are not accurate, so I have some detailed information for the CONGRESSIONAL RECORD. For example, the bill sent to the Senate from the House of Representatives in the name of a simple, permanent ban on the little connection we make to the Internet access would do this: One, it would put at risk $10 billion collected annually in telephone transaction taxes in the State and local governments. State and local governments collect more than $10 billion annually in taxes on telephones. If we tell them they cannot do that, what do they do? Senator FEINSTEIN has said, and I am sure she will say later this week, she has 125 cities and counties in California that say this might interrupt 5 to 10 percent of their local budgets. We cut one tax and they raise the property tax. That is not what we are supposed to do. We promised not to do that in 1995.

There are 62 Senators serving here today who in 1995 voted to pass the Unfunded Mandates Act which said no money, no mandate. If we break our promise, throw us out. I want to keep the promise.

The first problem with the House bill is $10 billion in telephone taxes. The second problem is $7 billion annually in business taxes currently collected. I have a source from each one of these. The first is the Congressional Budget Office. The source for the $7 billion is in the Multistate Tax Commission memoranda and a letter from the Congressional Budget Office. The third unfunded mandate in the House bill, half a billion annually in business taxes currently collected on the Internet backbone. We will hear more about that this week. The backbone is the infrastructure of the Internet. The same kind of business taxes on the backbone is like business taxes on any other business. Nobody likes to pay taxes, but are we going to exempt them and make everybody else pay? Four, cost to State and local governments was $80 to $120 million. On grandfathered States—that means 11 States were permitted after the 1998 temporary timeout moratorium; there are about 16 States already taxing dial-up Internet service so they are permitted to keep doing that—that is $80 to $120 million out the window, and another $40 to $75 million in 27 States where they are taxing the part of the Internet access provided by the telephone companies, DSL.

Finally, the language of H.R. 49, the bill that came over from the House, would hurt universal service fund fees and September 11 service fees. That is very important in Alaska, rural North Carolina, and Tennessee. If there is less money in the fund, there is less money for September 11 and universal service.

This bill came to the Senate like a freight train. Nobody voted against it. It passed by consent order. What did it do? It came over wearing a dress that said, “I am Ms. Internet Access Tax Ban.” But it actually was $10 billion in telephone taxes, $7 billion more in business taxes, half a billion in business taxes, sales taxes of a couple hundred million a year, universal service fund fees, September 11 fees, all of that which is the responsibility of State and local governments. We say, here, you cannot collect. That is an unfunded Federal mandate of the worst sort.

Now after some discussion, the bill has gotten a little better. Senator ALLARD, to his great credit, has worked hard. There may be no better-humored Member of the Senate.

He and I joined in a debate at the Heritage Foundation on a minority of principle. We had a good debate and discussed the issues. He improved the bill some. There are fewer unfunded mandates.

I will be asking unanimous consent at the end of my speech to have printed in the CONGRESSIONAL RECORD the unfunded Federal mandates in his bill, S. 150. Still, as far as I know, his bill threatens $3 to $10 billion in telephone taxes currently collected. He and I have said to each other we do not intend to do that. However, that was several weeks ago and we have been working hard to write language we agreed on that expressed our mutual intention. We have failed so far.

No. 2, his legislation continues to say to State and local governments, you cannot collect half a billion a year in business taxes that are currently collected on the Internet backbone.

No. 3, his legislation would phase out the sales taxes State and local governments are currently collecting on Internet access. So S. 150 continues down the wrong track. It continues to provide a big subsidy to the fastest growing technology already heavily subsidized.

How much does it cost the Federal taxpayer? Not a penny. Not a penny. We will send the bill to Governors and mayors and local governments and let them raise property taxes, let them raise sales taxes on food, let them worry with all the other unfunded mandates and add this right on top of it. That is what we are doing. We are passing the buck.

I ask unanimous consent at the end of my remarks I be allowed to have printed in the RECORD the unfunded Federal mandates on H.R. 49 first, and unfunded Federal mandates on S. 150 next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Madam President, there is no doubt this is an unfunded Federal mandate. We can talk about that more this week. Some of my colleagues on my side have come up and said that does not sound like an unfunded mandate. I thought an unfunded mandate was when we told you you had to do something and pay for it. But if I tell you you have to stop doing something, that you cannot collect that tax, that is a cost I have imposed on you. If I and the Congress say to Governor Alexander, in Tennessee, "Stop collecting property taxes, stop collecting sales taxes," then I have to go think of some other tax—lower taxes here; higher taxes there. Nothing makes local officials madder than some Member of the U.S. Senate or Congress to come up here and have some big idea and pass a law, and take credit for it—lower taxes on the Internet—and then send the bill home to them and then that same Member of Congress or Senator is usually down to the district the next weekend making a big speech about local control. Nothing gets the blood up in a Senator or Governor or mayor or county commissioner more than that, and that is exactly what we are doing.

If the Congress wants to create a big, additional tax break for high-speed Internet access, then Congress should pay for it and not send the bill to State and local governments. I think we, as Members of Congress, ought to do as Paul Harvey says, and tell the rest of the story: If we lower your taxes on Internet access, we are going to raise your property taxes or your car taxes. Sure as the world, it is going to be our responsibility. We can call this the Raising the Local Property Tax Act of 2004 or the Car Tag Act of 2004 or the Sales Tax on Food Act of 2004 or the Raise the Corporate Tax on Manufacturing and Send the Jobs to China Act of 2004. That is what we will be doing.

One of the other issues I hope we talk about this week is whether there needs to be an additional Government subsidy for high-speed Internet access on top of the billions already provided by Federal, State, and local governments.

According to the Congressional Research Service, there is already at least $4 billion in Federal tax subsidies to encourage the use of high-speed Internet access. I have a report from the Alliance for Public Technology. I will not inflict its length on the CONGRESSIONAL RECORD today, but it is filled with State and local programs to encourage the growth of high-speed Internet access—dozens and dozens of State and local subsidies, in addition to the Federal subsidy to encourage the spread of high-speed Internet access.

Why is there a need for more subsidy at all when the New York Times reported, last week, that high-speed Internet access is the fastest growing new technology in America? It is growing at an astonishing rate. According to a Congressional Budget Office report in February, the United States has the highest number of broadband subscribers—"broadband" is another name for high-speed Internet access—at 19.8 million. It is probably a lot higher today.

An April 19 story from the Associated Press tells us that a new study by the Pew Internet and American Life Project has found that almost one-quarter of all Americans—more than 48 million people—have high-speed Internet access at home. This is two out of every five Web users who have it at home. The same study showed that more than half of Americans have it at work. CBO told us, last December, that 88 percent of all ZIP codes have at least one high-speed subscriber, and 29 percent have access to more than five.

In September of 2002, the U.S. Department of Commerce told us consumers are adopting broadband technologies at a faster pace than CD players, cell phones, color TVs, and VCRs during the same period in their development. CBO, the Congressional Budget Office, reported, in December of last year, that cellular phones took 6 years from their introduction to reach 7.5 million subscribers; high-speed Internet access reached 7.5 million subscribers in half that time.

Then, why do we need additional taxpayer subsidy? Why do we need to say to these folks: You pay less taxes and the rest of us will pay more? You can barley pick up a newspaper today without reading about some new initiative from the private sector offering high-speed Internet access.

According to CBO, from 1996 to 2001, the four largest telephone companies increased their investment in broadband technologies by 64 percent. Cable companies increased their investment by 68 percent in the same period.

Now, sometimes this discussion makes my head hurt because high-speed Internet access is a subject that is unfamiliar to most of us, and you almost have to warm up in order to be able to talk about it and understand the complexities of what is going on. But, in effect, it is very simple: It is just faster access to the Internet. It can be provided in lots of different ways. Your cable company will sell it to you. Your telephone company will sell it to you. There is a nice young woman who comes on your direct satellite television and she will sell you high-speed Internet access.

There is another way we might get it. There may be more. Things are changing. But your electric company may sell it to you over electric wires. There is a lot of talk about how we need to create more and more subsidy so we can reach more and more Americans, that we will have people left out. Well, thanks to the expansion of the rural electrification system in America during World War II, almost every American has an electric wire somewhere near them. Electric companies have begun to offer high-speed Internet access service.

Madam President, I have an article from the Washington Times of April 5, 2004. I ask unanimous consent that this article be printed in the RECORD, in the proper sequence, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. According to this article—and we will be talking about this more this week—according to the Federal Communications Office of Engineering and Technology, having another major player—the power companies—has helped to bridge the digital divide. The power companies have the infrastructure to make broadband available nationally.

> There are a lot of utilities out there that really, really want to do this, [says the head of another firm].

It is being offered today in Manassas, VA. The city of Manassas offers high-speed Internet access through their electric company for $26.95 a month.

> Customers typically pay $30 to $40 a month for DSL service and $40 to $50 a month for Internet access over cable.

If we are really talking about taxes on Internet access, we are only talking about $1 to $3 a month, for most Americans, that they would save if we Senators and our fellow Members of Congress go home and say: Look at us. We just banned State and local taxation of Internet access. Well, that will save you $1 to $3 a month. That is not what they are doing, though. They are exempting a whole industry from taxation that most industries pay. But for those who worry about whether high-speed Internet access is going to be available to every single American, it will be available from your electric company soon.

Now, there is another phenomenon we should talk about in terms of whether we need to have a subsidy. All this growth is happening, just as it should. We have a promarket economy. Traditionally, we do not pick economic winners and losers. That is what they do in Japan. They do it a lot more than we do. Our economy is stronger and better than theirs because the Government does not do as good a job, we believe, at picking winners and losers as the free market does. That is, at least, what a great many of us over here on the Republican side traditionally say, that we do not like industrial policy. We do not like picking and choosing winners and losers.

So we asked the Congressional Budget Office, Congress did, last year, about this. CBO reported to us, Congress:

> [T]he broadband market is booming. . . . [N]othing in the performance of the residential broadband market suggests that federal subsidies for it will produce any economic gains.

Yet here we are, getting ready to spend a whole week sending billions of dollars more in subsidies to the high-speed Internet access market. Why are we doing this? To even encourage broader use of it? Well, I am not sure it will have that effect.

This is an example from the Atlanta Constitution Journal of September of a couple years ago. It is a little old, but it is good information.

In LaGrange, GA, they give away high-speed Internet access for free. So we can ban taxation. We can keep Gwinnett County from imposing a dollar tax on your high-speed Internet access in Georgia, but we won't be able to do that because they give it away for free. And what has happened? Despite the fact they give it away for free, only half the city has subscribed a year later. A lot of people didn't want it. This story tells why.

I ask unanimous consent this article from the Atlanta Constitution be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ALEXANDER. It is an interesting article. It is like a lot of other things. Just because we in Washington think everybody in America ought to have high-speed Internet access tomorrow doesn't mean they will take it, even if we give it to them. So then why should we give the telecommunications industry another big subsidy to offer high-speed Internet access to people who are already getting it free and won't take it?

Finally, just in case Congress should, in its wisdom, decide to grant an additional subsidy to high-speed Internet access, the first thing we should do is make sure Congress pays for it and doesn't send the bill to State and local governments. The House bill and the Allen-Wyden bill, S. 150, which this motion to proceed is about, expressly violate the Budget Act which was amended in 1995 by the Republican majority, enthusiastically. And President Clinton signed it. Sixty-two Senators now serving in this body voted for it, and 300 Republicans stood on the Capitol steps in late September, early October, right before the election that produced the Contract with America and the first Republican Congress in a long time, and this is what we said: Our party, no money, no mandate. If we break our promise, throw us out.

This is about the Congress keeping its promise. I have a great many speeches that say in words more effectively than I how important avoiding an unfunded Federal mandate is. Most of them were made by Members of this body. There will be an opportunity to hear those speeches again this week because they were good in 1995, and they are good in 2004.

There is one way to provide a further subsidy to encourage the use of high-speed Internet access, if we think it is necessary, that would make a lot more sense than the various proposals that have been offered so far. That, interestingly, is the Texas plan. It was the plan authored by our President, George W. Bush, when he was Governor of Texas. It is very simple. It is aimed at consumers, not big companies. In 1999, Governor Bush signed a law exempting the Texas State sales tax on Internet access up to the $25 the consumer paid each month. In other words, there is no State tax in Texas on the first $25 you pay for Internet access.

We just heard that in Manassas, VA, it doesn't cost you more than $25 to get Internet access from your power company. So you don't pay any tax on Internet access in Texas. The Governor suggested to the Congress some time ago that if Congress were bound and determined to give another big subsidy to the telecommunications and high-speed Internet access industry, do it this way. Use Governor Bush's idea; use the Texas plan. Then I would say we ought to figure out what it cost State and local governments and reimburse them for it.

It is ironic that last year we stood here and cried about the condition of State and local governments and sent a $20 billion welfare check to the States. This year we are taking credit for lowering taxes on Internet access $1 a month and sending the bill to State and local governments. I suggest if we really want to consider a Federal law that affects State and local taxation of Internet access over the long term, we ought to look at President Bush's idea when he was Governor of Texas. Then I would argue it is up to us to decide what tax we are going to raise to pay the bill, or are we going to increase the deficit or are we going to cut services, because that is precisely what the mayors are going to have to do. That is what the Governors are going to have to do, and the county commissioners are going to have to do.

If everybody would go home 1 week and ask, How would you like one more unfunded mandate to deal with along with all the others, I think they would get an earful. At least I do when I go home.

I look forward to this week. I hope this is the beginning of a constructive debate. I hope the end result is that we reject the proposal we are moving to proceed on this afternoon. Those are proposals that would create permanent confusion in this complex area of trying to deal with the growth of high-speed Internet access that would create an unwarranted additional tax loophole for one of the most heavily subsidized industries in America, the high-speed Internet access industry; that would create higher taxes because when you order taxes lowered on some people, they are going up on others; and that would break a promise this Congress made to State and local governments 9 years ago that we would do no harm, that we would not pass any more unfunded Federal mandates.

What we should be doing is what we are doing in other parts of the Congress and in the courts and in the Federal Communications Commission. The chairman of the Commerce Committee, Senator MCCAIN, has already held a hearing about high-speed Internet access, its regulation, and its taxation, and tried to sort out what to do about it since it was not envisioned by the Telecommunications Act of 1996. The Senator from Alaska, Mr. STEVENS, has said several times that he thinks we need to revisit the Telecommunications Act and do this in a comprehensive way.

The Chairman of the Federal Communications Commission, Michael Powell, has talked about the importance of digital migration, high-speed

Internet access. We will be able to carry to our homes movies, e-mail, all sorts of services. It is wonderful. But when it does that, it may have the effect of wiping out 5, 10, 15 percent of the State and local tax base. We should think about that before we do that.

Among all of the principles we need to discuss, one of those is federalism, the improper relationship of strong State and local governments to the Federal Government. We should not slam through like a freight train a permanent tax loophole for this industry without carefully considering the long-term consequences to State and local governments and the parks and the schools and the universities and the health care and other services they are expected to provide.

A vote for the legislation that came from the House and for S. 150 or anything like it is a vote for permanent confusion, a vote for unwarranted tax loopholes, a vote for higher taxes, and a vote to break a promise.

A vote for the Alexander-Carper compromise is a vote to ban taxes for another 2 years, to extend the moratorium, extend the temporary timeout. It is a vote against taxes. It is a vote against unfunded mandates because it does no more harm to State and local governments. And it is a vote for a reasonable period of time, up to a couple of years, for us to thoughtfully consider what to do.

Madam President, I am new to this body, but I have watched it for a long time. I had my first opportunity to work in it when the Senator from North Carolina and I both came to Washington a few years ago. I have great respect for the wisdom here and for the rules of this body. They offer us a chance to deliberate a little longer than our friends in the House are able to, and sometimes that is important to do. I believe it is on this issue.

I am ready to move, ready to come to a conclusion. There are at least a couple of ideas out there that will get a legislative result this week if we would like to do it. But I am not ready to vote for permanent confusion, another big tax loophole, higher taxes, and I am not ready to break our promise to State and local governments about unfunded mandates.

I ask unanimous consent to have printed in sequence following my remarks the following articles:

One is a November 4, 2003, editorial from the Washington Post. The Senator from Ohio, Senator VOINOVICH, brought this to our attention at that time, saying this Congress should step back from the brink temporarily, extend the moratorium, and sort this all out in a way that doesn't intrude on State prerogatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. ALEXANDER. Madam President, I ask unanimous consent to have printed in the RECORD an editorial from the Dallas Morning News. "Congress must get this right," it says in its last sentence, "and a 2-year moratorium with all new Internet access fees will give Congress enough time to sort through the issue."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. ALEXANDER. Madam President, I ask unanimous consent to have printed in the RECORD a letter from Commissioner Loren Chumley from the Department of Revenue from the State of Tennessee. She points out Tennessee is now not taxing, not imposing a sales tax on Internet access because our State law doesn't permit it. In fact, the direction of things has been that States have repealed their taxes on Internet access. States do things like that. But this points out in very clear terms how important it is for our State, which doesn't have an income tax—how important it is for us here not to try to tell them what taxes to collect and what services to provide. Again, I ask unanimous consent that that be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. ALEXANDER. Finally, there are two articles which are a little long, but they are important. I know Senators and staff members will bring their attention to this subject, and we know we will be debating it for the next several days, and that truly we will be considering it for the next couple of years as the Commerce Committee wades through all of the issues surrounding digital migration and, hopefully, come to a comprehensive approach toward how we approach taxation and regulation—I hope minimal taxation and regulation, but appropriate taxation and regulation of high-speed Internet access, and how we divide that among the various governments. These are the best two articles I have found that help explain the history behind the Internet access tax moratorium bill and the issue before us.

The first is by the Center on Budget and Policy Priorities, dated March 15, 2004, entitled " The Alexander-Carper Internet Access Tax Moratorium Bill, S. 2084: a True Compromise That Substantially Broadens the Original Moratorium."

I point out that the leader asked us who are opposed to this to compromise, and we have. The Alexander-Carper legislation is broader than the original moratorium, and it levels the playing field so all providers of high-speed Internet access are treated the same—at least so far as the Congress is concerned—on the last mile between the user of high-speed Internet access and the provider.

I ask unanimous consent that the article's summary be printed in the RECORD in sequence following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. ALEXANDER. Finally, I want to offer another recent article by Harley Duncan and Matt Tomalis, from the Multistate Tax Commission, entitled "The Forgotten First Sentence."

The definition of Internet access is what is causing a lot of the problem here. We hear a lot about that from the Senator from Ohio and those on both sides of the issue. The problem is, the way the bill is written, it doesn't focus only on the consumer and provider of Internet access, it goes way back up the line and bans the State and local government from collecting taxes on the whole industry, and a whole variety of services that are now part of the State and local tax. Nobody wants to pay taxes on anything, but if we ban those taxes, we raise these taxes. This article helped us to clearly understand how the definition of Internet access is the problem here.

I see the Senator from Ohio, a former chairman of the National Governors Association before he was a Senator. He can speak with authority about what happened in 1994 and 1995 because he was a national leader in the movement to persuade Congress to stop unfunded Federal mandates and to pass the Unfunded Mandate Reform Act, which amended our Budget Act. He is a principled man and I am delighted to be working with him on this issue and on others.

Again, I thank the leader for setting in motion the series of procedural steps that will give us a chance to fully debate this issue this week. I thank Senator ALLEN and Senator WYDEN for their courtesies and patience as we worked on an issue we disagree about. I look forward to a full discussion and, I hope, a temporary 2-year timeout to give us a chance to think about that which bans taxes for 2 more years, but keeps our promise and does no harm to State and local governments.

I yield the floor.

EXHIBIT 1

UNFUNDED FEDERAL MANDATES CREATED BY H.R. 49

1. $10 billion annually in telephone transactions taxes currently collected—under H.R. 49, the telecommunications industry could be exempted from the collection of state and local taxes on gross receipts taxes, sales an use taxes, and other telecommunications transactions taxes. As the telecommunications industry offers more and more of its services over the Internet, more and more of the industry's revenues could be tax exempt. Cost to state and local governments: $10 billion annually. Source: Letter from Congressional Budget Office, February 13, 2004.

2. $7 billion annually in business taxes currently collected—The taxes preempted in H.R. 49 go beyond taxes on access by customers to the Internet to include income, property, and other business taxes levied on

telecommunications companies. Cost to state and local governments: $7 billion annually. Source: Multistate Tax Commission Memorandum, September 24, 2003; Letter from Congressional Budget Office, February 13, 2004.

3. $500 million annually in business taxes currently collected on the Internet "backbone"—Under H.R. 49, states could not continue to tax some business transactions such as business-to-business transactions between Internet service providers and telephone companies. Cost to state and local governments: $500 million annually. Source: Federation of Tax Administrators' Memorandum, November 10, 2003.

4. Sales taxes on Internet access currently collected—Under H.R. 49, states that are now collecting taxes on Internet access could not continue to do so immediately upon the bill being signed into law. Cost to state and local governments "grandfathered" by the original 1998 Act: $80–120 million per year. Cost to state and local governments (27 states) imposing taxes on charges for the portion of DSL Internet access services that they do not consider to be "Internet access": $40–75 million per year. Source: Letter from Congressional Budget Office, November 5, 2003.

5. Universal Service Fund fees and 911 service fees—The language of H.R. 49 would prohibit the federal government and/or states from imposing or collecting fees on telecommunications offered over the Internet. As telephone service migrates to the Internet, universal service funding and funding for the provision of 911 and E911 service will be reduced as traditional telephone sales revenue drops. Cost to state and local governments: $3–4 billion. Source: Congressional Research Service; Letter from Congressional Budget Office, February 13, 2004.

Unfunded Federal Mandates on States (S. 150)

1. $3–$10 billion annually in telephone taxes currently collected—Under the moratorium, states may not be able to continue to tax telephone calls if they are made over the Internet. Cost to state and local governments: within five years losses in telecommunications revenues could rise to $3 billion per year; ultimately, state and local revenue loss could be $10 billion per year. Source: Letter from Congressional Budget Office, February 13, 2004.

2. $500 million annually in business taxes currently collected on the Internet "backbone"—Under S. 150, states could not continue to tax some business transactions such as business-to-business transactions between Internet service providers and telephone companies. Cost to state and local governments: $500 million annually. Source: Federation of Tax Administrator's Memorandum, November 10, 2003.

3. Sales taxes on Internet access currently collected—Under S. 150, states could not continue to collect sales taxes on Internet access after the three-year grandfather period. Cost to state and local governments "grandfathered" by the original 1998 Act; $80–120 million per year. Cost to state and local governments imposing taxes on charges for the portion of DSL Internet access services that they do not consider to be "Internet access": $40 to $75 million per year. Source: Letter from Congressional Budget Office, November 5, 2003.

Exhibit 2

[From the Washington Times, Apr. 5, 2004]

Electric Companies Begin Offering Broadband Service

(By William Glanz)

Sean Porter's high-speed Internet connection doesn't come through a cable-television cord, a telephone line or from a satellite.

An electrical outlet powers the broadband connection at the Manassas architect's firm.

"The greatest advantage is that we only need to have an outlet to use it," Mr. Porter said.

Manassas is the second city in the nation, where broadband service over power lines became commercially available. City officials there began marketing the service in February.

Today, only about 300 U.S. consumers pay for high-speed Internet access over power lines, but this new method of delivering Web content could jolt the market for Internet service.

Allentown, Pa., and Cincinnati are the only other U.S. cities where residents are paying for the new high-speed Internet service, but electric companies from North Carolina to Hawaii are testing the service or plan to begin a pilot project. Federal regulators hope broadband access over power lines becomes widely available, especially in rural areas.

In Manassas, 60 homeowners and a handful of businesses have Internet access through power lines. Another 1,200 homeowners have asked to be hooked up. That's nearly 10 percent of the city's 12,500 homes.

By the end of the year, broadband over power lines could be available to all Manassas residents. It would be the first U.S. city where the new technology is available to all residents.

Internet access from power lines began to get attention last year, when the Federal Communications Commission (FCC) promoted it as a way to offer high-speed Internet services for people in rural areas. The FCC also saw broadband access from power lines as an alternative to high-speed access from phone, cable and satellite companies that could lower consumer prices.

Since the power grid is ubiquitous, broadband over power lines could be available to nearly every U.S. home.

"Having another major player—the power companies—has to help bridge the digital divide. The power companies have the infrastructure to make broadband available nationally," said Ed Thomas, chief of the FCC's Office of Engineering and Technology.

The FCC in February proposed rules to govern broadband over power lines. The rules aren't final, but a handful of cities, utilities and technology companies are pushing forward.

Current Communications Group in Germantown, Md., is working with Ohio utility Cinergy Corp. to market broadband service over power lines in Cincinnati.

Current Communications also has a pilot project with Pepco in Potomac to test the new Internet service.

"There are a lot of utilities out there that really, really want to do this," said Jay Birnbaum, vice president of Current Communications, a privately held firm founded four years ago.

Main.net Powerline Communications in Reston is working with Manassas, which owns its electric plant, to deliver Internet content over the power lines.

Main.net and Current Communications are two of the primary companies in a small cluster of firms that market technology to send Internet data over power lines and make the modems that subscribers plug into wall sockets.

Experts long have known power lines could accommodate Internet data. Electricity travels at a lower frequency than an Internet signal, so the two can share a power line.

Public works department employees in Manassas hook up new Internet subscribers nearly every day.

"They're beating down our doors," said John Hewa, assistant director of the city's electric utility.

That's because few people there have high-speed Internet access, Mr. Hewa said.

"A lot of people are telling us they can't get high-speed services where they live. There are a lot of areas where it's not available, and they're using dial-up service," he said.

The FCC found in June 2003 that there were no high-speed Internet subscribers in 9 percent of U.S. zip codes, where about 1 percent of residents live. In another 16 percent of U.S. zip codes, there was just one broadband provider.

The American Public Power Association, which represents utilities, says 75 percent of its members serve communities with fewer than 10,000 people, many of whom don't have high-speed Internet access.

About 24 million people subscribe to broadband service, according to Washington research firm Precursor Group.

But spokesmen for Verizon Communications Corp. and Comcast Corp. both say they are equipped to deliver high-speed service in Manassas.

The new broadband service in Manassas also might be popular because the city charges $26.95 a month, less than digital subscriber lines (DSL) or cable Internet providers. Current Communications charges a basic rate of $29.95 a month in Cincinnati. Customers typically pay $30 to $40 a month for DSL service and $40 to $50 a month for Internet access over cable.

Although the FCC is hopeful that broadband over power lines helps lower prices and provides access to underserved areas, Precursor Group analyst Pat Brogan isn't so sure the service will take off because DSL and cable Internet services have been around for years. Broadband over power lines simply might be too late to catch up, he said.

But electric companies want to make money off their power lines, and consumers who have been relegated to using low-speed dial-up services are interested in subscribing to broadband access over power lines, said Joseph Marsilii, president and chief executive of Main.net.

"I firmly believe there is a huge market for this," he said. "I think we're on the cusp."

Exhibit 3

[From the Atlanta Journal-Constitution, Sept. 2, 2004]

A Georgia City Decided To Provide Its Residents With; A Year of Free Internet Access. But Only Half Have Signed on. Why LaGrange Isn't More "Wired"

(By Ernest Holsendolph)

LaGrange.—A delegation of 11 Japanese legislators came calling on the city of LaGrange recently to learn more about its efforts to connect every household in the city to the Internet free of charge for a year.

The assemblymen for Gunma Prefecture were here "to understand the community strategy," said Kazuo Aikyama, chairman of the delegation.

They aren't the first to come on such a quest.

A well-worn path to city hall on Ridley Street has seen similar delegations from England, Canada and Bulgaria as well as curious groups from cities and towns in the United States.

At the urging of City Manager Tom Hall and others, LaGrange set out to provide easy access for residents to create a "wired" community able to interact with one another—and do business more easily with City Hall, agencies and other stopping points.

They would do it by connecting the homes, for free at first, hopefully showing people how valuable the service was and later get them to pay for subscriptions.

However, Dave McGee, a LaGrange native who is a glass worker, was unaware of the program. "I have heard things about this Internet, but I don't know anything about it," said McGee, 47, as he walked along a side street off Lafayette Square.

And Mable Abercrombie, who gave her age discreetly as "over 65," said she had heard of the LaGrange project but was keeping her distance from it.

"I am too busy in my garden; need to spend more time there," she said over the counter of the Merle Norman cosmetics display where she works.

McGee is an African-American, Abercrombie a senior citizen. Each represents a group that has been a special challenge to LaGrange's effort to bring all its residents online.

"We expected that with the service offered free of charge, we would have big interest in communities where people had been unable to afford Internet service," said Joe Maltese, economic development director.

Instead, he said, there was an overall acceptance of nearly 50 percent—with no high interest in the southern city communities where the black population is heaviest.

Interestingly, LaGrange recently was named one of the top seven "intelligent" communities in the world by the prestigious World Teleport Association.

In addition, LaGrange, about 65 miles southwest of downtown Atlanta, has been cited as "Intelligent City of the Year" by the association. And so, while gaining recognition for its technological push, the distinction seems lost on a major share of its 26,000 citizens.

Partly to keep plugging away with residents who remain unexcited, city officials decided two weeks ago to extend the free offer for another year.

"We have worked hard to make service relevant to people's lives," said Hall, 40, the city manager of LaGrange since 1994.

Under Hall and Maltese, the city has pushed to get interest and response, working with school officials and holding rallies in public housing communities with U.S. Sen. Max Cleland (D–Ga.) as a speaker. They also have advertised in papers and on television and have mailed letters directly to residences.

Subscribers can get the service either through cable modems and personal computers, or they can access it via television through the black set-top box.

Residents can use wireless keyboards, as with WebTV, to connect to the Internet, or to special city networks where they can learn about community activities, church events, shopping opportunities, the weather and other information.

That's all the stuff tech-savvy people now take for granted in the information age. But there's a problem, says Greg Laudeman, a community information specialist with Georgia Tech's economic development outreach program.

There is a gap, he said, between segments of society who embrace computers and digital information, and other people.

"Early adopters (of new ideas and technology) and the group that comes right behind them have different needs, desires and interests than others," he said.

"And in a curious way, the technology companies, early adopters start coming up with more and more that suits their interests at the same time that others ignore it because they do not need it, or immediately see the usefulness of it."

Laudeman and others say the "digital divide," when examined this way may not be racial, or even economic entirely, but more a different way people view developments.

"Many of us (early adopters) learn to value information apart from what we do, or apart from the material or physical things we own or use . . . we value it as a resource," Laudeman said, "while other people value information only as it relates to what they are doing."

He added, "It's like the world is divided between those who enjoy talking and thinking about technology, and those who simply use it."

Hall and Maltese grapple with that dichotomy between groups nearly every day.

"Some people say the service has no relevance to their lives," said Hall, "and others are just against it because . . . well, because it is new and something they're not accustomed to."

Jabari Simama, who directed the establishment of community technology centers in Atlanta, said his staff noticed also that access alone is not enough to get response from predominantly black, lower-income areas.

"Income may be a barrier, but it is not the only one," Simama said. "Other factors that keep people from getting involved in Internet technology include lack of reading ability, and an absence of information they want or need.

"It's one thing to say you'll put up information about the city or city services, but you need to put up things about the neighborhoods and communities where people live—and that means you must use the same focus-group approach cable TV and others have used to reach those audiences."

Simama's view is corroborated by a study of the Children's Partnership, a Los Angeles-based nonprofit organization that mostly focuses on the needs of young people. But it also reached conclusions about reaching lower-income people.

Among the barriers to strong Internet interest in the hard-to-reach communities, the study found, are literacy, language, culture and lifestyle, and the "lack of most urgently needed local information."

How specific might that information be? One respondent said:

"Many of the people in the housing project where I work want to find out about jobs they can do in the neighborhood. If the neighborhood was more connected and mapped online, this kind of information would really make a difference to residents."

The study projected that some 50 million Americans may be inhibited by one or more of the barriers, with 41 million specifically held back by lack of reading ability.

These are the kinds of extended considerations the leaders in LaGrange will have to confront in the second year of effort to get more residents involved in Internet communication.

Among the barriers that must be scaled, are inertia among people who see no "need" as well as others who are outright suspicious.

Abercrombie, the gardener, when asked why she would not try something that is free of charge, replied: "Well, yes, but what happens after the year when it's free?"

The LaGrange arrangement allows someone to try it, then to decide what it's worth. "But," she said, "I am not sure I want to be interested."

She was given a computer by her son, who wanted her to trade e-mail, but she has not done that, despite prompting by grandchildren and others.

Patricia Graves, who works in the city cemetery office, has been a subscriber to the Internet service for a year and loves it.

Graves, who is black, said she enjoys e-mail, learning about places to vacation, and just gathering information.

"I have not made a purchase yet, but I am thinking about it," she said.

Asked why some of her friends had not shown the same enthusiasm, she was candid. "I just find many people are just afraid of computers. And some people are suspicious of the city and wonder why this interest in putting these machines in their homes. Some even wonder if they are for watching them."

State Rep. Carl von Epps, a south LaGrange merchant, said he does not subscribe to the city service.

"Don't get me wrong," he said. "It is fine, and it is a great way for people to get their foot in the door and learn about the Internet, but it is not as fast as my service that I've had for some time."

Von Epps, who is black, said he was aware of some feelings of suspicion and fear. "But a lot of that will be overcome by working more with churches and community organizations and people the neighbors trust," he said. "It's just a matter of time."

EXHIBIT 4

[From the Washington Post, Nov. 4, 2003]

TAX AND CLICK

State and local governments have broad power to tax as they see fit—everything from clothes and food to electricity and telephone service. Nearly everything, that is, except the Internet. Under a supposedly temporary law passed in 1998 and already extended once, Congress prohibited states from taxing Internet access fees, monthly charges imposed by Internet service providers. Proponents argued that the nascent engine of the Internet shouldn't be slowed by taxing it and that it would take time to devise a system to prevent duplicative or discriminatory taxes. Now, with the tax moratorium having expired on Saturday, Congress is poised to make the ban permanent, broaden its reach and wipe out existing taxes that had been grandfathered in under the previous law. With state budgets under stress and the Internet thriving, this is an unnecesary—and costly—incursion on states' rights.

The argument for permanently barring taxes on Internet services centers on two issues. One is the argument that taxing Internet access, whether through phone lines or cable modems, would amount to double taxation, because the phone lines and cable service are already taxed. That's true, but purchasing Internet access provides a separate—and separately taxable—bundle of services. Terming this double taxation is like saying that a shopper who pays tax on a pair of slacks should then be exempt from being taxed on a shirt bought with it.

The other argument is that taxing Internet access would worsen and prolong the digital divide, the computer gap between rich and poor. This may be a problem, but prohibiting taxation is not the answer. It's not the extra few cents on a monthly bill that's stopping the less well-off from Googling their way to the middle class. A policy to erase the digital divide, however laudable, doesn't justify the no-tax solution. The federal government wants to spur home ownership for low-income families—surely a bigger problem than lack of Internet access—but that doesn't lead it to tell local governments that they can't impose property taxes.

What's driving this legislation is that telecommunications companies and Internet service providers see an opportunity not only to make the tax moratorium permanent—in itself a bad idea—but to save what could amount to billions in additional taxes. The law frees service providers from having to pay taxes on telephone service they use to provide Internet access. And as the Internet becomes a more effective medium for providing phone service and delivering products such as downloaded movies, software and music, the legislation could sweep such offerings within the ambit of services that states are prohibited from taxing.

The Internet shouldn't be subject to conflicting taxes, but that's no reason to argue that it shouldn't be taxed at all. There should be a level playing field for taxing Internet access, whether it comes through ordinary dial-up, cable modems or high-speed telephone lines. The last thing Congress should do now to cash-strapped states is pass a law that would not only permanently put Internet access off limits for taxation but also deprive them of revenue that they now collect. Proponents of the law are busy demagoguing the issue, suggesting, as Senate sponsor RON WYDEN (D-Ore.) put it the other day, that users "could be taxed every time they send an e-mail, every time they read their local newspaper online or check the score of a football game." Congress should step back from the brink, temporarily extend the moratorium and sort this all out in a way that doesn't intrude on state prerogatives.

EXHIBIT 5

[From Dallas News.com, Mar. 30, 2004]

INTERNET ACCESS FEES: DON'T LET REMOVAL HAVE UNINTENDED EFFECTS

Getting rid of a bad tax isn't as easy as one might think.

Late last year, a couple of bills that would have done away with Internet access fees began winding their way through Congress. (An Internet access fee is one of those mysterious fees you find near the bottom of your monthly phone bill.)

The bills had gained support until lawmakers discovered a major problem. The bills also would have exempted virtually all telecommunications activity from taxation. Cities and states would have been left out on a precarious financial limb, possibly unable to collect traditional right-of-way and franchise fees that fund city and state operations.

Welcome to the law of unintended consequences.

For that reason, we urge Congress to go slowly in this area and to extend a moratorium on new Internet access fees for another two years.

We aren't thrilled about leaving in place a bad tax that encumbers an emerging technology—even one that provides $45 million annually in Texas. But it's the right decision and one that buys time for a more thoughtful discussion of the Internet and taxes. The moratorium has support from a growing number of lawmakers, including Sen. Kay Bailey Hutchison, R-Texas.

Technology breakthroughs are changing telecommunications faster than legislation can keep pace. For years, Congress, the Federal Communications Commission and state regulators have wrestled with how much to regulate the Internet but have had less-than-satisfying results.

The Internet shouldn't become an easy target for revenue-hungry jurisdictions, but neither can it expect to be a tax-free haven for commerce. Congress has a responsibility to find a satisfactory middle ground, recognizing the revenue needs of cities and states while also not crippling the telecommunications and information services industries.

Congress must get this right, and a two-year moratorium on all new Internet access fees will give it enough time to sort through the issue.

EXHIBIT 6

STATE OF TENNESSEE,
DEPARTMENT OF REVENUE,
Nashville, TN, January 9, 2004.

Re S. 150—the Internet Tax Moratorium.

Senator LAMAR ALEXANDER,
Hart Building,
Washington, DC.

DEAR SENATOR ALEXANDER: It was a pleasure to see you at the recent meeting for the National League of Cities in Nashville. Again I want to thank you for your courageous assistance with regard to protecting the interests of the State of Tennessee on the subject of the Internet Tax Moratorium.

I wanted to make you aware of a recent development in this matter. Tennessee has taxed Internet access as a "telecommunications service" under its sales and use tax laws since 1996. In my presentations to Harrison Fox and Joe Cwiklinski concerning the adverse impact S. 150 and the Managers' Amendment would have on Tennessee's tax base, I explained that Tennessee has been involved in lawsuits concerning whether Internet access falls within Tennessee's definition of "telecommunications." The Court of Appeals decision in Prodigy Services Corp., Inc. v. Johnson, 2003 WL 21918624 (Tenn. Ct. App., Aug. 12, 2003) has now become final. In this case, the Court held that, under Tennessee law, Internet access is not taxable as a telecommunication service in Tennessee. Therefore, the Tennessee Department of Revenue will issue a notice in the near future explaining that Internet service providers should no longer collect sales tax on sales of Internet access to consumers. I advised your office that the sales tax on the true Internet access component of the prior Internet Tax Freedom Act was approximately $18 million annually for Tennessee.

This Tennessee Court decision does not in any way impact our stringent opposition to S. 150 and the Managers' Amendment. Both S. 150 and the Managers' Amendment put Tennessee's entire telecommunications sales tax base at risk because the amendment sought by the telecommunications companies incorporates the very broad definition of "Internet access" under the original Internet Tax Freedom Act. While certain constituencies have questioned the states' estimates of the bills' fiscal impact, the critical problem is about the language in the bill and about the policy. As long as the amendment sought by the telecommunications industry includes the phrase "Internet access" and as long as the definition of "Internet access" remains as it was under the federal law, then the fiscal problem identified by the states and local governments remains.

Tenness strongly supports the amendment that you proposed to S. 150, the Alexander-Carper amendment. If there is anything that I can do to assist on this matter or any other matter concerning Tennessee taxes, please do not hesitate to let me know. Thank you again for all of your help.

Very truly yours,
LOREN L. CHUMLEY,
Commissioner.

EXHIBIT 7

THE ALEXANDER-CARPER INTERNET ACCESS TAX MORATORIUM BILL, S. 2084: A TRUE COMPROMISE THAT SUBSTANTIALLY BROADENS THE ORIGINAL MORATORIUM

(By Michael Mazerov)

SUMMARY

Senators Lamar Alexander and Thomas Carper, with nine original cosponsors, have introduced S. 2084, the "Internet Tax Ban Extension and Improvement Act." This bill would reinstate and broaden the "moratorium" on state and local taxation of Internet access services originally imposed in 1998 by the Internet Tax Freedom Act (ITFA). S. 2084 would bar state and local governments for two more years from taxing the typical $10–$50 monthly charge that households and businesses pay—to an Internet access provider like America Online, or to the local phone or cable TV company—to be able to access the World Wide Web and send and receive e-mail.

S. 2084 would broaden the original ITFA moratorium substantially by newly exempting from taxation all telecommunications services "purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider."

This new language in S. 2084, which amends ITFA's definition of Internet access, exempts from new state and local taxes almost all communications services that an Internet access subscriber can use to connect to her Internet access provider—so-called "last mile" telecommunications. S. 2084 would, however, grandfather existing state and local taxes on "last-mile" telecommunications services. Grandfathering currently-collected taxes is consistent with the sponsors' position that Congress should not impose a new, expensive, "unfunded mandate" on state and local governments, especially at a time of severe fiscal stress.

The new language to be added to ITFA's Internet access definition by S. 2084 seeks to achieve "technological neutrality" in the tax treatment of high-speed access by exempting from tax all the forms in which the "last mile" connection is made: cable modems, "Digital Subscriber Lines" (DSL), dedicated "T-1" lines used by businesses, wireless connections (e.g., Blackberry), and satellite transmissions. The only exception to the tax exemption for "last mile" telecommunications would be ordinary voice telephone lines used for "dial-up" (conventional modem) access to the Internet; taxes on such lines would still be allowed under S. 2084.

S. 2084 is a significant expansion of the moratorium. As enacted in 1998 (and as renewed in 2001), the Internet Tax Freedom Act had excluded (carved out) from the definition of tax-exempt "Internet access" all telecommunications services—as that term is defined by the Federal Communications Commission. Thus all states and localities were allowed to continue taxing all telecommunications services, even those used to obtain or provide Internet access on the "last mile."

> The authorization of state and local governments to continue taxing telecommunications was consciously and intentionally included in ITFA in order to preserve state and local taxes and fees imposed on all forms of telecommunications services used at any point along the Internet. While some have claimed that S. 2084's grandfather provision condones "illegal" taxes on Internet-related telecommunications imposed by states and localities attempting an "end run" around ITFA, the legislative history of ITFA clearly refutes those claims.
>
> Renewing ITFA in its original form would preserve state and local taxes on all Internet-related telecommunications. The proposed S. 150 would prohibit all state and local taxation of both "last mile" telecommunications services and the "upstream" telecommunications services that constitute the underlying infrastructure and "backbone" of the Internet. (According to the Federation of Tax Administrators, states and localities would lose approximately $500 million annually if "upstream" telecommunications services were no longer taxable.) In prohibiting new taxes on "last mile" telecommunications, S. 2084 represents a true compromise between these two alternatives.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, first of all, I want to thank the Senator from Tennessee for the tremendous amount of time and effort he has put into this issue. We all got into this together last year when we saw the train moving very fast and we wanted to do what we could to slow it down. We were able to accomplish that. Since that time, the Senator from Tennessee and the Senator from Delaware have been working on a bipartisan basis to try to spend a great deal of time with the folks who have a different point of view, trying to reconcile the differences.

Unfortunately, those differences have not been reconciled. But it certainly is not based on a lack of trying. The Senator from Tennessee now has become the expert on this. Madam President, I wish you had been at a meeting I had with him last week, where he was teaching the teachers on this legislation. I thank him so very much for all of his hard work and dedication to this issue. I hope our colleagues will listen to us today and perhaps come up with another compromise that will allow us to spend more time to deal with this subject. This is a very complicated issue and we need to be careful how we proceed.

Today we are going to consider a motion to proceed on S. 150, the Internet Tax Nondiscrimination Act of 2003. When the Senate first considered this legislation last November, I argued the debate on S. 150 was not about taxing e-mail or increasing taxes on Internet access. It was suggested by some members of this legislative body that we were in favor of taxing the Internet or e-mail. In fact, I stand here today in opposition to taxes on Internet access and firmly opposed to any and all taxes on e-mail by any level of government—Federal, State, or local. But that is not what today's debate is about.

Rather, the debate on S. 150 is about federalism, unfunded mandates, and protecting the States' ability to collect revenue at a time when State and local governments are struggling to make ends meet.

As a former State representative, counter auditor, counter commissioner, Lieutenant Governor, mayor of Cleveland, and Governor of Ohio, I have seen firsthand how the relationship between the Federal Government and our State and local counterparts affect our citizens and the communities in which they live.

My experience has fueled my passion for federalism and the need to balance the Federal Government's power with the powers our Founding Fathers envisioned for the States. This very body was created in part to guarantee that States have adequate and equal means to assert their interests before the Federal Government, and I can assure you that if we Senators were still elected State legislators, this issue would not be before us today.

The relationship between the Federal Government and State and local governments should be one of partnership. However, that is not always the case. I am concerned about the tendency of the Federal Government to preempt the functions of State and local governments and force on them new responsibilities, particularly without also providing funding to pay for these new responsibilities. Madam President, that is why I fought for the passage of unfunded mandates reform.

As a matter of fact, I will never forget the first time in my life I set foot on the floor of the U.S. Senate was when the unfunded mandates reform legislation passed. Then, later at the Rose Garden, I was there representing State and local governments when President Clinton signed UMRA in 1995. As I said, I was representing State and local governments, and, Madam President, your husband a former Senator from Kansas, Mr. Dole, was representing the national interests. It is a day I will never forget. In fact, I have the pen that was used to sign the legislation proudly displayed in my office in the Senate.

As I will explain in a moment, S. 150 violates the principles of federalism. When S. 150 was pulled from the Senate floor last November, advocates on both sides of the issue agreed to resolve our differences. For the past 6 months, we have been engaged in meaningful dialog, but we just cannot reach an agreement. At this point in time, I am concerned that the philosophical differences between the two sides may be too deep to bridge.

Madam President, I have three problems with the definition of Internet access:

First, it is so broad that it prevents State and local governments from collecting taxes on all telecommunications services used to provide Internet access over the entire broad band network. We are talking about the entire network, last mile, middle mile, and backbone. States are currently collecting between $3 billion and $10 billion annually in telephone taxes. I am concerned that this tax base may erode as traditional phone service migrates to cutting edge technology called voice over Internet protocol, VOIP. In fact, the migration is happening at a rapid pace. For example, on April 9, 2004, Newsday reported that AT&T expects to add 1 million VOIP customers by the end of 2005 and there are many other companies rolling out this service as well. This will have a tremendous change in the way telephone service is provided in the United States.

As a part of our good-faith negotiations on S. 150, Senators ALLEN and ALEXANDER were working on language to preserve the States' ability to collect taxes on VOIP, but they have not yet reached an agreement. In addition, the Federation of Tax Administrators noted that S. 150 would prohibit States from continuing to tax some transactions such as business-to-business transactions between Internet service providers and telephone companies, and they estimate this could cost State and local governments $500 million annually in lost revenues.

Second, S. 150 violates the spirit of the original moratorium by making a brand new definition of Internet access permanent. The original 1998 moratorium was 3 years in duration, and in 2001, Congress extended it for 2 more years. With technology changing so rapidly, we must be cautious when trying to define Internet access.

Third, according to the CBO, S. 150 imposes an intergovernmental mandate under the Unfunded Mandates Reform Act. Let me repeat, CBO says it is an unfunded mandate. On page 6 of the September 29, 2003, Commerce Committee's report on S. 150, CBO said:

> By extending and expanding the moratorium on certain types of State and local taxes, S. 150 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act. CBO estimates that the mandate would cause State and local governments to lose revenue beginning in October 2006; those losses would exceed the threshold established in the Unfunded Mandates Reform Act . . . by 2007. While there is some uncertainty as to the number of States affected, CBO estimates that the direct costs to State and local governments would probably total between $80 million and $120 million annually, beginning in 2007.

There is no question, this is an unfunded mandate.

Furthermore—and this is the part to which we really need to pay attention:

> Depending on how the language altering the definition of what telecommunications are taxable is interpreted, that language also

> could result in substantial revenue losses for States and local governments. It is possible that States could lose revenue if services that are currently taxed are redefined as Internet access under the definition of S. 150 . . . However, CBO cannot estimate the magnitude of these losses.

In other words, at this stage of the game, they have no idea how large these losses will be to State and local governments if the definition of Internet access in S. 150 is passed.

To follow up on CBO's assessment, I went to my own State and said: Can you examine the proposals and let me know what they would cost our state?

Under S. 150, as reported, it would cost the State of Ohio $350 million a year at a time when they are trying to balance their budget. They are making cuts in services right now to try to balance the State budget. The Allen-Wyden managers' amendment we discussed in November would cost about $150 million for 2 years, and the Alexander-Carper-Voinovich amendment would cost my State about $40 million a year. So any proposal under consideration would cost my State money.

Logic tells me that if CBO cannot calculate the potential loss in revenue to the States, and my State projects large revenue losses, why would we make dramatic and permanent changes to the Internet tax moratorium? Why would we do that to our friends in State and local government?

Last month, Senator COLLINS, chairman of the Governmental Affairs Committee, confirmed in a letter to me that the Allen-Wyden managers' amendment to S. 150 also contained unfunded mandates as defined by UMRA. The CBO says it and the Governmental Affairs Committee says it is an unfunded mandate.

Unlike Congress, by law States must balance their budgets. They do not have the option of printing money like we do. Therefore, if the Senate passes S. 150 or the managers' amendment, Congress will, in effect, force States to raise taxes or cut services in order to make up the difference, which is why each State and local government and organizations are opposed to this legislation with the exception of the NCSL.

However, NCSL did send a strong message earlier this year. In fact, they were in favor of this bill last November but have since removed their support and are now neutral on the legislation. They are giving more consideration to this issue.

The financial impact of S. 150 would be devastating to our State and local governments, but there are other problems with the legislation that are beyond our control. The Federal Communications Commission classifies DSL as both an information service and telecommunications service. I just wonder how many of our colleagues really understand what this is all about. This is a very complex issue and we really need to pay attention to both the language in the proposals and, now to the courts as well. Under the 1998 moratorium, State and local governments are able to collect taxes on the telecommunications portion of DSL service.

The problem that supporters of S. 150 point out is that cable modem Internet service has been classified by the FCC as an information service and, therefore, it is not subject to State and local telecommunications taxes. My colleagues argue that we need to bring parity to the industry by enacting an expanded definition of Internet access. I agree with them in principle. However, earlier this month the Ninth Circuit overruled the Federal Communications Commission decision that cable modem broadband service was a single information service. The court ruling means that cable modem service now can be classified as part information service and part telecommunications service, just like DSL. So under the Ninth Circuit, there is now parity between DSL and cable modem.

The Ninth Circuit case may be appealed to the Supreme Court. This whole area still is in flux. But it does not end there.

As I mentioned, we think it will go to the Supreme Court, and, if so, they may not render a decision until June of 2005. The case, obviously, has significant impact on the debate today.

When we have so much uncertainty, Congress should proceed very cautiously and not run out and do something that will have a tremendous impact on all the future decisions that are made on this issue.

I am one of 11 Members joining Senators ALEXANDER and CARPER on S. 2084, the Internet Tax Ban Extension and Improvement Act. The bill provides a 2-year solution that expands the definition of Internet access to the level playing field for all Internet providers: DSL, cable, modem, wireless, and satellite. In other words, our bill would put them all in an equal position and would resolve the issue with the Ninth Circuit Court because it would basically say we agree with the court.

Our legislation would make the last mile of Internet service from the Internet provider to the customer tax free. In addition, our legislation retains the existing grandfather clause in effect for 2 years, that is 11 States; expands the grandfather clause by allowing States that are now collecting taxes on DSL service to continue to do so for 2 more years, currently 16 States; and prohibits States that are not collecting taxes on DSL from doing so.

It would also prevent them from collecting taxes on cable and other services on the Internet. Unfortunately, our legislation was not acceptable to the sponsors. We thought it was very reasonable because they believed we needed a broader policy to promote the growth of the Internet. However, recent trends on the growth of broadband services may suggest otherwise.

When I was chairman of the National Governors Association back in 1998, I helped negotiate the first Internet tax moratorium because there was a big concern about what it would do to the Internet. Our goal then and our goal today is the same: to encourage the growth of the Internet as a driving force in our economy. We want that to happen. I believe we have been successful.

In fact, I will highlight how much Internet technology has grown over the past years. It is unbelievable. According to a study released by the Pew Internet and American Life Project last week, 55 percent of American Internet users have access to broadband either at home or at the workplace. The report also noted that home broadband usage is up 60 percent since March of 2003, with half of that growth since November of 2003. DSL technology now has a 42-percent share of the home broadband market. This figure is up from 28 percent in March of 2003. What I would like to point out is that it all happened since the moratorium ended.

I think the Chair will recall that our opponents were concerned that if the moratorium expired, States would rush out and tax the Internet. That has not happened. In fact, we have just seen an exponential growth in the use of the Internet. Additionally, on April 21, a major telecommunications company, SBC released their 2004 first quarter earnings.

I will read the first two sentences from the company's press release because it illustrates how fast this technology is growing.

> SBC Communications, Inc., today reported first-quarter 2004 earnings of $1.9 billion as it delivered strong progress in key growth products. In the quarter, SBC added 446,000 DSL lines, the best ever by a U.S. telecom provider . . .

I congratulate this company for fostering the growth of DSL service in our country and for building a solid business plan that allowed them to have such a positive impact on their bottom line. Their financial outlook proves that Congress should not subsidize a growing industry at the expense of our State and local governments.

As I mentioned earlier, not one State has passed legislation to tax Internet access in the absence of a Federal moratorium. In fact, we have reports that a couple of States have even backed off from what they were doing before. Therefore, the sky that was predicted to fall has not.

That is not to say that I am opposed to an Internet tax moratorium. Nothing could be further from the truth. There is still more room to compromise, and I think it is fair to say that some of my colleagues agree with my assessment.

The inability of both sides to reach an agreement prompted Senator MCCAIN to offer a new proposal. I commend my good friend from Arizona for trying to reach a middle ground on this complex issue and, for that matter, I congratulate him on trying to bring us together.

I do not know whether the Senator from Tennessee is going to opine on that proposal, but the four principles are: Establishes a 4-year moratorium; allows States to collect taxes on telephone calls made over the Internet; extends the original grandfather clause for 3 years; initiates the 2-year grandfather clause for States that are currently collecting taxes on DSL services.

I am very concerned because the term of the moratorium is longer than the two grandfather clauses, which may trigger the unfunded mandate that I have been talking about in the point of order.

I appreciate the attempt of the Senator from Arizona to offer a solution. But here we are here again at the last minute trying to get something done, and now we have a new proposal. We have no idea of what impact it is going to have. I for one, would like my state to review the proposal.

It seems to me that at this stage the best thing we can do is to understand that we have unresolved issues, and that S. 150 was passed out of the Commerce Committee by voice vote. That is the way it came out of the committee. If one examines S. 150 and they examine the Alexander-Carper-Voinovich, et al., bill they will find both bills have 11 cosponsors. There are 11 for our bill and 11 for the legislation of the Senator from Virginia. Six cosponsors of each bill are from the Commerce Committee.

So it is evident that even within the Commerce Committee there are genuine differences of opinion on the best way to proceed. I think we understand that given the longstanding impasse on negotiations and the possible Supreme Court action, there has to be an easier way to get this done.

I understand Senator ENZI will introduce a 15-month extension of the original moratorium, and perhaps that is the most reasonable solution because it will provide all stakeholders, including the Commerce Committee, the FCC, the State and local government groups, and the industry time to draft a reasonable bill.

If the motion to proceed to S. 150 passes this afternoon, I believe the Senate will not be able to reach an agreement on the underlying bill, which may signal the end of the Internet tax moratorium. If we cannot agree, that is the end of it. I do not want that to happen. Therefore, I implore my colleagues to continue negotiations on the Internet tax moratorium.

Our goal should be to reach a sensible solution with two simple principles in mind: First and foremost, do no harm to the States. Second, foster the growth of high-speed Internet access by leveling the playing field for all Internet service providers.

So a way out of the thicket may be to extend the moratorium for another 2 years or for 15 months, give the Commerce Committee more of an opportunity to work on the issue, give the FCC more time to be involved, see which way the court cases are going, and come back with something where all of us can agree that makes sense. We need a proposal that respects the State and local governments, does not violate unfunded mandates, and at the same time make sure we can move forward with the Internet and achieve the phenomenal success that it already has achieved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I have already spoken, so if the Senators from Virginia or Delaware want to speak, I will certainly yield to them.

But I certainly congratulate the Senator from Ohio. He knows what he is talking about when it comes to State and local government. He has been a mayor. He rescued a major American city from bankruptcy. He chaired the National Governors Association. The people of Ohio know he works in a very principled way. He understands, as I believe I do, that this train is on the wrong track.

I say this to the Senators from Ohio and Delaware and then I will stop and yield to the Senator from Delaware: How much subsidy is enough subsidy? I notice, in this thick list of subsidies that States give high-speed Internet access, Texas is generating $1.5 billion of subsidy just to encourage the growth of high-speed Internet access. Then, in addition, it has already made exempt from taxation the first $25 you pay for high-speed Internet access. Now we are talking about giving further subsidies to the companies that provide that access. I don't see the sense of that.

I congratulate the Senator from Ohio, look forward to working with him, and now that I see the Senator from Delaware with whom I have enjoyed working, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I am delighted to be on the floor with you and particularly pleased to be with Senators VOINOVICH and ALEXANDER.

I wish to ask a question of Senator VOINOVICH, if I could—I know, before he was the Senator from Ohio, he was the Governor of Ohio. We served together at that time—to what other elective positions Senator VOINOVICH has been elected by the people of Ohio? As I recall——

Mr. VOINOVICH. I have already listed them in my formal presentation on the floor. There are so many it is hard to remember.

But I did mention the fact that we all worked together as members of the National Governors Association. In fact, the Senator from Delaware was vice chairman of the National Governors Association when I was president of the National Governors Association, and we worked together and collaborated on a lot of issues.

I have been concerned about this issue since I was president of the National League of Cities back in 1985. As the Presiding Officer knows, one of the biggest issues we had in 1995 and 1996 was unfunded mandates. We went right across the country pointing out how devastating these mandates coming out of Washington were for State and local governments. We thought we had done something very significant about it.

But to answer the question of the Senator from Delaware, from my perspective, the passage of this bill would be the most egregious unfunded mandate we have seen since 1995, when the unfunded mandates relief legislation was passed. It seems to me we still have Members of this body who were around when unfunded mandates relief legislation was passed and there was great support for it. It seems to me those who supported it at that time should give some real consideration to the fact that we are about, if this were to pass, to have the biggest unfunded mandate, as I said, since that bill passed.

Mr. CARPER. I would say, Madam President, Senator VOINOVICH is not a Johnny-come-lately on this subject. I recall, early in my time as Governor, working through the National Governors Association, the kind of leadership he provided, encouraging the Congress, the House and Senate, and then President Clinton, to pass and enact an unfunded mandates law. He played a major role in getting that done.

It is kind of ironic that a decade or so later, we are back again and the issue is very much the same. I am pleased to see we stand today where we stood then. I am honored to be involved in this battle on the same side with Senator VOINOVICH and Senator ALEXANDER.

We have been joined on the floor by the former mayor of San Francisco, Senator FEINSTEIN, and I see we have been joined on the floor by another former Governor, Governor ALLEN, who in this instance is our adversary but remains our very good friend.

That having been said, I do have some other comments I would like to make. Let me observe we have gotten into some very bad habits here in Washington. We all know we are living beyond our means. We all know about our growing budget shortfall and our escalating level of indebtedness. We all know the most popular way to pay for things around here is simply to issue more and more debt on our Nation's credit card and on our taxpayers' dime.

Moreover, we all know that our budget shortfall is actually bigger than we report it to be. We all know we are using Social Security funds to mask the actual size of our Federal budget deficit.

We are using the payroll tax contributions that working Americans pay into Social Security, and employers pay, to pay for other Government spending and to partially offset corporate tax breaks and reductions in taxes on inherited estates.

What we do not talk about very often is that piling up more debt and drawing on Social Security are not the only means we are resorting to these days to continue to spend more than we take in. The other way we found to spend without constraint or accountability was to pass the buck to our friends in State and local government.

If you think about it, it is a sweetheart deal. We order up a feast here in Washington of more spending or more special interest tax breaks and more corporate subsidies. Then we stick the Governors, mayors, and State and local taxpayers with the tab. It is not surprising that we do this. In doing so, we get to take credit for helping an array of different groups and businesses represented here in Washington. Yet we don't have to raise a single tax or cut a single program to pay for it.

In government as in business, however, there is no such thing as a free lunch. This policy of passing unfunded mandates has not been nearly as convenient for our Governors, for our mayors, and State and local taxpayers as it has been for us here in our Nation's Capital. I don't have to tell my colleagues their States and localities are struggling to cope today with the worst fiscal crisis—some say since World War II. Classrooms are becoming even more crowded as school budgets are cut. Prisoners in a number of States are being released from jail as corrections budgets are cut. Governors and mayors are pushing through unpopular and frequently regressive tax increases because they have a constitutional mandate to balance their budget.

We all know this. Yet when it comes right down to it, we proceed to act here in Washington as if we are oblivious to what is going on all around us. We continue to treat State and local budgets almost as piggy banks that we can break in order to pay for our own priorities.

Just about everyone in this body supports a moratorium on State and local taxes on Internet access. In 1998, the Congress passed such a moratorium. In 2001, we extended that moratorium. In fact, I believe we did so just about unanimously.

Last year the Internet tax moratorium expired. There was no reason why that should have happened. If the bill had been brought to the floor of the Senate simply to extend that moratorium once again, it would have passed once again by acclamation. The American people support the moratorium. I support the moratorium. All of us want to see it extended.

However, as was the case last year, the bill we are debating this week does not simply extend the expired Internet tax moratorium. I wish that it did. Instead, what this bill does is to take advantage of the need to extend that moratorium to attach billions of dollars in new subsidies for the telecommunications industry.

Such a bill would not normally stand much of a chance of passage in the Senate.

The simple truth of the matter is we don't have the money at this time of budget deficits at home and war abroad to pay for billions of dollars in new subsidies for what is already a highly profitable industry. But the proponents of this legislation have discovered an easy solution to their problem. Why pay when we can send the bill back home to our Governors and to our mayors? Just think of it as political welfare. We spend and they pay.

Passing the buck in this way is bad enough, but it gets worse. Believe it or not, we can't actually say what this legislation will cost our friends in State and local governments. We know it will not cost us a dime here in Washington, but the truth is we do not know how much it will cost in Dover, DE, in Raleigh, NC, in Richmond, VA, in Columbus, OH, in Nashville, TN, or in Sacramento, CA.

The Congressional Budget Office tells us this legislation is written in a way that is extremely broad and vague. In fact, the Congressional Budget Office cannot even give us a rough estimate of what the effect will be on State and local budgets except to say this:

> We believe it could grow to be large.

Here is what we are saying in effect to our Governors and to our mayors: We are extending to you the great honor of picking up our dinner tab tonight. We can't tell you exactly how much we have ordered or what the final bill will be, but we believe it could grow to be large.

At times like these when property taxes are being raised, when sales taxes are being raised, when school budgets are being cut, when prisoners are being released prematurely, our first responsibility in dealing with our partners in State and local government should be to do as Senator VOINOVICH has already said—no harm. Indeed, that is the pledge our Senate majority leader, Senator FRIST, made to our Nation's Governors when he spoke to them back in February, a couple of months ago, when they were here in town. As a doctor—and a good one—the majority leader said his approach to legislation would be, "First, do no harm." This, it seems to me, at least is a sensible approach. My hope is that rather than wasting time with an unproductive fight here on the floor, we will return to the negotiating table and work out a compromise that keeps faith with this Hippocratic pledge to do no harm.

Unfortunately, the way it stands, we are choosing the way of lawyers around here rather than the way of the doctors. The Congressional Budget Office says the language of the legislation we are proceeding to here in the Senate is so confusing lawyers will ultimately have to get involved and we will not know what the implications for State and local budgets will be until it all gets sorted out in the courts.

If we had to choose between extending the Internet tax moratorium and keeping faith with our pledge to do no harm, we would truly be faced with a difficult decision. But in reality, that is not the decision with which we are faced. We can extend the Internet tax moratorium. Nobody I have talked to is opposed to that. States and localities have been living under the Internet tax moratorium for more than 5 years now. None of them are counting on revenues from taxes prohibited under the Internet tax moratorium.

Extending the Internet tax moratorium is not what creates a large, new, unfunded mandate. What creates a large, new, unfunded mandate is using the occasion of the Internet tax moratorium renewal to create new industry subsidies and then emptying State and local treasuries to pay for those subsidies.

This bill departs from the original intent of the previous moratorium which was to ensure the monthly bills our constituents receive from their Internet service providers remain tax free. Instead, this legislation picks the pockets of State and local taxpayers who have already suffered their fair share of tax increases over the past 3 years.

Senator ALEXANDER and I are Senators. Like all of our colleagues, we have constituents who use the Internet and who want the Internet tax moratorium to remain in place. Like most others in this body, we want to extend the Internet tax moratorium. But Senator ALEXANDER and I are also former Governors. We know what it is like to be on the receiving end of unfunded Federal mandates, as do my colleagues Senator FEINSTEIN, former mayor of San Francisco, and Senator HUTCHISON, a former State treasurer from Texas.

Senator ALEXANDER and I, together with Senator VOINOVICH, Senator GRAHAM, Senator HUTCHISON, Senator FEINSTEIN and others, have offered what we believe is a straightforward, commonsense alternative. As we did in 2001, let us examine the Internet tax moratorium for another 2 years. If we need to expand the moratorium slightly to ensure all consumers can access the Internet tax free, regardless of whether they choose cable or DSL, then let us do that. But beyond that, let us do no harm.

Let us do no harm because doing harm is not necessary to ensure consumers can access the Internet tax free. Doing harm is only necessary if we believe the telecommunications industry needs billions of dollars in new subsidies. Beyond that, doing harm is only necessary if we believe Congress cannot or should not pay for such subsidies it decides to create.

Senator ALEXANDER and I, together with Senators VOINOVICH, FEINSTEIN, HUTCHISON, GRAHAM and others, have been working in good faith with our colleagues on the other side of this issue. We are committed to reaching a reasonable compromise. We are willing to meet every day if necessary to work out such a compromise. However, what we are not going to do is turn our backs on our former colleagues in our Nation's State houses and our Nation's city halls. We are not going to stand by as yet another unfunded mandate gets passed down and wreaks havoc on the operations of State and local governments.

We don't think it is constructive to try to write this bill on the floor. Furthermore, we believe we should only proceed to consideration of a bill that adheres to the principles of doing no harm.

If our colleagues want to attach industry subsidies to an Internet tax moratorium, they should offer an amendment to do so, and that amendment should be debated openly here on the floor of the Senate.

If the majority leader wants to try to write this bill on the floor despite our reservations, then we are prepared to go through that exercise.

We have many specific concerns with the bill that has been called up. We have a number of amendments we will offer for our colleagues' consideration, including amendments to return to the original intent of the moratorium and to require any new subsidies be directly passed on to consumers in the form of reduced rates.

We will also offer our colleagues an opportunity to pay for the billions of dollars of subsidies that have been added to this bill.

If this body does not believe the resources exist at the Federal level to pay for these subsidies, we will raise a point of order against the bill.

As the Congressional Budget Office has already indicated, this bill violates the promise Congress made in 1995 that we would not continue to pass large, unfunded mandates. The Senate has the power to waive the point of order that is supposed to prevent Congress from passing large, unfunded Federal mandates. If we are going to do so, however, Senator ALEXANDER and I believe the Senate ought to be put on record as acknowledging our continued reliance on unfunded mandates as a chosen means to avoid our fiscal responsibility, and it should not have to come to that. Our hope is it will not come to that.

We believe the negotiations we have had with our friends on the other side, though they have been limited, have been productive, and we have tried as fully as we can consistent with our principles to address industries' demands.

We believe we have come a long way since this debate began early last year. We are committed to continuing that process. If that process is short circuited, however, as it seems it will be, at least for now, we will insist upon a serious and informed debate in the Senate this week.

This is the body that our Founding Fathers created to represent the interest of States. This is the body that must defend our Federal system of government and stand against the trend of passing more and more unfunded Federal mandates.

Win or lose, Senator ALEXANDER and I are committed to ensuring that this is one unfunded mandate that will not be passed silently in the dead of night.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I rise this afternoon to urge my colleagues to support the motion for cloture to proceed to S. 150, the Internet Tax Nondiscrimination Act. This bill does have strong bipartisan support.

Let me say a few things in response to my good friend, the junior Senator from Delaware, Mr. CARPER. If those who oppose this measure want to extend the moratorium, why are we having this debate tonight? Why are we going to have to have a motion for cloture on moving to proceed on the bill?

I agree that we should do no harm. Those who are for this measure want to prevent harm to consumers so that they are not loaded up with taxes from State and local governments. I will get into the details of that in my remarks.

The cost, the so-called unfunded mandate aspect of this is a very small amount in the scheme of things, $80 to $120 million, then another $40 million for the taxing of DSL. Updates in the new technologies need to be made in the definition of Internet access to make sure DSL and digital subscriber lines using telephone lines get high-speed Internet access or broadband. We need to have that changed to make sure the folks at the State and local level recognize that there has been an update and upgrade, there have been advancements in technology in the transport of the Internet, particularly broadband, but DSL lines should not be subject to taxation.

The intent of the first Internet tax moratorium was to make sure the Internet was free of taxation. The Internet is a freeway. If you want access to information, you click on. Now that transport is being taxed. Who pays? The consumer pays.

I will use an analogy. Now we have a freeway. You are going to Charlotte, NC, from Washington, DC, you get on Interstate 95 and switch over to Interstate 85. It is a freeway. Then you get off on an exit to wherever you want to get in the city of Charlotte, NC.

The advocates of taxing the Internet and those who oppose S. 150 would like to turn that freeway into the New Jersey Turnpike, a toll road.

Clearly, the consumer getting that information on the backbone of the Internet is going to have to pay for it, increasing their costs.

Companion legislation was passed by the House 8 months ago. My colleagues have heard me say on many occasions, I believe what we ought to be advocating in the Senate, in the Congress, at the Federal level, and every level of government in the United States of America, are policies that allow people to compete and succeed. That means tax policy, regulatory policies that promote freedom and opportunity for all Americans. We ought to, as leaders, be advancing ideas that help create more investment, creating, thereby, more jobs and more prosperity rather than more burdens of taxation and regulation.

Senator WYDEN from Oregon and I joined together early last year with this bill. We want to make sure there is equal access to the Internet for all consumers and also protect e-commerce transactions from discriminatory taxes or multiple taxes. The Internet is one of the greatest tools invented by this country. It is a symbol and an actual tool of innovation and individual empowerment. Accordingly, I would think everyone in the Senate would want to help the Internet continue to grow and flourish as a valuable tool for commerce, for information, for education.

However, as of November 1 of last year, the Federal moratorium, which was originally enacted in 1998—and Senator WYDEN was a key sponsor of that measure—expired, leaving consumers vulnerable to harmful regressive and discriminatory taxes for the first time in 6 years.

If the Senate does not act now and move to consider S. 150, it is unlikely we will get another chance in this election year. If we do not invoke cloture, the Senate will be known as a Senate that favors new taxes on the Internet; the Senate that turned a blind eye; and a Senate that limited individual opportunity while enabling harmful, regressive taxation of access to the Internet.

When Senator WYDEN and I introduced this legislation over a year ago, it was consistent with the founding principles of the original moratorium that the Internet ought to remain as accessible as possible to all people in all parts of the country forever. Unfortunately, in the last year of debate, the focus has shifted away from that principle, causing unnecessary confusion and delay.

Let me be clear, this legislation is not about tax breaks for telecommunications companies. It is not about mayors and Governors. It is certainly not about the 1994 Republican revolution that has absolutely nothing to do with traditional telephone calls migrating to the Internet. Rather, our legislation has everything to do with consumers and the impact of taxation on real people and our American economy.

All of the protax arguments and misleading accusations presented by the opposition are unrelated distractions aimed at confusing Senators and stalling consideration of this very important measure. In fact, the issue is not about telephone services migrating to the Internet. Rather, it is the ongoing campaign by State and local tax lobbyists to make sure telephone taxes, which average 15 to 18 percent, migrate to the Internet.

I ask my colleagues and anyone else who might be listening to think of their telephone bill. Think of the bill you receive each month with all sorts of taxes included—usually multiple local taxes, State taxes, as well as Federal taxes.

In effect, the opponents of our measure would have our monthly Internet service provider bill be loaded down with all those taxes, as on our telephone bill.

Mr. WYDEN. Would the distinguished Senator from Virginia yield for a question?

Mr. ALLEN. I yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank my colleague for an excellent presentation.

Is it not correct that in the late 1990s we heard the same kind of arguments we are hearing today, that the States and localities would be bereft of revenue, and there would be financial calamity? Is it not correct in 1997, 1998, the National Governors Association said the State and local revenue system would collapse, and that very next year revenue went up something like $7 billion? Was that not the history all through this debate over the last 6 or 7 years, that we have had the projections from State and local officials that there would be disastrous financial consequences, and then you and I and Senator SUNUNU would look a short time later, and every single time revenue went up; is that correct?

Mr. ALLEN. I say to my friend, the Senator from Oregon, he is exactly correct.

I recollect back in 1997, I was Governor of the Commonwealth of Virginia when Senator WYDEN and Congressman CHRIS COX of California introduced this measure. I was one of four Governors who believed this was clearly interstate commerce. If there is anything that is interstate in nature by its architecture, design, and engineering, it is the Internet. I thought we ought to have a national policy, that it be more ubiquitous or more available, understanding that taxation harms it.

I believed, as did the Senator from Oregon and Senator SUNUNU, this would be a great engine for innovation, growth, investment, and jobs. That is exactly what happened.

The amount of revenues lost by those first, most avaricious, those desiring to go in and start taxing at the local and State level, is very small.

But if you look at the economic growth led by the Internet, and the revenues that came after it—and it does not have to be a technology business; it could be a mom-and-pop start-up business; it could be a major corporation; it could be somebody working from their home on eBay—you see the revenue growth, you see more jobs and, therefore, more revenue for the Government.

So when you look at the effect of the localities and States not being able to tax this interstate commerce, you find that it actually has been beneficial for the economy. The lost revenues are very small. In fact, there were about 10 States, I believe it was, that were grandfathered in that had already started taxing prior to 1998. About three-quarters of those States are still taxing Internet access.

Six years later, you would figure they would wean themselves off of it. But there were about a quarter of these States—South Carolina, Connecticut, Iowa and the District of Columbia, and others—that have said: Gosh, this is harmful. This makes our jurisdiction, our State less attractive for investment and jobs, and it is bad for our citizens, and they voluntarily stopped taxing the Internet.

The reality is, all of these fiscal impacts that we hear of are so farfetched. In fact, the CBO confirmed that our opponents and the State tax agencies have overstated the revenue impact of this clarification to make sure that DSL and broadband is not taxed. They overstated it by 100 times. The fiscal impact, if you throw them all together, at best, would be $200 million. Across the whole country, our opponents are saying it is going to cost $20 billion.

Mr. SUNUNU. Madam President, will the Senator from Virginia yield for a question?

Mr. ALLEN. I am happy to yield to my friend from New Hampshire.

Mr. SUNUNU. The Senator from Virginia has mentioned those 10 or 12 States that were grandfathered under the original Internet tax moratorium. I think it is important to understand—because the opponents have claimed there is an unfunded mandate—isn't the only reason the Congressional Budget Office will score an unfunded mandate because those 10 or 12 States were grandfathered in the first place? In other words, if we had not made any effort to allow those States to continue to collect some taxes on Internet access, there would be no unfunded mandate because those taxes would have been eliminated, as one might argue they should have been in the first place? But isn't that the only reason there is a so-called unfunded mandate in the first place?

Mr. ALLEN. I say to my friend, the Senator from New Hampshire, he is exactly correct. The unfunded mandate aspect of this is a kind of perverse reasoning because the States that were grandfathered back in 1998 have yet to wean themselves off of this tax on Internet access. We are actually giving them, in our measure, 3 more years, and that is a loss of revenue to them? Then there are those in the last couple years that have made rulings that are taxing the backbone or the transport, more importantly, the high speed transport or broadband. That is about $40 million. So the point is, they have had plenty of time to wean themselves off of this tax, and we are actually going to give them even more time.

Also, it is not unprecedented for Congress to recognize the importance of a coherent national policy regarding matters of interstate commerce. In 1973, States were prohibited from imposing a tax, a fee, or a head charge on all air commerce. In 1985, Senator Bob Dole led a measure affecting food stamp purchases. States were putting sales taxes on food stamp purchases, and Senator Dole introduced a bill, and it passed in 1985, prohibiting States from imposing sales taxes on food stamp purchases.

Most recently as we were passing the Medicare drug bill this last winter, just a few months ago, Congress prohibited States from imposing insurance premium taxes on drug insurance policies. The fiscal impact of that was approximately $60 million.

Now, in the last 10 years, of course, the Internet has grown, with the policy of our country that we would not tax it. We wanted it to flourish, to grow, and provide opportunities for individuals. What our opponents will have us do, though, is—again, remember, they want to have unelected tax administrators or local and State governments to tax the Internet backbone or, for that matter, high-speed or broadband telephone service.

Let me speak about everyone's telephone bill. Look at all those taxes on it. This is why the moratorium is so essential, that we stop them from taxing anymore than they are now, and wean them off.

Realize it is nearly impossible to repeal taxes because—do you know what?—on your telephone bill, for every single citizen, every single person in America who has telephone service, part of those taxes that you are paying is a luxury tax that was put on 105 years ago as a luxury tax on telephone service to finance the Spanish American War. Guess what? We are still paying it. That war has been over for over 100 years and we won. Yet we are still paying that tax.

That is why it is important, number one, to wean the few States and localities off of this negative, burdensome tax on opportunity and freedom but also to stop it from happening in the future.

The President of the United States, on numerous occasions—recently, in New Mexico, in Michigan, in Minnesota—has stated a goal for this country, in the year 2007—which is also the 400th anniversary of the founding of Jamestown by the Virginia Company—he wants to have everyone in this country having access to broadband.

Broadband is essential for rural areas. I know in southwestern Virginia, in Southside Virginia, in any rural areas in this country, they look at having broadband, high-speed Internet access as key to their young people having opportunities—whether it is educational opportunities or health care with telemedicine, or for small businesses to be able to be competing internationally, as opposed to young people having to leave their home and their roots and their heritage to find jobs elsewhere.

It is the President's view that we are falling behind—and we are falling behind—other countries as far as broadband and high-speed access. You see a disparity, one based on income. Every study and anybody with a scintilla of common sense will understand, if you tax something, fewer people can afford it. Those who are lower income or lower middle income cannot afford it. Every study—by Pew and others—shows that the cost of Internet access is the reason for them not being online. For broadband, if you want to get broadband deployed and available in rural areas, and have competition and choice for customers, clearly DSL will be an approach, wireless will be an approach, maybe satellites. Most cannot use a cable modem because there is just a lot of dirt to dig to get to many rural areas that are sparsely populated.

The fact is, the most recent studies show there is a disparity not only in the economic digital divide, which manifests itself with Hispanic Americans and African Americans, but also rural versus city areas. City areas have almost three times as much utilization and use of broadband in their homes than out in the country in rural areas. Broadband deployment is only 10 percent in rural areas while it is over 28 percent in city or suburban-city areas.

For rural areas to be able to compete, and for the vitality of their future, adding a 15- to 18-percent tax—these are the telecommunications taxes that our opponents would impose—will diminish the availability of the Internet. That 15- to 18-percent tax means it is going to take more money to get broadband access to those people, and fewer people will be able to access it. Therefore, the investors will not invest the money to get into that community.

Mr. SUNUNU. Madam President, will the Senator from Virginia yield for one additional question?

Mr. ALLEN. I am happy to yield to my friend from New Hampshire.

Mr. SUNUNU. Madam President, the Senator from Virginia is talking about the kind of Internet access-specific taxes that the opponents of this bill would like to apply. There are a number of States that are taxing Internet access today. There are a handful of others that have begun to tax DSL and other forms of broadband. These are all taxes that are unique to Internet access. Yet the opponents continue to suggest that there is a subsidy involved here.

I want to ask the Senator from Virginia to clarify this point because I can't think of any taxes that are applied broadly from which this bill would exempt Internet access providers. Isn't it true that if you are an Internet access provider, you would still have to have pay State payroll taxes?

Mr. ALLEN. Yes, you would still have to pay corporate taxes, State payroll taxes.

Mr. SUNUNU. Would they be subject to capital gains taxes in those States where it was applicable?

Mr. ALLEN. Yes, they would.

Mr. SUNUNU. Would they have to pay property taxes in those States where they owned property and operated facilities?

Mr. ALLEN. Absolutely, they would have to pay those taxes.

Mr. SUNUNU. If there were an Internet transaction that was selling a good within a State that had a sales tax, just like a mail order product, wouldn't they be responsible for the applicable sales taxes in those States?

Mr. ALLEN. Sales and use taxes, if they have a physical presence in that State, yes, they would have to collect and remit those taxes.

Mr. SUNUNU. Would the Senator agree that there are no taxes that are being applied uniformly or broadly in States that these Internet access providers would be exempted from? This is a bill that simply avoids discriminatory taxes that single out Internet access or multiple taxation where you can have taxes levied at the State level and the county level and the city level; isn't that the ultimate goal of the bill?

Mr. ALLEN. I would say to the Senator from New Hampshire, he has it exactly correct, as well as protecting consumers from access taxes. The Senator from New Hampshire understands this issue very well. Maybe the opponents would like to stop these delay-of-game tactics so we can actually get to protecting the people.

I find it interesting—and as I said, this has nothing to do with subsidies of telecommunications companies—that virtually every Senator will say, let's figure out subsidies; let's figure out tax breaks to get broadband to rural areas. Why would you want to have subsidies and expenditures and then on the other hand say, let's tax it, when you are trying to get more people utilizing and having access to broadband for a variety of reasons?

I see the chairman of the Commerce Committee has arrived. I will simply say, the United States has been a leader for freedom. We are falling behind other countries in broadband, its deployment, and its use to Asian and European countries. Simply put, taxes on access to the Internet reduce the number of consumers who can afford to purchase this service, thereby limiting opportunities for millions of Americans. Reduction of demand will stifle investment in rural and underserved areas. It will slow the deployment of the next-generation broadband technologies.

I urge, most respectfully, my colleagues to stand on the side of freedom, embrace innovation and improvement, and not tax this tool for individual empowerment and opportunity. I urge my colleagues to support cloture on the motion to proceed. It is a motion to proceed for opportunity and for freedom.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Arizona.

Mr. McCAIN. Mr. President, may I ask the Senator from California if she would like to take 5 minutes. I know she has been patiently waiting.

Mrs. FEINSTEIN. I would be happy to speak after the vote.

Mr. McCAIN. I thank the Senator from California. I appreciate her patience and hope she is able to speak, as I know she has strong beliefs on this issue.

Over 5 years ago, Congress took appropriate action to pass the Internet Tax Freedom Act which encouraged the growth and adoption of the Internet by exempting Internet access from State and local taxation and by protecting e-commerce transactions from multiple or discriminatory taxes. As my colleagues know, since then the Internet has grown from a tool used by a relatively small percentage of our population to a broadly utilized communications, information, entertainment, and commercial medium as well as an important vehicle for political participation.

To keep promoting the growth of the Internet, many of my colleagues have made efforts to extend the Internet tax moratorium. Regrettably these efforts have stalled. Six months ago, we left unfinished business before the Senate. At the time, many of us were prepared to vote to extend the Internet tax moratorium. Unfortunately, a vote never took place because of disagreement over what components of Internet access should be free from taxation and how long the moratorium should last. As a result, the moratorium expired and State and local governments are now free to impose new taxes on the Internet.

Today, we return to the consideration of S. 150, the Internet Tax Nondiscrimination Act, which would permanently extend the moratorium on the taxation of Internet access. After 10 months of negotiations, there is still no clear consensus in the Senate over what types of Internet access services should be tax free, nor is there any clear consensus over how long the moratorium should last. One thing is clear, though: There is broad agreement that the Internet tax moratorium should be reinstated. It is also clear that the Members who have been involved in this long negotiation process have listened closely to the concerns of State and local governments.

For example, to address issues raised by opponents of S. 150, Senators ALLEN, WYDEN, SUNUNU, ENSIGN, WARNER, SMITH, LEAHY, GRASSLEY, BAUCUS, HATCH, BOXER, CHAMBLISS, LINCOLN and I—a strongly bipartisan effort—offered a substitute amendment that would have narrowed the scope of the moratorium and clarified its effects on State and local revenues. This time around, we will go a significant step further by offering a compromise amendment written to address the core concerns expressed by State and local governments over the extension of the Internet tax moratorium.

Before I get into the details of the amendment, let me be crystal clear about one thing: This compromise will not make everyone 100 percent happy. There are several aspects that will accommodate State and local governments, but the legislation also contains components that are favored by industry and ultimately benefit consumers. So there continue to be disagreements.

The Members who sit on the edges of this debate bell curve will continue to oppose anything that falls short of their desired outcome. However, any practical person who reads the amendment objectively will have to agree. What we are offering constitutes a reasonable middle ground in the debate between those who want to make the Internet tax moratorium permanent and broad and those who want to make the moratorium brief and narrow.

Throughout the negotiation process, State and local groups asked for a temporary extension to the Internet tax moratorium. Specifically, they have asked for a 2-year extension of the moratorium. The substitute amendment would extend the moratorium for 4 years from November 1, 2003. This alone is an extraordinary concession, especially considering the fact that the House of Representatives, in a strongly bipartisan effort, passed a permanent extension of the moratorium last year, and there remains significant support in the Senate for such a measure.

President Bush has expressed his strong support for a permanent extension of the moratorium. Nevertheless, I hope my colleagues who favor a permanent moratorium will support this proposal in an effort to reach an acceptable compromise between industry and consumers and State and local governments.

Another concern we have heard from State and local governments is that extending the Internet tax moratorium would somehow impact traditional telephone services. That certainly was never the intent of the original legislation, as has been made clear by the Commerce Committee's report accompanying the bill.

The report reads:

> The modified definition [of Internet access] would not affect the taxability of voice telephony over the public switched telephone network (so-called "plain old telephone service" or "POTS").

The matter is further clarified in this amendment. Simply put, this legislation would not impact in any way, shape, or form the revenue generated by State and local governments from traditional phone services. Again, a concern of State and local governments was accommodated to the full satisfaction of State and local authorities.

State and local governments have also expressed worry that this bill would hamper their ability to tax voice services and other services that run over the Internet.

For example, the National Governors Association has stated that one of its main concerns is that this legislation will prohibit states and localities from taxing telephone services as they migrate to the Internet. The Senators from Tennessee and Ohio today have also emphasized that this is one of their three core concerns in this debate. In an attempt to respond to the concern about the migration of telephone services to the Internet, Senators ALLEN and ALEXANDER agreed in principle to carve voice over Internet Protocol, VOIP, telephon services out of the scope of the Internet tax moratorium. Unfortunately, their negotiations over the precise definition of VOIP telephone services were not successful.

The amendment that I offer bridges the gap in this matter by setting forth a broad definition of services—including voice services—that are provided over the Internet that would not be considered Internet access and would therefore not be subject to the Internet tax moratorium. My compromise would further narrow the definition of Internet access, while ensuring that services incidental to Internet access—such as e-mail and instant messaging—would remain tax-free. Once again, this provision fully addresses the concerns of state and local governments.

Mr. President, the list of compromises goes on and on. For example, my amendment would clarify that the Internet tax moratorium does not apply to nontransactional taxes such as taxes on net income, net worth, or property value.

My amendment would clarify that otherwise taxable services would not become tax-free solely because they are offered as a package with Internet access.

The amendment would grandfather for three years from November 1, 2003, the States that were taxing Internet access in October 1998.

My amendment would grandfather for two years from November 1, 2003, the States that began to tax—according to many, improperly—Internet access after October 1998.

The amendment would ensure that universal service would not be affected by the moratorium.

And finally, my amendment would ensure that 911 and E-911 services would not be affected by the moratorium.

Each of the compromise provisions is included in direct response to State and local government concerns about S. 150. And so my amendment will ensure that the $20 billion in telecommunications taxes that is collected annually by State and local governments will largely remain protected. Any statement to the contrary would be patently false.

Mr. President, my amendment goes a long way to meeting the concerns of the States and localities. However, before those on the other side of this debate start to protest, I would remind them that what I am proposing is truly a compromise between the interests of State and local governments on the one side and industry and consumers on the other. This legislation therefore doesn't—and, as a compromise, can't—adopt the State and local governments' position wholesale.

For that reason, the legislation would make Internet access 100 percent tax-free for all States in its fourth year.

Some question whether it's wise for Congress to make Internet access tax free, but this body has a long history of giving tax incentives and other economic support to industries and commercial activities that we believe help our society. The Internet is clearly a technology that also merits strongly the support of Government, as it is a source of and vehicle for significant economic benefits to our country.

Contrary to statements that have been made on the floor, yes, the railroads were assisted; yes, highways are assisted; yes, our airlines continue to be subsidized; and yes, we need to assist this new incredible technology that is changing America and the world.

In the case of the Internet tax moratorium, however, we are not talking about subsidies. We are merely talking about a national policy of taking a hands-off approach to the continued growth of the Internet. The Internet is now accessed at home by 75 percent of the population—an estimated 204 million people in the U.S.—up from 64 percent in 2002, and 26 percent in 1998 when Congress rightly decided to implement the ban on taxes on Internet access. That's an impressive 3 times what the Internet use rate was just over 5 years ago. And though the Internet tax moratorium has obviously had its intended effect of contributing to the growth of the Internet, our job is not yet done.

Today, the Internet offers the promise of broadband access services, which provide higher bandwidth connections that permit faster data transmissions and thus facilitate and enhance services such as streaming audio and video. Nevertheless, many of the households with Internet access have only basic dial-up access, and have not migrated to broadband services. In fact, the Pew Internet Project estimates that only 24 percent of American households have broadband access, while most homes still connect through dial-up modem connections. In fact, the United States is falling behind many other developed countries such as Japan, South Korea, and Canada in our deployment of broadband services—and many experts even call the broadband services that we have "broadband on training wheels" because they do not provide the speeds provided by the broadband networks of other nations.

Clearly, there remains a strong need to ensure that taxes on Internet access will not pose a hurdle to the continued adoption of basic dial-up access or to the migration from basic Internet access to broadband Internet access. Keeping the Internet tax-free translates into lower costs for consumers, and lower costs give our citizens freer access to important online services like telemedicine and e-learning.

Mr. LOTT. Will the Senator yield briefly?

Mr. MCCAIN. I am glad to.

Mr. LOTT. Mr. President, I want to commend the Senator for his tenacity. Typically, he wants to work to find a compromise that can satisfy both sides. I think he has done that. I am sure there are those on both sides of the issue and the aisle who may not feel this is perfect, but they will have an opportunity, when we get on the legislation—the substance of it, as this is a vote on the motion to invoke cloture on the motion to proceed—they will be able to offer amendments.

I thank the Senator from Arizona for what he has done. I urge my colleagues to certainly support this motion on cloture and allow us to get to the substance of the bill and to be able to reach conclusion on this important issue. So I recognize the Senator's efforts.

Mr. MCCAIN. Mr. President, I thank the Senator from Mississippi. I thank him for his involvement in this issue. As everyone knows, he is a genius at working his way through difficult and thorny issues. I appreciate his involvement in seeking to try to resolve differences between the two sides—at least to a point where we can move forward. I look forward to his continued assistance as we address this issue.

Mr. LOTT. I thank the Senator for yielding.

Mr. MCCAIN. Wider adoption of broadband services could also translate into economic growth and greater job creation for our country. I would suggest then that, as States and localities are shoring up their budgets and increasing their tax revenues after a few years of budget shortfalls, we should not move to stifle economic growth by taxing the Internet.

But this debate isn't just about the economic benefits of affordable Internet access. During my presidential candidacy, one of the many rewarding experiences I had was seeing how the Internet served as a medium for political participation. Hundreds of thousands of people logged on to my campaign Web site where they were able to access information and organize. For me, keeping Internet access tax-free is about protecting consumers' wallets and about helping our Nation's economy, but it also is about improving our political process and the right and ability of our citizens to participate fully in that process.

Because my amendment is not one-sided, I know that a few of my colleagues who have been firmly on one side of this debate or the other will not join us in this compromise. Some of my colleagues, for example, believe that Internet access should receive little—if any—protection from taxation. We have heard statements from some on that side that my amendment is not a true compromise, which both boggles the mind and indicates that for some in this debate the attitude is "my way or the highway." Others I'm sure continue to believe that all data transmissions over the Internet—including VoIP services—should be tax-free. But I ask those Members who see merits to both sides of this debate to join me in this effort to break the deadlock that has delayed action on this matter for far too long. Doing so will not only strike a fair balance in this debate, but it will also clarify the confusion that has been hanging over the tax treatment of Internet access for several months.

Mr. President, for all of the reasons stated, I urge my colleagues to vote in support of cloture on the motion to proceed to S. 150 and in favor of the Internet tax compromise that I will offer. I trust that we will add this measure to the long line of pro-consumer legislation we have passed during this Congress—including the Do-Not-Call registry legislation. I hope that we will again join together to give American consumers affordable access to the Internet, which we all agree is a crucial medium of communications, education, commerce, and political participation in America.

Again, I will summarize. This proposal is a temporary 4-year moratorium, which makes the Internet access 100 percent tax free, but narrows the definition of "Internet access" by excluding traditional telephone service, and it further narrows the definition of Internet access by carving out voice and other services provided over the Internet, while ensuring that services incidental to Internet access, such as e-mail and instant messaging, remain free.

My amendment grandfathers States that were taxing Internet access in 1998 for a 3-year period. It grandfathers States that currently tax Internet access, including those that tax the last mile that were not protected by the 1998 grandfather clause, for a 2-year period, and it incorporates all other components of the substitute amendment to S. 150 and the Alexander Internet tax bill, the accounting rule to address bundling, and the explicit inclusion of nontransitional taxes from the Internet tax moratorium and savings clauses addressing the regulation of Internet access, universal service, and e-911.

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 5:30 p.m. having arrived, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 353, S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

> Bill Frist, George Allen, Jon Kyl, Orrin Hatch, James Inhofe, Elizabeth Dole, Larry Craig, John Ensign, Gordon Smith, Mitch McConnell, Norm Coleman, Sam Brownback, Trent Lott, Conrad Burns, Jim Talent, John E. Sununu, Mike Crapo.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 150, the Internet Tax Nondiscrimination Act, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. FITZGERALD), the Senator from Nebraska (Mr. HAGEL), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Maryland (Mr. SARBANES), are necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 11, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—74

Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Feingold
Frist
Graham (SC)
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Johnson
Kennedy
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Thomas
Warner
Wyden

NAYS—11

Akaka
Alexander
Carper
Clinton
Durbin
Feinstein
Graham (FL)
Hollings
Jeffords
Rockefeller
Voinovich

NOT VOTING—15

Biden
Chafee
Edwards
Enzi
Fitzgerald
Hagel
Inouye
Kerry
Kohl
Landrieu
Lautenberg
Mikulski
Miller
Sarbanes
Specter

The PRESIDING OFFICER. (Ms. MURKOWSKI.) On this vote, the yeas are 74, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MCCAIN. Madam President, I thank all of my colleagues for their vote. It is certainly a signal that a majority of Senators want to move forward and address this issue. I believe many believe they would like to get involved as well.

If the opponents are going to talk for a while, after that is over, since we are in 30 hours of postcloture debate, if it is sought to be used, it is my intention to propose tomorrow the amendment which I described earlier. I hope we can then move forward with amendments and debate and votes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I defer to the leadership. I have some remarks to make on another subject as in morning business, to come out of my hour with regard to the motion to proceed.

Mr. REID. I know the Senators who are concerned about this legislation are trying to make a decision as to what is going to happen next, what they are going to do next. It would be to everyone's best interests if we had some time when we could go to the bill tomorrow.

I direct this question through the Chair to the Senator from Tennessee: When do you think you will be in a position to decide whether we can have a time certain to go to the bill or whether we will work off the 30 hours postcloture?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the assistant Democratic leader. I thank Senator MCCAIN for his efforts over the weekend to develop a substitute amendment which we received this afternoon and which we are studying.

My hope is we have a constructive movement toward a result this week that does no harm to States, that bans State and local taxes for a short period of time, and that gives Congress time through the Commerce Committee to create a comprehensive approach.

The leadership has asked us to try to do this in an orderly way. I want to do that. I have two or three Senators to discuss that with in the next 30 minutes or hour. The Senator from California has remarks she would like to make, so I say to the assistant Democratic leader, within the next 30 minutes or hour I will have a response to him and the majority leader about how we would like to proceed.

The PRESIDING OFFICER. The Senator from Florida still has the floor.

Mr. NELSON of Florida. I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I was simply going to observe now that we have had the cloture vote on a motion to proceed, there is a 30-hour period postcloture. My expectation is we would go on this bill at some point tomorrow. My hope is it would be at 2:15, for example, following the caucus meetings tomorrow. However, that is a decision those who oppose the cloture motion will want to address.

The bill we are going to be considering in the Senate is a piece of legislation that came out of the Commerce Committee. When it came out of the Commerce Committee, it had one area that was not resolved. We understood when we voted it out it was not resolved. It could have some very significant ramifications on State and local revenue base and other issues. We decided to try to resolve it on the way to the floor. It is not yet resolved. As a result, it will require substantial work—amendments, debate, some compromise here and there—to see if we cannot get a piece of legislation that does what all of us want it to do; that is, to have a moratorium on the taxation of access to the Internet but done in a way with respect to definitions that is not going to have loopholes big enough to drive trucks through.

There have been circumstances in which if you have a definition that is not appropriate and not carefully crafted, the moratorium on taxing the Internet itself could be a moratorium on taxing a wide range of products that are already taxed. We are going to have to work through this in the coming days.

I would like to see us work in a cooperative way and get on the bill and find a way to find some middle ground that accomplishes the objectives we all have. Speaking for myself, I supported the moratorium previously. I support a moratorium now. But it must be done in a manner that is consistent with definitions we all understand and one that accomplishes the objectives we all set when we wanted to pass this legislation in the first instance.

I appreciate very much the Senator from Florida yielding.

Mrs. FEINSTEIN. Madam President, we are not on the bill, is that correct?

The PRESIDING OFFICER. We are on the motion to proceed.

The Senator from Florida.

VENEZUELA

Mr. NELSON of Florida. Madam President, while we are getting all of our ducks in order with regard to the procedure and there is this momentary lull in the consideration of the instant legislation, I rise to discuss conditions facing the United States with regard to an important neighbor of ours in this hemisphere; that is, Venezuela.

Venezuela is a country in deep crisis. I worry, as has been the case with so many of our neighbors to the south, that it is not getting enough attention in relation to this crisis. We all should know the President of Venezuela, President Chavez, is right now the subject of a petition drive aimed at holding a referendum on a recall of his

Presidency. That is provided for under section 72 of the Venezuelan Constitution. What is also well known is President Chavez and his allies have done everything in their power to make it impossible to hold a legitimate referendum.

A week ago I was in Venezuela. I spoke to numerous officials of the Chavez government, including the Foreign Minister, the Energy Minister, the Vice President of the National Assembly. I also spoke to leaders of the opposition who have been leading the drive to hold a recall referendum under the provisions of the Venezuela Constitution. This is a recall on whether the President will continue in office.

In addition, I met with numerous business leaders from American companies, many in the energy sector, to hear their views on what is likely to happen to Venezuela, what is going to happen to Venezuela-United States relations, and what our policy should be there.

Everyone I spoke with recommended the United States must strongly support a negotiation led by the OAS and the Carter Center aimed at resolving disputes related to holding the referendum. Typically, this would not be a dispute. They have many more signatures than is required for the referendum. However, an objection has been raised that signatures are not accurate as to the people. That is easy to check.

I met with one of the mediators at the Carter Center who described to me the proposals his team and the OAS team had made to try to bridge the gap between the Chavez government and the opposition. When I asked if anyone outside of the government, any of the opposition in the business leaders actually think the Chavez government, and specifically President Chavez, will allow the continuation of this referendum to go forward, I got the same answer from all quarters. It was, "No."

Because of the way President Chavez has governed, because of the way he has tried to silence opponents, it is widely believed he will never allow the recall referendum to go forward. I hope he will hear this chorus of concern being expressed now from the Senate that under section 72 of the Venezuelan Constitution he should allow the process of democracy to work.

Just last week, the Venezuelan National Election Commission announced procedures for conducting the reparos—the verification of over 1 million disputed signatures on the original recall petitions. For a few days at the end of May, those who signed the petitions will have the opportunity to come forward and present evidence that verifies their signature.

It is a cumbersome process. Even if it works perfectly, and even if the signatures are legitimate, there may not be enough time to verify them all. That is another concern, that the process is being drug out purposely, so as to avoid the timeframes involved. But even worse, there is so little trust being expressed that the Chavez government is going to conduct the process fairly that the effort may be doomed even before it starts.

This political crisis, which has been going on in one form or another in Venezuela for 3 or 4 years, leaves me deeply concerned about the direction of Venezuela and the prospects for its democracy. It is a tragedy that a country of such enormous promise, with vast natural resources, and a vibrant entrepreneurial population and well-modernized, could find itself in such a dire circumstance.

I am afraid that the United States is not doing enough to make clear how much we have at stake in the protection of democracy in Venezuela. With a recent United Nations report indicating that a majority of the people in Latin America have their doubts about the value of democracy, we cannot afford to leave any doubt about where we, the United States, stand and what our policy is. I think we also have reason to worry about the impact on the economy in our hemisphere of a major oil supplier to the United States, the fourth largest supplier to the United States; we have to be concerned. What about the interests of the United States if suddenly Venezuela were destabilized?

That is why I was so impressed with the impact that a statement by Senator JOHN KERRY had on both the Government and the opposition in Venezuela. Senator KERRY's call for strong U.S. support for the Organization of American States and the Carter Center process genuinely shook up the Chavez government, and it gave renewed hope to the opposition.

Without a sustained push by the United States at its highest levels, I have grave doubts that President Chavez will ever permit the referendum. Senator KERRY made this statement, much to the delight of the opposition in Venezuela, on March 19 of this year. It is a very strong statement on reform that is needed, and how the Chavez government needs to get behind democracy and stop the kind of direct attacks on the United States in which it is engaging.

Now, other nations to which the United States should be reaching out, to use their influence as well: Brazil, Chile, Spain, and France, are all, in some respects, better positioned than the United States to try to influence the Venezuelan Government. But those states need to see sustained leadership from the United States.

The threat to democracy in Venezuela is not, by any means, the only reason for our concern. President Chavez has caused us a number of other headaches recently. He struck up a close alliance with Fidel Castro. He has started to strike up an alliance with a gentleman named Morales in Bolivia who is trying to expand the drug trade in Bolivia. And there is extensive evidence of cooperation between Cuban and Venezuelan intelligence services. There is also the employment of a great number of Cuban nationals in Venezuela.

Venezuela has provided assistance or, at a minimum, safe haven to even those who are drug runners, such as the FARC, a group that basically is involved in the drug trade, fighting the legitimate Government of Colombia. And the FARC continues to conduct a terrorist campaign against the Government and the people of Colombia. At a time when Colombia is making slow but steady gains in its long struggle against the FARC, the last thing it needs is to have a neighboring power; namely, Venezuela, give assistance to this brutal adversary, as they would go across the line into Venezuela.

President Chavez has also made some truly outrageous statements, such as praising Iraqi insurgents who attack American soldiers. He has also tried to use his oil supply relationship to have a lever on the small nations in the Caribbean to get them to oppose U.S. policies. And President Chavez has threatened to cut off oil exports to the United States.

Venezuela also suffers from a potent market in false documentation, such as passports and other identity cards. I am becoming increasingly concerned at the ease, by paying $800 or $900, of getting full documentation of everything from a passport to a driver's license, all of which is legitimate, simply by buying off officials. I am certainly concerned that international terrorist groups will discover their ability to acquire and make use of forged Venezuela documents to conduct terrorist attacks.

We may have a net set up to try to protect people from coming into our borders, but Venezuelans can travel on their documents to European countries. And that begins to start the process of mischief. The Venezuelan Government is not doing nearly enough to put a stop to this practice.

I had a friendly meeting with the Foreign Minister, and I raised all of these concerns with him. He said, with regard to the forged documents that are legion in Venezuela, that he was not aware of the problem. But 3 days after I left, the Government announced the arrest of nine people for trafficking in forged documents. I hope that is the beginning of a crackdown. If that is the case, I thank the Foreign Minister of Venezuela for taking my comments to heart.

You can see that the whole picture adds up to a very disturbing conclusion. If things do not improve soon, I worry that we may eventually reach the point where we have to treat this Venezuelan Government as an unfriendly government that is hostile to U.S. interests. That is not what I want. And I do not think that is what the U.S. Government wants. In the interest of fostering free and fair elections and democracy in all of Latin America, that certainly is not what we want, that is not what the Organization of American States wants, but that seams the direction in which we are headed. That is one of the reasons for me making this statement to my colleagues in the Senate.

If those deteriorating relations between our governments continue, that would be a tragedy for a longtime ally, and it would represent a reversal of the longstanding good relationship the United States and Venezuela have had.

At this stage we cannot be anything but clear with the Venezuelan Government about the direction this relationship is headed. If Venezuela's democracy continues to be undermined by its Government, if President Chavez continues to side with those who are trying to be adversaries to the United States, and if Venezuela does not prove itself to be a reliable ally in the war on terrorism, if Venezuela does not continue to abide by its own constitution, then we will scarcely be able to draw any other conclusion from these actions.

For this reason, I commend Senator KERRY for making crystal clear, in his statement of March 19 of this year, what the stakes are. He has made certain that no Venezuelan official can doubt that if the present course continues, things will get no easier for them in a future Kerry administration.

My hope is this knowledge will cause the current American administration to make clear to President Chavez that our Government places a high priority on democracy, the rule of law, and responsible conduct in international relations, and that the Government of the United States will come down hard on the words and the deeds of the Chavez government and that Chavez' failure in these areas—it will be made clear—will have consequences, not only in his relations with us but in his relations around the world.

This is a matter of grave importance when you consider how dependent we are on foreign oil. That is one reason. We have always relied on that oil coming out of Venezuela. So many of our refineries on the gulf coast of the United States are established to handle the kind of oil with its content to be able to refine it into American fuel. Many other refineries in the world don't have that capability. So it is clearly in Venezuela's interest that they continue that commerce and continue good relations with the United States.

I hope and pray our relations will improve and that we will get back into the longstanding friendship we have had for years and years.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to claim an hour under the motion to proceed to speak on the bill.

Before I do, I compliment the Senator from Florida on his comments on Venezuela. He may not know this, but I had the pleasure of spending some time in Venezuela when I was mayor, leading a delegation. We had a sister city relationship with Caracas. I saw the vibrancy of that democracy at that time. This was in the mid-1980s. All the progress that had been made in the Bolivar nations and the closeness that existed between Venezuela and our country, it was something very special to see. You could say, I think, that Venezuela led all the nations in terms of its relationship to us. So the deterioration of that relationship is very much regretted by me. I associate myself with the comments of the Senator from Florida and thank him very much for making them.

I wish to speak about a bill that I am not sure everybody understands very well, let alone exactly what it is. There are essentially three bills floating around. One of them is S. 150. This is a permanent measure. It includes a 3-year grandfather on Internet access if the taxes existed in 1998. That is the Allen-Wyden bill.

There is a McCain proposal that may be brought forward. And, as I understand it, in would last for 4 years. It includes a 3-year grandfather on Internet access taxes that existed in 1998 and a 2-year grandfather on Digital Subscriber Lines (DSL) taxes.

And there is the Alexander-Carper bill, of which I am a cosponsor. This is a 2 year temporary moratorium that includes a 2-year grandfather on Internet access taxes that were in place in 1998 and a 2-year grandfather on DSL service.

What all that means is very difficult. The last time this bill was on the floor was November 6 and 7 of last year. I remember coming to the floor and saying I had been approached by more than a hundred California cities to oppose the bill. It was a deluge. I had never had that kind of opposition from California cities before in my 12 years in the Senate. That deluge has only increased.

Interestingly enough, I have not received a single letter from a telephone company in support of any of these bills, which is very interesting.

The most dominant voice has been the League of California Cities, firefighters, labor. The League in particular represents over 470 California cities. These cities believe this bill, S. 150, will cost billions of dollars nationwide, and in California it will cost local jurisdictions as much as $836 million once it really gets started.

Cities and counties across the Nation are facing budget crises. These cuts only make the situation worse. There would be less money to pay for police officers, firefighters, libraries, and parks. Passing this bill, which essentially would end revenue streams which cities have counted on for years to fund vital services, is something I can't do. That is why you have Senator CARPER, a Governor, Senator VOINOVICH, a former mayor and Governor, Senator ALEXANDER, a Governor, and myself, a mayor, all saying, please don't do this.

I support legislation sponsored by Senators ALEXANDER and CARPER which would extend the recently expired moratorium on Internet access by 2 years, and make the moratorium technology neutral.

The Allen-Wyden bill changes the definition of Internet access significantly. That is the problem. Simply put, the definition included in the bill before us is far too broad. The bill says that telecommunications are taxable, and then it adds this:

> . . . except to the extent such services are used to provide Internet access.

But what does the phrase "to provide Internet access" actually mean? Cities, counties, and States believe it means they won't be able to tax telecommunications services, which they currently can, to the tune of $2 to $9 billion annually all across the United States. So that is really what is at stake.

Let me read what the Center on Budget and Policy Priorities says about the definition contained in Allen-Wyden:

> The ban on State and local taxation of telecommunications services used to provide Internet access would effectively eliminate billions of dollars' worth of taxes on voice telephone service as the provision of that service is migrated to the Internet, a process that is well underway.

Then it goes on and it says there will be substantial revenue losses for State and local governments. It points out that 11 States would lose between $80 million to $120 million: Colorado, Hawaii, New Hampshire, New Mexico, North Dakota, South Dakota, Ohio, Tennessee, Texas, Washington, and Wisconsin. It says 28 States and the District of Columbia would lose $70 million annually. Let me quickly mention which ones they are: Alabama, Alaska, Arizona, Colorado, Connecticut, DC, Florida, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Washington, and Wisconsin.

A lot of States stand to lose. It goes on to say many more State and local governments would lose their ability to tax telecommunications services purchased by Internet access providers, such as the high-speed lines providers use to link to the backbone of the Internet.

A lot of States stand to lose. Now, you can talk to authors of the bill and they will say, oh, no, that really is not true. But the fact is that even CBO cannot give you a real estimate because companies don't maintain records; but cities, interestingly enough, have retained specialists to estimate for them.

Let me read from one of those specialists. His name is William T. Fujioka. He is the administrative officer for the city of Los Angeles. He points out that:

> In California, the utility user tax has been applied to telecommunications services on a technology-neutral basis for over 30 years. With 150 cities receiving over $830 million—I have been over that.

He goes on to say:

> For the city of Los Angeles, our telecommunication's utility user tax covers local exchange service, long distance, and wireless, which total $260 million. S. 150 places all of these revenues in jeopardy. The loss would come from: 1, the migration of traditional telephone services to Internet-based telephone services, or Voice over Internet Protocol; and 2, the application of S. 150 to local exchange and wireless services that also provide voice and Internet access (in the same manner as DSL and cable modem), which would prevent the city of Los Angeles from taxing these services.

He then goes on to point out:

> The migration of telecommunication services to the Internet is not just speculation. AT&T, SBC, Verizon, and Time-Warner have all announced their intent to introduce Internet telephone service in California this year.

It is important to note that currently, DSL and cable modem are not subject to the Federal excise tax, or UUT, utility user tax, because until recently these broadband communication services were not used for voice and were properly deemed private communication services.

Now, the Ninth Circuit Court of Appeals has changed even that and is essentially saying that both cable and DSL can be taxed. That just came out. I am told that it will take another 18 months to 2 years just to straighten that out and to see if there is an appeal on a writ of certiorari to the U.S. Supreme Court.

So this whole area is in flux and it could change dramatically. It makes no sense to do a permanent piece of legislation at this point in time, in my view, particularly with this Ninth Circuit case recently coming down.

If Allen-Wyden is approved, phone services, which are currently taxable, will become tax exempt. This means local jurisdictions will lose revenues they can collect today. In turn, this means less revenue to pay for local priorities.

I support making business and residential access to the Internet tax free. There are primarily three ways to access the Internet today: dial-up service; cable modem; and DSL, digital subscriber lines. Under the recently expired moratorium, two of these methods—dial-up service providers and cable modem—were exempted from taxation. The third, DSL, could be taxed, though many jurisdictions, including California, didn't tax that. But, as I have just told you the Ninth Circuit has just made a change by saying that you can now tax cable modem.

Alexander-Carper—the bill I support—would level the playing field and make DSL tax exempt, except in those jurisdictions which already taxed it. This grandfather would last for 2 years. And, it would grandfather access taxes in place in 1998—again for 2 years. It is hoped that this will ensure that the Internet could continue to mature.

I must say, also, it is my understanding that Senator ENZI is going to introduce a bill that will be a simple extension of the 2-year moratorium, which expired a few months ago. If the Alexander-Carper bill isn't successful, I will support this solution.

I really believe that is the solution—that we should simply extend it, let the Ninth Circuit case go up to the Supreme Court, and let the Supreme Court speak. Or we should add an amendment to S. 150 that says that all present taxes remain unaffected, so that cities, counties, and States, through your State, Madam President, and my State, as well as every other State, can know with certainty that the revenues they have counted on they can continue to count on.

If you ask people whether they want police and fire, the answer is yes. If you ask them whether they want local services, the answer is clearly yes. To pass a bill that ends the method of revenue collection and funds up to 15 percent of these local services in many jurisdictions, I think, is an unconscionable thing to do.

Much like the tax cuts, they explode in outer years. So while Members that vote for that may be popular for a short period of time, to be able to go home and say they are assuring their local jurisdiction that they are protecting their revenue sources, they cannot do that by voting for S. 150. Just too much is unknown.

Fifteen percent means layoffs, and it could mean major cuts in service. It could mean higher local taxes.

The cities that have contacted me, large and small, are like San Francisco, Los Angeles, Sacramento, La Verne, San Leandro, and Santo Rosa.

Let me quote from the comptroller of the city of San Francisco, Ed Harrington. Again, this is a technical person writing:

> For the city of San Francisco, our telecommunications UUT—utility users tax—covers local exchange service, long distance, and wireless, which totals $32 million a year. S. 150—that is Allen-Wyden—places all of these revenues in jeopardy.
>
> The loss would come, again, from the migration of traditional telephone services to the Internet-based telephone services or Voice Over Internet Protocol; and, 2, the application of S. 150 to local exchange and wireless services that also provide voice and Internet access, which would prevent the city of San Francisco from taxing these services.

That is the same as Los Angeles.

So you have two of the major cities in the State and their technical and financial people both saying the same thing.

The League of Cities, which represents all of California's 478 cities, its county administrators, its police officer associations, its firefighter associations, all oppose this bill.

In the city I served as mayor for 9 years, the current definition of telecom services could lead to a loss of $32 million annually. This translates into 300 police and firefighters.

I want to also cite the city of Pasadena. Mayor Bill Bogarrd wrote my office to protest that his city would lose $11.4 million under Allen-Wyden, and he writes:

> By using vague language to include broadband Internet under the moratorium, we fear that the bill will allow telephone and cable companies to use that protection to avoid paying local franchise or utility fees.

Which is exactly what is going to happen.

He goes on to state:

> It is our understanding that it was not the intent of the bill sponsors to endanger local franchising authority, but the legislation has yet to be changed to correct these unintended consequences.

Virtually every technical person who looks at this bill—the Center for Budget and Policy Priorities, as well as every controller, technical professional employee of cities and counties—says the same thing: The definition is flawed, it is vague, and under that definition, any number of things can happen.

Madam President, 150 cities in my State levy a utility user tax. That includes telephone and cable television services. These taxes provide the contribution that I mentioned of approximately 15 percent in general purpose revenues. So they make a utility user's tax vital in helping fund critical city services.

I know why telephone companies do not want this. They do not want to be bothered by local taxes. But on the other hand, why not say that present taxes are excepted, present taxes would not be covered? Cities can continue those taxes where they are.

I believe that because of the determination that this bill is an unfunded mandate and other reasons, S. 150 is subject to a point of order when it is under consideration, and I fully expect that this point of order will be raised. For this Senate to pass a bill that further ties the hands of local government I think will be unfortunate just at a time when so many States face budget deficits and so many cities have the same situation.

In short, the problem with Allen-Wyden is that it changes the definition of Internet access in the recently expired Internet tax moratorium in such a way that cities lose billions nationally, that this escalates over time, and that this will lead to reduced preparedness of our cities, to fewer firefighters, and to fewer police officers.

Anyone who has ever done a city budget knows you cannot lose up to 15 percent of your revenue and keep services at the same level.

I am hopeful that as the days go on and as we consider amendments to the bill, there will be a straight amendment that will just simply extend a 2-year moratorium to give the Supreme Court case Brand X Internet Services v. the FCC the opportunity to go up on appeal, hopefully for the Supreme Court to take it up, or else to leave in place the appellate court opinion which makes very clear that States will be able to tax cable modem service since the 1996 act allows States to tax telecommunications services.

One of the most disturbing aspects about the bill is some people think that it imposes Internet sales taxes when this is not true at all. These taxes are all at the point where the Internet comes in to the home, and yet they reach back in the chain as various services come together substantially before the Internet reaches the house. I think if that currently taxable aspect of the service is made unavailable to local communities that have very few revenue sources, it is going to present a substantial hardship for the quality of life of the people we care about in our cities and in our States.

I will oppose S. 150. I will vote for the Alexander-Carper bill and will also vote for Senator ENZI's bill should he make that available.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I congratulate the Senator from California. She represents a State that has 12 to 13 percent of all the people in our country with lots of cities and counties. She has been a leader as a mayor, as I have been a Governor. Once you get to the Senate, you are not supposed to forget what you learned as a mayor or a Governor, and what you know for sure is that if Congress comes along and says, You can't tax property in San Francisco, for example, then you are going to have to raise taxes on something else. Or, on the other hand, if they said, You can't tax automobiles in California, then you will have to raise taxes on something else.

When Congress comes along and says to California, to 118, 122, or however many, we are going to take $260 million potentially from Los Angeles, $32 million potentially from San Francisco, that is not lowering anybody's taxes. You just raise other taxes. If you say, Senator ALEXANDER, we think you are special, you don't have to pay taxes, the Senator from California is going to have to make up what I have not paid, or someone is. If you say, We will just cut Government, we will cut services, good, maybe we should do that, but still I would be paying lower taxes and you would be paying higher taxes.

What we are talking about is a very simple idea: Should the Congress, in its wisdom, decide to give yet one more subsidy to the high-speed Internet access industry and then send the bill to mayors and Governors? I can see us having a big debate and getting all excited about high-speed Internet access. When the internal combustion engine was invented, somebody in the Senate got excited about it, or when the telephone was invented, somebody got excited about it, or when the railroad was invented, somebody got excited about it, but we did not say in order to encourage them, there may be no taxes by State and local governments on these great new inventions. Whenever we decide something is worth a subsidy, we do it ourselves, or we should do it ourselves. That is the great irony here.

Here we have one of the most subsidized technologies in America and the fastest growing technology in America. There is nothing to indicate anything is stopping it from growing. Yet we are piling on more subsidies and giving the bill to State and local governments.

I thank the Senator from California for her leadership, her directness, and her consistency. I look forward to working with her tomorrow.

I think we have achieved tonight some of what we had hoped. The Senate has rules that permit a small group of Senators to make a point. I think the point we made tonight by insisting on a cloture vote on a procedural motion, on the motion to proceed, was to speed along some new compromises.

I am glad to see the Senator from Arizona with a new compromise proposal. I have been working on one for 6 months with the Senator from Virginia.

We even made some progress, but not enough. Perhaps the proposal of the Senator from Arizona is even a step further. We received it this afternoon and I have not had a chance to analyze it, which is why we need time to do that. We will move toward that objective the leadership wants and we all want, which is to create a consensus in this body about what we should do for the time being about State and local taxation of Internet access.

What I believe and the Senator from California believes and many other Senators believe is these should be our principles: No. 1, we should take the time to give the Senate Commerce Committee and the House of Representatives time to think carefully about this new technology, high-speed Internet access, which has the potential to deliver to our homes and our offices so many services. We should think carefully about that and not deal with it in any piecemeal fashion. That is why a short-term extension of the ban on State and local taxation of Internet access is much wiser than anything permanent, and I am glad to see us moving away—not far enough yet, but away from the notion of permanent confusion, which is what would happen.

Why in the world, when the Commerce Committee, when Senator STEVENS, Senator McCAIN, and others have said they want to look into this, would we short-circuit that by making a decision about a little bit of the growth of high-speed Internet access?

We ought to carefully look at whether there is a need for an additional subsidy to high-speed Internet access. I will be talking about that some tomorrow. There is $4 billion of Federal subsidy already. I have a study by the Alliance for Public Technology about all of the State and local subsidies to high-speed Internet access. They may all be good things, but we should know they are there. I mentioned this earlier, that in 1995 the Texas telecommunications infrastructure fund put in motion raising taxes to generate $1.5 billion over 10 years, to basically put in high-speed Internet access everywhere. That is true in virtually every State.

I mentioned earlier today, in LaGrange, GA, they are giving it away for free and still only about half the people want it. We cannot force-feed it to people, and giving a big new subsidy to the high-speed Internet access companies is not going to make people who can get it for free in LaGrange, GA, use it if they do not want it.

While my distinguished colleagues, who have a different point of view, say it does not cost much, well, the House bill costs a lot. Up to $10 billion in State and local taxes on telephones are at risk. Up to $7 billion in business taxes the States collect today are at risk. Half a billion dollars in business taxes collected on the Internet backbone would be wiped out. Sales taxes on Internet access being collected now in 27 States, gone. Universal service fund fees and 9-1-1 service fees threatened. Now people may be listening to that and saying, great, no more taxes. That is the big trick. Do not let yourself be tricked by that, because if I run for the Senate and promise to abolish local property tax, do not people know the mayor and the Governor are going to have to raise sales tax on food to make up for it? Or if I run for the Senate and say I have this great idea, I am going to abolish the car tax in California, Virginia, Tennessee, and all around the country, hooray, that sounds good, does it not? But they are going to come up with another tax. They will raise sales tax on food or on business.

So this is real money we are talking about, and that is the second point we should be discussing in this compromise, that we do not need any more subsidy.

The third point is we should not break our promise to do no harm to State and local governments. That simply means this: If Congress in its wisdom concludes high-speed Internet access needs one more subsidy, then we ought to be big enough men and women to stand up and say, okay, we will pay for it. But what are we doing? We are sending the bill to State and local governments. At least that is the way the Governors, the mayors, and everyone I have talked to, who has carefully read the bill from that perspective, reads it.

Maybe the compromise of the Senator from Arizona moves in that direction. I hope it does. I am studying it tonight, and I will study it in the morning.

It is a great surprise to me to come to the Senate and find one of the first things we do in my first 2 years is break the promise the Republican Congress made in 1995, "No money, no mandate. If we break our promise, throw us out."

I would rather not be thrown out. I would rather we keep our promise. Everyone knows this is an unfunded mandate. To say we passed some unfunded mandates is like asking, why are you arresting me for this one? I robbed some other stores last week and you did not catch me.

We do enact unfunded mandates on occasion, but the Congress has done it a lot less since 1995, and it has had to stand up and be counted.

I want to make sure everyone knows what we are talking about this week is an unfunded Federal mandate and that every Democrat or Republican Senator who made a speech on the floor in 1995—and I have those speeches—or who goes back to a Lincoln Day dinner or a Jefferson-Jackson Day dinner and starts off by making a great big speech about local control is overlooking support for S. 150 because it is about adding a new cost on State and local governments and not paying the bill.

The Senator from California says it is 5 to 15 percent of the revenue base of many of her cities. The Governor of Tennessee told me it is up to 5 percent of the revenue base of Tennessee. In our State, if we take out 5 percent of the sales tax base, there will be an income tax. We do not have a State income tax because the people of Tennessee make a choice. We thought the Governor and the legislature were elected to decide what taxes we could impose.

Then finally, if we insist on this additional subsidy to encourage high-speed Internet access, why do we not follow President George W. Bush's example? Let's put in the Texas plan. It is very simple. It avoids all of this discussion we are having about definitions, all this argument we are having about whether it costs anything. What they did in Texas from 1999 when President Bush was Governor Bush was the following: They said you do not have to pay any State tax on the first $25 of your monthly bill for high-speed Internet access.

Twenty-five dollars is all one has to pay for high-speed Internet access in Manassas, VA, where they deliver it through the power company, and people can also get it through the phone company, the cable company, and from the sky through the satellite. It can be gotten from everywhere. One cannot walk down the street without somebody selling people high-speed Internet access. It is the fastest growing technology in America. The Congressional Budget Office and the Department of Commerce have told us we do not need to intervene. It does not need a subsidy. There is no economic benefit to paying more taxpayers' money for this one industry.

So why is it? Why are we suddenly running a railroad train through the Congress saying we are going to pick out this one industry? This is a country where we have had many great inventions before. This is not the first invention we have ever had, high-speed Internet access. It is a great thing. But so was the telephone. So was the railroad. So was the internal combustion engine. Now we are saying more subsidies—4 billion in Federal dollars is not enough. A whole book full of State and local subsidies is not enough. The fact that it is the fastest growing technology in America, that is not fast enough. We want to pour more money in here, and it is not really going to the consumers; it is going to the companies; it is going to the industries.

My friend from Virginia will say that is passed on to the consumer. Maybe it is. But if we are going to pass corporate taxes on to consumers, why not do it for all corporations? We have a lot of manufacturing companies getting ready to move jobs overseas. Let's lower their taxes. Let's lower everybody's taxes.

I am disappointed, to tell you the truth, that this bill is even being considered in this way. I am surprised. If I were still the Governor of Tennessee—which maybe some in the Senate wish I still were—I would be roaring and screaming about this. I would be calling my Governors on the telephone saying, What are these men and women in Washington, DC doing? If they want to decide what the taxes ought to be in Tennessee and California and Iowa, let them come home and run for Governor or mayor. If they want to give a subsidy to some company, let them pay for it; don't send the bill to us. Let them come down and figure how to keep State university tuitions from going up and how we keep from raising State and local property taxes to deal with a Federal law that requires more State aid to children with disabilities but doesn't fund it. That is what I would be doing.

I would have them on the phone tonight on a conference call and asking them to call every single Senator saying, What are you doing up there? We have a war in Iraq. We have a national economy. We have plenty of national issues without you trying to be the Governor of the home State at the same time, and if you want to be the mayor of Knoxville or Nashville or Memphis, come on home. We will share all our problems with you and you can decide what to spend and how high the property taxes ought to be.

When we take hundreds of millions and potentially billions of dollars out of State and local governments, we are raising local taxes, not cutting local taxes. We are creating permanent confusion, and we are breaking our promise.

So I am glad we had this vote tonight. I hope by coming in here and voting we encouraged some work over the weekend, and late last week. I know Senator McCAIN was working, Senator ALLEN was working, Senators CARPER and FEINSTEIN and I were working, and I hope we have made some progress.

Tomorrow when we come in here after our lunch and begin to move to the bill at hand, I think we will have on our side—I mean those of us who oppose S. 150—that we will have upheld our part of the responsibility of keeping this Senate moving toward a conclusion. We want a result, but we want a good result.

May I say one more time what I believe a good result is. A good result is a 2-year ban on State and local taxation of Internet access so the U.S. Congress can think carefully about the migration of digital services to the Internet because of high-speed Internet access. So that is No. 1—2 years or less.

No. 2, no big subsidy to a heavily subsidized industry already.

No. 3, let's keep our promise and do no harm to State and local governments. Let's show the people of this country that when we make a promise, as we did in 1995 when we said no more unfunded Federal mandates, when 300 Republicans stood on the Capitol steps and said, If we break our promise throw us out, let's show that we mean that and not engage in rhetoric that tries to confuse the issue.

If we meet those three tests, then we can have a result. We can have one quickly tomorrow, or Wednesday, or Thursday. But if we insist on legislation here like the legislation that passed the House, that creates permanent confusion instead of careful study, an unwarranted expensive subsidy to a heavily subsidized fast-growing technology, and that does harm to State and local governments, which breaks our promises, then I am going to continue to oppose that and so are a great many of the Democrats and Republicans who joined us in the Alexander-Carper legislation.

I think this has been a successful day. I appreciate the time we have been given to debate the issue. I know Senator ENZI and others will be here tomorrow morning to continue that discussion, and I look forward to moving in an orderly way to the legislation at hand, S. 150, sometime tomorrow afternoon, based upon the decision of the leadership.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate resumes the motion to proceed to S. 150, the Internet tax access bill, there be 2 hours and 40 minutes for debate remaining with 2 hours under the control of Senator ALEXANDER or his designee, with 20 minutes under the control of the chairman of the committee and 20 minutes under the control of Senator DORGAN; provided further that at the use or yielding back of that time the motion to proceed be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCOTT CAMPBELL, STEPHANIE ROPER, WENDY PRESTON, LOUARNA GILLIS, AND NILA LYNN CRIME VICTIMS' RIGHTS ACT

Mr. MCCONNELL. Mr. President, I rise today as a proud cosponsor of this victims' rights legislation, which has special significance for my State and my hometown. On December 6, 1993, Mary Byron was murdered in Louisville on her 21st birthday as she left her place of work. Mary was killed by her ex-boyfriend who, unknown to Mary, had recently been released from the county jail where he had been held since being arrested for stalking, assaulting, and raping Mary. The Byron family had been assured that they would be notified when Mary's attacker was released from custody. But unfortunately, they were not.

Following this tragedy, the Louisville metro criminal justice community quickly realized that victims of violent crime needed a better system of notification when offenders are arrested, released, or scheduled to appear in court. The community committed itself to solving this critical problem and ensuring victims' safety. In December 1994, one year after Mary Byron's death, Jefferson County, KY introduced the Nation's first automated victim notification service.

That system is called VINE, which stands for Victim Information and Notification Everyday. This program assures crime victims access to rapid, automated notification by telephone, pager, or e-mail when an offender's status changes. The system also allows victims to call 24-hours a day to obtain the current status of an offender—giving victims peace of mind and a sense of control over their lives.

What began in Louisville 9 years ago has now spread to more than 1,400 communities in 36 States. In fact, in 19 States every county jail and State prison is connected to the VINE network. Each of these facilities and communities are connected through the VINE Communications Center located in Louisville. This central hub collects data from and manages automated interfaces among 57 percent of the Nation's county and State correctional facilities, and monitors 14 million offender transactions each month. Within moments of an offender's status change, such as escape, transfer, or release, high-speed notification is activated to reach out and provide information to victims.

The VINE Communications Center provides a staff of live operators 24-hours a day to assist victims in using the service. This national victim notification center has made over 22 million calls, resulting in more than one million notification events and saving countless lives.

VINE technology is also being used in Federal correctional facilities. In 1999, the U.S. Department of Justice launched its Federal Victim Notification Service with the core VINE software. I am proud to note that DOJ's Federal Victim Notification Service also utilizes the Louisville-based communications center that provides victim notification services for the county jails and State prisons in 36 States.

It is now time to make this life-saving service available to every crime victim in America. And this legislation helps make that a reality. The lack of victims' rights, including notification about the status of an offender, is a national criminal justice problem that requires national leadership to solve. This legislation recognizes the national problem, and I am proud to say this bill includes a component to help complete the job of providing safety to victims of domestic violence and other violent crimes.

I commend the Senator from Arizona and the Senator from California for their tireless work on this issue.

This legislation not only states that each victim of violent crime has a right to be notified of the release or the escape of the accused, but it also authorizes adequate funding to see that the crime victim notification network that currently protects many of the Nation's crime victims is extended to cover all of the Nation's crime victims.

In an effort to prevent any family from having to suffer the tragedy that befell hers, Mary Byron's mother, Pat, has dedicated the last ten years of her life to raising awareness and support for innovative programs, such as VINE, that help to break the cycle of violence. The Mary Byron Foundation, along with the National Center for Missing and Exploited Children, are strong supporters of completing the VINE Network, and I ask my colleagues to join with us in supporting this critical piece of legislation.

HONORING OUR ARMED FORCES

CORPORAL MICHAEL SPEER

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to CPL Michael R. Speer of Davenport, IA, who courageously gave his life for his country in Operation Iraqi Freedom. He is the 12th Iowan to be killed in Iraq. My deepest sympathy goes out to his wife and his entire family as they deal with their loss. Corporal Speer was killed when his unit came under enemy fire in the Al Anbar province of Iraq on Friday, April 9, 2004.

Corporal Speer was a rifleman assigned to the 2nd Battalion, 2nd Marines, 2nd Marine Division, II Marine Expeditionary Force, based in Camp Lejeune, NC. He performed his duty to his country admirably and I know his loss will be deeply felt by all those who knew him.

Michael Speer enlisted in the Marines in Davenport, IA, on January 16, 2001. He died a true patriot and it is fitting that we recognize his sacrifice here today.

STAFF SERGEANT CORY BROOKS

Mr. JOHNSON. Mr. President, I rise today to pay tribute to Staff Sergeant Cory W. Brooks, a member of the South Dakota National Guard, who died on April 24, 2004, while serving in Operation Iraqi Freedom.

Staff Sergeant Brooks was a member of the 153rd Engineer Batallion, which is based in Winner, SD. He died in a noncombat incident on Saturday.

Answering America's call to the military, Staff Sergeant Brooks joined the National Guard in May of 1989 and served as a combat engineer throughout his 15 years of service.

Born and raised in Phillip, SD, he was remembered as a dedicated athlete and student. Staff Sergeant Brooks' former football coach in high school, Jerry Rhodes said, "He was just like family. He was one of those kids you love to work with. He always did good work. He was a very happy-go-lucky kid." Jerry Rhodes son, Wade, picked his good friend to be the best man at his wedding in 1995. Wade said of Brooks growing up, "I spent more time at their house then I did my own. He was just like a brother to me."

Staff Sergeant Brooks was a very dedicated student and well educated. After excelling at Phillip High School and the University of South Dakota for his undergraduate studies, he went on to obtain his Juris Doctorate from the University of South Dakota.

Staff Sergeant Brooks is the second member of the South Dakota National Guard to be killed in combat since the war in Iraq began. Company A, which includes members from Wagner and Winner, was assigned to the 1st Marine Expedition Headquarters. Their company is responsible for defusing roadside explosives.

Staff Sergeant Brooks served our country and was a model of loyalty and dedication in the preservation of freedom. The thoughts and prayers of my family, as well as our country's, are with his family during this time of mourning. Our thoughts continue to be with all those families who have children, spouses, and other loved ones serving overseas.

Staff Sergeant Brooks led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Staff Sergeant Brooks' contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and his family.

I join with all South Dakotans in expressing my sympathies to the friends and family of Staff Sergeant Brooks. I know that he will always be missed, but his service to our Nation will never be forgotten.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Davis, CA, on October 26, 2003, a homosexual man in his mid-twenties discovered that his automobile had been drenched with four flats worth of eggs. The damage to his vehicle was estimated at approximately $4,000 and a gang tag was scrawled on the vehicle. The victim said that he felt his vehicle was targeted because he hangs a gay pride flag outside his home.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HUD'S SECTION 8 VOUCHER REIMBURSEMENT CRISIS

Mr. KENNEDY. Mr. President, I take this opportunity to warn my colleagues about the potential low-income housing crisis that could jeopardize hundreds, if not thousands of people in their States as a result of an irresponsible, punitive, and unnecessarily harsh action taken last week by the Department of Housing and Urban Development.

For the first time in the 30-year history of the Section 8 Voucher Choice Program, there is the very real possibility that tens of thousands of low-income Americans will lose their housing vouchers this summer and fall and be left with nowhere to turn but homeless shelters and the streets. The mere possibility of this is shocking and it's something my colleagues need to be aware of immediately.

Congress did not intend for this to happen, and the appropriators pushed HUD to make sure it would not happen, but that is the course we are on. And it's all because of HUD's callous indifference to the plight of the most vulnerable and this administration's unrelenting drive to destroy the safety net.

Using the most narrow possible interpretation of the appropriations bill, HUD issued a notification on Thursday that would retroactively abandon the long-standing practice of reimbursing public housing agencies for the actual costs of assisting the poor, the disabled, and the elderly through the section 8 voucher program. Instead, the new HUD policy will reimburse them on an inflation factor concocted by HUD's budgeteers that has absolutely no bearing on the actual operating costs of the Section 8 housing voucher program.

As a result, public housing agencies across the country are about to be blindsided by a rule change they did not anticipate and could not have prepared for.

The National Association of Housing and Redevelopment Officials—NAHRO—is conducting a complete national survey of the potential effects of this change, which should be available later this week. But early analysis is already available, and it is not reassuring. As a result of this change, the association thinks that maybe 60,000 families may be at risk of losing their vouchers in the coming year. 60,000.

The notification does inform public housing agencies that they can appeal the decision by July 15, but offers no information about just how to do that. The notification also points out that HUD may not have any funds by then to adjust reimbursements that were appealed. So, go ahead and send the appeal letter, but just don't expect HUD to do anything about it.

If my colleagues harbor any doubts that this HUD notification will have severe consequences, they need only look at what is happening in Massachusetts now. The State has directed public housing agencies to notify 600 families that their vouchers will be terminated effective June 1 as a result of HUD's abrupt funding change. Barring an 11 hour temporary reprieve, those notices go out tomorrow. And that is just the tip of the iceberg in Massachusetts, some thousands more may be in jeopardy.

The State is being hit now because it must reconcile HUD's funding cuts within its existing fiscal year, which ends June 30, and there is no other way to do that other than withholding assistance from those currency receiving it.

Who are these 600 families? More than 60 percent of them are disabled, a significant portion are elderly, and all are low-income.

They are people like Mr. Milton Servis II. At the age of 15, he was hit by a speeding car while he walked. As a result of the collision, he sustained a serious head injury that has left himself disabled, with impairments of his vision, balance, and ability to walk.

Then, just last year, Mr. Servis II, sustained third degree burns on his hands in the Station Nightclub fire in Rhode Island. He lost his two best friends there as well, on that horrific and tragic night.

Despite these hardships, he continues to work to lead an independent and dignified life. His only source of income is his monthly $698 SSI check, but he is able to make ends meet because of his section 8 voucher, which covers $394 of his $550 rent.

Because of HUD's abrupt change, he may have to stretch his Social Security check all the more, because he is currently scheduled to receive a termination notice tomorrow, informing him he has 1 month before he is tossed out on the street.

This doesn't have to be this way. People like Milton Servis II, who have struggled hard to overcome misfortunes that few others can relate to, don't need to be terrified by the prospect of homelessness.

It should never have come to this. Last year, when the administration sent its budget to Congress, we didn't believe they were being accurate with the numbers.

As our colleague, Senator MIKULSKI, the ranking member of the VA-HUD Appropriations Subcommittee, wrote last week to HUD Secretary Alphonso Jackson, ". . . the fiscal year 2004 appropriations bill provides $17.6 billion to renew expiring section 8 contracts. This amount was $1.4 billion above the amount requested by the Administration to renew existing vouchers."

Congress went out of its way to make sure that adequate funding was available to renew all vouchers, even adding an additional $1.4 billion in these difficult budget times to make sure no one would lose their section 8 voucher. What is HUD done with this money?

But the administration doesn't care what Congress intended with regard to this program. They remain committed to their ideological goal of ending the section 8 voucher program, and shredding the safety net.

Last year, the administration proposed block granting the section 8 program so they could shift more of the responsibility for housing the elderly, the disabled, and the poor onto the State and local governments and reduce Federal spending on this critically important program.

On a bipartisan basis, Congress rejected that radical proposal, because it would have provided fewer resources and contained perverse incentives.

It would have actually rewarded housing agencies for terminating assistance for the poorest citizens and replacing it with assistance to people in less need. These "compassionate conservatives" described this new ability to ignore the truly neediest as a type of "flexibility."

The flexibility to abandon people, I guess.

But despite Congress's complete rejection of the proposal, the administration is not about to concede defeat.

If Congress will not accede to its demand to dismantle the 30-year-old section 8 program, HUD will do its best to ruin it administratively. And with this notification, HUD is attempting to do just that.

They can't win the battle of ideas in an open and full debate. So they are trying to win it deviously by simply undermining the program's integrity.

We know a Trojan Horse when we see it.

Here is how they are using it on section 8 vouchers.

First, HUD changes the rules in the middle of the fiscal year so that public housing agencies have to take drastic and truly brutal measures to comply, such as throwing people off public housing.

Then HUD blames the public housing agencies for being mismanaged.

In other words, HUD claims that public housing agencies are at fault for not having budgeted the resources to comply with HUD's unexpected policy change.

HUD has already begun condemning the public housing agencies for not maintaining adequate reserves to offset this most recent HUD-manufactured financial crisis. HUD does this event though it knows that over 800 public housing agencies serving 690,000 people have already depleted their reserves to address other HUD policy changes or funding shortfalls in the past 2 years.

HUD intends to use this funding crisis to claim that public housing agencies can't manage their programs effectively, compassionately, and efficiently.

Once the horror stories start about people losing their vouchers and landlords leaving the program, HUD can then declare the existing program a failure and revive its block grant proposal that Congress has already flatly rejected before.

This is not an academic issue.

Real people are about to suffer for HUD's actions. Many are elderly, many are disabled. They deserve to be treated with respect and compassion, which is in short supply in this administration.

HUD is about to impose these immense hardships on those of our constituents who need our help the most.

The administration may not care that low-income, elderly, and disabled Americans are being needlessly hurt, but this Senate does, and we need to join together to fight these changes before this crisis gets any worse.

IN RECOGNITION OF THE BIRTHDAY OF WILLIAM SHAKESPEARE

Mr. HATCH. Mr. President, I would like to pay tribute today to one of the world's greatest poets, whose immortal words have universal appeal. This month marks the 440th anniversary of William Shakespeare's birth on April 23, 1564. His influence has been so great in our country's cultural tradition that from our earliest days as a Nation the two books most often found in American homes were the Bible and the Complete Works of William Shakespeare. Throughout our history up to the present day, Shakespeare plays have delighted audiences and inspired many.

I do not have the time to detail all of the universal works and contributions to our culture and language provided by this great writer and poet. I do however, want to highlight today two groups among hundreds across the country that are devoting their time and energy in praise of William Shakespeare.

The first group, I am proud to say is in my home state of Utah—the Utah Shakespearean Festival. This festival is held each year in Cedar City, UT; and is one of the premier festivals of its kind in America. The ideals and dreams that were the embodiment of William Shakespeare are recaptured for audiences who have the privilege of attending. It began as a dream of Fred C. Adams, a young actor with a love of Shakespeare and a desire to produce great theater. It has grown tremendously from its inception in 1959 in which 3,276 spectators were entertained watching The Taming of the Shrew, Hamlet and The Merchant of Venice to its present-day success in 2003 in which 150,000 ticket-holders viewed 185 performances in 2 landmark theaters.

The economic impact of the festival on Cedar City and the surrounding area is immense. It stands as a monument of success to the traditions of Shakespeare and his plays. In fact, in 2000 the festival was awarded the coveted Tony Award for America's Outstanding Regional Theater, an honor truly deserving and treasured.

The second group I have recently become acquainted with is the American Friends of the Shakespeare Birthplace Trust which supports programs to preserve the heritage and properties of Shakespeare in Stratford-Upon-Avon, UK. Many U.S. institutions focus on the theater, but this group, headed by John Chwat in Washington, DC, works with the trustees in Stratford keeping the homes of Shakespeare's birth, Ann Hathaway's Cottage, Mary Arden's house and Hall's croft preserved. With the support of the Newington-Cropsey Foundation, Hastings-on Hudson, they have placed four of eight bronze monuments by Greg Wyatt depicting the text and imagery of Shakespeare's plays—King Lear, Hamlet, Julius Caesar and The Tempest—in the "Great Garden" at New Place where Shakespeare spent his last days and wrote The Tempest. They also sponsor summer sessions at Stratford for Columbia, Georgetown, and other American universities.

Thank you for this opportunity to salute both the Utah Shakespearean Festival and its officials, sponsors, workers, and visitors as well as the board of directors of the American Friends of the Shakespeare Birthplace Trust and the distinguished trustees in Stratford-Upon-Avon passionately working to preserve Shakespeare's heritage. I want to end with a passage I particularly like from Hamlet, which is displayed in bronze text in one of Greg Wyatt's sculptures. It reads:

> What a piece of work is a man! How noble in
> Reason, how infinite in faculty, in form, and
> moving, how express and admirable, in action
> how like an angel, in apprehension and how like a
> god the beauty of the world, the paragon of animals.

Mr. DODD. Mr. President, I rise today to honor a truly singular figure in history, an individual whose very name has become synonymous with poetry and theater, William Shakespeare. This past week marked the 440th anniversary of William Shakespeare's birth in 1564.

Nearly four centuries after his death, William Shakespeare's impact remains a resounding one, here in America and around the world. His works range from uproarious comedies to tragedies that move audiences and readers to tears. He continues to remind us both of the greatness of which man is capable, and the frailties which too often prevent us from realizing our potential.

Shakespeare's prolific and outstanding career is virtually unmatched in the history of Western literature and drama. Perhaps the most telling illustration of the magnitude of Shakespeare's work is that the two books most often found in American homes are the Bible and the Complete Works of William Shakespeare.

I am pleased to note that my home State of Connecticut is home to a number of Shakespeare theaters and festivals. Shakespeare on the Sound in Norwalk will entertain 10,000 people over the course of this summer. The Elm Shakespeare Company in New Haven now draws about 30,000 people per production. And Stratford, named after the town where Shakespeare was born, is currently in the process of renovating its landmark Shakespeare theater, which will hopefully reopen this coming summer.

I would also like to recognize the Shakespeare Birthplace Trust, an organization that works to perpetuate Shakespeare's legacy and to preserve his estates in Stratford-upon-Avon in the United Kingdom. Here in the United States, the American Friends of the Shakespeare Birthplace Trust work to support the Trust's goals. Together with the Newington-Cropsey Foundation, located in Hastings-on-Hudson, NY, they have placed four of what will ultimately be eight bronze monuments by the sculptor Greg Wyatt in the "Great Garden" at New Place, where Shakespeare spent his last days and wrote The Tempest. Replicas of those sculptures, each of which represents a particular Shakespeare work, have been presented to the Folger Shakespeare Library here in Washington. The American Friends of the Shakespeare Birthplace Trust also sponsor student summer sessions at Stratford for Columbia, Georgetown, and other American universities.

I applaud the American Friends of the Shakespeare Birthplace Trust for all the work they do. And I salute all those in Connecticut and around the world who strive to keep the name and works of William Shakespeare alive and well today. With their help, Shakespeare's words, both in print and on stage, will continue to inspire millions for many, many years to come.

PRESIDENT DOS SANTOS'S VISIT TO WASHINGTON

Mr. LEAHY. Mr. President, on May 12, Angolan President Jose Eduardo dos Santos is planning to visit Washington for meetings with President Bush and other top administration officials. I mention this because welcoming President dos Santos to the United States is contrary to President Bush's January 12, 2004, proclamation barring corrupt foreign officials from entering the United States.

President Bush's proclamation suspends entry into the United States of public officials, and their spouses, children, and dependents, if their "solicitation or acceptance of any article of monetary value, or other benefit, in exchange for any act or omission in the performance of their public functions has or had serious adverse effects on the national interests of the United States." It also bars officials "whose misappropriation of public funds or interference with the judicial, electoral, or other public processes" has harmed the national interest.

If this standard does not apply to President dos Santos, it is hard to imagine to whom it could apply. He presides over one of the world's most corrupt governments. The IMF has concluded that between 1997 and 2002, Angola could not account for the expenditure of $4.2 billion in public funds, attributing this loss—equivalent to 10 percent of Angola's GDP—in substantial part to high-level corruption.

In a corruption trial in France in 2003, the former head of the oil company Elf Aquitaine testified that President dos Santos had received large bribes from the company. According to the Intelligence Unit of "The Economist" magazine, President dos Santos tops the list of the richest men in Angola, one of Africa's poorest countries.

President Bush's proclamation states that corruption is a threat to U.S. national interests when it has serious adverse effects on, among other things, "U.S. foreign assistance goals . . . or the stability of democratic institutions and nations." I could not agree more. Massive corruption has clearly had these effects in Angola. To protect their ability to misappropriate public funds, Angolan leaders have limited press freedom, intimidated the judiciary, and resisted democratic and economic reforms. Moreover, they have refused to spend the country's oil revenues to lift their people from poverty. Half of Angola's children are malnourished even as government officials amass fortunes.

President Bush's proclamation states that persons to be barred entry for corruption, as well as those whose entry would not be contrary to the national interest, "shall be identified by the Secretary of State or the Secretary's designee, in his or her sole discretion, pursuant to such standards and procedures as the Secretary may establish." If the Secretary has not yet acted to establish clear and consistent standards and procedures for making these determinations, he needs to act promptly. And whether he has or not, the policy behind President Bush's proclamation should be applied to the visit of President dos Santos and other Angolan officials.

I strongly agree with President Bush that the corruption of public institutions threatens United States "efforts to promote security and to strengthen democratic institutions and free market systems." As I have said before, corruption is like a cancer. It is the biggest obstacle to development—from Indonesia to Guatemala, from Nigeria to Pakistan. It undermines virtually everything we are trying to do through the Foreign Operations budget.

Fortunately, some leaders are trying to stop it, such as President Bolanos of Nicaragua, and we should do everything possible to support him and people like him, by prosecuting corrupt officials for money laundering or other violations of U.S. law, and by denying them visas to the United States.

Again, I commend President Bush for his proclamation and urge the Secretary of State to implement it vigorously.

CELEBRATION OF LIFE DONOR MONUMENT

Mr. HATCH. Mr. President, I have the privilege today of honoring a unique and extraordinary group of people organ donors. In Utah this week a very special monument is being dedicated to the memories and sacrifices of many Utah families who have given others a new chance at life. The Celebration of Life Monument at Salt Lake City's new Library Square will stand as a testament to the many heroes whose organs have been donated. The monument will also serve as a beautiful, peaceful, and serene place for people to visit and hopefully feel inspired by the gift of organ donation.

Visitors to the monument will be surrounded by three glass serpentine Walls of Honor inscribed with the names of organ, eye, and tissue donors; super blood donors; and body research donors. Five life-sized bronze statues of recipients will also grace the grounds of the monument which were sculpted by the very talented Utah artist, Gary Price. These statues represent the impact organ donation has on people of every culture and age who are given a second chance for life by the sacrifice of others. In addition, guests will also be able to enjoy a beautiful water fountain in the center of the monument symbolizing the renewal of life and the ripple effects of donation.

It is important to note that one organ donor can save the lives of nine people. In addition, a single eye and tissue donor can restore sight to two people and enhance the lives of up to 50 more. What a wonderful legacy to leave behind. To actually save and enhance the lives of so many others is almost beyond compare.

Someone once said, "If today brings even one choice your way, choose to be a bringer of the light." Thousands of families each year across America choose to be "bringers of the light." To the loved ones and family members who are faced with the agonizing decision to share the gift of organ donation at the very same time they are faced with the death of someone they love and cherish, I want to say a very simple and heart-felt "thank you." Thank you for your choice, for your sacrifice, and for your precious gift. Your gift has helped thousands of people live another day to experience the joys of life, people who can now see the face of their child, and people who can now experience the ultimate blessing of good health and strength. Your precious gift is sacred and inspiring.

I sincerely hope that the presence of this new monument in Salt Lake City will motivate and educate people across our State and Nation to register as an organ donor and prepare themselves and their loved ones for what may be the ultimate gift of life. Utahns can do this by visiting the web site www.yesutah.org and register; or by call (866)—YES–UTAH. I truly believe that out of the tears of tragedy; comfort can be found in organ donation. Our lives can be extended through the eyes, skin, blood, and organs of others.

I want to sincerely congratulate all of those who have shared their tears and joy through building this wonderful monument. Many people and organizations in Utah have toiled for several years to make this dream a reality. May the people who visit be stirred by the names and memories of those who are named there, and may the peace of this monument inspire many to register to become an organ donor. I have always been touched by the quote, "To the world you may be one person, but to one person . . . you may be the world." Any of us can be "the world" for someone special through organ donation.

A MARCH FOR WOMEN'S LIVES

Mrs. FEINSTEIN. Mr. President, at the "March for Women's Lives" yesterday, I joined the hundreds of thousands of women from across the United States and the world to show support for a woman's right to choose and for access to reproductive health services.

This demonstration comes at a time when women's reproductive rights are in immediate danger. Not only has President Bush done more to roll back women's reproductive health than any president in history, opponents of abortion in Congress have made advances in the assault on the right to choose.

In the past decade, Congress has voted on choice related issues 168 times. Women lost in 136 of those votes.

As if these attacks themselves were not disturbing enough, the fact that they have gone largely unnoticed and unchallenged is even more alarming.

That is why, now, more than ever since Roe v. Wade, it is vital to show President Bush and his friends in Congress that we will fight to maintain women's reproductive rights and access to health care in America.

Since the day George W. Bush took office, his administration has been systematically chipping away at women's reproductive rights.

One of his first acts as President was to reinstate the global gag rule, which prevents U.S. foreign aid from funding any overseas clinic that performs or counsels women on abortion.

The Bush Administration has announced at international conferences that the United States believes that life begins at conception.

They have canceled the United States' contribution to the United Nations' family planning program.

Instead, they have promoted abstinence-only sex education for young people both here and abroad, even though their success at preventing pregnancy and the spread of sexually transmitted diseases has been questioned.

George W. Bush has also consistently nominated judicial candidates who oppose a woman's right to choose to lifetime appointments on the Federal bench.

Just this month, he signed the Unborn Victims of Violence Act, which, for the first time, puts into Federal law the concept that life begins at conception. This will, in effect, grant a fetus or even a fertilized egg separate rights as a person and can now be used legally to further chip away at a woman's constitutional right to choose.

I offered an alternative to this bill that would have provided the same effect and punishment for offenders in criminal law, but did not address the profound and deeply divisive question of when life begins.

The President also approved a ban on so-called partial birth abortions, which is the first law outlawing abortion since the Roe v. Wade decision. It is also the first time that a medical procedure has ever been criminalized.

This unconstitutional law has not yet been enforced because of lawsuits pending against it in Federal courts in San Francisco, New York and Lincoln, NE.

In disregard for people's privacy, U.S. Justice Department attorneys defending the law have attempted to compel two doctors to turn over private patient abortion records.

Who knows where it will stop? We are on a slippery slope toward granting fetuses greater rights than the mothers who carry them. It may not be long before common forms of contraception, in-vitro fertilization and stem-cell research are banned in the name of the unborn.

These Federal laws, along with more than 350 anti-choice measures enacted by States, are setting legal precedents that abortion opponents will use to challenge Roe v. Wade, which is perilously close to being overturned.

The Supreme Court appears to be only one vote away from reversing Roe v. Wade and taking the decision to have an abortion away from a woman and her doctor and putting it in the hands of politicians.

It is entirely possible that abortion will once again be illegal in this country.

For many women, it has been easy to take the right to choose for granted, because it is all they have ever known.

I remember a time, however, when an estimated 1.2 million women each year resorted to illegal, back alley abortions despite the possibility of death and infection.

I remember that time very vividly. In college during the 1950s, I knew young women who found themselves pregnant with no options. I even knew a woman who committed suicide because she was pregnant and abortion was illegal in the United States.

I also remember the passing of a collection plate in my college dormitory so that another friend could go to Mexico for an abortion.

That is why it is so important to show President Bush that we will NOT just stand back and do nothing while women's rights are taken away.

Women have a fundamental right to determine when and whether to become a mother. The Government should not be able to take that right away.

We cannot go back to a time without choice.

PAUL OFFNER

Mr. BAUCUS. Mr. President, I wish to mark the passing of an outstanding public servant, former member of the Senate community, former staffer to Senators, and former staffer for the Senate Finance Committee—Paul Offner.

Born in Bennington, VT, Paul spent part of his childhood in Florence, Italy. He earned a bachelor's degree from Amherst College, a master's degree from Princeton University's Woodrow Wilson School of Public and International Affairs, and a doctorate in economics from Princeton.

After this outstanding education, Paul began his career in public service with the U.S. Senate, serving as a legislative assistant to Senator Gaylord Nelson of Wisconsin.

Paul had caught the political bug. He decided to run for office himself, seeking to represent the people of La

Crosse, Wisconsin, in the State legislature. That showed that Paul didn't shrink from tough odds, as he ran as a Democrat in La Crosse, a city that had not elected a Democrat for quite some time. Paul proved a natural campaigner. He had a great slogan: "Vote once. Vote Offner."

Winning that election, Paul served in the Wisconsin State legislature, and then in the Wisconsin Senate. He established himself as an expert on the challenging area of health care and health insurance.

In the early 1980s, Paul ran for Lieutenant Governor and for Congress, but those elections did not work out for him. Fortunately for us, he stuck to his career in public service nonetheless.

In 1990, Paul returned to work for the U.S. Senate, serving as senior legislative assistant for health and human services for Senator Daniel Patrick Moynihan of New York. Staff for Senator Moynihan recall that from their very first meeting, Senator Moynihan regarded the staffer with the Princeton doctorate as a colleague.

Paul became one of the leading national voices in welfare and health policy. After President Clinton won the 1992 Presidential election, Paul coordinated the Clinton transition team's welfare reform policies.

When Senator Moynihan became chairman of the Finance Committee, Paul became the committee's chief health and welfare counselor. Having served as chairman and ranking minority member of the Finance Committee, I know that Paul's position was a demanding one. Paul handled it well during the important year when Congress enacted President Clinton's first budget, in 1993. That budget set the pattern that led to 8 years of economic growth and the creation of more than 20 million new jobs.

Paul served with the Clinton White House Health Care Task Force, which tried to extend health benefits to millions of uninsured Americans. The task force did not succeed then, but they fought an important fight. We will need to revisit that important task again, before long.

During the debate on welfare reform in the mid-1990s, Paul contributed a series of prominent articles. He influenced the national debate.

When the Republicans took control of the Senate with the 1994 election, Mayor Marion Barry asked him to become the commissioner of health care finance for Washington, DC. One need not be a critic of Washington to know that when Paul took on the job of running Medicaid for the District of Columbia, he took on as thankless and difficult a task as there is. And he did it well.

He went on to work at Georgetown University and the Urban Institute. In recent years, he focused on the situation of young Black men in America, arguing that society needs to make a greater effort to improve their chances of making it.

It tells you something about Paul that while he was working hard at high-powered Capitol Hill jobs, he also served as a dedicated tutor to school kids in the District. He was a volunteer tutor for the Friends of Tyler School, a public elementary school not far from the Capitol building in Southeast Washington, DC.

People will tell you that Paul had a tremendous intellect, a caring heart, and a quick wit. He was the kind of person who went through the policy wars enough to be a skeptic, but was still in there pitching, trying to make things better.

"He believed in public service," said Molly Collins Offner, his wife of 8 years. "Accomplishing good and making the world better was key for him," she said.

The noblest human endeavor is to serve our fellow man. It can be service to church, to community, to family, to spouse, to children. Paul Offner served.

Members of the House and the Senate who serve also get the benefit and gratification of seeing their names in newspapers and their faces on TV. But dedicated professionals such as Paul work very hard behind the scenes, often with little or no recognition. I recognize the central role that Paul Offner played.

Paul passed away last week, and was remembered this past weekend at a Mass of Christian Burial not far from here on Capitol Hill. He will be remembered by his wife Molly Collins Offner, daughter Mary Shu Yu Offner, and sister Antoinette Gerry. But he will also be remembered by a thankful U.S. Senate community. And for years to come, he will be thanked by millions of Americans whose lives will have been made better for his having lived, but who never knew his name.

50TH ANNIVERSARY OF THE SALK POLIO VACCINE FIELD TRIALS

Mr. DURBIN. Mr. President, this coming Monday is the 50th anniversary of the Salk polio vaccine field trials.

On April 26, in conjunction with National Immunization Week, the March of Dimes will commemorate the development of the Salk polio vaccine.

This day holds great significance for our Nation. Fifty years ago, the first dose of the Salk vaccine was distributed to children at Franklin Sherman Elementary school in McLean, VA as part of the National Field Trial program. In the following months, more than 1 million school children participated in these trials, making this the largest peacetime volunteer mobilization in United States history.

National Immunization week, which was established by the Centers for Disease Control and Prevention, is an opportune time to emphasize the importance of immunizations. In April of every year since 1993, dedicated people across the country have joined forces with State and local health departments, health care providers, and other partners to deliver this immunization message.

Immunization against vaccine-preventable disease is one of the most effective health care and public health tools developed in the 20th century. Advances in technology and widespread immunization efforts have led to an all-time record low in the infection rate for diseases that once devastated entire communities. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and the number of cases of other infectious diseases has been reduced to record lows.

We have learned a vast amount about the importance of immunizing children and adults in this country since the creation of the Salk vaccine. However, there is still work to be done. Though overall immunization levels in the United States have been improving, levels in many parts of the country remain dangerously low. According to a 2001 National Immunization Survey Conducted by the Centers for Disease Control and Prevention, only 77 percent of our Nation's children are fully immunized by age 2. Tragically, levels in some areas of the country are as low as 55 percent.

The Salk vaccine could not have ended the scourge of polio in American without a concerted Federal effort to provide it to all of our citizens. I hope that my colleagues will join me in continuing and expanding Federal support for immunization efforts.

ADDITIONAL STATEMENTS

TRIBUTE TO THE UNIVERSITY OF ALABAMA SCHOOL OF LAW

• Mr. SHELBY. Mr. President, I rise today to recognize the University of Alabama School of Law for their outstanding ranking among the country's law schools. U.S. News and World Report recently released its annual list of the Top 100 Law Schools, and ranked the University of Alabama School of Law fortieth in the Nation. This ranking places the Law School in the top tier of law schools nationwide, which is phenomenal considering the institution was ranked in the third tier just 8 years ago in 1996. As a graduate of the law school myself, I am proud to see their elevation to one of the premier law schools in the Nation.

I believe that much of the school's success must be attributed to the dean of the Law School, Kenneth Randall. Dean Randall holds four law degrees, including a doctorate from the Columbia University School of Law, 1988; a master's from Columbia, 1985; a master's from Yale University, 1982; and a juris doctor degree from Hofstra University, 1981. Additionally, Dean Randall received a bachelor of arts degree in English literature from Aldelphi University on Long Island. Indeed, his educational background is outstanding, and he has demonstrated a true enthusiasm for the law.

Since taking the reins as dean in 1993, Dean Randall has provided a clear vision for the institution. He takes great pride in the success of the law school, and has done so since joining the faculty in 1985. I am hopeful that his career path keeps him here in Tuscaloosa for many years to come.

The education of our young people is critical to the success of our Nation, and the University of Alabama School of Law is committed to providing students with the tools necessary to succeed. I believe the dedication of Dean Randall, the administration, faculty, and alumni has created an environment that allows students to achieve their goals and exceed their own expectations.

I extend my sincerest congratulations to the University of Alabama School of Law for its remarkable success and look forward to celebrating more achievements in the future.●

NATIONAL MINORITY CANCER AWARENESS WEEK

● Ms. LANDRIEU. In my State of Louisiana, 23,540 new cancer cases will be diagnosed this year and 9,700 members of my community will die from cancer. Children will lose mothers to breast cancer. Wives will lose husbands to prostate cancer. These tremendous losses are devastating to both families and communities. Despite all of the progress that has been made in the battle against cancer, some populations are disproportionately affected by the burden of this disease.

African Americans have the highest death rate for all cancers. Cancer is also the leading cause of death for Asian-American women. African-American, American-Indian, Alaska Native, Asian-American, and Pacific Islander men all have a lower 5-year survival rate than non-Hispanic white males. This disparity is partially attributed to the fact that preventive services are not as easily accessible for these populations. The consequences of inadequate access to preventive services and early detection are that diseases like cancer are more often diagnosed at later stages when the severity is likely to be greater and options for treatment and the odds of survival are decreased. The demographic changes expected over the next decade will only magnify the urgency of addressing these health disparities.

The future health of America as a whole will be influenced substantially by our success in improving the health of minority and other medically underserved populations. To address these disparities, Congress must provide adequate funding for screening, prevention, and treatment services for minority and underserved populations. We must continue to fund research through the National Cancer Institute that will help to provide better prevention, diagnosis, and treatment of cancer in all populations.

There are many organizations and individuals in my State of Louisiana working tirelessly to address these health disparities and to improve the quality of life for all Americans. Because last week was National Minority Cancer Awareness Week, I would like to take this opportunity to commend these organizations and individuals for all of their efforts. Together with my colleagues in Congress, I am confident that one day we can reduce and ultimately eliminate the disparate burden of cancer and all other diseases on minority and medically underserved communities.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

An in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2844. To require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2348. A bill to extend the Internet Tax Freedom Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 1910. A bill to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land (Rept. No. 108–254).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 620. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park (Rept. No. 108–255).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 2346. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VOINOVICH (for himself, Mr. DURBIN, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 2347. A bill to amend the District of Columbia Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act; to the Committee on Governmental Affairs.

By Mr. ENZI (for himself and Mrs. FEINSTEIN):

S. 2348. A bill to extend the Internet Tax Freedom Act; read the first time.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 2349. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. DORGAN):

S.J. Res. 34. A joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 737

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 737, a bill to amend title 37, United States Code, to increase the rate of imminent danger special pay and the amount of the family separation allowance.

S. 788

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 788, a bill to enable the United States to maintain its leadership in aeronautics and aviation.

S. 846

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 955

At the request of Mr. ALLEN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 955, a bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

S. 971

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 971, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from California (Mrs. BOXER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1115

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1115, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1784

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1784, a bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

S. 1820

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1820, a bill to authorize the States to implement such mechanisms as are necessary to ensure the continuity of Congress in the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated.

S. 1833

At the request of Mr. DASCHLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1833, a bill to improve the health of minority individuals.

S. 1900

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1932

At the request of Mr. CORNYN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1932, a bill to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

S. 1999

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1999, a bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for medicare prescription drugs.

S. 2020

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2020, a bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2031

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2031, a bill to authorize the States to implement such mechanisms as are necessary in a time of national crisis to ensure the continuity of the Senate in the event that a quorum of the Senate is not present due to the inability of members of the Senate to discharge the powers and duties of their office.

S. 2099

At the request of Mr. MILLER, the names of the Senator from Missouri (Mr. BOND) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the names of the Senator from Missouri (Mr. BOND) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2236

At the request of Ms. CANTWELL, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2236, a bill to enhance the reliability of the electric system.

S. 2264

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2264, a bill to require a report on the conflict in Uganda, and for other purposes.

S. 2269

At the request of Mr. BOND, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2269, a bill to improve environmental enforcement and security.

S. 2292

At the request of Mr. VOINOVICH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2302

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2328

At the request of Mr. DORGAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2335

At the request of Mr. REED, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2335, a bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes.

S.J. RES. 23

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 23, a joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated.

S.J. RES. 33

At the request of Mr. BROWNBACK, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S. CON. RES. 78

At the request of Mr. LIEBERMAN, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 78, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 310

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. Res. 310, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 310, supra.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 330

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 330, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ('OPEC') cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

S. RES. 332

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 336

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 336, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2004.

S. RES. 342

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 342, a resolution designating April 30, 2004, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2346. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Safety and Protection Act. My legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally.

Over 30 years ago, Congress passed the Animal Welfare Act (AWA) authorizing the Secretary of Agriculture to set and enforce standards protecting animals used in biomedical research, bred for commercial sale, exhibited to the public, or commercially transported from inhumane treatment. Despite the well-meaning intentions of the AWA and the enforcement efforts of the U.S. Department of Agriculture (USDA), the Act fails to provide reliable protection against the actions of some unethical animal dealers.

Under the AWA, Class B animal dealers are defined as individuals whose business includes the purchase, sale, or transport of animals in commerce, including dogs and cats intended for use at research facilities. To the dismay of animal welfare advocates and pet owners, some Class B, or "random source," dealers have resorted to theft and deception to collect animals for resale. In many instances these animals were found living under inhumane conditions.

As recently as August of 2003, USDA agents executed a warrant to investigate a Class B dealer from Arkansas suspected of violations of the AWA for the second time in several years. Many claims have been levied against this dealer, and approximately 125 dogs were seized by Federal agents during this week-long search. The investigation of this facility is ongoing, and an indictment is pending.

The complaint being investigated by the USDA against the dealer alleges that the respondents' veterinarian provided for them falsified official health certificates for cats and dogs, and also provided them with blank, undated, and signed health certificates. It is also alleged that the dealer failed to provide the barest standards of care, husbandry, and housing for the animals on the premises. The undercover investigation of this facility has revealed that its proprietors were aware that some of the companion animals brought to the facility were stolen, and also revealed a list of over 50 "bunchers," individuals who obtain animals and sell them to "random source" animal dealers. Bunchers have a variety of methods of obtaining companion animals, including responding to newspaper ads offering free animals, trespassing on private property to abduct the animals from yards, and house burglaries.

Inadequate veterinary care is one of the worst violations of the AWA committed against these animals. The expense for quality veterinary care is one that irresponsible Class B dealers do not wish to incur, and animals often die as a result of their untreated injuries or diseases. This was one of the violations uncovered by the investigation, and often resulted from another violation of the AWA that requires compatible grouping of animals. Vicious or diseased animals were not separated from the general population and posed a risk to all of the animals housed with them. In addition, this particular dealer also provided inadequate housing facilities that exposed the animals to injury from sharp wires. Fecal waste was allowed to accumulate in the housing facility, and often dead dogs were left where they fell in cages with other living animals. Food receptacles were found to be contaminated with moldy and rotten food, and potable water was not readily available to the animals. All of these are direct violations of the Animal Welfare Act. In addition to neglect, these animals often suffer abuse at the hands of dealers. Evidence of gross cruelty is being uncovered while the USDA continues to investigate this case.

The Pet Safety and Protection Act strengthens the AWA by prohibiting the use of Class B dealers as suppliers of dogs and cats to research laboratories. My legislation would not be a burden on research facilities because only two percent of the approximately 2,051 Class B dealers in the United States currently sell cats and dogs to research facilities. I am not here to argue whether animals should or should not be used in research. Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against cancer, Alzheimer's, tuberculosis, AIDS, and a host of other life-threatening diseases. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities and the poor treatment of these animals by some Class B dealers.

My legislation preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the AWA. Legitimate sources for animals include USDA-licensed Class A dealers, breeders, and research facilities, municipal pounds and shelters, and legitimate pet owners who want to donate their animals to research. These sources are capable of meeting the demand for research animals. The National Institutes of Health, in an effort to curb abuse and deception, have already adopted policies against the acquisition of dogs and cats from Class B dealers.

The Pet Safety and Protection Act also reduces the Department of Agriculture's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, thousands of dollars are spent on regulating dealers. To discourage any future violations of the AWA, my bill increases the penalties to a minimum of $1,000 per violation.

I reiterate that this bill in no way impairs or impedes research, but will end the fraudulent practices of some Class B dealers, as well as the unnecessary suffering of these animals in their care. I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pet Safety and Protection Act of 2004".

SEC. 2. PROTECTION OF PETS.

(a) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

"SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.

"(a) DEFINITION OF PERSON.—In this section, the term 'person' means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

"(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

"(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

"(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

"(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

"(2) a publicly owned and operated pound or shelter that—

"(A) is registered with the Secretary;

"(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

"(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

"(3) a person that is donating the dog or cat and that—

"(A) bred and raised the dog or cat; or

"(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

"(4) a research facility licensed by the Secretary; and

"(5) a Federal research facility licensed by the Secretary.

"(e) PENALTIES.—

"(1) IN GENERAL.—A person that violates this section shall be fined $1,000 for each violation.

"(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty.

"(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.".

(b) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking "Sec. 8. No department" and inserting the following:

"SEC. 8. FEDERAL RESEARCH FACILITIES.

"Except as provided in section 7, no department";

(2) by striking "research or experimentation or"; and

(3) by striking "such purposes" and inserting "that purpose".

(c) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking "individual or entity" and inserting "research facility or Federal research facility".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 take effect on the date that is 90 days after the date of enactment of this Act.

By Mr. VOINOVICH (for himself, Mr. DURBIN, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 2347. A bill to amend the District of Columbia Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act; to the Committee on Governmental Affairs.

Mr. VOINOVICH. Mr. President, leveling the playing field for high school graduates in the District of Columbia continues to be a top priority of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia which I chair. Today I would like to highlight the tremendous impact the District of Columbia Tuition Assistance Program—D.C. TAG—has had on promoting higher education for high school graduates in the Nation's Capital and introduce legislation that would permanently authorize the District of Columbia College Access Act of 1999.

In 1999, I worked with the House and fellow Senators JEFFORDS and DURBIN to craft the District of Columbia College Access Act which was signed into law on November 12, 1999. Soon after, under the direction of Mayor Anthony Williams, the D.C. TAG Program was created to implement this important legislation. The first grants were awarded in 2000.

The aim of the Program was to afford D.C. high school graduates the same opportunity that high school seniors in each of the 50 States have, the ability to attend public universities and colleges at in-State tuition rates in all 50 States and participating private schools—Historically Black Colleges and Universities (HBCU) nationwide or private colleges or universities in Virginia or Maryland. The program has made it possible for D.C. residents to attend college who did not have access to similar State-supported systems.

The D.C. TAG scholarships are used by D.C. residents to pay the difference between in-State and out-of-State tuition, up to $10,000 per student per school year with a cumulative cap of $50,000 per student. In addition, as of March 2002, D.C. residents attending participating private institutions started receiving tuition grants under the program of $2,500 per student per school year with a cumulative cap of $12,500 per student.

To date, D.C. TAG has dispersed more than $63 million to a total of 6,527 students, many of whom are the first in their family to attend college. All current high school students who are D.C. residents are eligible for these scholarships and participation is increasing.

The powerful impact of the program on high school graduates continuing on to college is hard to deny. Data from the Department of Education's Integrated Postsecondary Education Data System show that the number of D.C. high school graduates continuing on to college increased from 1,750 in 1998 to 2,230 in 2002. That's a 28 percent increase since the program was created. This is the highest level of college attendance of District students and exceeds the national average, over the same period, of a 5-percent increase.

Mayor Williams stated that "No State in the Union can make that claim. This unprecedented figure is due in large part, if not almost exclusively, I believe, to D.C. TAG."

According to a survey conducted by the D.C. TAG Office, the grants have become an essential part of higher education planning for D.C. residents. The majority of students who have received assistance through the program have indicated that the existence of the grants made a difference in their decision to attend college, and also played a role in deciding which college to attend.

It is important for my colleagues to know that thousands of D.C. students have taken advantage of this program. It can help to turn around years of economic and educational despair in the District.

We are now coming to the end of the 5-year authorization for the program which expires in November 2005. Because of this and the success of the program, Senators DURBIN, JEFFORDS, LIEBERMAN, and I are introducing this bill to permanently reauthorize the D.C. College Access Act.

In closing I would like to quote two D.C. Residents. La Rue Purry, currently a freshman at the University of Alabama states that "This program gave me the opportunity to get the education I always wanted, the education my family couldn't have provided for me."

Brian Ford, a former D.C. TAG recipient, who testified at the House committee on Government Reform Hearing on March 25, 2004, stated that "The D.C. Tuition Assistance Program is a necessity for the city of Washington, DC, and for its residents. I urge Congress to please continue to provide financial support to the D.C. TAG program so one day students like myself can have a college diploma hanging on the wall for the world to see."

I urge all of my colleagues to support this legislation and I'm confident that it can be enacted this year. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.

(a) PUBLIC SCHOOL PROGRAM.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec. 38—2702(i), D.C. Official Code) is amended by striking "each of the five succeeding fiscal years" and inserting "each succeeding fiscal year".

(b) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38—2704(f), D.C. Official Code) is amended by striking "each of the five succeeding fiscal years" and inserting "each succeeding fiscal year".

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 2349. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce S. 2349, "The Playwrights Licensing Antitrust Initiative" or "PLAI [play] Act."

This legislation is designed to ensure the continued vitality of American theater. When the theater is crowded and the curtain rises, it is easy to forget that the entire show began with one person: the lone playwright who put pen to paper. While this artistic independence—and the individual expression it fosters—are absolutely central to the continuing vitality of quality live theater in America, it has resulted in individual playwrights being increasingly forced into a situation where they bargain alone against corporate behemoths and organized labor groups over terms of compensation and artistic control when their works are performed on Broadway.

Due to the interaction of Federal labor law, the antitrust laws, and the Copyright Act, playwrights and their voluntary peer membership organization, the Dramatists Guild of America, operate under the shadow of possible antitrust litigation, which has substantially and detrimentally decreased their ability to coordinate their actions in protecting their artistic and financial interests. This has impeded the ability of playwrights to act collectively in dealing with highly-organized and unionized groups—such as actors, directors, and choreographers on the one hand—and the increasingly consolidated producers and investors on the other.

Playwrights contribute enduring, thoughtful entertainment and cultural enrichment to our lives. I know that many of my colleagues here in the Senate share my appreciation for the creative work they do. Despite the importance of their work, our current antitrust laws prevent them from negotiating a standard form contract for the production of their works. As a result, playwrights—who are frequently at a substantial bargaining disadvantage—are forced to accept contracts on a take it or leave it basis.

If we truly want the American stage to flourish, we must remedy this situation. The PLAI Act is a narrow measure that allows playwrights, composers and lyricists—through either the Dramatists Guild or any other voluntary peer organization—to act collectively in dealing with other industry groups that operate both under and behind the bright lights of the American stage.

The PLAI Act enables playwrights to act collectively without violating the antitrust laws. It allows these men and women to sit down with their creative colleagues in the industry to negotiate, adopt and implement a standard form contract for the production of their works. Actors, stagehands, directors, producers and venue owners of live theater—nearly all other theater workers and artists—already have this right. Importantly, this extends only to the adoption and implementation—but not any collective enforcement—of an updated standard form contract. Thus, it would merely allow dramatists to replace the terms of the current standard contract—which I am given to understand has remained virtually unchanged for several decades—with amended terms that reflect the changing business and artistic landscape on Broadway.

My hope is that the basic ability to develop a standard form contract as well as provisions ensuring that certain artists' rights are respected in the production of their plays will encourage young, struggling playwrights to continue working in the field. Too often, playwrights with great potential abandon their writing—or choose to write for a different audience or venue—because they are powerless to negotiate even minimum levels of compensation or artistic copyright protection for their work. William Shakespeare himself was paid no more than eight pounds apiece for his plays, and was not able to make his living from writing. This was, of course, back in the late 16th century.

We should not allow today's antitrust laws to be used to discourage some of our most creative citizens from pursuing careers in live theater. When talented individuals are pushed away from their craft because of the unintended consequences of legislation, it is incumbent upon those of us in Congress to set things right.

As a long time enthusiast of live theater, and a lyricist myself, I am proud to co-sponsor this bill. It is my belief that the PLAI Act will help foster the next Arthur Miller, the next Andrew Lloyd Webber, or the next Wendy Wasserstein. By helping playwrights in this way we encourage the continued vibrancy of American live theater and artistic and literary culture.

I commend my co-sponsor Senator KENNEDY for his efforts on this bill. His leadership and support represent a significant step forward in preserving the future of live theater in America. I urge my colleagues to join Senator KENNEDY and me in supporting the PLAI Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Playwrights Licensing Antitrust Initiative Act of 2004".

SEC. 2. NONAPPLICATION OF ANTITRUST LAWS.

(a) IN GENERAL.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement for the express purpose of, and limited to, the development of a standard form contract containing minimum terms of artistic protection and levels of compensation for playwrights by means of—

(1) meetings, discussions, and negotiations between or among playwrights or their representatives and producers or their representatives; or

(2) joint or collective voluntary actions for the limited purposes of developing a standard form contract by playwrights or their representatives.

(b) ADOPTION AND IMPLEMENTATION.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, or action for the express purpose of, and limited to, reaching a collective agreement among playwrights adopting a standard form contract developed pursuant to subsection (a) as the participating playwrights sole and exclusive means by which participating playwrights shall license their plays to producers.

(c) AMENDMENT OF CONTRACT.—A standard form of contract developed and implemented under subsections (a) and (b) shall be subject to amendment by individual playwrights and producers consistent with the terms of the standard form contract.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given it in section (a) of the first section of the Clayton Act (15 U.S.C. 12) except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(2) PLAYWRIGHT.—The term "playwright" means the author, composer, or lyricist of a dramatic or musical work intended to be performed on the speaking stage and shall include, where appropriate, the adapter of a work from another medium.

(3) PRODUCER.—The term "producer"—

(A) means any person who obtains the rights to present live stage productions of a play; and

(B) includes any person who presents a play as first class performances in major cities, as well as those who present plays in regional and not-for-profit theaters.

Mr. KENNEDY. Mr. President, it is a privilege to join in cosponsoring the Playwrights Licensing Antitrust Initiative Act, to permit the development of a standard, minimum contract for playwrights for the licensing and production of their work.

The bill will provide needed protection for playwrights whose work is the creative force behind so many memorable successes in the Nation's performing arts. The stunning creations that millions of Americans enjoy on Broadway, Off Broadway, and in local communities across the country reflect the special genius of our creative artists. They express our Nation's hopes, disappointments, achievements and its challenges for the years ahead.

If you travel to New York this week, you can attend any one of dozens of shows to entertain or enlighten us. There are classic musical productions—shows that we have loved all our lives such as Gypsy and 42nd Street and Fiddler on the Roof, and more recently, The Producers. There are other dramatic works on issues that are important to each of us—about personal struggles and individual achievement and growth, about immigration and race relations—Bridge and Tunnel, The Tricky Part and Caroline, or Change. They are the new classics from the emerging voices of theater.

The men and women who write these shows should be fairly compensated for their creative achievements. The bill that Senator HATCH and I introduce today will provide a measure of greater fairness for them. Currently, they are prohibited from entering into any collective negotiation for compensation or control of their work. Because they are not members of a union, they must negotiate individually with producers of their work.

For well-known authors, the negotiation can be challenging. For emerging authors, it can be impossible.

The bill we are proposing will grant a very limited modification of the antitrust laws, so that playwrights will be able to negotiate a minimum compensation package as fair reimbursement for their work. It will give playwrights similar rights to actors, actresses, dancers, composers, musicians and others who bring theater to life on America's stages.

Currently, writers who work in the film industry enjoy greater protection for their work than their counterparts in the theater. We need to do more to see that our talented playwrights are able to continue their work in our theaters, and end the alarming current trend away from writing for live theater.

As President Kennedy once said, "I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for victories or defeats in battle or politics, but for our contribution to the human spirit."

I hope that we can take this opportunity to expand the creative arts in our country and contribute to the vital spirit of our citizens in communities across America with their performances in drama, comedy and music.

American theater is as lively, diverse, and exciting as any in the world. We must do all we can to protect this unique legacy and ensure a healthy theater community in the years ahead.

I urge my colleagues to join us in supporting this important legislation.

By Mr. CONRAD (for himself and Mr. DORGAN):

S.J. Res. 34. A joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, after 17 years of hard work on the part of many individuals, especially World War II veterans, the World War II memorial will become a reality on Saturday, May 29, 2004 with a dedication ceremony in Washington, D.C. Hundreds of thousands of World War II veterans and their families are expected to attend. In recognition of this important occasion, I am introducing a Senate Joint Resolution along with my distinguished colleague, Senator BYRON DORGAN, to honor our World War II veterans, their families and this dedication next month.

The idea for the National World War II Memorial was first presented to Congresswomen MARCY KAPTUR during a conversation with a constituent and World War II veteran, Roger Durbin in 1987. Shortly after that conversation, Congresswoman KAPTUR introduced legislation to create a memorial, and Congress passed legislation authorizing the national memorial in 1993.

The National World War II Memorial will pay tribute to the more than 16,112,000 veterans of all military services—Army, Army Air Corps, Marine Corps, Navy, Coast Guard and Merchant Marine—who served in World War II between the invasion of Poland in 1939 and the surrender of Japan in 1945. Approximately 69,000 of these servicemen were from North Dakota. The memorial will acknowledge the supreme sacrifice of more than 400,000 military personnel, including 1,569 North Dakotans, who lost their lives between 1939 and 1945.

As veterans and their families visit Washington over the coming weeks, many will recall the heroism and sacrifices from some of the remarkable campaigns and famous battles of World War II, including the attack on Pearl Harbor, December, 1941; the Battle of Midway, June, 1942; the Allied campaign across North Africa, November, 1942; Operation Overlord (D-Day), June 1944; the capture of Iwo Jima, February, 1945; and the Tokyo bombing raids of March, 1945.

The Memorial will also have special meaning for North Dakotans as they remember the heroic efforts of the 164th Infantry Regiment of the American Division, a unit of the North Dakota Army National Guard and the first unit of the United States Army to land on Guadalcanal in October, 1942. Some of the fiercest fighting of World War II took place in the effort to recapture the island.

The Memorial will also hold special meaning for Senators and Members of Congress of the 108th Congress as we recognize and honor current members including Senator DANIEL K. AKAKA, Senator ERNEST F. HOLLINGS, Senator DANIEL K. INOUYE, Senator FRANK R. LAUTENBERG, Senator TED STEVENS, Senator JOHN W. WARNER, Congressman CASS BALLENGER, Congressman JOHN D. DINGELL, Congressman RALPH M. HALL, Congressman AMO HOUGHTON, Congressman HENRY J. HYDE, and Congressman RALPH REGULA.

As we pause during the Memorial Day weekend to remember World War II veterans who served and sacrificed so much more than 59 years ago, it is my hope that Americans will honor and remember this "Greatest Generation" for the contributions that have enabled millions of Americans, for more than 50 years, to enjoy unparalled prosperity and the blessings of freedom. Let us also remember the ongoing sacrifices of our active duty military personnel who arê currently serving in all parts of the world, but especially in Iraq and the conflict against terrorism in Afghanistan.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 34

Whereas on May 29, 2004, thousands of veterans, their families, and friends will gather on the Mall in Washington, District of Columbia, to dedicate the National World War II Memorial;

Whereas on that day, Americans will pay tribute to the more than 16,112,000 veterans of all military services who served in World War II between the German invasion of Poland in 1939 and the surrender by Japan on V–J Day in 1945;

Whereas on that day, Americans will be reminded of the heroism and sacrifice of members of the Armed Forces who were on duty during some of the critical conflicts of World War II, including the attack on Pearl Harbor of December 7, 1941, the Battle of Midway of June 6, 1942, the invasion of Guadalcanal on August 7, 1942, the Allied campaign in North Africa in November 1942, Operation Overlord (D-Day) on June 6, 1944, the capture of Iwo Jima on February 23, 1945, and the Tokyo bombing raids of March 1945;

Whereas on that day, veterans and their families from North Dakota will honor the heroism and sacrifice of the approximately 69,000 North Dakota veterans who served in World War II, including 1,569 who made the ultimate sacrifice, and recognize the hardships and sacrifices of the 164th Regiment of the American Division, a unit of the North Dakota Army National Guard, who were the first unit of the United States Army to land on Guadalcanal on October 13, 1942, in the campaign to recapture that island;

Whereas on that day, America will acknowledge the supreme sacrifice of the more than 400,000 Army, Army Air Corps, Navy, Marine Corps, Coast Guard, and Merchant Marine personnel who were killed in action in World War II;

Whereas 12 distinguished Senators and Members of Congress serving in the 108th Congress, including Senator Daniel K. Akaka, Senator Ernest F. Hollings, Senator Daniel K. Inouye, Senator Frank R. Lautenberg, Senator Ted Stevens, Senator John W. Warner, Congressman Cass Ballenger, Congressman John D. Dingell, Congressman Ralph M. Hall, Congressman Amo Houghton, Congressman Henry J. Hyde, and Congressman Ralph Regula, served in World War II; and

Whereas World War II veterans, members of the generation known as "the Greatest Generation", through their sacrifice and hard work over more than 50 years, have enabled millions of Americans to enjoy unparalleled prosperity and the blessings of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 29, 2004, is hereby designated as Remembrance of World War II Veterans Day, and the President is urged to call upon the people of the United States to celebrate the day with appropriate ceremonies and activities.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 5, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 155, to convey to the town of Frannie, WY, certain land withdrawn by the Commissioner of Reclamation; S. 2285, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, UT, S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, NV, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community; S. 1826, to direct the Secretary of the Interior to convey certain land in Washoe County, NV, to the Board of Regents of the University and Community College System of Nevada; S. 2085, to modify the requirements of the land conveyance to the University of Nevada at Las Vegas Research Foundation; and H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Amy Millet at 202–224–8276.

MEASURE PLACED ON THE CALENDAR—H.R. 2844

Mr. ALEXANDER. I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2844) to require the States to hold special elections to fill vacancies in the House of Representatives, and for other purposes.

Mr. ALEXANDER. Mr. President, in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 2348

Mr. ALEXANDER. Mr. President, I understand that S. 2348 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for a first time by title.

The assistant legislative clerk read as follows:

A bill (S. 2348) to extend the Internet Tax Freedom Act.

Mr. ALEXANDER. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

PUBLIC SERVICE RECOGNITION WEEK

Mr. ALEXANDER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 336, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 336) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through May 9, 2004.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 336) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 336

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of men and women who meet the needs of the Nation through work at all levels of government;

Whereas over 18,000,000 individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States of America is a great and prosperous nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) help the Nation recover from natural disasters and terrorist attacks;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fire;

(4) deliver the United States mail;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) defend and secure critical infrastructure;

(9) teach and work in our schools and libraries;

(10) improve and secure our transportation systems;

(11) keep the Nation's economy stable; and

(12) defend our freedom and advance United States interests around the world;

Whereas public servants at every level of government are hard-working men and women, committed to doing their jobs regardless of the circumstances;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas government workers have much to offer, as demonstrated by their expertise, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 3 through 9, 2004, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees;

Whereas the theme for Public Service Recognition Week 2004 is Celebrating Government Workers Nationwide to highlight the important work civil servants perform throughout the Nation; and

Whereas Public Service Recognition Week is celebrating its 20th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

SACRIFICE OF LAW ENFORCEMENT OFFICERS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 475, S. Res. 310.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 310

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 850,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas nearly 150 peace officers across the United States were killed in the line of duty during 2003, well below the decade-long average of 166 deaths annually;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every other day, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 6,000 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2004, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2004, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

NATIONAL MILITARY APPRECIATION MONTH

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 476, H. Con. Res. 328.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 328) recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ALEXANDER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 328) was agreed to.

The preamble was agreed to.

ORDERS FOR TUESDAY, APRIL 27, 2004

Mr. ALEXANDER. Mr. President, on behalf of the majority leader, I ask unanimous consent when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, April 27. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate begin a period of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Republican leader or his designee; provided that following that 60-minute period, the Senate resume consideration of the motion to proceed to S. 150, the Internet tax bill, as under the previous order. I further ask consent that the Senate recess from 12:45 until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALEXANDER. Tomorrow morning, the leader has asked me to say that following morning business the Senate will resume the consideration of the motion to proceed to the Internet tax bill. There will be an additional period of 2 hours and 40 minutes of possible debate prior to proceeding to the bill. Senators should therefore be aware that if all the time is used, the Senate should begin consideration of the bill shortly before 3 p.m. tomorrow. Rollcall votes are expected during tomorrow's session.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ALEXANDER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Tuesday, April 27, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 2004:

DEPARTMENT OF STATE

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

JOHN D. NEGROPONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRAQ.

DAVID MICHAEL SATTERFIELD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be colonel

GERALD V. HOWARD, 4432
DAVID L. WEBER, 3008

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN J. SEBASTYN, 3620

WITHDRAWALS

Executive message transmitted by the President to the Senate on April 26, 2004, withdrawing from further Senate consideration the following nominations:

BRADLEY D. BELT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 3, 2003.

BRADLEY D. BELT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, WHICH WAS SENT TO THE SENATE ON JANUARY 21, 2004.

EXTENSIONS OF REMARKS

RECOGNIZING THE SOROPTIMIST INTERNATIONAL OF GUAM AND SOROPTIMIST INTERNATIONAL OF MARIANAS, SOROPTIMIST INTERNATIONAL OF THE AMERICAS FOUNDER REGION ANNUAL CONFERENCE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Ms. BORDALLO. Mr. Speaker, this citation is presented to Soroptimist International of Guam and Soroptimist International of the Marianas on the occasion of the Soroptimist International of the Americas Founder Region Annual Conference from April 30 through May 2, 2004 on Guam.

Soroptimist International is the world's largest classified volunteer service organization for women in business, management, and professions with over 3,000 clubs having approximately 100,000 members in 127 countries. Its "Founder Region", composed of national clubs hailing from the entire Pacific Rim, is so called because the first Soroptimist club was founded in Oakland, California in 1921. Its counterparts on Guam and the Marianas were founded in 1978 and 1986, respectively.

The Soroptimist of the Founder Region has undertaken important steps to assist women in their professional careers and personal lives. Thus, the Founder Region Fellowship offers fellowships and grants to women enrolled in graduate schools within the bounds of Founder Region who are in the last year of their doctoral studies. Furthermore, Soroptimist International of the Marianas and Soroptimist International of Guam in 1997 adopted its long term identifying project "Erica's House—A Family Visitation Center", designed to be a support service for parents and children in need of visitation and exchange services.

For the first time since 1975, when the annual meeting of the Founder Region was initiated, the conference is being hosted by Soroptimist International of Guam and Soroptimist International of the Marianas. The conference will hold the region's annual board, fellowship and business meetings, elect a new board and present the Fellowship, Women's Opportunity and Violet Richardson awards. Apart from having the privilege of welcoming the member clubs of the Founder Region, the conference is also important to Guam because one of the six women vying for a top three slot in the Women's Opportunity Awards, Tricia Alconaba, is a native and resident of Guam.

On behalf of the people of Guam, I want to congratulate the Soroptimist International of Guam and Soroptimist International of the Marianas for the important work they have achieved since their establishment, and extend our gratitude for their dedicated service to our island and our country.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. HINOJOSA. Mr. Speaker, on March 10, 2004, I regret that I was unavoidably detained in my congressional district. Had I been present, I would have voted "yes" on rollcalls 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47.

TRIBUTE TO THE LEGACY OF JEFF L. TAYLOR

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to the efforts of Jeff L. Taylor, former General Manager/Chief Engineer/Secretary of the Kings River Conservation District in California's San Joaquin Valley. Mr. Taylor passed away at his home in Fresno, CA on January 2, 2003, leaving behind a legacy of exemplary leadership in the construction of public works.

After graduating from San Jose State College in 1957. Mr. Taylor began his engineering career with the Kern County Land Company and the Fresno Irrigation District before establishing his own engineering firm in Fresno. Following three years of engineering work in what was then East Pakistan, Mr. Taylor commenced a distinguished thirty-year career as General Manager-Chief Engineer for the Kings River Conservation District (KRCD) in 1972.

While Mr. Taylor was responsible for establishing the KRCD as one of the San Joaquin Valley's leading water resource agencies, he will forever be remembered for his tireless dedication to the successful construction of the Pine Flat Power Plant, completed in 1984. The power plant, situated at the base of the Pine Flat Dam, was the crowning achievement in Mr. Taylor's visionary plan to best utilize the resources of the Kings River area through water supply and hydroelectric projects. The power plant possesses the capability to provide enough energy to supply a metropolitan area the size of Fresno.

Mr. Taylor's peers credited his efforts in obtaining the original FERC license to construct the power plant and lauded him for his leadership over its successful construction and operation. During Mr. Taylor's tenure as General Manager, the KRCD also worked to protect Kings River environmental resources, promoted better on-farm water management, and confronted the area's groundwater overdraft problems.

April 2004 marks the 20th anniversary of the power plant's original dedication, and the KRCD has voted to re-name the Pine Flat Power Plant the Jeff L. Taylor Pine Flat Power Plant. Mr. Speaker, I ask my colleagues to join me in commemorating the distinguished efforts of Jeff L. Taylor and his record of service to his community on this special occasion.

HONORING THE LATE SGT. YIHJYH "EDDIE" L. CHEN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Ms. BORDALLO. Mr. Speaker, I rise to honor the late Sgt. Yihjyh "Eddie" L. Chen who was killed on April 4 while supporting Operation Enduring Freedom in Baghdad, Iraq.

Sgt. Chen was born in Taiwan on July 7, 1972 to Chen-Pin Chen and Yu-Meei Chen. His parents immigrated to Saipan and later to Guam where Sgt. Chen was planning to return. He has three brothers, Chi-Chong Wang, Chi-Hong Wang, and Sgt. I-Chia "Virgil" Chen, and a sister, Mei-Chuang Wang.

Sgt. Chen graduated from Marianas High School in 1990 and went on to serve as a police officer in the Northern Marianas Department of Public Safety until he joined the Army in January 2000.

Sgt. Chen will be remembered by those close to him as a bright, hard-working friend who was always ready to offer his assistance to those in need. America will remember him for his courage and commitment to our country. He has made the ultimate sacrifice. He is our hero.

On behalf of the people of Guam, I want to extend our deepest condolences to Mr. and Mrs. Chen and their family on the loss of their beloved son, brother, uncle, friend.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in my congressional district attending the funeral of one of my constituents, a soldier killed in Iraq. Had I been present, I would have voted "yes" on rollcall 130. I would have voted "no" on rollcalls 126, 127, 128, and 129.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. DOOLEY of California. Mr. Speaker, I rise today to join my colleagues in remembrance of the Armenian Genocide.

This terrible human tragedy must not be forgotten. Like the Holocaust, the Armenian Genocide stands as a tragic example of the human suffering that results from hatred and intolerance.

The Ottoman Turkish Empire between 1915 and 1923 massacred one and a half million Armenian people. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

It would be an even greater tragedy to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

And we must also be mindful of the current suffering of the Armenian, where the Armenian people are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and many more have been displaced and are homeless.

In the face of this difficult situation we have an opportunity for reconciliation. Now is the time for Armenia and its neighbors to come together and work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. The Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to replace blame, but to answer a fundamental question, "Who remembers the Armenians?"

Our commemoration of the Armenian Genocide speaks directly to that, and I answer, we do.

SENATOR PAUL SIMON FEDERAL BUILDING

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 2004

Mr. OBERSTAR. Mr. Speaker, I am very pleased to support S. 2022, a bill to honor our former House and Senate colleague Paul Simon and I commend Mr. Costello for introducing the House companion bill H.R. 3713. Both House and Senate bills have bi-partisan support.

Paul Simon began his public career in 1954 with his election to the Illinois House. In 1962, he advanced to the Illinois Senate and in 1968 he was elected Lieutenant Governor. During his 14 years in the state legislature he won the Independent Voters of Illinois "Best Legislator Award" in every session.

After teaching at Sangamon State University, and the John F. Kennedy School of Government at Harvard, Simon returned to public life in 1974 with his election to the U.S. House of Representatives. In 1984 he upset Senator Percy to win a seat in the U.S. Senate. In 1990 he won re-election to the Senate by defeating his opponent with 65 percent of the vote and by nearly a million votes—the largest plurality of any contested candidate for senator of either party that year.

In the Senate he become the champion of new, direct college loan programs, and was the chief democratic sponsor of the balanced budget amendment. He was active in addressing violence in television programming, and wrote the National Literacy Act, the Job Training partnership amendments, and several provisions of the 1994 Elementary and Secondary Education Act.

Simon held numerous honorary degrees and wrote several books on such topics as world hunger, political science, historical biographies, and monetary policy. Paul Simon was a true gentleman, thoughtful and courteous. The American public benefited from his service both in House and Senate.

Upon his retirement and until his untimely death in December 2003, Senator Simon taught political science and journalism at Southern Illinois University—Carbondale campus.

It is most fitting and proper we honor the legacy of our colleague and friend with this designation. I urge support for S. 2022.

RABBI ISRAEL ZOBERMAN OF VIRGINIA BEACH, VA, THE FOUNDING RABBI OF CONGREGATION BETH CHAVERIM IN VIRGINIA BEACH, ON HIS CELEBRATION OF 30 YEARS IN THE RABBINIC MINISTRY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. FORBES. Mr. Speaker, I rise today in recognition of Rabbi Israel Zoberman, rabbi of Congregation Beth Chaverim in Virginia Beach, on his celebration of 30 years in Rabbinic Ministry.

Rabbi Zoberman is the first rabbi to earn a doctor of ministry degree from McCormick Theological Seminary, affiliated with the Presbyterian Church, USA.

From 1985 to 1995 Rabbi Zoberman's synagogue was the only one in the world to meet in a Catholic facility, the Church of the Ascension in Virginia Beach. While at the Church of the Ascension in 1993, Rabbi Zoberman invited Muslims to join in the first Jewish-Muslim joint prayer in Tidewater, celebrating the beginning of the peace process in the Middle East.

With a penchant for community and a natural leader, Rabbi Zoberman became the first rabbi to serve as Chair of the Community Relations Council of the United Jewish Federation of Tidewater; the first rabbi from Hampton Roads to serve on the National Board of Directors of The Jewish Council for Public Affairs; and the first rabbi to serve as President of the Virginia Beach Clergy Association. Rabbi Zoberman has twice served as president of the Hampton Roads Board of Rabbis.

Rabbi Zoberman is the only rabbi who is a volunteer police chaplain in Hampton Roads, serving with the Virginia Beach Police Department.

In recognition of his many pioneering activities on behalf of the Hampton Roads community, Cox Cable recognized Rabbi Zoberman in 1989 as a "Great Citizen of Hampton Roads".

In 1999, Mayor Meyera Oberndorf of Virginia Beach proclaimed April 23, 1999 as "Israel Zoberman Day" upon his 25th anniversary in rabbinic ministry, and his alma mater, Hebrew Union College-Jewish Institute of Religion in Cincinnati awarded him an honorary doctor of divinity degree.

Throughout his 30-year career in Virginia Beach, Rabbi Zoberman has consistently demonstrated a remarkable spirit of ecumenism in his relations with leaders of other faiths and an equal level of enthusiasm for serving the Hampton Roads community. Because of Rabbi Israel Zoberman's resounding success, and his dedicated years of service the Hampton Roads community has benefited immensely from his leadership.

Mr. Speaker, please join me in honoring Rabbi Israel Zoberman for his leadership, his commitment to Rabbinic Ministry and the many contributions he has made to his community.

COMMEMORATING THE 50TH ANNIVERSARY OF THE POLIO VACCINE FIELD TRIALS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. WOLF. Mr. Speaker, today I rise to join the March of Dimes in commemorating the 50th anniversary of the polio vaccine field trials. This day in April holds great significance for the nation as it was this day in 1954 that the first dose of the Salk vaccine was distributed to children at Franklin Sherman Elementary school in McLean, Virginia, as part of the National Field Trial Program.

On that April day, thousands of parents drove their school-age children to designated sites across the country for immunizations of an experimental vaccine that they hoped would stop the raging polio epidemic that was leaving young Americans paralyzed and even, in some cases, dead. Organized by the March of Dimes, this was the largest voluntary clinical field trial ever undertaken.

One year later, some 1.8 million children, known as the "Polio Pioneers" in 44 states from Maine to California eventually took part in the three-inoculation sequence—about 4,000 children just at Franklin Sherman. Following these trials, the Salk vaccine was declared safe, potent and effective and polio was virtually eliminated from North America. By the end of 2003, poliomyelitis had been eliminated worldwide in all but six countries.

The March of Dimes, formerly known as the National Foundation for Infantile Paralysis, funded Dr. Jonas Salk's groundbreaking work on the Salk polio vaccine and then, through its volunteers and health networks, organized the vaccination clinics, record keeping, parents' meetings, blood samplings, stand-by transportation, and make-up clinics for absentees at each of the clinical trial sites.

Mr. Speaker, I ask all of my colleagues to join me today in commemorating April 26 as the 50th anniversary of the Salk polio vaccine field trials.

IN RECOGNITION OF ROBERT O'TOOLE

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. LYNCH. Mr. Speaker, I rise today in honor of a man whose professional life has been dedicated to improving the lives of working men and women in Massachusetts and across our nation.

Mr. Speaker, it is my duty to inform the Membership of the house that my dear friend, Bob O'Toole is retiring from the post of Business Manager-Financial Secretary Treasurer of the Pipefitter's Local Union 537 in Boston, Massachusetts.

Mr. Speaker, Bob O'Toole is a remarkable leader with a long and illustrious career in the American Labor Movement. Bob started his career as a pipefitter over 37 years ago and his shining example of dedicated service to his union, his community and his family is worthy of Congressional recognition and deserving of the appreciation of his nation. He will he sorely missed by his union membership and their families who have benefited from Bob's ability to lead by example and quiet dignity. Bob's personal integrity, hard work and determination illustrate the best characteristics of those who serve the working men and women of this country.

As a member of the Massachusetts State Legislature and Chair of its Commerce and Labor Committee, I witnessed Bob's tireless advocacy on behalf of working families. From securing benefits for workers who had lost their jobs, to training the next generation of America's workers, Bob has worked to ensure that the views and interests of working people are at the forefront of our state and national policy.

Mr. Speaker, Bob O'Toole has also been a man committed to his community and has dedicated many hours and much energy to various charities including Julie's Place, the Muscular Dystrophy Association, the Family Inn, the St. Francis House for the Homeless, the Special Olympics and the American Red Cross.

And most importantly, Bob has had the enormous pleasure and tremendous good fortune to be married to his wife Marie for over 40 years. Additionally, Bob has been blessed with three children, Terri, Bobby and Kathy, and is the proud and from what I hear doting grandfather to Timothy, Holly, Michael and Kyle.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with Bob's family, friends, and brothers and sisters in the Labor Movement to thank him for his service and congratulate him on his much-deserved retirement. I hope my colleagues will join me in celebrating Bob O'Toole's distinguished career and all his future endeavors.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. DEMINT. Mr. Speaker, I was absent during roll call votes 126, 127, 128, 129, and 130. Had I been present, I would have voted "yea" on roll call votes 126, 127, and 130. I would have voted "nay" on roll call votes 128 and 129.

HONORING SCHURZ HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Schurz High School of Chicago for its achievement on winning the fourth place title in the citywide Academic Decathlon and the fifth place position at the Illinois Academic Decathlon competition on March 13, 2004.

The Academic Decathlon is a team competition wherein students are tested through a diverse group of scholastic categories, including art, economics, essay interview, language and literature, mathematics, music science, social science and speech.

With up to nine members from each team competing in all 10 events of the decathlon and representing a diversity of scholastic aptitude, the true spirit of this year's "America: The Growth of a Nation" theme has been advanced.

The decathlon, which was first created by Dr. Robert Peterson, has helped maximize the learning potential of young minds through competitive challenge. Schurz High School has shown its ability to shine among the best and brightest of Chicago's academic community.

As finalists in the citywide Academic Decathlon, the nine students from Schurz High School went on to compete in the Illinois Academic Decathlon. I commend each of its competitors: Gloria Andujar-Garcia, Dalia Galvan, Laura Neamt, Yazmin Pulido, Arthur Lon, Ana Ponce, Edith Vazquez, Valerie Giraldez and Stephanie Losik.

Reaching this level of competition is a tremendous achievement and one that deserves special recognition. Indeed, Schurz students set the standard for scholastic excellence that the Academic Decathlon seeks to attain.

Mr. Speaker, I join with all residents of the Fifth Congressional District of Illinois in congratulating Schurz High School on its achievement. I wish the Academic Decathlon competitors continued success as their education continues. I am very proud of these young and future leaders of tomorrow, and it is my privilege to represent them in the United States Congress.

TRIBUTE TO DR. LARRY EDWARD PENLEY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Dr. Larry Edward Penley as the thirteenth President of Colorado State University and third Chancellor of the Colorado State University System.

Dr. Penley came to Colorado State University from Arizona State University, where he served as the Dean of the W.P. Carey School of Business for 12 years. He also held the Robert Herberger Arizona Heritage Chair while he was a professor of management at Arizona State University.

Dr. Penley earned his doctorate in management from the University of Georgia and a Bachelor's Degree in psychology and a Master's Degree in communication from Wake Forest University. Dr. Penley has also served on staff for many other colleges and universities, including University of Texas at San Antonio, Instituto Tecnologico y de Estudios Superiores de Monterrey, and Universidad de Carabobo in Venezuela.

Colorado State University has contributed much economically, historically, and culturally to Fort Collins and the State of Colorado. With Dr. Penley serving as the President of CSU, the tradition, history, and distinct achievements of Colorado State University will be further exemplified.

So far, with Dr. Penley serving Colorado State University, he has accomplished many goals, some of which include:

Working to strengthen the university's profile as one of the Nation's finest public research universities;

Making an effort to listen to students and faculty and enhance the quality of the undergraduate experience, including refinements to the first year semester;

Focusing the institution's efforts on recruitment of Colorado's top high school students from the States, without regard for origin, background, or socioeconomic status;

Launching a comprehensive strategic planning effort to position Colorado State University for success as a 21st century land grant university.

As an alumnus of Colorado State University myself, and now representing CSU in the United States Congress, I have had a determined interest in CSU's mission to benefit our great State. I am proud to know that the tradition and excellence synonymous to Colorado State University will be carried on through the dedicated work of Dr. Larry E. Penley.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 27, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 28

9:30 a.m.

Commerce, Science, and Transportation
To continue hearings to examine telecommunications policy.
SR–253

Environment and Public Works
To hold hearings to examine the reauthorization of the Economic Development Administration.
SD–406

10 a.m.

Appropriations
Defense Subcommittee
To hold hearings to examine medical programs in the armed services.
SD–192

Finance
To hold hearings to examine fraud and abuse in Medicare's power wheelchair program.
SD–215

Foreign Relations
To hold hearings to examine the nominations of James Francis Moriarty, of Virginia, to be Ambassador to Nepal, Michele J. Sison, of Maryland, to be Ambassador to the United Arab Emirates, Thomas Charles Krajeski, of Virginia, to be Ambassador to Yemen, Richard LeBaron, of Virginia, to be Ambassador to Kuwait, and Jeffrey D. Feltman, of Ohio, to be Ambassador to Lebanon.
SD–419

Governmental Affairs
To hold hearings to examine the use and prevention of abuse of government purchase cards.
SD–342

Indian Affairs
To hold hearings to examine S. 2172, to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs.
SR–485

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine mental health in children and youth, focusing on issues throughout the developmental process.
SD–430

Joint Economic Committee
To hold hearings to examine consumer-directed doctoring.
SD–628

11:30 a.m.

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine how to promote a healthy marriage.
SD–430

Judiciary
To hold hearings to examine the Playwrights Licensing Antitrust Initiative Act, focusing on safeguarding the future of American live theater.
SD–226

2:30 p.m.

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

3 p.m.

Foreign Relations
To hold hearings to examine the nominations of Constance Berry Newman, to be an Assistant Secretary of State for African Affairs, Aubrey Hooks, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, Thomas Neil Hull III, of New Hampshire, to be Ambassador to Sierra Leone, and Roger A. Meece, of Washington, to be Ambassador to the Congo.
SD–419

APRIL 29

9:30 a.m.

Foreign Relations
Business meeting to consider pending nominations.
SD–419

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.

Banking, Housing, and Urban Affairs
To hold hearings to examine counterterror initiatives and concerns in the terror finance program.
SD–538

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine intellectual property issues.
SD–192

Governmental Affairs
To hold a hearing to examine the nomination of Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission; to be immediately followed by a hearing to examine the nomination of David Safavian, of Michigan, to be Administrator for Federal Procurement Policy, Office of Management and Budget.
SD–342

Indian Affairs
To hold hearings to examine S. 2301, to improve the management of Indian fish and wildlife and gathering resources.
SR–485

Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold an oversight hearing to examine National Oceanic and Atmospheric Administration, Department of Commerce.
SR–253

2:30 p.m.

Foreign Relations
International Operations and Terrorism Subcommittee
To hold hearings to examine Middle East broadcasting.
SD–419

Intelligence
Closed business meeting to markup proposed legislation authorizing funds for fiscal year 2005 for the intelligence community.
SH–219

MAY 4

2:30 p.m.

Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

3:30 p.m.

Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

5 p.m.

Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

MAY 5

9 a.m.

Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

9:30 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2005 for defense related programs.
SD–192

10 a.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

2:30 p.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 155, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, S. 2285, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah, S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, S. 1826, to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada, S. 2085, to modify the requirements of the land conveyance to the University of Nevada at Las Vegas Research Foundation, and H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway.
SD–366

MAY 6

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine new opportunities for agriculture, focusing on biomass use in energy production.
SD–106

2 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine certain challenges facing military parents raising children.
SD–430

MAY 7

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

MAY 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine the impacts and costs of last year's fires, focusing on the problems faced last year and what problems agencies and the land they oversee may face next season, including aerial fire fighting assests and crew, and overhead availability.
SD–366

Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine conservation programs of the 2002 Farm bill.
SD–628

MAY 12

Time to be announced
Indian Affairs
To hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.
SD–192

MAY 13

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine Commodity Futures Trading Commission regulatory issues.
SD–106

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

POSTPONEMENTS

APRIL 29

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings to examine telecommunications policy, focusing on industry perspectives.
SR–253

HOUSE OF REPRESENTATIVES—*Tuesday, April 27, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 27, 2004.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

TIME TO REMEMBER THE ARMENIAN GENOCIDE

Mr. MCGOVERN. Mr. Speaker, this April marks the 89th anniversary of the cataclysmic events that occurred in the Turkish Ottoman Empire between 1915 and 1923, where 1.5 million Armenians were killed and over a half million survivors were forcibly deported into exile.

On Sunday, I had the privilege to participate in a service at the Armenian Church of Our Savior in Worcester, Massachusetts, where in the presence of 19 survivors, the community of Worcester paid homage to the martyrs and survivors of the Armenian Genocide and their descendents.

Mr. Speaker, last May, the House Committee on the Judiciary reported out House Resolution 193. We have been waiting for nearly 1 year now for the Speaker of the House to schedule this bill for a debate and for a vote, and I would urge at this time that the Speaker schedule this bill as quickly as possible so that the House of Representatives may join those nations and those scholars who affirm the Genocide Convention and recognize the Armenian Genocide and Holocaust as genocides of the 20th century.

Mr. Speaker, I am submitting for the RECORD comments I made at the Armenian Church of Our Savior this past Sunday.

I would very much like to thank Father Terzian and the community of faith of the Armenian Church of Our Savior for inviting me once again to this commemoration. It is one of the great privileges of my office to participate in this annual day of remembrance of the martyrs and survivors of the Armenian Genocide.

It is a privilege to be in the company of our city's mayor, the Honorable Tim Murray, and in the company of Councilor Petty, Representative Leary, Representative Fresolo, Senator Moore, Senator Glodis, and Selectman Montocalvo. And I am very much looking forward to the pleasure of hearing the Worcester Chorale perform after their five-month break, under the continuing leadership of Maestro Petrossian.

It is also a pleasure for me to share the podium with Nathaniel Mencow, who is so well known for his work as a historian, and who has worked for so long for the recognition of the heroic service of his brother, First Lieutenant William Martin Mencow, who gave his life in defense of freedom during World War II.

But I am most privileged and most honored to be here in the presence of survivors of the Armenian Genocide, their descendents, and the descendents of those who perished in the genocide.

This April marks the 89th anniversary of the cataclysmic events that occurred in the Ottoman Empire between 1915 and 1923, where one-and-a-half million Armenians were killed and over half-a-million survivors were exiled.

Our city has been especially blessed by the presence and contributions of a large and vital Armenian community. Each year we come to this church to recognize, honor and remember that this rich heritage is, in part, a sad inheritance paid with the blood of millions of innocent men, women and children.

I know that most of you are aware that legislation has been introduced in the U.S. House of Representatives which reaffirms U.S. support for the Genocide Convention, calls upon the president and the U.S. government to work to prevent future genocides, and recognizes the Armenian Genocide.

This bill, H. Res. 193, has 110 bipartisan cosponsors and was reported out of the House Judiciary Committee last May. It has been waiting for nearly one year now for the Speaker of the House, Dennis Hastert, to put it on the schedule of the House for debate and vote.

I am always amazed that there are those in Congress who view this bill as controversial. They are influenced, in part, by those voices who continue to deny that the Armenian Genocide or the Holocaust, which is also cited in this bill, ever happened. The Turkish government, for example, claims that the Armenian Genocide does not meet the definition of genocide, despite the fact that the father of the Genocide Convention, human rights pioneer Rafael Lemkin, specifically cited the Holocaust and the Armenian Genocide as the two clear instances of genocidal crimes covered by the Convention.

Contrary to the Turkish government's claims, legal scholars, historians, human rights organizations, journalists and the majority of political leaders around the world firmly believe and assert that the 1915 mass slaughter of Armenians fits the legal definition of genocide.

Israel Charney, the noted genocide and Holocaust scholar and the editor of the respected Encyclopedia of Genocide, has written extensively about the psychology of genocide denial. He has stressed that to deny the countless deaths of a known event of genocide is to celebrate those deaths and to send a signal that the power that brought about this destruction is still in force and can be used again when opportunity permits. To seek to erase agonizing memories—to assert that those memories are false—is to openly mock the feelings and sensibilities of the victims and their descendents—to once again victimize the victims.

This is why it is so important to recognize—openly and freely, officially and informally, every single day—the events of the Armenian Genocide.

America, along with the rest of the world, is famous for using the words "never again," when speaking about the Armenian Genocide and the Holocaust carried out by Nazi Germany. Unfortunately, "never again" happens over and over again—in Cambodia, in Rwanda, in Kosovo, and now in present-day Sudan.

It has been a blessing to me in my work that when genocide threatens any people, anywhere in the world, the Armenian-American community has always worked to bring these events to my attention and to the attention of U.S. and international policymakers. The Armenian-American community has always joined with other organizations to educate the public about present-day horrors and to organize relief and support for victims and survivors.

In this way, through these works, the tragedy of the Armenian Genocide is transformed into a legacy of life, of hope, of survival and resistance.

So, I come here today not only to remember and honor the martyrs, survivors and descendants of the Armenian Genocide, but to honor and celebrate this community, which has given back so much to this city and our country.

Please let me thank you—each and every one of you—for allowing me to share this day with you.

CELEBRATING THE 20TH ANNIVERSARY OF THE INTERNATIONAL REPUBLICAN INSTITUTE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 2 minutes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. DREIER. Mr. Speaker, I rise because today marks a very important anniversary. We all know that Ronald Reagan in the mid-1980s talked about the fact that as we pursued an end to the Cold War militarily, one of the important things for us to do was to also engage in democracy-building around the world. Today actually marks the 20th anniversary of the International Republican Institute, which is an arm of the National Endowment For Democracy.

We all remember the anxious final years of the Cold War, when President Reagan, in a speech he gave in 1982 to the British Parliament, envisioned moving toward a world in which all people are at least free to determine their own destiny. Now, that speech led to the creation of the National Endowment for Democracy, and within that is the International Republican Institute. Since that time, the IRI has conducted programs in over 75 countries, from Haiti to Kazakhstan. Its efforts to train political parties, encourage voter participation, and enact institutional reforms within governments have no doubt contributed greatly to President Reagan's goal.

IRI's continued commitment is evident in its current efforts in Iraq and Afghanistan. As we confront the threat of terrorism in the post-September 11 world, I am confident that the International Republican Institute will continue as an important contributor to the cause of freedom.

MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, this week the House will take aim at a looming injustice. The marriage tax penalty was a relic of 40 years of persistent tax hikes codified by Democrat Congresses into Federal law. In essence, it punished married taxpayers simply for being married. The standard deduction married couples could take was less than that allowed for two single taxpayers, thus the Tax Code discouraged marriage and sent a message to married couples around the country that they were not as entitled to their own money as singles were.

In 2001, a Republican Congress passed and a Republican President signed a tax relief package that corrected this injustice and brought marriage equity to the Tax Code. In 2003, as the economy worked to recover from 2 years of recession, terrorism, and war, we moved to expedite marriage penalty relief. Unfortunately, the marriage penalty, like some B-movie vampire, just will not die. It keeps rising from the dead to wreak more havoc on the paychecks of American families.

The marriage penalty is hoping to reappear next year in a smaller form and to be fully revived in 2010. So this week the House will take up legislation to make sure that the marriage tax penalty does not get its sequel. Instead, we will pass a bill to extend full marriage penalty relief through 2010 and beyond so that marriage tax equity becomes a permanent principle in Federal law.

Any way you look at it, marriage tax equity just makes sense. In the first place, any time we can establish flatter, fairer, and lower taxes on working families, we are doing right by the national economy. We are creating jobs, careers, and opportunities all across this country. And, second, we are telling those married couples struggling to make it that we will not turn our backs on them.

Allowing the marriage penalty to resurface in the future would represent a targeted tax hike on married couples and a direct attack on family budgets around the country. We can and must protect families from such an attack, and the bill we will take up this week will accomplish that goal.

Though the economy continues to rebound, working families still need our help. This week we will have an opportunity to provide it to some of the people who need it the most.

STOP THE FISCAL MADNESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes during morning hour debates.

Mr. HOYER. Mr. Speaker, this week the American people will see that what our Republican friends lack in policy candor they more than make up for in chutzpah. Why do I say that? This week, as we have just heard, the Republican majority is expected to take up legislation that would permanently eliminate the marriage penalty. Everybody on this House floor is for that objective.

But do not be fooled. Democrats and Republicans both agree that married couples should not have to pay more in taxes than they would as unmarried individuals filing separately. That makes sense. That is fair. We are for it. Members in both parties agree that the so-called marriage penalty should be remedied.

However, here is the crucial difference between the Republican bill and our Democratic substitute. Our bill is paid for, theirs is not. What is the difference? The difference is that the penalty that we are eliminating in terms of marriages will be passed along to every young family in America, every young person in America. All of my children and my grandchildren will pay an additional penalty in the interest they will have to pay because of the irresponsible policies being pursued by the majority.

That is right. With a record budget deficit this year of more than half a trillion dollars, and with a projected 10-year budget surplus of $5.6 trillion inherited by this administration turned into a projected deficit of more than $4 trillion, an almost $10 trillion turnaround to the negative, our friends on the Republican side of the aisle plan to drive us even deeper into debt.

The chairman of the House Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), perhaps summed up the Republican fiscal policy best on March 17 when he said, and I am quoting, "We don't believe that you should have to pay for tax cuts, period." Well, Mr. NUSSLE and my Republican friends, of course you do not; but our children and grandchildren will have to pay that bill. Somebody, sometime, sometime in the future will have to pay the piper.

According to the Joint Committee on Taxation, this Republican marriage penalty bill will cost $96 billion over the next 10 years. None of it is paid for. And to make matters worse, House Republicans intend to bring up bills in the next 3 weeks to make the 10 percent tax bracket and child tax credit permanent. We are for that. It ought to be paid for. And to temporarily fix the alternative minimum tax. We are for that. It ought to be paid for.

Again, Democrats support such legislation, but it must be paid for so that we do not simply say to our children, "You pay for it"; to our grandchildren, "you pay for it, we don't want to."

Democrats believe it is a serious failure to pay for these tax cuts, which not only threatens our economic future as these deficits grow and the American people become more concerned about rising interest rates, as Alan Greenspan last week said was a definite possibility, but we also have a responsibility.

We talk a lot about personal responsibility. We passed a bankruptcy bill, and we made it tougher for people to go into bankruptcy because we said they needed to be responsible. I voted for that bill. It was a bipartisanly supported bill. We need to be responsible on behalf of the public that sent us here and on behalf of future generations.

Meanwhile, as we debate this tax bill, Republicans on both sides of Capitol Hill are riven by internal conflict. They still have not produced a budget conference report for fiscal 2005 because of the intransigence of House Republicans to accept pay-as-you-go rules. That sounds very common sense. You pay as you go. You pay your bills. We talk about every American family having to do that. That may be the case; but we do not have to do it, and we are not doing it.

Alan Greenspan, the chairman of the Federal Reserve, said applying pay-as-you-go to both expenditures and revenues is essential if we are to have fiscal responsibility. Our colleagues on the other side of the aisle sent us a budget which says we are going to do that; but on this side of the Congress we have overwhelming, almost unanimous, support, if not unanimous support, for that proposition. It was in place from 1990 to 2002. But it was changed. Why? Because it would make us be responsible, and being responsible would not allow us to do some of the things the Republican majority wants to do.

Here is what the Bipartisan Concord Coalition said, headed up by, among others, Senator Warren Rudman, a Republican from New Hampshire, and three other budget watchdog groups have said about such pay-as-you-go rules: "If Congress wants to pass particular tax cuts, it should either reduce mandatory programs or raise other revenues to offset the tax reduction measures, not simply give itself a free pass to enact tax cuts without financing them."

It feels good for us to say, Hah-hah, we have cut your taxes. Hooray. But unless we cut spending at the same time, which is what pay-as-you-go says we need to do, then do not pass that debt along to future generations. That is all it says. Every responsible American with common sense would say, yes, that is what we ought to do.

They have turned the foreign sales corporation bill, another bill which requires that some $5 billion in export subsidies be repealed and replaced by modest tax breaks, into a $170 billion special-interest giveaway.

☐ 1245

Not only are we creating greater tax liability by passing these tax bills without paying for them, we want to see them pass, we want to pay for them, but now they are talking about this Foreign Service Corporation bill which could cost us and we could fix for less than $10 billion, now they want to make it into a $170 billion tax giveaway. One business lobbyist even told the Washington Post that this bill "has risen to new levels of sleaze."

Is it any wonder pursuing those kinds of policies that we have now gone into a $10 trillion turnaround in terms of from black to red? We talk about blue States and red States. We have gone from black, having surpluses, $5.6 trillion, four surpluses in a row from 1997 to 2001, the first time that had happened in 80 years. In just months, that was turned into escalating deficits.

Mr. Speaker, I urge my Republican colleagues to come to their senses, to do what makes sense to the American families, to the American public. No married couple wants to have a marriage penalty but I do not think there is any married couple who wants to have their children saddled with the escalating debts incurred in their generation and passed to future generations.

For years, House Republicans preened as deficit hawks. Some even suggested that tax cuts are not, in fact, sacrosanct. My friend the majority leader spoke a little earlier. In 1997, the majority leader, Mr. DeLay, who just spoke, said of Jack Kemp, another Republican who ran for Vice President, a former Member of this body, an ardent proponent of supply-side tax cuts: "Jack Kemp worships at the altar of tax cuts. Jack has always said that deficits don't matter. We think that deficits do matter." So said Tom DeLay with reference to Jack Kemp. If they matter, Mr. Leader, why are we not addressing them? Why do we make them worse? Why are we escalating the debt that our children will be confronted with?

With this vote on the marriage penalty relief this week, we will see whether Republicans still believe that deficits matter.

INTRODUCTION OF THE HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2004

The SPEAKER pro tempore (Mr. Boozman). Pursuant to the order of the House of January 20, 2004, the gentlewoman from Illinois (Mrs. Biggert) is recognized during morning hour debates for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the High-Performance Computing—or HPC—Revitalization Act of 2004, which will ensure that America remains a leader in the development and use of supercomputers. When we think of how computers affect our lives, we probably think of the work we do on our office desktop machines, or maybe the Internet surfing we do in our spare time. We do not normally think of the enormous contribution that supercomputers, also called high-performance computers, make to the world around us. These powerful machines are used in the development of pharmaceuticals, in modeling the Earth's climate, and in applications critical to ensuring our national and homeland security.

High-performance computers also are central to maintaining U.S. leadership in many scientific fields. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics and genomics. But the top computer in the world today, the Earth Simulator, is not in the United States. It is in Japan. Some experts claim that Japan was able to produce the Earth Simulator, a computer far ahead of American machines, because the U.S. had taken an overly cautious or conventional approach. Beginning in the 1990s, the U.S. focused on a single architecture for high-performance computing and emphasized the use of commercially available components over custom-made components. In hindsight we see that this approach has meant lost opportunities. Japan's Earth Simulator is an example of a road not taken.

The U.S. is still a leader in supercomputing. In fact, 10 of the top 20 most powerful computers in the world today are in the United States. Even so, the Earth Simulator is nearly three times as fast as the most powerful computer in the U.S., The ASCI Q computer at Los Alamos National Laboratory. But for security reasons, most U.S. scientists are unable to conduct research on the Los Alamos machine, or at machines at other similarly secure facilities that do defense and weapons work. That is why we must commit to providing sustained support for high-performance computers at our civilian Federal agencies. To achieve this aim, my bill ensures that the U.S. research community has access to high-performance computing systems that are among the most advanced in the world, and provides technical support for users of these systems.

But it is not enough to simply buy big machines. We need to have a balanced, comprehensive approach to maximize the benefits these machines can bring to science and to our Nation. My bill provides support for all aspects of high-performance computing for scientific and engineering applications.

The original legislation that my bill amends, the High Performance Computing Act of 1991, gave rise to an interagency planning process that was initially highly successful. Unfortunately, that planning process has lost the vitality it had in its early years. Congress must find a way to reinvigorate the interagency process.

My bill does so by requiring the Director of the Office of Science and Technology Policy at the White House to develop and maintain a research, development and deployment roadmap for the provision of high-performance computing systems for use by the research community in the United States. By putting OSTP in charge of developing the program's long-term vision, this provision will help ensure a robust planning process so that our national high-performance computing effort is not allowed to lag in the future.

Let me close by reflecting for a moment on how much things have changed in the past 13 years since Congress first passed legislation on high-performance computing. Incredibly, all of the power of the world's top supercomputer in 1991, the Cray C90, is now available to us in a desktop PC. Hearing a comparison like that, it might be tempting to think that today's supercomputers are so powerful that we could not possibly need anything with greater capabilities. But technological advances make new things possible, things that were literally unimaginable before. As we meet in this Chamber today, we cannot imagine the kinds of problems that the supercomputers of tomorrow will be able to solve. But we can imagine the kinds of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world class. I believe that the High-Performance Computing Revitalization Act will guide Federal agencies in providing needed support to high-performance computing and its user communities. Our Nation's scientific enterprise, and our economy, will be the stronger for it.

ENERGY TASK FORCE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, today I hope we are one step closer to prying the doors of the White House open in regard to Vice President CHENEY's Energy Task Force.

For 3 years now, the Vice President has done everything he can to keep the records of the Energy Task Force secret. The secret task force developed President Bush's energy policy, a policy that was then made into legislation here in Congress, legislation that is now stalled in the other body. Nevertheless, the end result was bad energy policy. There is no doubt that the energy industry succeeded with its influence during these secret, closed-door meetings in crafting a policy that benefited them rather than benefiting Americans who at the time desperately needed relief from high energy prices.

Mr. Speaker, today Americans face high gas prices, but they should not be fooled by claims from congressional Republicans and President Bush that the legislation they pushed would reduce the cost of energy in this country. Instead, the President's plan was nothing more than a payback to the oil and gas industry numbering in the billions of dollars and embedded in tax incentives, loan guarantees, liability protection and research and development.

For 3 years, the Vice President has refused to let the American people know who made up this Energy Task Force. For 3 years now, the Vice President has refused to let the American people know how and why the task force came to the conclusions that it did.

Finally, after 3 years of hiding the information, today the U.S. Supreme Court hears from the Vice President's lawyers why CHENEY thinks it is so important that this information remain secret. Today, the Supreme Court hears from the Sierra Club and the conservative group, Judicial Watch, who sued Vice President CHENEY seeking an accounting of energy industry participation in crafting the Bush administration's destructive energy policy. A district court has already ordered the administration to provide information about participation from those industries but once again the Bush administration refused to divulge any information. Fortunately, the court denied the request, and last December the Vice President appealed that decision to the Supreme Court.

So what does the Vice President do once he realizes the Supreme Court would be hearing the case? He goes duck hunting with one of the Supreme Court justices as a guest of an energy executive. The situation begs several questions. First, was the energy executive hosting the Vice President and Justice Scalia a member of the Energy Task Force? Second, was the Vice President attempting to use this trip to Louisiana as a way to persuade Justice Scalia that the documents being requested should remain secret under the cloak of executive privilege? And, third, how could either Vice President CHENEY or Justice Scalia think this trip to Louisiana for duck hunting, in which both flew to and from together on Air Force Two, would not look like a conflict of interest?

Justice Scalia should have recused himself from this case, but Vice President CHENEY should have realized how this trip would appear to the American public. Think about this for a minute. Imagine that you are a plaintiff in a case and you learn that the defendant and the judge had vacationed together several months before. Would you accept that scenario? The Sierra Club asked Justice Scalia to recuse himself but Justice Scalia refused.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will please suspend.

The Chair must remind all Members that remarks in debate may not engage in personalities towards the President or the Vice President. Policies may be addressed in critical terms, but personal references of an offensive, accusatory nature are not proper.

The gentleman may proceed in order.

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. Speaker, I just hope the Cheney decision in this case is not another 5-4 decision in which Justice Scalia is the deciding vote in favor of the Vice President.

It is time for the Vice President to come forward with the list of participants on the Energy Task Force. What information is so damaging that the Vice President does not want to make it public? I think the time has come for both President Bush and Vice President CHENEY to lift the cloak of secrecy on its national energy plan and basically disclose what happened, who the participants were, and how and in what way they influenced the energy bill that came forward here in the House and is now in the other body. I think it is very wrong for them to continue to not provide this information, not disclose who was involved, and frankly have to go to the Supreme Court to try to make the Supreme Court say that that information should not be divulged.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 57 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHROCK) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Balance and scales belong to the Lord; all the weights used with them are of His making.

Lord, with wisdom and power, direct the activities of this Congress. May the scales of equal justice always be the goal. With discretion and surety guide every decision, and may Members find balance in their personal lives.

May truth never outweigh goodness. May desirable kindness never blind the truth.

Help Your people know when to pray and how to act.

Bless all conversations with patience and charity that all know when to speak and how to listen.

In the end, all success and every judgment can be measured only by You. Whatever evaluating criteria or determining weight we use remains of Your making now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. MCDERMOTT) come forward and lead the House in the Pledge of Allegiance.

Mr. MCDERMOTT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 328. Concurrent resolution recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

NO RESPONSE FROM JUSTICE GINSBURG

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last month a dozen of my colleagues and I sent a letter to a Supreme Court Justice. In the letter we questioned her ties to the NOW Legal Defense Fund. She speaks regularly to the group. There is a lecture series named after her, and she has served on its board in the past; but she continues to hear cases argued before her in which the NOW Legal Defense Fund, which is now called Legal Momentum, files briefs.

In January, she gave opening remarks for the fourth installment of her lecture series. Two weeks earlier, she took the legal defense's side in a medical screening case.

Federal law requires recusal when a judge's outside legal activities, "cast reasonable doubt on the capacity to decide impartially any issue that may come before them." This Justice has official ties to a group that participates in cases before the Court. That sounds like reasonable doubt to me. But this Justice has yet to respond to an official inquiry from Members of a co-equal branch of government. Professional courtesy warrants at least an acknowledgement that she received the letter, but not even that.

Justice Ginsburg should acknowledge our concerns and recuse herself from cases involving any group with which she has official ties.

THE WAR ON TRUTH

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the administration, aided and abetted by some Republicans, have launched another undeclared war, this time a sneak attack on the truth.

Republicans launched a sneak attack on Senator JOHN KERRY in this Chamber with a blatant disregard for dignity, heroism, and patriotism, or the facts. In so doing, Republicans have dishonored every American veteran and dishonored the people's House.

Republicans have staked out divisive new ground and every American ought to know it. Republicans have trampled patriotism, heroism, and the service of every American called to defend America.

Senator JOHN KERRY is a decorated war hero. He did not get those Purple Hearts because they just hand them out. He was shot defending his country. He was not missing in action during the Vietnam War. The President was MWA, missing without action.

These are the facts.

9/11 PANEL UNDER CLOUD

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday I released a letter signed by 75 Members of Congress to Commissioner Jamie Gorelick. We have serious concerns about her impartiality as a member of the National Commission on Terrorist Attacks Upon the United States.

Commissioner Gorelick never should have accepted the position in the first place. As Deputy Attorney General in the Clinton Justice Department, she cannot be objective, especially when their policies may have contributed to America's vulnerability.

If Commissioner Gorelick does not testify before the commission and respond to our letter, then a cloud will hang over the commission that brings into question its independence and supposed non-partisanship.

THE ECONOMY AND UNEMPLOYMENT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise to urge my colleagues to support an extension of unemployment benefits. During the first 6 months of 2004, an estimated 83,000 workers in the L.A. and Long Beach metropolitan area will have exhausted their jobless benefits. We hear that jobs are coming, but the anxiety is there. Our workforce is waiting to see where the jobs are.

And in my district alone, I represent the San Gabriel Valley, unemployment rates remain high. In East Los Angeles and the city of South El Monte it has remained at over 10 percent for over 3 years. In fact, the national Latino unemployment rate is 7.4 percent, way above the national, 28 percent higher than it was just 3 years ago.

And who do we have to thank? This administration. The unemployment rate is especially higher among Latino youth. It is about double.

I am urging the President and my colleagues to support these young people and help restore vital funding for job training and to extend unemployment benefits to the 2.9 million unemployed workers in America.

MEDICARE CHANGES ENCOURAGE LIFE-SAVING PREVENTATIVE CARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last year President Bush signed into law historic bipartisan legislation that adds critically needed benefits to Medicare and solidifies the program for future generations.

I have been traveling throughout the Second District of South Carolina to discuss these changes, and the seniors I talk to are enthusiastic to learn that for the first time Medicare will encourage preventative care.

First and foremost, the new prescription drug benefit will allow seniors to afford the medicine they need to prevent disease.

Yet, while the prescription drug benefit has been widely publicized, many seniors are unaware of other important preventative measures now available to them. All newly enrolled beneficiaries will be covered for physicals, cardiovascular-screening blood tests including cholesterol, and diabetes screening for at-risk beneficiaries. These benefits do not have deductibles or co-pays, to make sure there are no hurdles for seniors with limited resources.

These screenings will catch treatable, manageable conditions that otherwise would result in senior health consequences, preventing a healthy and happy retirement.

In conclusion, may God bless our troops, and we will never forget September 11.

MEDICAL LIABILITY REFORM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, it was 13 months ago that we in this House passed meaningful medical liability reform. Our President, President Bush, has said that he will sign that legislation if we will just get it to him. And today it languishes on the other side of the Capitol. The Democratic candidate for President has already been on record as either voting "no" or has missed those votes on medical liability reform as they came up in the other body.

Mr. Speaker, the cost of defensive medicine, not just the cost of liability insurance for doctors, but the cost of defensive medicine in this country in a 1996 Stanford University study was estimated to be $50 billion a year to the Medicare system, not the private health insurance system, but to the Medicare system alone.

Mr. Speaker, we can no longer afford this. The whole problem with the uninsured and access to health care for all

Americans languishes because we have not taken conclusive action on medical liability reform. Again, let me stress we have a President who will sign that legislation into law. We have a candidate for President who is on record as voting "no."

THE LOSS OF MANUFACTURING JOBS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the Republicans promised us they would create jobs, but their failed policies have left our economy weaker. We have lost 2.8 million manufacturing jobs, the largest decline in over 80 years. We have not seen one month of manufacturing job growth since George Bush took office, and Republicans have no plan to create jobs.

For years the Republicans have used their power to provide tax breaks and special deals for corporate interests, standing back while thousands of good-paying manufacturing jobs were shipped overseas. And now the American workers that have built these companies are paying the price.

Democrats want to build a stronger economy and jump-start our manufacturing sector by cutting taxes for domestic manufacturers and helping them create good-paying jobs here in the United States, and we want to end unfair tax breaks that would allow corporations to keep their money and their workers overseas. That is just wrong.

We want to stand up for American workers by enforcing the trade agreements that President Bush has not.

Mr. Speaker, why are Republicans stalling? What are they waiting for? They should simply bring up the Crane-Rangel bipartisan solution to cut taxes for domestic manufacturers and help them create good-paying jobs here in the United States. That is the answer, and it is simple.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RHODE ISLAND VETERANS POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3942) to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

The Clerk read as follows:

H.R. 3942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RHODE ISLAND VETERANS POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, is hereby redesignated as the "Rhode Island Veterans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Rhode Island Veterans Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I rise in support of H.R. 3942. This legislation redesignates the U.S. Postal Service facility at 7 Commercial Boulevard in Middletown, Rhode Island, as the Rhode Island Veterans Post Office Building.

Mr. Speaker, our Nation's Armed Forces are comprised of dedicated, skilled, and courageous individuals from all 50 States and every territory. Today, I am pleased to take time along with my colleagues to honor those who have served our Nation from the State of Rhode Island.

According to the 2000 census data, over 102,000 veterans live in Rhode Island, comprising 13 percent of the adult population of the State. This post office designation in Middletown is intended as a tribute to those 102,000 Rhode Islanders.

As we all know, U.S. military men and women remain engaged today in the war on terror in faraway places like Afghanistan and Iraq. Here at home we can never give too much back to our brave active duty personnel or our veterans to whom we owe our Nation's freedom. That is why I am pleased that the House is considering H.R. 3942 today. I ask all Members to support its swift passage.

Mr. Speaker, I commend the gentleman from Rhode Island (Mr. KENNEDY) for his work to honor our Nation's military service veterans from the great State of Rhode Island.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from Rhode Island (Mr. KENNEDY), who is also the sponsor of this legislation.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my good friend and colleague from Illinois (Mr. DAVIS) for allowing me this time. I also want to thank my colleague, the gentleman from Utah (Mr. CANNON), for also acknowledging me and recognizing this piece of legislation, and also my friend, the gentleman from Minnesota (Mr. KENNEDY) from the other side of the aisle for being here as well.

□ 1415

As the gentleman from Utah (Mr. CANNON) mentioned, there are over 100,000 veterans living in my State of Rhode Island; and we are proud to support a few veterans from World War I and almost 40,000 from World War II. Rhode Island has close to 30,000 from Vietnam and roughly 20,000 from the Korean War. And more recently, Rhode Island is home to 4,000 veterans from the Persian Gulf War. Just a few weeks ago, 300 soldiers from Rhode Island's Military Police returned from Iraq.

These men and women come from different backgrounds and they live in different cities and towns and many of them are still working and also many of them are retired. But the one thing that they have in common is they have fought for this country to preserve the freedom of our Nation. They have all put their lives on the line in the name of democracy, and if they were not standing post in the front lines, they signed up and they could well have been put on the front lines. So all veterans, whether serving stateside or overseas, deserve our recognition.

Our Nation's veterans have answered the call to duty and have served our country in times of greatest need.

During my time in Congress I have had the honor to meet with several of Rhode Island's veterans, and I discovered that every time I sit down with one of them, I hear another fascinating story. Like Ray's story, a World War II veteran living in Lincoln, Rhode Island. He was the only man from an 11-member crew to survive. He remembers falling from the plane and landing in his parachute in a group of trees on a snowy mountainside, but he does not remember anything after that. Next thing he knew he was in a German prisoner of war camp.

Sixty years later he comes back to Czechoslovakia to return to the place in Europe where he had been shot down. When he arrived not only was he welcomed by the mayor but he was given a key to the city, and all the local townsfolk held a big parade on his behalf, in addition to all wanting his autograph and wanting his picture.

It was during this trip, 60 years later, that he learned how he survived. He learned from the villagers how they had found and taken him to a nearby facility for treatment. They discussed how they were going to hide him. At that point, the German authorities were already on their way and they were able to apprehend him.

After 60 years someone from the town handed Ray the gloves that were on his hands 60 years before when he had parachuted to safety and then later on put in the prisoner of war camp.

As we can imagine, there are many stories like this that are all too frequent for those who occupy the VFW posts and American Legions and all of those places where our veterans congregate.

One of those places that all people congregate are the post offices, and that is why for millions of Americans who are not familiar in their daily lives with the sacrifices of our Nation's veterans, when they go into the post office, they are going to have to see once again that they owe everything in their lives to our Nation's veterans, and that is why I believe that our local post office back at home in Rhode Island is a perfect memorial to celebrate our veterans in Middletown and in Newport. Newport is one of the great homes of our Nation's Navy, and I know it will be appreciated by all of those who have served our country in uniform to be able to see that their post office is named for their fellow veterans.

We have wonderful memorials here in Washington, D.C. and, thanks to this legislation, we are going to have a wonderful memorial in our own backyard.

Mr. Speaker, I thank the gentleman for yielding me time, and I urge my colleagues to vote in favor of this legislation.

Mr. CANNON. Mr. Speaker, I support the passage of H.R. 3942.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 3942, legislation naming the postal facility in Middletown, Rhode Island, after Rhode Island veterans.

This measure which was introduced by the gentleman from Rhode Island (Mr. KENNEDY) on March 11, 2004, and unanimously reported by our committee on April 1, 2004, enjoys the support and co-sponsorship of the entire Rhode Island delegation.

Beginning with World War I through the Persian Gulf War, veteran Rhode Islanders from the First Congressional District in Rhode Island have bravely defended this great Nation from the great World War II, the Korean War, Vietnam War, the Persian War. There are over 45,000 veterans living in the First District. Statewide over 93,000 men and women have returned home to Rhode Island after serving in the military.

Designating the post office in Middletown, Rhode Island is an excellent way to honor Rhode Island veterans for their service to our country and to remember the enormous sacrifice the soldiers and their families have made and continue to make.

To the veterans of America, for your unselfish service and devotion to our country and your unwavering defense of our freedom, we thank you. I also want to commend the gentleman from Rhode Island (Mr. KENNEDY) for introducing this legislation. I urge its swift passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3942.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE AND LEGACY OF MELVIN JONES AND RECOGNIZING THE CONTRIBUTIONS OF LIONS CLUBS INTERNATIONAL

Mr. CANNON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 399) honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International.

The Clerk read as follows:

H. RES. 399

Whereas Melvin Jones was born in the Cavalry Outpost at Fort Thomas, Arizona, on January 13, 1879;

Whereas Melvin Jones experienced early success in the insurance industry and that success led to his sole ownership of an insurance agency;

Whereas although many business clubs of the time exhibited a self-interested attitude, Melvin Jones had a vision of an organization of businessmen focused on volunteerism and community service;

Whereas the Association of Lions Clubs, known today as Lions Clubs International, was begun on June 17, 1917, when 20 delegates gathered in the East Room of the Hotel LaSalle in Chicago;

Whereas, while Melvin Jones passed away on June 1, 1961, his legacy lives on;

Whereas, for over 85 years, Lions Clubs International has honored Melvin Jones' legacy by following the simple rule that he insisted be included in the organization's Constitution: "No club shall hold out as one of its objects, financial benefits to its members.";

Whereas Lions Clubs International counts over 46,000 clubs and 1.4 million members, and constitutes the largest network of service clubs in the world; and

Whereas Lions Clubs International continues to embrace its motto "We Serve" by performing a wide range of services, including cleaning local parks, supporting advances in medical technology, bringing sight to the blind, mentoring children, and organizing Liberty Day celebrations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legacy of volunteerism and community service of Melvin Jones; and

(2) recognizes the contributions and service of Lions Clubs International to communities and those in need throughout the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 399 recognizes the remarkable global contributions of Lions Clubs International, the largest service club organization in the world.

Lions Clubs work to aid communities in 190 different countries with all sorts of humanity's problems. From collecting five million pairs of used eyeglasses each year to give to those with vision loss, to collecting thousands of books for hospitals and schools in need, and to establishing disease prevention programs, the Lions Clubs consistently live up to their long-stated mission, "We serve."

Mr. Speaker, the resolution also honors Melvin Jones, the founder of the Lions Clubs. Jones grew up in Chicago and worked in the insurance industry as a young adult at the turn of the 20th century. He became affiliated with the business group known as The Business

Circle, but was dismayed that the group focused only on improving the financial status of its members. Jones sought a business club that asked for more from its members.

On June 17, 1917, Jones pulled together leaders of business clubs from all over the U.S. to discuss a new business-oriented organization that also would be committed to community service. The nascent group was called the Association of Lions Clubs, and it has grown into the largest service club organization on Earth with 1.4 million members worldwide today.

This year is the 125th anniversary of Melvin Jones' birth and, therefore, a fitting time to pay tribute to his commitment to volunteerism and service.

Mr. Speaker, the Lions Clubs International are truly worthy of commendation by this House, and I would encourage anyone interested in volunteer opportunities to think about contacting a nearby Lions Club chapter.

I thank the gentleman from Minnesota (Mr. KENNEDY) for his work to honor Melvin Jones and the Lions Clubs. I know the gentleman from Minnesota has been a Lions Club member for many years. I congratulate the gentleman for advancing this resolution to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we honor the life of an American hero, Mr. Melvin Jones, and the institution he helped created, the Lions Clubs International. A driven and thoughtful man, Melvin Jones made his home in Chicago, Illinois and formed his own insurance agency in 1913.

Mr. Jones, like many other businessmen, worked extremely hard for his success. Unlike some, however, Melvin Jones did not find satisfaction in his personal success alone. He wanted to improve his community. He believed that he and other successful businessmen should work together for the betterment of the community.

Mr. Jones is quoted as asking at a businessmen's luncheon, "What if these men who are successful because of their drive, intelligence and ambition were to put their talents to work improving their communities?"

Thus, on June 7, 1917, the Lions Clubs International was born. The first meeting was held in Chicago and two principles were set forth. One, meetings were not to be of a social nature, and members could not promote their own business interests.

The group was to focus on volunteerism and community service. Melvin Jones became so engulfed in the Lions Club that he left the insurance agency he had created to work for the club full time. He was a living example of the Lions Club motto, "We serve."

Although Mr. Jones passed away in 1961 at the age of 82, his legacy in the Lions Club lives on. Today with more than 46,000 clubs in 193 countries, Lions Club has expanded its focus to help meet the ever-increasing needs of our global community. One of the Lions Club's biggest programs is to improve the quality of eye care for the less fortunate. The Lions Club provides thousands of people around the world with free eye care. In addition, the Lions Club collects more than 5 million pairs of eyeglasses each year to be distributed in developing countries.

Melvin Jones, the man, whose personal code was, and I quote, "You cannot get very far until you start doing something for somebody else," became a source of inspiration for people working all over the world for the good of mankind. I am delighted to know this history and origin of the Lions Club and proud to say that at one time I, too, was a member of a Lions Club and one of its creators in my own community and my own neighborhood, and I can remember distributing eyeglasses to people who needed them.

So we thank Mr. Jones for his vision, for his creativity, and his sense of giving back to his community. I am privileged to support this legislation. I view Mr. Jones as one of our real visionaries.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I want to thank the mellifluous gentleman from Illinois (Mr. DAVIS) for his contribution to the Lions Club in his area.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY), the distinguished sponsor of this legislation.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Utah (Mr. CANNON) for yielding me time.

Mr. Speaker, I rise today in support of House Resolution 399, a resolution I introduced to honor the life and legacy of Lions Club International founder, Melvin Jones, and to recognize the contributions of this fine organization.

Over 200 years ago at the end of the Constitutional Convention in Philadelphia, a curious woman asked Benjamin Franklin, "Sir, what have you given us?" He replied, "a republic, if you can keep it." Part of our responsibility of maintaining our republic is encouraging the active involvement of our citizens and our government in serving our community. No one understood this better than Melvin Jones.

The club he founded, Lions Club International, embodies that spirit through a program called Liberty Days.

The history of Lions Club International of which I am a proud member from the Watertown, Minnesota chapter goes back nearly 100 years. After a humble beginning that began on January 13, 1879 in a dusty cavalry outpost at Fort Thomas in what was then known as the Arizona Territory, Melvin Jones moved east with his family to St. Louis.

□ 1430

Later, in Quincy, Illinois, Melvin Jones attended Union Business College and Chaddock College. After college, he moved to Chicago where he launched a successful career in insurance, first with the Johnson and Higgins agencies and later with his own business, the Melvin Jones Insurance Agency.

In 1909, he married women's professional golfer Rose Amanda Freeman, whose unqualified support was instrumental as Melvin worked tirelessly to get the Lions Club rolling. In 1913, an acquaintance invited Melvin to meet some local men who belonged to a club called the Business Circle. Like many groups at the time, the Business Circle was largely about old school "scratch my back and I will scratch yours" club.

After his election as secretary in 1915, Melvin began to wonder how much could be accomplished if only the members of the Business Circle would pool their energies and talent for the greater good of their communities. Despite broaching this novel idea with other business organizations, their feedback was mixed at best. So Melvin put this unique vision into action and launched his own organization.

On June 17, 1917, he assembled 20 delegates representing 27 clubs nationwide in the East Room of the Hotel LaSalle, and a consensus was reached that a national organization should be formed dedicated to community service. After a spirited debate, the club voted by secret ballot to name the new organization the Association of Lions Clubs. Jones advocated for the name of Lions because it was a symbol of courage, strength, fidelity and vital action, which helped set the standard for the club.

Furthermore, during the organization's constitution, he insisted that it include a plank that no club should hold out as one of its objects financial benefits to its members, a principle Melvin followed throughout his entire life.

The Lions Club caught on so fast that it was just 3 years later after its birth that the club became international when it chartered a new club in Windsor, Ontario.

One of the profound moments of the club's history occurred in 1925 at their international convention at Cedar Point, Ohio, when Helen Keller addressed, challenging the attendees, the Lions, to become knights of the blind in their crusade against darkness, and from then on, as my fellow colleagues have noted, the Lions have been serving and bringing sight to the visually impaired and made this one of their central priorities.

In 1927, the Lions Club had the support of 11,063 local clubs and comprised 60,000 members worldwide. In 1950, when Lions membership surpassed the 400,000 mark, the international board of directors conferred upon Melvin Jones the title of Secretary General of Lions Club International which was changed to Founder and Secretary General in 1958.

Throughout his life, Jones' refusal to accept the limitation of old age was an inspirational reminder to all Lions of his dedication to serving others.

In 1960, at the age of 81, even after several strokes the year before, he commuted to the club each day alone from his suburban Chicago home, never missing a moment of the Lions International Convention where thunderous applause for the Founder shook the rafters.

On June 1, 1961, Melvin's perfect attendance record ended with his passing into the next life. Soon after, the international board of directors proclaimed January 13, Melvin Jones' day as a memory each year for his contributions to the world of Lionism. In 1965, the Melvin Jones Lions International Memorial was dedicated near his birthplace at Fort Thomas, Arizona.

In June 1999, the Lions international board dedicated a prestigious 50-foot spire in his honor as a lasting tribute to his memory.

During his remarkable life, Melvin Jones accumulated dozens of award, honors and accolades, including participation in a White House business leaders conference to discuss the economy in 1932 and representing the Lions Club at the preliminary planning for the United Nations in 1945.

Today, the Lions Club International is the largest network of service clubs in the world, comprising more than 46,000 clubs and 1.4 million members in 193 countries.

In addition to bringing sight to the blind, the Lions help build a brighter future for their communities by performing a wide range of services from cleaning up local parks and developing youth programs to assisting the hearing impaired and promoting diabetes awareness.

One of the Lions' newest and most exciting programs is the Liberty Day Program. Unfortunately, as most of us are well aware, over the years civics education has become only voluntary in many schools across the country. Even where it is taught, many American government and history books have left out the two most important documents in our history, the Declaration of Independence and the Constitution. These omissions will have a detrimental effect on our republic, with young people learning less about our founding and how precious our democracy is.

As Members of Congress, we have a responsibility to give back to our communities and combat the cynicism and apathy that some of our constituents have towards government.

In the summer of 1966, two members of the Youth Service Committee of the Lions Club in Denver, Colorado, started a small program in Denver schools to distribute books containing the Declaration of Independence and the Constitution. The program immediately got traction and volunteers sought out private donations for the printing of these little booklets.

Other Lions Club members and volunteers pitched in and recruited elected State officials in Colorado ranging from the Speaker of the State House, Russell George, to former Senator Gary Hart and Attorney General Gale Norton to speak to classes and distribute the books. The response was unbelievable.

Soon, every State had its own booklet on Liberty Day, and many have Statewide Liberty Day coordinators, who are continuously seeking to promote and collect private donations to print these books. In fact, in 2000, both the House and the Senate passed resolutions honoring and recognizing the contributions of Liberty Day.

I am proud to be State Chairman of Minnesota's Liberty Day program. In my State, I have had the honor of participating in more than a dozen of these celebrations, talking to thousands of students and adults, and the response has been overwhelmingly positive.

Liberty Day has evolved into more than just a celebration for students. It is a celebration in which the whole community can participate. Many communities celebrate by holding public lectures, displaying sections of the Declaration of Independence and Constitution in public places and staging mock debates on issues our Founding Fathers grappled with more than 200 years ago. These celebrations are terrific opportunities to connect with our constituents and provide an example and opportunity to give something back to our communities who have entrusted us with the responsibility of doing the people's business. It is also a chance to leave a lasting impression in the minds of young and old alike and erase some of the cynicism they have towards government and public officials.

In closing, none of the outstanding programs and services provided by Lions Club International that have touched the lives of many millions around the world would have been possible without the selfless dedication of Melvin Jones and the millions of volunteers who have followed in his pursuit of serving others.

I urge all of my colleagues to support this resolution and give Melvin Jones and the Lions Club International the congressional recognition they deserve.

Mr. FROST. Mr. Speaker, I rise today to honor Lions Club International founder, Melvin Jones, for his legacy of volunteerism and community service. Melvin Jones was born on January 13, 1879 at Fort Thomas, Arizona, and passed away on June 1, 1961 at the age of 82. He founded the Association of Lions Clubs in 1917, the same year they held their national convention in Dallas, TX.

Melvin Jones abandoned his job at an insurance agency to devote himself full time to the Lions. He was a dedicated individual who gave back to his community and worked hard to improve the lives of others. Melvin Jones had a vision for the Lions to expand their focus to help meet the ever-increasing needs of our global community.

Today, Lions International has over 1.4 million members in over 170 countries worldwide. As a proud member of the Oak Cliff Lions Club in Dallas, TX, I am pleased to celebrate their 75th anniversary and salute each member who graciously gives their time, skills and resources for our communities and internationally. As global members, Lions provide immediate and sustained relief in time of disaster and offer long-term assistance to those in need. Lions International has raised millions of dollars for various charitable causes, including sight conservation, diabetes awareness and cancer research. For over 85 years, Lions International has benefited countless persons by fulfilling the mission set out by Melvin Jones in the association's motto: "We Serve."

Mr. Speaker, and I am pleased to honor the service and commitment Melvin Jones made to build a brighter future for our country, and I know my colleagues will join me today in recognizing his valuable contributions.

Mr. STENHOLM. Mr. Speaker, I rise today in support of House Resolution 399, honoring the achievements of Melvin Jones and recognizing the contributions of Lions Club International.

One of our Nation's great success stories began when Jones, then an insurance agent, looked around his business luncheon group and asked a question:

"What if these men, who are successful because of their drive, intelligence, and ambition, were to put their talents to work improving their communities?"

On June 7th, 1917, Lions Clubs International was born. Jones eventually left the insurance business to devote himself to the organization full-time. With his guidance, Lions Club International became one of the world's leading service associations. Jones's leadership was held in such high regard that he was recruited as a consultant during the organization of the United Nations.

Today, almost 1.4 million Lions Club members in 193 countries tackle problems like blindness, drug abuse prevention, diabetes awareness, and disaster relief. Lions build parks, support hospitals and establish water treatment programs. The largest Lions Club in the United States meets in Lubbock, Texas, where they've served since 1929.

The Lions have been with us for 85 years. Melvin Jones's philosophy that "You can't get very far until you start doing something for somebody else" has become the motto of service-minded folks the world over. Where there's need, they're there. Where there's work to do, they serve.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 399.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERARY MONTH

Mr. CANNON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 578) supporting the goals and ideals of Financial Literacy Month, and for other purposes.

The Clerk read as follows:

H. RES. 578

Whereas the financial services industry in the United States benefits millions of people in the United States, providing products and services that allow individuals and families to build homes, buy cars, finance educations, start businesses, and meet everyday needs;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens, yet a study completed in 2002 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors knew less about principles of basic personal finance than did high school seniors 5 years earlier;

Whereas financial education has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes, yet a survey completed in 2002 by the National Council on Economic Education found that a decreasing number of States include personal finance in education standards for students in kindergarten through high school;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth, yet between 25,000,000 and 56,000,000 people over the age of 18 do not use mainstream, insured financial institutions and are considered "unbanked";

Whereas personal financial management skills and lifelong habits develop during childhood, and 55 percent of college students acquire their first credit card during their first year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as "401(k) plans"), a Retirement Confidence Survey conducted in 2002 found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement, and 25 percent of workers have done no specific planning for retirement;

Whereas financial literacy empowers individuals to make wise financial decisions in an increasingly complex economy, and only 30 percent of those surveyed in an Employee Benefit Trend Study conducted in 2003 are confident in their ability to make the right financial decisions for themselves and their families;

Whereas personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to 2.3 percent in the first 3 quarters of 2003;

Whereas Congress sought to implement a national strategy for coordination of Federal financial literacy efforts through the establishment of the Financial Literacy and Education Commission in 2003, the designation of the Office of Financial Education of the Department of the Treasury to provide support for the Commission, and requirements that the Commission's materials, website, toll-free hotline, and national multimedia campaign be multilingual; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated April as "Financial Literacy Month" to educate the public about the need for increased financial literacy for youth in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H. Res. 578, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H. Res. 578 supports the goals and ideals of Financial Literacy Month. The National Council on Economic Education, its State Councils and Centers for Economic Education and the JumpStart Coalition for Personal Financial Literacy have deemed April to be Financial Literacy Month. Along with my colleagues, especially the sponsor of this resolution, the gentlewoman from Illinois (Mrs. BIGGERT), I am pleased to be highlighting this designation and the important cause of financial literacy.

This resolution aims to increase awareness of the significance of thoughtful and well-planned personal financial management. It can be overwhelming for people of any age to manage money, credit and debt, but learning simple financial principles can help protect you against severe family illness, short-term losses of employment, economic downturns, and other aspects of life that most of us will experience at one time or another.

Mr. Speaker, the resolution cites the fact that over the last 20 years personal savings have decreased from 7.5 percent of personal income to just over 2 percent today. This reality means more Americans have just a small cushion on which to fall back on when financial times become difficult. We all need to take steps to learn economic fundamentals and teach our children these principles as well. All of us can enjoy big returns on our investments in financial literacy.

Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT), my friend and distinguished Member from Illinois, for her work on H. Res. 578. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, providing America's youth with a good education has been a national priority but also a national failure. Not only are many children of our great Nation being deprived of a good academic education, but many young people today lack the life skills necessary to function without the financial assistance of their parents.

According to the JumpStart Coalition for Financial Literacy, high school seniors today know less about the principles of basic personal finance than seniors did 5 years ago. Even more startling is the fact that the average student who graduates from high school lacks the basic skills for managing their own personal finances. Many are unable to do simple tasks like balancing a checkbook.

Over the last 50 years, a dangerous trend has developed. Saving money has declined at the same time that borrowing has increased. In 1950, savings averaged 12.3 percent of national output. By the 1960s, it was down to 8.5 percent. By the 1980s, it was down to 4.7 percent, and in the early 1990s, it was only 2.4 percent.

Americans need to work to achieve financial independence, and proper financial planning is crucial to that process.

While not a final solution, educating our youth about the principles of personal finance would do a great deal to help them achieve financial independence and prosperity. Educating new generations to understand personal finance would help future Americans build wealth and obtain financial independence.

In order for our youth to lead successful lives these life lessons must be taught. Creating a Financial Literacy Month is a great first step towards protecting our youth from poverty.

I rise today to ask that we support the goals and ideas of Financial Literacy Month and that this President issue a proclamation calling on the Federal Government, as well as State and local governments, to observe the month with appropriate programs and activities that promote financial accountability.

Finally, Mr. Speaker, I want to commend my colleague the gentlewoman from Illinois (Mrs. BIGGERT) and my good friend the gentleman from Utah (Mr. CANNON) for the lead roles that they have played in introducing and bringing this legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT), the sponsor of H. Res. 578.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of H. Res. 578, which my colleague the gentleman from Texas (Mr. HINOJOSA) and I introduced to designate April as Financial Literacy Month. We did so in order to raise the public awareness about the importance of financial education in the United States and the serious consequences that come when young people and adults lack basic understanding of personal finances and economics.

□ 1445

Today, 60 percent of preteens do not understand the difference between cash, checks, and credit cards. We need to teach basic financial literacy skills so that they can understand the difference. But financial literacy is only part of the problem.

It is equally important they understand basic economic concepts, such as supply and demand, opportunity costs, what drives interest rates, and other economic principles. Why? Well, it is because financially literate students may learn what the credit card is, but the lesson will be meaningless if they do not understand the concept of compound interest.

Just look at the pay-off. Financial education, including economics, has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and savings habits, higher net worth, and more positive attitudes towards money.

If our young people learn how to manage money, credit, and debt, they can become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens. It is through financial education these young consumers will learn to capitalize on the choices and flexibility that this new world has created. And financially literate children grow up to be financially savvy adults. And we need more of them.

Today, more than 42 million Americans participate in 401(k) plans. But a 2002 retirement confidence survey found that only 32 percent of workers surveyed have calculated how much money they will need to save by the time they retire. And less than one-third of those surveyed are confident in their ability to make the right financial decisions for themselves and their families. One-quarter of those workers, over 10 million Americans, have done no specific financial planning.

Many programs already exist in both the public and private sectors to address economic education and financial literacy; but no matter what their specific target, they all recognize that the most effective time to impart basic financial and economic knowledge is during a student's formative years through the K through 12 education system.

Many States have introduced outstanding financial literacy programs for children. In my home State of Illinois, State Treasurer Judy Baar Topinka created the Bank At School program, which helps children learn the fundamentals of money management through the operation of an in-school bank. Schools are partnered with financial institutions which conduct a monthly bank day at the school where students open savings accounts and make regular deposits.

I believe that these kinds of programs provide the guidance that is desperately needed; but we need more, and we need them now. For instance, while 40 States have set standards for personal financial education in 2000, only 31 States renewed their standards in 2002. Of these 31 States, only four States, Idaho, Kentucky, Illinois, and New York, implemented a course that covers personal finance during a student's K through 12 education. In 2002, Jump$tart released a survey that showed high school seniors know even less about credit cards, retirement funds, insurance, and other personal finance basics than they did 5 years ago. This is a trend that we must reverse.

With only seven States currently recognizing financial literacy month, there is obviously a great deal of work to do. But if we take the time to take on this challenge, we can begin to turn things around and excite students about becoming the next generation of investors.

Mr. Speaker, the state of financial literacy among our children may not garner much in the way of headlines, but it is an issue nonetheless that should command our attention. While it is a problem that is serious and urgent, it is one that can be solved through education. This body would like to call special attention to that need during the month of April. It is our duty to help our youth succeed in today's increasingly sophisticated world of finance.

We must continue to keep the pressure on in terms of public awareness of the problem. I hope that we will use this month as a springboard to raise public awareness about the importance of financial education in the United States.

I want to thank my distinguished colleague and friend, the gentleman from Texas (Mr. HINOJOSA), for his strong support and cosponsorship of this resolution. I would also like to thank the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), and especially the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS), also members of the Committee on Government Reform, for managing this resolution and the gentleman from California (Mr. DREIER) for his long-term work on this issue.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA), a Member who has distinguished himself as an educator, an outstanding businessperson and an outstanding legislator, and who has been at the heart of the development of this legislation.

Mr. HINOJOSA. Mr. Speaker, I rise in support of House Resolution 578 that the gentlewoman from Illinois (Mrs. BIGGERT) and I introduced earlier this year. The legislation supports the goals and ideals being acknowledged in naming April as Financial Literacy Month. I should note that the gentlewoman from Illinois and I have been working together on a number of financial literacy projects for quite some time, and I look forward to continuing to coordinate our efforts to improve financial literacy programs for our youth and for U.S. residents at all stages of their lives.

I want to thank the Committee on Government Reform for bringing this legislation to the floor today to celebrate April as Financial Literacy Month. Improving financial literacy, especially in the communities of the Rio Grande Valley of Texas and Central Texas, has been a top priority of mine. My ultimate goal is to educate our youth about financial issues in order to prepare them for the real world.

It is also important that we educate adults and seniors on the basics of financial literacy to bring them into the mainstream financial system and to protect them from payday lenders, as well as to protect them from predatory lenders and others who would take advantage of them. And so I have decided to act to address these concerns.

The chairman of the Subcommittee on Financial Institutions and Consumer Credit of the House Committee on Financial Services, the gentleman from Alabama (Mr. BACHUS), held a hearing at my request on bringing the unbanked into the mainstream financial system. The chairman of the Subcommittee on Education Reform of the Committee on Education and the Workforce, the gentleman from Delaware (Mr. CASTLE), and the ranking member, the gentlewoman from California (Ms. WOOLSEY), held a hearing on financial literacy that allowed the gentlewoman from Illinois and myself to discuss the CENTS Act, which would establish a commission to educate our nation's teachers and students on financial literacy skills.

I also promoted financial literacy when I spoke at a panel with the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. TOM DAVIS) at the FDIC's symposium on financial literacy held at the National Press Club. With the assistance of the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Committee on Financial Services, I was able to add a section to the FACT Act to ensure that the commission it creates on financial literacy will develop and promote financial literacy and education materials in languages other than English, including for the commission's Web site, a toll-free number, a national media campaign, and all the materials it disseminates.

Before I conclude, I want to point out some financial literacy programs of note. The FDIC has a well-written and helpful program in English, Spanish, and numerous other languages known as Money Smart that targets adults. It is being disseminated in my district, and it is helping to encourage the adults in my district to move into the financial mainstream.

Several large banks, such as Wells Fargo and Bank of America, have implemented financial literacy programs that are now being used in schools for K through 12 programs. The Independent Bankers in Texas have been attempting to encourage the Texas State legislature to include financial literacy programs as a requirement for graduation from high school for quite some time.

There are numerous other financial literacy programs out there: Freddie Mac's CreditSmart Espanol program to train the teachers to train other teachers how to teach their financial literacy program; NCEE's K through 12 program; ACB's Money Rules program; Fannie Mae's Homeownership program in English and Spanish; ICI's Investing for Success program; and Operation Hope's Banking on Our Future program, and many others.

There are too many other programs to mention in the time I have been allotted, which is why a financial literacy commission was created by the FACT Act. The gentlewoman from Illinois and I will monitor it with our colleagues in Congress to ensure that it is a success.

Mr. Speaker, I want to thank the gentlewoman from Illinois (Mrs. BIGGERT) and her legislative assistant, Danielle English, for working with me on this important legislation and all other projects; and I especially want to thank my colleague, the gentleman from Massachusetts (Mr. FRANK), and Jaime Lizarraga, on his staff, for all their assistance on financial literacy issues.

On behalf of the Committee on Financial Services, I urge my colleagues to support H. Res. 578.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Texas for his comments, commend him for his significant work in promoting financial literacy, and associate myself with his comments about the importance of training especially children in financial literacy.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), one of the most financially astute Members of the House.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time and for his management of this legislation; and I want to begin by extending my compliments to my very distinguished colleague, the gentlewoman from Illinois (Mrs. BIGGERT), who has long been a champion on this issue, as well as my friend, the gentleman from Texas (Mr. HINOJOSA), who just gave a very thoughtful statement about where we go and why we need to focus on ensuring that we provide financial literacy education to young people in this country. And of course every single debate on the House floor is dramatically enhanced by the voice of the gentleman from Illinois (Mr. DAVIS), so I want to express my appreciation as always to him for his presence here.

Several years ago, Mr. Speaker, I joined our colleague, the gentleman from North Dakota (Mr. POMEROY), in establishing an organization known as Jump$tart, realizing that many of us years and years ago took for granted the understanding of financial literacy. I will never forget, as a kid, when my father ensured that I started a savings account. I looked at that little passbook that I had, which saw only a relatively modest rate the money I had in there growing; but it was a wonderful, wonderful thing.

Today, when we look at the wide range of information that is flooding not only adults but young people as well, and we look at this 21st-century economy, we realize that everybody is deluged, whether it is through the mail by credit cards, on the Web, through advertising that we see; and it can be extraordinarily confusing. And so things that were taken for granted decades ago when many of us were growing up, we now have to focus on in the way of education for our young people.

On the Web today, people have the tremendous opportunity to pay their bills, they have the opportunity to have access to a wide range of financial services and products, and we also need to realize that today we have seen this growing investor class. Over half of the American people, Mr. Speaker, are members of the investor class. They are invested either through their 401(k), through individual retirement accounts, through pension funds, and of course those who directly invest in the markets or in real estate or in other areas. So more than half the American people are members of that investor class.

As that number grows, it seems to me, Mr. Speaker, that we need to do everything we possibly can to ensure that our young people have an awareness level of things that were so often taken for granted and seen as simple common sense in the past.

□ 1500

We passed last year legislation, the Federal Financial Literacy Commission, to promote and enhance financial literacy for all Americans. The initiative established a national financial literacy public service campaign to raise the awareness level regarding personal finance. I was pleased that we have had that in legislation that we have pursued in the past.

Last month there were a number of organizations that had spent time and effort focusing on and promoting financial literacy. They include Citigroup and the Citigroup Foundation's $200 million global financial literacy initiative; the Credit Union National Association's National Credit Union Youth Week; the American Bankers Association's National Teach Children to Save Day; the Jump Start Coalition's biennial Survey on the State of Financial Literacy among high schoolers; the National Council on Economic Education/NASDAQ Educational Foundation's National Teaching Awards Event; and last but not least, my Governor in California, Arnold Schwarzenegger, established April 2004 as California Financial Literacy Month with a proclamation.

Put very simply, Mr. Speaker, financial literacy is all about opportunity. It is about empowering individuals to make informed financial decisions, helping them to attain financial independence and to plan for their future prosperity. Working together, we can ensure that the young people in our country gain a fundamental understanding of personal finance to help them succeed later in life.

I again congratulate the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Texas (Mr. HINOJOSA) for recognizing that focusing this month of April on financial literacy is the right thing to do. I know that all of my colleagues will want to join in support of this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

My mother used to tell us that if we learned to take care of our pennies, that our nickels and quarters would take care of themselves. I think some of those same principles are embedded in this legislation. I am proud to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself the balance of my time.

The prior speaker, the gentleman from California (Mr. DREIER), referred to the financial services products that we have available. I would just like to remind us all that we now have a new product in that array, that is, the health savings account which we passed in the recent Medicare package. It is good for all Americans. It is one of the elements of financial awareness that I hope is advanced through this financial literacy approach that we are taking here today.

I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT) and also the gentleman from Texas (Mr. HINOJOSA) for their support of this bill and bringing it to the floor today. I would also like to thank the gentleman from Illinois (Mr. DAVIS). It is always a pleasure to work with him on projects like this.

Mr. Speaker, I urge all Members to support the adoption of House Resolution 578.

Mr. CANTOR. Mr. Speaker, I rise today to speak in favor of this resolution that will designate the month of April as "Financial Literacy Month." I would like to thank my colleague, Ms. BIGGERT from Illinois, for introducing this legislation. It is important that we raise public awareness and support financial knowledge in the United States. The penalties that may be associated with a lack of understanding of personal finances are too grave for Americans to be left in the dark.

The majority of Americans successfully use the assistance offered by the financial service industry each year. These organizations help individuals to build homes, buy a car, finance an education, start a business, and many other everyday needs. It is essential that individuals are prepared to manage their money, credit, and debt as well as to become responsible workers, investors, business leaders, and citizens.

Promoting financial literacy encourages all Americans to make wise financial decisions and expands their access to the mainstream financial system that provides lower costs, safer options and a greater ability to build wealth. The end result is not only greater empowerment for the American people, but a likely increase in economic activity and growth.

I would like to thank the Financial Literacy and Education Commission, the National Council on Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its state affiliates, and its partner organizations for designating April as "Financial Literacy Month," educating the public about the need for increased financial literacy for youth in the United States.

Personal finance education and awareness is fundamental in ensuring that the public is well-versed in issues that will affect them today, as well as in years to come, as they plan for college, home-buying, and eventually retirement. We must supply them with the knowledge they need in order to succeed in today's complex world of finance.

I urge the passage of this legislation, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise in support of H. Res. 578, which recognizes and supports the goals of Financial Literacy Month.

Now more than ever, we live in a world that has become increasingly complicated when it comes to personal financial matters. A generation ago, a basic knowledge of balancing a checkbook and maintaining a savings account was adequate. However, in today's complex world many Americans are faced with difficult decisions such as determining what type of loan they need; whether to invest in stocks or bonds; how to best manage credit; and how soon to start planning for family education needs and their retirement. There are approximately 40,000 different credit products available, an intimidating thought for the most educated consumer.

Unfortunately, large numbers of consumers never learn the basics of maintaining their personal finances and may struggle unnecessarily with choices leading to financial freedom. Instead, many live paycheck to paycheck and acquire substantial debt.

Today, our nation's youth are bombarded with a multitude of financial options at an increasingly young age. Yet many are ill-equipped to make informed decisions about financial matters. According to a 2001 Teenage Research Unlimited survey, teenagers spend rather than save 98 percent of their money, a total of $172 billion in 2002. One out of every three teenagers has credit cards and even more have an ATM card.

Various public and private organizations have developed programs to promote public knowledge of basic finances. Many of these organizations are working with elementary and secondary students to provide them with a strong education in money management and provide teacher training on how to integrate basic financial education principles into curricula.

For example, in my home state of Delaware, MBNA opened the Financial Advisory Service (FAS) over ten years ago, which offers professional advice to MBNA people and their immediate family members. FAS, under the leadership of Tom Dibble, set out to offer professional personal money management education for all MBNA people. Since the service was established, MBNA has extended the service into the community and into the local school systems through the facilitation of basic credit and money management curriculum to all grade levels in elementary, high schools, and colleges throughout the country. FAS has educated nearly 1,500 students in Delaware 14,000 students throughout the country since 1995. Their extensively educated advisors teach, not only credit information, but, especially in the case of students, spend a great deal of time on financial basics like balancing a checkbook and budgeting.

This fall I held a hearing in my Subcommittee entitled, "Financial Literacy Education: What Do Students Need to Know to Plan For the Future?" I was particularly interested in learning what schools, government, and industry were doing to help educate youth about not only the intricacies of being financially sound, but also the very basics. I was pleased to learn that there is engagement across the spectrum. I am happy to support today's resolution—to recognize those that are already active, and to encourage more to become active.

Mr. SCOTT of Georgia. Mr. Speaker, I rise to recognize April as Financial Literacy Month.

I have joined with Congresswoman JUDY BIGGERT to introduce H. Res. 578 to recognize the goals of Financial Literacy Month. As a member of Congress who has an MBA from the Wharton School of Finance, I believe that there are several steps that Americans can take to gain access to the financial mainstream. The first and most important step is to have fundamental financial literacy. With that knowledge, a consumer can increase access to good credit, home ownership, and be able to invest money for retirement security.

The JumpStart Coalition, which is a financial literacy advocacy organization, estimates that only approximately 15 percent of high school graduates in the United States have taken a course covering basic personal finances. Through my work as a member of the House Financial Services Committee, I have come to recognize the importance of integrating economics and personal finance into the K–12 curricula, and the positive impact this can have on millions of future investors. I have also seen the need for continued financial education for consumers at all economic levels.

Last year, the House last year passed H.R. 2622, which will allow any American to receive a free copy of their credit report each year. This tool will help consumers give their credit a check-up before they apply for a loan, buy a house, or make a major credit purchase. We cannot even begin to encourage low and middle wage earners to use these tools, invest in the stock market or consider a home mortgage if they do not have a basic economic understanding of savings and credit.

By having a good understanding of finances, Americans can help prevent identity theft and protect themselves from being victims of predatory lending practices. Understanding finances also helps consumers know how to start saving money for retirement and higher education. Information is needed to inform tomorrow's investors so that they can make sound investment decisions in a variety of market and economic conditions. The best way to prevent future economic scandals is to create smarter investors. This April, Members of Congress have a good opportunity to put a spotlight on economic education.

I hope my colleagues will join me by recognizing Financial Literacy Month and supporting passage of this resolution.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to offer my support for H. Res. 578, a resolution that would support the goals and ideals of Financial Literacy Month.

Before I became a Congresswoman, I was a businesswoman. I started my own consulting firm in Santa Ana, California assisting public agencies and private firms with cost-benefit analysis, strategic planning and capital acquisition. I have spent many years in the financial sector, and know first-hand the importance of financial literacy and education.

As Chairwoman of the Congressional Hispanic Caucus Task Force on Banking and Finance, I am committed to increasing financial literacy in minority communities. Later this year, I will be holding an issues conference with leaders from the financial world to discuss ways of connecting the financial sector with Hispanic youth to educate them on business and career opportunities. We will also explore the obstacles minorities face in obtaining capital and examine the effectiveness of today's top financial companies in preparing Latinos as leaders in the banking and financial sector.

Mr. Speaker, I cannot emphasize enough the importance of financial literacy. Financial knowledge enables individuals to become more successful, manage their money wisely and contribute to the economy. It is critical that we educate our young people and encourage them to seek out opportunities in the business world. I thank the Gentlelady from Illinois for introducing this important bill, and would urge my colleagues to support it.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 578.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE ASSOCIATE ADMINISTRATOR, HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Human Resources, Office of the Chief Administrative Officer:

> OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
> *Washington, DC, April 27, 2004.*
>
> Hon. DENNIS J. HASTERT,
> *Speaker, House of Representatives,*
> *Washington, DC*
>
> DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued by the New York City Department of Investigations, for certain payroll documents.
>
> After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.
>
> Sincerely,
> KATHY WYSZYNSKI,
> *Associate Administrator,*
> *Office of Human Resources.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4181, PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–470) on the resolution (H. Res. 607) providing for consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 3942, by the yeas and nays;

House Resolution 399, by the yeas and nays; and

House Resolution 578, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

RHODE ISLAND VETERANS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3942.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3942, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 131]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)

Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders

Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—38

Berman
Bonner
Brady (PA)
Brown (OH)
Burr
Buyer
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt

Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)
Mollohan
Nadler
Ose
Platts
Rohrabacher

Rothman
Rush
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF MELVIN JONES AND RECOGNIZING THE CONTRIBUTIONS OF LIONS CLUBS INTERNATIONAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 399.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 399, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 132]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert

Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle

Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes

Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter

McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce

Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—38

Berman
Bonner
Brady (PA)
Brown (OH)
Burr
Buyer
Cannon
Cardin
Collins
Crenshaw

Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich

Lipinski
Lucas (OK)
Mollohan
Nadler
Ose
Platts
Rohrabacher
Rothman
Shuster
Smith (NJ)

Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain on this vote.

□ 1903

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OSE. Mr. Speaker, on rollcall Nos. 131 and 132, I was inadvertently detained. Had I been present, I would have voted "yea" on both measures.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Mr. Speaker, what are the Rules of the House as it relates to the Pledge of Allegiance to the Flag?

The SPEAKER pro tempore. Rule XIV prescribes the daily order of business of the House. The third daily order of business is the "Pledge of Allegiance to the Flag."

Mr. SESSIONS. Mr. Speaker, making a further inquiry, are the words "under God" part of the Pledge of Allegiance?

The SPEAKER pro tempore. Section 4 of title 4 of the United States Code depicts the text of the Pledge of Allegiance as follows: "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Mr. SESSIONS. I thank the Chair and wish to make a further inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. SESSIONS. Mr. Speaker, if a Member designated to lead the House in the Pledge of Allegiance fails to include the words "under God," how would it appear in the CONGRESSIONAL RECORD?

The SPEAKER pro tempore. The CONGRESSIONAL RECORD will reflect the pledge in its statutory form.

Mr. SESSIONS. I thank the Chair.

Finally, are there any rules governing the manner of delivery of the Pledge of Allegiance to the Flag?

The SPEAKER pro tempore. Section 4 of title 4, United States Code, provides in pertinent part that the pledge "should be rendered by standing at attention facing the flag with the right hand over the heart."

Mr. SESSIONS. I thank the Chair.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 578.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 578, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 133]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—42

Becerra
Berman
Bonner
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burr
Buyer
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)
Miller, George
Mollohan
Musgrave
Nadler
Platts
Rohrabacher
Rothman
Ruppersberger
Sessions
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1921

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I will miss votes on Tuesday, April 27, 2004, due to an activity. Had I been present, the RECORD would reflect that I would have voted:

Roll 131, H.R. 3942—To redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building."—"yea."

Roll 132, H. Res. 399—Honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International.—"yea."

Roll 133, H. Res. 578—Supporting the goals and ideals of Financial Literacy Month.—"yea."

PERSONAL EXPLANATION

Mr. CRENSHAW. Mr. Speaker, I was unavoidably detained today due to a family health emergency. I respectfully request the RECORD to reflect that, had I been present, I would have voted "yea" on rollcall vote 131 on agreeing to H.R. 3942; "yea" on rollcall vote 132 on agreeing to House Resolution 399; and "yea" on rollcall vote 133 on agreeing to House Resolution 578.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 131, Rhode Island Veterans Post Office Redesignation; rollcall vote 132, Honoring the life and legacy of Melvin Jones and recognizing the Lions Club International; and rollcall vote 133, Supporting the goals and ideals of Financial Literacy Month.

Had I been present, I would have voted "yea" for rollcall votes 131, 132 and 133.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 195

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 195.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on April 22, 2004, I was in my district on business and missed the following rollcall votes: rollcall vote No. 126, if I had been present, I would have voted "no"; rollcall vote No. 127, if I had been present, I would have voted "no"; rollcall vote No. 128, if I had been present, I would have voted "aye"; rollcall vote No. 129, if I had been present, I would have voted "aye"; and rollcall vote No. 130, if I had been present, I would have voted "aye".

Mr. Speaker, on March 9, 2004, I was a unavoidably detained in my district. And for rollcall vote No. 42, if I had been present, I would have voted "aye"; on rollcall vote No. 43, if I had been present, I would have voted "aye"; and on rollcall vote No. 44, if I had been present, I would have voted "aye".

JOBS

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, over the past 3½ years our country has seen a loss of 2.8 million manufacturing jobs. Manufacturing jobs today are at a 53-year low. In fact, Arkansas, the State I represent, has lost one out of every seven manufacturing jobs since 2000.

Losing these jobs has had a devastating effect on America's working families. Manufacturing jobs have long been a solid source of strength for our Nation's economy, guaranteeing good jobs and a high standard of living for America's working families. But now millions of these manufacturing jobs that were once the backbone of our economy are being exported abroad to other countries. In fact, we lost 1 million jobs alone to China.

We have got to do more to keep our jobs here at home. This should not be a political issue. It should not be a partisan issue. We in Congress must work together and pass commonsense tax incentives that encourage rather than discourage U.S.-based companies to encourage job creation right here at home. The livelihood of America's working families depends on it.

JUSTICE SCALIA SHOULD STEP ASIDE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe, as all of us who have taken an oath to serve in this body, of the sacredness of the three branches of government, respect the United States Supreme Court and the judiciary, as well as the legislative and executive. But I do think it is important to make note of a proceeding that is going on in the United States Supreme Court that is investigating the Vice President's utilization of non-government persons to determine energy policy in a governmentally appointed, Presidentially appointed committee. And I believe that Justice Scalia, in involving himself in this decision, is again warranted in reconsideration not to engage and participate in the consideration of this matter.

This is a very important matter. It is the same importance that was given to the decision regarding health care during the Clinton administration.

In order for the three branches to continue to have the integrity and the respect constitutionally of the people of the United States that we must have transparency, I would ask for Justice Scalia to step aside for a decision to be made for Vice President CHENEY to come forth with the names of the participants.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RENEW THE ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, when I was speaking here last week, Italian customs officials were stopping a boat that had over 7,000 AK–47s being shipped here to the United States. We still do not know yet what their intended purpose was; but with 30-round clips, it could not have been good with AK–47s.

I have scheduled a meeting with the U.S. Customs officials to discuss this troubling shipment. After all, if it is legal to ship in AK–47s, when we are now looking on the assault weapons bill to expire on September 13, can you imagine the flood of guns that are going to be on our streets in a very short while?

Mr. Speaker, the assault weapons ban expires in 139 days. Today and tomorrow police chiefs from all over the country are calling for President Bush and Congress to renew the assault weapons ban. In Detroit, Los Angeles, Chicago, Miami, Atlanta, Seattle and many other cities, police chiefs are calling upon us to help them to make sure the assault weapons ban stays in place.

Tomorrow, I will join Members of Congress and the national law enforcement leaders in calling on President Bush to keep his promise during the 2000 year race that he would sign an assault weapons ban if it gets on his desk. Hopefully, the police officers will be able to convince the President to get involved in this issue.

If we cannot bring it up here on the House for a floor vote, it cannot get to the President's desk. I would love to see many of my colleagues there tomorrow at the press conference. The power of law enforcement was what essentially passed the last original bill.

There is a reason why our law enforcement supports the ban so strongly: 10 years ago cops were routinely outgunned by criminals in our communities with powered assault weapons, but the assault weapons ban made getting these guns far more difficult. As a result, our police officers are safer today than they were 10 years ago. So are our neighborhoods; so are our communities. Why would we want to turn back this progress?

□ 1930

Can anyone tell me why we need AK–47s, Uzis back on the street? I understand the power of the NRA, but anybody with common sense knows that we do not use these particular kinds of guns to go hunting. Our police officers do not even like using them. Remember, a police officer is supposed to stop a criminal, not kill them unless their life is under risk.

If assault weapons are coming back on the street again, obviously our police officers are going to be in trouble once again. Please remember, when you have assault weapons and if we go back to the old way with the amount of clips up to 30, 40, 50, 100, what chance do our police officers have? Are we going to have a war right here in the United States, citizen against citizen, criminals against our police officers? Is that where we want to go? I do not think so.

I am asking my colleagues to stand up and be counted on this. Since I have been here I have worked on gun safety issues. I have never tried to take away the right of someone trying to own a gun. Our citizens know darn well if they have nothing to fear they can get the permit to go hunting. They can get the permit to go buy a gun, but why would you go open up the flood gates of assault weapons so our drug lords, our criminals and possibly even terrorists that are here in this country to be able to buy these guns?

Common sense. Think about the officers that have died. Think about the families they have left behind. Think about our community. Think about the school shootings we have had in the past. Do we want to go back there? Can we stop every killing? No, we cannot. But why would we open again the flood gates of having these kinds of guns back on our streets?

I remind my colleagues, I remind the people across this Nation, the guns we are talking about bringing back on these streets are the guns we see every single night being used in Iraq, assault weapons, AK–47s, Uzis, large capacity clips.

I beg my colleagues to think about this carefully. The law has worked. We should make it permanent and we should make sure that they are not allowed on our street.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as member of the Select Committee on Homeland Security:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Homeland Security, effective immediately. I realize that I served on the Select Committee due to my role as Chairman of the Energy and Commerce Committee. I no longer hold the position of Chairman, thus I resign from the other.

Thank you for your assistance in this matter.

Sincerely,

W.J. "BILLY" TAUZIN,
Member of Congress.

The SPEAKER pro tempore (Mr. BURGESS). The resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the gentleman from Texas (Mr. BARTON) of the House to the Select Committee on Homeland Security to fill the existing vacancy thereon, and to rank immediately after the gentleman from New York (Mr. BOEHLERT).

There was no objection.

UNITED FOR AMERICAN SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I address the House today to call for a higher level of political dialogue and to request that we set aside the recent onslaught of partisanship concerning the war in Iraq.

Being in Kansas over the last several weeks has reminded me of the need to come together, to unify behind our forces fighting overseas. While not everyone will agree on the reasons they got there or whether these reasons justify war, the reality is that American soldiers are engaged in battle. Our troops are fighting for the rights that we have in this Chamber that we must uphold: The cause of liberty, of justice, and freedom from oppression.

This Congress adopted a resolution authorizing the use of force on October 16, 2002 with a vote of 296 to 133.

In recent weeks we have seen the reports of some of the deadliest fighting of the war. We have received reports daily that another soldier has been killed and that another young person has died. Timing is important and priorities must be established. I believe there are legitimate questions to be asked and answered about intelligence that we received before the war, but now we have thousands of troops that are depending upon Americans to unite behind their efforts. Partisan fingerpointing surrounding the 9/11 Commission is not productive, either to the Commission or to the troops. It undercuts the jobs our troops have loyally agreed to do.

These are not Republicans or Democrats in Iraq, these are American soldiers, our men and women, our sons and daughters, our neighbors and friends, fighting so that the people of Iraq might have a chance for a better tomorrow and to reduce the threat of a terrorist attack on our own country.

These are critical times. Historically during times of crisis, some of our greatest leaders have risen above the partisanship of the moment to unite behind our troops and our President. President Dwight D. Eisenhower, from my State of Kansas, is just one example. Following the failure of the Bay of Pigs invasion, Eisenhower emerged from his farm and from retirement to meet with President Kennedy and to defend the President's actions.

Eisenhower understood. He knew what it was like to be President, but he also knew what it was like to be on the front lines as a soldier. He knew that criticizing the President during difficult times would provide encouragement to our foes and weaken our Nation's resolve. Eisenhower knew that using war for partisan gain would only serve to undermine the mission of the troops and dishonor the sacrifices of their families.

But today candidates and elected officials alike rush to the evening cable news shows to berate President Bush, to the detriment I believe of the troops he commands, diminishing the validity of their efforts. I am troubled as I imagine a soldier or a soldier's family listening to insensitive remarks, wondering if the soldier will be forsaken by a country whose call to duty he or she answered. Our soldiers and their families deserve better. Partisanship for the sake of scoring political points has no place on the front lines of the war.

Last week, a friend told me, "This is just another Vietnam." Well, I thought a lot about that and concluded it is only another Vietnam if we create that environment. I came of age during the Vietnam era. I remember the protests, the body counts, the escalation and the retreat. This is not today's Vietnam, not unless we choose to make it through inconsistent policies, contradictory strategies and weakened resolve. We can win both the war and the peace in Iraq, and emerge having given the people of Iraq and the region new reason for hope.

An e-mail from a Fort Riley soldier arrived in my office this month and ended with this quote: "You have never lived . . . until you have almost died . . . for those that have fought to protect it . . . freedom has a special flavor . . . the protected will never know."

Mr. Speaker, I call upon my colleagues and all Americans to think of our men and women overseas before they rush to criticize the conduct of this war. Our soldiers' efforts must be upheld and honored. I do not consider it unpatriotic to question governmental decisions, but what we need today are politicians who put country above partisanship and their Nation ahead of the next election. We need statesmanship.

By unifying behind our troops and their efforts, by requiring our political and military leaders to develop not an exit strategy but a winning strategy, and by making certain that the Iraqi people fully fight for the future of their own country, we can sustain our troops and the mission can be accomplished. With consistent policies, clear strategies, and a firm resolve, we can avoid the war in Iraq becoming just another Vietnam.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT: Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

MISSING WITHOUT ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I agree with the previous speaker. The growing division in America over war in Iraq pales by comparison with the gut wrenching images that divided America during the Vietnam War. Thousands of men were called to serve their countries in Vietnam. Senator JOHN KERRY did just that. Other Americans chose to be conscientious objectors and serve their country in noncombatant roles.

Still other Americans had one or another kind of deferment or joined the National Guard. A week ago, the administration chose to enlist Republicans in a new kind of draft for a new kind of war.

In this Chamber, Republicans launched a sneak attack against the heroism and patriotism of Senator JOHN KERRY. The American people deserve to know the service records of Senator JOHN KERRY and President George W. Bush. He can provide one of them. In 1968, JOHN KERRY commanded a U.S. Navy swift boat in Vietnam. This was a 50-foot aluminum boat that was heavily armed but had no armor protection.

In 1968, George W. Bush joined the Texas Air National Guard jumping ahead of 150 people on the waiting list.

On the night of December 2, 1968, JOHN KERRY commanded a Navy swift boat. It came under intense fire while on patrol. JOHN KERRY was wounded and awarded the Purple Heart.

George W. Bush meanwhile was accepted into pilot training after scoring the lowest score possible to qualify.

In early 1969, the swift boat JOHN KERRY commanded in Vietnam was in a fire fight with the enemy. JOHN KERRY was wounded by shrapnel and awarded a second Purple Heart.

When George W. Bush joined the Texas Air National Guard, he could have volunteered for overseas duty as did JOHN KERRY, but he checked the other box on the form, the one that said "do not volunteer."

In March 1969, JOHN KERRY's swift boat was one of five on patrol in the Bay Hap River. They came under attack. The boat was hit. An intense fire fight ensued. Suddenly a mine detonated near his boat. JOHN KERRY was hit and bleeding. Viet Cong fired automatic weapons from the shore. A man in KERRY's boat fell overboard. JOHN KERRY would not leave that man behind. Under intense fire, JOHN KERRY turned the boat around. With both sides exchanging fire, JOHN KERRY moved to the bow of the swift boat, exposed to enemy fire. Still bleeding, JOHN KERRY did not hesitate. He reached down into the water, bullets whizzing by. JOHN KERRY grabbed hold of the sailor and pulled him into the boat. For his courage and valor under fire, JOHN KERRY was awarded the distinguished Combat "V."

JOHN KERRY was wounded three times in battle serving his country. Yet, Republicans on this floor rose to dishonor every combat veteran by attacking JOHN KERRY and others.

In 2000, Senator Max Cleland of Georgia lost both legs and one arm in Vietnam. Republicans disgraced themselves by impugning the man's courage and service to the Nation. America needs to know. Where was President Bush during the Vietnam War?

Missing without action, that is where the President was.

In February 1972, the military stripped George W. Bush of his flight status. He was suspended from flying for failure to take a required physical exam. Why? Why did George W. Bush not take the physical? Would a physical have revealed a top gun or a smoking gun? We do not know.

There is an 11-month gap in George W. Bush's record, from May 1, 1972 to April 1, 1973. George W. Bush was not only grounded during this period, he was on the ground in Alabama working in a political campaign. That is not a mission in the National Guard manual. We would like to know more, but the National Guard Bureau Chief told a Spokane, Washington newspaper he was under orders not to talk.

Why is that?

We know that Senator JOHN KERRY was wounded in battle three times. We know that Senator JOHN KERRY never left a man behind. We know that Senator JOHN KERRY fought with courage and valor on behalf of his country.

We know that George W. Bush flew under the radar, because that is the only explanation of how a pilot suspended from flying parachuted into a Republican political campaign in Alabama.

JOHN KERRY, Max Cleland. America has many heroes from the Vietnam War. It is time Republicans and the administration honor the courage and valor of American veterans, no matter what party they belong to.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DeFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1945

IN COMMEMORATION OF THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I rise today to honor the one and a half million Armenians who perished in the Armenian genocide that began 89 years ago on April 24, 1915. I consider this a sacred obligation, to ensure that future generations of Americans remember the first genocide of the 20th century and to ensure that the men, women and children who perished at the hands of the Ottoman Empire are not lost to history.

We have always recognized the transience of memory. It is why we set aside holidays and build monuments to honor our heroes and the events that have shaped our societies. The stone and concrete of a memorial serve to freeze history and to preserve it for those who will follow. The written word cannot be burned when it is etched into rock.

Time is the ally of those who would deny or change history. Such has it been with the government of Turkey and the Armenian genocide. Although the genocide was perpetrated by modern Turkey's predecessor, generations of Turkish leaders have steadfastly denied that the genocide ever took place, despite overwhelming evidence to the contrary.

Time is on their side. The generation of Armenians with direct memory of the genocide is gone. Their children are aging. Much of the rest of the world has moved on, reluctant to dredge up unpleasant memories and risk the ire of modern Turkey. For those of us who care deeply about the issue, we must redouble our efforts to ensure that our Nation, which has championed liberty and human rights throughout its history, is not complicit in Ankara's effort to obfuscate what happened between 1915 and 1923. Worse still, by tacitly siding with those who would deny the Armenian genocide, we have rendered hollow our commitment to never again let genocide occur.

Among historians there is no dispute that what happened to the Armenian people was genocide. Thousands of pages of documents sit in our National Archives. Newspapers of the day were replete with stories about the murder of Armenians. Appeal to Turkey to stop massacres headlined the New York Times on April 28, 1915, just as the killing began. On October 7 of that year, the Times reported that 800,000 Armenians had been slain in cold blood in Asia Minor. In mid-December of 1915, the Times spoke of a million Armenians killed or in exile.

Prominent citizens of the day, including America's ambassador to the Ottoman Empire, Henry Morgenthau, and Britain's Lord Bryce reported on the massacres in great detail. Morgenthau was appalled at what he would later call the sadistic orgies of rape, torture, and murder. Lord Bryce, a former British ambassador to the United States, worked to raise awareness of and money for the victims of what he called the most colossal crime in the history of the world. In October 1915, the Rockefeller Foundation contributed $30,000, a sum worth more than half a million dollars today, to a relief fund for Armenia.

Others, too, reacted in horror to what Ambassador Morgenthau called, for lack of a specific term, race murder. In the early 1930s, 10 years after the genocide, a young Polish attorney named Raphael Lemkin, who had read of the genocide as a child, tried to get European statesmen to criminalize the destruction of ethnic and religious groups. He was dismissed as an alarmist. A few years later, when Hitler invaded Poland, Lemkin lost 49 members of his family in the Holocaust.

Lemkin escaped, first to Sweden, where he documented the horrors going on in Nazi-occupied Europe and then to the United States, where he worked for the Allied war effort. He resolved to create a word to convey the mass atrocities being committed by the Germans. In 1944, while working for the U.S. War Department, he coined the term "genocide," citing the slaughter of Armenians three decades earlier.

In 1948, in the shadow of the Holocaust, the international community responded to Nazi Germany's methodically orchestrated acts of genocide by approving the Convention on the Prevention and Punishment of the Crime of Genocide. It confirms that genocide is a crime under international law and defines genocide as actions committed with the intent to destroy a national, ethnic, racial or religious group.

The United States, under President Truman, was the first Nation to sign the convention. Last year marked the 15th anniversary of President Reagan's signing of the Genocide Convention Implementation Act.

Just over a year ago, I introduced H.R. 193 with my colleague, the gentleman from California (Mr. RADANOVICH), with the gentleman from New Jersey (Mr. PALLONE), with the gentleman from Michigan (Mr. KNOLLENBERG), and other Members of this House. This resolution reaffirms the support of the Congress for the genocide convention and commemorates the anniversary of our becoming a party to this landmark legislation.

On May 21 of last year, we achieved a huge victory when we passed the genocide resolution by a very strong bipartisan vote.

This should be an easy resolution for all of us now to support on the House floor. Genocide is the most abhorrent crime known to humankind; and unfortunately, it still exists. Exactly 10 years ago, before the cameras of the world, Rwanda's majority Hutus exterminated over 500,000 Tutsi in just over 3 months' time, mostly with machetes and homemade axes.

The reason that we have not yet succeeded in passing this resolution on the House floor is simple. The government of Turkey refuses to acknowledge the genocide and the strongest Nation on Earth fears their reaction if we do.

All over the globe—from South Africa, to Argentina, to the former Yugoslavia, governments have set up truth commissions and other bodies to investigate atrocities. Nowhere has this process been more extensive than in Germany, which has engaged in decades of soul-searching and good works that have not only restored the nation's standing, but also its moral authority.

I call upon the government of Turkey and our own government to do the same. When the burden of the past is lifted, then the future is brighter. As long as Ankara engages in prevarication, equivocation and evasion, Turkey will exist under a cloud—not because of its past, but because of its refusal to address that past. And as long as we fail to do our duty in this country, in this Congress, we do not live up to our great name and our great heritage.

I also call upon the distinguished Speaker of the House to allow us to vote on the Genocide Resolution. One hundred ten of my colleagues have cosponsored this resolution and I expect that it would pass overwhelmingly if given the chance, but we must do it soon, for with each year the events of 1915–1923 recede a bit more into the dark of history.

Time, Mr. Speaker, is not on our side.

Mr. Speaker, I ask unanimous consent for 1 additional minute.

The SPEAKER pro tempore. The Chair cannot recognize that unanimous consent request. The gentleman's time has expired.

ORDER OF BUSINESS

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask that I utilize the 5 minutes, that I am on the list, at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

GEOTHERMAL ENERGY INITIATIVE ACT OF 2004

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I want to bring to the attention of this Congress legislation that I have recently introduced.

The Geothermal Energy Initiative of 2004, H.R. 4094, is legislation that addresses a critically underdeveloped energy segment of our national renewable energy portfolio. The problem was cited in a January 2004 Associated Press article which stated that the Federal Government has a backlog of 230 lease applications for the prospect of the utilization of geothermal energy.

This Associated Press article also stated that the average age of an application for the prospect of geothermal sites is 9 years.

February 2004 supply projections from the American Gas Association show that natural gas supplies will remain tight into the foreseeable future and will result in continued high prices. The high cost of natural gas affects electricity and home heating costs.

In March of 2004, the National Oceanic and Atmospheric Administration's climate monitoring laboratory reported that carbon dioxide levels in our environment are rising at alarming rates. Carbon dioxide contributes to global warming that disrupts climate and causes seas to rise.

The last national resource assessment of geothermal sites in the United States was completed in 1978. There have been substantial improvements in technology and advances in geological sciences in the intervening 26 years.

Clearly, there is a lack of resources and priority in the Department of the Interior concerning geothermal energy efforts.

Now, in the current situation, most of our Nation's geothermal power plants were built in the mid-1980s and early 1990s when our energy markets were searching for alternative energy investments. Unfortunately, since that time, there has been a significant decline of focus on geothermal energy. Specifically, the Department of the Interior has steadily de-emphasized the geothermal energy program in the Bureau of Land Management and the U.S. Geological Survey.

We must restore that focus. I believe we have an important opportunity to reemphasize this vital energy sector and greatly enhance our Nation's renewable energy portfolio.

For example, the Bush administration has repeatedly championed the need to expand our renewable energy sources and to prioritize the development of our country's geothermal energy sources.

Department of the Interior Secretary Gail Norton and Department of Energy Secretary Spencer Abraham have jointly stated their commitment to increasing our energy security by expanding the use of indigenous resources on Federal lands, while accelerating protection of the environment.

That is not a true assessment as I see it, however. In fact, a 2003 report from the Department of Energy found that California, Nevada, New Mexico, Oregon, Utah, and Washington State have the greatest potential for quick development of geothermal resources. Both those Secretaries, Norton and Abraham, should look at this report. In fact, the study listed nine top sites in California and 10 in Nevada.

Unfortunately, progress has not been made by either one of these departments. That is why I have introduced the Geothermal Energy Initiative of 2004, so that Congress, this administration and States can all work in concert.

The Geothermal Energy Initiative Act of 2004 is straightforward legislation that will do the following: authorize the update of the 26-year-old national assessment of geothermal resource. Significant advances in energy development technology and advances in geological sciences need to be harnessed to better understand and manage our geothermal resources.

We must provide financial incentives to encourage the development of geothermal resources by expanding the production tax credit to include geothermal resources.

Direct the Federal land management agencies to responsibly consider geothermal resources in their land use planning process. The initiative also provides direction to assist in streamlining the permit approval process.

Provide provisions to defray costs associated with preparation of documents and analysis for compliance with Federal environmental protection regulations.

Speaking from a California perspective for a moment, the immediate benefits of this initiative is the enormous positive impact that it will have on air quality and quality of life. For example, it has been estimated that when geothermal resources associated with California are developed, they will replace half the fossil fuel-generated electricity for California.

This benefit alone would help thousands of asthma sufferers in the Los Angeles basin. Also, the addition of geothermal energy will help relieve the high cost of electricity and provide families with more disposable income.

Jobs continue to be a top priority for States and localities. As our country works toward rebuilding our job base, due to the loss of textile and manufacturing jobs that have moved overseas, my legislation offers communities a new economic base and the opportunity for economic growth.

Most geothermal generating facilities are located in rural areas where jobs tend to be scarce. A recent economic development study documents the tremendous job opportunities associated with geothermal generation facilities. Building a 50 megawatt geothermal power plant would create hundreds of immediate construction and related development jobs as well as approximately 30 to 50 permanent full-time jobs at the facility.

Considering the economic multiplier effect, this would mean at least 150 to 200 new jobs in the community.

Given the long operating life of existing geothermal plans, they are a stable and reliable part of the community's economic base. These facilities have a proven record of providing millions of dollars in property taxes and royalties to county and State treasuries. These funds help schools and community infrastructure.

Lastly, Mr. Speaker, geothermal energy development sustains renewable energy efforts including compliance with renewable portfolio standards. It is consistent with the wind energy sources. Geothermal power plants recycle their spent hot water back into the aquifer they are developed on. So this is truly renewable.

I ask my colleagues to strongly support this legislation.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last Sunday, I attended a ceremony to remember the victims of the Armenian genocide in Times Square in New York City, and I have to say it was a very moving moment. There were several, I would not say many, because there are not that many genocide survivors that are still around, but I did have a chance to talk briefly with maybe 10 or so.

It was incredible to hear them tell the stories of the families and atrocities that had occurred 89 years ago now. More and more countries and States and even the media are now in the process of recognizing the genocide, and I just wanted to mention specifically that the Canadian House of Commons last week joined France, Italy, the Vatican and a number of other European countries and the European Parliament in acknowledging this crime against humanity as genocide.

□ 2000

Also last week, The New York Times reversed decades of ambiguity by declaring in favor of using the term "genocide" to describe the Armenian cataclysm of 1915. The Boston Globe adopted a similar policy change last year.

Mr. Speaker, the unfortunate thing is, although so many other countries and so many of our own States have recognized the Armenian genocide, we in the Congress continue not to recognize it. I think it is important that we do so.

The gentleman from California (Mr. SCHIFF) was here earlier, and he mentioned the House Genocide Resolution, H. Res. 193, which has now 111 cosponsors. The resolution was adopted unanimously by the House Committee on the Judiciary on May 21, 2003, but it has not been brought to the floor for consideration. I would urge the Speaker and the leaders on the Republican side of the aisle to bring this resolution to the floor. It is important that they do so.

Now, this year, as we do every year, the members of the Congressional Caucus on Armenian Issues put together a letter to the President of the United States asking him to acknowledge the Armenian genocide. This year there were 169 signatures, more than we have ever had before in that letter that we sent to the President; and I just wanted to read, if I could, some sections of that letter, because I think it is important.

We say, "Dear Mr. President: We are writing to urge you to join us in reaffirming the U.S. record on the Armenian genocide in your April 24 commemorative statement.

"By properly recognizing the atrocities committed against the Armenian people as genocide in your statement, you will honor the many Americans who helped launch our first international human rights campaign to end the carnage and protect the survivors. The official U.S. response mirrored the overwhelming reaction by the American public to this crime against humanity and, as such, constitutes a proud, irrefutable and groundbreaking chapter in U.S. diplomatic history.

"Now, more than ever, as your administration seeks to bring an end to global terrorism and to help establish democracies in Afghanistan and Iraq, the memory of the genocide underscores our responsibility to help convey our cherished tradition of respect for fundamental human rights and opposition to mass slaughters. The victims of the Armenian genocide deserve our remembrance and their rightful place in history. It is in the best interests of our Nation and the entire global community to remember the past and learn from these crimes against humanity to ensure they are never repeated."

That is really the essence of what we are trying to achieve here today in asking that the President and this Congress basically reaffirm the Armenian genocide, because we simply do not want it repeated again. We know how many times in the 20th century that genocide occurred.

House Resolution H.R. 193, and also its Senate counterpart, Senate Resolution 164, which I would like to add has 37 cosponsors right now, basically state that the purpose of the resolutions are to strengthen America's commitment to the value of the genocide convention that was implemented 15 years ago.

This convention recognizes essentially a number of the genocides that occurred in the 20th century. And as some of my colleagues mentioned earlier, not only the Armenian genocide, but that in Rwanda, Burundi, and, of course most important, the Nazi Holocaust genocide against the Jews.

The fact of the matter is, Mr. Speaker, that when we talk about the Armenian genocide, we are simply acknowledging the fact. And we feel very strongly that if at the time the genocide occurred the world and the nations of the world had taken more notice and had tried to prevent it, I think it would have served as a lesson so that the Nazi Holocaust against the Jews and so many other atrocities that took place in the 20th century would not have occurred. If we are going to see a situation in the future, in this 21st century, where we do not repeat the mistakes of the past, we must acknowledge the Armenian genocide.

89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker, this month many of us pause to remember the Holocaust in Yom Hashoah commemorations. But on April 24, 1915, the first genocide of the 20th century began. The Ottoman Empire began rounding up a group of more than 250 Armenian intellectuals and civic leaders. Then soldiers of Armenian descent who were serving in the Turkish military were moved to labor camps and eventually murdered.

Across Anatolia, Armenian leaders were arrested and killed. So, too, were the most powerless, children, women, and the elderly, all driven from their homes into the Syrian desert. These mass deportations were in fact slaughters. They were death marches. Soldiers themselves not only permitted the attacks on the deportees but participated in the killing and rapes. The inevitable end was thousands upon thousands dying of starvation or simply being worked to death, but sometimes these victims were the lucky ones.

When the Turks deemed deportations impractical, the genocide took other vicious forms. In communities near the Black Sea, Armenians were forced onto boats, driven out into the middle of the ocean, and drowned.

In the end, 1.5 million Armenians were killed in the genocide as the world stood by. Henry Morganthau, the U.S. Ambassador to Turkey, who pleaded with world leaders to intervene, described the Ottoman effort to eliminate the Armenian population this way: "The whole history of the human race contains no such horrible an episode as this." An American diplomat stationed in eastern Anatolia cabled back to Washington that "it has been no secret that the plan was to destroy the Armenian race as a race, but the methods used could not have been more cold-blooded and barbarous, if not more effective, than I had first supposed."

Like communities that survived the Nazis efforts at extermination, the Armenian community today is often faced by those who deny the Turkish effort to commit genocide ever occurred. Despite records and accounts preserved in our own National Archives, there have been those bent on erasing this horrible memory from the annals of history.

We will not let that happen. That is why today's commemoration here in the United States Congress and those going on this week is so crucial. If the world fails to remember the Armenian genocide of the early 20th century, we do more than a grave injustice to those who perished. We do a disservice to the generations who have come after us who would be left without the collective memory that binds those who understand the depth of evil that one community is capable of unleashing upon another.

Yet even as we remember and grieve, we thank those in the Armenian community for the contributions they have made around the globe since emerging from terror 89 years ago. One need not look too far to find Armenian-Americans who have become pillars of American society. Armenian-Americans are influential businessmen, like Kirk Kerkorian; famous writers, like William Saroyan; and international sports stars, like Andre Agassi.

In New York, internationally renowned scholar and Carnegie Corporation president Vartan Gregorian spent 8 years as president of the New York Public Library. Arshile Gorky was a leader of the abstract expressionist school that flourished in New York during the 1940s. And I am particularly proud that Raymond Damadian, who invented the MRI, was not only a resident of New York but was a neighbor of mine in Forest Hills. His parents were survivors of the genocide.

As we gather, we also pay tribute to those who have become famous public servants, football coaches, astronauts and others. As we gather to commemorate the Armenian genocide, we do so as a lesson to one another that we must not forget the lessons that were learned. We also gather to pay a message to those who would deny that the Holocaust ever happened. But perhaps most importantly, we gather to send a signal across the world that those who seek to deny the Armenian genocide do a disservice to all of us.

We here in the United States House of Representatives should delay no further in making our voices heard in this debate. It is worth noting that the very same people who would deny this Holocaust actively push that we do not consider the resolution that the gentleman from California (Mr. SCHIFF) has proposed.

We gather here today to pay tribute, but we also gather to put pressure on this United States Congress to finally designate what we all know to be the case as genocide. The first genocide of the 20th century was not the last, tragically; but it is time that we correct the history in the minds of many and finally declare the Armenian genocide the holocaust that it was.

TOUCHED BY AN ANGEL HONOREES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I want to read into the CONGRESSIONAL RECORD the names of five women who were honored by the Touched By an Angel St. Bernadette Women's Day on Sunday April 25, 2000, in my district. The following have been honored for their exemplary and unselfish work and service to church and their community:

Joan Benson. A dedicated and productive volunteer.

Pat Botshekan. If there is any event, she has had a significant role in planning and bringing the occasion to fruition.

Marian Donkor. She has distinguished herself as an able and willing volunteer, always agreeable, pleasant, and eager to help whenever needed.

Lucille Matthews. Always focused on her family, her church, and the community, where she visits the sick almost every day.

And then there is Peggy Wright. Active in her community as block club chairman, volunteer at St. Anne's Home For Unwed Mothers, she has held many committee positions and chairmanships.

Mr. Speaker, I want to congratulate them as the angels of peace for being honored with a Touched By an Angel Award.

THE ARMENIAN GENOCIDE

Mr. Speaker, a few remarks on the Armenian genocide. My Armenian-American friends and neighbors in Los Angeles have asked me to speak tonight as a tribute to the victims of the Armenian genocide.

As you know, in April 1915, approximately 1.5 million Armenians were systematically killed in an organized fashion by the Ottoman government. Ample documentation of these facts exist; yet today, almost 9 decades later, the government of the modern state of Turkey still fails to acknowledge the fact of the Armenian genocide.

Turkey's failure to acknowledge the truth is a burden on the alliance between our two nations. I would say to our President, it should be called as it is, a crime of genocide. So I call upon the President of the United States to uphold the commitment he made back when he was running for President and put the United States of America on record acknowledging the Armenian genocide.

SMART SECURITY, PREVENTING FUTURE ACTS OF TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, almost 3 years ago, on September 11, the United States faced the most deadly terrorist attack in our history. Thousands of people died on that painful day, a day which we will never forget as long as we live.

After September 11, our Nation faced a great challenge, the likes of which have not confronted us since the dawn of World War II. Americans had a choice, either rise up and directly challenge terrorism at its very heart, or pass the buck and leave the problem to someone else. In the months that followed September 11, American leaders chose the right path. Democrats and Republicans worked together to provide supplemental funds for New York City, for Washington, DC, and for the unfortunate Americans who tragically lost loved ones that day.

We also confronted a regime in Afghanistan that harbored many of those who helped plan the attacks. But we have been thrown off our path in the last 2 years. We did not stay the course in Afghanistan, where a sturdy commitment to peacekeeping would have done a great amount of good. Instead, the Bush administration shifted focus, taking pains to link al Qaeda with Saddam Hussein and with Iraq. This flawed shift in strategy culminated 1 year ago when the President of the United States, without just cause and without being provoked, made the decision to invade Iraq.

□ 2015

Over 700 Americans have given their lives for this war, roughly 10 each week, not to mention the thousands wounded, the billions of dollars spent, and the good will squandered internationally. There has to be a better way, and there is, one that emphasizes brains instead of brawn, one that is consistent with American values. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for sensible, multilateral American response to terrorism. It treats the war as an absolute last resort, it fights terrorism with stronger intelligence and multilateral partnerships, it controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished nations with an emphasis on women's health and women's education.

We must prevent future acts of terrorism. SMART security is more vigilant than the President on fighting terror. Instead of emphasizing military force, SMART security focuses on multilateral partnerships. SMART security is stronger in its intelligence capabilities and it makes it easier to track and detain terrorists. Unlike the defective and oppressive U.S. PATRIOT Act, SMART security focuses on tracking and arresting those involved in terrorism and in terrorist acts while respecting human and civil rights.

Terrorism is an international problem and so it makes sense that the fight against terrorism should involve the international community. That is why SMART security calls for working closely with the U.N. and NATO to achieve its goals. Only by actively involving other nations in this fight can we hope to prevent future acts of terrorism.

The Bush doctrine has been tried and it has failed. It is time for a new national security strategy. SMART security defends America by relying on the very best of America, our commitment to peace and freedom, our compassion for the people of the world and our capacity for multilateral leadership. SMART security is tough, it is pragmatic, and it is patriotic. SMART security is smart, and it will keep America safe.

ANNOUNCING APPOINTMENT OF CADET CARTER LANE BERRY TO CHIEF PETTY OFFICER OF NAVAL SEA CADET CORPS

(Mr. GOODE asked and was given permission to address the House for 1 minute.)

Mr. GOODE. Mr. Speaker, it is my pleasure to announce the appointment of Cadet Carter Lane Berry to Chief Petty Officer of the United States Naval Sea Cadet Corps. This appointment follows much work and dedication to this youth program, including the completion of regulation Navy courses from basic military regulations through Chief Petty Officer and the accrual of many months of training activity throughout this country and the world throughout his 3 years of service. The level of CPO with the United States Navy Sea Cadet Corps is equivalent to reaching the level of Eagle Scout with the Boy Scouts of America.

CPO Berry resides in Palmyra, Virginia, and I commend and salute him on this significant achievement.

THE HARMFUL EFFECTS OF AMERICA'S GROWING TRADE AND BUDGET DEFICITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, this evening I want to talk about the economy and America's way forward. How do we grow this economy in order that we create the wealth so that our families and our communities can become self-sustaining again, so our cities and our counties are not in debt and our States do not have to pass rising taxes on the citizenry of this Nation because the wealth production in their States is not sufficient to meet all the public needs that our citizenry is requesting?

I want to begin with an image. I am fortunate to represent a Great Lakes community that spans the entire southern rim of Lake Erie from Toledo, Ohio through Lorain County on the eastern end. I like to call it the emerald and sapphire district of Ohio, the crown jewels of Ohio. In this region of Ohio because of our work on the environment, we have seen the restoration of our American eagle population. It is a majestic bird. When I first was elected to this Congress we had about two nesting pairs of eagles and now we are over 100. I had the opportunity this weekend to observe some of these magnificent animals and to watch them fly over the lake and to think about America's heritage as an independent Nation. I stood there on the shore and I thought a long while.

I come here to the floor this evening because I have a deep concern that America indeed is losing her birthright as an independent nation, as a self-sustaining nation here at home and that we are becoming too wed, as our Founding Fathers warned us, to entangling alliances and relationships abroad that affect our ability to see clearly here at home.

I am not an isolationist by any means. I have worked more with foreign nations, almost more than I think any Member of this body. But I am concerned about the innards of this economy and it is as though those beautiful eagles that I watched this weekend had two lead weights on each claw, holding them down, not permitting them to fly and to reach their God-given potential.

I want to talk a little bit about that tonight. I want to talk about the trade deficit that is a huge drag on economic growth in our Nation and also our budget deficit and talk a little bit about what this Congress, Republicans and Democrats working together, and the next President of the United States are going to have to do in order that that eagle can fly again and that America can restore the independence that she is losing every day.

I have a chart here that shows the crisis we are in that started, oh, back in the mid-1970s, actually. It was not so bad back then because we still had large numbers of jobs in our country producing the kind of wealth that is necessary to lift family wealth and lift the national wealth. But with every succeeding year and every trade agreement that America signed, our trade deficit, the amount of imports coming in here versus what we export abroad, grew worse, until we are now at a level of half a trillion dollars more imports coming in here every year than our exports going out. With every billion dollars of trade deficit, we lose 20,000 more jobs. This hemorrhage has continued and has exponentially grown to a point where we almost wonder how do we get off this downward spiral.

During this administration, we literally have had historic job losses totaling nearly 3 million more just in the manufacturing sector, and we see no clear plan on the part of this administration and the leaders of this Congress today to help reverse these trends so that America begins to export more than she imports. In fact, every year the situation has gotten worse. We look at where our trade deficits are growing. They are growing with China, they are growing with Japan, they are growing with Mexico, they are growing with India. In fact, with almost every country in the world, and that economic lifeblood that is being transferred from us elsewhere has not been replaced here at home.

The crisis in manufacturing is particularly bad, because manufacturing has long been the key to our economy, whether it was steel and metals or composite materials or automotive or rail cars. In the airline industry, we still have some marginal lead but international competition there, closed markets and managed market strategies are fast pushing our producers to the sidelines. Important industries like electricity, electrical parts, even light bulbs and lighting fixtures. We look at polymers, the automotive industry. So much of the productive abilities of this country have been off-shored. And we see no plan in the President's economic report to try to begin to reverse these trends.

Indeed, the jobs and so-called growth package that was passed here a couple of years ago had one major flaw, it did not require investment in this country. And so with the huge tax benefits going to certain investors on Wall Street, they have no obligation to invest those dollars here at home. In fact, there are many, many provisions in the Tax Code today that work against investment in this country. With no manufacturing jobs plan in place, this administration and the leaders of this Congress are working to provide more tax breaks for multinational corporations that ship our jobs abroad. That is hard to believe but it is going on. In fact, their plan includes a large loophole that allows foreign corporations to have foreign workers do most of the work to make a product and still reap a benefit from what is called domestic production in the Tax Code. It includes billions of dollars in new tax breaks for offshore operations of multinational corporations.

What are we doing? We may be making certain investors on Wall Street happy because they do not have to invest in the United States. Why do we not reward those small businesses, family businesses, businesses committed to this country, businesses that help support not just jobs but baseball teams in our hometowns? They go to the Rotary, they really form the basis for what we created in the 20th century, the greatest industrial Nation in the world. Rather, what we see happening by this administration is the lack of appointment of a manufacturing job czar for the majority of this first term. Then when they finally came up with somebody that they were going to put over there, an Assistant Commerce Secretary For Manufacturing, they picked someone whose name had to be withdrawn because, in fact, he had announced through his firm not building a major plant in America but building one in Beijing, China.

Why does someone not think about what should be done to move dollars toward investment here inside the United States of America? We take a look at the moves by the administration to reclassify jobs in fast food restaurants as manufacturing jobs. Since we cannot reverse these trends with the current economic program on the table, what they are doing is saying, well, if you have a service job and you work in a restaurant, we will classify that as a manufacturing job. It is not really going to change these numbers. America is not going to export more because of that decision. And so we have a real serious situation here where so much of our lifeblood, our national wealth is being drawn off and put in other places.

The other big lead weight on the independent eagle that I talked about, the eagle that should be independent, is the growing budget deficit. The economy really cannot take off when you have this kind of overhang of trade deficit but also the other deficit of the budget deficit. During the decade of the 1990s, we had finally moved America to a surplus budget position in every fiscal year. It took a long time to get there but through the decade of the 1990s, this Congress and then the Clinton administration actually did it. But now what has happened? We see both in the unified budget and the on-budget numbers as of August 2002, we had moved to $111 billion in deficit; in the on-budget deficit nearly $300 billion; and in 2003, the number got worse. This year, 2004, they anticipate over a half trillion dollars of deficit. You cannot have an economy grow and maintain this kind of lead weight inside. You say, well, Congresswoman, we could borrow. That is a good thing. My question is, but who are we borrowing from and to whom do we owe this interest? Folks, we do not owe it to ourselves anymore. Indeed, the largest exporter to us, China, is now the largest holder of the U.S. debt. Nearly half of the United States debt that is reaccumulating, we are now at a level of about $7 trillion, we have to borrow from others. Saudi Arabia is one of our biggest lenders.

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But there is a price, and the price is the interest that we pay those who lend to us.

What happened to the old system of postal savings stamps that we had during the Second World War? What happened to real U.S. savings bond drives? They have almost diminished to nothing as we have become more dependent on foreign borrowing.

Our American eagle cannot fly without a balanced budget and without balanced trade accounts. Those two lead weights are holding her down.

If you take a look what is happening, and this is an interesting chart, this just goes to show how quickly we moved from an annual surplus position, where our accounts were balanced, back in the late nineties. We came out of a huge deficit, and then we moved now into a huge deficit again. This is not what we should be giving to our children and grandchildren. We should be wiser than this.

The last chart I would like to show relates to prospects for the future as the per-barrel price of oil rises globally. One of the other drags that made it difficult for the eagle to fly is the increase in oil prices globally, because America is dependent. We are not independent in the use of energy inside this country. Two-thirds of what we use is imported, primarily oil, and those supplies are becoming more expensive, as every American knows when you go to the gas pump.

If you look at the current price of $31.39, and it is hovering a little bit over that now, unemployment always follows a rise in fuel prices. If we look historically, going back, you can go back to the early nineties when the per-barrel price was about $37 a barrel and you saw U.S. unemployment rise about half a year later.

The same thing happened every single time. Here is back in the late eighties. Oil prices then went up to $21.76 and unemployment ticked up to 7.5 percent. My point is, we now face rising prices at the pump. We know that means more unemployment down the road.

So the indicators are that we need to be thinking about how do we as Americans become energy independent here at home? Why should we let these dollars flow offshore? If we put those dollars in our own pocket and created new energy industries here in the United States of America, which our Tax Code could also incentivize, we could begin to move to new biofuels. Rather than $60 billion of our wealth going abroad to other countries, where prices are rising, we could be investing in ethanol, we could be investing in biodiesel; not just a little pittance, but major national programs.

We could be investing in photovoltaics, capturing the energy of the sun. NASA and the Department of Energy have wonderful technologies. All of the incentives we had in the Tax Code back in the eighties in order to further the development of those were removed as America became more and more beholden to foreign fuel. We need to think hard about how to help that eagle fly again.

Energy independence is not a tangential issue, it is fundamental to this economy recovering. I was thus disappointed to read, and I will include this article for the RECORD, that the Chairman of the Federal Reserve, Alan Greenspan, said that because America has been experiencing this rise in prices, we have to begin importing more natural gas. He did not say we need to create more jobs here at home through the investment in energy technologies in the United States of America.

Quoting the Washington Post, it said, "Greenspan said a dramatic rise in the recent years in the price of both oil and gas for delivery six years into the future was almost certain to have an impact on the U.S. economy." So he is admitting that the job situation is not going to get better, that this will be a drag on economic growth.

But then he said the impact was likely to be greater for users of natural gas, because they had no global supply to cushion price increases. He said, "If North American gas markets are to function with the flexibility exhibited by oil," but what flexibility, Mr. Greenspan? We are totally dependent. Saudi Arabia tells us what to do, the OPEC nations tell us what to do. Our eagle cannot fly. She is not independent any more. But he says, "more extensive access to the vast world reserves of gas is required."

I disagree. I think we need an administration in place that will make America energy independent in less than 10 years. We have the ability to do it. Right now, we have over $100 billion in oil subsidies largely going to multinational corporations operating far afield from North America. Why do we not turn some of those dollars back to investments here at home?

Does any person not believe that if those dollars were brought back here and repatriated, we would not have a vast booming new industry across rural America, across Sun Valley, across Energy Valley, USA, our coal reserves that run from Pennsylvania all the way through Illinois?

Do you mean to tell me we cannot figure this out, that we cannot figure out how to make clean fuels in the United States? No, we just became wed to a system that can no longer last. Let somebody else take those oil reserves. The eagle cannot fly, because we are totally dependent on somebody else.

So my message this evening is that for America's economy to grow, we need a different set of leaders in this country. We need a set of leaders that will balance America's trade accounts; that will help us export products again, not American jobs; who will amend our trade agreements, whether it is NAFTA, whether it is our agreements with China, so that we begin to have balanced trade; so where markets are closed, we had best open them, or America will remain the dump market of the world. We need to have trade agreements that allow us to create jobs in this country again, not move our jobs offshore. We need balanced trade accounts.

Number two, we need to balance the budget. We cannot continue to borrow from foreign interests to move this economy forward, because you have to pay the piper at the end of the road, and that piper is no longer U.S. savings bond holders in this country. That piper is now foreign interests. We are paying hundreds of billions of dollars every year to those very interests, and over half of our deficit is now financed by them. That eagle cannot fly. We have to become self-financing here at home.

Thirdly, in terms of energy, it is the major drag on this economy. We need here in Washington leaders who will commit to making America energy independent again, investing in photovoltaics, investing in hydrogen, investing in biofuels, biodiesel, ethanol and new fuels off our farms and fields that we have not even dreamed about yet. We need fuel cells. We need in the coal belt clean coal, far beyond what people have invented in the past. This is all within America's capability.

I once read an expression that the greatest room in the world was room for improvement, and that the greatest force in the world is inertia. I hope that in this presidential year we will get to the point where, rather than cutting one another up, the candidates will stand up there in front of the American people and say this is what we intend to do in our first 100 days, this is what we intend to do in the first 6 months and the first year to get this economy moving again.

Every American should vote for the candidate, for this body, for the presidency, for the other body, who has the best ideas, because, Mr. Speaker, that eagle, she cannot make it alone. We have to help her. Right now, the burden is too heavy, and this economy cannot take leaps forward without greater vision and greater commitment by the top leaders of this country.

Mr. Speaker, I include for the record the two articles I referenced this evening.

U.S. DEFICIT, RATES COULD HURT GLOBALLY

Uncontrolled U.S. budget deficits would pose a serious threat to global prosperity in the coming years as rising interest rates depress economic growth in the United States and around the world, the International Monetary Fund warned yesterday.

The IMF released an analysis that predicted if nothing is done to get control of the soaring U.S. deficits, it would shave global economic output by 4.2 percent by 2020 and reduce U.S. economic growth by 3.7 percent during the same period.

IMF economists said much of the adverse impact would occur because of increased borrowing demands in the United States to finance the budget deficit. This would drive up U.S. interest rates and interest rates in other countries as the global supply of available capital is reduced, they said.

"The rest of the world is affected seriously by the U.S. fiscal deficit," IMF chief economist Raghuram Rajan told reporters.

The IMF's forecast that the U.S. budget deficit will be a significant drag on growth reflected what will occur if there is no improvement in the deficit, which the Bush administration projects will hit $521 billion this year, a record in dollar terms, and show little improvement in coming years.

President Bush submitted a budget to Congress this year that projects that he will be able to cut the deficit in half over the next five years, reducing it to a shortfall of $237 billion in 2009.

The IMF said if Mr. Bush is able to accomplish such a reduction in the budget deficit, it would significantly lower, but not eliminate the adverse effects from the deficit on U.S. and global economies.

It saw a long-run impact from such a budget reduction as reducing global economic output by 2.55 percent, compared with a reduction of 4.2 percent under the worst-case scenario in which the deficit remains at the current record levels.

Under the Bush program to reduce the deficit, U.S. economic growth will be depressed by 1.88 percent in the long term, compared with 3.68 percent under the more adverse deficit path.

However, the IMF said if the United States decided to pursue more rapid deficit reduction, the adverse drag on growth would be greatly reduced to 1.03 percent in the long term in the United States and 1.47 percent worldwide.

"It would be good if there were stronger measures put in place to contain the deficit and that is what we are looking for," Mr. Rajan said.

The IMF analysis of the economic impact of the U.S. budget deficits represented the latest in a series of reports in which the 184-nation international lending agency has urged stronger measures to get control of the deficit.

The IMF report conceded that the U.S. deficit, which reflected in part the impact of Mr. Bush's tax cuts, was useful in helping the United States and the global economy recover from the adverse effects of a number of shocks such as the 2001 recession, the terrorist attacks and the bursting of the stock market bubble.

Interest rates have yet to show significant increases in spite of the large budget deficits.

But the IMF said it was only a matter of time before rates did start to rise, reflecting an improving economy. increased demand for credit by businesses and actions by the Federal Reserve to start raising interest rates to keep inflation under control.

[From the Washington Post, Apr. 27, 2004]

GREENSPAN: ENERGY PRICES THREATEN U.S. ECONOMY

(By Martin Crutsinger)

WASHINGTON.—The United States needs to expand the global trade in natural gas as a way to prevent future sharp price increases from harming its economy, Federal Reserve Chairman Alan Greenspan said Tuesday.

Greenspan said a dramatic rise in recent years in the price of both oil and gas for delivery six years into the future was almost certain to have an impact on the U.S. economy.

But he said the impact was likely to be greater for users of natural gas because they had no global supply to cushion price increases.

"If North American gas markets are to function with the flexibility exhibited by oil, more extensive access to the vast world reserves of gas is required," Greenspan said in remarks to an energy conference sponsored by the Center for Strategic and International Studies.

Greenspan said imports of liquefied natural gas accounted for only 2 percent of the U.S. market last year in part because environmental and safety concerns have limited the number of U.S. ports with facilities to handle liquefied natural gas, or LNG, shipments.

But he said that situation could be changing.

"Given notable cost reductions for both liquefaction and transportation of LNG, significant global trade is developing," he said. "And high natural gas prices projected by distant futures prices have made imported gas a more attractive option for us."

Greenspan said the fact that worldwide imports account for 57 percent of global oil consumption but only 23 percent of natural gas consumption showed the growth potential for trade in natural gas.

Greenspan said the price of energy contracts for delivery six years into the future and taken a sharp jump upward over the past four years after a decade of "tranquility."

He noted that the price of oil for delivery in six years fell from $20 per barrel just before the first Gulf War to $16 to $19 per barrel in 1999.

Distant futures contracts for natural gas were less than $2 per 1,000 cubic feet of natural gas at the time of the first Gulf War and had risen only slightly to $2.50 per 1,000 cubic feet by 1999.

But currently, distant futures contracts for oil have risen to more than $27 per barrel while the price increase for natural gas has been even more noticeable, rising from $3.20 per 1,000 cubic feet in 2001 to almost $5 currently.

While Greenspan said the rise in oil prices apparently reflected increased fears about supply disruptions in a more unstable Middle East, he attributed the increase in natural gas prices to the fact that there is more limited global trade in natural gas.

"Natural gas pricing . . . is inherently far more volatile than oil, doubtless reflecting, in part, less-developed, price-damping global trade," he said.

To deal with these price pressures, Greenspan called for more access to global supplies through a major expansion of liquefied natural gas terminal facilities and the development of newer technology that allows the liquefied natural gas to be turned back into a gas at offshore facilities.

"As the technology of LNG liquefaction and shipping has improved and as safety considerations have lessened, a major expansion of U.S. import capability appears to be under way," Greenspan said.

He said these developments offered great promise of boosting the availability of natural gas in the long term. But he cautioned that since it will take years to put the new facilities into operation, the near-term outlook for natural gas prices would likely remain "challenging."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARDIN (at the request of Ms. PELOSI) for today and April 28 on account of official business.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Ms. WATERS (at the request of Ms. PELOSI) for today and April 28 on account of official business.

Mr. CRENSHAW (at the request of Mr. DeLAY) for today on account of family matters.

Mr. LUCAS of Oklahoma (at the request of Mr. DeLAY) for today on account of attending a funeral.

Mr. SMITH of New Jersey (at the request of Mr. DeLAY) for today and April 28 and 29 on account of official business cochairing the U.S. delegation to the International Conference on Anti-Semitism in Berlin.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OLVER) to revise and extend their remarks and include extraneous material:)

Mrs. McCARTHY of New York, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today and April 28.

Mr. BURTON of Indiana, for 5 minutes, today and April 28 and 29.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, April 28.

Mr. HENSARLING, for 5 minutes, April 28.

Mr. SOUDER, for 5 minutes, April 28.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, April 28.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building".

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, April 28, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7839. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Implementation of the Pharmacy Benefits Program (RIN: 0720-AA63) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7840. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Special Supplemental Food Program for Women, Infants, and Children Overseas (RIN: 0720-AA75) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7841. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Implementation of the Pharmacy Benefits Program (RIN: 0720-AA63) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7842. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule — Technology Opportunities Program [Docket No. 981203295-4044-09] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7843. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Humam Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 02N-0278] (RIN: 0910-AC41) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7844. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Removal of Delegations of Authority and Conforming Changes to Regulations [Docket No. 2004N-0142] received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7845. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date [Docket No. 1992N-0297] (RIN: 0905-AC81) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7846. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prescription Drug Marketing Act of 1987; Prescription Drug Aemdments of 1992; Policies, Requirements, and Administrative Proceduers; Delay of Effective Date; Correction [Docket No. 1992N-0297] (RIN: 0905-AC81) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7847. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review; Correction [Docket No. 1980N-0208] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7848. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Drug Labeling; Orally Ingested Over-the-Counter Drug Products Containing Calcium, Magnesium, and Potassium [Docket No. 1995N-0254] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7849. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Drug Labeling; Sodium Labeling for Over-the-Counter Drugs; Technical Amendment; Termination of Delay of Effective Date; Compliance Dates [Docket No. 900N-0309] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7850. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

.7851. A letter from the Deputy Assistant Secretary for Labor-Management Programs, Department of Labor, transmitting the Department's final rule — Obligations of Federal Contractors and Subcontractors; Notice of Employee Rights Concerning Payment of Union Dues or Fees (RIN: 1215-AB33) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7852. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Special Emergency Procurement [FAC 2001-20; FAR Case 2003-022] (RIN: 9000-AJ88) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7853. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Purchases from Federal Prison Industries — Requirement for Market Research [FAC 2001-21; FAR Case 2003-023] (RIN: 9000-AJ91) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7854. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-22; Introduction — received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7855. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Publication of Revised Bylaws of the Interagency Security Classification Appeals Panel [Directive No. 1: Appendix A] Recieved April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7856. A letter from the Secretary, Administrative Committee of the Federal Register, National Archives and Records Administration, transmitting the Administration's final rule — Price Changes to Federal Register Publications (RIN: 3095-AB35) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7857. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Service, transmitting the Department's final rule — Medicare Program; Manufacturer Submission of Manufacturer's Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals [CMS-1380-IFC] (RIN: 0938-AN05) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3866. A bill to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; with an amendment (Rept. 108–461 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 607. Resolution providing for the consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax bracket expansion, for married taxpayer filing joint returns (Rept. 108–470). Referred to the House Calendar.

Mr. BARTON: Committee on Energy and Commerce. House Resolution 516. Resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector; with amendments (Rept. 108–471). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement (Rept. 108–472 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 2179. A bill to enhance the authority of the Securities and Exchange Commission to investigate, punish, and deter securities laws violations, and to improve its ability to return funds to defrauded investors, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than June 1, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall

(Rept. 108–473 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 3277. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center (Rept. 108–474 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1914. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

H.R. 2179. Referral to the Committee on the Judiciary extended for a period ending not later than June 1, 2004.

H.R. 2768. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

H.R. 3277. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BIGGERT (for herself, Mr. DAVIS of Tennessee, Mr. BOEHLERT, and Mr. JOHNSON of Illinois):

H.R. 4218. A bill to amend the High-Performance Computing Act of 1991; to the Committee on Science.

By Mr. PETRI (for himself, Mr. YOUNG of Alaska, Mr. OBERSTAR, and Mr. LIPINSKI):

H.R. 4219. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. SHERMAN, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. MCINTYRE, Ms. NORTON, and Mr. OWENS):

H.R. 4220. A bill to amend the Fair Credit Reporting Act to protect the credit records of consumers who are affected by federally declared disasters, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH:

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 15 percent; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. TIAHRT, Mr. RYUN of Kansas, and Mr. MORAN of Kansas):

H.R. 4222. A bill to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building"; to the Committee on Government Reform.

By Mr. NUNES (for himself, Mr. SHERWOOD, Mr. GREEN of Wisconsin, Mr. CARDOZA, Mr. POMBO, Mr. MCCOTTER, Mr. RADANOVICH, Mr. MARIO DIAZ-BALART of Florida, Mr. PEARCE, Mr. SIMPSON, Mr. PETERSON of Minnesota, and Mr. LATOURETTE):

H.R. 4223. A bill to require the Commodity Credit Corporation to support the development of a domestic casein and milk protein concentrate industry, and for other purposes; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself and Mr. WAXMAN):

H.R. 4224. A bill to require revisions to the Federal Acquisition Regulation to require executive agencies to seek commercial, volume, or other discounts for purchases made with the Governmentwide commercial purchase card, and for other purposes; to the Committee on Government Reform.

By Mrs. MYRICK:

H. Res. 607. A resolution providing for consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax bracket expansion, for married taxpayers filing joint returns.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GRAVES.

H.R. 303: Mr. OWENS.

H.R. 327: Mr. MEEHAN.

H.R. 348: Mr. TIERNEY.

H.R. 369: Ms. DELAURO.

H.R. 442: Mr. SHAYS.

H.R. 548: Mr. EMANUEL, Mr. SERRANO, Mr. GONZALEZ, Mr. MEEKS of New York, Ms. MCCARTHY of Missouri, Mr. BRADY of Pennsylvania, Mr. NADLER, Ms. LEE, Mr. BOUCHER, Mr. BERMAN, Mr. CAPUANO, Mr. MENENDEZ, Mr. SKELTON, Mr. OWENS, and Ms. SLAUGHTER.

H.R. 715: Mrs. NAPOLITANO and Ms. MCCARTHY of Missouri.

H.R. 717: Mr. CROWLEY and Mrs. TAUSCHER.

H.R. 727: Mr. FORD, Mr. OLVER, and Mr. HOLT.

H.R. 776: Ms. SLAUGHTER.

H.R. 785: Mr. BURNS, Mr. CHANDLER, and Mr. ROGERS of Kentucky.

H.R. 840: Mr. BONNER.

H.R. 843: Mr. MICHAUD.

H.R. 857: Mr. CRENSHAW and Mr. CHABOT.

H.R. 869: Mr. CUMMINGS and Mr. FILNER.

H.R. 870: Mrs. MILLER of Michigan.

H.R. 879: Mr. HINOJOSA and Mr. PAYNE.

H.R. 962: Mr. BOUCHER.

H.R. 1051: Ms. LORETTA SANCHEZ of California.

H.R. 1084: Mr. TIBERI and Mr. EHLERS.

H.R. 1160: Mr. BOSWELL and Ms. JACKSON-LEE of Texas.

H.R. 1206: Mr. CULBERSON.

H.R. 1214: Mr. KIND, Mr. LYNCH, Mr. BOOZMAN, and Mr. NADLER.

H.R. 1305: Ms. MAJETTE, Mr. HINOJOSA, Mr. BURTON of Indiana, and Mr. MICA.

H.R. 1345: Mr. PRICE of North Carolina and Mr. RUPPERSBERGER.

H.R. 1360: Mrs. MILLER of Michigan.

H.R. 1414: Ms. KILPATRICK.

H.R. 1430: Mr. RAHALL.

H.R. 1575: Mr. PAYNE.

H.R. 1634: Mr. ABERCROMBIE, Mr. COX, and Mr. BISHOP of Utah.

H.R. 1653: Mr. BOUCHER.

H.R. 1684: Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, and Ms. KILPATRICK.

H.R. 1689: Mrs. CAPPS and Ms. NORTON.

H.R. 1735: Mr. TIERNEY, and Mr. UDALL of New Mexico.

H.R. 1784: Mr. MCCOTTER and Ms. BALDWIN.

H.R. 1910: Mr. ISAKSON.

H.R. 2145: Mrs. LOWEY.

H.R. 2198: Mr. TOWNS, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. NADLER, Mr. PUTNAM, Mr. MEEHAN, Ms. CARSON of Indiana, Mr. ACEVEDO-VILA, and Mr. MICHAUD.

H.R. 2318: Mr. JEFFERSON.

H.R. 2404: Mr. SMITH of New Jersey.

H.R. 2416: Mr. GRIJALVA.

H.R. 2511: Mr. DOYLE and Mr. SAXTON.

H.R. 2569: Mr. OWENS.

H.R. 2638: Mr. COX.

H.R. 2671: Mr. KLINE.

H.R. 2677: Mr. WAXMAN.

H.R. 2728: Mr. SAM JOHNSON of Texas.

H.R. 2729: Mr. SAM JOHNSON of Texas.

H.R. 2730: Mr. SAM JOHNSON of Texas.

H.R. 2731: Mr. SAM JOHNSON of Texas.

H.R. 2807: Mrs. DAVIS of California.

H.R. 2850: Mr. PRICE of North Carolina.

H.R. 2941: Mrs. NAPOLITANO.

H.R. 2945: Mr. EMANUEL.

H.R. 3015: Mr. RUSH, Mrs. CHRISTENSEN, and Mr. DEUTSCH.

H.R. 3090: Mr. MCNULTY and Mr. BRADY of Pennsylvania.

H.R. 3142: Mr. FILNER and Mrs. NAPOLITANO.

H.R. 3191: Mr. EVERETT.

H.R. 3203: Mrs. CHRISTENSEN.

H.R. 3213: Ms. HARRIS.

H.R. 3247: Mr. MATHESON and Mr. BOUCHER.

H.R. 3324: Mr. MORAN of Virginia.

H.R. 3350: Ms. ROYBAL-ALLARD.

H.R. 3444: Mr. LANTOS.

H.R. 3474: Ms. MCCOLLUM, Mr. SHIMKUS, Mr. SCOTT of Virginia, Mr. TIERNEY, Mr. GINGREY, Mr. DOYLE, Mr. MCKEON, Mr. MICA, and Mr. GIBBONS.

H.R. 3528: Mr. ENGEL.

H.R. 3539: Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. HAYWORTH, and Mr. TOM DAVIS of Virginia.

H.R. 3619: Mr. BALLANCE, Mrs. TAUSCHER, Mr. SPRATT, and Ms. BERKLEY.

H.R. 3640: Mr. KUCINICH and Mr. MEEHAN.

H.R. 3641: Mr. CLAY and Mr. DAVIS of Illinois.

H.R. 3683: Ms. NORTON.

H.R. 3763: Mr. BRADY of Pennsylvania.

H.R. 3777: Mr. WICKER, Mr. CHOCOLA, Mr. DOOLEY of California, Mr. OBERSTAR, Mr. WILSON of South Carolina, and Mr. HALL.

H.R. 3784: Mr. HERGER and Mr. BARTLETT of Maryland.

H.R. 3791: Mr. TERRY.

H.R. 3799: Mr. LEWIS of Kentucky, Mr. HALL, Mr. BISHOP of Utah, Mr. JONES of North Carolina, and Mr. MCCOTTER.

H.R. 3803: Ms. MCCARTHY of Missouri.

H.R. 3866: Mr. CASTLE.

H.R. 3871: Ms. HARMAN, Mr. GONZALEZ, Mr. BERMAN, Mr. PALLONE, Mr. ETHERIDGE, and Mr. MARKEY.

H.R. 3927: Ms. BALDWIN.

H.R. 3936: Mr. TIERNEY and Mr. RENZI.

H.R. 3972: Mr. GARRETT of New Jersey.

H.R. 3976: Mr. GARRETT of New Jersey.

H.R. 4026: Mr. MANZULLO, Mr. BOOZMAN, and Mr. JOHN.

H.R. 4039: Mrs. MUSGRAVE, Ms. BERKLEY, and Mr. GREENWOOD.

H.R. 4059: Mr. KIND, Mr. FROST, and Mr. EMANUEL.

H.R. 4061: Mr. McGOVERN, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. MEEK of Florida, Mr. FILNER, Mr. DICKS, Mr. OWENS, Mr. BURTON of Indiana, and Mr. McCOTTER.

H.R. 4065: Mr. BRADLEY of New Hampshire, Mr. GRIJALVA, and Ms. HARRIS.

H.R. 4072: Ms. DeLAURO.

H.R. 4097: Mrs. CHRISTENSEN and Mr. WEXLER.

H.R. 4101: Mr. LIPINSKI and Mr. FILNER.

H.R. 4104: Ms. HOOLEY of Oregon, Mr. McGOVERN, and Mr. HOEFFEL.

H.R. 4116: Mr. FROST, Mr. GRIJALVA, and Mr. GORDON.

H.R. 4126: Mr. TIBERI.

H.R. 4154: Mrs. CHRISTENSEN.

H.R. 4181: Mr. BOEHLERT, Mr. ISAKSON, Mr. BAKER, Mr. WOLF, Mr. KIRK, Mr. McCOTTER, Mr. NUSSLE, Mrs. BIGGERT, Mr. STEARNS, Mr. FOSSELLA, Mr. DeMINT, Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. BACHUS, Mr. REYNOLDS, Mr. PENCE, Mr. KNOLLENBERG, Mr. GILCHREST, Mr. CULBERSON, Mr. RAMSTAD, Mr. CARTER, Mr. MILLER of Florida, Mr. PUTNAM, Mr. BOOZMAN, Mr. COLE, Mr. SMITH of New Jersey, Mr. BISHOP of Utah, Mr. CALVERT, Mr. KINGSTON, Mr. JONES of North Carolina, Mr. WALDEN of Oregon, Mr. TURNER of Ohio, and Mr. FRELINGHUYSEN.

H.R. 4182: Mr. GEORGE MILLER of California and Mr. McGOVERN.

H.R. 4184: Mr. OWENS.

H.R. 4207: Mrs. McCARTHY of New York and Mr. BROWN of Ohio.

H. Con. Res. 247: Mr. WALDEN of Oregon.

H. Con. Res. 298: Mr. CANTOR, Mr. BACHUS, Mr. McCOTTER, Mr. GUTKNECHT, and Mr. HERGER.

H. Con. Res. 310: Mr. WELDON of Florida.

H. Con. Res. 366: Mr. SHERMAN, Mrs. MALONEY, Mr. LYNCH, Mr. MARKEY, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-McDONALD, Mrs. NAPOLITANO, Mr. CLYBURN, Mrs. TAUSCHER, Mr. SCOTT of Virginia, Mr. OBERSTAR, Mr. MEEHAN, and Mr. McINTYRE.

H. Con. Res. 371: Ms. LINDA T. SÁNCHEZ of California, Mr. STUPAK, Mr. LANGEVIN, and Mr. MOORE.

H. Con. Res. 377: Mrs. MUSGRAVE.

H. Con. Res. 378: Mr. DAVIS of Florida, Mr. TIERNEY, and Mr. PEARCE.

H. Con. Res. 380: Mr. GREEN of Texas, Mr. HOYER, Mr. MOORE, Mr. PAYNE, and Ms. SLAUGHTER.

H. Con. Res. 396: Mr. PAYNE.

H. Con. Res. 399: Mr. HONDA.

H. Con. Res. 403: Mr. RAMSTAD, Mr. DEUTSCH, Ms. HARRIS, Ms. McCOLLUM, Mr. HONDA, Mr. OLVER, Mrs. MUSGRAVE, Mr. SOUDER, Mr. CONYERS, Mr. SPRATT, Mr. FRANKS of Arizona, Mr. GRIJALVA, Ms. NORTON, Mr. RAHALL, Mr. MEEHAN, Mr. ACKERMAN, Mr. CUMMINGS, Ms. DeLAURO, Ms. LORETTA SANCHEZ of California, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. JOHNSON of Illinois, Mr. McNULTY, Mr. LEACH, Mr. FLAKE, Mr. SANDERS, Ms. KAPTUR, and Mr. GILCHREST.

H. Res. 60: Mr. ROTHMAN.

H. Res. 103: Mr. DOYLE.

H. Res. 313: Mr. GREEN of Wisconsin.

H. Res. 508: Mr. STENHOLM, Mr. MORAN of Virginia, Mr. LAMPSON, Ms. McCARTHY of Missouri, Mr. CASE, Ms. LEE, Mr. CAPUANO, Mr. BRADY of Pennsylvania, Mr. MOORE, Mr. RANGEL, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. McDERMOTT, Ms. KILPATRICK, Mr. LEVIN, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. RUPPERSBERGER, Ms. NORTON, Ms. MILLENDER-McDONALD, Ms. CORRINE BROWN of Florida, Ms. WATERS, Mr. TOWNS, Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Mr. RUSH, Mr. OWENS, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. SCOTT of Georgia, Mr. VAN HOLLEN, Mr. CONYERS, Mr. FORD, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. RODRIGUEZ, Mr. MEEK of Florida, Mr. ENGEL, Mr. McNULTY, Mr. OBERSTAR, Ms. SLAUGHTER, Mr. LANTOS, Mr. CLYBURN, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 567: Mr. LATHAM, Mr. UDALL of Colorado, Mr. DeMINT, Mr. BOSWELL, Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mr. CRAMER, Mr. CASTLE, Mr. NETHERCUTT, Mr. GREEN of Wisconsin, Mr. GINGREY, Mr. TOM DAVIS of Virginia, Mr. MARSHALL, and Mr. WEXLER.

H. Res. 568: Mr. BAKER, Mr. MILLER of Florida, Mr. WAMP, Mr. BEREUTER, Mr. GIBBONS, and Mr. HAYES.

H. Res. 570: Mr. MEEKS of New York and Mr. BALLENGER.

H. Res. 596: Mr. SHERMAN, Mr. WEXLER, and Ms. KAPTUR.

H. Res. 598: Mr. BALLANCE, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BONILLA, Mr. BURGESS, Mr. CARTER, Mr. COSTELLO, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. EVERETT, Mr. GONZALEZ, Mr. ISSA, Mr. JONES of North Carolina, Mrs. KELLY, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. MORAN of Kansas, Mr. OTTER, Mr. POMEROY, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. SCHROCK, Mr. SIMPSON, Mr. SNYDER, Mrs. BLACKBURN, Mr. ROSS, Mr. KIRK, Mr. ORTIZ, Mr. WALDEN of Oregon, Mrs. MYRICK, Mr. FEENEY, Mr. CANTOR, Mr. WILSON of South Carolina, Mr. PENCE, Mr. DAVIS of Tennessee, Mr. McINNIS, Mr. COOPER, Mr. LANGEVIN, Mr. TURNER of Texas, Mr. GORDON, Mr. MOORE, Mr. HILL, Mr. KILDEE, Mr. THOMPSON of California, Ms. ESHOO, Mr. McDERMOTT, and Mr. LUCAS of Kentucky.

H. Res. 603: Mr. HASTINGS of Florida.

H. Res. 605: Mr. SESSIONS, Ms. HART, Mr. EMANUEL, Mr. BAKER, and Mr. DOYLE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 195: Ms. BERKLEY.

SENATE—*Tuesday, April 27, 2004*

The Senate met at 9:45 a.m. and was called to order by the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia.

The PRESIDING OFFICER. Our guest Chaplain today is the Rev. Neil D. Smith, of Faith Evangelical Presbyterian Church in Kingstown, VA, who will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, from Whom all blessings flow and to Whom all praise belongs:

May Your blessing rest on this Senate and on this Nation, not because we deserve Your blessing but because we need it.

Deliver us, we pray, from the tyranny of the expedient, that we might always seek to do what is right, whether or not it is politically advantageous in the moment.

Deliver us from evil, and from the evil acts and intentions of those who oppose the values of faith and freedom we cherish in this Nation.

Grant to the men and women of this Senate wisdom, grace, and courage for the living of these days. May Your grace abound to them so that, in all things at all times, having all that they need, they may abound in every good work, to the glory of Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAXBY CHAMBLISS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAMBLISS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we will have a period of morning business for up to 60 minutes. The first 30 minutes of that time will be under the control of the Democratic leader, and the second 30 minutes will be controlled by this side of the aisle. Following morning business, the Senate will resume consideration of the motion to proceed to S. 150, a bill relating to the taxation of Internet access.

Last night, the Senate invoked cloture on the motion to proceed by a vote of 74 to 11. Under the agreement reached following that vote, there will be an additional 2 hours 40 minutes remaining for debate on the motion. Following that debate, the motion will be agreed to, and the Senate will begin consideration of the Internet tax legislation. No vote will be necessary on proceeding. However, votes are expected today in relation to amendments that may be offered to the underlying bill.

I stated yesterday that it is my desire to consider the Internet access tax bill over the course of the next few days and to complete the bill prior to the end of the week. Hopefully, we can make progress today. Senators are encouraged to notify the managers of the bill if they intend to offer amendments to the bill.

I also remind my colleagues that the Senate will recess from 12:45 p.m. until 2:15 p.m. today for the weekly policy lunches.

I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the two leaders have some business to transact. I ask unanimous consent that when the Chair announces morning business, on our side Senator BOXER be given the first 5 minutes; Senator DURBIN the next 5 minutes; Senator WYDEN, 10 minutes; Senator LEAHY, 10 minutes. I ask unanimous consent that, as the leader just indicated, the morning business time be a full 30 minutes on each side, taking into consideration the fact that the Democratic leader and, perhaps, the Republican leader will give statements to the Senate under their leader time—so a full 30 minutes on each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from California is recognized for 5 minutes.

RELEASE OF ENERGY TASK FORCE RECORDS

Mrs. BOXER. Mr. President, I stand here today to call on Vice President DICK CHENEY to immediately open his records of his secret energy task force meetings and tell the American people the truth about who attended those meetings.

The administration needs to stop fighting this wasteful lawsuit. It has cost hundreds of thousands, if not millions of dollars, that belong to the taxpayers. And it has consumed an enormous amount of time with the Justice Department and other agencies. Today the case is to be heard across the street at the Supreme Court.

It is not too late for the Vice President to come clean. Just tell the American people who attended the secret meetings he held before he issued his energy policy which took the form of this very expensive, beautiful-colored brochure which has, for example, this picture of "Energy for a New Century," and it shows an oil rig in the ocean. By the way, that is not exactly the energy of the future.

The time has come for the Vice President to stop the stonewalling. Simply tell the truth. Who did he meet with in preparing our Nation's energy plan?

First, the American people have the right to know. The last I checked, this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

country was a free country. It is a country where there is access to information for the people. We pay the salaries of our President, our Vice President, our Senators, our House Members. Unless it is a question of the highest national security, the people have a right to know how their money is being spent or misspent. Why does the administration continue to hide the truth about how its energy policy was formed? It is not necessary to be secretive. It is wrong. The public needs to know how public policies are formulated.

To know that, they need to know who was sitting at the table when this national energy policy was put together. Who was there? Was it a broad array of citizens from all sides of the issue—consumers, environmentalists, people from the oil companies, the gas companies, the nuclear industry—or was it just one set of people?

Second, it is time to stop wasting taxpayers' money. The cost of that lawsuit across the street is very difficult to pin down. We know the General Accounting Office, which tried to force the Vice President to reveal who was at the meetings, spent over $300,000 in legal fees to fight DICK CHENEY's stonewalling. From my office's research, we believe attorneys from Justice and the Office of Solicitor General have spent thousands of work hours preparing these documents.

Let me show a chart on what other things these persons could be doing other than keeping the meetings that the Vice President had secreted from the people. They could have been fighting terrorism by seeking and freezing assets of terrorist groups such as Hamas. They could have been prosecuting Medicare fraud. They could have been prosecuting drug companies that falsify data for FDA drug approval. They could have been prosecuting corporations that violate consumer safety laws with toxic products. All those things are in the public interest.

But, no, this Vice President says to these people who work hard every day: Just forget about this. We know we said a lot about cracking down on terrorism, money laundering. We said a lot about cracking down on Medicare fraud and drug company fraud and corporations that violate consumer safety laws with toxic products. Just forget it. Defend me. I am so important. I am the Vice President and the people have no right to know with whom I meet.

It is outrageous. I want the Justice Department to go after criminals, not to keep meetings secret that should be made public.

The Supreme Court has other things to do as well. They defend our way of life, our civil liberties, our human rights. For this court to spend its time listening to Mr. CHENEY defend his secrecy pulls it away from other important issues it could address. It is a waste of the Court's time. It is a waste of money.

I ask unanimous consent for an additional 2 minutes and ask that Senator DURBIN have an additional 2 minutes as well.

Mr. REID. Mr. President, we ask unanimous consent that the majority have an additional 2 minutes as well, a total of 2 extra minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized for an additional 2 minutes.

Mrs. BOXER. Two Federal judges have already found that the administration has violated the Freedom of Information Act. Openness is an American value. In the end, openness is a way of life. Do you remember how Condi Rice was not going to testify because the President said that she only reports to him and what she tells him is secret? Well, they caved on that one. They caved on that one because that is not in the public interest, and the people wouldn't stand for it.

Do you remember when First Lady HILLARY CLINTON said she believed she didn't have to reveal who was sitting in on the health care task force meetings? Well, they were sued. And HILLARY CLINTON, now Senator CLINTON, said: OK, OK. Let's not go to court. I will reveal this information.

But not this administration, not DICK CHENEY. He has a lot of time to bash Senator JOHN KERRY, but he doesn't have time to open up the files and show the people who sat in on those meetings that led to the formulation of the national energy policy. It is remarkable—someone who didn't serve 1 minute, 1 hour in the military is taking on a war hero, JOHN KERRY. But he doesn't have time to pay attention to this issue on which the New York Times editorialized today and said:

> [The Cheney] case also raises more substantive issues about the degree to which a vice president can claim to be above the law.

This is a sad day. We already know because the Vice President admitted that Ken Lay attended those secret meetings. Yes, he did. Ken Lay, the man we are hoping will wind up in prison for defrauding the people of California and the people of the west coast of billions of dollars. We know he was in the meeting. We also know he handed the Vice President a document that said: Don't take any action in California.

I call on the Vice President, tell the truth. Cut it out. Walk away from this case and let the people know with whom you met.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized for 5 minutes.

ATTACK ON JOHN KERRY'S MILITARY SERVICE

Mr. DURBIN. Mr. President, over 35 years ago, JOHN KERRY faced his enemies in Vietnam. There were enemies there who were involved in sniper fire against JOHN KERRY, trying to take his life and kill him because he wore the uniform of the United States of America. Sadly, the Vietnam snipers are still trying to cause damage to JOHN KERRY.

The new Vietnam snipers come from the Bush-Cheney campaign: Karen Hughes, sadly the Vice President, and other campaign operatives who are now attacking JOHN KERRY because he served our country. He wore the uniform of the United States of America. He volunteered and put his life on the line in Vietnam.

This shameless exercise by the Bush-Cheney campaign must be called for what it is. Many of us did not serve in the military, even those of us in the Vietnam era. We did not volunteer for service as JOHN KERRY did. We didn't wear the uniform of our country proudly as he did. We did not risk our lives. Included in this group is Vice President CHENEY, who used his deferments to avoid military service, as he was legally allowed to do. Yet we now hear Vice President CHENEY leading the attack against JOHN KERRY, a man who volunteered, risked his life, and received awards from this country for his heroism.

This is an outrageous campaign tactic by the Bush-Cheney campaign. The Republican attack machine on JOHN KERRY has, frankly, criticized him for his two tours of duty in Vietnam. Apparently, that was not enough. The fact that JOHN KERRY earned a Silver Star, a Bronze Star, and three Purple Hearts wasn't good enough for these Bush-Cheney campaign operatives who never miss a chance to attack JOHN KERRY for his military record.

Thank goodness, Senators of the stature of JOHN MCCAIN have stood up to defend his fellow Vietnam veteran, JOHN KERRY. They have said that JOHN'S service is clear and unequivocal. He risked his life for America. I have met men who were in his crew, those who travel with him in his campaign, his so-called "band of brothers." They are in their late fifties and early sixties. They give up what they are doing to join JOHN MCCAIN on the campaign trail. They tell the story. They tell the story of a young Navy lieutenant volunteering to serve this country, literally risking his life for those in his crew. They join him on the campaign trail, saying they are prepared to follow him into battle again.

But listen to what is coming from the other side. To think that those who did not serve in the military are now criticizing JOHN KERRY for his war record is reprehensible. It is time to put the cards on the table. JOHN KERRY not only has nothing to apologize for when it comes to his military record, he can be very proud of that. For those who say when he came back after the war and was critical of our Vietnam policy, somehow that was wrong, once again, listen to Senator JOHN McCAIN, a man who not only served in the U.S. Navy as well but was a prisoner of war. JOHN McCAIN came forward and said JOHN KERRY had every right to make the statements after the war about his disagreement with our foreign policy.

What we face today is incredible—that the Bush-Cheney campaign is going to attack a decorated Vietnam war veteran, raise questions as to whether he was deserving of a Purple Heart. How could they stoop so low? How could they do this when so many other men and women who have served our country, who have been wounded in battle and received Purple Hearts, have given all we could ever ask of an American citizen? And now to disparage JOHN KERRY and say that perhaps he doesn't deserve all of the recognition he has been given for his service in Vietnam is about as low as it gets.

I have listened to these comments, and I am particularly disturbed that Vice President DICK CHENEY has been the author of so many of these comments as well. Yesterday he was at Westminster College in Fulton, MO. He was supposed to give a speech on the foreign policy of the United States. Vice President CHENEY was supposed to speak at Westminster College about foreign policy issues in Iraq. Instead, he went on the attack on JOHN KERRY and his patriotism and defense of America. It was such an embarrassing moment that, when he left, the president of Westminster College e-mailed the students, staff, and faculty basically apologizing for what Vice President CHENEY had said there.

Vice President CHENEY should know better. He should know that JOHN KERRY served our country and served it with distinction and honor. While Vice President CHENEY did not serve in the military, JOHN KERRY did. It is time to end this shameful Bush-Cheney campaign tactic and to recognize the obvious: JOHN KERRY led men into battle. He defended America. As President of the United States, he will do exactly the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 10 minutes.

OIL COMPANY INCENTIVES

Mr. WYDEN. Mr. President, most American companies make their profit by selling the best product at the best price. But too often in the oil industry it just doesn't seem to work that way. For example, oil companies can even get a subsidy from the Federal taxpayers for shutting down a profitable oil refinery by deducting the cost of that shutdown from their taxes.

I come to the floor today because I hope Congress will put a stop to the perverse incentives that reward oil companies when they reduce the supply of gasoline and gouge our consumers at the pump. In my view, the Tax Code simply should not reward companies that shut down a refinery to reduce the supply and drive up the price of gasoline. My own view is that Congress ought to be providing incentives to oil companies that increase their production, as long as they comply with the applicable environmental law.

I think we are all pleased when we see corporate profits go up, and we are all pleased when the stocks of those companies go up as well. But what I am troubled about with respect to what is going on in the oil industry—and we are going to see profits up again this week, and I gather some have already been announced—is that too often our consumers are getting hosed.

I have been traveling about Oregon over the last few weeks. I have watched as gasoline prices hit over $2 per gallon in some towns. In Eugene, Springfield, Medford, and Ashland—a number of our communities—the average price has been $2.06 per gallon. Each penny of that cost is coming out of the pockets of working Oregonians. It is, of course, helping to increase oil company profits. What I am troubled about is that the taxpayers at the same time are subsidizing practices that are detrimental to their interests.

There has clearly been a pattern of extraordinary profits in the oil industry. A prime example was ExxonMobil, which last year announced an all-time record earnings of $21.5 billion. That is not just the highest earnings ever recorded by an oil company; that is the highest by any company in history.

Again, I want it understood that I like to see our companies make profits. I like it when their stock prices are high. What I don't like is when the consumer has to subsidize anti-competitive practices that are detrimental to their interests. That has certainly been the case with respect to refineries, when an oil company gets an actual subsidy from the Federal taxpayers for shutting down a profitable refinery by deducting the cost of the shutdown from their taxes.

This matter has special implications out in the West. I see my friend from Nevada on the floor. He made an excellent presentation with respect to how his State is affected by gasoline prices. All of us in the West are going to be hit, and hit very hard, by Shell's decision to close its Bakersfield refinery. In that instance, there seems to be no evidence that Shell has gone out and aggressively tried to find a buyer.

Independent analysts have made it clear there is a substantial amount of oil in the area. I will tell you, for those of us in the West, looking at that refinery closure in Bakersfield, that deal smells. It just doesn't add up to have a profitable refinery going down at a time when the company doesn't look as if it is moving aggressively to find a buyer. There is oil in the area and, as I have pointed out, the taxpayer subsidizes the closures of these profitable refineries. Yet the Federal Trade Commission has refused to act.

I hope to be on the floor very shortly with a bipartisan effort to address the anti-consumer practices. At a minimum, let us not have the taxpayers of America subsidizing anti-competitive practices in the oil industry, such as the shutdown of profitable refineries.

Mr. REID. Will the Senator yield for a question?

Mr. WYDEN. I will be happy to yield.

Mr. REID. Last week, I gave a speech about what is going on in Nevada. In Nevada, we have gas prices now approaching $2.50 a gallon. If someone wants to put 4 gallons of gas in a vehicle, they have to bring a $10 bill with them to do that.

I ask my friend his comments on this: Senator ENSIGN and I asked the Federal Trade Commission to take a look at what was going on in Nevada. They took a look and came back and said: We can't tell you why the price is that high. It is unusual, is what they said. It is unusual and they could not determine why gas prices were that high.

Does the Senator agree, with the prices going haywire as they are, and the consumer being hit very hard, especially in the western part of the United States, that the Federal Trade Commission should do something more aggressively than what they have done?

Mr. WYDEN. The Senator from Nevada is correct. The fact is the Federal Trade Commission is AWOL on this issue. It has sent letters to all of us in the West saying they are concerned about the issue, but they have not been aggressive in standing up for the consumer.

I pointed out today that the oil companies ought to be rewarded financially when they take actions that benefit the consumer, not when they gouge the consumer. The consumers today are, in effect, getting fleeced from this unfair subsidy that is in the Tax Code when a profitable refinery goes down.

The Senator from Nevada is absolutely correct. The Federal Trade Commission, in my view, is just going through the motions. I think they hope somehow this issue is going to pass. All of us in the West—a part of the country where there is a very tight supply situation—understand this problem is not going away. I intend to join with the Senator from Nevada in trying to put the heat on the Federal Trade Commission.

Mr. REID. Mr. President, I would like to ask the Senator one more question. The Senator heard the remarks of the Senator from California saying that the Bush administration was actually doing nothing to look at the prices. In fact, the administration is in the Supreme Court today trying to keep secret its dealings with big oil.

The Senator would acknowledge that this administration, the President, and Vice President made their living—certainly part of their wealth they have accumulated—dealing with oil companies.

Does the Senator from Oregon acknowledge that the President has the bully pulpit and can certainly ask our so-called friends, Saudi Arabia and other countries, to stop cutting back the supply of oil but increase the supply of oil? Would that not also help, I repeat, the President putting whatever pressure he has—and that is significant—to tell the Saudis to start giving us more oil?

Mr. WYDEN. I agree fully with the Senator from Nevada. In fact, I submitted a resolution urging the President do that. In fact, my resolution mirrors the resolution that was drafted by our former colleagues, Spence Abraham and John Ashcroft, that passed in 2000 when President Clinton was faced with the same kind of situation.

I am very hopeful that the Senate will take up that resolution and do exactly as the Senator from Nevada has said.

I also point out that it was very striking, even before this debate about Mr. Woodward's book, that the Saudi Foreign Minister said recently when they cut production—and he was quoted on the news services saying that he was not even contacted by the Bush administration. He heard that the Bush administration was disappointed from the press, but he was not even contacted by the Bush administration.

If ever there were an administration that had earned some chips with the Saudis, given all that our country has done, this is an administration that has done so. I think the points made by the Senator from Nevada are extremely important.

Mr. President, I believe my time has expired. I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time.

NO CHILD LEFT BEHIND

Mr. DASCHLE. Mr. President, I wish to talk this morning about the ambitious education reforms the President signed into law just 2 years ago. We all recall 2 years ago when President Bush signed the No Child Left Behind Act. We also know it requires States to set high standards for all students and place a well-qualified teacher in every classroom and holds schools responsible for results. In exchange, it promises schools they will have the resources to meet the new standards and to make the law work.

When the President signed it, No Child Left Behind enjoyed overwhelming bipartisan support in Congress. It also had strong public support. Unfortunately, when implementing the law, the administration has often acted in a heavy-handed manner, and it has failed to provide schools the resources they need to make sure every child is given the opportunity to learn. As a result, there is now a growing backlash against No Child Left Behind.

This is not a partisan issue. A good deal of criticism is coming from Republican lawmakers. In Utah, the Republican-controlled House of Representatives voted 64 to 8 not to comply with any requirements in the No Child Left Behind Act that are not paid for by the Federal Government. In Virginia, the Republican-controlled House of Delegates voted 98 to 1 to ask Congress to exempt it from the new law. According to the National Conference of State Legislatures, 23 States have now lodged formal complaints against No Child Left Behind.

One reason for the erosion of support is the initial difficulty many school districts had getting answers from the Department of Education on how the law would work. It took the Department a long time to issue its regulations, and when the rules were finally announced, many educators considered them overly rigid.

Fortunately, the administration has begun to address some of these concerns. In recent months, the Department of Education has announced changes in the testing requirements for students with serious disabilities and for children who speak English as a second language. It has announced it is giving schools more leeway to meet the requirement that 95 percent of all students be tested.

Last month, the Department announced it is giving States more flexibility to determine when a teacher is highly qualified. In addition, it announced it is giving teachers in rural school districts an extra year, until 2007, to show they are qualified in all of their subjects.

These are all important changes. The extra year for teachers in rural districts to meet the new standards is especially important to rural States such as mine which have a harder time attracting and keeping good teachers. I commend the administration for its newfound willingness to try to address some of the real problems.

None of us who voted for No Child Left Behind ever intended for the Federal Government to dictate to local communities exactly what they should teach their children and how they should test them. It was never the intention of Congress to strangle local decisionmaking and creativity with Federal redtape.

It is important the Department of Education continue to listen. It is counterproductive when the education Secretary labels as "terrorists" people who raise questions about the way the law is being implemented.

It may be, and certainly in this case if it is going to be successful, that No Child Left Behind requires something we have not seen enough of: a committed partnership. It is the most comprehensive overhaul of our Nation's education laws in a generation. Making adjustments is not admitting defeat; it is a necessary part of making this ambitious law work. But some of the most serious concerns being expressed about No Child Left Behind cannot be fixed simply by rewriting legislation or the regulations.

Since he signed No Child Left Behind into law, President Bush sent Congress three proposed budgets. When you add all three of his budget proposals together, the President has recommended underfunding No Child Left Behind by a staggering $26.5 billion.

The President's proposed budget for next year contains $9.4 billion less for the act than the law promises. More than $7 billion of that shortfall is in title I, the very program that is most critical to closing the achievement gap for minority students, poor children, and children who do not speak English. The President's education budget does not leave no child behind; it leaves 4.6 million children behind. The alternative budget proposed by our Republican colleagues in the Senate is much better. It underfunds No Child Left Behind by $8.6 billion.

The reason we are underfunding education is clear: The administration and congressional leadership would rather take more of these resources for tax breaks to the very wealthy than keep the promise we made when we passed No Child Left Behind.

The repeated refusal to adequately fund education is hurting schools and not just in big cities.

In my State, schools in small towns and rural communities are stretched thin because of their shrinking tax bases and high transportation and other costs. They cannot afford any more unfunded mandates from Washington.

They need help attracting and keeping good teachers.

They need help to keep up with advances in technology.

I talk to teachers and principals in South Dakota all the time who tell me, "We're not afraid of accountability. We welcome high standards; we know we can meet them. Please, just don't set us up to fail."

Last month, during the Senate debate on the budget resolution, we offered an amendment sponsored by Senator TED KENNEDY and Senator PATTY MURRAY to fully fund No Child Left Behind. Our amendment would have provided exactly what Democrats and Republicans agreed was needed to make the law work when we passed it 2 years ago.

Regrettably, Republicans defeated our amendment.

But this is not over. There are still months to go before Congress passes a final budget. At every opportunity, we are going to continue to press for full funding of No Child Left Behind. We will also press for the Federal Government to honor its commitment to shoulder 40 percent of the cost of special education.

Accountability in education is essential. But accountability has to work both ways. Congress cannot pass the most sweeping education reforms in a generation and then refuse, year after year, to pay for them. The reforms in No Child Left Behind are the right reforms for our children's schools. But they will not work if we refuse to fund them.

I recently received a letter from an elementary-school student in South Dakota. Because of budget shortfalls, her school district is considering merging with another district.

She wrote, "Even though we are just two small towns in South Dakota, the Burke school means very much to me."

Then she added, "I know that NASA is trying to help mankind, but right now, my school needs that $3 trillion more! . . . I'm in the fifth grade. . . . The school means very much to me, so please HURRY."

Budgets are statements of our priorities and values.

Before we vote to spend trillions of dollars to make permanent the President's tax breaks for the very wealthiest Americans, and before we spend hundreds of billions more to send a person to Mars, we need to fund our children's schools.

In his first budget address to Congress, President Bush said, "The highest percentage increase in our budget should go to our children's education." Yet, the President's proposed budget for next year includes the smallest increase for education in 9 years.

We must restore the broad, bipartisan support for No Child Left Behind that existed 2 years ago. To do that, we must fund the law.

The Federal Government needs to keep its end of the agreement. Words alone are not enough. Real reform requires real resources.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. How much time remains for morning business on our side?

The ACTING PRESIDENT pro tempore. Thirty-two minutes.

NATIONAL ENERGY POLICY

Mr. GRASSLEY. Mr. President, I rise to address the issue of prescription drugs as part of Medicare, a new provision dealing with Medicare, but before I do I will comment on the two issues that have been brought up by Democratic Members of the Senate. I only do that because I think it is appropriate people know that there are two sides to every story—maybe five sides but at least two in the Senate.

I do not find fault with my Democratic friends for bringing issues to the Senate floor, but in the case of the high cost of gasoline as an example, which the Senator from Oregon was talking about, all I can say is we had a national energy policy before the Senate. It passed the House last year; it passed the Senate last year. We spent a couple of months in conference and worked out a very good compromise. It passed the House of Representatives by a wide margin. Exactly how much I do not recall. Then it came to the Senate and we were faced with a filibuster.

In that filibuster cloture vote, we got 58 votes. It obviously takes 60 votes to stop a filibuster. Out of those 58 votes, we only had 13 out of 49 Democrats vote to break that filibuster. So there are another 36 Democrats that if they want to help us reduce the cost of energy, I would beg them to tell our leader that they are prepared to break that filibuster. The leader filed a motion to reconsider. We could bring that up again and within 2 minutes we would have a national energy policy that would send a clear signal to OPEC that we have our energy house in order in this country, and hopefully let them know they are not going to have an economic stranglehold on our economy as they evidently think they have by reducing their production of oil by 4 percent as they did a month ago.

Why would we not expect the OPEC nations to take advantage of a divided Congress when we all know, with the energy blackout in the Northeast last August and with $2 gasoline right now in the United States, that this country ought to be doing everything it can to solve its energy problem?

The national energy policy we had before Congress last fall that there was a Democrat filibuster against would be a solution because it emphasizes in a very balanced way three things: One, tax incentives for the enhanced production of fossil fuels; No. 2, tax incentives for renewable fuels, wind energy, ethanol, biodiesel, biomass; and tax incentives for conservation, such as fuel cell cars.

So when we have an effort to bring a national energy policy before this Congress, and it is defeated by a filibuster that only 13 out of 49 Democrats would support, then it seems to me very wrong for people on the other side of the aisle to be complaining about the high price of gasoline.

Now, it is all right to complain about the high price of gasoline because I do every time I go to fill up my car, but on the other hand, it is one thing to complain about it and not do anything about it. What we need to do is join forces to get this national energy bill passed. It would help if we could get two more Democrats to help us defeat that filibuster.

EDUCATION FUNDING

Mr. GRASSLEY. As to the issue of education, all I can point out is that this President has always had education very high on his agenda. Except for September 11 and the war that we are now involved in, education would be No. 1 on this President's agenda. But because of the war, we are in a budget situation now where we are having 10-percent increases for homeland security, 7-percent increases for defense because of the war, and we are having 3-percent increases for education. Now, that may be, as the distinguished Democratic leader said, the smallest increase in education for years, but this 3-percent increase in education is far higher than anything else in the domestic budget that the President proposed to the Congress of the United States because every other domestic program in that budget is going to be increased nine-tenths of 1 percent.

So when we are involved in war, whether it is the 21st century war on terrorism or whether it is the 20th century war on fascism, World War II, this country puts all of its efforts behind the men and women who are on the front line, giving them all of the resources they need to win that war because we only go to war if we go to war to win. This President has done that. But, after taking care of our responsibilities to the men and women on the battlefield, this President has always had education at the top of his agenda. With the way this year's budget treats education compared to every other domestic program, and only third to homeland security and the war, this President is keeping his commitment to education.

MEDICARE PRESCRIPTION DRUG PROGRAM

Mr. GRASSLEY. Now I would like to address the issue of the Medicare prescription drug program, because on January 1, the seniors of America are going to make a voluntary decision whether they want to take advantage of this new program, and January 1 would be the opportunity to take advantage of the interim program for the years 2004 and 2005, before the permanent insurance program on prescription drugs kicks in November 15, 2005.

It was just under 5 months ago that the President signed this Medicare Prescription Drug Improvement and Modernization Act. It was the first strengthening of Medicare in its 30-year history. Next Monday, then, beneficiaries can begin enrolling in the Medicare-approved drug discount card, the first stage of what I call the temporary program of the new comprehensive Medicare Modernization Act. The cards go into effect June 1 and will offer seniors much needed discounts and information on brand name and generic prescription drugs.

Medicare beneficiaries who choose to enroll in the voluntary discount card will have choices. I emphasize, this is not something the seniors of America have to do. This is a voluntary program. Not only is it voluntary whether you join the program, but the seniors will have choices within their voluntary decision to join, because there are 38 sponsors offering cards to Medicare beneficiaries nationwide, with some sponsors offering more than one card. More than 40 Medicare advantage plans—the Medicare+Choice, or let's say the Medicare HMOs, as some people know it—offer Medicare beneficiaries additional coverage. They will offer exclusive cards to their members.

There also will be regional cards offered to certain beneficiaries, such as those in nursing homes throughout our country.

Under the drug discount card, beneficiaries will save 10 percent to 25 percent off the retail prices that they paid before they had a Medicare-endorsed discount card. In fact, a study recently in Health Affairs, a peer-reviewed journal of health policy, estimates that if seniors who currently lack prescription drug coverage enroll in a Medicare-approved drug discount program, they can expect to reduce their out-of-pocket drug spending by approximately 17.4 percent.

There is still more good news. One of the most important parts of this drug bill is the nearly immediate help to very low income Medicare beneficiaries, people who do not have prescription drug coverage and who do not qualify for Medicaid.

Low-income beneficiaries—and that would be generally those with incomes under 135 percent of poverty—are helped in two ways. They get a discounted price and they get up to $600 annually in 2004 and 2005 to help buy drugs they need at the pharmacy. The beneficiaries would get access to the $600 in assistance through the Medicare-endorsed discount card. The card will be just like a debit card. When the card is presented to your pharmacy, the beneficiaries are able to draw down from the $600 and purchase their prescription drugs. They can continue to use that until it has run out, between now and December 31.

If they have some money left over on that card on December 31, 2004, that can carry over until year 2005, and they can get an additional $600 in the year 2005. If they didn't have that full $1,200 used by December 1, 2005, it can carry over until 2006, until it is all used and they take full advantage of the insurance program that is going into effect at that particular time.

Also, let me make it very clear that if there are two in the family who would qualify for the $600, then that family would get $1,200 in 2004, and an additional $1,200 in 2005, until it is used then, either in 2005 or carried over to 2006.

I should probably use a lot of examples but I just want to use one example of a woman enrolled in Medicare in Waterloo, IA, near my farm. If she had an income of $12,000 a year and she needed to fill a prescription for Celebrex, the retail price for 30 tablets would be $86.28. This woman from Waterloo, IA, would save nearly $22 a month off the retail price and be able to draw down some of her $600 in assistance to pay for the discounted prescription that lady needs. The $600 credit in conjunction with the discount card will give these most vulnerable low-income citizens immediate help in purchasing prescription drugs that they otherwise, maybe, would not be able to afford or maybe would have to make a very difficult choice between buying food or buying prescription drugs. We hope this eases that choice which some seniors and disabled people in America must make today.

We expect more than 7 million beneficiaries to enroll in this program. Nearly 5 million low-income beneficiaries are expected to apply for this $600 of assistance—$600 in 2004 and $600 in 2005; husband and wife qualifying, that will be $1,200 in 2004 and $1,200 in 2005.

What we need to do now is to continue to let people know about the availability of the card and to help them get information to make enrollment decisions to sign up for the $600 in additional assistance.

I commend the Center for Medicare Services' staff for their work in this area. They are doing much to help people understand this situation.

If I were going to summarize before I go into it, I could say, as I did in my 36 town meetings in Iowa that I have held since January to acquaint Iowans with this new prescription drug program, that I provided four sources of information. One would be if they want to contact any congressional office, including mine, I think they would find that as a source of information. No. 2 would be the 1-800 Medicare toll-free number to which I will soon refer. Also, I had the benefit of having personnel from the federally financed but State-insurance-department-administered program called SHIIP, the Senior Health Insurance Information Program. That program in my State of Iowa, and I assume in most States, will give people one-on-one consultation about how to compare the benefits of the prescription drug program with what their health care needs are and what their income happens to be. Those are all private matters that our constituents are not going to want to make public. So they have the benefit of the SHIIP employees and volunteers working with them to help them work through which program might be best for them.

Then, of course, we have the AARP, which is an organization, I tell Iowa constituents, that deserves great benefit for bringing about the bipartisanship in the Senate that it took to get this legislation passed and signed by the President.

Without the AARP we would not have a prescription drug program for seniors. The AARP has attended a lot of my meetings. I have not heard one criticism of the AARP at any of my 36 town meetings. The AARP representative has been present to tell how that organization can help people get information about this new prescription drug program. The AARP probably has the best layperson's explanation of this legislation that is available. I hand those out at my town meetings as well.

I commend the Center for Medicare Services for their help in this area. I would like to say what their help has been beyond what I have just said.

They helped develop an Internet-based tool that will help seniors learn more about the available discount card options. By using this tool, which will be up and running yet this week, beneficiaries will be able to compare the particular drugs and prices offered by senior sponsors. The Internet site can even tell them whether their neighborhood pharmacy participates in a particular card. But we know that not all beneficiaries feel comfortable using the Internet. Those who don't can call 1-800-Medicare and ask for information about the card being sent to them.

The Center for Medicare Services also has taken important steps to streamline the enrollment process by having the standard enrollment form and allowing States under certain circumstances to enroll low-income Medicare beneficiaries into this card program. This will make it easier for low-income beneficiaries in States with pharmacy assistance programs to get the additional $600.

The card sponsors will also be closely monitored by CMS to ensure that they are playing by the rules and not cheating anybody. CMS will track any changes made in the drug prices and complaints received by their 1-800-Medicare number or other sources. They will also "mystery shop" to make sure the sponsors are not falsely advertising. They will be on the lookout out for scam artists who claim to be offering an approved card. While I am confident that most card sponsors will do the right thing, I am very pleased that CMS will be dedicating resources to protect beneficiaries and in turn the Medicare trust fund as well.

I want to respond to some accusations that were made yesterday by Senators from the other side of the aisle about this bill. It is a carping we often hear that is very inaccurate, and I want to make sure that constituents know what the true story is.

I want to clarify once again important details and answer concerns—particularly inaccurate concerns—that were offered on the other side of the aisle.

Some have argued that our seniors would receive a greater benefit under this Part D drug benefit which I have been speaking about, set to begin in 2006, if the Government would step in on negotiations between drug manufacturers and prescription drug plans. This is not accurate. This noninterference provision allows seniors to get a good deal through market competition rather than through price fixing by the Federal Government.

A basic concern we have is that in writing the legislation the way we did, we don't want some government bureaucrat in the medicine cabinets of our seniors. We don't want that bureaucrat coming between our doctor and our patient. That is why that provision is in this bill. The provision protects patients by keeping government out of decisions about which medicines they will be able to receive. Under this section, the Government will not be able to dictate which drug should or should not be included in the prescription drug plan.

The new Medicare Part D drug benefit allows seniors to use their group buying power to drive down drug prices. We rely on market competition—not price fixing by the Government—to deliver the drug benefit.

The reason we know this works is because it has worked for 40 years in the Federal Employee Health Benefit Plan. There is no bureaucrat telling some Federal employee what their plan can provide to them in the way of drugs.

The law's entire approach is to get seniors the best deal through vigorous market competition and not through price controls.

These private plans have strong incentives under this legislation to negotiate the best possible deals on drug prices. These plans are at risk for a large part of the cost of the benefit. They also have the market clout to obtain large discounts. By driving hard bargains, they will be able to offer lower Part D premiums and attract more enrollees.

The alternative is a command-and-control system that would not be responsive to consumer desires or to marketplace reality. Bureaucrats would swing between adding benefit requirements without a means of paying for them and then restricting choices and access in an effort to contain costs. The noninterference provision is a fundamental protection against such inexplicable government bureaucratic action.

We are also hearing complaints from the other side of the aisle even after three or four times last month straightening them out about what the true cost of this drug program is. What is the true cost? You look ahead 10 years to what a program is going to cost, and you make the best judgment you can of what it is going to cost. There are good people in the Congressional Budget Office who are good at that and who try to do the best thing, but you aren't going to know until 10 years have passed what the true cost is.

It seems to me to be intellectually dishonest for people telling us that somebody downtown can tell us what the true cost of this legislation is. I am going to respond to those accusations about what the true cost of the Medicare bill is for a third time. I am going to do it for a fourth time and a fifth time if I have to until somebody on the other side of the aisle learns something about what this bill does or doesn't do.

They are trying to say that somehow the true cost was hidden from Congress. This is simply election year hyperbole. The opponents of the drug benefit are making this claim because the final cost estimate from the Center for Medicare Service's Office of the Actuary was not completed before the vote took place. But let us be clear: The cost estimate was not withheld from Congress because there was not a final cost estimate from the Center for Medicare Services to withhold. But they don't even know what this so-called cost is because they have to look ahead 10 years and make the best educated estimate they can 10 years ahead of time just like the Congressional Budget Office does. But their estimate wasn't even completed until December 23. The President signed the bill December 10.

Let me also make clear that the Congress had an official cost estimate on the Medicare bill before the vote, and that is the one from the Congressional Budget Office. I keep telling people who don't understand the importance of the Congressional Budget Office, which guides every Member of U.S. Senate, that when they say something costs something, even if they are wrong, that is what it costs. You don't dispute it. The ability to raise a point of order against the bill if you exceed that cost takes 60 votes. That is how important the Congressional Budget Office is. That is the only office we go by.

Somebody can make a complaint that maybe some administrator downtown was muzzled into not talking to Congress, but they were talking to me. I don't know why other Members of Congress couldn't have had the same information I had, and it wasn't much information at that. But you can talk. If somebody was muzzled in our Government where transparency and openness ought to be the rule, that is wrong, I agree, but these accusations about whether the information was withheld have raised questions of whether Congress had access to a valid and thorough cost estimate for the prescription drug bill before the final vote in November.

It should also be made clear while the cost analysis by the Office of the Actuary is perhaps helpful, it is not the one Congress relies on. Congress relies exclusively upon cost projections by the Congressional Budget Office. It is CBO's cost estimate we use to determine whether legislation is within authorized budget limits.

For Congress, if there is a true cost estimate, that is CBO's. And true costs can, at best, be said as a 10-year guesstimate, an educated guess into the future, and it would be the Congressional Budget Office's. CBO's cost estimate is the only one that matters.

When Congress approved a $400 billion reserve fund to create a Medicare prescription drug benefit, this meant $400 billion according to the Congressional Budget Office, not according to the Center for Medicare Services, as the other side would somehow say, that would have a definitive impact upon Congress.

You do not raise a point of order in this body against an estimate by the Center for Medicare Services or even the Office of Management and Budget that speaks for the entire executive branch of Government.

With all due respect to the dedicated staff who work at the Center for Medicare Services, Office of the Actuary, their cost estimates were irrelevant to our decision making process.

The Congressional Budget Office worked closely with the conferees—and I was one of those conferees—to the prescription drug bill and the staff of our Finance and Ways and Means Committees to ensure a full analysis of the projected costs was completed. The conferees and the staff regularly and constantly consulted with the Congressional Budget Office throughout the development of the Senate bill and in the preparation of the conference agreement.

The Congressional Budget Office worked nearly around the clock and on weekends for months to complete an extremely thorough and rigorous cost analysis of the prescription drug bill. That cost estimate—our official cost estimate, straight from the god of Congress's finance estimating, the Congressional Budget Office—was available to every Member of Congress before the measure was presented to the House and Senate for a vote.

It is also pretty disingenuous for opponents of the Medicare bill, especially on the other side of the aisle, to suggest the pricetag for the Medicare bill causes concern because the fact is they supported proposals that cost hundreds of billions of dollars more. You would think they would say: Thank God for the Center for Medicare Services that this bill is going to cost $134 billion more than what the Congressional Budget Office said it was going to cost because we like to spend money. We want to spend more on Medicare prescription drugs.

The House Democratic proposal, for instance, last year would have cost $1 trillion compared to the $395 billion the President signed. The Senate Democratic proposal in 2002 cost $200 billion more than the bill that was enacted into law.

Further, there were more than 50 amendments offered on the floor of the Senate during the debate on the Senate bill that would have increased the cost of the bill by tens of billions of dollars.

The bottom line is, there should be no doubt in anyone's mind we had as true a cost estimate—or if they want to put it in their words, the true cost estimate—for the prescription drug bill last year. Everyone had access to it before the vote.

But let me explain to the people of this country that whether it is the Congressional Budget Office or the Center for Medicare Services, when they look ahead 10 years, and the farther out you go, it is a fairly imprecise way of deciding what a bill we passed last year is actually going to cost. The true cost is going to be known on that 10th year.

But these professional people with green eyeshades, without any political predilection, study what we put on paper and they say: Senator GRASSLEY, as chairman of the Finance Committee, if you do this, it is going to cost X number of dollars. So if it does not all fit into $400 billion, you kind of tailor it to fit, because if you do not, you are going to be subject to a point of order and you will have to have 60 votes to override it.

I hope I have once again cleared up any misunderstandings about these issues. We should move on and not lose sight of what really matters: helping our Nation's seniors get the drugs they need at lower prices through the Medicare discount card, and $600 of additional assistance, which beneficiaries can begin enrolling in next week, and through the voluntary Part D drug benefit in 2006, which is what really matters.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TALENT). Morning business is closed.

INTERNET TAX NONDISCRIMINATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 150, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee controls 2 hours of time.

Who seeks recognition?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, yesterday we began our discussion of legislation which, if it should pass, would be a Federal law giving a tax break or a subsidy to the high-speed Internet industry, and the Federal law would then send the bill for that to State and local governments. There is a bipartisan group of us who object to that, who believe if Congress wants to give a subsidy to the fastest growing technology, high-speed Internet access, then Congress ought to pay for it and not send the bill to State and local governments.

I, for one, also question whether there is any need to spend additional taxpayer dollars on this sort of subsidy since, as far as I can tell, high-speed Internet access must already be the most heavily subsidized technology in the country. But, nevertheless, we have reached a point in the discussion where we are trying to create a compromise result.

To go back through a little bit of history, the House of Representatives sent a bill to the Senate toward the end of last year, and that bill, while it was named "Internet tax moratorium," did much more than that. It purported to make permanent the temporary timeout from taxes the Federal Government set in 1998, and then renewed in 2000, on State and local taxation of Internet access, but the bill did much more than that.

As I pointed out at length last night, the House bill exempted this industry from a great many State and local taxes—telephone taxes States currently collect, business taxes States currently collect, more business taxes, and then sales taxes. So for all of these, we had the Federal Government saying to the State governments: You cannot do this; You cannot collect these taxes.

We have a phrase for this. We call it unfunded Federal mandates. It means: Do no harm to State and local governments.

The Republican majority was elected in 1995, promising to end the practice of we Congressmen and Senators coming up with some big idea, taking credit for it, and then sending the bill to State and local governments. So we went to work to try to change the bill. Senator CARPER of Delaware and I and nine other Senators of both parties offered a compromise. We said: Since the Federal Communications Commission, and since Senator McCAIN and the Commerce Committee, and Senator STEVENS, our President pro tempore, and others, have said we need to take a comprehensive look at this phenomenon of digital migration of services to the Internet that is being caused by this new high-speed Internet access, since we want to do that, let's take a comprehensive look at it, so let's just extend the old moratorium for a couple more years.

In the meantime, let's try to create a level playing field so all high-speed Internet access providers are treated the same and do no harm to State and local governments. That is the Alexander-Carper proposal.

The majority leader and Senator McCAIN and others asked me and Senator CARPER to work with Senator ALLEN and Senator WYDEN and others to see if we could narrow our differences. We did, but we still had differences.

As I pointed out yesterday, Senator ALLEN's bill, S. 150, which is the bill we are now considering, is permanent, not temporary. It still puts at risk $3 to $10 billion that State and local governments collect. It also causes the sales taxes that were being collected to expire.

Let's recall that what we are talking about is not lowering anybody's taxes. If you lower one tax, another tax is going to go up, or the government is going to be cut. Lower taxes for the service industry means higher taxes for somebody else. That is a fact.

Then Senator McCAIN came to the floor yesterday and offered a new proposal. I want to comment for the next 3 or 4 minutes on that. I have written Senator McCAIN a letter outlining my reaction to it, which I hope is being delivered now, but since we only received his proposal yesterday afternoon at about 2:15, I want to let the full Senate and others know my reaction to his proposal.

First, I appreciate his proposal and his efforts to create a compromise. We all want a result. That is why we are moving ahead at 2:15 to consider his proposal. Unfortunately, Senator McCAIN's new proposal still harms States and still creates a huge loophole for the high-speed Internet industry.

Let me be specific. No. 1, the definition that the McCain proposal uses is the same definition the Allen-Wyden proposal uses. That definition eliminates $500 million annually of telephone taxes, business taxes that State and local governments collect today. That is an unfunded mandate.

No. 2, the bill does not protect States and their ability to make a decision about whether to continue collecting taxes on telephone services. This is very important to State and local governments. Last year, according to the National Governors Association, State and local governments collected $18 billion in taxes on telephone services. In the State of Tennessee, it was $361 million. In California and Florida and Texas, it is more than $1 billion. It is 5 percent of our State budget. Almost every State is affected by this. While Senator McCain's legislation in one section appears to try to protect telephone calls made over the Internet so that States may choose to continue to tax telephone services as opposed to food, for example, it doesn't do that. So that is the second problem with the bill. It takes away from the States a substantial tax base.

No. 3, the bill is 4 years in duration. We think 15 months, 2 years would be much better. Four years is better than permanent, but once you freeze into place these decisions, it is like trying to take a billboard down. You can prevent one going up, but you can't ever take it down. We believe 4 years is not much better than permanent. And then there is the grandfather clause. The moratorium is 4 years starting last November. The States that were already taxing Internet access with sales taxes before this legislation moratorium took effect in 1998, we think those States and other States now collecting taxes on high-speed Internet access should be permitted to continue to exercise their option to collect those taxes.

I have suggested to Senator McCain in my letter that there is a way to fix each of these four problems. The way to fix the definition problem is to use the language of the original moratorium. After all, if all we are doing is extending for 4 years the original moratorium on State and local taxation of Internet access, why not use the original moratorium?

No. 2, make the extension for no more than 2 years.

No. 3, express in plain English what I have heard the Senator from Virginia say, that he has no intention of trying to ban State and local taxation of telephone calls made over the Internet. So why not say, "nothing in this Act shall preclude State and local governments from taxing telephone services, including telephone calls made over the Internet"?

And, finally, all the grandfather clauses should end at the same time the moratorium expires.

I am glad Senator McCain worked to offer this new proposal. I regret that it still has many of the same problems of the original proposal. The term is a little better. The protection for State prerogatives on taxing telephone services is worse. But I would hope we could take the four suggestions I have made and correct the McCain proposal. If we can, we can pass a bill and get on to something else. I wanted to come to the floor quickly, after we have had a chance to review the proposal, to make those suggestions.

I will return to the floor within a few minutes with further comments. For now, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bunning). Without objection, it is so ordered.

The Chair wishes to inform the Senator he has approximately 81 minutes remaining.

Mr. ALEXANDER. Mr. President, sometimes when we talk about this Internet tax proposal, eyes glaze over. It is a hard subject for people to get into their brain because we are talking about a new way of doing things. We are talking about Internet access, how one connects their computer, for example, to the Internet, but we are especially, in this case, talking about high-speed Internet access.

High-speed Internet access has been known to us just for the last few years. When Congress passed the Telecommunications Act of 1996, it is possible that nobody in Congress had ever heard of high-speed Internet access. The commercial Internet was just a few years old at that time.

High-speed Internet access is another one of America's great adventures. The Industrial Revolution was caused by the internal combustion engine. That was a great invention.

The telephone was a great invention. Television was a great invention. The use of high-speed Internet access is a great discovery. What is possible with it is that suddenly a lot of the everyday services of life, such as making telephone calls as an example, downloading movies, even watching our regular television channels, may be done through the Internet. Maybe it will be easier; maybe it will be less expensive; maybe there will be some other advantages.

So for a long time, everybody has been excited about high-speed Internet access, which we call broadband. As a result of that excitement, there has been a phenomenal amount of subsidy of high-speed Internet access by the Government.

The Federal Government spends approximately $4 billion a year already to encourage the spread of high-speed Internet access. Almost every State spends its taxpayers' money to encourage the growth of the high-speed Internet access industry.

The State of Texas, for example, has done at least two things. One is that it has a fund. Texas does things in a big way. So it is collecting $1.5 billion over 10 years, which will be spent to encourage high-speed Internet access just in Texas.

Also, in 1999, when President Bush was Governor Bush, Texas decided it would give consumers a break on high-speed Internet access. Texas said the first $25 a consumer pays for their high-speed Internet access bill each month is exempt from the State sales tax. That is what Texas has done since 1999.

Now, the irony is that the Governors and States of this country came to Congress and said, Why do we not make President Bush's Texas plan the national plan? That really helps consumers. It is pretty easy to understand.

I am in Tennessee, the Chair is in Missouri, somebody else is in Texas, and we all get the bill each month from our Internet service provider. Now consumers can get this high-speed Internet access a lot of places. They can get it from their Internet service provider, such as America Online, for example, or they can get it from their cable company, the person who brings people television, or they can get it from their telephone company. They will charge about $30 or $40 a month for that.

In Manassas, VA, consumers can get it from their power company. That has helped us understand that there is not going to be any digital divide problem. Almost everybody, thanks to the rural electrification system, has a power wire running to their home or near their home and they can get their high-speed Internet access from the electric company. They do it in Manassas, VA. It costs $25 a month, which is just the amount of money President Bush, when he was Governor Bush, thought ought to be the subsidy to consumers who decided to use this fastest growing new technology in the United States, high-speed Internet access.

The reason I raise that is, since we already had that in Texas, what if the States say to the Congress that we will accept that unfunded Federal mandate? We will ask for that one. You know, just exempt all of our 100 million consumers across the country from the $1- to $3-a-month bill that they will pay in taxes on high-speed Internet access.

But, no, from the House comes this legislation last year that would drive a Mack truck through the State budgets of virtually every State. It would drive it through the State of Texas, too. The State of Texas collects $1.7 billion a year in taxes on telephone services. That comes from the National Governors Association. This year they called up all the States and got this information. State and local governments, in taxes, collect $1.7 billion a year on telephone services.

Under the proposal that is coming to the floor this afternoon that Senator McCain has suggested, as those telephone calls are made over the Internet, they would be tax free. That sounds good at first, until you think about what comes next. Let's say Texas loses a third of its revenues from telecommunications taxes. Let's be conservative about this. Of the $1.7 billion that Texas collects on taxes on telephone services, only about a billion comes from telephone calls. These are the monthly bills that you get.

So Texas collects $1 billion a year. According to the Congressional Budget Office, in a letter to the Senate that I had printed in the RECORD yesterday, the estimate is that within the next 5 years at least a third of all the telephone calls will be made over the Internet.

I think it is coming faster than that. I believe Michael Powell, the Chairman of the Federal Communications Commission, believes it is coming faster than that.

So under the McCain proposal, Texas loses one-third of the revenues it collects in telephone services. That is $300 million a year. In Tennessee, it is $100 million.

Then that keeps going. So gradually if you are the Governor of Texas, you are the legislators of Texas—and I know right now they, as most States, are going through a difficult time financially—they are talking about other taxes in Texas so they can pay for their schools.

But I can predict what is going to happen in Texas and in Tennessee and in Washington State and in Florida. Florida collects $1.4 billion in taxes a year on telephone services. About $1 billion of that is from telephone calls.

Take all that out and what happens, dancing in the streets because people aren't paying taxes on telephone calls over the Internet? No. What is going to happen is that some unfortunate Governor in Texas and in Florida is going to have to propose a State income tax.

You may stand up and say we should reduce taxes by $1 billion in Texas, or reduce it by $1 billion in Florida, and maybe you can. Maybe you can. But that is a substantial challenge to those States.

What we are really doing here is something I never thought I would see. We have legislation which has zoomed through the House and which the distinguished chairman of the Commerce Committee, despite his efforts to have meetings and to compromise, is still insisting on, is that we in the Congress give a big subsidy to the high-speed Internet access industry and send the bill to State and local governments, and it is a potentially big bill.

I suggested in my earlier remarks that the McCain proposal can be easily fixed. For example, we can just say: Nothing in this act shall preclude State and local governments from taxing telephone services, including telephone calls made over the Internet. That is very plain English.

I don't know why we don't try plain English in a statute every now and then. That would remove a lot of that problem. Then we could make it a 2-year extension instead of 4 and that only leaves two problems. One is the definition of Internet access. They have cooked up a new one. We had one since 1998. We banned taxes on Internet access in 1998. We did it again in 2000. I supported that. Instead of really banning taxes on Internet access, they are creating a big tax subsidy to a whole industry. We could fix the definition problem by going to the Alexander-Carper definition, which we suggested in December, or just by going to the 1998 definition. Then we could make all the grandfather clauses expire at the same time the moratorium ends, that would be it, and we could pass the bill and be on to reducing taxes for manufacturing companies.

Sometimes I think I have not been able to get my point across as effectively as I would like. I was thinking about it this way. The Presiding Officer is the Senator from Kentucky. Kentucky has a big Toyota plant. I visited with the chairman of Toyota in Tokyo a few weeks ago. Toyota is leading the way—Ford is doing a lot, Nissan is doing a great deal, other companies are—in hybrid cars. I see the Senator from Delaware, and I am going to yield to him within 3 or 4 minutes. They tell me at Toyota in Tokyo that Toyota is selling hybrid cars in America this year at the rate of 100,000 this year. That is very important in Tennessee because we have a big clean air problem and hybrid cars have electric motors and internal combustion engines both and burn less gas and pollute the air less, so the air would be cleaner in Tennessee. So I am thinking about, perhaps, recommending a Federal law that tells Kentucky and Tennessee and Delaware they cannot tax hybrid cars.

Why wouldn't that be a good idea? That would clean the air.

The reason it would not be a good idea is that in Delaware and Kentucky and Tennessee, some unfortunate Governor and some unfortunate mayor is going to have to figure out what to do about the property tax to pay for the schools and whether to raise the tax on food if you can't raise it on telephones. And even though he or she might want to lower taxes, if we give a big break to one industry, if we give them lower taxes, it is going to be higher taxes at some tax level for somebody else.

Whether it is hybrid cars or whether it is solving the obesity problem by passing a Federal law that we can't tax low-carb foods, or solving the energy problem by saying we can't have a State tax on solar panels on the roof—all those things sound good, but it is not our responsibility in a Federal system to tell State and local governments what services they can provide and what taxes they can charge. And especially that is true when already the Congress and the States are subsidizing this industry.

I believe if Congress wants to give a big subsidy to the high-speed Internet access business, Congress ought to pay for it. The way to do it is to adopt the George W. Bush Texas proposal that was enacted in 1999. That is relatively inexpensive. It benefits consumers. It would say to everybody in the country, the first $25 you pay on high-speed Internet access every month is tax exempt. The States have asked us to do it. Why don't we do it? Why do we insist on rushing through the Congress legislation that gives a big break to the industry that is already, at least as far as my research shows, the most highly subsidized and fastest growing new technology in America today?

The Department of Commerce and the Congressional Budget Office both have advised us it is growing so fast it needs no subsidy, that there is no need to spend more taxpayer money on that.

I see the distinguished Senator from Delaware, former chairman of the National Governors Association. He has been a leader in the fight to remind us we have a Federal system, and that it is not up to us to come up with big ideas, take credit for it, and send the bill to the local governments. I would like to yield to him whatever time he may require.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Tennessee for yielding the time. Let me say how much I enjoyed the opportunity to work with the Senator on this issue and, frankly, on a number of other issues. I think he has shown a lot of courage, and I am grateful to him. I thank him for the opportunity to be his partner.

I take some time this morning to address one of the important arguments made by our colleagues on the other side of this debate. Proponents of the legislation argue the only way to encourage broadband deployment is to provide subsidies to telecommunication industries with no strings attached. Furthermore, they argue the only way to create such subsidies is to pass a large, new, unfunded Federal mandate. I submit if what all of us here want to do is determine the taxes and spending policies of our State governments, then we should do what Senator ALEXANDER did, what Senator VOINOVICH did, what Senator HOLLINGS, I, and others did. We ran for Governor. We were elected. As a result we had the opportunity—in my case for 8 years—to decide what the taxing and spending policies of our States' governments should be. That is what we did.

The authority we are granted here in the Senate by the Constitution is to decide the taxes and spending policies of the Federal Government, not the taxing and spending policies of the State governments, and not the spending and taxing policies of local governments. Our job is to determine the taxing and spending policies of the Federal Government.

That being said, it is not as if we the Senate are somehow without the power to create incentives for industries to encourage certain activities we deem to be desirable. Senator ALEXANDER mentioned a couple of areas where we are involved with tax policies in other cases and with spending policies to encourage the development of fuel cell vehicles, or to develop the creation of leaner burning diesel vehicles, or to incentivize creation of coal-fired plants that don't pollute a great deal. We have that spending and taxing authority, and we are using it—some would argue not to great effect, but that is our responsibility. We have the authority, after all, of a Federal budget. It is over $2 trillion.

If we believe telecommunications companies need more money to build and market their broadband networks, and if we believe we can do better than the private sector in providing that money, then there are any number of ways we can provide money at the Federal level. After we do that, first of all, we could provide Federal grants. We can provide Federal tax breaks. We can provide loan guarantees. We can provide additional spectrum for unlicensed use. The only reason not to provide the money in these ways, if it is needed, is because Congress would have to find a way to pay for it rather than simply sending the bill to our friends in our State and local governments. If we pass a new unfunded mandate this week or next week, it will be a matter of choice rather than a matter of necessity.

In case anyone doubts that, I would like to bring to the attention of our colleagues here in the Senate a few of the many bills that have been introduced in the Congress to create Federal incentives for broadband deployment. These bills have already been written. These bills have already been introduced. Many of them have a rather broad cosponsorship. If we wanted to, we could bring one or several of them to the floor today, debate them, and perhaps pass them.

I will mention a number of those bills. I want to start first with bills that have been introduced by Senators who have joined us in opposing the unfunded Federal mandate we are debating here today. I do so because there has been some suggestion made by our colleague on the other side of this issue that those of us who oppose unfunded mandates also oppose the Internet, or oppose efforts to encourage the development of broadband. That is not true. While I doubt many of our colleagues believe this to be the case, I do believe it is important we clarify matters for the record.

Let me start with a bill authored by Senator HOLLINGS, a distinguished ranking member of the Commerce Committee. One year ago, Senator HOLLINGS introduced the Broadband Deployment Act. It is a true Federal broadband bill, and as such it would be a much more appropriate piece of legislation for us to be debating here today. Instead of handing State and local governments an unfunded mandate, Senator HOLLINGS' bill would provide broadband to support State and local broadband initiatives. Rather than being unfunded, Senator HOLLINGS' proposal would be financed by moneys from the Federal telephone access tax.

Besides block grants, Senator HOLLINGS' bill would also provide direct grants for broadband deployment. It would also support university research on next-generation broadband technology and pilot projects deploying new wireless broadband technology. I think that sounds like a worthwhile proposal.

However, for Senators who are opposed to providing outright grants, perhaps we should consider another proposal; that is, one by Senator DORGAN.

His proposal is to make low-interest loans available to companies that are deploying broadband technologies in rural areas such as North Dakota. We have rural areas in Kentucky. There are rural areas in Tennessee. Believe it or not, we still have rural areas in Delaware. That proposal might be of some interest to a lot of us, and I suspect to other of our colleagues.

On the other hand, if Senators would rather provide tax incentives and either grants or loans, then perhaps we should be debating Senator ROCKEFELLER's Broadband Internet Access Act. Senator ROCKEFELLER's legislation would provide tax credits for companies investing in broadband equipment. It would provide a 10-percent tax credit for investments in so-called "current generation" broadband services.

For investment in higher speeds for next-generation broadband services, his bill would provide a 20-percent tax credit.

If it is a Republican tax proposal my colleagues are looking for, we could always turn to Montana and Senator BURNS' proposal to allow the expensing of broadband investments by companies. That might work. I find that attractive.

If party affiliation is not the hangup, but Senators are uncomfortable with providing tax incentives directly to companies, perhaps they would prefer the approach suggested by our colleague from New York, Senator CLINTON. She proposes a different approach. She proposes providing an income tax credit to holders of bonds that are used to finance the deployment of broadband technology.

Finally, if Senators don't want to provide grants, loans, or tax incentives, they can consider an approach advocated by one of our colleagues who happens to represent, among other places in California, Silicon Valley; that is, Senator BOXER. Senator BOXER has proposed we allocate additional spectrum for unlicensed use by wireless broadband devices.

Those are only a few of the proposals that have been made, introduced, discussed, and in some cases subject to hearings, and which have cosponsors.

Those are a sampling of the things we can do as Federal legislators in a proactive way if we are interested in strengthening the ability of companies to market and extend their broadband systems.

What I think this array of proposals indicates is there is no limit to the ways in which we could act, if we wanted to, to encourage broadband deployment at the Federal level. The Senators I have mentioned—I mentioned five of them—span the ideological spectrum, from liberal to conservative. They come from different parts of our country. Their proposals reflect their ideological diversity. Some would increase spending; others would cut taxes. Some would finance their proposals by reallocating existing resources; others would add to the deficit.

But what is clear is all these proposals are harder to pass here in Washington than an unfunded mandate because we would have to pay the bill ourselves. We could not stick anyone else with the tab. We would have to pay the tab.

Admittedly, at a time when our Federal budget deficit is out of control, I have to confess passing the buck does have a certain amount of appeal. But it is not as though State and local governments are in much better shape financially than we are. State and local governments are struggling to cope with the worst financial crisis they have faced, I am told, since World War II. Classrooms are becoming overcrowded as school budgets are cut. Prisoners are being released from jails as correction budgets are cut. Governors and mayors are pushing through unpopular and frequently regressive tax increases.

New industry subsidies can be created for all sorts of wonderful purposes, but if they are conceived in Washington, and then the cost of those subsidies is passed on to State and local governments, what it all amounts to is political welfare. We spend, they pay.

If we are going to pass on our costs to our friends in State and local governments, we ought to at the very least have the courtesy to tell them how much expense we are planning to run up on their tab. Perhaps the worst part about this new unfunded Federal mandate we are proposing is we cannot honestly look our Governors in the eye, we cannot honestly look our mayors in the eye, we cannot honestly look our State legislators in the eye, and even tell them how much this unfunded mandate is going to cost them and their State or their city or their county. We cannot do that because, in truth, we have no idea.

I would ask how my colleagues would react to the following proposal from me: Suppose I proposed a bill to create new Federal subsidies for the poultry industry.

The poultry industry is big in our State and the entire Delmarva Peninsula. In fact, for every person living in Delaware, there are 300 chickens. Let's say I proposed a bill to create new Federal subsidies for the poultry industry, or any industry, for that matter. Suppose these subsidies would be provided in the form of mandatory spending outside the control of annual appropriations. Suppose CBO evaluated my proposal and indicated they could not estimate, they could not even guess how much my proposal would cost, except to say: We believe it could grow to be large. We believe it could grow to be large.

That is what CBO has said about S. 150: We believe its cost to State and local governments could grow to be large. But they are unable to say how large and how soon.

If I proposed some kind of proposal that helped our poultry industry, and CBO said, "We don't know how much this is going to cost," would my colleagues in the Senate pass that kind of a proposal? Would they even allow it to be considered on the floor of the Senate? As convincing as I might be, I do not think they would. Yet this is exactly what we are asking our Governors to accept from us. This is why the Governors united—Republican and Democrat alike—in opposing the subsidies in the underlying bill we are debating today.

If my colleagues have not yet read CBO's analysis of this bill, I urge they do so. The Congressional Budget Office tells us this legislation is written in a way that is so broad and so vague they cannot even give us a rough estimate of what its effect will be on State and local governments, except to say: We expect it to grow to be large. They say the language in this legislation is so confusing that lawyers will ultimately have to get involved, and we will not know what the implications for State and local budgets will be until it all gets sorted out in the courts.

My friends, that is unacceptable. It is beneath us as the world's greatest deliberative body. It is an abdication of our responsibility as the body our Founders created in part to protect the interests of the respective States of our Union.

We can do better. We all agree the current moratorium on Internet access taxes should be extended. I say "the current moratorium." It is a moratorium that was in place for 5 years and expired last November. But we agree the moratorium should be restored. We disagree, though, on what should be done beyond that. But we all agree the moratorium should be extended.

If we are going to write this bill on the floor rather than negotiating a compromise everyone can live with, we ought to begin with what we can all agree on, and debate what to do beyond that. We ought to call up a bill that simply extends the old moratorium.

I want to expand that moratorium to make it technology neutral. Along with Senator ALEXANDER, I expect to offer an amendment to do that. If others want to add billions in new subsidies to the bill on top of that, then they can offer their own amendments. If we want to propose ways to pay for such subsidies, as others may propose, and to do so here at the Federal level rather than passing the bill to the States, then we should put our proposals forward. If others want to propose different inducements to industries, such as low-interest loans or allocations of spectrum, then they should bring those proposals forward as well.

That seems, to me at least, to be the fairest way to proceed. If the goal is to have a genuine debate on this issue and to let the Senate work its will, we would welcome that. On the other hand, if the intention is to proceed to a fundamentally flawed bill, and then immediately file cloture to close off debate, we have no choice but to use every procedure available to us to protect our rights and to protect the interests of our States.

My hope is we will still be able to work this one out and reach an acceptable compromise, one that extends the moratorium and makes it neutral with respect to technology, but also one that first does no harm to State and local governments, that are struggling to cope, as I said earlier, with their worst financial crisis since World War II.

In 1995, when the Senate debated and, along with the House of Representatives, passed the unfunded mandates law, I was not working in the Senate. I had been a Member of the House of Representatives, but I left at the end of 1992. Former Governor Mike Castle and I sort of swapped jobs. He became a Congressman from Delaware, and I was privileged to become its Governor.

Starting in 1993, my first year as Governor, I began working with other Governors, including Senator VOINOVICH. What we sought to do was to work actually initially with a bunch of Republicans who were part of the so-called "Gingrich Revolution" which was able to capture the majorities in the House and Senate in 1994. One of the platforms of the "Gingrich Revolution" was the Federal Government should not tell the State and local governments what to spend their money on, and then not provide that money; nor should the Federal Government tell State and local governments what they could or could not tax without providing some offset if we cut their revenue base.

One of the first laws enacted in the year 1995, signed by then-President Clinton, is one that said: Unfunded mandates are wrong, whether they are on the spending side or on the revenue side.

In 1998, the Congress passed an unfunded mandate, not a big one but a little bitty one. The reason they did it, they said, was to make sure the Internet has an opportunity to get up on its feet and successful because we think it could mean good things for our economy. It has.

At a time when State and local governments were beginning to put taxes or fees in place on access to the Internet, the Congress and President Clinton said: State and local governments, if you are already imposing some kind of tax on access to the Internet or some fees on access to the Internet, essentially your AOL bills of consumers, if you already have one in place, you may keep it in place, but if you haven't done it, you are not going to be able to do so. So a moratorium was put in place in 1998. Most people thought it was a good idea. States went along with it. They were not crazy about the idea, but they went along with it.

After 3 years the moratorium was supposed to expire. When it was about to expire, it was extended, almost by acclamation, in 2001. The States were not crazy about the idea, but there was not a whole lot of push back. Then late last year, that 2-year extension expired.

With Senators ALEXANDER, VOINOVICH, GRAHAM of Florida, FEINSTEIN, DORGAN, ENZI, HOLLINGS and I, and others opposing the underlying bill, I don't believe you would see that kind of opposition if some things were different.

If there had never been an unfunded mandates law in 1995, we may not feel so strongly, although the idea that the Federal Government is telling the States what to do and to pay for it, the Federal Government is taking away the revenue base of the States and not making up the difference, that still rubs me the wrong way. I find it galling. But if there were no unfunded mandates law, we would probably not be making this kind of fuss today over this issue.

If the Internet were still in its infancy, still struggling to hit its stride, not yet making the impact it does today in our economy here and around the world, we probably wouldn't be making the fuss we are today in opposition to the underlying bill.

If States today were awash in money and not facing the largest fiscal crisis they have faced in over 50 years, we probably would not be making the kind of noise we are in opposition to the underlying bill.

If telecom companies were not beginning to enjoy very decent profits as they are today—and the prospect is for more of the same—then we might not be making the kind of fuss we are in opposition to the underlying bill.

As it turns out, there is an unfunded mandate law, and even if there were not, what we are seeking to do in my judgment is morally wrong. The Internet is no longer in its infancy. It is a grown child, not just trying to walk or crawl. This grown child is running at full speed. The States are not awash in money. They are hurting. They are hurting in ways we have not seen in a long time.

It is not just the classrooms that are crowded. It is not just the prison doors being opened to let people out who frankly should still be incarcerated in many cases. It is not just the caseload burdens of folks whose job it is to work with families in trouble. All of those problems are facing State and local governments, and they do not have the revenues to cope with them in many cases.

The telecoms are doing pretty well these days. They went through a tough patch, but they seem to be coming through it.

I don't know if Senator ALEXANDER still has to go somewhere or not. Is he able to stay on the floor a bit longer?

Mr. ALEXANDER. I am going to leave within 4 or 5 minutes.

Mr. CARPER. Let me yield before the Senator leaves, if he would like to make some comments. I have a few more things I would like to say.

Mr. ALEXANDER. I have been listening to the Senator from Delaware carefully.

Mr. CARPER. You have heard some of this before.

Mr. ALEXANDER. What was going through my mind was: I don't recall a time when I was Governor of Tennessee that I ever saw the Congress do anything like this. There were unfunded Federal mandates that we didn't like. Back in the early 1970s, before I was Governor, Congress said: We ought to help children with disabilities. We will pay for a certain percentage of it, but they never did. I hear about that all the time from local school boards and local people. But I cannot remember a time when the Congress passed a law saying: We have come up with a great idea here, and we are going to give a State tax break to somebody to pay for it. I think we would have laughed about that.

Then we would have gotten really mad about it. It is so farfetched.

We are having a very serious debate about this in the Congress. Everybody is going through the motions, making bills doing all these things. But what we are doing is, U.S. Senators are passing State laws. That is what we are doing.

If I had known that I could have run for the Senate in 2002, I could have probably been elected by a big margin in Tennessee. I could have said: When I get to Washington, I am going to pass a Federal law abolishing the State income tax, in case you ever pass it, making it illegal for Tennessee to pass a State income tax. We don't have one and people don't want one, although they may get one, if this bill passes. Or I could say, as we have said a little earlier, hybrid cars are a great invention. I think I will pass a Federal law telling Tennessee, Kentucky, and Delaware they can't tax cars. Car taxes are hated. Or obesity is a national problem. I think I will pass a Federal law saying: No sales taxes on low-carb or low-fat food.

Housing is important to all of us in the United States and in the Senate, but we don't pass a Federal law lowering local property taxes in Louisville or Nashville or Wilmington in order to encourage housing. Why don't we do that? It is because we have a Federal system. We are not Belgium. We are not France. We have Governors. We have mayors. This is America. It is a part of the American character that we like to make our decisions at home.

When I go to a Lincoln Day dinner—I don't go to the Democratic meetings—I always say something about local control. If I were to go to any Republican meeting in Tennessee and say, I especially don't like it when a Congressman gets up and passes a Federal law and takes credit for the idea and sends the bill to the Governor or the mayor, I would get a big round of applause for that because we believe that in the Republican Party in Tennessee, and most Tennesseans do as well.

I was enjoying the remarks of the Senator, and that was going through my mind. I wish I could think of some way to convey to my colleagues that we are talking out of the box here. We are not talking about Federal taxes, Federal subsidies, or Federal programs; we are talking about State programs. That is what we are doing here. It is totally inappropriate, against the spirit of the tenth amendment and Ronald Reagan and everything else we stood for on the Republican side in the Contract with America. It is offensive to that spirit. That is why I am here today.

Mr. CARPER. Mr. President, it is ironic. The Senator talks about some of us here who would like to almost usurp the responsibilities of our State and local officials.

I always describe myself, when people ask what I do, as a "recovering Governor." Although I love being in the Senate and working with particularly the folks we are engaged with on this particular issue, we are not Governors, we are not mayors, we are not county executives, and we are not State legislators; we are Federal legislators. We have the ability, the power, through the Federal purse, through our appropriations process, to offer grants and provide tax credits. We are in a position to nurture industries, promote them. We have talked about some of them today. This is one industry that should be nurtured and strengthened. We can do that and we should do that on our dime.

I see the Senator from New Hampshire on his feet. I will make one more comment and then I will yield the floor.

Senators ALEXANDER, VOINOVICH, and I just returned from a press conference upstairs a couple minutes ago. We were asked about the proposal Senator McCAIN has offered. I have a huge respect for him. We were colleagues in the House together, and we served in the Navy at about the same time. I believe what he submitted is a proposal made in good faith. However, I also ask my colleagues to keep this in mind. Whether you look at the underlying bill, S. 150, considering the alternative Senator ALEXANDER and I offered, also on behalf of other colleagues, and consider what Senator McCAIN offered and other proposals that may come to the floor, there are really four areas of contention. They include, No. 1, and maybe most important, what is the definition of what is tax exempt under the moratorium? I will say that again. The first area of contention may be the most important. It is the definition of what is tax exempt under whatever moratorium is being proposed.

Other areas of contention, though I think not as important, include the duration of the moratorium. Should it be 15 months, 2 years, 3 years, or 4 years? That is an area of contention. But it is not as critical as the definition of what is tax exempt under whatever moratorium is being proposed.

The third area of contention is, what is the duration of the grandfather clauses for State and local governments which would be deprived of revenue that they currently collect?

Finally, what is the application of the moratorium to traditional taxable voice communications, when those communications are routed over the Internet? Those are really the four areas of contention.

If you look carefully at the proposal submitted by Senator McCAIN, the definition of what is tax exempt under his proposal looks a whole lot like that which is included in the bill authored by Senators ALLEN and WYDEN. While the duration of the moratorium is a little different, it is shorter. That, in my judgment, is not really the key factor here. Of interest, though, is the duration of the grandfather clause. I think the moratorium under the McCain proposal is 4 years, but the grandfather clause protecting State and local governments is only for 3 years. There appears to be, superficially, an effort in the McCain bill to address the issue of the application of the moratorium to traditional taxable voice communications when those forms of communications are routed over the Internet. On the one hand, the legislation appears to address, with some sensitivity, that concern. But on the other hand, it takes it back. We have to look at the entire language as it pertains to this provision.

These are not easy issues to understand. I have spent a fair amount of time on them and they are not easy for me. For those of us not on the Commerce Committee and have not had the benefit of the extensive hearings, these are not easy issues. I have tried to come up to speed on these issues, and the rest of us in this body have struggled to come up to speed. I want to make sure we use the time before us this week, and maybe next week, to provide the kind of primer that I have been privileged to have for others of our colleagues, so that at the end of the day, when we vote, we are casting an informed vote.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent to be allowed to proceed for 5 minutes and that it not be charged to anyone's time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I wanted to speak on this topic to address a couple points that have been made. I appreciate the sincerity and the interests of those who oppose this bill. They have opposed it vigorously and aggressively. But I believe very strongly, having seen this debate unfold, that this is not a question of their support for an alternative as much as it is their opposition to any legislation that protects the Internet from taxation.

I draw that conclusion because we are debating a motion to proceed. If there was a genuine interest in bringing different alternatives to the floor and having a vote on those alternatives or amendments, we would not be in what is effectively a stonewalling scenario, delaying tactic, if you will, to have to force a cloture vote on simply proceeding to the bill. There are a handful of people who vehemently oppose any legislation that protects the Internet from taxation. I think that is why this has taken so long to move forward.

Some people do not support the underlying legislation, and it is certainly true that it would protect the Internet from taxation. But what it would not do is create special considerations for the Internet or broadband access. The legislation specifically says we will preempt, or prohibit, any discriminatory taxes, taxes that are specifically addressed to Internet service providers or broadband providers, but those businesses are still subject to State property taxes, sales taxes, capital gains taxes, and all of the other taxes that are levied broadly and uniformly within a State.

Second, the suggestion was made that we are writing State law here, and that is simply wrong. This is an item and an interest and issue of interstate commerce. Just as the Federal Government exercises its prerogative to clarify legislation with regard to other interstate commerce activities, such as shipping, trucking, railroads, or aviation, the national and global Internet broadband communication system that has been established by entrepreneurs over the past 15 years ought to, at some level, be protected from multiple and discriminatory regulations and taxation because of its importance to interstate commerce.

We are writing Federal law here, not State law. I think it is a little bit disingenuous to suggest we are writing State law and to raise concerns about us writing State law, when in fact, when this bill is dispensed with—and I hope passed and signed into law—the very opponents of this bill who said they are worried about us writing State law will come right back to the floor of this Senate and support legislation to authorize States to collect taxes from businesses that do not reside or have facilities or domiciles in those States.

Many opponents of this bill also want the Federal Government to authorize the collection of taxation from businesses outside of their States, which is not only an intervention in States' rights or State laws, but it is effectively an authorization of taxation without representation because the residents of those States will then have to remit taxes to other States in which they do not have a voice.

We will have that debate and discussion. Some will support that process; some will oppose that process. But the very opponents of this bill who raise the concern about writing State law will come back and ask for that very power to be authorized and approved by the Congress because only Congress can give States that power.

I think there is a little bit of a mixed message here looking for an argument that might seem to be useful in stopping or thwarting this bill, but it is an unfair argument and an improper argument.

Some people think that cities, counties, and States should have the right and the ability to tax the Internet. They want those cities and States to tax the Internet. I do not think that is right for consumers, it is not right for America, it is not right for investment, and it is not right for broadband access or deployment. If they want to take the floor and say, We don't support Internet taxes, we are looking out for the interest of these cities and States, I say think again because the whole reason they are raising the issue of the unfunded mandate and supporting a point of order against this bill because of the so-called unfunded mandate is precisely because of those States that are collecting the tax today.

If you support striking this bill on the unfunded mandate, then you are effectively standing up for those States, cities, towns, and counties that are taxing the Internet today. That should not be allowed to continue. It is not good for our economy, and it is certainly not the right incentive to create if we want to ensure broadband reaches throughout the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. Mr. President, I ask unanimous consent that when the Senate resumes debate on the motion to proceed at 2:15 p.m., the debate time be allocated as follows: 20 minutes to Senator ALEXANDER, 20 minutes to Senator DORGAN, 20 minutes to Senator MCCAIN. I further ask unanimous consent that the Senate now recess until 2:15 p.m., subject to the previous order.

Mr. REID. Mr. President, reserving the right to object, what this does for Members and staff, so they fully understand, is this adds 20 minutes to the debate. That is all it does. I ask my friend modify his unanimous consent request to allow me to speak as in morning business, and following my remarks, we will go into our normal Tuesday recess.

Mr. SUNUNU. Mr. President, I have no objection to that request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

MILITARY RECORD OF SENATOR JOHN KERRY

Mr. REID. Mr. President, I had the good fortune a week ago this past Saturday to be in Las Vegas. At that time, I spoke about the military record of Senator JOHN KERRY. In fact, I not only spoke about the military record of JOHN KERRY, but I read verbatim from the two citations for heroism he received.

The first citation for heroism he received was presented to him by Admiral Zumwalt. In that citation, it talked about what Senator KERRY did to earn the Silver Star. In effect, what he did is as follows:

Senator KERRY was the commander of a swift boat. A swift boat was a boat that would move very quickly, and they used it in the rivers of Southeast Asia. They were subject to ambushes and attacks, especially before there was something done to make sure the shoreline was free of foliage. They were attacked often.

In this instance, a rocket hit his swift boat, blew all the windows out of it, and, of course, injured people on board the boat. Senator KERRY at that time directed the swift boat to, rather than go away from the battle, go into the battle and go to shore. As soon as he got close enough to the shore to get off the boat, he got off the boat, and before the enemy had time to fire the second rocket, they were killed by Senator JOHN KERRY. This is the reason he was given his first Silver Star.

The Bronze Star was awarded when again his boat was hit from shore. One crewman was blown off the craft in the water. They were taking fire at this time. Senator KERRY, even though he was injured—his right arm was bleeding badly—directed fire toward the enemy, got the swift boat close enough to the man in the water, and he personally pulled the man out of the water.

These are, in synopsis, the two acts of heroism for which Senator KERRY was decorated. He was decorated with the Silver Star and the Bronze Star. He was, of course, also given three Purple Hearts. Purple Hearts are given when someone is injured in battle.

There is no question that what JOHN KERRY did in Southeast Asia, specifically in Vietnam, was heroic. That is why he was given these medals. I think it is outrageous for people to criticize his military service to our country.

It is obvious this administration knows America loves a war hero, and JOHN KERRY is a war hero. So what does the administration do? They do everything they can to denigrate this fine man rather than talk about policy in Iraq, tax policy, environmental policy, economic policy, and health care policy. I think it is wrong that they are doing this, and I think they should get back to talking about the issues that are important.

America knows JOHN KERRY is a war hero. No matter how many times the Vice President speaks at universities criticizing JOHN KERRY's military record, you cannot take away the facts. He was presented by the military authorities of our country two medals for heroism. They speak for themselves.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

INTERNET TAX NONDISCRIMINATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. In my capacity as the Senator from the State of Ohio, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there is a quorum call in effect at this stage. How is the time being charged?

The PRESIDING OFFICER. The time is not being charged.

Mr. REID. I ask unanimous consent that the time be charged equally against the three who will control time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 18½ minutes.

Mr. MCCAIN. Mr. President, I yield myself 4 minutes.

Mr. President, I have here in my hand a document prepared by the National Governors Association that expresses support for extending the Federal ban on State and local taxation of Internet access, so long as the moratorium respects three principles. One: Do no harm to State and local revenues. Two: Be clear about what services are covered by the moratorium to ensure that voice services and other services that use the Internet are excluded from the scope of the moratorium. Three: Stay flexible by extending the moratorium temporarily. These are the same principles that Senator ALEXANDER and others have stated they want to respect.

I agree with these principles, which is why I will offer today a compromise amendment to S. 150, the Internet Tax Non-discrimination Act.

The amendment would ensure that a significant portion—in fact, an overwhelming portion—of State and local telecommunications services tax revenues would remain protected. This means that almost $20 billion of revenue would not be impacted by the proposal that I support. I would contrast this with the $18 billion that the NGA claims the version of S. 150 that passed in the House last year would cost State and local governments, and the almost $12 billion that the association claims S. 150 would take away from States and localities.

I respectfully submit that the relatively small impact that the compromise amendment would have on States and local revenues would stem primarily from our wish to treat all States equally under this moratorium. Still, to accommodate the States that were taxing the Internet in 1998 when the moratorium was first enacted, the amendment would propose to give those States 3 more years of Internet access tax revenues. The compromise amendment would even permit those States that were not originally grandfathered but that nevertheless have begun taxing Internet access 2 years of additional revenue.

The NGA has also asked for clarity in the definition of Internet access. I agree that there should be clarity in this matter. To that end, the compromise amendment provides as plainly as possible that it would not prohibit States and localities from taxing traditional telephone services, voice services that use the Internet, and other services that use the Internet. The amendment also makes clear that e-mail could not be taxed by the compromise amendment. Once again, I have respected another core principle of the NGA in the matter.

And finally, the NGA seeks a temporary, rather than a permanent extension of the moratorium under the premise that, as the association and Senator ALEXANDER say "A temporary solution is better than permanent confusion." The compromise amendment would extend the moratorium for a period of 4 years from November 1, 2003. Simply put, anything shorter would put us back on this floor debating this measure right after it is signed by the President.

So I remind my colleagues: What I will offer today does very clearly address the concerns raised by the NGA and other State and local groups. I hope, therefore, that my colleagues will support me in passing this reasonable compromise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Arizona for his courtesy, his hard work, and his meetings on a complex issue, about which there are differences of opinion. People might wonder why are we having a hard time agreeing. One of the reasons is we have a difference of opinion, which I will talk about in a minute. A second is that sometimes even when we agree, when we sit down and try to write down what we agree on, we then disagree.

I am not sure if that is because we don't agree, or because our staffs have missed the boat, or because we Senators are not as wise as we should be. But let me be responsive to Senator MCCAIN, because he has come to the table with a specific proposal. I appreciate that. We got that yesterday afternoon and we read it carefully last night, and I sent him a letter which he got just a little while ago. I tried to say to him my thanks for it. I identified four areas which are the principles he just talked about that I see as concerns and four ways to fix the problems.

He then asked me if I would be willing to offer an amendment to fix the problems, and I am preparing such an amendment to do that. But maybe we can speed that up. Let me go through the points he made and say where I have concern.

The first problem with the most recent McCain proposal is the definition. The definition is basically the same definition as in the last proposal, which is the Allen-Wyden bill. It does not simply extend the moratorium on State and local taxes on Internet access; it broadens the definition to include business taxes State and local governments collect, and those business taxes amount to a half billion dollars a year. That is the first problem.

How would we fix it? We would fix it by adopting the narrower definition of the Alexander-Carper amendment which was introduced 6 months ago with 11 bipartisan sponsors, or we could go to the original definition that was in the 1998 moratorium.

Let's remember what we are talking about here. Everybody is saying we have had a moratorium since 1998 that says, let's not allow State and local governments to tax Internet access. Certainly access is a very little thing. It was just the connection between you and AOL at the time it was passed. Now it is the connection between you and a variety of people—maybe the connection between you and your telephone company providing high-speed Internet access, your cable company providing high-speed Internet access, or it may be between you and DIRECTV providing high-speed Internet access, or in Manassas, VA, they provide it to you by the electric company. So it is just you and your provider.

The problem with this definition—it is the same problem with the definition of the distinguished Senator from Virginia—is that it broadens that, not to include just the end user and the provider, but the business taxes, the whole process. It would be as if we were to say, OK, we want to pass a Federal law saying in Virginia and Arizona and Tennessee you can't tax hybrid cars. You can't collect State taxes on hybrid cars because that will help clean the air. We will pass a Federal law: No State tax. But not just the sales tax on the hybrid car, also on the sales taxes that might apply to the supplier tier 1, supplier tier 2, supplier tier 3, and all the way back to the supplier of steel for the raw material.

That is the first problem. It is the same old definition, and that is the biggest problem. The fix would be just, if all we are doing is extending the 1998 moratorium another 4 years so Congress can work on this comprehensively, why don't we use that definition? That would be No. 1.

No. 2, Senator McCAIN says and Senator ALLEN said in a debate we had at Heritage—and if I am misrepresenting their point of view, I hope they will correct me—that it was not the intent of their legislation to stop States from taxing telephone services, including telephone calls made over the Internet. It was not their intention to preclude State and local governments from taxing telephone services including telephone calls made over the Internet.

I would respectfully submit if that is their intention, the newest McCain proposal does not do that. Perhaps, if he doesn't intend to do that, our staffs could meet and we could work that out, or I could offer an amendment to try to fix it. If I were offering an amendment, it would simply say: Nothing in this act would preclude State and local governments from taxing telephone services, including telephone calls made over the Internet.

That is the second issue. That is a big issue because certain local governments collect $18 billion a year in State and local taxes. We may not like that but that is what they do. They choose to do that in Tennessee and Texas instead of imposing a State income tax. They prefer to do that instead of putting a higher tax on food. That is their decision. I don't think we intend by this bill which purports to just extend the Internet access moratorium to decide the huge question of whether State and local governments should be permitted to tax telephone calls. Senator SUNUNU has a bill on the subject. He has done that in the normal order, and it will be considered by the Commerce Committee of which Senator McCAIN is chairman. That is the place for that. That is No. 2. Maybe that is just a misunderstanding. If we both want the same thing, we ought to be able to write that down. Senator ALLEN and I have trouble in doing that.

Mr. WYDEN. Mr. President, will the Senator yield?

Mr. ALEXANDER. I would like to finish with the other points, and then of course I will.

The other two points are on duration. Four years is better than permanent, and I thank the Senator for that. But 4 years is a long time. We don't need more than 15 months or 2 years for the Commerce Committee and the Congress to look at this in a comprehensive way.

What I am afraid of is once we make a fix here it will never get out of the law. And if we get the wrong definition in here, or if somehow I am right but I am defeated and the result is that we really do ban State and local governments from collecting taxes on telephone services, then we will have driven a hole through State and local budgets that we didn't intend.

Finally, on the grandfather clauses, I think they should all end at the same time the moratorium ends, whenever that ends.

Those are four points, and that is not many points. If they were all fixed, I could go for the bill, and maybe some other people could as well.

Let me conclude with this, and I will be glad to yield to someone else, including Senator WYDEN.

The reason I am on the floor has nothing to do at all with the Internet. It has everything to do with my view of federalism. I do not think we should be passing laws that cost money and send the bill to State and local governments. I think we promised not to do that.

The way I read Senator McCAIN's proposal is it costs at least $½ billion a year to State and local governments with his view of the definition. If the telephone language isn't fixed, it is $3 billion to $10 billion a year, according to the Congressional Budget Office. The grandfather clauses which exist at least in 27 States today where they are collecting taxes on Internet access are $200 million or $300 million a year. Those are significant dollars.

I wish I could find a more effective way to say this. If we want to give another subsidy to high-speed Internet access, which is the most rapidly growing technology in America, according to the New York Times of last week, and which has $4 billion in Federal subsidies and subsidies from every State, if we want to give one more subsidy to this business, then why don't we pay for it? Why don't we pay for it instead of sending the bill to local governments? I am afraid this compromise doesn't do that.

I have mentioned this several times. I would like to mention it again. I am preparing an amendment on this. President Bush's plan in 1999 when he was Governor of Texas exempted the first $25 that you pay on high-speed Internet access. It was exempted from taxation in Texas. That might cost you $1 to $3 a month. That is what we are talking about.

Everybody in Manassas, VA, can get high-speed Internet access for $25 from their electric company.

The Governors, State and local governments asked us to pass the Texas plan—to pass the Bush plan. But we are insisting on passing another plan that doesn't benefit the consumers. It benefits the most highly subsidized technology company that I can find, if we have time—and we will have time later—I have a book called "The Nation of Laboratory Broadband Policy Experiences in the States." It details all of the wonderful State and local subsidies that are now being granted in addition to the $4 billion.

Put the subsidies aside. My major concern is if we want to impose a cost on State and local governments, we should not break our promise of 1995, which was: No money, no mandate. If we break our promise, throw us out.

I am afraid that the McCain substitute breaks the promise. I would like to work with Senator McCAIN to resolve those last four differences. I look forward to the opportunity of joining with him, Senator ALLEN, and Senator WYDEN in coming to a result quickly this week.

Mr. WYDEN. Mr. President, will the Senator yield?

Mr. ALEXANDER. Yes.

Mr. WYDEN. I appreciate the Senator yielding. He has been very gracious.

Mr. ALEXANDER. I yield on the Senator's time.

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I want to ask the Senator a question because I have the sense that the Senator from Tennessee thinks we ought to just use the 1998 definition of Internet access. Is that correct? Is that what the Senator from Tennessee is saying?

Mr. ALEXANDER. I thank the Senator for his question. I suggest that the 1998 definition is a better definition than the one in the latest McCain proposal. The best definition is in the Alexander-Carper compromise in December, but in the interest of trying to get to a result, I could vote for either one of those two definitions.

Mr. WYDEN. What concerns me is that both the 1998 definition and the proposal of the Senator from Tennessee essentially discriminates against the future because the future is about broadband, particularly for rural areas, for job creation, and highly skilled jobs. If you use the 1998 definition, or essentially the Senator's proposal for just Internet access—I emphasis that is all we are talking about, Internet access—what you will have is a situation where folks could get Internet access through cable and those folks end up essentially getting a free ride. But if you get the Internet access and future DSL, you are going to get taxed.

That is why Senator MCCAIN and I and others would like to essentially continue the 7-year path we have had which is to promote technological neutrality—not to advantage one technology against another.

On the question of Internet access, which is what the President talked about yesterday where he said he doesn't want to see Internet access get taxed, that is what is in the McCain proposal. That is what I was trying to do. Unfortunately, that is not in the Senator's proposal or in the 1998 definition.

What will happen is this country will have the technology policy that discriminates against the future and discriminates against the field in which it is going to create highly skilled jobs.

By the way, cable isn't going to be serving those rural areas. It is going to be broadband and DSL which serves them.

I very much appreciate the Senator from Arizona yielding me this time. We have clarified an important concept. Both in the 1998 definition that the Senator from Tennessee said he would be for or his compromise, in my view, would have the Senate taking a position with respect to the future of the Internet and with respect to the future of technology that would not be in the public interest.

I thank my colleague from Arizona for yielding me the time.

I wrap up by way of saying I am going to continue to work with the Senator from Tennessee who has been very thoughtful and generous with his time. We can find a common ground.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, how much time do I have?

The PRESIDING OFFICER. Six and one-half minutes.

Mr. ALEXANDER. Mr. President, I wish to make two points to the Senator from Oregon who has worked hard on this legislation from the very beginning. He is an original cosponsor.

No. 1, he is right about the 1998 definition. It isn't high-speed Internet access. There is a difference between the way high-speed Internet access offered over a telephone line and high-speed Internet access offered over a cable is treated.

But there are two solutions to that. One is, the Ninth Circuit just solved the problem—the Ninth Circuit Court of Appeals—by treating them the same. Now that is on appeal to the Supreme Court. So whatever we do here might be changed by the courts. That is why we need a short moratorium, so Senator MCCAIN's committee and your committee can go into a comprehensive look and solve this whole problem over the next 2 years. We are ready to do that. The FCC is ready to do that.

The second answer is, the Alexander-Carper amendment endeavors to treat all providers of high-speed Internet access the same. It is the best we can do from here. If the courts and the FCC do something in addition to that, we cannot control it.

Finally, I am concerned about the digital divide, too. But if power companies are going to be offering high-speed Internet access in Manassas, VA, which they do for $25 a month—thanks to the Rural Electrification Association, everybody is going to have high-speed Internet access available to them if they have an electric wire to their house. If they do not, DirecTV will sell it to them from the sky, or their telephone company will sell it to them, or their cable company will sell it to them. Yet another way may be invented.

So I do not think we have any problem with encouraging high-speed Internet access. It is the fastest growing technology in America today. It is the most heavily subsidized. They are giving it away in LaGrange, GA, and only about half the people will take it. It is coming. It is available. But if we are going to give any kind of subsidy, let's pay for it here. Let's not send the bill to State and local governments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, again, I want to make it clear to the Senator from Tennessee, I am anxious to work with him. But what we have seen, essentially, in this iteration of the debate, is a dusting off of the same arguments we have heard on the floor of the Senate in the past, that somehow this is going to result in extraordinary losses of revenue.

For example, in 1997, we were told by a number of the organizations at the State and local level that this was going to produce massive losses of revenue. In fact, the exact quote is: Our efforts, the efforts of Senator MCCAIN and I, and others, in 1997, would lead to a collapse of the State and local revenue system. The very next year, the year after we passed our first moratorium on multiple and discriminatory Internet taxes, we saw revenue go up $7 billion. So we have had essentially all of these dire projections, these calamitous projections year after year—and I put them all in the RECORD—and they have not come to pass.

The reason they have not come to pass is that nobody is talking about the Internet getting a free ride. All we have said, from the very beginning, is that under this legislation you have to treat the online world like you treat the offline world.

When I came to the floor of the Senate with the distinguished chairman of the Commerce Committee on this more than 7 years ago—and folks probably found this subject even more difficult then than they do now; I know that is hard to believe—we said: Look, if you buy the newspaper—essentially "snail mail"—you are not paying any taxes, but if you buy the newspaper in the interactive edition, you pay a tax.

That was discriminatory. All we have tried to do over the last 7 years is essentially keep that principle in place and allow it to evolve with the technology. So for 7 years this has been about technology neutrality and dealing with these questions of State and local finance. The States have not lost money as a result of our making sure that you are not going to see multiple and discriminatory taxes on Internet access.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I appreciate the letter from the Senator from

Tennessee. My understanding is, he has four major concerns. I hope to work with him to resolve these concerns. If not, I hope we will see amendments and let the Senate work its will as to whether those concerns are valid in the view of a majority of the Senate. I look forward to seeing and debating and voting on these amendments.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. ALEXANDER. Mr. President, I thank the Senator from Arizona and look forward to doing that.

If I may continue the discussion for a moment with the Senator from Oregon, the reason State and local governments did not lose much money in the last few years from the moratorium on State and local taxation is because, one, there was a very narrow definition—narrower than the one this latest proposal and your proposal makes. You broaden the definition to include the whole Internet access backbone. You are not just talking about the connection between the end user and provider; you are talking about this backbone. You are talking about the normal business taxes that any other business would pay.

The other thing is, high-speed Internet access really had not arrived 5 or 6 years ago. It has arrived today. It is the fastest-growing technology. If we make a mistake on the telephone section of this bill, we will drive a Mack truck through State and local governments, and we can rename this bill the "Higher Local Property Tax" bill of 2004 or the "State Income Tax Bill in Tennessee" or the "State Income Tax Bill in Texas," because if you take away hundreds of millions of dollars from State and local governments—or billions of dollars eventually—they have to look for another source of revenue. They may cut government some, but they will have to look for another source of revenue. We should be neutral about it. Ronald Reagan, the Republican Party—we have stood on the notion that we would return more responsibility, return more decisionmaking to local governments.

I urge my colleagues to look carefully at this legislation and vote for something that does no harm to State and local governments, and vote for something that gives the Commerce Committee a short time to figure this out properly, and vote for something that does not give an unnecessary benefit, unnecessary subsidy to what I judge to be already the most heavily subsidized and fastest growing new technology existing in the United States today.

I yield the floor.

Mr. McCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 9 minutes, the Senator from Tennessee has 1 minute 15 seconds, and the Senator from North Dakota has 18½ minutes.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is obvious from the most recent discussion between my colleagues—Senator ALEXANDER, Senator WYDEN, and others—that if this had been easy to fix, it would have been fixed.

I talked to Senator MCCAIN last evening before we broke, and we talked a bit about the process that brought this bill to the floor of the Senate. This bill came from the Commerce Committee. We tried, during the markup in the Commerce Committee, to reach an agreement about the definition. The definition is really the critical piece here, and we were not successful in the committee.

We agreed, when we reported it out of the Commerce Committee, that we would continue to work to try to see if we could find an acceptable definition that would represent a compromise. Frankly, we did that. Senator MCCAIN kept his word. We all continued to talk and work to see if, before we brought this bill to the floor, we would have that agreement. But the fact is, we did not reach an agreement. So now we have very differing views about exactly how we should proceed.

For my purpose, it does not matter to me whether the moratorium is 1 year, 2 years, 5 years. That is much less relevant to me than the question of this definition, of exactly what cannot be taxed, exactly what we are doing with the definition, exactly what consequences that definition would have on State and local revenues, and on the taxation of certain products and services. The determination of how we create a definition that represents the interests that all of us want is what is critical. At this point, we have been unable to do that.

So my hope would be that while this bill is on the floor of the Senate, we can find a way to reach a compromise that is satisfactory. At this point, I would not support the underlying bill that is on the floor with the definition as it currently exists. But what we ought to do is find a way by which we create a definition that does exactly what the Senate wants it to do, without being broader than is necessary to substantially erode the revenue base that now exists with State and local governments. I think that is possible, but it is not easy.

Listening to the discussion of Senator ALEXANDER and Senator WYDEN and others demonstrates this is very complicated. It happens I have worked in this area for some while because of the issue Senator ENZI and I have worked on, which is not a part of this discussion today, but the one in which we talk about the issue of the consumption tax that exists when you buy a product, for example, from a catalog, from a remote seller, or perhaps over the Internet. When you purchase that product over the Internet or from a catalog, you actually owe a tax; you just don't pay it. Nobody pays that tax or almost no one pays the tax. It is called a use tax.

The use tax is applied when the sales tax is not collected. But no one pays, or almost no one pays the use tax. So there is a substantial amount of money being lost to State and local governments for the support of schools and other services.

In addition, the folks on Main Street who actually sell the product from their storefront must charge the tax, and their competitor over the Internet sells without charging a tax. So there is a competitive issue that is a problem for local businesses as well. But the issue Senator ENZI and I and many others are concerned about and want to fix is not a part of the discussion. This is a narrower discussion about the moratorium that previously existed with respect to the imposition of a tax on the connection to the Internet. I have no disagreement with respect to the goals of those who want to prevent taxing "the Internet connection" in order not to retard the growth of broadband and the buildout of the infrastructure. We have no disagreement about that. I support the moratorium. I supported the previous moratorium. Again, it is of little matter to me whether it is 1 year or 5 years or even longer.

What is of great moment to me is how this definition is written. Because if it is written inappropriately, there could be a very significant set of unintended consequences that could be very costly to State and local governments and to their ability to fund education and other matters.

In summary, what I say is this: The bill is on the floor at the moment. One of the central pieces of the bill is at this point in great dispute. Unless we can find a way to negotiate a compromise on that definition, my guess is this legislation will not advance. I would prefer that it does advance. I hope we can find a compromise in the coming hours and days so that we write this definition in a manner that expresses the intent of the Senate and are able to move the legislation forward.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WYDEN. I believe this time should be taken from the time allocated to Chairman McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, Chairman McCAIN, I and others who have worked on this effort to try to find common ground thought it was important early on to begin efforts to find some areas of agreement that would bring the sides together. Let me outline 10 particular areas of compromise we have essentially offered in the managers' proposal.

I, for example, strongly believe there should be a permanent ban on multiple and discriminatory taxes on Internet access. But in the name of trying to find a compromise, now we have a 4-year moratorium. We have a 3-year phaseout of the grandfather clause. This was something that was important to the States. We have a 2-year grandfather of taxes on DSL. Again, as I talked earlier, that is the technology of the future.

A fourth compromise reflects the concern about voiceover. What we have done is clarified that our legislation is not going to affect taxation of voice communication services utilizing the voiceover Internet protocol. We have clarified the taxes that would be covered, addressed a number of concerns the States had with respect to income and property taxes. We want to make sure those taxes, those opportunities for State and local revenue are protected.

We clarified the House language on DSL which was something State and local groups complained was too open-ended and vague.

With respect to the bundling of services, States and localities asked for a clear and uniform accounting rule. We protected universal services. We protected e-911 taxes, and we also made clear nontax regulatory powers would not be affected.

I thank the chairman for this time. I only wanted the Senate to know that as you tried to bring both sides together, there were 10 specific areas of compromise that were offered. I thank him for the time.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes 40 seconds.

Mr. McCAIN. Mr. President, I reserve 5 minutes for the Senator from Virginia when he arrives. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

Let me, in response to my colleague from Oregon, say once again I believe we ought to pass this legislation dealing with a moratorium. There might be 5, 10, 15, or 50 areas in which we have worked to try to reach compromise. I don't know the exact number, but I would not dispute that. I simply say again: The problem remains the definition of what is determined to be in the law that represents the moratorium impact; that is, what is the definition of the Internet service? What exactly are you precluding from a State and local tax base? Is it now taxed? Would it be taxed in the future. It is obviously very complicated. If it were not complicated, I believe Senator ALEXANDER and Senator ALLEN and Senator VOINOVICH and others would have long ago reached a compromise. But that has not been the case.

Perhaps one of the things we could do during this discussion and the ensuing debate today, tomorrow, and beyond, if that is what it takes, is at least begin to understand exactly what is in the compromise that is being proposed and what is in the legislation that has been offered by Senator ALEXANDER and Senator CARPER in their 2-year moratorium, called S. 2084. But again, if this were easy, compromise would already have been reached. It is not easy. It is very complicated and difficult and hard to understand.

I have been in a good number of meetings in which it appears to me virtually everyone, including myself, failed to understand what we were debating, but we debated it aggressively nonetheless. My hope is we can do better than that this time. We have had a good start with some of the discussion back and forth earlier today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia has 5 minutes.

Mr. ALLEN. Mr. President, I would like to address this issue as it lays right now as we are moving to proceed, and some of the misinformation, mischaracterizations of where we are. This issue is not a novel or new one for the Senate. We have debated this in the committee. It has been on the floor. Senator WYDEN and I were ready to roll with this back in November—a permanent moratorium making sure forever there would not be discriminatory taxes, multiple taxes, or access taxes for consumers on the Internet. Now we get to this point and there are a lot of mischaracterizations.

The Senator from Arizona, chairman of the Commerce Committee, has come up with a proposal, an amendment to the bill, which is not permanent. To me it is not ideal. It is not perfect. But a lot of what happens in the Senate fails to meet that standard of ideal and perfect. Once in a while, one has to be practical, pragmatic, and sometimes cut back on what you think is the ideal.

This amendment of the Senator from Arizona is a 4-year moratorium rather than a permanent moratorium. I look at a "Dear Colleague" letter from some of my colleagues, Senator CARPER and Senator ALEXANDER, and they say: A moratorium of 4 years, that is tantamount to a permanent moratorium while they argue for a 2-year extension of a moratorium.

Well, if 4 years is permanent, I guess whoever gets elected President next year is going to be there permanently; Senators with a 6-year term, that must be ad infinitum. Four years is temporary; it is not ideal. I would prefer it to be permanent, and the reason I would like it to be permanent is because companies have to invest millions, tens of millions of dollars, if they are going to get broadband out, especially small towns and rural areas. In the event there is a shorter duration, then that means it is less likely that there will be stability, predictability, and confidence that the laws will stay the same. Anyone, even those with a fourth grade education—at least those students who have the benefit of Virginia's standards of learning—will understand that if you tax something, fewer people will be able to afford it.

The question before the Senate is whether we want to have Internet access and the Internet service monthly bills to be burdened with, on average, about a 17-percent tax, as is the case on telephone bills. Senator WYDEN, myself, and many others believe that if we want more people to have access to broadband and the Internet, then the best way is not to burden it with regulations or taxes. This is particularly true for those with lower incomes and those in rural areas and small towns, who need access to the ability to conduct commerce, access to education, access to telemedicine—access to all forms of information, which is key to competitiveness these days.

The grandfather clause has also been changed from the bill Senator WYDEN and I originally introduced. We wanted to stop those who found a loophole in the original moratorium and started taxing the backbone of the Internet. They are taxing that and, of course, ultimately the consumer has to pay for those taxes. We wanted to stop that immediately. Senator McCAIN's amendment gives those States greater leeway and gives them up to 2 years to wean themselves off of this latest loophole for taxation. For those who have been taxing prior to 1998—and many States are still taxing—although States such as Iowa, South Carolina, Connecticut, and the District of Columbia, which were grandfathered, have stopped taxing Internet access. But other States are continuing to do so. Senator McCAIN's amendment—unlike what the House did, which was stopping these States from taxing instantly—gives them 3 years to wean themselves off of it.

The compromise that Senator McCAIN put forward, to me, is not ideal; it is beneficial, though, in that at least for the next 4 years we are protecting consumers from being hit with these burdensome, counterproductive, undesirable taxes on their access to the Internet. While not perfect, it is a measure that we can move forward with. It will have the Senate on record as not being in favor of taxing access to the Internet, but rather on the side of the consumers, on the side of freedom, and on the side of opportunity.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. ALLEN. Therefore, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 10 minutes 45 seconds. The Senator from Arizona has 1 minute 26 seconds. The Senator from Tennessee has 1 minute 15 seconds.

Mr. DORGAN. Mr. President, I think we are probably ready to go to the bill. Let me make a point, however, with respect to my colleague from Virginia.

Look, once again, there is no disagreement in this Chamber about the question of whether we would support punitive or discriminatory taxes with respect to the Internet. The answer is, of course not. I don't care how long the moratorium is for. Let it be forever, as far as I am concerned. That is not the issue. The issue with the legislation proposed is what kind of definition exists, and what will the impact of that definition be on the revenue base of the State and local governments?

If we can get that definition squared away in a thoughtful and appropriate way, we ought to pass this 100-0. I regret that that is not the case with respect to the compromise offered. That should not surprise anybody because this has gone on now for some months. It is complicated, and we have found it difficult to reach agreement or an acceptable compromise at this point. I expect the likely thing to have happen here is we will be on the bill itself and it will be open to amendment. We can have amendments, and perhaps second degrees, and we will have discussion and votes and find out how the Senate feels about the specific definitions.

Again, the question of whether there should be support for a discriminatory or punitive tax on the Internet—that ought not to be a question. I think the answer to that is, no, absolutely not. Whether it is 1 year, 3 years, or 5 years, that is not a very big issue for me. We need, in the coming hours, to focus on the question of, What is the right definition? What do we intend to accomplish, and how do we define it in a way that is fair to everybody?

I believe we ought to have public policy that encourages the buildout of broadband in this country. I think it will help this country's economy and be something that stimulates economic growth in our country. Whatever we do with this legislation, I don't want to retard the growth of broadband and the development of the Internet. I think that I speak for almost all of my colleagues when I say that. Let's find a way to write this definition in an appropriate manner and that is satisfactory and move ahead. At this point, it hasn't been done even with the compromise. We have much work to do to reach that point.

Mr. President, I ask, does the Senator from Tennessee seek time?

Mr. ALEXANDER. Yes, I seek 30 to 45 seconds.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 45 seconds.

Mr. ALEXANDER. Mr. President, I want to simply echo what the distinguished Senator from North Dakota said. I am perfectly willing and prepared to vote for a short-term ban on State and local taxation of pure Internet access, and I have been ready to do that since December. So I am for that. I can step over here and take my purist position and give you a long argument on why we don't need to do that and make that kind of subsidy, but I know there are 100 Members here and we all have to pitch in. I am ready to do that.

All we have to fix in the McCain proposal is the definition, which the Senator has just mentioned. We have to make clear, in my view, that nothing in this bill should preclude State and local governments from taxing telephone services, including telephone calls made over the Internet. That is two. The short term is three. I prefer 2 years, not 4 years. The fourth item is the grandfather clause, which ought to be easy to fix. They ought to end at the same time the moratorium ends. So that is not many points of difference—the definition, telephone calls over the Internet, and the term of the grandfather clause.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, my understanding is that Senator McCAIN is just off the Senate floor and will be returning in a moment. Until he returns, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes 55 seconds remaining, and the Senator from Arizona has 1 minute 26 seconds remaining.

Mr. DORGAN. I am prepared to yield back my time if that is the intention of the Senator from Arizona. That being the case, I yield back my time.

Mr. McCAIN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the motion to proceed is agreed to.

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Pending:

McCain amendment No. 2136, in the nature of a substitute.

Stabenow amendment No. 2141 (to amendment No. 2136) to express the sense of the Senate that the White House and all executive branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2136 WITHDRAWN

Mr. McCAIN. Mr. President, I now withdraw the pending substitute amendment No. 2136.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment.

AMENDMENT NO. 3048

Mr. McCAIN. Mr. President, I send a new substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 3048.

The amendment is as follows:

(Purpose: To extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act for 4 years, and for other purposes)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. FOUR-YEAR EXTENSION OF INTERNET TAX MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2007:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.—

"(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) INTERNET ACCESS SERVICE; INTERNET ACCESS.—

(1) INTERNET ACCESS SERVICE.—Paragraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

(2) INTERNET ACCESS.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2006.

"(b) PRE-NOVEMBER 2003 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2005.".

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) Universal Service.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E-911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

"(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

"SEC. 1108. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

"Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or any other service utilizing Internet Protocol or any successor protocol. This section shall not apply to Internet access or to any services that are incidental to Internet access, such as e-mail, text instant messaging, and instant messaging with voice capability.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this substitute, which I will describe in more detail in a minute, is, I hope, a fair and true compromise between the opposing sides in this debate. At least I hope it is viewed by a majority of the Senate as such.

I also understand there are very strongly held views on this issue. This is not the first time we have been to the Senate floor on this issue. This is the third time we have had debate and votes on it, and each time it becomes more difficult because we are talking about a lot more money, a lot more involvement, a lot more taxes and, of course, as technology evolves, of greater importance to America, whether it be economically, whether it be entertainment, or politically. The rise of the Internet in political campaigns in America today is one of the most recent phenomena.

I hope since we have, at least according to a letter I received from Senator ALEXANDER, boiled down our differences to four major differences—I in no way understate the importance of those differences, but there are only four—perhaps we could propose amendments and vote on those four differences and, in the meantime, continue our dialog in trying to reach a reasonable compromise.

I would like to point out it does no one any good for us to leave this issue in limbo. If we are going to allow taxation of the Internet in a broad variety of ways, then the Senate should decide to do so. If we are going to adopt this compromise, then the Senate should do so. The House, as we know, long ago passed legislation.

This particular legislation, before I offered a substitute amendment, was reported out of the committee 10 months ago. I hope all will act together in good faith and try and resolve it.

By the way, those four major differences, as defined in the letter to me from Senator ALEXANDER, are definition, voice over IP, duration, and grandfather clause. I hope we can address each of those either, as I said, in the form of negotiation or in the form of amendments which would be up or down.

I have been told the majority leader says we are going to complete action on this bill by Thursday night late. The Democrats have a retreat beginning on Friday which we all respect. I hope we can get a lot done so we do not find ourselves here at a very late hour on Thursday night.

Mr. President, I offer this amendment to the Internet Tax Nondiscrimination Act which offers, I believe, a true and fair compromise. On one end of the spectrum are those who do not believe the tax moratorium should be extended, and on the other end are those who want to make it permanent. This proposal, I believe, offers a middle-ground alternative to this debate and addresses the concerns State and local governments have expressed, while retaining some—many have said too few—aspects of the bill that was favorably reported by the Commerce Committee last year.

Before I summarize the substance of the amendment, I would like to spend a moment addressing a couple criticisms that have been raised about the compromise proposal.

First, I have heard a few Members talk about how consideration of S. 150 is moving too fast and that Members and their staffs have not had adequate opportunity to consider the substance of this matter.

With all due respect to my colleagues who believe this has been a less than deliberative process, I can think of few debates recently in which Members have had more time to prepare and negotiate. We voted the bill out of the Commerce Committee in July of last year. The Finance Committee, after requesting a sequential referral, discharged the bill without amending it.

Throughout this time, Members, including Senators DORGAN, HOLLINGS, ALLEN, WYDEN, SUNUNU, and many others who have spoken on this floor about this matter, continued to negotiate the substance of the legislation.

During that time, we heard from State and local groups such as the National Governors Association and the National Association of Counties. They had several opportunities, and did, to provide significant input.

We are here after almost 1 year of considering this matter, not because we have not discussed the issue thoroughly enough. Nor are we here because we have not properly defined Internet access or otherwise adequately dealt with the specifics of the Internet tax moratorium. We are debating this measure because the two opposing sides will not budge from their positions.

To be clear, the compromise amendment will not likely move those who are firmly on one side or the other. As Senator VOINOVICH said yesterday, for some Members the philosophical divide in this debate may be "too deep to bridge." Its purpose is only to offer a compromise that other Members can vote for knowing that it strikes a reasonable balance between those who want a permanent and broad Internet access tax moratorium and those who want no moratorium at all.

Second, some Members who do not want to reinstate the Internet tax moratorium have expressed their view that the amendment is not a true compromise; that it does not go all the way to meeting their concerns about State and local revenues. I must respond to them by saying the amendment is a compromise precisely because it does not completely satisfy one side or the other. However, the amendment does protect a significant portion of the $20 billion in tax revenues from telecommunications services that States and localities claim they could lose as a result of S. 150.

In fact, even using the most aggressive revenue loss estimates available, it appears what is at stake is not more than 3.5 percent of total State and local tax revenues from telecommunications services. In my opinion, that is not just a compromise but a very generous concession to those who want to defeat the Internet tax moratorium. To criticize this proposal at this point as somehow not enough is just an empty exercise in moving the proverbial goalpost of this debate.

It seems to me the goalpost continues to move so much that it would not surprise me to hear at the end of this week that some Members actually support a Federal law requiring States to tax Internet access. I remind my colleagues that this debate is about striking a balance between S. 150, the Allen-Wyden bill, and S. 2084, the Alexander-Carper bill.

Clearly, this amendment goes a long way to compromising with the opponents of the Internet tax moratorium. Again, I have to repeat this because it is a crucial point: This body does not typically operate by capitulating 100 percent to one side or the other on a particular matter that is before it. In its normal course of business, the Senate compromises, and that is exactly what this amendment does.

Simply put, the amendment offered today is truly a reasonable compromise that addresses a host of concerns the States and localities have raised over the past 10 months. Throughout the negotiation process, State and local groups have asked for a temporary extension to the Internet tax moratorium. Specifically, they have asked for a 2-year extension of the moratorium. The compromise amendment would extend the moratorium for 4 years.

Why 4 years? If we do it for 2 years, we would almost automatically be back revisiting the issue immediately when one looks at the process we have just been through. I think 4 years is a great deal less than permanent and not much more than 2 years, as the opponents of this legislation have alleged.

Another concern we have heard from State and local government is extending the Internet tax moratorium would somehow impact traditional telephone services. This amendment would ensure that State and local revenues from traditional phone service would not be impacted in any way, shape, or form. Again, the amendment would accommodate a concern raised by States and localities to the full satisfaction of State and local authorities.

State and local governments have also expressed concern that this bill would hamper their ability to tax voice services provided over the Internet. This amendment addresses that matter by setting forth a broad definition of services, including voice services that are provided over the Internet that would not be considered Internet access and therefore not be subject to the Internet tax moratorium. Once again, I believe this provision should fully address the concern of State and local governments.

The list of concessions made to State and local government interests in the amendment is extensive. For example, the compromise amendment would clarify that the Internet tax moratorium does not apply to nontransactional taxes such as taxes on net income, net worth, or property value. The amendment would clarify that otherwise taxable services would not become tax free solely because they are offered as a package with Internet access. The amendment would grandfather for 3 years, from November 1, 2003, the States that were taxing Internet access in October 1998. It would grandfather for 2 years, from November 1, 2003, the States that began to tax—according to many, improperly—Internet access after October 1998. It would ensure that universal service would not be affected by the moratorium. It would ensure that 9–1–1 and e–9–1–1 services would not be affected by the moratorium. Finally, it would ensure that regulatory proceedings that do not relate to taxation would not be impacted by the Internet tax moratorium.

I want to point out again, there are really 10 compromises offered in this: the 4-year moratorium, the 3-year phaseout of the grandfather clause, the 2-year grandfather of taxes on DSL, and voice over IP carve-out. It clarifies taxes covered. It clarifies the House's language on DSL. It provides a clear and uniform accounting rule. The universal service fees are unaffected. As I mentioned, e–9–1–1 taxes are unaffected, and nontax regulatory powers are unaffected.

I hope we can move forward if there is not agreement. Meanwhile, we continue to discuss the issue.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from Arizona talks about four issues. There are three of them we really ought to be able to reach agreement on reasonably soon, and the other one is a very difficult issue, there is no question about that. That is the definition. But on grandfathering and VOIP, for example, the length of time of a moratorium, frankly, I think we can reach an agreement on those three areas.

Frankly, if we are able to reach an agreement on the definition, I do not care much about the grandfathering. I know some of my colleagues do, but that is a lot less important to me. I would also say that the length of a moratorium on Internet taxation is of much less importance to me as well. I would be willing to lengthen it by a substantial number of years provided we have the right definition. So I think the thing that is going to be difficult for us but one that we should attempt to resolve is this definition.

I want to just make this point: If the purpose of those who are most insistent on moving this legislation—and there are several in the Chamber who have really worked on this a long time—would be, for example, to create a broad new exemption from taxation for certain services and certain parts of the backbone of the Internet and so on, then that is a problem. I do not support that. I do not think we ought to carve out things that are now being taxed by State and local governments and say, by the way, we are going to federally preempt that. If that is not the purpose, though, then we surely should be able to find common ground on a definition that works.

My hope is that as we proceed we will understand that all of us—I think I speak for all of us—believe we ought to have a moratorium on taxing the Internet, that is, the connection to the Internet. I support that. I believe virtually all of us in this Chamber would agree we ought not levy punitive or discriminatory taxes on the Internet. I believe we would all agree on the goal that we would want to encourage through public policy the build out of broadband and the use of the Internet and particularly advanced telecommunications services. All of those represent areas of broad, substantial agreement in the Senate Chamber.

As we work through this now, the one area where I think we have substantial difficulties is trying to understand what each side means with respect to the definition of Internet service. How far up the backbone of the Internet does it go? Is it a definition that, in fact, would prevent the taxation of certain services that are now taxed, and on which State and local governments rely for that revenue? If that is the case, we ought to know that and discuss that. If it is not the case, we should be able to reach an agreement on the definition.

Senator ALLEN, for example, and many others who have been at this, Senator WYDEN and on the other side Senators CARPER and ALEXANDER and many others—we need to once again get our heads together and see if we can find agreement on this definition. But until that happens and unless that happens, it is my guess we are just going to be around here spinning our big old tractor wheels and nothing is going to happen. We are not going to pass legislation.

We are not going to agree to amendments. I am guessing the consensus wouldn't exist to do that. I wouldn't object to going to vote on some things, speaking for myself, but we have a lot of work to do to reach some sort of compromise. Let me say to my colleague Senator MCCAIN, I recall being in meetings with him a year ago and beyond that, and the attempt was to try to figure out, how can we find common ground? How can we extend the moratorium that then existed? We never got to the point of reaching any kind of agreement, but it wasn't because of any lack of effort on the part of the chairman of the committee. I am here. I will be here during consideration of this, and I want to work with Senator MCCAIN and others to see if we can find a way to make this work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3049 TO AMENDMENT NO. 3048

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3049 to amendment No. 3048.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To change the definition of Internet access service)

At the appropriate place, insert the following:

SEC. ___. CHANGE IN DEFINITION OF INTERNET ACCESS SERVICE.

Paragraph (10) of section 1105 of the Internet Tax Freedom Act, as redesignated by this Act, is amended—

(1) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(B) GENERAL EXCEPTION.—The term does not—

"(i) include a tax levied upon or measured by net income, capital stock, net worth, or property value; or

"(ii) apply to any payment made for use of the public right-of-way or made in lieu of a fee for use of the public right-of-way, however it may be denominated, including but not limited to an access line fee, franchise fee, license fee, or gross receipts or gross revenue fee.".

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona, the chairman of the Commerce Committee, and the distinguished ranking member, Senator DORGAN, for bringing this to the floor. As has been said by everyone, I think, we have been talking about this issue for a long time. It is such a crucial issue for many States and many cities, that we must get it right.

I think the bill of Senator ALLEN, the underlying bill, and now the bill of Senator MCCAIN are attempting to do something that is right. They are attempting to assure that interstate commerce is not obstructed by taxes on Internet access.

I am afraid, however, that the language is not clear enough as it deals with franchise taxes and right-of-way fees that have been in place in cities in many States in our country for a long time. That is why I have introduced an amendment that will clarify the definition of what is excepted from this Internet access tax ban. It says:

> . . . any payment made for the use of a public right-of-way or made in lieu of a fee for use of the public right-of-way, however it may be denominated, including but not limited to an access line fee, a franchise fee, license fee or gross receipts or gross revenue fee.

I think we have found out since we started debating this issue years ago that cities determine their franchise fees, their right-of-way fees, in many different ways. I think it is very important that we not make a mistake here that would cause years of litigation, after which a city might win, it might lose, but it would certainly disrupt what it has been doing. The franchise fee is basically a local tax, not on Internet access, not meant to be on Internet access.

My position is that we should not tax Internet access. I do believe it is a taxation of interstate commerce. However, I think that once you get off the basic access, just as we have telephone lines' access, use of right-of-way, that we must create a level playing field so a line that is used for telephone and an Internet computer line will be able to be taxed in the same way.

In my State of Texas, prior to 1999 cities were compensated by telecommunications providers for the use of their rights-of-way pursuant to individual franchise agreements negotiated between the telecommunications company and the cities.

In the late 1990s, Texas cities and the providers began negotiating and drafting major compromises that would lead to more uniformity, more regulatory certainty. So the Texas law has established a uniform method of compensating cities for use of public rights-of-way. It is called a per access line fee. It is implemented to compensate cities for use of public rights-of-way.

The access lines are reported by the individual telecommunications providers to the Texas Public Utility Commission. The PUC then applies the individual city rate per access line to the total number of lines that a particular city may have within their corporate limits. It is a fair and equitable system that is used in Texas. An average city gets about 3.5 percent of its general revenue from telecommunications right-of-way compensation fees.

Passing Federal legislation that would call into question the validity of this Texas system could have disastrous effects on the ability of Texas cities to provide essential services such as police and fire, water, waste water, and parks, just to name a few. The right-of-way fees represent as much as $39 million annually to the city of Dallas; $9 million for Fort Worth; and $15 million for the city of San Antonio.

Cities in California, Nevada, Florida, Kentucky, and other States would also be adversely affected by the bill as it is written. So I am trying to clarify why franchise fees should be included. I am hoping we are all trying to go in the same direction here. I just want to make sure that we don't make a mistake.

There will be people who say it is really covered. It is covered in the underlying law. It is covered in the amendment that is offered by Senator McCAIN and the one underlying by Senator ALLEN. People will say that. However, it is not clear and the city attorneys and these Texas cities and other States have looked at the language and they are very concerned they are going to be in litigation over this issue. If we know today that it is not clear, after the lawyers have looked at it, why not be sure? Why not be sure?

Everyone I have talked to believes that right-of-way and franchise fees should not be disturbed. It is part of the level playing field we are trying to create. My amendment will make it very clear what is accepted by definition. This should not have any impact on Internet access as both of the underlying bills would try to protect that from taxation. But it does protect cities, particularly since we have certain laws in some States that do have a component of a gross receipts fee within the access line issue, and I hope we will not step on a State with its local issues, trying to stay consistent with what has been done and accepted through all these years by passing this law without being very clear.

Mine is a clarification amendment.

Mr. WYDEN. Will my colleague yield?

Mrs. HUTCHISON. I am happy to yield to the Senator.

Mr. WYDEN. I want to make sure I understand this. Cable already pays a franchise fee when the streets are torn up in order to offer cable. My understanding of this amendment is that now there would be a new special tax for right-of-way for the very same service.

In effect, my reading of this is that cable would be taxed twice. They already get hit with a franchise fee and now your right-of-way provision would allow for a new special fee, which troubles me, again, because it has been our point all along through Internet access that you have already paid once.

Could my colleague from Texas clarify? Otherwise, I would have to strongly oppose this.

Mrs. HUTCHISON. Mr. President, I appreciate the question.

This is, of course, not to put a new tax in place. This is to try to acknowledge that different cities and different States have different definitions of franchise tax. It happens that in Texas there is a gross-receipts component in the franchise right-of-way access tax. It is a standardized law now for the cities of Texas, for cable companies and telecommunications companies.

We have a different definition which I am trying to protect. Certainly these cities have already made their contracts with their cable companies. This is not meant to change contracts; it is meant to allow the contracts which are in existence and use a well recognized and different definition of franchise or right-of-way tax.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment excludes from the definition of tax on Internet access transactional taxes such as gross receipts or gross revenue fees, constitutes an end run around Internet tax freedom, and eviscerates the moratorium itself. If we allow this to exclude payments made for use of the public right-of-way, including access line fees, franchise fees, et cetera, this amendment should be rejected.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. I announce that the Senator from South Carolina (Mr. GRAHAM) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—64

Allard
Allen
Baucus
Bayh
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Cantwell
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Dorgan
Ensign
Fitzgerald
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Johnson
Kohl
Kyl
Leahy
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Warner
Wyden

NAYS—32

Akaka
Alexander
Biden
Bingaman
Breaux
Byrd
Carper
Chafee
Clinton
Cornyn
Corzine
Dodd
Domenici
Durbin
Edwards
Enzi
Feingold
Feinstein
Hollings
Hutchison
Inouye
Jeffords
Kennedy
Landrieu
Lautenberg
Levin
Lieberman
Nelson (FL)
Sarbanes
Schumer
Thomas
Voinovich

NOT VOTING—4

Graham (FL)
Graham (SC)
Kerry
Specter

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic leader is recognized.

AMENDMENT NO. 3050

(Purpose: To eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence)

Mr. DASCHLE. Mr. President, I have an amendment at the desk to the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3050.

Mr. DASCHLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The amendment is printed in today's RECORD under "Text of Amendments."]

Mr. DASCHLE. Mr. President, I want very much to be able to continue to work on the underlying bill and find a way to resolve many of the outstanding issues. I think we have made some progress today.

Obviously, this is a piece of legislation that provides an opportunity for many of us who have concerns about other matters relating to our Senate agenda as well.

I was very concerned this morning to read in Energy Daily that the leadership has abandoned its plan to bring up the comprehensive Energy bill in May, and may wait now until fall to revisit comprehensive energy legislation.

Now, nearly 6 months after we could have enacted an Energy bill with the renewable fuels standard and other important components there is no prospect now of action on the legislation any time soon. So I have no recourse but to offer the renewable fuels amendment to another legislative vehicle, which I have done with this amendment.

The amendment is very straightforward. It is based on language that has passed in the Senate on two previous occasions. It eliminates the reformulated gasoline program, RFG, oxygenate standard and replaces it with a renewable fuels standard that sets a 10-year schedule for assured growth in ethanol demand.

It contains the same waiver authority agreed to in the energy conference report, strikes all liability protection for MTBE as well as ethanol.

It also bans MTBE within 4 years.

Over two-thirds of the Senate has now gone on record in support of a renewable fuels standard and the renewable fuels standard we create with this legislation. It has been reported out of committee twice, passed by the Senate twice, both times by a margin of more than two-thirds. A similar proposal has been reported out of the Environment and Public Works Committee and is pending now on the Senate calendar.

Last June, 68 Senators voted to add at that time the Frist-Daschle RFS amendment to the Energy bill. It is time to break the impasse.

As I said, my first choice would have been to bring the Energy bill to the floor, have a good debate, and send it on to the President without the MTBE liability immunity.

However, the Energy bill conference report stalled last November because of bipartisan opposition to the special interest MTBE liability relief provision included in that legislation, in spite of the efforts made by many of us to warn that is exactly what would happen. Dropping the liability protection from the bill for both MTBE and ethanol would have attracted more than enough votes to enact the Energy bill. Yet despite the direct intervention by President Bush, the defenders of MTBE liability relief remain defiant.

Senator FRIST placed a revised energy bill without MTBE on the Senate calendar last February, now almost 3 months ago. He has not chosen to call up that bill.

Today, Energy Daily has reported our Republican friends have abandoned plans to move comprehensive energy legislation any time in the near future. That is troubling for many of us who wanted to see it pass. Now we have little choice but to offer very important components of this bill to other legislation that may move through the Senate as well as the House.

The energy tax provisions, for example, that Senator FRIST placed on the calendar have now been added to the FSC/ETI bill. Senators Cantwell and Bingaman are leading the effort to pass stand-alone electricity standards to address the circumstances that caused the blackout last August.

It appears it is time to shift gears, not only for the tax provisions and the reliability standards, but for the renewable fuels standard as well. This bipartisan amendment is a careful balance of the often desperate and competing interests and a compromise in the finest tradition of the Senate. As I have said on many occasions, two-thirds of the Senate is on record in support of the bill. So I hope we can get legislation such as this considered quickly.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk. We can vitiate it if we get an agreement on a rollcall vote shortly. I am very concerned that we move this legislation quickly and comprehensively. This amendment is yet another attempt to do that in this body.

I ask that the motion be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle amendment No. 3050 to S. 150:

Thomas Daschle, Harry Reid, Jeff Bingaman, Kent Conrad, Byron L. Dorgan, Tom Harkin, Dick Durbin, Max Baucus, Daniel L. Akaka, Evan Bayh, Debbie Stabenow, Mark Dayton, Jay Rockefeller, Ben Nelson, Tim Johnson, Carl Levin.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I was not aware, and I do not believe the manager of the legislation who is temporarily off the floor was aware, this amendment would be offered at this time. He will return shortly. I am sure there are going to be some discussions about the amendment and the appropriate way for us to deal with it.

I understand the importance of this amendment that has been offered by Senator DASCHLE to a number of Senators on both sides of the aisle. I agree we should have a national energy policy. We have been talking about it for at least 3 years or longer. Yet here we stand today with no national energy policy. We do not have legislation on the books that gives incentives for more production of oil and gas to relieve some of the regulatory problems that delay or make it almost impossible to have nuclear plants, hydropower, conservation, alternative fuels, ethanol—the whole package. Yet last year, the Senate passed energy legislation. The House passed it. We had a conference.

Problems developed in the conference, and we have not been able, unfortunately, to move the energy legislation through the Senate because we have not been able to get 60 votes, even though we had, I think, 57 or 58 who voted for the bill.

I still think we should find a way to get this legislation through a conference or through to completion and send it to the President. If we do not, a pox on all our houses because problems are here. They are going to stay, and they are going to get worse. We are not going to conserve. We are not going to produce. We are not going to do anything. We are at the mercy, then, of countries all over the world to provide the oil for over 50 percent of our energy needs in this country. This is dangerous.

We need a national energy policy because of economic security and national security. So I agree we need to do this. I do not agree with all the features in it. I did not like some of the provisions added at the end in the conference. I have my reservations about some of the renewable fuels. I have reservations about a lot of it, but I voted for it, and I am prepared to vote for it again in its current form with warts or with another problem. We should deal with this problem.

There is one way we will not deal with it comprehensively or deal with it at all, probably, and that is to pick it apart, pick all the meat off the bones of this national energy policy legislation. Piece by piece we will devour this good legislation, for example by putting a piece of it on the FSC/ETI jobs growth bill. If we put tax policies there, put ethanol here, or put it somewhere else, and start picking it apart piece by piece, what will happen is we will probably not get a comprehensive bill, and we probably will not even get the pieces. This is not wise.

I do not have the impression that it has been indicated by our leadership that we are not going to do an energy bill. I think it is on the agenda to be considered further, and it should be considered further.

We should work in a bipartisan and a bicameral way to get this legislation done. For that reason, I think it is a huge mistake to come pull out this one piece a lot of people do like and stick it on this legislation, because it is one of the engines that could possibly pull us to a national energy policy.

We will have discussion over the next few minutes about the way we would like to deal with it. But I personally do not think we should be adding this nongermane amendment, a critical part of the Energy bill, on this bill.

I would also like to say briefly that I think we have a good compromise package which Senator MCCAIN, the chairman of the Commerce Committee, has developed. He has worked over a long period of time with both the proponents and opponents to see if we could find compromise language on this Internet tax issue that was acceptable to get the job done.

It has not been easy because neither side wants to give. The proponents do not want even a 4-year moratorium. They want a permanent moratorium on Internet access taxes. I have in the past been inclined to be in that camp.

However, I have listened to Senator ALEXANDER and Senator VOINOVICH. I have heard from the Governor of my own State, and there is an argument on the other side, there is no question about this. We need to deal with this whole issue in a comprehensive way. The Commerce Committee needs some time and it will not be easy.

I went through the legislative process for telecommunications reform that we passed in 1996. We worked on it for 2 years. It was very laborious and it had the possibility of just falling apart right up until the end. It will probably take us a couple of years to get further comprehensive telecommunications reform done. In the meantime, we should have in place a moratorium on taxing the Internet. In fact, I believe there is an overwhelming majority that agrees. We saw the vote yesterday. I know that was not a vote on the substance, but anytime around here of late that there is a vote of 74 to 11 to go to the substance of a bill, that is pretty strong.

I believe most Senators want to get this moratorium in place. Could we tinker with it here or there? Surely, and there will be legitimate amendments that we should consider.

We are on the legislation now. We can begin the amendment process. We have had a relevant amendment. Senator ALEXANDER, the opponents, were reasonable and have allowed us to do this. They are going to have some really good and tough amendments that we are going to have to deal with, and that is the way the legislative process is supposed to work, I think. To have voted against proceeding to this bill at all would have been it. The year would have been over if we could not get on the substance of a bill of this nature with such a strong majority being in favor of getting results.

So the 4-year moratorium that is in this proposal that makes Internet access 100-percent tax free, while taking care to narrow the definition of Internet access to ensure that traditional telephone service is not included and while excluding voice over Internet protocol, is the right way to go. The Commerce Committee is already beginning to have hearings on comprehensive telecom legislation, and that will be the appropriate place to address matters such as voice over Internet protocol.

Senator SUNUNU has introduced legislation on VOIP, or voice over Internet protocol. We should not address that until we know exactly what we are doing. Certainly, we should not be saying that taxes are going to begin to be assessed in this area until we have thought it through. The compromise does grandfather States that taxed Internet access prior to the 1998 Internet Tax Freedom Act, and there are some 10 or 11 States that are in that category. This legislation would extend that grandfather status for 3 more years. For a 2-year period, it grandfathers the States that currently tax Internet access but were not protected under the 1998 grandfather clause.

So that is an oversimplification, but basically the rest of the bill just incorporates the common components between the two bills that were pending, the Alexander bill and the Allen bill. We should go forward with this legislation. We should get the job done.

What is happening once again is that while we have had one amendment that is germane to the substance, we now have an energy amendment being offered to the Internet tax moratorium. We hear there will be other nongermane amendments. This is the Senate. That is the way we do business, but we have work to do. We all agree this is something we want to do in a bipartisan way. My colleagues should take their shot or take their shots but make them count, and let's not get hung up on this legislation and drag it out with nongermane killer or poison amendments, because it will wind up killing or doing great damage to what I think is a reasonable compromise.

Again, I understand the Senate rules very well. My colleagues can offer anything on any subject at any time, unless there is agreement to the contrary. So Senators on both sides can dump their outbasket on this bill, but that would be a mistake. I do not believe the leadership on either side wants that to happen.

The best thing that could happen is for the Senators to get this off of our agenda right now. Let's get it off our backs. My colleagues would like to be able to vote both ways, or not be able to vote at all. We cannot do that because the moratorium has already ended and there are a lot of innovative people out there thinking of ways to tax Internet access.

Before my colleagues vote to allow a tax on the Internet, they should check with their children. If my colleagues have teenagers or kids in college, they will tear their head off. They do not want this interconnection to the Internet to be taxed, and if we were to go around and ask Senators if they want that, no, we do not want that. Let's vote on this issue. Let's deal with the substantive amendments and the germane amendments, if my colleagues want to offer a couple of relevant amendments.

I plead with the Senate, do not make this a punching bag because, if we do, we are going to show once again that we are incompetent to produce anything.

We did a pension bill. We saw we could do it. It still may not be perfect, but we got it done. This is one of those issues that is bipartisan. We need to get it done, and we need to get it done this week. I hope my colleagues will join in finding a way to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the amendment that has been offered a few moments ago by my colleague Senator DASCHLE is not some mysterious amendment. It is not some amendment that was offered under some mysterious procedure. This is the way the Senate allows amendments to be offered.

Senator DASCHLE has offered an amendment that deals with the subject of energy, and specifically renewable fuels. My colleague from Mississippi, Senator LOTT, indicated that it is the way the Senate can do business. He is absolutely correct about that. The rules allow this amendment to be offered. However, I point out that the Senate really does not do business much anymore. We are not voting much. We are kind of at parade rest. If there was a "gone fishing" sign, it would long ago have been hung on all three doors of the Senate.

There is very little activity in the Senate. Very little is happening. I expect that is one of the reasons my colleague offered this amendment to this bill.

I will talk for a moment about the Energy bill. The Senator from Mississippi and the Senator from South Dakota both indicated that we ought to have an energy policy, and indeed we should. I was a conferee on the Energy bill. I signed the conference report, much to the consternation of some of my friends, because I thought on the whole it advanced our country's interest in energy.

It was not perfect. There were some things in it I did not like much, but the fact is, it came to the Senate floor and it lost by two votes. Everyone in this Chamber understands why it lost. It lost by two votes because the White House and the majority over in the House of Representatives decided to put in a retroactive waiver for liability of MTBE. They stubbornly persisted and demanded it be part of the bill even when they were told it was likely to kill the bill.

They preferred the bill die rather than take out that provision, the provision that was a favoritism provision for a few enterprises. So the bill died. Now they want to blame others for the death of that energy bill. It does not wash. That energy bill died on the Senate floor, lost by two votes, because there were some that stubbornly persisted in putting a favor in that bill for some of their friends and they would not back away from it. So they lost the bill. They were willing to let the bill go down because of that.

For example, that bill contained important provisions that I thought advanced the country's interests: production incentives, conservation, an efficiency title, a renewable fuels title. I will talk for a moment about the renewable fuels title because that is the subject of Senator DASCHLE's amendment.

I think the renewal fuels title is very important and advances this country's interests. I am a strong supporter of it. Incidentally, I will support this amendment, and I hope we get a vote on this amendment. It does not do damage to the underlying bill at all. We can, should, and will, in my judgment, have a vote on this amendment.

If we are not going to do a big energy bill, if instead of this week having energy on the Senate floor, which I would have preferred, we have the underlying Internet tax bill, if the priority is always going to be something other than an energy bill for the majority leader, then we have no choice but to take provisions of this energy bill that we think advances this country's interests, bring it to the Senate floor, and see if we can legislate on it.

I will now talk about the renewable fuels provision. The renewable fuels provision is pretty simple. Drive to the gas pump this afternoon and see what is going on. We used to see 55 percent of our oil came from off of our shores. It is now 60 percent. Sixty percent of the oil every single day that we use in this country comes from other parts of the world, much of it very troubled.

We are putting this country at great risk if we do not understand that endangers this country's economy, that endangers the opportunity for us to expand, grow, and promote opportunity in the future. Yet people seem oblivious to it. They say it is 60 percent coming from offshore, from Saudi Arabia, from Iraq, from Venezuela, from Kuwait, so what? Well, I think many of us understand the so what.

This country's economy, this country's well-being in the future, is held hostage by others, some of whom wish this country ill. In the new age of terrorism, we would be well advised to understand that this excessive and growing dependence on foreign sources of oil, foreign oil specifically, is very dangerous to this country.

My colleague offers an amendment that says at least one part of the Energy bill dealing with renewable fuels allows us to increase supply of energy in this country in a very significant way that is not only friendly to the environment but allows us to grow some energy in America's fields. It allows us to be innovative in creating new forms of energy to extend America's energy supply. Let me use ethanol as an example. Incidentally, let me say, for those who have heartburn over the offering of this amendment, 69 Senators have already voted for this amendment. This will not be a big problem if you just allow us to have the vote, put it on the bill. If the bill gets signed by the President, we have at least advanced this portion of the Energy bill.

But let me talk for a moment about ethanol. The ability to take the drop of ethanol from a kernel of corn and have the protein feedstock left and use that drop of alcohol to extend America's energy supply—good for us. That is called renewable energy. It expands the supply of energy. It means we can grow our energy in our fields.

We have a prodigious appetite for energy in our country. As all of us know, when the price of energy goes way up, the price of gasoline at the pumps continues to increase relentlessly, and we know we have to do something. It ought to be a warning sign.

My colleague brings to the floor of the Senate a sensible, thoughtful provision that had wide bipartisan support in this Chamber. What he says is pretty simple. He says if it is the case that we didn't have energy on the floor last month, last week, this week, next month, or even this summer, if that is the case, if that is what the majority wishes to do, to not put the Energy bill back on the Senate floor and allow us to work on that to get a good energy bill, then at least let's take portions of the bill that we know had strong bipartisan support and move that because that will strengthen this country.

Once again, let me say to those who counsel let's wait, let's just wait, the question is, Wait for what? Wait for fall? Wait for October? Wait for September? Nobody else is waiting. The price of gasoline is not waiting. The threat to our supply of oil is not waiting.

Read yesterday's newspapers about terrorists who want to interrupt the supply of oil. They are not waiting. Why should we wait to construct a sensible energy policy for this country's future? Why should we wait, above all, to move forward a provision that has strong, broad bipartisan support in this Chamber?

This is not the time to wait. This is time for us to move forward and understand that our economy, our Nation is at peril with respect to an energy supply if we do not advance those portions of the Energy bill that strengthen this country.

I, for example, believe we ought to advance the conservation title and we ought to advance the efficiency title, both of which are very important. My colleague offers, I think, perhaps the easiest and perhaps the most important provision dealing with renewable fuels. The easiest why? Because almost three-fourths of the Senate agree with it. Yet the amendment gets offered and we will have people walking around here choking on it. Nobody ought to choke on this amendment. The Senate ought to agree that this amendment makes sense. This amendment has previously been agreed to. This amendment advances this country's energy interests. We ought to agree to this amendment. Not yesterday, not tomorrow—now. This is not heavy lifting.

The only thing that is difficult in this Senate these days is that we are not doing anything. We face some real serious challenges in this country. We have an economy in trouble. We have energy problems. We are involved in a war in Iraq and a war in Afghanistan. We are beset by the terrorist threat. The fact is, this place is at parade rest. So my colleague Senator DASCHLE comes to the Senate floor and offers something that says, let's move on this subject; let's step forward; let's do the right thing; let's vote; let's advance this country's energy supply by passing the renewable fuels section of the Energy bill.

I understand. I managed the bill on this side on the Internet tax issue. I understand this is inconvenient, but inconvenience is a small price to pay, incidentally, for advancing that important portion of this energy bill. I commend Senator DASCHLE for offering this, and I will strongly support it and hope we can move it quickly.

Let me just say as one person who is managing this on the floor of the Senate—I can't speak for the majority, but let me speak for the minority managing this—this should not take much time at all. My guess is Senator DASCHLE would agree to a very short time limit on debate. We have already debated this particular issue and had votes on it, so this should not interrupt us more than 30 minutes or an hour, after which we will have expressed ourselves as a Senate to move a very important piece of this energy bill—the renewable fuels portion of the Energy bill—forward with this legislation.

My hope is that is what we will decide to do. There is a possibility, however, that what happens the minute someone offers an amendment like this is this place goes into some sort of apoplectic seizure; it shuts down; we go into a quorum call. Why? Because people want to gnash and wipe their brow and wring their hands and fret on what to do because they can't deal with this. The way to do it is to put it up for a vote, have about 70 Senators vote for it, and add it to this underlying legislation, so that in the end we will have this important piece of the Energy bill for the American people. That will be good for this country and good for the American people, and when we have done it, I will say good for the American Senate as well.

I yield the floor.

Mr. REID. Mr. President, I have the highest regard for the distinguished junior Senator from Mississippi, Senator LOTT, but on this issue I disagree with him. I believe we have to move forward on energy legislation any way we can. If it is piecemeal, let's do that. The people of the State of Nevada are suffering from high gasoline prices. We have the second or third highest gas prices in all America.

For example, the bill we are going to take up next week, the FSC bill, in that bill I think very importantly the managers of that bill added to that some very important tax provisions that deal with energy. There are some short-term solutions I will speak to briefly, but there are some long-term solutions we must address.

Senators BAUCUS and GRASSLEY in the FSC bill address that. What have they done? They have provided tax credits for alternative energy. The tax credit for wind has expired. They are going to add, if we pass that legislation, a tax credit for solar, a tax credit for geothermal. This is the solution to the energy problems we have in this country. It will happen. It is only a question of time, when it is to happen. We need not depend forever on the vagaries of what OPEC does. We have to depend on what we can do.

People come to this Senate floor and say we need to produce our way out of the problem we have. We cannot do that. The United States has, even counting ANWR, less than 3 percent of the entire oil reserves in the world. Ninety-seven percent-plus of the oil is someplace other than the United States. So it is common sense that we cannot produce our way out of the problems we have today. We can do some things with the oil that we do have. We can make it better. We can have some of our smaller producing wells produce a little more. We can do some with exploration. But the answer is not that. We cannot produce our way out of the problems we have with oil.

So what can we do? The one thing we can do is do something with alternative energy. The Nevada test site in the deserts of Nevada has been the site for almost 1,000 nuclear explosions, some above the ground, some below the ground. At the Nevada test site, if you put solar panels on the Nevada test site you could produce enough electricity to serve the entire United States. The Nevada test site with solar panels could produce enough electricity to satisfy all the needs of this country.

We know that wind energy is doing very well. In the Midwest there are some farmers making more money on their windmills producing electricity than they are from the crops they produce. We know that Nevada has been said to be the Saudi Arabia of geothermal. We have, not unlimited, but huge amounts of geothermal power in the State of Nevada. You can drive places in Nevada and see steam coming out of the ground naturally. It is because of geothermal. Some wells have been tapped. The problem with tapping the resources we have with geothermal is the people have no tax credits to do it like they had for wind. If we did that, there would be immediately, in Nevada, a tremendous surge in the production of electricity which would feed our state, California, and other parts of the West with badly needed electricity. There would not be any pollution. The same, of course, applies to solar. So we need to do that.

There are some other solutions to problems we have. Of course, among the long-term solutions I did mention is more fuel-efficient vehicles. We certainly need to do a better job in that regard.

In recent years, there have been two major releases of oil from the Strategic Petroleum Reserve—during the Clinton years and during the first Bush years. It was done because it brought down the price of oil.

For example, in January 16, 1991, there was a decision made to release oil from our petroleum reserve. The next day crude oil prices fell from $32 to $21 a barrel. Of course, it dropped. We have done it on two separate occasions—during the Clinton years and the first Bush years. It made a difference.

A second release occurred. After that second release, within a week of the time the Strategic Petroleum Reserve was being used, the price of oil dropped from $37 to $31 per barrel.

Right now the price of oil is near $40 a barrel. Why doesn't the President release this oil from the petroleum reserve? I don't know. I know one thing. It would certainly be a help if that happened. It would increase the supply in this country. As supply is increased, we would have a lessening of prices.

The other thing which I think is extremely important is that we recognize there are other ways of bringing down the cost of oil. One thing the President could do is use his bully pulpit and his influence, which we understand is significant with the Saudis. Bob Woodward just published a book that said they knew about the war before anybody in the Congress knew about it.

Also, of course, we have been told the President has been assured that in September they will start releasing more oil. That will also bring down the cost of oil. I suggest rather than waiting until this fall the President do something now to pressure the Saudis into releasing more oil. They have cut by 10 percent their production of oil which began on April 1.

These countries are supposed to be our friends. We have young Americans giving their lives in Iraq right now to make that part of the world safer and more stable. It doesn't seem right the Saudis and other OPEC nations are not recognizing what we are doing for them.

We also know there are other things that can happen. The bill that was defeated on the Senate floor last year had a lot of problems with it. Senator MCCAIN referred to it as a "hooters and polluters" bill because of all of the ornaments that have been attached to the so-called "Christmas tree."

There are things which we need to do. People have said, Well, these things the President can do now do not matter. Getting the Saudis to increase the supply of oil would matter and, of course, having more oil come out of our strategic reserve would matter. The other thing the President could do is say let us stop buying oil to be put in the SPR right now. Some analysts suggest prices will only go down by 10 to 20 cents a gallon. That is significant.

In Nevada where the prices are approaching $2.50 a gallon, it seems to me that would be a help. Anything would help. As far as I am concerned, that is a good enough reason to do it.

Consumers need immediate relief. We are talking about as much as a million barrels of oil a week. That is about how much we put in the SPR which we are buying from the OPEC nations when they cranked up the price of oil. It doesn't make sense to do that. This isn't the huge supply of oil that comes into this country on a weekly base, but it still is a lot. It will make a difference.

The latest price spike in Nevada was caused, they say, by the shutting down of the refinery in northern California which produces only 165,000 barrels of oil a day, or 1.5 million barrels a week. If that is the case, that is the same amount of oil we are buying from OPEC to put in the SPR. That logically would indicate the price should come down.

I think if we are going to do anything for energy in this country, we have to take it piecemeal: Do ethanol, and do what we are going to do next week with the legislation that has been crafted by Senators GRASSLEY and BAUCUS to give tax credits to the people who will produce good, clean energy.

The President in his State of the Union message said he wanted to move to a hydrogen economy. If we are going to depend on a hydrogen economy, we have to do something about producing hydrogen and use something other than fossil fuel to produce it, which only compounds the pollution. The only way you can have a hydrogen economy is produce the hydrogen by using alternative energy—sun, wind, or geothermal.

I hope we can, as Senator DORGAN has indicated, move forward very quickly and dispose of this legislation. If people vote the way they did the last time, this should go away very quickly. For people who say, I voted for it once, I am not going to this time because it is different form and it is stand alone, it seems to me it should be easier to do it that way than when it was in the bill which had so many different problems.

I commend and applaud the Senator from South Dakota for moving this particular piece of legislation which will improve the energy needs of this country.

I hope we look long term and do things other than what we have been doing; that is, try to produce our way out of the situation that is so desperate for the people in Nevada who have the third or fourth highest gas prices in America.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment offered by Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise in strong support of this amendment. I have listened to the arguments propounded by the Senator from Mississippi in reference to this amendment.

First, we shouldn't shy away from this amendment for fear of being overworked. It was announced at our luncheon today we have had exactly 11 votes in the last 4 weeks in the Senate. There is certainly room for more activity here, and certainly activity should be focusing on important national issues such as energy.

Energy security is important for our Nation's future and it is a critical part of our foreign policy. Make no mistake: Our focus on the Middle East is about a lot of different issues, but it certainly is about the issue of energy and its future and America's dependence on external sources for its energy. That dependence has led to some terrible circumstances.

We are faced in the Midwest and across the Nation with high gasoline prices. In the city of Chicago and across the State of Illinois and all around our Nation, we are seeing gasoline prices reach record highs. If you ask why is this situation, I am afraid to say the culprit is very obvious: OPEC, the oil cartel in the Middle East, has decided to restrict the flow and supply of oil to the United States. By cutting off supply, demand forces the price up. They know that. We are, frankly, at their mercy.

Interestingly, during the last Presidential campaign when Governor Bush of Texas was running against Vice President Gore, he said at one point if he faced that situation as President of the United States he would take direct action against OPEC to bring down their prices and force them to supply oil to the United States. And yet weeks have gone by and none of that has occurred. In fact, businesses and families and workers all across the Nation are being held captive by the OPEC oil cartel.

Isn't it ironic that at the same moment we have sent over 100,000 Americans to risk their lives for security and stability in the Middle East, at a time when we are placing our military in the Middle East to stabilize it for many of these oil-producing countries, they have turned on us and said despite our jobless recovery and despite our recession they are going to restrict the flow of oil to the United States, knowing full well the hardship which it creates.

If Bob Woodward is accurate in his book, it is scandalous to believe the Saudis are doing this with the understanding that at some time before the election they will start sending more oil to the United States so gasoline prices will come down and benefit the current administration. That is what has been stated.

Prince Bandar, the ubiquitous diplomat in Washington, was the one who was brought in by this administration to be forewarned about the invasion of Iraq even before Members of Congress. He is such an important diplomat and international businessman that the administration felt his counsel was more important than the counsel of Members of Congress of both political parties.

If Mr. Woodward is correct in his assertions in his book, that there has been some sort of an agreement that the price of gasoline is going to go up, creating some discomfort, but come down just in time for an election surprise, an October surprise, that is awful; it is really unfair to the American people.

Why do we bring this amendment to the floor today? Well, Senator DASCHLE and Senator DORGAN, as well as Senator REID of Nevada, have made the case that this is a part of the Energy bill which we can pass today. We can pass it with a limited amount of debate and with an overwhelming, bipartisan rollcall, reflecting the support which alcohol fuels have in the Congress.

We know this fuel source is good for America. First, it is homegrown. We do not have to depend on foreign companies and foreign nations to befriend the United States.

We can grow the corn and other feedstocks that are necessary to make ethanol.

Second, it is definitely going to be an improvement on the environment. We know that by using alcohol fuels, we reduce pollution, which is a very positive thing.

Third, from a selfish point of view of the Corn Belt, we know that as more demand for corn is created by more production of ethanol, the price of corn goes up, farm incomes go up, and Federal payments go down. So it is a positive effect from three different perspectives.

Some argue we are making a mistake by trying to go at this one issue at a time; rather, we should bring the whole Energy bill before us. I saw Senator DOMENICI from New Mexico on the floor a few moments ago. No one has worked harder on this bill than Senator DOMENICI. I know his bitter disappointment when the bill failed by two votes, with bipartisan opposition, last December. I was one of the Senators who voted against it.

There were many provisions of that bill which I support, including the ethanol provision. But, frankly, at the end of the process, the Energy bill had become a dog's breakfast. It turned out to be a smorgasbord of special interest groups. They went out and included provisions in that energy bill which were nothing short of scandalous.

Senator MARIA CANTWELL from the State of Washington came to the floor and echoed an earlier comment made by Senator JOHN MCCAIN—Senator CANTWELL, a Democrat; Senator MCCAIN, a Republican—in which they said this bill had been dominated by hooters, polluters, and corporate looters. Now, it is a great phrase. When you parse it, you understand what they are talking about.

Imagine, the Energy bill we were being asked to vote for included a provision helping someone in the State of Louisiana build a strip mall for a Hooters restaurant. Now, I have never been lucky enough to go in a Hooters restaurant. I am sure there is a great deal of energy in a Hooters restaurant. I cannot believe it is the key to America's energy future. But it was part of that bill.

When it came to the polluters, take a look at the assessment of environmental groups of the Energy bill, which we rejected. Almost to a person, these environmental groups said we were relaxing standards when it came to air pollution; we were turning our back on sound energy policy coupled with sound environmental policy.

When it came to the corporate looters, whether you are dealing with electricity or oil, I think it is obvious. As we debate today this energy issue, across the street from us, in the Supreme Court, they are weighing the arguments in a case that has been brought against the Bush-Cheney administration, a case brought by groups that believe there should be full disclosure of the special interests that came to the table, the outside special interest groups that helped to write the Energy bill.

The Bush-Cheney administration—particularly Vice President CHENEY—has been so adamant to continue to conceal and keep secret the sources of information which led to that energy bill that the case has gone all the way to the U.S. Supreme Court. That is, frankly, because many of those who came to the table must be a great embarrassment to this administration. It has been said, it has been admitted by some, that Enron—and those were the glory days when Enron was still close friends with the White House—Enron was in on the writing of this energy bill. It is no surprise. Just read the bill. It was a bill that, frankly, had too many of those special interest groups writing too many provisions.

So here we come today with a proposal by Senator DASCHLE which is long overdue. It tends to take away all of the chaff and leave the wheat.

Let's go to the important part of the Energy bill where there is bipartisan consensus. Thank goodness we no longer have to labor with those provisions which provided a sweetheart deal for the producers of MTBE. MTBE is a fuel additive that has been put in gasoline for over 20 years in order to make engines run smoother. But over 20 years ago, they discovered that MTBE might work in your engine, but outside it was dangerous to the environment. It is not biodegradable. So if MTBE should leak from an underground fuel tank and get into the water supply of an individual with a well or a town that relies on an aquifer, it could make the water undrinkable and, in fact, potentially dangerous to public health.

European studies link MTBE contamination to the cancer-causing agents which, frankly, we are finding too often in our environment.

So the producers of MTBE knew about this problem in 1984, continued to sell the product, and now communities across America are being inundated with MTBE pollution.

In my State of Illinois, over 25 villages and towns have MTBE contamination. Over 200,000 people in my State live in an area where they are trying to cope with MTBE contamination of their water supply—a danger to families, a danger to businesses.

So what did this energy bill say? Along came a provision in the Energy bill which said the producers of MTBE, unlike any other company in the United States of America, should not be held accountable in court for their wrongdoing. If they knowingly sold a toxic and dangerous product, which caused damage to an individual, to their health, then, frankly, the Energy bill said: We are going to give them a pass. We are going to say they cannot be held accountable in court. Let the individuals bear the burden of the cost of the medical bills and cleaning up their water supply. Let the villages and towns pay the millions of dollars necessary to overcome MTBE contamination.

That is the reason I voted against that energy bill. I went back to Illinois to a meeting of my Illinois Farm Bureau, a group that was very strong for this ethanol provision, and it was a cool reception. They wanted to know why, after some 20 years on Capitol Hill, I turned my back on ethanol.

Well, I told them. I am still for ethanol. I still believe in it. I support this amendment. But I do not believe in the special interest favors that were included in that energy bill. They understood. Many of those same farmers came to me afterward and said: We understand completely. You ought to clean up that bill. You ought to pass the good provisions that are good for America and get rid of the rest of that mess.

Well, we are trying to do that today. Senator DASCHLE's leadership has brought an important part of this bill forward. Ethanol is not just an American homegrown energy source; in my part of the world, ethanol is a job source, and we desperately need jobs in America. We have lost over 2 million jobs under the Bush-Cheney administration. We have lost hundreds of thousands of manufacturing jobs just in the State of Illinois. Ethanol plants being built around the Midwest, around the Nation, will create good-paying jobs in rural areas, something we desperately need. I think it is important we do it.

For those who say, "Well, why don't we wait until later," we cannot afford to wait. The highway bill, which should have been passed last year, that would have created millions of jobs across America, has been stalled in this Republican Congress now for 2 straight years. The battle between the White House and the Republican leadership I cannot even explain at this point, but for reasons that will only be known to them, they have held up the passage of the highway bill at exactly the wrong moment, the moment when we need jobs so much in America.

Passage of this amendment on the ethanol provision will get us moving toward more investment, more capital creation, and more production of ethanol and construction of ethanol plants across America. That is a positive, not just for the Midwest but for our Nation.

I commend Senator DASCHLE. I think, frankly, we should face this issue. We should debate it in a timely fashion. We should vote on it. If the 69 or 70-plus Senators who have stood with ethanol on a bipartisan basis in the past will continue to do so in the future, we can make this part of this bill and send it to the President for his signature, and say to those who have been waiting for some hope: When it comes to dealing with energy, we have an important part of this bill that we have succeeded in passing.

Many other challenges remain on energy. We can face them, but let's do the right thing. Let's adopt the Daschle ethanol amendment today.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Arizona.

Mr. McCAIN. Mr. President, I regret that I was not here at the time the Democratic leader offered his amendment. But, of course, it would not have mattered really much whether I was here.

I wonder, since we have seen a singular lack of progress in the last few months, particularly in the last few weeks—literally every piece of legislation, with the rarest exception, has been loaded up with extraneous amendments and has had to be brought down. Of course, I have only been here for 18 years. That is not a long time compared to some. But I have to say, I am unaccustomed to this kind of procedure where in good faith we brought this bill to the floor, in good faith we voted cloture on the motion to proceed, and then the Democratic leader stands up and proposes a totally, completely, absolutely extraneous amendment, an entire piece of legislation, the Energy bill, which has been hard fought in this body many times, as an amendment on the Internet tax moratorium bill, without warning, without saying what he was going to do, without having the courtesy to inform me as the chairman of the committee and the manager of the bill. If he had, I would have thought, well, maybe we ought to not bring it up. The temperature is 85 degrees in Phoenix today. It is not raining there like it is outside. Why don't we just go home? Why don't we go home, relax with our constituents and our families and friends, rather than go through this charade of telling Americans that we are legislating.

There was an old line in the cold war era. The Russians said: We pretend to work and they pretend to pay us. Well, we pretend to work and we are still getting paid. We are not working. We are not doing anything.

I say to my friend the minority leader and to my friend from Nevada—and they are my friends—what is this all about? You know very well that if an Internet moratorium is passed, an energy bill will not be part of it. Now we are going to go through the parliamentary charade of having somebody offer a second-degree amendment and somebody else will do a substitute, and then somebody else will offer a second-degree amendment. What am I supposed to tell my constituents, the taxpayers, we are doing here in Washington?

If I had a townhall meeting and said, yes, we had an Internet tax moratorium bill, a bill that is vitally important to both sides as far as whether taxation is going to be imposed on transactions over the Internet, which some 70 or 80 percent of the American people engage in now—billions of dollars—we are going to decide in a parliamentary fashion whether those transactions should be taxed or not taxed, and if so, under what circumstances—this is the third time we have revisited this issue. Ten months ago we passed it.

The Senator from Tennessee will tell me how many hundreds of hours he has devoted to this issue. The Senator from Virginia will tell me how many hundreds of hours he has devoted to it. What do we do? We take up the bill. We have debated it for barely 2 days. And what do we have? The Energy bill as an amendment to the Internet tax moratorium bill.

What am I supposed to tell my constituents? I will tell you what they are going to say: We don't get it. That is what they are going to say: We don't get it. Yes, it is important to me, Senator, whether the State and local governments can tax the things I buy on the Internet. Some people say they should; some people say they should not. But can't you guys and women get together and make a decision on it so I will be relieved of this lack of knowledge as to what the future holds?

What about all those people who are starting businesses that do business over the Internet? What about them? I am sorry, sir, we can't address this issue because we have to take up the Energy bill.

I certainly wouldn't say it is all about ethanol. I certainly wouldn't say it is about a product that we have created a market for which has absolutely, under no circumstances, any value whatsoever except to corn producers and Archer Daniels Midland and other large agribusinesses.

Here we go now. Here we go. The Democrats have a retreat on Friday, so we are not going to be here on Friday. No, we are not going to work 5 days this week. Actually, 3, excuse me. And here we go, now we are going to spend late this afternoon jockeying back and forth.

I am sure there may be a headline in South Dakota that says: Senator DASCHLE fights for ethanol. I bet there will be a whole lot of press releases, too, and maybe even the distinguished Senator from North Dakota will be fighting for ethanol, too. Meanwhile, we are not addressing the issues that the American people care about.

Right now they care about whether we are going to tax the Internet. I urge my colleagues to tell us, all I want to know is, are we going to spend between now and when we go out of session at the beginning of October in this kind of back and forth?

My side is also guilty, I freely admit. Are we going to spend that time between now and the beginning of October, when we will break to take the electioneering from the floor of the Senate out to our respective States, and do this or are we going to seriously legislate as the American people sent us here to do?

Obviously, I am upset because this is a bill I have been working on for a long time, an issue I have been involved in for many years. Obviously, I am upset by it. I apologize if I have offended any of my colleagues. But at the same time, this has been going on now for months. This is not the first time we have done this. This is about the 50th time, again, on both sides of the aisle. So why don't we make a decision. We are going to attach the minimum wage or we are going to attach lawyers' fees or medical malpractice or one of these; we are going to attach them all back and forth. And we will be able to force votes on it, but unfortunately, we don't legislate.

Why don't we make a decision? Why don't the leaders and all 100 of us get together and decide what we are going to do and what we are not going to do. At least the taxpayers may find some comfort in the knowledge that at least we would tell them what we are doing.

I would imagine that as we speak we will have some amendment and then a second-degree amendment, and we will fill up the tree, which probably very few living Americans understand, including Members of this body, but we will consult the Parliamentarian as to how the mechanics work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I know my colleague from Virginia wishes to speak on the bill, and perhaps the Senator from New Mexico does.

Let me say to my friend from Arizona, I understand his angst about this. But this is not a new procedure. The Senator from Arizona has employed the same procedure, as have I, as now does Senator DASCHLE today—that is, offering an amendment that does not relate to the underlying legislation.

There is a reason that happens. The reason that happens is the passion one has for legislating on a specific issue that doesn't get resolved because someone else won't allow you to bring it and debate it on the floor. So you offer an amendment under the rules of the Senate to another piece of legislation. That is what happened here. I say to my colleague, he has employed the same tactic, as have I.

Mr. McCAIN. Never.

Mr. DORGAN. I will be glad to recite them. I will not do it at this moment. There were line-item veto amendments, motor voter, and others. Senator DASCHLE has not offered an amendment for the purpose of a headline in South Dakota. I happen to support renewable fuels and ethanol, and have for a long while. I make no apology for that, nor would Senator DASCHLE, because I think it advances this country's energy interests.

The reason it has to be offered now, according to Senator DASCHLE—and we all understand this—is we had an energy bill that failed here by two votes. I would have preferred we pass an entire energy bill in this Senate. I voted for it and I signed the conference report. I worked with the chairman of the Energy Committee. I would have preferred that to pass because it had titles in four areas I supported. I didn't agree with a colleague who said a few minutes ago he thought there were things that were unworthy and rendered it something we should not have passed. There were things in the Energy bill that were unworthy and I didn't support, but on balance I believed it would advance this country's interests. It failed by two votes in the Senate.

That bill contained production incentives, conservation efficiency, and renewable fuels. The issue of renewable fuels is not new. We have worked on this for a long time. If we cannot get the Energy bill, then we ought to get the renewable fuels piece at least. That has such wide, strong support here in the Senate. We have voted on it. I believe it was 69 votes in favor of that provision. We had bipartisan, strong support for that provision.

So if we cannot get the Energy bill, let's at least take that which will, in my judgment, be beneficial to this country's long-term economic and energy interests. That is what Senator DASCHLE offers this amendment for on this bill, because the other opportunities don't exist. If somebody said, well, let's bring an energy bill to the floor this week, rather than this bill, or bring it to the floor next week—and I am guessing; I don't speak for Senator DASCHLE—he would have said let's do that, because he supports certain provisions of that bill, voted for it, was the author of the renewable fuels provision and ethanol provision. So my guess is he certainly would want that to happen. But because we are now told the Energy bill will take a back seat to this, that, and the other thing, and that it will now perhaps be fall before we talk about it on the floor of the Senate, Senator DASCHLE had every right—perhaps an obligation—to come here and say: I have a passion about this, let's advance this. This is an opportunity.

Again, let me say I will bet, if I do a bit of research, perhaps almost all of us on the floor, with the possible exception of the Senator from Virginia, because he has been here fewer years—but I would find everybody now on the floor has offered an extraneous amendment to pending legislation. That is not unusual. It is called for in the Senate rules. We face it every time we bring up a bill. What would be counterproductive is if you offer an amendment that becomes like throwing a wrench into the crankcase; you strip all the gears and shut everything down. That is trouble.

That is not the case here. We have already voted on this. We know there is wide bipartisan support. This isn't throwing a wrench in the crankcase; this is advancing a part of the Energy bill that ought to advance.

I will repeat, you have to be completely oblivious to reality not to understand we have a serious energy problem. Part of it is going to be solved by enhanced production, part by conservation, and part by efficiency. But another part of it is going to be solved some way, someday, somehow by a renewable fuels title that represents an advancement in our ability to produce ethanol and other renewable fuels. We are going to do that. We can do it sooner or later. We can do it now or we can wait. But I submit to you this: Given what we face in this world, the threat of terrorism, cutting off an energy supply to our country, 60 percent of our oil coming from outside of our shores, much from troubled parts of the world, we had better get the entire Energy bill up and get it done. I pledge—and I think the Senator from New Mexico will recognize I was a constructive part of his deliberations and voted for it and signed the conference report—I will again be a constructive part of those deliberations.

But if we are not going to get an energy bill up here, my colleague has every right to come to the floor and try to advance this renewable fuels provision. I support that. It is an appropriate thing to do. I don't believe it should impede us in any way. We can do it in a half hour. We know it, we know what it is, and we know what it will do for this country. It cannot be suggested this somehow is going to slow down this bill; it will not and it need not. The only thing that will do that is if those who decide they don't want this piece of the Energy bill to advance decide to find a way to interrupt this amendment.

Having said all that, I will say again it is not about headlines for anybody. It is about the right of Senator DASCHLE to offer an amendment that is important, which has already been discussed in the Senate. I hope the Senate will have a vote on it and pass it and move on and deal with the underlying bill and pass it when we have solved the definition problem. I support a moratorium, and I believe since we have had a moratorium for 5 years previous, we can find a way to solve the definition problem and continue a moratorium with respect to Internet taxation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wish the Senator from Arizona were here, because I would like to tell him I agree with many of the things he said. I certainly did not come to the floor—in fact, I left after the last vote, assuming I would not be back down here. I thought we were going on with something and that his bill, which had been debated, although it had a number of small amendments—I thought it would go through here and become law. But I have to admit between that little visit to my office and what I got on the phone about 25 minutes ago were very different. I don't want to be accusatory; I just want to say the minority leader, over a long period of time, has been in the same predicament we have all been in with reference to an Energy bill. He has been in the same predicament regarding ethanol as we have. We produced the first bill this year that had ethanol in it. As a matter of fact, everybody remembers that comprehensive bill was defeated by two votes in a cloture. It got 58 votes—that first one.

What we have is somebody has taken a piece of the Energy bill and attached it not directly to the McCain amendment but to the tree on the side, as an amendment which will fail when McCain passes. Nonetheless, I guess making the point that you had a vote on ethanol does somebody something.

AMENDMENT NO. 3051 TO AMENDMENT NO. 3050

Mr. DOMENICI. Mr. President, I want to suggest I am very pleased this happened, because I now send to the desk S. 2095 as an amendment to the Daschle amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3051 to amendment No. 3050.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the amendment.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Can the Chair give the Senator from Nevada an idea of how long it would take to read the amendment?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the inquiry is not in order while the amendment is being read.

Mr. DOMENICI. I did not hear the Chair.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that an inquiry is not in order during the reading of an amendment.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. REID. I object.

The PRESIDING OFFICER. There is objection. The clerk will continue with the reading of the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The inquiry is not in order.

Mr. REID. It is not in order?

The PRESIDING OFFICER. The regular order is the reading of the amendment. The clerk will continue.

The legislative clerk continued with the reading of the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the reading of the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be a temporary holdup in the reading of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object. I don't know what "temporary" means.

Mr. DOMENICI. Will the Senator object if it was understood that the reading could continue as soon as we finish our discussion? Temporarily, just 5 minutes per side and then the reading will continue.

Mr. REID. Reserving the right to object, Mr. President, it is my understanding the Senator from New Mexico is asking that there be 10 minutes of debate equally divided; following that, the reading of the amendment will continue?

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. And nothing will change.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, might I engage in a conversation with the distinguished Senator from Nevada and talk for a minute and tell him what is happening?

What I sent to the desk is a bill we will now call S. 2095, the comprehensive bill that we took to the Senate floor that Senator DORGAN alluded to. It was H.R. 6. We heard arguments that it was too expensive. This bill is no longer expensive. As a matter of fact, it is negative cost. It puts money back in the Treasury.

We heard that Republicans could not vote for it, and some Democrats, because of MTBE. That is out of this bill. It is no longer there.

I went back to the drawing board, took out direct spending, the raising of revenue was taken out of this bill, and it was put in another bill. So there is no raising of revenue that goes in this bill. It is in the tax bill that will be up next week.

What I came to the floor of the Senate to do, and I say this to the distinguished acting leader of the minority, was to see, rather than piecemeal this bill, if we couldn't get an agreement that S. 2095 could become the subject matter and that we may have three or four or five amendments to a side. That is what I propound to the Senator from Nevada.

I know how strongly Senator DASCHLE feels about this energy bill as it pertains to all the items he wants, including ethanol, and all the other items I described. He would have no objection to any of them. MTBE is out of the bill. It is no longer subject to criticism because it costs too much. As a matter of fact, it is about as cheap a bill as you can get and still get an energy bill.

It does a lot of exciting things. With reference to the electric grid, it does great things to eliminate gridlock and to do other very important activities. I do not want to waste the time of Senator REID going through this bill because I think he knows what we are doing and he knows what he is doing.

I want to save this energy bill. I want to make sure everybody knows it is still alive and that it is good what happened here because some time in the next couple of days, we are going to prove that this energy bill still lives. I do not intend to kill the amendment of Senator MCCAIN. That is not my purpose. I want to make sure everybody knows and everybody in this country knows we have a good energy bill that is alive, and we have the tax portion alive in another area. Frankly, I did not think we could get this far. But I thank the distinguished minority leader for opening up this door.

He opened it a little bit, and I made a nice wide door and put in the whole bill. That is what this is about. A little tiny piece of the bill yielded an opportunity to put the whole bill in here. Now all I ask is that we sit down and make an agreement that this bill be looked at—I could say to the distinguished Senator who spoke about a bill that had been passed some time ago, I can almost guarantee him that if he liked that bill, he will much more like this bill than the one he voted for before. It is much better. It is much more streamline. It accommodates a lot more interests, and I believe we could get an overwhelming majority of votes for it.

I want to close by saying if there is anybody in this country who does not know there is an energy crisis, then they must have been sleepwalking for the last 6 months because we are in a crisis of high order.

I am offering a way to make sure we keep alive an energy bill that will work.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it goes without saying, but I will say it again, I have worked with Senator DOMENICI during my entire 18 years in the Senate. During more than half of that time, he and I have worked as the chairman or ranking member, as the majority of the Senate goes back and forth, on one of the most important subcommittees there is in the appropriation process, Energy and Water, so we have worked very closely together.

We are partners in that legislation, and he is my friend. However, on this energy bill let me say this: First, today of all days is a day when the Supreme Court of the United States was hearing a most important case, a case the Vice President of the United States has stalled for 3½ years. He had meetings during the transition period after President Bush and he were elected, meetings with people from the energy field, oil companies, automobile manufacturers, but we are not certain, people from the nuclear industry.

All the American people have asked for in 3½ years is tell us who they met with, what they talked about, and when the meetings took place. He has refused. Now this matter has gone to the Supreme Court, and that argument was held today. These were secret meetings, I guess is what they are, and if there was ever a time in the history of the country where we need to debate the energy crisis, as some refer to it openly, it is today. The first step to that would be to find out who the Vice President met with, why he met with them, what he talked about, and how long the meetings took place. He has refused to do that.

I also say that this country has arrived at a point in time where we are not going to be able to do major legislation. Let me give some examples with rare exception. Take, for example, the endangered species bill. The endangered species bill has caused problems in the State of North Dakota, and I know this because I have heard my two colleagues from North Dakota talk about the problems of the endangered species law in North Dakota. But it is not limited to North Dakota; the endangered species law is a problem for most States in the country. The State of Nevada ranks 34th in the number of listings for endangered species.

A number of years ago Senator BAUCUS, Senator CHAFEE, Senator Kempthorne and I tried to do a major revision of that bill. We could not do it. In that same Environment and Public Works Committee, there was a decision made that we needed to do something about Superfund. We could not. We have tried. Senator SMITH, Senator LAUTENBERG, and others on that committee tried. They were at loggerheads. They could not come up with a major revision of that bill.

So the decision has been made by most legislators that the way to improve the Superfund law that now exists is to improve it by bits and pieces. The way to improve the endangered species law in this country is to do it by bits and pieces. The Energy bill is the same thing.

I say to my friend, we are not going to pass a bill that the Senator from Arizona referred to as the hooters and polluters bill. Why was it referred to as the hooters and polluters bill? Well, many of us think it did nothing to clear up the environment. Where did the hooters come in? One of the ornaments attached to the Christmas tree bill was to give a financial stipend to a Hooters operation some place in the southern part of this country. That is where it got its name.

We are not going to pass major legislation on energy in the near future. What we can do, though, is pass the part on which there is general bipartisan agreement. Ethanol is an example. More than two-thirds of the Senate voted for that legislation. It seems to me entirely logical that we should dispose of that matter. It would do some good to help the energy crisis we all acknowledge is in this country.

As I spoke about earlier today, I throw bouquets to Senators BAUCUS and GRASSLEY for having done what they did in the recent FSC bill by including in that something that is extremely important—section 45, production tax credits for renewable resources—that expands and extends a credit for wind, geothermal, solar, and biomass. That is important. We should pass that measure next week. I think we are going to do that. We should do the ethanol bill now.

My friend from Arizona, the distinguished senior Senator from Arizona, asked, What is going on in the Senate?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. I ask that the Senator from Nevada be given an extra 4 minutes and the Senator from New Mexico be given an equal amount of time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Is it possible we could take that off the reading of the amendment?

Mr. REID. It is possible. I will think about it after.

Mr. DOMENICI. We would think that it would, but that is a guess, although it would be a pretty good guess.

Mr. REID. I ask unanimous consent that I be given 4 additional minutes, an extra 4 minutes be given to the Senator from New Mexico, and then we go back to reading the amendment when I finish.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, what I was saying is the Senator from Arizona asked, What is going on in the Senate? I mean, can anyone imagine—and I am paraphrasing—they offered an amendment to energy on a bill that deals with the Internet tax?

My friend from Arizona, who is one of the most astute politicians this country has ever seen, knows what is going on. We are in the Senate. This has been going on for more than 200 years. We have the right to do that. In years past, no one ever considered it anything out of the ordinary.

The problem we have in the Senate today is we do not do anything. In the last 4 weeks, we have voted 11 times. Why? Because amendments are offered to important legislation like FSC and there is a desire to have a vote, for example, on overtime. How much time does Senator Harkin want to debate that? He will take 10 minutes and vote on it. We have not been given that privilege.

So what is going on in the Senate today is what has gone on for 200 years. The difference is, nothing is ever brought to conclusion because people do not want to vote. The majority has made a decision they do not want to vote, so we do not vote.

So I say to my friend from Arizona, we are doing what has been historically done in this body. Some may ask, Well, Senator Reid, why would you ask this amendment be read? Because I feel that offering this amendment of some 800 to 900 pages is only a message that says we are going to continue doing business in the Senate the way we have all year long and do nothing. Everybody knows that we are not going to pass this. It is the same as the endangered species. It is the same as Superfund. We are not going to pass a hooters and polluters bill.

We can take bits and pieces out of that legislation and do some good for this country. I repeat: To do the section 45 production tax credit would be a tremendous boon to this country. We would be able to start producing energy alternatively. It would help the capital markets. There would be construction jobs. I think it is the right way to go.

I am disappointed that my friend from New Mexico, who has worked hard—as my friend from North Dakota said, no one has worked harder on this energy bill than my friend from New Mexico, the distinguished senior Senator, but I say to him, someone I should not be giving advice to because he has far more experience than I have, this bill is not going to pass. I repeat for the third time, look at what we have tried to do with endangered species, look what we have tried to do with Superfund. Those are only two of the numerous other pieces of legislation we need to work on, but let's do them piece by piece. That will be my suggestion.

I will give some thought to taking away my objection to reading the amendment, but I am going to give some thought to that because I think offering this amendment is only a way of preventing our moving forward on this important legislation. I have spoken to the manager of this bill. He thinks that working with Senator McCain, the chairman of the Commerce Committee, that we can come up with a compromise in a reasonable period of time. It is totally appropriate that we dispose of Senator Daschle's amendment. People should vote it up or down. More than two-thirds of the Senate approved it at one time. Why should that change?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I wish to talk about what is going on in the Senate. I could hardly believe my friend—and he is my friend; what he said about our working together is true; but I could hardly believe my ears when he suggested that the Republicans are keeping us from voting in the Senate. I mean, I have a list of what has been going on for the last 3 months. You know, it is nothing. It is not because of the Republicans, but the Democrats on every issue have said they want to filibuster it. We have had more clotures in the last 3 months than any 3 months in the history of the Republic, unless there was one after another on one bill of which I am unaware. So let's talk about that in reality.

Let me say to my good friend Senator Reid, if he thinks there is only one good provision in this bill that everybody might vote for, let me tick off what is in this bill and ask you if you think it would be 51 or 61 votes for it. Let me start: Encouraging the production of domestic oil without violating the environment; encouraging the development of more natural gas from three sources, all American; encourage the building of necessary infrastructure such as the Alaska natural gas pipeline; encourage more renewable energy—everybody speaks about it, this bill promotes it, and we can't pass it—promote energy efficiency; promote clean coal technology; increase R&D on a variety of technologies and improve our electricity grid.

These are the things in this bill. I don't care how big it is, how many pages are in it. If the distinguished minority leader can bring up one piece of it because it is popular, then I believe I ought to be entitled to bring up the rest of the bill which is also popular. Remember, there is no MTBE in it. If we would have brought that first bill here without MTBE in it, it would have already passed; we would be finished. Yet this bill is more stripped down than that. Because in addition to MTBE not being in it, I have already told you that it doesn't cost anything. I have told you the tax provisions are somewhere else, and I have just given you a litany of what is in it.

I submit, before we are finished, if it takes all night or however long you want us to be here reading it, that we will have a vote and it will be a cloture on this bill and I submit there will be two of them. There will be one on Senator Daschle's and one on Senator Domenici's. I believe Senator Daschle's will fail and I believe mine will pass, and what we will have is we will have the hope and have alive the idea that a good Energy bill, which we have gone through and swept with all kinds of brushes to make it a bill that everybody likes, will be pending before us.

I am hopeful that in the process we will not have taken so much time that Senator McCain can't get his bill done. I am very hopeful of that. I hope Senator McCain's staff understands that all I have been speaking of, unless we have to stay here all night and tomorrow to get this read, I am looking for the time, looking ahead here and figuring that you can get your amendment done and we can get an important decision by this institution, in light of the terrific price of gasoline, whether they want an energy bill or not. That is going to be a good one to watch and it will be a good one to have a vote on, I will tell you.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 15 seconds remaining.

Mr. DOMENICI. And how much does Senator Reid have?

The PRESIDING OFFICER. The Senator has 8 seconds.

Mr. DOMENICI. Do you want to yield our time back?

Mr. REID. I would like an additional 1 minute on our side with the same rule in effect

Mr. DOMENICI. I would take 1 in addition in case you say something that needs to be rebutted.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. ALLEN. I ask the Senator from New Mexico to yield for the purpose of a question.

Mr. DOMENICI. Certainly.

Mr. ALLEN. Mr. President, I ask the Senator from New Mexico, while all this discussion is going on about the underlying bill, and while it is interesting to talk about endangered species and Supreme Court cases and so forth, and energy is important, clean coal and new sources of natural gas are important, and oil, and a variety of other things, the fuel cell and so forth—at any rate, the reality is when you speak of endangered species, there are endangered jobs in rural America.

Even though this debate is on the ethanol matter, the Corn Growers Association is very much strongly in favor of making sure there is no taxation on the Internet. They realize how important that is; that this measure be passed for jobs and economic growth in rural America. There are 35 States in the Corn Growers Association.

I would ask the Senator from New Mexico, what is the purpose of reading this title of this bill as opposed to acting on the Energy bill, which I consider a detour and a tangent off of the Internet access tax issue, or even addressing issues from those who want to tax the Internet and may want to put on some more amendments? Why do we have to spend time listening to the melodious voice of our clerk reading off the title of your amendment?

Mr. DOMENICI. Senator, I yielded to you without knowing you were going to use all the time I had remaining.

Mr. ALLEN. I am sorry.

Mr. DOMENICI. If there is anybody I would like to do that for, I would do it for you, but how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 32 seconds remaining.

Mr. DOMENICI. Senator, I am going to try to answer your question when I get back on my feet, but I yield the floor at this point.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from New Mexico has stated the bill he offered is not the so-called hooters and polluters bill, so named by the distinguished Senator from Arizona, but in fact it is a slimmed down version of that bill.

I ask through the Chair of my friend from New Mexico, is that, in fact, the case? Could you answer that yes or no? The bill that is now before the Senate is a slimmed down version of the so-called hooters and polluters bill?

Mr. DOMENICI. Senator, I can only do that in dollars. The original bill cost $31-plus billion; this one costs negative $1.2 billion.

Mr. REID. I ask, does this bill have in it the section 45 production tax credit?

Mr. DOMENICI. No, it does not.

Mr. REID. I ask my friend from New Mexico, would you support—supporting your bill here, that is the one I have offered as an amendment, would you support the FSC bill with the section 45 production tax credit in it?

Mr. DOMENICI. Sure.

Mr. REID. Mr. President, I am going to, at this time, that being the case, recognizing that what the Senator has offered is a slimmed down version and is not the original bill, and that he would support the provision in the FSC bill—I think a combination of those two might make some interesting votes here in the next day or two—I withdraw my objection to waiving reading the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DOMENICI. Could the Senator tell me what you said about votes in the next couple of days? I didn't get it.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Nevada.

Mr. REID. I know the Senator from Virginia wants to speak on the underlying bill. I will be as brief as I can.

What I told the Senator from New Mexico, through the Chair, is that it was my understanding that the bill that was offered in the form of an amendment was nearer the original bill that was offered and cloture was not invoked on it previously. I have been told by my staff and others that it is a slimmed down version of the original bill. That was confirmed by the Senator from New Mexico.

I further went on to say, to ask the Senator from New Mexico if it had the section 45 production tax credit in it. He said no. I then went further and said, would he, the Senator from New Mexico, support the FSC bill, which does have the production tax credits in it, and he said he would.

I then said, that being the case, that we have a smaller version of the original Energy bill than I originally thought, and, further, that he would support the FSC bill, including the production tax credit provision that was placed in there by Senators GRASSLEY and BAUCUS. I then said I think that is going to make for some interesting votes in the next few days.

Mr. DOMENICI. So you said about 2 days? I still didn't get that.

Mr. REID. I would assume the alternatives, I say through the Chair to my friend from New Mexico. I assume the majority has a number of alternatives. They can debate endlessly the amendment you have offered, the amendment the Senator from Arizona has offered, and we already have cloture having been filed on the minority leader's amendment—so it is possible, I don't know if the majority has made that decision, they could file cloture on your amendment.

Mr. DOMENICI. That is correct.

Mr. REID. They could file cloture on the amendment of the Senator from Arizona. That is why I said in a couple of days. It takes 2 days for these cloture motions to ripen. Maybe Thursday we could have a vote on all these matters, and I said it would make for some interesting votes.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum. I don't quite understand, I say to both Senators. I want to help, but I don't understand.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, could I ask what the parliamentary situation is?

The PRESIDING OFFICER. There is a pending Domenici second-degree amendment to the pending Daschle first-degree amendment to the underlying text of the bill.

Mr. McCAIN. So we are debating the Domenici second-degree amendment to the Daschle amendment to the substitute or to the original S. 150.

The PRESIDING OFFICER. That is correct.

Mr. McCAIN. I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I have been listening to the debate and the reading of titles of amendments. We have seen detours, political posturing, partisanship, criticizing of the Vice President, and all sorts of cover for past obstructionism.

Obviously, things such as the geothermal are important. Clean-coal technology is important. Biomass, solar photovoltaic, energy policy, exploration of the North Slope of Alaska, natural gas pipelines for greater quantities of natural gas—all of that is very important. Then you listen to people talk about endangered species. A Senator was talking about endangered species. I am thinking: You know what is endangered in this country—particularly out in rural areas—is jobs for people in rural America.

The main point of this debate and where we are supposed to be today is those who want to have the Internet free from taxation and others who have other ideas. The Senator from Texas, Senator HUTCHINSON, had an amendment. We voted on it, and we are supposed to be considering other amendments on Internet tax. Now we are off on a tangent of ethanol. First it was ethanol, and now it is the larger Energy bill. I was thinking the key people who like the ethanol provision are people who grow corn in America.

There is an association, the American Corn Growers Association. To get everyone to focus a second on the main issue, which is whether the Internet ought to be taxed at the State and local level, I will share with my colleagues what the American Corn Growers Association actually thinks of S. 150, the bill to make sure there is not taxation on the Internet.

They said they support S. 150. They want to make the existing Federal moratorium against State and local taxes on Internet access, as well as multiple and discriminatory taxes targeting interstate commerce, permanent and national in scope. They feel the bill would ensure technological neutrality so all Internet users, including their members—being the corn growers—are protected by the Federal moratorium no matter what technology they use to access the Internet. The Corn Growers Association feels the new technologies are particularly key to ensuring Internet access to rural America.

They are exactly right, whether that is through DSL lines, through wireless, satellites, or electric power lines, there are a variety of ways rural America needs to get access to broadband.

The American Corn Growers Association, which represents people and interests of corn producers in 35 States, works very hard to enhance farm income. They care about protecting rural communities. They say they recognize the need to have a strong and stable farm economy, not just for the farmers, but for consumers, as well. They feel the Internet Tax Freedom Act and S. 150 is intended to exempt access to the Internet from taxation, including, they recognize, transmission. The Corn Growers feel to exempt from taxation the transmission is an integral part of accessing the Internet. They feel failure to amend the existing law would make consumers susceptible to substantial taxation of their Internet access. They also say even the definition of Internet access is outdated and does not cover all forms of technology used to access the Internet that exists today.

The wording of the original statute is exclusive of consideration of the multiple technological advancements and changes that have developed in business since 1998. This is inadequate, says the Corn Growers Association, and will almost certainly result in new taxes imposed on Internet users. They feel keeping the current language in place will perpetuate a competitive disadvantage among providers by exempting some of the types of high-speed Internet access while other types would be taxable.

We have the American Corn Growers Association, which undoubtedly would be for ethanol provisions proposed on the floor, but clearly the American Corn Growers Association, as well as dozens of organizations, whether technologically involved or not, care a great deal about whether broadband is going to be taxed.

All these parliamentary procedures and all these delays and tangents and detours take us away from the point at hand and the decision that needs to be made by the Senate. It ought to be done as quickly as possible. The question before us is whether American consumers are going to be hit on average with 17-percent telecommunication taxes on their monthly Internet service bill. The question is whether Internet service bills will look like a telephone bill, with multiple taxes from the localities, from the States, and even the Federal Government.

My friends, it is absolutely essential, I say to my colleagues, that we act on the Internet access tax issue. As more and more taxes get imposed, it is nearly impossible to ever get those taxes off. Look at your telephone bill. There is a slew of taxes; some that are incomprehensible. There is one tax placed on there in 1898 as a luxury tax. It was a luxury tax in 1898 to finance the Spanish-American War. Guess what? We are still paying that tax. That war has been over for over 100 years.

That is why it is important we act and not delay, not dawdle, not get off on tangents. If we do get off the point, we need to get back on the subject, the point of voting and taking a stand on whether Members stand on the side of freedom and opportunity for people by not having Internet access hit with 17-percent taxes or more, or whether we will stand on the side of freedom, where the broadband can get rolled out—not just to city areas and suburban areas, but out to the country, to rural areas so people can have access if they have their own business, access to sell goods or services all over the world, or all over the country, as the case may be.

If we continue to delay on this issue, we will see what has happened in the last 2 years. What has happened in the last 2 years, a little over 2 years, is unelected bureaucrats come up with revenue rulings or taxation rulings that have found a loophole in the original moratorium and have started imposing taxes, about $40 million worth of taxes across the country. That is not a great deal in money, but nevertheless taxing DSL is a great concern to many. When they tax Internet access, that means fewer people can afford it. The reason most people do not have Internet access is they cannot afford it. We are concerned about an economic digital divide. If you want to close the divide and make sure people all over this country have greater ability to have access to the Internet, and the benefits therefrom—whether education, access to information, commerce, telemedicine, a variety of other applications, particularly with broadband—then we must not tax Internet access. Adding taxes will not help.

I hope we will make a decision this week. Let the American people know where we stand. More importantly, let those companies that will have to make investments in the range of tens of millions of dollars to serve various areas know what the policy of this country will be. In the past, the question has been one of freedom—making sure the Internet was free from taxation. We see great growth, great opportunity. That should be the approach for the future, from my point of view.

A decision needs to be made so the folks planning expansion of the Internet—those companies, those entrepreneurs—know what the playing field will be in the future. It is my view, looking at the votes, whether on the motion to proceed or the most recent amendment from the senior Senator from Texas, the vast majority of the Senators realize the Internet ought to remain free from burdensome, onerous taxation. A majority of the Senators recognize we need to update the definition of Internet access to make sure the DSL, wireless and other methods of accessing the Internet, are not subject to these burdensome taxes.

From these votes, at least in the early indications, it appears that a majority of Senators recognizes that we ought to be closing the economic digital divide. A strong majority of Senators recognizes there are innovations, there are new ideas, and we want to make sure this country will be in the lead for adaptations, the benefits, prosperity, and opportunity that will flow from new advancements in technology. We certainly do not want to be increasing the costs to anybody in this country for logging on to the Internet everyday.

In my view, if the Senate does not act, if the Senate does not invoke cloture and pass an updated Federal moratorium on Internet access taxation, what we will see are State and local tax commissars imposing telecommunication-based taxes that average about 17 percent on the Internet. This moratorium that we are trying to get action on here on the Senate floor is designed to protect consumers and avert the adverse impact of taxation on real people in our real world and in our economy.

So while there are all these machinations and maneuverings and parliamentary procedures and political posturing and tangents and detours, I would ask my colleagues, in the midst of this, if we are going to have votes on all these other ideas, some of which have a great deal of merit—and maybe, for those of us who do not want to tax the Internet, we should feel somehow applauded or grateful that people would want to attach salutary, positive ideas; they figure this is going to pass, and this is the way to get those other ideas done—but as you get on to these other nongermane issues, let's act on them quickly, and let's also keep our eye on the ball.

While folks may care about endangered species, let's remember, real people in the real world who we want to make sure have the opportunities that come from having access to broadband and Internet, whether they are a small business owner, a student, or somebody who is looking for a better job, let's make sure we pay attention to the issue at hand, the underlying measure; and that is, to make sure the Internet stays free from onerous and burdensome taxation for all people all over the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I am kind of surprised that the Corn Growers Association of America is supporting the Allen-Wyden legislation. I am sure that if they really understood the ramifications of this legislation, they would not be supportive of it because they would understand that if that legislation passes, their real estate taxes or other taxes they are paying would increase.

I am going to make a point of getting in touch with them. I received the President's Award last year from the Corn Growers, from Fred Yoder, who was their president, and worked very hard, several years ago, to get the petroleum people and the Corn Growers together to come up with the ethanol compromise that is now in the Energy bill.

I am glad the Senator from Virginia has pointed out they are supporting this legislation. I am going to get in touch with them right away and share with them some information they might not have had at the time they came out to support this legislation.

This afternoon the Senator from Arizona quoted from a policy paper of the National Governors Association and mentioned the criteria that the National Governors Association said should be in any bill that deals with this question of Internet taxation. I would like to go through that policy paper and share that with my colleagues in the Senate.

First: NGA supports, as I do and as the Presiding Officer does, reasonable extension of the Internet Tax Freedom Act.

In this policy paper that was quoted from:

> The NGA calls upon Congress to adopt S. 2084, the "Internet Tax Ban Extension and Improvement Act." This compromise bill, sponsored by Senators Alexander and Carper—

and, by the way, Senator VOINOVICH—

> offers a reasonable extension of the moratorium while addressing industry concerns for technological neutrality without unduly burdening state and local governments.

I am not going to go into all these, but I ask unanimous consent that this policy paper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NGA SUPPORTS REASONABLE EXTENSION OF THE INTERNET TAX FREEDOM ACT

The National Governors Association (NGA) supports extending the federal ban on state and local taxation of Internet access in a manner that is technology neutral and fiscally fair to state and local governments. Unfortunately, two pieces of legislation currently moving through Congress violate these basic principles. The House of Representatives has already passed H.R. 49 and S. 150 is currently under consideration in the Senate. By permanently expanding the definition of tax-free Internet access, both bills rob state and local governments of existing revenues while creating a tax free zone for future communications services.

The NGA calls upon Congress to adopt S. 2084, the "Internet Tax Ban Extension and Improvement Act." This compromise bill, sponsored by Senators Alexander and Carper, offers a reasonable extension of the moratorium while addressing industry concerns for technological neutrality without unduly burdening state and local governments.

BACKGROUND

Although the U.S. Constitution grants Congress broad authority to regulate interstate commerce, the federal government, historically, has been reluctant to interfere with states ability to raise and regulate its own revenues. State tax sovereignty is a basic tenet of the federalist system and is fundamental to the inherent political independence and viability of states. Only in the most narrowly defined exceptions has Congress crossed that line.

The 1998 "Internet Tax Freedom Act" (ITFA), which imposed a moratorium on state or local taxation of Internet access, is one exception to this long held practice. The ITFA expired briefly in 2000 but Congress renewed it through November 1, 2003. Designed to "jump start" the then-fledgling Internet industry, the moratorium included three important restrictions to protect states:

1) it applied only to new taxes—existing taxes were grandfathered;

2) the definition of Internet access, while broad, excluded telecommunication services; and

3) the bill expired after two years to allow Congress, states and industry the opportunity to make adjustments for rapidly developing technologies and markets.

THE NGA POSITION

Today, over 130 million Americans access the Internet using everything from dial-up modems, high-speed broadband, and Digital Subscriber Line (DSL) offerings to wireless technologies and even satellite and power line connections. The Internet's broad reach and technological promise is also transforming entire industries such as telecommunications, which is rapidly migrating all of its services to Internet based technologies and rolling out new services such as Voice Over Internet Protocol (VOIP).

As Congress considers legislation to extend the moratorium, NGA encourages members to adhere to the following guidelines to maintain the balance struck by the original moratorium, a balance that encouraged the growth of the Internet but still respected state sovereignty:

1. DO NO HARM; ANY EXTENSION OF THE MORATORIUM SHOULD PRESERVE EXISTING STATE AND LOCAL REVENUES.

The original moratorium protected existing state revenues by grandfathering tax laws in place before 1998 and prohibiting only new taxes on Internet access. In contrast, H.R. 49 and S. 150 would cost states much needed revenue by repealing the grandfather clause and expanding the law to prohibit taxes on telecommunications "used to provide Internet access." Stating that the proposed bills would trigger a possible point-of-order under the Unfunded Mandates Reform Act, the Congressional Budget Office (CBO) estimates removing the grandfather provision would cost states between $80 and $120 million annually. The effect of the second provision could be even greater. "[D]epending on how the language altering the definition of what telecommunications services are taxable is interpreted," the CBO said, "that language also could result in substantial revenue losses for states." With state and local governments collecting over $18 billion in telecommunications taxes annually, any significant change in the taxability of telecommunications could cost states billions of dollars. At a time when state and local governments are facing large increases in mandatory spending and stagnant revenue growth, Congress should not exacerbate state fiscal problems by interfering with the collection of existing taxes.

2. BE CLEAR; DEFINITIONS MATTER.

The original moratorium split the definition of Internet access into two parts: a broad and inclusive description of Internet access and an absolute exclusion of telecommunications services from the moratorium. The definition read:

"Internet access means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. Such term does not include telecommunications services."

The exclusion of telecommunications services protected states by clarifying that Internet access was a separate, distinct and limited service. It also clearly preserved existing state and local taxes on telecommunications services that amounted to over $18 billion in 1999. The definition, however, allowed some jurisdictions to tax the telecommunications component of certain broadband technologies like DSL while others remained tax-free. This perceived inequity led to a push to alter the definition of Internet access in H.R. 49 and S. 150 to make tax free telecommunications services "used to provide Internet access," as a means of making the ITFA technology neutral. This change, however, is too broad. Not only would it prohibit taxes states and localities are collecting on DSL, it would also exempt all telecommunications services used anywhere along the Internet—from the end-user all the way to and including the "backbone." Compared to the original moratorium, which expressly exempted telecommunications from its scope, H.R. 49 and S. 150 could ultimately put at risk most, if not all, state and local telecommunication tax revenue. (See attached chart.)

H.R. 49 and S. 150 would also intensify a long-standing problem with the original definition: the unlimited ability to bundle together content and "other services" into a single offering of tax-free Internet access. Services such as VOIP highlight the risk states face from this broad definition. Unlike traditional telecommunications services, VOIP uses the Internet to transmit voice communications between computers, phones and other communications devices. Industry observers expect 40 percent of all telephone calls in the United States to be Internet based within five years. If VOIP is allowed to be bundled with Internet access into a single tax-free offering, and telecommunications used to deliver that offering are also tax free, states could quickly see their telecommunications tax base erode to nothing. Language in S. 150 as amended and S. 2084 that requires service providers to unbundled taxable services from non-taxable Internet access is helpful, but only if the universe of what constitutes Internet access is actually limited.

3. STAY FLEXIBLE—A TEMPORARY SOLUTION IS BETTER THAN PERMANENT CONFUSION.

Rapid pace innovation in the Internet and telecommunications industries makes it difficult to define accurately these complex and ever-changing services. The original moratorium was made temporary in part for this reason—to provide Congress, industry and state and local governments with the ability to revisit the issue and make adjustments where necessary to accommodate new technologies and market realities. The fact that the courts, the Federal Communications Commission and Congress are all in the process of examining and redefining the core elements of what constitutes telecommunications and Internet access underscores the need for caution. With so much uncertainty, a temporary extension of the moratorium is the best way to avoid unintended consequences from a permanent moratorium.

CONCLUSION

NGA supports S. 2084 because it best reflects a balance between state sovereignty and federal support for the Internet. First, it protects states by drawing a line in the sand to prohibit new taxes on Internet without interfering with existing state laws. Second, by making the connection from a consumer to their Internet access provider tax free, the Alexander-Carper bill actually levels the playing field for competing technologies without overreaching. Third, it gives Congress, industry and states a chance to revisit the Act by making the moratorium expire after two years. For these reasons NGA supports S. 2084 as a true compromise that is fair to industry, respectful of states, and good for consumers.

STATE AND LOCAL TELECOMMUNICATIONS TAXES POTENTIALLY AT RISK UNDER H.R. 49/S. 150

[$ millions]

	Revenues at risk under H.R. 49[1]	Revenues at risk under S. 150 as amended[2]
Alabama	$213	$115
Alaska	18	13
Arizona	308	146
Arkansas	146	101
California	1,495	836
Colorado	293	169
Connecticut	276	170
Delaware	27	17
District of Columbia	120	116
Florida	1,490	1,059
Georgia	344	182
Hawaii	51	48
Idaho	37	3
Illinois	1,000	807
Indiana	265	148
Iowa	137	49
Kansas	172	74
Kentucky	284	192
Louisiana	207	69
Maine	67	28
Maryland	369	222
Massachusetts	411	256
Michigan	678	477
Minnesota	226	135
Mississippi	190	90
Missouri	334	216
Montana	46	7
Nebraska	101	59
Nevada	52	22
New Hampshire	65	56
New Jersey	699	473
New Mexico	125	101
New York	1,904	1,418
North Carolina	308	225
North Dakota	32	22
Ohio	680	345
Oklahoma	258	166
Oregon	113	63
Pennsylvania	672	547
Rhode Island	100	77
South Carolina	196	90
South Dakota	48	25
Tennessee	348	196
Texas	1,724	1,213
Utah	160	89
Vermont	30	17
Virginia	329	148
Washington	492	331
West Virginia	73	36
Wisconsin	363	255
Wyoming	22	13
Total:	18,098	11,732

[1] H.R. 49: Figures assume the loss of all state and local telecommunications transaction taxes and business taxes as companies migrate their telecommunications services to the Internet.

[2] S. 150: Includes all telecommunications taxes except for 911 fees and business taxes such as property taxes, capital stock taxes on net worth, or sales and use taxes on business inputs.

Source: Special Report/Viewpoint "Telecommunications Taxes: 50-State Estimates of Excess State and Local Tax Burden," Robert Cline, State Tax Notes, June 3, 2002.

Mr. VOINOVICH. First, they talk about: "DO NO HARM. Any extension of the moratorium should preserve existing state and local revenues."

The next point they make is: "BE CLEAR. Definitions matter."

By the way, in the area of "DO NO HARM," they mention the fact:

With state and local governments collecting over $18 billion in telecommunications taxes annually, any significant change in the taxability of telecommunications could cost states billions [billions] of dollars. At a time when state and local governments are facing large increases in mandatory spending and stagnant revenue growth, Congress should not exacerbate state fiscal problems by interfering with the collection of existing taxes.

In terms of the definitions, they believe that:

The original moratorium split the definition of Internet access into two parts: a broad and inclusive description of Internet access and an absolute exclusion of telecommunications services from the moratorium. The definition read:

"Internet access means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. Such term does not include telecommunications services."

The exclusion of telecommunications services protected states by clarifying that Internet access was a separate, distinct and limited service.

They go on to say, under definitions:

[The House bill] and S. 150 would also intensify a long-standing problem with the original definition: the unlimited ability to bundle together content and "other services" into a single offering of tax-free Internet access. Services such as VOIP—

That is being able to use your computer to make telephone calls—

highlight the risk states face from this broad definition. Unlike traditional telecommunications services, VOIP uses the Internet to transmit voice communications between computers, phones and other communications devices. Industry observers expect 40 percent of all telephone calls in the United States to be Internet based within five years. If VOIP is allowed to be bundled with Internet access into a single tax-free offering, and telecommunications used to deliver that offering are also tax free, states could quickly see their telecommunications tax base erode to nothing [nothing]. Language in S. 150 as amended and S. 2084 that requires service providers to unbundle taxable services from non-taxable Internet access is helpful, but only if the universe of what constitutes Internet access is actually limited.

It also goes on and talks about "STAY FLEXIBLE. A temporary solution is better than permanent confusion." Did you hear that? "A temporary solution is better than permanent confusion."

Rapid pace innovation in the Internet and telecommunications industries makes it difficult to define accurately these complex and ever-changing services. The original moratorium was made temporary in part for this reason—to provide Congress, industry and state and local governments with the ability to revisit the issue and make adjustments where necessary to accommodate new technologies and market realities. The fact that the courts, the Federal Communications Commission and Congress are all in the process of examining and redefining the core elements of what constitutes telecommunications and Internet access underscores the need for caution.

We are in an era right now of unbelievable change.

With so much uncertainty, a temporary extension of the moratorium is the best way to avoid unintended consequences from a permanent moratorium.

Their final conclusion—and I am sure the Presiding Officer is very happy about this—is:

NGA supports S. 2084 because it best reflects a balance between state sovereignty and federal support for the Internet. First, it protects states by drawing a line in the sand to prohibit new taxes on Internet without interfering with existing state taxes. Second, by making the connection from a consumer to their Internet access provider tax free, the Alexander-Carper bill actually levels the playing field for competing technologies without overreaching.

That is a point that the Presiding Officer has made several times on the floor of the Senate.

Continuing:

Third, it gives Congress, industry and states a chance to revisit the Act by making the moratorium expire after two years. For these reasons NGA supports S. 2084 as a true compromise that is fair to industry, respectful of states, and good for consumers.

Now, I contacted the National Governors Association earlier today.

I asked them if they could opine on the McCain amendment that was so eloquently spoken to by Senator McCAIN. They worked very quickly and came back with a letter to Senator FRIST, majority leader, and Senator DASCHLE, Democratic leader. It is signed by Governor Brad Henry, Oklahoma, Chair, Committee on Economic Development and Commerce, and Governor Michael Rounds, South Dakota, Vice Chairman, Committee on Economic Development and Commerce.

I would like to read from that letter.

Dear Senator Frist and Senator Daschle:

The National Governors Association . . . supports an Internet access tax moratorium that benefits consumers, is fair to industry, and does no harm to states. As the Senate once again considers the moratorium, we urge you to oppose efforts that would deprive states of existing tax revenues and to support the compromise proposal to be offered by Senator Alexander and Senator Carper and embodied in S. 2084, the "Internet Tax Ban Extension and Improvement Act."

NGA supports the Alexander/Carper compromise because it best reflects the appropriate balance between state sovereignty and federal support for the Internet. First, it protects states by prohibiting new taxes on Internet access without interfering with existing state revenues. Second, by making the connection from a consumer to their Internet access provider tax free, the compromise language encourages broadband deployment by leveling the playing field for all technologies.

That is what we are trying to do. The amendment we tried to get in last year and which will be offered by the Senator from Tennessee tries to level the playing field for all of the providers of this access.

> Third, because it is temporary, it gives Congress, industry, consumers, and states a chance to revisit the issue and make adjustments where necessary to accommodate new technologies and market realities.

Here is the paragraph that I think gets to the heart of the matter:

> The recent proposal by Senator McCain, while an improvement on the bill sponsored by Senator Allen and Senator Wyden . . . does not go far enough to protect states. By adopting the broad definition of tax-free Internet access used in S. 150—

That is the same definition that is in the Wyden-Allen bill; the same definition is in the amendment proposed by Senator MCCAIN—

> and terminating the grandfather protections before the end of the moratorium, the McCain proposal would still deprive state and local governments of existing tax revenues and violate the principle of "do no harm."
>
> The nation's governors call on the U.S. Senate to oppose the McCain amendment and support Senator Alexander and Senator Carper in their efforts to strike a reasonable compromise to extend the Internet access tax moratorium.

The Senator from Tennessee, Senator ALEXANDER, Senator CARPER, and Senator VOINOVICH, who is the third sponsor of S. 2084, should be very happy with the support we are getting from the National Governors Association. I hope our colleagues take that into consideration.

In addition to the letter from the National Governors Association, I would like to share a letter I recently received from the Ohio Department of Taxation. In fact, I have never seen a letter from the Department of Taxation of the State of Ohio turned around so quickly in my life. We faxed them the McCain proposal. We asked them to give us their opinion of the McCain amendment. I suggest to my colleagues that before they vote on this legislation, they take it upon themselves—as a matter of fact, I think it is an obligation for them—to get in contact with their State departments of taxation to get a read from them about what impact this amendment would have on their respective States. Some of my colleagues, frankly, are supporting this and may not want to hear the impact it is having on their State. But I think it is incumbent upon them at least to find out what their States think about this proposed legislation and the impact it would have on their respective States.

I am going to read a portion of this letter. It reads:

> Dear Senator Voinovich:
>
> We reviewed the text of the McCain language that you FAXed to us this morning. Our preliminary impression is that this bill is very similar to the version of S. 150 containing the "managers amendment" and has roughly the same negative revenue impact on Ohio. Specifically, we think that the bill would cause a state and local revenue loss of about $72 million per year. The amount would become larger as more telecommunications services are provided through Internet technology and/or bundled with Internet access, and as broadband Internet access is used by more households. Specifically, the $72 million estimate does not account for state and local revenues lost as more phone services are replaced by VOIP, which we believe the McCain bill will still prohibit the states from taxing (as long as VOIP is bundled with Internet access).

That is the way they do it. They bundle it together and under their definition this would be exempt from taxation.

> As you know, the states objected to S. 150 on several grounds. One of the most important was the language "the term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access."
>
> This "Allen-Wyden" definition of Internet access is so broad that it essentially can be used to exempt what we have seen referred to as the "Internet backbone" telecommunications services, the "middle mile" telecommunications services, and the "last mile" telecommunications services. This is in contrast to S2084, which you cosponsored, and which would have provided a much more limited exemption for last mile telecommunications services that are used to connect an end-user (e.g. household) to an Internet service provider such as AOL or Earthlink or Comcast.

That is the thing we don't want. We want people to have to plug into that mile, but the thing we are concerned about is they want to go beyond that. They want to take in the whole watermelon.

> In Ohio, the impact of the S. 150 moratorium on state and local taxation of all these telecommunications services may not be as damaging as in some other states because Ohio already has a broad exemption for the purchase of property used in providing telecommunications services. Even so, we still estimate that the annual full-year loss to Ohio from the provision would be about $72 million.
>
> Another notable provision of the McCain bill is the exception of VOIP services from the tax moratorium. To the extent that such service mimics traditional telephone service, we believe that this means that State and local governments would be allowed to tax VOIP services insofar as they mimic traditional telephone services. The so-called VOIP exception to the moratorium actually does nothing for the states' ability to tax that or similar services that may migrate to the Internet. Current Ohio law allows state and local governments to tax VOIP as a telecommunications service, as long as there is no federal preemption.
>
> The McCain "exception" to the federal preemption does not apply to services that are defined as Internet access. This means that the exemption will not apply to voice services that are bundled with Internet access, and since that is how VOIP services are currently sold and probably will continue to be sold, the exception in the McCain bill will in fact provide no protection against states losing revenues as phone services migrate to VOIP.

The Senator from Tennessee, the Presiding Officer, has made it very clear if there was an amendment to that bill that made it very clear that could continue to be taxed, that might remedy this whole issue.

The letter goes on to say:

> We do not know exactly how much revenues will be lost in the future due to the migration of currently taxable phone service to exempt VOIP service, but it could end up being most of Ohio's telecommunications tax revenues.

I'll read that again:

> We do not know exactly how much revenue will be lost in the future due to the migration of current taxable phone service to exempt VOIP service, but it could end up being most of Ohio's telecommunications tax revenues.

You know if that happens, the State is either going to reduce services or they are going to find something else to tax. That is the way this thing operates.

The letter concludes:

> To put the estimated $72 million loss in context, in fiscal year 2003, Ohio collected about $250 million in sales tax and use tax from telecommunications service providers. The most recent biennial budget bill switched local telephone providers from the old gross receipts tax to the sales tax and use tax, so that now the forecasted full year sales and use tax revenue from all telecommunications providers is about $370 million. This is at a 5 percent state tax rate—we are ignoring the current 6 percent tax rate because it is set to expire. . . .Thus, the estimated revenue loss from the McCain bill (excluding the VOIP loss) is slightly less than 20 percent of total estimated Ohio telecommunications sales tax revenues.

The fact is the McCain amendment is going to have a devastating impact on the revenues of our States and goes far beyond the moratorium I helped negotiate when I was chairman of the National Governors Association, and is something we should all be concerned about.

I also want to make another couple of points, if I may. I have heard so much today already and in the past about the fact that if we don't get this done, everything is going to stop and it is going to be a terrible thing for farmers and all Americans, and so on. The fact is, Internet technology has grown unbelievably over the past year. According to a study released by the Pew Internet and American Life Project last week, 55 percent of American Internet users have access to broadband, either at home or in the workplace. As a matter of fact, it is going to keep growing because I think the Senator from Tennessee pointed out this afternoon there are some communities that have their own electric companies that are giving it away.

This thing is moving. We don't see anything slowing down. We are moving fast. The report also noted home broadband usage is up 60 percent since March 2003, with half of the growth since November 2003.

You will recall back when we were debating this last year, the allegation was, gee, if we don't get this done, everything is going to be taxed, things are going to end up in the mud, slowed down, and we are in trouble. Since the moratorium ended, half of this growth occurred. So this thing is moving. This moratorium—the fact we didn't extend it has not really impacted this one iota. DSL technology now has a 42-percent share of the home market, which is up 28 percent since March 2003.

Most of the growth I outlined occurred after the Internet tax moratorium expired last November, which refutes the argument S. 150 was necessary to help the expansion of broadband services. In addition, April 21—a couple days ago—a major telecommunications company released their 2004 first quarter earnings. I want to read the first two sentences from the company's press release because it illustrates how fast this technology is growing. This is from SBC Communications:

> SBC Communications, Inc., today reported first quarter 2004 earnings of $1.9 billion, as it delivered strong progress in key growth products. In the quarter SBC added 446,000 DSL lines, the best ever by a U.S. telecom provider.

Some of these people who are supporting the Wyden-Allen amendment and now McCain amendment are companies like this. They are doing well. They are moving. They are bragging, "We are moving ahead." We all know the Federal Government today subsidizes this telecommunications industry. If I remember correctly from a speech the Presiding Officer gave this afternoon, it is a $4 billion subsidy from the Federal Government, and the States—all of them—have been doing everything they can to encourage this industry.

I don't know of any industry that has been treated better than this industry. For the life of me, I cannot understand why it is they insist on having us whack out all of the taxes they are paying. I cannot understand it.

I think if this Senate does the right thing, what we are going to tell this industry, which does a pretty good job of lobbying around here and in the States—I knew it when I was Governor—we will tell them: You know what. You are not going to get a complete release of all the taxes you pay. It is time for you to sit down, like I did with the petroleum industry and the Corn Growers—they came to me and wanted me with them on ethanol, and the oil industry—and the Senator from Oklahoma knows them well—said you have to be with us. I said, you know something, I had Ashland Marathon Oil in Ohio, and I had my Corn Growers and I love you both. You ought to get in the room and sit down and talk to each other and see if you cannot work something out. Lo and behold, after 6 months, they had a big news conference. About 20 Senators were there, and on that stage were people who, if you talked to them 6 months before and said you are going to be on the stage together in a compromise, would have said you are crazy. They were on that stage and they put a compromise together.

The problem we have today in the Senate is the fact that the telecommunications industry thinks this thing is going to go through and they don't have to sit down and talk to State and local government officials, or with the Commerce Committee, and work something out. I know it can be done. I am prayerful our colleagues today understand that and that they will come together and say we have not been able to do this, and we will have a continuation of a moratorium. But let's sit down and work it out. Probably the best way to do that under the circumstances, with the time limitation we have, would probably be to pass a 14-or 15-month extension of the current moratorium, while we can take it back to the Commerce Committee, where we can get the telecommunications industry in, get the Governors and other local government officials in, and the FCC, and start to make some sense out of this.

I thank the Senator from Tennessee, Senator ALEXANDER, for the great leadership he has provided on this issue. We got together last year, and the train was moving and we got in the way of it and caught a lot of criticism because they were accusing us of being for taxing e-mail and the Internet and all the rest of it. That wasn't it at all. All we wanted to do was continue a moratorium but do no harm to our States. We probably understand that more than some Members because we are former Governors. In my case, I am a former mayor and county commissioner, and we also appreciate it because we all worked together for legislation in 1995—the unfunded mandates relief legislation I worked my heart out to get passed. As a matter of fact, the pen President Clinton used to sign that legislation is on the wall in my Senate office in the Hart Building. The first time I set foot on the floor of the Senate was the day the Senate passed the unfunded mandates relief legislation.

I don't like unfunded mandates. I don't think it is fair. We have done it to the States for so many years. We finally got that legislation passed. The American people should know this is a big unfunded mandate, the way it is put together. We can change it and make it fair so they are not going to see the taxes on telecommunications disappear and then see taxes increased in some other area.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Ohio and I know something about unfunded mandates, as does the Chair. It keeps creeping up, and we are making every effort in the committee that I chair and the subcommittee the Senator from Ohio chairs to try to resolve that problem. I think maybe we will because we have the right people in line to do it. I may not agree with the Senator from Ohio on this particular issue, but I certainly do on unfunded mandates.

I just found out that the distinguished Senator from New Mexico, Mr. DOMENICI, has filed an amendment that is a slimmed-down version of the Energy bill. I just have to stake out a position early because it is my understanding that the safe harbor language that was in H.R. 6 that is so fair and so necessary is not a part of the slimmed-down version. If it is not in the bill, I am not going to be able to support the bill. I will do everything I can for the Senator from New Mexico, but this is very serious.

The bill should permit that manufacturers, producers, marketers, traders and distributors of gasoline containing federally approved oxygenate MTBE cannot be sued under a claim that it is a defective product.

The Federal Clean Air Act Amendments of 1990 created the reformulated gas. The reformulated gas program said they had to use oxygenates. The most prevalent oxygenate to be used in these reformulated gases is MTBE. In fact, EPA specifically approved MTBE for this purpose.

Here is the situation we have: We have the Government coming along and saying, You are going to have to use MTBE. For all practical purposes, they have said this, they have mandated it. Then they turn around and say, We are going to let the trial lawyers in to sue you because maybe this substance which we approved, which we endorsed, is causing harm to someone. It is very important to understand that the safe harbor provision is necessary to prevent the trial lawyers from using the court system to punish companies for simply complying with the Federal law by using a federally approved additive.

The safe harbor is narrowly targeted and does not affect any claim against any person or any company actually responsible for spilling gasoline containing MTBE. That is very important because I keep hearing on this Senate floor: You let all these people off the hook who are spilling and polluting. That is not true at all. It is very narrowly defined.

Since September 30, 2003, in anticipation of the Energy bill, trial lawyers, including many known for the work they have done and the wealth they have accumulated in asbestos litigation, have as of March 25 brought over 60 groundwater contamination lawsuits in 17 States seeking damages from over 169 different named companies that allegedly manufactured, sold, or transported gasoline containing the federally approved fuel additive called MTBE.

One of those companies is Frontier Oil. They have been sued. They have never produced MTBE. They have never used it. They blended MTBE. But they are one of the companies being sued. The lawsuits do not allege defendants actually leaked or spilled gasoline containing MTBE that allegedly contaminated their groundwater. The lawsuits do not even name the actual polluters. Instead, the cases target any company that at any time may have distributed or sold gasoline containing MTBE or even some, as I just cited, that did not.

Defendants are vigorously defending these cases and will incur millions of dollars in legal fees and expenses simply for having made or sold gasoline containing a fuel additive specifically approved for use by Congress and the EPA.

I believe it is necessary to stake out this position. I cannot think of a fairness issue with which we have dealt that is more significantly addressed than this one. Government comes along and says you have to use this stuff; then they come along later and say there is something wrong with it and we are not going to offer you any defense at all—any defense. We are talking about huge multimillion-dollar lawsuits.

In the event this language does not end up in the legislation of the slimmed-down bill, I will have to oppose it. I cannot conscientiously support an energy bill that leaves everybody out to dry, particularly in the MTBE case.

That is my position. I think there are many others who share that position of fairness in dealing with this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. CHAMBLISS). Without objection, it is so ordered.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk on the pending Domenici amendment.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the 2nd degree pending amendment to Calendar No. 353, S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act:

Bill Frist, John McCain, George Allen, Pete Domenici, Trent Lott, Chuck Hagel, Larry E. Craig, John Ensign, Craig Thomas, Robert F. Bennett, James M. Inhofe, Conrad Burns, Don Nickles, Orrin Hatch, Gordon Smith, Saxby Chambliss, Mitch McConnell.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk on the pending McCain substitute amendment.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate to the pending McCain Substitute Amendment No. 3048 to Calendar No. 353, S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act:

Bill Frist, John McCain, Jon Kyl, Norm Coleman, Jim Bunning, Gordon Smith, Mitch McConnell, Pete Domenici, Conrad Burns, Rick Santorum, Olympia Snowe, Judd Gregg, Wayne Allard, Thad Cochran, Mike Crapo, Larry E. Craig, Ted Stevens, George Allen.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum with respect to the three cloture votes be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I am disappointed to have to come to the Senate floor and file these cloture motions at this time. Earlier today, I had hoped we would finally make progress on the pending Internet tax access bill. Last week, I said we would be addressing the Internet tax access bill Monday, Tuesday, Wednesday, and Thursday, which I and most people felt would be sufficient time to address this bill and allow for amendments to be debated and discussed.

We did debate and vote on a relevant amendment offered by Senator HUTCHISON today. However, at the very first opportunity to offer an amendment from the other side of the aisle, they offered a completely nongermane amendment, which clearly is going to slow down this legislation.

On Thursday, these cloture motions will be voted on. There will be two cloture votes with respect to the energy amendments, but ultimately we will have a third cloture vote and that vote will be on the underlying substitute relating to the Internet access bill. That is the vote that will determine if we will be going forward on this bill at that time.

Again, I scheduled this measure with the hope of taking a few days and allowing Senators to have that opportunity to bring their amendments to the Senate floor to debate and vote on those amendments. I hoped those amendments would be centering on the Internet tax bill, the bill under consideration. The latest turn of events today means that many Senators who have legitimate and relevant amendments are being denied the opportunity to debate and vote on their amendments. This is unfortunate.

That said, I remain committed to finishing the bill in a timely fashion, and I hope that we can get back together tomorrow morning and make appropriate plans in order to accomplish that over the course of the next several days.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, if the distinguished leader will yield for a brief comment, as I said to Senator DOMENICI this afternoon, this scenario that has been set up is going to create some very interesting votes because if we move down the road where we come to a McCain cloture vote, if cloture is invoked, then Daschle and Domenici fall. At least that is my understanding. If that is the case, then that part of the Energy bill would be gone. But anyway, that sets up some interesting dynamics here.

We do at least have out here, in addition to the FSC legislation, pieces of the original Energy bill. Who knows, we might wind up doing something on energy.

Mr. FRIST. Mr. President, I do hope we will be able to complete the Internet access bill and that we can work through the turn of events of today. Again, I hope over the course of the evening people will come back and lay out a plan to accomplish what is important to the technology community and the communications community broadly, and that is to be able to allow people to vote on the very important underlying bill.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF J.A. TIBERTI

Mr. REID. Mr. President, I rise today to congratulate J.A. Tiberti on his selection by the Boulder Dam Area Council of the Boy Scouts of America for the 2004 Good Scout Award. His philanthropic ventures and contributions to our State's economy have long made him a valuable part of the southern Nevada community.

The Good Scout Award recognizes an individual who exemplifies Scouting's ideals through professional leadership, community involvement, and personal commitment to excellence. This award reflects the personal character, dedication, and generosity of the recipient, and I can think of nobody more deserving than Mr. Tiberti.

As founder and chairman of Tiberti Companies, Mr. Tiberti has served as a prominent leader in southern Nevada's business community for the last 60 years. The company's construction of schools, hotels, banks, grocery stores and department stores has helped meet the needs of southern Nevada's growing population.

He also contributed to the region's dramatic growth by serving on the Las Vegas Planning Commission for 25 years and as a director of Nevada Power Company for 36 years.

Mr. Tiberti has also been a noted philanthropist, giving generously to many worthwhile causes. In 1979, he contributed $1 million to create the College of Engineering at the University of Nevada Las Vegas. This generous gift expanded the opportunities for higher education available to Nevadans and helped UNLV become one of our Nation's leading universities.

Mr. Tiberti and his family also have longstanding ties with the Boy Scout program and were instrumental in the development of Spencer W. Kimball Scout Reservation, Camp Potosi.

Please join me in congratulating J.A. Tiberti on this well-earned honor.

HONORING OUR ARMED FORCES

WILLIAM LABADIE

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to one of Arkansas' heroes who has paid the ultimate sacrifice in defense of his Nation. Sgt. 1st Class William W. Labadie, 45, a native of Bauxite, AR, was mortally wounded on April 7, 2004, during an attack by insurgents on his camp just south of Baghdad.

William Labadie, known to his friends as Wild Bill, joined the Marine Corps right after high school. After serving in the Corps for 8 years he returned home and later became a member of the Arkansas National Guard. Sgt. Labadie was known as a real soldier's soldier. He took his responsibilities seriously and was excited by the opportunity to use his training in the service of his country. After having been in Iraq for less than a month and in a combat zone for less than 24 hours, Sgt. Labadie was fatally wounded when his camp came under a mortar and small arms attack.

Our condolences and prayers go out to William's wife, Sunnie, of Del City, OK; to his son, Bryan; and to his parents, Cheryl and Carl Winters of Bauxite, AR.

William's mother, Cheryl, was quoted in our State's newspaper, the Benton Courier, as saying that "[t]his honestly was his goal in life. He knew that this was his last shot at 45 years old. He told his commanding officer: 'Give me a shot.' It was like he was going to Disneyland." That kind of enthusiasm is what makes this nation great. We honor William's spirit and his strong resolve to take on the responsibility of advancing freedom to the world.

BRANDON CLINTON SMITH

Mrs. LINCOLN. Mr. President, I also rise today to pay tribute to a son of Arkansas who gave up the security of his family and home to protect our freedoms in the war on terrorism. Marine Private First Class Brandon Clinton Smith, 20, of Fayetteville was killed on March 17, 2004, in Al Qaim, Iraq, as he and three of his fellow Marines were racing to help comrades who had come under attack by insurgents.

Brandon attended Fayetteville High School and dreamed of becoming a Marine. He fulfilled his dream by enlisting this past September. He was so proud of his decision that he framed his Marine Corps acceptance letter and hung it in his bedroom. Upon completing boot camp, Brandon became a member of the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force.

Brandon was buried with full military honors in Fayetteville on Friday, March 26. Our thoughts and prayers go out to his father, Gordon Smith; to his mother, Deborah Bolin of West Fork; and to his sister, Desirae.

An attendee at Brandon's funeral was quoted by the Associated Press as saying that "[Brandon] made a great Marine. We could see he had changed when he came back from training. He had found himself." As this mission in Iraq continues, I am humbled that this young Marine found himself in so great a purpose as defending his nation.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On November 18, 2004, in Fargo, ND, Derek Puttbrese, 20, beat a friend in his apartment. Both the victim and Puttbrese admit that the assault originated after the victim admitted he was gay. The victim told authorities that Puttbrese had stayed at his apartment as a guest and attacked him after the two drank some wine.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REMEMBERING THE ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to honor the victims of the Armenian Genocide, one of the great tragedies of the 20th century. Last Saturday, April 24, 2004, marked the 89th anniversary of the beginning of that tragic period and I urge all Americans to take time to remember, reflect, and pledge never to forget what happened.

On April 24, 1915, under the guise of collecting supplies for its participation in World War I, the Ottoman Empire launched a brutal and unconscionable policy of mass murder. The New York Times reported that the Ottoman Empire had adopted a policy to annihilate the Armenians living within the empire. Throughout the following years, Armenians faced violent attacks, starvation, deportation, and murder. Sadly, the world took little notice.

Before the violence began in 1914, 2.5 million Armenians lived in the Ottoman Empire. As a result of the genocide, 1.5 million Armenians had died and another 500,000 had been driven from their homes and villages. We must remember and pay homage to those that died. We must remind the world of these deaths and renew our commitment to ensure that such tragedies never happen again.

I am proud to represent an Armenian community of half a million in my great State of California. They are a strong and resilient community, taking strength in the tragedies of the past and the promise of a better tomorrow. This community is leading the effort to preserve the memory of the Armenian Genocide not only for future generations of Armenian Americans, but, indeed, for all Americans and all citizens of the world.

I urge my colleagues to join me in remembering the first genocide of the 20th century. Through our commemoration of this tragedy, we make clear that we will not tolerate mass murder and ethnic cleansing ever again and we will never forget.

Mr. FEINGOLD. Mr. President, people around the world are joining together to solemnly remember and honor the men, women and children who perished in the Armenian genocide. Eighty-none years ago, 1½ million Armenians were systematically massacred at the hands of the Ottoman Empire. Over 500,000 more were forced to flee their homeland of 3,000 years. Before genocide was defined and codified in international law, Armenians experienced its horror.

Yet it appears that the international community did not learn the lessons of Armenia's genocide. Throughout the 20th century, the international community failed to act as governments in

Germany, Yugoslavia and Rwanda attempted to methodically eliminate people because of their religion or ethnicity. Minority groups were abandoned by the international community in each instance to be overwhelmed by violence and despair. In Armenia, as in Rwanda and the Holocaust, the perpetrating governments scapegoated their minority groups for the difficulties they faced as societies. They justified their campaigns of hatred with political and economic reasons in an attempt to rationalize their depravity.

This is why we must remember the Armenian genocide. To forget it is to enable more genocides and ethnic cleansing to occur. We must honor its victims by reaffirming our resolve to not let it happen again.

In the shadow of the Holocaust, in 1948, the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide. What Winston Churchill once called a "crime without a name", was now called "genocide" by the Convention and defined as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." The Convention required its parties to create domestic legislation to hold perpetrators of genocide accountable for their actions and to place these perpetrators before domestic courts or international tribunals.

The international community has a long way to go in punishing and especially, preventing genocide. But we have made the first steps. As we move forward, we must learn the lessons of Armenia's genocide. Can we recognize the rhetorical veils of murderous leaders, thrown up to disguise the agenda at hand? Have we, the international community, learned that we must not stand by, paralyzed, as horrors occur, but work collectively to prevent and stop genocides from occurring? We owe the victims of the Armenian genocide this commitment.

IN RECOGNITION OF 56 YEARS OF ISRAELI INDEPENDENCE

Mr. CHAFEE. Mr. President, I rise today to congratulate Israel on 56 years of independence. Last year, I visited Israel in my capacity as Chairman of the Subcommittee on Near Eastern and South Eastern Affairs of the Senate Committee on Foreign Relations. This was my first visit to Israel, and I was tremendously impressed with how much has been accomplished by this tiny country over the last several decades. I also was reminded of how much Israel has suffered at the hands of suicide bombers, who have killed hundreds of Israelis and greatly set back the cause of peace.

In the past, I have expressed disappointment that the United States has not worked harder to advance the Israeli-Palestinian peace process, as well concerns about specific actions by the Israeli government. However, these concerns should not be misinterpreted as a lack of support for Israel or a lack of recognition of the very real threats that she faces. I am strongly committed to the long-term security of Israel, and I will continue to work towards the vision of a safe and secure Israel at peace with her Arab neighbors.

Israelis can be proud of the vibrant democracy that they have created, and I know that many Rhode Islanders share my deep appreciation for the close friendship between our two nations. I once again offer my congratulations and best wishes to the Israeli people.

BURMESE WAR CRIMES AGAINST WOMEN

Mr. BROWNBACK. Mr. President, I wish to draw the attention of my colleagues in the Senate to a new report by a credible organization based on the Thailand-Burma border. In "Shattering Silences," the Karen Women's Organization has carefully investigated and recorded the Burmese military regime's use of rape as a weapon of war against ethnic minority women, revealing a shockingly brutal and callous practice.

The report documents that both young and old women are being raped, and usually very brutally. Forty percent of the rapes committed by the regime's soldiers were gang rapes, and over one-quarter of the women were killed after being raped.

This horrifying evidence, which echoes previous documentation conducted by our own State Department, suggests that Burma's regime is deliberately using rape as a weapon to terrorize and subjugate the Burmese people. Fifty percent of the rapes were committed by officers in the military regime.

Many of us hoped that after the exposure of the use of rape as a weapon in Bosnia, the practice would come to an end. Sadly, our hopes have not been fulfilled, and Burma is the new Bosnia. To be a woman in Burma's ethnic states is to live in constant fear of sexual violence and murder.

Ever since the United States imposed economic sanctions on Burma last year, the ruling regime has made repeated promises of a so-called transition to democracy. The rapes documented in this report show what many of us have known for a very long time; that promises by this regime are meaningless. Our State Department must take a lead in condemning these horrific acts and move to rally support for international sanctions on Burma. We cannot wait any longer, while more women face the war crimes committed by Burma's dictators.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. LEAHY. Mr. President, I proudly note passage of S. Res. 310, a resolution to designate May 15, 2004, as National Peace Officers Memorial Day. I again cosponsored this resolution with Senator CAMPBELL, as we do every year. We are right to remember and commemorate the sacrifice and commitment of our law enforcement officers serving our communities, States and country. We annually honor the officers and their families who made the ultimate sacrifice for public safety.

I commend Senator CAMPBELL for his leadership in this issue. This marks the 8th year running that he and I have teamed up to submit the resolution to commemorate National Peace Officers Memorial Day. As a former deputy sheriff, Senator CAMPBELL has experienced first-hand the risks faced by law enforcement officers every day while they protect our communities.

I also want to thank each of our Nation's brave law enforcement officers for their unwavering commitment to the safety and protection of their fellow citizens. They are real-life heroes.

Currently, more than 850,000 men and women who guard our communities do so at great risk. Each year, 1 in 15 offices is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty in the United States every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of this country.

In 2003, 146 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 237 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training, and advanced emergency medical care. And, in total, more than 17,100 men and women have made the ultimate sacrifice—of that number 43 are police officers who have already been killed in 2004 while serving in the line of duty.

During the 108th Congress, we have improved the Justice Department's Public Safety Officers Benefits program by making law the Hometown Heroes Survivors Benefits Act (Public Law 108–182), which allows survivors of public safety officers who suffer fatal heart attacks or strokes while participating in non-routine stressful or strenuous physical activities to qualify for federal survivor benefits.

The Senate also passed the Campbell-Leahy Bulletproof Vest Partnership

Grant Act, S. 764, which will extend through FY 2007 the authorization of appropriations for the Bulletproof Vest Partnership Grant Program that helps State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers. The House has yet to act on this important measure. We want to be sure that every police officer who needs a bulletproof vest gets one.

Last month, the Senate added to the gun liability bill by a vote of 91–8 the Campbell-Leahy Law Enforcement Officers Safety Act, S. 253. This measure would establish national measures of uniformity and consistency to permit trained and certified on-duty, off-duty or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

This National Peace Officers Memorial Day, Vermonters will remember our brave State Police Trooper, Sergeant Michael Johnson, who was killed last Father's Day while trying to stop a suspect leading two other State troopers on a high-speed chase. Sergeant Johnson was not even on duty, but he went to help his fellow troopers that Sunday afternoon after hearing their trouble on his radio. He had just deployed a set of tire spikes across the interstate when the suspect swerved to avoid the spikes and struck him. Sergeant Johnson left behind his wife and three children. Words are insufficient for the brave sacrifice of the man who was so admired by his family, community and the Vermont State Police force. In memory of this bravery and service to his family, community, State and country, Sergeant Johnson will be one of the names added this year to the National Law Enforcement Officers Memorial.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor the extraordinary service and sacrifice given year after year by our police forces. More than 15,000 peace offices are expected to gather in Washington to join with the families of their fallen comrades. I thank the Senate for acting on this important resolution.

CHINESE COMPETITION

Mr. GRAHAM of South Carolina. Mr. President, in 2001, World Trade Organization members accepted China into the organization only after negotiating the most complex accession agreement in WTO history. Under their accession agreement, China committed to adopting a market- and rules-based economy and special safeguards for the domestic industries of other WTO members that could be severely injured by surges of imports from China's non-market economy. China has yet to live up to their commitments. China's problems stem from a significant lack of intellectual property right enforcement, to the continued dumping and transshipping of textiles, to the subsidizing of their steel industry. China also manipulates their currency, the yuan, in order to gain an unfair competitive advantage.

These unfair trade practices seriously jeopardize many United States industries, including the textile and steel industries. The textile industry has been hit particularly hard by unfair trade with China. Since 1997, more than 250 textile plants in the U.S. have closed. With quotas on textile and apparel set to be totally phased-out on January 1, 2005, it is not unrealistic to expect even more job losses and factory closings in the textile industry. Quotas are set under the Multifiber Arrangement, MFA, an international agreement that allows countries to impose quotas on the level of goods imported from individual supplier countries. The MFA was designed to prevent a worldwide crisis in textile and apparel trade. Specifically, it was needed to keep very low wage producing nations from overwhelming global markets.

If these quotas are lifted, China is poised to control 70 percent of the textile and apparel market share. Allowing China to dominate world markets in this sector will result in the devastation of many third world economies, resulting in widespread economic and social instability.

If the goals of the World Trade Organization are to increase global prosperity and economic advancement through orderly trade, and especially to advance the development of the third world through orderly trade flows, we have to ask ourselves the following question: Does our current trade policy with China help further those goals, or will it continue to cost millions of United States' manufacturing jobs and undermine global advancement in general and in the third world specifically?

With the expiration of the quotas, the United States will see even more of the products they buy manufactured in a country that allows their workers to be treated poorly. Workers in Chinese factories suffer serious, routine and ongoing abuse at the hands of their employers. Health and safety conditions almost always fail to meet Chinese law or international standards, and workers regularly work illegally long hours for overtime pay that is not calculated according to law. Chinese workers also face harsh disciplinary measures and the use of heavy fines for minor infractions of factory rules.

We need to let China know that if they keep dumping and transshipping textiles, permanent quotas will be put in place. If China continues to steal intellectual property rights, they will find themselves before every WTO tribunal that exists. One of the best investments the U.S. ever made was spending billions of dollars during the Cold War to prohibit the spreading of communism. We need to show similar strength when it comes to standing up against China's communist dictatorship that trades unfairly, oppresses its people, and bleeds our economy dry.

What I would like to see my country do, Republican and Democrat, is to ask the Chinese to stop cheating; to try to persuade the Chinese government through international organizations such as the WTO, to stop stealing market share and become a better member of the Family of Nations. There's a lot of resistance to any idea about change. Our opponents argue that current trade policy is appropriate because of the fact that it may reduce prices to consumers. This is only true if you review what hidden costs we are paying. Such costs include: over 3 million lost manufacturing jobs in the past 5 years, frozen wages, health and pension benefits for workers that have managed to remain employed, shrinking tax base for Federal, State and local government. Maybe the greatest cost, however, is to our national security. There is no doubt that the United States was the single greatest military power in the 20th century because of its industrial strength. If we make China the new industrial superpower, will that not translate into China becoming the single greatest military power of the 21st century?

The large economic growth China has experienced over the last several years is not going to the average Chinese citizen. In fact, it is estimated that just 0.16 percent of the Chinese population controls 65 percent of the nation's U.S. $1.5 trillion liquid assets in the Mainland bank deposits. The income distribution in China is likely to be the most unequal in the world. Rather than using this economic growth to help China's 800 million rural residents who earn the equivalent of just 80 cents per day, it is going to their military disproportionately.

Today, China is the world's largest purchaser for foreign military weapons and technology. China's defense industry has become far more productive in the last five years and improvements can be expected as the Chinese economy continues to grow. China is now more than doubling its budgeted defense spending this year as part of an aggressive military modernization strategy. And some European countries are even pushing the European Union to lift the arms trade embargo on China. What I considered at one time to be a regional problem is a national security problem.

Rigged and unfair international trading rules are a key cause of the U.S. manufacturing crisis. China's unfair trade practices are costing United States jobs and jeopardizing our manufacturing base. They have shown that they are not yet committed to participating in a rules-based global trading system and are not yet willing to make the necessary steps to transition into a market-based economy.

China continues to manipulate the currency markets to keep the dollar artificially high and its own currency, the yuan, artificially low. By playing the currency market in this manner, China effectively subsidizes their exports to the U.S. and places a tariff on U.S. shipments to China. This mercantilist practice has caused serious damage to the U.S. manufacturing sector. The U.S. Congress must take action.

Senator CHARLES SCHUMER and I have introduced legislation that would require China to adopt a market-based system of currency. The goal of this legislation is to remove China's unfair currency advantage and the detrimental impact that it is having in the U.S. and abroad.

Something must be done to alleviate the detrimental economic impact China is having on our manufacturing industry. I urge the Leadership to allow a clean vote on this important legislation. I believe it will receive overwhelming bipartisan support and give the administration one more tool to get the Chinese to uphold their WTO obligations.

MOTORSPORTS FACILITIES FAIRNESS ACT

Mr. ALLEN. Mr. President, I rise today to express my strong and enthusiastic support for S. 1524, the "Motorsports Facilities Fairness Act." This legislation would properly clarify and codify the classification of a "motorsports entertainment complex" as 7-year property for depreciation purposes. The legislation would define a "motorsports entertainment complex" as a permanent facility that hosts one or more racing events each year that are sanctioned by a nationally recognized sanctioning body. I was an original cosponsor of S. 1524, when my colleague, Senator SANTORUM, introduced it last July 31.

Virginia is home to twenty-seven motorsports facilities, ranging from the one-eighth of a mile Natural Bridge Dragstrip to such NASCAR Nextel Cup facilities as Richmond International Raceway and Martinsville Speedway. These tracks are found in every part of the Commonwealth, from Coeburn in Southwest Virginia, to Manassas in Northern Virginia to Norfolk in Hampton Roads. Every track makes a contribution to the economy, whether they run a weekly racing series, or draw over 100,000 fans for a Nextel Cup event.

The importance of these tracks for jobs and economic growth in Virginia was illustrated in an April 21, article in the Washington Times, by Jeffrey Sharpshott, entitled, "Virginia City Seeks 'Something Else.'" This article described the significant positive impact of motorsports and the Martinsville Speedway on the area's economy: "Martinsville, next-door neighbor to North Carolina, also tried to latch onto the rising popularity of auto racing and NASCAR. The town parlayed its speedway into a tourist draw. It opened a small community-college program to teach future auto-team mechanics and managers. Kyle Petty, a team owner and driver, donated automotive parts. Tobacco commission funds allowed Patrick Henry Community College, the county's lone institution of higher learning, to retool a derelict building into headquarters for a motor-sports training program and to rev up the curriculum. "We're actually getting people jobs," motorsports instructor Mike Sharpe says, standing among brightly painted car bodies, reinforced racing frames, powerful engines and high-tech calibration equipment."

The Motorsports Facilities Fairness Act would provide certainty to track and speedway operators regarding the depreciation of their properties. This common sense proposal is necessary to allow these facilities to continue to enhance local and regional economies and to contribute to job growth.

The Motorsports Facilities Fairness Act responds to the recent decision of the IRS to question the long-standing depreciation treatment of motorsports complexes used by facility owners. For decades, motorsports facilities were classified as "theme and amusement facilities" for depreciation purposes. This long-standing treatment was widely applied and accepted, until now. Over the years, relying on this good faith understanding of the tax law, facility owners and operators invested hundreds of millions of dollars in building and upgrading these properties.

S. 1524 would merely allow the track owners to classify these facilities for tax purposes in the same way that they have done, without question, for years, or in some cases, decades.

I urge the Senate to "green flag" the process on this winning measure. Approve S. 1524, the Motorsports Facilities Fairness Act. Let's wave the "checkered flag" for jobs, economic growth and logic.

RACETRACK DEPRECIATION

Mr. NELSON of Florida. Mr. President, I rise today to address an issue important to my State, and to a growing number of Americans: Motorsports. Born in Daytona Beach, racing today is the fastest growing sport in the country and has given birth to an economy unto itself.

With 38 track and speedway facilities in locations throughout Florida, including two of the Nation's larger tracks—Homestead-Miami and Daytona International Speedways—motorsports contribute nearly $2 billion annually to Florida alone.

Simply put, these tracks, whether large or small, create jobs and expand tourism.

The Internal Revenue Service has allowed these facilities to depreciate their property over a 7-year period. Now they are challenging this long-standing industry practice and treating racetracks differently than other entertainment complexes.

That is simply unfair and will have a dire economic effect, discouraging the capital investments that these facilities rely on to improve their product and attract the legions of fans that have been so valuable to small towns across the country.

I urge my colleagues to join me in supporting prompt enactment of S. 1524, the "Motorsports Fairness Act" to clarify that these facilities are indeed 7-year property for purposes of depreciation.

20TH ANNIVERSARY OF THE INTERNATIONAL REPUBLICAN INSTITUTE

Mr. MCCAIN. Mr. President, tonight we will mark a historic occasion—the 20th anniversary of the International Republican Institute. I am honored to chair the Institute's board of directors, and to have been involved for 14 years with an organization that has done so much for so many. Its staff of experts, under its leadership in Washington, has for two decades fanned out across the globe, bringing the benefits of their experience and education to those who hunger for democracy. For 20 years IRI has worked to advance democracy, promote freedom and self-government, and support the rule of law and human rights. In doing this, IRI embodies the fundamental values on which the American political system is based, and which we must encourage around the world.

Why do we spend energy, money, time and expertise to promote freedom and democracy abroad? We do it because we know that, as Ronald Reagan said in 1982 when he cited the Universal Declaration of Human Rights, "freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings." In America, we enjoy the fundamental right to be free. But we also know that we will never enjoy our rights in the fullness of security until all of humanity is also free.

The promotion of democracy and fundamental human rights is thus an inextricable element of American foreign policy. We use our power not simply to enhance our security, but to promote our values—for the good of others. For 20 years IRI has monitored elections, trained political candidates, promoted government reform, helped organize civil society, and increased political participation. Its mission is vital, and IRI has performed it with success in over 75 countries.

Anyone who reads the newspapers can see how critical this mission is today. Iraq is the biggest democracy project in a generation, and IRI is active on the ground, making a difference on a daily basis. Beyond Iraq, there is a growing recognition that the lack of freedom in the Greater Middle East offends not only America's national values, but also threatens our security. In other regions too—Central Asia, Southeast Asia, and others—freedom is lacking. When we confront these situations, the diagnosis is easy. The hard part is taking action. IRI takes action. Promoting democracy is a huge task—one IRI does superbly—and calls will only increase for it to do more.

I am confident it is up to the job. For 20 years the individuals who make up the International Republican Institute have made a positive difference in the world. While these are not the type of people to rest on their laurels, we should all recognize that these laurels are well deserved.

50TH ANNIVERSARY OF THE SALK POLIO VACCINE FIELD TRIALS

Mr. ALLEN. Mr. President, I have always been one to support innovation. It is with the innovative researchers of this Nation and the world that have provided us with some of the greatest contributions in history. Inventions such as the computer, the Internet, the automobile, the airplane, and vaccines have transformed the world as we once knew it, to the world that we live in now.

I would like to take a moment and recognize yesterday's event commemorating April 26, 2004, as the 50th Anniversary of the Salk polio vaccine field trials, a truly significant day for our Nation.

On April 26, the March of Dimes and the Centers for Disease Control and Prevention, commemorated the 50th anniversary of the development of the Salk polio vaccine along with several other organizations. This day in April holds great significance for the nation as it was that day in 1954 that the first dose of the Salk vaccine was distributed to children at Franklin Sherman Elementary school in McLean, VA as part of the National Field Trial Program. In the months that followed, more than 1,800,000 school children, collectively referred to as "Polio Pioneers", participated in these trials.

The outcomes of these field trials were truly significant. Reports indicated that the Salk vaccine was 80–90 percent effective in preventing polio and in the four years following the trials, medical personnel administered 450 million doses of the vaccine, making it a standard fixture among childhood immunizations. By the end of 2003, poliomyelitis had been eliminated world-wide in all but 6 countries. The result of this vaccination—nearly 5 million children have been given the ability to walk who would otherwise have been paralyzed and 1.25 million childhood deaths have been averted.

The Salk polio vaccine is a great contribution to our nation and to the entire world. While poliovirus was eradicated from the United States by the early 1980's, it continues to exist in the wild in a limited number of regions around the world. Nevertheless, the World Health Organization has set 2005 as the target date for complete, global eradication of the virus. It is through the unwavering support and undying efforts of the innovators of this world and organizations such as the March of Dimes that make this occasion possible. The people of Virginia thank you, the people of the United States thank you, and most importantly the world thanks you.

TRIBUTE TO BEN H. BELL III

Mr. INHOFE. Mr. President, Members of Congress, it is not often we have an opportunity to recognize a senior executive in the United States Government as a leader, loyal soldier and a patriot. Ben H. Bell III epitomizes these traits after dedicating his adult life to serving this great country in several impressive capacities. Ben protected and defended our Nation during his 21 years as an officer and leader in the Marine Corps. He safeguarded our borders for 9 years, holding his last position as Assistant Commissioner for Intelligence with the Department of Immigration and Naturalization Services. For the next 2 years, Ben helped design the Foreign Terrorism Tracking Task Force just after 9/11 under Presidential directive and direction from the Attorney General.

Soon after, Secretary Mineta and Deputy Secretary ADM James Loy recruited Mr. Bell to establish and lead this Nation's first Office of National Risk Assessment, ONRA. This congressionally mandated office and its mission define our Nation's newly emerging need to manage and mitigate extreme risk for the protection of our homeland from terrorism.

It is through great dedication, unconditional loyalty, leadership, and passion that Ben H. Bell III has protected and defended our way of life every day without ever giving it a second thought.

On behalf of my colleagues in Congress and myself, we thank you, congratulate you, and salute you on such an accomplished and dynamic career.

TRIBUTE TO COLONEL WILLIAM GROVES

Mr. WARNER. Mr. President, I rise today to pay tribute to an exceptional officer in the United States Air Force, an individual that a great many of us have come to know personally over the past few years—Colonel William "Bill" Groves. Colonel Groves, who currently serves in the office of Air Force Legislative Liaison, will retire after 21 years of active duty Air Force service. During his time in Washington, and especially with regard to his work here on Capitol Hill, Colonel Groves epitomized Air Force core values of integrity, selfless service and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff have enjoyed the opportunity to meet with him on a variety of Air Force issues and came to deeply appreciate his character and many talents. Today it is my privilege to recognize some of Colonel Groves' many accomplishments, and to commend his superb service he provided the Air Force, the Congress and our Nation.

Colonel Groves entered the Air Force by Direct Appointment in 1983 with a Juris Doctor degree from the University of Akron School of Law. During his 21-year career, he served three tours as a Staff Judge Advocate, with assignments at the 6th Air Refueling Wing, the Air Force Office of Scientific Research, and the Aerospace Guidance and Metrology Center. In 1990, he completed a Masters of Law program in Government Procurement at George Washington University, in Washington, DC. He has completed two overseas tours in Germany and was deployed in 1994 as the Legal Advisor for the Combined Air Operations Center, Vicenza, Italy, during Operations DENY FLIGHT and PROVIDE PROMISE. Just prior to his current assignment, he served as Assistant General Counsel for Procurement, Missile Defense Agency here in Washington, D.C.

In 2001, Colonel Groves was selected as Chief, Programs and Policy Branch for the Air Force Directorate of Legislative Liaison. During this period, Colonel Groves led 14 liaison personnel responsible for all Air Force interactions with the Armed Services Committees on personnel issues, readiness, depot maintenance, environmental compliance, airspace and range operations, force structure, base closure, health care, inspector general matters, military construction, and acquisition policies. Additionally, he directed the process used for USAF activities worldwide to submit legislative proposals to Congress. In his years of working with the Congress, Colonel Groves provided a clear and credible voice for the Air Force while representing its many programs on the Hill, consistently providing accurate, concise and timely information. His integrity, professionalism, and expertise enabled him to develop and maintain an exceptional rapport between the Air Force and the Congress. The key to his success, I believe, was his deep understanding of congressional processes and priorities and his unflinching advocacy of the programs essential to the Air Force and to our Nation. I am greatly appreciative of Colonel Groves' 21-year service to his Nation and offer my sincere wishes for a happy and prosperous retirement. On behalf of the Congress and the country, I thank Colonel Groves and his wife Joanne for the commitment and sacrifices that they have made throughout his honorable military career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to Colonel Groves for a job well done.

ADDITIONAL STATEMENTS

NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

• Ms. MIKULSKI. Mr. President, I rise today in support of National Primary Immune Deficiency Diseases Awareness Week. The national awareness week took place the week of April 19th. Primary immune deficiency diseases PIDD, are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 7 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

The Immune Deficiency Foundation, which is the Nation's leading organization dedicated to improving the quality of life for PIDD patients is located in Towson, MD. The foundation was founded in 1980 by parents of primary immune deficient children and their physicians. At that time, there were few treatments for many primary immune deficiency diseases, and the treatments that were available were painful and not very effective. There were no educational materials for patients, no public advocacy initiatives, and little research was being done. Over the past 24 years, the foundation has made tremendous strides.

Recently, the foundation entered into a historic research partnership with the National Institute of Allergy and Infectious Diseases at the National Institutes of Health. The establishment of the "US Immunodeficiency Network" represents the most significant advancement in primary immune deficiency research in our Nation's history. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is nine and a half years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That it why it is critical that we raise awareness about these illnesses within the general public and the health care community.

I commend the Immune Deficiency Foundation for its leadership in this area and I am proud that I was able to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to help improve the quality of life for PIDD patients and their families.•

20TH ANNIVERSARY OF THE INTERNATIONAL REPUBLICAN INSTITUTE

• Mr. HAGEL. Mr. President, I rise today to congratulate the International Republican Institute on the 20th anniversary of its founding. As an IRI Board member since 1999, I have witnessed IRI's tremendous success in helping build democracy across the globe.

The International Republican Institute was founded in response to a 1982 speech by President Ronald Reagan, in which he called for a broad commitment to helping developing countries build democratic institutions. IRI began its work in Latin America. When the cold war ended, IRI expanded its programs to the states of the former Soviet Union.

Through its work today in more than 50 countries, IRI reinforces the American belief that all people can achieve freedom through the development of democratic political parties, good governance, and transparent election processes. IRI's success in teaching those in emerging democracies to build and manage democratic institutions does not stop at these countries' borders. Volunteers from Romania, Serbia, and other countries where IRI has worked are now helping to build a civil society in Iraq.

IRI also provides citizens from across the U.S. the opportunity to volunteer their skills to assist countries undergoing democratic transition. IRI volunteers teach others how to run political campaigns, increase the participation of women and youth, monitor elections, deliver government services, and communicate effectively with the public.

I congratulate and thank the International Republican Institute for its commitment to helping strengthen democracy around the world.•

CHRISTOPHER B. ELSER

• Mr. GRAHAM of South Carolina. Mr. President, Christopher B. Elser of Camden, SC, died on the afternoon of April 18, 2004. Christopher, a student at John Hopkins University in Baltimore, MD, died from stab wounds he received from an early-morning intruder who entered the room where he was sleeping. Christopher had spent the night in a fraternity brother's room after a party so his friend would have a quiet place to study.

Christopher was a junior in the Zanvyl Krieger School of Arts and Sciences at the University. He was also a member of Sigma Alpha Epsilon fraternity and played soccer his freshman year. He was known as a consummate gentleman, both on campus and off. As one of his fraternity brothers said, "We all strived to be gentlemen, but we never had anyone embody it as much as Chris." His memorial service on April 19, 2004, drew more than 1,000 friends and family members to honor his life. Their numerous stories and memories further cemented Christopher's status as a gentlemen and also demonstrated the tremendous positive impact he had on everyone he met.

At an early age, Christopher developed an affinity with the thoroughbred horse business, nourished by his father's occupation as a thoroughbred trainer and consignor. As a precocious 10-year-old, he began his tenure on the Stable Crew at the August Yearling Sale in Saratoga, NY, serving with young men twice his age. Until his death, he worked in Saratoga for two weeks every August and was known for his infectious smile and inexhaustible spirit in both his work at the sale and in numerous after-hours adventures.

Christopher's memorial service in Camden, SC, was held outdoors at the Carolina Cup Steeplechase Museum on April 23, 2004. In an atmosphere reminiscent of his easygoing fun-loving demeanor, Christopher's friends and family gathered to celebrate his 20 years of life. As tales about his life unfolded, it became clear to all present what had made Christopher so special: his love for life. This trait brought more than 100 people together to honor an extraordinary young man's life and to mourn his untimely death. After the service, friends and family ate, drank, and told more stories of Christopher and, as he would have wished, there was more laughter than tears on this beautiful, South Carolina morning

Christopher is survived by his father, Kip, his mother, Rhetta, and his sister, Taylor.•

ENROLLED BILL SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker, on April 22, 2004, has signed the following enrolled bill:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in

Carbondale, Illinois the "Senator Paul Simon Federal Building".

The enrolled bill was signed subsequently today, April 26, 2004, by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2348. A bill to extend the Internet Tax Freedom Act.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 27, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. DODD, and Mr. SCHUMER):

S. 2350. A bill to establish the Long Island Sound Stewardship System; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 2351. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENSIGN (for himself, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. INOUYE, and Ms. COLLINS):

S. 2352. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. KERRY, Mr. HAGEL, and Mr. ALLEN):

S. Res. 343. A resolution calling on the Government of the Socialist Republic of Vietnam to respect all universally recognized human rights, including the right to freedom of religion and to participate in religious activities and institutions without interference or involvement of the Government; and to respect the human rights of ethnic minority groups in the Central Highlands and elsewhere in Vietnam; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself, Mr. FEINGOLD, Mr. LUGAR, and Mr. BIDEN):

S. Con. Res. 100. A concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 874

At the request of Mr. TALENT, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 976

At the request of Mr. WARNER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1345

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1345, a bill to extend the authorization for the ferry boat discretionary program, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1736

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1792

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2141

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2141, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on soybean base acres.

S. 2174

At the request of Mr. BUNNING, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2212

At the request of Ms. COLLINS, the names of the Senator from Alabama

(Mr. SHELBY) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2212, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2321

At the request of Mr. BYRD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2336

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2336, a bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions.

S. 2348

At the request of Mr. ENZI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2348, a bill to extend the Internet Tax Freedom Act.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. RES. 81

At the request of Mr. BROWNBACK, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 81, a resolution expressing the sense of the Senate concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

S. RES. 168

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 168, a resolution designating May 2004 as "National Motorcycle Safety and Awareness Month".

S. RES. 313

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

S. RES. 332

At the request of Mr. FEINGOLD, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 342

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Indiana (Mr. LUGAR), the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 342, a resolution designating April 30, 2004, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes .

AMENDMENT NO. 2889

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 2889 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. DODD, and Mr. SCHUMER):

S. 2350. A bill to establish the Long Island Sound Stewardship System; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, Long Island Sound holds a special place in our Nation's history, its present, and its future. It has played a key role in the development of the Nation, from the early days of the colonists, through to this day. Its bounty nourished the colonists, its coves sheltered their ships, and provided harbors for trade.

Today, Long Island Sound remains a vital resource to the area: its biological resources provide jobs, and its beauty draws tourists who come to visit the Sound to fish, to sail, and simply to enjoy its shores. It is estimated that these activities contribute approximately $5 billion annually to the economy of the region. This is not so surprising when you realize that over 28 million people live within 50 miles of the Sound.

It is a blessing that so many people can enjoy and benefit from Long Island Sound, in so many ways. But it is also a challenge that threatens the future of the Sound. Less than 20 percent of the shoreline of Long Island Sound is accessible to the public, and every year, more shoreline is developed and removed from public access. Marshes and estuaries around the Sound are being drained and developed at an alarming rate. These tidal marshes are critical for the ecological health of the Sound, which is the foundation of the Sound's vital economic contribution to the region. In short, to preserve the blessings of Long Island Sound for future generations, this generation must act. This is why Senator CLINTON and I have introduced the Long Island Sound Stewardship Act.

The Long Island Sound Stewardship Act builds on the years of good work done by the Long Island Sound Study Group. This group, made up of dedicated people from Federal, State, and local government agencies, non-government organizations, and private interests, has worked together to develop a vision of good stewardship for Long Island Sound. Many of them are here today, and I thank them for their hard work.

Our bill will help us achieve their vision, by providing funds and a congressional mandate to work towards this vision. Under this bill, those who agree to preserve public access or ecological characteristics of their land can be recognized by having the land designated as a Long Island Stewardship Site. The bill also provides funding to facilitate the preservation of these characteristics. Most important, the bill achieves these ends through a voluntary program, a cooperative venture between all the stakeholders: public and private, Federal, State, and local.

The Long Island Sound Study has already set a fine example of cooperation and vision. I introduce this bill to further that vision. I look forward to working with the Connecticut and New York delegations, and all the stakeholders, as we develop and refine this bill. I am confident that working together, we will preserve the blessings of Long Island Sound.

I ask unanimous consent that the text of the Long Island Sound Stewardship Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long Island Sound Stewardship Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Long Island Sound is a national treasure of great cultural, environmental, and ecological importance;

(2) 8,000,000 people live within the Long Island Sound watershed and 28,000,000 people (approximately 10 percent of the population of the United States) live within 50 miles of Long Island Sound;

(3) activities that depend on the environmental health of Long Island Sound contribute more than $5,000,000,000 each year to the regional economy;

(4) the portion of the shoreline of Long Island Sound that is accessible to the general public (estimated at less than 20 percent of the total shoreline) is not adequate to serve the needs of the people living in the area;

(5) existing shoreline facilities are in many cases overburdened and underfunded;

(6) large parcels of open space already in public ownership are strained by the effort to balance the demand for recreation with the needs of sensitive natural resources;

(7) approximately ⅓ of the tidal marshes of Long Island Sound have been filled, and much of the remaining marshes have been ditched, dyked, or impounded, reducing the ecological value of the marshes; and

(8) many of the remaining exemplary natural landscape is vulnerable to further development.

(b) PURPOSE.—The purpose of this Act is to establish the Long Island Sound Stewardship System to preserve areas of critical importance because of the open space, public access, and ecological value of the areas.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term "Committee" means the Long Island Sound Stewardship Coordinating Committee established by section 5(a).

(2) REGION.—The term "Region" means the Long Island Sound Stewardship System Region established by section 4(a).

(3) STATES.—The term "States" means the States of Connecticut and New York.

SEC. 4. LONG ISLAND SOUND STEWARDSHIP SYSTEM REGION.

(a) ESTABLISHMENT.—There is established in the States the Long Island Sound Stewardship System Region.

(b) BOUNDARIES.—The Region shall encompass the immediate coastal upland and underwater areas along Long Island Sound, including those portions of the Sound with coastally influenced vegetation, as described on the map entitled the "Long Island Sound Stewardship Region" and dated April 21, 2004.

SEC. 5. LONG ISLAND SOUND STEWARDSHIP COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the "Long Island Sound Stewardship Coordinating Committee".

(b) CHAIRPERSON.—The Chairperson of the Committee shall be the Director of the Long Island Sound Office of the Environmental Protection Agency, or designee.

(c) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The chairperson shall appoint the members of the Committee in accordance with this subsection and section 320(c) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)).

(B) REPRESENTATION.—The Committee shall—

(i) include equal representation of the interests of the States; and

(ii) represent—

(I) Federal, State, and local government interests;

(II) the interests of nongovernmental organizations;

(III) academic interests; and

(IV) private interests.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Committee shall be made not later than 180 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Committee.

(2) VACANCIES.—A vacancy on the Committee—

(A) shall not affect the powers of the Committee; and

(B) shall be filled in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(f) MEETINGS.—The Committee shall meet at the call of the Chairperson, but not less than 4 times each year.

(g) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 6. DUTIES OF THE COMMITTEE.

The Committee shall—

(1) consistent with the guidelines described in section 9(c)—

(A) establish specific criteria for the evaluation of applications for stewardship site designations; and

(B) evaluate and award or deny stewardship designation to applicants for that designation;

(2) consistent with the guidelines described in section 9(d)—

(A) evaluate applications from government or nonprofit organizations qualified to hold conservation easements for funds to purchase land or development rights for stewardship sites; and

(B) award funds to qualified applicants;

(3) not later than 1 year after the date of enactment of this Act, develop and publish a management plan that—

(A) assesses the current resources of and threats to Long Island Sound;

(B) assesses the role of the Long Island Sound Stewardship System in protecting Long Island Sound;

(C) establishes—

(i) guidelines, schedules, and due dates for applying for designation as a stewardship site; and

(ii) specific criteria to be used in evaluating stewardship site applications;

(D) includes information about any grants that are available for the purchase of land or property rights to protect stewardship sites;

(E) shall be made available to the public on the Internet and in hardcopy form; and

(F) shall be updated at least every other year, with information on applications for stewardship site designation and funding published more frequently; and

(4) concurrent with the first management plan, publish a list of sites that the Committee considers most appropriate for designation as stewardship sites.

SEC. 7. POWERS OF THE COMMITTEE.

(a) HEARINGS.—The Committee may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Committee, the head of the agency shall provide the information to the Committee.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

SEC. 8. COMMITTEE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(2) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Committee to perform the duties of the Committee.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Committee.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Committee without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 9. STEWARDSHIP SITES.

(a) DEFINITION OF QUALIFYING LAND.—In this section, the term "qualifying land" means land—

(1) that is in the Region; and

(2) that is—

(A) Federal, State, local, or tribal land;

(B) land owned by a nonprofit organization; or

(C) privately owned land.

(b) APPLICATION FOR DESIGNATION.—Owners or other parties in control of qualifying land may apply to the Committee to have the qualifying land designated as a Long Island Sound stewardship site.

(c) GENERAL GUIDELINES FOR STEWARDSHIP SITE DESIGNATION.—

(1) IN GENERAL.—The Committee shall choose land to be designated as a stewardship site based on—

(A) the contribution of the land to open space on and public access to Long Island Sound; and

(B) the ecological value of the land.

(2) CRITERIA.—In considering land described in applications submitted under subsection (b), the Committee shall consider—

(A) land cover;

(B) size;

(C) adjacency and connectivity to existing parks and open spaces;

(D) water quality;

(E) current or prospective recreational use;

(F) visitor demand;

(G) scenic quality;

(H) cultural resources;

(I) erosion and flood hazard prevention;

(J) environmental justice;

(K) fish and wildlife productivity;

(L) biodiversity;

(M) scientific value;

(N) water quality protection;

(O) habitat restoration characteristics;

(P) connectivity to other habitats that are vital to sustaining healthy living resources in the Long Island Sound watershed;

(Q) risk of development; and

(R) other criteria developed by the Committee under section 6(1)(A).

(d) GENERAL GUIDELINES FOR AWARDING FUNDS.—

(1) IN GENERAL.—The Committee shall award funds to qualified applicants to help to secure and improve the open space, public access, or ecological values of stewardship sites, through—

(A) purchase of the property of the site;

(B) purchase of relevant property rights of the site; or

(C) entering into any other binding legal arrangement that ensures that the values of the site are preserved.

(2) EQUITABLE DISTRIBUTION OF FUNDS.—The Committee shall exert due diligence to distribute funds equitably between the States.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $40,000,000 for each fiscal year, to be allocated from the national estuary program under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(b) ALLOCATION OF FUNDS.—For each fiscal year—

(1) not more than 15 percent of funds made available under subsection (a) shall be used to improve the facilities of stewardship sites; and

(2) at least 85 percent of funds made available under subsection (a) shall be used to secure the values of stewardship sites.

(c) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using any assistance or grant under this Act shall not exceed 75 percent of the total cost of the activity.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 2351. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Emergency Medical Services Support Act of 2004 with my colleague, Senator RUSS FEINGOLD. This legislation will strengthen Federal efforts to support community-based emergency medical services across America.

A comprehensive, coordinated emergency medical services system is essential to assure quality care and prompt response in incidents ranging from automobile crashes to catastrophic weather to terrorist attacks. The emergency medical services system is a crucial part of our health care safety net.

Unfortunately, for the past twenty years, Federal support for EMS has been both inefficient and uncoordinated. No fewer than seven Federal agencies are involved in various aspects of emergency medical services. Most, however, focus on only one segment of the EMS system and don't effectively coordinate with other agencies.

In 2001, at the request of Senator FEINGOLD and myself, the General Accounting Office researched the status of this vital system. The GAO report, titled, "Emergency Medical Services: Reported needs are Wide-Ranging with a Growing Focus on Lack of Data," exposed the need to increase coordination among Federal agencies as they address the needs of regional, State, or local emergency medical services systems.

This legislation would formally establish a Federal Interagency Committee on Emergency Medical Services (FICEMS), which is currently an adhoc committee with little formal direction. It would require the National Highway Traffic Safety Administration, in coordination with the Department of Homeland Security, to provide organizational and staff support.

This legislation would enhance coordination among the Federal agencies involved with the State, local, tribal and regional emergency medical services and 9-1-1 systems. It also would help Federal agencies coordinate their EMS-related activities and maximize the best use of established funding.

The President has recognized the need for this coordination. He included a similar proposal in his reauthorization proposal for the "Safe, Accountable, Flexible, and Efficient Transportation Equity act of 2003" (SAFETEA) that was transmitted by Secretary Mineta to Congress on May 12, 2003. The Senate-passed highway bill also included a similar proposal.

The legislation we introduce today builds upon the Administration's proposal by creating a more effective structure and enhancing the role of local EMS providers into Federal EMS programs. While I support the provisions in the Senate-passed bill, they fail to create a mechanism for individuals at the state and local levels to provide input into how Federal EMS programs should be coordinated.

Local, State and Federal level emergency medical services systems are extremely diverse and involve numerous different agencies and organizations. To assure a viable, responsive emergency medical services system, Federal agencies need the input and advice of their non-Federal partners and from persons regulating or providing emergency medical services systems at the state and local level.

According to Tom Judge, the Executive Director of Lifeflight of Maine, an air ambulance provider, and Jay Bradshaw, the State of Maine's EMS Director, improved coordination can help strengthen support for a wide range of emergency medical services, from rural EMS providers, to communications between EMS systems, to improving coordination between local EMS providers and their Federal partners.

Another recent GAO report made it clear that the Center for Medicare and Medicaid Services needs to better coordinate its reimbursement with the Department of Transportation's matching grants for equipment and vehicles. Many of Maine's rural communities, such as Rumford, are at risk of seeing their first ambulance service closures due to low-reimbursement rates. If DOT targeted assistance to the low reimbursement areas that are at risk of shutting down, we might be able to maintain service in these areas.

Decisions at the Federal Communications Commission regarding spectrum management could make most of the existing EMS and Fire radios obsolete over the next few years. In St. George, Maine, the volunteer Fire Rescue has 30 mobile and portable radios, 40 pagers, and a base station that could become obsolete. In making future decisions regarding spectrum management, the FCC must work with Department of Homeland Security and the Department of Justice to help communities purchase interoperable radios if their old ones become obsolete.

I am pleased to have the support of Maine EMS, LifeFlight of Maine, the American Ambulance Association, the National Association of EMS Directors, and others for this legislation.

We must ensure that Federal agencies coordinate their efforts to support the dedicated men and women who provide EMS services across our Nation. I urge my colleagues to join me in supporting their efforts by cosponsoring this legislation.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleague from Maine, Senator COLLINS, today to introduce legislation that will help improve and streamline Federal support for community-based emergency medical services. Our proposal will also provide an avenue for local officials and EMS providers to help Federal agencies improve existing programs and future initiatives.

Congress has long recognized the important role played by EMS providers. However, Federal support for EMS has been unfocused and uncoordinated, with responsibility scattered among a number of different agencies. In 2001, the General Accounting Office cited the need to increase coordination between the federal agencies involved with EMS issues but not much progress has been made since that report was issued. The Federal Government doesn't even have a good handle on how much it is spending on EMS or what the needs are for EMS. The bill we introduce today is a good first step towards addressing the deficiencies in our current EMS policies.

This legislation establishes a federal interagency committee whose purpose will be to coordinate federal EMS activities, identify EMS needs, assure proper integration of EMS in homeland security planning, and make recommendations on improving and streamlining EMS support. Although Federal law, PL 107-188, called for the establishment of a working group on EMS, this legislation goes further in detailing the role and function of the interagency committee. The Senate Governmental Affairs Committee will certainly iron out any overlap that may exist.

This legislation also establishes an advisory council for the interagency committee that includes representatives from throughout the EMS community. The advisory committee, made up of non-Federal representatives from all EMS sectors and from both urban and rural areas, will provide guidance and input to the interagency committee on a variety of issues including the development of standards and national plans, expanding or creating grant programs, and improving and streamlining Federal EMS efforts. The advisory council is a critical component of this legislation because it is the channel through which local EMS practitioners can directly impact and help reform national EMS policy.

I want to thank the American Ambulance Association, the Association of Air Medical Services, the Emergency Nurses Association, the National Association of EMS Physicians, the National Association of State EMS Directors, and the National Registry of EMTs for their support of this bill. I also want to thank all of those Wisconsinites who provided so much helpful input in coming up with this legislation. In particular, I would like to thank Dr. Marvin Birnbaum of the University of Wisconsin, Fire Chief Dave Bloom of the Town of Madison, and Dan Williams, chair of Wisconsin's EMS advisory board for their advice and guidance.

EMS providers are a critical component of our Nation's first responder network. We must act now to streamline and coordinate federal EMS support and work to better understand the needs of the EMS community. I therefore ask my colleagues to join me in supporting this legislation.

By Mr. ENSIGN (for himself, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. INOUYE, and Ms. COLLINS):

S. 2352. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENSIGN. Mr. President, I rise along with my colleagues, Senators LANDRIEU, LIEBERMAN, INOUYE and COLLINS, in order to introduce S. 2352, the American Horse Slaughter Prevention Act.

As a veterinarian, I am well aware of the love that Americans have for their horses. Much of our Nation's early history and culture is associated with these animals. We think of George Washington's horses and the legend of Paul Revere's ride and the Pony Express. And more recently, we were reminded of how the Depression Era race between Seabiscuit and War Admiral raised the spirit of our Nation.

While horses in the United States are not raised for food, last year alone, almost 50,000 horses were slaughtered in the United States for human consumption abroad. Pet horses, ex-racing horses, workhorses and even some federally protected wild horses are currently being slaughtered for human consumption in Europe and Asia. A series of recent polls show that Americans overwhelmingly support a ban on the slaughter of horses for human consumption.

Often, owners who sell their horses at auction are unaware that their horses may well be on their way to one of the two remaining slaughterhouses in America where horses are killed for human consumption. These slaughterhouses are foreign owned and the product is shipped abroad as are the profits.

States have tried to be proactive in preventing this form of slaughter in the United States. Several States have already enacted state laws prohibiting the slaughter of horses for human consumption. Several other States are currently considering similar legislation. However, due to the absence of a Federal law on this subject, the two existing foreign-owned slaughterhouses, which happen to be located in Texas—a State that has passed a law banning horse slaughter for human consumption—have still been able to operate.

I know that some people have expressed concern about what will happen to horses if slaughter is banned. Many of these horses will be sold to a new owner, others may be kept longer, and still others will be humanely euthanized by a licensed veterinarian. Others will be cared for by the horse rescue community. The American Horse Slaughter Prevention Act does allow fines collected under the Act to be distributed to qualified horse rescue groups caring for horses confiscated under the Act.

Some people have questioned whether this law will result in the abuse and neglect of unwanted horses. Thankfully, statistics do not support this claim at all. Recently released figures show that the number of abuse cases dropped significantly in Illinois after the State's only horse slaughtering facility was destroyed in a fire in 2002. Also, since California passed a law banning the slaughter of horses for human consumption, there has been no discernible increase in cruelty and neglect cases in the State.

Futhermore, it is currently illegal to "turn out," neglect, or starve a horse, so this bill will not result in an increase in the number of orphaned horses in the United States. If a person attempts to turn his or her horses out, under current law, animal control agents will be able to enforce Federal humane laws. As I stated before, this bill seeks only to prohibit the slaughter of horses for human consumption. If a person wishes to put an animal down, it costs an average of $50 to $150 to have the horse humanely euthanized and disposed of—a fraction of what it costs to keep a horse as a companion or a work animal. That cost is not too big a burden to bear when no other options are available.

The time for a strong Federal law banning this practice is now. This bill does not target other forms of slaughter, rendering, or euthanasia but rather focuses solely on the slaughter of American horses for human consumption. The House version of this bill, H.R. 857, currently has two hundred cosponsors. Please join Senator LANDRIEU and me in cosponsoring the American Horse Slaughter Prevention Act.

Ms. LANDRIEU. Mr. President, today I join my colleagues in introducing the American Horse Slaughter Prevention Act. This bill will prohibit the slaughter of horses for human consumption, a practice which many Americans oppose and of which many more are completely unaware. As a life-long admirer of these beautiful and noble animals, I was shocked to learn that tens of thousands of horses are slaughtered and exported each year for human consumption in other countries. Aside from the fact that there is virtually no demand for the human consumption of horse flesh in this country, the absence of humane treatment of these horses is very disappointing. We must ensure that this beloved animal is treated in an appropriate manner and that this deplorable act, which many Americans find unconscionable, is prohibited under Federal law. Therefore, I am proud to join my colleagues as a cosponsor of this legislation. I would like to take this opportunity to highlight a few issues about this important measure.

The need for the humane euthanasia of horses is a sad reality for all horse owners. Each horse's life has inherent value and it is usually with great sadness and care that horse owners face the realities of infirmity, age, or other reasons which call for the putting down of their animal. However, the current practice of horse slaughter is void of the human compassion involved with appropriate euthanasia. The export of horses for slaughter and the slaughter of horses in the United States by unskilled and careless workers increase the suffering of these animals. These slaughter houses appear uninterested in the welfare of these animals, and take little note of the objections of the millions of Americans who find the consumption of horse flesh to be inappropriate.

Throughout the development of this country, the human consumption of horse flesh has never been a widely accepted activity. This societal taboo is undoubtably due to the unique relationship enjoyed between mankind and horses for thousands of years. Horses have tread many steps with American men and women. They were there in our work, on our farms, for transportation and communication, in the taming of a vast American frontier, and on every battlefield prior to World War II. They have proven themselves loyal and gentle animals, without which the development of our country may not have been possible and certainly much more difficult. Horses demand the basic humane treatment that we should extend to all of God's creatures, and above that—our society has developed a heightened sense of respect and love for these indispensable animals. In modern times, horses have brought joy and entertainment to many. Through racing, recreation and even therapy to the handicapped, horses have touched the lives of many Americans. Clearly, they hold a special place in our lives and it is for these reasons that so many are strongly opposed to the slaughter of horses in this country for human consumption.

I am very encouraged by the leadership and hard work of Senator ENSIGN, who is himself a veterinarian. His expertise in this issue has brought many groups together in support of this legislation, and has facilitated understanding of the bill's provisions. Having garnered broad support in the House of Representatives, I am firmly committed to seeing that this bill is brought to the attention of all of our colleagues here in the Senate. I look forward to working with Senator ENSIGN and other colleagues, to ensure that we address these important issues and pass a common sense bill that reflects the desires of many of our constituents, who support the humane treatment of horses and the prohibition of their slaughter for human consumption.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 343—CALLING ON THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM TO RESPECT ALL UNIVERSALLY RECOGNIZED HUMAN RIGHTS, INCLUDING THE RIGHT TO FREEDOM OF RELIGION AND TO PARTICIPATE IN RELIGIOUS ACTIVITIES AND INSTITUTIONS WITHOUT INTERFERENCE OR INVOLVEMENT OF THE GOVERNMENT; AND TO RESPECT THE HUMAN RIGHTS OF ETHNIC MINORITY GROUPS IN THE CENTRAL HIGHLANDS AND ELSEWHERE IN VIETNAM

Mr. LUGAR (for himself, Mr. KERRY, Mr. HAGEL, and Mr. ALLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 343

Calling on the Government of the Socialist Republic of Vietnam to:

(A) Respect all universally recognized human rights, including the right to freedom of religion and to participate in religious activities and institutions without interference or involvement of the Government;

(B) Respect the human rights of ethnic minority groups in the Central Highlands and elsewhere in Vietnam.

Whereas the Government of Vietnam has discouraged the peaceful expression of dissent by its citizens through intimidation, harassment, and sometimes through imprisonment, house arrest and other forms of detention;

Whereas Vietnamese Government officials may travel freely throughout the United States;

Whereas the Government of Vietnam has failed to adequately address issues of land tenure and discrimination in ethnic minority areas of the Central and Northwest Highlands;

Whereas reports have been received alleging attacks by Vietnamese police and other Government representatives against Montagnards who were engaged in peaceful Easter week demonstrations pressing for religious freedom and the return of ancestral lands;

Whereas Montagnards were reportedly beaten and reportedly killed by police and other Vietnamese government representatives during the recent demonstrations; Now, therefore, be it

Resolved, That the Senate

(A) Strongly urges the Government of Vietnam to respect all universally recognized human rights;

(B) Expresses its concern over reports that the Government of Vietnam used excessive force to put down recent, peaceful demonstrations in Vietnam's Central Highlands;

(C) Calls upon the Government of Vietnam to allow international organizations and foreign observers ongoing unrestricted access to the Central and Northwest Highlands;

(D) Calls upon the Government of Vietnam to allow United States officials to travel freely throughout Vietnam including the Central and Northwest Highlands areas;

(E) Strongly urges the Government of Vietnam to address the concerns of indigenous minorities in the Central and Northwest Highlands of Vietnam, and to permit direct assistance and development activities aimed at improving socioeconomic conditions for all Highlands residents, whether provided bilaterally, through NGO's, or international organizations.

SENATE CONCURRENT RESOLUTION 100—CELEBRATING 10 YEARS OF MAJORITY RULE IN THE REPUBLIC OF SOUTH AFRICA AND RECOGNIZING THE MOMENTOUS SOCIAL AND ECONOMIC ACHIEVEMENTS OF SOUTH AFRICA SINCE THE INSTITUTION OF DEMOCRACY IN THAT COUNTRY

Mr. ALEXANDER (for himself, Mr. FEINGOLD, Mr. LUGAR, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 100

Whereas the Republic of South Africa peacefully and successfully held democratic elections and transitioned to a democratic, nonracial form of government in 1994;

Whereas South Africa helped initiate and frame the New Partnership for Africa's Development and continues to head this partnership for development and responsible leadership in Africa;

Whereas South Africa actively supports the South African Development Community, which promotes regional economic cooperation and higher standards of living in Southern Africa;

Whereas South Africa has made significant advances in housing by constructing 1,600,000 houses for the poor of South Africa;

Whereas, since 1994, 9,000,000 people in South Africa have gained access to clean water;

Whereas, before 1994, 22,000,000 people in South Africa did not have access to adequate sanitation, but 63 percent of households in South Africa now have access to adequate sanitation;

Whereas, before 1994, 60 percent of people in South Africa did not have electricity, but more than 70 percent of households in South Africa now have electricity;

Whereas, from 1994 to 2004, secondary school enrollment in South Africa increased from 70 percent to 85 percent, and students in South Africa now learn in a racially integrated school system;

Whereas the Government of South Africa has established nutritional and educational programs to benefit the youngest and poorest people in South Africa;

Whereas South Africa is experiencing the longest period of consistent positive growth, as measured by its gross domestic product (GDP), since growth in GDP was properly recorded in the 1940s;

Whereas F.W. de Klerk and Nelson Mandela share a Nobel Peace Prize for their work in ending apartheid in South Africa and establishing a representative government;

Whereas Desmond Tutu led the Truth and Reconciliation Commission to repair injustices among South Africans and improve race relations in the country, and was awarded a Nobel Peace Prize for his efforts;

Whereas South Africa has contributed troops to peacekeeping efforts in Burundi, Liberia, the Democratic Republic of the Congo, Ethiopia, and Eritrea;

Whereas South Africa President Thabo Mbeki has forged a relationship with President George W. Bush, making three state visits to the United States and hosting President Bush during his visit to Pretoria, South Africa;

Whereas South Africa has served as an inspiration for other African nations striving for democracy and the peaceful cooperation of many ethnic groups;

Whereas, after being isolated for many years because of the odious system of apartheid, South Africa has since 1994 become a premier location for large international conferences, a leading tourist destination, and the locale for numerous films; and

Whereas, in 1993, the Government of South Africa voluntarily halted its biological, chemical, and nuclear weapons programs and, in 1994, hosted the first conference in Africa on the implementation of the Convention on the Prohibition on the Development, Production, Stockpiling, and Use of Chemical Weapons and On Their Destruction, with annexes, done at Paris January 13, 1993, and entered into force April 29, 1997: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) applauds the Republic of South Africa for the remarkable transition to a democratic government and the tremendous progress achieved during 10 years of majority rule;

(2) looks forward to a continued partnership with South Africa focused on a sustained commitment to the health of South Africans; and

(3) anticipates continued social development and economic growth in South Africa.

Mr. ALEXANDER. Mr. President, I rise today to recognize the 10th anniversary of majority rule in the Republic of South Africa and to commend the South African people for the momentous social and economic achievements they have made since establishing a more inclusive democracy. We all remember that just ten years ago South Africa held its first democratic, non-racial election on April 27, 1994. This momentous event, along with the subsequent inauguration of Nelson Mandela as President, later in May, signaled the death knell of apartheid and the re-birth of South Africa as a more representative, non-discriminatory democracy. The struggle to end apartheid in South Africa captured the imagination and garnered the support of millions of peoples worldwide, including the people of the United States.

In August 2003, my wife, Honey, and I spent a few days in South Africa as part of a Congressional Delegation led by our Majority Leader, Senator BILL FRIST. While there, we toured Robben Island, the prison island where Nelson Mandela was jailed for twenty-seven years. It was a humbling and inspiring experience to walk the grounds and know that despite his imprisonment in this desolate jail, Mandela could emerge without bitterness or hate and advocate unity and peaceful change as he worked with then President F.W. de Klerk to end apartheid and establish a representative democracy, for which efforts both men received the Nobel Prize in 1993.

Traveling through Cape Town, Johannesburg, and Soweto, and meeting with both white and black South Africans reminded me how far South Africa has come in its social transformation, which has improved the lives of millions. In 1994, 22 million South Africans did not have access to adequate sanitation and 60 percent of South Africans did not have electricity. Now, 63 percent of South African households have access to sanitation, more than 70 percent of households have electricity, and 9 million people have gained access to clean water since 1994.

However, my visit to South Africa also underscored that South Africa still faces daunting challenges that threaten to undo the gains it has made since 1994. First, and foremost, the most pressing issue facing not only South Africa, but also all of sub-Saharan Africa, remains HIV/AIDS. The 2003 announcement by the Mbeki government that it would soon begin providing antiretroviral treatment on a national scale to South Africans living with AIDS was an important step. President Mbeki was slow to come to this decision, and I hope now he will move forward with greater commitment. The South African government must persevere in combating the challenge of HIV/AIDS by making a strong political commitment and by expanding its prevention and treatment programs, such as the impressive ones that I visited during my time there.

Also facing South Africa and its neighbors is the economic and humanitarian crisis caused by Robert Mugabe's despotic regime in nearby Zimbabwe. I have spoken on this floor before to condemn President Mugabe's brutal oppression of his own people, and it is imperative that South Africa take a lead role among the international community in agitating for real change in practices of the Zimbabwean government.

Nelson Mandela aptly said, "It is better to lead from behind and to put others in front, especially when you celebrate victory when nice things occur. You take the front line where there is danger. Then people will appreciate your leadership." Now is the proper time to celebrate the anniversary of South Africa's transition to an inclusive democracy, and we all look forward to South Africa taking a stronger leadership role on the front lines against the twin dangers of HIV/AIDS in Sub-Saharan Africa and the oppressive regime of Robert Mugabe.

To that end, today I submit a resolution to commemorate this important event. I'm proud to be joined in this effort by Senator FEINGOLD, the ranking member of the Subcommittee on Africa Affairs, which I chair, Senator LUGAR, the Chairman of the Foreign Relations Committee, and Senator BIDEN, the Ranking Member of the Foreign Relations Committee. Senator FEINGOLD has been an active leader on African issues throughout his tenure in the Senate, and I have been privileged to serve with him on our Subcommittee. Chairman LUGAR and Senator BIDEN were both leaders on the issue of sanctions against the apartheid regime of South Africa in the 1980's and early '90's. I hope they feel a sense of satisfaction, today, in celebrating ten years of successful majority rule since the peaceful end of that regime.

Today is Freedom Day in South Africa, a day to celebrate the end of apartheid, and the beginning of majority rule in that country. I hope my colleagues will join me in supporting this resolution to commemorate that event.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3048. Mr. MCCAIN proposed an amendment to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

SA 3049. Mrs. HUTCHISON proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3050. Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) proposed an amendment to the bill S. 150, supra.

SA 3051. Mr. DOMENICI proposed an amendment to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra.

TEXT OF AMENDMENTS

SA 3048. Mr. McCAIN proposed an amendment to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Freedom Act; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. FOUR-YEAR EXTENSION OF INTERNET TAX MORATORIUM.

(a) In General.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) Moratorium.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2007:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) Conforming Amendments.—

(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) Tax on internet access.—

"(A) In general.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) General exception.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) Internet Access Service; Internet Access.—

(1) Internet access service.—Paragraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

(2) Internet access.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) Pre-October 1998 Taxes.—

"(1) In general.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) Termination.—This subsection shall not apply after November 1, 2006.

"(b) Pre-November 2003 Taxes.—

"(1) In general.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) Termination.—This subsection shall not apply after November 1, 2005.".

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) In General.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) Definitions.—In this section:

"(1) Charges for internet access.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) Charges for telecommunications services.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) Universal Service.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 and E–911 Services.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E–911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E–911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E–911 services.

"(c) Non-Tax Regulatory Proceedings.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

"SEC. 1108. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

"Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or any other service utilizing Internet Protocol or any successor protocol. This section shall not apply to Internet access or to any services that are incidental to Internet access, such as e-mail, text instant messaging, and instant messaging with voice capability.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

SA 3049. Mrs. HUTCHISON proposed an amendment to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

At the appropriate place, insert the following:

SEC. ___. CHANGE IN DEFINITION OF INTERNET ACCESS SERVICE.

Paragraph (10) of section 1105 of the Internet Tax Freedom Act, as redesignated by this Act, is amended—

(1) by striking "The term" and inserting the following:

"(A) In general.—The term"; and

(2) by adding at the end the following:

"(B) General exception.—The term does not—

"(i) include a tax levied upon or measured by net income, capital stock, net worth, or property value; or

"(ii) apply to any payment made for use of the public right-of-way or made in lieu of a fee for use of the public right-of-way, however it may be denominated, including but not limited to an access line fee, franchise fee, license fee, or gross receipts or gross revenue fee.".

SA 3050. Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) proposed an amendment to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

At the end, add the following:

TITLE ___—FUELS

Subtitle A—General Provisions Relating to Renewable Fuels

SEC. ___01. RENEWABLE CONTENT OF GASOLINE.

(a) In General.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (r); and

(2) by inserting after subsection (n) the following:

"(o) Renewable Fuel Program.—

"(1) Definitions.—In this section:

"(A) Cellulosic biomass ethanol.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(B) Renewable fuel.—

"(i) In general.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) Inclusion.—The term 'renewable fuel' includes—

"(I) cellulosic biomass ethanol; and

"(II) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))).

"(C) Small refinery.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) Renewable fuel program.—

"(A) Regulations.—

"(i) In general.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in Alaska and Hawaii), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

"(ii) Provisions of regulations.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

"(I) shall contain compliance provisions applicable to refiners, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

"(II) shall not—

"(aa) restrict cases in geographic areas in which renewable fuel may be used; or

"(bb) impose any per-gallon obligation for the use of renewable fuel.

"(iii) Requirement in case of failure to promulgate regulations.—If the Administrator does not promulgate regulations under clause (i), the percentage of renewable fuel in gasoline sold or dispensed to consumers in the United States, on a volume basis, shall be 1.8 percent for calendar year 2005.

"(B) Applicable volume.—

"(i) Calendar years 2005 through 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2005 through 2012 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2005	3.1
2006	3.3
2007	3.5
2008	3.8
2009	4.1
2010	4.4
2011	4.7
2012	5.0.

"(ii) Calendar year 2013 and thereafter.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 5,000,000,000 gallons of renewable fuel; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) Applicable percentages.—

"(A) Provision of estimate of volumes of gasoline sales.—Not later than October 31 of each of calendar years 2004 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline sold or introduced into commerce in the United States during the following calendar year.

"(B) Determination of applicable percentages.—

"(i) In general.—Not later than November 30 of each of calendar years 2005 through 2012, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

"(ii) Required elements.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refiners, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

"(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

"(C) Adjustments.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations on any person specified in subparagraph (B)(ii)(I); and

"(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (9).

"(4) Cellulosic biomass ethanol.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol—

"(A) shall be considered to be the equivalent of 1.5 gallons of renewable fuel; or

"(B) if the cellulosic biomass is derived from agricultural residue, shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

"(5) Credit program.—

"(A) In general.—The regulations promulgated under paragraph (2)(A) shall provide—

"(i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

"(ii) for the generation of an appropriate amount of credits for biodiesel; and

"(iii) for the generation of credits by small refineries in accordance with paragraph (9)(C).

"(B) Use of credits.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) Duration of credits.—A credit generated under this paragraph shall be valid to show compliance—

"(i) subject to clause (ii), for the calendar year in which the credit was generated or the following calendar year; or

"(ii) if the Administrator promulgates regulations under paragraph (6), for the calendar year in which the credit was generated or any of the following 2 calendar years.

"(D) Inability to generate or purchase sufficient credits.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a renewable fuel deficit on condition that the person, in the calendar year following the year in which the renewable fuel deficit is created—

"(i) achieves compliance with the renewable fuel requirement under paragraph (2); and

"(ii) generates or purchases additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

"(6) Seasonal variations in renewable fuel use.—

"(A) Study.—For each of calendar years 2005 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

"(B) Regulation of excessive seasonal variations.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator of the Environmental Protection Agency shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) is used during each of the 2 periods specified in subparagraph (D) of each subsequent calendar year.

"(C) Determinations.—The determinations referred to in subparagraph (B) are that—

"(i) less than 35 percent of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) has been used during 1 of the 2 periods specified in subparagraph (D) of the calendar year; and

"(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years.

"(D) Periods.—The 2 periods referred to in this paragraph are—

"(i) April through September; and

"(ii) January through March and October through December.

"(E) Exclusion.—Renewable fuel blended or consumed in calendar year 2005 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

"(7) Waivers.—

"(A) In general.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under paragraph (2)—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

"(B) Petitions for waivers.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirements of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

"(C) Termination of waivers.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(8) Study and waiver for initial year of program.—

"(A) In general.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy shall conduct for the Administrator a study assessing whether the renewable fuel requirement under paragraph (2) will likely result in significant adverse impacts on consumers in 2005, on a national, regional, or State basis.

"(B) Required evaluations.—The study shall evaluate renewable fuel—

"(i) supplies and prices;

"(ii) blendstock supplies; and

"(iii) supply and distribution system capabilities.

"(C) Recommendations by the Secretary.—Based on the results of the study, the Secretary of Energy shall make specific recommendations to the Administrator concerning waiver of the requirements of paragraph (2), in whole or in part, to prevent any adverse impacts described in subparagraph (A).

"(D) Waiver.—

"(i) In general.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall, if and to the extent recommended by the Secretary of Energy under subparagraph (C), waive, in whole or in part, the renewable fuel requirement under paragraph (2) by reducing the national quantity of renewable fuel required under paragraph (2) in calendar 2005.

"(ii) No effect on waiver authority.—Clause (i) does not limit the authority of the Administrator to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7).

"(9) Assessment and waiver.—

"(A) In general.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall evaluate the requirement of paragraph (2) and determine, before January 1, 2007, and before January 1 of any subsequent year in which the applicable volume of renewable fuel is increased under paragraph (2)(B), whether the requirement of paragraph (2), including the applicable volume of renewable fuel contained in paragraph (2)(B) should remain in effect, in whole or in part, during 2007 or any subsequent year.

"(B) Considerations.—In evaluating the requirement of paragraph (2) and in making any determination under this paragraph, the Administrator shall consider the best available information and data collected by accepted methods or best available means regarding—

"(i) the capacity of renewable fuel producers to supply an adequate amount of renewable fuel at competitive prices to fulfill the requirement of paragraph (2);

"(ii) the potential of the requirement of paragraph (2) to raise significantly the price of gasoline, food (excluding the net price impact on the requirement in paragraph (2) on commodities used in the production of ethanol), or heating oil for consumers in any significant region of the country above the price that would otherwise apply to those commodities in the absence of the requirement;

"(iii) the potential of the requirement of paragraph (2) to interfere with the supply of fuel in any significant gasoline market or region of the country, including interference with the efficient operation of refiners, blenders, importers, wholesale suppliers, and retail vendors of gasoline and other motor fuels; and

"(iv) the potential of the requirement of paragraph (2) to cause or promote exceedances of Federal, State, or local air quality standards.

"(C) Waiver.—If the Administrator determines, by clear and convincing information, after public notice and opportunity for comment, that the requirement of paragraph (2) would have significant and meaningful adverse impact on the supply of fuel and related infrastructure or on the economy, public health, or environment of any significant area or region of the country, the Administrator may waive, in whole or in part, the requirement of paragraph (2) in any 1 year for which the determination is made for that area or region of the country, except that any such waiver shall not have the effect of reducing the applicable volume of renewable fuel specified in paragraph (2)(B) with respect to any year for which the determination is made.

"(D) Economic impact.—In determining economic impact under this paragraph, the Administrator shall not consider the reduced revenues available from the Highway Trust Fund as a result of the use of ethanol.

"(10) Small refineries.—

"(A) Temporary exemption.—

"(i) In general.—The requirements of paragraph (2) shall not apply to small refineries until calendar year 2011.

"(ii) Extension of exemption.—

"(I) Study by secretary of energy.—Not later than December 31, 2007, the Secretary of Energy shall conduct for the Administrator a study to determine whether compliance with the requirements of paragraph (2) would impose a disproportionate economic hardship on small refineries.

"(II) Extension of exemption.—In the case of a small refinery that the Secretary of Energy determines under subclause (I) would be subject to a disproportionate economic hardship if required to comply with paragraph (2), the Administrator shall extend the exemption under clause (i) for the small refinery for a period of not less than 2 additional years.

"(B) Petitions based on disproportionate economic hardship.—

"(i) Extension of exemption.—A small refinery may at any time petition the Administrator for an extension of the exemption under subparagraph (A) for the reason of disproportionate economic hardship.

"(ii) Evaluation of petitions.—In evaluating a petition under clause (i), the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study under subparagraph (A)(ii) and other economic factors.

"(iii) Deadline for action on petitions.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

"(C) Credit program.—If a small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A), the regulations promulgated under paragraph (2)(A) shall provide for the generation of credits by the small refinery under paragraph (5) beginning in the calendar year following the date of notification.

"(D) Opt-in for small refineries.—A small refinery shall be subject to the requirements of paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A).

"(11) Ethanol market concentration analysis.—

"(A) Analysis.—

"(i) In general.—Not later than 180 days after the date of enactment of this paragraph, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

"(ii) Scoring.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

"(B) Report.—Not later than December 1, 2004, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).".

(b) Penalties and Enforcement.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

(c) Exclusion From Ethanol Waiver.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) Exclusion from ethanol waiver.—

"(A) Promulgation of regulations.—Upon notification, accompanied by supporting documentation, from the Governor of a State that the Reid vapor pressure limitation established by paragraph (4) will increase emissions that contribute to air pollution in any area in the State, the Administrator shall, by regulation, apply, in lieu of the Reid vapor pressure limitation established by paragraph (4), the Reid vapor pressure limitation established by paragraph (1) to all fuel blends containing gasoline and 10 percent denatured anhydrous ethanol that are sold, offered for sale, dispensed, supplied, offered for supply, transported, or introduced into commerce in the area during the high ozone season.

"(B) DEADLINE FOR PROMULGATION.—The Administrator shall promulgate regulations under subparagraph (A) not later than 90 days after the date of receipt of a notification from a Governor under that subparagraph.

"(C) EFFECTIVE DATE.—

"(i) IN GENERAL.—With respect to an area in a State for which the Governor submits a notification under subparagraph (A), the regulations under that subparagraph shall take effect on the later of—

"(I) the first day of the first high ozone season for the area that begins after the date of receipt of the notification; or

"(II) 1 year after the date of receipt of the notification.

"(ii) EXTENSION OF EFFECTIVE DATE BASED ON DETERMINATION OF INSUFFICIENT SUPPLY.—

"(I) IN GENERAL.—If, after receipt of a notification with respect to an area from a Governor of a State under subparagraph (A), the Administrator determines, on the Administrator's own motion or on petition of any person and after consultation with the Secretary of Energy, that the promulgation of regulations described in subparagraph (A) would result in an insufficient supply of gasoline in the State, the Administrator, by regulation—

"(aa) shall extend the effective date of the regulations under clause (i) with respect to the area for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

SEC. ___02. RENEWABLE FUEL.

(a) IN GENERAL.—The Clean Air Act is amended by inserting after section 211 (42 U.S.C. 7411) the following:

"SEC. 212. RENEWABLE FUEL.

"(a) DEFINITIONS.—In this section:

"(1) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given the term 'solid waste' in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

"(2) RFG STATE.—The term 'RFG State' means a State in which is located 1 or more covered areas (as defined in section 211(k)(10)(D)).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(b) SURVEY OF RENEWABLE FUEL MARKET.—

"(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator shall—

"(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

"(i) conventional gasoline containing ethanol;

"(ii) reformulated gasoline containing ethanol;

"(iii) conventional gasoline containing renewable fuel; and

"(iv) reformulated gasoline containing renewable fuel; and

"(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

"(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate.

"(B) RELIANCE ON EXISTING REQUIREMENTS.—To avoid duplicative requirements, in carrying out subparagraph (A), the Administrator shall rely, to the maximum extent practicable, on reporting and recordkeeping requirements in effect on the date of enactment of this section.

"(3) CONFIDENTIALITY.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

"(c) COMMERCIAL BYPRODUCTS FROM MUNICIPAL SOLID WASTE LOAN GUARANTEE PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the processing and conversion of municipal solid waste into fuel ethanol and other commercial byproducts.

"(2) REQUIREMENTS.—The Secretary may provide a loan guarantee under paragraph (1) to an applicant if—

"(A) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in paragraph (1);

"(B) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

"(C) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

"(4) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

"(A) meet all applicable Federal and State permitting requirements;

"(B) are most likely to be successful; and

"(C) are located in local markets that have the greatest need for the facility because of—

"(i) the limited availability of land for waste disposal; or

"(ii) a high level of demand for fuel ethanol or other commercial byproducts of the facility.

"(5) MATURITY.—A loan guaranteed under paragraph (1) shall have a maturity of not more than 20 years.

"(6) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under paragraph (1) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

"(7) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under paragraph (1) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

"(8) GUARANTEE FEE.—The recipient of a loan guarantee under paragraph (1) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

"(9) FULL FAITH AND CREDIT.—

"(A) IN GENERAL.—The full faith and credit the United States is pledged to the payment of all guarantees made under this subsection.

"(B) CONCLUSIVE EVIDENCE.—Any guarantee made by the Secretary under this subsection shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

"(C) VALIDITY.—The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

"(10) REPORTS.—Until each guaranteed loan under this subsection has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this subsection.

"(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(12) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a new loan guarantee under paragraph (1) terminates on the date that is 10 years after the date of enactment of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS FOR RESOURCE CENTER.—There is authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the University of Mississippi and the University of Oklahoma, $4,000,000 for each of fiscal years 2004 through 2006.

"(e) RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Administrator shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

"(B) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2004 through 2008.

"(f) CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE—

"(1) IN GENERAL.—The Secretary may provide grants to merchant producers of cellulosic biomass ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of cellulosic biomass ethanol.

"(2) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

"(A) is located in the United States; and

"(B) uses cellulosic biomass feedstocks derived from agricultural residues or municipal solid waste.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

"(A) $100,000,000 for fiscal year 2004;

"(B) $250,000,000 for fiscal year 2005; and

"(C) $400,000000 for fiscal year 2006.".

(b) CONFORMING AMENDMENT.—The table of contents for the Clean Air Act (42 U.S.C. 7401 prec.) is amended by inserting after the item relating to section 211 the following:

"212. Renewable fuels.".

SEC. ___03. SURVEY OF RENEWABLE FUELS CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) SURVEY OF RENEWABLE FUELS CONSUMPTION.—

"(1) IN GENERAL.—In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

"(2) ELEMENTS OF SURVEY.—In conducting the survey, the Administrator shall collect information retrospectively to 1998, on a national basis and a regional basis, including—

"(A) the quantity of renewable fuels produced;

"(B) the cost of production;

"(C) the cost of blending and marketing;

"(D) the quantity of renewable fuels blended;

"(E) the quantity of renewable fuels imported; and

"(F) market price data.".

Subtitle B—Federal Reformulated Fuels

SEC. ___11. SHORT TITLE.

This subtitle may be cited as the "Federal Reformulated Fuels Act of 2004".

SEC. ___12. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)"; and

(B) by inserting "and section 9010" before "if"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9013(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether or other ether fuel additive that presents a threat to human health, welfare, or the environment.

"(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

"(1) by a State (pursuant to section 9003(h)(7)) acting under—

"(A) a program approved under section 9004; or

"(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

"(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

"(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2003, to remain available until expended; and

"(2) to carry out section 9010—

"(A) $50,000,000 for fiscal year 2003; and

"(B) $30,000,000 for each of fiscal years 2004 through 2008.".

(c) TECHNICAL AMENDMENTS.—(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.

"Sec. 9011. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. ___13. RESTRICTIONS ON THE USE OF MTBE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygenate standard, Congress was aware that—

(A) significant use of MTBE could result from the adoption of that standard; and

(B) the use of MTBE would likely be important to the cost-effective implementation of that standard;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown as of the date of enactment of this Act;

(10) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard;

(B) to greatly reduce use of MTBE; and

(C) to maintain the environmental performance of reformulated gasoline;

(11) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(12) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) environmental protection;

(B) adequate energy supply; and

(C) reasonable fuel prices; and

(13) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "fuel or fuel additive or" after "Administrator any"; and

(B) by striking "air pollution which" and inserting "air pollution, or water pollution, that";

(2) in paragraph (4)(B), by inserting "or water quality protection," after "emission control,"; and

(3) by adding at the end the following:

"(5) RESTRICTIONS ON USE OF MTBE.—

"(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

"(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

"(C) States that authorize use.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

"(D) Publication of notice.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

"(E) Trace quantities.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

"(6) MTBE merchant producer conversion assistance.—

"(A) In general.—

"(i) Grants.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of—

"(i) iso-octane or alkylates, unless the Administrator, in consultation with the Secretary of Energy, determines that transition assistance for the production of iso-octane or alkylates is inconsistent with the criteria specified in subparagraph (B); and

"(ii) any other fuel additive that meets the criteria specified in subparagraph (B).

"(B) Criteria.—The criteria referred to in subparagraph (A) are that—

"(i) use of the fuel additive is consistent with this subsection;

"(ii) the Administrator has not determined that the fuel additive may reasonably be anticipated to endanger public health or the environment;

"(iii) the fuel additive has been registered and tested, or is being tested, in accordance with the requirements of this section; and

"(iv) the fuel additive will contribute to replacing quantities of motor vehicle fuel rendered unavailable as a result of paragraph (5).

"(C) Eligible production facilities.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

"(I) beginning on the date of enactment of this paragraph; and

"(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

"(D) Authorization of appropriations.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2004 through 2007.".

(d) No Effect on Law Concerning State Authority.—The amendments made by subsection (c) have no effect on the law in effect on the day before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. ___14. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) Elimination.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) Applicability.—The amendments made by paragraph (1) apply—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act; and

(B) in the case of any other State, beginning 270 days after the date of enactment of this Act.

(b) Maintenance of Toxic Air Pollutant Emission Reductions.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) In general.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) Maintenance of toxic air pollutant emissions reductions from reformulated gasoline.—

"(i) Definition of PADD.—In this subparagraph the term 'PADD' means a Petroleum Administration for Defense District.

"(ii) Regulations concerning emissions of toxic air pollutants.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish by regulation, for each refinery or importer (other than a refiner or importer in a State that has received a waiver under section 209(b) with respect to gasoline produced for use in that State), standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refiner or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000 (as determined on the basis of data collected by the Administrator with respect to the refiner or importer).

"(iii) Standards applicable to specific refineries or importers.—

"(I) Applicability of standards.—For any calendar year, the standards applicable to a refiner or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refiner or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000.

"(II) Applicability of other standards.—For any calendar year, the quantity of gasoline produced or distributed by a refiner or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for emissions of toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

"(iv) Credit program.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

"(v) Regional protection of toxics reduction baselines.—

"(I) In general.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

"(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 1999 and 2000; and

"(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

"(II) Effect of failure to maintain aggregate toxics reductions.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 1999 and 2000, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

"(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

"(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refiner or importer shall meet the standards applicable under clause (iii)(I) beginning not later than April 1 of the calendar year following publication of the report under subclause (I) and in each calendar year thereafter.

"(vi) Regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels.—Not later than July 1, 2004, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) Commingling.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by adding at the end the following:

"(11) Commingling.—The regulations under paragraph (1) shall permit the commingling at a retail station of reformulated gasoline containing ethanol and reformulated gasoline that does not contain ethanol if, each time such commingling occurs—

"(A) the retailer notifies the Administrator before the commingling, identifying the exact location of the retail station and the specific tank in which the commingling will take place; and

"(B) the retailer certifies that the reformulated gasoline resulting from the commingling will meet all applicable requirements for reformulated gasoline, including content and emission performance standards.

(d) Consolidation in Reformulated Gasoline Regulations.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part

80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(e) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this section or any amendment made by this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator before the date of enactment of this Act regarding—

(A) emissions of toxic air pollutants from motor vehicles; or

(B) the adjustment of standards applicable to a specific refinery or importer made under those regulations.

(2) ADJUSTMENT OF STANDARDS.—

(A) APPLICABILITY.—The Administrator may apply any adjustments to the standards applicable to a refinery or importer under subparagraph (B)(iii)(I) of section 211(k)(1) of the Clean Air Act (as added by subsection (b)(2)), except that—

(i) the Administrator shall revise the adjustments to be based only on calendar years 1999 and 2000;

(ii) any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 1999 and 2000; and

(iii) in the case of an adjustment based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline—

(I) the Administrator may revise the adjustment to take account of the scope of the prohibition on methyl tertiary butyl ether imposed by paragraph (5) of section 211(c) of the Clean Air Act (as added by section 203(c)); and

(II) any such adjustment shall require the refiner or importer, to the maximum extent practicable, to maintain the reduction achieved during calendar years 1999 and 2000 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refiner or importer.

SEC. 15. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether;

"(II) tertiary amyl methyl ether;

"(III) di-isopropyl ether;

"(IV) tertiary butyl alcohol;

"(V) other ethers and heavy alcohols, as determined by then Administrator;

"(VI) ethanol;

"(VII) iso-octane; and

"(VIII) alkylates; and

"(ii) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the volatile organic compounds performance requirements that are applicable under paragraphs (1) and (3) of section 211(k); and

"(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the studies under clauses (i) and (ii).

"(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities such as—

"(i) the national energy laboratories; and

"(ii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).".

SEC. ___16. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 01(a)) is amended by inserting after subsection (o) the following:

"(p) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Reliable Fuels Act.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2006.".

SEC. ___17. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) OZONE TRANSPORT REGION.—

"(i) APPLICATION OF PROHIBITION.—

"(I) IN GENERAL.—On application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

"(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

"(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

"(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

"(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

"(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

"(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

"(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

SEC. ___18. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking "(C) A State" and inserting the following:

"(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

"(i) IN GENERAL.—A State"; and

(2) by adding at the end the following:

"(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.".

SEC. ___19. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) Required elements.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals (including the protection of children, pregnant women, minority or low-income communities, and other sensitive populations);

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refiners;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refiners, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) Report.—

(1) In general.—Not later than June 1, 2007, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) Recommendations.—

(A) In general.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) Required considerations.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) Consultation.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) State and local air pollution control regulators;

(D) public health experts;

(E) motor vehicle fuel producers and distributors; and

(F) the public.

SA 3051. Mr. DOMENICI proposed an amendment to amendment SA 3050 proposed by Mr. Daschle (for himself, Mr. Durbin, and Mr. Johnson) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

(The amendment will be printed in a future edition of the Record.)

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 28, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2172, Tribal Contract Support Cost Technical Amendments of 2004.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 29, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2301, a discussion draft bill to improve the management of Native American fish and wildlife and gathering, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 6, 2004 in SD–106 at 10 a.m. The purpose of this hearing will be to discuss Biomass Use in Energy Production: New Opportunities for Agriculture.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 27, 2004, at 9:30 a.m., in open session to consider the following nominations: Tina Westby Jonas to be Under Secretary of Defense (Comptroller); Dionel M. Aviles to Under Secretary of the Navy; and Jerald S. Paul to be Principal Deputy Administrator, National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 27, 2004, at 9:30 a.m. on Telecommunications Policy Review: Lessons learned from the Telecommunications Act of 1996, in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 27 at 10:00 a.m.

The purpose of the hearings is to receive testimony regarding sustainable, low emission, electricity generation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 27, 2004, at 10:00 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "International Trade and Pharmaceuticals."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the sessio of the Senate on Tuesday, April 27, 2004 at 10:00 a.m. to hold a Nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, April 27, 2004 at 10:00 a.m. on "Judicial Nominations" in the Dirksen Senate Office Building Room 226.

Brett M. Kavanaugh, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, April 27, 2004 from 10:00 a.m–12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 27 at 2:30 p.m. in room SD–366.

The purpose of the hearing is to receive testimony on the following bills:

S. 1064, to establish a Commission to Commemorate The Sesquicentennial of the American Civil War, and for other purposes; S. 1092, to authorize the establishment of a National Database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; S. 1748, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; S. 2046, to authorize the exchange of certain land in Everglades National Park; S. 2052, to amend the National Trails, System Act to designate El Camino Real De Los Tejas as a National Historic Trail; and S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Tuesday, April 27, 2004, at 3:30 p.m., on the International Space Exploration Program, in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2348

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2348) to extend the Internet Tax Freedom Act.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

COMMUNICATIONS SATELLITE ACT OF 1962

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 2315 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2315) to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2315) was read the third time and passed, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF IPO DEADLINE.

Section 621(A)(i) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)(i) is amended—

(1) by striking "December 31, 2003," and inserting "June 30, 2005,", and

(2) by striking "June 30, 2004," and inserting "December 31, 2005;"

APPOINTMENT

THE ACTING PRESIDENT pro tempore. The Chair, on behalf of the majority leader, pursuant to Public Law 108-132, Section 128, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Admiral Thomas Lopez of Virginia.

ORDERS FOR WEDNESDAY, APRIL 28, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, April 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders the Senate then begin a period for morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee; provided further, that following that 60 minutes, the Senate resume consideration of S. 150, the Internet tax bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning, following morning business, the Senate will resume consideration of the Internet tax bill. As I mentioned, I hope we can reach an agreement to address this Internet tax bill, hopefully with some amendments, over the course of tomorrow. That is going to take cooperation from both sides of the aisle.

Rollcall votes are possible during tomorrow's session.

We have a few more issues remaining. I think we can settle them in the next few minutes. At this juncture, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:27 p.m., adjourned until Wednesday, April 28, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

WE THE PEOPLE: PROJECT CITIZEN STUDENTS MAKE A DIFFERENCE IN TUCSON, AZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GRIJALVA. Mr. Speaker, I would like to take a moment to commend a group of students from my district for their civic engagement. Along with their teacher, these 23 students developed a proposal for curbing bullying in Arizona schools. This proposal was taken up in the Arizona State legislature with bipartisan support. The bill was introduced by Representative Phil Lopez and Representative Linda Gray, and has already passed the Education Committee and has garnered the support of Gov. Janet Napolitano. If passed, the bill would require that school boards adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils.

Using the skill of civic engagement, taught through Project Citizen, these students have made a positive impact in their community, and serve as role models for their peers. Project Citizen is a curricular program for middle school students that promotes competent and responsible participation in local and State government. The program helps young people learn how to monitor and influence public policy. In the process, they develop support for democratic values and principles, tolerance, and feelings of political efficacy. The Project Citizen program is administered by the Center for Civic Education with the assistance of the National Conference of State Legislatures. It is funded by the U.S. Department of Education by act of Congress.

Mr. Speaker, I am proud of the contribution of these students and applaud their efforts to be actively involved in efforts to improve their community. On behalf of the schools and children of Arizona I would like to thank the following students for their admirable interest in civic engagement. I hope their enthusiasm for government is shared among their peers.

Marina Ardt, Eva Baisan, Edward Barnes, Amanda Belt, Katie Brown, Audrey Bustamante, Nicholas Franco, Taiya Gehrels, Brianna Herreras-Crouse, Shelby Kline, Katie Knight, Mounir Koussa, Alison Lambert, Ben Langworthy, Pricilla Martinez, Dillon McCallum, Dylan Monke, Danny O'Sullivan, Johnny Police, Joy Ratanavongsa, Tanisha Sosa, John Taylor, Jessica Willy, and their teacher, Cheri Bludau of the Mansfeld Middle School of Tucson.

Mr. Speaker, I would also like to submit the attached article from the Tucson Citizen recognizing the valiant efforts of these young adults.

KIDS' ASSIGNMENT TURNS HEADS AT STATE LEVEL

Here is a brief primer on the workings of the Arizona Legislature from an expert who has learned how to write a bill, have it introduced by a lawmaker, then watched it advance through the Legislature:

"It is a very long process," explained Tashina Sosa. "It's like a never-ending thriller book."

Thriller book? Perhaps.

Horror story? More often.

But who am I to argue with an insider—someone who has seen firsthand the laborious and languorous way that the Legislature goes about its work.

There are several thousand professional lobbyists at work in Phoenix right now who are being paid well—very well—to get their employers' messages to lawmakers.

Tashina Sosa isn't one of them, although it is quite likely that she will be more successful than most of those professionals.

Sosa is a freshman at Tucson High Magnet School. And work that she and her classmates started last year when they were enrolled at Mansfeld Middle School may soon result in a law.

This law, unlike many of those passed by legislators, actually makes sense and actually is needed. It would require each school district to enact an anti-bullying policy.

Sosa and 23 other Mansfeld students were enrolled last year in a law-related education class taught by Cheri Bludau. Part of the class was a project called We the People-Project Citizen, a national program that promotes student participation in government.

After discussing several ideas and conducting research on matters ripe for change, the students settled on the issue of bullying, Bludau said.

But there were some concerns. Some students feared the topic may be too "childlike" and of little interest to the Legislature, Bludau said. Others were afraid that a law would be meaningless—that bullying was not something that could be stopped with legislation.

But the research was persuasive. Studies found that bullying is one of the most underrated and serious problems in schools. Students involved in murders in school and students who commit suicide are far more likely to be victims of bullies than the average student is. Education and federal officials estimate that nationwide, 160,000 students miss school every day because they fear being bullied.

"A majority of adults see it as a right of passage," Bludau said, "but the students know it is impacting their lives."

Using laws written in other states as a starting point, Bludau's class wrote a bill it hoped to have introduced in the Legislature. Class members took the bill to Project Citizen's state competition last year and won first place. They then submitted it for national competition and earned a "superior" rating—the highest award.

Last summer, Bludau e-mailed a copy of the proposed bill to Gov. Janet Napolitano. Within 45 minutes, Napolitano wrote back, saying she would be very much behind it.

Thus emboldened, the students went hunting for a legislator who would introduce the bill—and they found support from state Rep. Phil Lopes, a Tucson Democrat. He liked the bill, but because he is a member of the minority party, he needed help from a Republican. Rep. Linda Gray, a Glendale Republican and chair of the House Education Committee, signed on.

The bill was formally introduced and assigned a number and title: "HB2533—Schools; policies; bullying" and scheduled for a hearing and debate last week before the Education Committee.

The students were scheduled to go to Phoenix to testify in support of their bill—but they were foiled by another state issue. It was time for them to take part of the mandated AIMS test. Nonetheless, the bill easily passed the committee.

The bill is scheduled to be heard in the House Judiciary Committee today. Lopes is optimistic that it will eventually pass both houses and be signed into law by Napolitano.

"The kids did all the work," Lopes said. "It's just incredible. I knew nothing about the substance of the topic. But I saw what they had done and said, 'My God, we've got to help them out.'"

Sosa is excited that her class's work may soon be memorialized in state law. And so is her classmate, Mounir Koussa, also now a freshman at Tucson High. "It's good for me to know that a student can make a difference in society," Koussa said.

It has taken almost two months for the bill to make it to this point in the legislative process, and Bludau still can't quite believe her students have been so successful.

"Way back in January, little did we know that we could have this kind of impact on the state of Arizona," she said. "I'm very proud of my students, as you can tell."

Cheri Bludau's students have completed their assignment. Now legislators must complete theirs.

WHAT THE LAW WOULD DO

If the bill written by students at Mansfeld Middle School becomes law, it would require that school boards adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils.

Those procedures must include:

A confidential process that allows pupils to report incidents of harassment, intimidation or bullying to school officials.

A procedure for the parents or guardians of pupils to submit written reports concerning harassment, intimidation or bullying to school officials.

A requirement that school district employees report suspected harassment, intimidation or bullying.

A formal process for the documentation and investigation of reported incidents.

Disciplinary procedures for students admitting to, or found guilty of harassment, intimidation or bullying.

A procedure that provides consequences for submitting false reports.

The bill submitted by the students was amended in the House Education Committee to cover events not only on school grounds, but also on school buses, at school bus stops and at all school-sponsored events and activities.

A MODEL TWO-YEAR COLLEGE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to see the Boston Globe, in an editorial on Thursday, April 22, give appropriate recognition to the excellent job that is done by Bristol Community College. As the Globe editorial correctly noted, "Bristol Community College in Fall River has been performing . . . superbly for more than 30 years and is a model for other community colleges . . . as they strive to prepare Massachusetts residents for the jobs of today and the future."

Dealing with a changing economy, in which workers lose their jobs through no fault of their own because of technology, globalization, and other factors, is the single most important issue facing us as a nation. The private sector is a great creator of wealth, but it does not by itself resolve the problems that are created by this ongoing transitional process, especially at times such as now when economic transitions are even more rapid than at other times.

This is why a well-funded, vigorous public sector is important to work along with the private sector in enhancing the quality of life for all Americans. And in the economic sphere, as Federal Reserve Chair Alan Greenspan frequently points out, community colleges have an essential role to play. I was therefore very pleased that the Boston Globe Editorial Board recognized Bristol Community College for the wonderful work it does.

I have been fortunate to be the Representative of Bristol Community College in Congress since 1983, and I have had numerous occasions during that time to see how well the people at BCC perform. To former President Eileen Farley and current President John Sbrega, I send my congratulations, along with my congratulations to all of the faculty, administrators and students who have done so much to make this institution an educational model.

Mr. Speaker, community colleges are an essential part of the way in which we should be responding to economic change, and because Bristol Community College is such a good example of how to do this, I ask that the editorial from the Boston Globe be printed here.

[From the Boston Globe, Apr. 22, 2004]

A MODEL TWO-YEAR COLLEGE

Community colleges have a threefold mission: They prepare some students for further schooling, they educate others for immediate entry into the work force, and they enhance the skills of those who have already been working for years. Bristol Community College in Fall River has been performing these roles superbly for more than 30 years, and is a model for other community colleges around the state as they strive to prepare Massachusetts residents for the jobs of today and the future.

"This school is wonderful," said Janet Maynard, 39, who is getting an associate's degree in nursing after a 19-year break from school. "The staff is incredible. They don't leave anybody behind." Maynard, one of 6,600 students at Bristol, is juggling a paid job—one day a week at St. Anne's Hospital in Fall River as a unit secretary—with the hard work of rearing five daughters. St. Anne's, which has worked with Bristol's nursing program for decades, is paying Maynard's tuition in the conviction that it is investing in a more skilled work force.

Jason Brilhante, 21, attends Bristol because "it's extremely affordable"—$2,544 a year—"and has high standards." After graduating from the two-year business program, he'll go on to Bryant College in Smithfield, R.I., with the aim of becoming a certified public accountant. Bryant will give him a partial scholarship, confident that his fine work at Bristol will continue in later years.

"We partner with them all the time," said Irene Olsen, retired personnel manager for the AT&T call center in Fairhaven and now a consultant with the union-management Alliance for Employee Growth and Development. Bristol offers business-related courses to 40 AT&T employees at the Fairhaven workplace. If students can't come to the beautiful Fall River campus, Bristol goes to them.

No wonder that Judith Gill, chancellor of higher education, praised Bristol in draft assessments of the 15 Massachusetts community colleges last fall—along with Middlesex and Holyoke community colleges—as a high-performing institution.

Other colleges complained that the six criteria used for the ratings were too few, so Gill took away the "high performing" designation from all three colleges. Gill promises that by 2006 the Board of Higher Education will devise better assessments based on 30 criteria. When that is published, the differences between high-performing colleges and those not doing well should be clear.

Assessments are important as community colleges make the case that they are vital to the development and maintenance of an educated work force in Massachusetts. They should never again have to endure the deep cuts in state aid—nearly 20 percent—they have experienced since 2001. Not all community colleges follow the example of Bristol in providing essential services to students and the wider communities they serve. Those that do earn the support and gratitude of everyone in Massachusetts.

TRIBUTE TO THE LATE MARY LADESIC

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MOORE. Mr. Speaker, I rise today to recognize the passing of Mary Ladesic, who was the first woman elected to countywide public office in Wyandotte County, Kansas.

Elected as Wyandotte County Treasurer in 1980, Mary Ladesic served in that position until her retirement in 1997. She died at her home on April 17. Born in Kansas City, MO, she lived in Kansas City, KS, for most of her life.

As Wyandotte County Treasurer, Mary Ladesic was a nationally recognized, innovative manager, starting a "tag team" program for marketing license plates that became a model for other Kansas counties and a successful amnesty program for collecting back taxes.

Mary Ladesic also was active in partisan politics at the county and state levels, as a member of the Southside Democratic Club and all Democratic clubs in Wyandotte County, a lifetime member of the Kansas Federation of Women's Democratic Clubs, vice chair of the Wyandotte County Democratic Central Committee, and was awarded the Georgia Neese Gray Award by the Kansas Democratic Party in 1997. As the Party's official description of that award states, it is

> reserved for presentation to Kansans who have served in elected office at the municipal and/or county level and who have performed outstanding service to their local community in the pursuit of the principles of the Kansas Democratic Party. Such service commends a lengthy and broad participation in public service endeavors to the city, county and state. This award shall be considered the highest honor which can be bestowed by the Kansas Democratic Party to its municipal and county elected officials.

Survived by her husband, William, 3 children and 10 grandchildren, Mary also was a member of Stony Point Christian Church and an active supporter of Maur Hill School in Atchison, Kansas. I commend her for a life full of support for her community and service to others, and include in the RECORD a recent article from the Kansas City Kansan detailing her life and good works. Mary Ladesic will be missed by all who knew her.

[From the Kansas City Kansan, Apr. 20, 2004]

MARY LADESIC, FIRST WOMAN ELECTED TO COUNTYWIDE OFFICE, DIES

(By Mary Rupert)

The first woman elected to a countywide public office in Wyandotte County, former Treasurer Mary P. Ladesic, died Saturday.

Ladesic, 68, held the post of county treasurer for 17 years in Wyandotte County, beginning in 1980 and retiring in 1997. She died at her home in Kansas City, Kan.

"She liked the job of county treasurer because she loved people," remembered her husband, William Ladesic.

He recalled that as county treasurer, Mary always kept $100 of her own money in a drawer for people who didn't have quite enough money to pay their taxes. She'd give them $20 or $15, and tell them they could come back and repay her later, he recalled. They always did, he said.

"When she left that office, she took the $100 with her," he said. "She trusted the people. She wouldn't say anything bad about anybody. She was just a beautiful person."

Ladesic said his wife was a good campaigner.

"She treated people all alike, it didn't make any difference," Ladesic said.

He remembered that she used to tell him that people would sometimes complain to the treasurer about their taxes.

"Any time they complain, I can't say they're wrong, because any time you're taking money away from people, they should be angry," he remembered her telling him.

Ladesic said Mary was an innovator in her job, starting a "tag team" program and an amnesty program for back taxes. She worked to get state laws changed in order to implement the programs, he said. The license tag program raised $3 million in the first six months here, he said, and it won awards and became a model for other counties.

She also assisted in training new county treasurers at the state level, he said.

Ladesic recalled that Mary did volunteer work with her church at the food kitchen.

"She'd do the work of three people and wouldn't stop," he recalled. She also did volunteer work for Maur Hill School in Atchison, Kan., and for local Democratic events, he said.

"Mary was a pioneer in being the first woman elected to public office in Wyandotte County," said Don Denney, media relations specialist for the Unified Government. "She was a dedicated public servant and will never be forgotten for what she accomplished."

She received the Georgia Neese Gray Award and other national awards.

"She was a diehard Democrat who worked hard for her party," Denney said. "My heart goes out to her husband, Bill, and the rest of the family."

Ladesic was a member of the Southside Democratic Club, and other Democratic clubs in Wyandotte County, and had served as vice chairwoman of the Wyandotte County Central Committee of the Democratic Party.

Funeral services will be held at 11 a.m. Wednesday at Stony Point Christian Church, 149 S. 78th St. Visitation is from 4 to 8 p.m. Tuesday at the church.

ARMENIAN GENOCIDE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. BACA. Mr. Speaker, I rise today to commemorate the genocide of Armenians at the hands of the Ottoman Empire.

Starting in 1915, the Ottoman Empire tortured and murdered up to one and a half million Armenians. More than half a million were forced to leave and went into exile.

The Armenians settled across the world lending energy and strength to their adoptive communities.

It is important to recognize the historical atrocities perpetrated against the Armenians. We must teach our children about the fear, torture, mass graves, and expulsions of the Armenian people.

Through education and commemoration, our children can grow up to be better citizens and better Americans.

By recognizing genocide for what it is, the world can wake up to the obscene nature that sometimes grips nations and work to prevent the mass killing that devastated the Armenian people.

With this year's commemoration of the Armenian genocide, I urge all Americans to be vigilant and watchful. We must prevent hatred and bigotry. We must do all we can to prevent genocide. By commemorating the past, we can make the future a better place to live.

HONORING JACOB ANISH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate ten-year-old Jacob Anish of Chicago for his recent act of bravery and for the honor of receiving the Heroism Medal awarded by the Boy Scouts of America.

Jacob achieved this accolade for the courage he demonstrated on the evening of May 21, 2003 when a fire broke out in his family's home. Awakened by the smoke, Jacob maintained his calm despite the danger all around him. At a time when many boys of Jacob's age might have panicked, his first thought was not to run for safety but to save his sleeping younger brother, Gary.

As the smoke thickened, Jacob swiftly found his brother, then lifted him up and carried him from one side of the house to the other. The house faded into darkness as Jacob fought through the danger to find the rest of his family.

Jacob did not hesitate, nor did he waver from the Anish family fire plan which called for him to carry his younger brother to the neighbor's house and out of harm's reach. He maintained his composure throughout the fire like a young hero and natural leader.

Though their home was lost, Jacob's steadfast courage and sharp instinct made the difference in saving each of his family members, including their pet Dalmatian. Jacob's selfless act of valor is why the Boy Scouts of America are honoring him this year.

Mr. Speaker, I join his family, his Cub Scout Pack 3943, and all the people of the fifth district of Illinois in recognizing Jacob for his courage and for receiving the Heroism Medal. I am confident that Jacob will continue to set a strong example for his brothers and sisters, his peers, and young men and women across Chicago. I am very proud of Jacob Anish.

HONORING THE LATE KEITH CYLAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the late Keith Cylar, a fearless, passionate and extraordinarily effective advocate for persons with AIDS. Keith Cylar dedicated his life to the health and well-being of the most underprivileged and neglected elements of our society, and his passing at the age of 45 is a terrible loss to the city of New York and indeed to the entire Nation.

A social worker by training, Keith Cylar was the co-founder and co-President of Housing Works, one of the largest and most prominent non-profit organizations in the Nation dedicated to helping persons with AIDS. Through his leadership at Housing Works, Mr. Cylar helped to find housing for 15,000 New Yorkers. He also oversaw and managed the delivery of social services, such as job training and health care referrals, to thousands of our most underprivileged citizens, who often had few other resources upon which to draw.

Keith Cylar was also a leader of uncommon courage, an advocate who never hesitated to speak truth to power. Out of the fiery passions that drove the AIDS activist group ACT-UP, he and his partner Charles King forged a new kind of social service agency, one managed and operated by people who themselves were battling AIDS and HIV. Ultimately Keith Cylar helped transform Housing Works into one of the Nation's premier agencies providing housing to those afflicted by the AIDS epidemic. He accomplished this with caring and compassion, balancing a practical business acumen with a passionate advocacy that sometimes could be confrontational and uncomfortable for elected officials and bureaucrats alike. Indeed, because of the many demonstrations to protect City funding for programs serving people with AIDS that were organized in part by Housing Works, part of Park Row by New York's City Hall is still officially recognized to this day as "People with AIDS Way." Passionate and uncompromising in his advocacy for the underprivileged and afflicted, Keith Cylar never wavered from his mission or failed to deliver for the clients who counted on him and Housing Works.

Because of his notable achievements on behalf of those battling disease and poverty and his indomitable and distinctive presence, Keith Cylar's spirit and determination have inspired us all. I ask my colleagues to join me in saluting his remarkable life and career, and recognizing him as a great American.

GUARDSMAN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GRIJALVA. Mr. Speaker, the passage of H.R. 1779 is a welcome first step in addressing the serious problems facing our National Guard and Reserve today. But as we once again mobilize more troops and send them off to fight, and possibly die, in an increasingly hostile environment, we must ask ourselves why legislation such as H.R. 1779 has become a necessary stopgap measure.

The very fact that Guard and Reserve members feel compelled to withdraw funds from their IRA's in order to pay the bills at home is unacceptable.

Yet, this is precisely the problem: Current compensation and benefits programs for the National Guard and Reserve were developed more than 50 years ago, when it was expected that they would be mobilized only in the most dire national emergency. Over the past dozen years, the Guard and Reserve contract has changed dramatically, with more than 40 percent of members being called to duty and in some cases, being repeatedly deployed without fulfilling the requisite off-duty time period. H.R. 1799 is a band-aid measure temporarily mending a broken system. Congress must and can upgrade Guard and Reserve compensation and benefits to better offset the demands and sacrifices imposed on the Guard and Reserve community.

It is a great injustice that those who selflessly and voluntarily serve our country are not repaid in kind. By this I mean that Guard and Reserve members are ineligible for military health coverage, except while on active duty or after age 60. Although covered by TRICARE when mobilized, many Guard and Reservists and their families are faced with changing doctors and dropping private coverage. We must provide adequate and comprehensive health care coverage for the Guard and Reserve community. It is my hope that this year's Defense Authorization Act will include permanent authority for a fee-based

TRICARE coverage for all drilling Guard and Reserve members, and offer all such members the option to have the government pay part or all of their employer coverage premium during extended activations.

Loan forgiveness and increased education infrastructure funding for Guard and Reservists and their families should also be a top priority during this year's budget deliberations. Earlier this year, I received a letter from one of my constituents and his wife who are both Guard Members. Both were more than willing to serve their first tour of duty in Iraq, knowing full well that this would delay by a semester their graduate course studies. Six months later, both were facing yet another extension of active duty. Along with delaying their studies and future career path, they are now also incurring interest on a loan which is not being utilized. Congress must improve educational opportunities and benefits for Guard and Reservists by providing deferments and interest payments for borrowers of student loans who are called to active duty.

Health care, timely compensation, and education funding are only a few of the many things we should and CAN provide to our Guard and Reserve members. Extending the military pay raise, providing meaningful tax relief for military families, and improving overall quality of life entitlement programs is the very least we can do for the families and servicemembers who have endured extraordinary—and in some cases—supreme sacrifices for our country.

The mistreatment of our Guard and Reservists and its repercussions on them and their families' morale and well-being must stop. Is it too much to ask that our government provide basic necessary services such as comprehensive health coverage and timely compensation to our Guard and Reserve members?

I urge my colleagues to include funding for these measures in this year's Defense Authorization Act and to push for passage of the many proposals addressing these issues which are currently stalled in Committee.

HEALTH CARE'S BREWING STORM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this week I had the pleasure of inserting into this forum a very good editorial from the Boston Globe about the excellent work that is done by Bristol Community College, which I have been privileged to represent for more than twenty years. It is important for us to spread good news. But it's also important for us to give people the bad news, especially when it is bad news that could be made worse if we do not act.

One of the most important institutions in the part of Massachusetts which I represent is the Southcoast Health System, which joins major hospitals in Fall River, New Bedford and Wareham. The President of that system, John Day, is an extremely knowledgeable student of health care in America, and not only does a first-rate job of administering the hospital system, he also has been an important source of information for me and others about health care policy.

Sadly, but honestly, he recently wrote an op-ed piece in the Boston Globe which began with the quote "warning" that "a devastating health care crisis is closer than you think." John Day is deeply committed to providing the health care that people need, and he has been a leader in providing it to people of below average income in a part of the state of Massachusetts where that has been an issue. His eloquent plea for a change in our health care policy, and his dire—but hardly exaggerated—warnings about what will happen if we do not change, deserve our attention and I ask that his article be printed here.

HEALTH CARE'S BREWING STORM

(By John B. Day)

Warning: A devastating health care crisis is closer than you think. Like the side-view mirrors on our cars that warn us "objects are closer than they appear," a rupture in the Massachusetts health care system is more of a real threat than it seems at first or even second glance. The professional health care that patients receive today has given us a false sense of security over the imperiled state of the entire system.

Patients across Massachusetts have been insulated from this reality by the health care community's medical, moral, and legal obligation to fulfill its mission at all costs. Patients continue to receive an abundance of health care services even as the economic vise on hospitals tightens.

The warning signs are easily recognizable—from the previously unacceptable delays in gaining access to doctors to the intolerably long waits in emergency rooms to ambulances being diverted from hospital to hospital. Because these cracks in the system have been incremental and the degeneration of the system gradual, we have come to accept them as routine when they are anything but. They are, in fact, alarm bells signaling the onset of a crisis.

Today's delays, long waits, and diversions are mere inconveniences compared to what may lie ahead. Do you want to see the day when patients are flatly turned away for lack of beds? Or when critical and costly services, such as psychiatric care, are eliminated? Or when resources become so scarce that only the fortunate few will have enough money and power to afford access to the advanced technologies and treatments to which many currently feel entitled?

Such dire scenarios may seem unthinkable in a state whose health care system was once the model for the nation. But there's a rapidly advancing storm poised to wreak havoc, already leaving shuttered local hospitals in its wake. In 1980 there were 118 hospitals in Massachusetts. Today there are 67.

As president and CEO of one of the largest community hospital systems in the state—and the largest employer in southeastern Massachusetts, it is my responsibility to issue the storm warning, before it hits us head-on.

I entered Massachusetts health care just after the famous blizzard of 1978, an act of nature that caused more destruction than most of us had ever experienced. The cost of the destruction and the loss of life might have been less had we the capability to warn people just how bad it was going to be.

Already, we are seeing the state eliminate insurance coverage for those who can least afford it. Health care providers are refusing to provide essential services because they cannot receive reimbursement for those services. For the first time, many of my colleagues at hospitals have begun to discuss the elimination of health care services.

SouthcoastHealth System, which I oversee, gives me a close look at this dilemma. Our patient population is older, sicker, and poorer than elsewhere in Massachusetts. More than 75 percent of our patients rely solely on Medicare and Medicaid, which reimburse hospitals substantially below our actual costs. Unlike public safety-net hospitals, community hospitals like Southcoast have no statutory entitlement to local or state funds in order to underwrite the cost of providing free care to the uninsured.

Our merger of St. Luke's Hospital in New Bedford, Charlton Memorial Hospital in Fall River, and Tobey Hospital in Wareham allowed us to stabilize the financial footing of our region's health care system. By cresting efficiencies of scale and sharing resources, we now provide care where it is needed most—in our own community. A decade ago there did not exist the continuum of care that is available today for tens of thousands of families in southeastern Massachusetts.

But while we are proud of these accomplishments, we know that mergers, consolidation, and cost-cutting maneuvers are not enough. The continuing state and federal funding cuts leave many hospitals with no choice but to cut core clinical services—services everyone expects to receive at their local community hospital.

During the blizzard of '78, many coastal residents refused to believe they were in real danger until the waves were crashing against their door. Let us not wait until we are on the brink of disaster to accept the dire circumstances that await us. It is time we recognize the tide is rising against the health care industry. It is imperative that state and federal governments, health care providers, industry leaders, and patients work cooperatively to find sustainable solutions to ensure that core medical services remain available to every resident of Massachusetts.

INTRODUCTION OF LEGISLATION DESIGNATING THE NEWELL GEORGE POST OFFICE IN KANSAS CITY, KS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MOORE. Mr. Speaker, joined today by Representatives TODD TIAHRT, JIM RYUN and JERRY MORAN, I am introducing legislation that would designate the United States Postal Service facility located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building."

Newell Adolphus George served as a member of the 86th Congress, from 1959–61, representing the Second District of Kansas, which was redesignated as the Third District following the post-1960 congressional reapportionment. He was a member of the House Veterans' Affairs Committee. Born in Kansas City, Missouri, in 1904, he attended Hawthorne Grade School and Wyandotte High School in Kansas City, Kansas, as well as Wentworth Military Academy in Lexington, Missouri, and Park College in Parkville, Missouri.

After studying law at the University of Kansas City School of Law, Newell George obtained employment as a Capitol Hill elevator operator through the patronage of Senator George McGill of Kansas and graduated from the George Washington University Law School. He then was an attorney for the Reconstruction Finance Corporation in Washington, D.C., from 1935–1937, a regional counsel for the War Manpower Commission from 1942–43, and a regional attorney for the Bureau of Employment Security and the Federal Security Agency from 1937–52. After the Democratic Party lost control of the Executive Branch, George served as first assistant Wyandotte County Attorney from 1953–58. At that point, he began running for Congress, losing to incumbent Republican Errett Scrivner in 1954 and 1956. In 1958, however, a strong anti-Republican tide ran through the farm and western states, resulting in the defeat of numerous incumbent Senators and Representatives, including the defeat of Representative Scrivner by Newell George.

With Republican dominance returned to Kansas in 1960, Representative George was defeated for re-election by Robert Ellsworth of Lawrence, making Newell George the most recent resident of Kansas City to represent Kansas in the U.S. Congress. After his defeat, however, George was the first U.S. Attorney nominated for appointment by the new Kennedy-Johnson Administration. Newell George served as U.S. Attorney for Kansas from 1961–68. After losing another congressional race in 1968 to Representative Larry Winn, Jr., George practiced law privately in Kansas City, Kansas, and died in 1992.

Married to the former Jean Hannan of Kansas City, Kansas, Newell George was an intrepid public servant and active, concerned citizen. In addition to his political activities, he was a member of Abdallah Shrine, Scottish Rite; a master of the West Gate Masonic Lodge; president of the Kansas City, Kansas, Hi-12 Club; a member of the Kansas State Hi-12 Association; a member of the Breakfast Optimist Club; a member of the Wyandotte County, Kansas and American Bar Associations, the American Judicature Society, Delta Theta Phi law fraternity, the American Academy of Political And Social Science, the Kansas City, Kansas Chamber of Commerce, the Terrace Club, the Top o' the Morning Club, and the First Presbyterian Church of Kansas City, Kansas.

Newell George's other public service included membership on the Kansas Public Disclosure Commission; the Civil Service Commission of Kansas City, Kansas; the Kansas State Government Ethics Commission; and service as a director of the Kansas Multiple Sclerosis Society. Nicknamed "Punk" by his friends, George's other activities included managing a string of boxers, after boxing himself at Wentworth Military Academy; bowling; and adding to a collection of old books—mainly Bibles and McGuffey readers—begun by his father.

In short, Mr. Speaker, Newell A. George was the kind of community oriented, politically active individual who made things happen on the state and local level in so many American cities during the middle third of the twentieth century. With regard to Kansas and Kansas City, he was one of a small but hardy group of Democratic activists who kept two-party government alive in one of our country's most Republican states. It is fitting, therefore, that the House consider the legislation introduced today by the bipartisan Kansas House delegation that will designate Kansas City, Kansas', civic center post office in memory of U.S. Representative Newell George.

ISRAEL INDEPENDENCE DAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. BACA. Mr. Speaker, I rise today to commemorate the 56th anniversary of Israel's independence.

For 56 years, Israel has faced existential threats. Born out of the ashes of the Holocaust, Israel has offered its shores to the most vulnerable of the world's Jewry.

Israel is a refuge to the persecuted and has rescued Jews from Germany, Morocco, Iraq, Iran, Cuba, Ethiopia, Russia and other countries where Jewish minorities were threatened.

She has persevered because to fail would take away the one safe haven that Jews around the world have from historical charges and anti-Semitic acts.

It was 56 years ago that the Jewish State of Israel declared its independence and became the first and only democratic nation in the Middle East.

In those 56 years, Israel has defended itself from war, terrorism and anti-Semitism. It has endured unbearable losses and terrible sacrifices.

As U.S. troops fight in Iraq, a safe and democratic Israel becomes ever more important. America stands side-by-side with the only democratic nation in the Middle East and commemorates the 56th anniversary of its independence.

HONORING NORTHSIDE COLLEGE PREPARATORY HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Northside College Preparatory High School of Chicago for its achievement on winning the first place title in the citywide Academic Decathlon and the second place position at the Illinois Academic Decathlon competition on March 13, 2004.

The Academic Decathlon is a team competition wherein students are tested through a diverse group of scholastic categories including: art, economics, essay interview, language and literature, mathematics, music science, social science and speech.

With up to nine members from each team competing in all ten events of the decathlon and representing a diversity of scholastic aptitude, the true spirit of this year's "America: The Growth of a Nation" theme has been advanced.

The decathlon, which was first created by Dr. Robert Peterson, has helped maximize the learning potential of young minds through competitive challenge. Northside College Preparatory has shown its ability to shine among the best and brightest of Chicago's academic community.

As winners of the citywide Academic Decathlon, the eight students from Northside College Prep High School went on to compete in the Illinois Academic Decathlon, and participated in the semifinals of one of the most prestigious high school academic competition in the United States.

I commend each of our Northside College Preparatory High School competitors: Andrew Miller, Catherine Cobb, Gathi Abraham, John Fitzgerald, Caitlin Lill, Aidan Roche, Geoffrey Kriston and Daniel Roe.

Reaching this level of competition is a tremendous achievement and one that deserves special recognition. Northside College Preparatory students set the strong example for academic excellence that the Academic Decathlon seeks to attain.

Mr. Speaker, I join with all residents of the Fifth Congressional District of Illinois in congratulating Northside College Preparatory High School on its achievement. I wish the Academic Decathlon competitors the best of luck and continued success as their education continues. I am very proud of these young and future leaders of tomorrow. It is my privilege to represent them in the U.S. Congress.

HONORING BILLIE JEAN KING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, I rise to honor Billie Jean King, a true American hero. King single-handedly revolutionized women's tennis, bringing world attention to the excitement of the women's game and fighting to ensure that men and women compete for equal prize money. King's brilliant play and unyielding quest for equal opportunities opened doors for all women competing in sports.

A true star in her own right, King won a record 20 Wimbledon titles (winning women's singles 6 times, doubles 10 times and mixed doubles 4 times), 13 U.S. Open titles and 29 Virginia Slims singles titles. King is the only woman to win U.S. singles titles on all 4 surfaces on which it has been played (grass, clay, carpet and asphalt). She is one of only 8 players to hold a singles title in each of the Grand Slam events. In 1967, she won the triple crown of singles, doubles and mixed doubles championships at both Wimbledon and the U.S. Open.

In 1968, King became professional and by 1971, she was the first woman athlete in any sport to earn more than $100,000 in a single year. Over the course of her career, she earned nearly $2 million in prize money. By the time she stopped playing competitively in 1984, she had won 71 singles championships and had been ranked in the world's top ten 17 times, number one in the world 5 times and number one in the U.S. seven times. Explaining her success, she has said, "No one changes the world who isn't obsessed."

King had been a strong advocate of women's tennis and women's rights throughout her career. She convinced her colleagues to form a players' union in 1973, the Women's Tennis Association. She was then the 1972 U.S. Open women's singles champion and had been outraged that her prize money was $15,000 less than the male champion. She threatened not to play unless the prize money was equalized by the following year and she persuaded U.S. Open organizers that the other women players would also sit out the game. In 1973, the U.S. Open became the first major tournament to offer equal prize money for men and women.

In 1973, she accepted a challenge from Bobby Riggs, former Wimbledon champion and self-professed male chauvinist pig. The prize was a winner-take-all $100,000. The heavily promoted match drew 30,472 spectators to the arena and attracted 50 million television viewers worldwide, a record for any tennis match. King played along with the theatrics: She was carried in on a litter by four men in short togas. Riggs was wheeled in on a rickshaw pulled by models he dubbed "Bobby's Bosom Buddies." Once the game got underway, however, they were all business. King thrilled the crowd with an outstanding game of tennis, beating Riggs in straight sets, 6–4, 6–3 and 6–3. She proved that women's tennis was at least as exciting as the men's game, and that women deserved the same attention and prize money as their male counterparts.

King co-founded the Women's Sports Foundation, dedicated to promoting sports opportunities for women. In 1989 she helped found the coed World Team Tennis and served as its CEO. She is currently the director and official spokesperson for the organization, as well as a TV commentator.

Additionally, King coached the U.S. Olympic team, leading the U.S. squad to four Olympic medals. She also coached the U.S. Fed Cup teams to victory in 1976, 1996, 1999 and 2000. In 2003, she was awarded the prestigious Philippe Chatrier Award, the International Tennis Federation's highest honor. That year she was also one of six inaugural inductees in the Court of Champions at the USTA National Tennis Center.

In 1990, Life Magazine named her one of the 100 Most Important Americans of the 20th Century—the only female athlete to win the honor. She is a member of the International Tennis Hall of Fame and the National Women's Hall of Fame. She was also named Woman of the Year by Time Magazine in 1976. On April 27, 2004, King is the recipient of the National Woman's Party's Alice Award, in honor of her groundbreaking work on behalf of women in sports.

Mr. Speaker, I ask my colleagues to join me in celebrating the achievements of Billie Jean King, a sports legend, feminist, and champion.

TRIBUTE TO MARY ROSE DICKHAUT, SELECTMAN, TOWN OF CLINTON, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. McGOVERN. Mr. Speaker, I rise today to pay special tribute to one of the many great local officials who provide such dedicated service to the cities and towns all across this country that we are privileged to represent. Because our office requires that we are frequently away from our constituents, I think we sometimes fail to fully appreciate and seldom still acknowledge the daily demands that our mayors, city councilors and selectmen encounter in the communities where they live and serve.

For no less than 18 years, Mary Rose Dickhaut has met and mastered those daily demands as a selectman in the Town of Clinton, Massachusetts. On Tuesday, May 4th, she will return to life as a private citizen, leaving behind a sterling example of civic commitment and selfless devotion to one's hometown.

Mary Rose's tenure both as a member of the Board of Selectmen and as Chairman is unsurpassed in a community widely known for its rich and vibrant political culture. Her public service is remarkable not only for its longevity and distinction as the town's first and only female selectmen but for its impressive record of achievement as well.

After nearly two decades, there is scarcely a local issue or major municipal project in the Town of Clinton that has not benefitted from the strong, steady and forceful advocacy of Mary Rose Dickhaut. She led the town in its historic battle against the Massachusetts Water Resources Authority to enforce a century old agreement to provide drinking water to the citizens of Clinton. She championed the restoration of the community's Town Hall, the revitalization of its downtown and the expansion of its police station. Long before it was fashionable to do so, Mary Rose urged the town to invest in its rapidly deteriorating water and sewer infrastructure. In 1999 and 2000, she cochaired the town's 150th Anniversary Celebration Committee which planned, among many other memorable events, the first Olde Home Days Festival in Central Park that has since grown to become a popular annual attraction for families from all over Central Massachusetts.

Mr. Speaker, while these very public accomplishments have placed Mary Rose's indelible handprint on the Town of Clinton, they do not begin to fully describe the tremendous contributions and sacrifices she has made on its behalf. As we know, many of the good deeds performed by elected officials go unnoticed and unrecorded. For 18 years, Mary Rose has graciously taken the nightly phone calls at home, politely endured the interrupted trips to the grocery store and faithfully attended the countless committee meetings and public hearings. She has endeavored whenever possible to help those who sought her capable assistance and to better her community for future generations to enjoy. Through it all, she has maintained a well-deserved reputation for honesty and integrity and earned the respect of her colleagues for her keen intellect, diligent work ethic and an unfailing fidelity to the town's best interests.

Mr. Speaker, the Town of Clinton, the Commonwealth of Massachusetts and the United States of America owe Mary Rose Dickhaut a debt of gratitude for her years of dedicated service. Accordingly, I respectfully request that this esteemed body convey its heartfelt appreciation to Mary Rose for her efforts and our best wishes for a happy, healthy and enjoyable retirement from public life.

Madam Chairman, you have earned it.

HONORING THE REV. DR. L.H. MAYFIELD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the Rev. Dr. L.H. Mayfield, a friend, fellow member, and retired pastor of Hyde Park Community United Methodist Church in Cincinnati, who will receive the Wesley Foundation United Methodist Campus Ministry in Cincinnati's 2004 Spirit Award on May 4, 2004.

Although he will be recognized by the Wesley Foundation for his work with young people, some say that Dr. Mayfield is best known for his attention to the needs of the poor, disadvantaged, and elderly. We can all agree that he celebrates life and has made a difference in all that he does.

The Wesley Foundation United Methodist Campus Ministry in Cincinnati has been serving Cincinnati's young adults in higher education since 1925. The Wesley Foundation's ministry is a welcoming, affirming community that nurtures spiritual growth and empowers students to explore, enrich, and practice their faith.

Dr. Mayfield was a member of the Wesley Foundation Board of Directors for 10 years. He was chairperson of the board while pastoring the Mt. Auburn United Methodist Church and serving as chaplain at Christ Hospital. Dr. Mayfield was instrumental in expanding Wesley Foundation to a full-time campus ministry with a building close to the university.

Dr. Mayfield has committed his time and energy to the Wesley Services Organization (WSO), a ministry that provides services to the elderly. WSO ministers to the elderly through Wesley Hall and Lincoln Crawford, both skilled nursing and rehabilitation facilities, and Wesley Community Services, which serves seniors in their homes. Dr. Mayfield has been a member of the WSO Board of Directors since 1965; and in 1980, he helped to raise the funds to build a new nursing facility for Wesley Hall. He also led the effort to regain Lincoln Crawford's financial stability.

Dedicated to many organizations in our area, Dr. Mayfield has volunteered with Hospice of Cincinnati, the Elizabeth Gamble Deaconess Home Association, the American Cancer Society, Cancer Family Care, and prison ministries.

Dr. Mayfield has received numerous awards for his community service. In 1999, he was the recipient of the Greater Cincinnati Foundation's prestigious Jacob E. Davis Volunteer Leadership Award, which is presented annually to an outstanding volunteer in the community, who then awards the money to a nonprofit organization. Dr. Mayfield designated WSO.

All of us in the Greater Cincinnati area thank Dr. Mayfield for his service and congratulate him on receiving this well-deserved honor.

EASTER CRACKDOWN ON THE MONTAGNARDS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SMITH of New Jersey. Mr. Speaker, Easter is usually a joyous time for Christians throughout the world. Unfortunately, that was not the case this year for many Montagnards Christians, ethnic minorities in Vietnam's Central Highlands. On Saturday April 10, more than a thousand ethnic minority Christians assembled in the streets of Buon Ma Thuot to protest ongoing religious repression and confiscation of tribal lands.

Their peaceful protests were met with brutal force by the Vietnamese police, who attacked and arrested the protesters and sealed off the area to foreigners—much like the Chinese Tiananmen Square massacre in 1989.

Numerous reports state that hundreds may be dead with many others arrested, injured, and or in hiding. This follows years of ongoing persecution and a brutal crackdown in December of 2001, when the government also forcibly suppressed mass protests in the region, after which the Vietnamese government closed hundreds of Christian Churches.

Religious persecution in Vietnam against Catholics, Christians, members of the Unified Buddhist Church, and members of Vietnam's indigenous religious groups has been well documented in the State Department's Country Reports on Human Rights and International Religious Freedom.

Last year, the Commission on International Religious Freedom recommended Vietnam should be designated as a Country of Particular Concern for "systematic, egregious, and ongoing" religious freedom abuses. As if there was any doubt, the Easter crackdown confirms the fact that Vietnam should be designated as a Country of Particular Concern for violations in religious freedom. Protections and assistance for Montagnard asylum seekers should be provided also be provided by the Cambodian government and the UN High Commissioner for Refugees.

Congress will continue to keep up the pressure on the regime in Hanoi. We will work to pass H. Con. Res. 378, a resolution calling for the release of Father Nguyen Van Ly, a prominent and outspoken Catholic priest, that was reported out of the House International Relations Committee and has nearly 90 cosponsors.

And we will also work to pass H.R. 1587, "The Vietnam Human Rights Act," which calls for careful monitoring of human rights in Vietnam. Similar legislation cleared the House 410–1 in the 107th Congress but stalled in the Senate.

Mr. Speaker, I would like to submit the following articles by Human Rights Watch detailing the events of the Easter crackdown, to the CONGRESSIONAL RECORD.

The United States and the world cannot turn a blind eye to this Easter crackdown and continual persecution of Montagnards and religious groups in Vietnam. We must take a stand.

[Article from Human Rights Watch]

VIETNAM: OPEN CENTRAL HIGHLANDS TO INTERNATIONAL OBSERVERS REPORTED KILLINGS OF MONTAGNARD PROTESTERS MUST BE INVESTIGATED IMMEDIATELY

(NEW YORK, April 22, 2004)—Vietnamese security forces appear to have coordinated with armed men in civilian clothing to savagely attack Montagnard protesters at more than a dozen mass demonstrations during Easter weekend, Human Rights Watch said today.

"The international community must act now and insist that Vietnam allow independent observers into the highlands to conduct a thorough and impartial investigation," said Dinah PoKempner, General Counsel for Human Rights Watch. "We've received alarming reports that scores of protesters were wounded during the demonstrations, and that some protesters were beaten to death."

Large-scale unrest involving between 10,000 and 30,000 indigenous minority Montagnards occurred in the Central Highland provinces of Dak Lak, Gia Lai, and Dak Nong on April 10 and 11, according to Vietnam's state media and independent accounts. Montagnard activists in Vietnam and abroad say that their movement seeks to peacefully press for religious freedom and return of ancestral lands in the Central Highlands. The Vietnamese government has charged that "anti-government" and "counter-revolutionary" elements are inciting the Montagnards to seek a separatist state.

Human Rights Watch has received first-hand reports that security forces and men in civilian clothing, armed with metal bars, shovels, clubs with nails attached to them, machetes, and chains, confronted Montagnard protesters at more than a dozen locations leading into Buon Ma Thuot, the capital of Dak Lak province, on the morning of April 10. According to witnesses, the demonstrators were not armed, although some defended themselves when attacked by throwing stones at the police.

In twelve eyewitness accounts obtained by Human Rights Watch, sources from seven different locations in Dak Lak, Gia Lai and Dak Nong provinces described seeing Vietnamese police, and civilians working with the police, beating protesters. Vietnam's state-controlled media reported that two protesters were killed—one from rocks thrown by other protesters and another who was run over by a tractor driven by Montagnards. While it is impossible to confirm the numbers of casualties because the government is barring outside observers from the region, to date Human Rights Watch has received credible eyewitness accounts that at least ten Montagnards were killed—one from a gunshot wound to the head and the others from beatings and hundreds were wounded.

Clashes broke out at more than a dozen locations when security forces and ethnic Vietnamese in civilian clothes blocked demonstrators on roadways leading into Buon Ma Thuot, including Phan Chu Trinh Road northwest of the city; at Ea Knir Bridge on the road from Ea Kao commune, which lies east of the city; and at three locations along the road leading to Krong Pak district town, which lies northeast of the city, including the Ea Pak and Krong Ana bridges. Particularly hard hit at Phan Chu Trinh Road were 3,000 protesters from several villages in Cu Mgar district, northwest of Buon Ma Thuot.

"The security forces were well prepared for the protesters," said PoKempner. "They had set up ambushes at key places such as bridges and the main roads into the city, and assembled people dressed as civilians holding crude weapons to block the roads and attack the protestors."

Security officials confiscated and burned hundreds of the farm tractors and makeshift trailers that many Montagnards were traveling on, which had been packed with food and supplies in preparation for several days of protests.

In Gia Lai province, Vietnamese state media reported that demonstrators from Ayun Pa, Cu Se, Dak Doa, Duc Co and Chu Prong districts gathered at the provincial administrative offices in Pleiku provincial town on April 10. on April 11, Montagnards gathered to demonstrate in numerous communes in Ayun Pa, Cu Se, and Dak Doa districts of Gia Lai. Human Rights Watch has received reports of clashes in at least seventeen locations in Gia Lai, with the fiercest incidents occurring in Ha Bau, A'Dok and Glar communes of Dak Doa district and Ia Tiem commune of Cu Se district.

State media reported that the provincial hospital in Pleiku received fifty-two injured people. The provincial hospital in Dak Lak reported forty injured people on the night of April 10. Prior to a government-imposed news blackout on hospital personnel, staff at Pleiku hospital told reporters that they had received scores of wounded people on Sunday night, many with deep gashes and head injuries, and that at least two demonstrators died that night. Many other wounded demonstrators, fearing arrest, have not gone to the hospitals despite being in need of medical attention, Human Rights Watch said.

Witnesses said authorities quickly collected wounded people and dead bodies from the Phan Chu Trinh area, and that within days, the blood on the roadway had been washed away.

Human Rights Watch stressed the urgency of an independent investigation. "We fear that a huge cover-up operation has likely already taken place," said PoKempner. "The Vietnamese government needs to account for the large numbers of people who never returned to their villages after the demonstrations and are now feared to be dead or detained at unknown locations."

Hundreds of Montagnards have fled their villages and gone into hiding, Human Rights Watch said. In violation of Cambodia's obligations under international law, Cambodian security forces have been instructed to deport any Montagnards who try to cross the border.

TESTIMONY: THE KILLINGS ON PHAN CHU TRINH ROAD

A twenty-six year old Ede woman described a deadly incident she witnessed on Saturday morning, April 10 when several thousand Montagnard protesters, some riding on their farm tractors, arrived at Phan Chu Trinh road, an industrial area of machine shops and welding supply stores on the outskirts of Buon Ma Thuot. Police had lined up students and ethnic Vietnamese men in civilian clothing holding metal bars, shovels, and machetes along the roadway, she said.

"They suddenly rushed at the unarmed crowd, beating the demonstrators until many were lying in the streets," she said. "They chased demonstrators who tried to flee, including children and women."

She and many other demonstrators fled to the coffee fields behind the shops lining the roadway, chased by security forces. She described what happened:

"A thousand people tried to get away from the slaughter by the police and civilians. They were beating us with metal bars and sticks. People were bleeding from their throats, noses, mouths, and eyes. The villagers were crying as they tried to get away from the slaughter by the police and civilians. We were running helter-skelter. Those who tried to hide in the coffee plantation were caught, beaten and killed on the spot. Police, students, and Vietnamese threw rocks at us. Many of us were bleeding from being hit on our heads with rocks. Many people were injured and bleeding. We didn't have any first-aid for their wounds. They were bleeding from their throats, noses, mouths, and eyes. A blind woman sitting on the farm tractor was killed on the road by a dozen Vietnamese people, including police. They asked her to get down from the tractor but she could not because she was blind. They rushed at her and beat her until she fell from the tractor and died. The police and Vietnamese civilians smashed and stepped on our food, clothing and blankets we had prepared for a long-term peaceful demonstration asking for freedom and the end to harassment of our religion and our Montagnard life."

HONORING NORVA MAXWELL, VISITING NURSE ASSOCIATION OF AMERICA CLINICIAN OF THE YEAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to congratulate Norva Maxwell of the Visiting Nurses Association of Central Jersey. Ms. Maxwell was recently chosen as the Visiting Nurse Association of America VNAA, Clinician of the Year among 90,000 VNAA Clinicians nationwide.

Norva Maxwell's holistic approach to patient care makes her highly effective as a community health nurse. Her clinical skills are impeccable. Her patience, sensitivity, and thoroughness allow her to detect problems others might have missed. In a number of instances, her experienced assessment has resulted in appropriate interventions for patients with assessment of respiratory distress, changes in mental status, or exacerbated injection.

Patients and families aptly describe Norva as "a credit to the nursing profession." There are countless examples of Norva going beyond the requirements of her job, visiting patients on her own time to bring them homemade chicken soup or picking up medications at the pharmacy.

Norva provides professional and empathetic care to people of all ethnic, cultural, and financial backgrounds in a very ethnically diverse service area. Due to her extensive knowledge of area social programs, Norva regularly develops a safety net of services for patients ready for discharge.

Norva is a member of the Salvation Army, and she and her family have worked at the Salvation Army camps for many years. Norva is always an active volunteer with a shelter for homeless families, and has made it possible for the families to spend a week at the camp each summer.

Mr. Speaker, again, I congratulate Norva Maxwell who's strong clinical skills, compassionate spirit and interaction with the community make her a true Ambassador for her agency and for neighborhood nursing.

REV. EDWARD LISOWSKI CELEBRATES THE ANNIVERSARY OF HIS 40TH YEAR OF ORDINATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. KLECZKA. Mr. Speaker, I rise today to acknowledge and honor the work of Father Edward Lisowski who is celebrating the 40th anniversary of his ordination into the priesthood of the Milwaukee Archdiocese. He was ordained by Archbishop William E. Cousins at St. John's Cathedral on May 30, 1964.

Over the years Father Lisowski has served in a variety of capacities including Pastor or Associate Pastor for 18 years. He has been a Chaplain for 22 years with the Department of Veterans Affairs, serving veterans at the Zablocki VA Medical Center and the North Chicago Veterans Administration Hospital.

Father Lisowski has devoted his life to serving parishioners and patients of all walks of life and has generously and compassionately offered his support and spiritual guidance. A gifted and talented speaker and educator he continues to offer his wisdom and comfort to all who are in need.

Born in Cudahy, WI, to Wallace and Victoria Lisowski in 1936 he received his first Sacraments at Holy Family Parish in Cudahy graduating from the grade school and later graduating from Don Bosco High School. He also completed a bachelor of arts in philosophy degree from De Sales University, which was followed by 4 years of study of Theology at St. Francis Seminary. Father Lisowski was also granted a master's degree from Marquette University in 1979. In addition to taking extensive and advanced training in Clinical Pastoral Education Father Lisowski has distinguished himself by serving on several prestigious professional boards and organizations.

I want to congratulate Father Lisowski on this his 40th anniversary of commitment to God and the Catholic Church and extend my best wishes to him on this important occasion.

TRIBUTE TO THE STATE OF ISRAEL ON THE 56TH ANNIVERSARY OF ITS INDEPENDENCE DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ACKERMAN. Mr. Speaker, I rise to add my voice to the chorus of Members sharing their warm wishes, praise, and congratulations to the State of Israel on its 56th anniversary of its Independence Day. I too am deeply gratified and proud of the many accomplishments of this relatively young country and the ancient people who have brought it into being and sustained it against astonishing odds.

Last week, Members commemorated Yom HaShoah, Holocaust Remberance Day; today, Yom HaAtzmaot, Israel Independence Day. Appropriately, we go from tragedy to celebration, but there is no question the two events and the two moods are inseparable. Without the singular tragedy of the Holocaust there might not have been a State of Israel created; with a State of Israel in existence, there might not have been a Holocaust. Bonded together are birth and death; bottomless despair and limitless hope.

Unquestionably, Israel has achieved more than anyone might have believed fifty-six years ago. The Jewish State has created and sustained the only true democracy in the entire Middle East. Faced with an unending series of defensive wars, stringent military service requirements and necessarily high defense spending, in the entire region, Israel is the only country which routinely lives with genuine respect for civil rights, rule of law, due process, and authentic elections that reflect the will of a free people. The only state in the Middle East with a culture that is Western and open, full of dissent and argument, pulsing with innovation in the arts and constantly open to change is Israel. In the sphere of economics, Israel has transformed itself into miniature powerhouse. Israel's economy is vibrant and dynamic, pushing the boundaries of technology and attracting venture capital at a remarkable rate. Israeli scientists, doctors and engineers routinely contribute to the body of human knowledge, and produce inventions that make all our lives safer, more convenient and more enjoyable.

Given the historic combination of its emphasis on education and technology, and the freedom enjoyed by the Israeli people, it is no surprise that Israel, with a population of only a few million, has a gross domestic product above $100 billion and an industrial base greater than all its neighbors combined. Not surprising but still miraculous.

Even more amazing is that Israel has achieved all this while also fulfilling its mandate as the safe harbor and refuge of the Jewish People. To succeed as Israel has is remarkable; to do so while absorbing millions of Jewish refugees from post-War Europe, the Arab states, from Ethiopia, and from the former Soviet Union is unfathomable. Millions of Jews from around the world, including this country, have made alliyah, have "gone up" to the Land of Israel, and made it their home.

The result is a country which is an incredible mosaic, a new country formed in a timeless land by an ancient people.

And, as we all know, the Israel Defense Forces have made their reputation on the field of battle as one of the premier military organizations in human history. Unfortunately, tragically, they have been compelled to do so by circumstances not of their choosing. Israel has been under attack and at war for every single day of its existence. This painful fact is not now, and never has been, a result of the choices of Israel's government which has always sought peace and been desperate to make peace.

Mr. Speaker, no other country in the entire world is forced to endure a state of constant siege. No other country in the world regularly endures calls by other states for its extirpation. No other country in the world suffers the indignity of having terrorists committed to its destruction routinely described merely as "militants," or praised as "martyrs." No other country in the world is so unfairly isolated and routinely singled out for criticism and contempt.

Since President Harry Truman decided to ignore his advisors and chose to support the creation of Israel, the United States has been a true friend and ally to the Jewish State. Our values, our heritage, and our interests guide our special relationship, and it is no surprise our ties have only gotten stronger. In a time when both countries have been compelled to fight back against terrorism, there is no question we will only go from strength to strength.

Mr. Speaker, I am enormously proud of the ties between our nation and the State of Israel, and equally so, the support this House has shown again and again, without fail. On this occasion celebrating the 56th anniversary of Israel's Independence Day, I know the whole House joins me in extending to the Israeli people and their government the most enthusiastic of congratulations and best wishes for the many, many years of freedom and prosperity that are certain to come.

HONORING THE LIFE OF LAKE CHARLES NATIVE JEFFREY PARKER

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. JOHN. Mr. Speaker, on Friday, April 9, 2004, my district suffered the loss of a brave American. KBR Contractor Jeffrey Parker of Moss Bluff, LA, was killed in an attack on a fuel convoy while working as a truck driver in Iraq. Jeff was one of seven contractors and two U.S. soldiers reported missing in the attack.

As he is laid to rest in Louisiana, we honor his commitment to his family, his work, and his country. As his company noted, these contractors that lost their lives were "brave hearts without medals, humanitarians without parades, and heroes without statues."

Neighbors described him as a "friend to everyone." Jeff was one of nine children in the Parker family. He was a father and a grandfather. He was to be married this summer after his work in Iraq was completed.

He took the job with KBR in Iraq to provide for his loved ones. He served his country in a vital support role and he tackled his job with courage, conviction, and bravery. He will be remembered as a hero whose spirit and determination defines the American spirit.

To his family, I humbly extend my thanks and the sincere appreciation of a grateful community, State, and country for his sacrifice. On behalf of the people of the 7th Congressional District and the U.S. Congress, I extend my heartfelt sympathy to the Parker family.

CONGRATULATING STUDENTS FROM NASHVILLE'S HILLSBORO HIGH SCHOOL ON THEIR ACHIEVEMENTS IN THE NATIONAL "WE THE PEOPLE" CIVICS COMPETITION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. COOPER. Mr. Speaker, I rise today to congratulate an extraordinary group of students from Hillsboro High School in Nashville, Tennessee, who are this year's State winners of the Nation's largest annual competition in civics education: We the People: The Citizen and the Constitution. I am proud of these outstanding students for having earned a chance to represent our fine State and to compete in the national finals here in Washington.

These students should be honored not only for their achievements in this prestigious competition but for their interest in politics, government and current events. As citizens of this great Nation, we are all duty-bound to exercise the rights and obligations of citizenship. Recent times, however, have seen a steep decline in voter turnout and increased cynicism about the political process. I am refreshed by the energy and enthusiasm of these students and am impressed by their commitment to the democratic ideals of our Nation. These students will no doubt serve as role models for their generation.

I am also proud to support the annual We the People competition, which is the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. This program is administered by the Center for Civic Education and funded by the U.S. Department of Education. Since its creation, We the People has won widespread recognition for its effective and innovative programs to encourage civic participation in our younger generation. I am confident that Congress will maintain its support of this fine program and ensure its continued success.

On behalf of the people of the Fifth Congressional District of Tennessee, I extend my heartiest congratulations to the following Hillsboro High School students: Emily Bacon, Susan Bursch, Molly Caldwell, Juliane Codd, Maeve Cornell-Taylor, Jonathan Cox, Emelyn Davies, Alice Floyd, Maisha Grigsby, Claire Hipkens, Anna Holt, Hal Nichols, Caitlin Pinhey, Kaitlin Reinhardt, Andrew Schneider, Lauren Smyth, Michael Terrell, Lee Tice and David Winjun. I also commend the leadership of their teacher, Ms. Catherine Bradshaw.

I applaud the tremendous achievement of these students and wish them well.

IN HONOR OF THE 75TH BIRTHDAY FOR THE UNIVERSITY PARK ELEMENTARY SCHOOL

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to pay tribute to the 75th Birthday for the University Park Elementary School in Dallas, Texas. I am proud to represent the University Park Elementary School in Congress, and four of my staff members in my Washington, D.C. and Dallas offices are graduates of the Highland Park Independent School District, and so I am well aware of the quality education that University Park Elementary School and the Highland Park Independent School District deliver on a yearly basis. One of my staff members has three generations of his family that attended University Park Elementary School.

The State of Texas is celebrating 150 years of publicly educating young Texans, and along with this important anniversary is the 75th Birthday for the University Park Elementary School. This is a very special milestone in the history of the school, its students, families, teacher professionals, support staff, and the greater community that it has served with distinction for three-quarters of a century. I congratulate the school's principal Dr. Lynda Carter for her excellent leadership of the school during this birthday year.

University Park Elementary School opened its doors in September of 1928 with six teachers and 165 students. The school has come a long way from its initial academic year, as in 1988 the United States Department of Education cited University Park Elementary School for its excellence in education; and it has also received national recognition for excellence in the area of character development. In 2001, University Park Elementary School received special recognition from the Texas Commissioner of Education, Jim Nelson, for being one of the eight schools in Texas to receive an "Exemplary" rating for nine years of the rating system's existence.

University Park Elementary School will formally celebrate its birthday on Friday morning, and I am very much looking forward to being there personally in honor of such a great occasion. I sincerely salute the University Park Elementary School on its birthday, and I wish it continued success for many years to come.

PAYING TRIBUTE TO ALEX MADONNA

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to Alex Madonna of San Luis Obispo, California, in my district. Alex died on April 22, leaving a hole in the heart of his wife of 55 years, Phyllis, and in those of his large and devoted family. He will truly be missed by the people of San Luis Obispo County, and throughout the Nation.

Alex Madonna was a second generation American whose grandparents emigrated from Switzerland. A self-made man who was guided by a strong work ethic, Alex made his mark building and paving highways throughout the state and in numerous building projects. During World War II, Alex used his construction skills as a soldier in the Army Corps of Engineers. A champion of the agricultural community, Alex was also known as "the host from the coast" at the Madonna Inn, a landmark in San Luis Obispo.

In addition to his numerous business accomplishments, Alex Madonna was also a philanthropist of legendary proportions. Alex Madonna's generosity to the people and the organizations of San Luis Obispo is part of history. Nearly everyone in town has a story about a donation that Alex and Phyllis have made to our community.

San Luis Obispo will be wearing pink on Thursday, the day of Alex Madonna's funeral. The church will be packed with people wanting to say goodbye to a man whose life can be summed up in these words: determination, hard work and a great heart.

HONORING ISRAEL INDEPENDENCE DAY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FROST. Mr. Speaker, I rise today to celebrate Israel Independence Day on the 56th Anniversary of its birth as a state.

As Americans, we all take great pride in the founding of our country. The birth of Israel also serves as a sense of pride—not only to the people of Israel, but also to Jewish people throughout the world. Almost every day, we receive news of Israelis falling victim to terrorism and tragedy, yet every day, Israel stands as a symbol not just of the Jewish faith, but of freedom loving people who have the courage, even today, to live in danger, fight for freedom and work for peace.

While Israel and America were founded in different centuries, a world away from each other, both countries share similar values which provide a foundation for a strong society. These values are rooted in educating our children, keeping our families healthy, and protecting our citizens from harm.

I applaud Israel for all it has accomplished throughout the past 56 years. It has weathered war and terrorism, and yet it still remains a democratic state committed to improving the quality of life for all its citizens. The commitment to serve its people is the mark of a great country, because only when a state wants its citizens to succeed, will it too succeed. In its short but rich history, Israel has proven its success by this unwavering dedication.

Mr. Speaker, it is with honor and respect of Israel's great history, that I congratulate the country for its successes, and look forward to a long-lasting relationship between our two countries, based on our shared values.

NATIONAL CERVICAL CANCER SCREENING MONTH

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. OXLEY. Mr. Speaker, in honor of National Cervical Cancer Screening Month in January, I would like to bring attention to the tremendous opportunity our country has to make cervical cancer the first real victory in the war on cancer. For the first time in over 50 years, we have a new screening approach that offers great hope for finally eliminating cervical cancer. We must seize this opportunity by ensuring that all women have access to the best tests available.

Worldwide, cervical cancer is the second most-common cancer among women. Approximately 470,000 women are afflicted and 230,000 die each year, according to the World Health Organization. In the United States, incidence and deaths from cervical cancer have decreased by almost half since the early 1970s, largely due to widespread screening with the Pap test, according to the American College of Obstetricians and Gynecologists. However, research shows that cervical cancer rates have remained steady for the past few years. According to the American Cancer Society, over 10,500 American women will be diagnosed with cervical cancer this year and 3,900 will die.

No American woman, however, should die of cervical cancer because it is nearly 100 percent preventable. It is a slow-developing disease that can usually be treated easily before abnormal cells develop into cancer. According to the American Cancer Society, when detected at an early stage, cervical cancer has one of the highest 5-year survival rates of all cancers. The key to prevention and successful outcomes is to screen women early using the best screening approaches possible.

While the Pap test has gone a long way toward reducing cervical cancer rates, it is not perfect. It relies upon a visual examination of cervical cells, and errors in collecting the cells or interpreting them can lead to false-negative results. According to the Agency for Healthcare Research and Quality, the accuracy of the conventional Pap smear at identifying women with cervical cancer or precancerous conditions was only 51 percent. Newer, improved Pap tests bring that accuracy up to a range of 61 percent to 95 percent, depending upon the study cited.

While imperfect, the Pap test has been so successful to date largely because it is done with high frequency. If cervical cancer or its precursors are missed in one screening round, they are likely to be detected in a subsequent screening round. At the same time, women who receive "false-positive" results from the Pap test usually undergo necessary follow-up Pap tests or other procedures.

We know that a virus, human papillomavirus, (HPV) is the cause of cervical cancer. Studies show that it is found in 99.7% of cervical cancers and must be present for the disease to develop. Most people will be infected with HPV at some point in their lives, but their body's immune system will clear the virus without any noticeable symptoms. However, persistent infection over several years with high-risk types of HPV can lead to cervical cancer in women. Persistent HPV infections are more likely to be found in women aged 30 and older.

In 2003, a DNA test for HPV was approved by the U.S. Food and Drug Administration for routine screening in women aged 30 and over in conjunction with a Pap test. Numerous studies show that adding an HPV test to a Pap test can increase to almost 100 percent the ability to identify women with cervical cancer or precursor conditions. Additionally, HPV testing gives clinicians important information: the ability to identify which women are at increased risk of cervical cancer and who should therefore be monitored more closely to ensure that cervical cancer is not missed. Women who test negative with both tests can be better reassured, while reducing their need for unnecessary, invasive exams.

Since its approval last year by the FDA, HPV testing has gained rapid acceptance in the healthcare community. Already, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society and the Association of Reproductive Health Professionals, have updated their screening guidelines to include HPV testing in routine screening for women aged 30 and over.

These groups' guidelines recommend that, because HPV testing is so sensitive and because cervical cancer develops so slowly, that women can be safely screened with the combination of a Pap test and an HPV test every three years. Research shows that this can also result in lower long-term costs. With this approach, however, it is important that we not confuse infrequent cervical cancer screening with infrequent gynecologic visits. This essential annual exam also screens for such conditions as breast cancer, hypertension, osteoporosis and STDs. For many women, the gynecologic exam is their only opportunity each year for routine, preventive medical care.

Major private insurers now reimburse for HPV testing as well as covering a woman's annual gynecologic exam. These include Aetna, Cigna and many Blue Cross Blue Shield plans. Last month, Kaiser Permanente, the nation's leading health maintenance organization, announced that its largest region will now offer HPV testing, along with a Pap test, as standard-of-care cervical cancer screening for all women aged 30 and over. Earlier this month, the nation's largest women's health practice in the country also announced that it will offer HPV testing to all of its patients who are 30 and over as part of their routine cervical cancer screening program.

As the private healthcare system brings newer and better technology to women, we must make sure that all women have access to these advanced screening techniques. All women deserve to benefit from the most effective screening technologies available. Having advanced testing technology is the first step in eliminating cervical cancer.

250TH ANNIVERSARY OF HAMPSHIRE COUNTY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. CAPITO. Mr. Speaker, I rise today to honor the 250th Anniversary of Hampshire County, West Virginia, which I proudly represent here in Congress. The Virginia General Assembly authorized the creation of Hampshire County effective May 1, 1754, removing the South Branch, Patterson Creek, New Creek, and Capon River valleys from Frederick County, Virginia. It was named after the English county of the same name.

Hampshire County was established to provide an accessible local government for citizens on the north side of Cape Capon and Warm Spring Mountain and to more effectively deal with the conflicts stemming from the onset of the French-Indian war.

The history of Hampshire County extends longer than that of the United States or the State of West Virginia. The county has undergone several border changes over the years; at one time it included all of present day Mineral, Hardy, and Grant counties, along with portions of Morgan and Pendleton counties, an area extending 2,800 square miles. Today, the county has an area of just over 640 square miles, but continues to grow in population. The county's population grew by 22.5 percent between 1990 and 2000, and currently 20,798 people call Hampshire County home.

I am honored to represent Capon Bridge, Mill Creek, Romney, and the other communities of Hampshire County here in Congress. I congratulate Hampshire County on its 250th anniversary and wish the county all the best for the next 250 years.

WELCOME TO DANISH FOREIGN MINISTER DR. PER STIG MOLLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in welcoming to the United States and to the American Congress the Foreign Minister of Denmark, Dr. Per Stig Moller. Dr. Moller has served as his country's Foreign Minister since 2001. During his tenure, Denmark has shown strong support for the United States in the war against terrorism and has provided military forces to assist us in Afghanistan and Iraq. In a time of strained trans-Atlantic relations, the Danes have remained steadfast and unwavering supporters of the United States.

Denmark has contributed one of the largest Special Forces contingents in support of Operation Enduring Freedom in Afghanistan, as well as providing F–16 aircraft for use there. From the very beginning of Operation Iraqi Freedom, Denmark has been an active member of the coalition and has contributed combat forces including a submarine and a corvette, as well as a medical team. Denmark has shown its willingness to continue its support in Iraq with stabilization forces and financial and human support. To date, Denmark has appropriated more than 500 million US Dollars for Operation Iraqi Freedom, including assistance for humanitarian aid and reconstruction. This represents a contribution of some 100 dollars per person, making Denmark the country that has contributed the most per capita except for the United States and the United Kingdom. At present, more than 500 Danish soldiers are daily risking their lives in Iraq.

Mr. Speaker, on behalf of the American people, I want to express to the Danish people and the Danish government—and particularly to the families of those Danes who have made the ultimate sacrifice—our deepest gratitude for their assistance in the struggle in Iraq. Denmark has suffered both military and civilian deaths and casualties in Iraq.

Mr. Speaker, Dr. Moller has played a critical role in Denmark's support of our efforts against terrorism since he became Denmark's Foreign Minister in 2001. In addition, he has demonstrated remarkable foreign policy leadership during the Danish Presidency of the European Union in 2002. Under Denmark's leadership of the EU, the historic expansion of the European Union was agreed upon. Under Dr. Moller's leadership Denmark has affirmed its commitment to the war on terrorism and he has been dedicated to seeking a comprehensive and lasting peace in the Middle East.

Dr. Moller was born in Denmark in 1942. He received his MA in literature from the University of Copenhagen. In 1973, he received his PhD, and he is a highly respected intellectual. For many years he has been a widely read commentator in leading daily papers. For many years he was a member of the senior management of National Danish Radio, and he later became Chairman of the "Radio Council," the Executive Program Board of National Danish Radio.

Born into politics, Dr. Moller followed in the footsteps of both his father and mother, who were leading conservative politicians. He became a member of the Danish Parliament in 1984, and since that time, he has been a leading spokesman for his party, particularly on foreign affairs and human rights issues. For more than a decade, he was a member of the Council of Europe. In 1997, he became the chairman of his party. Previous to his appointment as Foreign Minister, he served as Minister of Environment, where carried out extensive environmental reforms.

Mr. Speaker, Dr. Moller is the author of numerous books on a variety of themes—from the history of the Baltic Countries to environmental problems and the values of an "open society." His book about Danish pastor Kaj Munk, who was a leading opponent of the German occupation of Denmark during World War II, became a national bestseller when it was published in 2000.

The political and intellectual efforts of Dr. Moller have been recognized in numerous honors and awards that he has received. In 1997 he was elected "Politician of the Year" in Denmark. He has received a series of prestigious Danish awards, including the "Georg Brandes Prisen" and "Kaj Munk Prisen." Internationally, he has been recognized with numerous awards, including the Raoul Wallenberg Medal.

Mr. Speaker, I would be remiss if I do not mention another facet of Denmark's efforts to improve relations with the United States—an effort in which the Danish Foreign Ministry has played an important role. Each year for the past several years, the Humanity in Action program has brought Danish students to the United States to serve as fellows in offices and committees of the United States House of Representatives, and a similar number of American students have gone to Denmark to learn first-hand about the Danish political system. Thus far, some 60 students have participated in this program. This exchange is an important element in strengthening the bonds of understanding between Danes and Americans of the next generation of political leaders.

Mr. Speaker, the Congressional Friends of Denmark are hosting Foreign Minister Moller for his visit to Capitol Hill today. This Congressional member organization was established in 1999 to foster stronger relations with the government and people of Denmark. The Friends of Denmark include many members of this body who are of Danish heritage, who have Danish constituents, who seek to strengthen ties between our two countries and/or who admire the contributions of the Danish people and their government to international peace and security and respect for human rights. Mr. Speaker, urge my colleagues to join me today in welcoming and honouring Danish Foreign Minister Dr. Per Stig Moller on his visit to the United States Congress.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WAXMAN. Mr. Speaker, today we commemorate the 89th anniversary of the Armenian Genocide, a painful chapter in world history when the international community stood silent as Armenian villages were purged and systematically destroyed.

Between the years of 1915 and 1923, close to one and half million Armenians were killed while hundreds of thousands of others were mercilessly deported, exiled, and uprooted from their homes. Although the atrocities were documented by the United States and others, the information was never acted upon. Sadly, even today, the issue remains buried.

After 89 years, the victims and their descendants deserve better. No longer should their suffering go unnoticed or unmourned. Recognition of the Armenian Genocide is long overdue. It is time for the United States to make a concerted effort to overcome the historical denial that genocide took place, and put an end to the harmful isolation of Armenia that tragically continues.

We must identify ways to facilitate the lifting of the blockade against Armenia and encourage a peaceful resolution of the conflict in Nagorno-Karabagh. We must help Armenia continue to flourish as a burgeoning democracy, extend Permanent Normal Trade Relations (PNTR) status to strengthen her economy, and stand ready to help maintain her military strength.

Let us resolve ourselves to ensure that the coming year will be one that brings full recognition of the genocide that took place, and peace to the region and the memory of those who perished.

56TH ANNIVERSARY OF ISRAEL'S INDEPENDENCE DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today to recognize and honor the 56th Anniversary of Israel's Independence Day. With the establishment of the State of Israel in 1948, Jewish independence was restored.

I commend the Israeli people for their remarkable achievements in building a new state and a pluralistic and democratic society in the Middle East in the face of terrorism and hostility. On this occasion, I extend my warmest congratulations and best wishes to the state of Israel and her people for a peaceful, prosperous, and successful future.

Independence Day is a celebration of the renewal of the Jewish state in the Land of Israel, the birthplace of the Jewish people. In this land, the Jewish people began to develop its distinctive religion and culture some 4,000 years ago, and here it has preserved an unbroken physical presence, for centuries as a sovereign state, at other times under foreign control.

On this 56th Anniversary of the establishment of the State of Israel, we recognize that the Israeli people have created one of the leading nations in the fields of science, technology, medicine, and agriculture. The people of Israel have established a vibrant and functioning pluralistic and democratic political system that guarantees the freedoms of speech and press, and free, fair, and open elections with respect for the rule of law. With a strong democracy in a troubled part of the world, Israel has absorbed millions of new immigrants from all over the world. Some of these immigrants arrived without a single possession, but Israel welcomed them by providing housing, education, social security, and health care.

I rise also to condemn the rising tide of anti-Semitism around the globe and to demonstrate the United States' lasting bond of friendship and cooperation with Israel, which has existed for the past 56 years.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing and paying tribute to the state of Israel as she celebrates her 56th Independence Day and again extend my warmest wishes for a peaceful and prosperous future.

ISRAEL'S INDEPENDENCE DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to express my heartfelt congratulations on the 56th anniversary of Israel's Independence Day. Today we celebrate the rebirth of the Jewish State. On this land, thousands of years ago, the Jewish people developed their culture and continue to cultivate it today.

The ideals, which Israelis live with, and for, were enshrined in their declaration of independence and represented by David Ben-Gurion, a leader in the struggle to establish the State of Israel, and the first Prime Minister. He presided over national projects, in order to rapidly develop the country, none more important than the airlift of Jews from other countries. There are over 6.7 million people, over 5.5 million of them Jewish, currently living in Israel.

Faced with constant fear and terror I commend the Israelis for creating and maintaining a viable democracy, founded on liberty, justice, and peace. They have overcome and accomplished so much in a short amount of time. Lasting peace between Israel and its neighbors remains the ultimate goal and peace has been achieved in certain regions. Together, we can make realize the ultimate goal of peace with all of Israel's neighbors and share legitimate security and success.

Mazel Tov!

TRIBUTE TO RETIRING SHERIFF JOHN HEMEYER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that my good friend John Hemeyer will retire as Sheriff of Cole County, Missouri. He has held the office since 1986.

Sheriff Hemeyer has had a long and respected career in law enforcement. On the job, he is respected as a co-worker and boss. He has shown concern and a willingness to help those with whom he serves. He has personally touched the lives of countless Cole County residents. He has been described as always willing to enter any situation first, which is an admirable trait for those who serve the community as first responders.

For almost two decades, Sheriff Hemeyer has been willing to let those he serves, the people of Cole County, make the decision as to whether or not he would return as sheriff, and the voters have asked him to stay every time. This year, he has decided to take a well-deserved retirement. His decision to not seek another term was met with sadness and an outpouring of appreciation for his years of dedicated service and a job well done.

Mr. Speaker, I am sure the Members of the House will join me in honoring Sheriff Hemeyer for his years of service and in wishing him all the best in the days ahead.

CONGRATULATING WILLIAM F. ALDINGER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. KIRK. Mr. Speaker, I rise today to express my congratulations to a business leader from the 10th Congressional District of Illinois, Mr. William F. Aldinger, CEO of Household International—and now HSBC North America—on his recognition by the Friends of Adam Smith (FOAS) for the 2004 Business Citizen medal tonight.

I have had the pleasure to get to know Bill over the past several years and I am thrilled the FOAS has recognized his leadership in community service, involvement and public policy. By visiting their headquarters in Prospect Heights, Illinois, to learn how they serve over 50 million customers, I have seen how Household has helped empower its employees to play a more active role in politics and good government by conducting internal voter registration drives.

With almost 6,000 employees in Illinois—and 50,000 throughout the United States—I have seen first hand how Household-HSBC is active in their community under Bill's leadership. Whether with Junior Achievement, the American Cancer Society, Neighborhood Housing Services of Chicago, Habitat for Humanity and many more, Household-HSBC employees are constantly working to make their communities better places to live. Finally, I believe the Business Citizen medal is not just an award for Bill Aldinger, but all his employees. Congratulations Bill, and all members of the Household-HSBC North America team, and keep up the great work.

ARMENIAN GENOCIDE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VISCLOSKY. Mr. Speaker, I rise today in solemn memorial to the estimated 1.5 million men, women, and children who lost their lives during the Armenian Genocide. As in the past, I am pleased to join so many distinguished House colleagues on both sides of the aisle in ensuring that the horrors wrought upon the Armenian people are never repeated.

On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. Over the course of the next 8 years, this war of ethnic genocide against the Armenian community in the Ottoman Empire took the lives of over half the world's Armenian population.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and dismantling of Armenian culture. To those who would question these events, I point to the numerous reports contained in the U.S. National Archives detailing the process that systematically decimated the Armenian population of the Ottoman Empire. However, old records are too easily forgotten—and dismissed. That is why we come together every year at this time: to remember in words what some may wish to file away in archives. This genocide did take place, and these lives were taken. That memory must keep us forever vigilant in our efforts to prevent these atrocities from ever happening again.

I am proud to note that Armenian immigrants found, in the United States, a country where their culture could take root and thrive. Most Armenians in America are children or grandchildren of the survivors, although there are still survivors among us. In my district in Northwest Indiana, a vibrant Armenian-American community has developed and strong ties to Armenia continue to flourish. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and his distinguished service in the House serves as an example to the entire Northwest Indiana community. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffy Hovanessian, residents of Indiana's First Congressional District, who have continually worked to improve the quality of life in Armenia, as well as in Northwest Indiana. Three other Armenian-American families in my congressional district, Dr. Aram and Mrs. Seta Semerdjian, Dr. Heratch and Mrs. Sonya Doumanian, and Dr. Ara and Mrs. Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

In the House, I have tried to assist the efforts of my Armenian-American constituency by continually supporting foreign aid to Armenia. This past year, with my support, Armenia received $84 million in U.S. aid to assist economic and military development. In addition, on April 16, 2004, I joined several of my colleagues in signing the letter to President Bush urging him to honor his pledge to recognize the Armenian Genocide.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee, which allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

While it is important to keep the lessons of history in mind, we must also remain committed to protecting Armenia from new and more hostile aggressors. In the last decade, thousands of lives have been lost and more than a million people displaced in the struggle between Armenia and Azerbaijan over Nagorno-Karabagh. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Azerbaijan, Turkey, and other countries continue to engage in a debilitating blockade of this free nation.

Consistently, I have testified before the Foreign Operations Appropriations Subcommittee on the important issue of bringing peace to a troubled area of the world. I continued my support for maintaining the level of funding for the Southern Caucasus region of the Independent States (IS), and of Armenia in particular. In addition, on February 26, 2004, I joined several of my colleagues in sending a letter to President Bush urging nim to ensure parity in military assistance between Armenia and Azerbaijan.

Mr. Speaker, I would like to thank my colleagues, Representatives JOE KNOLLENBERG and FRANK PALLONE, for organizing this special order to commemorate the 89th Anniversary of the Armenian Genocide. Their efforts will not only help bring needed attention to this tragic period in world history, but also serve to remind us of our duty to protect basic human rights and freedoms around the world.

ISRAEL INDEPENDENCE DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MENENDEZ. Mr. Speaker, today, I am proud to join my colleagues in the United States Congress and world leaders in celebrating the creation of the State of Israel on this 56th anniversary of Israel's Independence Day. On this historic day, we honor the achievements of the Jewish people and the Jewish state, and salute a young and proud nation that has accomplished so much in so little time.

In the 56 years since independence, Israel has welcomed immigrants from all corners of the world as her population grew from 806,000 to 6,780,000 people, including over a million new immigrants from the former Soviet Union. Israel today is a vibrant democracy, the only democracy in the Middle East, and a world leader in technology and agricultural innovation for arid regions.

We must remember that these great achievements have come at a great cost. More than 20,000 Israel Defense Force members have died fighting for the cause of a Jewish state in the years since the war of independence—over 185 Israeli soldiers in the past year alone, since the last Remembrance and Independence Days.

And we must also honor and remember those innocent civilians who have been killed by terrorists trying to destroy the State of Israel and her people. In the last year, at least 176 people were murdered and 906 wounded in terrorist attacks.

On this Day of Independence, the United States of America and Israel stand side-by-side in our commitment to democracy, to peace, and to the State of Israel. The United States will never flinch and will never waiver in its support for the safety and security of the State of Israel and of her people.

A SPECIAL TRIBUTE TO LIEUTENANT COLONEL RICHARD W. LAUGHLIN ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to a special person in Ohio's Fifth Congressional District. This year, Lieutenant Colonel Richard W. Laughlin, Professor of Military Science and Leadership at Bowling Green State University, will retire after 20 years of distinguished service in the United States Army.

Mr. Speaker, Lieutenant Colonel Laughlin graduated from the United States Military Academy at West Point in May of 1984. His hard work and dedication at West Point, the Army's pinnacle of leadership, was exceptional. Upon graduation, he branch selected artillery.

LTC Laughlin graduated from the Field Artillery Officers Basic Course in 1985, and his competence and professionalism in that field served the Nation well as he advanced in rank. Over a period of 8 years, serving at Fort Sill, Oklahoma and at Fort Richardson, Alaska, LTC Laughlin was promoted to first lieutenant and then to captain while serving as Fire Direction Officer, Battery Executive Office, S2, Headquarters Battery Commander, and as assistant S3.

Assigned to the University of Pittsburgh as an assistant professor for military science in 1993, LTC Laughlin was awarded the Governor's Cup for the Commonwealth of Pennsylvania as the best ROTC battalion in the state in 1994. While serving as Chief of Operations for the 1st Cavalry Division at Fort Hood, Texas, he was promoted to the rank of major. He then transferred to Fort Hood, Texas to serve as Rear Detachment Commander, 82nd Field Artillery. Under his able leadership, the 82nd trained and deployed thousands of combat-ready soldiers to the Bosnian conflict in 1999.

LTC Laughlin began his current assignment as a Professor of Military Science at BGSU in 2000. Under his guidance, the ROTC program has been forged into a respected hallmark of the University, with program members participating in numerous campus events. LTC Laughlin's 20-year commitment of distinguished service to his country leaves as its legacy a stronger Army of able combat-ready forces, and a generation of students inspired by his dedication and courage.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the steadfast patriotism and unwavering spirit of Lieutenant Colonel Richard C. Laughlin. I am confident that his example will serve as an inspiration to a new generation of soldiers who, like him, will be brave and vigilant guardians for the United States and its citizens. May he now enjoy the freedoms and liberties that he has so ably helped to protect over his distinguished career.

ARMENIAN GENOCIDE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. HONDA. Mr. Speaker, I rise today to ask the Members of the House to join us in recognizing past instances of genocide and reaffirming our Nation's commitment to never again allow the perpetration of such atrocities anywhere on this earth. House Resolution 193 appropriately reaffirms America's obligation to international genocide conventions, and underscores the importance of recognizing past crimes against humanity, including the Holocaust and the Armenian, Cambodian, and Rwandan genocides.

We all know that silence in the face of genocide only encourages those who would commit such atrocities in the future. Israel Charney, the noted genocide and Holocaust scholar, has written extensively about the psychology of genocide denial. He has explained to the world what we should all know from history: to deny genocide is to celebrate the mass murder and to endorse the doctrine of corrupt power that brought about the destruction in the first place. To erase agonizing memories of genocide only mocks the sensibilities of the victims and their descendents—in essence, once again, victimize the victims.

For this reason, America must recognize the Turkish massacre and displacement of Armenians as an act of genocide. The House Judiciary Committee, upon its unanimous approval of the Genocide Resolution, described the Armenian Genocide in the following terms:

> Beginning in 1915, the Islamic Turkish state of the Ottoman Empire sought to end the collective existence of the Christian Armenian population. From 1915 through 1918, during World War I, the Ottoman Empire subjected the Armenian people to deportation, expropriation, abduction, torture, massacre, and starvation. The atrocities were renewed between 1920 and 1923. It is estimated that one and a half million Armenians were killed out of over two million Armenians who had lived in the Ottoman Empire. It should be noted that these activities ceased with the institution of the new Republic of Turkey in October, 1923.

U.S. recognition of the Armenian genocide is long past due. By failing to admit and recognize atrocities that clearly took place we undermine our Nation's credibility and commitment to combat genocide. On April 24, President Bush issued his annual message in remembrance of the victims of the Armenian Genocide—only he failed to use the word "genocide." In failing to refer to the Armenian Genocide accurately, he has turned his back on his own campaign pledge and on 190 Members of Congress who want the Armenian Genocide recognized.

It is not enough to say "never again." We must take concrete steps to give it meaning and to bolster our own resolve. Passing House Resolution 193 is a small but important step in this ongoing effort to thwart those who would commit genocide. It is the least we can do for the millions who have been killed in Turkey, Germany, Rwanda, and Cambodia. Understanding the lessons of these tragedies will help prevent future crimes against humanity.

Mr. Speaker, I appreciate this opportunity to honor the victims of genocide, and to urge my colleagues to always remain cognizant of the pledge our Nation has made to prevent future acts of genocide.

INTRODUCTION OF THE FEDERAL DISASTER CONSUMER PROTECTION ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. BORDALLO. Mr. Speaker, today I am introducing legislation that would protect the credit histories of consumers residing in areas where damages caused by a disaster impede the efficient payment of debts. My bill would provide an important safeguard for individuals living in disaster-prone regions in order to ensure that their financial histories are not adversely affected by an inability to make prompt payments during and in the immediate aftermath of a Federally Declared Disaster Area.

I am concerned that public law does not provide a consistent legal means for consumers to rectify credit discrepancies occurring during a period in which their residence was included in a Federally Declared Disaster Area as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. While I understand that many financial institutions do institute voluntary programs to give such customers reasonable flexibility in making payments, I also understand that these policies are not required nor are they uniform. Additionally, even where voluntary policies are instituted on the part of financial institutions, inevitably some mistakes will be made. The process of reconciling a credit report is often very difficult and time consuming, and disaster victims already face enough burdens during the recovery process.

The Federal Disaster Consumer Protection Act will assist victims of a disaster by allowing for a 7-day grace period beginning on the date on which the disaster area is declared. If the due date on a payment falls on 1 of those 7 days, an affected consumer would be able to request that any adverse credit report as a result of a late payment be removed from his or her credit history. To prevent abuse, the consumer would had to have made his or her account current within 30 days of the due date in order to exercise this protection. This legislation would also give the Secretary of the Treasury discretion to extend the grace period if he or she sees fit.

My bill proposes minimal standards that should not be a burden on those responsible financial institutions that already have a fair policy for dealing with consumers adversely impacted by a disaster. While I do believe that financial institutions should implement fair policies with regard to bank fees and other penalties for late payment during a disaster, my bill does not impose any new regulations with regard to these issues. The sole purpose of this legislation is to protect the consumer's credit. Support for this legislation will help reduce the risk of inaccurate credit reporting impeding the financial recovery of already vulnerable consumers residing in a Federally Declared Disaster Area.

ON THE 56TH ISRAELI INDEPENDENCE DAY

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. MAJETTE. Mr. Speaker, I rise on this Yom Ha'atzmaut, Israel's Independence Day celebration, to congratulate the people of Israel in their fifty-sixth year. I would like to recount a brief passage from Yitzchak Rabin, a warrior of peace, upon the occasion of his signing a Declaration of Principles for the Oslo Peace Accords in Washington, in what seems like a forever ago, in 1993. Prime Minister Rabin said then:

> We have come from an anguished and grieving land. We have come from a people, a home, a family that has not known a single year, not a single month, in which mothers have not wept for their sons. We have come to try and put an end to the hostilities so that our children, and our children's children, will no longer experience the painful cost of war, violence and terror. We have come to secure their lives and to ease the sorrow and the painful memories of the past, to hope and pray for peace.

On the fifty-sixth birthday of the State of Israel, we are still praying for that peace. Day after day, hour after hour, we see mothers weep for their sons and daughters. But we no longer see those images as distant—because it has happened here, too, in the United States. We know now that terrorism incurs irreparable pain and loss. The State of Israel has known this loss since its modern beginnings in 1948.

Our loss in the United States connects us to Israel beyond the often symbolic, annual gesture of alliance—we are dear friends, and our friendship runs deep. It is rooted in the values and ideals we share—Israel, a vibrant and passionate democracy which includes respect for diversity and religious freedom for all faiths, mirrors the proud character of the United States

And so, today, I wish the state of Israel and its citizens a peaceful birthday—last year I had the opportunity to visit Israel for the first time. Upon seeing the sunrise over the old city walls of Jerusalem, I was overwhelmed by the region's history. The leaders and citizens of Israel have yearned to achieve their vision of peace since the modern State of Israel was born. But this vision eludes us still. We cannot let this peaceful image go—we must continually strive to reach it.

Upon its establishment, the first official recognition of the State of Israel came from the United States of America. We have continuously demonstrated our support for Israel—

and that support will be strengthened as we endure the pain of terrorism, and fight the battle for a lasting and secure peace, together.

ISRAEL INDEPENDENCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WAXMAN. Mr. Speaker. I rise in honor of Israel Independence Day, Yom Ha'atzmaut, to celebrate the strength of the U.S.-Israel relationship and pay tribute to the people of Israel whose vibrant democracy and brave military stand beside us on the front lines of the war against terrorism.

In the fifty-six years since the establishment of the State of Israel, the United States has worked with Israel to create a wide array of foundations and forums for bilateral cooperation on issues ranging from agriculture, science, energy, and the environment, to the development of technology for military and homeland security needs.

We have also worked hard to build a robust economic relationship. Despite the small size of Israel's population, Israel's GNP is now higher than that of most of its neighbors combined. This is a testament to the openness of the Israeli economy and its high volume of trade with the United States.

Perhaps most fundamental, however, is our work together to advance peace and security in the region. While Israeli peace agreements with Egypt and Jordan are enduring cornerstones of this effort, the refusal of the Palestinian leadership to embrace a peaceful and democratic future remains a painful challenge.

Each year, on the Israeli calendar, the celebration of Yom Ha'atzmaut comes on the heels of Yom Ha'zikaron, Israel's Memorial Day, when the nation expresses its eternal debt and gratitude to the soldiers who gave their lives for the achievement of the country's independence and its continued existence. Tragically, over the past three years of Palestinian terrorism, hundreds of Israeli civilians have joined those fallen heroes on front lines that now encompass the doorstep of its cafes, buses, and supermarkets.

Although the Palestinians have attempted to justify their hatred as a reaction to Israel's settlement policy or its acts of self defense, the true source of violence is the Palestinian leadership's desire to annihilate the Jewish State even if it sacrifices the dream of Palestinian statehood.

That is why even as the United States remains an honest broker in the effort to reach a final peace settlement, as a nation fighting the threat of terrorism ourselves we must continue to act in solidarity with Israel and on behalf of its right to exist as a secure, democratic, and Jewish state for generations to come.

PAYING TRIBUTE TO THE HISTORY OF THE GREAT SAND DUNES NATIONAL PARK AND PRESERVE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. McINNIS. Mr. Speaker, I rise today to highlight the grassroots effort to protect one of Colorado's greatest natural treasures: The Great Sand Dunes. I was privileged to play a part in this momentous and exciting process. My own effort to preserve this beautiful area began in 1989 on a family vacation to the Great Sand Dunes National Monument in Colorado's San Luis Valley, where I had a conversation with my friend Bob Zimmerman about his idea to re-designate the Great Sand Dunes National Monument as a National Park and Preserve. This conversation with Bob was the catalyst for a decade-long effort to put the Sand Dunes in their rightful place alongside the nation's other crown jewels as a National Park and Preserve.

A rare gem, Colorado's Great Sand Dunes cover an area of thirty-nine square miles and reach heights of 700 feet above the floor of the flat San Luis Valley, making them the tallest dune fields in the western hemisphere. The Dunes are nestled between rugged, snowcapped mountains that include 14,000-foot peaks peppered with pristine alpine tundra. The Great Sand Dunes of Colorado are a unique hydrological system that feeds one of Colorado's largest wetland areas and are home to beaver meadows and spacious grasslands that are dotted with beautiful mountain flowers. High mountain streams cascade first into pristine lakes situated above the timberline, flowing into dense spruce and fir forests, streaming farther to reach large Aspen groves, ponderosa forest, pinion-juniper woodlands, cottonwood and mountain willow riparian areas. As the newest member of America's National Park system, the Great Sand Dunes is one of the nation's most biologically diverse parks, encompassing wetland species such as sandhill cranes, the rare white-faced ibis, and Rocky Mountain species of bighorn sheep, marmots and ptarmigan. The park also represents a diverse cultural heritage, where Native American sites spanning thousands of years, standing Ute Indian wickiups, mammoth kill sites, and a branch of the Old Spanish Trail traveled by some of the earliest Spanish people in America all sit side by side.

The Dunes themselves are a historic product of the wind and rain eroding the Sangre de Cristo and San Juan Mountain ranges that ring the San Luis Valley. For thousands of years prevailing westerly winds have come over the Rockies and down the flood plain of the Rio Grande River, picking up sand particles on the way. These dry surface layers of sand are deposited at the east edge of the valley before the wind rises to cross the Sangre de Cristo Mountains. This continuing process gradually enlarges and changes the shape and sand patterns of the dunes each day. Overall, the dunes maintain a stable form as a result of the combination of wind, topography, and moisture from rain and snow. Another unique feature of the Great Sand Dunes is a small stream called Medano Creek that is fed by melting snow and only flows during spring and early summer along the eastern edge of the dunes before disappearing below ground in the valley. Medano Creek displays a "surge-flow" behavior in that it flows in waves and is the best example of this phenomenon in the world. Under the ground of nearly half the valley is a fundamentally important aquifer that serves as both the principal source of ground water for irrigation and the maintenance of the Dune ecosystem. If the aquifer were even modestly depleted, the rivers and creeks that feed these dunes would dry up. Part of this vital aquifer underlies the scenic open-space Baca Ranch, consisting of 100,000 acres running alongside the Dunes. The expansive Baca Ranch property is critical to the preservation of the fragile Sand Dunes ecosystem and the economic life of the San Luis Valley. Following multiple water battles in the Valley, a plan came together whereby the Baca Ranch could be part of a solution to these water issues while also helping in the park's designation. The Great Sand Dunes National Monument is one of Colorado's greatest natural treasures and I am honored to bring the concerns of the people of the San Luis Valley to the attention of this nation.

The Great Sand Dunes National Park proposal was a ground-up, community driven effort to enhance the status of the Great Sand Dunes National Monument to a National Park and Preserve. The push to preserve the Sand Dunes area began in the 1930's as Elizabeth Spencer and other members of the Chapter V of the P.E.O. Sisterhood in Monte Vista, Colorado circulated petitions and wrote letters to elected officials in Washington to prevent construction and commercial mining companies from hauling off truckloads of sand. All of their hard work resulted in President Herbert Hoover's proclamation creating the Great Sand Dunes National Monument. It wasn't until the fall of 1999 that the movement to crown one of Colorado's natural jewels while preserving the agricultural way of life in the San Luis Valley began to take its next steps. Protecting the great natural environment of the Dunes came out of requests from citizens who represented the San Luis Valley. Several community members contacted me about trying to preserve and protect the Sand Dunes while putting an end to the decades long fight over efforts to export the Valley's water. This input from the local community was critical to the legislative proposal that I planned to draft and introduce at the upcoming Sand Dunes Summit.

In early December of 1999, I invited then Secretary of the Interior Bruce Babbitt, to participate in a public forum at the Great Sand Dunes to announce our efforts to work together on an initiative to re-designate the Sand Dunes as a National Park, and also to solidify the Administration's support for this proposal. Together with U.S. Senator BEN NIGHTHORSE CAMPBELL, U.S. Senator WAYNE ALLARD, and Colorado Attorney General Ken Salazar, I affirmed the importance of acquiring the Baca Ranch property as crucial to the fragile Dune ecosystem and an important step in protecting the water of the San Luis Valley. At the same time, the Nature Conservancy, under the leadership of state director Mark Burget, was considering entering into tough negotiations to purchase the Baca Ranch. I was encouraged by their dedication.

The communities of the San Luis Valley overwhelmingly supported the Great Sand Dunes National Park proposal. For several months following the Summit, I worked with my staff to consult with the communities of the San Luis Valley through town hall meetings over countless working weekends. Our goal was to develop a set of community-generated principles that would serve as the basis for my legislative proposal to Congress for the authorization of the new park.

Before going to work on this proposal in Washington, I sent my staff out in the community to learn the issues better than anyone else, so that the eventual draft legislation would adequately reflect local priorities. Ahead of the Summit, my staff had spent significant time on the ground, meeting with local citizens and officials who were interested in creating the Great Sand Dunes National Park, including county officers, Friends of the Dunes' supporters, the Nature Conservancy, and park officials. The information gathered through these meetings was instrumental in formulating the legislative proposal to create the Great Sand Dunes National Park and Preserve. For instance, one of the priorities voiced locally was the need to preserve the ability of the Colorado Division of Wildlife to manage the big horn sheep population. That required some creative problem solving, since typically hunting is not allowed in a park. That's where we came up with the idea to create a nature preserve, managed by the National Park Service, that would protect the aspects, such as the hydrology, that make the park unique, while also allowing for the hunting needed to manage the big horn sheep population.

Another creative idea that was implemented in the proposal was the designation of the Baca National Wildlife Refuge. That designation allowed for different management regimes than a national park. It was envisioned for land diverse enough to be managed for wildlife (including the overpopulated elk), while also flexible enough to account for an area that could support significant migratory bird populations, such as waterfowl, cranes and shorebirds, through continuation of many of the Ranch's irrigation practices. In this way, the park could become an economic draw in and of itself. Additionally, I listened to the wishes of the citizens of Saguache County who were concerned about the potential for traffic congestion created by a possible northern entrance to the park. I decided to include a locally driven advisory council that could be a platform for ensuring that these local concerns were considered when the management of the future park was being crafted. I was also able to offer the Forest Service some incentives to support the bill. While the Forest Service was very reluctant to give up the land that it was currently managing in what was to become the preserve, I was able to offer them the chance to manage the area of the Baca Ranch that includes the mountains, specifically the 14,000+-foot Kit Carson Peak. This helped ease some management headaches because of travel restrictions across the Baca Ranch that broke up the continuity of the forest and notably the 14,000-foot ridge. This enticement helped to eventually convince the Forest Service to support the goals of the legislation.

Finally, the most important part of this process was the innovative way in which my staff and I offered to protect the hydrologic resources of the area with an approach that respected the local water interests. This was a unique and creative effort to give the federal government the ability to protect the water in a manner that made everyone comfortable with the process. This is perhaps the lynchpin of the legislation, and one of the primary reasons for the bill. After all, it is the interwoven hydrologic system in the San Luis Valley that creates the Dunes themselves. In fact, without the water to move the sand back down to the dunes and create the conditions for the dunes themselves, the Valley's agriculture and Colorado's largest concentration of wetlands would cease to exist. It is important to remember that the San Luis Valley had just gone through a lengthy and expensive water fight with American Water Development Incorporated and Stockman's Water—a battle that led to two ballot initiatives in 1998 that the Valley worked together to defeat. As a result of that effort, the provisions in this bill that offered a way to protect the Dunes and the water and agriculture in the Valley ensured our success.

On March 28, 2000 I introduced H.R. 4095, a bill to establish the Great Sand Dunes National Preserve and authorize the Secretary of the Interior to re-designate the Great Sand Dunes National Monument as a National Park. This legislation was well received in the local community, where numerous organizations passed resolutions or wrote letters in support of my bill. My staff and I worked with members of the Administration, along with State and local government officials to bring this important legislation to the attention of my colleagues in the Congress. Without the support of many of these organizations and numerous dedicated individuals, this legislation would never have become law.

I am grateful for the support of several individuals who worked with us to make this legislation a reality. Christine Canaly of the San Luis Valley Ecosystems Council, a retired Adams State College professor and president of the Friends of the Dunes organization; Hobey Dixon, whose efforts to elevate the dunes and save the ecosystem, with special attention to keeping the water in the San Luis Valley, were instrumental to building a coalition of local support. Mike Gibson, former head of the Nature Conservancy's San Luis Valley Project; Ray Wright, the Chairman of the Rio Grande Water Conservation District; Ralph Curtis, the manager of the Rio Grande Water Conservation District. Ralph, along with the rest of the Colorado water community, were helpful in working with us to creatively forge consensus solutions to the water issues central to the ecosystem and the Valley's economy. Their suggestions helped us to push for the purchase of the Baca Ranch property that is crucial to maintaining the fragile Dunes ecosystem. Mike Blenden, the local manager for the U.S. Fish and Wildlife Service, played a significant role in helping me to craft the "Refuge" portion of the bill. Steve Chaney, who serves as superintendent of the Great Sand Dunes National Monument and Preserve, was also an invaluable source of support and dedication throughout the entire process. I was fortunate to receive the support of Colorado State Legislators Gigi Dennis and Lewis Entz, who teamed up to pass a resolution in the Colorado legislature that supported our efforts to create the new National Park and Preserve. My staff and I were also grateful for the dedication of various individuals from the Governor's office and the Colorado State Land Board, who worked with us to help structure the finances of the Baca Ranch land purchase. The Action 22 organization also passed a supportive resolution encouraging the park's re-designation. However, this legislation could never have been successful without the initial support of the grass-roots efforts of people like local organizer Dion Stewart, Rio Grande County Commissioners Randall Brown, Doug Davie, and Vern Rominger, Alamosa County Commissioners Darius Allen, Charlotte Bobicki, and Bob Zimmerman, and citizens throughout the region.

Despite this overwhelming support from state and local officials, neighboring communities and statewide organizations, H.R. 4095 had opposition from two of Colorado's U.S. Congressional Representatives from Teller County and Eastern Colorado, whose disagreements centered on concerns over control of water usage in Colorado and a belief that the Great Sand Dunes National Monument was not on par with our other national parks.

In response to the clear intentions of the Representative from Teller County to kill the legislation through the Committee process in the U.S. House of Representatives, it became clear that we would have to try another route. I went to Senator WAYNE ALLARD and worked out a strategy with him to pass an identical measure in the Senate. Senator ALLARD quickly agreed and S. 2547 was introduced on May 11, 2000. Within a month, the Senate Committee on Energy and Natural Resources held a Subcommittee hearing and a full Committee mark-up. On October 5, 2000 the U.S. Senate unanimously passed S. 2547. Pursuant to a prior arrangement with the Speaker of the House, the following day the Senate-passed version of my bill was received in the House and held at the desk for subsequent consideration on the Floor. This parliamentary procedure is very unusual. On October 24, I debated well into the evening with my opposing colleague about the merits of the bill. I welcomed the support that I received from other members of the Colorado Congressional delegation, who spoke in favor of this legislation on the Floor. However, given the Representatives position on the Resources Committee at the time, we couldn't take anything for granted. That evening, after the debate, I had my staff personally deliver a "Dear Colleague" letter from me to each Member of Congress asking that they support my Sand Dunes bill, which would be voted on the next day.

On October 25, 2000, by a vote of 366 to 34, the House of Representatives overwhelmingly approved the legislation. On November 22, 2000, the President signed the legislation designating the Great Sand Dunes National Park and Preserve into law.

I was overjoyed with the enactment of our legislation, but I also knew that, in order to make sure the monument made the transition to a national park, the essential Baca Ranch property would need to be incorporated into the park. My staff and I have continued to work with the Nature Conservancy to stave off a few procedural battles and have asked for the necessary appropriations to acquire the funds necessary for the purchase of the Baca Ranch and the transfer of ownership from the Nature Conservancy to the federal government. As of April of 2004, we have managed to acquire all but roughly $3 million of the funding needed to go towards the closing costs to the U.S. Fish and Wildlife Service, which is the last step in re-designating the Great Sand Dunes National Park and Preserve. My staff and I have, in conjunction with U.S. Senator BEN NIGHTHORSE CAMPBELL, already made the request for the final appropriation. We are encouraged by the resolve of all of our supporters in this final step. It has been a long journey and I especially want to thank all of those devoted individuals and organizations that have worked with me to make this initiative a legislative success. The designation of this park is a tribute to the natural beauty of Colorado and the hard work of numerous capable and committed people. The realization of our goal is in sight, and I hope that in the very near future we will achieve our common dream of creating the Great Sand Dunes National Park and Preserve.

I'd like to thank Elizabeth Peetz of my staff who helped compile the history of these efforts.

ISRAEL AND THE UNITED STATES ON ISRAEL'S 56TH INDEPENDENCE DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANTOS. Mr. Speaker, I wish to congratulate Israel on its Independence Day, the 56th anniversary of the founding of the modern State of Israel. In 56 years, Israel has experienced more dangers and more triumphs, more success and more tragedy, more highs and lows than many states that have existed for many centuries longer. Throughout it all, Israel's indomitable spirit has conquered adversity.

Israel has much for which to be grateful. Foremost, Israel has so often been blessed with great leaders, with wise and visionary leadership. This tradition goes back to Israel's modern origins. At the end of the nineteenth century, the founder of the modern Zionist movement Theodor Herzl made the most preposterous and prophetic prediction I know of, when he asserted that a Jewish state would be born within a half-century. He made that prediction in 1897, when virtually nobody took the idea seriously. Fifty-one years later, in 1948, the state of Israel was founded.

In statehood, Israel's leaders have been practical, humane, bold, and peace-loving. It is a pity that Israel's neighbors generally have not been blessed with leaders of a similar type.

Mr. Speaker, David Ben-Gurion and the Zionist leadership were practical enough to accept the 1947 U.N. partition resolution, though they had hoped for much more. They were humane enough to treat their Arab citizens as equals when Arab leaders were threatening to drive the Jews into the sea. They and their successors were bold enough to do what is necessary to keep Israel and the Jewish people alive, regardless of what the rest of the world might think.

Usually, the world decides much later that Israel was right after all. Remember the bombing—the then much criticized bombing—of the Iraqi nuclear reactor Osirak in 1981? How universally scorned it was at the time. At that time, I was the only Member of the Congress to commend Israel for its action. How grateful the civilized world is now for Israel's bold move in 1981.

Once again, courageous Israeli leadership has come to the fore. As I speak, I have no idea whether Prime Minister Sharon's plan for unilateral redeployment from Gaza and parts of the West Bank will be accepted by the Israeli people, government, and Knesset. I do know that Prime Minister Sharon's plan demonstrates a clear commitment to establishing a structure of peace in the absence of a viable Palestinian peace partner. And I do know that the Israeli verdict on that plan will be arrived at democratically.

Mr. Speaker, Israel also has been blessed with the great friendship and unswerving support of the United States. It has earned this friendship not only because of shared strategic interests but also because Israel has fashioned a society that embodies the same fundamental values as our own.

Against impossible odds, Israel has established a vibrant, open, prosperous, free, and fully democratic society; a pluralistic society built by people from virtually every country in the world; a society that is politically, economically, and intellectually on a par with the best of the West. In fact, the Arab population of Israel enjoys incomparably more freedom and democratic rights than do those who live anywhere in the Arab world.

Mr. Speaker, the past four years have been among the most dangerous in the history of the State of Israel. The scale of Israeli loss in the so-called intifada is staggering—much of it the result of suicide bombings.

Israel should know that its friends in the United States stand in complete solidarity with it in its fight against terrorism. Its friends here will defend its right to protect itself against all forms of terrorism, against the scourge of those who place no value on human life. Its friends fully understand and support Israel's right to build a security fence to keep out suicide bombers. And Israel should know that its friends here won't be afraid to stand up to unjustified and disturbingly persistent criticism coming from Europe, from those who have managed to misunderstand the lessons of their own history.

And Israel should rest assured that its friends here agree that violence must end before negotiations begin. You cannot negotiate with terror; you can only defeat it. Only when the Palestinians learn that they cannot exhaust Israel through violence will they be ready for the kinds of political compromises necessary for a lasting peace. Israel's friends understand that.

Mr. Speaker, for Israel's friends, today is a day for joy, solidarity, and reflection. As we join with our Israeli friends to celebrate the remarkable story of Israeli independence, we take special pride in the role our nation has played and continues to play in supporting Israeli security and in promoting the special bilateral relationship from which our nations have derived great and mutual benefit.

IN RECOGNITION OF EUNICE W. JOHNSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Eunice W. Johnson, a nationally known business leader and humanitarian. On May 2, 2004, she will address the 129th Commencement Exercises at Talladega College in Talladega, Alabama.

Eunice Johnson is a graduate of Talladega College with a B.A. degree in sociology and a minor in art. She grew up in Selma, Alabama, where her father, Dr. Nathaniel Walker, was a physician, and her mother, Mrs. Ethel Walker, was the principal of the high school and taught education and art at the college level at Selma University. Following graduation from Talladega College, Eunice Johnson earned her Master's degree in social work from Loyola University in Chicago. She also studied journalism at Northwestern University and interior decorating at the Ray School of Design.

Mrs. Johnson is the secretary-treasurer of Johnson Publishing Company, Inc., which was founded by her husband, John H. Johnson, in 1942. Johnson Publishing Company publishes Ebony and Jet magazines and is the largest Black-owned publishing company in the world. Since 1961, she has been producer and director of Ebony Fashion Fair, the world's largest traveling fashion show, which has donated over $49 million to the United Negro College Fund and other African-American charities. Out of her involvement in Ebony Fashion Fair, Mrs. Johnson created Fashion Fair Cosmetics, which is a world leader in cosmetics and skin care for women of color.

Eunice Johnson has been an active member of many community organizations in the Chicago area where she lives. She has received the Outstanding Black College University Alumnus Award from the Alabama A&M University Alumni Association and the Honorary Doctorate of Humane Letters from Talladega College and Shaw University. She is a Golden Life Member of Delta Sigma Theta and a member of the Advisory Board of the Harvard Graduate School of Business.

I am proud to recognize one of the most distinguished and successful alumni of Talladega College, Eunice W. Johnson, as she addresses the graduating class of 2004, and appreciate the House's attention to this important matter today.

CONGRATULATING GEORGE AND GERMAINE BRIANT

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VITTER. Mr. Speaker, I rise today to recognize George and Germaine Briant, of Hammond, LA. George and Germaine were married on July 20, 1921. Having spent over 80 years together, I am proud to honor George and Germaine as Louisiana's longest married couple.

George Briant is a World War I veteran. He was awarded the Purple Heart and the French Legion of Honor due to his outstanding service to this country. Following in his father's footsteps, their son George fought in World War II. In 1945 at the age of 25, George was killed during the filming of a movie while on leave from his military duties.

On February 14, 2003, the Briants were recognized by the Louisiana Family Forum as the longest married couple in Louisiana. A dinner was also held in honor of the Briants at the Louisiana Governor's Mansion last year. George and Germaine currently reside at Live Oak Village in Hammond, where they are often seen happily spending all of their time together.

I come to the floor of the House of Representatives today to personally commend and honor the marriage of George and Germaine Briant. They serve as living examples of lifelong commitment, love, courage, and faith. Again, congratulations to George and Germaine on 80 years of marriage. I wish you a very Happy Anniversary.

ISRAEL INDEPENDENCE DAY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to mark the anniversary of the establishment of the State of Israel and to pay tribute to those who have given their lives for the achievement of the country's independence and its continued existence.

Israel's Independence Day comes just 8 days after the Holocaust Remembrance Day which is the day that has been set aside for remembering the victims of the Holocaust and for contemplating what can happen to civilized people when bigotry, hatred, and indifference reign. Lost 2 thousand years earlier, Jewish independence was restored in 1948 with the establishment of the State of Israel. Independence Day is a celebration of the renewal of the Jewish state and allows the Jewish people to continue development of their distinctive religion and culture.

However, their independence has come at a price. The State of Israel has faced obstacles and challenges to its very survival, with conventional military attacks leading the way to suicide bombers who have killed innocent Israeli men, women, and children. Through these adversities, Israel has endured with continued strength, conviction, and faith. As the only democracy in the region, it serves as a model for its neighbors and provides hope for the future. As the United States had to face the harsh realities of terrorism following the unthinkable attacks on our country on September 11, 2001, the bond between our nations has never been stronger.

Mr. Speaker, the commemoration of the independence of Israel is an important reminder of the contributions of Israel to democracy worldwide. Today, I ask my colleagues to join me in celebrating Israel's independence and to pay tribute to the fallen men, women, and children that have died in Israel's continued struggle for independence and democracy.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

Today, we continue the crusade to ensure that this tragedy is never forgotten. This 89th anniversary of the Armenian Genocide is an emotional time. The loss of life experienced by so many families is devastating. But, in the face of the systematic slaughter of 1.5 million people, the Armenian community has persevered with a vision of life and freedom.

Armenian Americans are representative of the resolve, bravery, and strength of spirit that is so characteristic of Armenians around the world. That strength carried them through humanity's worst: Upheaval from a homeland of 3,000 years, massacre of kin, and deportation to foreign lands. That same strength gathers Armenians around the world to make certain that this tragedy is never forgotten.

Without recognition and remembrance, this atrocity remains a threat to nations around the world. I've often quoted philosopher George Santayana who said: "Those who do not remember the past are condemned to repeat it." And to remember, we must first acknowledge what it is—Genocide.

Tragically, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks. More than 500,000 were deported. It was brutal. It was deliberate. It was an organized campaign and it lasted more than 8 years. We must make certain that we remember.

Now, we must ensure that the world recognizes that Armenian people have remembered, and they have survived and thrived.

Out of the crumbling Soviet Union, the Republic of Armenia was born, and independence was gained. But, independence has not ended the struggle.

To this day, the Turkish government denies that genocide of the Armenian people occurred and denies its own responsibility for the deaths of 1.5 million people.

In response to this revisionist history, the Republic of France passed legislation that set the moral standard for the international community. The French National Assembly unanimously passed a bill that officially recognizes the massacre of 1.5 million Armenians in Turkey during and after WWI as genocide.

Several nations have since joined in the belief that history should beset straight. Canada, Argentina, Belgium, Lebanon, The Vatican, Uruguay, the European parliament, Russia, Greece, Sweden and France, have authored declarations or decisions confirming that the genocide occurred. As a country, we must join these nations in recognition of this atrocity.

I am proud to join more than 100 of my colleagues in cosponsoring H. Res. 193, which emphasizes the importance of remembering and learning from past crimes against humanity. We must demand that the United States officially acknowledge the forced exile and annihilation of 1.5 million people as genocide.

Denying the horrors of those years merely condones the behavior in other places as was evidenced in Rwanda, Indonesia, Burundi, Sri Lanka, Nigeria, Pakistan, Ethiopia, Sudan, and Iraq. Silence may have been the signal to perpetrators of these atrocities that they could commit genocide, deny it, and get away with it.

As Americans, the reminder of targeted violence and mass slaughter is still raw. We lost nearly 3,000 people on September 11. I cannot imagine the world trying to say that this did not occur. The loss of 1.5 million people is a global tragedy.

A peaceful and stable South Caucasus region is clearly in the U.S. national interest. Recognizing the genocide must be a strategy for this goal in an increasingly uncertain region. One of the most important ways in which we an honor the memory of the Armenian victims of the past is to help modern Armenia build a secure and prosperous future.

The United States has a unique history of aid to Armenia, being among the first to recognize that need, and the first to help. I am pleased with the U.S. involvement in the emphasis of private sector development, regionally focused programs, people-to-people linkages and the development of a civil society.

I recently joined many of my colleagues in requesting funding for Armenia including for Foreign Military Financing, for Economic Support Funds, and for assistance to Nagorno-Karabakh.

Armenia has made impressive progress in rebuilding a society and a nation in the face of dramatic obstacles. I will continue to take a strong stand in support of Armenia's commitment to democracy, the rule of law, and a market economy—I am proud to stand with Armenia in doing so. But there is more to be done. Conflict persists in the Nagorno-Karabakh region.

Congress has provided funding for confidence building in that region, and I will continue my support of that funding and the move toward a brighter future for Armenia. But in building our future, we must not forget our past. That is why I strongly support the efforts of the Armenian community in the construction of the Armenian Genocide Memorial and Museum. Because so many Armenians have spoken of the destruction, they have made certain that we remember.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to the next generation and help Armenia build its future.

IN RECOGNITION OF KIDS DAY AMERICA/INTERNATIONAL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in recognition of the "Kids Day America" event in Anniston, AL, to be held this year on May 15, 2004. "Kids Day America" is in its 10th year and is a special day set aside across the nation to address health, safety, and environmental issues that affect us as individuals and as a community. Wade Clinic of Chiropractic of Anniston is the official chiropractic office representing the event.

This year in Anniston, "Kids Day America" will benefit the Wellness Education Foundation, a national nonprofit organization formed for the purpose of educating communities across the country about wellness issues. The Anniston Police Department is bringing McGruff, the Crime Dog; the Calhoun County Sheriff's Department will be present to fingerprint ID children; the Calhoun County LINC Program will be presenting parenting workshops; the Health Department will be distributing information; and the Alabama Power Company will be presenting their "SafetyOpolus."

More than 1500 communities have participated in "Kids Day America." With the help and support of thousands of local police departments, county sheriff offices, dentists, and photographers who volunteer, the children who attend will be able to complete their own Child Safety ID cards.

I salute "Kids Day America" for the service it provides and commend Wade Clinic of Chiropractic of Anniston, Alabama, for its sponsorship of this event on May 15, 2004.

CONGRATULATIONS TO ISRAEL ON ITS NATIONAL DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. RANGEL. Mr. Speaker, I rise today to honor the people of Israel who celebrate their Independence Day today in accordance with the Hebrew calendar. Fifty-six years ago, on May 14 1948, the Jewish people proclaimed the establishment of their own state and Israel was born. After hundreds of years of diaspora and persecution and three years after the full terrors of the holocaust were disclosed to the world, the Jewish people were finally able to return to the land of their biblical roots.

The Israeli and the American people have had a special relationship ever since 1948. President Harry S Truman was the first head of state to recognize the new country. He had always seen the extraordinary connection of the American people and the Jewish population in the Middle East. In his memoirs he stressed that both the Americans and the Jews in the Near East were pioneers who turned unexploited lands into powerful engines of growth. Under the hard working hands and the sweat of the Jewish people, the bleak desert started to bloom and within years of its existence the state of Israel became an economical developed country which attracted immigrants from all over the world.

Even before the state of Israel was established, President Truman foresaw that the Jewish state would be a stable democracy with values similar to those of the United States. Truman admired Israel's first President Chaim Weizmann as a great statesman and the relationship of these two men was one of mutual understanding and respect. These sentiments are still dominant between Americans and Israelis today.

Israel has had to fight against external foes from the very beginning of its existence. With great bravery, the Israeli people have been defending their country for 56 years and have lost more than 21,700 soldiers and thousands of civilians in this struggle. Yesterday, the Israeli people observed a special annual day of remembrance for the victims of this fight. I want to express my sympathy to the people of Israel for their human losses in the past and in the present. The American people are deeply concerned about the ongoing conflict between the Palestinians and the Israelis and hope that these two people will soon find a way to live together in peace.

I wish the Israeli people a peaceful and cheerful Independence Day. They have every reason to be proud of their country.

ON THE LOSS OF LANCE CORPORAL MATTHEW K. SERIO

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the death of Lance Corporal Matthew K. Serio, a brave Marine who served with dignity and honor in Iraq. I join his family and the people of Rhode Island in mourning this great loss.

On Monday, April 5, Lance Corporal Serio was killed by enemy fire during combat operations near Fallujah, Iraq. A member of Charlie Company, 1st Battalion, 5th Marines, Lance Corporal Serio was serving his second tour of duty in Iraq. He graduated from North Providence High School in 2001, where he distinguished himself as a member of the football team. After graduation, he pursued a lifelong dream and immediately enlisted in the U.S. Marine Corps.

I extend my deepest condolences to his parents Anthony and Sharon, his younger brother Chris, and his older brother A.J., who serves in the Navy. The people of North Providence and Rhode Island have demonstrated their love and appreciation for Matthew's sacrifice and have spoken highly of his contributions to their lives. Those who knew him well recalled his friendliness and compassion, as well as his patriotism and love of service.

His loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their nation called them to duty to preserve freedom, liberty and the security of their neighbors, they answered without hesitation. We remember those who have fallen not only as soldiers, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN RECOGNITION OF THE DONOHO SCHOOL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to The Donoho School in Anniston, Alabama, on the occasion of the celebration the of school's 40th anniversary on Friday, May 7, 2004.

The Donoho School is an independent, college-preparatory day school in Anniston, Alabama, enrolling 366 students in pre-kindergarten through grade twelve. It was founded as a secondary institution in 1963 and chartered under the name of The Anniston Academy. In 1976, the name was changed to The Donoho School in recognition of Mrs. Harriet Wallis Donoho, a founder and benefactor of the school.

The Donoho School's mission is to provide a quality college-preparatory education to capable, highly motivated students. It is committed to the development of the total child by providing a challenging curriculum in an atmosphere conducive to good citizenship, personal integrity and devout religious principles. The school's academic, athletics, fine arts and other student activities are designed to fulfill this commitment.

As the Congressional representative for Anniston, Alabama, I have long been aware of the outstanding reputation The Donoho School holds in the local community and surrounding areas. I am proud to salute this fine school on its 40th anniversary.

CONGRATULATING DOROTHY NORIEA

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VITTER. Mr. Speaker, I rise today to recognize Dorothy Noriea, of Mandeville, Louisiana. Dorothy has been named the Louisiana Breast Cancer Task Force's Board Member of the Year.

After being diagnosed with breast cancer in the summer of 1998, Dorothy underwent a lumpectomy, mastectomy, chemotherapy and radiation and completed treatment in 1999. Dorothy has since served as a member Louisiana Breast Cancer Task Force, an organization which puts forth an immeasurable amount of effort in working towards a cure for breast cancer.

In addition to her work with the Louisiana Breast Cancer Task Force, Dorothy also serves on the Board of the Mandeville PTA, the Greater Covington Junior League, the Beau Chene Garden Club, and the Presbyterian Women's Club. Her invaluable service to the community shows her to be selfless and full of strength and courage.

I come to the floor of the House of Representatives today to personally commend and honor Dorothy Noriea on being named the Louisiana's Breast Cancer Task Force's Board Member of the Year. I am honored that we as members of the U.S. Congress are able to recognize a woman who has been through so much in her own personal life yet still manages to give so much to the community. She deserves tremendous acknowledgement and appreciation for all that she has contributed to the citizens of Louisiana.

Again, I would like to thank Dorothy Noriea for so honorably representing the state of Louisiana.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of one of history's most terrible tragedies, the Armenian Genocide.

April 24, 1915 is remembered and solemnly commemorated each year by the Armenian community and others throughout the world. On that day, Armenian religious, political, and intellectual leaders were arrested in Constantinople, taken to the interior of Turkey and murdered. In the years that followed, Armenians living under Ottoman rule were systematically deprived of their homes, property, freedom, dignity, and ultimately their lives. By 1923, 1.5 million Armenians had been massacred and 500,000 more had been deported.

The Armenian Genocide is a historical fact, despite the efforts of some to minimize its scope and deny its occurrence. Many of the survivors of the genocide came to the United States, where they and their descendants have contributed to our society in countless ways. In my district, there is a significant population of Armenian survivors and their families that showed heroic courage and a will to survive. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their culture, traditions, and religion and have told the story of the genocide to an often indifferent world. As Members of Congress and people of conscience, we must work to overcome the indifference and distortions of history, and ensure that future generations know what happened.

Mr. Speaker, genocide is the most potent of all crimes against humanity because it is an effort to systematically wipe out a people and a culture as well as individual lives. Denying that genocide took place when there are recorded accounts of barbarity and ethnic violence is an injustice. This was a tragic event in human history, but by paying tribute to the Armenian community we ensure the lessons of the Armenian genocide are properly understood and acknowledged. I am pleased my colleagues and I have this opportunity to ensure this tragedy is remembered.

CELEBRATION OF ISRAEL INDEPENDENCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, today we commemorate Yom Ha'Atzmaut, Israel's Independence Day. For 56 years, Israel has been forced by its neighbors and many in the international community to fight for the right to exist. As the only country in the region with a popularly elected democracy, Israel remains our staunchest ally.

In the face of continuous terror, citizens of Israel try to lead a normal life. However, they remain haunted by acts of violence that they have witnessed. Sadly, many have felt the anguish of knowing someone who has been murdered. Many are afraid to ride buses, sit in cafes, or visit outdoor markets. The pursuit of happiness, often taken for granted in the United States, is summarily abridged by those that seek to destroy Israel.

The majority of Israeli citizens desire peace with their neighbors. They want to be free from terrorist attacks and free from the constant fear that plagues them. On this day, Yom Ha'Atzmaut, we must pledge to work to further the goal of peace in the Middle East and ensure the continued existence of the lone representative democracy in the region, our friend and ally, Israel. Let us not forget that this is a day of celebration for Israelis who commemorate the establishment of Israel with great joy. Against all odds, the fledgling Jewish State has survived and grown into a stable, economically strong country.

TRIBUTE TO NATIONAL ETHNIC COALITION OF ORGANIZATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. RANGEL. Mr. Speaker, I am pleased today to pay tribute to an outstanding humanitarian organization, the National Ethnic Coalition of Organizations. NECO, as it is better known, celebrates its 20th anniversary this year.

NECO's mandate is simple but powerful, universal in scope and humanitarian in purpose. It seeks to preserve ethnic diversity, promote equality and tolerance, combat injustice and bring about harmony and unity among all peoples.

Since its founding in 1984 this multi-ethnic coalition has taken leadership in the promotion of diversity and has sponsored programs, activities and educational initiatives designed to break through the walls of ethnic misunderstanding and ignorance.

I am especially pleased and proud in this tribute to acknowledge the inspirational leadership and tireless work of NECO's Chairman and a good friend, William Denis Fugazy. Bill has been the leader of NECO throughout these 20 years and in that role has become one of our nation's most respected humanitarian leaders and a dedicated visionary, who constantly works to promote brotherhood and respect between all citizens.

NECO's most distinct program is familiar to many of you and to the general public. Each year since 1986, NECO has awarded the Ellis Island Medal of Honor. It honors Americans of various ethnic origins for their outstanding contributions to this country. It is an award that has been bestowed on all American Presidents since 1986 as well as Nobel Prize winners, leaders in entertainment, business and science and a number of members of Congress on a bi-partisan basis. I was proud in 2001 to cosponsor a resolution which passed the House and Senate to recognize the Ellis Island Medal of Honor.

Beyond the Ellis Island Medals, NECO has provided leadership in a wide range of humanitarian and national civic work. This includes raising more than $1 million to renovate and refurbish the Immigrant Wall of Honor on Ellis Island, a wall which contains the names of more than 200,000 immigrants to the United States who first aimed to begin the American dream on Ellis Island.

One of the best-known of NECO's programs is the Forum Children's Foundation. This project involves sponsoring children from various third world nations who are in need of urgent medical assistance to come to the United States and receive this care. To date more than 30 children have been provided with surgeries and related care that could be characterized as either life saving or life changing in nature. The Foundation assumes the responsibility for the costs associated with the care and the transportation necessary to receive it. In this endeavor they have made a genuine difference in the lives of not only the children but their families as well.

NECO in its history has been deeply involved as an advocate to combat the rising local, state, and national problem of hate crimes. It began in response to one of the most heinous of all hate crimes that was committed against James Byrd in Texas. NECO in addition to helping the Byrd family with the funeral costs, also established two scholarships a year in conjunction with the James Byrd Jr. Foundation for Racial Healing. NECO has worked closely with the sponsors of comprehensive hate crime prevention legislation in both the House and the Senate working to educate and inform the Congress about the need to prevent hate crimes by providing law enforcement with adequate resources and responsibility. Today in our nation we average nearly 25 hate crimes a day and it is obvious that we must do more to combat the problem.

NECO is constant in its efforts to combat negative ethnic and racial stereotyping. This has included work with the Family Exchange Peace Program. This program brings thousands of school children and their families together to raise awareness about the diverse racial and ethnic heritage of New York City as well as to encourage racial, ethnic and cultural harmony.

NECO also is responsible for one of the most important Italian American organizations, the Coalition of Italo-American Associations. The Coalition representing 143 organizations around the nation with a membership of some 1.5 million works in conjunction with NECO on the key mission to fight discrimination including negative media stereotyping, and to spotlight the contributions which Italian Americans make and continue to make to America.

NECO also is responsible for the Forum Club, a leading business organization in New York City, which sponsors monthly high-level programs with prominent speakers from government, media and business.

Over the past 20 years NECO has distinguished itself in many humanitarian programs and initiatives. It has stayed true to its mission to promote the strength of diversity and to promote understanding and harmony. Its positive mission and message is challenged so often by some harsh realities of modern society such as hate crimes and discrimination, yet NECO's strength of character and sense of commitment has been unwavering.

It is a special honor for me to recognize NECO and its great work these past twenty years. I salute NECO's leadership including its Board of Directors, staff and volunteers and most especially their Chairman, Bill Fugazy. NECO is an outstanding model of an organization which does so well by doing such good.

THE LOSS OF MASTER SERGEANT RICHARD L. FERGUSON

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the death of Master Sergeant Richard L. Ferguson, United States Army—a brave soldier who served with dignity and honor in Iraq. I join his family and the people of Rhode Island in mourning this great loss.

On Tuesday, March 30, Master Sergeant Ferguson was killed in Samarra, Iraq, when the vehicle in which he was riding overturned in a non-hostile incident. He served with 2nd Battalion, 10th Special Forces Group out of Fort Carson, Colorado. Raised in Coventry, Rhode Island, Master Sergeant Ferguson joined the Army at the age of 17 and served his nation honorably as a member of the elite Special Forces. His assignments sent him around the globe on important and challenging missions, and it was while stationed in Germany that he met his wife, Marianne. Marianne now lives in Colorado with their children, Jonathan, Jordan, and Jason.

Master Sergeant Ferguson's many years in the Army demonstrate his dedication to our nation's freedom, a belief shared by others in his family that were also called to service; his father, Lee F. Ferguson, Sr., served in Korea, his brother, Lee Jr., was a member of the 82nd Airborne, and his brother Eric is in the Air National Guard. Richard Ferguson also leaves a sister, JoAnn Phillips of Coventry, and a daughter, Audrey. Those who knew him well spoke highly of his love of his family, and his patriotism. He was described as a leader who demonstrated humility, commitment and courage.

His loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their nation called them to duty to preserve freedom, liberty and the security of their neighbors, they answered without hesitation. We remember those who have fallen not only as soldiers, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN RECOGNITION OF PIEDMONT ELEMENTARY SCHOOL'S STUDENT COUNCIL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in recognition of Piedmont Elementary School of Piedmont, Alabama. This fine elementary school has established a Student Council in order to teach its students the importance of government and the democratic principles. As I read the letters of some of its young officers, I know that this experiment has been successful. These young people, under the leadership of student council sponsors Miss Leslie Gary and Mrs. Melinda Whaley, are indeed a credit to their school, their community and their state.

As a reward for their service on the Piedmont Elementary School Student Council and to further their education about our American government, these students will be traveling to Washington, D.C., on April 27 to May 1, 2004. The Alabama Legislature has designated them as "Ambassadors of Goodwill."

I welcome these Alabama Ambassadors of Goodwill and their principal, John H. McGill, as the Piedmont Elementary School Student Council visits our Nation's Capital. I salute these young people for their accomplishments.

THANKING SISTER IMELDA FOR THIRTY-FIVE YEARS OF GUIDANCE, SERVICE, AND LEADERSHIP

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VITTER. Mr. Speaker, I rise today to recognize Sister Imelda Moriarty, Principal of St. Catherine of Siena School in Metairie, Louisiana. Sister Imelda is retiring after thirty-five years of teaching at St. Catherine. She is a pillar of the Louisiana educational community and will be sorely missed.

Sister Imelda began teaching at St. Catherine of Siena School in 1969 with a class of forty-one students. She became principal in 1974, and she will retire as principal in May of 2004. Since the arrival of Sister Imelda, St. Catherine has become the largest nonpublic school in Louisiana.

Generation after generation of children from the New Orleans area have attended and will attend St. Catherine. Under the guidance of Sister Imelda, thousands of students have received excellent educations and have become positive contributors to their communities. More importantly, these students have developed a moral, ethical and spiritual foundation to help guide them through life. It is through Sister Imelda's faith that she has become such a positive and powerful source in the lives of so many children.

My wife and I are both personally affected by the retirement of Sister Imelda. Three of our four children attend St. Catherine, and Sister Imelda's departure will be a very emotional event for students and parents alike. Younger students will miss her open arms and candy jar (both always full). Older students will miss her quiet Irish brogue and countless forays onto the stage during plays and talent shows. Parents will miss her most unassuming air that always commands immediate respect from both parents and students. And, most of all, we will all miss her absolutely unwavering faith in God and dedication to our children.

I come to the floor of the House of Representatives today to personally commend, honor and thank Sister Imelda on the occasion of her retirement from St. Catherine of Siena School. Sister, may the road always rise to meet you and the wind always be at your back.

A TRIBUTE TO THE CAREER OF PATRICIA ANN JOHNSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROSS. Mr. Speaker, I rise today to recognize the dedicated service of an individual from my district who has devoted her professional life to enhancing the educational development of students in our great State of Arkansas.

Patrica Ann Johnson has given 36 years of service in education to primary and community college students. On April 30th, Ms. Johnson will retire from teaching, but her legacy will continue in the schools and community where she taught.

Ms. Johnson served Mena for 31 years, teaching the first, second, third, and fourth grades at Louise Durham Elementary School where she was a continued source of inspiration for hundreds of school children while working for their educational and social advancement. In addition to her elementary school teaching, Ms. Johnson taught physical and health education at Rich Mountain Community College to students enrolled in those programs.

Ms. Johnson is an outstanding example of the lifetime dedication to service of Arkansas educators. I urge all citizens of Mena and the staff and students of Louise Durham Elementary School and Rich Mountain Community College to join me in honoring the career of a truly gifted, caring, and committed woman on the celebration of her retirement.

REGARDING THE VALUE OF LONG-TERM RESEARCH STUDIES IN UNDERSTANDING HEALTH RISKS AND CONSEQUENCES

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. EVANS. Mr. Speaker, I rise today to recognize an important forum that took place in our Nation's capital last month. This forum, called by the U.S. Medicine Institute, convened scientific leaders from throughout the Federal Government to discuss the value of longitudinal studies in determining populations' risks for developing various health care conditions or diseases.

Science has long recognized the value of such studies, but it is critical for us as policymakers to also understand their role in helping inform our decisions. As the Ranking Member of the Committee on Veterans' Affairs, I am aware of numerous occasions upon which the Committee employed data from such studies to determine matters related to compensation for service-connected conditions and eligibility for health care benefits. For example, Congress has used longitudinal studies to determine conditions that should be compensated due to veterans' exposure to dioxin and to identify the effects of various exposures on the health of veterans from the first deployment to the Gulf. In the near future, VA intends to propose a followup study that will examine the long-term effects of post-traumatic stress disorder on veterans. This will provide important information to current and future generations of veterans.

Determining the effects of war-time exposures on veterans' health is often a convoluted task. During service, troops may be exposed to a variety of agents all of which may have health effects that are poorly understood. In combination, these agents may also have different effects. Further complicating matters, some exposures are known to cause health effects that do not appear until many years later. There are often too many unknown factors to determine exactly which troops were exposed to which agents at any point in time.

While there have been some limited improvements in documentation of troop locations, troop exposures and servicemembers' health before, during and immediately following deployment, large information gaps are likely to exist well into the future. Longitudinal research can help fortify available information and ensure that Congress and the Administration give individuals the benefit of the doubt.

I am pleased that the U.S. Medicine Institute saw fit to give this important topic its time and attention. I am offering the Institute's executive summary from its March 4, 2004 forum entitled "Taking the Long View: The Value of Studies Over Time" for inclusion in the CONGRESSIONAL RECORD in the hopes that all Members will recognize the importance of supporting these studies to better inform our policy decisions.

TAKING THE LONG VIEW: THE VALUE OF STUDIES OVER TIME

Long-term studies help answer specific questions about health risks and consequences over time and often deliver byproducts not originally envisioned but with ongoing, exponential value. Consequently, long-term studies are essential for informed policymaking and provide liberal return on the substantial investment they entail.

These were the views interwoven throughout a forum held on March 4, 2004, by the nonprofit U.S. Medicine Institute for Health Studies. The consensus among panelists and participants was that long-term studies undoubtedly deliver great benefit to society at large, as well as to the specific group or groups targeted in a particular protocol. For example, the 22-year-old Ranch Hand study of agent orange exposure in Vietnam offers a trove of longitudinal data on the aging process in men—with much of this data yet to be tapped.

Forum deliberations found long-term studies of such value in answering questions relating to public health that they should become a byproduct of how "we normally do business" in healthcare—especially as digital patient records make collection and analysis of data amenable to routine analysis.

These edited proceedings present the remarks of panelists at the forum and the ensuing discussion among participants. Observations presented during the group's deliberations include:

Long-term studies are essential for the understanding of disease and, consequently, for disease management. They give policymakers the data and findings needed to make rational determinations about eligibility for compensation relating to occupational exposures.

As long-term studies are done in future, they should be accompanied by "clear" business case analyses, "so that there really is a clear understanding of the rewards that come from the . . . investment in conducting these studies."

As disease patterns among Americans shift away from the acute toward chronic, multiple conditions, long-term studies will assume a greater role, because they allow examination of particular populations and pick up a "different set of information" about risk factors than short-term clinical trials can.

Decades-long studies such as the Framingham Study that delineated risk factors in heart disease and the Harvard Nurses Study of risk factors for major chronic diseases in women are well-known examples of the importance that long-term investigations can have in shaping health practices and policies.

Long-term studies conducted by federal agencies need the stability afforded by designated funding, rather than having their funds come through basic agency appropriations.

The Veterans Affairs and Defense departments use long-term studies to help answer questions about potential deleterious health effects in troops from exposures during deployments—questions now anticipated for every deployment: Who was exposed; are those exposed showing unusual disease; are those exposed dying at unusual rates or from unusual causes, or has their health changed over time; do those exposed show higher incidence of cancer(s); do the children of those exposed exhibit higher rates of birth defects?

A classic longitudinal study is the Air Force Ranch Hand Study, initiated in 1982, which has seen the collection of 74,000 biological specimens and 19,000 x-rays and has involved more than 13,000 physical exams, more than 20,000 questionnaires and thousands of records on conception and birth. In addition, more than 2,800 death records have been obtained.

This study is scheduled to terminate in 2006, but that directive has met with controversy on grounds there is much information yet to be mined. To resolve whether the study should be continued, Congress has asked the Institute of Medicine to examine the scientific merit of retaining and maintaining the medical records, specimens and other data collected for the study; the potential value of extending the study; and the advisability and costs of making study specimens available to independent researchers.

An important longitudinal study that is just beginning in the military is the Millennium Cohort Study, which involves an initial study group of 10,000, with 20,000 more to be added this year and another 20,000 to be added in 2007. The study will examine employment exposures and post-deployment consequences in a group exposed in Kosovo or Southwest Asia, compared to a non-exposed cohort.

Study participants will be followed every three years by postal surveys; demographic and health information will be obtained and correlated over a 22-year period.

The Veterans Affairs Department regularly turns to the Institute of Medicine for objective, independent literature reviews of the long-term effects of exposure on troops—for Vietnam, for the first Gulf war and for the current Iraq conflict, for example. Results are used to help set compensation policy.

Ti-service longitudinal studies might best be centralized and coordinated through the Uniformed Services University of the Health Sciences, which encompasses all service branches as well as the U.S. Public Health Service.

Doing longitudinal studies often is difficult in the academic setting, where there is pressure for immediate pay-off. At the same time, studies produced by federal researchers all too often are rejected by regular scientific journals as being of limited interest because they focus on military or veteran populations.

ISRAEL INDEPENDENCE DAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate the people of the State of Israel and the greater Jewish community on the 56th anniversary of their Independence. The creation of the Jewish State in 1948 was met with the immediate support and recognition from the United States, and our country has continued to consider Israel our closest friend and strongest ally. As Israel continues to fight against terrorist groups, it is more important than ever the United States continues to show our solidarity and provide whatever aid and support both economic and moral, to our friend Israel.

Israel, as the only truly democratic nation in the Middle East should be lauded for 56 years of democracy. Israel continues to show the world that this small state which has been surrounded by aggressive states for most of its existence is here to stay. I believe the survival of the Jewish state is paramount and the United States must continue to encourage Israel's sustained efforts to defend the freedoms and rights it has secured its citizens.

That is why I commend President Bush, for his strong leadership in standing with Prime Minister Sharon in support of Israel's withdrawal from Gaza, and in support of limited Israeli settlements in the West Bank. Prime Minister Sharon's bold and courageous position is following in the footsteps of Prime Minister Barak's withdrawal of Israeli troops from Lebanon. Unfortunately though, just as in Lebanon, I do not believe Hamas, the Palestinian Authority or other terrorist organizations will show the strong leadership and quest for peace that the Israeli government has shown, by stopping their terrorist attacks against the Jewish state.

Since its Independence, Israel has endured the unstable and troubling conditions in the Middle East that have sparked several wars and incited much violence. Yet the Israeli people remain united and strong and continue to stand up for their nation. That is why I stand here today, and re-affirm the right of the Israeli people to always protect themselves and their state from the forces of terrorism, no matter where it may exist.

Israel is a modern success story, the only Democracy in the Middle East, the only Middle Eastern country where Arabs have the right to vote for their elected officials and their political leaders. Her detractors, and those who hide their anti-Semitism behind anti-Zionism must not denigrate the success of Israel. I am proud to be one of Israel's strongest friends in Congress and to stand here today and wish Israel a hearty Mazel Tov on 56 years of Independence.

A TRIBUTE TO THE PLAYERS AND COACH OF THE UNIVERSITY OF VERMONT MEN'S BASKETBALL TEAM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SANDERS. Mr. Speaker, I want to take this opportunity to congratulate the players of the University of Vermont Men's Basketball Team, and their coach, Tom Brennan, on an extraordinary basketball season.

It is certainly worthy of both recognition and celebration when a team finishes a tough schedule with over 20 wins—UVM went 22–9 on the year—and wins its conference championship. UVM lost its first game in the NCAA tournament to Connecticut, but there is no disgrace in losing to the only team which never lost a game in the entire tournament, for UConn was the eventual champion of the collegiate Division I basketball.

And it is certainly worth acknowledging the excitement that the team evoked all over the state of Vermont; our state is very proud of the wonderful record of this year's glorious team, and of both the men's and women's basketball teams at the University of Vermont in recent years. And the state is very proud as well that Vermont's own Taylor Coppenrath was selected to the AP All-America Team, as an honorable mention.

But what the people of Vermont are most proud of, and I include myself in their number, is that this basketball team not only played well on the basketball court, they worked hard and learned well in the classrooms and laboratories that are the heart of our state university. College is, after all, primarily about academics and not athletics.

At a time when the nation, and the NCAA as well, is deeply concerned that many athletes competing in major sports at Division I schools are not graduating from college, when there is widespread concern that often the educational mission of universities is put aside in the interest of athletic success, the men's basketball team in Vermont reminded us all that education and athletics can go together.

Of the 64 teams in the NCAA Division I Men's Basketball tournament, only the University of Vermont had 8 of its players with a grade point average of 3.0 or better. The Catamounts had the best GPA of any team in the 65–team NCAA tournament.

The team's dual achievement—succeeding at the highest level in both athletics and academics—makes Vermont proud, and serves, I believe, as an example to the nation.

Our congratulations go to the members of the 2003–2004 University of Vermont Men's Basketball Team: T.J. Sorrentine, Jack Phelan, Kyle Cieplicki (of Shelburne, VT), Martin Klimes, Mike Goia, Taylor Coppenrath (of West Barnet, VT), David Hehn, Germain Njiia, Alex Jensen, Corey Sullivan, Matt Hanson, Scotty Jones and Matt Sheftic (of Essex Junction, VT). And to those who helped them succeed on the court and off: Tom Brennan, head coach; Jesse Agel, associate head coach; Pat Filien, assistant coach; Jeff Rush, assistant coach; Chris Poulin, athletic trainer/strength coach; Reza Mohamed and Amarildo Barbosa, student managers; and Ryan Gore, student athletic trainer.

CELEBRATING THE ANNIVERSARY OF ISRAEL'S INDEPENDENCE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commemorate Yom Ha'Atzmaut, the anniversary of the Independence of the State of Israel.

It took a horrific, unimaginable Holocaust for the world to finally acknowledge the need to establish a homeland for the Jewish people, to shield it from the persecution and discrimination that it had endured for generations. That recognition came in 1948, and the State of Israel was born.

Today it is as important as ever to preserve and safeguard this Jewish national homeland and to ensure the security of Israel and its people. Never again should a people face annihilation. That is why a safe and secure Israel is in everyone's interest.

We must continue to strive for a settlement of conflict in the Middle East that guarantees the right of all people in the region to live in peace. That is my wish on this day as we celebrate the independent State of Israel.

IN RECOGNITION OF PROFESSOR CHÉRE GIBSON

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today before this house to honor the accomplishments of Professor Chére Campbell Gibson who will be retiring after 27 years of service to the University of Wisconsin System and the University of Wisconsin-Madison School of Human Ecology on June 30, 2004.

Professor Gibson received her B.S. from Macdonald College of McGill University in Nutrition, and her M.S. and Ph.D. in Continuing and Vocational Education from the University of Wisconsin-Madison.

Professor Gibson has had a long, multi-faceted, and distinguished career of teaching, research, and outreach in the discipline of adult education with a particular emphasis on distance learning. She is especially well-known among distance educators around the world. Professor Gibson also has the distinction of being the first faculty member on the UW-Madison campus to teach a course completely on-line. This distinction gave her many opportunities to participate in faculty development workshops around campus and the country as well as involvement in the selection of learner and course management systems.

Throughout her career, she has had an enduring concern about the equality of access to education and has recognized the importance of ensuring not only access but also success in educational pursuits. In recognition of these contributions to the field of teaching and learning at a distance, the United State Distance Learning Association inducted her into their Hall of Fame in 2003.

Chére Campbell Gibson's love of teaching and working with students is a consistent thread throughout her professional career. She has and will continue to have a lasting impact on the lives of her students and advisees. It cannot go without saying that she has also wonderfully touched the lives of her colleagues and friends.

The Executive Committee of the School of Human Ecology, at its meeting on March 22, 2004, by unanimous vote, endorsed the recommendation of the Department of Interdisciplinary Studies to award Emerita status to Professor Chére Campbell Gibson.

Mr. Speaker, it is an honor and my great pleasure to recognize today the outstanding and exemplary service of Professor Chére Campbell Gibson. On behalf of my constituents and citizens from the great State of Wisconsin, we say a hearty thank you, and wish her all the very best in her future endeavors.

2ND ANNIVERSARY OF GOVBENEFITS.GOV

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. PUTNAM. Mr. Speaker, on April 29, 2004, the U.S. Department of Labor will celebrate the second anniversary of GovBenefits.gov. Additionally, in collaboration with the Department of Education, the U.S. Department of Labor will launch the GovLoans.gov website as an integrated part of GovBenefits.gov. GovLoans.gov will be a one-stop shop for Federal loan programs.

I want to recognize the successful interagency collaboration between the U.S. Department of Labor and the U.S. Department of Education to improve the American public's access to their government through the launch of GovLoans.gov. I would also like to congratulate and recognize the U.S. Department of Labor for consistently demonstrating GovBenefits.gov as a leading government-to-citizen initiative that is offering tremendous value to the American public

GovBenefits.gov is a prime example of what e-Government should look and act like. In working together with nearly a dozen other agencies, the Department of Labor has launched this one stop shop for individuals interested in learning what government benefits for which they may be eligible.

GovLoans.gov will provide a broad range of information on Federal loan programs, as well as educational tools and resources to help citizens and small business owners understand the loan process. This site will also help consumers find the loan that best fits their individual needs, and will serve as a trusted and comprehensive point of access to Federal loan information.

GovLoans.gov is a Presidential initiative managed by the U.S. Department of Education that will provide citizens and small business owners with comprehensive information on available Federal loan programs from the five major Federal credit agencies: the U.S. Departments of Education, Agriculture, Housing and Urban Development, Veterans Affairs, and the Small Business Administration.

GovLoans.gov consolidates loan programs across government into a single portal and simplifies the language describing each program, enabling citizens and small business owners to easily find applicable Federal loans that meet their needs and to better understand the loan process.

GovBenefits.gov represents a partnership of 10 Federal agencies, including the U.S Department of Labor (managing partner), and the U.S. Departments of Agriculture, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, State, Veteran Affairs, and the Social Security Administration.

Mr. Speaker, as Chairman of the Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, I commend the U.S. Department of Labor for its work in developing GovBenefits.gov as a leading government-to-citizen initiative that is offering tremendous value to the American public and recognize GovBenefits.gov and GovLoans.gov as citizen-centric initiatives that are demonstrating the intent of the President's Management Agenda.

EASTERN NEW MEXICO'S COMPASSION EARNS NATIONAL ATTENTION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to tell my colleagues about an amazing act of selflessness that has recently earned national press coverage for a small town in my congressional district.

In February, the Portales News Tribune reported that students in Dora, New Mexico had donated $3,000 they raised for their prom to the family of sixteen-year-old Clayton Stokes, who was killed in a pickup truck crash. Motivated by this, other students in the school helped raise another $4,000 for the family.

Dora High School Principal Bill Stockton said that the 11th grade students who attend the school decided to donate their prom money after a memorial assembly for their late classmate. These students had diligently been saving for their prom for 3 years.

Clayton, a resident of Causey, was a bright young man with a promising future before him. He was born on March 21, 1987, in Carlsbad, to Jim and Cathy Stokes. He was active in both varsity basketball and baseball at Dora High School. He enjoyed riding horses and snowboarding and was a member of the Dora FFA. Family members said he enjoyed working in construction with his father and two brothers and spending time with family and friends.

As Principal Stockton noted, losing a student in a small school is like losing a family member. The students' gesture alone deserves our deep praise and admiration, however, there is more to this story.

Rooney Moon Broadcasting was so touched by the students' generosity that the station asked radio listeners to help replace the money so the students could have their prom after all. Within hours, the station helped raise nearly $17,000. Incredibly, the money has continued coming in and the station places the latest total around $22,000. A memorial scholarship in Clayton's name is planned.

This money poured in from residents all across eastern New Mexico, primarily from residents in Curry and Roosevelt counties. It is clear to me that the spirit of "paying it forward" is alive and well in this area of New Mexico.

The first donation came from Mike Knight, owner of Rib Crib in Clovis, who volunteered to cater the Dora prom. McDonalds of Portales pledged $1,000 for the scholarship fund. The Bank of Clovis and Tankersley's arranged for all the boys to have rental tuxedos.

The May 3, 2004, issue of People magazine has an article about this wonderful deed. The magazine has a section entitled "Local Heroes" for people in the country that are making a difference. This act is certainly worthy of this recognition. On a personal note, I am pleased that millions of Americans will learn of the honorable and heroic deeds of my eastern New Mexico constituents through this article in one of the largest publications in the Nation.

Mr. Speaker, thank you for affording me the opportunity to brief my colleagues regarding this inspiring story. In a time of bleak news in our world, it is indeed refreshing to be reminded of the kindheartedness of our friends and neighbors. I am attaching the article and request that it be reprinted in its entirety in the CONGRESSIONAL RECORD so that we may be reminded of this account throughout the ages.

[From People, May 3, 2004]

THE PROM MUST GO ON

For three years, the 11th graders of Dora High in remote Dora, N. Mex., had scraped their pennies together from bake sales and fund-raisers for their prom. Then, suddenly, a prom didn't seem so important. Around midnight on Feb. 15, classmate Clayton Stokes was driving home after hanging out with friends when he dozed at the wheel. His truck flipped over, and Stokes, 16, an athlete and jokester, died instantly.

Tragic as it was, Stokes's death set off an avalanche of goodwill that has left residents of Dora (pop. 500) feeling pretty good about their town. The day after his death, Clayton's classmates piled into vans and drove to the Stokeses' home. There, they handed a $3,000 check—their entire prom fund—to his devastated parents, Jim, 48, and Cathi, 45, so they could bury their youngest boy. "We never thought twice about it," says Kassandra Clark, 16. The rest of the school chipped in, raising another $4,000. "They floored us," says Jim, a construction worker. "For them to love my boy so much to give up their prom," adds Cathi. "It didn't take the pain away, but it eased it."

That was only the beginning. Local radio host Steve Rooney and his cohost got wind of the gesture, and on the day Clayton was laid to rest, they asked listeners for donations so the kids could have their prom. "We couldn't answer the phones fast enough," he says. The juniors, who had held a sleepover at classmate Ashlet Carter's house, tuned in while dressing for the memorial. "We had to redo our makeup," says Carter. "We all kept crying."

The money kept coming—$22,000 so far, some of it to create a scholarship fund in Clayton's name. And on April 24, Dora High will have a prom. What would Clayton think of it all? "He'd go, 'Dang, golly,'" says Travis Belcher, his best friend. "He wouldn't believe it, but he'd be pretty proud."

POSTHUMOUS TRIBUTE TO EUGENE MARTINYAK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. McCOTTER. Mr. Speaker, recently I lost an inspirational family member, and with sadness, I pay my uncle, Eugene Martinyak, a posthumous tribute today.

Eugene truly lived the American Dream. Born to Polish and Ukrainian immigrants in 1936, he served our Nation in the United States Army from 1954–1957. Starting from virtually nothing, Eugene supported his family of four children while working full time attending college.

As a professional, Eugene helped develop computer systems for the Chrysler Automotive Corporation. In doing so, Eugene fulfilled a promise to his children: gave them more than he ever had.

Thus, on behalf of us all, I extend my deepest condolences to his wife Carol and his entire family for their loss.

CHANGE OF COMMAND FOR THE USS "JOHN F. KENNEDY" (CV–67)

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. CRENSHAW. Mr. Speaker, I rise today to honor Captain Ronald H. Henderson, Jr, Commander of the USS *John F. Kennedy* (CV–67). As he prepares to move on to a new challenge, I would like to thank him for all that he has done as the Commander of Mayport's aircraft carrier, the USS *John F. Kennedy*. His passion for the Navy and its sailors has been evident through his leadership during the unprecedented and extensive maintenance overhaul that was accomplished here at Mayport. It was his management, skill, and persona that brought to a successful completion the largest overall ever attempted outside of a Naval Shipyard. He epitomizes the dedicated military patriot.

As the Navy moves into the 21st Century, it will take innovative and effective leadership to make this service truly transformational. Leaders who possess these characteristics are what makes our Navy the greatest in the world. Under his command, both in war and in peace, he inspired his crew to rise to all challenges. Thanks to his guidance, "Jack is back."

Here in the community he should be commended for reaching out to our citizens and inviting them to go aboard the *Kennedy* and share a glimpse of life at sea. Civilians, in record numbers, were afforded opportunities to experience firsthand the pride that the crew and the Navy has in our beloved carrier. Jacksonville has been enriched by his service.

It has been my honor and pleasure to work with him these past two years. Jacksonville will miss you, but I know he will continue to lead the Navy in whatever new job he is assigned. I wish him luck in his new assignment and well-deserved promotion, and best wishes to his family, Kathryn and Alexander. I hope when it is time for retirement, he will think about returning to Jacksonville.

WOMEN INSPIRING HOPE AND POSSIBILITY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. WILSON of New Mexico. Mr. Speaker, in honor of Women's History Month, I asked New Mexicans to send me nominations of women in New Mexico who have given special service to our community, but may have never received recognition for their good deeds.

On Friday, March 19, 2004, I had the honor and privilege of recognizing forty-one worthy nominations describing sacrifices and contributions these women have made for our community. The people who nominated the women describe the dedication they have witnessed: volunteer hours for veterans services, service on non-profit boards, homeless programs, mentors for young women, healthcare providers going above the call of duty, child advocates, volunteers at churches and synagogues, successful business women, wives, mothers and friends.

Allow me to share information about this year's nominees:

Charlotte Anderson—Charlotte is a person who goes out of her way every single day to help others. She works through her church, community, and through her job at Jiffy Lube to make other peoples lives easier, and happier.

Sandra Begay-Campbell—Sandra's work with Native American tribes truly inspires hope for improving conditions and providing new possibilities through technology for Native Americans and others in rural areas. As a member of the Navajo Nation, she serves as a cultural interpreter to both Sandia and the Navajo Nation.

Jo Ann Clements—Jo Ann served as President of the City Council for Beta Sigma Phi in Albuquerque and Rio Rancho. Her tireless efforts earned her Beta Sigma Phi's top honor as "Woman of the Year." She also served on this year's "Women on the Move" committee for the YWCA, where she encouraged nominations, sold sponsorships and ads, and did whatever she could to make the event successful.

Sandy Cody—Sandy is owner of Resources for Excellence, a small, woman-owned business. Sandy generously donates her time and skills to non-profit agencies like Alzheimer's Association, Southeast Community Economic Alliance, and Goodwill Industries, to make life better for people in need and in risk.

Rose Diaz—Rose is the 2004 President of the Oral History Association. She also served on the NAFTA Committee for Enterprise for the Americas Act and the Good Neighbor Environmental Board. She is a former Executive Committee member of the Board of Directors of the National Council on Public History.

Lori Dotson—Lori has dedicated her career to improving the quality of life within her community through protection of the environment, including serving as an Expert Witness to successfully protect the groundwater supply in her community. Lori has designed and managed projects to clean contaminated groundwater and contaminated sites. She is also a key member of the organizing committee for the Cystic Fibrosis Foundation: Sandia Peak Challenge.

Katherine Fishback—In 1945, Katherine opened the Fishback Studio of dance. Fishback served on several national dance organization faculties. She received a 50-year Life Achievement Award for her teaching career from Dance Masters of America, Inc.

Jessie Fitzgerald—Jessie was the first woman County Extension Agent in the United States. She served on the Lava Soil and Water Conservation District Board in Grants for many years before moving to the Albuquerque area and joining the Ciudad Soil and Water Conservation District.

Linda Gabaldon Ward Hersee—Linda is very active with Thunderbirds Little League. She serves as the Team Mom, Sponsor Director. Linda is very active in the community and is always there to help.

Aileen Gallegos—Aileen is a current Board Member at Ronald McDonald's House; graduate of Leadership Albuquerque; and active choir member at Prince of Peace Catholic Church.

Verna Gurule—Verna is a fourth grade teacher at Alvarado Elementary School in the North Valley. Volunteers who work with her have witnessed her devotion to her class and her tireless efforts to give her students every opportunity to participate in an enriched curriculum.

Bonnie Herbert—A member of Assistance League of Albuquerque for 19 years, she became President of the organization in 1998, and now is their National Director of Philanthropic Projects.

Kitsie Hilaire—Kitsie has volunteered with the American Red Cross for over twenty years. Since her arrival to Albuquerque in 1999, Kitsie has been instrumental in improving their community's emergency response and preparedness skills. Kitsie is also a volunteer with the "Hearts Apart Program" on Kirtland Air Force Base.

Michelle Holdren—Her community involvement has her working with Youth At Risk, a mentoring program in the Rio Rancho Area, and Northside Civitans has her work with the youth at Youth/Diagnostic and Development Center, the Camino Nuevo Youth Center, and El Ranchitos Del Los Ninos. Michelle devotes a great deal of time to the Multiple Sclerosis Society, American Cancer Society, Alzheimer's Association, and Project Share.

Regina Lee Hunter—Regina has done much to make Sandia National Laboratories a better place to work for Sandians with handicaps. As a founding member of Sandia's Disability Awareness Committee, she has worked to have specific handicapped parking marked and to have enforcement for the usage of these locations.

Nobie Hurley—Nobie moved to Albuquerque in 1960. She was the Director of Volunteer Services for St. Joseph's Hospital from 1976 to 1997. Since retirement Nobie has been volunteering her time at the Bernalillo County Republican Party as well as the State Republican Party. Nobie was recently asked by Archbishop Sheehan to be on his advisory council for the National newspaper publication of "The people of God."

Cristina Jaramillo—Cristina has served as President for the Valencia Shelter for Victims of Domestic Violence, Chairman of the University of New Mexico Valencia Campus Development Board, and as a member of the Belen Chamber of Commerce Board, and Belen Noon Optimists. Cristina currently serves as a member of the United Way of Central New Mexico Women in Leadership Council, New Mexico Financial Corporation and Ranchers Banks Board of Directors, United Way's Valencia County Community Board, UNM–VC Development Board, Albuquerque Chamber of Commerce Albuquerque Reads Committee, and as a representative member of the Albuquerque Hispano Chamber and the Boys and Girls Club of Valencia County.

Michelle Judkins—Michelle worked fulltime for 15 years to raise money for the care of elderly people that could not afford quality nursing home care, all while raising a child alone. She then supervised and trained Hospice volunteers, and started an upscale Hospice thrift store to raise money.

Lillian Kennesson—Lillian was diagnosed with breast cancer just before her 26th birthday. She was one of the youngest to be treated at UNM Cancer Research and was fortunate to have an amazing doctor. Her family celebrated because she had been placed in remission, until a year later when she was diagnosed with cancer again. This time it was caught in the early stage at age 29. She made a vow to live each day to the fullest, eat healthy and exercise each day.

Susan Kitsch—Susan is the Principle Member of Laboratory Staff at Sandia National Labs, where she administers programs for military and industrial partners primarily in Synthetic Aperture Radar. Susan was a founding member of the NM Compensation and Benefits Association.

Lilly Kutzscher—Two and a half years ago, Lilly's niece had her fourth child. Her niece lost her husband and now is living with her mother. Lilly took it upon herself to care for this child at their home five days a week while her niece and mother work to support the family.

Darlene Leonard—Darlene is the manager of Volunteer Programs in Sandia's Community Involvement Department. She coordinates Make-A-Difference Day for Sandia, and under her leadership, the Sandia program was recognized by Parade Magazine as one of the outstanding programs of its kind. The Thunderbird Awards is a program that Darlene is particularly proud of.

Linda Lee Louie—Linda knew no English when she and her husband married in 1963. Encouraged by her husband, she attended evening classes at the Old Albuquerque High School and studied with a tutor to achieve English literacy. Linda donates her bilingual skills and knowledge of Chinese culture to benefit Albuquerque and the Asian American community.

Linda Lovato-Montoya—Linda is doing extraordinary things in the fight against breast cancer and was recently recognized by Yoplait, SELF Magazine and the Susan G. Komen Breast Cancer Foundation as one of 25 Yoplait Champions. Linda provides support, advocacy, education, and awareness about breast cancer to NM Hispanics.

Emma Lutton—Emma has turned her attention to the youth in her area by forming a Youth Development Program committee which provides youth education activities and senior mentorship. She is also developing programs to enhance Education, Arts and Music and Recreation activities for their youth and seniors jointly.

Rebecca Maloy—Rebecca is a minority business owner of a local construction company, Maloy Construction. She has been recognized with an Outstanding Women's Award from NM Woman Magazine, which also featured her on their cover. Rebecca wrote an article "Business to Crow About," also featured in the magazine.

Joyce Miller—Joyce spends many hours helping out at St. Mark's Church. Often she cooks meals for the needy or seniors. She leads a women's bible group and prepares the altar for services. When St. Mark's Church flooded, she cleaned out the water and debris.

Sheila Nawman—Shortly after 9/11, Sheila was working at her computer when a banner showing a star with five vertical stripes caught her eye. Sheila decided to make a 14 inch by 42 inch banner to display support of those affected by the tragic event. So far, over 1100 banners have been presented.

Audrey Rose Ornelas—Audrey has accomplished her dream of obtaining a Bachelor of Arts degree in Psychology. To get to this point she had to go beyond her disabilities, not only physical but learning disabilities as well. She underwent several brain surgeries due to brain injuries, and she is also dyslexic and has other learning disabilities. She plans to continue on to Highlands University for a master's degree in counseling with an emphasis on children and adolescents who are handicapped.

Beth Pattillo—As a full-time working mother in Los Alamos County, Beth runs errands and shovels driveways for elderly neighbors, makes meals for the sick, babysits to give stressed moms a break, leads a Girl Scout Troop, and teaches in her church.

Tara Ransom—Tara is a junior at La Cueva High School. She volunteers at Casa Esperanza, Joy Junction, Roadrunner Food Bank, Balloon Fiesta, and the Doggie Dash and Dawdle. Tara developed hydrocephalus as a small baby and has had six surgeries on her brain. The only medical option to keep Tara alive is a shunt, a drain made of silicone. Silicone has been branded as dangerous and it has been a constant fight for most of Tara's life to keep the material available.

Karen Renschler—Karen is the mother of autistic twin sons, who are now 19 years old. Karen is now a teacher, developing a fine arts program for 40 severely handicapped children with exceptionalities ranging from blindness to cerebral palsy to autism.

Karen Robinson—Karen is a dedicated, full time volunteer, encouraging students in the area of science and math. She teaches hands-on science at Collet Park Elementary School. At Grant Middle School, she plays a very important role with their 8th grade Science Class. She also helps organize their science fair and prepares 18 students to go on to the Southwest Regional Science Fair.

Audrey Roybal—This nomination was made on behalf of Annette's seven-year-old son who thinks the world of his first-grade teacher, Mrs. Roybal. She makes learning fun, she is very compassionate, caring, professional, and informative.

Juanita Sanchez—Juanita is a member of the Laboratory Staff at Sandia National Labs running the United Way campaign at Sandia for the past 12 years. Juanita also serves on the United Way's Campaign Cabinet and serves on the Board of Directors for the Peanut Butter and Jelly Preschool.

Carol Schulze—Carol began volunteering with the American Red Cross Mid-Rio Grande Chapter in August 2000 and has been a valuable resource to them ever since. After completing basic disaster training, Carol began volunteering at the chapter office full-time as a caseworker, assisting disaster clients with their needs.

Georgia Seery—Georgia taught physical education and spent her entire professional career in Socorro. Georgia and her husband started many community youth programs introducing golf. She was a leader and a teacher by example. She held high standards and expectations. She was organized and objective. She challenged her students to do their best in academics and sports. She has made a difference in hundred of young lives.

Bonnie Snowdon—Bonnie is the mother of a mentally ill son who is now in his 30's. She works tirelessly for better treatment of the mentally ill, gives much time and effort to supporting the mentally ill, gives them hope, and suggests ways for them to better themselves despite their limitations.

Rosemary St. John—Rosemary has been a volunteer with the American Red Cross Mid-Rio Grande Chapter since January 1999. She has been instrumental in helping the chapter improve service delivery to the Albuquerque community, serving on a Disaster Action Team and assisting people displaced by small local disasters, such as single house fires, with their immediate disaster-caused needs.

Anna Vargas—Anna currently attends Albuquerque Job Corps. Anna was born in Mexico, but left that country to get away from an abusive father. In 2000, she went to the shelter for victims of domestic violence and in November of that year, she gave birth to her son. She is now an intern in Congresswoman WILSON's District Office.

Judy Zanotti—Judy had a successful career at PNM and then she retired. She is President of New Mexico First, Judy volunteers for dozens of other organizations. This past year, she served as Mistress of Ceremonies for the luncheon for President Fox from Mexico, cochair for the 20th Annual Celebration of

“Women on the Move,” chair of the selections process for the “Ethics in Business” Award, and a member of the committee to select a new Dean of the Anderson Schools of Management at UNM.

IRI CONTINUES TO PROMOTE FREEDOM AROUND THE WORLD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WILSON of South Carolina. Mr. Speaker, I have previously expressed my support for the International Republican Institute's (IRI) outstanding work in Iraq, Eastern Europe, and Africa and want to reiterate my support as IRI celebrates its 20th anniversary. Tonight, IRI led by president George Folsom will celebrate this auspicious occasion during its 2004 Freedom Dinner at which IRI will present the Freedom Award for advancing democracy to Dr. Condeleeza Rice, the National Security Advisor, and honor the late Sergio de Mello, the United Nations High Commissioner for Human Rights who was killed in Iraq.

I also want to focus on the unique opportunities which IRI provides for Americans to share the skills they have honed on campaign trails and in the halls of Congress with their counterparts in developing democracies. Volunteers from across the U.S. augment IRI's operations in over 56 countries by conducting specialized training missions on crafting campaign finance laws, strengthening political participation among women and youth, and implementing political polling. Additionally, IRI frequently sends volunteers to serve on election observation missions. Recently, my own Chief of Staff, Eric Dell returned from an election observation mission in Macedonia where he worked with IRI professionals from across the globe.

Mr. Speaker, IRI's use of volunteers builds goodwill for the U.S. as Americans assist men and women overseas to strengthen political parties and democratic institutions. For example, interactions between a city administrator from rural South Carolina and a mayor in Malawi can go far in breaking misconceptions about the U.S. and about the prognosis for democracy in Africa. IRI volunteers demonstrate to newly elected parliamentarians in Eastern Europe that building democratic institutions is not only a goal of U.S. government officials but that it is the desire of the American people. I hope that my colleagues and their staffers consider participating in IRI training missions as one of the best opportunities to play a critical role in implementing U.S. foreign policy.

HONORING SISTER ROSEMARY WARD FOR HER ENDLESS SERVICE AND DEDICATION TO THE COMMUNITY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FOSSELLA. Mr. Speaker, I rise today to recognize and pay tribute to a remarkable citizen from my district, Sister Rosemary Ward. Sister Rosemary was recently presented with the Patrick Daly Memorial Award for her dedication to the care and education of children on Staten Island. For almost 55 years, she has been an exceptionally devoted teacher and principal in schools within my district. As do the truly great educators, she possesses a deep understanding and compassion for children. In combining this gift with her own values and ideals, she has created a holistic philosophy for education that has made her an invaluable asset to the community as teacher and principal. Her achievements are widely known and well sung by the innumerable citizens she's left a lasting impression upon. It is with pleasure and honor that I'd like to congratulate Sister Rosemary for this distinguished award, and on behalf of the citizens of Staten Island offer my most sincere gratitude for the extraordinary contributions she's made to the community.

HONORING HERNANDO COUNTY LAW ENFORCEMENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Hernando County Sheriff's Office and the Brooksville City Police Department for their commitment to maintaining law and order while safeguarding county residents. Hernando County has grown tremendously. It is regarded as one of the fastest growing counties in the nation with a population that has increased 330 percent since 1980. This growth has presented new challenges to our local law enforcement agencies. Thanks to the leadership and commitment of Sheriff Nugent and Police Chief Boyce, Hernando County continues to be provided effective and professional law enforcement.

I would like to recognize the bravery and selflessness of the fine individuals who wear the badge as this week marks Hernando County Law Enforcement Appreciation Week. These fine individuals who serve in law enforcement are an exceptional breed. They serve in the line of fire to protect us from harm's way and ask for little in return. The brave men and women of Hernando County law enforcement have more than earned our gratitude and whole hearted support. I am so very proud of our local sheriffs and police and happily thank them for their service and dedication to the county's safety. The residents of Hernando County and I are indebted to them.

RECOGNIZING FREEMAN'S FUR SHOP

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of Freeman's Fur Shop, an outstanding small business with a unique history in my hometown of Hopkinsville, Kentucky.

Freeman's Furs is owned and operated by Mr. Paul Shafranck. The business has operated for 68 years. Freeman's was founded by the late Howard Freeman when he fashioned a fox fur neckpiece for his wife. The business expanded to an internationally known landmark. For many years, Howard Freeman trapped many of the animals and then designed and made the coats. Upon his death in 1994, his son, Lindsay, took over the business along with his daughter, Ann Freeman Peace. In 1997, Freeman sold the business to Shafranck.

Freeman's Furs has offered fur design, creation, storage, cleaning and repairs to customers from around the world. The quality of work performed and customer service provided is a testament to Howard Freeman. Freeman Fur's will cease operation in April, 2004.

Mr. Speaker, Freeman's Fur Shop is beloved by its faithful customers and all who walk through its doors. It is a shining example of the significance and economic impact a small business can have on a community. I am proud to bring the accomplishments of Freeman's Fur Shop and its employees to the attention of this House.

RECOGNIZING JUSTIN SNYDER

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, Justin Snyder attained his bar mitzvah on May 1, 2004. Justin is a seventh grade honor student at Pace Academy in Atlanta, Georgia. He is sincerely committed to academics, as evidenced by his effort to obtain all “A's” in each of the last quarter's grading periods over the past twelve (12) quarters. Such an achievement has earned him the distinction of being placed on the Headmaster's List for the past four (4) years. Justin has also participated on the Academy's debate team, where he won many awards for his scholastic achievements. Finally, he is a member of “People to People Student Ambassadors”, a travel program, which has enabled him to travel with other young people to Washington DC, California, Australia, and this summer to Europe.

Justin also finds time for recreational and sporting activities. He is an avid basketball, baseball, and tennis player—having won trophies in each sport. From his enjoyment of skiing, he has secured many awards in the form of pins and medallions, and has skied on various slopes not only throughout the United

States, but also the world. Justin has scuba dived in the Cayman Islands, the Great Barrier Reef in Australia, and has caught a seventy-two (72) inch sailfish off the coast of Cancun.

Even at a relatively young age, Justin Snyder has left his mark on the youth community in his hometown of Atlanta, Georgia; evidencing a strong sense of fundamental fairness in his dealings with others, and strong moral principles, gleaned from his friends, his religious upbringing, and his family. I know that we will continue to see more great accomplishments for this fine young man, as he grows and blossoms into manhood. I am proud to recognize, and to honor Mr. Justin Snyder on this important step in his life, and wish him much continued success for the future.

ISRAEL'S INDEPENDENCE DAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the 56th anniversary of Israel's independence.

The dream of a Jewish state stretches back two millennia to the destruction of the ancient Jewish kingdom of Israel. At the end of the Nineteenth Century, after the two thousand years of diaspora, persecution, and pogroms, Theodor Herzl and his fellow Zionists began the drive to revive the Jewish homeland. The unspeakable horrors of the Holocaust cemented the necessity of a Jewish state, and Israel was finally established as a sovereign and independent nation on May 14, 1948.

In the 56 years since its establishment, Israel has served as a beacon of democracy in the Middle East. In the face of war, terrorism, and frequent diplomatic isolation, Israeli society has flourished because of the pluralism, freedom, and human rights guaranteed by Israel's democracy. These democratic values have sustained a strong alliance between Israel and the United States, an alliance of friendship, principles, strategy, and a commitment to defeat terror.

Perhaps more than any other nation, Israel understands the dilemmas faced by a democratic society confronted with terror. Terrorism threatens the institutions that nurture Israel's prosperity—both through the bloodshed it engenders and through the sacrifices of civil liberties necessary to achieve security. Israel has admirably maintained an open, democratic society in spite of relentless threats to its citizens. We in America must salute this accomplishment and try to learn from the Israeli experience how to balance homeland security and a free society.

Much as its existence has been constantly challenged over its turbulent history, Israel currently faces critical threats to its well-being. The cycle of terrorist violence and reprisals shows no signs of ceasing, and the virulent specter of anti-Semitism remains a staple in the Middle East and is resurgent in Western Europe. However, we must embrace the cautious optimism embodied in Israel's national anthem, Hatikvah, which means "the hope." We hope that Israel will continue to serve as the "light unto the nations" that Herzl envisioned more than a century ago and that Israel's 57th year will be a time of peace throughout the region.

CONGRATULATING MAURICE CALDERON OF REDLANDS FOR SERVICE TO THE HISPANIC COMMUNITY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate Maurice Calderon of Redlands, whose efforts to ensure that all communities in San Bernardino County have access to financial services has been recognized by the Foreign Ministry of Mexico, which presented him with the Ohtli Award for public service.

I have counted Maurice Calderon as a friend for more than 30 years, and I have been proud to work with him on many projects to improve our communities in San Bernardino County. Maurice was born and raised in Banning, California, and served as a school board member there for nine years, followed by another nine as a community college trustee.

He is currently the Senior Vice President of Governmental Affairs and Community Development at Arrowhead Credit Union in San Bernardino, California. In that position, Maurice has been an advocate for providing financial services to the large and growing Hispanic community, many of them immigrants from Mexico. He was instrumental in convincing the credit union to open a new branch in the San Bernardino minority community after all other banks had closed their outlets there.

Maurice is truly a community activist, serving as a member of both the Inland Empire Hispanic and African American Chambers of Commerce. He is a member of the Board of Trustees of both the University of California Foundation, and the San Bernardino Valley College Foundation. Maurice is also a Director for the Inland Empire Economic Partnership, and President of Sinfonia Mexicana.

His service has been recognized by many honors: "Father of the Year" from the City of Banning, "Citizen of the Year" from the City of Beaumont, "Hispanic of the Year," and "Influential Latino of the Year" in 1998 by the Inland Empire Hispanic Chamber and Hispanic Lifestyle Magazine, respectively. Maurice was the inaugural recipient of the California Credit Union League Diversity Award, and was named to the Southern California Native American and Latino Hall of Fame.

Most recently, Maurice Calderon has been recognized for his public service to the Mexican immigrant community by the Mexican Ministry of Foreign Affairs, which awarded him the Reconocimiento Ohtli Medal. It honors those individuals who are role models for society, and have contributed successfully toward building relations with the Mexican community living outside of the country.

Mr. Speaker, a big reason for Maurice Calderon's dedication to his community is the support he receives from Dorothy, his wife of more than 40 years, and his two children and four grandchildren. Please join me in congratulating the entire Calderon family for this honor, and thanking him for all the years of public service he has given the people of San Bernardino and Riverside counties.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GALLEGLY. Mr. Speaker, on Thursday, April 22, 2004, I was unable to vote on H. Res. 602, on ordering the previous question (rollcall 126); and on agreeing to H. Res. 602 (rollcall 127). Had I been present, I would have voted "yea" on both questions.

Additionally Mr. Speaker, on Thursday, April 22, 2004, I was unable to vote on the Larson amendment to H.R. 2844 (rollcall 128); and on Larson amendment (2) to H.R. 2844 (rollcall 129). Had I been present, I would have voted "no" on both measures.

And, finally, on Thursday, April 22, 2004, I was unable to vote on final passage of H.R. 2844, the Continuity in Representation Act of 2004 (rollcall 130). Had I been present, I would have voted "yea."

RENEW THE BAN ON ASSAULT WEAPONS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FARR. Mr. Speaker, in 139 days the assault weapons ban will expire. In 139 days our streets could be flooded with AK–47's. In 139 days the work of 10 years and the progress towards safer neighborhoods could vanish. In 139 days we could see the semiautomatic weapons that are used in combat zones on our street corners.

But we don't have to let this happen. H.R. 2038, the Assault Weapons Ban and Law Enforcement Protection Act of 2003, is a common sense approach to protecting Americans from dangerous and impractical weapons. I continue to support responsible legislation that protects the rights of those who collect or hunt and use weapons for legitimate recreational purposes, but I think we can all agree that restricting the availability of Uzis will not impede lawful hunting. Assault weapons make up less than 1 percent of all guns but they are 18 times more likely than other guns to be cop-killers, and 16 times more likely to be traced to crime than other firearms.

H.R. 2038 is supported by more than three-fourths of the American public and virtually every major national law enforcement organization. In fact President Bush and Attorney General John Ashcroft have both stated their support for this legislation. I urge the leadership of the House to protect Americans from these senseless weapons of mass destruction and bring this legislation to the floor for a vote.

IN OBSERVANCE OF THE 56TH ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MATSUI. Mr. Speaker, I want to join my colleagues and the world Jewish community in congratulating the people of Israel on the celebration of the 56th anniversary of their independence. Israel is the only true democracy and our country's strongest ally in the Middle East. Since the United States became the first country to recognize Israel's independence, our countries have shared a deep friendship and partnership. We are bonded by our commitment to democracy and freedom.

Since they declared their independence in 1948, Israel has faced continuous challenges to their right to exist as a sovereign country. To this day, we hear new reports almost daily of violence against the people of Israel. Thousands of innocent lives have been lost to attacks by terrorist organizations.

As Israel's partner, the United States must stand with its allies against these violent assaults on the Israeli people and maintain our commitment to a free, peaceful and democratic Israel. As partners in peace, the United States must also support Israel's right to take necessary measures to defend its citizens against violence. The future of Israel, and the hopes of peace in the Middle East depend on it.

CELEBRATING ISRAEL'S 56TH ANNIVERSARY OF INDEPENDENCE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to congratulate the state of Israel on the celebration of its 56th anniversary of independence. Born out of the ashes of the Holocaust, Israel has blossomed into a dynamic and successful democracy. I urge all of my colleagues to pause and recognize this grand achievement.

Since their forced removal from the historic land of Israel by the Romans some 2,000 years ago, Jews have migrated the four corners of the earth. With the establishment of the modern state of Israel, Jews once again found sovereignty and self-rule in the land of their forefathers

The United States has a special relationship with Israel and her people, and it is right that we do. Israel, like the United States, values liberty, individual expression, and freedom of religion, assembly and the press. It too is a land of immigrants from continents as diverse as Asia, Europe, Africa, and the Americas. We share basic values of freedom, a love of life, and a concern for our citizens' well-being. Israel also is a land of great innovation, home to great advancements in biosciences, agriculture and computer sciences to name a few. Israel's military and our own share resources and work together to achieve advances in defense technology that benefit both nations.

We all know that Israel finds itself beset by enemies sworn to its destruction, facing daily acts of terrorism. We in Congress stand firmly behind Israel's security. Israel is a reality, and it is here to stay. The sooner Israel's neighbors accept this basic point, the sooner we will see progress toward peace.

Israel faces many great challenges, and solving them will take our active participation. The United States has a stake in the future of Israel and in the entire region, and we must not neglect our obligation to lead and the opportunity to respond. We should not dictate results, but should work always to create an environment that encourages dialogue.

Today is a day of celebration, one that marks the great achievements of Israel and her citizens these past 56 years. Like our own independence, Israel's comes at great cost. We all look forward to the day when Israel will celebrate its independence in peace.

SENATE—*Wednesday, April 28, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, we exalt Your Name, for You are great and highly to be praised. We praise You because Your power is unlimited and You are able to do immeasurably more than we can imagine. You rule over the heavens and the Earth and hold in Your power our breath and our destiny.

Thank You, Lord, for Your sovereignty over the days of our lives. Exercise Your gracious authority over our Nation as You guide our lawmakers in the tasks of freedom. Give them an awareness of Your presence and Your willingness to be an ever-present help for life's challenges.

Help each of us to labor, not only for time, but also for eternity. Let our words and thoughts be acceptable in Your sight, for You are our strength and our Redeemer.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEADER TIME

The PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time under the standing order.

The Senator from Texas.

SCHEDULE

Mr. CORNYN. Mr. President, on behalf of the leader, this morning we will have a period of morning business for up to 60 minutes. The first 30 minutes of that time will be under the control of the majority side, and the second 30 minutes will be controlled by the minority side of the aisle. Following morning business, the Senate will resume consideration of S. 150, a bill relating to taxation of Internet access.

Yesterday, we made a little progress on the bill by debating and disposing of one amendment related to the definitions in the bill. Unfortunately, following the vote we were sidetracked with an amendment related to a completely different subject than Internet access.

Currently, we are scheduled for cloture votes beginning Thursday on the Daschle energy-related first-degree amendment to the underlying bill, the Domenici second-degree amendment on energy, and finally the McCain substitute which is on the Internet access tax subject.

The chairman of the committee will be here shortly this morning, and I believe it will be his desire to try to reach agreements to consider amendments relating to the underlying bill. Hopefully that will be possible and therefore rollcall votes will occur on amendments today.

The PRESIDENT pro tempore. The deputy minority leader.

Mr. REID. Parliamentary inquiry: If I do not reserve the Democratic leader's time, he can use that time throughout the day or do I need to reserve it?

The PRESIDENT pro tempore. You may reserve it.

Mr. REID. The leader is here, so I will not do that.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

AGRICULTURAL ISSUES FACING THE COUNTRY

Mr. DASCHLE. Mr. President, I want to talk today about several agricultural issues.

First, last week, I met with John Stewart and Bill Fielding. They run a company called Creekstone Farms that sells premium Black Angus beef cattle.

Creekstone had a good marketing idea: In the wake of the mad cow scare, Creekstone thought that one way to re-open the Japanese markets, which had accounted for 28 percent of our Nation's beef exports, would be to privately test all of their cattle for BSE, or mad cow disease, at no cost to the taxpayers.

The Japanese markets have been closed for several months, but they have said that they would re-open their markets for Creekstone's beef.

Creekstone has built a top-notch laboratory at their headquarters in Kansas, and they have hired several full-time animal health experts. But they wanted to do this the right way, so they asked USDA to support them in their efforts.

The Department actually said "no." They said Creekstone could not test.

You see, USDA doesn't want to set a precedent that all beef needs to be tested. They suggest that large meat packers might essentially be forced into testing all animals. That, USDA contends, would be expensive and, well, inconvenient.

But nobody is suggesting that the Government mandate 100 percent testing. If a meat packer wanted to test, however, it might be a good marketing tool for them.

But the packers say testing would be too cumbersome, that consumers don't want and don't need testing information.

All of those arguments ring very familiar and very hollow. Remember, the packers and the Bush administration opposed another marketing tool—country-of-origin labeling for those very same reasons.

USDA says that mad cow disease, or BSE, isn't even a public health issue. They say it is only an animal health issue, but tell that to the more than 120 people who died from the human form of BSE in Britain. It was a food safety issue for them. It is a public health issue.

Creekstone even acknowledges, and I agree, that the science does not now suggest that all cattle need to be tested for BSE. They acknowledge that. Most experts do.

But consumers don't always base their purchasing preferences on science. The Japanese, who, by the way, test all of their beef for BSE, want their imported beef tested, and Creekstone was willing to do so, but USDA said "no."

Isn't this the administration that wants the free market to prosper?

Yet, here we have a willing buyer, the Japanese, a willing seller, Creekstone, and the Government says "no."

Government is telling a U.S. business what they can and can't do to add value to their product and create a market.

It is kind of like the Government telling automakers they can't have leather seats. Leather seats aren't needed, but they add value to the cars and make the product more marketable.

So I am hopeful that USDA will revisit this issue. Creekstone and other companies want the ability to meet consumer demand, and the Government should not get in the way.

If USDA wants to establish a testing protocol or some other structure for the testing to ensure that it is done in an appropriate manner and that we don't get false positives, I think we can all agree that such an approach would make some sense. But to deny producers the ability to use another marketing tool baffles me. I think USDA

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

could and should have done better, and I urge them to re-examine the issue immediately.

It is also clear that some of the other things that USDA has been doing need to be reassessed. For example, on Monday, U.S. District Court Judge Richard Cebull granted a temporary restraining order prohibiting USDA from importing ground beef and bone-in beef from Canada.

The judge said, and I agree, that the risk of BSE is simply too great for us to fail to ensure that we have taken a thoughtful and deliberate approach to resuming beef imports from Canada.

Both animal health and food safety demand that we take a science-based approach to the reopening of our border with Canada. Producers are extremely concerned that USDA has not done so.

The judge has scheduled a May 11 hearing, at which time I hope there will be a full examination of the process USDA did or did not use in making their decision to reopen the border.

Ensuring that we get this right is not only important for our Nation's ranchers. It is important for our export markets and consumers of U.S. beef.

Another issue I want to discuss today is what I see as an emerging drought in many parts of the country. The Drought Monitor—a government map that documents the ongoing extent of drought—already shows some problem areas.

The yellow here—and you can see this on the map—denotes conditions across the Southeast, conditions which have continued to deteriorate for most of that region. Southern California, the area in Oklahoma, Arkansas, through southern Missouri and into southern Illinois, and up all the way through Indiana and Ohio and Michigan. You can see that there is abnormal dryness occurring in that area, even getting into the lower parts of the northern regions of Texas.

While there were some rains in parts of the upper-Midwest recently, they missed the western part of Minnesota. And you can see here this is where the extraordinary conditions are now becoming even more adverse, creating what the Drought Monitor categorizes as "severe drought" conditions, represented of course in the areas here in the orange and darker areas. The darker the color, the more severe the drought.

In my State of South Dakota, we have been able to avoid some of the most severe parts, but you talk to ranchers and farmers today and it is clear that this drought that we now see through almost the entire western part of the United States is moving east.

South Dakota has now experienced a drought in each of the last 5 years. The experience has been daunting. But there is one thing we have learned in dealing with drought and other weather-related natural disasters: Our national polices are wholly inadequate. By any legitimate standard, our policies have failed.

In 2002 the Senate approved, on a bipartisan basis, an amendment that I offered to provide $6 billion in disaster assistance. Unfortunately, the administration blocked its enactment.

But that was then, and today is, hopefully, a different story. Today, I think we need to take a serious look at what more we can do this year.

That is why today I am asking the President again to re-examine this issue, while we still have time. I am urging him to take a fresh look at what we can do, through an interagency approach, to address what appears to be another extreme drought this year—already extreme in some parts of the country, and certainly moving, as we have said, to the Great Plains States as well.

Although USDA should take the lead in this effort, the SBA, the Economic Development Administration, and other agencies, including, but not limited to, FEMA, can all play a role in finding a solution to this ongoing problem.

That is why I have requested that the President immediately ask the Federal agencies involved to develop a comprehensive legislative proposal to address weather-related natural disasters that impact our Nation's farmers, ranchers, and rural communities.

If he does this now, and receives a report back within 45 to 60 days, the Congress will still have time this summer to enact meaningful disaster assistance.

In my letter to the President sent earlier today, I pledged that, once he has provided Congress with such a proposal, I will work with him and all of my colleagues in a bipartisan fashion to approve whatever disaster-related assistance is necessary to adequately compensate producers and keep our nation's rural communities vibrant.

We can prepare now for what looks like another very bad year for agriculture.

Drought victims are no less deserving of Federal assistance than those who are impacted by a flood, tornado, or hurricane. As Federal officials, we have an obligation to respond more effectively than we have in the past.

Working together, with the leadership of this administration, I hope we can.

RESERVATION OF LEADER TIME

Mr. CORNYN. Mr. President, I ask unanimous consent that the Republican leader's time be reserved for his use later in the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from North Carolina is recognized.

FSC–ETI AND JOBS BILL

Mrs. DOLE. Mr. President, when I came to the United States Senate last year, it was with great optimism—with a mission to get real results accomplished for my North Carolina constituents and for our great Nation. During my tenure in the Department of Transportation, the Department of Labor, and the American Red Cross, I was blessed with the opportunity to tackle some very important and challenging issues—like the sale of Conrail, modernizing the American Red Cross, settling a bitter coal strike, transferring Dulles and National airports from Federal control to ensure that Dulles' capacity would be doubled and the gateway to the Nation's capital would be our beautiful new airport. These issues required me to work with colleagues from both sides of the aisle at every turn. If I had just tried to work with Republicans when tackling these matters, you can bet that nothing would have ever been accomplished. These success stories were achieved in a bipartisan and constructive manner. I looked forward to the same experience when entering this great body last year; however, the pattern of obstructionism occurring over the past few months is at a crossroads.

The opportunity to vote—to even vote—on the following legislation has been blocked:

Medical liability reform: After a comprehensive bipartisan bill was blocked last July, two additional targeted attempts to protect access to ERs and OB–GYNs were blocked February 24 and April 7.

A comprehensive Energy bill has been thwarted for 3 years—3 years. Passage would not only create an estimated 1 million American jobs but also reduce our dependence on foreign oil. Energy tax relief that would have created an estimated 650,000 jobs was also blocked on April 7.

Workforce Investment Act: This legislation, projected to help more than 940,000 dislocated workers obtain the training they need to get good jobs was passed by both the House and Senate but now my friends across the aisle refuse to even appoint conferees.

There are other examples of blocked legislation: Class action reform, Faith based/charities—the Care Act—welfare reform, and the Fair Act—Asbestos—

but I want to highlight the legislation that could directly benefit the economy. And I use the word "could" because unfortunately none of this legislation can even get the courtesy of an up or down vote.

You cannot have it both ways. You cannot come down to the Senate floor and deride the administration's economic policies—then, in the same day, vote to block job-creating legislation.

A piece of legislation that underscores this point is S. 1637, the JOBS bill. Why in the world would we not be passing this legislation? I really want to know the answer so I can tell my constituents, in a State that has been hit especially hard by manufacturing job losses. Why is there objection to removing tariffs from our companies? Why is there objection to cutting taxes on manufacturing companies when they need it most? I must be missing something. When a bill is passed out of the Finance Committee 19–2—yes 19–2—and it is blocked from coming to a vote on two separate, that is simply outrageous.

Those of us on both sides of the aisle recognize the need to deal with the increasing concerns associated with the current Extraterriorial Tax Regime ETI. The World Trade Organizations has determined that if not repealed, the current rules for exportation would necessitate $4 billion in tariffs. If passed, the JOBS bill will not only eliminate the WTO's exorbitant tariff imposition; it will also replace ETI's tax relief with a tax deduction for domestic manufacturers.

At a time when America's manufacturing industries need immediate relief, the benefits of this legislation are clear—and the necessity of its passage is obvious. However, Senate Democrats are continuing to play petty political games and in so doing, are preventing direct aid to our hurting manufacturers. These partisan antics harm our American businesses directly—businesses run by men and women who deserve better from their elected officials.

I am particularly focused on this issue because North Carolina has areas that are severely affected by the loss of manufacturing jobs, mainly in textiles and furniture. This past summer, North Carolina experienced the largest layoff in State history when textile giant Pillowtex closed its doors forever. The result of Pillowtex's closing was 4,400 people losing their jobs in a single day—and eventually nearly 5,000 being laid off.

In eastern North Caroline, layoffs and plant closures have resulted in more than 2,200 layoffs since last summer. In just the past few months, the western region of North Carolina has lost more than 1,500 jobs. And in February, 22 of North Carolina's 100 counties had double-digit unemployment rates. Now there are signs that the situation is improving—initial data for March unemployment in North Carolina shows that just four counties have double-digit rates—but we must take action to help our manufacturers and to ensure upward trends will continue.

Action can begin with final passage of the JOBS bill. This is not the time for political games. This is a time for doing what is right for the American people—and providing our manufacturers with legislation that will directly benefit their businesses. I urge my colleagues to allow the final vote on the passage of S. 1637 to protect our companies from undo tariffs and excessive taxes.

Democrats say they want to find a way to rejuvenate our economy and prevent more factories from shutting down. If they are truly searching for such answers, then why don't they step forward and allow for the solution to reach final passage? I am hoping my friends on the other side of the aisle will remember the American people who depend on Congress and put aside partisan antics and pass good legislation. We need to put an end to this obstruction and work together to get things done in the Senate.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kentucky.

9/11 COMMISSION AND IRAQ

Mr. McCONNELL. Mr. President, I wish to talk about a couple of events that are in the news: the proceedings of the 9/11 Commission and the debate about the President's policy in Iraq.

As I said last week, I am troubled by the partisanship and public posturing of some members of the 9/11 Commission, both in the hearing room and in TV studios.

I am not the only one who is troubled. The former National Security Advisor under President Clinton, Tony Lake, has said the hearings are "a sad spectacle that has become so partisan."

And Max Holland, a former fellow at the University of Virginia who is writing a history of the Warren Commission, notes that "in some respects" the proceedings of the commission are "definitely a new low." He added that "this is a commission charged with establishing facts and the truth rather than posturing for political gain. But some of the hearings amounted to lecturing and posturing."

Still others, like Professor Juliette Kayyem, of the Kennedy School of Government at Harvard, who served on a congressional terrorism panel to investigate the 1998 African embassy bombings, have questioned why 9/11 commission members have granted so many interviews. She notes that "they have become too public," and that "tempts commissioners into making assessments and conclusions prematurely."

My understanding of the 9/11 Commission was that it was to impartially determine the facts and make non-partisan recommendations on how to go forward.

So far, the 9/11 Commission's descent into "gotcha" questioning has only highlighted a tendency to fight each other rather than the terrorists. Unfortunately, while American politicians are busy blaming each other, the terrorists are busy plotting our doom.

This partisanship, unfortunately, is not confined to the 9/11 Commission. Clearly, the central front in the war against terrorism has shifted to Iraq. Al Qaeda operatives and foreign terrorists have flocked to Iraq to make a desperate final stand against American troops, and we must see to it that they lose.

On the issue of Iraq, the most important thing this body could do is to have an open and honest debate about how to build a moderate democracy in that country. If Senator KERRY, in particular, believes he has a solution to the difficult challenges facing our troops and diplomats in Iraq, let him offer a plan, rather than simply guessing and criticizing.

Let me be clear: placing the UN in charge in Iraq is not a plan. It is a pure fantasy.

America did the right thing by liberating the Iraqi people from Saddam's tyrannical regime, and by so doing, we are making the American people safer. Succeeding in our efforts to help the Iraqis replace one of the most repressive regimes on the planet with the single most representative government in the Arab World will dramatically alter the political landscape of the Middle East.

Only if the citizens of the Middle East experience the freedoms and opportunity of democratic reform can we hope to win the war against terrorism. We can kill terrorists one by one in Afghanistan and Iraq, but until we change the individual and personal calculations of thousands of young men who are taught to value death over life, there will always be more terrorists around every street corner. A free Iraq will be an oasis of liberty in the heart of the Middle East and a source of democratic influence on its undemocratic neighbors.

Bringing democratic reform to the Middle East is not a lofty hope but a necessary reality and a long-term strategy. Citizens who can voice their frustrations at the ballot box are less likely to do so by strapping bombs to their bodies.

It is no coincidence that democratic Muslim states such as Turkey and reforming states such as Jordan, Egypt, and Morocco are not state supporters of terrorism, while oppressive states such as Syria and Iran provide aid and succor to international terrorists.

President Bush's multi-tiered approach to combating terrorism is the right one. And it is improving.

Likewise, our Nation's efforts can be improved upon if we conduct our debates with the gravity and objectivity required by the high stakes of the war against terrorism, but forgive me for not being optimistic.

Until now, the critics have proposed two alternatives to President Bush's plan to stay the course in Iraq. One alternative is to cut and run or to cede control to the U.N., whose member states by and large want America to cut and run.

Unless failure is our goal, these are not serious proposals. And they discount the very simple fact that unless America delivers on its commitment to eliminate havens for terrorists and support democracy in Iraq, Afghanistan and elsewhere, we will embolden the terrorists who delight and attack when America wavers.

How do I know this? Because Osama bin Laden has told us. In his 1998 "Declaration of War Against the Americans" bin Laden noted, and I quote: "When tens of your soldiers were killed in minor battles and one American Pilot was dragged in the street of Mogadishu, you left the area in disappointment, humiliation and defeat, carrying your dead with you."

Former Secretary of Defense James Schlesinger recently noted that Bin Laden also observed: "when people see a strong horse and a weak horse, they naturally gravitate toward the strong horse."

The terrorists are watching us closely, and we must show strength, not weakness. We must not allow Iraq to become another Somalia because going home early is the surest way to embolden the terrorists and ensure the failure of our efforts to bring peace and security to the Middle East.

It is clear to this Senator that al-Qaida wants us to fail in Iraq, just as it wants us to fail in Afghanistan. Al-Qaida terrorists and other foreign Jihadis are aligning themselves with violent Iraqi insurgents whose radical ideology has no place in a democratic Iraq. These zealots want the United States to appear in the Arab world as a weak horse.

The terrorists are watching us closely, and we must show our strength, not our weaknesses, as we confront the security challenges in Iraq that lie between despotism and democracy.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader.

JOBS BILL

Mr. FRIST. Mr. President, this week our colleague, Senator JOHN KERRY, is traveling to the Midwest to discuss ways to help boost job creation. While I applaud his intention on this issue, I also want to make certain Senator KERRY is aware we have scheduled a third floor debate on the JOBS bill—that is the very important bill on manufacturing in this country, S. 1637—to start next week. That important bill seeks to protect more than a million high-quality manufacturing jobs in the United States.

Unfortunately, Senator KERRY's Democrat colleagues in the Senate are waging a filibuster against this jumpstart our business strength bill, the JOBS bill, having twice voted to prevent us from completing action on this essential manufacturing legislation.

I do ask Senator KERRY to use his new position as his party's presumptive nominee, but in all likelihood the nominee, to help convince his colleagues to abandon this filibuster and move this legislation quickly toward passage.

According to the National Foreign Trade Council, there are currently 147,200 jobs in Ohio that hinge on passage of this JOBS bill; in Michigan, some 150,000 jobs will be impacted by this ill-advised filibuster; and in Pennsylvania, nearly 142,000 jobs are tied to this legislation.

We must repeal these European tariffs on at least 100 U.S.-made products. People say: What sort of products? They include safety glass. They include portable handheld tools. They include marine engines. They include aluminum wire, steel wire. They include printing paper. This Euro tax started at $200 million in March. It increased to $240 million in April. It will increase again to $280 million this Saturday and will continue to climb upward to $680 million next year if we fail to act.

Senator KERRY was a cosponsor of this bill and supported it in the Finance Committee. I urge him to join us in a bipartisan effort to end his fellow Democrats' filibuster and agree to a time to pass and send to President Bush a jobs bill, a jobs bill that will benefit manufacturing workers throughout the United States.

We must pass this JOBS bill to protect America's manufacturing base and the manufacturing jobs of thousands of our workers across the United States. America's workers are depending on us.

Mr. President, I ask unanimous consent that a letter from me to Senator KERRY dated April 28, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, April 28, 2004.

Hon. JOHN KERRY,
Russell Office Building,
Washington, DC.

DEAR SENATOR KERRY: This week you are campaigning in the Midwest to discuss ways to help create jobs for the American people. While I applaud your enthusiasm, I want to make certain you are aware that we have scheduled a third floor debate on the JOBS bill, S. 1637, to start next week. As you know, this important legislation seeks to protect more than a million high-quality manufacturing jobs in the United States.

Unfortunately, your Democrat colleagues in the Senate are waging a filibuster against the Jumpstart Our Business Strength bill (JOBS), having twice voted to prevent us from completing action on this essential legislation.

It is my hope that you will use your position to help convince your Senate Democrat colleagues of the importance of this legislation and help us to move it quickly toward passage. After all, according to the National Foreign Trade Council, there are currently 147,200 jobs in Ohio that hinge on passage of the JOBS bill. In Michigan, some 150,100 jobs will be impacted by this ill-advised filibuster. In Pennsylvania, nearly 142,000 jobs are tied to this legislation. It is my hope that you will join with us in a bipartisan effort to end the Democrat filibuster and press for timely action on the JOBS measure.

Since you were once a co-sponsor of this bill and supported it in the Finance Committee, I know you appreciate how important it is that we approve this measure and repeal the European tariffs on at least 100 US-made products. This Euro-tax started at $200 million in March, increased to $240 million in April, will increase to $280 million this Saturday, and will continue to climb upward to $680 million by next year if we fail to act.

We look forward to your support in passing a measure that is absolutely essential if we are to protect America's manufacturing base and the manufacturing jobs of thousands of our workers across the United States.

Sincerely yours,
WILLIAM H. FRIST, MD,
Majority Leader,
United States Senate.

Mr. FRIST. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I have 5 additional minutes of leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAYING THE COURSE

Mr. DASCHLE. Mr. President, I want to respond to the distinguished majority leader.

Like him, I have come to the Senate floor on several occasions advocating for passage of the FSC bill. Many of us believe it may be the only opportunity we have to address, meaningfully, jobs policy and the creation of new jobs in this country.

His characterization of our position is unfortunate and inaccurate. We have no desire to filibuster the bill. We simply believe Senators ought to have a right to offer amendments. That was really the discussion and the debate earlier as the legislation was offered. We had an amendment that simply provided for protection for 8 million workers who were not accorded overtime, who the administration now acknowledges were prepared to take overtime as a part of their compensation packages. We fought it. The administration has changed it, not to our satisfaction. But had it not been for our fight, I doubt very much that overtime could have been protected for the millions of workers who otherwise would see it as lost.

We also want to ensure that we have an opportunity to deal with the outsourcing problem. Outsourcing is a very serious issue today. The President has created a new program called Higher Hour Workers. The acronym is HOW. Well, that is our question. How? How are you going to do it? What we have seen so far from this administration falls far short of what we need to do if we are serious about meaningfully addressing the problem of jobs in this country.

This administration has lost 3 million jobs. We have not seen an administration like this in seven administrations. We want to address the terrible and unfortunate record we have seen with regard to the economy over the last 36 months.

So our hope is we can create a real opportunity to debate jobs, to debate the way with which we can compete in the international markets. That is our desire.

I went to Senator FRIST and offered him an agreement, after this cloture vote, and indicated that we would limit our ourselves to 18 amendments. I presented that to him. I was hoping we could get a unanimous consent agreement. That was not done and, as a result, time was lost. Now, as we understand it, they have over 50 amendments pending to this bill. We have something like 30. So there is no filibuster going on. They have some difficulty on their side in trying to address this issue, and in an expeditious way.

We will get through the amendments. It is unfortunate we could not have agreed to the 18. We would be done with it by now. But there has been a practice on the Senate floor, over the last several months—we get on a bill, an amendment is offered, the bill is pulled; we move to another bill, we get on that, an amendment is offered, the bill is pulled. We have to stay on a bill to finish the bill. I am hopeful we can stay on the Internet tax bill until it is finished, that we can stay then on the FSC bill until it is finished, and welfare reform until it is finished.

We can accomplish a lot, but we have to have greater attention to the work at hand and a willingness to stay with it until it is done. That is the nature of the Senate. That is the way we function. That is our institutional history. We are prepared to work with our Republican colleagues on these and other bills in the months ahead to make that happen.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

FSC/ETI

Mr. FRIST. Mr. President, very briefly, I know we are in morning business and we are on other topics, but so our colleagues will know, we are coming back to the FSC/ETI bill. We have a general agreement and a framework. We are coming back to it. That was really the purpose of my comments today. We are coming back to it next week. I hope we can work together. The American people deserve it. I do not believe either side will have 30 or 40 or 50 amendments. I think we can do it if we start right now to put our heads together. The managers are working. They have, I believe, an excellent glidepath to finish it as we go forward. I appeal, in a strong, bipartisan way—we are going to have to have a bipartisan approach to finish that bill—that we do just that next week. The American people deserve it. Regardless of how we get there, next week we have this opportunity to address it. We absolutely must do that.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time we have remaining in morning business?

The PRESIDING OFFICER. Eleven minutes 18 seconds.

Mr. CORNYN. I thank the Chair.

THE 9/11 COMMISSION

Mr. CORNYN. Mr. President, I want to talk a few minutes about the work of the 9/11 Commission. I know it has become popular—perhaps it has always been that way—for those who sit on commissions, those who engage in political debate about the great causes of the day in Washington, DC, to try to find blame for various things that happen. That is no less true of the work of the 9/11 Commission in looking into both the causes of the terrible events of that day and also when it comes to coming up with recommendations about what we might be able to do to make sure that sort of tragedy never occurs on our own soil again.

But I think we ought to be clear about who is to blame for the terrible events of 9/11. It was not President Clinton or his administration. It was not President Bush or his administration. The individual and the organization at fault for the events of 9/11 were Osama bin Laden and al-Qaida. Regardless of our differences, especially in this election year where we are going to select a President, I think we ought to make sure our enemies do not draw any comfort from the debates we have on the floor of the U.S. Senate or elsewhere that we somehow are redirecting the blame to others for political gain and to score political points. I think all Members of the U.S. Senate—indeed, all Members of the U.S. Congress—should be absolutely clear where the blame lies. As I said, that lies with al-Qaida and Osama bin Laden.

Indeed, after that terrible day there was an upswelling of bipartisan support in this country to try to make sure we did whatever we needed to do in order to make sure that the events of that day would never occur again. Indeed, the Senate unanimously approved a resolution authorizing the use of all necessary and appropriate force against the persons and organizations responsible for September 11.

Indeed, in an unprecedented fashion, also, we saw that our allies in NATO, under article V of that treaty, declared that an attack against the United States was, in effect, an attack against all NATO nations.

Of course, this issue is as current as today's news because we know there are two cases that are going to be argued before the U.S. Supreme Court, the Hamdi and Padilla cases, which are going to look at the limits of Presidential power under a declaration of war, such as was authorized by the Congress, by the Senate unanimously. Of course, they are going to decide, and it seems obvious to me, but perhaps it is not as obvious to others, that the approval of all necessary and appropriate force must necessarily include the capture and detention of enemy combatants. But that is perhaps an issue for another time.

Also, in the spirit of bipartisan support for using all necessary and appropriate means to defend our country, the Senate passed the USA PATRIOT Act 98 to 1. Of course, this important legislation provides law enforcement with sorely needed tools to combat terrorism. Unfortunately, we also recall that spirit of bipartisan unanimity did not last very long.

Once the Democratic Party began to choose its Democratic nominee, we heard a lot of disparaging remarks made about the USA PATRIOT Act. Indeed, in a misguided and perhaps ill-informed way, there are 287 different municipalities around the country that have passed resolutions disparaging the USA PATRIOT Act.

It is amazing, in Washington, how events can turn on a dime. After we heard testimony before the 9/11 Commission from Janet Reno, former FBI Director Louis Freeh, Attorney General John Ashcroft, FBI Director Robert Mueller, and others, a bipartisan chorus said it was the USA PATRIOT Act which tore down the wall which previously precluded information sharing between law enforcement and intelligence-gathering officials. We haven't heard very much more about the previous calls to either repeal or change the PATRIOT Act because, indeed, it was the PATRIOT Act that tore down that wall and which has made America safer. Perhaps the best evidence of that is not just my statement or anyone else's. It is the fact we have, thank God, avoided another 9/11 in the days since that terrible day.

The spirit of bipartisanship that resulted in a resolution authorizing the use of necessary force against our enemies who brought the war to us on 9/11 and the spirit of bipartisanship that saw a 98-to-1 vote in favor of the USA PATRIOT Act and tearing down that wall needs to continue to prevail on the National Commission on Terrorist Attacks on the United States that was created by Congress and appointed by both the Congress and the President. Of course, it is the job of that Commission to find facts, to create a historical record of the events that led up to that date, and then come up with recommendations. It is absolutely critical that the work of the National Commission on Terrorist Attacks, the 9/11 Commission, not be undermined and that the public confidence be preserved in that Commission.

That brings me to the testimony which I believe must be provided in an open forum by Commissioner Jamie Gorelick. As Attorney General Ashcroft revealed during his testimony, when he declassified a key 1995 memorandum, dated actually March 4, 1995, authored by Ms. Gorelick when she was Deputy Attorney General, it was the policy of the Justice Department, under Ms. Reno and under Ms. Gorelick, during the Clinton administration, that went further than the law required in establishing this wall which prohibited information sharing between law enforcement officials and counterintelligence officials. Indeed, in the days since Attorney General Ashcroft revealed the existence of this memo, we have seen Ms. Gorelick respond in a Washington Post op-ed piece explaining her role.

My point is, Ms. Gorelick, serving in a high-level position in the Justice Department as Deputy Attorney General, in effect the chief operating officer in the Department of Justice under Attorney General Janet Reno, has special knowledge of the facts and circumstances leading up to that memo and the erection and buttressing of that wall barring the sharing of communications.

I believe her testimony under ordinary circumstances would be sort of a no-brainer. The 9/11 Commission would say: This is a person with knowledge of relevant facts. Let's bring her before the Commission and ask her to tell us what she knows.

That has been requested now, public testimony by Ms. Gorelick, in letters signed by a number of Senators, and now been refused by the cochairs, Chairman Kean and Chairman Hamilton.

Simply put, this is a self-inflicted wound on the credibility of the 9/11 Commission. We have learned that she has provided testimony in camera or, in English, in secret. In other words, she has been interviewed by the 9/11 Commission and told apparently what she knows out of the public eye. Obviously, she has written an op-ed piece explaining, without the benefit of further questions or followup, what it is she intended to do and the circumstances leading up to that 1995 memo.

If public testimony by persons with knowledge of relevant facts ranging from Janet Reno to Louis Freeh to John Ashcroft to Bob Mueller and others, if that testimony was important—and indeed, I believe it was—then public testimony by Ms. Gorelick is important to preserving the public credibility of the work product of the 9/11 Commission.

Secret testimony will not cut it. In fact, we need to know what it was that led up to this policy and the reasons for it in order to understand why it is important never to go there again. As I said, this policy is stated in that very same memo, which went well beyond legal requirements. In other words, the PATRIOT Act, once it was passed virtually unanimously in this body, dismantled that wall in a way that made America safer.

May I ask how much time I have remaining?

The PRESIDING OFFICER. Ten seconds.

Mr. CORNYN. I ask unanimous consent for 2 additional minutes and also to extend the Democratic time by the same amount.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. First, Ms. Gorelick claims in this Washington Post op-ed piece that she had no choice when she penned the 1995 memo. It would be worth knowing why it is she thought she had no choice.

Second, she claims this memo did nothing more than continue preexisting Justice Department policy first established in the 1980s. By the very terms of the memo, she states it is prudent to establish a set of instructions that will clearly separate counterintelligence investigations from criminal investigations. It is appropriate to ask her if she thought she was establishing a policy or continuing a policy, as she stated in another place.

Finally, Ms. Gorelick appears to be shifting the blame for the policy—and we are not talking about blame for the policy—to then-Deputy Attorney General Larry Thompson. At a minimum, it is not appropriate for one Justice Department official to attack her successor for failing to adequately correct their own mistakes, as we now know that wall was a mistake.

So, Mr. President, in conclusion, let me say because I know time is running out, I believe it is absolutely imperative that Ms. Gorelick offer to come forward and give public testimony about what she knows about the erection of the "wall" barring the critical sharing of information that has subsequently now made America much safer.

I believe the credibility of the Commission's report depends on that public testimony, and I urge the chairman of the 9/11 Commission to reconsider, and indeed Ms. Gorelick to consider her refusal to testify in public and avoid what has, by all appearances, the status of a self-inflicted wound on the credibility of the Commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I think that in addition to having Ms. Gorelick reassess her position, it would be good for the President and administration to reassess their positions and testify publicly, or at least separately, instead of this appearance that they have in secret.

THE HIGHWAY BILL

Mr. REID. Mr. President, tomorrow, in the White House, it is my understanding from press accounts—and I have talked to various Senators and one House Member who will attend the meeting—there is going to be a meeting with the President to talk about the highway bill. I think it is important, therefore, that I, who have worked on this most important bill—and I have worked on several others in years past—make some observations about what I think should take place at that meeting.

Of course, it is a typical meeting that takes place in this administration. It is done in secret, with no Democrats present, which is unusual; but that is in keeping with what this administration has done now for 3½ years. Let me say, though, that I believe Senator JIM INHOFE, the chairman of the Environment and Public Works Committee, has been an exemplary legislator on the highway bill. He has been someone that has been very fixed in his ideas. He is someone, however, who is willing to work and, as legislators have to do, compromise. I have had to do the same thing. Senator JEFFORDS had to do the same thing. Senator BOND has had to do the same thing. The four of us have put this bill together. I think it is a good bill.

I appreciate the tireless efforts of Jim Inhofe on this most important legislation. He has always understood the importance of a highway bill. No one in this country can question the conservative credentials of JIM INHOFE. No one could ever accuse him of trying to give things away. That is why it is a mystery to most of us what the administration is doing on this bill.

Mr. President, first of all, understand that the chairman of the Transportation Committee in the House, Congressman YOUNG from Alaska, believed a bill of $300 billion just for highways alone—he was unable to do this because he could not get a proper rule in the House. The administration was opposed to him, and my understanding is that several other leaders in the House were opposed to him.

Finally, they came with a bill of $275 billion, which included transit. The legislation that we have passed in the Senate takes into consideration the needs of this country. We have $318 billion over six years. This is a bill that includes transit. We have worked very hard on this. Keep in mind, there are no new taxes. The bill is paid for in a number of different ways, not the least of which is highway trust fund moneys, which are supposed to be used for highways. We have been told by all outside organizations, by our own experts within the Federal Government—and the outside organizations can be exemplified and illustrated by the American Association of State Highway Transportation Officials, AASHTO. They say, as we all say, simply to maintain our roads and bridges—not to have some Cadillac version, but simply to maintain our roads and bridges—the Federal Government must invest at least $40 billion a year.

Unfortunately, a 6-year bill at $275 billion that includes all the needs of this country simply doesn't do the trick when we talk about highways and transit. This means, then, more congestion, less safety, and increased maintenance and replacement costs.

The Senate bill is a good bill. It passed by 76 Members voting for it. It would create a $42.7 billion average annual highway investment. This is a good bill. It would generate real improvements in condition and performance. Let's not forget, it would create more than a million high-paying jobs. The spinoff from those direct jobs would be many thousands more.

I cannot understand the President. He is the first President since Herbert Hoover who has not had a net increase of private sector jobs. It doesn't matter how many jobs are created in the next 6 months, he will be the first President since Hoover to have a net loss of private sector jobs. Yet he is threatening to veto this. It is wrong.

Not only is the bill good for the reasons I have mentioned. That will allow us to at least keep even with the programs that we need in this country—highways, bridges—but it also consolidates all safety programs. It creates a very new program, with safe routes to school, which will allow children to walk and ride bicycles to school. It creates a good program at our ports, called a gateway program, which will not only be one that will create a more safe network of ports in our country, but will be more efficient, and it will save lots of time. There will be a new equity bonus program.

We have tried in this legislation to have a fair bill, not just to add up the number of Senators who are for the bill and run over those who don't get treated as well. By the end of our bill, every State will get at least 95 cents for every dollar they pay in. This is a tremendous improvement.

Mr. President, I hope at this meeting tomorrow the Republicans who are meeting in secret to discuss this matter will follow the lead of the Senate, and especially Senator INHOFE. This is a bill that we need to pass for the good of every State in the Union.

Mr. President, I am going to yield the remaining time I have to the Senator from New Jersey, with this preface. I say to my friend from New Jersey, who is going to discuss chicken hawk, I want the Senator to understand that when the President held his last press conference and said he could not think of a mistake he made—when I was at home during the last break, I reminded the people of Nevada that I could think of at least 2 mistakes he made. One is when he climbed on the USS *Lincoln*, the big aircraft carrier, and had the big sign in celebration of the "mission accomplished." I think the second mistake was when he was asked the question whether there are some people in Iraq who, maybe, are going to cause some trouble, as you will remember, the President said, "bring them on." I think those are two mistakes—"mission accomplished" and "bring them on."

Since his statement, "bring them on," we have lost more than 600 American soldiers. That is only the number of those who were killed; that doesn't take into consideration the thousands who are missing limbs, eyes, who are paralyzed, and in bad shape physically. So I think those are two mistakes, I remind the President. No. 1, the mission was not accomplished when he flew on the aircraft carrier in his borrowed jumpsuit; or, No. 2, when he said "bring them on," I think that was an intemperate remark, and I think he made a mistake.

I yield the remaining time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

WAR RECORDS

Mr. LAUTENBERG. Mr. President, I thank my friend from Nevada. Nothing could be more poignant, as we view what has taken place in Iraq, than the bravado that led us into the battle and the boastful statements that were made, such as "mission accomplished." What the mission accomplished was, was to get a picture that could be used in an election campaign. That was the mission that was accomplished.

People thought the President was talking about something else, and he did say the worst is behind us. It is a terrible memory for us to conjure up while people are dying in quantities hardly ever dreamed about, far more casualties in this war where we have 130,000 people in Iraq than when we had 540,000 people in the first gulf war because there were enough of them to protect one another; there were enough of them to get the job done quickly and effectively.

We have some memories, and I couldn't agree more with the Democratic whip, my friend from Nevada, about mistakes made and remembering "bring them on," which I found so offensive.

This week is the anniversary of the photo on the bridge of the aircraft carrier *Abraham Lincoln*. Photo on the bridge—that is the memory that is going to be conveyed out there. This is the photo on the bridge. Here is the aircraft carrier looking very splendid in a display of power, but the timing was so far off and the statements were so empty: "Mission accomplished."

Ask the 600 families who have lost children; ask those 22 families of sons and daughters in the State of New Jersey whether they think the mission was accomplished May 1 a year ago. I don't think they would agree.

Yesterday, I had an opportunity to visit the World War II memorial that is going to be open to the public very shortly. I am a veteran of World War II, as are several other Members of the Senate. I came from a working-class family. My 42-year-old father was on his deathbed from cancer when I enlisted. My mother became a 36-year-old widow. I was 18 already. I did not enlist to be a hero. I simply wanted to do whatever I could to help my country. So when I looked at the memorial yesterday, it brought back some very significant memories.

I remember being in uniform. I remember climbing telephone poles and putting up wire. Once again, I did what I was supposed to do because I was in the Signal Corps and responsible in part for getting communications between those who are commanders and those who are in the field.

I had a fairly narrow perspective, but one thing I did respect was those who received medals, those who had a Purple Heart. They were my heroes, and we used to defer to them. Anyone who got a Bronze Star or a Silver Star was thought to be someone special. That was to those of us in uniform who were trying to bring America victory. That is what happened.

When you visit the Vietnam Memorial here in Washington, it pulls at your heartstrings to see 58,235 names on the wall and you are reminded of the gravity and the impact that conflict had on our Nation. But now we are in a different place. I do not believe, I must say, we should judge our politicians based on who served and who did not serve. But when those who did not serve attack the heroism of those who did, I find it particularly offensive, and I hope people across America will put aside that criticism of Senator JOHN KERRY who received three Purple Hearts and a Silver Star, which is a very high commendation for bravery. I find it offensive, and I hope every American and I hope every veteran will say: No, no, you can't talk like that, pretending this man is soft on defense. He put his neck on the line, almost lost it, and saved someone else's neck in a very heroic deed.

That is what we are talking about: heroism. Max Cleland lost three limbs in Vietnam, and they shamed him so that he was pushed out of office because he was portrayed as weak on defense. Where do they come off with that kind of stuff? I will never know, but I hope the American public understands what is being done.

We now have discovered a return of the chicken hawk. We thought they flew the coop, but in the last week or two, they have returned aplenty. If anyone is curious about what a chicken hawk is, I have a definition right here on this placard. We see the chicken in a uniform with medals. The definition obtained from the Internet goes as follows:

> Chickenhawk, n.: A person enthusiastic about war, provided someone else does the fighting, particularly when that enthusiasm is undimmed by personal experience with war; most emphatically when that lack of experience came in spite of ample opportunity in that person's youth—

I am extending it—to serve their country, unless you had a good excuse, unless you had other priorities.

Chicken hawks shriek like a hawk, but they have the backbone of a chicken. We know who the chicken hawks are. They talk tough on national defense and military issues and cast aspersion on others. When it was their turn to serve, where were they? A-W-O-L, that's where they were.

Now the chicken hawks are cackling about Senator JOHN KERRY. The lead chicken hawk against Senator KERRY is the Vice President of the United States, Vice President CHENEY. He was in Missouri this week claiming Senator KERRY is not up to the job of protecting this Nation. What nerve. Where was DICK CHENEY when that war was going on where 58,235 young men died and many more wounded and many with wounds that were never visible, but you could see it in their emotional structure and in their psychology? It was a war everyone thinks in retrospect was misguided. But JOHN KERRY volunteered for hazardous duty on a swift boat going up a river with people shooting at him all over the place. Cowardly? What an insult. I plead with veterans across this country. Look at what they are saying about your service. Exemplified: Max Cleland lost three limbs. What a sacrifice he made, and they beat him in the election, beat him in the polls because they characterized him as soft on defense. Now they want to take JOHN KERRY who served nobly and establish that he, too, is soft on defense. I don't know where they get it.

He fought for our country. He still has shrapnel from the battlefield. Vice President CHENEY said: At the time he had other priorities in the sixties than military service. He ought to tell that to the parents of those who lost their lives in Vietnam, and ask them what they think.

I heard someone—I think it was Karen Hughes—on the television the other night. Why are they talking about a 35-year-old war? A 35-year-old war? Ask those who served in Vietnam whether they ever think it is a 35-year-old war.

Come on, America, face up to what we are doing here. This is the ultimate disgrace: Risk your life and then be abused by those in the highest office in the country? The chicken hawk has no idea what it means to have the courage to put your life at risk to defend this Nation. They are quick to disparage those who did sacrifice. I do not understand how their conscience permits them to challenge Senator KERRY's commitment to our Nation's defense.

The reality is the chicken hawks in this administration are doing a lousy job of bolstering our Nation's defense and supporting the troops. Case in point: Mission accomplished.

I want to discuss this 1-year anniversary because I think it summarizes this flawed thinking and policy planning of the administration regarding its activities in Iraq after the initial invasion. We are all familiar with the imagery of May 1, 2003. My colleagues can see it on this placard. President Bush is dressed up in a flight suit—well, here he is wearing civilian clothes—playing soldier that day. The theatrics that followed were a production carefully choreographed by the White House political unit. It was nothing more than a staged circus act.

When the President switched to substance, it was almost more disturbing. He declared that "major combat operations are over."

He was, unfortunately, wrong. He was certainly wrong over 600 times because people died in that relatively peaceful postwar period of time.

Since the President declared mission accomplished on May 1, 2003, we have lost 585 American troops in Iraq. Before that day we had lost 139. That is a total of 724. In the first gulf war, with over 500,000 troops abroad, we lost a total of 293 troops.

When the President made his speech on the May 1 mission, it was not accomplished. Major combat operations were not over. It was a naive miscalculation. The troops on the ground in Iraq knew trouble was brewing, even though they heard that declaration that the mission was accomplished. They knew trouble was brewing as insurgents were launching more and more attacks.

When these attacks on our troops became more frequent, what did the President say last July? I could not believe what I was hearing. He said, "Bring 'em on," in this gesture of bravado, in this gesture of toughness, bring them on. But he was not brought on. He was brought on to the deck of the aircraft carrier but he was not brought on to the battlefield in Vietnam when there was a chance to do something.

I do not think our soldiers are so happy about the President's dangerous comment.

I served in Europe in World War II. The last thing I wanted to hear from my Commander in Chief, or my local commander, is to dare the enemy to launch attacks on us.

The President and his allies are charging Senator KERRY with being a flip-flopper, but is it not a more dangerous flip-flop to tell our enemies to bring it on and invite attacks? Is it not a flip-flop when one says they support the troops and then—I heard it directly on our recent trip to Iraq when a captain in one of the reserve units—no, he was full service—when I asked if there were any complaints, he said, Senator, those flak jackets, the new ones, I have seen them on Spanish coalition members and I have seen them on other coalition members. We do not have them, Senator.

He then pointed to his rifle. He said, You know, there are smaller, more efficient, and better sidings and better sights on smaller, lighter weapons. We do not have those. We need more armored Humvee vehicles.

When I was in Iraq in March, soldiers complained to me they are not receiving the best equipment they could have.

What about the President's flip-flop to military families? He is arbitrarily extending tours of duties despite promises to families that loved ones would be returning home.

No, when it comes to supporting the troops the President is a flip-flopper. He says one thing, does another. Supporting the troops means careful planning of military operations, both pre- and postinvasion.

We know the administration did not want to hear any dissent about the unrealistic assessment of what the Iraqi operation would require. When General Shinseki, a distinguished military leader, said we need more troops, that over 300,000 troops would be required, he got fired. Instead, we have 130,000 troops in Iraq. That is what is favored by Secretary Rumsfeld.

Our excellent troops are fighting a treacherous insurgency launched by both Sunni and Shi'a elements. Combat operations are not over. They are raging. It is obvious the administration miscalculated and misunderstood what would happen after we deposed Saddam. In fact, the administration's beliefs bordered on the delusional. Experts warned them at the time, but they refused to listen.

According to Bob Woodward's account, Secretary Powell was all but excluded from the war planning among the key Cabinet officers. Colin Powell is the only one who ever saw combat in that group and they excluded him.

George McGovern, a friend, a decorated veteran, said this war was clearly planned by people who have never seen a battlefield. Look at what Vice President CHENEY said on March 16, 2003:

> We will, in fact, be greeted as liberators. . . . I think it will go relatively quickly . . . (in) weeks rather than months.

February 23, Defense Secretary Rumsfeld said the war "could last 6 days, 6 weeks. I doubt 6 months." Now it is over a year later and the war is still going on. A total of 724 American troops have been killed, 585 of them after President Bush declared major combat operations had ended.

We are in a quagmire that is the result of miscalculations and poor planning by the administration, but for the sake of our troops it is time for the chicken hawks in this administration to end the arrogance and the bravado that has put us in the mess we are in right now.

If we want someone effectively to defend our Nation and support our troops, I say let us look to someone who understands what it really means to answer the call and defend your country.

I yield the floor.

The PRESIDING OFFICER. For the information of Members, there are still 4 minutes 30 seconds remaining. Does the Senator wish to yield back the time?

Mr. LAUTENBERG. I yield back all the time, yes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 150, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Pending:

> McCain amendment No. 3048, in the nature of a substitute.
>
> Daschle amendment No. 3050 (to the language of the bill proposed to be stricken by amendment No. 3048), to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, to increase the Nation's energy independence.
>
> Domenici amendment No. 3051 (to amendment No. 3050), to enhance energy conservation and research and development and to provide for security and diversity in the energy supply for the American people.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I came to the floor to urge consideration of the Internet Tax Moratorium Act, the proposal, debate, and voting on germane amendments. As I came to the floor, I heard this attack on the President of the United States and the administration. It was pretty rough stuff, calling people chicken hawks and talking about service to the country or lack thereof.

I am sure the statements just made by the Senator from New Jersey reflect the intense partisanship and recent discussions and charges and counter charges on talk shows and cable television and radio all over America. I think it might be an interesting and maybe sometimes entertaining exercise—the little drawing of the chicken hawk was kind of clever. I have to hand it to whoever the artist is.

But isn't it a fact that we are now engaged in a war? Isn't it a fact right now that, as we speak, our marines are attacking Falluja and I am sure incurring casualties, these brave young Americans?

I don't know if they get C–SPAN over in Iraq, but here they are with their lives literally on the line, trying to bring freedom or ensure the freedom of the Iraqi people. They get television—if not C–SPAN, I know they get Armed Forces Television in many of the bases in Iraq—what do they see? They see us attacking each other about service or nonservice in a conflict that ended more than 30 years ago.

All of us who stand here—I haven't known of an elected or nonelected politician who hasn't said: We are all behind the troops; we are behind the men and women in the military; we support them 100 percent no matter what. What are they supposed to think? Are we really supporting them and are we interested in bringing about a successful conclusion to the Iraqi conflict?

Senator KERRY, the Democrat nominee, says we have to stay the course. He may have different views as to exactly how to do that than the President and the administration, but we are in agreement. Meanwhile, what are we doing on the floor of the Senate? We are attacking the President's credentials because of his service or lack of service in a war that ended 30 years ago, more than 30 years ago.

I think that is wrong. I wish we would stop it. I wish we would just stop, at least until the fighting in Iraq is over.

Second, maybe we could devote some of our time and effort and energy in coming up with a bipartisan approach to this conflict. Yes, there are enormous difficulties. No, things haven't worked out as well as they should have. Yes, I, myself, would have had different approaches to the challenge in Iraq. But we are there. We are in a very crucial moment. Why don't we all join together and sit down and work out, with the administration, both sides of the aisle, a common approach so we send a single message? Not that we are refighting the Vietnam war, but that we are committed to seeing this thing through in Iraq because we cannot afford to fail. We cannot afford to fail.

There will be plenty of time after this conflict is over. We may even have a commission. We have commissions for everything else; why not have a commission after we have democracy in Iraq to find out where we failed in Iraq? That would be fine with me. I wouldn't particularly want to serve on it, but let's have a commission.

But in the meantime, don't you think our focus and attention is misplaced? We are talking about chicken hawks. When the President of the United States is the one whose most solemn responsibility is to be Commander in Chief of our Armed Forces, and to prosecute a conflict that was authorized by an overwhelming vote in this body, and we are calling him a chicken hawk—please. Is that the appropriate time and place for this kind of activity?

I do know some of my colleagues on the other side of the aisle don't like this. I know my friend Senator LIEBERMAN proposed that we all join together to try to come up with a common approach. I don't know if that is possible in this day and age, but it is certainly something worth consideration. But at least, could we declare that the Vietnam war is over and have a cease-fire and agree that both candidates, the President of the United States and Senator KERRY, served honorably—end of story. Now let's focus our attention on the conflict that is taking place in Iraq, that is taking American lives as I speak on this floor.

I don't want to belabor the subject, but I do want to expand on it a little bit. It is a symptom of the extreme partisanship that exists in this body today on both sides of the aisle.

Mr. REID. Mr. President, could I ask the Senator to yield for a brief comment?

Mr. MCCAIN. I am glad to yield to my friend from Nevada.

Mr. REID. I had to step off the floor for a phone call, and I apologize. But what I wanted to say to the Senator from Arizona, the Senator from Arizona, in my opinion, is exemplary in his statements on the floor and off the floor about what has been going on between the two people who are going to be running for President in November.

I believe the Senator from Arizona has defended the Democratic nominee, his war record.

Mr. MCCAIN. And the President of the United States.

Mr. REID. That is right. I was going to say, and the President of the United States. We would be better off if everyone in this very delicate Presidential election would follow the lead of the Senator from Arizona. We do not need, in my opinion, to get into what went on in Vietnam.

We are proud of what Senator KERRY has done, and whatever President Bush has done, he is Commander in Chief now. It would be better off for everybody, I repeat, for the second time, if we followed the lead of the Senator from Arizona and not question what went on during those war years.

I would say, though, to my friend from Arizona, I feel as if I am in high school now—"They started it," that kind of thing. I think we need to get back to the real issues; that is, how we are going to finish the situation in Iraq, what we are going to do about the economy, health care, the environment, and all those other issues.

The third time: We would all be better off if we followed the example of the Senator from Arizona. That is basically what I want to say. I apologize.

This is a he-said, she-said, they-said. My friend from New Jersey is a war veteran himself. He has a right to speak, as we all know. But I am sure he would not have spoken had this not started some other place. But I appreciate very much the Senator from Arizona yielding.

Mr. McCAIN. I thank the Senator from Nevada who is a good and dear friend of many years, who I also know decries this.

Let me repeat one more time that I believe that honorable service was performed by the President of the United States in the National Guard. Almost 40 percent of the forces that are in Iraq today are guardsmen and reservists. They are superb young men and women.

Obviously, I know the Senator from Nevada shares my view that service in the National Guard is honorable service, as is service on Active Duty, as that performed by Senator KERRY, in my view. But it is time to declare a truce.

I would also say to my friend from Nevada, there is nothing we can do about what talk show hosts do, or outside commentators. That is freedom of speech.

I am sorry so much focus is on that, and I don't pretend to say I could do anything about that. But I hope Members of this body could declare a truce on this issue, if I may use that word, and then we could move forward in addressing the compelling issues of the day.

I will be glad to hear the response of the Senator or, if he doesn't mind—I yield to the Senator from Nevada.

Mr. REID. Mr. President, that would be easy to do. I think we can get people on this side to stop the discussion. If the administration wouldn't be doing what they are doing with ads and things of that nature, we would all be better off.

I repeat that I am not questioning someone's military record. As the Senator knows, this is an ongoing issue. I can't do anything about talk show people, but we can do something about the two Presidential candidates—one sitting President and one sitting Senator—and have them and their organizations not discuss this. I think it doesn't accomplish anything. Someone might say: They started it; we are going to try to finish it. We should wash our hands of that and try to start anew and not be talking about the service of either one.

Mr. McCAIN. Mr. President, I would like to leave that particular subject, but say that segues in a very rational way into what we are facing on the floor of the Senate in consideration of this bill.

Yesterday, I was under the impression that we were moving forward with a vigorous and spirited and passionate debate on the issue of an Internet tax moratorium.

Why is this issue of importance? Because the worst thing we can do to small and large businesses in America, around America, is to have an atmosphere of uncertainty.

I think most of my colleagues would agree—this is probably the most partisan environment I have seen in the 18 years I have served in the Senate and the 4 years that I served in the House.

What is happening—and I was a bit sarcastic yesterday, I must admit—is we come to the floor with legislation which is important. The Internet tax moratorium doesn't lend itself to partisanship. In fact, the two greatest opponents of this legislation—Senator DORGAN opposes it with two Members on this side of the aisle. It is not one of those that somehow is a Democrat philosophy versus a Republican philosophy. One of the greatest supporters of the Internet tax moratorium is the Senator from Oregon. Here we are with this issue which is really important to American businesses. Most businesses, obviously, support a tax moratorium. But what they fear most of all is uncertainty. They have to make plans for their businesses and their futures.

What we are in danger of right now as we speak is getting hung up on extraneous issues, as we have on almost every piece of legislation that has come before this body, on extraneous amendments. I understand the frustration of my colleagues on the other side of the aisle. I served in the minority for the first number of years that I was here. Yet the majority sets the agenda. I have said to the Senator from North Dakota, I want my issue raised, I want a vote on it, and I am ready to go. I have never tried to tie up the Senate on an issue. I have come down here for years and forced votes on line-item vetoes. But I said that I am willing to have a time agreement and a debate on the issue of climate change. Senator LIEBERMAN and I said: Look, we are not going to tie up the Senate. We are not going to impede everything from going forward. We had a vote. We got 43, I am happy to say.

My point is, we shouldn't block the passage of legislation. I think there is a careful balance between proposing an amendment, getting a vote on it, and then allowing the legislation to move on rather than just overloading the legislation to the point where it has to be withdrawn.

I hope we can get a vote on the Democratic leader's amendment on ethanol. I hope we can get a vote on many of these other issues, including minimum wage if necessary. But at some point you cross a line between trying to have your views and your issues and your agenda addressed to the point where we just end up in gridlock.

I think most observers, both inside and outside of this institution, will agree we are basically gridlocked on almost every issue that comes before us. That is not what we are sent here to do. We are sent here to act as legislators and to address the issues that are important to the American people instead of partisan gridlock.

I hope we can sit down on both sides of the aisle and at least make people aware of what the agenda is. I have a very long relationship with both the Senator from Nevada and the Senator from South Dakota who are friends of mine. I would like to know what the agenda is. I don't think it is a lot to ask what I can expect in managing this bill. At least in that way I can try to accommodate the concerns of the agenda of the other side of the aisle.

But to come out here and just spring an amendment I don't think is quite fair, and I don't think I would do that if I were in that position.

I hope we can return to some kind of comity and that way perhaps decide how we are going to dispose of this bill.

I said only half sarcastically yesterday that if we are going to spend all of our time in gridlock around here, some of us would like to go home. It is much nicer in Arizona than in the Nation's Capital. Maybe we could leave a couple of Senators on either side to propose amendments, have quorum calls, and be in gridlock. Some people would be fooled that we are still working. But instead, it is now Wednesday. We are supposed to be out Thursday night, and we have addressed one amendment to this legislation. I don't think this is a fair way to legislate.

I know my friend from North Dakota is here and wants to say a few words, and my friend from Oregon and my friend from Virginia. But I also urge those who have amendments which are germane to please come to the floor so we can debate them and vote on them since I think it is important to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know my colleague from Oregon has been waiting to speak. The Senator from Virginia is in the Chamber as well. But if it might be appropriate, I wish to make a couple of comments relative to my friend's comments. If it is appropriate, I would like to ask consent that the Senator from Oregon be recognized following my presentation. My understanding is he is going to speak for a few moments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me clear up a couple of issues.

First, my colleague from Arizona is straight with all the facts. We have no disagreements about the facts. He indicated I am opposed to the moratorium. I am not opposed to the moratorium. I have voted for an Internet tax moratorium. I hope before the end of this week I can vote for another Internet tax moratorium.

Mr. MCCAIN. Mr. President, if the Senator will yield, I appreciate the Senator correcting the RECORD. I do not mean his opposition to a moratorium but his opposition to the definition of Internet access.

Mr. DORGAN. That is correct. I don't support the specific definition of access. We need to work through that. But that doesn't mean I don't support the moratorium on taxing the Internet. I have supported that previously. I supported the previous moratorium that was in existence, and I support it now. In fact, I will offer an amendment that will demonstrate that support. I appreciate clearing that up.

Second, the Senator twice yesterday—I was going to correct him and I did not—talked about the fact that the Democrats have a retreat this weekend on Friday. We Democrats don't use the word "retreat." We call it an "issues conference." We think "retreat" is a more negative word. So we have an issues conference, as do the Republican members of the Republican caucus, I think, have a couple times a year. We have an issues conference. We will be doing that beginning on Friday.

Let me also comment about the Senator from South Dakota, the minority leader, Mr. DASCHLE. He offered his amendment. I know the comments by Senator MCCAIN this morning reflect the right of Senator DASCHLE to offer that amendment. I understand that when one is managing a bill, the last thing you want is an amendment that is off the particular subject. But Senator MCCAIN has correctly stated that the amendment offered by Senator DASCHLE was well within the rules of the Senate. He has the right to offer that amendment.

My guess is, as Senator MCCAIN described his approach earlier in the Senate of offering an amendment, that might be extraneous for the purpose of getting a vote on the amendment at some point. I think Senator DASCHLE would be very happy to—I can't speak for him—come out here and say: I will withdraw that amendment in exchange of Senator FRIST allowing me a vote on that amendment immediately following the Internet tax moratorium. I am guessing Senator DASCHLE would be very happy to do that.

In any event, because he felt a need to offer that amendment on this bill, it doesn't mean he is trying to block this bill. The only block is a mental block among those who might not want to proceed now.

The fact is, I think Senator DASCHLE would be willing to come out here and say: Let us have a 15-minute time agreement or 30-minute time agreement, have a vote, and we will dispose of this amendment—however it is disposed of. Let us do that. I am sure he would say: I don't intend to block this bill but I just intend to exercise my right to get a vote on my amendment, which I think is the same approach the Senator from Arizona has used very effectively, I might add, over many years.

If anybody on the floor of this Senate is relentless—and some might use other adjectives—in the pursuit of his passions and demands that he be heard, it is the Senator from Arizona.

I expect others who have managed bills who have sat in that very chair have from time to time had to grit their teeth in sufficient volume to have people hear in the Russell Building when Senator MCCAIN comes to the Senate floor, wondering what amendment he will offer and what is its purpose.

The approach with which we legislate in the Senate is not always the most efficient approach. The most efficient approach, I suppose, is the one used by the other body in the House of Representatives where they package up, through the Rules Committee, the exact circumstance under which legislation will be considered. They bring a bill to the floor, they will allow these six amendments, and they will have 10 minutes each. They package it up and zip it real tight. The Senate does not work that way. George Washington was happy it does not. So was Thomas Jefferson. I am as well. However, it is frustrating from time to time. Yesterday was a frustrating day.

However, I would speak on behalf of the minority leader in saying that the issue offered with respect to renewable fuels is a very important issue. Let's just move on that. Let's get a vote on that. I expect I could ask him to come to the Senate floor, and I expect he would be willing to have a short time agreement if he gets a vote on his amendment. Since he offered the amendment, Senator DOMENICI came and offered a 900-page amendment dealing with the entire Energy bill, rewritten so that is a different issue.

My goal would be to try to move through this legislation. I hope we can find a way to vote on amendments that are offered, have short time agreements.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. REID. Is the Senator aware on this side we would be happy to agree to set aside, temporarily, the pending amendment? For example, Senator KENNEDY wants to offer something on minimum wage. He would take a very short time agreement on that: 15 minutes divided on each side. We would be happy to allow the majority to offer an amendment either as it relates to this bill, as the Senator from Arizona wants to do, or whatever else they might feel is appropriate. We would look at that and see if we could agree to a short time agreement.

Even though we are in this parliamentary quagmire with three votes scheduled for tomorrow, three separate cloture votes, today we would be happy to work our way through this, doing one amendment per one amendment. Is the Senator aware of that?

Mr. DORGAN. I am. I was trying to make the point that those who have a right to offer amendments do not intend to block the legislation. My hope is we can try to determine how we get through this, have votes.

I heard a presentation earlier this morning in the Senate saying the problem with the Senate is we are being obstructed every time we turn around. The obstruction is the minute somebody on our side offers an amendment, the place shuts down. I don't understand that.

There is a guy in my hometown who had a Model T. He got drunk one night, and when he was driving home he turned the front wheels too sharp. The Model T's were the only cars like the red wagon: If you turn the wheel too tight, it tips over. He turned the Model T too tight and it tipped over. He thought he saw chickens in the road, so he turned the wheels too tight and tipped the Model T.

I was thinking of this in terms of getting this moving. When somebody offers an amendment, somebody sees some chickens in the road, so we just stop or tip over. We just do not move. Then somebody says, Well, we do not want to move anymore because the other side has obstructed us.

I say—whether it is overtime, whether it is ethanol, or whether it is on minimum wage—they need not obstruct anything. I believe all of those who have offered those amendments have agreed to a very short timeframe. Have a vote and dispose of it, and then move forward. Because the majority does not want to have that vote, they essentially decide we are going to do nothing. We will keep the lights on, we will make it look like we are working, but we are not going to move.

That is unfortunate because there is not obstruction from this side. The obstruction would be from those who have decided once my colleague offered an overtime amendment we will no longer proceed with the corporate finance bill; we will no longer proceed because somebody offered an amendment we do not like.

With respect to this bill in the Senate, the Internet Tax Freedom Act, my preference would be whatever somebody offers today, ask them, Will you accept a time agreement that is reasonable—15 minutes, 30 minutes? If they say yes, we ought to have a discussion about it for that 15 minutes, call the roll, have a vote, and then move on. We will exhaust that pretty quickly. We will get to the amendments that are at the center of this bill, find out what the sentiment of the Senate is on that, and then, I hope, pass this legislation.

I hope at the end of the day I will vote in favor of this, as I have done on previous pieces of legislation dealing with the Internet tax freedom or the moratorium on taxing the Internet. My hope is we can find a solution to this definition. I think we are working on one so that we can vote for it. I want this to pass.

I have taken longer than I intended to say something I should have said with greater brevity, but my hope is we can just proceed. We are now at parade rest again, as is the case with every bill, with people saying, Your side is obstructing. We are not obstructing. We can have a 15-minute debate on the Daschle amendment and then vote for it. I am for that. I think Senator REID would be for that. Let's do that. Then we do not have a worry about the Democratic leader offering an amendment. He offers it and the Senate has an opportunity to vote on it.

The place where we should be roundly criticized is if we offered an amendment and said, By the way, we do not want to vote on this; we want to talk about it for 2 or 3 days. No one I am aware of is in the position of doing that. That is not our intention. We simply want to vote on the Daschle amendment.

I know my colleague from Oregon is waiting to talk about the very thing that represents the difference on this moratorium issue, and that is the definition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. First, Mr. President, I say to the Senator from North Dakota I very much support what the Senator is trying to do in terms of procedure. It is time to vote. As the Senator has said, whether 15 minutes or half an hour, people ought to get on to the task of voting.

After 8 years of discussing this eye-glazing subject of Internet taxes, we always cringe at the prospect of wading once more into this incredibly arcane area, so I will take a few minutes to talk about the definitions question with respect to Internet access. This is clearly the big hangup.

The Senator from North Dakota is here. He has been exceptionally cooperative, even though we have had different views on the subject over the last 8 years. I will take a couple of minutes to describe what the central concerns are with respect to working out the definition of the Internet access.

The concern on my part is, as the Alexander language is written today, in effect it will hide taxes on Internet access, No. 1; and, No. 2, it opens the door to multiple State and city taxes on the individual component parts the American people think of as Internet access. No Senator wants to do this. There is no Member of the Senate who gets up in the morning and says, I want to have thousands of new Internet taxes. However, the way the definition of the Alexander language is written today, it will, in fact, open up the opportunity to tax wireless Blackberry services, spam-filtering systems, Web hosting, and the like.

I will take a minute to touch on both of these concepts, the question of hiding the Internet taxes and the question of opening the entire Net to taxing the individual components. We will have to work through those two in order to do as the Senator from North Dakota has suggested—get this done as we have done on several occasions.

With respect to the hiding of taxes, it comes in the overall bill the consumer receives. We already see this in jurisdictions, for example, that tax DSL. Right now, I believe we are discriminating against the future. Right now cabling, in effect, gets a free ride. DSL gets taxed in a number of jurisdictions. This has special impact for my friend from North Dakota and me because DSL, of course, is the way we will get broadband into rural areas. The way that tax shows up, of course, is in the overall bill. It is just in the overall bill.

So unless we get equity for DSL relative to cable, what is going to happen in America is the Internet tax will be hidden in the overall kind of bill, and the consumer will just see, in Oregon and North Dakota and everywhere else, a higher bill for broadband than they would see right now for cable, and that would be continued.

So we absolutely, in the area of definitions, have to have technological neutrality. That is what we began with 8 years ago when we said everything that happens online is the same thing that is going to happen offline. To get the technological neutrality this time, we have to say that DSL does not get hammered and cable gets a free ride.

Here is an example. I want to offer this to my colleagues because I think it also highlights again our concern with respect to the definitions in the Alexander language and how it opens the opportunity for additional taxes. The Alexander language stipulates there be no tax on services used to "connect the purchaser of Internet access to the Internet access provider." But nowhere in that language is the term "connect" defined.

Does it mean that Internet access ends where a computer hooks into the phoneline? Does it mean where the phoneline reaches the central office or where the line makes its first point of presence on the Net? So the term "connect" without any definition is simply uncharted territory, and it would again, in my view, allow States and cities to tax Internet access, again, through a kind of hidden approach that is going to keep the consumer from doing what I and the Senator from North Dakota have always tried to do in the consumer protection area: give consumers access to information and make sure there is truth in billing so they can actually choose between various technologies that best assist them.

With respect to the question of the Alexander legislation opening up the door to multiple State and city taxes on the individual components people think of as Internet access, we now have 391 separate taxes on telecommunications administered in 10,000 jurisdictions. The fact is, States tax different technology platforms for Internet access in different ways. So we have a cable modem platform, we have a traditional landline, we have a wireless dial-up in DSL, and, of course, satellites.

The Alexander proposal says that DSL is not Internet access but a telecommunications service, and, in effect, we would then see DSL further taxed. I think that would eliminate the competitive playing field that has always been the point of this exercise for now 8 years. To me, to just force people, particularly in rural areas—in the rural areas I care about and the Senator from North Dakota cares about—to face this discrimination against broadband is particularly troubling.

So I know this is exceptionally complicated material, and Senators have been barraged by all sides on this over the last few days. I have tried to outline how the revenue projections we have discussed over the last 8 years, with the States and localities saying they were going to lose vast amounts of revenue, have not come true. I have talked about how this is an effort, in this iteration of the Internet tax freedom bill, to essentially update our original law with respect to technology. But it is, as the Senator from North Dakota has correctly said, a question of definitions. So this concept, as I have outlined with respect to the Alexander language, in terms of how you would connect the purchaser of Internet access—without that being defined means you can expose jurisdictions to multiple forms of taxation. Then there is the question of hiding the Internet tax, which is what the Alexander proposal will do, because companies do not eat these costs; the companies end up passing them to the consumer.

So what will happen, all over this country—in North Dakota and Oregon and across the country—is that people who order broadband, who essentially look to DSL for their broadband services, will just get a higher bill. They will get a higher bill than people who order broadband through cable. That is regrettable. It certainly violates the principle of technological neutrality.

I repeat, I think the Senator from North Dakota has been very constructive on this issue. We have gone through this water torture exercise now since late 1996, and I am very much prepared to do this once again. But clearly, with respect to these definitions, we have some major issues that have to be worked through.

I also point out, as the chairman of the Commerce Committee did yesterday and Senator ALLEN has as well, in 10 separate areas, as we worked even for the managers' amendment, we have made efforts to compromise on the definitions question. We have exempted a whole host of areas all of the sponsors felt should not be subjected to taxation. With respect particularly to voice over, the exciting area where phone calls are going to be made over the Internet, we have made it clear in this legislation, in the substitute the chairman of the Commerce Committee is offering, that we would not change the status quo.

I have heard from California and others that somehow this is going to dramatically change the question of taxation for phone calls over the Internet. The McCain language clearly stipulates—clearly stipulates—that in that area California and others have been so concerned about, there are no changes.

So I look forward to working with the Senator from North Dakota. I commend him for taking yet another crack, as he has done for 8 years with me, on this subject that I have been comparing to sort of prolonged root canal work. But we are going to get this done, and hopefully it will be this week.

Mr. DORGAN. Mr. President, will the Senator from Oregon yield for a question?

Mr. WYDEN. Of course.

Mr. DORGAN. The Senator from Oregon has outlined, I think, the center of the discussion and the controversy. To demonstrate the complexity of this issue, when we talk about someone connecting to broadband from their home computer, they are connecting, perhaps, through their telephone system. So it goes from the computer to the telephone wire, back to, I guess—through, perhaps—a D-SLAM, up to an ISP, Internet service provider. So you have a series of things that are happening with respect to the connection.

Some would say the connection is between the computer and the telephone service that is going to be provided at a cost of, let's say, $40 a month, and that shall be tax exempt. I agree with that. That connection shall not bear the burden of a tax. I think that is what the Senator is talking about with respect to part of the definition.

So then the question goes beyond that. Well, what about the architecture that goes back up through the local phone system to the D-SLAM, to the Internet service provider? What if they are buying a part for the facility that allows them to move DSL out to the neighborhood? That is part of the DSL stream, but it is upstream in the architecture of getting the DSL to the home. So is that part of what the architecture is?

One of the difficulties for me is to try to understand what the Senator from Oregon describes as the connection. Is it all the way up to the Internet service provider in every purchase—every part, every piece, or every bit of construction that exists between the computer and the Internet service provider downstream through the architecture? If that is the case, we are talking about a substantial amount of economic activity, almost all of which is now taxed, incidentally, not just for telephone service but similarly for the cable system, which would not then be taxed in the future and would affect the revenue base of State and local governments. But if the definition of the "connection" is some $40 a month that one might pay for the DSL service, that, I think, represents a definition that most of us agree with.

I am just trying to understand a bit, and perhaps the Senator from Oregon can describe an answer to those questions so I understand it better.

Mr. WYDEN. Mr. President, with respect to the architecture the Senator from North Dakota has described, people have already paid once. So this question of what is going to be done with respect to various aspects of the architecture is an interesting discussion for us to be pursuing in the Senate, and all of these various components and pieces of equipment, but people have already paid once. And with respect to Internet access, about which we have been concerned, it is almost like a carton of milk: You paid for the carton of milk once; you should not pay again if you are going to pour it on your cereal or something else.

The Senator from North Dakota has raised a question about funding for what is called the backbone of the communications system. But at the end of the day, the bottom line is, people have already paid once. What we want to do with this legislation is to say, on the question of Internet access, nothing about sales taxes and the like. The Senator from North Dakota knows once we get over this, we will have the next issue, which is the question of the streamlining of sales taxes. But with respect to the architecture the Senator from North Dakota has raised, the consumer has already paid once with respect to Internet access.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. WYDEN. I am happy to yield.

Mr. McCAIN. I don't know if the Senator from Oregon had a chance to see the article by Senator ALLEN this morning in the Wall Street Journal. I commend it to all. It is funny because Senator ALLEN's piece in the Wall Street Journal dovetails with the information we received in the Commerce Committee in the last 2 years about revisiting the 1996 Telecommunications Act and what we need to do in the future.

The issue that came up with all the witnesses this morning and came up yesterday morning was the United States is falling dangerously behind all other nations on DSL. We are now ranked 11th in the view of some, 20th in the view of others. If you would have told me 10 years ago we would rank behind South Korea on almost any technology, as intelligent and hard working and industrious as they are, I would have said: We have a problem.

As the Senator from Virginia points out in his piece, they are trying to tax DSL. Some States are taxing DSL. I am not saying it is taxation of DSL that has caused the serious problem we have fallen behind at least 10—in the view of some, 19—other nations in broadband access. But I am saying, why in the world would we want to lay taxes on them at a time when we need to expand it dramatically rather than lay a tax on it.

May I mention one other point here that is important. To all of these State Governors, the National Governors Association, who keep saying, "We are losing all this revenue; why don't you stop spending so much," revenues have increased in literally every State in America in the last couple of years. Instead they are spending more. For them to tax DSL at a time when it, in the view of almost everyone, is critical to the United States maintaining its technological lead and the growth of business, communications, and politics, is outrageous. It is insulting. It is disgraceful these greedy Governors are so greedy they don't understand the impact of taxation of DSL, which is still only in 28 percent of our urban and suburban residences and 10 percent of rural America. Talk about tunnel vision.

They and their acolytes come over here and start talking about how important it is that they be able to keep taxing and that many of them—as Senator ALLEN points out in his column, they say: We are not going to tax hamburgers, so they tax the meat and not the bun—have started to tax DSL. It is spreading. Even in our bill, we are going to allow them to continue to do so. We are going to allow them, even though they are not in violation of the letter of the law, but certainly the intent of the law by taxing DSL. Now they want to tax it more. Every witness before our committee—we had the Cato Institute and the Brookings Institute; we had representatives across the spectrum of thought in America—said: You have to increase DSL. You have to increase broadband access. You are falling behind every other nation in the world.

So what do the Governors want to do? They want to tax them. We are going to have them come over here and talk about unfunded mandates and unfairness and fairness. The fact is, if we allow every State in America and every municipality in America to start taxing DSL, it is absolutely inevitable that we will see a slowing of the growth of broadband access. It is obvious if you lay another burden on it.

There are a number of areas, including overregulation and other things. Mr. Notebaert of Qwest pointed out yesterday that in order for his corporation to provide DSL to a home, to have permission to do so required $130,000 in expenditure and X number of days. I think he said something like 24 days. But if a cable company wants to provide exactly that same service, they can provide it in less than 24 hours. Obviously there is something fundamentally and terribly wrong in the regulatory regime, and it needs to be fixed.

I am not blaming our falling behind other nations on DSL and broadband access simply on taxation. But I am saying that increases in taxation—and it would be widespread if we opened the door—will have a substantial chilling effect in the reduction of what should be one of our Nation's highest priorities, as the President of the United States said in his speech the day before yesterday, to provide broadband access to all Americans no matter where they are.

I again congratulate my colleague from Virginia for an excellent piece in the Wall Street Journal. I recommend it to my colleagues.

Mr. WYDEN. Mr. President, I still have the floor. I know the Senator from North Dakota wants to talk more about the architecture. The point that is being made with respect to broadband and that Senator MCCAIN has touched on is if we now say the Alexander definitions go forward, broadband through DSL is going to be taxed. That is discrimination against the future. It is particularly burdensome for rural areas, the kind of areas I and the Senators from North Dakota and South Carolina represent. The fact is, you are not going to get broadband into small areas through cable. It is not economically efficient to do it. You are going to get broadband to rural areas through DSL.

I am prepared—once we make sure DSL is not singled out for discriminatory treatment, as it has been in a number of jurisdictions in the past—to work with the Senator from North Dakota and others to get this matter resolved.

Broadband through DSL is going to create a tremendous number of jobs. Brookings has said there are going to be hundreds of millions of dollars worth of investment that come about through broadband DSL. The Senator from Arizona is correct in saying we don't have the problem now with respect to broadband exclusively because of taxes. But I can assure my colleagues we will in the future see this problem compounded if broadband secured through DSL is singled out for special treatment. Under the Alexander definition, that would be the case. That is unfortunate.

I yield the floor.

Mr. DORGAN. Mr. President, I have just a couple of thoughts. First, my colleague from Arizona was also at the hearing this morning when the question to one of the witnesses elicited the answer that taxes really are inconsequential or have almost no impact on the movement and deployment of broadband. I happen to agree with that assessment.

What has happened with respect to Japan and South Korea, as an example, where they have had this robust, aggressive development of broadband, it is a result of a couple things. They had a national will, a program, and a determination to make that happen, including loan guarantees, among other things—also, including regulation. What was the regulation? It was that their Government said incumbent providers must make their facilities available to other competitors; their dark fiber must be made available to other competitors. They created robust, aggressive competition and, therefore, a massive buildout of broadband. Good for them. But that was regulation. That was the Government saying you have to make your dark fiber available to the incumbent providers. They have approached this in different ways.

Also, we in this Government, right now, have, I understand, over $2 billion of loan guarantees and loan authority in the U.S. for the buildout of broadband. I know that because I offered the amendment which allowed that to happen.

Senator BURNS and I and others worked on this for a long while. Yet that money has sat down at the USDA and they are not doing much with it. We met with the Secretary of Agriculture to say: Let's move, let's incentivize and develop the buildout of broadband.

You have resources, substantial resources. I believe the resources used in Japan were $1 billion in loan guarantees. We have more than that available; it has been available, appropriated, and ready, and it is not being used. While I appreciate the President's speech, I say to the President that we have appropriated money for this. Let's get USDA to move on it.

I wish to make the point that there are a couple of things that reflect what has happened in Japan, South Korea, and other countries, I might add, that has dramatically accelerated their buildout of broadband. We ought to be concerned about that. In my judgment, we ought to have regulatory authority, and we ought to have the ability to use what is already appropriated for loan guarantees. We ought to have a national will and a national determination to have a broadband buildout that is aggressive. That is going to happen when our Government says this is a significant priority for us.

Attendant to that, I would say, is passage of a moratorium bill. I will support that at the end of the week, provided we can reach this solution on definition. I don't want to describe that as some nirvana that is going to be the event that unleashes some massive, new program of the buildout of broadband.

I agree with the fellow from Brookings who said this isn't particularly consequential. It is not the tax issue that is impeding the buildout of broadband.

Having said that, we have previously decided, as a matter of public policy, that we did not want to tax Internet service, connection to the Internet. I supported that. That moratorium existed in Federal law, and then it expired last fall. I prefer at the end of this process, this week, I hope, that we will have passed another piece of legislation that represents a moratorium. Why? Well, I think incrementally it is the right policy. I don't know. We have some people on the floor who have law degrees. I guess most of us have advance degrees of some type. I will bet there is not one person on the floor of the Senate at the moment who can understand their telephone bill—not one. We ought to bring them to the floor of the Senate and go over it in some detail. It would take a few days. That would be the ultimate obstruction, trying to read your personal telephone bill. It is so god-awful complicated, nobody can understand it. There is a myriad of charges, fees, and taxes.

For that reason, I am sympathetic to the notion of a moratorium, not because I think it unleashes the forces of the buildout of broadband; I think it is a reasonable thing to do.

I have not read the submission of the Wall Street Journal printed by the Senator from Virginia today, but I will do that when I have the opportunity. I am interested now that it has been raised. I think what we should do is the right thing, and we ought to do it the right way. So you don't find opposition from me with respect to the objective here. I hope we can reach this definition as we move upstream beyond the immediate connection of DSL, for example, and that we can define what moving upstream means, and exactly what it is we are preventing from ever being taxed by State and local governments, which they may now tax.

Once we describe and understand that, I think we can easily find a bill that should get 95 votes in the Senate, to say we subscribe to the basic principle that we should not tax access to the Internet. That is a principle I support, and I hope at the end of the week I will be able to manifest my support by voting for the legislation.

Mr. McCAIN. Mr. President, I know the Senator from Virginia has been patient. Briefly, I point out that in the hearing this morning, yes, one witness from Brookings said it would have very little, or not much, effect. The other five witnesses said it would have great effect. All six witnesses said they strongly supported an Internet tax moratorium, including DSL, with varying degrees of enthusiasm, including the one who said there was very little effect. The other witnesses strongly favored it and thought that a tax, particularly on DSL, would have a significant impact.

I think we ought to reflect in the RECORD the view of all of the witnesses.

Mr. DORGAN. If the Senator will yield on that point, this is like being witness to an accident. We all see different things, apparently. But it is absolutely true that all of the witnesses at the hearing we just attended supported a moratorium on the issue of taxing the Internet. No question. I didn't hear from all these witnesses that it would have "great" effect. I didn't hear that term. Nonetheless, I believe they feel, as I do, and as Senator McCAIN does, that we ought to have a moratorium.

Mr. McCAIN. I thank my friend.

I point out again, there are a lot of reasons why we are falling behind, probably for the first time I know of in a major high-technology capability. Maybe during the 1970s there was a time we fell behind the Japanese in certain areas. But this should be of concern to all of us. We should remove any impediment or burden. I think the Senator from North Dakota and the Senators from Oregon and Virginia agree that we have to change the regulatory scheme which has clearly not conformed with these advances in technology.

I point out again, when Dick Notebaert said it costs him $124,000 and X number of days to install a DSL line, and a cable company can do it in 24 hours, something is wrong. Either one is wrong or the other.

But I argue that if I were a small businessperson and I saw looming ahead of me significant taxes on the way I was conducting my business, I would obviously give pause. Small businesspeople have small margins. We all know that. That is always a factor in the decisions that are made. I think we ought to remove that impediment or certainly that cloud of concern that small business in America is considering today.

I thank my friend from Virginia for his patience. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, it is an interesting discussion we are having. Actually, I think it is very important for folks to understand the context of this and how important it is in our efforts—Senator McCAIN's, Senator WYDEN's, mine, and others.

This debate is about protecting consumers from taxes, taxes that would be burdensome and harmful. It is keeping, not taking necessarily, revenues away from any State or local government, but making sure we don't have them putting on additional taxes and costs, thereby making access to the Internet, and more particularly broadband, in rural areas and small towns less affordable. Everyone understands that if you tax something or something has a higher cost, fewer people can afford it.

We are talking about bridging economic digital divides. We are talking about what Japan, South Korea, Singapore, Denmark, Sweden are doing, and how the U.S. is falling behind.

One of the reasons the Internet has grown in this country is because the national policy for the last 6 years has been, don't tax it. It is simple. A fourth grader will understand the basic economics that more people will be able to afford something if it doesn't cost as much.

So the first rule of a national policy in making broadband available to all people everywhere in this country is don't tax it. That is simple and that is the basic effort of the leadership on this issue.

You can talk about incentives, and the Senator from North Dakota talked about incentives. I have been in favor of many of these incentives, and I think the Senator from Oregon has, the chairman of the Commerce Committee as well. But the point is, it seems so counterproductive. We are going to give incentives to companies to invest hundreds of millions of dollars to get broadband high-speed Internet access to southwest Virginia or eastern Oregon or northern Arizona, but we are going to have to give even greater incentives because we are going to have to offset the taxes that are going to be imposed on those ultimate consumers. It is illogical and counterproductive to have taxes imposed on Internet access.

For folks who are watching at home, you may think you send e-mails across this country and those messages are traveling over the Internet. Guess what. You are right; they are. Here is the problem with our opponents' proposal. By the way, I wish the folks who are on the side of taxing the Internet were in the Chamber. Let's vote on the amendments. The Senator from Texas, Mrs. HUTCHISON, had an amendment yesterday. We debated it, and we voted on it.

We had a cloture vote, and 11 people did not want to go to this bill. I wish they were in this Chamber debating and advocating their ideas and let the Senators vote on them rather than delaying, dawdling, and freezing up this bill.

Our opponents say e-mails are not Internet services, they are telephone services because what they want to do is apply telephone taxes to your Internet communications.

The protax view is, if you happen to choose DSL for your Internet service, and you are unlucky enough to fall into one of these taxing grandfathered States, then the entire network from your computer to your friend's e-mail inbox on the other side of the country is taxable.

Telephone tax rates can run very high. Here are some examples. This is not a proud moment for the Commonwealth of Virginia. Richmond, VA, 29, almost 30-percent taxes on a telephone bill in Virginia. Texas has high taxes, too, 28.5 percent. This is the top 10. Georgia is 19 percent. I am sure the Presiding Officer is glad to see South Carolina is not in the top 10. South Carolina actually ought to be applauded. South Carolina was one of the grandfathered States, allowing them to tax Internet access, but they said, no, it is harmful to South Carolina's ability to attract business, and they removed that tax, as did Iowa, the District of Columbia, and Connecticut. Regardless, this is the amount of taxes that are put on telephone services.

The opponents will say they are worried about telecommunications migrating. They worry about telecommunications, telephone calls, migrating to the Internet with voice over IP. Senator McCAIN's amendment makes sure that issue is not disposed of in this bill. The reality is, what they are advocating is having telephone taxes migrate onto your Internet access bill.

The Senator from North Dakota mentioned bills and how we try to figure out these bills. What Senator

WYDEN and Senator MCCAIN and I would like to see done if we had a moratorium is have your Internet access bill be the way it is now. Whatever that amount is, it is simple. This chart shows your monthly bill of $23.90. If it is broadband, the amount is probably going to be in the thirties or forties. Of course, we like to make sure there is competition whether it is wireless, DSL, satellite, and a variety of other areas. The Carper-Alexander approach would want that to be taxed.

Guess what it would look like. The Senator from North Dakota talked about how can we figure out these telephone bills, as there are multiple local taxes, State taxes, Federal taxes. This chart shows a Verizon bill. Here we have gross receipts surcharge, relay center surcharge, such and such—all sorts of different taxes, Federal and State.

From the simplicity of your bill with no added taxes, taxes on average 17 percent, they want to get into this situation. I say to my friends and anybody watching, there was a similar debate, I suppose, 105 years ago, in this Senate. They needed this money because we were in the midst of the Spanish-American War. They said: We need to put a luxury tax on this newfangled idea called the telephone. So a luxury tax was put on telephone service.

Guess what. Whether you are in Virginia, North Dakota, Oregon, Hawaii, or anywhere in between in this country, Americans, well over 100 years after that Spanish-American War, are still paying that Spanish-American War luxury tax on telephone service. The reason I say that is it gives us an idea of how many different taxes there are, but also a history lesson of how hard it is and nearly impossible to ever remove a tax once a tax is imposed.

That is why it is so important that we act on this moratorium and prevent new States, additional States, localities, counties, and tax districts from coming up with new taxes because if you ever try to take them off, you will hear all sorts of bleating and whining: Oh, gosh, you can't take it off. Again, the prime example is this Spanish-American War tax that still is on our telephone bills. This is what Senator MCCAIN, Senator WYDEN, and those of us who are on the side of the consumers and against taxing the Internet are advocating.

If you happen to choose a dial-up service, whether it is cable modem, or however you get your Internet access, our opponents will say you should be protected from taxation from, they say, "the last mile" leading up to your house. But then say the Internet backbone still should be taxable.

Let's examine what this means. Let's assume you live on Capitol Hill in Washington, DC. I know for some watching on TV that would not be an appealing thought. Nonetheless, let's assume you do. Let's assume you wanted to send an e-mail to a friend in Los Angeles, CA. Because of the way the Internet operates, that e-mail message will be broken into various packets of data sent via various routes all across this country.

Let's say one piece of your e-mail goes from Washington, DC. It will probably go into Loudoun County, VA, because there is a good server there. It is going to go to Chicago, because in Chicago they have a big Internet hub, then to Austin, TX, then to northern California because they also have a huge hub there, and then on down to southern California.

You begin to get a sense of all the jurisdictions this e-mail passes through and the chaos that will result if they, the tax proponents, claim to have authority over your e-mail. Obviously, DC and Virginia would have an opportunity to tax it, or maybe Loudoun County would tax it, going through parts of Ohio and Indiana, through Missouri, Arkansas, Oklahoma, Texas, and probably, if you are assuming all these are direct lines, it may, for all you know, go on up to Idaho and Oregon. Regardless, all of those would claim jurisdiction and authority over that e-mail.

This is a classic example of interstate commerce. Our Founders had a concern about multiple burdens imposed by multiple governments and that is why our Founders put the Commerce clause in the Constitution giving Congress, not unelected bureaucrats, the authority and responsibility to make sure interstate commerce and the interests of all of the people are defended against potentially harmful burdens imposed by State and local governments to taxation.

Now, according to our opponents, the folks who are advocating taxing the backbone, which of the jurisdictions would be free from taxation on this Internet backbone? None. None would be prohibited. All would be free to tax interstate communications. Every single State, every single city, county, town, and municipality on this red line would have authority to tax; not just DC, not just Illinois, not just Texas, not just California, but all of them.

Remember, our opponents have promised everyone tax freedom for the so-called last mile, which is the last mile right here, which means people may enjoy no taxation on the last mile so they will have tax freedom there, but they have 3,000 miles of taxes if the Alexander-Carper proposal is successful. I do not know if that sounds like an Internet tax moratorium to my colleagues. It certainly does not to me, because State and local governments, while they cannot tax the very beginning or the very end of an electronic connection, can tax everywhere in between. They can tax from the end of the beginning to the middle to the end of the end before you get to the final end. The point is, they can tax every other part of this 3,000-mile electronic journey.

The Alexander-Carper alternative would allow for taxes on the Internet backbone services in all 50 States and in every local taxing jurisdiction, plus taxes directly will be on the consumer in more than 20 States. The Alexander-Carper amendment would create a nightmare scenario our Founders sought to avoid when they wrote the Commerce clause of our Constitution where every town and State would tax commercial traffic moving through its borders.

We have 7,600 taxing jurisdictions in the United States. Not a single one of those 7,600 taxing jurisdictions would be prohibited from taxing the Internet backbone under the Alexander-Carper proposal. In fact, the bill makes clear America's 7,600 taxing authorities can tax e-mail in every jurisdiction in America as long as they present the bill to the Internet service provider instead of directly to the customer. In the 20 to 30 States, depending on interpretations of the new grandfather clauses, they can tax the consumer directly.

Figure what is going to happen. If there is a 17-percent tax on this, who knows, Ohio might have the 17-percent tax, Illinois would have a 12-percent tax, Texas would have 25 percent, New Mexico 12, Arizona, under the great influence of the senior Senator from Arizona, would have 1 percent, Nevada being a very free State in many respects, and libertarian, would have zero. Then we get to California and San Francisco which would have a high tax, say 28 percent, and then as it gets to Los Angeles, it is back to 17-percent tax.

The point is, every single one of these would be able to tax it. So the opponents will say we ought to be able to tax this, but if one takes an airplane from Dulles Airport to Long Beach, say they flew Jet Blue from Dulles Airport to Long Beach, the Federal Government says a person is not going to be taxed as they fly over the country, but that electronic message will be taxed if the Alexander-Carper amendment passes.

Indeed, if we want to use that analogy going from Dulles Airport in northern Virginia to Long Beach, CA, the Federal Government recognized that is interstate commerce. Decades ago, the Federal Government said you cannot tax not only when you fly over a State but you cannot tax as you are leaving and you cannot tax those passengers at their destination when they arrive, either.

I ask my colleagues to say no to 3,000 miles of taxes, and say yes to a true and accurate Internet tax moratorium.

Mr. DORGAN. Will the Senator yield for a question?

Mr. ALLEN. I ask my colleagues to act. I ask those who have amendments to go forward with their amendments, let us debate them, let us decide today so we are not delayed, frozen up as it happens from time to time in the Senate with not enough time tomorrow night because folks are scattering to go to various events and political functions.

Yes, I yield to the Senator from North Dakota.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from North Dakota.

Mr. DORGAN. Madam President, I agree with the last statement. I think we ought to proceed and vote on issues that are before us. I would like to get to the conclusion of the bill, so I support that.

Looking at the Senator's chart and listening to his discussion, we are not so far apart on all of this. I do not disagree with that which he has said with respect to much of his desire to prevent institutions of Government from coming in and taking pieces of this and taxing it, but I used an example last year I want to use again to describe my need to understand exactly what will be covered by the moratorium.

For example, if we decided to exempt from taxation a loaf of bread because we decided bread is important to life and we do not believe bread ever ought to be taxed, so we want to exempt a loaf of bread, we could have a moratorium on the taxation of a loaf of bread forever. The question will be, does that extend then to the grocery store that buys the shelf to display the bread, because they are probably going to have to pay a use tax to the company they buy the shelf from, and that use tax goes to the State and local government. They are going to make the case there is a moratorium on the taxation of bread. We actually pay a tax on the shelves we are purchasing and that has to be passed along in the price of bread so we believe the purchase of the shelves ought to be tax exempt as part of this moratorium.

I am asking that question only to try to understand what the moratorium refers to with respect to the electronic transmission. The electronic transmission the Senator describes I understand should be exempt. The question is, if that facility in Los Angeles the Senator describes, or southern California, which is a facility that is an Internet hub and reroutes the e-mail that is moving along the system, if they are purchasing desks and things in that facility for the purpose of furthering this Internet transmission, should they be exempt? Will they be exempt? Is that what the Senator intends with this definition?

I think as soon as we fully understand all of this definition issue that is being raised, the sooner we can move forward and construct an appropriate moratorium, which I will support. So I ask those questions of the Senator from Virginia.

Mr. ALLEN. I thank the Senator from North Dakota for his question. We are not talking about a loaf of bread, and if we were talking about a loaf of bread we would have a lot of people saying, gee, we rely on all the taxes. If one looks at the cost of a loaf of bread—and I know the wheat farmers in North Dakota say, Here is the price I get for wheat and think of what the cost of it is, it is 3 cents out of the loaf of bread, and by the time everyone else does different things in packaging and transport, there are all sorts of taxes on it, and it ends up being who knows what, $1.50 for a loaf of bread, or maybe 79 cents if one is lucky and it is a few weeks old. Regardless, all of those component parts increase the cost of the loaf of bread to someone who wants to put peanut butter and jam on a sandwich for their young son or daughter going to school.

So that economic argument applies to why we do not want to have a lot of taxes in between. The simple answer is we do not want the bandwidth being taxed. Internet service providers have desks. Internet service providers have a physical facility that is subject to property taxes and they have personal property taxes on some of the accessories in that building. They have to pay the corporate taxes as that corporation. If they are an Internet service provider, if they have an income, they have to pay a tax in that particular State. The point is, though, that for the bandwidth, the actual transport, that should not be taxed.

I thank the Senator from North Dakota. I also recognize that while we do not necessarily agree on this issue at this moment, I do appreciate that at least when we wanted to proceed to this measure you voted to proceed, unlike the 11 who wanted to continue to freeze it.

Mr. DORGAN. If the Senator will yield further for a question, I think I understand a bit more. I think I would want to see a greater refinement of it. If the Senator is now saying the definition that he believes is appropriate for this moratorium deals with the bandwidth or the spectrum that is used—essentially the bandwidth that moves that packet of ones and zeros across the country in the form of an e-mail, but he is not talking about things other than that—is that correct?

Mr. ALLEN. Right. There were a great deal of concerns, I think the Senator from North Dakota might recollect, in the Commerce Committee about what was exempt or what was prohibited from taxation or what did the moratorium prohibit taxation upon. There were many concerns. They were generally handled, in my view, adequately by the managers' amendment that Senator MCCAIN had, that came out of the Finance Committee. That made sure what was to be taxable and what was not taxable because there were concerns that somehow personal property taxes, real estate taxes, corporate taxes, income taxes, and so forth, would be prohibited on companies that are involved in providing Internet service.

Our concern is making sure that whomever your Internet service provider is in Washington, DC, when you get to, say, Los Angeles and there is a slew of other Internet service providers there with a lot of competition, in between they don't own all of this. Somebody has to get this routed electronically. So that routing of that electronic e-mail, so to speak, or those bits, should not be taxed.

It is looking at this message as being a car, an automobile. You could drive across this whole country on an interstate that is a freeway. The Alexander-Carper amendment would turn that into a toll road. So you wouldn't go this way unless you were lost or taking some scenic route. But if you were driving from Virginia to Tennessee, you would take Interstate 40 probably, across 81, but you can probably drive that whole route, as I have and others have, and not pay a toll.

But if you have the Alexander-Carper amendment, that turns this whole thing into something akin to the New Jersey Turnpike, a toll road. Obviously, once you get there it is going to cost you a whole lot more to get that packet, that automobile, from Washington, DC, to Los Angeles.

I thank the Senator from North Dakota for his interest, his probing questions that allowed me to clarify what we are trying to do.

I conclude by saying to the opponents, come forward; let's get moving; let's get acting. I think it is vitally important to protect consumers from these taxes. I think it is vitally important to those who are looking to invest in rural areas that they know what the policies of this country are, to recognize in what kind of market they might be in small towns and rural areas, and let's get about expanding economic opportunity, jobs, and prosperity for all Americans everywhere in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. I ask unanimous consent I be allowed to speak up to 12 minutes as in morning time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MILLER pertaining to the introduction of S.J. Res. 35 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I am prompted to comment on the interesting, provocative, and controversial comments by my colleague from Georgia. He knows I have long respected him and was pleased when he arrived here in the Senate. I have enjoyed working with him. But I must say I don't have quite so hopeless a notion about our country or its future. I don't despair about what is happening in this country. I think we have incredible challenges to meet, and we must. We have a big globe with 6 billion people on it. One-half of them have never made a telephone call. One-half of them live on less than $2 a day. One hundred fifty million kids are not in school. One and one-half billion people don't have access to clean, potable water. Somehow, in this big challenging Earth of ours, we ended up right here right now. What a remarkable thing for us. It is our time and our responsibility to nurture and protect this democracy of ours. There is no other democracy like it on the face of this Earth. At a time when our country faces challenges, this country somehow provides leadership.

The McCullough book about John Adams is interesting to me. John Adams traveled a lot, because he represented this new country they were trying to put together, both in England and in France. He represented our interests, and he would write back to Abigail. As he would write to Abigail, he would lament in his letters to her: Who will provide leadership to put this country of ours together? Where will leaders come from? Who will be leaders?

Then he would plaintively say in his letter: There is only us. There is just only us. There is me. There is Jefferson. There is George Washington. There is Ben Franklin. There is Mason. There is Madison. There is only us.

In the rearview mirror of history, the "only us" represents some of the greatest talent ever gathered on the face of this Earth.

Thomas Jefferson: Have we seen another? I don't think so. George Washington was a remarkable person.

So the questions John Adams asked—where will leadership come from, who will be the leaders—have been asked of every generation. Somehow, through time, this country has been blessed by leaders who stepped forward and said, Let it be me. Let it be us. This country has been blessed with remarkable leadership.

You can take over 200 years a period of 5 years or 10 years in which you can suggest perhaps the leadership was less than it should have been at that time. But somehow the calling of this great democracy to ordinary Americans who have the capability to do extraordinary things has produced that leadership. It will, in my judgment, again also strengthen and nurture our country.

I like the original thinking of those who wrote our Constitution. I love the Constitution. I think it is one of the greatest documents ever written which establishes the basis of our freedom—we the people. We have people here who think it is a rough draft. I think we are going to vote on three amendments to the Constitution in next couple of months in the Senate. It has only been amended 17 times in 2 centuries. Do you know why? Because there are not many people who can improve upon the work of George Washington, Ben Franklin, and Thomas Jefferson's contribution to the Bill of Rights, for example. Outside of the 10 amendments called the Bill of Rights, we have amended the Constitution only 17 times in 200 years. Yet we will, I guess, vote on three of them here in just a matter of time because people think it is a rough draft and something that is easily changed and easily improved.

It is the case I think which perhaps causes some of the despair in some quarters in this country, that there is a kind of a crescendo of noise from corners of America that aren't very appealing.

I can tell a story which describes a country in great trouble. I can tell that story easily. We have roughly 10 million Americans who do not have a job today. They desperately want a job and their country's economy hasn't provided them a job. There are 10 million people who are out of work, and 30 million to 40 million people are on food stamps. We are the murder capital of the world. We consume one-half the world's cocaine. What an ugly place. Or I can take up some person's dysfunctional behavior and hold it up to a light, and say, Isn't this ugly, and run it through about 10 talk show programs and have it on every morning show, and say, Isn't this ugly? Yes, it is ugly, but it is not America. It is not America. It is somebody's ability and desire to try to entertain people with someone else's dysfunctional behavior. I can give that speech and I hear it from time to time.

However, there is another side to this country that gives me cause for great hope and does not lead me to the conclusion that we ought to take away the right of the American people to vote for public officials. Let me describe that, if I might.

There was a man named Stanley Newberg who died in New York City. Stanley Newberg is someone I did not know. I saw a paragraph, maybe two paragraphs about him in the New York Times. It simply said this man had died and then described something he had done. I asked my staff if we could find out a little more about him. Let me tell you about Stanley Newberg.

He came to America with nothing, to escape the persecution of the Jews by Nazis. His dad had nothing. He began to peddle fish on the Lower East Side of New York. Stanley, beside his dad, walked along the Lower East Side peddling fish in New York City. They made some money and did fairly well.

Stanley went to school, went to college. He got his college degree and went to work for an aluminum company. He did so well he rose up to manage the company. He did so well managing, he decided to buy the company. He did very well, and then later he died. When Stanley died they opened his will. In his will, this man left $5.7 million, his estate, to the United States of America. He said: With gratitude for the privilege of living in this great country, with gratitude for the privilege of living in this great country of ours. I thought, what a wonderful thing, to understand what others see.

If we did not have immigration laws, this place would be full, just plain full. We have folks from all around the world who want to come and live in this country. Why? It is a beacon of hope and opportunity.

We survived the Civil War. We beat back a depression. We beat back the oppression of nazism and defeated Adolph Hitler. We have done so much. We built the atom. We spliced genes. We invented the silicon chip, plastics, radar, the telephone computer, the television set. We build airplanes; we fly them; we build rockets; we go to the moon; and we are hardly out of breath. We cure smallpox. We cure polio. What a remarkable place this is. We have two little vehicles crawling around the surface of Mars analyzing rocks. Isn't that something? I must say, the pictures they got look very much like a place 5 miles south of my hometown, but apparently this is high science and pretty remarkable. This is really a very special place.

Is it the case that we face some pretty big, daunting challenges? You bet your life we do. We have a fiscal policy that is way out of whack. A few years ago everyone thought we would have surpluses forever. Now it looks like we will have deficits forever. We have to fix that. We cannot leave that to somebody else. That is our job. That is on our shoulders. This President and this Congress need to fix that.

Iraq, Afghanistan—this country represents the beacon of opportunity and freedom around the world. We are involved. We got involved in Afghanistan because we are tracking al-Qaida and dealing with people who killed innocent Americans, and we need to deal with that. We have American troops there, fighting and dying. We do not have a lot of options. We have to prevail and persevere and support those troops. We will. This is not the darkest of hours for our country. This is a great, strong, resilient country—within my judgment, a foundation of goodness people around the world understand. For a long, long time, if anything happens around the world, who is there first? Which country can be looked to to provide help, to say, you are not alone? This country. This country tackles issues other countries do not even want to acknowledge.

We had women chaining themselves to the White House gate because they were not allowed the right to vote. They said: We demand the right to vote. We dealt with that issue. The list is endless. We grapple with them. It is not easy. But we are the example of representative self-government in this world that works. It is messy. The noise of democracy is annoying sometimes, but it works.

Going back to John Adams' lament to Abigail: where is the leadership, in my judgment, every generation of Americans has seen leadership emerge and develop to lead this great country in times of trouble. That will always be the case because this is a special country, and we do have people who are willing and able. Right now, there is someone running for the Senate someplace in this country whose name I perhaps do not know who likely will be a President some day. Why? Because they have a passion in their heart and their gut to serve this country and want to do right by this country.

Let me come back to where I started. The only reason I was provoked to say these things is my colleague gave a speech this morning about something which, as I sat and listened to it—look, I have great respect for my colleague from Georgia. His public service is extraordinary. I first knew about him when he was Governor of Georgia and he was talking about scholarships for kids. I thought, what a great idea. Our future is not people who wear dark suits and suspenders who some people consider windbags in the Senate; our future is kids. That is who will run this country. I have great respect for the Senator from Georgia.

I wanted to say this: At a time when there is so much lament about America, I have a great reservoir of hope for the future of this country. This country will prevail. I know, as I have traveled around parts of the world, one example comes to mind. I was on an Army helicopter once that ran out of gas. I learned one of the immutable laws of flying: When you are out of gas in a flying machine, you will land soon. We landed in an area between Nicaragua and Honduras. I was with two other Members of Congress. When we landed, we were out of contact with anybody else. We landed in a clearing in kind of a jungle area between Nicaragua and Honduras, and campesinos from all around came to the helicopter. We were waiting to get rescued. We got rescued in 4 or 5 hours. The campesinos had come up and I got to talking to some people who had never seen anyone from our country. I was asking questions. We had an interpreter with us.

Do you know what all of them said they would like to do? They would like to come to the United States of America—all of them. We asked, What would you like? I would like to come to the United States of America. I would like that for me, for my kids. We find that all over the world. Why? Because they see this country as something unusual on the face of this Earth, something very unusual. That did not happen just by accident.

I come to this Senate floor not because I have a political pedigree or because I come from a big reservoir of wealth; I come here because a Norwegian immigrant came to this country with her husband, and her husband had a heart attack shortly thereafter. She was left alone with six kids. She took her six kids to a small rural area in southwestern North Dakota and started a farm. She pitched a tent, she built a house, raised a family, and ran a family farm in Hettinger County, ND. She had a son who had a daughter who had me. That is how I got here. And virtually everyone here has a similar story about perseverance, strength, faith, and hope—almost always about hope.

Let me conclude by saying while we face many challenges, I have great hope that, yes, the talents of the Senator from Georgia—unique talents, extraordinary talents—and the talents of so many others with whom I have had the ability to serve in this Chamber and in the House of Representatives, and also other venues of public service in this country, give this country a better opportunity for a better future.

I have had several other opportunities to work in different environments. I don't know that I have ever worked with a more talented group of people than the men and women, Republicans and Democrats, with whom I have served in the Senate. They are extraordinary people who come to the call for public service. I salute them and say I have great reservoir of hope for the future of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I was watching the debate earlier that dealt with the Internet tax, and I felt it important to explain clearly where Senators ALEXANDER, VOINOVICH, ENZI, Senator DORGAN, and I are on this issue.

Before I do that, I am compelled to comment on a bit of what Senator DORGAN has said. I missed most of my colleague ZELL MILLER's comments, but I heard all of what Senator DORGAN said. I am one of those guys who are probably like him, who see this glass as almost full; but even if it were almost empty, I tend to see it as half full.

We were here about a week or so ago debating what to do with respect to the situation we face in this country with asbestos. We all heard the stories that there are people who are sick and dying from asbestos exposure and not getting the help they need. There are folks who may have been exposed to asbestos, and they are taking away money from the folks who ought to be getting it, who are sick and dying.

In the meantime, in the settlements that are taking place, in relation to the transaction costs, the legal fees, maybe half the settlements go for legal fees. That is a situation we face. It is not a good situation. We all know we ought to do something about it. The tough thing is trying to figure out what.

We have the insurance industry in one corner, the manufacturers and the defendants in another corner, the trial bar in another corner, and organized labor, which is a proxy for victims, in yet another corner.

Last week, we voted not to proceed to the bill that Senator FRIST had introduced. Some of us thought it was premature, given the negotiations that have been underway for the last couple months, trying to narrow our differences on asbestos litigation reform. As a result, I think 47 of us voted not to proceed to the bill. We did not proceed to the bill.

But a very good thing has happened subsequent to that. The very good thing is, the negotiations, the mediation led by a retired Federal judge from Pennsylvania, a fellow named Becker, who had been the chief judge of the Third Circuit for a number of years, now retired, in his seventies, a fellow whose health is apparently not good. I probably should not say this. He takes chemotherapy, so I think his health is not good. But he is in his seventies and an age where he is retired and he does not have to work. But he has been drawn, by Senator SPECTER, into trying to mediate the differences between organized labor and the trial bar and the insurance companies and the defendant companies to see if we cannot come up with a better way to make sure people who are sick and dying from asbestos exposure get the help they need, and to make sure people who are not sick but have been exposed—but they get sick—that we help them, too; and for folks who are not sick, who have exposure, to make sure they get their medical costs paid and try to reduce outlays from the settlements that occur so the money goes to the people who need the help, not necessarily to their attorneys.

Judge Becker is here today in Washington. He lives in Pennsylvania, but he is here today. He was here yesterday. He was here the day before. He is leading a mediation that has been anointed, embraced by our leaders—Bill Frist on the Republican side, the majority leader, and Tom Daschle on our side, the Democratic leader.

As I speak right now, Judge Becker is holding forth, meeting, listening, asking questions, probing, trying to move the disparate forces to a consensus. I joined him for a little while over in the Hart Building earlier today and said to

Judge Becker: My job, I get paid to try to build a consensus on difficult issues. That is part of what we do in the Senate.

That is not Judge Becker's job. He is retired. He ought to be somewhere taking life easier, and yet he is here. He paid his way down on the train today. He did the same thing yesterday. He pays for his own meals, his own lodging. He does it out of the goodness of his heart because he thinks it needs to be done.

I raise that just to say that every day, in some corner of this Capitol, somebody is trying to make this place work. In this case, it is Judge Becker. There are other people of good will who are in that room with him trying to get through a tough patch and to help us find a way to a more rational, logical, fair way to help people who have been exposed to asbestos.

We voted last week not to go to the bill. I know some people were not happy with that vote, but we simply believed it was not time to go to the bill, given this mediation process. We urged our leaders to embrace that process, and they have done that. I am encouraged—out of that embracing of that mediation process, and the infusion of leadership authority to it—that something good will come of these negotiations.

Mr. President, we will have an opportunity to vote tomorrow on proceeding to the McCain amendment. Senator McCAIN has sought to find a compromise on the Internet tax legislation.

Let me back up for a moment and talk about it, if I can. When Senator VOINOVICH and I were Governors of our respective States, we worked with the Congress—House and Senate Democrats and Republicans—and encouraged then-President Clinton to sign legislation that said the Federal Government ought not tell the States to spend money on something and not provide that money. The Federal Government should not undercut the revenue base of State and local governments without making up the difference.

In 1998, the Congress passed a little bitty unfunded mandate that said States could not tax access to the Internet. If you were already doing it, you could continue to derive your tax, if you are a State or local government, and tax access to the Internet. But the States could not have multiple taxes; they could not have discriminatory taxes on the Internet. That was the legislation passed in 1998 and extended in 2001, and that moratorium lapsed last fall, as we know.

Since that time, States have not jumped in to pass new taxes on access to the Internet. They have not passed discriminatory taxes or multiple taxes with respect to the Internet. They have been sort of sitting back biding their time, waiting to see what we would do.

I think there are four areas of contention that exist with respect to the proposal that Senator McCAIN has offered. One is the definition of what is tax exempt under any moratorium we negotiate. On our side, Senators ALEXANDER, VOINOVICH, ENZI, myself, and others believe the existing moratorium actually nails it pretty well, and the idea that folks should not have to pay a tax on accessing the Internet on their AOL bills, if you will. Whether they access their e-mail, their Internet by cable, by DSL, or by wireless, we think folks should not have to pay that kind of tax.

We do not believe folks should have to pay multiple taxes by different levels of government on the Internet. We believe there should not be discriminatory taxes on purchases, for example, that are made over the Internet.

But we have a clear difference of opinion with respect to defining what is to be tax exempt—free from taxation—by State and local governments. Our friends on the other side are interested in doing a whole lot more than stopping access fees that we pay as consumers. We don't want anybody to pay those either.

They want to go well beyond the moratorium against multiple fees on use of the Internet. They want to go beyond discriminatory taxes. What they want to do, really, is take away from States and local governments the ability, if States want to, to impose business-to-business transaction taxes that might involve the Internet. I am not interested in taxing those as a Federal legislator, but I don't know that it is our part, as Federal legislators, to say to State and local governments that they can't do that unless we are willing to make up the revenue shortfall that may come as a result.

So the four areas of difference: One is the definition of what is tax exempt under the moratorium we adopt. A second area of difference that we have is with respect to the duration of the moratorium that we might extend. I said earlier, the first moratorium we passed was 3 years in duration from 1998 to 2001. At that time, Congress passed, almost unanimously, a further 2-year extension of that moratorium that lasted until last fall. Now that moratorium has lapsed.

I think we have seen suggestions in S. 150, introduced by Senator ALLEN and Senator WYDEN, that they wanted to make the moratorium permanent, an extension of the moratorium not 2 years, not 3 years, but to make it permanent. They define very broadly what is to be exempt from taxation under that permanent moratorium, even if it cuts into the revenue bases of State and local governments, and even if we do not make up the shortfall they may then face. So the second area of contention is the duration of the moratorium.

The third area of contention deals with whether we should grandfather in the rights of State and local governments, so if they have already put in place some kind of tax on the Internet, our previous moratoriums grandfathered them in, protected them, for a period of time, from losing those revenues. It held them harmless, if you will. And the question is, if we go forward and we have a grandfather clause to protect the States that already have imposed some kind of tax measure, how long do we extend that grandfather clause for those State and local governments that are going to be deprived of revenues they currently collect, and that we are not prepared to make up?

The suggestion has come forward, in Senator McCAIN's proposal earlier this week—maybe yesterday—that there should be a grandfather clause to hold the States harmless for a while but not for as long as the duration of the moratorium. And that is problematic.

The fourth area of contention deals with the application of the moratorium to what I would describe as traditional taxable voice communications, taxable by State and local governments, but the application of the moratorium to those traditional taxable voice communications when those communications are routed over the Internet. It is called VOIP.

Is it possible to bridge our differences on those four areas? It may or may not be. But having clearly defined them, our side is certainly willing to discuss them with those who have a different view of these issues than we do. One thing we all agree on is, whatever we do, we should try to hold the States harmless.

Somewhere in my talking points today, I have a discussion of why it is important that we hold the States harmless. If I can just take a minute or 2, I want to share part of this.

Our States are clearly facing extremely difficult times. We all know that. States have cut services and raised taxes over the last 3 years as they have scrambled to fill a budget shortfall that approaches $250 billion. Many States still face significant revenue shortfalls. California alone must fill an estimated $16 billion shortfall. New York faces a $4 billion shortfall. Both Michigan and Florida still have projected deficits of $1 billion. Some States are being forced to make cuts that are not only painful and unpopular but which ultimately undermine our efforts as part of welfare reform to make work pay. Some 34 States have adopted cuts that are causing anywhere from 1.2 million to 1.6 million low-income people to lose their health insurance. Alabama, Colorado, Maryland, Montana, and Utah have all stopped enrolling children in their children's health insurance programs. Florida has done the same and has built up a waiting list of more than 10,000 children.

Meanwhile, Connecticut is cutting coverage for more than 20,000 parents, and Georgia is cutting coverage for 20,000 pregnant women and children. In Texas, the State is actually ending coverage entirely for nearly 160,000 children and working families.

Besides health care, childcare is also on the chopping block. Some 23 States have cut back on childcare for working families. Florida, for example, has more than 48,000 children on a waiting list for childcare. Under the State's formula they are actually eligible, but they are not able to get it given the State's fiscal challenges. Reducing the waiting list is not even an option. I am told the budget in Florida is moving through the statehouse and they have cut childcare even more, by another $40 million.

Tennessee faces similar cuts. Tennessee has begun declining applications for childcare from all families who are not actually receiving welfare payments.

Altogether, in about half of all States, low-income families who are eligible for or in need of childcare assistance are either not allowed to apply or are placed on waiting lists. In California alone, over a quarter of a million kids, 280,000 children, are on waiting lists in that one State.

I won't go on. The point I am trying to make is just a reminder. States face terribly difficult choices these days, whether it is health care, childcare, size of the classrooms, or the ability to hire teachers and to pay them what they need to attract good math and science teachers. States are in a bind. I was Governor in the good years, from 1993 to 2001, when we were rolling in money. The States are not rolling in money anymore.

The father of the Presiding Officer is Governor. He will tell us they are not rolling in money up in Alaska any more than they are in California.

If States were rolling in money, Senator ALEXANDER and myself, Senators VOINOVICH, ENZI, HUTCHISON, and others would not be making this big fuss over what we believe is an unfunded mandate for State and local governments that is represented by S. 150 and, we believe, by the alternative offered by Senator MCCAIN. If the States were rolling in money, we wouldn't be doing this. If we were providing some kind of offset to the revenues that State and local governments would lose, we wouldn't be making a big fight about it either. If States could be held harmless, we could probably work our way through this. Maybe we ought to. I believe we should.

One thing I know for sure, there is agreement to extend the moratorium. I think if we were to vote on a simple 2-year extension of the moratorium that expired last November, there would probably be votes to pass that.

I am concerned about the vote on cloture tomorrow on the McCain proposal. I urge my colleagues not to vote for it.

Last week I urged my colleagues not to vote to proceed to the bill on asbestos that Senator FRIST had introduced, not because I was not interested in getting a conclusion or consensus. I believed that by not bringing the bill to the floor, it actually increased the likelihood that we are going to get consensus on asbestos litigation reform. We are moving in that direction, and I am encouraged that we are on the right track.

I believe if we go to the McCain bill tomorrow, we would be acting prematurely. There are still negotiations that can take place and should take place around the four elements I discussed. If we are forced to take up the bill at that point in time, we foreclose what could come out of those discussions, some of which have borne fruit already, some which still could.

There are a number of Senators on my side who want to offer amendments of their own. It is ironic. We have on the one hand people on the other side of this issue—from Senators ALEXANDER, VOINOVICH, ENZI, and myself—who contend that they want to support the telecom industry. I believe in their hearts they want to promote the industry. It is a good industry with good people. But there are also folks on our side and on the Republican side who have a whole bunch of ideas they would like to present and to offer as amendments. I will mention a few that might be appropriate.

If we want to help the industry build a market broadband network, there are any number of viable options. Senator HOLLINGS has introduced legislation, with a number of cosponsors, that would provide block grants to support State and local broadband initiatives.

Senator DORGAN, the floor manager on our side, has legislation to make low-interest loans available to countries who would deploy broadband technology in rural areas. Senator ROCKEFELLER has introduced legislation, with 65 cosponsors, to provide tax credits for companies investing in broadband equipment. Senator BURNS of Montana has legislation that would allow the expensing of broadband equipment. Senator BOXER has legislation that allocates the additional spectrum for unlicensed use by wireless broadband devices. Senator CLINTON and others have legislation.

To the extent that we vote for cloture tomorrow on the McCain proposal, many, if not all, of these proposals will not be made in order, even though they are germane and they relate to the issue. These amendments and, frankly, a lot of others like them could not be offered.

I am not suggesting that all of them should be offered, but some of them should. Members who have a strong interest and have worked on the issues for a long time deserve that right. They believe strongly.

As my collegues think about tomorrow's cloture votes, I realize this bill has gotten off track. What somehow started off as an Internet tax bill and figuring out how we can extend the moratorium and then paying a user fee for access to the Internet got off on another side rail on energy policy, ethanol, and a number of other things. I think Senator DOMENICI has introduced as an amendment the entire Energy bill. Eventually, I hope we will work our way through that. In the meantime, I hope we will use the hours ahead and maybe the next couple of days to join in a negotiation with our colleagues on the other side of this issue and try, maybe one last time, to see if there is someplace in between where we are and where they are.

In the end, if there is a push for the approach Senator ALEXANDER and I introduced, which is the straight-ahead, 2-year extension of the moratorium, to make sure it is not biased against DSL, we can just have that vote. We are not there yet. We have about 24 hours to consider it, and maybe cooler heads will prevail. If it comes to it, I will vote against cloture, not because I am not interested in finding a solution—I think we can. The time just may not be right. It could be close.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I ask the Chair to make an inquiry to the leadership as to whether it would be appropriate for us to recess at about 2:55 until about 4:05. The Secretary of Defense will be here. With the parliamentary situation we find ourselves in on the Senate floor, it would be appreciated if the Chair would check that out through the leadership.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I would like to take a little time this afternoon to talk about one of the pending amendments. This would be the amendment of the Senator from New Mexico regarding energy. It has been said on this floor and in the committees in which I have been participating, and no doubt it is going to be said again: At a time when the American economy is suffering under the weight of high energy prices such as the steadily increasing natural gas prices, record high gasoline prices as we go into the summer months, and tight international oil markets resulting in rising crude oil prices, it is time that the Congress act on issues as they relate to energy with a comprehensive national energy policy.

I am pleased the Senate is reconsidering this vital national policy. I commend Chairman DOMENICI for his leadership on this issue. The Senator from New Mexico has shown a great deal of willingness to find the middle ground on many of these issues addressed in the amendment. I believe we should work with him to enact this comprehensive energy legislation.

There are several different components to the amendment. Certainly the one I happen to focus on most, coming from Alaska, is that area which will help facilitate the construction of an Alaska natural gas pipeline. Construction of this pipeline means a great deal to the people in my State. It means not only jobs for Alaskans, but it means energy, natural gas, to my State.

But we have to look beyond just what it can provide to Alaska. The construction of a natural gas pipeline will create thousands of jobs throughout the United States and bring a much needed new supply of domestically produced natural gas to our starved lower 48 markets.

We have seen in the news recently the suggestion, coming from Mr. Greenspan, that the future, if you will, is in imported LNG. Once again, it is the emphasis that we should place in the national energy policy on domestic sources of energy. We have those domestic reserves in Alaska, as it relates to natural gas. Let's take advantage of that.

Residential natural gas customers are paying nearly historic high costs to heat their homes, to cool their homes, to keep the lights on. Americans are increasingly forced to spend a substantial portion of their household income on energy costs. A reasonably priced supply of natural gas will allow homeowners to devote a greater portion of their disposable income to other pursuits.

When you think about the state of the economy and what we spend on energy, the more disposable income that we have, the less we have to spend on energy, the stronger an economy we have.

But it is not just the residential customers in America who are suffering from these sustained high natural gas prices. It is our industrial consumers who rely on natural gas to produce the petrochemicals, the fertilizers, and other goods. They are losing their markets to foreign competitors who have access to less expensive reserves of gas. Whether I am sitting in the Energy Committee or the EPW, talking about what is happening across the country now, whether it is on our farms or whether it is AMAZON.Com not being able to produce the packaging bubbles domestically because of the high price of natural gas, it affects all of us in all the industries.

In many instances we are hearing about the companies that are laying off workers, closing their factories, because they simply cannot pay the current natural gas prices and remain competitive within the global marketplace. The layoffs affect thousands of workers in many regions of the country.

Look at what Alaska's natural gas can do. We are a long way from the rest of the 48, but with a pipeline getting our reserves of natural gas into the lower 48, we can meet that supply need; we can help to reopen these factories.

Natural gas is not only a vital feedstock for industry and home heating, it also serves as a major fuel for electricity production. By the year 2020, the Energy Information Agency has predicted that natural gas will account for 32 percent of all electricity generation. When we think back to the situation just last August in the Northeast, California's power problems 3 years ago, increasing the investment requirements for our Nation's electrical grid and production capability will only further the demand for natural gas as plant operators look to natural gas as having lower capital costs, higher fuel efficiency, shorter construction lead times, and lower emissions as compared to traditional coal-fired electrical plants.

Yet with all of these facts in front of us, recognizing that the residential consumer is paying more, that the industrial consumer is paying more, and businesses are being closed, recognizing the future as it relates to electricity production, and considering the President's request, if you will, that we move to a hydrogen-based society, the request he made in his State of the Union Address last year when he indicated he wanted children who were born today to be driving vehicles powered by hydrogen—it is wonderful, but we have to have the natural gas to assist with all of this.

Despite all of Alaska's proven reserves, 35 trillion cubic feet of proven reserves on the North Slope with the possibility of upwards of 100 trillion cubic feet still in the ground, we need to do all we can to bring that from Alaska's North Slope to the rest of the country.

Senator DOMENICI's amendment is not all about natural gas. For electricity, about which many of my colleagues have spent a great deal of time talking on the floor, the amendment ensures reliable and affordable electricity for America.

We all recognize that we in Congress must address the issue of reliability. The amendment would prohibit onerous Federal manipulation of energy trading markets that cost consumers money, and it would increase the penalties for market manipulation and enhance consumer protections.

To those of my colleagues who have called on the Senate to address the electricity issue, the reliability issue, I say support Senator DOMENICI's proposal.

For coal, which is used to produce 50 percent of our Nation's electricity, the amendment authorizes $2 billion to fund the Clean Coal Power Initiative. The development of clean coal technology will help our Nation use its abundant coal resources in an environmentally responsible manner.

In Alaska, we are working to find new ways to use our very abundant reserves while mitigating the impact on our environment. We have a little place called Healy, AK, where we have a small experimental clean coal plant. This clean coal plant is currently sitting dormant. It just barely missed its emissions requirement. We were attempting to utilize new technology to again provide very necessary energy to an area that was very limited in what it could receive and what it could generate. Once the Healy clean coal plant and other clean coal technologies demonstrate better ways for us to generate electricity from coal, we can utilize our Nation's vast coal resources in an environmentally responsible manner for many years to come, as well as provide high-paying jobs and much needed electricity.

There is also renewable energy. For renewable energy, the amendment reauthorizes the Renewable Energy Production Incentive Program to promote the use of clean renewable energy. The amendment would also encourage exploration and development of geothermal energy, including a call for rulemaking on a new royalty structure that encourages new production.

I could go further in detailing all those very important matters contained in the energy amendment, but I think these four examples—authorizing the Alaska natural gas pipeline, improving our Nation's electricity grid, providing research on clean coal technology, and promoting the use of clean renewable energy—illustrate the immense benefits of a comprehensive energy policy. They are great, but they are meaningless to us unless we enact them.

A comprehensive national energy policy, as envisioned in Senator DOMENICI's amendment, will generate thousands of jobs throughout the country. As I said on many occasions, the Energy bill is a jobs bill. So is this amendment.

I commend the Senator from New Mexico for offering this amendment. I know my constituents in Alaska don't care whether this bill is enacted as an amendment or as a stand-alone bill. My constituents want to see the jobs. My constituents want to see the energy, they want to see the natural gas, and they want to see movement on an energy policy. I think most Americans want the same thing. They want high-paying jobs. They want decreased volatility in the energy market. They want increased use of renewable energy and improved electricity grids. I think we have that within this amendment.

I urge my colleagues as we move forward to support the amendment of the Senator from New Mexico.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCAIN. Madam President, I ask unanimous consent at this time the Senate proceed as if in morning business until 2:55, and the Senate will recess for approximately 1 hour because Secretary Rumsfeld will be briefing Members in room 407. I amend my unanimous consent request that the Senate reconvene at 4 p.m. today.

Mr. REID. If the Senator would modify his request, at that time we come back on the bill.

Mr. McCAIN. Return to consideration of the McCain substitute.

Mr. REID. Reserving the right to object, I appreciate very much the request of the Senator from Arizona. It is appropriate. By 4 o'clock we will know what position we are in on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. The Senator has that right.

Mr. ALEXANDER. I understand the President pro tempore may be coming to the Senate floor. If he appears, I will yield to him and pick back up when he finishes. In fact, the President pro tempore has arrived.

I yield the floor to the Senator from Alaska until he finishes.

PRAISE FOR MILITARY MEDICAL COMMUNITY

Mr. STEVENS. Madam President, the Senator is very kind, and I thank the Senator from Tennessee.

Madam President, I come to the floor today to inform the Senate of the outstanding commitment, courage, and professionalism of our military medical community. This morning, the Senator from Hawaii and I cochaired a hearing with the Surgeons General and the chiefs of the Nursing Corps from each branch of the Armed Forces. We were joined by Army Surgeon General James Peake, Navy Surgeon General Michael Cowan, and Air Force Surgeon General George Taylor. From the Service Nursing Corps, we heard from Army COL Deborah Gustke, Navy ADM Nancy Lescavage, and Air Force GEN Barbara Brannon.

I want the Senate to note and personally thank each of our witnesses today for the outstanding leadership they provided to our military medical community. Their individual accomplishments are numerous.

I offer a special recognition to Surgeons General Peake and Cowan, who will be retiring from Active Duty this year. We greatly appreciate their service in military medicine, to our Nation, and especially their assistance to the Appropriations Subcommittee on Defense. The insight they provided to the subcommittee is invaluable. I congratulate each one of them on a successful and distinguished career.

During today's hearing, the members of the committee and I were told of outstanding accomplishments by our military medical leaders. I have come to the Senate to share some of what we learned today with my colleagues.

Over the last year, our thoughts have never been far from the battlefields, or from the soldiers and families who have sacrificed so much for our Nation. I salute our brave soldiers, sailors, airmen, and marines for their efforts in the war on terrorism. I join the families of our lost sons and daughters in mourning and remembering those who made the ultimate sacrifice in the defense of freedom.

I have seen many headlines about the casualties of the war, but the accomplishments of our military doctors, nurses, and corpsmen are seldom mentioned. These health care professionals were among the first to rush to the battlefield, and they are still on the front lines providing care in some of the most dangerous and difficult conditions.

Today our combat medics regularly perform miracles. They use transformational technology to successfully expand the "golden hour" of trauma care, the critical hour of opportunity from when a trauma is sustained and the lives can be most often saved.

One telling statistic is the lowest "died of wounds rate" in recorded history of warfare.

A number of factors have contributed to this accomplishment, but the mobile surgical teams have been crucial. They bring resuscitative surgical care onto the battlefield. Without the care they get within the "golden hour" after being wounded, the 15 to 20 percent of wounded soldiers they target would probably die while being evacuated to the combat support hospital.

These surgical teams are specially equipped to deal with excessive hemorrhaging, which has been the major cause of death in previous conflicts. One of the transformational technologies employed by these surgical units is a hand-held ultrasound machine used to identify internal bleeding, a truly lifesaving piece of equipment.

Other technologies the medics have employed include haemostatic dressings and the chitosen bandage. These are two new lifesaving wound dressings that are being used in Iraq and Afghanistan.

Approximately 1,200 haemostatic dressings have been deployed under an investigational new drug battlefield protocol. In one account we learned of today, the dressing was successfully applied to a thigh wound to completely control arterial bleeding when a pressure dressing and tourniquet proved unsuccessful. There are two similar reports of special forces medics using chitosen bandages to treat severe bleeding caused by gunshot wounds to the extremities. Approximately 5,800 of these chitosen bandages have been deployed to the theater of operations.

These are just a few of the examples of military medics using revolutionary medical technologies to lead the way in trauma treatment, lead the way in saving lives. Military researchers continue to investigate numerous other cutting-edge technologies, and those efforts are the foundation for the future of medical health care while in the service. Many of these same technologies will likely be used someday in civilian trauma centers across our country.

Aeromedical and ground evacuation crews, operating from Blackhawk helicopters, a variety of fixed-wing aircraft, and ground evacuation vehicles, such as the Stryker, have also performed exceptionally during operations in Iraq and Afghanistan. The crews have demonstrated an ability to swoop into a hostile environment and pull wounded service members from the battlefield. They provide critical inflight trauma care until more substantial care can be provided at fleet and field hospitals.

Military health professionals also ensure the health and safety of our soldiers in a number of other ways. When forces deploy around the globe, environmental health professionals are on the ground surveying the environment for biological and environmental threats. Among these military health professionals are nationally recognized experts in chemical, biological, radiological, and nuclear threats. Their expertise ranges from medical surveillance and epidemiology to casualty management. Chemical, biological, radiological, and nuclear training has been incorporated into the soldiers' common skills training, advanced individual training, and leadership courses.

Our health professionals also consider the mental health of our troops to be a top priority. In July 2003, a team of mental health experts from treatment facilities around the Nation left for Iraq. Their mission was to assess mental health issues and address concerns about a spike in the number of suicides occurring in the theater of operation. These professionals evaluated the mental health patient flow from theaters and assessed the stress-related issues soldiers experienced in combat operations.

The survey team remained in the theater for 6 weeks and traveled to several base camps. I am told this is the first time a mental health assessment team has ever conducted a mental health survey with soldiers in an active combat environment.

While many of the medical providers are deployed in the support of contingency operations, the military health system continues to provide outstanding care to service members, their families, and our retirees here at home.

These professionals never waiver in their commitment to the highest quality of health care for our beneficiaries.

The caregivers here at home also provide rehabilitative care to our troops after returning from combat. Perhaps the best example is the amputee center at Walter Reed Army Medical Hospital, which provides state-of-the-art care to service members who have lost limbs in battle. The center aims to return each amputee to the highest level of performance and quality of life. I have personally visited with wounded soldiers at the center, and I can tell you they are achieving their goal.

I have come to the Chamber to commend our military health care professionals who have served with distinction throughout the global war on terrorism. Their dedication and commitment to their fellow service members is unmistakable, and their service is responsible for saving countless lives, both of our American service members and injured Iraqis. We are truly grateful for their service.

I ask the whole Senate to join me in commending the military service of these medical professionals who have done so much for us.

I ask unanimous consent that the article from the Washington Post of April 27, entitled "The Lasting Wounds of War," by Karl Vick, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LASTING WOUNDS OF WAR

(By Karl Vick)

BAGHDAD.—The soldiers were lifted into the helicopters under a moonless sky, their bandaged heads grossly swollen by trauma, their forms silhouetted by the glow from the row of medical monitors laid out across their bodies, from ankle to neck.

An orange screen atop the feet registered blood pressure and heart rate. The blue screen at the knees announced the level of postoperative pressure on the brain. On the stomach, a small gray readout recorded the level of medicine pumping into the body. And the slender plastic box atop the chest signaled that a respirator still breathed for the lungs under it.

At the door to the busiest hospital in Iraq, a wiry doctor bent over the worst-looking case, an Army gunner with coarse stitches holding his scalp together and a bolt protruding from the top of his head. Lt. Col. Jeff Poffenbarger checked a number on the blue screen, announced it dangerously high and quickly pushed a clear liquid through a syringe into the gunner's bloodstream. The number fell like a rock.

"We're just preparing for something a brain-injured person should not do two days out, which is travel to Germany," the neurologist said. He smiled grimly and started toward the UH-60 Black Hawk thwump-thwumping out on the helipad, waiting to spirit out of Iraq one more of the hundreds of Americans wounded here this month.

While attention remains riveted on the rising count of Americans killed in action—more than 100 so far in April—doctors at the main combat support hospital in Iraq are reeling from a stream of young soldiers with wounds so devastating that they probably would have been fatal in any previous war.

More and more in Iraq, combat surgeons say, the wounds involve severe damage to the head and eyes—injuries that leave soldiers brain damaged or blind, or both, and the doctors who see them first struggling against despair.

For months the gravest wounds have been caused by roadside bombs—improvised explosives that negate the protection of Kevlar helmets by blowing shrapnel and dirt upward into the face. In addition, firefights with guerrillas have surged recently, causing a sharp rise in gunshot wounds to the only vital area not protected by body armor.

The neurosurgeons at the 31st Combat Support Hospital measure the damage in the number of skulls they remove to get to the injured brain inside, a procedure known as a craniotomy. "We've done more in 8 weeks than the previous neurosurgery team did in 8 months," Poffenbarger said. "So there's been a change in the intensity level of the war."

Numbers tell part of the story. So far in April, more than 900 soldiers and Marines have been wounded in Iraq, more than twice the number wounded in October, the previous high. With the tally still climbing, this month's injuries account for about a quarter of the 3,864 U.S. servicemen and women listed as wounded in action since the March 2003 invasion.

About half the wounded troops have suffered injuries light enough that they were able to return to duty after treatment, according to the Pentagon.

The others arrive on stretchers at the hospitals operated by the 31st CSH. "These injuries," said Lt. Col. Stephen M. Smith, executive officer of the Baghdad facility, "are horrific."

By design, the Baghdad hospital sees the worst. Unlike its sister hospital on a sprawling air base located in Balad, north of the capital, the staff of 300 in Baghdad includes the only ophthalmology and neurology surgical teams in Iraq, so if a victim has damage to the head, the medevac sets out for the facility here, located in the heavily fortified coalition headquarters known as the Green Zone.

Once there, doctors scramble. A patient might remain in the combat hospital for only six hours. The goal is lightning-swift, expert treatment, followed as quickly as possible by transfer to the military hospital in Landstuhl, Germany.

While waiting for what one senior officer wearily calls "the flippin' helicopters," the Baghdad medical staff studies photos of wounds they used to see once or twice in a military campaign but now treat every day. And they struggle with the implications of a system that can move a wounded soldier from a booby-trapped roadside to an operating room in less than an hour.

"We're saving more people than should be saved, probably," Lt. Col. Robert Carroll said. "We're saving severely injured people. Legs. Eyes. Part of the brain."

Carroll, an eye surgeon from Waynesville, Mo., sat at his desk during a rare slow night last Wednesday and called up a digital photo on his laptop computer. The image was of a brain opened for surgery earlier that day, the skull neatly lifted away, most of the organ healthy and pink. But a thumb-sized section behind the ear was gray.

"See all that dark stuff? That's dead brain," he said. "That ain't gonna regenerate. And that's not uncommon. That's really not uncommon. We do craniotomies on average, lately, of one a day."

"We can save you," the surgeon said. "You might not be what you were."

Accurate statistics are not yet available on recovery from this new round of battlefield brain injuries, an obstacle that frustrates combat surgeons. But judging by medical literature and surgeons' experience with their own patients, "three of four months from now 50 to 60 percent will be functional and doing things," said Maj. Richard Gullick.

"Functional," he said, means "up and around, but with pretty significant disabilities," including paralysis.

The remaining 40 percent to 50 percent of patients include those whom the surgeons send to Europe, and on to the United States, with no prospect of regaining consciousness. The practice, subject to review after gathering feedback from families, assumes that loves ones will find value in holding the soldier's hand before confronting the decision to remove life support.

"I'm actually glad I'm here and not at home, tending to all the social issues with all these broken soldiers," Carroll said.

But the toll on the combat medical staff is itself acute, and unrelenting.

In a comprehensive Army survey of troop morale across Iraq, taken in September, the unit with the lowest spirits was the one that ran the combat hospitals until the 31st arrived in late January. The 3 months since then have been substantially more intense.

"We've all reached our saturation for drama trauma," said Maj. Greg Kidwell, head nurse in the emergency room.

On April 4, the hospital received 36 wounded in 4 hours. A U.S. patrol in Baghdad's Sadr City slum was ambushed at dusk, and the battle for the Shiite Muslim neighborhood lasted most of the night. The event qualified as a "mass casualty," defined as more casualties than can be accommodated by the 10 trauma beds in the emergency room.

"I'd never really seen a 'mass cal' before April 4," said Lt. Col. John Xenos, an orthopedic surgeon from Fairfax. "And it just kept coming and coming. I think that week we had three or four mass cals."

The ambush heralded a wave of attacks by a Shiite militia across southern Iraq. The next morning, another front erupted when Marines cordoned off Fallujah, a restive, largely Sunni city west of Baghdad. The engagements there led to record casualties.

"Intellectually, you tell yourself you're prepared," said Gullick, from San Antonio. "You do the reading. You study the slides. But being here. . . ." His voice trailed off. "It's just the sheer volume."

In part, the surge in casualties reflects more frequent firefights after a year in which roadside bombings made up the bulk of attacks on U.S. forces. At the same time, insurgents began planting improvised explosive devices (IEDs) in what one officer called "ridiculous numbers."

The improvised bombs are extraordinarily destructive. Typically fashioned from artillery shells they may be packed with such debris as broken glass, nails, sometimes even gravel. They're detonated by remote control as a Humvee or truck passes by, and they explode upward.

To protect against the blasts, the U.S. military has wrapped many of its vehicles in armor. When Xenos, the orthopedist, treats limbs shredded by an IED blast, it is usually "an elbow stuck out of a window, or an arm."

Troops wear armor as well, providing protection that Gullick called "orders of magnitude from what we've had before. But it just shifts the injury pattern from a lot of abdominal injuries to extremity and head and face wounds."

The Army gunner whom Poffenbarger was preparing for the flight to Germany had his skull pierced by four 155mm shells, rigged to detonate one after another in what soldiers call a "daisy chain." The shrapnel took a fortunate route through his brain, however, and "when all is said and done, he should be independent. . . . He'll have speech, cognition, vision."

On a nearby stretcher, Staff Sgt. Rene Fernandez struggled to see from eyes bruised nearly shut.

"We were clearing the area and an IED went off," he said, describing an incident outside the western city of Ramadi where his unit was patrolling on foot.

The Houston native counted himself lucky, escaping with a concussion and the temporary damage to his open, friendly face. Waiting for his own hop to the hospital plane headed north, he said what most soldiers tell surgeons: What he most wanted was to return to his unit.

Mr. STEVENS. I thank the Senator from Tennessee.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business for as much time as I may require.

The PRESIDING OFFICER. The Senator has that right.

INTERNET TAXATION

Mr. ALEXANDER. Mr. President, I was just at a luncheon with the distinguished chairman of the Commerce Committee, and he wondered where I had been in terms of the debate on the Internet tax question. So here I am. I am glad to have this opportunity. I know we have been diverted to discuss the Energy bill. But I appreciate the leadership creating an opportunity to debate these issues.

As the Senator from New Hampshire knows, who is a member of the Commerce Committee, and has a large interest in the fastest-growing technology in America, the growth of high-speed Internet access—the question of how we approach, in a comprehensive way, the regulation and taxation of this new technology—is very important. It is important for our economic growth. It is important because, as we do this, we will be making, inevitably, major adjustments in terms of the responsibilities of State and local governments, and we need to do it right.

That is why I am encouraged by the fact Senator MCCAIN; Senator STEVENS; the Commerce Committee; Michael Powell, the Chairman of the Federal Communications Commission, all have announced that we need to take a new look at the Telecommunications Act of 1996 in light of the recent growth of high-speed Internet access.

I am not happy about the fact we are trying to solve problems that ought to be solved comprehensively, for the long term, on a piecemeal basis, which is exactly what some are trying to do, by turning a fairly innocuous idea—a temporary timeout on State and local taxation of Internet access; we are just talking about the connection between my computer and AOL or whoever is providing my Internet access; that is just a little bitty thing—they have turned that into a debate about whether we should give a broad exemption to the entire high-speed Internet access industry, and make decisions now about whether State and local governments will be able to continue to collect taxes on telephone services.

One of the problems with this debate is that everyone who stands up on opposite sides offers different facts and figures and interpretations, so a Member of the Senate who is not really studying or following this issue closely is easily misled.

Let me deal with four or five of the misconceptions. First, let me talk about what we are talking about. We are talking about high-speed Internet access, which was barely known to most Members of Congress when the 1996 Telecommunications Act was enacted, not very well known in 1998, when we all said—almost all of us said; I said this—let's take a temporary timeout. Let's not allow even State and local taxation of Internet access until we figure out what it is.

So we did that for 2 years. We did it then for 3 more years. Now the effort is to not just do that permanently but to just say: OK, this is a great new invention. Let's just exempt the whole industry from taxation.

High-speed Internet access is now offered in lots of different ways. The reason it is so important is because it means that lots of different services may come to my home. If I am watching television through direct satellite in my home here in the District of Columbia, there is a nice young woman who comes on and she advertises that the same DirecTV satellite television I have can also supply me with high-speed Internet access.

Anywhere I am that I can get DIRECTV, which is most places in the world, I can get high-speed Internet access. It seems I get something in the mail every day from my telephone company saying they can deliver it over the telephone line. That is DSL. I would get something from the cable TV, when I had that, that said: We can deliver high-speed Internet access to you as well. There are Internet service providers, companies who deliver it, such as America Online. Now we are finding that high-speed Internet access can be delivered by power companies.

In other words, there is no problem with making high-speed Internet access available to anybody in America who has a telephone wire running to their house or business, has an electric wire running to their house or business, who can put up a satellite dish or hook into a cable television. That covers about everybody. But not everybody has it. More Americans have it than in any other country, which I will get to in a minute. But this is a new technology. A lot of people have it. In Manassas, VA, you can buy it from your electric power company. The same people who provide electricity will sell it to you for $25 a month. Most cable systems or telephone companies will sell it to you for $30 or $40 a month. I get things in the mail that offer it on an introductory basis for $10 or $15 a month.

What we are debating is whether State and local governments can apply the sales taxes they usually apply to such transactions and whether they can apply the business taxes they usually apply to such business activities. The tax we are talking about that Tennessee, New Hampshire, or Texas might charge might be $1 a month or $2 a month. That is what all the fuss is about. If that were all we were talking about, it really would not be worth very much of the Senate's time except the legislation that we are being offered would do much more than is advertised.

Let me begin by suggesting what it will do or what it could do. I don't know why every Governor in America and every mayor in America is not sitting in the lobby right now saying to Members of the Senate: Be careful about what you are doing because the way we read the latest proposal by the distinguished chairman of the Commerce Committee, Senator MCCAIN, and certainly the way we read the legislation that came over from the House that is expected to be put into conference with whatever we produce, you put at risk the money State and local governments collect today from taxing telephone services.

If you are sitting at home listening, you might say: Hooray, I don't want to pay those taxes. Well, fine. So we take those taxes off. In Texas, if we take off the taxes Texas collects on telephone services, it is $1.7 billion a year. So if the bill passes in the form it passed the House or in the form it is now written in the Senate, we might as well call this the Texas new income tax law of 2004 or the Nashville higher local property tax law of 2004. Because you cannot put at risk billions of dollars of State and local revenues and expect those governments to continue to fully fund universities, schools, parks, roads, and the other things they are expected to do.

One might say, well, let them just cut the size of government. I could be facetious about this, although I don't want to be because it is so serious. Here is a serious analogy. I just had lunch with the president of one of the largest car companies in the world. We were talking about hybrid cars, the cars that have an electric engine in them and an internal combustion engine in them. They are reported, according to Toyota Corporation, to get 50 miles a gallon. That is pretty good. Gasoline is at record prices. The Middle East is in turmoil. We are getting 65 percent of our oil from around the world, and our air is dirty. So as a Senator, I think it would be a great idea to encourage people to use hybrid cars.

Why don't I propose a Federal law that stops Tennessee, New Hampshire, Texas, and California from charging a State tax on the sale of hybrid cars? That would clean the air. That is a good thing. Let's do it. You might say: That sounds good, but it sounds odd, too, because you are a Federal legislator. Why would you pass a hybrid car act about State laws? If you have an expensive idea, why don't you do it yourself?

The Senator from Virginia and the Senator from Arizona have said it is not the intention of their legislation to keep States from continuing to tax telephone calls, telephone services, even if the calls are made over the Internet. That is what was said. But that is not what the language of the bill does. I don't think the Senate should take any chance that in the State of California we would pass a law on such a simple item as exempting Internet access from taxation and have the unintended effect of costing State and local governments up to $10 billion a year in revenues they now collect on telephone calls—not all telephone services, just telephone calls.

In Florida, it is $1 billion a year. So you might call this act, as it is now written, the Florida income tax act of 2004, the Tennessee income tax act of 2004, the Texas income tax act of 2004, because I don't know what other revenue base is left if that much of a sales tax is taken away.

You might ask: Why are you saying it would be taken away? Let's assume I am right about the way the law is written. Here is what happens. I will use the hybrid car analogy. We might set up a two-tier tax system for cars. Buy a hybrid car in Nashville and you will pay zero of the Tennessee sales tax. Buy a regular car in Nashville and you will pay 6, 7 percent on the cost of the car, I believe up to a ceiling. So we will have two tiers. That is what is going to happen with telephone calls.

One of the exciting advantages of this new technology is we will soon be making regular telephone calls over the Internet, not over the telephone wires. They will be using telephone wires but not in the same way. It is a different technology. It is still a telephone call but a different way of doing it, just as with a hybrid car. Calls, as they move to the Internet, will be free of State and local taxation. That is what adds up to about $10 billion a year in State and local revenues.

That won't happen overnight. The Congressional Budget Office has informed us that within the next 5 years, State and local governments will lose $3 billion of revenue. I think it will come faster than that. Most people who look at VOIP, voice over Internet protocol, believe it will and hope it does. I hope it does. I think it is a great advance. But I disagree that on this bill, we should decide the question of whether State and local governments must stop taxing telephone services and start raising property taxes, or sales taxes on food, or institute a new income tax to make up for all or part of the revenue you lose.

I would much rather see the Senate Commerce Committee, over the next year or two, consider legislation such as that by the distinguished Presiding Officer, which straight out says—if I am stating it correctly—that with this new protocol, it should be free of taxation. We ought to talk about that. It ought not be snuck into a bill.

I urge the chairman of the committee and Senator ALLEN to accept plain English language—just take it and change their bill. They asked what suggestions we have. I have given this to them several times. Just say that nothing in this legislation precludes States from collecting taxes they are collecting on telephone services, including telephone calls made over the Internet. Save that question for another day. I have heard that is their intention. That is not what it says.

In Alabama, that is worth up to $213 million a year; in Alaska, it is $18 million a year; in Arizona, it is $308 million a year; California collects $1.5 billion a year. So that is a huge cost to State and local governments. It is 5 percent of the Tennessee State budget, to give you an example. Senator FEINSTEIN says there are more than 100 cities and counties in California that estimate they could lose from 5 to 15 percent of their revenue. So that is one of the four issues that could be easily corrected.

Another question that has come up quite a bit lately is the idea that suddenly we need more Government subsidy for high-speed Internet access because the United States is falling behind.

Well, my view on that is I don't think it is true that we do. But if it is true, Congress ought to pay the bill and not send it to State and local governments. Just as we think hybrid cars are great and we want to give them a subsidy—that is called picking and choosing winners in the economic marketplace, which I thought conservatives were not supposed to do. If we want to do that for hybrid cars, we should take it out of our budget and not tell Governors and mayors to take it out of property taxes or take it out of the classrooms to do it. If we want to give an advantage to high-speed Internet access, we should pay for it. But we ought not to pass this bill because we think we are behind in high-speed Internet access. There is no real evidence of that.

For example, in 2002, the United States had the highest number of Internet subscribers in the world, nearly 20 million. Eighty-eight percent of all ZIP codes have at least one high-speed subscriber; 29 percent of all ZIP codes have access to five or more providers. The Pew analysis recently showed that a quarter of Americans have high-speed Internet access in their home and half have it at their workplace.

Consumers are adopting broadband, high-speed Internet access, at a record pace, not a slow pace. There is no emergency in terms of people not using this. They are adopting broadband technology at a faster pace than CD players. High-speed Internet access is coming in at a faster pace than cell phones, color TVs, and VCRs during their development. That is according to a report from the Department of Commerce in 2002. Cellular phones took 6 years from their introduction to reach 7½ million subscribers. High-speed Internet reached that in 3½ years.

High-speed Internet service providers are increasing their investment in broadband services. For example, between 1996 and 2001, the four largest phone companies increased their investment in broadband technologies by 64 percent and cable companies by 68 percent.

In short, the Congressional Budget Office told us, the Senate, in December 2003 that the broadband market is booming. In its report to us in December of 2003, "Does the Residential Broadband Market Need Fixing?" the CBO analysis also concluded that "Nothing in the performance of the residential broadband market suggests that Federal subsidies for it will produce large economic gains."

This is CBO. "Nothing in the performance of the residential broadband market suggests that Federal subsidies for it will produce large economic gains."

So, then, why are we coming with a bill that would give more big subsidies? I have reviewed the fact that, because of the language in the latest proposal by the chairman of the Commerce Committee, up to $10 billion of State and local tax collections on telephone companies are at risk. If you take that away, that is a subsidy to a company.

You can subsidize a company in one of two ways. You can give it some money or you can say you don't have to pay taxes like everybody else does. That is a flatout subsidy. That is not the only subsidy. I mentioned to the distinguished chairman, the Senator from Arizona, that it seems to me that insofar as my research indicates, high-speed Internet access is a lot like ethanol. It is hard to find anything that has more subsidy. According to the Congressional Research Service, the Congressional Budget Office identified three programs totaling $4.8 billion in subsidy, a Federal subsidy for promoting the adoption of high-speed Internet access. They are already in place—$4.8 billion of Federal subsidy for high-speed Internet access.

Established in 1996, the Telecommunications Act provided subsidies for schools and libraries, subsidies for rural health care providers. The Farm Security and Rural Investment Act of 2002 authorizes $20 million per year for loans and grants.

Then I have the Alliance for Public Technologies' report on all of the State and local broadband policy experiments in the State. In virtually every State in America, there is a spending of taxpayer dollars to encourage the spread of high-speed Internet access.

Yesterday, I used the example of Texas. Texas set up a fund in 1995 to spend $1.5 billion over 10 years to provide telecommunications access to public schools, hospitals, libraries, and institutions of higher education. Almost every State is doing it. So let's take how this works as an example.

If this bill passes—and if I am reading the McCain proposal right and it affects telephones the way I believe it does—this is what happens in Texas to broadband. They are spending $1.5 billion already to encourage the spread of broadband in public institutions. Texas also has a law put in by President Bush when he was Governor in 1999; I think it is a good law. By the way, I think we ought to adopt that. I think it is exactly the way to encourage permanently the growth of high-speed Internet access, if that is what we want to do.

Texas, in 1999, said it is the law of Texas that the first $25 is exempt of everything to pay for Internet access. So that would save you maybe $1 or $2 a month. That is what the tax would be in Texas on high-speed Internet access. You can get it anywhere from $20, to $40, or $50, depending on who sells it to you. The prices are coming down because of the competition.

So you have $1.5 billion in Texas at least to encourage it. You have an exemption for every single person in Texas who wants to sign up. The first $25 is already exempt.

Now here we come with our bill. What does it do? It does a lot more than exempt Texans from tax on Internet access. First, I believe it puts at risk up to $1 billion of revenues in sales taxes the State collects today on telephone services. That is one.

Second, it stops Texas from collecting business taxes on telephone companies it normally would collect on any company that does business in the State. The definition of the latest proposal by the distinguished Senator from Arizona says we are not just talking about the hookup, Internet access between the end user and the provider, we are talking about the whole industry. We are talking about that, that, that, and that—in other words, all the way through.

Let's go back to the example of the hybrid cars. It would be like passing a Federal law saying you cannot collect the State tax in Arizona or Tennessee on the sale of a hybrid car because it is a great new invention. Not only that, you cannot collect a sales tax—if you are an auto parts supplier in Tennessee—you can't collect a tax there. And if they brought steel to the auto parts supplier, you cannot collect a tax there.

None of us like to pay taxes, but when we lower State and local taxes here, we are inevitably raising State and local taxes there. Lowering taxes in this amount of money by direction from Washington, DC, inevitably makes this the Higher Sales Tax Act of 2004, the Higher Local Property Tax Act of 2004 because every mayor and every Governor is going to be scrambling to figure out: We lost all this revenue because the Congress in its wisdom had the idea to give a big subsidy to the high-speed Internet access business, and we are going to have to find a way to pay for the schools, to keep from raising tuition so much, to pay for health care, and to open the parks. So we are going to have to close them, cut them back, or raise the sales tax on food and raise the property tax. That is why we usually leave those matters to mayors and Governors and do not do it from here.

We are all for home ownership, but we do not pass a Federal law to lower property taxes. We all want our corporations to stay in the United States, and we do not want them to have high local taxes any more than high Federal taxes, but we do not pass a Federal law lowering the local corporate income tax.

That is why I am perplexed by this bill. The idea that by adding a subsidy we would encourage the use of high-speed Internet access when it is already, according to the New York Times last week, the fastest growing technology in America, when already it is being accepted more rapidly than VCR and all these other innovations I do not agree with. The idea that it needs more taxpayer support I do not agree with.

Let's throw that item completely out the window and say if we do believe it needs a subsidy, then why do we send the bill to State and local governments? We promised not to do that. Mr. President, 300 Republicans stood over on the steps of the Capitol in late September 1994 and said: No money, no mandates. If we break our promise, throw us out.

I thought we were the party on this side of the aisle of no Federal unfunded mandates. That was a big movement back then. Everybody got fired up about it. I heard it. I was running around the country trying to offer myself for higher office, which the people rejected. I know the great Contract with America was no more unfunded mandates. I remember Senator Dole saying when he was majority leader the first act on the part of the Senate was no more unfunded mandates. In fact, this unfunded mandate might be so large that according to CBO's letter to us, they cannot calculate how much it will be, although they know it is enough to make it an unfunded Federal mandate.

Why would we do that? Why don't we do what Texas did? Texas did a very direct thing. They said the first $25 you pay every month is exempt from State and local taxes. It could be $30, it could be $35, it could be $40. Then we won't have any argument about definition. We would not have to worry about whether we were subsidizing companies instead of consumers, and we would actually be giving a benefit to the individual American—maybe there will be 100 million of them 1 day—who subscribe to high-speed Internet access, and we say no State and local taxes at all, none on you.

The States have asked us to do that, and we have not done it. I don't know why. That also is an unfunded mandate, but it is not much money. The way we are doing it is a lot of money. It is at least hundreds of millions of State dollars a year, and the way this latest bill is written, it could be billions a year of State and local revenues.

I thought the National Governors Association letter was thoughtful and respectful and acknowledged the hard work all sides have done on this issue. That is why it is such a hard issue, maybe, because it ought to be easy. It ought to be a small amount of money and a fairly simple issue. But it has been written into a complex issue with the possibility that it might run a Mack truck through State and local budgets.

The National Governors Association yesterday suggested the proposal by the Senator from Arizona falls short of their hope of balancing the interests of State sovereignty and State responsibility with the desire for keeping high-speed Internet access free of excessive taxation. They talked about the specific issues I suggested in my letter to the chairman earlier this week and that formed the basis for amendments I have filed.

One, the definition. Instead of using the definition of the original moratorium in 1998, the one we all agreed to in 1998 and 2000, instead of saying let's do that permanently or do that again, they have cooked up a new definition. This definition is the one that runs the risk of costing State and local governments so much. That is one.

Second, the language—and this may be inadvertent and if it is, maybe I can ask the Senator from Arizona if there is a way we can agree on how to fix it. If we agree we do not intend to keep States from continuing to collect State and local taxes on telephone services, even telephone calls made over the Internet, then we ought to get that issue off the table, and surely we can find somebody who can write that in a sentence to which we can all agree.

Then there is the term. I applaud the leadership of those Senators on the Commerce Committee who want to address this issue. I think if we go 4 years, which is better than permanent, but if we go 3 or 4 years, we run the risk of freezing into the law provisions that will be much harder for the Commerce Committee and the full Senate to change. Then there is the question of the so-called grandfather act which allows States already collecting taxes to keep doing that.

Those are all the issues we have here. One is the definition, one is telephone, one is term, and one is grandfather. That is tantalizingly close, it would seem to me, but the one that makes the most difference is the definition, which means for the first time, States will not be allowed to apply business taxes to the high-speed Internet industry in the same way they normally would other businesses for the first time. They are not collecting these taxes.

The other issue is the language, we believe, in the latest draft and certainly the language in the House bill runs the substantial risk of over time costing the States up to $10 billion a year in sales taxes, and the House bill another $7 billion in business taxes now collected on telephone services.

I do not want to overstate that point. That is not going to happen tomorrow. It is going to gradually happen as telephone calls are made over the Internet.

So that would be my hope since we have narrowed it down to that, and one of them may not be an issue at all, but that is pretty close. I do not know much more that I can say about it except—well, I can say a whole lot more about it. I have stacks of stuff and I will be glad to stick around and talk about it if anybody wants to. I do have the hearing I am expected to chair at 3, but I would say to the distinguished chairman from Arizona that I hope he understands I am not persisting in this just for the purpose of being obstinate. I feel very deeply, from my background as Governor, that it is important for us to respect the ability of State and local governments to fund their programs.

Since I left the Governor's office in Tennessee in 1987, Federal funding for education has gone from 50 cents out of every dollar to 40 cents. Most of that has gone to higher education. Our chances for job growth and a high standard of living depend to a great extent on the ability of State and local governments to properly fund colleges and universities and create schools our children can attend.

Any time we take away resources from State and local governments, that does not sound like the Republican Party. President Reagan was giving resources to State and local governments. President Eisenhower was giving resources to State and local governments. Last year, we sent a welfare check to State and local governments of $20 billion, and this year we are talking about taking back up to at least $10 billion a year. That is my objection.

We could have a separate debate about whether the subsidy is warranted and, if it is, well, we could pay for it from here. But surely we would not send the bill to State and local governments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I look forward to discussions with the Senator from Tennessee and the Senator from Delaware. As they know, we have a meeting with Secretary Rumsfeld in 407 in about 20 minutes, and we are going to go back on the bill at 4. I would be glad to have discussions. Meanwhile, I hope there would be some amendments proposed by the opponents of the legislation, and we could dispose of them as we did yesterday with the Senator from Texas, who came forward with an amendment and we debated it. Unfortunately, neither the Senator from Tennessee, nor the Senator from Delaware, nor the Senator from Ohio have chosen to do so.

Usually, I like to do business by amendments, debates, and votes. That is the way we usually like to move forward legislatively.

I look forward to that opportunity and also engaging in any discussions which the Senator would like. I want to assure him I am very confident in the sincerity of his views on this issue and his commitment to the issue. I understand his background as a very successful Governor of the great State of Tennessee which gives him a perspective for which I am greatly appreciative.

We are still in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. I ask unanimous consent that I be allowed to finish my statement, which I hope will be done by 2:55. If not, I ask unanimous consent to finish my complete statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL ELECTION COMMISSION CHAIRMAN MUST GO

Mr. McCAIN. Mr. President, I was in Arizona recently, and by chance I watched C–SPAN airing the Federal Election Commission hearing on the issue of 527s. Let me assure my colleagues, it was both eye opening and appalling.

Once in a while, we have a public debate in Washington that serves as a perfect metaphor for the cynical way in which business is sometimes done here. The argument over whether and when the Federal Election Commission should regulate new soft money fundraising groups provides us with one of those moments. In it, we can see how badly our election watchdog has served the public and the urgent need to fix it.

The Chairman of the Federal Election Commission, Bradley Smith, claims apparently some moral superiority on the issue of 527s because as a Republican he stands in opposition to the Republican Party's effort to ensure 527 groups comply with the law. While some may look upon his views as principles, I can only conclude that they again illustrate the same unfitness to serve on the Federal Election Commission he has shown since he was appointed 5 years ago.

Despite claims that his contempt for the Federal elections laws was merely that of an academic commentator and that he would uphold the laws as passed by Congress if confirmed, Mr. Smith has made no secret since arriving at the FEC of his disdain for the Federal Election Campaign Act of 1974, as well as the Bipartisan Campaign Reform Act of 2002. He has done so once again in the pending rulemaking.

Even after the Supreme Court decision in McConnell v. FEC, Mr. Smith has gone out of his way to criticize the Court's decision and the law he is supposed to enforce. In one public speech he said:

> Now and then the Supreme Court issues a decision that cries out to the public, "We do not know what we are doing." McConnell is such a decision.

Further evidence of Mr. Smith's predilection can be found in an article in the May 3 edition of National Review in which he writes:

> Campaign reform passed Congress and was upheld by the Supreme Court because groups hostile to freedom spent hundreds of millions of dollars to create an intellectual climate in which free political participation was viewed as a threat to democracy.

This is perhaps the most inflammatory and inappropriate comment I have ever seen by an individual who is supposed to be enforcing existing law, affirmed in its constitutionality by the Supreme Court of the United States of America. To assert that proreform groups had somehow brainwashed Congress and the Supreme Court is simply pathetic and solidifies my belief that Mr. Smith cannot administer our campaign finance laws in good faith because he is incapable of putting his sworn duties above his personal opinion.

By the way, his treatment of Mr. Nobel, a witness before the FEC, was as bullying and as cowardly as I have ever seen anyone conduct themselves in our Nation's Capital and clearly was an abuse of his authority as Chairman of the Commission.

Mr. Smith's views on the constitutionality of the Nation's campaign finance laws have been repeatedly rejected by the Supreme Court. Mr. Smith was dead wrong in his views that the Federal Election Campaign Act and its restrictions on contributions were unconstitutional, and Mr. Smith was dead wrong in his views that BCRA was unconstitutional. Mr. Smith seems to be incapable of accepting the fact that the Supreme Court of the United States, not Mr. Smith, is the last word on the constitutionality of campaign laws and that it is his job as an FEC Commissioner to carry out, not thwart, the Supreme Court's mandate.

I do not deny that Mr. Smith is entitled to his personal views on the issue of regulating 527s. I am saying, however, that he is failing to fulfill his duties as the chairman of a Federal agency and one who is sworn to uphold and enforce the law. Just as we would not tolerate the appointment of a pacifist to be Chairman of the Joint Chiefs of Staff or the Director of the FBI who believes the whole Penal Code should be null and void, so we should not accept a Chairman of the FEC who opposes campaign laws upheld as constitutional by the U.S. Supreme Court.

Knowing of his opposition to the laws he was sworn to uphold, I cannot fathom why Mr. Smith would have even accepted his current position in the first place, certainly now that the Supreme Court has proven him wrong and upheld the constitutionality of a law that he stated was "clearly unconstitutional." It makes no sense. It makes no sense for him to be charged with enforcing a law he so publicly opposes on policy and legal grounds.

I know if I were in Mr. Smith's shoes, I would do the honorable thing and resign if I was so determined to carry on a crusade against Federal regulation of campaign finance. I would leave the FEC position to be filled by someone who believed in the job.

If any of my colleagues think I am exaggerating about these FEC hearings, by the way, they should get a tape from C–SPAN and look at it themselves. It was shocking.

One very troubling aspect of the hearings was the way in which some Commissioners and antireform witnesses joined in a chorus of complaint that "no one knew what Congress intended to do" when it passed FECA in 1974 and BCRA in 2002.

One witness testified that it took Congress 7 years to figure out what to do about soft money. I am somewhat amazed by such a statement because anyone who was in Washington during those 7 years knows that the main component of our bill—from the very beginning—was a ban on soft money. You can't get much more definitive than a ban. What did take 7 years was convincing our opponents to allow a vote on the measure, and when we finally got our vote, we had clear majorities in both Houses.

Some of the lawyers who testified that no one knows what Congress intended to do in these bills were the very same lawyers who spent years urging Members to vote against BCRA, and argued its unconstitutionality before the Supreme Court. Give me a break. As witnesses to Congressional intent, they have zero credibility. Let me be clear on this: Senator FEINGOLD and I repeatedly told the FEC exactly what we intended to accomplish with our legislation, and the legislative history of FECA from 1974 is equally as clear. The only confusion in this area has been with the FEC itself and those Commissioners who just simply didn't like the actions taken by Congress.

The Commission's hearings centered on the issue of regulation of so-called "527 groups" that are raising and spending millions of dollars in soft money in the current presidential election. These groups readily admit that their intended purpose is to influence the outcome of Federal elections. FECA has long required these groups to register as Federal political committees and comply with Federal campaign finance limits. Unfortunately, because the FEC has misinterpreted and undermined the law, we find ourselves in this unenforced regulatory limbo today. The 1974 law requires that any group with a "major purpose" of influencing a Federal election, and which spends more than $1,000 doing so, must use the same limited hard money contributions as the political parties and the candidates themselves. In recent years though, the FEC slouched into the feckless and unjustified position of not enforcing the law in the case of groups which avoided the "magic words" of "express advocacy" but were set up and operated to influence Federal elections. Then, in McConnell, the Supreme Court itself made clear what many of us already knew—that the Constitution did not require an "express advocacy" standard, and that such a standard is "functionally meaningless." That's the words of The United States Supreme Court.

But here we are, with these groups openly flouting the law and openly spending soft money for the express purpose of influencing the presidential election while the FEC sits on its hands once again. Like the emperor with no clothes, those Commissioners just do not know what to do now that the Supreme Court has removed their "express advocacy is required by the Constitution" rationale for failing to regulate political activity by the 527 political organizations. As a result, these organizations remain busy soliciting and spending millions for the avowed purpose of influencing Federal elections.

That the FEC's lack of action undermines the law isn't just my opinion. The Supreme Court confirmed this in its recent decision upholding the soft money ban. In McConnell v. FEC, the Supreme Court stated, in no uncertain terms, how we ended up in the soft money crisis to begin with. The Justices placed the blame squarely at the doors of the FEC, concluding that the agency had eroded the prohibitions on union and corporate spending, and the limits on individual contributions through years of bad rulings and rulemakings, including its formulas for allocation of party expenses between Federal and non-Federal accounts. Regarding the allocation regulations for parties, the Supreme Court stated in McConnell that the FEC had "subverted" the law, issued regulations that "permitted more than Congress . . . had ever intended", and "invited widespread circumvention of FECA's limits on contributions." That is a damning indictment of the behavior and performance of the Federal Elections Commission.

Based on the recent hearings, it seems entirely possible that the FEC will once again abdicate its statutory responsibilities and refuse to end this new soft money scheme—or at least put off any action until the Presidential election is over. In fact, FFC Vice-chair Ellen Weintraub recently opposed a rulemaking on 527 activity saying that:

> At this stage in the election cycle, it is unprecedented for the FEC to contemplate

> changes to the very definitions of terms as fundamental as "expenditure" and "political committee" . . . sowing uncertainty during an election year.

Ms. Weintraub further stated:

> I will not be rushed to make hasty decisions, with far-reaching implications, at the behest of those who see in our hurried action their short-term political gain.

Ms. Weintraub has no business looking at the election calendar. That is none of her business. What is her business is to enforce existing law according to the law in the U.S. Supreme Court upholding its constitutionality. It should not matter to Ms. Weintraub whether we are in an even numbered year, an odd numbered year, fall, spring, winter, or summer. This is an incredible statement as to how politics affects a Federal commission that is supposed to rule on laws, not on political campaigns.

Of course, it is not that complicated. All the FEC needs to do now is simply enforce existing Federal law as written by Congress in 1974 and interpreted by the Supreme Court in a number of cases, including the McConnell case. It defies the whole purpose of the FEC, to say it should not properly enforce the law in the middle of an election year because such enforcement might affect that election. We want the law enforced. I have never heard of a regulatory agency that has any reference whatsoever to political campaigns.

The fact the FEC has neglected to properly enforce the law correctly in the past is not a reason or justification for the Commission to continue failing to properly enforce the law, now that the Supreme Court has made clear the FEC was wrong. If the FEC fails to act now, the FEC will simply be treading the same destructive path it has followed for a generation.

We know systemic campaign finance abuses have usually begun when one political party decides to push the envelope and the FEC declines to act, leading the other party to adopt the same illegal tactics. In 1988, one party invented the use of soft money to promote their Presidential campaign, evading campaign finance rules. The Commission let them get away with this. This is well documented. The other party followed.

In 1996, the soft money scheme was raised to an art form and the Commission did nothing. You have to ask whether the Commission has learned anything about the consequences of its failure to properly enforce the law. History proves it is imperative that the Commission act now. If it does not, we can rest assured both parties will soon be trying to out-raise each other in this venue, and a whole new soft money scheme will have blossomed.

By the way, the reality is if these soft money 527s are allowed to stand—they are now, we know, largely funded by Democrats. Who in the world doesn't understand if you allow this to stand, then the Republicans will do the same thing, and understandably so? Just as in 1988 one party was allowed to do it, so the other party was able to as well.

Much of the controversy at the Commission has been ginned up by an artfully crafted misinformation campaign designed to persuade the nonprofit community—the 501(c)s—that any FEC action to rein in 527s would have the unintended consequence of limiting their own advocacy efforts. It is true certain campaign finance rules for spending by nonprofits are different than they are for political groups like 527s. There is no immediate campaign finance regulatory problem with the 501(c) groups. I repeat, there is no immediate campaign finance regulatory problem with the 501(c) groups as there is with the 527 groups, and no need—no need to address 501(c) groups in this rulemaking.

Some have suggested the agency do what Congress did when it passed BCRA: Issue a ruling but make the change effective after the election.

What these critics fail to recognize, however, is that Congress was creating an entirely new set of election rules in BCRA. All that is required here is for the FEC to properly enforce law that has been on the books for 30 years, and to abandon its wrong interpretations of the law as made clear in the McConnell decision. To issue new regulations now and make them effective after the 2004 election would be for the FEC to say that "we know the law has been wrongly interpreted for years but we are going to allow that to continue for the rest of this year, and then next year, we will start interpreting that law correctly." This is simply not rational and it is an abdication of their responsibilities.

Finally, it is essential that the FEC act quickly to fix its absurd allocation rules, which govern the mix of soft and hard money a political committee can spend when it is supporting both State and Federal candidates. It is clear that a number of the current crop of 527s exist only to defeat President Bush. But through the absurd FEC allocation formulas, if these same entities also claim to be working in state elections, they could use soft money for 98 percent of their expenditures—a complete end-run around the soft money ban in Federal races.

Despite all the evidence, I am still hopeful the Commissioners will summon the political will to do the right thing now. There are some commissioners who want to do the right thing. I want them to step forward and do it. But even if they do, the agency's structural problems will be the same as they ever were. By unfortunate custom, three Republicans and three Democrats are chosen by their party leadership, usually with the express purpose of protecting their party's interests, rather than enforcing the law. It takes four votes for the Commission to take action—a requirement that has been a recipe for deadlock and bipartisan collusion and gave birth to the soft money problem we're trying to put behind us.

Last month I testified before the Senate Rules Committee on the issue of 527s. During my testimony I stated that one of the problems the FEC faces today is that some Commissioners, and in particular Chairman Smith, refuse to accept the Supreme Court's conclusions in the area of campaign financing. A decision by the FEC to abdicate its responsibility at this politically inconvenient moment will only provide further evidence that it is time to start over. If the Commission has become too hopelessly politicized to do its job, then we must replace it with an agency that will.

The FEC's current difficulty in dealing with an issue as straightforward as these 527 organizations spending soft money to influence the 2004 Federal elections, and the 3-3 ties at the Commission when it recently considered an advisory opinion on this issue, are only the most recent examples of the need for fundamental FEC reform. With my fellow BCRA sponsors, I have introduced legislation that would scrap the FEC and start over, using a new organizational structure and administrative law judges to avoid deadlocks and take some of the politics out of the process. Whether we adopt this or some other basic reform, it is time for a watchdog with some bite.

I thank the President for his patience as I ran over the previously agreed-to time.

This is a very serious issue. We are not going to give up on it. We didn't work for 7 years to get campaign finance reform done and upheld by the U.S. Supreme Court to have a group of six people down there who are so politicized that they refuse to enforce a law which was passed by this Congress in overwhelming numbers, finally, and upheld by the U.S. Supreme Court.

I want to tell them and all of those other people I watched on C-SPAN who are trying to undermine this law that we will not let you get away with it. American politics and the political process is too sacred for me to allow these stooges of special interests around this town to prevail and prevent us from restoring faith and confidence in the American people and their electoral system.

Again, I appreciate the patience of the Presiding Officer.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. The Senate will resume consideration of S. 150.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER WEEK, ANOTHER CLOTURE VOTE

Mr. BYRD. Mr. President, our country is facing record budget and trade deficits. We are in a war of our President's choosing that is not, to put it mildly, going as well as had been expected. Millions of Americans are without health care and millions more worry about the security of their jobs.

These are troubled times and many issues clamor for the attention of the Senate. Yet what is the response of the Senate, the world's greatest deliberative body? Are we debating strategies to quell the violence in Iraq and bring our soldiers home? No. Are we considering plans to shore up Social Security and Medicare? No. Is the Senate deliberating on how to make America's workforce more competitive? No. Is the Senate grappling with reauthorizing welfare reform or the highway bill? No.

This great deliberative body which was forged by the Founding Fathers in the Great Compromise of July 16, 1787, has become a factory that manufactures sound-bite votes that make great fodder for 30-second political ads but which do very little to address the many challenges facing this country. If this continues, I fear that the Senate will be little more than an insignificant arm of the political parties, and we may as well lower the flag that flies over this Capitol and wave the white flag of surrender in its place.

Have we lost the will to legislate? Is the current leadership afraid to allow the Senate to work its will? The Republican leadership seems to feel that their slim majority gives them a blank check to impose their exclusive agenda. Let me be clear. It does not. The Senate, by its very existence, embodies a core tenet in American democracy; namely, the principle that the minority—the minority, the Democrats as of now, the minority—has rights. The Republican leadership is fast making the committee process a thing of the past. Furthermore, the leadership has done everything in its power to prevent Democratic Senators from getting votes on their amendments.

The United States is faced with a trade deficit that has mushroomed to an all-time high for the third year in a row. Adding to that unfortunate situation, in August 2002, the World Trade Organization authorized the European Union to impose up to $4 billion in trade sanctions against the United States if provisions of the Tax Code were not repealed. How about that?

The distinguish Republican leader brought up the Foreign Sales Corporation legislation to address this situation only after the sanctions were in place. After votes on only two amendments, the majority wanted to shut down the amendment process—shut it down. Many reasons were given, but the truth is that they did not want to vote on an amendment dealing with overtime rules for American workers. Yes, the American workers. While American companies are losing their competitive edge, the "my way or the highway" approach of the leadership has delayed a final resolution on this bill.

In the past, cloture was a rarely used procedural tool. When I came to this Senate, it was rarely used—only once in a while. Not so today. Cloture is routinely filed in an attempt to limit nongermane amendments. Instead of the phrase, "another day, another dollar," the Senate operates in an atmosphere of "another week, another cloture vote."

Last November, we had three cloture votes in one day. What great hopes the leadership must have had for the first two votes to schedule three in a row. How can such a move be seen as anything more than political scorekeeping?

This Senate has spent an extraordinary amount of time and energy and effort on President Bush's judicial nominees. In fact, last November the Senate set aside the VA-HUD appropriations bill to hold an overnight marathon stunt—something to watch indeed, something to watch. What a sham. The majority actually set aside substantive legislation to conduct a circus—a circus—on the floor of the Senate.

The VA-HUD appropriations bill was never completed. Instead, it was rolled into the Omnibus appropriations bill, as has become the unfortunate custom in recent years. We have had 17 cloture votes on 6 controversial and problematic nominees. The response of the Republican leadership and the administration has not been to address the fundamental underlying concerns raised by various Senators. Oh, no, no negotiation. Instead, they choose the course of holding cloture vote after cloture vote and then bash Democratic Senators as obstructionist. And just for good measure, the President, who has had 96 percent of his judges confirmed, moved two of these divisive nominees on to the bench in recess appointments.

Now, I do not pretend that the conflict over judicial nominees began in this Senate or with the President, but I will state that this Senate leadership and this President have worked in concert to further politicize the process by which we select members of the judiciary.

And it is not just with judicial nominees that the Republican leadership is doing the White House's bidding. The Republican leadership is controlled by this White House—controlled by this White House. Rather than have a legislative branch which crafts a bill and then sends it to the President to sign or veto, this Republican leadership in the Senate and in the House has allowed this President to control both ends of Pennsylvania Avenue.

During the conference on the Omnibus appropriations bill, the Republican majority allowed this White House to assert itself and put in provisions that had been rejected by one or both Houses. Specifically, the provision to allow increased concentration of media ownership had been rejected by both the House and the Senate. However, it was included in the bill at the behest of the White House. Shameful. Yes, shameful.

The House and the Senate were both on record as opposing overtime regulations proposed by the Bush administration. Nevertheless, at the urging of the Bush White House, language to block implementation of these regulations was dropped from the conference report—dropped from the conference report.

Another example of allowing the Bush White House to dictate the legislation produced by the Congress is the highway bill. Here is a bill that is important to every State and every person in the Union. Every Senator's State will benefit from this bill. The transportation bills passed the House and the Senate by wide bipartisan majorities, majorities that could easily override a veto. Yet we are stalled because the Bush White House is demanding that the cost of the highway bill be significantly lower than what was passed by both Houses of Congress.

This White House, under the Bush administration, has threatened a veto if the cost of the bill is over its chosen number. What is meant by "its"? Under the White House's chosen number. Big daddy down at the White House, big daddy.

And what is the reaction of the Senate leadership to such an outrageous, outrageous, outrageous demand? Did the Senate stand its ground? No. The White House offers a disapproving nod and the Senate leaders scurry like mice, taking the offensive proposal off the table.

It was not always like this. There was a time when the Senate was an independent body, not the errand boy of the White House. It was not always like that. It was not always that the executive branch effectively dictated what provisions the Congress included in conference reports. No, this is not how the Senate is supposed to work.

The Senate is like a broken bone today. Left untreated, we risk that this body will be permanently weakened, never again able to do the work and bear the load for which it was designed.

I say that we must set the Senate back on course and allow it to knit back together. The current path is reckless, unsustainable, and unwise.

The record of this Senate is abysmal. Time after time, on issues such as medical malpractice, asbestos reform, and many others, the Republican leadership has abandoned the committee process of the Senate to bring partisan, divisive bills to the floor to make a political statement and to score political points with supporters.

One might dismiss the polarization of this body as a product of the Senate being so closely divided. But this leadership has allowed external forces—most notably pressure from the White House—to seep into the dealings of the Senate.

Is the leadership unaware that the Constitution has separate articles for the legislative and the executive branches? This is the Constitution. I hold it in my hand. It has separate titles for the executive and the legislative branches, does it not, Mr. McCAIN, my friend from Arizona? Separate titles. What branch does it mention first? Not the executive branch. No, not the executive branch. No, it mentions first the people's branch and then the executive branch and then the judicial branch.

What has become of civility in this branch? That is a great question. One could spend a day talking about that. What has become of civility, old-fashioned civility? What has become of comity? What has become of comity in this branch? It used to be unheard of for Senate leaders to seek an active role against each other in campaigns. That time has apparently gone. Has honor gone, too? Who cares about honor when a Senate seat might be gained? When did party labels become more important than honor and the power of ideas?

Gone are the days in which there was genuine debate. Gone are the days when Senators listened to the give and take of the discussion to learn about an issue. And sadly, many of the votes that we take have a predetermined outcome. Yet they are brought to the floor—and this goes for both sides of the aisle—to try to get Senators on record as voting for and against such-and-such.

Bills are brought to the floor. Amendments are offered to create a public record that can be touted or attacked come campaign season. In all this sound bite and fury, the losers are the people, the people out there who are watching through those electronic lenses. They are the losers. The losers are the people whom we represent, the people who send us to this body to act in their best interests, not to squabble and point fingers like petulant children.

That is where all of these shenanigans play out, in front of the American people—people who need affordable health care or help putting their children through college, people who are afraid that their jobs will be sent overseas or that they will lose the pay and the benefits they have worked hard to secure, people on Medicare, people on Social Security, people who worry about whether Medicare and Social Security will be there when it is time for them to retire, people who have sent their sons and daughters to fight in the hot sands of the Middle East halfway around the world and who are afraid that their sons and daughters may not come home.

I have served in this Chamber for more than four decades. Times have changed. The world has changed. But our responsibilities and our duties, may I say to the distinguished Senator from Oregon, Mr. SMITH—who always is so nice to his colleagues, always has a smile. I like him. He is always a gentleman. What better can be said about one? Our responsibilities and our duties as Senators have not changed, may I say to my friend, Mr. SMITH.

Long after the campaign of this November or the campaigns of many Novembers to come, each Senator in this body will look back at the content of his or her career and judge whether they made our country a better place. The people send us here to do a job. They do not send us here to play with their lives or their children's lives or to score political points.

It is difficult in this world of instant gratification to think beyond the moment, to think beyond the immediate, but we should all pause for a moment and reflect on the Senate.

The Senate is an institution that relies on precedent. What kind of precedent is being set here?

In my many years in this body, I have spent approximately two-thirds of my time in the majority and one-third in the minority. The majority is better, by the way. I would say to the Republican leadership that it is unlikely that they will always be in the majority. There will come a time when they may appreciate once again the rights afforded to the minority. We all need to spend a little time thinking about how it may feel once again to be in the other guy's shoes, and about what our silly, silly, little selfish games are doing to the soul of this Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, I am going to yield to the Senator from Arkansas, and I hope to speak after him.

Briefly, I wonder if the Senator from West Virginia would permit me to thank him for his kind words. I have heard Senator BYRD many times speak about his mother. In hearing his speech today, from a statesman such as he, he is uniquely qualified to remind us Senators as to our institutional responsibility and the importance of remembering civility.

I remember when my mother used to say: "Gordy, the best way to ruin a good story is to hear the other side." I have remembered so much else that she taught me while she was alive about treating others as I would like to be treated. I appreciate Senator BYRD's civility on every occasion on which I have ever dealt with him. We don't vote much the same, but I will tell you, we both care about coal miners, we both care about timbermen, or lumbermen, we care about people who love the land. In all of my dealings with him, he has always been civil and set that example.

For that, I publicly express my appreciation and thank you, sir, for your kind words.

Mr. BYRD. Mr. President, the Senator from Oregon, as I have already indicated, is a gentleman. I think—in fact I know—that if all Senators accorded to their fellow Senators and fellow men and women the graciousness that he accords us, not only the Senate but the Nation would be a better place in which to live. I like him. I like him for what he is, for what he appears to be. As I said earlier, he is a gentleman.

There seems to be, as I have found, something bigger and better than a political party. His political party does not seem to be the end-all, not the beginning of everything. He seems to be something even bigger and better than his political party. I appreciate that, I commend him for that, and I wish in many ways that I could be the man that he is. I remember those lines, "You are a better man than I am, Gunga Din." The Senator from Oregon sets a fine example. I thank him for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I notice that today we have a number of schoolchildren watching the proceedings. It is always great to have people here watching in on us and watching what we do and hopefully keeping us accountable. I hope they realize and appreciate the greatness of the Senator from West Virginia and his wisdom and counsel. I hope they also will recall the teaching in the Bible about respecting your elders. I can say that there is no Senator in this body that we, the body, have more respect for than the Senator from West Virginia. So we thank him for those comments.

HONORING OUR ARMED FORCES

Mr. PRYOR. Mr. President, today I rise to talk about the ongoing war in Iraq, but more importantly to recognize a few of those soldiers who sometimes get lost in the mounting rolls of casualty listings and to speak to the reality of war as seen through the eyes of a State that has a long tradition of sending young men and women onto the battlefield.

I have been in every county in my State many times, and I cannot think of one county in Arkansas that does not have some sort of war memorial. In fact, most of those are at the county courthouse. In fact, War Memorial Stadium is in Little Rock; it is where the Razorbacks play their games. You can go all over the State and see memorials to men and women who have served and died in World War I, World War II, the Korean War, Vietnam, and now we are adding memorials for those who have died in Iraq. In fact, in some parts of Arkansas, you can visit the graves of Revolutionary War soldiers who actually—even though Arkansas wasn't even a State or a territory during that time, we have taken those graves, honored them, and we are proud that they migrated to the area known as Arkansas. We feel connected to the Revolutionary War through them.

Sometimes it is easy to feel disconnected from the war effort. Even though there is 24-hour news coverage dominated by visions of our men and women in uniform fighting for freedom in Iraq, the pictures, words, and stories can have a numbing effect. We start paying attention to other matters, and we try to live our daily lives and try to put the echoes of war in the background. But sometimes all it takes is one event to snap us back, to grab our attention and make us more attuned to the conflict we face.

The tragic events in Iraq in April have brought with it 115 American military fatalities; major combat in Fallujah; and a rush of kidnapping, bombings, and other insurgent attacks that have terrorized not just American soldiers but innocent Iraqis.

April has also brought our full attention as a Nation back to the war in Iraq. Almost a year later, we fully realize there is still work to be done militarily and diplomatically, and that our mission is not yet accomplished.

As for the citizens of Arkansas, we have in the past few weeks experienced both the joy and pain that is associated with being a standard bearer for freedom and democracy. We are a country that has and will continue to risk life and limb, not only to protect our freedom and liberty but to extend those same opportunities to all people in all places. It is something of which we can and should be proud. But as we know, it often comes with the most precious sacrifice.

On April 22, we were fortunate enough to welcome home 106 Army National Guard soldiers, members of the 1123rd Transportation Company based in Marked Tree, AR, and Blytheville, AR. Also, more than 60 Army Reserve soldiers from Company C of the 489th Engineer Battalion returned to their home bases in Arkansas last week after spending more than a year in Iraq. These units spent more than a year in Iraq helping rebuild Iraqi cities, providing protection and logistical support, and destroying enemy weapons.

I commend these men and women for their brave service. Some of them were away from their families for far longer than they expected, but they are now home, and I, along with all Arkansans and all Americans, welcome them back.

Mr. President, while Arkansans rejoiced in the news of having a collection of our men and women return safely, we at the same time faced the harsh reality that some of our men and women would pay the ultimate sacrifice for freedom.

On Saturday, April 24, four soldiers, all members of the Arkansas Army National Guard's 39th Infantry Brigade, were killed in Taji, Iraq, as a result of hostile fire when rockets hit their camp. An additional soldier was killed a day later when a roadside bomb detonated near Sadr City.

To let my colleagues know, there are approximately 4,200 troops in the 39th Infantry Brigade, including about 2,800 Arkansans from 47 hometown units. The balance of the troops are from 10 other States.

The 39th was officially called to active duty last September, and I watched their progress as they trained and prepared to fulfill their mission.

In January, I traveled to Fort Hood, TX, to visit troops from the 1st Cavalry Division and the 39th Infantry Brigade. During my trip, I witnessed demonstrations of topnotch training and cutting-edge equipment that will enable these soldiers to successfully carry out their mission in Iraq.

I again visited them at Fort Polk, LA, with other members of Arkansas's congressional delegation. I was truly proud of what I witnessed. I saw Arkansans who had undergone long days of training and preparation and were aware of the dangerous conditions and challenges that lay ahead for them in Iraq. However, they remained in high spirits and were determined to carry out their mission.

I am inspired by these men and women, patriots all, who have taken determination and commitment to a new level. I know the sacrifice and the dedication of the 39th will help bring stability and democracy to the streets of Iraq.

We wished these soldiers well, knowing it was a matter of days before they would be sent to Iraq. In March, they were sent over. Since their departure, we have all gone to bed with prayers in our minds and hope in our hearts that all the members of the 39th would return home safely. The events of the past few weeks have prevented this from happening, although we remain hopeful.

I stand here today to extend my deepest sympathies to their families and honor them for their commitment and sacrifice. The brave men and women who have surrendered their lives this weekend so others might enjoy freedom include:

U.S. Army CPT Arthur "Bo" Felder, 36, of Lewisville, AR. He had served in the National Guard since 1986, a year after he graduated from Lewisville High School. Felder served as a youth director at St. Luke Missionary Baptist Church in North Little Rock.

U.S. Army CWO 3 Patrick Kordsmeier, 49, of North Little Rock, AR, who died tending the soldiers injured in the first blast when he was killed by a second attack. He was up for retirement before the war in Iraq began, but he asked for an extension so he might serve. He was born in Little Rock. He reminds me of that phrase in the Bible where it talks about there is no greater love than one who lays down his life for a friend. That is exactly what he did;

U.S. Army SSG Stacey Brandon, 35, of Hazen. He was a prison guard for the Arkansas Department of Correction and later worked at the Federal prison in Forrest City;

U.S. Army SSG Billy Orton, 41, of Humnoke, AR. His wife and children reside in Carlisle, AR, and his mother in Hazen;

U.S. Army SP Kenneth Melton, 30, of Batesville, AR. Melton was traveling as part of a protection team with battalion leaders when a roadside bomb exploded, taking his life.

The events of this past weekend almost double the number of troops my State has previously lost during the war in Iraq. Arkansas has lost eight soldiers prior to this weekend.

To put this in perspective, no single day during Vietnam saw as many Arkansans killed by hostile fire as this past Saturday. In fact, Saturday's events are the bloodiest for Arkansas's soldiers since December 2, 1950, when five Arkansans were killed during combat in Korea.

I also honor the other eight soldiers who gave their lives during combat in Iraq. They include:

U.S. Army SFC William Labadie, 45, of Bauxite, AR, who died 2 weeks after being deployed. Labadie was also assigned to the 1st Cavalry, 39th Brigade, Troop E–151 Cavalry, Camp Taji in Kuwait;

U.S. Army SP Ahmed "Mel" Cason, 24, died on April 4 in Baghdad. He was assigned to the 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division in Fort Hood. Cason grew up in McGehee and many of his relatives now live in Maumelle, AR;

U.S. Army 1LT Adam Mooney, 28, of Cambridge, MD. His helicopter went down in the Tigris River in Mosul, Iraq, during a search for a missing soldier. His wife now lives in Conway, AR;

U.S. Army MSG Kevin Morehead, 33, a special forces soldier from Little Rock who had previously received a Bronze Star with valor in Afghanistan, died on September 12, 2003, from hostile fire in Ramadi, Iraq;

U.S. Army SP Dustin McGaugh, 20, of Derby, KS, died on September 30 in Balad, Iraq. His mother resides in Tulsa, OK, and his father in Springdale, AR. McGaugh grew up in Springdale and joined the Army ROTC after he graduated from high school in 2001;

U.S. Army PFC Jonathan M. Cheatham, 19, of Camden, AR, my father's hometown. He was assigned to the 489th Engineer Battalion, U.S. Army Reserve, North Little Rock, AR. He was killed while riding in a convoy that came under a rocket-propelled grenade attack on July 26 in Baghdad;

U.S. Marine Corps PFC Brandon Smith, 20, of Washington, AR, died March 18, 2004, in Qaim, Iraq, on the eve of the anniversary of the war. He was trying to help comrades under attack when he was killed by mortar fire;

U.S. Navy Hospital Corpsman Third Class Michael Vann Johnson, Jr., of Little Rock, AR. He was the first Arkansan to die during Operation Iraqi Freedom. In fact, one of my staff in Little Rock was visiting a doctor several days ago and it so happened he started talking to the woman who was assisting in the doctor's office, and it was Michael Vann Johnson's mother. It happened to be the 1-year anniversary of his death in Iraq.

We have not lost nearly as many as other States, but our loss is just as real. The grieving is just as sorrowful, and the fear that there may be more coming is just as frightening, but our resolve is just as strong.

This is a very real war for the people of my State. It impacts every community. It seems as if everybody in my State knows of someone who has served, is serving, or who will serve in Iraq.

We might not all agree on how we got where we are. We might not all agree with all the decisions that have been made by this administration. But we stand behind our troops and are truly inspired by their dedication. We are proud of our professional soldiers, Guard members and reservists who left behind their families and way of life to fight in a land that is not theirs for people they do not know.

The soldiers we have lost will never be forgotten. They, along with all our soldiers, will be remembered for their strength and dedication in bringing independence to the Iraqi nation, and they will be defined as heroes of the 21st century.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I rise today to honor Petty Officer Nathan B. Bruckenthal for his service to the United States Coast Guard and his commitment to his country. Petty Officer Bruckenthal was killed in action in Iraq on April 25, 2004, as he sought to intercept a marine vessel attempting to launch a terrorist attack.

Petty Officer Bruckenthal's death reminds us of the dangerous mission that the Coast Guard performs every day, at home and overseas, in support of the Nation's defense.

It is with a deep respect for the Coast Guard and the many valiant Americans who serve in the Coast Guard that I come to the floor today to pay tribute to the first Coast Guardsmen killed in Iraq. U.S. Coast Guard Damage Controlman Third Class Nathan B. Bruckenthal was killed along with two U.S. Navy sailors, Petty Officer First Class Michael J. Pernaselli and Petty Officer Second Class Christopher E. Watts, trying to protect oil terminals off the coast of Iraq. A coordinated suicide bombing attack struck members of the coalition Maritime Interception Operations team as they attempted to board a small boat that threatened the Khawr Al Amay Oil Terminal.

This tragic loss of the first Coast Guard member killed in battle since Vietnam highlights the critical and often overlooked role of Coast Guard operations in Operation Iraqi Freedom. At the height of combat operations, the Coast Guard had approximately 1,250 personnel deployed to Operation Iraqi Freedom for port and coastal security, maritime law enforcement, humanitarian aid, maintenance of navigational waterways, contingency preparedness for environmental terrorism, and training the newly established Iraqi coast guard. Coast Guard support to Operation Iraqi Freedom continues today with approximately 300 people supporting these vital operations.

Petty Officer Bruckenthal enlisted in the Coast Guard 6 years ago. I am proud to say his service included 2 years in western Washington at the Coast Guard Station Neah Bay. In addition to protecting the safety of lives at sea, he was a dedicated citizen of the Clallum County community. Petty Officer Bruckenthal made time to volunteer as a Neah Bay fire fighter, an emergency medical technician, a reserve police officer, and a coach for the Neah Bay High School. He was known for his terrific work with children and his passion for law enforcement.

As many brave members of our armed forces, Petty Officer Bruckenthal was serving on his second tour in Iraq. He served from February 2003 to May 2003 in Operation Iraqi Freedom where he received the Armed Forces Expeditionary Medal and the Combat Action Ribbon. He returned for a second tour in Iraq beginning February 2004. This was an extremely difficult and complex mission; particularly trying to distinguish between the enemy and the average citizens. Coast Guard is carrying a very heavy load in protecting the northern Arabian Gulf and the oil fueling stations which are essential to the recovery of the Iraqi economy.

I have long ties to the Coast Guard. In my leadership roles on the Transportation and Homeland Security Appropriations Subcommittees, I have often noted the tremendous task the Coast Guard faces in terms of securing our Nation's ports and cargo terminals. I have applauded their efforts in addressing the security issues facing our country's ports. The 13th Coast Guard District is known as guardians of the Pacific Northwest. They have a presence in 14 locations throughout my State and are responsible for monitoring 200 facilities in Washington, including 60 designated water front facilities that handle oil and hazardous materials.

We know that many fine young American soldiers, sailors and airmen have made the ultimate sacrifice in the fight against terrorism and terrorists and in Iraq and Afghanistan. I have personally written to 25 families of service men and women with ties to the State of Washington who have died while serving in Operation Iraqi Freedom and Operation Enduring Freedom. Now, sadly, a proud member of the Coast Guard has joined the list of Americans killed in action in defense of our country. We extend our deepest sympathies and respect to Petty Officer Bruckenthal's family and friends. We join the Coast Guard family in honoring Petty Officer Nathan Bruckenthal. We will remember his brave service to the Coast Guard, to our Nation's defense, and to us all.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business, and after my remarks that the Senator from New Mexico, Mr. BINGAMAN, be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENVIRONMENTAL POLICIES

Mr. SMITH. Mr. President, I am pleased to be addressing a Texan, the Presiding Officer, at this moment. I wish to speak about a Texan. I was serving in the Senate for 4 years when I got a call from the Governor of Texas, George W. Bush, to ask if I would give him some time and consider his candidacy for the Presidency of the United States.

I was privileged to travel to Austin, and an hour's meeting turned into a half a day's meeting, as I found in this good man a man of the West, a man who understood from whence he came in rural parts of Texas.

I represent the State of Oregon. I come from the dry side of Oregon, a side not unlike many parts of Texas. People do not think of Oregon in those terms, but many parts of Oregon are arid. My neighbors are people who farm the earth, fish the rivers, the ocean, and they harvest timber from our mountains.

I had served for 4 years as a Senator, working with President Clinton and his administration, trying to make sense of his Northwest Forest Plan, and other proposals of his administration that had an enormous effect upon the State of Oregon.

It was interesting to watch the election results 4 years ago and to see the diversity of voting between urban and rural places. Overwhelmingly, rural people voted for George W. Bush, as did I because I am from a rural place.

In my first meeting with George W. Bush, I began to discuss the issues of the people I serve and who elected me. I could tell in an instant that he got it, that he understood. He understood water. He understood ranching. He understood farmers.

Should he be elected, I asked him as he formulated his environmental policies to please not forget the people who I thought would vote overwhelmingly for him. I asked him to please try to better balance the environmental policies of the Federal Government so we did not forget our human stewardship as we try to implement our environmental stewardship.

We have just observed the 34th annual Earth Day. I know many in the environmental community are assembling an arsenal of millions of dollars to run against George W. Bush and suggest that the air has gotten dirtier, the water is fouler, and that the earth is more imbalanced because of his tenure.

He has not forgotten those who have elected him. He has not forgotten rural people. He has reconsidered and rebalanced some proposals, and the air is cleaner, the water is cleaner, and the land is doing fine. We have made enormous environmental progress in our country and sometimes we do not stop to celebrate all the progress we have made.

I remember as a boy growing up in Bethesda, MD, one could not safely go in the Potomac River because it was so polluted. We can do that today because of the EPA, an Agency established by Richard Nixon and the Congress. We can do that because of all of the efforts that have gone on before.

I used to be somewhat concerned and frustrated as President Clinton would go to Virginia and West Virginia and decry rural poverty, when I recognized that much of the poverty occurring in my State was as a direct result of Federal policies. It used to be that in the State of Oregon, for a long time, we harvested tremendous amounts of timber. We had a very vibrant timber industry in our country.

Indeed, from the Pacific Northwest region alone we would average about 4 billion board feet a year. I think President Clinton recognized that maybe that was more than was sustainable. He promised the timber industry and the people of the forest in Oregon that he would give them 25 percent of their average harvest—that is 1 billion board feet. We have probably harvested 10 percent of that since that promise was made, and I have witnessed tens of thousands of family wage jobs evaporate.

When that happens, it is not just jobs that go away. There are problems with alcoholism, spousal abuse, crime, hopelessness, suicide, and a loss of dignity. So when one wants to know where a lot of our jobs went, they went away because of conscious Federal policy.

Right now, as we barely utilize our resources in Oregon and in America, we are overcutting in Canada. The spotted owl does not know the difference. In fact, as we overcut in Canada, we watch our forests burn at record rates. George W. Bush, fortunately, true to his word, helped with this Senate and the House of Representatives to pass a forest health initiative. It is a modest step but it is designed to make communities safer, improve environmental health, and to harvest timber. All of those things will begin to be enjoyed by the people of Oregon again: a better environment and a better economy. Some of those jobs can come back.

I lamented when Michael Kelly, the late columnist, lost his life in Iraq. He put the natural resources conflict quite eloquently in a column he wrote in 2001. He said that the battle of values over land use and environmental policies, while often framed as between man and beast, is better understood as between increasingly poor and powerless rural voters and increasingly rich and powerful urban and suburban voters.

Kelly went on to note that the Endangered Species Act "has been exploited by environmental groups whose agenda is to force humans out of lands they wish to see returned to a prehuman state."

For my counterparts in the East, some of whom think all resource extraction on public lands should be off limits, I would like to give you a sense of how vast the Federal presence is in my State. This picture is of an area known as the Biscuit Fire. The Biscuit Fire consumed lands larger than the State of Rhode Island, or four times the size of the District of Columbia. It destroyed countless acres of roadless areas, wilderness, spotted owl habitat, and salmon spawning grounds. I ask how that moonscape leaves the environment better. I know it left the people worse.

The Federal Government owns over 50 percent of the State of Oregon, which amounts to almost 33 million acres; greater than the total acreage of 22 other individual States. So it is safe to say Federal land management policies have a significant impact on the people, the economy, the environment, and the environmental health of my State.

I am proud we have a President who understands the implications of Federal policies on rural America. This President understands that humans are part of the environmental equation, and he is working to maintain domestic resource industries and to return strength to rural economies.

So as he gets attacked in this campaign, I hope the people of Oregon will understand there is a human side to this equation, and they will remember the compassionate conservatism he campaigned on is being restored in rural places: a little compassion, a little balance.

In 2002, President Bush came to Oregon. He saw firsthand the destruction and dislocation caused by these catastrophic wildfires. On occasion, I was able to share with him the importance of rebalancing policies, even as it related to producing electricity. For a long time there were serious people in powerful places advocating the demolition of hydroelectric power on the Columbia and Snake Rivers. It is the product of our prosperity in this country that we have come to a place where too many think electricity comes from a light switch, gasoline comes from a service station, and timber comes from the local hardware store. But all of these things come from rural places, from industries that provide us the power and the means to enjoy the American way of life. President Bush has had the good sense to resist some of these proposals that went too far and, when appropriate, to rebalance them so people can have a place again in the environmental equation.

This President also is strongly committed to species conservation. Sometimes that is missed. In fact, it will never be included in the ads of environmental organizations, but this President's budget for fiscal year 2005 includes $100 million for the Pacific Coastal Salmon Recovery Fund, which is a $10 million increase from the year before. The combined Federal funding request for Pacific salmon mitigation and recovery is over $719 million, and this commitment is paying off. Ten years ago a little over 200,000 chinook and 160,000 steelhead returned to the Bonneville Dam. But in 2003, nearly a million chinook and 365,000 steelhead returned to that dam.

This President has also understood the need for a comprehensive national energy policy, and that energy security is vital to our national security, to say nothing of our economic security. He has championed the research and development of new fuel cell technology that would lessen our dependence on imported oil. He has supported energy conservation and tax credits for the production of electricity from renewable sources.

As energy prices remain high, and as our economy rebounds, the need for a national energy policy will only continue to become more and more urgent.

President Bush is not going to get credit for these things in the ads of certain advocacy groups, but I hope the American people will remember to credit him for his care for rural people and places, for his tangible efforts to restore lost family-wage jobs as it relates to fishing, farming, forestry, and energy production. I hope people will also remember our air is cleaner, our water is cleaner—we are making tremendous progress. While some will say this has been rolled back, or that has been changed, it is usually because something has gone too far and a little common sense, a little compassionate conservatism was needed to be restored to the equation.

On Earth Day I had wanted to come and say these things to defend the President, as he is being attacked so liberally, but time on the floor was not allowed that day. So I am here this day to put in this reminder and ask the American people to remember: President Bush is a good steward. More than that, he is a good man.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from New Mexico is recognized.

Mr. CORNYN. Will the Senator from New Mexico yield for a unanimous consent request?

Mr. BINGAMAN. I am glad to yield.

Mr. CORNYN. I ask unanimous consent that following the remarks of the Senator from New Mexico, I be recognized for such remarks that I may make.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

AMENDMENT NO. 3051

Mr. BINGAMAN. Madam President, I thank my colleague from Oregon for his courtesy in reserving my opportunity to speak.

The pending business before the Senate is the Domenici amendment which has been offered to the Internet tax bill. I thought it would be useful to try to talk about that legislation and the substance of that legislation, at least to some extent this afternoon, before we get to a cloture vote tomorrow. This amendment, of course, is the Energy bill. For those who have not focused on it, this is the amendment I hold in my hand. It is 913 pages. It is called the Energy Policy Act of 2003.

Unfortunately, not a lot has changed since the beginning of the floor debate that we had in the Congress last May, or when we debated the energy conference report last November. We have before us proposed legislation that I believe does not command the broad public support that we need in order to have a national energy policy.

I would cite three categories of problems with the bill. First, I will talk about some of the objectionable provisions in the bill and give examples of concerns in that area. Second, I will talk about some meritorious provisions which the Senate has previously passed as part of the Energy bill that we acted upon in this Congress and in the previous Congress but which have been deleted from this bill, which I think is a mistake. Finally, I will talk about the legislative thicket that we would be wading into if in fact we invoked cloture on this amendment.

First, let me talk about this category of objectionable provisions that are contained in the Domenici amendment. There are fairly good provisions in the bill as well. Let me say that at the outset. Many of those are ones we have included in legislation previously passed in the Senate. I do not mean to imply that there are not good provisions in the bill. But let me start the list of examples of objectionable provisions by talking a little about electricity and the efforts that we made in the Senate regarding the regulation of electricity markets.

The new amendment substantially fails to protect electricity consumers from market manipulation, including most of the schemes that were used in California by Enron and other companies that were acting in the same way that Enron was. It makes illegal only one specific practice that was used by Enron, that is round-trip trading. It potentially leaves an inference that Congress does not view the other schemes as equally problematic.

The Senate voted last year, 57 to 40, for a broad ban on market manipulation. I strongly believe that was the right way for us to vote on this issue. I do not understand the rationale for ignoring a past strong Senate vote on this subject in an effort to prohibit market manipulation.

The amendment also contains a proposal to shift the cost of constructing new transmission from one set of parties in the electric utility industry to another. Trying to legislate rate design is probably never a good idea. In the form of so-called participant funding that is contained in this amendment, it is particularly egregious. Its effect would be to create a huge disincentive for the construction of new transmission by corporations that are not already in a substantial monopoly position in a given region.

Why should we want to cut down on the number of companies interested in building generation and transmission? I fear that is what this amendment, as it currently stands, would do. The new amendment repeals the Public Utility Holding Company Act. It does so, however, without any other provisions being added to ensure that electric or gas mergers or acquisitions had to be in the public interest, without any real protection for the ability of State public utility commissions to protect consumers against cross-subsidization or other abuses.

If there were such protections, it would be my inclination to support the repeal of PUHCA, and I have supported the repeal of PUHCA in the past. But I think a world of untrammeled mergers of electric utility companies is going to turn out to be bad for electricity consumers.

The amendment also overreaches, in my view, in the response to the standard market design rulemaking. It basically throws into question the Federal Energy Regulatory Commission's authority to issue rules of general applicability that are other than the standard market design rule. If we have another price crisis in this country as we have in California, the Federal Energy Regulatory Commission will be unable to intervene as it ultimately did in California and in the West. Since standard market design is, for all practical purposes, a dead issue at this point, I do not see why we are still trying to address it in the clumsy way it is addressed in the amendment.

Let me move on from electricity and the whole issue of oil and gas.

With respect to the dependence on foreign oil, the bill has some problematic provisions, both on the efficiency side and on the supply side. One provision in the amendment would increase U.S. gasoline demand over the current law by 11 billion gallons by 2020. Given today's prices at the pump, that would seem to me to be a step in the wrong direction.

With respect to oil and gas production, the bill mixes up the worthy goal of getting more energy development on Indian lands with provisions that weaken the National Environmental Policy Act process—the NEPA process—with the change in the trust relationship between Indian tribes and the Department of the Interior. The trust relationship has nothing to do with energy, and the change contemplated by this bill is vigorously opposed by several Indian tribes. I do not know why it needs to be included in this amendment either.

The new amendment adds some other new provisions related to the oil and gas industry that, in my view, are likely to backfire when they actually get implemented. The first of these provides the cost of NEPA analyses can be pushed off on oil and gas producers to be recovered by them at some future date from their royalty stream to the government, if one ever develops from the lease for which the NEPA work was done. This is essentially a mandate that producers give the Federal Government the equivalent of an interest-free loan with the producers paying for something they thought they had already paid for through their taxes.

If this amendment were to become law, there would be much greater pressure to let producers bear the entire cost of preparing the Government's NEPA documents with a theoretical cost recovery by them at some point in the future. I do not think this is good public policy.

A second provision that could backfire is the very detailed micromanagement of the permit approval process in the Government with extremely tight deadlines like a 10-day deadline for agency action. This is likely to result in a great deal of paperwork to explain why the 10-day limit was exceeded for such permits, and the effort spent on generating all of the defensive paperwork will probably come at the expense of actually getting permits done.

What we need and what I have strongly supported is getting more resources into the field offices of the Department of the Interior to eliminate the backlogs that are there at the present time. That is what we should be focused on—not on micromanaging the bureaucratic process.

With respect to coal, the new amendment waters down the Clean Coal Technology Program in some very important ways. It lowers the fraction of funds in the program that needs to be spent on the cleanest technologies from what we have previously agreed to here in the Senate. It also sets up a brand new competing program to the Clean Coal Technology Program. Under that program, the Federal Government will contribute up to $1.8 billion to the utility industry to help foot the bill for off-the-shelf coal and pollution control technology for existing coal plants. I don't see how this subsidy makes sense from the point of view of energy, or the environment, or our budget situation.

With respect to renewables, the new amendment authorizes grants to burn biomass for energy, but then it fails to protect old-growth forests. Under the amendment, old-growth forests could be cut down with Federal grants for use as an energy source. I think that is objectionable. An imperative for Federal energy policy legislation has to be to recognize the ways in which energy use and energy policy is intertwined with the environment.

In this area, the amendment we have before us has some major failures. If enacted, it would be the first statute in years to substantially roll back environmental protections for our citizens and those rollbacks have nothing to do with improving our energy security.

For example, the amendment loosens ozone attainment standards nationwide. To its credit, EPA in the last few weeks has taken definitive steps in the opposite direction; that is, for tough standards for ozone control. I don't know why we should vote in the Senate to undercut the progress the EPA is making. Further changing ozone standards is a topic that has never received Senate consideration in the past on any energy bill.

The particular provision I am describing here materialized for the first time in one of last year's closed-door conference discussions.

The conference report also exempts oil and gas construction sites from the Clean Water Act, even large sites that have been under regulation for years. It contains numerous provisions that are inconsistent with a thoughtful environmental review process under NEPA.

I could go on at some length here pointing out problems in the bill.

I have a letter I received today from Trout Unlimited and various Indian tribes in the Northwest and other outdoor sportsmen's groups—41 groups in total—that talks about problems they see with the hydroelectric provisions in this amendment. It is a letter sent to all Senators and I am sure all Senators have received it.

They say:

> We urge you to oppose cloture on the amendment and support amendments to fix or eliminate the hydro provisions from the energy bill.

They also go on to say:

> At this point, the adoption of the hydropower title would significantly complicate the implementation of these new rules and would lengthen the licensing process.

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Madam President, these are some of the many problems contained in the pending amendment. I am sure colleagues will come to the floor and mention others they particularly are focused on.

Let me talk about the second class of problems which consists of the good and needed energy policy provisions the amendment leaves out, even though those in most cases I am going to discuss are ones we in the Senate have passed as part of the Energy bill we sent to conference.

First of all, the amendment steps backward from the old conference report that was brought to the Senate last fall in one important area; that is, in renewing the Federal Government's ability to enter into emergency savings performance contracts. This is one of the Federal Government's primary tools for improving energy efficiency in Federal facilities. I don't know why we would not want to include that in any energy bill we passed here in the Senate. We have included it in the bills we have passed previously.

Second, the new amendment lacks something that enjoys majority support in the Senate; that is, a renewable portfolio standard for electricity.

Along with the tax incentives in the FSC/ETI bill, this measure is essential, in my view, in order to give new certainty to the fledgling market to allow economies of scale to drive down costs and improve manufacturing capacity for renewable energy equipment in the United States.

The Energy Information Agency agrees with this analysis. They have come up with their own analysis that shows this renewable portfolio standard is effective in getting more renewables into the market beyond what tax incentives would do. That would relieve some of the pressure on national gas prices over the long term.

Another problem that is unaddressed in the bill deals with distributed generation such as combined heat and power at industrial facilities. The amendment does not address the barriers that have been erected to uniform interconnection of distributed generation to the grid. It is not enough to have the technology; we need to rid ourselves of the redtape that is keeping the technology from being used. The amendment, unfortunately, does not do that.

With respect to reducing our dependence on foreign oil, the new amendment leaves out another important proposal that has overwhelming support in the Senate. That would be the innovative amendment offered last year by Senator LANDRIEU to promote oil savings economy-wide. That amendment passed this body 99–1 as part of our debate of an energy bill. Again, I see no reason why that should not be included if we are going to, in fact, pass an energy bill.

The new amendment also entirely ducks the important issue of climate change. Climate change is closely related to energy policy because the two most prominent greenhouse gases—that is, carbon dioxide and methane—are largely released due to energy production in use. Every study of how to mitigate the possibility of global climate change comes up with a list of policy measures which relies heavily on increased energy efficiency and new energy production technologies with lower greenhouse gas emissions. Because of this connection, much of the energy policy and much of the climate change policy has to be discussed together. To do one is, by implication, to do the other; to ignore one while doing the other is to risk unfortunate and unintended consequences.

The Senate has previously passed energy bills with numerous provisions to ensure that we integrate climate change strategy with energy policy, develop better climate change science, and that we focus on breakthrough technologies with better environmental performance, and the United States takes the lead in exporting the clean energy technologies we develop. These provisions do not receive even the slightest consideration or mention in the amendment that has been put forward. Leaving climate change out of the energy legislation is a very shortsighted approach, both in terms of energy policy and in terms of our overall relations with the rest of the world.

Finally, let me talk about this third major problem, and that is the way we are being asked to go about legislating on energy with this cloture vote on this amendment added to the Internet tax bill. This has to do with the fact that all of the above problems are encompassed in the 913-page amendment. Because it is a second-degree amendment, all 913 pages are, at the moment, unamendable. It is a take-it-or-leave-it proposition for the Senate at this point.

Let us suppose a cloture is invoked on this second-degree amendment and it was then adopted to the first-degree Daschle amendment. At that point, Senators who wish to change language currently contained within the Domenici amendment could only do so by offering a complete substitute amendment for the whole 913-page amendment. Senators who wish to add new subject matter, not seeking to change what is currently in the Domenici amendment, would do so by offering amendments that would be added onto the end of the amendment. But whenever the first substitute amendment fixing a problem within the Domenici amendment was adopted, no further amendments to the amended Daschle amendment would be in order.

To have further amendment opportunities, Senators would then have to agree to adopt the Daschle amendment to the underlying text of S. 150. At that point, Senators with new ideas could still add new amendments addressing those new ideas but—and this is significant—Senators who still want to address problems remaining in the text would have to write so-called "bigger bite" amendments.

As an example of what I am talking about, a Senator wishing to change something on page 600 of this 913-page amendment would have to write an amendment containing part of S. 150 and the first 599 pages of the Domenici amendment, and then the Senator would have to make sure the amendment made substantive changes both to the text of S. 150 and to the Domenici amendment. Successful amendments of this sort could take bigger bites that would unwittingly screen out other such amendments other Senators might want to offer.

If this sounds convoluted as a way to do business in the Senate, that is because it is. If anyone wants to stand up and say this amendment would be fully amendable even if we invoke cloture tomorrow, I guess there is some technical argument to the effect that is true, but the reality is, all Senators with interests in changing specific problems in this 913 pages would find themselves at a considerable and perhaps overwhelming disadvantage compared to the normal way we go about amending bills in the Senate.

So for both substantive and procedural reasons, I think proceeding to invoke cloture on the Domenici amendment is not the best course of action for the Senate. I believe we have better options for enacting energy issues in this Congress than this convoluted amendment situation. Those options would be to take the most pressing energy needs and promising energy opportunities and act directly on those without getting mired in the many controversies that are contained in this amendment.

The Senate has already made a start in that direction. Over the past few months, the Senate has incorporated both large chunks and smaller pieces of the energy conference report into other legislation it has either passed or hopefully is going to pass. The prime example, of course, is the unanimous agreement to incorporate the Senate's bipartisan energy tax package into the FSC/ETI bill. We have also acted separately on LIHEAP reauthorization, the Low-Income Home Energy Assistance Program reauthorization, putting that in a separate bill, S. 1786, which passed the Senate on February 12. Other sections of the Energy bill were put into the highway bill, which has also passed the Senate.

I have pointed out for some time now that there are a number of additional provisions from the conference report that have broad bipartisan support that we could act on. Instead of mixing them with the Internet tax bill, we ought to separate them and pass them individually.

One such provision, of course, is the legislation related to electricity reliability. Congress has been working on this over three Congresses now. Senator CANTWELL has proposed freestanding legislation and has come to the Senate floor twice now and asked unanimous consent to pass this bill. Her requests have been denied. I urge my colleagues to let this bipartisan bill pass. There is no reason why this much needed provision should be held hostage to more controversial energy provisions.

Another noncontroversial energy provision is related to the Alaska gas pipeline. The needed fiscal incentives to build the pipeline are now in the FSC/ETI bill. That is a great development. Why can't we go ahead and pass the provisions to streamline the regulatory approvals for the pipeline by unanimous consent? I am not aware of anyone in the Senate who objects to doing that.

A third example where the Senate could act very easily, in my view, would be to renew the authority for energy savings performance contracts. This is an important energy matter that has broad bipartisan support. I pointed that out. As I have also pointed out, it has been totally deleted from this amendment.

I could go on and point to other provisions related to the oil and gas industry, to energy efficiency, to research and development, and to other topics that are probably also easy enough to pass on a bipartisan basis. It does not make sense to take the position that we cannot do any single thing related to energy unless we tie it to the resolution of every other controversial issue in energy policy. In my view, that is counterproductive.

I hope my colleagues will agree with me that the current amendment before the Senate is not the path we should take to move forward.

I think there has been too much partisanship on energy in this Congress. In my view, that is unfortunate. Taking an especially partisan approach to formulating the policy has not been a recipe for success. I hope the Senate will not proceed forward with this amendment and will proceed forward with the underlying Internet tax bill. I do not believe this amendment provides the right balance between energy supply, energy efficiency, and the protection of the environment. We can do better for this Nation by passing the sensible energy provisions that are broadly supported in this body, and passing them soon.

Madam President, I yield the floor.

EXHIBIT 1

TRIBAL NATIONS AND RIVER CONSERVATIONISTS CALL ON THE SENATE TO OPPOSE CLOTURE ON SENATOR DOMENICI'S SECOND DEGREE AMENDMENT TO ADD THE ENERGY BILL (S. 2095) TO THE INTERNET TAX BILL—PROVISIONS HARMFUL TO RIVERS AND FISH MUST BE FIXED OR ELIMINATED IN THE ENERGY BILL

APRIL 28, 2004.

DEAR SENATOR: Last year, the conference committee agreed to profound changes to the Federal Power Act contained in the proposed hydropower title of the Energy Bill. These changes turn 80 years of law on its head by significantly changing Sections 33(b), 4(e), and 18 of the Federal Power Act. Under the new statute, States, Tribes and interested citizens would, for the first time, be afforded inferior status in the process for establishing fish passage and other public land protections on hydropower licenses. Today, Senator Domenici is trying to add the Energy bill, S. 2095, containing these provisions to the Internet Tax Bill. We urge you to oppose cloture on his amendment, and support amendments to fix or eliminate the hydro provisions from the Energy bill.

Under these provisions, a given license applicant would offer alternative conditions contrary to what the Secretaries of the Interior, Commerce, or Agriculture may have recommended, and provide them with an unfair and exclusive opportunity to specify the level of protection for public lands (including Indian lands) or implementation of fish passage. Perhaps the most disturbing aspect of this language is the establishment of a new administrative appeals process in the form of a "trial-type" hearing. Both this new "hearing" and the right to require the agencies to accept alternative conditions are available

> only to dam owners. Other interests already full parties to FERC proceedings, including states, tribes, irrigators, landholders, and environmental are prohibited from gaining party status in this process. To suggest that State and Tribal governments or local citizens should not be able to exercise their role as full parties to hydro licensing when hydropower dam operators proposed alternatives that could damage fisheries and public lands is nothing less than an attack on basic democratic principles.
>
> Today, there is even less reason to adopt the language from last year's conference. On July 23, 2003, FERC finalized new rules that establish a new licensing process—Integrated Licensing—designed collaboratively by industry, FERC, State and Tribal governments and the public interest community. See "Hydroelectric Licensing Under the Federal Power Act; Final Rule," 68 Fed. Reg. 51069–51143 (August 25, 2003). This new process specifically addresses the longstanding concerns that inadequate interagency coordination has resulted in delays and unnecessary costs in licensing decisions. Under this process, licensees along with the other parties are provided with opportunities to work collaboratively with the conditioning agencies on the development of public land protections and fishways in FERC licensing. The process will run on a strict clock to assure a relicensing decision before expiration of an original license, as the hydropower industry requested. The rules also require FERC to conduct consultation with tribes affected by the licensing. At this point, the adoption of hydropower title would significantly complicate the implementation of these new rules (for example, by requiring Commerce, Agriculture and Interior to undertake their own further rulemakings), and would lengthen the licensing process. Without question, they will add a new layer of red tape to a process that has not even been given a chance to work.
>
> Yesterday, amendment was offered to the Internet tax legislation on the Senate floor that includes the Hydropower Title. We ask you to vote "no" on cloture for Senator Domenici's amendment. We also ask you to oppose any efforts to attach or otherwise pass the hydropower title and its provisions that are so contrary to the interests of State and Tribal governments and local citizens. Let's give these new FERC regulations an opportunity to work.
>
> We thank you for your continued leadership on this issue to ensure that our nation's rivers remain a public resource for all to use and enjoy.

The PRESIDING OFFICER. The Senator from Texas is recognized under the previous order.

Mr. CORNYN. Thank you, Madam President.

THE 9/11 COMMISSION

Madam President, earlier, I spoke on the importance of the 9/11 Commission maintaining its credibility given the important mission that organization has undertaken to determine, first, a factual record of the events leading up to 9/11, and then to make recommendations to Congress and various Government agencies on how we can continue to protect our homeland against any further terrorist attacks on our own soil.

I spoke about the need of one of the Commissioners, Commissioner Jamie Gorelick, to provide information about her knowledge of relevant facts. She, of course, was Deputy Attorney General during the Clinton administration under Attorney General Janet Reno.

I also made one other point that I think bears repeating here now; that is, this is not about blame. The only person and the only entity to blame for the events of 9/11 are al-Qaida and Osama bin Laden. This is not about blaming the Clinton administration or the Bush administration. This is about getting to the facts. This is about getting good recommendations based on all the information and then making the American people safer as a result.

On Monday, Senator LINDSEY GRAHAM and I asked the Justice Department to produce any documents they may have in their possession relating to Jamie Gorelick's involvement in establishing policies preventing the sharing of critical terrorism-related information between intelligence and law enforcement officials. It is the fact that those have now been made public and, indeed, posted on the Department of Justice's Web site at www.usdot.gov which brings me back to the Senate floor to briefly mention why I think Ms. Gorelick's testimony is even more important to explaining what she did as a member of the Justice Department under Janet Reno to erect and buttress this wall that has been the subject of so much conversation and why it is so much more important that she do so because the 9/11 Commission's credibility is at stake.

Documents posted today on the Justice Department's Web site substantially discredit Ms. Gorelick's recent claims that, No. 1, she was not substantially involved in the development of the new information-sharing policy, and, No. 2, the Department's policies under the Clinton-Reno administration enhanced rather than restricted information sharing.

Madam President, these documents—and they are not particularly lengthy, but they do raise significant questions about the decision of the Commission not to have Ms. Gorelick testify in public. Indeed, the only testimony we know she has given has been in secret or in camera, to use the technical term. These documents make it even more important that we get her explanation for these apparent inconsistencies and contradictions.

Indeed, the document that Attorney General Ashcroft declassified and released during the course of his testimony —giving his very powerful testimony about the erection and the buttressing of this wall that blinded American law enforcement and intelligence agencies from the threat of al-Qaida and Osama bin Laden—these new documents reveal, indeed, Ms. Gorelick did have a key role in establishing that policy, which was ultimately signed off on and approved by Attorney General Janet Reno; indeed, that she received and rejected in part and accepted in part recommendations made by the U.S. attorney for the Southern District of New York with regard to this wall.

Specifically, Madam President, as you will recall, the first attack on American soil that al-Qaida administered was, in all likelihood, the World Trade Center bombing in 1993. Indeed, the document that Attorney General Ashcroft released pointed out that Mary Jo White, the U.S. attorney for the Southern District of New York, was concerned about an ongoing criminal investigation "of certain terrorist acts, including the bombing of the World Trade Center," and that "[d]uring the course of those investigations significant counterintelligence information [had] been developed related to the activities and plans of agents of foreign powers operating in [the United States] and overseas, including previously unknown connections between separate terrorist groups."

Well, in response to some draft proposals for establishing criteria for both law enforcement and intelligence, counterterrorism officials, Ms. Gorelick noted that the procedures that were adopted at her recommendation by the Justice Department under Attorney General Janet Reno went beyond what is legally required. Indeed, I spoke earlier about the fact that the USA PATRIOT Act brought down that law that had been established both by this policy and, indeed, by policies that had preceded it.

But it is important, in these new documents that have just been revealed today, in response to my request and Senator GRAHAM's request, that there is, indeed, a memorandum by Mary Jo White dated June 13, 1995, in which she was given an opportunity to respond to the proposed procedures that have maintained and buttressed this wall that blinded America to this terrible threat.

Mary Jo White, in part, said—and the documents are on the website so anyone who wishes can see the whole document, but she said, in part:

> It is hard to be totally comfortable with instructions to the FBI prohibiting contact with United States Attorney's Offices when such prohibitions are not legally required. . . .

She goes on to say:

> Our experience has been that the FBI labels of an investigation as intelligence or law enforcement can be quite arbitrary depending upon the personnel involved and that the most effective way to combat terrorism is with as few labels and walls as possible so that wherever permissible, the right and left hands are communicating.

Indeed, it was this lack of communication, which I think is universally acknowledged, that contributed to the blinding of America to the threat of terrorism leading up to the events of 9/11. So Ms. White made what she called a very modest compromise and some recommendations for change to this proposed policy.

In the interest of fairness and completeness, let me just say the documents reveal there were two memoranda by U.S. Attorney Mary Jo White, and they contain recommendations for revisions of the policy, and that Ms. Gorelick, through and in cooperation with Michael Vatis, Deputy Director of the Executive Office for National Security, accepted some of those proposed changes and rejected others.

But then in these documents, again, which were finally disclosed today in response to Senator GRAHAM's and my request, there is a handwritten note from Ms. Gorelick that says:

> To the AG—I have reviewed and concur with the Vatis/Garland recommendations for the reasons set forth in the Vatis memo. Jamie.

So it is clear Ms. Gorelick was intimately involved with consideration of the arguments, both pro and con, on establishing this policy which, according to her own memo, went well beyond what the law required. Thus, it becomes even more clear she is a person with knowledge of facts that are relevant and indeed essential to the decisionmaking process of the 9/11 Commission.

I wish it stopped there, but it does not. Indeed, it appears these new documents contradict or at least require clarification by Ms. Gorelick of subsequent statements that she has made on the 9/11 Commission. For example, in a broadcast on CNN's Wolf Blitzer Reports, Wolf Blitzer asked her:

> Did you write this memorandum in 1995 . . .

By reference, this was the one that was declassified by Attorney General Ashcroft that established these procedures building the wall and blinding America to this terrible threat.

He asked:

> Did you write this memorandum in 1995 that helped establish the so-called walls between the FBI and CIA?

Ms. Gorelick said:

> No. And again, I would refer you back to what others on the commission have said. The wall was a creature of statute. It existed since the mid-1980s. And while it is too lengthy to go into, basically the policy that was put out in the mid 1990s, which I didn't sign, wasn't my policy in any way. It was the Attorney General's policy, was ratified by Attorney General Ashcroft's deputy as well on August of 2001.

In other words, Ms. Gorelick, notwithstanding the fact that her initials as Deputy Attorney General appear on the very memos considering recommendations, both pro and con, with regard to establishing these procedures, in spite of the fact she appears by these documents to have been intimately involved in the adoption and establishment of these procedures, said: I didn't sign this memorandum and it wasn't my policy.

Well, at the very least it is clear that it was the policy of the Attorney General, based on her explicit recommendation, and that she consciously adopted in some cases and rejected in others the recommendation of the U.S. attorney for the Southern District of New York with regard to sharing of information between law enforcement and counterintelligence authorities.

Finally, another example of an apparent contradiction, and maybe one that Ms. Gorelick could explain if she would testify in public, as I and others have requested, before the Commission, she said in an op-ed that appeared in the Washington Post, April 18, 2004, entitled "The Truth About the Wall," in giving the various reasons for her side of the story in response to the testimony of Attorney General Ashcroft and the revelation of this previously classified document:

> Nothing in the 1995 guidelines prevented the sharing of information between criminal and intelligence investigators.

That appears to directly contradict what is contained in these documents. I would imagine if asked to provide her own testimony, Mary Jo White, the now retired former U.S. attorney for the Southern District of New York, would beg to differ.

The primary purpose of this is not to cast blame. We know where the blame lies. But it is important the 9/11 Commission get an accurate record, a historical record of the events leading up to September 11. If, in fact, there is a way for Ms. Gorelick to shed some light on this subject, indeed, if there is a way for her to clarify or reconcile the apparent contradictions between what these newly released records demonstrate and her public statements and writings, then she ought to be given a chance to do so.

If she does not avail herself of that opportunity, if the Commission refuses to hear from this person in public and to give the American people the benefit of this testimony in public in a way that they have done with Attorney General Janet Reno and former FBI Director Louis Freeh, current FBI Director Robert Mueller, George Tenet, Director of Central Intelligence, and Attorney General John Ashcroft, if they refuse, if they continue to refuse to avail themselves of this public testimony and the opportunity for questions to be asked about these apparent contradictions, they will have administered a self-inflicted wound. The public will be left, at the conclusion of the 9/11 Commission, with grave doubts about the impartiality and the judgment of the Commissioners who have refused to allow the American people the benefit of this relevant and important testimony.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

INTERNET TAXES

Mr. WYDEN. Madam President, as we move to conclusion of the debate on the question of Internet taxes and votes tomorrow, as has happened so often over the last 8 years that we have dealt with this issue, a lot of Senators have asked for some examples of how all this would work because it is obviously an extraordinarily complicated issue, and the terminology is pretty dense. What I wanted to do was give Senators a sense of what we are talking about.

Of course, under the McCain proposal, Senator ALLEN and I would simply say, with respect to Internet access, it is tax free. You have already paid for it. It is like buying a carton of milk. You have already paid for it once. You should not have to pay for it again when you pour it on your cereal. That is essentially what the McCain compromise would do.

The proposal offered by the Senator from Tennessee takes a very different kind of tack. I wanted to give a very specific example of how it would work and why I am opposed to what he has been advocating. The Senator from Tennessee, in his proposal, stipulates that there would be no taxes on services used "to connect a purchaser of Internet access to the Internet access provider."

That certainly sounds like a laudable goal and something everyone should support. But because the Senator from Tennessee nowhere defines what the word "connect" means, I am of the view that proposal alone means that scores of jurisdictions in our country would be able to subject a simple message, sent by a Blackberry via DSL, to scores of taxes.

I want to walk through exactly why I believe that. Let us say, for purposes of discussing an example, you send a Blackberry message via DSL from Providence, RI, to Portland, OR. You type your message in and you hit send.

The first connection—again, I am citing that because it is the language of the Alexander proposal—is with a cell tower in Providence. This would then be connected to a Verizon local phone line somewhere in the Northeast. Then it would be connected to a switch, again somewhere on the east coast. The message at that point is connected to AT&T at a network in one of their many facilities on the east coast. AT&T would then shoot the message across scores of States and connect it at a Qwest switch in Portland, in my home State. That Qwest switch then connects the message to a cell tower in Portland. And then, finally, it connects it to the friend in Portland.

The way that message is sent could involve as many as 100 different connections—the concept that is not defined in the Alexander proposal. But depending on how the word "connect" is defined—and it is not laid out anywhere in the proposal of the Senator from Tennessee—you could have hundreds of jurisdictions imposing taxes on the one message I have just described as being sent on a Blackberry from Providence, RI, to Portland, OR.

The reason why that is the case is the Alexander proposal states no taxes would be applied on services used to connect a purchaser of Internet to the Internet access provider. But in the example I just gave, what you would have is scores of jurisdictions across the country saying they are not the exempted connection. They would say they are not the exempted connection, and then they would be off to the races, in terms of imposing these special taxes.

So we are going to have a chance, I think tomorrow, to extend this debate a bit longer. I think people are going to be pretty close to ecstasy to have this debate wrap up, given how long it has gone. But I want to take a minute and try to recap what I think are the central kinds of questions.

From the very beginning, those who have been involved in this effort have tried to promote technological neutrality. We have come back again and again to say all we would like is to make sure that what happens in the offline world is applicable to the online world. We have said it does not make sense today to discriminate against the future, which is broadband delivered through DSL. Certainly, that would be the case if cable gets a free ride and DSL gets hammered.

I am of the view the message you get today under the Alexander proposal—instead of that message, "you've got mail," the message will be "you've got special taxes," and you will have those special taxes because terms like the one I have described this afternoon are not defined.

As I have talked about in the last couple of days, we have pointed out the revenue estimates, which are always so dire in terms of lost revenue on the part of the States and localities, and time after time—and we have debated this in the last 8 years—those revenue projections have not come to pass. I know Senators and their staffs right now are being bombarded by some officials from State and local governments, saying they are going to lose enormous amounts of money, and this is going to drain their revenue base, and it will have calamitous financial ramifications.

But as you listen to those projections—and I know they are pouring into Senators' offices—we have heard those arguments again and again, and they have not come to pass. I point out, for example—and I will quote—in 1997, the National Governors Association said the Internet Tax Freedom Act "would cause the virtual collapse of the State and local revenue base."

The chairman of the Commerce Committee worked with myself and Senator STEVENS and others, and we passed the legislation. The Governors said that revenue base was going to collapse. But in the next year, local and State tax revenues were up $7.2 billion. That is one example from over the last 8 years and the journey we have had in the debate over this legislation.

The same thing happened in 2001. Those who opposed our legislation said: The growth of e-commerce represents a significant threat to State and local tax revenues and they might lose tax revenue in the neighborhood of $20 billion in 2003.

According to the National Association of State Budget Officers, State sales tax collections rose from $134.5 billion in 2001 to $160 billion in 2003, an increase of more than $25 billion in 2 years.

We heard again and again this would be devastating to mom-and-pop stores on Main Streets, and pretty much the Main Streets of Maine and Oregon would shrivel up because of the special fix that was provided for sales online. Over the entire period this law has been on the books, the number of sales online has gone up something like 1.5 percent. It has been a tiny fraction of our economy.

The fact is, the major development over the 8 years we have had this legislation on the books is we have essentially seen most of our businesses go to "bricks and clicks." If you walk on the streets of Maine, or the streets of Oregon, our smallest businesses so often are able to expand their sales because they have a significant online component, and people from all over the world can shop at a small store in Maine or Oregon. I think as the Chair will note, these small stores don't have big advertising budgets. They cannot send people all over the world to market their products. Because of the Internet, they are in a position to have a global marketplace. So major development in this field, rather than wiping out Main Street stores, has helped them.

Senator LEAHY brought in a small merchant from Vermont who talked to us specifically about the extraordinary gains they have been able to make as a result of the convenience provided by Internet shopping, which will certainly be harmed if the Alexander legislation were to pass.

I imagine we will continue to pummel this subject a bit more tomorrow. Having been involved in this issue for 8 years, I think it is fair to say the decision the Senate makes on this subject will say a whole lot about the future of the Internet. We learned this morning, as the chairman of the Commerce Committee pointed out, we are already lagging behind in terms of broadband investment. That is the wave of the future. I think small towns in Maine and in Oregon—when we talk about access, for example, to the Net and new technology, it is not going to come about through cable, because cable is going to be very reluctant to make those major investments in small towns, such as those that the distinguished Presiding Officer represents, and my small towns. It is going to come about essentially through broadband, delivered via DSL, and the fact is, today, DSL in many jurisdictions is singled out for special and discriminatory treatment. If we were to not update the law, that would be a trend that would be sure to accelerate.

So I think this is going to be an extremely important vote tomorrow. This is a law that has worked. I will wrap up with this one comment I have mentioned to colleagues, as we have talked about this over the years. I have not found a single jurisdiction anywhere that can point to an example of how they have been hurt by their inability to discriminate against the Internet. That is all we have sought to do over the last 7 years. We said treat the Internet as you treat the offline world. When we started, that was not the case. If you bought a paper the traditional way in a number of jurisdictions, you would pay no taxes. If you bought the online edition of that very same paper, you would pay a tax. That was not technologically neutral. So we passed the first Internet tax freedom bill to deal with that kind of example.

For over more than 5 years, this is a law that has worked. Under the McCain compromise that we will vote on tomorrow, we would simply be updating that law to incorporate the kinds of technologies that evolved over the last few years.

I wanted to make sure tonight that people understood with a specific example of a message that would go from Providence, RI, to Portland, OR, how the vagueness in terms of the definitions in the Alexander legislation would, in my view, subject a simple message sent by BlackBerry via DSL to scores of new taxes. I cannot believe any Senator would want that to happen, and that is why I am hopeful we will get support for the McCain compromise and be able to move forward to final passage of the legislation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN RHODES MEMORIES

Mr. COCHRAN. Mr. President, it has come to my attention that the family of former Congressman John Rhodes of Arizona has established a special Web site: www.johnrhodesmemories.org for the purpose of collecting memories from friends and former colleagues of this outstanding statesman.

When I was elected to serve in the U.S. House of Representatives in 1972 one of the first House leaders I came to know was John Rhodes, who was serving as chairman of the House Republican Policy Committee. Together with Congressman Gerald Ford, who was the Republican leader, he helped shape our legislative priorities and worked closely with President Nixon to formulate Republican Party policies.

The memories I have of John Rhodes include his impeccable manners, his courtesy, his warm, big smile, his good judgement and his honesty. He was well liked by all Members of the House, Republicans and Democrats.

It was foregone conclusion when Gerald Ford was selected by President Nixon to be his Vice President that John Rhodes would be elected by House Republicans to be the Republican leader. He was unopposed and elected unanimously.

He served as leader with distinction during a very challenging time. The Watergate experience decimated House Republicans, but he helped put us on the road to political recovery and eventual majority status. Even though he and I left the House about the same time—he to retirement and I to election to the Senate—we would get together occasionally at meetings of SOS, a group that meets every week to discuss mutual interests and ideas for the improvement of the country and beyond.

In summary, all my memories of the Honorable John Rhodes were good ones. His death on August 24, 2003, saddened all who knew him. He was a true friend and a great Congressman.

UKRAINIAN DEMOCRACY

Mr. LEVIN. Mr. President, the demise of the Soviet Union, in 1991, provided an opportunity for millions of people to chart their own destiny as people free from the yoke of repressive communism. At that time, there was great hope that a free and prosperous Ukraine could become a member of the Euro-Atlantic community that is united by democracy, free markets and the rule of law.

In the past 12 years, Ukraine's transition to democracy and capitalism has been a difficult process marked by success and failure. The successes are many: Ukraine has given up nuclear weapons, peacefully changed power from Leonid Kravchuk to Leonid Kuchma, partnered with NATO's Partnership for Peace program, and has stationed roughly 1,600 troops in Iraq—one of whom, Private Ruslan Androshchuk paid the ultimate price for his service.

Yet, in spite of these achievements, Ukraine faces a stark choice of leadership as it seeks to shape its second decade of freedom from communism. Those who would seek to forge a new and open Ukrainian identity aligned with the community of democratic nations stand in contrast to those who seek to return the nation to its repressive past by establishing a more authoritarian regime that avoids the needed reforms it must undertake.

The choices facing the Ukrainian people are clear, and the upcoming October 2004 presidential election will play a critical role in determining the course that this proud and important nation will take. It is my hope that the presidential election will draw Ukraine closer to the West by cementing a strong and stable democracy. Unfortunately, a number of recent events and actions by the Ukrainian government have provided supporters of a democratic Ukraine with reason for concern.

In the lead up to the fall's election, Ukrainian president Leonid Kuchma has pursued constitutional changes that would shift substantial powers from the presidency to the Ukrainian parliament, the Verkhovna Rada, on the eve of the presidential election in which a strong opponent of the President is currently leading in the polls. In response to concerns expressed by many nations, President Kuchma dropped the most egregious provision, which would have replaced the direct election of the president with an election by the Ukrainian parliament. Deliberations on constitutional reforms, especially reforms that would alter the political landscape and structure of the nation, should be discussed in a full and open parliamentary debate with the broad participation of the Ukrainian population. Yet, the proponents of this measure primarily relied on backroom maneuvering to push through their changes. Although President Kuchma argued that he was not advocating these changes to strengthen his position, since he has said he will not run for reelection, many concerns existed that he was doing so to fortify the position of his allies in the legislature.

In a sign that true democratic aspirations in Ukraine are still alive, those changes to the Ukrainian constitution failed by six votes earlier this month. I am hopeful that President Kuchma will permit the election to go forward without further attempts to undermine Ukraine's constitution.

The constitutional changes advocated by President Kuchma are just one facet of an increasingly authoritarian trend in Ukraine. Media repression that threatens the safety of Ukrainian journalists also limits the ability of citizens to obtain fair and accurate reporting prior to the October elections. A free press and open media are essential foundations for any open, democratic society. Yet the ability of the media to operate freely has been threatened in the past several years.

The commercial FM Dovira network removed Radio Free Europe/Radio Liberty, RFE/RL, Ukrainian-language programs from its schedule in February of this year. This move came after the takeover of the network by a political supporter of President Kuchma. The network had previously served as the RFE/RL major affiliate, reaching roughly 60 percent of Ukraine's population. Apparently RFE/RL programming did not "fit the envisioned new format of the radio network," despite the fact that these programs were the most popular shows on the station.

When Radio Kontynent, an FM commercial station in Kyiv, started airing RFE/RL programming a couple of weeks later, the station was raided and closed by Ukrainian authorities. The station's transmission equipment and three employees were briefly detained. The former owner of the station fled to Poland fearing for his life and is awaiting political asylum.

This action was not an isolated event, unfortunately. According to the Broadcasting Board of Governors, Ukrainian authorities continue an ongoing campaign against the independent media, including the harassment of journalists and the suppression of fact-based news and information and investigative reporting. Several journalists have been murdered and others have been killed in suspicious "accidents." We must do more to support efforts in Ukraine by journalists and media organizations that fight for fundamental rights.

Political repression and harassment apparently influenced the election for the mayor of Mukachevo, a town in southwestern Ukraine. Exit polls for this election indicated that Our Ukraine's candidate received 62.4% of the vote, yet a subsequent recount indicated that his opponent won by 5,000 votes. Reports trickling out after the election indicated that some of the election stations were raided and damaged by "criminal elements" and other ballots were summarily destroyed or ignored. Four members of the parliament were beaten and an election observer was hospitalized after being assaulted. In addition to this, prior to the election the Our Ukraine candidate temporarily was taken off the ballot and a theater director that allowed Our Ukraine to use his venue for a meeting was severely beaten.

The Organization for Security and Cooperation in Europe, OSCE, expressed its concerns about this election, as well as recent legislation that bars domestic non-partisan observers from monitoring elections. Without the assurances of a free, open, and transparent election, there is little to hope that the fall election will, in fact, uphold true democratic values. The events in Mukachevo and the barring of domestic observers are reasons for great concern. Recent actions, such I described, raise the fear that this election will be stolen from the Ukrainian people.

Ukraine has taken some positive steps toward the creation of democratic institutions and a free-market economy, though much more remains to be done. This is why a free and fair presidential election in October 2004 remains so important to determining the future path of Ukraine. Who emerges victorious from this election is a matter to be decided by the Ukrainian people. What is of concern to the United States is how these elections will be conducted. Both the election day and the pre-election period must meet international standards for a free and fair electoral process, including ensuring that candidates have unimpeded access to media outlets, citizens are guaranteed the opportunity to exercise their civil and political rights, free from intimidation and interference, and domestic and international monitors are allowed to observe the electoral process and report their findings. The numerous problems in Ukraine noted in elections in 1999 and 2002 by election observers only intensify everyone's concerns.

Ukraine, if it is to realize its considerable potential, must take action now to protect the fundamental human rights of its citizens. There have been some achievements in the past twelve years, but much more remains to be done. I know that my Senate colleagues share my concerns about the upcoming presidential elections and stand ready to support the Ukrainian people as they continue with efforts to make their nation more free and democratic.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Three employees of the Office of Diversity and Dialogue in Scottsdale, AZ, were injured on February 26, 2004, when a bomb delivered through the mail exploded in their office. The Office of Diversity and Dialogue offers community training and outreach programs and handles various complaints from city employees and citizens, including racial and sex discrimination grievances. The explosion occurred when Don Logan, the director of Scottsdale's Office of Diversity and Dialogue, opened a notebook sized package addressed to him that was carrying a bomb. The blast left a 3½ inch-wide hole in Logan's desk and shot shrapnel into the walls, ceiling and floor. Logan, 48, suffered serious burns on his hands and arms.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

A CREDIBILITY GAP ON NEW NUCLEAR WEAPONS

Mrs. FEINSTEIN. Mr. President, I rise today to address what I consider a large and serious issue—U.S. nuclear weapons policy—and update the Senate on what has been happening.

In particular, I am concerned about the apparent reopening of the nuclear door by the United States and the further research and development of a new generation of nuclear weapons.

I serve as a member of the Senate Appropriations Committee, on both the Energy and Water and Defense Subcommittees, and have had an opportunity to participate in the committee and conference debates on this issue.

Despite earlier claims to the contrary, by all appearances the Bush Administration is seeking to develop a new generation of nuclear weapons.

This includes both the Robust Nuclear Earth Penetrator, which is a 100-kiloton "bunker buster", and so-called Advanced Concepts, which translate into low-yield battlefield nuclear weapons, below 5 kilotons.

The first hints of this policy came in the administration's 2001 Nuclear Posture Review—which was leaked to the press in early 2002.

The review cited the need to develop a new generation of tactical nuclear weapons, blurring the lines between conventional and nuclear forces.

According to press reports, it named seven countries against which it would consider launching a nuclear first strike: North Korea, Iraq, Iran, Syria, Lybia, China, and Russia.

And it proposed a "new triad," in which nuclear and conventional weapons co-exist along the same continuum.

This blurs the distinction between nuclear and conventional weapons and suggests that they could be used as offensive weapons.

Subsequently, in the Defense Authorization Bill last year the Administration sought, and ultimately obtained permission, to repeal the 10-year old Spratt-Furse Amendment, which prohibited research to develop a low-yield, less than 5 kiloton, nuclear weapon.

Spratt-Furse has served as a "brake" on nuclear weapons development for the past decade. Now, it is gone.

I argued against the repeal of Spratt-Furse on the floor, and working with Senator KENNEDY, I offered an amendment to maintain it. Unfortunately, we did not prevail.

What really concerns me is that, throughout all of this, the Administration continues to deny their intention to develop new nuclear weapons.

For example, Secretary of Energy Spencer Abraham, in a Washington Post op-ed on July 21, 2003, stated: ". . . we are not planning to develop any new nuclear weapons at all."

And Secretary of Defense Donald Rumsfeld, in response to a question I asked him at a Defense Appropriations Subcommittee hearing on May 14, 2003, stated that the work the Administration was undertaking was "just a study", and that there were no plans to build new weapons.

This defies credibility.

Well, if one really wants to know what is happening, the best thing to do is to track where the Administration is asking for and spending money.

And when you do, you find that the administration is putting major resources into researching new nuclear weapons.

For instance, last year's budget request included: $15 million for the study of the development of the Robust Nuclear Earth Penetrator; $6 million in funding for Advanced Nuclear Weapons Concepts, including the study for development of low-yield, battlefield weapons; $24 million to increase the Nevada Test Site's time-to-test readiness posture from the current 36 months to 18 months; and, $22 million for site selection for the Modern Pit Facility, which is a facility to build nuclear triggers for our Nation's stockpile of nuclear weapons.

This would be a $4 billion plant to make up to 450 new "pits" per year, some of which could be designed for new weapons.

Four-hundred-and-fifty pits is larger than China's entire nuclear arsenal, so this production capacity raises questions about the number of weapons the Administration wants in the U.S. arsenal.

Currently, the United States has approximately 15,000 warheads. Under the Moscow Treaty, the U.S. is to decrease its strategic nuclear force to 1,700 to 2,200 warheads by 2012.

To maintain a 2,200 warhead nuclear force at replacement level, we would only need to build 50 pits a year, not 450. Fifty pits a year can be handled at Los Alamos. So why build a new facility, with a production capacity of 450 pits a year?

This country doesn't need that much production unless plans are underway to increase the size of our nuclear arsenal, including a new generation of nuclear weapons.

Last year, those of us opposed to developing tactical nuclear weapons did have some success in limiting these programs.

Working with others in the House and Senate, we managed to: cut the funding for the Robust Nuclear Earth Penetrator in half, to $7.5 million; condition $4 million of the $6 million for Advanced Concepts on further reporting and planning on Stockpile Stewardship; and contain spending on the Modern Pit Facility to $10 million, a $12 million reduction.

Critically, we also managed to win passage of a requirement that any move to develop a Robust Nuclear Earth Penetrator further than the 6.2A phase require a specific congressional authorization.

As many of my colleagues know, there is a formal set of phases by which new and modified nuclear weapons move through research, development, production, deployment, and retirement.

As a recent CRS report states, "The Key phases for Robust Nuclear Earth Penetrator are: phase 6.2, feasibility study and down select; phase 6.2A, design definition and cost study; phase 6.3, development engineering in which the nuclear weapons labs produce a completed warhead design; and phase 6.4, production engineering, in which the design is a adopted for production and a system to manufacture the weapon is created."

So when the administration wants to move beyond 6.2A to 6.3 and into the development engineering phase, they need specific Congressional authorization.

Continuing its efforts, the administration came back this year and asked for significantly more funding for research into new nuclear weapons.

Indeed, the administration's budget requests before Congress this year total some $96.5 million, and makes it clear that there are those in this administration who are deadly serious about the development and deployment of a new generation of nuclear weapons.

The administration's FY 2005 budget request calls for: $27.5 million for the Robust Nuclear Earth Penetrator; $9 million for Advanced Concepts Initiative, which includes so-called "low yield" weapons (under 5 kilotons); and $30 million for the Modern Pit Facility.

This is just the tip of the iceberg. The Congressional Research Service now reports that the administration's own long-term budget plans, including $485 million for the Robust Nuclear Earth Penetrator between 2005 and 2009, "cast doubt" on the contention that the study of new nuclear weapons are, in fact, only a study.

This ramp-up in funding can mean one thing: the administration is determined to develop and deploy a new generation of nuclear weapons.

Yes, the administration is seeking to re-open the nuclear door and is seeking more "usable" nuclear weapons:

The Robust Nuclear Earth Penetrator, for use in launching first strikes to reach deeply embedded command bunkers; and

Tactical nuclear weapons, for possible use on the battlefield.

The logic of the Robust Nuclear Earth Penetrator, for instance, is that there are certain scenarios in which the United States could need a nuclear weapon to destroy deeply buried targets—such as command bunkers—which could not be effectively targeted by conventional weapons.

The goal would be to develop a weapon that could burrow into the earth deep enough so that it would be "antiseptic", with fallout contained deep beneath the surface, 500–1000 feet below the surface.

There are three problems with this:

First, a casing that can drill down 800–1000 feet before the warhead explodes does not exist. While the U.S. has technologically sophisticated missiles, there is no such casing at this time.

Second, advanced conventional munitions can shut down air vents, cut-off electricity, and render these targets harmless.

Third, and most critically, it is not possible to contain the radioactive fallout from these weapons—and the radioactive fallout is enormous.

According to Stanford University physicist Sidney Drell, even a one-kiloton weapon detonated 20–50 feet underground would dig a crater the size of ground zero and eject a million cubic feet of radioactive debris into the air. The Robust Nuclear Earth Penetrator is a 100 megaton weapon, so magnify that by 100-fold.

You would need to burrow more than 800 feet into the earth before the weapon exploded in order to contain the fallout from the Robust Nuclear Earth Penetrator. The maximum feasible depth we can bury a warhead into the earth today is about 35 feet.

Use of the Robust Nuclear Earth Penetrator would be a cataclysm of the highest order. Using one might well take out a buried North Korean bunker, but would also kill tens of thousands, if not hundreds of thousands in both North and South Korea and, depending on wind patterns, either China and Japan as well.

So the idea that the Robust Nuclear Earth Penetrator would provide the United States with a usable nuclear weapon—perhaps even a weapon that would be an effective first strike weapon—is absurd.

Furthermore, it represents a major departure from U.S. policy and makes our nation less safe—not more.

This is in fact part of the administration's broader policy in the international arena that can best be summed up in two words: Arrogant unilateralism.

This administration has: engaged in unnecessarily belligerent unilateralist rhetoric and action; dismissed arms control and nonproliferation efforts as ineffective; emphasized the role of preemptive military action; and pursued new nuclear weapon capabilities.

The administration is sending the destabilizing message that nuclear weapons have utility, thereby encouraging the proliferation the United States seeks to prevent.

Instead, I believe that the United States' top priority for nuclear security should be preventing the spread of nuclear, chemical, and biological weapons and the means to deliver them.

Leading non-proliferation efforts and actions, and convincing the world to follow, that's how the world will be safer today and safer tomorrow.

U.S. Nuclear Weapons Policy: I am not a supporter of unilateral disarmament. I am a supporter of treaties, agreements, and programs with strong enforcement and interdiction programs to accomplish multi-lateral disarmament.

I believe that this Nation should always be in a position to protect itself, with a strong military, and the most advanced technology available to that military.

But I believe that moving ahead with these programs is folly.

First, who would want to send their son or daughter to a battlefield with tactical nuclear weapons?

Second, under what circumstances would a President push the "Red Button" for a nuclear first strike that would launch a nuclear missile of 100 kilotons, 4 or 5 times more devastating than Hiroshima, which killed 140,000 in just the first four months after the Bomb was dropped.

The United States has the most advanced conventional strike forces in the world. We have conventional bombs that can burrow into the earth and deliver thousands of pounds of explosives.

If the United States develops new nuclear weapons, what do we think India will do?

If the United States develops new nuclear weapons, what do we think Pakistan will do?

And what about Iran and North Korea?

Does this encourage them to develop battlefield nuclear weapons? I believe it does.

This administration is placing too great an emphasis on efforts to develop and deploy a new generation of nuclear weapons.

This is the wrong policy and, in my view, will only cause America to be placed in greater jeopardy in the future.

What should be done?

First, Congress should cut the funding for the Robust Nuclear Earth Penetrator and Advanced Concepts entirely.

Second, Congress should close an inadvertent loophole that appears to allow the Administration to go forward with design engineering of low-yield or other Advanced Concepts weapons, but requires specific Congressional action for the Robust Nuclear Earth Penetrator.

Congress should put the same restrictions on Advance Systems that are required for the Robust Nuclear Earth Penetrator—and require specific Congressional authorization for design engineering and development of battlefield nuclear weapons.

I will propose such an amendment most likely in mark-up or Conference Committee.

Third, Congress should postpone funding for the Modern Pit Facility until we receive a joint laboratory report that will include the finds of "accelerated aging" experiment, due in 2006.

Although it is true that the pits in current U.S. warheads are expected to slowly deteriorate as they age—and at some point will need to be replaced if the warheads are to remain in the stockpile—until that study is completed we simply have insufficient data to measure either the urgency by which pits need to be replaced or how many pits a year the United States needs to be able to manufacture to meet replacement needs.

Finally, Congress should deny any funding for new nuclear weapons until the reports we are awaiting justify these programs, including:

The report on stockpile stewardship required by last year's Energy and Water bill and which is intended to help inform decision making; and,

A formal report that spells out the specific military necessity of any of these new weapons. Usually, the military requirements for a specific weapons system—nuclear or nonnuclear are provided before well before funds are provided for design engineering.

These steps are necessary to bring this administration's unrestrained enthusiasm for developing new nuclear weapons under control, and assure that the United States proceeds in this area with all the seriousness and restraint that is fitting for a great power.

Now, I want to take a moment to say what I believe the United States should be doing with regard to nuclear policy.

First and foremost, the United States must work with others in the international community to address the larger nuclear non-proliferation problem.

Proliferation poses a clear and present danger not only to our nation but to the world.

President Bush offered a glimmer of hope two months ago, when he called for international cooperation on controlling the spread of weapons of mass destruction.

In his speech, President Bush called for: expanding efforts to obtain multilateral cooperation in interdicting land, sea and air shipments of WMD-related equipment, materials and technology.

Early adoption of a U.N. Security Council resolution that would require all Nations to criminalize certain proliferation-related activities, enact strict export control regulations, and ensure adequate security for nuclear and other sensitive materials within their borders.

Expansion of threat-reduction assistance programs that are designed to secure sensitive materials and prevent former weapons scientists from selling their expertise on the black market.

Closing a loophole in the Nonproliferation Treaty—NPT—that has enabled countries like Iran to acquire dual-use facilities capable of producing bomb-grade plutonium under the guise of a civil nuclear energy program.

Strengthening verification of the Non-Proliferation Treaty, by calling on countries to adhere to the International Atomic Energy Agency's—IAEA—Additional Protocol.

The creation of a special committee of the IAEA Board to deal with verification and compliance.

Ensuring that no country under investigation for violating nuclear proliferation obligations should be allowed to serve on the IAEA Board of Governors.

These are important steps, but they do not amount to a comprehensive nonproliferation strategy.

Building on what the President suggested, I believe the following actions are needed to implement a comprehensive approach to non-proliferation:

First, the U.S. should support strengthened international monitoring and inspection capabilities, such as the International Atomic Energy Agency's Additional Protocol.

The Additional Protocol is an addendum to the Non-Proliferation Treaty, which would expand the amount of information that Nations will have to provide the IAEA—including, the location, operational status, and production of any uranium and thorium mines.

It also would expand IAEA's ability to check for clandestine nuclear facilities by providing the agency with authority to visit, on short or no notice, any facility to investigate questions or inconsistencies in a state's nuclear declarations.

The Additional Protocol has now passed the Senate, and I believe that the United States must work with the IAEA to give it reality and force.

Second, the U.S. and other global powers can no longer ignore the possession of nuclear weapons by allies and friends.

India and Pakistan are not a direct threat to the United States, but they do threaten one another, and, as we recently learned, Pakistan has been at the hub of a global black market in nuclear technology.

According to a press report last Friday, it is possible that India is now seeking to develop a low-yield nuclear weapon of less than one kiloton, following in the footsteps of the Bush administration's nuclear weapons policy.

Such a move by India would likely be extremely destabilizing for Asia. We must realize that the way in which the United States and our friends and allies approach nuclear weapons has a profound impact on global security, and we must be willing to make sure that our friends, no less than states of concern, adopt a responsible approach to nuclear weapons.

Third, the international community must consider new ways to restrict access to dangerous nuclear technologies.

The Non-Proliferation Treaty guarantee of access to "peaceful" nuclear technology has allowed states such as Iran to acquire uranium enrichment or plutonium production facilities useful for weapons without adequate oversight and monitoring.

I support efforts in the UN Security Council to effectively criminalize trafficking in weapons of mass destruction, and work with other nations to make sure that effective means to control the spread of any WMD technology are in place.

Fourth, the United States should expand and accelerate Nunn-Lugar threat reduction programs.

This initiative has helped make the United States and the world safer over the past 10 years by improving security and taking much of the Soviet era nuclear, chemical, and biological weapons arsenal and infrastructure out of circulation. Yet funding for Nunn-Lugar has remained flat at about $1 billion annually over the past several years.

The bipartisan Baker-Cutler Commission proposed last year that U.S. efforts for nuclear security should be increased to $30 billion over ten years, and I believe it is critical that we increase Nunn-Lugar funding so that resources are commensurate with the challenge.

Fifth, we must redouble our efforts to secure and remove all unprotected nuclear material, especially material at the world's most vulnerable sites.

During the Cold War more than twenty tons of HEU were distributed around the world to research reactors and other facilities. Most of this material is poorly guarded and much is stored at extremely vulnerable sites.

Along with Senators REED, NELSON, and LEVIN I recently introduced legislation to give our government the direction, tools, and resources necessary to secure and remove nuclear materials from around the world in an expeditious manner by creating a single, integrated U.S. government program, with a defined budget and resources, to facilitate the removal of these materials. It is my hope that Congress will take action on this legislation soon.

Sixth, the United States should work to achieve a global halt to the production of weapons usable fissile materials through the Fissile Material Cut off Treaty—FMCT.

Progress on multilateral negotiations to end the supply of new material for nuclear bombs has been stalled for years.

Now, a shift in China's position opens the way for progress. Unfortunately, the Bush administration has decided to reevaluate its support for such an agreement.

Seventh, the United States should seek to engage in discussions with "states of proliferation concern" to look for ways to bring such states into the community of responsible nations.

These are states that have nuclear weapons or may be pursuing them and include: India, Pakistan, Iran, Israel, Libya, North Korea, Syria, Brazil, Egypt, and Saudi Arabia.

Despite the administration's claim of a Libya success story, other nations appear to be drawing different conclusions from the Administration's approach on these issues.

We are experiencing on-going crises involving the North Korean nuclear weapons programs, and Iran now appears to be on the verge of a nuclear weapons capability.

Finally, the United States and other nuclear weapon states must reduce the role of nuclear weapons in their own thinking.

For the United States to be increasing funding for the research and development of a new generation of nuclear weapons even as we are telling others that they should not pursue these weapons themselves may well provoke the very proliferation we seek to prevent.

I strongly support a robust military to safeguard America's National Security interests.

But I believe we will make our nation and our allies less secure—not more—if the United States opens the door to the development, testing, and deployment of new tactical and 'low-yield' nuclear weapons.

The administration claims that it is not seeking to develop these nuclear weapons.

But I think we've seen that the facts demonstrate that this is not the case.

That is why those of us who do not want the nuclear door opened need to stand firm and oppose these efforts by the administration to develop these weapons.

JAMES MONROE, FIFTH PRESIDENT 1817–1825

Mr. ALLEN. Mr. President, I rise today on the 246th anniversary of his birth, to recognize James Monroe, a Virginia patriot, and honor his service to our Nation as a soldier, a diplomat, a legislator and as the fifth President of the United States of America.

James Monroe, born April 28, 1758 in Westmoreland County, was born, raised, and educated in the Commonwealth of Virginia. Foregoing his studies at the College of William and Mary, James Monroe joined the Williamsburg Militia in 1775 in defiance of the British King. He served gallantly in the Continental Army on the battlefield at Harlem Heights, White Plains, Trenton, Brandywine, Germantown and Monmouth, eventually rising to the rank of Lieutenant Colonel.

A student of Thomas Jefferson's after serving in the Revolutionary War, James Monroe was an adherent of Mr. Jefferson's principles of individual freedom and restrained representative government, which would guide him through fifty years of public service. Elected to the Virginia General Assembly in 1782, Monroe served in the Confederate Congress and in the first United States Senate before his first of two terms as Minister to France. He returned to his Virginia, and as many students of Mr. Jefferson have done since, served four years as Governor.

During Thomas Jefferson's Presidency, James Monroe returned to France and was essential in the negotiation of the Louisiana Purchase in 1803. His foreign policy experience led James Madison to name him both Secretary of State and Secretary of War as the United States was once again pulled into war with Great Britain in 1812.

Elected President of the United States in 1816, Monroe's Presidency has long been referred to as the Era of Good Feeling, during which time he helped resolve long-standing grievances with the British, acquired Florida from the Spanish in 1819, signed the Missouri Compromise and renounced European intervention or dominion in the Western Hemisphere with one of our Nation's greatest foreign policy documents, the Monroe Doctrine.

In 1820, Monroe achieved an impressive re-election, losing only one electoral vote, reserving a unanimous election for George Washington.

My own family has many strong ties to the legacy of James Monroe. My wife Susan and I enjoyed our wedding on the grounds of his home Ashlawn-Highland in Charlottesville where her family has worked for many years. In fact, part of Monroe's property in Albemarle County, is now on the grounds of his teacher's great institution of learning, the University of Virginia and is respectfully referred to as Monroe's Hill.

The life of James Monroe is one that embodied Virtue, Honor and Commitment during his accomplished life of public service. It is fitting that he would pass from this Earth on July Fourth, 1831.

It is with sincere admiration that I respectfully ask my colleagues to recognize James Monroe's 246th birthday as a reminder of his remarkable and magnificent leadership for the people of Virginia and the United States of America.

ADDITIONAL STATEMENTS

CONGRATULATING SISTER JANICE RYAN

• Mr. JEFFORDS. Mr. President, today I recognize Sister Janice Ryan, a native of Fairfield, as this year's recipient of the Kids On The Block Vermont Puppet's Choice Award winner. This award is conferred annually by Kids on the Block—Vermont, a theatrical troupe that performs with puppets to deliver messages of personal safety, diversity, and acceptance of disabilities. As an honoree, Sister Janice is being acknowledged for her outstanding contributions to children and families statewide.

I have admired Sister Janice ever since I first met her. Her career-long dedication to education and to helping those who need it most has encompassed serving in many capacities, including teacher, professor, administrator, advocate, mentor and role model. Each one of these alone are worthy of praise in their own right.

One of Sister Janice's first of many outstanding accomplishments was the development of the special education program at Trinity College, where she served as a professor, Chair of Education and President. She continued on that path of service in helping to pass groundbreaking legislation that ensured the educational rights of children with disabilities.

Sister Janice's passion and commitment to the children of Vermont and the Nation is unsurpassed. From 1995 to 1999 Sister Janice served as Education Director on my staff. Her experience was invaluable. I am forever indebted to her for her service.

All who know Sister Janice know how dedicated she has been her entire life in serving others. She now serves as the Deputy Director for the Vermont Department of Corrections. There are very few people in this world who have given so much and asked so little in return. I hope Sister Janice knows that her years of giving have not gone unnoticed. This award shows how much she is appreciated even though it is impossible for us to fully recognize her contributions.

I am so proud to stand here and tell you about such a great Vermonter. I wish her my deepest congratulations for an award she so greatly deserves. Everyone who has the opportunity to benefit from Sister Janice's service is extremely lucky.•

HONORING PARENTS ANONYMOUS OF SOUTH EASTERN KENTUCKY

• Mr. BUNNING. Mr. President, I pay tribute and congratulate the work of

Parents Anonymous of South Eastern Kentucky.

Parents Anonymous was founded with the goal of preventing child abuse by engaging parents and strengthening families. Their goal is to stop child abuse by working with parents before it happens or continues to happen.

The citizens of Kentucky are fortunate to have the services of Parents Anonymous of South Eastern Kentucky. This organization's example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

They have my most sincere appreciation for this work and I look forward to their continued service to Kentucky.●

GIRL SCOUTS OF KICKAPOO COUNCIL HONOR SIX GOLD AWARD RECIPIENTS

● Mr. DURBIN. Mr. President, I rise today to salute six remarkable young women who will soon be presented with the Girl Scout Gold Award by Girl Scouts-Kickapoo Council in Peoria, IL.

The Girl Scout Gold Award is the highest achievement in Girl Scouting. It is presented to Senior Girl Scouts who have demonstrated outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. Nationwide, less than 3 percent of Senior Girl Scouts earn the Gold Award each year.

To earn the Girl Scout Gold Award, a Girl Scout must satisfy several requirements. First, she must fulfill a series of preliminary tasks, including the completion of four Interest Project Patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge. Upon completion of these four tasks, the Girl Scout then must design and implement a Girl Scout Gold Award project, integrating all of the skills and knowledge that she has gained through her years in Girl Scouting. The project must demonstrate a substantial commitment to community service and leadership and be carried out over the course of at least 50 hours.

Leslie Carter, of Girl Scout Troop 47, will be presented with the Girl Scout Gold Award for her service as a personalized aide for a student with special needs during the summer school term. Leslie's project involved planning lessons and activities that helped the girl improve her socialization skills, enabling the student to be more receptive to academic lessons, try new activities, and improve her abilities.

Tiffany Cremer, of Girl Scout Troop 47, will be honored with the Girl Scout Gold Award for her project which aimed to increase public awareness of Girl Scout events, service projects, and programming, by publishing articles and photographs in local newspapers across Fulton County, IL.

Kendall Juers, of Girl Scout Troop 555, will receive her Girl Scout Gold Award for her efforts to refurbish the collection of the Glen Oak Primary School Library. Kendall collected new and used books to be donated to the library and also made bags that the children will use to protect the books they check out of the library and bring home.

Alicia McCombs, of Girl Scout Troop 47, will receive her Girl Scout Gold Award in recognition of her role in codirecting a school play and fulfilling a variety of additional responsibilities, including set building, costumes, makeup, and lighting.

Diana Newlan, of Girl Scout Troop 555, will be presented with the Girl Scout Gold Award in recognition of her efforts to reorganize her school's music library, including cataloging, repairing, and replacing sheet music.

Sarah Rosecrans, of the Juliette Girl Scout Troop, will be honored with the Girl Scout Gold Award for her leadership in planning a councilwide event for Brownie Girl Scouts, enabling the younger girls to learn about and prepare for Junior Girl Scouts, the next level in Girl Scouting.

For each of these young women, I expect that the completion of the Girl Scout Gold Award is only the first step toward a lifetime of civic involvement. I take this opportunity to congratulate each of these young women for their hard work and dedication in earning the Girl Scout Gold Award and to publicly recognize them for their exceptional leadership and service to their communities.●

IN TRIBUTE TO THE PETTYS

● Mr. HOLLINGS. Mr. President, this year many of our colleagues are seeking the NASCAR vote, but I think it would be wise if each member in this body, instead, sought out the NASCAR heart.

My neighbors in South Carolina are Pattie and Kyle Petty. In May 2000, the Pettys faced a terrible tragedy, as their young son, Adam, the next great racing hope in the family, died during a practice session. Pattie and Kyle didn't retreat after that, but have worked ever since to bring Adam's dream of a camp for chronically ill children to reality. Many NASCAR drivers, owners, sponsors, and fans have contributed, and the Victory Junction Gang Camp will open its doors in June.

I bring to the attention of my colleagues the following article from the April 23 USA Today, outlining the good work of the Petty family and I ask that it be printed in the RECORD.

The article follows:

[From USA TODAY, Apr. 23, 2004]

LEGENDARY RACING FAMILY HOPES TO TURN CORNER

KYLE PETTY HELPS MAKE HIS SON'S DREAM A REALITY

(By Chris Jenkins)

As a race car driver, Kyle Petty can't hope to match the success of his father and grandfather. As an executive, he can't hope to compete with NASCAR's mega-teams that have millions more to spend on the best cars, drivers and mechanics. As a father, he can't hope to put his son's death in a racing accident nearly four years ago completely behind him.

But Petty does hope, and he seems to radiate hope to those around him through his sincere nature and gentle, quick wit. Other drivers might be better at turning left on the racetrack. They don't have his gift for turning life's negatives into positives.

"No matter how bad your day is, when you see Kyle, your day's better," driver Tony Stewart says. "He tells you a silly joke that makes you laugh or something that makes you feel better."

Petty, 43, gets angry—furious, actually—when he and his cars don't measure up. And he recently woke up crying in the middle of the night, missing his son, Adam.

But in the right-hand column of Petty's emotional ledger is the camaraderie he feels with others in the NASCAR community, optimism that his family's team eventually will return to victory lane and, above all, the completion of Adam's dream: a $20 million-plus retreat for chronically ill children.

"I've always been incredibly optimistic that as bad as it is, it's got to get better," Petty says.

It would be easy to dwell on what might have been. Had Adam Petty lived, many in NASCAR believe his electric talent and sponsor-friendly personality would have driven the Petty Enterprises team back to the prominence it once enjoyed. Petty doesn't allow such thoughts: "If you do, you'll just go crazy."

Kyle's father, seven-time NASCAR champion Richard Petty, 66, says it took years for Kyle's upbeat personality to resurface. "It took him a long time to get over it," Richard says, pausing to reconsider his use of the phrase "over it."

"Not to get over it. To get it beside of him instead of in front of him."

Says Stewart: "I think when you see what Kyle's been through as a person, a lot of people at that point would kind of retreat and kind of put themselves in their own little hole and shut themselves out from the rest of the world.

"With Kyle and (wife) Pattie, it's just the opposite. He's such a positive person that you can't help gravitate toward people like him and you want to be surrounded by people like him."

"CAMP" A MISNOMER

A tour of the Victory Junction Gang Camp, a retreat in rural Randleman, N.C., for chronically ill children, revealed two minor flaws.

The first is in its name: A "camp" has shoddy log cabins, leaky canoes and a slimy pond. This place feels more like a trendy suburban subdivision. There are new buildings—a theater, a gym, a pool and more—trimmed in bright colors and stainless steel, resort-quality guest cottages and medical facilities where volunteer doctors will care for campers' special needs.

The second flaw, pointed out by Kyle and Pattie Petty, is a bent pedestrian bridge girder that was rammed by an errant delivery truck. It's March, three months before the camp is to open. This setback doesn't seem to be stressful. Instead, the Pettys laugh, reminded of the time Adam, at 15, accidentally mangled the family van by running into an overhang at his grandfather's house.

Fond stories about Adam, the only one of the Pettys' three children who seriously pursued a driving career, still waft through the garage. Once he was spotted carrying a briefcase around the infield, an accessory not often associated with drivers. Bystanders couldn't let that oddity pass without comment, so they asked him what he was carrying. Grinning, he opened the briefcase to reveal a hairbrush and some gum.

For Kyle, almost anything can trigger memories. "The way the sun shines, the way you see a car on the racetrack," he says. "I'll hear somebody holler, say a name and turn around expecting to see Adam standing there. And it just tweaks you just right. And it hurts you. And it just breaks your heart.

"And I'm not the only person in this boat, believe me. There's plenty of other families out all over this country who have lost kids. I'm sure they all feel the same way."

Adam died in May 2000 during a practice session at New Hampshire International Speedway. NASCAR officials determined that he died of a neck injury, the same type that would kill Dale Earnhardt nine months later. Drivers now are required to wear safety collars that help prevent neck injuries, and the wall Adam hit is covered with an impact-absorbing barrier system.

Kyle Petty doesn't blame NASCAR. He knows it might sound odd to outsiders, but being around racers offers "a lot of comfort."

The camp embraces racing as its theme. Used race cars will be suspended from the cafeteria ceiling. An obstacle course is built from tires. One building looks like a giant race car—Adam's car. "Racing is all Adam knew," Petty says.

Often when something is done in someone's memory, it is said he or she would have wanted it this way. In Adam's case, this is literally true: After helping his sponsor, Sprint, promote a product that allowed kids in different hospitals to communicate, Adam became determined to do something else for those kids—even if, as his grandfather says, that meant offering to sign over the rights to his winnings for the next 20 years to a loan officer if he'd lend Adam the money to build a camp. But the project never got rolling until after his death.

"Most 19-year-old kids (are) looking out for themselves," Richard says. "And he was, don't get me wrong. But he had feelings for other kids, too. So that just inspired us that much more, that it was his idea originally. We're going to do it come heck or high water."

NASCAR and many of its drivers, team owners and sponsors have chipped in for the camp, which will welcome its first group in June; Stewart has pledged to raise at least $1 million. Fans have donated money and time. Nursing home groups have sent box loads of handmade teddy bears and quilts, gifts to campers.

The project is personal to rookie driver Brian Vickers, who befriended Adam and the other Petty children, brother Austin, 22, and sister Montgomery, 18. All four grew up attending the same home-schooling classes from a tutor. Vickers isn't comfortable talking about Adam and doesn't mention the significant donation he's quietly making to the camp.

Asked if Adam was talented enough to become a star, Vickers looks at the floor and says, "Yeah."

TEAM LOSES GROUND

Most of today's big-time racing teams have moved into gleaming buildings designed to attract tourists and impress sponsors in suburban Charlotte. Then there's Petty Enterprises' humble jumble of white shacks in Randleman, a town short on stoplights and long on religious radio programming.

Founded in 1949 by Kyle's grandfather, NASCAR pioneer Lee Petty, then made famous by Richard, the team has won 268 races and 10 NASCAR championships. Most of that success came before the NASCAR boom of the 1990s. When corporate America began waking up to the popularity of NASCAR in the late 1980s, Richard was past his prime, though he'd drive until 1992.

Other teams were winning races, so they landed big sponsors. Having more money allowed those teams to develop technology to make their cars faster.

The Pettys fell behind; they've won three races since 1984, none since '99. Adam was supposed to change that. When he died, the promise of a young driver who could rally crewmembers and attract sponsorships died with him. "We had a lot of stuff lined up around how we were going to do his career and stuff like that," Richard says. "So when the accident happened, everything just went into limbo. For six months or a year there, we just basically survived."

Today the team, which fields cars for Kyle and journeyman Jeff Green, 41, has funding from Georgia-Pacific and General Mills, plus associate sponsors. It's significant money (exact amounts are not disclosed), but nowhere near what marquee teams command.

But the team's problems might not all be financial. Years ago it was common for drivers to run teams. As the business of racing became more complex, other teams added layers of management. Today Petty is the only driver with a major team who has extensive executive responsibilities.

"Definitely, he tries to handle way, way too much," says Robbie Loomis, who worked for the Pettys before becoming Jeff Gordon's crew chief in 2001. "He's good at about everything, but when you get stretched so thin and get pulled in so many directions, it's hard to tell what direction to go in."

Petty says he enjoys being busy but concedes that the return of Dale Inman, the crew chief for Richard Petty's championship teams, is making his job easier. Although Inman is 67 and can't offer much in the way of technical advice, Petty says Inman's presence helps crewmembers believe the team can win. Petty compares it to Joe Gibbs returning to coach the NFL's Washington Redskins.

Although Petty says this isn't his last season as a driver, Loomis says Petty's retirement could be the first major step toward a team resurgence. When Petty stops driving and focuses on running the team, Loomis says, "You're going to see a whole new Petty Enterprises."

The team is improving slowly; Petty's recent 12th-place finish at Las Vegas Motor Speedway was cause for mild celebration. The lack of research-and-development money continues to show, as Petty and Green finish in the bottom half of the field most of the time.

Though nice guys, as the saying goes, might finish last, that doesn't mean they have to like it; a disappointing race can transform Petty from friendly to fierce. But his outbursts aren't without perspective and don't last long.

"I can deal with how we run a lot better, sometimes, because of Adam," Petty says. "Because nothing is as bad as Adam, no matter what. I can go to the racetrack, run dead last. I can go to the racetrack, not make the race. That's still not the worst day."

GANG CAMP'S AIM: HELPING SICK KIDS

About the Victory Junction Gang Camp:

Campers will be grouped according to the disease they have been diagnosed with; a group of children with hemophilia will visit the camp June 20–25, and seven other groups of children will visit during the camp's eight-week season.

Campers, ages 7–15, will be selected based on their doctors' recommendations and will not pay a fee to attend.

The camp is seeking volunteer counselors and donations.

Online: www.victoryjunction.org.●

MESSAGE FROM THE HOUSE

At 1:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3942. An act to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

H.R. 4219. An act to provide an extension of highway, highway safety, motor carrier safety, transit, an other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The message also announced that the House has passed the following bills, without amendment:

S. 1904. An act to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse".

S. 2043. An act to designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building".

The message further announced that pursuant to section 637(d)(1) of the HELP Commission Act (Public Law 108–199), the Minority Leader appoints the following individuals on the part of the House of Representatives to the Helping To Enhance the Livelihood of People (HELP) Around the Globe Commission: Mr. Lytn C. Fritz of California, Mr. C. Payne Lucas of Washington, DC, and Mr. Jeffery D. Sachs of New York.

MEASURES REFERRED

The following bill was read, and referred as indicated:

H.R. 3942. An act to redesignate the facility of the United States Postal Service Located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building"; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7213. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emergency Conservation Program" (RIN0560–AG26) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7214. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tree Assistance Program" (RIN0560–AG83) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7215. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis Cattle and Bison; State and Zone Designations; Michigan" (Doc. No. 02–112–3) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7216. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classical Swine Fever Status of France and Spain" (Doc. No. 98–090–7) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7217. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cattle From Australia and New Zealand; Testing Exemptions" (Doc. No. 99–071–3) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7218. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Golden Nematode; Regulated Area" (Doc. No. 03–082–2) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7219. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Certification Program for Imported Articles of Pelargonium spp. and Solanum spp. to Prevent Introduction of Potato Brown Rot" (Doc. No. 03–019–2) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7220. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Requirements for Cooperative Services Grant Programs, Value-Added Producer Grants, Agriculture Innovation Centers and Rural Cooperative Development Grants" (RIN0570–AA40) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7221. A communication from the Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "CHAMPUS/TRICARE; Implementation of the Pharmacy Benefits Program" (RIN0720–AA63) received on April 27, 2004; to the Committee on Armed Services.

EC–7222. A communication from the Assistant Secretary of Defense for Homeland Defense, Department of Defense, transmitting, pursuant to law, a report relative to Department of Defense assistance to civilian sporting events during calendar year 2003; to the Committee on Armed Services.

EC–7223. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Prompt Corrective Action; Corporate Credit Unions; Credit Union Service Organizations; Member Business Loans; Regulatory Flexibility Program" received on April 27, 2004; to the Committee on Banking, Housing, and Urban Affairs .

EC–7224. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency declared in with respect to Sierra Leone in Executive Order 13194; to the Committee on Banking, Housing, and Urban Affairs.

EC–7225. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. imports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7226. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. imports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–7227. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Doc. No. FEMA–7770) received on April 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7228. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 68 FR 8113" received on April 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7229. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 68 FR 8112" received on April 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7230. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Elibility; 69 FR 9755" (Doc. No. FEMA–7827) received on April 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7231. A communication from the Assistant Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Bank Exemption from the Insider Lending Prohibition of Exchange Act Section 13(k)" (RIN3235–AI81) received on April 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7232. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Audited Financial Statements for Fiscal Year 2003; to the Committee on Commerce, Science, and Transportation.

EC–7233. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Fiscal Year 2003 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–7234. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Property Reporting" (RIN2700–AC79) received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7235. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Conformance with Federal Acquisition Circular 2001–16" received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7236. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Synopses Requirements" (RIN2700–AC93) received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7237. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting" received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7238. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures" (RIN0648–AR68) received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7239. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Decrease of the Commercial Trip Limit for the Hook-and-Line Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone" received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7240. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of all federal programs related to coastal and ocean activities; to the Committee on Commerce, Science, and Transportation.

EC–7241. A communication from the Administrator, Federal Aviation Administration, transmitting, pursuant to law, the Administration's Capital Investment Plan; to the Committee on Commerce, Science, and Transportation.

EC–7242. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to the implementation and enforcement of the International Safety Management Code; to the Committee on Commerce, Science, and Transportation.

EC–7243. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Fundamental Properties of Asphalts and Modified Asphalts—II"; to the Committee on Commerce, Science, and Transportation.

EC–7244. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Prohibiting Directed Fishing for Pacific Cod by Catcher Vessels 60 Feet Length

Overall and Longer Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7245. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustment Opening Directed Fishing for Pollock in Statistical Area 630 of the Gulf of Alaska for Twelve Hours" received on April 27, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7246. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, a report entitled "Apportionment of Membership on the Regional Fishery Management Councils"; to the Committee on Commerce, Science, and Transportation.

EC–7247. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Voluntary Reporting of Greenhouse Gases of 2002"; to the Committee on Energy and Natural Resources.

EC–7248. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, a report of a nomination for the position of Solicitor, Department of the Interior, received on April 27, 2004; to the Committee on Energy and Natural Resources.

EC–7249. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, a report of a nomination for the position of Principal Deputy Administrator, Department of Energy, received on April 27, 2004; to the Committee on Energy and Natural Resources.

EC–7250. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, a report of a vacancy and designation of acting officer for the position of Assistant Secretary for Policy and International Affairs, Department of Energy, received on April 27, 2004; to the Committee on Energy and Natural Resources.

EC–7251. A communication from the Director, Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, a report of a vacancy and designation of acting officer for the position of Assistant Secretary, Fossil Energy, Department of Energy, received on April 27, 2004; to the Committee on Energy and Natural Resources.

EC–7252. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the effectiveness of the Department of Energy's defense and national security programs; to the Committee on Energy and Natural Resources.

EC–7253. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Geraniol; Exemption from the Requirement of a Tolerance" (FRL#7351–1) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7254. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerance Exemption for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contract Surface Sanitizing Solutions)" (FRL#7335–4) received on April 27, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7255. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay and/or Defer Sanctions, South Coast Air Quality Management District" (FRL#7651–6) received on April 27, 2004; to the Committee on Environment and Public Works.

EC–7256. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 1" (FRL7651–7) received on April 27, 2004; to the Committee on Environment and Public Works.

EC–7257. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration" (FRL#7321–2) received on April 27, 2004; to the Committee on Environment and Public Works.

EC–7258. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District" (FRL#7638–2) received on April 27, 2004; to the Committee on Environment and Public Works.

EC–7259. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a report relative to the Agency's regulatory programs; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself, Ms. Murkowski, Mr. Domenici, Mr. Burns, Mr. Roberts, Mr. Bunning, Mr. Cochran, Mr. Crapo, Mr. Bennett, and Mr. Reid):

S. 2353. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself and Mr. Kyl):

S. 2354. A bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 2355. A bill to make available hazardous duty incentive pay to uniformed service members performing firefighting duties; to the Committee on Armed Services.

By Ms. COLLINS (for herself and Mr. Feingold):

S. 2356. A bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Government-wide commercial purchase cards, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BAUCUS:

S. 2357. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to maintain a minimum quantity of stored water in certain reservoirs in the vicinity of the upper portion of the Missouri River; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. Leahy, Mr. Feingold, and Mr. Kennedy):

S. 2358. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

By Mr. REID:

S. 2359. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for small business health insurance costs, and for other purposes; to the Committee on Finance.

By Mr. MILLER:

S.J. Res. 35. A joint resolution to repeal the seventeenth article of amendment to the Constitution of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND:

S. Res. 344. A resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Ms. Snowe, Mr. Kennedy, Mr. Miller, Mr. Kerry, Mr. Johnson, Mr. Pryor, Mr. Corzine, Mrs. Murray, Ms. Stabenow, Ms. Mikulski, Mr. Baucus, Mr. Cochran, Mr. Lieberman, and Mrs. Lincoln):

S. Res. 345. A resolution expressing the Sense of the Senate that Congress should expand the supports and services available to grandparents and other relatives who are raising children when their biological parents have died or can no longer take care of them; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. Roberts):

S. Con. Res. 101. A concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. Smith, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 493

At the request of Mrs. LINCOLN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. CORZINE), the Senator from Nebraska (Mr. NELSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 859

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 976

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1909

At the request of Mr. COCHRAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2192

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2192, a bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2236

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2236, a bill to enhance the reliability of the electric system.

S. 2267

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2267, a bill to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Connecticut (Mr. DODD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2311

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2311, a bill to provide for various energy efficiency programs and tax incentives, and for other purposes.

S. 2318

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2318, a bill to expand upon the Department of Defense Energy Efficiency Program required by section 317 of the National Defense Authorization Act of 2002 by authorizing the Secretary of Defense to enter into energy savings performance contracts, and for other purposes.

S. 2337

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2337, a bill to establish a grant program to support coastal and water quality restoration activities in States bordering the Great Lakes, and for other purposes.

S. 2343

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2343, a bill to amend title XVIII of the Social Security Act to improve the medicare program, and for other purposes.

S.J. RES. 33

At the request of Mr. BROWNBACK, the names of the Senator from Oregon (Mr. SMITH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S.J. RES. 34

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 34, a joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 100

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Con. Res. 100, a concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 269

At the request of Mr. DORGAN, his name was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 311

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 342

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Res. 342, a resolution designating April 30, 2004, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes.

AMENDMENT NO. 3050

At the request of Mr. DASCHLE, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 3050 proposed to S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Ms. MURKOWSKI, Mr. DOMENICI, Mr. BURNS, Mr. ROBERTS, Mr. BUNNING, Mr. COCHRAN, Mr. CRAPO, Mr. BENNETT, and Mr. REID):

S. 2353. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I am today introducing, along with Senators MURKOWSKI, DOMENICI, BURNS, ROBERTS, BUNNING, COCHRAN, CRAPO, BENNETT, and REID, the National Geologic Mapping Reauthorization Act of 2004. This is an act that has been very beneficial to the Nation and deserves to be reauthorized.

The National Geologic Mapping Act was originally signed into law in 1992, creating the National Cooperative Geologic Mapping Program (NCGMP). This program exists as a partnership between the USGS and the State geological surveys, whose purpose is to provide the Nation with urgently-needed geologic maps that can be and are used by a diverse clientele. These maps are vital to understanding groundwater regimes, mineral resources, geologic hazards such as landslides and earthquakes, and geology essential for all types of land use planning; as well as providing basic scientific data. The NCGMP contains three parts: FedMap—the U.S. Geological Survey's geologic mapping program, StateMap—the State geological survey's part of the act, and EdMap—a program to encourage the training of future geologic mappers at our colleges and universities. All three components are reviewed annually by a Federal Advisory Committee to ensure program effectiveness and to provide future guidance.

FedMap geologic mapping priorities are determined by the needs of Federal land-management agencies, regional customer forums, and cooperatively with the State geological surveys. FedMap also coordinates national geologic mapping standards. StateMap is a competitive program wherein the States submit proposals for geologic mapping that are critiqued by a peer review panel. A requirement of this section of the legislation is that each Federal dollar be matched one-for-one with State funds. Each participating State has a State Advisory Committee to ensure that its proposal addresses priority areas and needs as determined in the NGMA. The success of this program ensured reauthorization of similar legislation in 1997 and in 1999 with widespread bipartisan support in both the House and Senate. To date approximately $50M has been awarded to State geological surveys through StateMap, and these Federal dollars have been more than matched by State dollars.

In 2003, more than 450 new digital geologic maps were published by NCGMP, covering over 120,000 square miles of the Nation. These high quality geologic maps will be used by a very broad base of customers including geotechnical consultants, Federal, State and local land managers, and mineral and energy exploration companies. Information on how to obtain all of these maps is provided on the Internet by the National Geologic Map Database, allowing ease of access for all users.

EdMap has trained over 550 university students at 118 universities across the Nation. The best testament to the quality of this training are its beneficiaries—an unusually high percentage of these students go on to careers in Earth Science, becoming university professors, energy company exploration scientists, or mapping specialists themselves. Their EdMap program experience provides them with a remarkable self-confidence, having completed a difficult and independent field mapping experience. At this very moment, a former EdMap student, Sergeant Alexander Stewart, is serving his Nation in Operation Iraqi Freedom, where his geologic mapping skills have been put to excellent use training his unit in all aspects of map making and interpretation.

Mr. President, the National Geologic Mapping Reauthorization Act benefits numerous citizens every day by assuring there is accurate, usable geologic information available to communities and individuals so that safe, educated resource use decisions can be made. I encourage my colleagues to support this legislation and am committed to its timely consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geologic Mapping Reauthorization Act of 2004".

SEC. 2. FINDINGS.

Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting "homeland and" after "planning for";

(B) in subparagraph (E), by striking "predicting" and inserting "identifying";

(C) in subparagraph (I), by striking "and" after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

"(J) recreation and public awareness; and"; and

(3) in paragraph (9), by striking "important" and inserting "available".

SEC. 3. PURPOSE.

Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by striking "protection" and inserting "management".

SEC. 4. DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.

Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking "not later than" and all that follows through the semicolon and inserting "not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 2004;";

(2) in subparagraph (B), by striking "not later than" and all that follows through "in accordance" and inserting "not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 2004 in accordance"; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking "not later than" and all that follows through "submit" and inserting "submit biennially".

SEC. 5. GEOLOGIC MAPPING PROGRAM OBJECTIVES.

Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking "geophysical-map data base, geochemical-map data base, and a"; and

(2) by striking "provide" and inserting "provides".

SEC. 6. GEOLOGIC MAPPING PROGRAM COMPONENTS.

Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking "and" after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(III) the needs of land management agencies of the Department of the Interior.".

SEC. 7. GEOLOGIC MAPPING ADVISORY COMMITTEE.

Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(1) in paragraph (2)—

(A) by striking "Administrator of the Environmental Protection Agency or a designee" and inserting "Secretary of the Interior or a designee from a land management agency of the Department of the Interior";

(B) by inserting "and" after "Energy or a designee,"; and

(C) by striking ", and the Assistant to the President for Science and Technology or a designee"; and

(2) in paragraph (3)—

(A) by striking "Not later than" and all that follows through "consultation" and inserting "In consultation";

(B) by striking "Chief Geologist, as Chairman" and inserting "Associate Director for Geology, as Chair"; and

(C) by striking "one representative from the private sector" and inserting "2 representatives from the private sector".

SEC. 8. FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.

Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking "geologic map" and inserting "geologic-map"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "information on how to obtain" after "that includes"; and

(B) in subparagraph (A), by striking "under the Federal component and the education component" and inserting "with funding provided under the national cooperative geologic mapping program established by section 4(a)".

SEC. 9. BIENNIAL REPORT.

Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking "Not later" and all that follows through "biennially" and inserting "Not later than 3 years after the date of enactment of the National Geologic Mapping Reauthorization Act of 2004 and biennially".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.

Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2006 through 2010."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "2000" and inserting "2005";

(B) in paragraph (1), by striking "48" and inserting "50"; and

(C) in paragraph (2), by striking 2 and inserting "4".

By Mr. McCAIN (for himself and Mr. KYL):

S. 2354. A bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I am pleased to be joined today by Senator KYL in introducing the Arizona Trail Feasibility Study Act. This bill would authorize the Secretaries of Agriculture and Interior to conduct a joint study to determine the feasibility of designating the Arizona Trail as a National Scenic or National Historic Trail. A companion bill is being introduced in the House of Representatives today by Representative KOLBE and rest of the Arizona delegation.

Since 1968, when the National Trails System Act was established, Congress has designated twenty national trails. This legislation is the first step in the process of national trail designation for the Arizona Trail. If the study concludes that designating the Arizona Trail as a part of the national trail system if feasible, subsequent legislation will be introduced to designate the Arizona Trail as either a National Scenic Trail or National Historic Trail.

The Arizona Trail is a beautifully diverse stretch of public lands, mountains, canyons, deserts, forests, historic sites, and communities. The Trail begins at the Coronado National Memorial on the U.S.-Mexico border and ends in the Bureau of Land Management's Arizona Strip District on the Utah border. In between these two points, the Trail winds through some of the most rugged, spectacular scenery in the Western United States.

For the past 10 years, over 16 Federal, state and local agencies, as well as community and business organizations, have worked to form a partnership to create, develop, and manage the Arizona Trail. Designating the Arizona Trail as a national trail would help streamline the management of the Trail to ensure that this pristine stretch of diverse land is preserved for future generations to enjoy.

The corridor for the Arizona Trail encompasses the wide range of ecological diversity in the state, and incorporates a host of existing trails into one continuous trail. The Arizona Trail extends through seven ecological life zones including such legendary landmarks as the Sonoran Desert and the Grand Canyon. It connects the unique lowland desert flora and fauna in Saguaro National Park and the pine-covered San Francisco Peaks, Arizona's highest mountains at 12,633 feet in elevation. In fact, the Trail route is so topographically diverse that a person can hike from the Sonoran Desert to Alpine forests in one day. The Trail also takes travelers through ranching, mining, agricultural, and developed urban areas, as well as remote, pristine wildlands.

With nearly 700 miles of the 800-mile trail already completed, the Arizona Trail is a boon to recreationists. The Arizona State Parks recently released data showing that two-thirds of Arizonans consider themselves trail users. Millions of visitors also use Arizona's trails each year. In one of the fastest-growing states in the U.S., the designation of the Arizona Trail as a National Scenic or National Historic Trail would ensure the preservation of a corridor of open space for hikers, mountain bicyclists, cross country skiers, snow shoers, eco-tourists, equestrians, and joggers.

I commend the Arizona Trail Association for taking the lead in building a coalition of partners to bring the Arizona Trail from its inception to a nearly completed, multiple-use, non-motorized, long-distance trail. Trail enthusiasts look forward to the completion of the Arizona Trail. Its designation as a national trail would help to protect the natural, cultural, and historic resources it contains for the public to use and enjoy.

By Mr. JOHNSON:

S. 2355. A bill to make available hazardous duty incentive pay to uniformed service members performing firefighting duties; to the Committee on Armed Services.

Mr. JOHNSON. Mr. President, I rise today to introduce the Fair Pay for Military Firefighters Act. This bill authorizes hazardous duty incentive pay for our Nation's military firefighters.

It may come as a surprise to many of my colleagues, as it did to me, that military firefighters are not currently eligible to receive hazardous duty incentive pay. This issue was first brought to my attention in a letter I received several months ago from an Air Force Staff Sergeant stationed at Ellsworth Air Force Base. The letter stated, "We are in one of the most dangerous jobs in the world. We face danger not only when we deploy like other jobs that get this pay but we face hazards at our home station."

As the Staff Sergeant said, firefighting is in itself a dangerous profession, but military firefighters must confront a wide variety of threats and are exposed to toxic materials distinctive to the military. The fires they fight often involve fuel and propellants, munitions, or chemicals which present unique and extremely dangerous situations. These service members face risks not only when in combat, but as a part of their every day duties. Despite these dangers, most of the approximate 5,000 military firefighters serving in the Armed Forces are not eligible to receive hazardous duty incentive pay. If these servicemembers are willing to take the risk, our nation should be willing to provide them the benefits they deserve.

In addition to being the right thing to do, I believe there are broader reasons to support hazardous duty incentive pay for military firefighters. First, there is an issue of fairness. Federal civilian firefighters, who also face great risk and are critically important to protecting our nation, rightly have risk calculated into their compensation package. This creates a situation where federal civilian and military firefighters, who often work side-by-side, are exposed to the same risk but are compensated differently.

Second, it is my understanding that each of the Services supports providing this benefit to our military firefighters because they see it as a manning and retention issue. In fact, according to survey results, lack of hazardous duty incentive pay was cited by military firefighters as one of the top three reasons for morale and retention problems. The Air Force has specifically stated that the lack of hazardous duty incentive pay is a primary factor in poor retention rates among its military firefighters. In my view, providing hazardous duty incentive pay is essential to retaining our best firefighters and maintaining this crucial capability within our Armed Forces.

Mr. President, I am pleased the Fair Pay for Military firefighters Act has been endorsed by both the Fleet Reserve Association and the Air Force Sergeants Association and I thank them for their assistance in preparing this legislation. I ask unanimous consent that the full text of two letters from these distinguished organizations be printed in the RECORD and the bill be printed in the RECORD.

I look forward to working with my colleagues to pass the Fair Pay for Military Firefighters Act and to extending hazardous duty incentive pay benefits to our nation's military firefighters. There can be no doubt that firefighting is one of the most dangerous professions. Military firefighters understand this threat and deserve the recognition of receiving hazardous duty incentive pay for the sacrifices they make and the risks they take.

There being no objection, the two letters and the text of the bill were ordered to be printed in the RECORD, as follows:

FLEET RESERVE ASSOCIATION,
Alexandria, VA, April 22, 2004.
Hon. TIM JOHNSON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR JOHNSON: The Fleet Reserve Association (FRA) has been advised that you plan to introduce a bill to recognize the regimen that requires military firefighters to put themselves in harm's way by authorizing their eligibility to receive Hazardous Duty Incentive Pay (HDIP). FRA strongly endorses this initiative.

There is no doubt these firefighters rate special consideration in the performance of their duties. They race to quell fires placing themselves in jeopardy from dangerous traffic conditions. They rush into burning buildings to fight flames and smoke, rescue persons in peril, and face the possibility of structures falling on them at any moment. They rush to stop burning aircraft from exploding, fight toxic chemical spills, rescue victims in danger of losing their lives, resolve hazardous material conditions, and even free kittens caught in tree tops. All are dangerous and can be life threatening at any time.

It is the Association's understanding that the military services are in favor of authorizing this special pay to their military firefighters. However, there are forces within the Administration that believe military firefighters, all enlisted service members, do not deserve HDIP. But the question arises that if their sacrifices are not worthy of recognition then why do civilian personnel, working side-by-side with these uniformed personnel, receive a risk factor incorporated in their federal pay checks?

FRA applauds your leadership on this proposal, and remains committed to working with you and your staff on its advancement. Please contact our legislative department at (703) 683–1400 if the Association can be of assistance.

JOSEPH L. BARNES,
National Executive Secretary.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, April 23, 2004.
Hon. TIM JOHNSON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the 135,000 members of this association, thank you for introducing legislation which would provide Hazardous Duty Incentive Pay for military firefighters. Your efforts will undoubtedly pave the way to correct an inequity that senior military leaders have identified as a contributing factor to low retention and morale among enlisted firefighters.

Military firefighters face hazardous duty every day—not just in wartime. They are confronted with fuel fires and explosive situations on our flightlines and in the environments unique to executing the military missions required to protect this nation. Like you, we are extremely proud of their courage and dedication. We are pleased you have taken the lead to honor them and to provide them equitable compensation for their intrepidity.

Senator Johnson, thank you again for your leadership and your dedication to enlisted military members. AFSA will continue to inform Airmen of all ranks at our chapters around the world that they have a dedicated champion in Washington thanks to your untiring efforts. We look forward to continue working with you on this and other matters of mutual concern. Please let me know when we can be of further assistance to you.

Sincerely,

RICHARD M. DEAN,
Executive Director.

S. 2355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Pay for Military Firefighters Act of 2004".

SEC. 2. AVAILABILITY OF HAZARDOUS DUTY INCENTIVE PAY FOR MILITARY FIREFIGHTERS.

(a) ADDITIONAL TYPE OF DUTY ELIGIBLE FOR PAY.—Subsection (a) of section 301 of title 37, United States Code, is amended—

(1) in paragraph (12), by striking "or" at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:

"(13) involving regular participation as a firefighting crew member, as determined by the Secretary concerned; or".

(b) MONTHLY AMOUNT OF PAY.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking "(12)" and inserting "(13)"; and

(2) in paragraph (2)(A), by striking "(13)" and inserting "(14)".

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 2356. A bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Government-wide commercial purchase cards, and for other purposes; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today with my colleague, Senator RUSS FEINGOLD, to introduce the "Purchase Card Waste Elimination Act of 2004," to help eliminate wasteful spending through the use of governmental credit cards.

Today, the Governmental Affairs Committee explored the federal government's use of "purchase cards," which are commercial charge cards used by federal agencies to buy billions of dollars worth of goods and services. The Committee heard the results of the General Accounting Office's investigation into waste, fraud, and abuse in the purchase card program.

The American people have the right to expect the federal government to spend their tax dollars carefully and wisely. While this is true at all times, it is never more so than today, when the government faces enormous fiscal pressures and a growing budget deficit.

The Governmental Affairs Committee has a mandate to help safeguard those tax dollars from waste, fraud, and abuse. To meet this mandate, the Committee has launched an initiative to root out government waste. Today's hearing was part of that effort and focused on wasteful, inefficient, and in some cases, fraudulent, transactions using purchase cards.

These cards were first introduced by the General Services Administration on a government-wide basis in 1989. Purchase cards are used primarily for making routine purchases such as office supplies, computers and copying machines. Purchase cards are similar to the personal credit cards we all carry, but with one important difference: The taxpayers pays the bill. Although the card is only supposed to be used for official purposes, the Federal Government is responsible for paying all charges by authorized cardholders, regardless of what was purchased.

While legitimate purchases are usually small, they nevertheless add up to big money. Purchase card use has soared during the past decade—from less than $1 billion in fiscal year 1994 to more than $16 billion in fiscal year 2003. There are more than 134,000 purchase cardholders in the Defense Department alone.

This explosive growth presents both challenges and opportunities. While there are many benefits to the purchase card, such as expediting purchases, cutting red tape, and saving administrative costs, the General Accounting Office and the Inspectors General have reported that inadequate controls over purchase cards leave agencies vulnerable to waste, fraud, and abuse.

The Governmental Affairs Committee heard testimony describing how smarter use of purchase cards could save taxpayers hundreds of millions of dollars. A GAO report that I requested along with Senator FEINGOLD and Congresswoman SCHAKOWSKY, which is being released today, highlights several wasteful purchasing practices.

The GAO concludes that many agency cardholders fail to obtain readily available discounts on purchase card buys. In too many cases, purchase cardholders are buying goods and services from vendors that already agreed to provide government discounts through the GSA schedule, yet cardholders often lack the information and training needed to obtain the discounted prices. As a result, GAO found numerous instances of cardholders paying significantly more for items for which discounts already had been negotiated. In light of the fact that conscientious shoppers often can obtain savings beyond the schedule discounts, these findings indicate that some federal agencies are substantially overpaying for routine supplies.

For example, an analysis of the Department of Interior's purchase card buys of ink cartridges found that most of the time the cardholder paid more than the government schedule price to which the vendors had already agreed. One vendor had agreed to a schedule price of $24.99 for a particular ink cartridge, yet of 791 separate purchases of this model,only two were at or below that price. Some purchasers paid $34.99 or about 40 percent more for the same item.

In conducting its investigation, the GAO examined six agencies that together account for over 85 percent of all government purchase card transactions. If the six agencies reviewed in this study negotiated automatic discounts of just 10 percent from major vendors, and if agency employees had used those discounts, GAO estimates annual savings of $300 million. Over 10 years, that's $3 billion. Pretty soon, as Senator Dirksen once observed, we're talking real money.

The GAO also found that agencies should be making greater efforts to collect and analyze data on purchase card transactions. This would help agencies to eliminate waste and to expose fraud and abuse.

We must assure taxpayers that the federal government is shopping carefully, wisely and honestly. That's why the legislation we introduce today would require the Office of Management and Budget to direct agencies to better train cardholders and to more effectively scrutinize their purchases. This legislation would also instruct the General Services Administration to increase its efforts to secure discount agreements with vendors and to better provide agencies with the tools needed to control wasteful spending. According to testimony by GAO, this legislation would be a strong first step to eliminating $300 million in wasteful spending.

The American people have the right to expect the federal government to spend their tax dollars carefully and wisely. I urge my colleagues to cosponsor this legislation and help eliminate wasteful purchase card spending.

By Mr. BAUCUS:

S. 2357. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to maintain a minimum quantity of stored water in certain reservoirs in the vicinity of the upper portion of the Missouri River; to the Committee on Environment and Public Works.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UPPER MISSOURI RIVER WATER STORAGE.

(a) WATER STORAGE.—Notwithstanding any project or activity carried out by the Secretary of the Army, acting through the Chief of Engineers, under the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891), or any other law, the Secretary shall cease to support water releases for navigation purposes at any time at which the total volume of water stored in the reservoirs described in subsection (b) is less than 44,000,000 acre-feet.

(b) RESERVOIRS.—The reservoirs referred to in subsection (a) are the following reservoirs located in the vicinity of the upper portion of the Missouri River:

(1) Fort Peck Lake.
(2) Lake Sakakawea.
(3) Lake Oahe.
(4) Lake Sharpe.
(5) Lake Francis Case.
(6) Lewis and Clark Lake.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. FEINGOLD, and Mr. KENNEDY):

S. 2358. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today, I am joined by Senators LEAHY, KENNEDY, and FEINGHOLD in introducing the American Neighborhoods Taking the Initiative—Guarding Against Neighborhood Gangs (ANTI-GANG) Act, which is a comprehensive, tailored bill that will help State and local prosecutors prevent, investigate, and prosecute gang crimes in their neighborhoods.

The National Youth Gang Center has reported evidence of resurgence in gang violence, and this is clearly reflected in Chicago, IL, where 45 percent of the homicides last year were gang-related. In Chicago, there are 98 identified gangs, with an estimated 100,000 gang members; over 13 percent of the gang members nationwide are located within Chicago's city limits.

I would like to commend the State and local prosecutors and law enforcement agencies for their work in fighting this problem. The ANTI-GANG Act would authorize $862.5 million in grants over the next 5 years to provide them with the tools they need and have specifically requested of Congress to combat violent gangs.

For example, the National District Attorneys Association (NDAA) wrote the following: "We must find new methods of protecting those individuals brave enough to come forward as witnesses. Our biggest problem is getting the financial help to establish, and run, meaningful witness protection programs." The National Alliance of Gang Investigators (NAGI) also has identified a trend in witness intimidation that is "dramatically affecting the prosecution of violent gang offenders." The ANTI-GANG Act responds by authorizing $300 million over 5 years for the protection of witnesses and victims of gang crimes. This bill also would allow the Attorney General to provide for the relocation and protection of witnesses in State gang, drug, and homicide cases, and it would allow States to obtain the temporary protection of witnesses in Stage gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services.

The ANTI-GANG Act also authorizes $200 million for grants to develop gang prevention, research, and intervention services. However, these grants should not be limited to those areas already identified as "high intensity" interstate gang activity areas. The NAGI also has identified a trend of gangs migrating from larger cities to smaller communities, which is fueled in large part by an increase in gang involvement in drug trafficking. This may be related to the spread of methamphetamine, which is the fastest-growing drug in the United States and, according to Illinois Attorney General Lisa Madigan, the "single-greatest threat to rural America today." In response to these trends, the ANTI-GANG Act would allow rural communities and other jurisdictions to apply for these grants, to prevent gang violence from occurring in the first place.

The ANTI-GANG Act also authorizes $262.5 million over five years for the cooperative prevention, investigation, and prosecution of gang crimes. Most of this funding would be for criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities that would investigate and prosecute criminal street gangs in high intensity interstate gang activity areas (HIIGAAs). Importantly, this bill would allow HIIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIIDTAs), to avoid conflicts in those areas where the two entities would coexist.

The ANTI-GANG Act also authorizes $100 million over five years for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors.

In addition to these new resources, the ANTI-GANG Act will effectively strengthen the ability of prosecutors to prosecute violent street gangs, by creating a stronger federal criminal gang prosecution offense. This new offense criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. At the same time, it responds to concerns raised by the NDAA regarding potential conflicts with local investigation and prosecution efforts, by requiring certification by the Department of Justice before any prosecution under this bill could be undertaken in federal court.

The ANTI-GANG Act also promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for federal employees. Almost a third of prosecutors' offices across the country have problems with recruiting or retaining staff attorneys, and low salaries were cited as the primary reason for recruitment and retention problems. This proposed loan forgiveness program is supported by the American Bar Association, the NDAA, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, and the American Council of Chief Defenders.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, state, and federal level to prosecute violent street gangs, and it will give state and local governments the resources they need to protect witnesses and prevent youth from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences, which conservation jurists such as Justice Anthony Kennedy have criticized as "unfair, unjust, unwise." It also does not unnecessarily expand the federal death penalty—a measure which has been included in other federal gang legislation but is opposed by the Leadership Conference on Civil Rights, NAACP, ACLU, and National Association of Criminal Defense Lawyers.

Finally, the Juvenile Justice and Delinquency Prevention Coalition has raised the following concerns regarding federal gang legislation that would allow more juveniles to be prosecuted as adults in the federal system: "[T]he fact remains that transfer of youth to the adult system, simply put, is a failed public policy. Comprehensive national research on the practice of prosecuting youth in the adult system has shown conclusively that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. In fact, study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offenses histories but remained in the juvenile justice system. Moreover, national data show that young people incarcerated with adults are five times as likely to report being a victim of rape, twice as likely to be beaten by staff and 50 percent more likely to be assaulted with a weapon than youth held in juvenile facilities. A Justice Department report also found that youth confined in adult facilities are nearly 8 times more likely to commit suicide than youth in juvenile facilities."

In light of these concerns, the ANTI-GANG Act provides Congress with the necessary data to decide whether to expand the federal role in prosecuting juvenile offenders, by requiring a comprehensive report on the current treatment of juveniles by the states and the capability of the federal criminal justice system to take on these additional cases and house additional prisoners. The American Bar Association has written that this study is "the more prudent course of action at this time."

The ANTI-GANG Act is a comprehensive, common-sense approach to fight gang violence. I urge my colleagues to join me in support of this important legislation.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN NEIGHBORHOODS TAKING THE INITIATIVE—GUARDING AGAINST NEIGHBORHOOD GANGS (ANTI-GANG) ACT

OVERVIEW

The American Neighborhoods Taking the Initiative—Guarding Against Neighborhood Gangs (ANTI-GANG) Act of 2004 is a comprehensive, tailored bill that will help state and local prosecutors prevent, investigate, and prosecute gang crimes in their neighborhoods. This bill contains four major provisions:

(1) It gives state and local prosecutors the tools they need and have specifically requested of Congress to combat violent gangs by authorizing $52.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $20 million for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors; $60 million for the protection of witnesses and victims of gang crimes; and $40 million for grants to develop gang prevention, research, and intervention services.

(2) It replaces the current provision on criminal street gangs in federal law, seldom-used penalty enhancement, with a stronger measure that criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. The ANTI-GANG Act targets gang violence and gang crimes in a logical, straightforward manner.

(3) It will provide Congress with the necessary data to decide whether to expand the federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the states and the capabilities of the federal criminal justice system to take on these additional cases and house additional prisoners.

(4) It promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for federal employees.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, state, and federal level to prosecute violent street gangs, it will give state and local governments the resources they need to protect witnesses and prevent kids from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences (which conservative jurists such as Justice Anthony Kennedy have criticized as "unfair, unjust, unwise"). It also respects the traditional principles of federalism, by requiring certification by the Department of Justice before any prosecution under this bill may be undertaken in federal court and by not unnecessarily expanding the federal death penalty.

SECTION-BY-SECTION SUMMARY OF THE ANTI-GANG ACT

Title I—Criminal Street Gangs

Sec. 101. Criminal Street Gangs—Definitions. Defines a criminal street gang as a preexisting and ongoing entity (e.g., having already committed crimes); targets violent criminal street gangs by requiring that at least one predicate gang crime be a violent gang crime; establishes evidentiary relevance of gang symbolism in prosecutions; and allows federal prosecution of neighborhood gang activity when those activities substantially affect interstate commerce.

Sec. 102. Criminal Street Gangs—Prohibited Acts, Penalties, and Forfeiture. Creates three new federal crimes to prosecute cases involving violent criminal street gangs. (1) It prohibits the recruitment and forced retention of gang members, including harsher penalties if an adult recruits a minor or prevents a minor from leaving a criminal street gang. (2) It prohibits participation in a criminal street gang if done with the intent to further the criminal activities of the gang or through the commission of a single predicate gang crime. (3) It prohibits witness intimidation and tampering in cases and investigations related to gang activity. Before the federal government may undertake a prosecution of these offenses, the Department of Justice must certify that it has consulted with state and local prosecutors before seeking an indictment and that federal prosecution is "in the public interest and necessary to secure substantial justice."

Sec. 103. Clerical Amendments.

Sec. 104. Conforming Amendments.

Sec. 105. Designation of and Assistance for "High Intensity" Interstate Gang Activity Areas. Requires the Attorney General, after consultation with the governors of appropriate States, to designate certain locations as "high intensity" interstate gang activity areas (HIGAAs) and provide assistance in the form of criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each designated area. The ANTI-GANG bill also allows for HIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIDTAs), to avoid conflicts and bureaucratic morasses in those areas where the two entities would coexist. Subsection (c) authorizes funding of $40 million for each fiscal year 2005 through 2009.

Sec. 106. Gang Prevention Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments, and qualified private entities to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. Subsection (f) authorizes $40 million for each fiscal year 2005 through 2009. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 107. Gang Prevention Information Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments to fund technology, equipment, and training for state and local sheriffs, police agencies, and prosecutor offices to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors. Subsection (f) authorizes $20 million for each fiscal year 2005 through 2009. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 1089. Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs. Expands the Project Safe Neighborhood program to require United States Attorneys to identify and prosecute significant gangs within their district; to coordinate such prosecutions among all local, State, and Federal law enforcement agencies; and to coordinate criminal street gang enforcement teams in designated "high intensity" interstate gang activity areas. Subsection (b) authorizes the hiring of 94 additional Assistant United States Attorneys and funding of $7.5 million for each fiscal year 2005 through 2009 to carry out the provisions of this section.

Sec. 109. Additional Resources Needed by the Federal Bureau of Investigation to Investigate and Prosecute Violent Criminal Street Gangs. Requires the Federal Bureau of Investigation to increase funding for the Safe Streets Program and to support the criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes $5 million for each fiscal year 2005 through 2009 to expand the FBI's Safe Streets Program.

Sec. 110. Expansion of Federal Witness Relocation and Protection Program. Amends 18 U.S.C. §3521(a)(1), which governs the Federal witness relocation and protection program, to make clear that the Attorney General can provide for the relocation and protection of witnesses in State gang, drug, and homicide cases. Current law authorizes Federal relocation and protection for witnesses in State cases involving "an organized criminal activity or other serious offense."

Sec. 111. Grants to States and Local Prosecutors to Protect Witnesses and Victims of Crime. Authorizes the Attorney General to make grants available to State and local prosecutors and the U.S. Attorney for the District of Columbia for the purpose of providing short-term protection to witnesses in cases involving an organized criminal activity, criminal street gang, serious drug offense, homicide, or other serious offense. State and local prosecutors will have the option of either providing the witness protection themselves or contracting with the United States Marshals Service for use of the Federal witness protection and relocation program. Subsection (d) authorizes $60 million for each fiscal year 2005 through 2009 to fund the program. By providing significantly increased resources and flexibility for State and local prosecutors, this provision responds in a meaningful way to the need for effective witness protection emphasized by prosecutors during the September 17, 2003, hearing in the Judiciary Committee.

Sec. 1112. Witness Protection Services. Amends 18 U.S.C. §3526 to allow States to obtain the temporary protection of witnesses in State gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services. Currently, complex reimbursement procedures deter State and local prosecutors from obtaining witness protection services from the Federal government in emergency circumstances.

Title II—Related Matters Involving Violent Crime Prosecution

Sec. 201. Study on Expanding Federal Authority for Juvenile Offenders. This section requires the General Accounting Office to do a comprehensive report on the advantages and disadvantages of increasing Federal authority for the prosecution of 16- and 17-year-old offenders. Some have proposed indicting and prosecuting more juveniles in Federal courts as a step in combating gang violence. Although there is insufficient data to support this proposition, it is appropriate for the GAO to review the current treatment of such offenders by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners. With this review, Congress can knowledgeably consider whether to expand the Federal role in prosecuting juveniles.

Sec. 202. Prosecutors and Defenders Incentive Act. This section establishes a student loan repayment program for prosecutors and public defenders that is modeled after the program currently available to federal employees. This would increase the ability of federal, state, and local prosecutors and public defenders to recruit and retain highly-qualified attorneys. Attorneys in this program must agree to serve for a minimum of three years. Participants can receive up to $10,000 per year and a total of up to $60,000; these amounts are identical to the limitations in the program for federal employees. Subsection (h) authorizes $25 million for fiscal year 2005 and such sums as may be necessary for each succeeding fiscal year.

Mr. LEAHY. Mr. President, I am pleased to cosponsor the introduction of the ANTI-Gang Act with my good friends on the Judiciary Committee, Senators DURBIN, KENNEDY and FEINGOLD.

The American Neighborhoods Taking the Initiative—Guarding Against Neighborhood Gangs Act of 2004 is a bill carefully crafted to target violent criminal street gangs whose activities extend beyond the neighborhood and have a substantial impact on Federal interests.

As a former county prosecutor, I have long expressed concern about making Federal crimes out of every offense that comes to the attention of Congress. I know that States have competent and able police departments, county sheriffs' offices, prosecutors and judges. Gangs are, more often than not, locally-based, geographically-oriented criminal associations, and our local communities are on the front lines of the fight against gang violence. We should be supplementing the work of our State and local law enforcement officers, not usurping them. This is why this bill specifically targets only those gangs where there is a provable Federal interest. This is why this bill requires consultation with our State and local counterparts before embarking on a Federal prosecution of historically State crimes. And this is why major provisions of the bill are directed toward helping State and local law enforcement officers prevent, investigate, and prosecute gang crimes in their own neighborhoods.

There are four major sections of the bill:

First, the bill gives State and local prosecutors financial resources to guard against neighborhood gangs by authorizing $72.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $40 million for grants to develop gang prevention, research, and intervention services; and $60 million for the protection of witnesses and victims of gang crimes. Federal funds are also provided for hiring new Assistant U.S. Attorneys and to fund technology, equipment and training grants to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate state and Federal coordination.

The first defense in protecting our youth against gang influence is a good offense. I have long thought that programs aimed at combating gang activity must incorporate gang prevention and education—programs that would examine why our youth choose to associate in gangs and prey on others—to be effective. When Chairman HATCH appropriately targeted gang violence as a subject for a full Committee hearing last year, all agreed that we should be doing more to deter our youth from joining gangs in the first place. This bill heeds that call.

Another unifying theme of the expert witnesses at the Committee's hearing was the serious need for Federal assistance in protecting witnesses who will provide information about and testify against gangs from intimidation. Our bill not only provides funding to help protect witnesses, it also makes it a Federal crime to intimidate witnesses in certain State prosecutions involving gang activity.

Second, the bill defines a Federal criminal street gang by using well-established legal principles and providing recognizable limits. Rather than create yet another cumbersome and broad-reaching Federal crime that overlaps with numerous existing Federal statutes, this bill actually targets the problem that needs to be addressed: violent criminal street gangs. It recognizes that gangs are ongoing entities whose members commit crimes more easily simply because of their association with one another. Gangs prove the old adage: there is safety in numbers. Gang members can be sheep-like in their loyalty and allegiance to the gang. In this regard, the bill also explicitly and evenhandedly addresses the evidentiary significance of gang symbolism in gang prosecutions.

In addition to witness intimidation, other important crimes established by this bill include: One, participation in criminal street gangs by any act that is intended to effect the criminal activities of the gang; two, participation by committing a crime in furtherance of or for the benefit of the gang, and three, recruitment and retention of gang members. There are increased penalties for those who target minors for recruitment in a criminal street gang.

Third, the bill requires a comprehensive report on the current treatment of juveniles by the States, and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners, so that Congress can make an informed decision about whether or not to expand the Federal role in prosecuting juvenile offenders.

Some have suggested that the Federal Government has been unable to proceed effectively against gang crime because of Federal law's protections for juvenile offenders. I have not seen sufficient evidence to support his claim, but I think that Congressional consideration of this issue would benefit greatly from a comprehensive General Accounting Office study on this topic. We need to know both whether justice would be served by increasing the Federal role, and whether the Federal system—including both our prosecutors and the Bureau of Prisons—is prepared for such a step.

Fourth, the bill promotes the recruitment and retention of highly-qualified State and local prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees.

We have worked very hard in crafting this legislation not to further blur the lines between Federal and State law enforcement responsibilities or to add more burdens to the FBI as the primary Federal investigative agency. Federal law enforcement has been faced with a unique challenge since the September 11 attacks. The FBI is no longer just an enforcement agency, but also has a critical terrorism prevention mission. This mission is a daunting one, and our Federal law enforcement resources are not limitless. I, for one, do not want the FBI or U.S. Attorneys to focus these limited resources on cases that are best handled at the local level.

Combating gang violence should not be a partisan battle. The tragedy of gang violence affects too many. No community can afford to lose a single youth to the arms of a waiting gang. No gang should be allowed to flourish without consequence in our communities. I urge your support for this important bill.

Mr. FEINGOLD. Mr. President, I am pleased to support S. 2358, the Anti-Gang Act. This critical legislation will provide State and Federal law enforcement with the tools and resources needed to successfully fight the expanding presence of violent gangs that bring drugs like methamphetamine into our communities.

Time and time again, we in Congress have heard the call of prosecutors and law enforcement for more resources to combat the problem of gang violence. The Anti-Gang Act gives local prosecutors and law enforcement what they have asked Congress for most—targeted financial assistance. The bill will help combat the growth and proliferation of violent gangs by authorizing funds for the cooperative prevention, investigation, and prosecution of gang crimes. In addition, grant money will be made available for the protection of witnesses and victims of gang violence. These funds will not be tied to restrictive formulas that would keep the majority of the assistance from reaching suburban and rural communities. This money will be able to go to the communities in Wisconsin and the rest of the country where rural and smaller law enforcement agencies are financially limited in their ability to deal with the exploding increase in gang violence associated with methamphetamines and other narcotics.

The Anti-Gang Act also promotes hiring and long-term service of highly qualified prosecutors and public defenders by establishing a student loan forgiveness program. Prosecuting gangs is some of the most demanding and challenging work a prosecutor will tackle. Loan forgiveness will allow Assistant District Attorneys and Assistant Attorney Generals to remain in public service and allow them to take their wealth of experience and use it to combat gang violence.

The Anti-Gang Act also replaces the current Federal RICO statute that was never intended to be used against violent street gangs with a tough statute that not only criminalizes participation in criminal street gangs, but addresses the serious problem of the recruitment and retention of gang members. The Anti-Gang Act targets gang violence and gang crimes in a logical, straightforward manner. The bill also recognizes that the vast majority of gang investigations and prosecutions have been and will continue to be done at the State and local level. The bill requires that Federal prosecutors consult with State and local law enforcement before seeking an indictment and that a Federal prosecution is in the public interest and necessary to secure substantial justice.

Finally, the Anti-Gang Act will provide Congress with the data necessary to decide whether to expand the Federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on more juvenile cases and to house additional prisoners. Some have proposed indicting and prosecuting more juveniles in Federal courts as a way of combating gang violence without being able to tell us why this is necessary and what effect it might have on the criminal justice system. With this review, Congress can intelligently consider whether to expand the Federal role in prosecuting juveniles.

Our citizens should be able to send their children to school, use their parks and walk their streets without fearing that ever-spreading gang violence will grow unfettered in their community. The Anti-Gang Act is an important step towards making all of our neighborhoods safe and I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues Senator DURBIN, Senator LEAHY, and Senator FEINGOLD in introducing this important legislation, the ANTI-GANG Act.

Gang violence is a serious problem in many communities across the nation, and it deserves a serious response by Congress. The key to success is an effective strategy that rejects partisanship and "lock-em-up" sound bites in favor of tough, targeted law enforcement; aggressive steps to take guns out of the hands of criminal gang members and other violent juvenile offenders; and heavy emphasis on prevention programs that discourage gang membership and provide realistic alternatives for at-risk youth.

The past decade saw a dramatic reduction in violent juvenile crime, in large part because of these crime-fighting strategies. Many of us remember the dire "juvenile superpredator" predictions that were common before that reduction took place. In 1996, William Bennett and John Walters wrote that America was a "ticking crime bomb," faced with the "youngest, biggest, and baddest generation" of juvenile offenders that our country had ever known. Fortunately, these predictions were wrong. From 1993 to 2001, arrest rates for violent juvenile crime fell by more than two-thirds. We're still reaping the benefits of this lower crime rate today.

The decrease in crime is explained partly by the sensible measures taken by Congress on gun safety in the early 1990's, including the ban on assault weapons. In 1999, the National Center for Juvenile Justice concluded that all of the increase in homicides by juveniles between the mid-1980's and mid-1990's was firearms-related. The Surgeon General concluded that guns were responsible for both the epidemic in juvenile violence in the late 1980's and the decrease in violence after 1993. "It is now clear," the Surgeon General wrote, "that the violence epidemic was caused largely by an upsurge in the use of firearms by young people. . . . Today's youth violence is less lethal, largely because of a decline in the use of firearms." The current ban on assault weapons is scheduled to expire in September, and given its proven results against crime, it is reckless for anyone to oppose its continuation.

Another factor that contributed to the remarkable decrease in juvenile violent crime was the innovative, cooperative crime-fighting strategy developed in Boston and other communities across the nation. The Boston strategy was neither a "liberal" nor a "conservative" approach. It engaged the entire community, including police and probation officers, clergy and community leaders, and even gang members themselves in a united effort to crack down on gang violence, strengthen afterschool prevention programs, and take guns out of the hands of juvenile offenders. This strategy was very successful—juvenile homicides dropped 80 percent from 1990 to 1995—and it succeeded without prosecuting more juveniles as adults, without housing nonviolent juvenile offenders in adult facilities, and without spending huge sums of money on new juvenile facilities.

The call for expanding federal prosecution of juveniles as adults was already controversial in those years when juvenile violent crime was at its peak. It makes no sense today, when juvenile violent crime rates have fallen to historic lows.

Unfortunately, an expansion is exactly what is sought by the supporters of S. 1735, the Gang Prevention and Effective Deterrence Act. Their bill responds to the problem of gang violence in the wrong way. They want the expanded federal prosecution of juveniles as adults. They want to federalize a broad range of street crimes now being prosecuted effectively at the local level. They want to create an unnecessary bureaucratic morass by duplicating law enforcement efforts now taking place on drug trafficking. They support a one-size-fits-all, Washington-knows-best approach to juvenile crime that ignores the achievements of the past decade and will only make the current problem of gang violence worse.

Our bill, the ANTI-GANG Act, avoids the most serious defects of S. 1735 by recognizing, first and foremost, the primary role of state and local law enforcement in responding to violent crime. The American Bar Association and the Judicial Conference have both called on Congress to consider the risks of federalizing offenses that have traditionally been the responsibility of state criminal justice systems. Many of us support the Local Law Enforcement Enhancement Act (S. 966), to deal with hate crimes. It would require the Justice Department to certify the need for federal involvement before commencing federal prosecution of a hate crime. We also oppose the enactment of federal "concealed carry" laws, which would undermine state and local gun-safety laws.

Instead of ignoring the primary role of state and local governments in fighting violent gang crimes in their communities, our ANTI-GANG Act strengthens that role, by giving local law enforcement and prosecutors the resources they need. It authorizes $52 million for cooperative prevention, investigation, and prosecution of gang crimes. It authorizes $20 million for technology, equipment, and training, so that state and local sheriffs, police agencies, and prosecutors can improve their identification of gang members and maintain databases with information to facilitate coordination among law enforcement and prosecutors. It authorizes $60 million for the protecting and relocation of witnesses and victims of gang crimes, and $40 million for grants for gang prevention, research, and intervention services.

The resources in our bill for witness relocation and protection are particularly important. At a Judiciary Committee hearing last September, state and local prosecutors specifically asked for Congress's help in protecting witnesses of gang crimes. Our bill responds to this need by authorizing $60 million in assistance. By contrast, the most recently revised version of S. 1735 authorizes only $12 million.

In addition, our bill amends the current law on governing federal witness relocation and protection to make clear that the Attorney General can use these provisions to support witnesses in state gang, drug, and homicide cases. We also allow states to obtain the temporary protection of witnesses in gang cases, without any requirement of reimbursement. The current complex reimbursement procedures deter state and local prosecutors from obtaining witness protection assistance from the federal government, even in emergencies. Our bill offers needed relief to state prosecutors undertaking difficult prosecutions of gang offenders, but no such relief is included in S. 1735.

The ANTI-GANG Act respects the primary role of state and local governments in fighting street crime, but it also recognizes that violent gangs can be a substantial impact on federal interests. According to the most recent National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in communities throughout the United States. Gang activity interferes with lawful commerce and undermines the freedom and security of entire communities.

The current provision on criminal street gangs in federal law is a seldom-used penalty enhancement. To address these legitimate federal interests, the ANTI-GANG Act replaces that provision with a stronger set of measures criminalizing participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. It also increases penalties for gang members who target minors for recruitment. It targets gang violence and gang crimes in a sensible way, avoiding the confusing and counterproductive approach taken in S. 1735. Before any federal prosecution can take place under our bill, a high-level representative from the Justice Department, after consultation with state and local prosecutors, must certify that the federal prosecution is in the public interest and necessary to achieve substantial justice.

The Act strengthens the ability of prosecutors at all levels—federal, state and local—to prosecute violent street gangs, and it does so without increasing any mandatory minimum sentences or unnecessarily expanding the federal death penalty to include state murder offenses.

An increasing number of judges, prosecutors, defense lawyers, and other criminal justice authorities now agree that mandatory minimum sentences are, in the words of Justice Anthony Kennedy, "unfair, unjust, and unwise." They are inconsistent with and undermine the sentencing guidelines that Congress established in the Sentencing Reform Act of 1984. The supporters of S. 1735 have commendably removed some of the mandatory sentencing provisions in their original bill, but even a single increased mandatory minimum is counterproductive and unjustified.

The ANTI-GANG Act also requires the General Accounting Office to conduct a comprehensive study and report on the current treatment of juveniles by states and local governments and the capability of the Bureau of Prisons and other parts of the federal criminal justice system to take on the additional cases that would result from an expansion of the federal prosecutions of juvenile offenders as adults. This report will enable Congress to make a better informed decision on this criminal issue.

Finally, the Act encourages the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled on the current program for federal employees. According to the National District Attorneys Association, this provision "would allow prosecutors to relieve the crushing burden of student loans that now cause so many young attorneys to abandon public service." The provision is also strongly supported by the National Legal Aid and Defender Association and the American Council of Chief Defenders.

I commend my colleagues for their leadership in developing this important legislation to protect American communities from gang violence without undermining fundamental principles of fairness and federal-state relations. I urge the Senate to approve it.

By Mr. REID:

S. 2359. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for small business health insurance costs, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I rise today to introduce the Healthy Employees, Healthy Small Businesses Act of 2004. This legislation addresses a number of fundamental problems: the fact that millions of hard working American families have no health insurance, they live in fear that financial ruin is just one illness away, or that a family member will need medical treatment that they simply can't afford; the fact that small businesses in this country are facing health care costs that are skyrocketing far beyond the rate of inflation, and that as much as many small business owners would like to provide health benefits to their employees, it is becoming more and more difficult for them to afford these costs; and the fact that this health care dilemma is damaging our Nation's competitive position internationally.

In 2002, 44 million Americans lived without health insurance for the entire year. 85 percent of these uninsured people belong to working families.

Think about that. The vast majority of the people in the United States of America who have no health insurance work.

These uninsured workers are trapped in the middle—in fact, most of them are middle class families. They do not receive health coverage through their jobs. They are too young to qualify for Medicare. They earn too much to qualify for a public health insurance program.

Yet they cannot afford private insurance plans.

For each one of those 44 million people, and each one of those millions of families, living without health coverage causes real and serious problems.

Living without health insurance is difficult for anyone. It is especially hard for parents with children. In addition to the constant worry about whether their child will have an accident or get sick, there are serious long-term consequences for kids who grow up without health insurance.

Uninsured kids have a higher rate of acute and infectious diseases than children who are covered by health insurance, and uninsured kids actually have a higher number of hospitalizations, because their problems don't get treated until they become serious.

Uninsured children are: four times as likely to have necessary care delayed; five times more likely to use a hospital emergency room as their regular source of care; and six times as likely as other children to go without the care they need.

But having no health care is a problem even when kids are not sick. It forces parents into the kinds of choices that none of us would want to make, and that nobody in America should have to make.

When your daughter is uninsured, you have to think twice about signing her up for a youth soccer league, because she might break her arm.

When your son has no health coverage, maybe it is not safe to let him ride his bike through the neighborhood, or try out his friend's new rollerblades.

Accidents happen to everyone, especially to active children. But when your family has no health insurance, a simple fall requiring a few stitches, a broken bone, or a minor sports-related injury could result in hundreds or even thousands of dollars in emergency room fees.

In the end, in a lot of families, living without health insurance sometimes means that kids do not get to do very much living at all.

In her book The Betrayal of Work, Beth Shulman asked Flor Segunda, a working mom with no health insurance, about how her family's uninsured status affects her kids. Segunda says:

> Doctors require immediate payment before they will see you, but many times I don't have the money. Right now, [my son] Luis has a temperature. But I try to take care of it myself because I can't afford to take him to the doctor every time. It is one of the reasons I don't like my children to play outside. They will get sick and I can't afford it.

A lack of access to health care can destroy a family's financial security in a heartbeat—that is certainly true. But it can also deny uninsured kids some of the most basic and simple pleasures of being a child: going outside to play, joining a tee-ball team, riding a bike.

Surely we can do better.

Living without health insurance is a terrible problem. So why are so many families forced to do it? Who are these families trapped in the middle—earning too much to qualify for free care, but not enough to pay for private insurance?

It turns out that more than half of the uninsured people in our country live in a family supported by someone who works for a small business—meaning a company that employs fewer than 100 workers.

This is not because small businesses are less committed to their workers than larger employers. On the contrary, the small business owners in my State seem to care a great deal about their employees. Most small business owners work closely with their employees, and they understand that the success of their enterprise depends on the loyalty of the people who work for them.

The reason small businesses are less likely to provide health insurance is simply a matter of economics.

At a small business, where people are delivering a product or service with just a handful of employees, the margin between revenues and costs can be pretty slim.

That does not leave much room for error—or for rising costs. But health care costs are spiraling out of control.

Every year for the last several years, we have seen double-digit inflation in health care prices. With health care costs rising out of sight, small business owners are rightly concerned about whether these uncontrolled prices represent too much of a risk to their overall business health.

My legislation would create a Federal refundable tax credit to reimburse small employers for part of the costs they incur for providing health insurance coverage to their employees.

The HEHSB tax credit would operate on a sliding scale, providing a large tax credit to all businesses with fewer than 50 employees, but giving the greatest tax relief to the smallest enterprises.

Last year, the average health insurance plan for a single person costs $3,383, of which the employee paid an average of $508 and the employer paid an average of $2,875.

For a family policy, the average cost totalled $9,068, with the employee bearing $2,412 and the employer shouldering $6,656.

Under my bill, companies with fewer than 10 employees would be eligible to claim a credit of 50 percent of the cost of each eligible employee's policy, up to a limit of $1,500 for an individual policy or $3,400 for a family policy.

Companies with 25 to 50 employees would be eligible to claim a credit of 35 percent of the cost of each eligible employee's policy, up to a limit of $750 for a self-only policy or $1,700 for a family policy.

I believe that this legislation will give more small business owners the ability to do what they want to do in the first place: provide their first-rate employees with first-rate benefits.

It will shield them from the worst risks associated with rising health care costs.

And I hope that it will eventually result in families like the Segundas feeling a little more security and happiness.

By Mr. MILLER:

S.J. Res. 35. A joint resolution to repeal the seventeenth article of amendment to the Constitution of the United States; to the Committee on the Judiciary.

Mr. MILLER. Madam President, we live in perilous times. The leader of the free world's power has become so neutered he cannot, even with the support of the majority of the Senate, appoint highly qualified individuals endorsed by the American Bar to a Federal court. He cannot conduct a war without being torn to shreds by partisans with their eyes set, not on he defeat of our enemy but on the defeat of our President.

The Senate has become just one big, bad, ongoing joke, held hostage by special interests, and so impotent an 18-wheeler truck loaded with Viagra would do no good.

Andrew Young, one of the most thoughtful men in America, recently took a long and serious look at the Senate. He was thinking about making a race for it. After visiting Washington, he concluded that the Senate is composed of:

> A bunch of pompous, old—

And I won't use his word here, I would say "folks"—

> listening to people read statements they didn't even write and probably don't believe.

The House of Representatives, theoretically the closest of all the Federal Government to the people, cannot restrain its extravagant spending nor limit our spiraling debt, and incumbents are so entrenched you might as well call off 80 percent of the House races. There are no contests.

Most of the laws of the land, at least the most important and lasting ones, are made not by elected representatives of the people but by unelected, unaccountable legislators in black robes who churn out volumes of case law and hold their jobs for life. A half dozen dirty bombs the size of a small suitcase planted around the country could kill hundreds of thousands of our citizens and bring this Nation to its knees at any time, and yet we can't even build a fence along our border to keep out illegals because some nutty environmentalists say it will cause erosion.

This Government is in one hell of a mess. Frankly, as Rett Butler said—my dear, very few people up here give a damn.

It is not funny. It is sad. It is tragic. And it can only get worse—much worse. What this Government needs is one of those extreme makeovers they have on television, and I am not referring to some minor nose job or a little botox here and there.

Congressional Quarterly recently devoted an issue to the mandate wars, with headlines blaring: "Unfunded Mandates Add to Woes, States Say; Localities Get the Bill for Beefed Up Security; Transportation Money Comes With Strings, and Medicare Stuck in Funding Squabbles," et cetera, et cetera, et cetera.

One would think that the much heralded Unfunded Mandate Reform Act of 1995 never passed. The National Conference of State Legislatures has set the unfunded mandate figure for the States at $33 billion for 2005. This, along with the budget problems they have been having for the last few years, has put States under the heel of a distant and unresponsive government. That is us. And it gives the enthusiastic tax raisers at the State level the very excuse they are looking for to dig deeper and deeper into the pockets of their taxpayers.

It is not a pretty picture. No matter who you send to Washington, for the most part smart and decent people, it is not going to change much because the individuals are not so much at fault as the rotten and decaying foundation of what is no longer a Republic. It is the system that stinks, and it is only going to get worse because that perfect balance our brilliant Founding Fathers put in place in 1787 no longer exists.

Perhaps, then, the answer is a return to the original thinking of those wisest of all men, and how they intended for this government to function. Federalism, for all practical purposes, has become to this generation of leaders, some vague philosophy of the past that is dead, dead, dead. It isn't even on life support. The line on that monitor went flat some time ago.

You see, the reformers of the early 1900s killed it dead and cremated the body when they allowed for the direct election of U.S. Senators.

Up until then, Senators were chosen by State legislatures, as James Madison and Alexander Hamilton had so carefully crafted.

Direct elections of Senators, as great and as good as that sounds, allowed Washington's special interests to call the shots, whether it is filling judicial vacancies, passing laws, or issuing regulations. The State governments aided in their own collective suicide by going along with that popular fad at the time.

Today it is heresy to even think about changing the system. But can you imagine those dreadful unfunded mandates being put on the States or a homeland security bill being torpedoed by the unions if Senators were still chosen by and responsible to the State legislatures?

Make no mistake about it. It is the special interest groups and their fundraising power that elect Senators and then hold them in bondage forever.

In the past five election cycles, Senators have raised over $1.5 billion for their election contests, not counting all the soft money spent on their behalf in other ways. Few would believe it, but the daily business of the Senate in fact is scheduled around fundraising.

The 17th amendment was the death of the careful balance between State and Federal Government. As designed by that brilliant and very practical group of Founding Fathers, the two governments would be in competition with each other and neither could abuse or threaten the other. The election of Senators by the State legislatures was the lynchpin that guaranteed the interests of the States would be protected.

Today State governments have to stand in line because they are just another one of the many special interests that try to get Senators to listen to them, and they are at an extreme disadvantage because they have no PAC.

You know what the great historian Edward Gibbons said of the decline of the Roman Empire. I quote: "The fine theory of a republic insensibly vanished."

That is exactly what happened in 1913 when the State legislatures, except for Utah and Delaware, rushed pell-mell to ratify the popular 17th amendment and, by doing so, slashed their own throats and destroyed federalism forever. It was a victory for special-interest tyranny and a blow to the power of State governments that would cripple them forever.

Instead of Senators who thoughtfully make up their own minds as they did during the Senate's greatest era of Clay, Webster, and Calhoun, we now have too many Senators who are mere cat's-paws for the special interests. It is the Senate's sorriest of times in its long, checkered, and once glorious history.

Having now jumped off the Golden Gate Bridge of political reality, before I hit the water and go splat, I have introduced a bill that would repeal the 17th amendment. I use the word "would," not "will," because I know it doesn't stand a chance of getting even a single cosponsor, much less a single vote beyond my own.

Abraham Lincoln, as a young man, made a speech in Springfield, IL, in which he called our founding principles "a fortress of strength." Then he went on to warn, and again I quote, that they "would grow more and more dim by the silent artillery of time."

A wise man, that Lincoln, who understood and predicted all too well the fate of our republican form of government. Too bad we didn't listen to him.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. The seventeenth article of amendment to the Constitution of the United States is hereby repealed.

"SECTION 2. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

"SECTION 3. If vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

"SECTION 4. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes a valid part of the Constitution.".

S. RES. 344

Whereas the United States and Singapore have a strong and enduring friendship;

Whereas the United States and Singapore share a common vision in ensuring the continued peace, stability, and prosperity of the Asia-Pacific region;

Whereas Singapore is a member of the coalition for the reconstruction of Iraq and is a strong supporter of the coalition efforts to stabilize and rebuild Iraq;

Whereas Singapore is a steadfast partner with the United States in the global campaign against terrorism and has worked closely with the United States to fight terrorism around the world;

Whereas Singapore is a core member of the Proliferation Security Initiative and is committed to preventing the proliferation of weapons of mass destruction;

Whereas Singapore has provided valuable support to the United States Armed Forces, including inviting such Forces to use the state-of-the-art Changi Naval Base;

Whereas Singapore is the 11th largest trading partner of the United States;

Whereas Singapore was the first country in Asia to enter into a free trade agreement with the United States;

Whereas Singapore, which has one of the busiest ports in the world, was the first country in Asia to join the Container Security Initiative (CSI), a key initiative of the United States Customs Service designed to prevent terrorist attacks through the use of cargo;

Whereas Singapore is a leader in biological research, has established a regional Emerging Diseases Intervention Center, and is leading efforts to respond to new health threats, including emerging diseases and the use of biological agents;

Whereas the relationship between the United States and Singapore is reinforced by strong ties of culture, values, commerce, and scientific cooperation; and

Whereas relationship and international cooperation between the United States and Singapore is important and valuable to both countries: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Goh Chok Tong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for its assistance in Iraq and its support in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 345—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD EXPAND THE SUPPORTS AND SERVICES AVAILABLE TO GRANDPARENTS AND OTHER RELATIVES WHO ARE RAISING CHILDREN WHEN THEIR BIOLOGICAL PARENTS HAVE DIED OR CAN NO LONGER TAKE CARE OF THEM

Mrs. CLINTON (for herself, Ms. SNOWE, Mr. KENNEDY, Mr. MILLER, Mr. KERRY, Mr. JOHNSON, Mr. PRYOR, Mr. CORZINE, Mrs. MURRAY, Ms. STABENOW, Ms. MIKULSKI, Mr. BAUCUS, Mr. COCHRAN, Mr. LIEBERMAN, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 345

Whereas, 4.5 million children in the United States are living in grandparent-headed households—a 30% increase from 1990 to 2000—and an additional 1.5 million children are living in households headed by other relatives;

Whereas 70% of grandparents who report they are responsible for the grandchildren living with them are under the age of 60, many of whom are still in the workforce and making a valuable contribution to the national economy;

Whereas, an increasing number of parents are unable to raise their own children due to substance abuse, incarceration, illnesses such as HIV/AIDS, child abuse and neglect, domestic and community violence, unemployment and poverty, and other serious community crises;

Whereas, grandparents and other relatives raising children, especially those without formal legal custody or guardianship of the children under their care, face a variety of unnecessary barriers, including difficulties enrolling children in school, authorizing medical treatment, maintaining their public housing leases, obtaining affordable legal services, and accessing a variety of federal benefits and services;

Whereas, grandparents and other relatives have stepped forward at great personal sacrifice to their financial and health status, to provide safe and loving homes and keep thousands of children from unnecessarily entering the formal foster care system;

Whereas children feel content to live in an environment with people that they know, who are familiar, and who are able to provide them with extended family as additional support and a family history, which gives them a sense of belonging.

Whereas the time, effort, and unselfish commitment shown by these family members is worthy of recognition.

Whereas, almost one-fifth of grandparents who report that they are responsible for the grandchildren living with them live in poverty;

Whereas, grandparents and other relatives have taken over the care of abused and neglected children who have been removed from their homes even though they often fail to receive the same services and supports offered to non-related foster parents.

Whereas, grandparents and other relatives, whether raising children inside or outside of the foster care system, need better access to health insurance, respite care, child care, special education, housing, and other benefits, and where appropriate, support from Temporary Assistance For Needy Families, federal foster care and subsidized guardianship programs.

Resolved, That—

(1) it is the sense of the Senate that

(A) Congress and all Americans should recognize and publicly laud the commitment of grandparents, aunts, uncles, and other relative caregivers raising children whose parents are unable or unwilling to do so;

(B) Congress urges institutions and government entities at every level to promote public policies that support, and remove barriers to these caregivers;

(C) Congress should establish new and expanded appropriate supports and services, such as respite care, housing, and subsidized guardianship, for grandparents and other relatives who are raising children inside and outside of the foster care system.

Mrs. CLINTON. Mr. President, today I am pleased to be submitting a resolution that urges Congress to expand the supports and services available to grandparents and other relatives who are raising children when their biological parents can no longer take care of them. I am pleased to have worked with my friend and colleague, Senator OLYMPIA SNOWE, in crafting this important bill.

Today, in Albany, NY, there is a "GrandRally" going on to celebrate and honor the almost 300,000 children who live in grandparent-headed households—a total of 6.3 percent of all children in New York State. Another 112,000 children live in households headed by other relatives. I am so pleased that this resolution coincides with the GrandRally because they compliment each other nicely.

Nationwide, four and a half million children are living in grandparent-headed households and an additional 1.5 million children are living in households headed by other relatives. This represents a 30 percent increase between 1990 and 2000.

Kinship care families came to be because there are many tragic instances when parents are unable to raise their own children. Serious illness, death, substance abuse, incarceration, domestic violence, and unemployment are just some of the reasons that have forced grandparents and other relatives to step forward, often at great personal sacrifice, to provide safe and loving homes for the children in their care. This has allowed thousands of children to live with extended family rather than strangers.

We know that children are better off living in an environment with people that they know, who are familiar, and who are able to provide them with extended family as additional support. When foster children are placed with family members rather than strangers, they gain a critical sense of belonging and a family history.

Unfortunately, these grandparents and other relatives raising children often face a number of unnecessary barriers, including difficulties enrolling children in school, authorizing medical treatment, and accessing a variety of government benefits and services. Almost one-fifth of grandparents who are serving as the parents for their grandchildren are living in poverty.

The time, effort, and unselfish commitment of these family members is worthy of recognition.

This resolution encourages institutions and government entities at every level to promote public policies that support these caregivers by expanding existing services such as respite care, housing, and subsidized guardianship for grandparents and other relatives who are raising children inside and outside of the foster care system.

I want to thank all of my colleagues who are cosponsors of this resolution. Senator SNOWE and I are being joined by a diverse, bipartisan group of Senators whose commitment to this issue demonstrates the broad range of support for kinship care families.

SENATE CONCURRENT RESOLUTION 101—TO EXPRESS THE SENSE OF THE CONGRESS REGARDING THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN v. BOARD OF EDUCATION OF TOPEKA

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 101

Whereas Oliver L. Brown is the namesake of the landmark United States Supreme Court decision of 1954, Brown v. Board of Education (347 U.S. 483, 1954);

Whereas Oliver L. Brown is honored as the lead plaintiff in the Topeka, Kansas case which posed a legal challenge to racial segregation in public education;

Whereas by 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People (the NAACP), an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African-Americans throughout the country;

Whereas Oliver L. Brown became part of the NAACP strategy led first by Charles Houston and later by Thurgood Marshall, to file suit against various school boards on behalf of such parents and their children;

Whereas Oliver L. Brown was a member of a distinguished group of plaintiffs in cases from Kansas (Brown v. Board of Education), Delaware (Gebhart v. Belton), South Carolina (Briggs v. Elliot), and Virginia (Davis v. County School Board of Prince Edward County) that were combined by the United States Supreme Court in Brown v. Board of Education, and in Washington, D.C. (Bolling v. Sharpe), considered separately by the Supreme Court with respect to the District of Columbia;

Whereas with respect to cases filed in the State of Kansas—

(1) there were 11 school integration cases dating from 1881 to 1949, prior to Brown v. Board of Education in 1954;

(2) in many instances, the schools for African-American children were substandard facilities with out-of-date textbooks and often no basic school supplies;

(3) in the fall of 1950, members of the Topeka, Kansas chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public education;

(4) on February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. v. The Board of Education of Topeka Kansas (which represented a group of 13 parents and 20 children);

(5) the district court ruled in favor of the school board and the case was appealed to the United States Supreme Court;

(6) at the Supreme Court level, the case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, D.C. (which was later heard separately); and

(7) the combined cases became known as Oliver L. Brown et al. v. The Board of Education of Topeka, et al.;

Whereas with respect to the Virginia case of Davis et al. v. Prince Edward County Board of Supervisors—

(1) one of the few public high schools available to African-Americans in the State of Virginia was Robert Moton High School in Prince Edward County;

(2) built in 1943, it was never large enough to accommodate its student population;

(3) the gross inadequacies of these classrooms sparked a student strike in 1951;

(4) the NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court; and

(5) although the United States District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the schools for white students in their area;

Whereas with respect to the South Carolina case of Briggs v. R.W. Elliott—

(1) in Clarendon County, South Carolina, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1947 against the inferior conditions that African-American students experienced under South Carolina's racially segregated school system;

(2) by 1951, community activists convinced African-American parents to join the NAACP efforts to file a class action suit in United States District Court;

(3) the court found that the schools designated for African-Americans were grossly inadequate in terms of buildings, transportation, and teacher salaries when compared to the schools provided for white students; and

(4) an order to equalize the facilities was virtually ignored by school officials, and the schools were never made equal;

Whereas with respect to the Delaware cases of Belton v. Gebhart and Bulah v. Gebhart—

(1) first petitioned in 1951, these cases challenged the inferior conditions of 2 African-American schools;

(2) in the suburb of Claymont, Delaware, African-American children were prohibited from attending the area's local high school, and in the rural community of Hockessin, Delaware, African-American students were forced to attend a dilapidated 1-room schoolhouse, and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility;

(3) both plaintiffs were represented by local NAACP attorneys; and

(4) though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware;

Whereas with respect to the District of Columbia case of Bolling, et al. v. C. Melvin Sharpe, et al.—

(1) 11 African-American junior high school students were taken on a field trip to Washington, D.C.'s new John Philip Sousa School for white students only;

(2) the African-American students were denied admittance to the school and ordered to return to their inadequate school; and

(3) in 1951, a suit was filed on behalf of the students, and after review with the Brown case in 1954, the United States Supreme Court ruled that segregation in the Nation's capitol was unconstitutional;

Whereas on May 17, 1954, at 12:52 p.m., the United States Supreme Court ruled that the discriminatory nature of racial segregation "violates the 14th Amendment to the Constitution, which guarantees all citizens equal protection of the laws";

Whereas the decision in Brown v. Board of Education set the stage for dismantling racial segregation throughout the country;

Whereas the quiet courage of Oliver L. Brown and his fellow plaintiffs asserted the right of African-American people to have equal access to social, political, and communal structures;

Whereas our country is indebted to the work of the NAACP Legal Defense and Educational Fund, Inc., Howard University Law School, the NAACP, and the individual plaintiffs in the cases considered by the Supreme Court;

Whereas Reverend Oliver L. Brown died in 1961, and because the landmark United States Supreme Court decision bears his name, he is remembered as an icon for justice, freedom, and equal rights; and

Whereas the national importance of the Brown v. Board of Education decision had a profound impact on American culture, affecting families, communities, and governments by outlawing racial segregation in public education, resulting in the abolition of legal discrimination on any basis: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress recognizes and honors the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka;

(2) the Congress encourages all people of the United States to recognize the importance of the Supreme Court decision in Brown v. Board of Education of Topeka;

(3) by celebrating the 50th anniversary of the Brown v. Board of Education of Topeka, the Nation will be able to refresh and renew the importance of equality in society; and

(4) the Rotunda of the Capitol is authorized to be used on May 13, 2004 or June 17, 2004 for a ceremony to commemorate the 50th anniversary of the Supreme Court's landmark decision in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954);

physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3052. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

SA 3053. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3054. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3055. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3056. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3057. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3058. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3059. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3060. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3061. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3062. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3063. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3064. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3065. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 150, supra; which was ordered to lie on the table.

SA 3066. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3067. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3068. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3069. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3070. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3071. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3072. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3073. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3074. Mr. GRAHAM of Florida submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3075. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3076. Mr. GRAHAM of Florida submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3077. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3078. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3079. Mr. GRAHAM of Florida submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

SA 3080. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3081. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3082. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS—TUESDAY, APRIL 27, 2004

SA 3051. Mr. DOMENICI proposed an amendment to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

Strike all after the first word and insert the following:

DIVISION ___—ENERGY

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Energy Policy Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

Sec. 101. Energy and water saving measures in congressional buildings.
Sec. 102. Energy management requirements.
Sec. 103. Energy use measurement and accountability.
Sec. 104. Procurement of energy efficient products.
Sec. 105. Voluntary commitments to reduce industrial energy intensity.
Sec. 106. Advanced Building Efficiency Testbed.
Sec. 107. Federal building performance standards.
Sec. 108. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.

Subtitle B—Energy Assistance and State Programs

Sec. 121. Low Income Home Energy Assistance Program.
Sec. 122. Weatherization assistance.
Sec. 123. State energy programs.
Sec. 124. Energy efficient appliance rebate programs.
Sec. 125. Energy efficient public buildings.
Sec. 126. Low income community energy efficiency pilot program.

Subtitle C—Energy Efficient Products

Sec. 131. Energy Star program.
Sec. 132. HVAC maintenance consumer education program.
Sec. 133. Energy conservation standards for additional products.
Sec. 134. Energy labeling.

Subtitle D—Public Housing

Sec. 141. Capacity building for energy-efficient, affordable housing.
Sec. 142. Increase of CDBG public services cap for energy conservation and efficiency activities.
Sec. 143. FHA mortgage insurance incentives for energy efficient housing.
Sec. 144. Public Housing Capital Fund.
Sec. 145. Grants for energy-conserving improvements for assisted housing.
Sec. 146. North American Development Bank.
Sec. 147. Energy-efficient appliances.
Sec. 148. Energy efficiency standards.
Sec. 149. Energy strategy for HUD.

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

Sec. 201. Assessment of renewable energy resources.

Sec. 202. Renewable energy production incentive.
Sec. 203. Federal purchase requirement.
Sec. 204. Insular areas energy security.
Sec. 205. Use of photovoltaic energy in public buildings.
Sec. 206. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes.
Sec. 207. Biobased products.

Subtitle B—Geothermal Energy

Sec. 211. Short title.
Sec. 212. Competitive lease sale requirements.
Sec. 213. Direct use.
Sec. 214. Royalties and near-term production incentives.
Sec. 215. Geothermal leasing and permitting on Federal lands.
Sec. 216. Review and report to Congress.
Sec. 217. Reimbursement for costs of NEPA analyses, documentation, and studies.
Sec. 218. Assessment of geothermal energy potential.
Sec. 219. Cooperative or unit plans.
Sec. 220. Royalty on byproducts.
Sec. 221. Repeal of authorities of Secretary to readjust terms, conditions, rentals, and royalties.
Sec. 222. Crediting of rental toward royalty.
Sec. 223. Lease duration and work commitment requirements.
Sec. 224. Advanced royalties required for suspension of production.
Sec. 225. Annual rental.
Sec. 226. Leasing and permitting on Federal lands withdrawn for military purposes.
Sec. 227. Technical amendments.

Subtitle C—Hydroelectric

PART I—ALTERNATIVE CONDITIONS

Sec. 231. Alternative conditions and fishways.

PART II—ADDITIONAL HYDROPOWER

Sec. 241. Hydroelectric production incentives.
Sec. 242. Hydroelectric efficiency improvement.
Sec. 243. Small hydroelectric power projects.
Sec. 244. Increased hydroelectric generation at existing Federal facilities.
Sec. 245. Shift of project loads to off-peak periods.
Sec. 246. Limitation on certain charges assessed to the Flint Creek Project, Montana.
Sec. 247. Reinstatement and transfer.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

Sec. 301. Permanent authority to operate the Strategic Petroleum Reserve and other energy programs.
Sec. 302. National Oilheat Research Alliance.

Subtitle B—Production Incentives

Sec. 311. Definition of Secretary.
Sec. 312. Program on oil and gas royalties in-kind.
Sec. 313. Marginal property production incentives.
Sec. 314. Incentives for natural gas production from deep wells in the shallow waters of the Gulf of Mexico.
Sec. 315. Royalty relief for deep water production.
Sec. 316. Alaska offshore royalty suspension.
Sec. 317. Oil and gas leasing in the National Petroleum Reserve in Alaska.
Sec. 318. Orphaned, abandoned, or idled wells on Federal land.
Sec. 319. Combined hydrocarbon leasing.
Sec. 320. Liquified natural gas.
Sec. 321. Alternate energy-related uses on the Outer Continental Shelf.
Sec. 322. Preservation of geological and geophysical data.
Sec. 323. Oil and gas lease acreage limitations.
Sec. 324. Assessment of dependence of State of Hawaii on oil.
Sec. 325. Deadline for decision on appeals of consistency determination under the Coastal Zone Management Act of 1972.
Sec. 326. Reimbursement for costs of NEPA analyses, documentation, and studies.
Sec. 327. Hydraulic fracturing.
Sec. 328. Oil and gas exploration and production defined.
Sec. 329. Outer Continental Shelf provisions.
Sec. 330. Appeals relating to pipeline construction or offshore mineral development projects.
Sec. 331. Bilateral international oil supply agreements.
Sec. 332. Natural gas market reform.
Sec. 333. Natural gas market transparency.

Subtitle C—Access to Federal Land

Sec. 341. Office of Federal Energy Project Coordination.
Sec. 342. Federal onshore oil and gas leasing and permitting practices.
Sec. 343. Management of Federal oil and gas leasing programs.
Sec. 344. Consultation regarding oil and gas leasing on public land.
Sec. 345. Estimates of oil and gas resources underlying onshore Federal land.
Sec. 346. Compliance with Executive Order 13211; actions concerning regulations that significantly affect energy supply, distribution, or use.
Sec. 347. Pilot project to improve Federal permit coordination.
Sec. 348. Deadline for consideration of applications for permits.
Sec. 349. Clarification of fair market rental value determinations for public land and Forest Service rights-of-way.
Sec. 350. Energy facility rights-of-way and corridors on Federal land.
Sec. 351. Consultation regarding energy rights-of-way on public land.
Sec. 352. Renewable energy on Federal land.
Sec. 353. Electricity transmission line right-of-way, Cleveland National Forest and adjacent public land, California.
Sec. 354. Sense of Congress regarding development of minerals under Padre Island National Seashore.
Sec. 355. Encouraging prohibition of offshore drilling in the Great Lakes.
Sec. 356. Finger Lakes National Forest withdrawal.
Sec. 357. Study on lease exchanges in the Rocky Mountain Front.
Sec. 358. Federal coalbed methane regulation.
Sec. 359. Livingston Parish mineral rights transfer.

Subtitle D—Alaska Natural Gas Pipeline

Sec. 371. Short title.
Sec. 372. Definitions.
Sec. 373. Issuance of certificate of public convenience and necessity.
Sec. 374. Environmental reviews.
Sec. 375. Pipeline expansion.
Sec. 376. Federal Coordinator.
Sec. 377. Judicial review.
Sec. 378. State jurisdiction over in-State delivery of natural gas.
Sec. 379. Study of alternative means of construction.
Sec. 380. Clarification of ANGTA status and authorities.
Sec. 381. Sense of Congress concerning use of steel manufactured in North America negotiation of a project labor agreement.
Sec. 382. Sense of Congress and study concerning participation by small business concerns.
Sec. 383. Alaska pipeline construction training program.
Sec. 384. Sense of Congress concerning natural gas demand.
Sec. 385. Sense of Congress concerning Alaskan ownership.
Sec. 386. Loan guarantees.

TITLE IV—COAL

Subtitle A—Clean Coal Power Initiative

Sec. 401. Authorization of appropriations.
Sec. 402. Project criteria.
Sec. 403. Report.
Sec. 404. Clean coal Centers of Excellence.

Subtitle B—Clean Power Projects

Sec. 411. Coal technology loan.
Sec. 412. Coal gasification.
Sec. 413. Integrated gasification combined cycle technology.
Sec. 414. Petroleum coke gasification.
Sec. 415. Integrated coal/renewable energy system.
Sec. 416. Electron scrubbing demonstration.

Subtitle C—Federal Coal Leases

Sec. 421. Repeal of the 160-acre limitation for coal leases.
Sec. 422. Mining plans.
Sec. 423. Payment of advance royalties under coal leases.
Sec. 424. Elimination of deadline for submission of coal lease operation and reclamation plan.
Sec. 425. Amendment relating to financial assurances with respect to bonus bids.
Sec. 426. Inventory requirement.
Sec. 427. Application of amendments.

Subtitle D—Coal and Related Programs

Sec. 441. Clean air coal program.

TITLE V—INDIAN ENERGY

Sec. 501. Short title.
Sec. 502. Office of Indian Energy Policy and Programs.
Sec. 503. Indian energy.
Sec. 504. Four Corners transmission line project.
Sec. 505. Energy efficiency in federally assisted housing.
Sec. 506. Consultation with Indian tribes.

TITLE VI—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

Sec. 601. Short title.
Sec. 602. Extension of indemnification authority.
Sec. 603. Maximum assessment.
Sec. 604. Department of Energy liability limit.
Sec. 605. Incidents outside the United States.
Sec. 606. Reports.
Sec. 607. Inflation adjustment.

Sec. 608. Treatment of modular reactors.
Sec. 609. Applicability.
Sec. 610. Prohibition on assumption by United States Government of liability for certain foreign incidents.
Sec. 611. Civil penalties.

Subtitle B—General Nuclear Matters

Sec. 621. Licenses.
Sec. 622. NRC training program.
Sec. 623. Cost recovery from Government agencies.
Sec. 624. Elimination of pension offset.
Sec. 625. Antitrust review.
Sec. 626. Decommissioning.
Sec. 627. Limitation on legal fee reimbursement.
Sec. 628. Decommissioning pilot program.
Sec. 629. Report on feasibility of developing commercial nuclear energy generation facilities at existing Department of Energy sites.
Sec. 630. Uranium sales.
Sec. 631. Cooperative research and development and special demonstration projects for the uranium mining industry.
Sec. 632. Whistleblower protection.
Sec. 633. Medical isotope production.
Sec. 634. Fernald byproduct material.
Sec. 635. Safe disposal of greater-than-class C radioactive waste.
Sec. 636. Prohibition on nuclear exports to countries that sponsor terrorism.
Sec. 637. Uranium enrichment facilities.
Sec. 638. National uranium stockpile.

Subtitle C—Advanced Reactor Hydrogen Cogeneration Project

Sec. 651. Project establishment.
Sec. 652. Project definition.
Sec. 653. Project management.
Sec. 654. Project requirements.
Sec. 655. Authorization of appropriations.

Subtitle D—Nuclear Security

Sec. 661. Nuclear facility threats.
Sec. 662. Fingerprinting for criminal history record checks.
Sec. 663. Use of firearms by security personnel of licensees and certificate holders of the Commission.
Sec. 664. Unauthorized introduction of dangerous weapons.
Sec. 665. Sabotage of nuclear facilities or fuel.
Sec. 666. Secure transfer of nuclear materials.
Sec. 667. Department of Homeland Security consultation.
Sec. 668. Authorization of appropriations.

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

Sec. 701. Use of alternative fuels by dual-fueled vehicles.
Sec. 702. Neighborhood electric vehicles.
Sec. 703. Credits for medium and heavy duty dedicated vehicles.
Sec. 704. Incremental cost allocation.
Sec. 705. Alternative compliance and flexibility.
Sec. 706. Review of Energy Policy Act of 1992 programs.
Sec. 707. Report concerning compliance with alternative fueled vehicle purchasing requirements.

Subtitle B—Hybrid Vehicles, Advanced Vehicles, and Fuel Cell Buses

PART 1—HYBRID VEHICLES

Sec. 711. Hybrid vehicles.

PART 2—ADVANCED VEHICLES

Sec. 721. Definitions.
Sec. 722. Pilot program.
Sec. 723. Reports to Congress.
Sec. 724. Authorization of appropriations.

PART 3—FUEL CELL BUSES

Sec. 731. Fuel cell transit bus demonstration.

Subtitle C—Clean School Buses

Sec. 741. Definitions.
Sec. 742. Program for replacement of certain school buses with clean school buses.
Sec. 743. Diesel retrofit program.
Sec. 744. Fuel cell school buses.

Subtitle D—Miscellaneous

Sec. 751. Railroad efficiency.
Sec. 752. Mobile emission reductions trading and crediting.
Sec. 753. Aviation fuel conservation and emissions.
Sec. 754. Diesel fueled vehicles.
Sec. 755. Conserve by bicycling program.
Sec. 756. Reduction of engine idling of heavy-duty vehicles.
Sec. 757. Biodiesel engine testing program.
Sec. 758. High occupancy vehicle exception.

Subtitle E—Automobile Efficiency

Sec. 771. Authorization of appropriations for implementation and enforcement of fuel economy standards.
Sec. 772. Revised considerations for decisions on maximum feasible average fuel economy.
Sec. 773. Extension of maximum fuel economy increase for alternative fueled vehicles.
Sec. 774. Study of feasibility and effects of reducing use of fuel for automobiles.

TITLE VIII—HYDROGEN

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Sec. 802. Plan.
Sec. 803. Programs.
Sec. 804. Interagency task force.
Sec. 805. Advisory Committee.
Sec. 806. External review.
Sec. 807. Miscellaneous provisions.
Sec. 808. Savings clause.
Sec. 809. Authorization of appropriations.

TITLE IX—RESEARCH AND DEVELOPMENT

Sec. 901. Goals.
Sec. 902. Definitions.

Subtitle A—Energy Efficiency

Sec. 904. Energy efficiency.
Sec. 905. Next Generation Lighting Initiative.
Sec. 906. National Building Performance Initiative.
Sec. 907. Secondary electric vehicle battery use program.
Sec. 908. Energy Efficiency Science Initiative.
Sec. 909. Electric motor control technology.
Sec. 910. Advanced Energy Technology Transfer Centers.

Subtitle B—Distributed Energy and Electric Energy Systems

Sec. 911. Distributed energy and electric energy systems.
Sec. 912. Hybrid distributed power systems.
Sec. 913. High power density industry program.
Sec. 914. Micro-cogeneration energy technology.
Sec. 915. Distributed energy technology demonstration program.
Sec. 916. Reciprocating power.

Subtitle C—Renewable Energy

Sec. 918. Renewable energy.
Sec. 919. Bioenergy programs.
Sec. 920. Concentrating solar power research and development program.
Sec. 921. Miscellaneous projects.
Sec. 922. Renewable energy in public buildings.
Sec. 923. Study of marine renewable energy options.

Subtitle D—Nuclear Energy

Sec. 924. Nuclear energy.
Sec. 925. Nuclear energy research and development programs.
Sec. 926. Advanced fuel cycle initiative.
Sec. 927. University nuclear science and engineering support.
Sec. 928. Security of reactor designs.
Sec. 929. Alternatives to industrial radioactive sources.
Sec. 930. Geological isolation of spent fuel.

Subtitle E—Fossil Energy

PART I—RESEARCH PROGRAMS

Sec. 931. Fossil energy.
Sec. 932. Oil and gas research programs.
Sec. 933. Technology transfer.
Sec. 934. Research and development for coal mining technologies.
Sec. 935. Coal and related technologies program.
Sec. 936. Complex well technology testing facility.
Sec. 937. Fischer-Tropsch diesel fuel loan guarantee program.

PART II—ULTRA-DEEPWATER AND UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES

Sec. 941. Program authority.
Sec. 942. Ultra-deepwater program.
Sec. 943. Unconventional natural gas and other petroleum resources program.
Sec. 944. Additional requirements for awards.
Sec. 945. Advisory Committees.
Sec. 946. Limits on participation.
Sec. 947. Sunset.
Sec. 948. Definitions.
Sec. 949. Funding.

Subtitle F—Science

Sec. 951. Science.
Sec. 952. United States participation in ITER.
Sec. 953. Plan for fusion energy sciences program.
Sec. 954. Spallation Neutron Source.
Sec. 955. Support for science and energy facilities and infrastructure.
Sec. 956. Catalysis research and development program.
Sec. 957. Nanoscale science and engineering research, development, demonstration, and commercial application.
Sec. 958. Advanced scientific computing for energy missions.
Sec. 959. Genomes to Life program.
Sec. 960. Fission and fusion energy materials research program.
Sec. 961. Energy-Water Supply Program.
Sec. 962. Nitrogen fixation.

Subtitle G—Energy and Environment

Sec. 964. United States-Mexico energy technology cooperation.
Sec. 965. Western Hemisphere energy cooperation.
Sec. 966. Waste reduction and use of alternatives.
Sec. 967. Report on fuel cell test center.
Sec. 968. Arctic Engineering Research Center.
Sec. 969. Barrow Geophysical Research Facility.
Sec. 970. Western Michigan demonstration project.

Subtitle H—Management

Sec. 971. Availability of funds.
Sec. 972. Cost sharing.
Sec. 973. Merit review of proposals.
Sec. 974. External technical review of departmental programs.
Sec. 975. Improved coordination of technology transfer activities.
Sec. 976. Federal laboratory educational partners.
Sec. 977. Interagency cooperation.
Sec. 978. Technology infrastructure program.
Sec. 979. Reprogramming.
Sec. 980. Construction with other laws.
Sec. 981. Report on research and development program evaluation methodologies.
Sec. 982. Department of Energy Science and Technology Scholarship Program.
Sec. 983. Report on equal employment opportunity practices.
Sec. 984. Small business advocacy and assistance.
Sec. 985. Report on mobility of scientific and technical personnel.
Sec. 986. National Academy of Sciences report.
Sec. 987. Outreach.
Sec. 988. Competitive award of management contracts.
Sec. 989. Educational programs in science and mathematics.

TITLE X—DEPARTMENT OF ENERGY MANAGEMENT

Sec. 1001. Additional Assistant Secretary position.
Sec. 1002. Other transactions authority.

TITLE XI—PERSONNEL AND TRAINING

Sec. 1101. Training guidelines for electric energy industry personnel.
Sec. 1102. Improved access to energy-related scientific and technical careers.
Sec. 1103. National Power Plant Operations Technology and Education Center.
Sec. 1104. International energy training.

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TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs

SEC. 101. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) is amended by adding at the end the following:

"SEC. 552. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

"(a) IN GENERAL.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the 'plan') for all facilities administered by Congress (referred to in this section as 'congressional buildings') to meet the energy performance requirements for Federal buildings established under section 543(a)(1); and

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) a description of the life cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every 5 years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost-effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(5) information packages and 'how-to' guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) ANNUAL REPORT.—The Architect of the Capitol shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the National Energy Conservation Policy Act is amended by adding at the end of the items relating to part 3 of title V the following new item:

"Sec. 552. Energy and water savings measures in congressional buildings.".

(c) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 1815), is repealed.

(d) ENERGY INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Architect of the Capitol to carry out subsection (d), $2,000,000 for each of fiscal years 2004 through 2008.

SEC. 102. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—

(1) AMENDMENT.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking "its Federal buildings so that" and all that follows through the end and inserting "the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2004 through 2013 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2001, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2004	2
2005	4
2006	6
2007	8
2008	10
2009	12
2010	14
2011	16
2012	18
2013	20.".

(2) REPORTING BASELINE.—The energy reduction goals and baseline established in paragraph (1) of section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)), as amended by this subsection, supersede all previous goals and baselines under such paragraph, and related reporting requirements.

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIREMENT.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2012, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for fiscal years 2014 through 2023.".

(c) EXCLUSIONS.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended by striking "An agency may exclude" and all that follows through the end and inserting "(A) An agency may exclude, from the energy performance requirement for a fiscal year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive orders, and other Federal law; and

"(iv) the agency has implemented all practicable, life cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion";

(2) by striking "a finding of impracticability" and inserting "the exclusion"; and

(3) by striking "energy consumption requirements" and inserting "requirements of subsections (a) and (b)(1)".

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).".

(f) RETENTION OF ENERGY AND WATER SAVINGS.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

"(e) RETENTION OF ENERGY AND WATER SAVINGS.—An agency may retain any funds appropriated to that agency for energy expenditures, water expenditures, or wastewater treatment expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings or water savings. Except as otherwise provided by law, such funds may be used only for energy efficiency, water conservation, or unconventional and renewable energy resources projects.".

(g) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting "THE PRESIDENT AND" before "CONGRESS"; and

(2) by inserting "President and" before "Congress".

(h) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 103. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) METERING OF ENERGY USE.—

"(1) DEADLINE.—By October 1, 2010, in accordance with guidelines established by the Secretary under paragraph (2), all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered. Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing Federal energy tracking systems and made available to Federal facility energy managers.

"(2) GUIDELINES.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Services Administration, representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, energy efficiency advocacy organizations, national laboratories, universities, and Federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish priorities for types and locations of buildings to be metered and submetered based on cost-effectiveness and a schedule of 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

"(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimis quantity of energy use of a Federal building, industrial process, or structure.

"(3) PLAN.—Not later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (A) how the agency will designate personnel primarily responsible for achieving the requirements and (B) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.".

SEC. 104. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), as amended by section 101 of this Act, is amended by adding at the end the following:

"SEC. 553. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act.

"(3) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

"(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

"(A) an Energy Star product; or

"(B) a FEMP designated product.

"(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if the head of the executive agency finds in writing that—

"(A) an Energy Star product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or

"(B) no Energy Star product or FEMP designated product is reasonably available that meets the functional requirements of the executive agency.

"(3) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

"(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—Energy Star products and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency. The General Services Administration or the Defense Logistics Agency shall supply only Energy Star products or FEMP designated products for all product categories covered by the Energy Star program or the Federal Energy Management Program, except in cases where the agency ordering a product specifies in writing that no Energy Star product or FEMP designated product is available to meet the buyer's functional requirements, or that no Energy Star product or FEMP designated product is cost-effective for the intended application over the life of the product, taking energy cost savings into account.

"(d) SPECIFIC PRODUCTS.—(1) In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard not later than 120 days after the date of the enactment of this section, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

"(2) All Federal agencies are encouraged to take actions to maximize the efficiency of air conditioning and refrigeration equipment, including appropriate cleaning and maintenance, including the use of any system treatment or additive that will reduce the electricity consumed by air conditioning and refrigeration equipment. Any such treatment or additive must be—

"(A) determined by the Secretary to be effective in increasing the efficiency of air conditioning and refrigeration equipment without having an adverse impact on air conditioning performance (including cooling capacity) or equipment useful life;

"(B) determined by the Administrator of the Environmental Protection Agency to be environmentally safe; and

"(C) shown to increase seasonal energy efficiency ratio (SEER) or energy efficiency ratio (EER) when tested by the National Institute of Standards and Technology according to Department of Energy test procedures without causing any adverse impact on the system, system components, the refrigerant or lubricant, or other materials in the system.

Results of testing described in subparagraph (C) shall be published in the Federal Register for public review and comment. For purposes of this section, a hardware device or primary refrigerant shall not be considered an additive.

"(e) REGULATIONS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall issue guidelines to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents of the National Energy Conservation Policy Act is further amended by inserting after the item relating to section 552 the following new item:

"Sec. 553. Federal procurement of energy efficient products.".

SEC. 105. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) VOLUNTARY AGREEMENTS.—The Secretary of Energy is authorized to enter into voluntary agreements with 1 or more persons in industrial sectors that consume significant amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities by a significant amount relative to improvements in each sector in recent years.

(b) RECOGNITION.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate Federal agencies, shall recognize and publicize the achievements of participants in voluntary agreements under this section.

(c) DEFINITION.—In this section, the term "energy intensity" means the primary energy consumed per unit of physical output in an industrial process.

SEC. 106. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of General Services, shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate efficiency concepts for government and industry buildings, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health (including by improving indoor air quality) as well as flexibility and technological change to improve environmental sustainability. Such program shall complement and not duplicate existing national programs.

(b) PARTICIPANTS.—The program established under subsection (a) shall be led by a university with the ability to combine the expertise from numerous academic fields including, at a minimum, intelligent workplaces and advanced building systems and engineering, electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $6,000,000 for each of the fiscal years 2004 through 2006, to remain available until expended. For any fiscal year in which funds are expended under this section, the Secretary shall provide ⅓ of the total amount to the lead university described in subsection (b), and provide the remaining ⅔ to the other participants referred to in subsection (b) on an equal basis.

SEC. 107. FEDERAL BUILDING PERFORMANCE STANDARDS.

Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992" and inserting "the

2003 International Energy Conservation Code''; and

(2) by adding at the end the following:

''(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

''(i) if life-cycle cost-effective, for new Federal buildings—

''(I) such buildings be designed so as to achieve energy consumption levels at least 30 percent below those of the version current as of the date of enactment of this paragraph of the ASHRAE Standard or the International Energy Conservation Code, as appropriate; and

''(II) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings; and

''(ii) where water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent they are life-cycle cost effective.

''(B) ADDITIONAL REVISIONS.—Not later than 1 year after the date of approval of each subsequent revision of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

''(C) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

''(i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and

''(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph.''.

SEC. 108. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) AMENDMENT.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following new section:

''INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE

''SEC. 6005. (a) DEFINITIONS.—In this section:

''(1) AGENCY HEAD.—The term 'agency head' means—

''(A) the Secretary of Transportation; and

''(B) the head of each other Federal agency that on a regular basis procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

''(2) CEMENT OR CONCRETE PROJECT.—The term 'cement or concrete project' means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

''(A) involves the procurement of cement or concrete; and

''(B) is carried out in whole or in part using Federal funds.

''(3) RECOVERED MINERAL COMPONENT.—The term 'recovered mineral component' means—

''(A) ground granulated blast furnace slag;

''(B) coal combustion fly ash; and

''(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

''(b) IMPLEMENTATION OF REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects.

''(2) PRIORITY.—In carrying out paragraph (1) an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

''(3) CONFORMANCE.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

''(c) FULL IMPLEMENTATION STUDY.—

''(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which current procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

''(2) MATTERS TO BE ADDRESSED.—The study shall—

''(A) quantify the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of current procurement requirements, and the energy savings and environmental benefits associated with that substitution;

''(B) identify all barriers in procurement requirements to greater realization of energy savings and environmental benefits, including barriers resulting from exceptions from current law; and

''(C)(i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

''(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

''(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

''(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to Congress a report on the study.

''(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, not later than 1 year after the release of the report in accordance with subsection (c)(3), take additional actions authorized under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects, so as to—

''(1) realize more fully the energy savings and environmental benefits associated with increased substitution; and

''(2) eliminate barriers identified under subsection (c).

''(e) EFFECT OF SECTION.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 6004 the following new item:

''Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.''.

Subtitle B—Energy Assistance and State Programs

SEC. 121. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking ''and $2,000,000,000 for each of fiscal years 2002 through 2004'' and inserting ''$2,000,000,000 for fiscal years 2002 and 2003, and $3,400,000,000 for each of fiscal years 2004 through 2006''.

SEC. 122. WEATHERIZATION ASSISTANCE.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''for fiscal years 1999 through 2003 such sums as may be necessary'' and inserting ''$325,000,000 for fiscal year 2004, $400,000,000 for fiscal year 2005, and $500,000,000 for fiscal year 2006''.

SEC. 123. STATE ENERGY PROGRAMS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

''(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.''.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

''STATE ENERGY EFFICIENCY GOALS

''SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2003 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$100,000,000 for each of the fiscal years 2004 and 2005 and $125,000,000 for fiscal year 2006".

SEC. 124. ENERGY EFFICIENT APPLIANCE REBATE PROGRAMS.

(a) Definitions.—In this section:

(1) Eligible state.—The term "eligible State" means a State that meets the requirements of subsection (b).

(2) Energy star program.—The term "Energy Star program" means the program established by section 324A of the Energy Policy and Conservation Act.

(3) Residential energy star product.—The term "residential Energy Star product" means a product for a residence that is rated for energy efficiency under the Energy Star program.

(4) Secretary.—The term "Secretary" means the Secretary of Energy.

(5) State energy office.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(6) State program.—The term "State program" means a State energy efficient appliance rebate program described in subsection (b)(1).

(b) Eligible States.—A State shall be eligible to receive an allocation under subsection (c) if the State—

(1) establishes (or has established) a State energy efficient appliance rebate program to provide rebates to residential consumers for the purchase of residential Energy Star products to replace used appliances of the same type;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Secretary may require; and

(3) provides assurances satisfactory to the Secretary that the State will use the allocation to supplement, but not supplant, funds made available to carry out the State program.

(c) Amount of Allocations.—

(1) In general.—Subject to paragraph (2), for each fiscal year, the Secretary shall allocate to the State energy office of each eligible State to carry out subsection (d) an amount equal to the product obtained by multiplying the amount made available under subsection (f) for the fiscal year by the ratio that the population of the State in the most recent calendar year for which data are available bears to the total population of all eligible States in that calendar year.

(2) Minimum allocations.—For each fiscal year, the amounts allocated under this subsection shall be adjusted proportionately so that no eligible State is allocated a sum that is less than an amount determined by the Secretary.

(d) Use of Allocated Funds.—The allocation to a State energy office under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out a State program.

(e) Issuance of Rebates.—Rebates may be provided to residential consumers that meet the requirements of the State program. The amount of a rebate shall be determined by the State energy office, taking into consideration—

(1) the amount of the allocation to the State energy office under subsection (c);

(2) the amount of any Federal or State tax incentive available for the purchase of the residential Energy Star product; and

(3) the difference between the cost of the residential Energy Star product and the cost of an appliance that is not a residential Energy Star product, but is of the same type as, and is the nearest capacity, performance, and other relevant characteristics (as determined by the State energy office) to, the residential Energy Star product.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2004 through 2008.

SEC. 125. ENERGY EFFICIENT PUBLIC BUILDINGS.

(a) Grants.—The Secretary of Energy may make grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State, to assist units of local government in the State in improving the energy efficiency of public buildings and facilities—

(1) through construction of new energy efficient public buildings that use at least 30 percent less energy than a comparable public building constructed in compliance with standards prescribed in the most recent version of the International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent efficiency levels; or

(2) through renovation of existing public buildings to achieve reductions in energy use of at least 30 percent as compared to the baseline energy use in such buildings prior to renovation, assuming a 3-year, weather-normalized average for calculating such baseline.

(b) Administration.—State energy offices receiving grants under this section shall—

(1) maintain such records and evidence of compliance as the Secretary may require; and

(2) develop and distribute information and materials and conduct programs to provide technical services and assistance to encourage planning, financing, and design of energy efficient public buildings by units of local government.

(c) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy $30,000,000 for each of fiscal years 2004 through 2008. Not more than 10 percent of appropriated funds shall be used for administration.

SEC. 126. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) Grants.—The Secretary of Energy is authorized to make grants to units of local government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency; identify and develop alternative, renewable, and distributed energy supplies; and increase energy conservation in low income rural and urban communities.

(b) Purpose of Grants.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative, renewable, and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) Definition.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) Authorization of Appropriations.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy $20,000,000 for each of fiscal years 2004 through 2006.

Subtitle C—Energy Efficient Products

SEC. 131. ENERGY STAR PROGRAM.

(a) Amendment.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended by inserting the following after section 324:

"SEC. 324A. ENERGY STAR PROGRAM.

"There is established at the Department of Energy and the Environmental Protection Agency a voluntary program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of or other forms of communication about products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the 2 agencies. The Administrator and the Secretary shall—

"(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

"(2) work to enhance public awareness of the Energy Star label, including special outreach to small businesses;

"(3) preserve the integrity of the Energy Star label;

"(4) solicit comments from interested parties prior to establishing or revising an Energy Star product category, specification, or criterion (or effective dates for any of the foregoing);

"(5) upon adoption of a new or revised product category, specification, or criterion, provide reasonable notice to interested parties of any changes (including effective dates) in product categories, specifications, or criteria along with an explanation of such changes and, where appropriate, responses to comments submitted by interested parties; and

"(6) provide appropriate lead time (which shall be 9 months, unless the Agency or Department determines otherwise) prior to the effective date for a new or a significant revision to a product category, specification, or criterion, taking into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.".

(b) Table of Contents Amendment.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

"Sec. 324A. Energy Star program.".

SEC. 132. HVAC MAINTENANCE CONSUMER EDUCATION PROGRAM.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

"(c) HVAC Maintenance.—For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, not later than 180 days after the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems. The Secretary shall carry out the program in a cost-shared manner in cooperation with the Administrator of the Environmental Protection Agency and such other entities as the Secretary considers appropriate, including industry trade associations, industry members, and energy efficiency organizations.

"(d) Small Business Education and Assistance.—The Administrator of the Small Business Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and coordinate a Government-wide program, building on the existing Energy Star for Small Business Program, to assist small businesses to become more energy efficient, understand the cost savings obtainable through efficiencies, and identify financing options for energy efficiency upgrades. The Secretary and the Administrator of the Small Business Administration shall make the program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Program and the Department of Agriculture.".

SEC. 133. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL PRODUCTS.

(a) Definitions.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(S), by striking the period and adding at the end the following: "but does not include any lamp specifically designed to be used for special purpose applications and that is unlikely to be used in general purpose applications such as those described in subparagraph (D), and also does not include any lamp not described in subparagraph (D) that is excluded by the Secretary, by rule, because the lamp is designed for special applications and is unlikely to be used in general purpose applications."; and

(2) by adding at the end the following:

"(32) The term 'battery charger' means a device that charges batteries for consumer products and includes battery chargers embedded in other consumer products.

"(33) The term 'commercial refrigerators, freezers, and refrigerator-freezers' means refrigerators, freezers, or refrigerator-freezers that—

"(A) are not consumer products regulated under this Act; and

"(B) incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

"(34) The term 'external power supply' means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

"(35) The term 'illuminated exit sign' means a sign that—

"(A) is designed to be permanently fixed in place to identify an exit; and

"(B) consists of an electrically powered integral light source that illuminates the legend 'EXIT' and any directional indicators and provides contrast between the legend, any directional indicators, and the background.

"(36)(A) Except as provided in subparagraph (B), the term 'distribution transformer' means a transformer that—

"(i) has an input voltage of 34.5 kilovolts or less;

"(ii) has an output voltage of 600 volts or less; and

"(iii) is rated for operation at a frequency of 60 Hertz.

"(B) The term 'distribution transformer' does not include—

"(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

"(ii) transformers, such as those commonly known as drive transformers, rectifier transformers, auto-transformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special purpose application and are unlikely to be used in general purpose applications; or

"(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because—

"(I) the transformer is designed for a special application;

"(II) the transformer is unlikely to be used in general purpose applications; and

"(III) the application of standards to the transformer would not result in significant energy savings.

"(37) The term 'low-voltage dry-type distribution transformer' means a distribution transformer that—

"(A) has an input voltage of 600 volts or less;

"(B) is air-cooled; and

"(C) does not use oil as a coolant.

"(38) The term 'standby mode' means the lowest power consumption mode that—

"(A) cannot be switched off or influenced by the user; and

"(B) may persist for an indefinite time when an appliance is connected to the main electricity supply and used in accordance with the manufacturer's instructions,

as defined on an individual product basis by the Secretary.

"(39) The term 'torchiere' means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

"(40) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors.

"(41) The term 'transformer' means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from 1 coil to another to change the original voltage or current value.

"(42) The term 'unit heater' means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace.".

(b) Test Procedures.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended—

(1) in subsection (b), by adding at the end the following:

"(9) Test procedures for illuminated exit signs shall be based on the test method used under Version 2.0 of the Energy Star program of the Environmental Protection Agency for illuminated exit signs.

"(10) Test procedures for distribution transformers and low voltage dry-type distribution transformers shall be based on the 'Standard Test Method for Measuring the Energy Consumption of Distribution Transformers' prescribed by the National Electrical Manufacturers Association (NEMA TP 2–1998). The Secretary may review and revise this test procedure. For purposes of section 346(a), this test procedure shall be deemed to be testing requirements prescribed by the Secretary under section 346(a)(1) for distribution transformers for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

"(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.

"(12) Test procedures for medium base compact fluorescent lamps shall be based on the test methods used under the August 9, 2001, version of the Energy Star program of the Environmental Protection Agency and Department of Energy for compact fluorescent lamps. Covered products shall meet all test requirements for regulated parameters in section 325(bb). However, covered products may be marketed prior to completion of lamp life and lumen maintenance at 40 percent of rated life testing provided manufacturers document engineering predictions and analysis that support expected attainment of lumen maintenance at 40 percent rated life and lamp life time."; and

(2) by adding at the end the following:

"(f) Additional Consumer and Commercial Products.—The Secretary shall, not later than 24 months after the date of enactment of this subsection, prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, and commercial refrigerators, freezers, and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.".

(c) New Standards.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(u) Battery Charger and External Power Supply Electric Energy Consumption.—

"(1) Initial rulemaking.—(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions and test procedures for the power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing definitions and test procedures used for measuring energy consumption in standby mode and other modes and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards.

Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for energy use for these products.

"(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be issued for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of energy use that—

"(i) meets the criteria and procedures of subsections (o), (p), (q), (r), (s), and (t); and

"(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

"(2) Review of standby energy use in covered products.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to this section should be revised, the Secretary shall consider, for covered products that are major sources of standby mode energy consumption, whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, standby mode power consumption compared to overall product energy consumption.

"(3) Rulemaking.—The Secretary shall not propose a standard under this section unless the Secretary has issued applicable test procedures for each product pursuant to section 323.

"(4) Effective date.—Any standard issued under this subsection shall be applicable to products manufactured or imported 3 years after the date of issuance.

"(5) Voluntary programs.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A (relating to Energy Star Programs) and other voluntary industry agreements or codes of conduct, that are designed to reduce standby mode energy use.

"(v) Suspended Ceiling Fans, Vending Machines, and Commercial Refrigerators, Freezers, and Refrigerator-Freezers.—The Secretary shall not later than 36 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, and commercial refrigerators, freezers, and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (o) and (p). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

"(w) Illuminated Exit Signs.—Illuminated exit signs manufactured on or after January 1, 2005, shall meet the Version 2.0 Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency.

"(x) Torchieres.—Torchieres manufactured on or after January 1, 2005—

"(1) shall consume not more than 190 watts of power; and

"(2) shall not be capable of operating with lamps that total more than 190 watts.

"(y) Low Voltage Dry-Type Distribution Transformers.—The efficiency of low voltage dry-type distribution transformers manufactured on or after January 1, 2005, shall be the Class I Efficiency Levels for distribution transformers specified in Table 4-2 of the 'Guide for Determining Energy Efficiency for Distribution Transformers' published by the National Electrical Manufacturers Association (NEMA TP-1-2002).

"(z) Traffic Signal Modules.—Traffic signal modules manufactured on or after January 1, 2006, shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this subsection, and shall be installed with compatible, electrically connected signal control interface devices and conflict monitoring systems.

"(aa) Unit Heaters.—Unit heaters manufactured on or after the date that is 3 years after the date of enactment of this subsection shall be equipped with an intermittent ignition device and shall have either power venting or an automatic flue damper.

"(bb) Medium Base Compact Fluorescent Lamps.—Bare lamp and covered lamp (no reflector) medium base compact fluorescent lamps manufactured on or after January 1, 2005, shall meet the following requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps, Energy Star Eligibility Criteria, Energy-Efficiency Specification issued by the Environmental Protection Agency and Department of Energy: minimum initial efficacy; lumen maintenance at 1000 hours; lumen maintenance at 40 percent of rated life; rapid cycle stress test; and lamp life. The Secretary may, by rule, establish requirements for color quality (CRI); power factor; operating frequency; and maximum allowable start time based on the requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps. The Secretary may, by rule, revise these requirements or establish other requirements considering energy savings, cost effectiveness, and consumer satisfaction.

"(cc) Effective Date.—Section 327 shall apply—

"(1) to products for which standards are to be established under subsections (u) and (v) on the date on which a final rule is issued by the Department of Energy, except that any State or local standards prescribed or enacted for any such product prior to the date on which such final rule is issued shall not be preempted until the standard established under subsection (u) or (v) for that product takes effect; and

"(2) to products for which standards are established under subsections (w) through (bb) on the date of enactment of those subsections, except that any State or local standards prescribed or enacted prior to the date of enactment of those subsections shall not be preempted until the standards established under subsections (w) through (bb) take effect.".

(d) Residential Furnace Fans.—Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding the following new subparagraph at the end:

"(D) Notwithstanding any provision of this Act, the Secretary may consider, and prescribe, if the requirements of subsection (o) of this section are met, energy efficiency or energy use standards for electricity used for purposes of circulating air through duct work.".

SEC. 134. ENERGY LABELING.

(a) Rulemaking on Effectiveness of Consumer Product Labeling.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

"(F) Not later than 3 months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed not later than 2 years after the date of enactment of this subparagraph.".

(b) Rulemaking on Labeling for Additional Products.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

"(5) The Secretary or the Commission, as appropriate, may, for covered products referred to in subsections (u) through (aa) of section 325, prescribe, by rule, pursuant to this section, labeling requirements for such products after a test procedure has been set pursuant to section 323. In the case of products to which TP-1 standards under section 325(y) apply, labeling requirements shall be based on the 'Standard for the Labeling of Distribution Transformer Efficiency' prescribed by the National Electrical Manufacturers Association (NEMA TP-3) as in effect upon the date of enactment of this paragraph.".

Subtitle D—Public Housing

SEC. 141. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ", including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures"; and

(2) in paragraph (2), by inserting before the semicolon the following: ", including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families".

SEC. 142. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting "or efficiency" after "energy conservation";

(2) by striking ", and except that" and inserting "; except that"; and

(3) by inserting before the semicolon at the end the following: "; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency".

SEC. 143. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) Single Family Housing Mortgage Insurance.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(ii)(IV) (relating to solar energy systems), by striking "20 percent" and inserting "30 percent".

(b) Multifamily Housing Mortgage Insurance.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the last undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking "20 percent" and inserting "30 percent".

(c) Cooperative Housing Mortgage Insurance.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking "20 per centum" and inserting "30 percent".

(d) Rehabilitation and Neighborhood Conservation Housing Mortgage Insurance.—Section 220(d)(3)(B)(iii)(IV) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)(IV)) is amended—

(1) by striking "with respect to rehabilitation projects involving not more than five family units,"; and

(2) by striking "20 per centum" and inserting "30 percent".

(e) Low-Income Multifamily Housing Mortgage Insurance.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking "20 per centum" and inserting "30 percent".

(f) Elderly Housing Mortgage Insurance.—Section 231(c)(2)(C) of the National Housing Act (12 U.S.C. 1715v(c)(2)(C)) is amended by striking "20 per centum" and inserting "30 percent".

(g) Condominium Housing Mortgage Insurance.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking "20 per centum" and inserting "30 percent".

SEC. 144. PUBLIC HOUSING CAPITAL FUND.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (I), by striking "and" at the end;

(B) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(K) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical . Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate; and

"(L) integrated utility management and capital planning to maximize energy conservation and efficiency measures."; and

(2) in subsection (e)(2)(C)—

(A) by striking "The" and inserting the following:

"(i) In general.—The"; and

(B) by adding at the end the following:

"(ii) Third party contracts.—Contracts described in clause (i) may include contracts for equipment conversions to less costly utility sources, projects with resident-paid utilities, and adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

"(iii) Term of contract.—The total term of a contract described in clause (i) shall not exceed 20 years to allow longer payback periods for retrofits, including windows, heating system replacements, wall insulation, site-based generation, advanced energy savings technologies, including renewable energy generation, and other such retrofits.".

SEC. 145. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking "financed with loans" and inserting "assisted";

(2) by inserting after "1959," the following: "which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)) and are subject to mortgage restructuring and rental assistance sufficiency plans under such Act,"; and

(3) by inserting after the period at the end of the first sentence the following new sentence: "Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation.".

SEC. 146. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m–290m–3) is amended by adding at the end the following:

"SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

"Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.".

SEC. 147. ENERGY-EFFICIENT APPLIANCES.

In purchasing appliances, a public housing agency shall purchase energy-efficient appliances that are Energy Star products or FEMP-designated products, as such terms are defined in section 553 of the National Energy Conservation Policy Act (as amended by this title), unless the purchase of energy-efficient appliances is not cost-effective to the agency.

SEC. 148. ENERGY EFFICIENCY STANDARDS.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "1 year after the date of the enactment of the Energy Policy Act of 1992" and inserting "September 30, 2004";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), where such standards are determined to be cost effective by the Secretary of Housing and Urban Development."; and

(B) in paragraph (2), by striking "Council of American" and all that follows through "90.1–1989')" and inserting "2003 International Energy Conservation Code";

(2) in subsection (b)—

(A) by striking "within 1 year after the date of the enactment of the Energy Policy Act of 1992" and inserting "by September 30, 2004"; and

(B) by striking "CABO" and all that follows through "1989" and inserting "the 2003 International Energy Conservation Code"; and

(3) in subsection (c)—

(A) in the heading, by striking "Model Energy Code" and inserting "The International Energy Conservation Code"; and

(B) by striking "CABO" and all that follows through "1989" and inserting "the 2003 International Energy Conservation Code".

SEC. 149. ENERGY STRATEGY FOR HUD.

The Secretary of Housing and Urban Development shall develop and implement an integrated strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures and energy efficient design and construction of public and assisted housing. The energy strategy shall include the development of energy reduction goals and incentives for public housing agencies. The Secretary shall submit a report to Congress, not later than 1 year after the date of the enactment of this Act, on the energy strategy and the actions taken by the Department of Housing and Urban Development to monitor the energy usage of public housing agencies and shall submit an update every 2 years thereafter on progress in implementing the strategy.

TITLE II—RENEWABLE ENERGY

Subtitle A—General Provisions

SEC. 201. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) Resource Assessment.—Not later than 6 months after the date of enactment of this Act, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources within the United States, including solar, wind, biomass, ocean (tidal, wave, current, and thermal), geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies, and other relevant factors.

(b) Contents of Reports.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources; and

(2) such other information as the Secretary believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers.

(c) Authorization of Appropriations.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 202. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) Incentive Payments.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting ". If there are insufficient appropriations to make full payments for electric production from all qualified renewable energy facilities in any given year, the Secretary shall assign 60 percent of appropriated funds for that year to facilities that use solar, wind, geothermal, or closed-loop (dedicated energy crops) biomass technologies to generate electricity, and assign the remaining 40 percent to other projects. The Secretary may, after transmitting to Congress an explanation of the reasons therefor, alter the percentage requirements of the preceding sentence.''.

(b) Qualified Renewable Energy Facility.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking ''a State or any political'' and all that follows through ''nonprofit electrical cooperative'' and inserting ''a not-for-profit electric cooperative, a public utility described in section 115 of the Internal Revenue Code of 1986, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,''; and

(2) by inserting ''landfill gas,'' after ''wind, biomass,''.

(c) Eligibility Window.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking ''during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section'' and inserting ''after October 1, 2003, and before October 1, 2013''.

(d) Amount of Payment.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting ''landfill gas,'' after ''wind, biomass,''.

(e) Sunset.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking ''the expiration of'' and all that follows through ''of this section'' and inserting ''September 30, 2023''.

(f) Authorization of Appropriations.—Section 1212(g) of the Energy Policy Act of 1992 (42 U.S.C. 13317(g)) is amended to read as follows:

''(g) Authorization of Appropriations.—

''(1) In general.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

''(2) Availability of funds.—Funds made available under paragraph (1) shall remain available until expended.''.

SEC. 203. FEDERAL PURCHASE REQUIREMENT.

(a) Requirement.—The President, acting through the Secretary of Energy, shall seek to ensure that, to the extent economically feasible and technically practicable, of the total amount of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

(1) Not less than 3 percent in fiscal years 2005 through 2007.

(2) Not less than 5 percent in fiscal years 2008 through 2010.

(3) Not less than 7.5 percent in fiscal year 2011 and each fiscal year thereafter.

(b) Definitions.—In this section:

(1) Biomass.—The term ''biomass'' means any solid, nonhazardous, cellulosic material that is derived from—

(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, or nonmerchantable material;

(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled;

(C) agriculture wastes, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues, and livestock waste nutrients; or

(D) a plant that is grown exclusively as a fuel for the production of electricity.

(2) Renewable energy.—The term ''renewable energy'' means electric energy generated from solar, wind, biomass, landfill gas, geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project.

(c) Calculation.—For purposes of determining compliance with the requirement of this section, the amount of renewable energy shall be doubled if—

(1) the renewable energy is produced and used on-site at a Federal facility;

(2) the renewable energy is produced on Federal lands and used at a Federal facility; or

(3) the renewable energy is produced on Indian land as defined in title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) and used at a Federal facility.

(d) Report.—Not later than April 15, 2005, and every 2 years thereafter, the Secretary of Energy shall provide a report to Congress on the progress of the Federal Government in meeting the goals established by this section.

SEC. 204. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (48 U.S.C. 1492), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

''(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

''(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, opportunities for energy conservation and increased energy efficiency, and indigenous sources in regard to the insular areas.'';

(3) by amending subsection (e) to read as follows:

''(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the head of government of each insular area, shall update the plans required under subsection (c) by—

''(A) updating the contents required by subsection (c);

''(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010, increasing energy conservation and energy efficiency, and maximizing, to the extent feasible, use of indigenous energy sources; and

''(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

''(2) Not later than December 31, 2005, the Secretary of the Interior shall submit to Congress the updated plans for each insular area required by this subsection.''; and

(4) by amending subsection (g)(4) to read as follows:

''(4) Power line grants for insular areas.—

''(A) In general.—The Secretary of the Interior is authorized to make grants to governments of insular areas of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such insular areas from damage caused by hurricanes and typhoons.

''(B) Eligible projects.—The Secretary may award grants under subparagraph (A) only to governments of insular areas of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

''(i) The project is designed to protect electric power transmission and distribution lines located in 1 or more of the insular areas of the United States from damage caused by hurricanes and typhoons.

''(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

''(iii) The project addresses 1 or more problems that have been repetitive or that pose a significant risk to public health and safety.

''(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

''(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

''(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

''(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

''(C) Priority.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

''(i) have the greatest impact on reducing future disaster losses; and

''(ii) best conform with plans that have been approved by the Federal Government or the government of the insular area where the project is to be carried out for development or hazard mitigation for that insular area.

''(D) Matching requirement.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

''(E) Treatment of funds for certain purposes.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

''(F) Authorization of appropriations.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.''.

SEC. 205. USE OF PHOTOVOLTAIC ENERGY IN PUBLIC BUILDINGS.

(a) In General.—Subchapter VI of chapter 31 of title 40, United States Code, is amended by adding at the end the following:

''§3177. Use of photovoltaic energy in public buildings

''(a) Photovoltaic Energy Commercialization Program.—

"(1) IN GENERAL.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

"(2) PURPOSES.—The purposes of the program shall be to accomplish the following:

"(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the general public as an option which can reduce the national consumption of fossil fuel.

"(B) To reduce the fossil fuel consumption and costs of the Federal Government.

"(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government's Million Solar Roof Initiative of 1997.

"(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

"(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

"(3) ACQUISITION OF PHOTOVOLTAIC SOLAR ELECTRIC SYSTEMS.—

"(A) IN GENERAL.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

"(B) ACQUISITION LEVELS.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

"(4) ADMINISTRATION.—The Administrator shall administer the program and shall—

"(A) issue such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

"(B) develop innovative procurement strategies for the acquisition of such systems; and

"(C) transmit to Congress an annual report on the results of the program.

"(b) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Energy, shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

"(2) PROGRAM REQUIREMENT.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.

"(2) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—There are authorized to be appropriated to carry out subsection (b) $10,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The section analysis for such chapter is amended by inserting after the item relating to section 3176 the following:

"3177. Use of photovoltaic energy in public buildings.".

SEC. 206. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, PETROLEUM-BASED PRODUCT SUBSTITUTES, AND OTHER COMMERCIAL PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest land, woodland, and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The byproducts of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest lands, woodlands and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of byproducts being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using byproducts removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for byproducts of preventive treatment activities.

(b) DEFINITIONS.—In this section:

(1) BIOMASS.—The term "biomass" means trees and woody plants, including limbs, tops, needles, and other woody parts, and byproducts of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) PERSON.—The term "person" includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) PREFERRED COMMUNITY.—The term "preferred community" means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

(c) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(d) IMPROVED BIOMASS USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to persons to offset the cost of projects to develop or research opportunities to improve the use of, or add value to, biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, including the potential to develop thermal or electric energy resources or affordable energy, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) GRANT AMOUNT.—A grant under this subsection may not exceed $500,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2004 through 2014 to carry out this section.

(f) REPORT.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources, the Committee on Energy and Commerce, and the Committee on Agriculture of the House of Representatives a report describing the results of the grant programs authorized by this section. The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under this section.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

SEC. 207. BIOBASED PRODUCTS.

Section 9002(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(c)(1)) is amended by inserting "or such items that comply with the regulations issued under section 103 of Public Law 100–556 (42 U.S.C. 6914b–1)" after "practicable".

Subtitle B—Geothermal Energy

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "John Rishel Geothermal Steam Act Amendments of 2003".

SEC. 212. COMPETITIVE LEASE SALE REQUIREMENTS.

Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended to read as follows:

"SEC. 4. LEASING PROCEDURES.

"(a) NOMINATIONS.—The Secretary shall accept nominations of lands to be leased at any time from qualified companies and individuals under this Act.

"(b) COMPETITIVE LEASE SALE REQUIRED.—The Secretary shall hold a competitive lease sale at least once every 2 years for lands in a State which has nominations pending under subsection (a) if such lands are otherwise available for leasing.

"(c) NONCOMPETITIVE LEASING.—The Secretary shall make available for a period of 2 years for noncompetitive leasing any tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in a competitive lease sale.

"(d) LEASES SOLD AS A BLOCK.—If information is available to the Secretary indicating a geothermal resource that could be produced as 1 unit can reasonably be expected to underlie more than 1 parcel to be offered in a competitive lease sale, the parcels for such a resource may be offered for bidding as a block in the competitive lease sale.

"(e) PENDING LEASE APPLICATIONS ON APRIL 1, 2003.—It shall be a priority for the Secretary of the Interior, and for the Secretary of Agriculture with respect to National Forest Systems lands, to ensure timely completion of administrative actions necessary to process applications for geothermal leasing pending on April 1, 2003. Such an application, and any lease issued pursuant to such an application—

"(1) except as provided in paragraph (2), shall be subject to this section as in effect on April 1, 2003; or

"(2) at the election of the applicant, shall be subject to this section as in effect on the effective date of this paragraph.".

SEC. 213. DIRECT USE.

(a) FEES FOR DIRECT USE.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in paragraph (c) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B);

(2) by redesignating paragraphs (a) through (d) in order as paragraphs (1) through (4);

(3) by inserting "(a) IN GENERAL.—" after "SEC. 5."; and

(4) by adding at the end the following:

"(b) DIRECT USE.—Notwithstanding subsection (a)(1), with respect to the direct use of geothermal resources for purposes other than the commercial generation of electricity, the Secretary of the Interior shall establish a schedule of fees and collect fees pursuant to such a schedule in lieu of royalties based upon the total amount of the geothermal resources used. The schedule of fees shall ensure that there is a fair return to the public for the use of a geothermal resource based upon comparable fees charged for direct use of geothermal resources by States or private persons. For direct use by a State or local government for public purposes there shall be no royalty and the fee charged shall be nominal. Leases in existence on the date of enactment of the Energy Policy Act of 2003 shall be modified in order to reflect the provisions of this subsection.".

(b) LEASING FOR DIRECT USE.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is further amended by adding at the end the following:

"(f) LEASING FOR DIRECT USE OF GEOTHERMAL RESOURCES.—Lands leased under this Act exclusively for direct use of geothermal resources shall be leased to any qualified applicant who first applies for such a lease under regulations issued by the Secretary, if—

"(1) the Secretary publishes a notice of the lands proposed for leasing 60 days before the date of the issuance of the lease; and

"(2) the Secretary does not receive in the 60-day period beginning on the date of such publication any nomination to include the lands concerned in the next competitive lease sale.

"(g) AREA SUBJECT TO LEASE FOR DIRECT USE.—A geothermal lease for the direct use of geothermal resources shall embrace not more than the amount of acreage determined by the Secretary to be reasonably necessary for such proposed utilization.".

(c) EXISTING LEASES WITH A DIRECT USE FACILITY.—

(1) APPLICATION TO CONVERT.—Any lessee under a lease under the Geothermal Steam Act of 1970 that was issued before the date of the enactment of this Act may apply to the Secretary of the Interior, by not later than 18 months after the date of the enactment of this Act, to convert such lease to a lease for direct utilization of geothermal resources in accordance with the amendments made by this section.

(2) CONVERSION.—The Secretary shall approve such an application and convert such a lease to a lease in accordance with the amendments by not later than 180 days after receipt of such application, unless the Secretary determines that the applicant is not a qualified applicant with respect to the lease.

(3) APPLICATION OF NEW LEASE TERMS.—The amendment made by subsection (a)(4) shall apply with respect to payments under a lease converted under this subsection that are due and owing to the United States on or after July 16, 2003.

SEC. 214. ROYALTIES AND NEAR-TERM PRODUCTION INCENTIVES.

(a) ROYALTY.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended—

(1) in subsection (a) by striking paragraph (1) and inserting the following:

"(1) a royalty on electricity produced using geothermal steam and associated geothermal resources, other than direct use of geothermal resources, that shall be—

"(A) not less than 1 percent and not more than 2.5 percent of the gross proceeds from the sale of electricity produced from such resources during the first 10 years of production under the lease; and

"(B) not less than 2 and not more than 5 percent of the gross proceeds from the sale of electricity produced from such resources during each year after such 10-year period;"; and

(2) by adding at the end the following:

"(c) FINAL REGULATION ESTABLISHING ROYALTY RATES.—In issuing any final regulation establishing royalty rates under this section, the Secretary shall seek—

"(1) to provide lessees a simplified administrative system;

"(2) to encourage new development; and

"(3) to achieve the same long-term level of royalty revenues to States and counties as the regulation in effect on the date of enactment of this subsection.

"(d) CREDITS FOR IN-KIND PAYMENTS OF ELECTRICITY.—The Secretary may provide to a lessee a credit against royalties owed under this Act, in an amount equal to the value of electricity provided under contract to a State or county government that is entitled to a portion of such royalties under section 20 of this Act, section 35 of the Mineral Leasing Act (30 U.S.C. 191), or section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355), if—

"(1) the Secretary has approved in advance the contract between the lessee and the State or county government for such in-kind payments;

"(2) the contract establishes a specific methodology to determine the value of such credits; and

"(3) the maximum credit will be equal to the royalty value owed to the State or county that is a party to the contract and the electricity received will serve as the royalty payment from the Federal Government to that entity.".

(b) DISPOSAL OF MONEYS FROM SALES, BONUSES, ROYALTIES, AND RENTALS.—Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

"SEC. 20. DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.

"(a) IN GENERAL.—Except with respect to lands in the State of Alaska, all monies received by the United States from sales, bonuses, rentals, and royalties under this Act shall be paid into the Treasury of the United States. Of amounts deposited under this subsection, subject to the provisions of section 35 of the Mineral Leasing Act (30 U.S.C. 191(b)) and section 5(a)(2) of this Act—

"(1) 50 percent shall be paid to the State within the boundaries of which the leased lands or geothermal resources are or were located; and

"(2) 25 percent shall be paid to the County within the boundaries of which the leased lands or geothermal resources are or were located.

"(b) USE OF PAYMENTS.—Amounts paid to a State or county under subsection (a) shall be used consistent with the terms of section 35 of the Mineral Leasing Act (30 U.S.C. 191).".

(c) NEAR-TERM PRODUCTION INCENTIVE FOR EXISTING LEASES.—

(1) IN GENERAL.—Notwithstanding section 5(a) of the Geothermal Steam Act of 1970, the royalty required to be paid shall be 50 percent of the amount of the royalty otherwise required, on any lease issued before the date of enactment of this Act that does not convert to new royalty terms under subsection (e)—

(A) with respect to commercial production of energy from a facility that begins such production in the 6-year period beginning on the date of the enactment of this Act; or

(B) on qualified expansion geothermal energy.

(2) 4-YEAR APPLICATION.—Paragraph (1) applies only to new commercial production of energy from a facility in the first 4 years of such production.

(3) EFFECTIVE DATE.—This subsection takes effect on October 1, 2004.

(d) DEFINITION OF QUALIFIED EXPANSION GEOTHERMAL ENERGY.—In this section, the term "qualified expansion geothermal energy" means geothermal energy produced from a generation facility for which—

(1) the production is increased by more than 10 percent as a result of expansion of the facility carried out in the 6-year period beginning on the date of the enactment of this Act; and

(2) such production increase is greater than 10 percent of the average production by the facility during the 5-year period preceding the expansion of the facility.

(e) ROYALTY UNDER EXISTING LEASES.—

(1) IN GENERAL.—Any lessee under a lease issued under the Geothermal Steam Act of 1970 before the date of the enactment of this Act may modify the terms of the lease relating to payment of royalties to comply with the amendment made by subsection (a), by applying to the Secretary of the Interior by not later than 18 months after the date of the enactment of this Act.

(2) APPLICATION OF MODIFICATION.—Such modification shall apply to any use of geothermal steam and any associated geothermal resources to which the amendment applies that occurs after the date of that application.

(3) CONSULTATION.—The Secretary—

(A) shall consult with the State and local governments affected by any proposed changes in lease royalty terms under this subsection; and

(B) may establish a gross proceeds percentage within the range specified in the amendment made by subsection (a)(1) and with the concurrence of the lessee and the State.

SEC. 215. GEOTHERMAL LEASING AND PERMITTING ON FEDERAL LANDS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary of the Interior and the Secretary of Agriculture shall enter into and submit to Congress a memorandum of understanding in accordance with this section regarding leasing and permitting for geothermal development of public lands and National Forest System lands under their respective jurisdictions.

(b) LEASE AND PERMIT APPLICATIONS.—The memorandum of understanding shall—

(1) identify areas with geothermal potential on lands included in the National Forest System and, when necessary, require review of management plans to consider leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) as a land use; and

(2) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and time limits for application procession.

(c) DATA RETRIEVAL SYSTEM.—The memorandum of understanding shall establish a joint data retrieval system that is capable of tracking lease and permit applications and providing to the applicant information as to their status within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.

SEC. 216. REVIEW AND REPORT TO CONGRESS.

The Secretary of the Interior shall promptly review and report to Congress not later than 3 years after the date of the enactment of this Act regarding the status of all withdrawals from leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of Federal lands, specifying for each such area whether the basis for such withdrawal still applies.

SEC. 217. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) IN GENERAL.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"SEC. 30. REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES.

"(a) IN GENERAL.—The Secretary of the Interior may reimburse a person that is a lessee, operator, operating rights owner, or applicant for any lease under this Act for reasonable amounts paid by the person for preparation for the Secretary by a contractor or other person selected by the Secretary of any project-level analysis, documentation, or related study required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

"(b) CONDITIONS.—The Secretary may provide reimbursement under subsection (a) only if—

"(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

"(2) the person paid the costs voluntarily;

"(3) the person maintains records of its costs in accordance with regulations issued by the Secretary;

"(4) the reimbursement is in the form of a reduction in the Federal share of the royalty required to be paid for the lease for which the analysis, documentation, or related study is conducted, and is agreed to by the Secretary and the person reimbursed prior to commencing the analysis, documentation, or related study; and

"(5) the agreement required under paragraph (4) contains provisions—

"(A) reducing royalties owed on lease production based on market prices;

"(B) stipulating an automatic termination of the royalty reduction upon recovery of documented costs; and

"(C) providing a process by which the lessee may seek reimbursement for circumstances in which production from the specified lease is not possible.".

(b) APPLICATION.—The amendment made by this section shall apply with respect to an analysis, documentation, or a related study conducted on or after October 1, 2004, for any lease entered into before, on, or after the date of enactment of this Act.

(c) DEADLINE FOR REGULATIONS.—The Secretary shall issue regulations implementing the amendment made by this section by not later than 1 year after the date of enactment of this Act.

SEC. 218. ASSESSMENT OF GEOTHERMAL ENERGY POTENTIAL.

The Secretary of Interior, acting through the Director of the United States Geological Survey and in cooperation with the States, shall update the 1978 Assessment of Geothermal Resources, and submit that updated assessment to Congress—

(1) not later than 3 years after the date of enactment of this Act; and

(2) thereafter as the availability of data and developments in technology warrant.

SEC. 219. COOPERATIVE OR UNIT PLANS.

Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended to read as follows:

"SEC. 18. UNIT AND COMMUNITIZATION AGREEMENTS.

"(a) ADOPTION OF UNITS BY LESSEES.—

"(1) IN GENERAL.—For the purpose of more properly conserving the natural resources of any geothermal reservoir, field, or like area, or any part thereof (whether or not any part of the geothermal field, or like area, is then subject to any Unit Agreement (cooperative plan of development or operation)), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a Unit Agreement for such field, or like area, or any part thereof including direct use resources, if determined and certified by the Secretary to be necessary or advisable in the public interest. A majority interest of owners of any single lease shall have the authority to commit that lease to a Unit Agreement. The Secretary of the Interior may also initiate the formation of a Unit Agreement if in the public interest.

"(2) MODIFICATION OF LEASE REQUIREMENTS BY SECRETARY.—The Secretary may, in the discretion of the Secretary, and with the consent of the holders of leases involved, establish, alter, change, or revoke rates of operations (including drilling, operations, production, and other requirements) of such leases and make conditions with reference to such leases, with the consent of the lessees, in connection with the creation and operation of any such Unit Agreement as the Secretary may deem necessary or proper to secure the proper protection of the public interest. Leases with unlike lease terms or royalty rates do not need to be modified to be in the same unit.

"(b) REQUIREMENT OF PLANS UNDER NEW LEASES.—The Secretary—

"(1) may provide that geothermal leases issued under this Act shall contain a provision requiring the lessee to operate under such a reasonable Unit Agreement; and

"(2) may prescribe such an Agreement under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

"(c) MODIFICATION OF RATE OF PROSPECTING, DEVELOPMENT, AND PRODUCTION.—The Secretary may require that any Agreement authorized by this section that applies to lands owned by the United States contain a provision under which authority is vested in the Secretary, or any person, committee, or State or Federal officer or agency as may be designated in the Agreement to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such an Agreement.

"(d) EXCLUSION FROM DETERMINATION OF HOLDING OR CONTROL.—Any lands that are subject to any Agreement approved or prescribed by the Secretary under this section shall not be considered in determining holdings or control under any provision of this Act.

"(e) POOLING OF CERTAIN LANDS.—If separate tracts of lands cannot be independently developed and operated to use geothermal steam and associated geothermal resources pursuant to any section of this Act—

"(1) such lands, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, for purposes of development and operation under a Communitization Agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the production unit, if such pooling is determined by the Secretary to be in the public interest; and

"(2) operation or production pursuant to such an Agreement shall be treated as operation or production with respect to each tract of land that is subject to the agreement.

"(f) Unit Agreement Review.—No more than 5 years after approval of any cooperative or Unit Agreement and at least every 5 years thereafter, the Secretary shall review each such Agreement and, after notice and opportunity for comment, eliminate from inclusion in such Agreement any lands that the Secretary determines are not reasonably necessary for Unit operations under the Agreement. Such elimination shall be based on scientific evidence, and shall occur only if it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any land so eliminated shall be eligible for an extension under subsection (g) of section 6 if it meets the requirements for such an extension.

"(g) Drilling or Development Contracts.— The Secretary may, on such conditions as the Secretary may prescribe, approve drilling or development contracts made by 1 or more lessees of geothermal leases, with 1 or more persons, associations, or corporations if, in the discretion of the Secretary, the conservation of natural resources or the public convenience or necessity may require or the interests of the United States may be best served thereby. All leases operated under such approved drilling or development contracts, and interests thereunder, shall be excepted in determining holdings or control under section 7.

"(h) Coordination With State Governments.—The Secretary shall coordinate unitization and pooling activities with the appropriate State agencies and shall ensure that State leases included in any unitization or pooling arrangement are treated equally with Federal leases.".

SEC. 220. ROYALTY ON BYPRODUCTS.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended in subsection (a) by striking paragraph (2) and inserting the following:

"(2) a royalty on any byproduct that is a mineral named in the first section of the Mineral Leasing Act (30 U.S.C. 181), and that is derived from production under the lease, at the rate of the royalty that applies under that Act to production of such mineral under a lease under that Act;".

SEC. 221. REPEAL OF AUTHORITIES OF SECRETARY TO READJUST TERMS, CONDITIONS, RENTALS, AND ROYALTIES.

Section 8 of the Geothermal Steam Act of 1970 (30 U.S.C. 1007) is amended by repealing subsection (b), and by redesignating subsection (c) as subsection (b).

SEC. 222. CREDITING OF RENTAL TOWARD ROYALTY.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended—

(1) in subsection (a)(2) by inserting "and" after the semicolon at the end;

(2) in subsection (a)(3) by striking "; and" and inserting a period;

(3) by striking paragraph (4) of subsection (a); and

(4) by adding at the end the following:

"(e) Crediting of Rental Toward Royalty.—Any annual rental under this section that is paid with respect to a lease before the first day of the year for which the annual rental is owed shall be credited to the amount of royalty that is required to be paid under the lease for that year.".

SEC. 223. LEASE DURATION AND WORK COMMITMENT REQUIREMENTS.

Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended—

(1) by striking so much as precedes subsection (c), and striking subsections (e), (g), (h), (i), and (j);

(2) by redesignating subsections (c), (d), and (f) in order as subsections (g), (h), and (i); and

(3) by inserting before subsection (g), as so redesignated, the following:

"SEC. 6. LEASE TERM AND WORK COMMITMENT REQUIREMENTS.

"(a) In General.—

"(1) Primary term.—A geothermal lease shall be for a primary term of 10 years.

"(2) Initial extension.—The Secretary shall extend the primary term of a geothermal lease for 5 years if, for each year after the fifth year of the lease—

"(A) the Secretary determined under subsection (c) that the lessee satisfied the work commitment requirements that applied to the lease for that year; or

"(B) the lessee paid in accordance with subsection (d) the value of any work that was not completed in accordance with those requirements.

"(3) Additional extension.—The Secretary shall extend the primary term of a geothermal lease (after an initial extension under paragraph (2)) for an additional 5 years if, for each year of the initial extension under paragraph (2), the Secretary determined under subsection (c) that the lessee satisfied the work commitment requirements that applied to the lease for that year.

"(b) Requirement to Satisfy Annual Work Commitment Requirement.—

"(1) In general.—The lessee for a geothermal lease shall, for each year after the fifth year of the lease, satisfy work commitment requirements prescribed by the Secretary that apply to the lease for that year.

"(2) Prescription of work commitment requirements.—The Secretary shall issue regulations prescribing minimum equivalent dollar value work commitment requirements for geothermal leases, that—

"(A) require that a lessee, in each year after the fifth year of the primary term of a geothermal lease, diligently work to achieve commercial production or utilization of steam under the lease;

"(B) require that in each year to which work commitment requirements under the regulations apply, the lessee shall significantly reduce the amount of work that remains to be done to achieve such production or utilization;

"(C) describe specific work that must be completed by a lessee by the end of each year to which the work commitment requirements apply and factors, such as force majeure events, that suspend or modify the work commitment obligation;

"(D) carry forward and apply to work commitment requirements for a year, work completed in any year in the preceding 3-year period that was in excess of the work required to be performed in that preceding year;

"(E) establish transition rules for leases issued before the date of the enactment of this subsection, including terms under which a lease that is near the end of its term on the date of enactment of this subsection may be extended for up to 2 years—

"(i) to allow achievement of production under the lease; or

"(ii) to allow the lease to be included in a producing unit; and

"(F) establish an annual payment that, at the option of the lessee, may be exercised in lieu of meeting any work requirement for a limited number of years that the Secretary determines will not impair achieving diligent development of the geothermal resource.

"(3) Termination of application of requirements.—Work commitment requirements prescribed under this subsection shall not apply to a geothermal lease after the date on which geothermal steam is produced or utilized under the lease in commercial quantities.

"(c) Determination of Whether Requirements Satisfied.—The Secretary shall, by not later than 90 days after the end of each year for which work commitment requirements under subsection (b) apply to a geothermal lease—

"(1) determine whether the lessee has satisfied the requirements that apply for that year;

"(2) notify the lessee of that determination; and

"(3) in the case of a notification that the lessee did not satisfy work commitment requirements for the year, include in the notification—

"(A) a description of the specific work that was not completed by the lessee in accordance with the requirements; and

"(B) the amount of the dollar value of such work that was not completed, reduced by the amount of expenditures made for work completed in a prior year that is carried forward pursuant to subsection (b)(2)(D).

"(d) Payment of Value of Uncompleted Work.—

"(1) In general.—If the Secretary notifies a lessee that the lessee failed to satisfy work commitment requirements under subsection (b), the lessee shall pay to the Secretary, by not later than the end of the 60-day period beginning on the date of the notification, the dollar value of work that was not completed by the lessee, in the amount stated in the notification (as reduced under subsection (c)(3)(B)).

"(2) Failure to pay value of uncompleted work.—If a lessee fails to pay such amount to the Secretary before the end of that period, the lease shall terminate upon the expiration of the period.

"(e) Continuation After Commercial Production or Utilization.—If geothermal steam is produced or utilized in commercial quantities within the primary term of the lease under subsection (a) (including any extension of the lease under subsection (a)), such lease shall continue until the date on which geothermal steam is no longer produced or utilized in commercial quantities.

"(f) Conversion of Geothermal Lease to Mineral Lease.—The lessee under a lease that has produced geothermal steam for electrical generation, has been determined by the Secretary to be incapable of any further commercial production or utilization of geothermal steam, and that is producing any valuable byproduct in payable quantities may, within 6 months after such determination—

"(1) convert the lease to a mineral lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), if the lands that are subject to the lease can be leased under that Act for the production of such byproduct; or

"(2) convert the lease to a mining claim under the general mining laws, if the byproduct is a locatable mineral.".

SEC. 224. ADVANCED ROYALTIES REQUIRED FOR SUSPENSION OF PRODUCTION.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended by adding at the end the following:

"(f) Advanced Royalties Required for Suspension of Production.—

"(1) Continuation of lease following cessation of production.—If, at any time after commercial production under a lease is achieved, production ceases for any cause the lease shall remain in full force and effect—

"(A) during the 1-year period beginning on the date production ceases; and

"(B) after such period if, and so long as, the lessee commences and continues diligently and in good faith until such production is resumed the steps, operations, or procedures necessary to cause a resumption of such production.

"(2) If production of heat or energy under a geothermal lease is suspended after the date of any such production for which royalty is required under subsection (a) and the terms of paragraph (1) are not met, the Secretary shall require the lessee, until the end of such suspension, to pay royalty in advance at the monthly pro-rata rate of the average annual rate at which such royalty was paid each year in the 5-year-period preceding the date of suspension.

"(3) Paragraph (2) shall not apply if the suspension is required or otherwise caused by the Secretary, the Secretary of a military department, a State or local government, or a force majeure.".

SEC. 225. ANNUAL RENTAL.

(a) Annual Rental Rate.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended in subsection (a) in paragraph (3) by striking "$1 per acre or fraction thereof for each year of the lease" and all that follows through the end of the paragraph and inserting "$1 per acre or fraction thereof for each year of the lease through the tenth year in the case of a lease awarded in a noncompetitive lease sale; or $2 per acre or fraction thereof for the first year, $3 per acre or fraction thereof for each of the second through tenth years, in the case of a lease awarded in a competitive lease sale; and $5 per acre or fraction thereof for each year after the 10th year thereof for all leases.".

(b) Termination of Lease for Failure To Pay Rental.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended by adding at the end the following:

"(g) Termination of Lease for Failure To Pay Rental.—

"(1) In general.—The Secretary shall terminate any lease with respect to which rental is not paid in accordance with this Act and the terms of the lease under which the rental is required, upon the expiration of the 45-day period beginning on the date of the failure to pay such rental.

"(2) Notification.—The Secretary shall promptly notify a lessee that has not paid rental required under the lease that the lease will be terminated at the end of the period referred to in paragraph (1).

"(3) Reinstatement.—A lease that would otherwise terminate under paragraph (1) shall not terminate under that paragraph if the lessee pays to the Secretary, before the end of the period referred to in paragraph (1), the amount of rental due plus a late fee equal to 10 percent of such amount.".

SEC. 226. LEASING AND PERMITTING ON FEDERAL LANDS WITHDRAWN FOR MILITARY PURPOSES.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Defense, in consultation with each military service and with interested States, counties, representatives of the geothermal industry, and other persons, shall submit to Congress a joint report concerning leasing and permitting activities for geothermal energy on Federal lands withdrawn for military purposes. Such report shall include the following:

(1) A description of the Military Geothermal Program, including any differences between it and the non-Military Geothermal Program, including required security procedures, and operational considerations, and discussions as to the differences, and why they are important. Further, the report shall describe revenues or energy provided to the Department of Defense and its facilities, royalty structures, where applicable, and any revenue sharing with States and counties or other benefits between—

(A) the implementation of the Geothermal Steam Act of 1970 (30 U.S.C 1001 et seq.) and other applicable Federal law by the Secretary of the Interior; and

(B) the administration of geothermal leasing under section 2689 of title 10, United States Code, by the Secretary of Defense.

(2) If appropriate, a description of the current methods and procedures used to ensure interagency coordination, where needed, in developing renewable energy sources on Federal lands withdrawn for military purposes, and an identification of any new procedures that might be required in the future for the improvement of interagency coordination to ensure efficient processing and administration of leases or contracts for geothermal energy on Federal lands withdrawn for military purposes, consistent with the defense purposes of such withdrawals.

(3) Recommendations for any legislative or administrative actions that might better achieve increased geothermal production, including a common royalty structure, leasing procedures, or other changes that increase production, offset military operation costs, or enhance the Federal agencies' ability to develop geothermal resources.

Except as provided in this section, nothing in this subtitle shall affect the legal status of the Department of the Interior and the Department of the Defense with respect to each other regarding geothermal leasing and development until such status is changed by law.

SEC. 227. TECHNICAL AMENDMENTS.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is further amended as follows:

(1) By striking "geothermal steam and associated geothermal resources" each place it appears and inserting "geothermal resources".

(2) Section 2(e) (30 U.S.C. 1001(e)) is amended to read as follows:

"(e) 'direct use' means utilization of geothermal resources for commercial, residential, agricultural, public facilities, or other energy needs other than the commercial production of electricity; and".

(3) Section 21 (30 U.S.C. 1020) is amended by striking "(a) Within one hundred" and all that follows through "(b) Geothermal" and inserting "Geothermal".

(4) The first section (30 U.S.C. 1001 note) is amended by striking "That this" and inserting the following:

"SECTION 1. SHORT TITLE.

"This".

(5) Section 2 (30 U.S.C. 1001) is amended by striking "Sec. 2. As" and inserting the following:

"SEC. 2. DEFINITIONS.

"As".

(6) Section 3 (30 U.S.C. 1002) is amended by striking "Sec. 3. Subject" and inserting the following:

"SEC. 3. LANDS SUBJECT TO GEOTHERMAL LEASING.

"Subject".

(7) Section 5 (30 U.S.C. 1004) is further amended by striking "Sec. 5.", and by inserting immediately before and above subsection (a) the following:

"SEC. 5. RENTS AND ROYALTIES.".

(8) Section 7 (30 U.S.C. 1006) is amended by striking "Sec. 7. A geothermal" and inserting the following:

"SEC. 7. ACREAGE OF GEOTHERMAL LEASE.

"A geothermal".

(9) Section 8 (30 U.S.C. 1007) is amended by striking "Sec. 8. (a) The" and inserting the following:

"SEC. 8. READJUSTMENT OF LEASE TERMS AND CONDITIONS.

"(a) The".

(10) Section 9 (30 U.S.C. 1008) is amended by striking "Sec. 9. If" and inserting the following:

"SEC. 9. BYPRODUCTS.

"If".

(11) Section 10 (30 U.S.C. 1009) is amended by striking "Sec. 10. The" and inserting the following:

"SEC. 10. RELINQUISHMENT OF GEOTHERMAL RIGHTS.

"The".

(12) Section 11 (30 U.S.C. 1010) is amended by striking "Sec. 11. The" and inserting the following:

"SEC. 11. SUSPENSION OF OPERATIONS AND PRODUCTION.

"The".

(13) Section 12 (30 U.S.C. 1011) is amended by striking "Sec. 12. Leases" and inserting the following:

"SEC. 12. TERMINATION OF LEASES.

"Leases".

(14) Section 13 (30 U.S.C. 1012) is amended by striking "Sec. 13. The" and inserting the following:

"SEC. 13. WAIVER, SUSPENSION, OR REDUCTION OF RENTAL OR ROYALTY.

"The".

(15) Section 14 (30 U.S.C. 1013) is amended by striking "Sec. 14. Subject" and inserting the following:

"SEC. 14. SURFACE LAND USE.

"Subject".

(16) Section 15 (30 U.S.C. 1014) is amended by striking "Sec. 15. (a) Geothermal" and inserting the following:

"SEC. 15. LANDS SUBJECT TO GEOTHERMAL LEASING.

"(a) Geothermal".

(17) Section 16 (30 U.S.C. 1015) is amended by striking "Sec. 16. Leases" and inserting the following:

"SEC. 16. REQUIREMENT FOR LESSEES.

"Leases".

(18) Section 17 (30 U.S.C. 1016) is amended by striking "Sec. 17. Administration" and inserting the following:

"SEC. 17. ADMINISTRATION.

"Administration".

(19) Section 19 (30 U.S.C. 1018) is amended by striking "Sec. 19. Upon" and inserting the following:

"SEC. 19. DATA FROM FEDERAL AGENCIES.

"Upon".

(20) Section 21 (30 U.S.C. 1020) is further amended by striking "Sec. 21.", and by inserting immediately before and above the remainder of that section the following:

"SEC. 21. PUBLICATION IN FEDERAL REGISTER; RESERVATION OF MINERAL RIGHTS.".

(21) Section 22 (30 U.S.C. 1021) is amended by striking "Sec. 22. Nothing" and inserting the following:

"SEC. 22. FEDERAL EXEMPTION FROM STATE WATER LAWS.

"Nothing".

(22) Section 23 (30 U.S.C. 1022) is amended by striking "Sec. 23. (a) All" and inserting the following:

"SEC. 23. PREVENTION OF WASTE; EXCLUSIVITY.

"(a) All".

(23) Section 24 (30 U.S.C. 1023) is amended by striking "Sec. 24. The" and inserting the following:

"SEC. 24. RULES AND REGULATIONS.

"The".

(24) Section 25 (30 U.S.C. 1024) is amended by striking "Sec. 25. As" and inserting the following:

"SEC. 25. INCLUSION OF GEOTHERMAL LEASING UNDER CERTAIN OTHER LAWS.

"As".

(25) Section 26 is amended by striking "Sec. 26. The" and inserting the following:

"SEC. 26. AMENDMENT.

"The".

(26) Section 27 (30 U.S.C. 1025) is amended by striking "Sec. 27. The" and inserting the following:

"SEC. 27. FEDERAL RESERVATION OF CERTAIN MINERAL RIGHTS.

"The".

(27) Section 28 (30 U.S.C. 1026) is amended by striking "Sec. 28. (a)(1) The" and inserting the following:

"SEC. 28. SIGNIFICANT THERMAL FEATURES.

"(a)(1) The".

(28) Section 29 (30 U.S.C. 1027) is amended by striking "Sec. 29. The" and inserting the following:

"SEC. 29. LAND SUBJECT TO PROHIBITION ON LEASING.

"The".

Subtitle C—Hydroelectric

PART I—ALTERNATIVE CONDITIONS

SEC. 231. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) Federal Reservations.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting after "adequate protection and utilization of such reservation." at the end of the first proviso the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an expedited agency trial-type hearing of any disputed issues of material fact, with respect to such conditions. Such hearing may be conducted in accordance with procedures established by agency regulation in consultation with the Federal Energy Regulatory Commission.".

(b) Fishways.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after "and such fishways as may be prescribed by the Secretary of Commerce." the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an expedited agency trial-type hearing of any disputed issues of material fact, with respect to such fishways. Such hearing may be conducted in accordance with procedures established by agency regulation in consultation with the Federal Energy Regulatory Commission.".

(c) Alternative Conditions and Prescriptions.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding the following new section at the end thereof:

"SEC. 33. ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.

"(a) Alternative Conditions.—(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls (referred to in this subsection as 'the Secretary') deems a condition to such license to be necessary under the first proviso of section 4(e), the license applicant may propose an alternative condition.

"(2) Notwithstanding the first proviso of section 4(e), the Secretary shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary determines, based on substantial evidence provided by the license applicant or otherwise available to the Secretary, that such alternative condition—

"(A) provides for the adequate protection and utilization of the reservation; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production—

as compared to the condition initially deemed necessary by the Secretary.

"(3) The Secretary shall submit into the public record of the Commission proceeding with any condition under section 4(e) or alternative condition it accepts under this section, a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative conditions.

"(5) If the Secretary does not accept an applicant's alternative condition under this section, and the Commission finds that the Secretary's condition would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not provide for the adequate protection and utilization of the reservation. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.

"(b) Alternative Prescriptions.—(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under section 18, the license applicant or licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding section 18, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the licensee or otherwise available to the Secretary, that such alternative—

"(A) will be no less protective than the fishway initially prescribed by the Secretary; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially deemed necessary by the Secretary.

"(3) The Secretary concerned shall submit into the public record of the Commission proceeding with any prescription under section 18 or alternative prescription it accepts under this section, a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative prescriptions.

"(5) If the Secretary concerned does not accept an applicant's alternative prescription under this section, and the Commission finds that the Secretary's prescription would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will be less protective than the fishway initially prescribed by the Secretary. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.".

PART II—ADDITIONAL HYDROPOWER

SEC. 241. HYDROELECTRIC PRODUCTION INCENTIVES.

(a) Incentive Payments.—For electric energy generated and sold by a qualified hydroelectric facility during the incentive period, the Secretary of Energy (referred to in this section as the "Secretary") shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) DEFINITIONS.—For purposes of this section:

(1) QUALIFIED HYDROELECTRIC FACILITY.—The term "qualified hydroelectric facility" means a turbine or other generating device owned or solely operated by a non-Federal entity which generates hydroelectric energy for sale and which is added to an existing dam or conduit.

(2) EXISTING DAM OR CONDUIT.—The term "existing dam or conduit" means any dam or conduit the construction of which was completed before the date of the enactment of this section and which does not require any construction or enlargement of impoundment or diversion structures (other than repair or reconstruction) in connection with the installation of a turbine or other generating device.

(3) CONDUIT.—The term "conduit" has the same meaning as when used in section 30(a)(2) of the Federal Power Act (16 U.S.C. 823a(a)(2)).

The terms defined in this subsection shall apply without regard to the hydroelectric kilowatt capacity of the facility concerned, without regard to whether the facility uses a dam owned by a governmental or nongovernmental entity, and without regard to whether the facility begins operation on or after the date of the enactment of this section.

(c) ELIGIBILITY WINDOW.—Payments may be made under this section only for electric energy generated from a qualified hydroelectric facility which begins operation during the period of 10 fiscal years beginning with the first full fiscal year occurring after the date of enactment of this subtitle.

(d) INCENTIVE PERIOD.—A qualified hydroelectric facility may receive payments under this section for a period of 10 fiscal years (referred to in this section as the "incentive period"). Such period shall begin with the fiscal year in which electric energy generated from the facility is first eligible for such payments.

(e) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Payments made by the Secretary under this section to the owner or operator of a qualified hydroelectric facility shall be based on the number of kilowatt hours of hydroelectric energy generated by the facility during the incentive period. For any such facility, the amount of such payment shall be 1.8 cents per kilowatt hour (adjusted as provided in paragraph (2)), subject to the availability of appropriations under subsection (g), except that no facility may receive more than $750,000 in 1 calendar year.

(2) ADJUSTMENTS.—The amount of the payment made to any person under this section as provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2003 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions the calendar year 2003 shall be substituted for calendar year 1979.

(f) SUNSET.—No payment may be made under this section to any qualified hydroelectric facility after the expiration of the period of 20 fiscal years beginning with the first full fiscal year occurring after the date of enactment of this subtitle, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 10 fiscal years.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section $10,000,000 for each of the fiscal years 2004 through 2013.

SEC. 242. HYDROELECTRIC EFFICIENCY IMPROVEMENT.

(a) INCENTIVE PAYMENTS.—The Secretary of Energy shall make incentive payments to the owners or operators of hydroelectric facilities at existing dams to be used to make capital improvements in the facilities that are directly related to improving the efficiency of such facilities by at least 3 percent.

(b) LIMITATIONS.—Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvement concerned and not more than 1 payment may be made with respect to improvements at a single facility. No payment in excess of $750,000 may be made with respect to improvements at a single facility.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for each of the fiscal years 2004 through 2013.

SEC. 243. SMALL HYDROELECTRIC POWER PROJECTS.

Section 408(a)(6) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2708(a)(6)) is amended by striking "April 20, 1977" and inserting "March 4, 2003".

SEC. 244. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Energy, in consultation with the Secretary of the Army, shall jointly conduct a study of the potential for increasing electric power production capability at federally owned or operated water regulation, storage, and conveyance facilities.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretaries shall submit to the Committees on Energy and Commerce, Resources, and Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act. The report shall include each of the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities currently conducted or considered, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of prior actions taken by the Secretaries to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility and the level of Federal power customer involvement in the determination of such costs.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners, by performing generator upgrades or rewinds, or construction of pumped storage facilities.

(7) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(8) Any additional recommendations to increase hydroelectric power production from, and reduce costs and improve efficiency at, federally owned or operated water regulation, storage, and conveyance facilities.

SEC. 245. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) CONSENT OF AFFECTED IRRIGATION CUSTOMERS REQUIRED.—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) EXISTING OBLIGATIONS NOT AFFECTED.—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities, including recreational releases.

SEC. 246. LIMITATION ON CERTAIN CHARGES ASSESSED TO THE FLINT CREEK PROJECT, MONTANA.

Notwithstanding section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) or any other provision of Federal law providing for the payment to the United States of charges for the use of Federal land for the purposes of operating and maintaining a hydroelectric development licensed by the Federal Energy Regulatory Commission (referred to in this section as the "Commission"), any political subdivision of the State of Montana that holds a license for Commission Project No. 1473 in Granite and Deer Lodge Counties, Montana, shall be required to pay to the United States for the use of that land for each year during which the political subdivision continues to hold the license for the project, the lesser of—

(1) $25,000; or

(2) such annual charge as the Commission or any other department or agency of the Federal Government may assess.

SEC. 247. REINSTATEMENT AND TRANSFER.

(a) REINSTATEMENT AND TRANSFER OF FEDERAL LICENSE FOR PROJECT NUMBERED 2696.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of such Act, the Federal Energy Regulatory Commission shall reinstate the license for Project No. 2696 and transfer the license, without delay or the institution of any proceedings, to the Town of Stuyvesant, New York, holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787, within 30 days after the date of enactment of this Act.

(b) HYDROELECTRIC INCENTIVES.—Project No. 2696 shall be entitled to the full benefit of any Federal legislation that promotes hydroelectric development that is enacted within 2 years either before or after the date of enactment of this Act.

(c) PROJECT DEVELOPMENT AND FINANCING.—The Federal Energy Regulatory Commission shall permit the Town of Stuyvesant to add as a colicensee any private or public entity or entities to the reinstated license at any time, notwithstanding the issuance of a preliminary permit to the Town of Stuyvesant and any consideration of municipal preference. The town shall be entitled, to the extent that funds are available or shall be made available, to receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702 and 2703), or similar programs, for the reimbursement of feasibility studies or development costs, or both, incurred since January 1, 2001, through and including December 31, 2006. All power produced by the project shall be deemed incremental hydropower for purpose of qualifying for any energy credit or similar benefits.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

SEC. 301. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting the following:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by inserting before section 273 (42 U.S.C. 6283) the following:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(2) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(3) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by inserting after the items relating to part C of title I the following:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

(2) by amending the items relating to part C of title II to read as follows:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

"Sec. 273. Summer fill and fuel budgeting programs.";

and

(3) by striking the items relating to part D of title II.

(d) AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT.—Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250(b)(1)) is amended by striking all after "increases" through to "mid-October through March" and inserting "by more than 60 percent over its 5-year rolling average for the months of mid-October through March (considered as a heating season average)".

(e) FILL STRATEGIC PETROLEUM RESERVE TO CAPACITY.—The Secretary of Energy shall, as expeditiously as practicable, acquire petroleum in amounts sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000 barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), consistent with the provisions of sections 159 and 160 of such Act (42 U.S.C. 6239, 6240).

SEC. 302. NATIONAL OILHEAT RESEARCH ALLIANCE.

Section 713 of the Energy Act of 2000 (42 U.S.C. 6201 note) is amended by striking "4" and inserting "9".

Subtitle B—Production Incentives

SEC. 311. DEFINITION OF SECRETARY.

In this subtitle, the term "Secretary" means the Secretary of the Interior.

SEC. 312. PROGRAM ON OIL AND GAS ROYALTIES IN-KIND.

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provision of law, this section applies to all royalty in-kind accepted by the Secretary on or after October 1, 2004, under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other Federal law governing leasing of Federal land for oil and gas development.

(b) TERMS AND CONDITIONS.—All royalty accruing to the United States shall, on the demand of the Secretary, be paid in oil or gas. If the Secretary makes such a demand, the following provisions apply to such payment:

(1) SATISFACTION OF ROYALTY OBLIGATION.—Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) MARKETABLE CONDITION.—

(A) IN GENERAL.—Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(B) DEFINITION OF MARKETABLE CONDITION.—In this paragraph, the term "in marketable condition" means sufficiently free from impurities and otherwise in a condition that the royalty production will be accepted by a purchaser under a sales contract typical of the field or area in which the royalty production was produced.

(3) DISPOSITION BY THE SECRETARY.—The Secretary may—

(A) sell or otherwise dispose of any royalty production taken in-kind (other than oil or gas transferred under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process (or both) any royalty production taken in-kind.

(4) RETENTION BY THE SECRETARY.—The Secretary may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas taken in-kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use oil or gas received as royalty taken in-kind (in this paragraph referred to as "royalty production") to pay the cost of—

(A) transporting the royalty production;

(B) processing the royalty production;

(C) disposing of the royalty production; or

(D) any combination of transporting, processing, and disposing of the royalty production.

(5) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not use revenues from the sale of oil and gas taken in-kind to pay for personnel, travel, or other administrative costs of the Federal Government.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may use a portion of the revenues from the sale of oil taken in-kind, without fiscal year limitation, to pay transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve.

(c) REIMBURSEMENT OF COST.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) allow the lessee to deduct the transportation or processing costs in reporting and paying royalties in-value for other Federal oil and gas leases.

(d) BENEFIT TO THE UNITED STATES REQUIRED.—The Secretary may receive oil or gas royalties in-kind only if the Secretary determines that receiving royalties in-kind provides benefits to the United States that are greater than or equal to the benefits that are likely to have been received had royalties been taken in-value.

(e) REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2005, the Secretary shall submit to Congress a report that addresses—

(A) actions taken to develop businesses processes and automated systems to fully support the royalty-in-kind capability to be used in tandem with the royalty-in-value approach in managing Federal oil and gas revenue; and

(B) future royalty-in-kind businesses operation plans and objectives.

(2) REPORTS ON OIL OR GAS ROYALTIES TAKEN IN-KIND.—For each of fiscal years 2004 through 2013 in which the United States takes oil or gas royalties in-kind from production in any State or from the Outer Continental Shelf, excluding royalties taken in-kind and sold to refineries under subsection (h), the Secretary shall submit to Congress a report that describes—

(A) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including the performance standard for comparing amounts received by the United States derived from royalties in-kind to amounts likely to have been received had royalties been taken in-value;

(B) an explanation of the evaluation that led the Secretary to take royalties in-kind from a lease or group of leases, including the expected revenue effect of taking royalties in-kind;

(C) actual amounts received by the United States derived from taking royalties in-kind and costs and savings incurred by the United States associated with taking royalties in-kind, including, but not limited to, administrative savings and any new or increased administrative costs; and

(D) an evaluation of other relevant public benefits or detriments associated with taking royalties in-kind.

(f) DEDUCTION OF EXPENSES.—

(1) IN GENERAL.—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in-kind from a lease, the Secretary shall deduct amounts paid or deducted under subsections (b)(4) and (c) and deposit the amount of the deductions in the miscellaneous receipts of the United States Treasury.

(2) ACCOUNTING FOR DEDUCTIONS.—When the Secretary allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) CONSULTATION WITH STATES.—The Secretary—

(1) shall consult with a State before conducting a royalty in-kind program under this subtitle within the State, and may delegate management of any portion of the Federal royalty in-kind program to the State except as otherwise prohibited by Federal law; and

(2) shall consult annually with any State from which Federal oil or gas royalty is being taken in-kind to ensure, to the maximum extent practicable, that the royalty in-kind program provides revenues to the State greater than or equal to those likely to have been received had royalties been taken in-value.

(h) SMALL REFINERIES.—

(1) PREFERENCE.—If the Secretary finds that sufficient supplies of crude oil are not available in the open market to refineries that do not have their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than the market price.

(2) PRORATION AMONG REFINERIES IN PRODUCTION AREA.—In disposing of oil under this subsection, the Secretary of Energy may, at the discretion of the Secretary, prorate the oil among refineries described in paragraph (1) in the area in which the oil is produced.

(i) DISPOSITION TO FEDERAL AGENCIES.—

(1) ONSHORE ROYALTY.—Any royalty oil or gas taken by the Secretary in-kind from onshore oil and gas leases may be sold at not less than the market price to any Federal agency.

(2) OFFSHORE ROYALTY.—Any royalty oil or gas taken in-kind from a Federal oil or gas lease on the Outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) FEDERAL LOW-INCOME ENERGY ASSISTANCE PROGRAMS.—

(1) PREFERENCE.—In disposing of royalty oil or gas taken in-kind under this section, the Secretary may grant a preference to any person, including any Federal or State agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress, assessing the effectiveness of granting preferences specified in paragraph (1) and providing a specific recommendation on the continuation of authority to grant preferences.

(k) EFFECTIVE DATE.—This section takes effect on October 1, 2004.

SEC. 313. MARGINAL PROPERTY PRODUCTION INCENTIVES.

(a) DEFINITION OF MARGINAL PROPERTY.—Until such time as the Secretary issues regulations under subsection (e) that prescribe a different definition, in this section the term "marginal property" means an onshore unit, communitization agreement, or lease not within a unit or communitization agreement, that produces on average the combined equivalent of less than 15 barrels of oil per well per day or 90 million British thermal units of gas per well per day calculated based on the average over the 3 most recent production months, including only wells that produce on more than half of the days during those 3 production months.

(b) CONDITIONS FOR REDUCTION OF ROYALTY RATE.—Until such time as the Secretary issues regulations under subsection (e) that prescribe different thresholds or standards, the Secretary shall reduce the royalty rate on—

(1) oil production from marginal properties as prescribed in subsection (c) when the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, is, on average, less than $15 per barrel for 90 consecutive trading days; and

(2) gas production from marginal properties as prescribed in subsection (c) when the spot price of natural gas delivered at Henry Hub, Louisiana, is, on average, less than $2.00 per million British thermal units for 90 consecutive trading days.

(c) REDUCED ROYALTY RATE.—

(1) IN GENERAL.—When a marginal property meets the conditions specified in subsection (b), the royalty rate shall be the lesser of—

(A) 5 percent; or

(B) the applicable rate under any other statutory or regulatory royalty relief provision that applies to the affected production.

(2) PERIOD OF EFFECTIVENESS.—The reduced royalty rate under this subsection shall be effective beginning on the first day of the production month following the date on which the applicable condition specified in subsection (b) is met.

(d) TERMINATION OF REDUCED ROYALTY RATE.—A royalty rate prescribed in subsection (d)(1)(A) shall terminate—

(1) with respect to oil production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, on average, exceeds $15 per barrel for 90 consecutive trading days; or

(B) the property no longer qualifies as a marginal property; and

(2) with respect to gas production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of natural gas delivered at Henry Hub, Louisiana, on average, exceeds $2.00 per million British thermal units for 90 consecutive trading days; or

(B) the property no longer qualifies as a marginal property.

(e) REGULATIONS PRESCRIBING DIFFERENT RELIEF.—

(1) DISCRETIONARY REGULATIONS.—The Secretary may by regulation prescribe different parameters, standards, and requirements for, and a different degree or extent of, royalty relief for marginal properties in lieu of those prescribed in subsections (a) through (d).

(2) MANDATORY REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall by regulation—

(A) prescribe standards and requirements for, and the extent of royalty relief for, marginal properties for oil and gas leases on the Outer Continental Shelf; and

(B) define what constitutes a marginal property on the Outer Continental Shelf for purposes of this section.

(3) CONSIDERATIONS.—In promulgating regulations under this subsection, the Secretary may consider—

(A) oil and gas prices and market trends;

(B) production costs;

(C) abandonment costs;

(D) Federal and State tax provisions and the effects of those provisions on production economics;

(E) other royalty relief programs;

(F) regional differences in average wellhead prices;

(G) national energy security issues; and

(H) other relevant matters.

(f) SAVINGS PROVISION.—Nothing in this section prevents a lessee from receiving royalty relief or a royalty reduction pursuant to any other law (including a regulation) that provides more relief than the amounts provided by this section.

(g) EFFECTIVE DATE.—This section takes effect on October 1, 2004.

SEC. 314. INCENTIVES FOR NATURAL GAS PRODUCTION FROM DEEP WELLS IN THE SHALLOW WATERS OF THE GULF OF MEXICO.

(a) ROYALTY INCENTIVE REGULATIONS.—The Secretary shall publish a final regulation to complete the rulemaking begun by the Notice of Proposed Rulemaking entitled "Relief or Reduction in Royalty Rates—Deep Gas Provisions", published in the Federal Register on March 26, 2003 (Federal Register, volume 68, number 58, 14868-14886).

(b) ROYALTY INCENTIVE REGULATIONS FOR ULTRA DEEP GAS WELLS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, in addition to any other regulations that may provide royalty incentives for natural gas produced from deep wells on oil and gas leases issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Secretary shall issue regulations, in accordance with the regulations published pursuant to subsection (a), granting royalty relief suspension volumes of not less than 35,000,000,000 cubic feet with respect to the production of natural gas from ultra deep wells on leases issued before January 1, 2001, in shallow waters less than 200 meters deep located in the Gulf of Mexico wholly west of 87 degrees, 30 minutes West longitude. Regulations issued under this subsection shall be retroactive to the date that the Notice of Proposed Rulemaking is published in the Federal Register.

(2) DEFINITION OF ULTRA DEEP WELL.—In this subsection, the term "ultra deep well" means a well drilled with a perforated interval, the top of which is at least 20,000 feet true vertical depth below the datum at mean sea level.

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2004.

SEC. 315. ROYALTY RELIEF FOR DEEP WATER PRODUCTION.

(a) IN GENERAL.—For all tracts located in water depths of greater than 400 meters in the Western and Central Planning Area of the Gulf of Mexico, including the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) occurring within 5 years after the date of enactment of this Act shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)), except that the suspension of royalties shall be set at a volume of not less than—

(1) 5,000,000 barrels of oil equivalent for each lease in water depths of 400 to 800 meters;

(2) 9,000,000 barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters; and

(3) 12,000,000 barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

(b) LIMITATION.—The Secretary may place limitations on the suspension of royalty relief granted based on market price.

SEC. 316. ALASKA OFFSHORE ROYALTY SUSPENSION.

Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by inserting "and in the Planning Areas offshore Alaska" after "West longitude".

SEC. 317. OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA.

(a) TRANSFER OF AUTHORITY.—

(1) REDESIGNATION.—The Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) is amended by redesignating section 107 (42 U.S.C. 6507) as section 108.

(2) TRANSFER.—The matter under the heading "EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA" under the heading "ENERGY AND MINERALS" of title I of Public Law 96–514 (42 U.S.C. 6508) is—

(A) transferred to the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.);

(B) redesignated as section 107 of that Act; and

(C) moved so as to appear after section 106 of that Act (42 U.S.C. 6506).

(b) COMPETITIVE LEASING.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as amended by subsection (a) of this section) is amended—

(1) by striking the heading and all that follows through "*Provided*, That (1) activities" and inserting the following:

"SEC. 107. COMPETITIVE LEASING OF OIL AND GAS.

"(a) IN GENERAL.—Notwithstanding any other provision of law and pursuant to regulations issued by the Secretary, the Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska (referred to in this section as the 'Reserve').

"(b) MITIGATION OF ADVERSE EFFECTS.—Activities";

(2) by striking "Alaska (the Reserve); (2) the" and inserting "Alaska.

"(c) LAND USE PLANNING; BLM WILDERNESS STUDY.—The";

(3) by striking "Reserve; (3) the" and inserting "Reserve.

"(d) FIRST LEASE SALE.—The";

(4) by striking "4332); (4) the" and inserting "4321 et seq.).

"(e) WITHDRAWALS.—The";

(5) by striking "herein; (5) bidding" and inserting "under this section.

"(f) BIDDING SYSTEMS.—Bidding";

(6) by striking "629); (6) lease" and inserting "629).

"(g) GEOLOGICAL STRUCTURES.—Lease";

(7) by striking "structures; (7) the" and inserting "structures.

"(h) SIZE OF LEASE TRACTS.—The";

(8) by striking "Secretary; (8)" and all that follows through "Drilling, production," and inserting "Secretary.

"(i) TERMS.—

"(1) IN GENERAL.—Each lease shall be—

"(A) issued for an initial period of not more than 10 years; and

"(B) renewed for successive 10-year terms if—

"(i) oil or gas is produced from the lease in paying quantities;

"(ii) oil or gas is capable of being produced in paying quantities; or

"(iii) drilling or reworking operations, as approved by the Secretary, are conducted on the leased land.

"(2) RENEWAL OF NONPRODUCING LEASES.—The Secretary shall renew for an additional 10-year term a lease that does not meet the requirements of paragraph (1)(B) if the lessee submits to the Secretary an application for renewal not later than 60 days before the expiration of the primary lease and—

"(A) the lessee certifies, and the Secretary agrees, that hydrocarbon resources were discovered on 1 or more wells drilled on the leased land in such quantities that a prudent operator would hold the lease for potential future development;

"(B) the lessee—

"(i) pays the Secretary a renewal fee of $100 per acre of leased land; and

"(ii) provides evidence, and the Secretary agrees that, the lessee has diligently pursued exploration that warrants continuation with the intent of continued exploration or future development of the leased land; or

"(C) all or part of the lease—

"(i) is part of a unit agreement covering a lease described in subparagraph (A) or (B); and

"(ii) has not been previously contracted out of the unit.

"(3) APPLICABILITY.—This subsection applies to a lease that—

"(A) is entered into before, on, or after the date of enactment of the Energy Policy Act of 2003; and

"(B) is effective on or after the date of enactment of that Act.

"(j) UNIT AGREEMENTS.—

"(1) IN GENERAL.—For the purpose of conservation of the natural resources of all or part of any oil or gas pool, field, reservoir, or like area, lessees (including representatives) of the pool, field, reservoir, or like area may unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for all or part of the pool, field, reservoir, or like area (whether or not any other part of the oil or gas pool, field, reservoir, or like area is already subject to any cooperative or unit plan of development or operation), if the Secretary determines the action to be necessary or advisable in the public interest.

"(2) PARTICIPATION BY STATE OF ALASKA.—The Secretary shall ensure that the State of Alaska is provided the opportunity for active participation concerning creation and management of units formed or expanded under this subsection that include acreage in which the State of Alaska has an interest in the mineral estate.

"(3) PARTICIPATION BY REGIONAL CORPORATIONS.—The Secretary shall ensure that any Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) is provided the opportunity for active participation concerning creation and management of units that include acreage in which the Regional Corporation has an interest in the mineral estate.

"(4) PRODUCTION ALLOCATION METHODOLOGY.—The Secretary may use a production allocation methodology for each participating area within a unit created for land in the Reserve, State of Alaska land, or Regional Corporation land shall, when appropriate, be based on the characteristics of each specific oil or gas pool, field, reservoir, or like area to take into account reservoir heterogeneity and a real variation in reservoir producibility across diverse leasehold interests.

"(5) BENEFIT OF OPERATIONS.—Drilling, production,";

(9) by striking "When separate" and inserting the following:

"(6) POOLING.—If separate";

(10) by inserting "(in consultation with the owners of the other land)" after "determined by the Secretary of the Interior";

(11) by striking "thereto; (10) to" and all that follows through "the terms provided therein" and inserting "to the agreement.

"(k) EXPLORATION INCENTIVES.—

"(1) IN GENERAL.—

"(A) WAIVER, SUSPENSION, OR REDUCTION.—To encourage the greatest ultimate recovery of oil or gas or in the interest of conservation, the Secretary may waive, suspend, or reduce the rental fees or minimum royalty, or reduce the royalty on an entire leasehold (including on any lease operated pursuant to a unit agreement), if (after consultation with the State of Alaska and the North Slope Borough of Alaska and the concurrence of any Regional Corporation for leases that include lands available for acquisition by the Regional Corporation under the provisions of section 1431(o) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)) the Secretary determines that the waiver, suspension, or reduction is in the public interest.

"(B) APPLICABILITY.—This paragraph applies to a lease that—

"(i) is entered into before, on, or after the date of enactment of the Energy Policy Act of 2003; and

"(ii) is effective on or after the date of enactment of that Act.";

(12) by striking "The Secretary is authorized to" and inserting the following:

"(2) SUSPENSION OF OPERATIONS AND PRODUCTION.—The Secretary may";

(13) by striking "In the event" and inserting the following:

"(3) SUSPENSION OF PAYMENTS.—If";

(14) by striking "thereto; and (11) all" and inserting "to the lease.

"(l) RECEIPTS.—All";

(15) by redesignating clauses (A), (B), and (C) as clauses (1), (2), and (3), respectively;

(16) by striking "Any agency" and inserting the following:

"(m) EXPLORATIONS.—Any agency";

(17) by striking "Any action" and inserting the following:

"(n) ENVIRONMENTAL IMPACT STATEMENTS.—

"(1) JUDICIAL REVIEW.—Any action";

(18) by striking "The detailed" and inserting the following:

"(2) INITIAL LEASE SALES.—The detailed";

(19) by striking "of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504)"; and

(20) by adding at the end the following:

"(o) WAIVER OF ADMINISTRATION FOR CONVEYED LANDS.—Notwithstanding section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)) or any other provision of law—

"(1) the Secretary of the Interior shall waive administration of any oil and gas lease insofar as such lease covers any land in the National Petroleum Reserve in Alaska in which the subsurface estate is conveyed to the Arctic Slope Regional Corporation; and

"(2) if any such conveyance of such subsurface estate does not cover all the land embraced within any such oil and gas lease—

"(A) the person who owns the subsurface estate in any particular portion of the land covered by such lease shall be entitled to all of the revenues reserved under such lease as to such portion, including, without limitation, all the royalty payable with respect to oil or gas produced from or allocated to such particular portion of the land covered by such lease; and

"(B) the Secretary of the Interior shall segregate such lease into 2 leases, 1 of which shall cover only the subsurface estate conveyed to the Arctic Slope Regional Corporation, and operations, production, or other circumstances (other than payment of rentals or royalties) that satisfy obligations of the lessee under, or maintain, either of the segregated leases shall likewise satisfy obligations of the lessee under, or maintain, the other segregated lease to the same extent as if such segregated leases remained a part of the original unsegregated lease.".

SEC. 318. ORPHANED, ABANDONED, OR IDLED WELLS ON FEDERAL LAND.

(a) In General.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a program not later than 1 year after the date of enactment of this Act to remediate, reclaim, and close orphaned, abandoned, or idled oil and gas wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.

(b) Activities.—The program under subsection (a) shall—

(1) include a means of ranking orphaned, abandoned, or idled wells sites for priority in remediation, reclamation, and closure, based on public health and safety, potential environmental harm, and other land use priorities;

(2) provide for identification and recovery of the costs of remediation, reclamation, and closure from persons or other entities currently providing a bond or other financial assurance required under State or Federal law for an oil or gas well that is orphaned, abandoned, or idled; and

(3) provide for recovery from the persons or entities identified under paragraph (2), or their sureties or guarantors, of the costs of remediation, reclamation, and closure of such wells.

(c) Cooperation and Consultations.—In carrying out the program under subsection (a), the Secretary shall—

(1) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

(2) consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

(d) Plan.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall submit to Congress a plan for carrying out the program under subsection (a).

(e) Idled Well.—For the purposes of this section, a well is idled if—

(1) the well has been nonoperational for at least 7 years; and

(2) there is no anticipated beneficial use for the well.

(f) Technical Assistance Program for Non-Federal Land.—

(1) In general.—The Secretary of Energy shall establish a program to provide technical and financial assistance to oil and gas producing States to facilitate State efforts over a 10-year period to ensure a practical and economical remedy for environmental problems caused by orphaned or abandoned oil and gas exploration or production well sites on State or private land.

(2) Assistance.—The Secretary of Energy shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating environmental risks of onshore orphaned or abandoned oil or gas wells on State and private land.

(3) Activities.—The program under paragraph (1) shall include—

(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

(C) information and training programs on best practices for remediation of different types of sites; and

(D) funding of State mitigation efforts on a cost-shared basis.

(g) Federal Reimbursement for Orphaned Well Reclamation Pilot Program.—

(1) Reimbursement for remediating, reclaiming, and closing wells on land subject to a new lease.—The Secretary shall carry out a pilot program under which, in issuing a new oil and gas lease on federally owned land on which 1 or more orphaned wells are located, the Secretary—

(A) may require, but not as a condition of the lease, that the lessee remediate, reclaim, and close in accordance with standards established by the Secretary, all orphaned wells on the land leased; and

(B) shall develop a program to reimburse a lessee, through a royalty credit against the Federal share of royalties owed or other means, for the reasonable actual costs of remediating, reclaiming, and closing the orphaned well pursuant to that requirement.

(2) Reimbursement for reclaiming orphaned wells on other land.—In carrying out this subsection, the Secretary—

(A) may authorize any lessee under an oil and gas lease on federally owned land to reclaim in accordance with the Secretary's standards—

(i) an orphaned well on unleased federally owned land; or

(ii) an orphaned well located on an existing lease on federally owned land for the reclamation of which the lessee is not legally responsible; and

(B) shall develop a program to provide reimbursement of 115 percent of the reasonable actual costs of remediating, reclaiming, and closing the orphaned well, through credits against the Federal share of royalties or other means.

(3) Effect of remediation, reclamation, or closure of well pursuant to an approved remediation plan.—

(A) Definition of remediating party.—In this paragraph the term "remediating party" means a person who remediates, reclaims, or closes an abandoned, orphaned, or idled well pursuant to this subsection.

(B) General rule.—A remediating party who remediates, reclaims, or closes an abandoned, orphaned, or idled well in accordance with a detailed written remediation plan approved by the Secretary under this subsection, shall be immune from civil liability under Federal environmental laws, for—

(i) pre-existing environmental conditions at or associated with the well, unless the remediating party owns or operates, in the past owned or operated, or is related to a person that owns or operates or in the past owned or operated, the well or the land on which the well is located; or

(ii) any remaining releases of pollutants from the well during or after completion of the remediation, reclamation, or closure of the well, unless the remediating party causes increased pollution as a result of activities that are not in accordance with the approved remediation plan.

(C) Limitations.—Nothing in this section shall limit in any way the liability of a remediating party for injury, damage, or pollution resulting from the remediating party's acts or omissions that are not in accordance with the approved remediation plan, are reckless or willful, constitute gross negligence or wanton misconduct, or are unlawful.

(4) Regulations.—The Secretary may issue such regulations as are appropriate to carry out this subsection.

(h) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2005 through 2009.

(2) Use.—Of the amounts authorized under paragraph (1), $5,000,000 are authorized for each fiscal year for activities under subsection (f).

SEC. 319. COMBINED HYDROCARBON LEASING.

(a) Special Provisions Regarding Leasing.—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) For any area that contains any combination of tar sand and oil or gas (or both), the Secretary may issue under this Act, separately—

"(i) a lease for exploration for and extraction of tar sand; and

"(ii) a lease for exploration for and development of oil and gas.

"(C) A lease issued for tar sand shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be $2 per acre.

"(D) The Secretary may waive, suspend, or alter any requirement under section 26 that a permittee under a permit authorizing prospecting for tar sand must exercise due diligence, to promote any resource covered by a combined hydrocarbon lease.".

(b) Conforming Amendment.—Section 17(b)(1)(B) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(B)) is amended in the second sentence by inserting ", subject to paragraph (2)(B)," after "Secretary".

(c) Regulations.—Not later than 45 days after the date of enactment of this Act, the Secretary shall issue final regulations to implement this section.

SEC. 320. LIQUIFIED NATURAL GAS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

"(d) Limitation on Commission Authority.—If an applicant under this section proposes to construct or expand a liquified natural gas terminal either onshore or in State waters for the purpose of importing liquified natural gas into the United States, the Commission shall not deny or condition the application solely on the basis that the applicant proposes to utilize the terminal exclusively or partially for gas that the applicant or any affiliate thereof will supply thereto. In all other respects, subsection (a) shall remain applicable to any such proposal.".

SEC. 321. ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.

(a) AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-of-way on the Outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), or the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

"(A) support exploration, development, production, transportation, or storage of oil, natural gas, or other minerals;

"(B) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

"(C) use, for energy-related or marine-related purposes, facilities currently or previously used for activities authorized under this Act.

"(2) PAYMENTS.—The Secretary shall establish reasonable forms of payments for any easement or right-of-way granted under this subsection. Such payments shall not be assessed on the basis of throughput or production. The Secretary may establish fees, rentals, bonus, or other payments by rule or by agreement with the party to which the lease, easement, or right-of-way is granted.

"(3) CONSULTATION.—Before exercising authority under this subsection, the Secretary shall consult with the Secretary of Defense and other appropriate agencies concerning issues related to national security and navigational obstruction.

"(4) COMPETITIVE OR NONCOMPETITIVE BASIS.—

"(A) IN GENERAL.—The Secretary may issue a lease, easement, or right-of-way for energy and related purposes as described in paragraph (1) on a competitive or noncompetitive basis.

"(B) CONSIDERATIONS.—In determining whether a lease, easement, or right-of-way shall be granted competitively or noncompetitively, the Secretary shall consider such factors as—

"(i) prevention of waste and conservation of natural resources;

"(ii) the economic viability of an energy project;

"(iii) protection of the environment;

"(iv) the national interest and national security;

"(v) human safety;

"(vi) protection of correlative rights; and

"(vii) potential return for the lease, easement, or right-of-way.

"(5) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Act of 2003, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant agencies of the Federal Government and affected States, shall issue any necessary regulations to ensure safety, protection of the environment, prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, protection of national security interests, and protection of correlative rights in the Outer Continental Shelf.

"(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection to furnish a surety bond or other form of security, as prescribed by the Secretary, and to comply with such other requirements as the Secretary considers necessary to protect the interests of the United States.

"(7) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

"(8) APPLICABILITY.—This subsection does not apply to any area on the Outer Continental Shelf designated as a National Marine Sanctuary.".

(b) CONFORMING AMENDMENT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking the section heading and inserting the following: "LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—".

(c) SAVINGS PROVISION.—Nothing in the amendment made by subsection (a) requires, with respect to any project—

(1) for which offshore test facilities have been constructed before the date of enactment of this Act; or

(2) for which a request for proposals has been issued by a public authority,

any resubmittal of documents previously submitted or any reauthorization of actions previously authorized.

SEC. 322. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

(a) SHORT TITLE.—This section may be cited as the "National Geological and Geophysical Data Preservation Program Act of 2003".

(b) PROGRAM.—The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material; and

(3) to provide technical and financial assistance related to the archival material.

(c) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the implementation of the Program.

(d) DATA ARCHIVE SYSTEM.—

(1) ESTABLISHMENT.—The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

(2) SYSTEM COMPONENTS.—The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) LIMITATION OF DESIGNATION.—The Secretary may not designate a State agency as a component of the data archive system unless that agency is the agency that acts as the geological survey in the State.

(4) DATA FROM FEDERAL LAND.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

(e) NATIONAL CATALOG.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in the system; and

(C) the means of accessing the material.

(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

(f) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities under subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary under subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

(g) FINANCIAL ASSISTANCE.—

(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2) for providing facilities to archive energy material.

(2) STUDIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be not more than 50 percent of the total cost of the activity.

(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

(i) Maintenance of State Effort.—It is the intent of Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(j) Definitions.—In this section:

(1) Advisory committee.—The term "Advisory Committee" means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

(2) Program.—The term "Program" means the National Geological and Geophysical Data Preservation Program carried out under this section.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(4) Survey.—The term "Survey" means the United States Geological Survey.

(k) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2004 through 2008.

SEC. 323. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: ", and acreage under any lease any portion of which has been committed to a federally approved unit or cooperative plan or communitization agreement or for which royalty (including compensatory royalty or royalty in-kind) was paid in the preceding calendar year,".

SEC. 324. ASSESSMENT OF DEPENDENCE OF STATE OF HAWAII ON OIL.

(a) Assessment.—The Secretary of Energy shall assess the economic implication of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquified natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of the displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquified natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of the displacement on the relationship described in (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii.

(b) Contracting Authority.—The Secretary of Energy may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) Report.—Not later than 300 days after the date of enactment of this Act, the Secretary of Energy shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, a report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 325. DEADLINE FOR DECISION ON APPEALS OF CONSISTENCY DETERMINATION UNDER THE COASTAL ZONE MANAGEMENT ACT OF 1972.

(a) In General.—Section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465) is amended to read as follows:

"APPEALS TO THE SECRETARY

"Sec. 319. (a) Notice.—The Secretary shall publish an initial notice in the Federal Register not later than 30 days after the date of the filing of any appeal to the Secretary of a consistency determination under section 307.

"(b) Closure of Record.—

"(1) In general.—Not later than the end of the 120-day period beginning on the date of publication of an initial notice under subsection (a), the Secretary shall receive no more filings on the appeal and the administrative record regarding the appeal shall be closed.

"(2) Notice.—Upon the closure of the administrative record, the Secretary shall immediately publish a notice that the administrative record has been closed.

"(c) Deadline for Decision.—The Secretary shall issue a decision in any appeal filed under section 307 not later than 120 days after the closure of the administrative record.

"(d) Application.—This section applies to appeals initiated by the Secretary and appeals filed by an applicant.".

(b) Application.—

(1) In general.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any appeal initiated or filed before, on, or after the date of enactment of this Act.

(2) Limitation.—Subsection (a) of section 319 of the Coastal Zone Management Act of 1972 (as amended by subsection (a)) shall not apply with respect to an appeal initiated or filed before the date of enactment of this Act.

(c) Closure of Record for Appeal Filed Before Date of Enactment.—Notwithstanding section 319(b)(1) of the Coastal Zone Management Act of 1972 (as amended by this section), in the case of an appeal of a consistency determination under section 307 of that Act initiated or filed before the date of enactment of this Act, the Secretary of Commerce shall receive no more filings on the appeal and the administrative record regarding the appeal shall be closed not later than 120 days after the date of enactment of this Act.

SEC. 326. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) In General.—The Mineral Leasing Act is amended by inserting after section 37 (30 U.S.C. 193) the following:

"REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

"Sec. 38. (a) In General.—The Secretary of the Interior may reimburse a person that is a lessee, operator, operating rights owner, or applicant for any lease under this Act for reasonable amounts paid by the person for preparation for the Secretary by a contractor or other person selected by the Secretary of any project-level analysis, documentation, or related study required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

"(b) Conditions.—The Secretary may provide reimbursement under subsection (a) only if—

"(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

"(2) the person paid the costs voluntarily;

"(3) the person maintains records of its costs in accordance with regulations issued by the Secretary;

"(4) the reimbursement is in the form of a reduction in the Federal share of the royalty required to be paid for the lease for which the analysis, documentation, or related study is conducted, and is agreed to by the Secretary and the person reimbursed prior to commencing the analysis, documentation, or related study; and

"(5) the agreement required under paragraph (4) contains provisions—

"(A) reducing royalties owed on lease production based on market prices;

"(B) stipulating an automatic termination of the royalty reduction upon recovery of documented costs; and

"(C) providing a process by which the lessee may seek reimbursement for circumstances in which production from the specified lease is not possible.".

(b) Application.—The amendment made by this section shall apply with respect to an analysis, documentation, or a related study conducted on or after October 1, 2003, for any lease entered into before, on, or after the date of enactment of this Act.

(c) Deadline for Regulations.—The Secretary shall issue regulations implementing the amendment made by this section by not later than 1 year after the date of enactment of this Act.

SEC. 327. HYDRAULIC FRACTURING.

Paragraph (1) of section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)) is amended to read as follows:

"(1) Underground injection.—The term 'underground injection'—

"(A) means the subsurface emplacement of fluids by well injection; and

"(B) excludes—

"(i) the underground injection of natural gas for purposes of storage; and "(ii) the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil or gas production activities.".

SEC. 328. OIL AND GAS EXPLORATION AND PRODUCTION DEFINED.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(24) OIL AND GAS EXPLORATION AND PRODUCTION.—The term 'oil and gas exploration, production, processing, or treatment operations or transmission facilities' means all field activities or operations associated with exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities.".

SEC. 329. OUTER CONTINENTAL SHELF PROVISIONS.

(a) STORAGE ON THE OUTER CONTINENTAL SHELF.—Section 5(a)(5) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(5)) is amended by inserting "from any source" after "oil and gas".

(b) DEEPWATER PROJECTS.—Section 6 of the Deepwater Port Act of 1974 (33 U.S.C. 1505) is amended by adding at the end the following:

"(d) RELIANCE ON ACTIVITIES OF OTHER AGENCIES.—In fulfilling the requirements of section 5(f)—

"(1) to the extent that other Federal agencies have prepared environmental impact statements, are conducting studies, or are monitoring the affected human, marine, or coastal environment, the Secretary may use the information derived from those activities in lieu of directly conducting such activities; and

"(2) the Secretary may use information obtained from any State or local government or from any person.".

(c) NATURAL GAS DEFINED.—Section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)) is amended to read as follows:

"(13) natural gas means—

"(A) natural gas unmixed; or

"(B) any mixture of natural or artificial gas, including compressed or liquefied natural gas, natural gas liquids, liquefied petroleum gas, and condensate recovered from natural gas;".

SEC. 330. APPEALS RELATING TO PIPELINE CONSTRUCTION OR OFFSHORE MINERAL DEVELOPMENT PROJECTS.

(a) AGENCY OF RECORD, PIPELINE CONSTRUCTION PROJECTS.—Any Federal administrative agency proceeding that is an appeal or review under section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465), as amended by this Act, related to Federal authority for an interstate natural gas pipeline construction project, including construction of natural gas storage and liquefied natural gas facilities, shall use as its exclusive record for all purposes the record compiled by the Federal Energy Regulatory Commission pursuant to the Commission's proceeding under sections 3 and 7 of the Natural Gas Act (15 U.S.C. 717b, 717f).

(b) SENSE OF CONGRESS.—It is the sense of Congress that all Federal and State agencies with jurisdiction over interstate natural gas pipeline construction activities should coordinate their proceedings within the timeframes established by the Federal Energy Regulatory Commission when the Commission is acting under sections 3 and 7 of the Natural Gas Act (15 U.S.C. 717b, 717f) to determine whether a certificate of public convenience and necessity should be issued for a proposed interstate natural gas pipeline.

(c) AGENCY OF RECORD, OFFSHORE MINERAL DEVELOPMENT PROJECTS.—Any Federal administrative agency proceeding that is an appeal or review under section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465), as amended by this Act, related to Federal authority for the permitting, approval, or other authorization of energy projects, including projects to explore, develop, or produce mineral resources in or underlying the Outer Continental Shelf shall use as its exclusive record for all purposes (except for the filing of pleadings) the record compiled by the relevant Federal permitting agency.

SEC. 331. BILATERAL INTERNATIONAL OIL SUPPLY AGREEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may export oil to, or secure oil for, any country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency.

(b) MEMORANDUM OF AGREEMENT.—The following agreements are deemed to have entered into force by operation of law and are deemed to have no termination date:

(1) The agreement entitled "Agreement amending and extending the memorandum of agreement of June 22, 1979", entered into force November 13, 1994 (TIAS 12580).

(2) The agreement entitled "Agreement amending the contingency implementing arrangements of October 17, 1980", entered into force June 27, 1995 (TIAS 12670).

SEC. 332. NATURAL GAS MARKET REFORM.

(a) CLARIFICATION OF EXISTING CFTC AUTHORITY.—

(1) FALSE REPORTING.—Section 9(a)(2) of the Commodity Exchange Act (7 U.S.C. 13(a)(2)) is amended by striking "false or misleading or knowingly inaccurate reports" and inserting "knowingly false or knowingly misleading or knowingly inaccurate reports".

(2) COMMISSION ADMINISTRATIVE AND CIVIL AUTHORITY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by redesignating subsection (f) as subsection (e), and adding:

"(f) COMMISSION ADMINISTRATIVE AND CIVIL AUTHORITY.—The Commission may bring administrative or civil actions as provided in this Act against any person for a violation of any provision of this section including, but not limited to, false reporting under subsection (a)(2).".

(3) EFFECT OF AMENDMENTS.—The amendments made by paragraphs (1) and (2) restate, without substantive change, existing burden of proof provisions and existing Commission civil enforcement authority, respectively. These clarifying changes do not alter any existing burden of proof or grant any new statutory authority. The provisions of this section, as restated herein, continue to apply to any action pending on or commenced after the date of enactment of this Act for any act, omission, or violation occurring before, on, or after, such date of enactment.

(b) FRAUD AUTHORITY.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following:

"(a) It shall be unlawful—

"(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery or in interstate commerce, that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

"(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to section 5a(g) (1) and (2) of this Act, that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

"(A) to cheat or defraud or attempt to cheat or defraud such other person;

"(B) willfully to make or cause to be made to such other person any false report or statement or willfully to enter or cause to be entered for such other person any false record;

"(C) willfully to deceive or attempt to deceive such other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of subsection (a)(2), with such other person; or

"(D)(i) to bucket an order if such order is either represented by such person as an order to be executed, or required to be executed, on or subject to the rules of a designated contract market; or

"(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of such other person to become the buyer in respect to any selling order of such other person, or become the seller in respect to any buying order of such other person, if such order is either represented by such person as an order to be executed, or required to be executed, on or subject to the rules of a designated contract market.

"(b) Subsection (a)(2) shall not obligate any person, in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to section 5a(g) (1) and (2) of this Act, with another person, to disclose to such other person nonpublic information that may be material to the market price of such commodity or transaction, except as necessary to make any statement made to such other person in connection with such transaction, not misleading in any material respect.".

(c) JURISDICTION OF THE CFTC.—The Natural Gas Act (15 U.S.C. 717 et seq.) is amended by adding at the end:

"SEC. 26. JURISDICTION.

"This Act shall not affect the exclusive jurisdiction of the Commodity Futures Trading Commission with respect to accounts, agreements, contracts, or transactions in commodities under the Commodity Exchange Act (7 U.S.C. 1 et seq.). Any request for information by the Commission to a designated contract market, registered derivatives transaction execution facility, board of trade, exchange, or market involving accounts, agreements, contracts, or transactions in commodities (including natural gas, electricity, and other energy commodities) within the exclusive jurisdiction of the Commodity Futures Trading Commission shall be directed to the Commodity Futures Trading Commission, which shall cooperate in responding to any information request by the Commission.".

(d) INCREASED PENALTIES.—Section 21 of the Natural Gas Act (15 U.S.C. 717t) is amended—

(1) in subsection (a)—

(A) by striking "$5,000" and inserting "$1,000,000"; and

(B) by striking "two years" and inserting "5 years"; and

(2) in subsection (b), by striking "$500" and inserting "$50,000".

SEC. 333. NATURAL GAS MARKET TRANSPARENCY.

The Natural Gas Act (15 U.S.C. 717 et seq.) is amended—

(1) by redesignating section 24 as section 25; and

(2) by inserting after section 23 the following:

"SEC. 24. NATURAL GAS MARKET TRANSPARENCY.

"(a) AUTHORIZATION.—(1) Not later than 180 days after the date of enactment of the Energy Policy Act of 2003, the Federal Energy Regulatory Commission shall issue rules directing all entities subject to the Commission's jurisdiction as provided under this Act to timely report information about the availability and prices of natural gas sold at wholesale in interstate commerce to the Commission and price publishers.

"(2) The Commission shall evaluate the data for adequate price transparency and accuracy.

"(3) Rules issued under this subsection requiring the reporting of information to the Commission that may become publicly available shall be limited to aggregate data and transaction-specific data that are otherwise required by the Commission to be made public.

"(4) In exercising its authority under this section, the Commission shall not—

"(A) compete with, or displace from the market place, any price publisher; or

"(B) regulate price publishers or impose any requirements on the publication of information.

"(b) TIMELY ENFORCEMENT.—No person shall be subject to any penalty under this section with respect to a violation occurring more than 3 years before the date on which the Federal Energy Regulatory Commission seeks to assess a penalty.

"(c) LIMITATION ON COMMISSION AUTHORITY.—(1) The Commission shall not condition access to interstate pipeline transportation upon the reporting requirements authorized under this section.

"(2) Natural gas sales by a producer that are attributable to volumes of natural gas produced by such producer shall not be subject to the rules issued pursuant to this section.

"(3) The Commission shall not require natural gas producers, processors, or users who have a de minimis market presence to participate in the reporting requirements provided in this section.".

Subtitle C—Access to Federal Land

SEC. 341. OFFICE OF FEDERAL ENERGY PROJECT COORDINATION.

(a) ESTABLISHMENT.—The President shall establish the Office of Federal Energy Project Coordination (referred to in this section as the "Office") within the Executive Office of the President in the same manner and with the same mission as the White House Energy Projects Task Force established by Executive Order No. 13212 (42 U.S.C. 13201 note).

(b) STAFFING.—The Office shall be staffed by functional experts from relevant Federal agencies on a nonreimbursable basis to carry out the mission of the Office.

(c) REPORT.—The Office shall transmit an annual report to Congress that describes the activities put in place to coordinate and expedite Federal decisions on energy projects. The report shall list accomplishments in improving the Federal decisionmaking process and shall include any additional recommendations or systemic changes needed to establish a more effective and efficient Federal permitting process.

SEC. 342. FEDERAL ONSHORE OIL AND GAS LEASING AND PERMITTING PRACTICES.

(a) REVIEW OF ONSHORE OIL AND GAS LEASING PRACTICES.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Agriculture with respect to National Forest System lands under the jurisdiction of the Department of Agriculture, shall perform an internal review of current Federal onshore oil and gas leasing and permitting practices.

(2) INCLUSIONS.—The review shall include the process for—

(A) accepting or rejecting offers to lease;

(B) administrative appeals of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease;

(C) considering surface use plans of operation, including the timeframes in which the plans are considered, and any recommendations for improving and expediting the process; and

(D) identifying stipulations to address site-specific concerns and conditions, including those stipulations relating to the environment and resource use conflicts.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall transmit a report to Congress that describes—

(1) actions taken under section 3 of Executive Order No. 13212 (42 U.S.C. 13201 note); and

(2) actions taken or any plans to improve the Federal onshore oil and gas leasing program.

SEC. 343. MANAGEMENT OF FEDERAL OIL AND GAS LEASING PROGRAMS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—To ensure timely action on oil and gas leases and applications for permits to drill on land otherwise available for leasing, the Secretary of the Interior (in this section referred to as the "Secretary") shall—

(1) ensure expeditious compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States and the public; and

(3) improve the collection, storage, and retrieval of information relating to the leasing activities.

(b) BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop and implement best management practices to—

(A) improve the administration of the onshore oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(B) ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing.

(2) CONSIDERATIONS.—In developing the best management practices under paragraph (1), the Secretary shall consider any recommendations from the review under section 342.

(3) REGULATIONS.—Not later than 180 days after the development of best management practices under paragraph (1), the Secretary shall publish, for public comment, proposed regulations that set forth specific timeframes for processing leases and applications in accordance with the practices, including deadlines for—

(A) approving or disapproving resource management plans and related documents, lease applications, and surface use plans; and

(B) related administrative appeals.

(c) IMPROVED ENFORCEMENT.—The Secretary shall improve inspection and enforcement of oil and gas activities, including enforcement of terms and conditions in permits to drill.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated to carry out section 17 of the Mineral Leasing Act (30 U.S.C. 226), there are authorized to be appropriated to the Secretary for each of fiscal years 2004 through 2007—

(1) $40,000,000 to carry out subsections (a) and (b); and

(2) $20,000,000 to carry out subsection (c).

SEC. 344. CONSULTATION REGARDING OIL AND GAS LEASING ON PUBLIC LAND.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a memorandum of understanding regarding oil and gas leasing on—

(1) public lands under the jurisdiction of the Secretary of the Interior; and

(2) National Forest System lands under the jurisdiction of the Secretary of Agriculture.

(b) CONTENTS.—The memorandum of understanding shall include provisions that—

(1) establish administrative procedures and lines of authority that ensure timely processing of oil and gas lease applications, surface use plans of operation, and applications for permits to drill, including steps for processing surface use plans and applications for permits to drill consistent with the timelines established by the amendment made by section 348;

(2) eliminate duplication of effort by providing for coordination of planning and environmental compliance efforts; and

(3) ensure that lease stipulations are—

(A) applied consistently;

(B) coordinated between agencies; and

(C) only as restrictive as necessary to protect the resource for which the stipulations are applied.

(c) DATA RETRIEVAL SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish a joint data retrieval system that is capable of—

(A) tracking applications and formal requests made in accordance with procedures of the Federal onshore oil and gas leasing program; and

(B) providing information regarding the status of the applications and requests within the Department of the Interior and the Department of Agriculture.

(2) RESOURCE MAPPING.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish a joint Geographic Information System mapping system for use in—

(A) tracking surface resource values to aid in resource management; and

(B) processing surface use plans of operation and applications for permits to drill.

SEC. 345. ESTIMATES OF OIL AND GAS RESOURCES UNDERLYING ONSHORE FEDERAL LAND.

(a) ASSESSMENT.—Section 604 of the Energy Act of 2000 (42 U.S.C. 6217) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "reserve"; and

(ii) by striking "and" after the semicolon; and

(B) by striking paragraph (2) and inserting the following:

"(2) the extent and nature of any restrictions or impediments to the development of the resources, including—

"(A) impediments to the timely granting of leases;

"(B) post-lease restrictions, impediments, or delays on development for conditions of approval, applications for permits to drill, or processing of environmental permits; and

"(C) permits or restrictions associated with transporting the resources for entry into commerce; and

"(3) the quantity of resources not produced or introduced into commerce because of the restrictions.";

(2) in subsection (b)—

(A) by striking "reserve" and inserting "resource"; and

(B) by striking "publically" and inserting "publicly"; and

(3) by striking subsection (d) and inserting the following:

"(d) ASSESSMENTS.—Using the inventory, the Secretary of Energy shall make periodic assessments of economically recoverable resources accounting for a range of parameters such as current costs, commodity prices, technology, and regulations.".

(b) METHODOLOGY.—The Secretary of the Interior shall use the same assessment methodology across all geological provinces, areas, and regions in preparing and issuing national geological assessments to ensure accurate comparisons of geological resources.

SEC. 346. COMPLIANCE WITH EXECUTIVE ORDER 13211; ACTIONS CONCERNING REGULATIONS THAT SIGNIFICANTLY AFFECT ENERGY SUPPLY, DISTRIBUTION, OR USE.

(a) REQUIREMENT.—The head of each Federal agency shall require that before the Federal agency takes any action that could have a significant adverse effect on the supply of domestic energy resources from Federal public land, the Federal agency taking the action shall comply with Executive Order No. 13211 (42 U.S.C. 13201 note).

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall publish guidance for purposes of this section describing what constitutes a significant adverse effect on the supply of domestic energy resources under Executive Order No. 13211 (42 U.S.C. 13201 note).

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior and the Secretary of Agriculture shall include in the memorandum of understanding under section 344 provisions for implementing subsection (a) of this section.

SEC. 347. PILOT PROJECT TO IMPROVE FEDERAL PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary of the Interior (in this section referred to as the "Secretary") shall establish a Federal Permit Streamlining Pilot Project (in this section referred to as the "Pilot Project").

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Chief of Engineers of the Army Corps of Engineers for purposes of this section.

(2) STATE PARTICIPATION.—The Secretary may request that the Governors of Wyoming, Montana, Colorado, Utah, and New Mexico be signatories to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall assign to each of the field offices identified in subsection (d), on a nonreimbursable basis, an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses.

(d) FIELD OFFICES.—The following Bureau of Land Management Field Offices shall serve as the Pilot Project offices:

(1) Rawlins, Wyoming.

(2) Buffalo, Wyoming.

(3) Miles City, Montana.

(4) Farmington, New Mexico.

(5) Carlsbad, New Mexico.

(6) Glenwood Springs, Colorado.

(7) Vernal, Utah.

(e) REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report that—

(1) outlines the results of the Pilot Project to date; and

(2) makes a recommendation to the President regarding whether the Pilot Project should be implemented throughout the United States.

(f) ADDITIONAL PERSONNEL.—The Secretary shall assign to each field office identified in subsection (d) any additional personnel that are necessary to ensure the effective implementation of—

(1) the Pilot Project; and

(2) other programs administered by the field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq).

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Pilot Project.

SEC. 348. DEADLINE FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

"(p) DEADLINES FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.—

"(1) IN GENERAL.—Not later than 10 days after the date on which the Secretary receives an application for any permit to drill, the Secretary shall—

"(A) notify the applicant that the application is complete; or

"(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

"(2) ISSUANCE OR DEFERRAL.—Not later than 30 days after the applicant for a permit has submitted a complete application, the Secretary shall—

"(A) issue the permit; or

"(B)(i) defer decision on the permit; and

"(ii) provide to the applicant a notice that specifies any steps that the applicant could take for the permit to be issued.

"(3) REQUIREMENTS FOR DEFERRED APPLICATIONS.—

"(A) IN GENERAL.—If the Secretary provides notice under paragraph (2)(B)(ii), the applicant shall have a period of 2 years from the date of receipt of the notice in which to complete all requirements specified by the Secretary, including providing information needed for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) ISSUANCE OF DECISION ON PERMIT.—If the applicant completes the requirements within the period specified in subparagraph (A), the Secretary shall issue a decision on the permit not later than 10 days after the date of completion of the requirements described in subparagraph (A).

"(C) DENIAL OF PERMIT.—If the applicant does not complete the requirements within the period specified in subparagraph (A), the Secretary shall deny the permit.

"(q) REPORT.—On a quarterly basis, each field office of the Bureau of Land Management and the Forest Service shall transmit to the Secretary of the Interior or the Secretary of Agriculture, respectively, a report that—

"(1) specifies the number of applications for permits to drill received by the field office in the period covered by the report; and

"(2) describes how each of the applications was disposed of by the field office.".

SEC. 349. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LAND AND FOREST SERVICE RIGHTS-OF-WAY.

(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following:

"(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Effective beginning on the date of the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market value for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).

"(2) REVISIONS.—Not later than 1 year after the date of enactment of this subsection—

"(A) the Secretary of the Interior shall amend section 2803.1-2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of this subsection, to revise the per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone; and

"(B) the Secretary of Agriculture shall make the same revision for linear rights-of-way granted, issued, or renewed under this title on National Forest System land.

"(3) UPDATES.—The Secretary concerned shall annually update the schedule revised under paragraph (2) by multiplying the current year's rental per acre by the annual change, second quarter to second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

"(4) REVIEW.—If the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly. Any revision of base zones and rental per acre figure shall only affect lease rental rates at inception or renewal.".

(b) RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(*l*) of the Mineral Leasing Act (30 U.S.C. 185(*l*)) is amended by inserting before the period at the end the following: "using the valuation method described in section 2803.1–2 of title 43, Code of Federal Regulations, as revised in accordance with section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))".

SEC. 350. ENERGY FACILITY RIGHTS-OF-WAY AND CORRIDORS ON FEDERAL LAND.

(a) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Federal Energy Regulatory Commission, shall submit to Congress a joint report—

(A) that addresses—

(i) the location of existing rights-of-way and designated and de facto corridors for oil and gas pipelines and electric transmission and distribution facilities on Federal land; and

(ii) opportunities for additional oil and gas pipeline and electric transmission capacity within those rights-of-way and corridors; and

(B) that includes a plan for making available, on request, to the appropriate Federal, State, and local agencies, tribal governments, and other persons involved in the siting of oil and gas pipelines and electricity transmission facilities Geographic Information System-based information regarding the location of the existing rights-of-way and corridors and any planned rights-of-way and corridors.

(2) CONSULTATIONS AND CONSIDERATIONS.—In preparing the report, the Secretary of the Interior and the Secretary of Agriculture shall consult with—

(A) other agencies of Federal, State, tribal, or local units of government, as appropriate;

(B) persons involved in the siting of oil and gas pipelines and electric transmission facilities; and

(C) other interested members of the public.

(3) LIMITATION.—The Secretary of the Interior and the Secretary of Agriculture shall limit the distribution of the report and Geographic Information System-based information referred to in paragraph (1) as necessary for national and infrastructure security reasons, if either Secretary determines that the information may be withheld from public disclosure under a national security or other exception under section 552(b) of title 5, United States Code.

(b) CORRIDOR DESIGNATIONS.—

(1) 11 CONTIGUOUS WESTERN STATES.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, shall jointly—

(A) designate, under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) and other applicable Federal laws, corridors for oil and gas pipelines and electricity transmission and facilities on Federal land in the eleven contiguous Western States (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(B) perform any environmental reviews that may be required to complete the designations of corridors for the facilities on Federal land in the eleven contiguous Western States; and

(C) incorporate the designated corridors into—

(i) the relevant departmental and agency land use and resource management plans; or

(ii) equivalent plans.

(2) OTHER STATES.—Not later than 4 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, shall jointly—

(A) identify corridors for oil and gas pipelines and electricity transmission and distribution facilities on Federal land in the States other than those described in paragraph (1); and

(B) schedule prompt action to identify, designate, and incorporate the corridors into the land use plan.

(3) ONGOING RESPONSIBILITIES.—After completing the requirements under paragraphs (1) and (2), the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior, with respect to lands under their respective jurisdictions, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, shall establish procedures that—

(A) ensure that additional corridors for oil and gas pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated; and

(B) expedite applications to construct or modify oil and gas pipelines and electricity transmission and distribution facilities within the corridors, taking into account prior analyses and environmental reviews undertaken during the designation of corridors.

(c) CONSIDERATIONS.—In carrying out this section, the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to—

(1) improve reliability;

(2) relieve congestion; and

(3) enhance the capability of the national grid to deliver electricity.

(d) DEFINITION OF CORRIDOR.—

(1) IN GENERAL.—In this section and title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), the term "corridor" means—

(A) a linear strip of land—

(i) with a width determined with consideration given to technological, environmental, and topographical factors; and

(ii) that contains, or may in the future contain, 1 or more utility, communication, or transportation facilities;

(B) a land use designation that is established—

(i) by law;

(ii) by Secretarial Order;

(iii) through the land use planning process; or

(iv) by other management decision; and

(C) a designation made for the purpose of establishing the preferred location of compatible linear facilities and land uses.

(2) SPECIFICATIONS OF CORRIDOR.—On designation of a corridor under this section, the centerline, width, and compatible uses of a corridor shall be specified.

SEC. 351. CONSULTATION REGARDING ENERGY RIGHTS-OF-WAY ON PUBLIC LAND.

(a) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense with respect to lands under their respective jurisdictions, shall enter into a memorandum of understanding to coordinate all applicable Federal authorizations and environmental reviews relating to a proposed or existing utility facility. To the maximum extent practicable under applicable law, the Secretary of Energy shall, to ensure timely review and permit decisions, coordinate such authorizations and reviews with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the affected utility facility.

(2) CONTENTS.—The memorandum of understanding shall include provisions that—

(A) establish—

(i) a unified right-of-way application form; and

(ii) an administrative procedure for processing right-of-way applications, including lines of authority, steps in application processing, and timeframes for application processing;

(B) provide for coordination of planning relating to the granting of the rights-of-way;

(C) provide for an agreement among the affected Federal agencies to prepare a single environmental review document to be used as the basis for all Federal authorization decisions; and

(D) provide for coordination of use of right-of-way stipulations to achieve consistency.

(b) NATURAL GAS PIPELINES.—

(1) IN GENERAL.—With respect to permitting activities for interstate natural gas pipelines, the May 2002 document entitled "Interagency Agreement On Early Coordination Of Required Environmental And Historic Preservation Reviews Conducted In Conjunction With The Issuance Of Authorizations To Construct And Operate Interstate Natural Gas Pipelines Certificated By The Federal Energy Regulatory Commission" shall constitute compliance with subsection (a).

(2) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, agencies that are signatories to the document referred to in paragraph (1) shall transmit to Congress a report on how the agencies under the jurisdiction of the Secretaries are incorporating and implementing the provisions of the document referred to in paragraph (1).

(B) Contents.—The report shall address—

(i) efforts to implement the provisions of the document referred to in paragraph (1);

(ii) whether the efforts have had a streamlining effect;

(iii) further improvements to the permitting process of the agency; and

(iv) recommendations for inclusion of State and tribal governments in a coordinated permitting process.

(c) Definition of Utility Facility.—In this section, the term "utility facility" means any privately, publicly, or cooperatively owned line, facility, or system—

(1) for the transportation of—

(A) oil, natural gas, synthetic liquid fuel, or gaseous fuel;

(B) any refined product produced from oil, natural gas, synthetic liquid fuel, or gaseous fuel; or

(C) products in support of the production of material referred to in subparagraph (A) or (B);

(2) for storage and terminal facilities in connection with the production of material referred to in paragraph (1); or

(3) for the generation, transmission, and distribution of electric energy.

SEC. 352. RENEWABLE ENERGY ON FEDERAL LAND.

(a) Report.—

(1) In general.—Not later than 24 months after the date of enactment of this Act, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall develop and transmit to Congress a report that includes recommendations on opportunities to develop renewable energy on—

(A) public lands under the jurisdiction of the Secretary of the Interior; and

(B) National Forest System lands under the jurisdiction of the Secretary of Agriculture.

(2) Contents.—The report shall include—

(A) 5-year plans developed by the Secretary of the Interior and the Secretary of Agriculture, respectively, for encouraging the development of renewable energy consistent with applicable law and management plans;

(B) an analysis of—

(i) the use of rights-of-way, leases, or other methods to develop renewable energy on such lands;

(ii) the anticipated benefits of grants, loans, tax credits, or other provisions to promote renewable energy development on such lands; and

(iii) any issues that the Secretary of the Interior or the Secretary of Agriculture have encountered in managing renewable energy projects on such lands, believe are likely to arise in relation to the development of renewable energy on such lands;

(C) a list, developed in consultation with the Secretary of Energy and the Secretary of Defense, of lands under the jurisdiction of the Department of Energy or the Department of Defense that would be suitable for development for renewable energy, and any recommended statutory and regulatory mechanisms for such development; and

(D) any recommendations relating to the issues addressed in the report.

(b) National Academy of Sciences Study.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to—

(A) study the potential for the development of wind, solar, and ocean energy (including tidal, wave, and thermal energy) on the Outer Continental Shelf;

(B) assess existing Federal authorities for the development of such resources; and

(C) recommend statutory and regulatory mechanisms for such development.

(2) Transmittal.—The results of the study shall be transmitted to Congress not later than 2 years after the date of enactment of this Act.

(c) Generation Capacity of Electricity From Renewable Energy Resources on Public Land.—The Secretary of the Interior shall, not later than 10 years after the date of enactment of this Act, seek to approve renewable energy projects located (or to be located) on public lands with a generation capacity of at least 10,000 megawatts of electricity.

SEC. 353. ELECTRICITY TRANSMISSION LINE RIGHT-OF-WAY, CLEVELAND NATIONAL FOREST AND ADJACENT PUBLIC LAND, CALIFORNIA.

(a) Issuance.—

(1) In general.—Not later than 60 days after the completion of the environmental reviews under subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall issue all necessary grants, easements, permits, plan amendments, and other approvals to allow for the siting and construction of a high-voltage electricity transmission line right-of-way running approximately north to south through the Trabuco Ranger District of the Cleveland National Forest in the State of California and adjacent lands under the jurisdiction of the Bureau of Land Management and the Forest Service.

(2) Inclusions.—The right-of-way approvals under paragraph (1) shall provide all necessary Federal authorization from the Secretary of the Interior and the Secretary of Agriculture for the routing, construction, operation, and maintenance of a 500-kilovolt transmission line capable of meeting the long-term electricity transmission needs of the region between the existing Valley-Serrano transmission line to the north and the Telega-Escondido transmission line to the south, and for connecting to future generating capacity that may be developed in the region.

(b) Protection of Wilderness Areas.—The Secretary of the Interior and the Secretary of Agriculture shall not allow any portion of a transmission line right-of-way corridor identified in subsection (a) to enter any identified wilderness area in existence as of the date of enactment of this Act.

(c) Environmental and Administrative Reviews.—

(1) Department of interior or local agency.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall be the lead Federal agency with overall responsibility to ensure completion of required environmental and other reviews of the approvals to be issued under subsection (a).

(2) National forest system land.—For the portions of the corridor on National Forest System lands, the Secretary of Agriculture shall complete all required environmental reviews and administrative actions in coordination with the Secretary of the Interior.

(3) Expeditious completion.—The reviews required for issuance of the approvals under subsection (a) shall be completed not later than 1 year after the date of the enactment of this Act.

(d) Other Terms and Conditions.—The transmission line right-of-way shall be subject to such terms and conditions as the Secretary of the Interior and the Secretary of Agriculture consider necessary, based on the environmental reviews under subsection (c), to protect the value of historic, cultural, and natural resources under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

(e) Preference Among Proposals.—The Secretary of the Interior and the Secretary of Agriculture shall give a preference to any application or preapplication proposal for a transmission line right-of-way referred to in subsection (a) that was submitted before December 31, 2002, over all other applications and proposals for the same or a similar right-of-way submitted on or after that date.

SEC. 354. SENSE OF CONGRESS REGARDING DEVELOPMENT OF MINERALS UNDER PADRE ISLAND NATIONAL SEASHORE.

(a) Findings.—Congress finds the following:

(1) Pursuant to Public Law 87–712 (16 U.S.C. 459d et seq.; popularly known as the "Federal Enabling Act") and various deeds and actions under that Act, the United States is the owner of only the surface estate of certain lands constituting the Padre Island National Seashore.

(2) Ownership of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore was never acquired by the United States, and ownership of those interests is held by the State of Texas and private parties.

(3) Public Law 87–712 (16 U.S.C. 459d et seq.)—

(A) expressly contemplated that the United States would recognize the ownership and future development of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore by the owners and their mineral lessees; and

(B) recognized that approval of the State of Texas was required to create Padre Island National Seashore.

(4) Approval was given for the creation of Padre Island National Seashore by the State of Texas through Tex. Rev. Civ. Stat. Ann. Art. 6077(t) (Vernon 1970), which expressly recognized that development of the oil, gas, and other minerals in the subsurface of the lands constituting Padre Island National Seashore would be conducted with full rights of ingress and egress under the laws of the State of Texas.

(b) Sense of Congress.—It is the sense of Congress that with regard to Federal law, any regulation of the development of oil, gas, or other minerals in the subsurface of the lands constituting Padre Island National Seashore should be made as if those lands retained the status that the lands had on September 27, 1962.

SEC. 355. ENCOURAGING PROHIBITION OF OFFSHORE DRILLING IN THE GREAT LAKES.

Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit offshore drilling in the Great Lakes for oil and gas; and

(2) the States of Indiana, Minnesota, and Ohio to enact a prohibition of such drilling.

SEC. 356. FINGER LAKES NATIONAL FOREST WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) disposition under all laws relating to oil and gas leasing.

SEC. 357. STUDY ON LEASE EXCHANGES IN THE ROCKY MOUNTAIN FRONT.

(a) Definitions.—For the purposes of this section:

(1) Badger-two medicine area.—The term "Badger-Two Medicine Area" means the Forest Service land located in—

(A) T. 31 N., R. 12–13 W.;

(B) T. 30 N., R. 11–13 W.;

(C) T. 29 N., R. 10–16 W.; and

(D) T. 28 N., R. 10–14 W.

(2) Blackleaf area.—The term "Blackleaf Area" means the Federal land owned by the Forest Service and Bureau of Land Management that is located in—

(A) T. 27 N., R. 9 W.;

(B) T. 26 N., R. 9–10 W.;

(C) T. 25 N., R. 8–10 W.; and

(D) T. 24 N., R. 8–9 W.

(3) Eligible lessee.—The term "eligible lessee" means a lessee under a nonproducing lease.

(4) Nonproducing lease.—The term "nonproducing lease" means a Federal oil or gas lease—

(A) that is in existence and in good standing on the date of enactment of this Act; and

(B) that is located in the Badger-Two Medicine Area or the Blackleaf Area.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) State.—The term "State" means the State of Montana.

(b) Evaluation.—

(1) In general.—The Secretary, in consultation with the Governor of the State, and the eligible lessees, shall evaluate opportunities for domestic oil and gas production through the exchange of the nonproducing leases.

(2) Requirements.—In carrying out the evaluation under subsection (a), the Secretary shall—

(A) consider opportunities for domestic production of oil and gas through—

(i) the exchange of the nonproducing leases for oil and gas lease tracts of comparable value in the State; and

(ii) the issuance of bidding, royalty, or rental credits for Federal oil and gas leases in the State in exchange for the cancellation of the nonproducing leases;

(B) consider any other appropriate means to exchange, or provide compensation for the cancellation of, nonproducing leases, subject to the consent of the eligible lessees;

(C) consider the views of any interested persons, including the State;

(D) determine the level of interest of the eligible lessees in exchanging the nonproducing leases;

(E) assess the economic impact on the lessees and the State of lease exchange, lease cancellation, and final judicial or administrative decisions related to the nonproducing leases; and

(F) provide recommendations on—

(i) whether to pursue an exchange of the nonproducing leases;

(ii) any changes in laws (including regulations) that are necessary for the Secretary to carry out the exchange; and

(iii) any other appropriate means to exchange or provide compensation for the cancellation of a nonproducing lease, subject to the consent of the eligible lessee.

(c) Valuation of Nonproducing Leases.—For the purpose of the evaluation under subsection (a), the value of a nonproducing lease shall be an amount equal to the difference between—

(1) the sum of—

(A) the amount paid by the eligible lessee for the nonproducing lease;

(B) any direct expenditures made by the eligible lessee before the transmittal of the report in subsection (c) associated with the exploration and development of the nonproducing lease; and

(C) interest on any amounts under subparagraphs (A) and (B) during the period beginning on the date on which the amount was paid and ending on the date on which credits are issued under subsection (b)(2)(A)(ii); and

(2) the sum of the revenues from the nonproducing lease.

(d) Report to Congress.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall initiate the evaluation in subsection (b) and transmit to Congress a report on the evaluation.

SEC. 358. FEDERAL COALBED METHANE REGULATION.

Any State currently on the list of Affected States established under section 1339(b) of the Energy Policy Act of 1992 (42 U.S.C. 13368(b)) shall be removed from the list if, not later than 3 years after the date of enactment of this Act, the State takes, or prior to the date of enactment has taken, any of the actions required for removal from the list under such section 1339(b).

SEC. 359. LIVINGSTON PARISH MINERAL RIGHTS TRANSFER.

(a) Amendments.—Section 102 of Public Law 102–562 (106 Stat. 4234) is amended—

(1) by striking "(a) In General.—

(2) by striking "and subject to the reservation in subsection (b),"; and

(3) by striking subsection (b).

(b) Implementation of Amendment.—The Secretary of the Interior shall execute the legal instruments necessary to effectuate the amendment made by subsection (a)(3).

Subtitle D—Alaska Natural Gas Pipeline

SEC. 371. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act".

SEC. 372. DEFINITIONS.

In this subtitle:

(1) Alaska natural gas.—The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees north latitude.

(2) Alaska natural gas transportation project.—The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); or

(B) section 373.

(3) Alaska natural gas transportation system.—The term "Alaska natural gas transportation system" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.) and designated and described in section 2 of the President's decision.

(4) Commission.—The term "Commission" means the Federal Energy Regulatory Commission.

(5) Federal coordinator.—The term "Federal Coordinator" means the head of the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects established by section 376(a).

(6) President's decision.—The term "President's decision" means the decision and report to Congress on the Alaska natural gas transportation system—

(A) issued by the President on September 22, 1977, in accordance with section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e); and

(B) approved by Public Law 95–158 (15 U.S.C. 719f note; 91 Stat. 1268).

(7) Secretary.—The term "Secretary" means the Secretary of Energy.

(8) State.—The term "State" means the State of Alaska.

SEC. 373. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) Authority of the Commission.—Notwithstanding the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), the Commission may, in accordance with section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska natural gas transportation system.

(b) Issuance of Certificate.—

(1) In general.—The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) Considerations.—In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through the project to markets in the contiguous United States.

(c) Expedited Approval Process.—Not later than 60 days after the date of issuance of the final environmental impact statement under section 374 for an Alaska natural gas transportation project, the Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity for the project under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section.

(d) Prohibition of Certain Pipeline Route.—No license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from land within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that—

(1) traverses land beneath navigable waters (as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees north latitude.

(e) Open Season.—

(1) In general.—Not later than 120 days after the date of enactment of this Act, the Commission shall issue regulations governing the conduct of open seasons for Alaska natural gas transportation projects (including procedures for the allocation of capacity).

(2) Regulations.—The regulations referred to in paragraph (1) shall—

(A) include the criteria for and timing of any open seasons;

(B) promote competition in the exploration, development, and production of Alaska natural gas; and

(C) for any open season for capacity exceeding the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thomson units.

(3) APPLICABILITY.—Except in a case in which an expansion is ordered in accordance with section 375, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations issued under paragraph (1).

(f) PROJECTS IN THE CONTIGUOUS UNITED STATES.—

(1) IN GENERAL.—An application for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made in accordance with the Natural Gas Act (15 U.S.C. 717a et seq.).

(2) EXPANSION.—To the extent that a pipeline facility described in paragraph (1) includes the expansion of any facility constructed in accordance with the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), that Act shall continue to apply.

(g) STUDY OF IN-STATE NEEDS.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that the holder has conducted a study of Alaska in-State needs, including tie-in points along the Alaska natural gas transportation project for in-State access.

(h) ALASKA ROYALTY GAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission, on a request by the State and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project by the State (or State designee) for the transportation of royalty gas of the State for the purpose of meeting local consumption needs within the State.

(2) EXCEPTION.—The rates of shippers of subscribed capacity on an Alaska natural gas transportation project described in paragraph (1), as in effect as of the date on which access under that paragraph is granted, shall not be increased as a result of such access.

(i) REGULATIONS.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 374. ENVIRONMENTAL REVIEWS.

(a) COMPLIANCE WITH NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 373 shall be treated as a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DESIGNATION OF LEAD AGENCY.—

(1) IN GENERAL.—The Commission—

(A) shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) shall be responsible for preparing the environmental impact statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 373.

(2) CONSOLIDATION OF STATEMENTS.—In carrying out paragraph (1), the Commission shall prepare a single environmental impact statement, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the Alaska natural gas transportation project covered by the environmental impact statement.

(c) OTHER AGENCIES.—

(1) IN GENERAL.—Each Federal agency considering an aspect of the construction and operation of an Alaska natural gas transportation project under section 373 shall—

(A) cooperate with the Commission; and

(B) comply with deadlines established by the Commission in the preparation of the environmental impact statement under this section.

(2) SATISFACTION OF NEPA REQUIREMENTS.—The environmental impact statement prepared under this section shall be adopted by each Federal agency described in paragraph (1) in satisfaction of the responsibilities of the Federal agency under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to the Alaska natural gas transportation project covered by the environmental impact statement.

(d) EXPEDITED PROCESS.—The Commission shall—

(1) not later than 1 year after the Commission determines that the application under section 373 with respect to an Alaska natural gas transportation project is complete, issue a draft environmental impact statement under this section; and

(2) not later than 180 days after the date of issuance of the draft environmental impact statement, issue a final environmental impact statement, unless the Commission for good cause determines that additional time is needed.

SEC. 375. PIPELINE EXPANSION.

(a) AUTHORITY.—With respect to any Alaska natural gas transportation project, on a request by 1 or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of the Alaska natural gas project if the Commission determines that such an expansion is required by the present and future public convenience and necessity.

(b) RESPONSIBILITIES OF COMMISSION.—Before ordering an expansion under subsection (a), the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that a proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the tariff of the Alaska natural gas transportation project in effect as of the date of the expansion;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) REQUIREMENT FOR A FIRM TRANSPORTATION AGREEMENT.—Any order of the Commission issued in accordance with this section shall be void unless the person requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within such reasonable period of time as the order may specify.

(d) LIMITATION.—Nothing in this section expands or otherwise affects any authority of the Commission with respect to any natural gas pipeline located outside the State.

(e) REGULATIONS.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. 376. FEDERAL COORDINATOR.

(a) ESTABLISHMENT.—There is established, as an independent office in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) FEDERAL COORDINATOR.—

(1) APPOINTMENT.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve a term to last until 1 year following the completion of the project referred to in section 373.

(2) COMPENSATION.—The Federal Coordinator shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

(d) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—

(1) EXPEDITED REVIEWS AND ACTIONS.—All reviews conducted and actions taken by any Federal agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines under this subtitle.

(2) PROHIBITION OF CERTAIN TERMS AND CONDITIONS.—No Federal agency may include in any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project any term or condition that may be permitted, but is not required, by any applicable law if the Federal Coordinator determines that the term or condition would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(3) PROHIBITION OF CERTAIN ACTIONS.—Unless required by law, no Federal agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the action would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(4) LIMITATION.—The Federal Coordinator shall not have authority to—

(A) override—

(i) the implementation or enforcement of regulations issued by the Commission under section 373; or

(ii) an order by the Commission to expand the project under section 375; or

(B) impose any terms, conditions, or requirements in addition to those imposed by the Commission or any agency with respect to construction and operation, or an expansion of, the project.

(e) State Coordination.—

(1) In general.—The Federal Coordinator and the State shall enter into a joint surveillance and monitoring agreement similar to the agreement in effect during construction of the Trans-Alaska Pipeline, to be approved by the President and the Governor of the State, for the purpose of monitoring the construction of the Alaska natural gas transportation project.

(2) Primary responsibility.—With respect to an Alaska natural gas transportation project—

(A) the Federal Government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses Federal land or private land; and

(B) the State government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses State land.

(f) Transfer of Federal Inspector Functions and Authority.—On appointment of the Federal Coordinator by the President, all of the functions and authority of the Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System vested in the Secretary under section 3012(b) of the Energy Policy Act of 1992 (15 U.S.C. 719e note; Public Law 102–486), including all functions and authority described and enumerated in the Reorganization Plan No. 1 of 1979 (44 Fed. Reg. 33663), Executive Order No. 12142 of June 21, 1979 (44 Fed. Reg. 36927), and section 5 of the President's decision, shall be transferred to the Federal Coordinator.

(g) Temporary Authority.—The functions, authorities, duties, and responsibilities of the Federal Coordinator shall be vested in the Secretary until the later of the appointment of the Federal Coordinator by the President, or 18 months after the date of enactment of this Act.

SEC. 377. JUDICIAL REVIEW.

(a) Exclusive Jurisdiction.—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken under this subtitle; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this subtitle.

(b) Deadline for Filing Claim.—A claim arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) Expedited Consideration.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(d) Amendment of the Alaska Natural Gas Transportation Act of 1976.—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended—

(1) by striking "(c)(1) A claim" and inserting the following:

"(c) Jurisdiction.—

"(1) Special courts.—

"(A) In general.—A claim";

(2) by striking "Such court shall have" and inserting the following:

"(B) Exclusive jurisdiction.—The Special Court shall have";

(3) by inserting after paragraph (1) the following:

"(2) Expedited consideration.—The Special Court shall set any action brought under this section for expedited consideration, taking into account the national interest described in section 2."; and

(4) in paragraph (3), by striking "(3) The enactment" and inserting the following:

"(3) Environmental impact statements.—The enactment".

SEC. 378. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) Local Distribution.—Any facility receiving natural gas from an Alaska natural gas transportation project for delivery to consumers within the State—

(1) shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)); and

(2) shall not be subject to the jurisdiction of the Commission.

(b) Additional Pipelines.—Except as provided in section 373(d), nothing in this subtitle shall preclude or otherwise affect a future natural gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State for consumption within or distribution outside the State.

(c) Rate Coordination.—

(1) In general.—In accordance with the Natural Gas Act (15 U.S.C. 717a et seq.), the Commission shall establish rates for the transportation of natural gas on any Alaska natural gas transportation project.

(2) Consultation.—In carrying out paragraph (1), the Commission, in accordance with section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall consult with the State regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State.

SEC. 379. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) Requirement of Study.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission by the date that is 18 months after the date of enactment of this Act, the Secretary shall conduct a study of alternative approaches to the construction and operation of such an Alaska natural gas transportation project.

(b) Scope of Study.—The study under subsection (a) shall take into consideration the feasibility of—

(1) establishing a Federal Government corporation to construct an Alaska natural gas transportation project; and

(2) securing alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the Alaska natural gas transportation project.

(c) Consultation.—In conducting the study under subsection (a), the Secretary shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Chief of Engineers).

(d) Report.—On completion of any study under subsection (a), the Secretary shall submit to Congress a report that describes—

(1) the results of the study; and

(2) any recommendations of the Secretary (including proposals for legislation to implement the recommendations).

SEC. 380. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES.

(a) Savings Clause.—Nothing in this subtitle affects—

(1) any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g); or

(2) any Presidential finding or waiver issued in accordance with that Act.

(b) Clarification of Authority to Amend Terms and Conditions to Meet Current Project Requirements.—Any Federal agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or rescind any term or condition included in the certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), if the addition, amendment, or rescission—

(1) would not compel any change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision; or

(2) would not otherwise prevent or impair in any significant respect the expeditious construction and initial operation of the Alaska natural gas transportation system.

(c) Updated Environmental Reviews.—The Secretary shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

SEC. 381. SENSE OF CONGRESS CONCERNING USE OF STEEL MANUFACTURED IN NORTH AMERICA NEGOTIATION OF A PROJECT LABOR AGREEMENT.

It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should make every effort to—

(A) use steel that is manufactured in North America; and

(B) negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 382. SENSE OF CONGRESS AND STUDY CONCERNING PARTICIPATION BY SMALL BUSINESS CONCERNS.

(a) Definition of Small Business Concern.—In this section, the term "small business concern" has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) Sense of Congress.—It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(c) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes results of the study under paragraph (1).

(3) UPDATES.—The Comptroller General shall—

(A) update the study at least once every 5 years until construction of an Alaska natural gas transportation project is completed; and

(B) on completion of each update, submit to Congress a report containing the results of the update.

SEC. 383. ALASKA PIPELINE CONSTRUCTION TRAINING PROGRAM.

(a) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Labor (in this section referred to as the "Secretary") shall make grants to the Alaska Workforce Investment Board—

(A) to recruit and train adult and dislocated workers in Alaska, including Alaska Natives, in the skills required to construct and operate an Alaska gas pipeline system; and

(B) for the design and construction of a training facility to be located in Fairbanks, Alaska, to support an Alaska gas pipeline training program.

(2) COORDINATION WITH EXISTING PROGRAMS.—The training program established with the grants authorized under paragraph (1) shall be consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(b) REQUIREMENTS FOR GRANTS.—The Secretary shall make a grant under subsection (a) only if—

(1) the Governor of the State of Alaska requests the grant funds and certifies in writing to the Secretary that there is a reasonable expectation that the construction of the Alaska natural gas pipeline system will commence by the date that is 2 years after the date of the certification; and

(2) the Secretary of Energy concurs in writing to the Secretary with the certification made under paragraph (1) after considering—

(A) the status of necessary Federal and State permits;

(B) the availability of financing for the Alaska natural gas pipeline project; and

(C) other relevant factors.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $20,000,000. Not more than 15 percent of the funds may be used for the facility described in subsection (a)(1)(B).

SEC. 384. SENSE OF CONGRESS CONCERNING NATURAL GAS DEMAND.

It is the sense of Congress that—

(1) North American demand for natural gas will increase dramatically over the course of the next several decades;

(2) both the Alaska Natural Gas Pipeline and the Mackenzie Delta Natural Gas project in Canada will be necessary to help meet the increased demand for natural gas in North America;

(3) Federal and State officials should work together with officials in Canada to ensure both projects can move forward in a mutually beneficial fashion;

(4) Federal and State officials should acknowledge that the smaller scope, fewer permitting requirements, and lower cost of the Mackenzie Delta project means it will most likely be completed before the Alaska Natural Gas Pipeline;

(5) natural gas production in the 48 contiguous States and Canada will not be able to meet all domestic demand in the coming decades; and

(6) as a result, natural gas delivered from Alaskan North Slope will not displace or reduce the commercial viability of Canadian natural gas produced from the Mackenzie Delta or production from the 48 contiguous States.

SEC. 385. SENSE OF CONGRESS CONCERNING ALASKAN OWNERSHIP.

It is the sense of Congress that—

(1) Alaska Native Regional Corporations, companies owned and operated by Alaskans, and individual Alaskans should have the opportunity to own shares of the Alaska natural gas pipeline in a way that promotes economic development for the State; and

(2) to facilitate economic development in the State, all project sponsors should negotiate in good faith with any willing Alaskan person that desires to be involved in the project.

SEC. 386. LOAN GUARANTEES.

(a) AUTHORITY.—(1) The Secretary may enter into agreements with 1 or more holders of a certificate of public convenience and necessity issued under section 373(b) or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project.

(2) Subject to the requirements of this section, the Secretary may also enter into agreements with 1 or more owners of the Canadian portion of a qualified infrastructure project to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project as though such owner were a holder described in paragraph (1).

(3) The authority of the Secretary to issue Federal guarantee instruments under this section for a qualified infrastructure project shall expire on the date that is 2 years after the date on which the final certificate of public convenience and necessity (including any Canadian certificates of public convenience and necessity) is issued for the project. A final certificate shall be considered to have been issued when all certificates of public convenience and necessity have been issued that are required for the initial transportation of commercially economic quantities of natural gas from Alaska to the continental United States.

(b) CONDITIONS.—(1) The Secretary may issue a Federal guarantee instrument for a qualified infrastructure project only after a certificate of public convenience and necessity under section 373(b) or an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) has been issued for the project.

(2) The Secretary may issue a Federal guarantee instrument under this section for a qualified infrastructure project only if the loan or other debt obligation guaranteed by the instrument has been issued by an eligible lender.

(3) The Secretary shall not require as a condition of issuing a Federal guarantee instrument under this section any contractual commitment or other form of credit support of the sponsors (other than equity contribution commitments and completion guarantees), or any throughput or other guarantee from prospective shippers greater than such guarantees as shall be required by the project owners.

(c) LIMITATIONS ON AMOUNTS.—(1) The amount of loans and other debt obligations guaranteed under this section for a qualified infrastructure project shall not exceed 80 percent of the total capital costs of the project, including interest during construction.

(2) The principal amount of loans and other debt obligations guaranteed under this section shall not exceed, in the aggregate, $18,000,000,000, which amount shall be indexed for United States dollar inflation from the date of enactment of this Act, as measured by the Consumer Price Index.

(d) LOAN TERMS AND FEES.—(1) The Secretary may issue Federal guarantee instruments under this section that take into account repayment profiles and grace periods justified by project cash flows and project-specific considerations. The term of any loan guaranteed under this section shall not exceed 30 years.

(2) An eligible lender may assess and collect from the borrower such other fees and costs associated with the application and origination of the loan or other debt obligation as are reasonable and customary for a project finance transaction in the oil and gas sector.

(e) REGULATIONS.—The Secretary may issue regulations to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to cover the cost of loan guarantees under this section, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). Such sums shall remain available until expended.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) The term "Consumer Price Index" means the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics, or if such index shall cease to be published, any successor index or reasonable substitute thereof.

(2) The term "eligible lender" means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(3) The term "Federal guarantee instrument" means any guarantee or other pledge by the Secretary to pledge the full faith and credit of the United States to pay all of the principal and interest on any loan or other debt obligation entered into by a holder of a certificate of public convenience and necessity.

(4) The term "qualified infrastructure project" means an Alaskan natural gas transportation project consisting of the design, engineering, finance, construction, and completion of pipelines and related transportation and production systems (including gas treatment plants), and appurtenances thereto, that are used to transport natural gas from the Alaska North Slope to the continental United States.

TITLE IV—COAL

Subtitle A—Clean Coal Power Initiative

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) Clean Coal Power Initiative.—There are authorized to be appropriated to the Secretary of Energy (referred to in this title as the "Secretary") to carry out the activities authorized by this subtitle $200,000,000 for each of fiscal years 2004 through 2012, to remain available until expended.

(b) Report.—The Secretary shall submit to Congress the report required by this subsection not later than March 31, 2005. The report shall include, with respect to subsection (a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under subsection (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued; and

(4) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

SEC. 402. PROJECT CRITERIA.

(a) In General.—The Secretary shall not provide funding under this subtitle for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in commercial service or have been demonstrated on a scale that the Secretary determines is sufficient to demonstrate that commercial service is viable as of the date of enactment of this Act.

(b) Technical Criteria for Clean Coal Power Initiative.—

(1) Gasification projects.—

(A) In general.—In allocating the funds made available under section 401(a), the Secretary shall ensure that at least 60 percent of the funds are used only for projects on coal-based gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction, and hybrid gasification/combustion.

(B) Technical milestones.—The Secretary shall periodically set technical milestones specifying the emission and thermal efficiency levels that coal gasification projects under this subtitle shall be designed, and reasonably expected, to achieve. The technical milestones shall become more restrictive during the life of the program. The Secretary shall set the periodic milestones so as to achieve by 2020 coal gasification projects able—

(i) to remove 99 percent of sulfur dioxide;

(ii) to emit not more than .05 lbs of NO_X per million Btu;

(iii) to achieve substantial reductions in mercury emissions; and

(iv) to achieve a thermal efficiency of—

(I) 60 percent for coal of more than 9,000 Btu;

(II) 59 percent for coal of 7,000 to 9,000 Btu; and

(III) 50 percent for coal of less than 7,000 Btu.

(2) Other projects.—The Secretary shall periodically set technical milestones and ensure that up to 40 percent of the funds appropriated pursuant to section 401(a) are used for projects not described in paragraph (1). The milestones shall specify the emission and thermal efficiency levels that projects funded under this paragraph shall be designed to and reasonably expected to achieve. The technical milestones shall become more restrictive during the life of the program. The Secretary shall set the periodic milestones so as to achieve by 2010 projects able—

(A) to remove 97 percent of sulfur dioxide;

(B) to emit no more than .08 lbs of NO_X per million Btu;

(C) to achieve substantial reductions in mercury emissions; and

(D) to achieve a thermal efficiency of—

(i) 45 percent for coal of more than 9,000 Btu;

(ii) 44 percent for coal of 7,000 to 9,000 Btu; and

(iii) 40 percent for coal of less than 7,000 Btu.

(3) Consultation.—Before setting the technical milestones under paragraphs (1)(B) and (2), the Secretary shall consult with the Administrator of the Environmental Protection Agency and interested entities, including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers.

(4) Existing units.—In the case of projects at units in existence on the date of enactment of this Act, in lieu of the thermal efficiency requirements set forth in paragraph (1)(B)(iv) and (2)(D), the milestones shall be designed to achieve an overall thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—

(A) 7 percent for coal of more than 9,000 Btu;

(B) 6 percent for coal of 7,000 to 9,000 Btu; or

(C) 4 percent for coal of less than 7,000 Btu.

(5) Permitted uses.—In carrying out this subtitle, the Secretary may fund projects that include, as part of the project, the separation and capture of carbon dioxide.

(c) Financial Criteria.—The Secretary shall not provide a funding award under this subtitle unless the recipient documents to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary to enable the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) Financial Assistance.—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities, using various types of coal, that use coal as the primary feedstock as of the date of enactment of this Act.

(e) Federal Share.—The Federal share of the cost of a coal or related technology project funded by the Secretary under this subtitle shall not exceed 50 percent.

(f) Applicability.—No technology, or level of emission reduction, shall be treated as adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411), achievable for purposes of section 169 of that Act (42 U.S.C. 7479), or achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501) solely by reason of the use of such technology, or the achievement of such emission reduction, by 1 or more facilities receiving assistance under this subtitle.

SEC. 403. REPORT.

Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter through 2012, the Secretary, in consultation with other appropriate Federal agencies, shall submit to Congress a report describing—

(1) the technical milestones set forth in section 402 and how those milestones ensure progress toward meeting the requirements of subsections (b)(1)(B) and (b)(2) of section 402; and

(2) the status of projects funded under this subtitle.

SEC. 404. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 401, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that show the greatest potential for advancing new clean coal technologies.

Subtitle B—Clean Power Projects

SEC. 411. COAL TECHNOLOGY LOAN.

There are authorized to be appropriated to the Secretary $125,000,000 to provide a loan to the owner of the experimental plant constructed under United States Department of Energy cooperative agreement number DE-FC-22-91PC90544 on such terms and conditions as the Secretary determines, including interest rates and upfront payments.

SEC. 412. COAL GASIFICATION.

The Secretary is authorized to provide loan guarantees for a project to produce energy from a plant using integrated gasification combined cycle technology of at least 400 megawatts in capacity that produces power at competitive rates in deregulated energy generation markets and that does not receive any subsidy (direct or indirect) from ratepayers.

SEC. 413. INTEGRATED GASIFICATION COMBINED CYCLE TECHNOLOGY.

The Secretary is authorized to provide loan guarantees for a project to produce energy from a plant using integrated gasification combined cycle technology located in a taconite-producing region of the United States that is entitled under the law of the State in which the plant is located to enter into a long-term contract approved by a State Public Utility Commission to sell at least 450 megawatts of output to a utility.

SEC. 414. PETROLEUM COKE GASIFICATION.

The Secretary is authorized to provide loan guarantees for at least 1 petroleum coke gasification polygeneration project.

SEC. 415. INTEGRATED COAL/RENEWABLE ENERGY SYSTEM.

The Secretary is authorized, subject to the availability of appropriations, to provide loan guarantees for a project to produce energy from coal of less than 7,000 btu/lb using appropriate advanced integrated gasification combined cycle technology, including repowering of existing facilities, that is combined with wind and other renewable sources, minimizes and offers the potential to sequester carbon dioxide emissions, and provides a ready source of hydrogen for near-site fuel cell demonstrations. The facility may be built in stages, combined output shall be at least 200 megawatts at successively more competitive rates, and the facility shall be located in the Upper Great Plains. Section 402(b) technical criteria apply, and the Federal cost share shall not exceed 50 percent. The loan guarantees provided under this section do not preclude the facility from receiving an allocation for investment tax credits under section 48A of the Internal Revenue Code of 1986. Utilizing this investment tax credit does not prohibit the use of other Clean Coal Program funding.

SEC. 416. ELECTRON SCRUBBING DEMONSTRATION.

The Secretary shall use $5,000,000 from amounts appropriated to initiate, through the Chicago Operations Office, a project to demonstrate the viability of high-energy electron scrubbing technology on commercial-scale electrical generation using high-sulfur coal.

Subtitle C—Federal Coal Leases

SEC. 421. REPEAL OF THE 160-ACRE LIMITATION FOR COAL LEASES.

Section 3 of the Mineral Leasing Act (30 U.S.C. 203) is amended—

(1) in the first sentence—

(A) by striking "Any person" and inserting "(a) Any person";

(B) by inserting a comma after "may"; and

(C) by striking "upon" and all that follows through the period and inserting the following: "upon a finding by the Secretary that the lease—

"(1) would be in the interest of the United States;

"(2) would not displace a competitive interest in the land; and

"(3) would not include land or deposits that can be developed as part of another potential or existing operation;

secure modifications of the original coal lease by including additional coal land or coal deposits contiguous or cornering to those embraced in the lease, but in no event shall the total area added by any modifications to an existing coal lease exceed 1,280 acres, or add acreage larger than the acreage in the original lease.";

(2) in the second sentence, by striking "The Secretary" and inserting the following: "(b) The Secretary"; and

(3) in the third sentence, by striking "The minimum" and inserting the following: "(c) The minimum".

SEC. 422. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

"(i) will ensure the maximum economic recovery of a coal deposit; or

"(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resource.".

SEC. 423. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

Section 7(b) of the Mineral Leasing Act (30 U.S.C. 207(b)) is amended to read as follows:

"(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except in a case in which operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

"(2)(A) The Secretary of the Interior may suspend the condition of continued operation upon the payment of advance royalties, if the Secretary determines that the public interest will be served by the suspension.

"(B) Advance royalties required under subparagraph (A) shall be computed based on—

"(i) the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year; or

"(ii) by using other methods established by the Secretary of the Interior to capture the commercial value of coal,

and based on commercial quantities, as defined by regulation by the Secretary of the Interior.

"(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

"(3) The amount of any production royalty paid for any year shall be reduced (but not below 0) by the amount of any advance royalties paid under the lease, to the extent that the advance royalties have not been used to reduce production royalties for a prior year.

"(4) The Secretary may, upon 6 months' notice to a lessee, cease to accept advance royalties in lieu of the requirement of continued operation.

"(5) Nothing in this subsection affects the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years.".

SEC. 424. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended in the first sentence by striking "and not later than three years after a lease is issued,".

SEC. 425. AMENDMENT RELATING TO FINANCIAL ASSURANCES WITH RESPECT TO BONUS BIDS.

Section 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)) is amended by adding at the end the following:

"(4)(A) The Secretary shall not require a surety bond or any other financial assurance to guarantee payment of deferred bonus bid installments with respect to any coal lease issued on a cash bonus bid to a lessee or successor in interest having a history of a timely payment of noncontested coal royalties and advanced coal royalties in lieu of production (where applicable) and bonus bid installment payments.

"(B) The Secretary may waive any requirement that a lessee provide a surety bond or other financial assurance for a coal lease issued before the date of the enactment of the Energy Policy Act of 2003 only if the Secretary determines that the lessee has a history of making timely payments referred to in subparagraph (A).

"(5) Notwithstanding any other provision of law, if the lessee under a coal lease fails to pay any installment of a deferred cash bonus bid within 10 days after the Secretary provides written notice that payment of the installment is past due—

"(A) the lease shall automatically terminate; and

"(B) any bonus payments already made to the United States with respect to the lease shall not be returned to the lessee or credited in any future lease sale.".

SEC. 426. INVENTORY REQUIREMENT.

(a) REVIEW OF ASSESSMENTS.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary, shall review coal assessments and other available data to identify—

(A) public lands, other than National Park lands, with coal resources;

(B) the extent and nature of any restrictions or impediments to the development of coal resources on public lands identified under subparagraph (A); and

(C) with respect to areas of such lands for which sufficient data exists, resources of compliant coal and supercompliant coal.

(2) DEFINITIONS.—In this subsection:

(A) COMPLIANT COAL.—The term "compliant coal" means coal that contains not less than 1.0 and not more than 1.2 pounds of sulfur dioxide per million Btu.

(B) SUPERCOMPLIANT COAL.—The term "supercompliant coal" means coal that contains less than 1.0 pounds of sulfur dioxide per million Btu.

(b) COMPLETION AND UPDATING OF THE INVENTORY.—The Secretary of the Interior—

(1) shall complete the inventory under subsection (a)(1) by not later than 2 years after the date of the enactment of this Act; and

(2) shall update the inventory as the availability of data and developments in technology warrant.

(c) REPORT.—The Secretary of the Interior shall submit to Congress, and make publicly available—

(1) a report containing the inventory under this section by not later than 2 years after the effective date of this section; and

(2) each update of that inventory.

SEC. 427. APPLICATION OF AMENDMENTS.

The amendments made by this subtitle apply—

(1) with respect to any coal lease issued on or after the date of enactment of this Act; and

(2) with respect to any coal lease issued before the date of enactment of this Act, upon the earlier of—

(A) the date of readjustment of the lease as provided for by section 7(a) of the Mineral Leasing Act (30 U.S.C. 207(a)); or

(B) the date the lessee requests such application.

Subtitle D—Coal and Related Programs

SEC. 441. CLEAN AIR COAL PROGRAM.

(a) AMENDMENT.—The Energy Policy Act of 1992 is amended by adding the following new title at the end thereof:

"TITLE XXXI—CLEAN AIR COAL PROGRAM

"SEC. 3101. FINDINGS; PURPOSES; DEFINITIONS.

"(a) FINDINGS.—The Congress finds that—

"(1) new environmental regulations present additional challenges for coal-fired electrical generation in the private marketplace; and

"(2) the Department of Energy, in cooperation with industry, has already fully developed and commercialized several new clean-coal technologies that will allow the clean use of coal.

"(b) PURPOSES.—The purposes of this title are to—

"(1) promote national energy policy and energy security, diversity, and economic competitiveness benefits that result from the increased use of coal;

"(2) mitigate financial risks, reduce the cost, and increase the marketplace acceptance of the new clean coal technologies; and

"(3) advance the deployment of pollution control equipment to meet the current and future obligations of coal-fired generation units regulated under the Clean Air Act (42 U.S.C. 7402 and following).

"SEC. 3102. AUTHORIZATION OF PROGRAM.

"The Secretary shall carry out a program to facilitate production and generation of coal-based power and the installation of pollution control equipment.

"SEC. 3103. AUTHORIZATION OF APPROPRIATIONS.

"(a) POLLUTION CONTROL PROJECTS.—There are authorized to be appropriated to the Secretary $300,000,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $40,000,000 for fiscal year 2007, $30,000,000 for fiscal year 2008, and $30,000,000 for fiscal year 2009, to remain available until expended, for carrying out the program for pollution control projects, which may include—

"(1) pollution control equipment and processes for the control of mercury air emissions;

"(2) pollution control equipment and processes for the control of nitrogen dioxide air emissions or sulfur dioxide emissions;

"(3) pollution control equipment and processes for the mitigation or collection of more than one pollutant;

"(4) advanced combustion technology for the control of at least two pollutants, including mercury, particulate matter, nitrogen oxides, and sulfur dioxide, which may also be designed to improve the energy efficiency of the unit; and

"(5) advanced pollution control equipment and processes designed to allow use of the waste byproducts or other byproducts of the equipment or an electrical generation unit designed to allow the use of byproducts.

Funds appropriated under this subsection which are not awarded before fiscal year 2011 may be applied to projects under subsection (b), in addition to amounts authorized under subsection (b).

"(b) GENERATION PROJECTS.—There are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2006, $250,000,000 for each of the fiscal years 2007 through 2011, and $100,000,000 for fiscal year 2012, to remain available until expended, for generation projects and air pollution control projects. Such projects may include—

"(1) coal-based electrical generation equipment and processes, including gasification combined cycle or other coal-based generation equipment and processes;

"(2) associated environmental control equipment, that will be cost-effective and that is designed to meet anticipated regulatory requirements;

"(3) coal-based electrical generation equipment and processes, including gasification fuel cells, gasification coproduction, and hybrid gasification/combustion projects; and

"(4) advanced coal-based electrical generation equipment and processes, including oxidation combustion techniques, ultra-supercritical boilers, and chemical looping, which the Secretary determines will be cost-effective and could substantially contribute to meeting anticipated environmental or energy needs.

"(c) LIMITATION.—Funds placed at risk during any fiscal year for Federal loans or loan guarantees pursuant to this title may not exceed 30 percent of the total funds obligated under this title.

"SEC. 3104. AIR POLLUTION CONTROL PROJECT CRITERIA.

"The Secretary shall pursuant to authorizations contained in section 3103 provide funding for air pollution control projects designed to facilitate compliance with Federal and State environmental regulations, including any regulation that may be established with respect to mercury.

"SEC. 3105. CRITERIA FOR GENERATION PROJECTS.

"(a) CRITERIA.—The Secretary shall establish criteria on which selection of individual projects described in section 3103(b) should be based. The Secretary may modify the criteria as appropriate to reflect improvements in equipment, except that the criteria shall not be modified to be less stringent. These selection criteria shall include—

"(1) prioritization of projects whose installation is likely to result in significant air quality improvements in nonattainment air quality areas;

"(2) prioritization of projects that result in the repowering or replacement of older, less efficient units;

"(3) documented broad interest in the procurement of the equipment and utilization of the processes used in the projects by electrical generator owners or operators;

"(4) equipment and processes beginning in 2005 through 2010 that are projected to achieve an thermal efficiency of—

"(A) 40 percent for coal of more than 9,000 Btu per pound based on higher heating values;

"(B) 38 percent for coal of 7,000 to 9,000 Btu per pound based on higher heating values; and

"(C) 36 percent for coal of less than 7,000 Btu per pound based on higher heating values—

except that energy used for coproduction or cogeneration shall not be counted in calculating the thermal efficiency under this paragraph; and

"(5) equipment and processes beginning in 2011 and 2012 that are projected to achieve an thermal efficiency of—

"(A) 45 percent for coal of more than 9,000 Btu per pound based on higher heating values;

"(B) 44 percent for coal of 7,000 to 9,000 Btu per pound based on higher heating values; and

"(C) 40 percent for coal of less than 7,000 Btu per pound based on higher heating values—

except that energy used for coproduction or cogeneration shall not be counted in calculating the thermal efficiency under this paragraph.

"(b) SELECTION.—(1) In selecting the projects, up to 25 percent of the projects selected may be either coproduction or cogeneration or other gasification projects, but at least 25 percent of the projects shall be for the sole purpose of electrical generation, and priority should be given to equipment and projects less than 600 MW to foster and promote standard designs.

"(2) The Secretary shall give priority to projects that have been developed and demonstrated that are not yet cost competitive, and for coal energy generation projects that advance efficiency, environmental performance, or cost competitiveness significantly beyond the level of pollution control equipment that is in operation on a full scale.

"SEC. 3106. FINANCIAL CRITERIA.

"(a) IN GENERAL.—The Secretary shall only provide financial assistance to projects that meet the requirements of sections 3103 and 3104 and are likely to—

"(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy; and

"(2) improve the competitiveness of coal in order to maintain a diversity of domestic fuel choices in the United States to meet electricity generation requirements.

"(b) CONDITIONS.—The Secretary shall not provide a funding award under this title unless—

"(1) the award recipient is financially viable without the receipt of additional Federal funding; and

"(2) the recipient provides sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively.

"(c) EQUAL ACCESS.—The Secretary shall, to the extent practical, utilize cooperative agreement, loan guarantee, and direct Federal loan mechanisms designed to ensure that all electrical generation owners have equal access to these technology deployment incentives. The Secretary shall develop and direct a competitive solicitation process for the selection of technologies and projects under this title.

"SEC. 3107. FEDERAL SHARE.

"The Federal share of the cost of a coal or related technology project funded by the Secretary under this title shall not exceed 50 percent. For purposes of this title, Federal funding includes only appropriated funds.

"SEC. 3108. APPLICABILITY.

"No technology, or level of emission reduction, shall be treated as adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411), achievable for purposes of section 169 of the Clean Air Act (42 U.S.C. 7479), or achievable in practice for purposes of section 171 of the Clean Air Act (42 U.S.C. 7501) solely by reason of the use of such technology, or the achievement of such emission reduction, by one or more facilities receiving assistance under this title.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 is amended by adding at the end the following:

"TITLE XXXI—CLEAN AIR COAL PROGRAM

"Sec. 3101. Findings; purposes; definitions.
"Sec. 3102. Authorization of program.
"Sec. 3103. Authorization of appropriations.
"Sec. 3104. Air pollution control project criteria.
"Sec. 3105. Criteria for generation projects.
"Sec. 3106. Financial criteria.
"Sec. 3107. Federal share.
"Sec. 3108. Applicability.".

TITLE V—INDIAN ENERGY

SEC. 501. SHORT TITLE.

This title may be cited as the "Indian Tribal Energy Development and Self-Determination Act of 2003".

SEC. 502. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

(a) IN GENERAL.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

"SEC. 217. (a) ESTABLISHMENT.—There is established within the Department an Office of Indian Energy Policy and Programs (referred to in this section as the 'Office'). The Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) DUTIES OF DIRECTOR.—The Director, in accordance with Federal policies promoting Indian self-determination and the purposes of this Act, shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(1) promote Indian tribal energy development, efficiency, and use;

"(2) reduce or stabilize energy costs;

"(3) enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification; and

"(4) bring electrical power and service to Indian land and the homes of tribal members located on Indian lands or acquired, constructed, or improved (in whole or in part) with Federal funds.".

(b) Conforming Amendments.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking "Section" and inserting "Sec."; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

"Sec. 213. Establishment of policy for National Nuclear Security Administration.
"Sec. 214. Establishment of security, counterintelligence, and intelligence policies.
"Sec. 215. Office of Counterintelligence.
"Sec. 216. Office of Intelligence.
"Sec. 217. Office of Indian Energy Policy and Programs.".

(2) Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy.".

SEC. 503. INDIAN ENERGY.

(a) In General.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

"TITLE XXVI—INDIAN ENERGY

"SEC. 2601. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Director' means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

"(2) The term 'Indian land' means—

"(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

"(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

"(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

"(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

"(iii) by a dependent Indian community; and

"(C) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or that was conveyed by the United States to a Native Corporation in exchange for such land.

"(3) The term 'Indian reservation' includes—

"(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

"(B) a public domain Indian allotment; and

"(C) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

"(i) on original or acquired territory of the community; or

"(ii) within or outside the boundaries of any particular State.

"(4) The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except that the term 'Indian tribe', for the purpose of paragraph (11) and sections 2603(b)(3) and 2604, shall not include any Native Corporation.

"(5) The term 'integration of energy resources' means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission or distribution facility) on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

"(6) The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(7) The term 'organization' means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

"(8) The term 'Program' means the Indian energy resource development program established under section 2602(a).

"(9) The term 'Secretary' means the Secretary of the Interior.

"(10) The term 'tribal energy resource development organization' means an organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance authorized by section 2602.

"(11) The term 'tribal land' means any land or interests in land owned by any Indian tribe, title to which is held in trust by the United States or which is subject to a restriction against alienation under laws of the United States.

"SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

"(a) Department of the Interior Program.—

"(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, the Secretary shall establish and implement an Indian energy resource development program to assist consenting Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

"(2) In carrying out the Program, the Secretary shall—

"(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;

"(B) provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

"(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development on Indian land and integration of energy resources.

"(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

"(b) Department of Energy Indian Energy Education Planning and Management Assistance Program.—

"(1) The Director shall establish programs to assist consenting Indian tribes in meeting energy education, research and development, planning, and management needs.

"(2) In carrying out this subsection, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

"(A) energy, energy efficiency, and energy conservation programs;

"(B) studies and other activities supporting tribal acquisitions of energy supplies, services, and facilities;

"(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

"(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

"(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this subsection.

"(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

"(4) The Secretary of Energy may issue such regulations as necessary to carry out this subsection.

"(5) There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2004 through 2014.

"(c) Department of Energy Loan Guarantee Program.—

"(1) Subject to paragraph (3), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development.

"(2) A loan guarantee under this subsection shall be made by—

"(A) a financial institution subject to examination by the Secretary of Energy; or

"(B) an Indian tribe, from funds of the Indian tribe.

"(3) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

"(4) The Secretary of Energy may issue such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

"(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

"(6) Not later than 1 year from the date of enactment of this section, the Secretary of Energy shall report to Congress on the financing requirements of Indian tribes for energy development on Indian land.

"(d) Federal Agencies—Indian Energy Preference.—

"(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

"(2) In carrying out this subsection, a Federal agency or department shall not—

"(A) pay more than the prevailing market price for an energy product or byproduct; or

"(B) obtain less than prevailing market terms and conditions.

"SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

"(a) Grants.—The Secretary may provide to Indian tribes, on an annual basis, grants for use in accordance with subsection (b).

"(b) Use of Funds.—Funds from a grant provided under this section may be used—

"(1) by an Indian tribe for the development of a tribal energy resource inventory or tribal energy resource on Indian land;

"(2) by an Indian tribe for the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

"(3) by an Indian tribe (other than an Indian Tribe in Alaska except the Metlakatla Indian Community) for the development and enforcement of tribal laws (including regulations) relating to tribal energy resource development and the development of technical infrastructure to protect the environment under applicable law; or

"(4) by a Native Corporation for the development and implementation of corporate policies and the development of technical infrastructure to protect the environment under applicable law; and

"(5) by an Indian tribe for the training of employees that—

"(A) are engaged in the development of energy resources on Indian land; or

"(B) are responsible for protecting the environment.

"(c) OTHER ASSISTANCE.—In carrying out the obligations of the United States under this title, the Secretary shall ensure, to the maximum extent practicable and to the extent of available resources, that upon the request of an Indian tribe, the Indian tribe shall have available scientific and technical information and expertise, for use in the Indian tribe's regulation, development, and management of energy resources on Indian land. The Secretary may fulfill this responsibility either directly, through the use of Federal officials, or indirectly, by providing financial assistance to the Indian tribe to secure independent assistance.

"SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

"(a) LEASES AND BUSINESS AGREEMENTS.—Subject to the provisions of this section—

"(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy resource development on tribal land, including a lease or business agreement for—

"(A) exploration for, extraction of, processing of, or other development of the Indian tribe's energy mineral resources located on tribal land; and

"(B) construction or operation of an electric generation, transmission, or distribution facility located on tribal land or a facility to process or refine energy resources developed on tribal land; and

"(2) such lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any other provision of law, if—

"(A) the lease or business agreement is executed pursuant to a tribal energy resource agreement approved by the Secretary under subsection (e);

"(B) the term of the lease or business agreement does not exceed—

"(i) 30 years; or

"(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

"(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to the provisions required by subsection (e)(2)(D)(i)).

"(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without approval by the Secretary if—

"(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

"(2) the term of the right-of-way does not exceed 30 years;

"(3) the pipeline or electric transmission or distribution line serves—

"(A) an electric generation, transmission, or distribution facility located on tribal land; or

"(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

"(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the Indian tribe's activities under such agreement described in subparagraphs (D) and (E) of subsection (e)(2)).

"(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

"(d) VALIDITY.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources pursuant to the provisions of this section shall be valid unless the lease, business agreement, or right-of-way is authorized by the provisions of a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

"(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

"(1) On issuance of regulations under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

"(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), or not later than 60 days after the Secretary receives a revised tribal energy resource agreement submitted by an Indian tribe under paragraph (4)(C), (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement.

"(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

"(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe;

"(ii) the tribal energy resource agreement includes provisions required under subparagraph (D); and

"(iii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—

"(I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

"(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

"(III) address amendments and renewals;

"(IV) address the economic return to the Indian tribe under leases, business agreements, and rights-of-way;

"(V) address technical or other relevant requirements;

"(VI) establish requirements for environmental review in accordance with subparagraph (C);

"(VII) ensure compliance with all applicable environmental laws;

"(VIII) identify final approval authority;

"(IX) provide for public notification of final approvals;

"(X) establish a process for consultation with any affected States concerning off-reservation impacts, if any, identified pursuant to the provisions required under subparagraph (C)(i);

"(XI) describe the remedies for breach of the lease, business agreement, or right-of-way;

"(XII) require each lease, business agreement, and right-of-way to include a statement that, in the event that any of its provisions violates an express term or requirement set forth in the tribal energy resource agreement pursuant to which it was executed—

"(aa) such provision shall be null and void; and

"(bb) if the Secretary determines such provision to be material, the Secretary shall have the authority to suspend or rescind the lease, business agreement, or right-of-way or take other appropriate action that the Secretary determines to be in the best interest of the Indian tribe;

"(XIII) require each lease, business agreement, and right-of-way to provide that it will become effective on the date on which a copy of the executed lease, business agreement, or right-of-way is delivered to the Secretary in accordance with regulations adopted pursuant to this subsection; and

"(XIV) include citations to tribal laws, regulations, or procedures, if any, that set out tribal remedies that must be exhausted before a petition may be submitted to the Secretary pursuant to paragraph (7)(B).

"(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

"(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative), including effects on cultural resources;

"(ii) the identification of proposed mitigation;

"(iii) a process for ensuring that the public is informed of and has an opportunity to comment on the environmental impacts of the proposed action before tribal approval of the lease, business agreement, or right-of-way; and

"(iv) sufficient administrative support and technical capability to carry out the environmental review process.

"(D) A tribal energy resource agreement negotiated between the Secretary and an Indian tribe in accordance with this subsection shall include—

"(i) provisions requiring the Secretary to conduct a periodic review and evaluation to monitor the performance of the Indian tribe's activities associated with the development of energy resources under the tribal energy resource agreement; and “(ii) when such review and evaluation result in a finding by the Secretary of imminent jeopardy to a physical trust asset arising from a violation of the tribal energy resource agreement or applicable Federal laws, provisions authorizing the Secretary to take appropriate actions determined by the Secretary to be necessary to protect such asset, which actions may include reassumption of responsibility for activities associated with the development of energy resources on tribal land until the violation and conditions that gave rise to such jeopardy have been corrected.

“(E) The periodic review and evaluation described in subparagraph (D) shall be conducted on an annual basis, except that, after the third such annual review and evaluation, the Secretary and the Indian tribe may mutually agree to amend the tribal energy resource agreement to authorize the review and evaluation required by subparagraph (D) to be conducted once every 2 years.

“(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted for approval under paragraph (1). The Secretary's review of a tribal energy resource agreement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be limited to the direct effects of that approval.

“(4) If the Secretary disapproves a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall, not later than 10 days after the date of disapproval—

“(A) notify the Indian tribe in writing of the basis for the disapproval;

“(B) identify what changes or other actions are required to address the concerns of the Secretary; and

“(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

“(5) If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to paragraph (8), provide to the Secretary—

“(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

“(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payments to be made directly to the Indian tribe, information and documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States to enforce the terms of, and protect the Indian tribe's rights under, the lease, business agreement, or right-of-way.

“(6)(A) For purposes of the activities to be undertaken by the Secretary pursuant to this section, the Secretary shall—

“(i) carry out such activities in a manner consistent with the trust responsibility of the United States relating to mineral and other trust resources; and

“(ii) act in good faith and in the best interests of the Indian tribes.

“(B) Subject to the provisions of subsections (a)(2), (b), and (c) waiving the requirement of Secretarial approval of leases, business agreements, and rights-of-way executed pursuant to tribal energy resource agreements approved under this section, and the provisions of subparagraph (D), nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including, but not limited to, those which derive from the trust relationship or from any treaties, statutes, and other laws of the United States, Executive Orders, or agreements between the United States and any Indian tribe.

“(C) The Secretary shall continue to have a trust obligation to ensure that the rights and interests of an Indian tribe are protected in the event that—

“(i) any other party to any such lease, business agreement, or right-of-way violates any applicable provision of Federal law or the terms of any lease, business agreement, or right-of-way under this section; or

“(ii) any provision in such lease, business agreement, or right-of-way violates any express provision or requirement set forth in the tribal energy resource agreement pursuant to which the lease, business agreement, or right-of-way was executed.

“(D) Notwithstanding subparagraph (B), the United States shall not be liable to any party (including any Indian tribe) for any of the negotiated terms of, or any losses resulting from the negotiated terms of, a lease, business agreement, or right-of-way executed pursuant to and in accordance with a tribal energy resource agreement approved by the Secretary under paragraph (2). For the purpose of this subparagraph, the term ‘negotiated terms’ means any terms or provisions that are negotiated by an Indian tribe and any other party or parties to a lease, business agreement, or right-of-way entered into pursuant to an approved tribal energy resource agreement.

“(7)(A) In this paragraph, the term ‘interested party’ means any person or entity the interests of which have sustained or will sustain a significant adverse environmental impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(B) After exhaustion of tribal remedies, and in accordance with the process and requirements set forth in regulations adopted by the Secretary pursuant to paragraph (8), an interested party may submit to the Secretary a petition to review compliance of an Indian tribe with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

“(C)(i) Not later than 120 days after the date on which the Secretary receives a petition under subparagraph (B), the Secretary shall determine whether the Indian tribe is not in compliance with the tribal energy resource agreement, as alleged in the petition.

“(ii) The Secretary may adopt procedures under paragraph (8) authorizing an extension of time, not to exceed 120 days, for making the determination under clause (i) in any case in which the Secretary determines that additional time is necessary to evaluate the allegations of the petition.

“(iii) Subject to subparagraph (D), if the Secretary determines that the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition, the Secretary shall take such action as is necessary to ensure compliance with the provisions of the tribal energy resource agreement, which action may include—

“(I) temporarily suspending some or all activities under a lease, business agreement, or right-of-way under this section until the Indian tribe or such activities are in compliance with the provisions of the approved tribal energy resource agreement; or

“(II) rescinding approval of all or part of the tribal energy resource agreement, and if all of such agreement is rescinded, reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way described in subsections (a) and (b).

“(D) Prior to seeking to ensure compliance with the provisions of the tribal energy resource agreement of an Indian tribe under subparagraph (C)(iii), the Secretary shall—

“(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

“(ii) provide the Indian tribe with a written notice of the violations together with the written determination; and

“(iii) before taking any action described in subparagraph (C)(iii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

“(E) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as provided in regulations issued by the Secretary.

“(8) Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall issue regulations that implement the provisions of this subsection, including—

“(A) criteria to be used in determining the capacity of an Indian tribe described in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe;

“(B) a process and requirements in accordance with which an Indian tribe may—

“(i) voluntarily rescind a tribal energy resource agreement approved by the Secretary under this subsection; and

“(ii) return to the Secretary the responsibility to approve any future leases, business agreements, and rights-of-way described in this subsection;

“(C) provisions setting forth the scope of, and procedures for, the periodic review and evaluation described in subparagraphs (D) and (E) of paragraph (2), including provisions for review of transactions, reports, site inspections, and any other review activities the Secretary determines to be appropriate; and

“(D) provisions defining final agency actions after exhaustion of administrative appeals from determinations of the Secretary under paragraph (7).

“(f) No Effect on Other Law.—Nothing in this section affects the application of—

“(1) any Federal environment law;

“(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

“(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of fiscal years 2004 through 2014 to implement the provisions of this section and to make grants or provide other appropriate assistance to Indian tribes to assist the Indian tribes in developing and implementing tribal energy resource agreements in accordance with the provisions of this section.

“SEC. 2605. INDIAN MINERAL DEVELOPMENT REVIEW.

“(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

“(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to Congress a report that includes—

“(1) the results of the review;

“(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

“(3) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

“SEC. 2606. FEDERAL POWER MARKETING ADMINISTRATIONS.

“(a) DEFINITIONS.—In this section:

“(1) The term “Administrator” means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

“(2) The term “power marketing administration” means—

“(A) the Bonneville Power Administration;

“(B) the Western Area Power Administration; and

“(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

“(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

“(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

“(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes;

“(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming and reserve needs of Indian-owned energy projects on Indian land;

“(3) the Administrator of the Western Area Power Administration may purchase nonfederally generated power from Indian tribes to meet the firming and reserve requirements of the Western Area Power Administration; and

“(4) each Administrator shall not pay more than the prevailing market price for an energy product nor obtain less than prevailing market terms and conditions.

“(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

“(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

“(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary of Energy shall submit to Congress a report that—

“(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

“(2) identifies—

“(A) the quantity of power allocated to, or used for the benefit of, Indian tribes by the Western Area Power Administration;

“(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

“(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to deliver Federal power.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $750,000, which shall remain available until expended and shall not be reimbursable.

“SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.

“(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

“(b) SCOPE OF STUDY.—The study shall—

“(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

“(2) review historical and projected requirements for firming power and the patterns of availability and use of firming power;

“(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

“(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

“(5) include an independent tribal engineer as a study team member.

“(c) REPORT.—Not later than 1 year after the date of enactment of the Energy Policy Act of 2003, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

“(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the use of combined wind and hydropower;

“(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

“(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

“(4) an identification of—

“(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

“(B) the manner in which such a partnership could contribute to the energy security of the United States.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000, to remain available until expended.

“(2) NONREIMBURSABILITY.—Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.”.

(b) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 is amended by striking the items relating to title XXVI and inserting the following:

“Sec. 2601. Definitions.
“Sec. 2602. Indian tribal energy resource development.
“Sec. 2603. Indian tribal energy resource regulation.
“Sec. 2604. Leases, business agreements, and rights-of-way involving energy development or transmission.
“Sec. 2605. Indian mineral development review.
“Sec. 2606. Federal Power Marketing Administrations.
“Sec. 2607. Wind and hydropower feasibility study.”.

SEC. 504. FOUR CORNERS TRANSMISSION LINE PROJECT.

The Dine Power Authority, an enterprise of the Navajo Nation, shall be eligible to receive grants and other assistance as authorized by section 217 of the Department of Energy Organization Act, as added by section 502 of this title, and section 2602 of the Energy Policy Act of 1992, as amended by this title, for activities associated with the development of a transmission line from the Four Corners Area to southern Nevada, including related power generation opportunities.

SEC. 505. ENERGY EFFICIENCY IN FEDERALLY ASSISTED HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall promote energy conservation in housing that is located on Indian land and assisted with Federal resources through—

(1) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances);

(2) the promotion of shared savings contracts; and

(3) the use and implementation of such other similar technologies and innovations as the Secretary of Housing and Urban Development considers to be appropriate.

(b) AMENDMENT.—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting “improvement to achieve greater energy efficiency,” after “planning,”.

SEC. 506. CONSULTATION WITH INDIAN TRIBES.

In carrying out this title and the amendments made by this title, the Secretary of Energy and the Secretary shall, as appropriate and to the maximum extent practicable, involve and consult with Indian tribes in a manner that is consistent with the Federal trust and the government-to-government relationships between Indian tribes and the United States.

TITLE VI—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

SEC. 601. SHORT TITLE.

This subtitle may be cited as the “Price-Anderson Amendments Act of 2003”.

SEC. 602. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "December 31, 2003" each place it appears and inserting "December 31, 2023".

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "December 31, 2004" and inserting "December 31, 2023".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "December 31, 2023".

SEC. 603. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking "$63,000,000" and inserting "$95,800,000"; and

(B) by striking "$10,000,000 in any 1 year" and inserting "$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)"; and

(2) in subsection t.(1)—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "August 20, 2003"; and

(C) in subparagraph (A), by striking "such date of enactment" and inserting "August 20, 2003".

SEC. 604. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following—

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2003, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 605. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 606. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "December 31, 2019".

SEC. 607. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 608. TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 609. APPLICABILITY.

The amendments made by sections 603, 604, and 605 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

SEC. 610. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR CERTAIN FOREIGN INCIDENTS.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

"u. PROHIBITION ON ASSUMPTION OF LIABILITY FOR CERTAIN FOREIGN INCIDENTS.—Notwithstanding this section or any other provision of law, no officer of the United States or of any department, agency, or instrumentality of the United States Government may enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to directly or indirectly impose liability on the United States Government, or any department, agency, or instrumentality of the United States Government, or to otherwise directly or indirectly require an indemnity by the United States Government, for nuclear incidents occurring in connection with the design, construction, or operation of a production facility or utilization facility in any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism). This subsection shall not apply to nuclear incidents occurring as a result of missions, carried out under the direction of the Secretary of Energy, the Secretary of Defense, or the Secretary of State, that are necessary to safely secure, store, transport, or remove nuclear materials for nuclear safety or nonproliferation purposes.".

SEC. 611. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any 1-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term "not-for-profit" means that no part of the net earnings of the contractor, subcontractor, or supplier inures to the benefit of any natural person or for-profit artificial person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) occurring under a contract entered into before the date of enactment of this section.

Subtitle B—General Nuclear Matters

SEC. 621. LICENSES.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended by inserting "from the authorization to commence operations" after "forty years".

SEC. 622. NRC TRAINING PROGRAM.

(a) IN GENERAL.—In order to maintain the human resource investment and infrastructure of the United States in the nuclear sciences, health physics, and engineering fields, in accordance with the statutory authorities of the Nuclear Regulatory Commission relating to the civilian nuclear energy program, the Nuclear Regulatory Commission shall carry out a training and fellowship program to address shortages of individuals with critical nuclear safety regulatory skills.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Nuclear Regulatory Commission to carry out this section $1,000,000 for each of fiscal years 2004 through 2008.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

SEC. 623. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking "for or is issued" and all that follows through "1702" and inserting "to the Commission for, or is issued by the Commission, a license or certificate";

(2) by striking "483a" and inserting "9701"; and

(3) by striking ", of applicants for, or holders of, such licenses or certificates".

SEC. 624. ELIMINATION OF PENSION OFFSET.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following:

"y. Exempt from the application of sections 8344 and 8468 of title 5, United States Code, an annuitant who was formerly an employee of the Commission who is hired by the Commission as a consultant, if the Commission finds that the annuitant has a skill that is critical to the performance of the duties of the Commission.".

SEC. 625. ANTITRUST REVIEW.

Section 105 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2135(c)) is amended by adding at the end the following:

"(9) APPLICABILITY.—This subsection does not apply to an application for a license to construct or operate a utilization facility or production facility under section 103 or 104 b. that is filed on or after the date of enactment of this paragraph.".

SEC. 626. DECOMMISSIONING.

Section 161 i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the semicolon at the end the following: ", and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104 b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility".

SEC. 627. LIMITATION ON LEGAL FEE REIMBURSEMENT.

The Department of Energy shall not, except as required under a contract entered into before the date of enactment of this Act, reimburse any contractor or subcontractor of the Department for any legal fees or expenses incurred with respect to a complaint subsequent to—

(1) an adverse determination on the merits with respect to such complaint against the contractor or subcontractor by the Director of the Department of Energy's Office of Hearings and Appeals pursuant to part 708 of title 10, Code of Federal Regulations, or by a Department of Labor Administrative Law Judge pursuant to section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851); or

(2) an adverse final judgment by any State or Federal court with respect to such complaint against the contractor or subcontractor for wrongful termination or retaliation due to the making of disclosures protected under chapter 12 of title 5, United States Code, section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851), or any comparable State law,

unless the adverse determination or final judgment is reversed upon further administrative or judicial review.

SEC. 628. DECOMMISSIONING PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Energy shall establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas in accordance with the decommissioning activities contained in the August 31, 1998, Department of Energy report on the reactor.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $16,000,000.

SEC. 629. REPORT ON FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY GENERATION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on the feasibility of developing commercial nuclear energy generation facilities at Department of Energy sites in existence on the date of enactment of this Act.

SEC. 630. URANIUM SALES.

(a) SALES, TRANSFERS, AND SERVICES.—Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is amended by striking subsections (d), (e), and (f) and inserting the following:

"(d) INVENTORY SALES.—(1) In addition to the transfers and sales authorized under subsections (b) and (c) and under paragraph (5) of this subsection, the United States Government may transfer or sell uranium in any form subject to paragraphs (2), (3), and (4).

"(2) Except as provided in subsections (b) and (c) and paragraph (5) of this subsection, no sale or transfer of uranium shall be made under this subsection by the United States Government unless—

"(A) the President determines that the material is not necessary for national security needs and the sale or transfer has no adverse impact on implementation of existing government-to-government agreements;

"(B) the price paid to the appropriate Federal agency, if the transaction is a sale, will not be less than the fair market value of the material; and

"(C) the sale or transfer to commercial nuclear power end users is made pursuant to a contract of at least 3 years' duration.

"(3) Except as provided in paragraph (5), the United States Government shall not make any transfer or sale of uranium in any form under this subsection that would cause the total amount of uranium transferred or sold pursuant to this subsection that is delivered for consumption by commercial nuclear power end users to exceed—

"(A) 3,000,000 pounds of U_3O_8 equivalent in fiscal year 2004, 2005, 2006, 2007, 2008, or 2009;

"(B) 5,000,000 pounds of U_3O_8 equivalent in fiscal year 2010 or 2011;

"(C) 7,000,000 pounds of U_3O_8 equivalent in fiscal year 2012; and

"(D) 10,000,000 pounds of U_3O_8 equivalent in fiscal year 2013 or any fiscal year thereafter.

"(4) Except for sales or transfers under paragraph (5), for the purposes of this subsection, the recovery of uranium from uranium bearing materials transferred or sold by the United States Government to the domestic uranium industry shall be the preferred method of making uranium available. The recovered uranium shall be counted against the annual maximum deliveries set forth in this section, when such uranium is sold to end users.

"(5) The United States Government may make the following sales and transfers:

"(A) Sales or transfers to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications.

"(B) Sales or transfers to any person for national security purposes, as determined by the Secretary.

"(C) Sales or transfers to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

"(D) Sales or transfers to the Department of Energy research reactor sales program.

"(E) Sales or transfers, at fair market value, for emergency purposes in the event of a disruption in supply to commercial nuclear power end users in the United States.

"(F) Sales or transfers, at fair market value, for use in a commercial reactor in the United States with nonstandard fuel requirements.

"(G) Sales or transfers provided for under law for use by the Tennessee Valley Authority in relation to the Department of Energy's highly enriched uranium or tritium programs.

"(6) For purposes of this subsection, the term "United States Government" does not include the Tennessee Valley Authority.

"(e) SAVINGS PROVISION.—Nothing in this subchapter modifies the terms of the Russian HEU Agreement.

"(f) SERVICES.—Notwithstanding any other provision of this section, if the Secretary determines that the Corporation has failed, or may fail, to perform any obligation under the Agreement between the Department of Energy and the Corporation dated June 17, 2002, and as amended thereafter, which failure could result in termination of the Agreement, the Secretary shall notify Congress, in such a manner that affords Congress an opportunity to comment, prior to a determination by the Secretary whether termination, waiver, or modification of the Agreement is required. The Secretary is authorized to take such action as he determines necessary under the Agreement to terminate, waive, or modify provisions of the Agreement to achieve its purposes.".

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Energy shall report to Congress on the implementation of this section. The report shall include a discussion of available excess uranium inventories; all sales or transfers made by the United States Government; the impact of such sales or transfers on the domestic uranium industry, the spot market uranium price, and the national security interests of the United States; and any steps taken to remediate any adverse impacts of such sales or transfers.

SEC. 631. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $10,000,000 for each of fiscal years 2004, 2005, and 2006 for—

(1) cooperative, cost-shared agreements between the Department of Energy and domestic uranium producers to identify, test, and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in situ leaching operations; and

(2) funding for competitively selected demonstration projects with domestic uranium producers relating to—

(A) enhanced production with minimal environmental impacts;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

(b) DOMESTIC URANIUM PRODUCER.—For purposes of this section, the term "domestic uranium producer" has the meaning given that term in section 1018(4) of the Energy

Policy Act of 1992 (42 U.S.C. 2296b–7(4)), except that the term shall not include any producer that has not produced uranium from domestic reserves on or after July 30, 1998.

(c) Limitation.—No activities funded under this section may be carried out in the State of New Mexico.

SEC. 632. WHISTLEBLOWER PROTECTION.

(a) Definition of Employer.—Section 211(a)(2) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) a contractor or subcontractor of the Commission.".

(b) De Novo Review.—Subsection (b) of such section 211 is amended by adding at the end the following new paragraph:

"(4) If the Secretary has not issued a final decision within 540 days after the filing of a complaint under paragraph (1), and there is no showing that such delay is due to the bad faith of the person seeking relief under this paragraph, such person may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.".

SEC. 633. MEDICAL ISOTOPE PRODUCTION.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended—

(1) in subsection a., by striking "a. The Commission" and inserting "a. In General.—Except as provided in subsection b., the Commission";

(2) by redesignating subsection b. as subsection c.; and

(3) by inserting after subsection a. the following:

"b. Medical Isotope Production.—

"(1) Definitions.—In this subsection:

"(A) Highly enriched uranium.—The term 'highly enriched uranium' means uranium enriched to include concentration of U–235 above 20 percent.

"(B) Medical isotope.—The term 'medical isotope' includes Molybdenum 99, Iodine 131, Xenon 133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic procedures or for research and development.

"(C) Radiopharmaceutical.—The term 'radiopharmaceutical' means a radioactive isotope that—

"(i) contains byproduct material combined with chemical or biological material; and

"(ii) is designed to accumulate temporarily in a part of the body for therapeutic purposes or for enabling the production of a useful image for use in a diagnosis of a medical condition.

"(D) Recipient country.—The term 'recipient country' means Canada, Belgium, France, Germany, and the Netherlands.

"(2) Licenses.—The Commission may issue a license authorizing the export (including shipment to and use at intermediate and ultimate consignees specified in the license) to a recipient country of highly enriched uranium for medical isotope production if, in addition to any other requirements of this Act (except subsection a.), the Commission determines that—

"(A) a recipient country that supplies an assurance letter to the United States Government in connection with the consideration by the Commission of the export license application has informed the United States Government that any intermediate consignees and the ultimate consignee specified in the application are required to use the highly enriched uranium solely to produce medical isotopes; and

"(B) the highly enriched uranium for medical isotope production will be irradiated only in a reactor in a recipient country that—

"(i) uses an alternative nuclear reactor fuel; or

"(ii) is the subject of an agreement with the United States Government to convert to an alternative nuclear reactor fuel when alternative nuclear reactor fuel can be used in the reactor.

"(3) Review of physical protection requirements.—

"(A) In general.—The Commission shall review the adequacy of physical protection requirements that, as of the date of an application under paragraph (2), are applicable to the transportation and storage of highly enriched uranium for medical isotope production or control of residual material after irradiation and extraction of medical isotopes.

"(B) Imposition of additional requirements.—If the Commission determines that additional physical protection requirements are necessary (including a limit on the quantity of highly enriched uranium that may be contained in a single shipment), the Commission shall impose such requirements as license conditions or through other appropriate means.

"(4) First report to congress.—

"(A) NAS study.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study to determine—

"(i) the feasibility of procuring supplies of medical isotopes from commercial sources that do not use highly enriched uranium;

"(ii) the current and projected demand and availability of medical isotopes in regular current domestic use;

"(iii) the progress that is being made by the Department of Energy and others to eliminate all use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities; and

"(iv) the potential cost differential in medical isotope production in the reactors and target processing facilities if the products were derived from production systems that do not involve fuels and targets with highly enriched uranium.

"(B) Feasibility.—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if—

"(i) low enriched uranium targets have been developed and demonstrated for use in the reactors and target processing facilities that produce significant quantities of medical isotopes to serve United States needs for such isotopes;

"(ii) sufficient quantities of medical isotopes are available from low enriched uranium targets and fuel to meet United States domestic needs; and

"(iii) the average anticipated total cost increase from production of medical isotopes in such facilities without use of highly enriched uranium is less than 10 percent.

"(C) Report by the secretary.—Not later than 5 years after the date of enactment of the Energy Policy Act of 2003, the Secretary shall submit to Congress a report that—

"(i) contains the findings of the National Academy of Sciences made in the study under subparagraph (A); and

"(ii) discloses the existence of any commitments from commercial producers to provide domestic requirements for medical isotopes without use of highly enriched uranium consistent with the feasibility criteria described in subparagraph (B) not later than the date that is 4 years after the date of submission of the report.

"(5) Second report to congress.—If the study of the National Academy of Sciences determines under paragraph (4)(A)(i) that the procurement of supplies of medical isotopes from commercial sources that do not use highly enriched uranium is feasible, but the Secretary is unable to report the existence of commitments under paragraph (4)(C)(ii), not later than the date that is 6 years after the date of enactment of the Energy Policy Act of 2003, the Secretary shall submit to Congress a report that describes options for developing domestic supplies of medical isotopes in quantities that are adequate to meet domestic demand without the use of highly enriched uranium consistent with the cost increase described in paragraph (4)(B)(iii).

"(6) Certification.—At such time as commercial facilities that do not use highly enriched uranium are capable of meeting domestic requirements for medical isotopes, within the cost increase described in paragraph (4)(B)(iii) and without impairing the reliable supply of medical isotopes for domestic utilization, the Secretary shall submit to Congress a certification to that effect.

"(7) Sunset provision.—After the Secretary submits a certification under paragraph (6), the Commission shall, by rule, terminate its review of export license applications under this subsection.".

SEC. 634. FERNALD BYPRODUCT MATERIAL.

Notwithstanding any other law, the material in the concrete silos at the Fernald uranium processing facility managed on the date of enactment of this Act by the Department of Energy shall be considered byproduct material (as defined by section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2))). The Department of Energy may dispose of the material in a facility regulated by the Nuclear Regulatory Commission or by an Agreement State. If the Department of Energy disposes of the material in such a facility, the Nuclear Regulatory Commission or the Agreement State shall regulate the material as byproduct material under that Act. This material shall remain subject to the jurisdiction of the Department of Energy until it is received at a commercial, Nuclear Regulatory Commission-licensed, or Agreement State-licensed facility, at which time the material shall be subject to the health and safety requirements of the Nuclear Regulatory Commission or the Agreement State with jurisdiction over the disposal site.

SEC. 635. SAFE DISPOSAL OF GREATER-THAN-CLASS C RADIOACTIVE WASTE.

(a) Designation of Responsibility.—The Secretary of Energy shall designate an Office within the Department of Energy to have the responsibility for activities needed to develop a new, or use an existing, facility for safely disposing of all low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Nuclear Regulatory Commission for Class C radioactive waste (referred to in this section as "GTCC waste").

(b) Comprehensive Plan.—The Secretary of Energy shall develop a comprehensive plan for permanent disposal of GTCC waste which includes plans for a disposal facility. This plan shall be transmitted to Congress in a series of reports, including the following:

(1) Report on short-term plan.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a plan describing the Secretary's operational strategy for continued

recovery and storage of GTCC waste until a permanent disposal facility is available.

(2) Update of 1987 report.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to Congress an update of the Secretary's February 1987 report submitted to Congress that made comprehensive recommendations for the disposal of GTCC waste.

(B) Contents.—The update under this paragraph shall contain—

(i) a detailed description and identification of the GTCC waste that is to be disposed;

(ii) a description of current domestic and international programs, both Federal and commercial, for management and disposition of GTCC waste;

(iii) an identification of the Federal and private options and costs for the safe disposal of GTCC waste;

(iv) an identification of the options for ensuring that, wherever possible, generators and users of GTCC waste bear all reasonable costs of waste disposal;

(v) an identification of any new statutory authority required for disposal of GTCC waste; and

(vi) in coordination with the Environmental Protection Agency and the Nuclear Regulatory Commission, an identification of any new regulatory guidance needed for the disposal of GTCC waste.

(3) Report on cost and schedule for completion of environmental impact statement and record of decision.—Not later than 180 days after the date of submission of the update required under paragraph (2), the Secretary of Energy shall submit to Congress a report containing an estimate of the cost and schedule to complete a draft and final environmental impact statement and to issue a record of decision for a permanent disposal facility, utilizing either a new or existing facility, for GTCC waste.

SEC. 636. PROHIBITION ON NUCLEAR EXPORTS TO COUNTRIES THAT SPONSOR TERRORISM.

(a) In General.—Section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) by inserting "a." before "No nuclear materials and equipment"; and

(2) by adding at the end the following new subsection:

"b.(1) Notwithstanding any other provision of law, including specifically section 121 of this Act, and except as provided in paragraphs (2) and (3), no nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of this Act and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, shall be exported or reexported, or transferred or retransferred whether directly or indirectly, and no Federal agency shall issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of these items or assistance (as defined in this paragraph) to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which has been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism).

"(2) This subsection shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission, except to the extent that such technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

"(3) The President may waive the application of paragraph (1) to a country if the President determines and certifies to Congress that the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons and—

"(A) the government of such country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsafeguarded nuclear materials;

"(B) in the judgment of the President, the government of such country has provided adequate, verifiable assurances that it will cease its support for acts of international terrorism;

"(C) the waiver of that paragraph is in the vital national security interest of the United States; or

"(D) such a waiver is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.".

(b) Applicability To Exports Approved for Transfer but Not Transferred.—Subsection b. of section 129 of Atomic Energy Act of 1954, as added by subsection (a) of this section, shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

SEC. 637. URANIUM ENRICHMENT FACILITIES.

(a) Nuclear Regulatory Commission Review of Applications.—

(1) In general.—In order to facilitate a timely review and approval of an application in a proceeding for a license for the construction and operation of a uranium enrichment facility under sections 53 and 63 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093) (referred to in this subsection as a "covered proceeding"), the Nuclear Regulatory Commission shall, not later than 30 days after the receipt of the application, establish, by order, the schedule for the conduct of any hearing that may be requested by any person whose interest may be affected by the covered proceeding.

(2) Final agency decision.—The schedule shall provide that a final decision by the Commission on the application shall be made not later than the date that is 2 years after the date of submission of the application by the applicant.

(3) Compliance with schedule.—

(A) In general.—The Commission shall establish a process to assess compliance with the schedule established under paragraph (1) on an ongoing basis during the course of the review of the application, including ensuring compliance with schedules and milestones that are established for the conduct of any covered proceeding by the Atomic Safety and Licensing Board.

(B) Report.—The Commission shall submit to Congress on a bimonthly basis a report describing the status of compliance with the schedule established under paragraph (1), including a description of the status of actions required to be completed pursuant to the schedule by officers and employees of—

(i) the Commission in undertaking the safety and environmental review of applications; and

(ii) the Atomic Safety and Licensing Board in the conduct of any covered proceeding.

(4) Environmental review.—

(A) In general.—In evaluating an application under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for licensing of a facility in a covered proceeding, the Commission shall limit the consideration of need to whether the licensing of the facility would advance the national interest of encouraging in the United States—

(i) additional secure, reliable uranium enrichment capacity;

(ii) diverse supplies and suppliers of uranium enrichment capacity; and

(iii) the deployment of advanced centrifuge enrichment technology.

(B) Comment.—In carrying out subparagraph (A), the Commission shall consider and solicit the views of other affected Federal agencies.

(C) Atomic safety and licensing board.—

(i) In general.—Except as provided in clause (ii), in any covered proceeding, the Commission shall allow the litigation and resolution by the Atomic Safety and Licensing Board of issues arising under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), on the basis of information submitted by the applicant in its environmental report, prior to publication of any required environmental impact statement.

(ii) Exceptions.—On the publication of any required environmental impact statement, issues may be proffered for resolution by the Atomic Safety and Licensing Board only if information or conclusions in the environmental impact statement differ significantly from the information or conclusions in the environmental report submitted by the applicant.

(D) Environmental justice.—In a covered proceeding, the Commission shall apply the criteria in Appendix C of the final report entitled "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs" (NUREG–1748), published in August 2003, in any required review of environmental justice.

(5) Low-level waste.—In any covered proceeding, the Commission shall—

(A) deem the obligation of the Secretary of Energy pursuant to section 3113 of the USEC Privitization Act (42 U.S.C. 2297 h–11) to constitute a plausible strategy with regard to the disposition of depleted uranium generated by such facility; and

(B) treat any residual material that remains following the extraction of any usable resource value from depleted uranium as low-level radioactive waste under part 61 of title 10, Code of Federal Regulations.

(6) Adjudicatory hearing on licensing of uranium enrichment facilities.—Section 193(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2243(b)) is amended by striking paragraph (2) and inserting the following:

"(2) Timing.—On the issuance of a final decision on the application by the Atomic Safety and Licensing Board, the Commission shall issue and make immediately effective any license for the construction and operation of a uranium enrichment facility under sections 53 and 63, on a determination by the Commission that the issuance of the license would not cause irreparable injury to the public health and safety or the common defense and security, notwithstanding the pendency before the Commission of any appeal or petition for review of any decision of the Atomic Safety and Licensing Board.''.

(b) DEPARTMENT OF ENERGY RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than 180 days after a request is made to the Secretary of Energy by an applicant for or recipient of a license for a uranium enrichment facility under section 53, 63, or 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, 2243), the Secretary shall enter into a memorandum of agreement with the applicant or licensee that provides a schedule for the transfer to the Secretary, not later than 5 years after the generation of any depleted uranium hexafluoride, of title and possession of the depleted uranium hexafluoride to be generated by the applicant or licensee.

(2) COST.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the memorandum of agreement shall specify the cost to be assessed by the Secretary for the transfer to the Secretary of the depleted uranium hexafluoride.

(B) NONDISCRIMINATORY BASIS.—The cost shall be determined by the Secretary on a nondiscriminatory basis.

(C) COST.—Taking into account the physical and chemical characteristics of such depleted uranium hexafluoride, the cost shall not exceed the cost assessed by the Secretary for the acceptance of depleted uranium hexafluoride under—

(i) the memorandum of agreement between the United States Department of Energy and the United States Enrichment Corporation Relating to Depleted Uranium, dated June 30, 1998; and

(ii) the Agreement Between the U.S. Department of Energy and USEC Inc., dated June 17, 2002.

SEC. 638. NATIONAL URANIUM STOCKPILE.

(a) STOCKPILE CREATION.—The Secretary of Energy may create a national low-enriched uranium stockpile with the goals to—

(1) enhance national energy security; and

(2) reduce global proliferation threats.

(b) SOURCE OF MATERIAL.—The Secretary shall obtain material for the stockpile from—

(1) material derived from blend-down of Russian highly enriched uranium derived from weapons materials; and

(2) domestically mined and enriched uranium.

(c) LIMITATION ON SALES OR TRANSFERS.—Sales or transfer of materials in the stockpile shall occur pursuant to section 3112 of the USEC Privitization Act (42 U.S.C. 2297h-10), as amended by section 630.

Subtitle C—Advanced Reactor Hydrogen Cogeneration Project

SEC. 651. PROJECT ESTABLISHMENT.

The Secretary of Energy (in this subtitle referred to as the "Secretary") is directed to establish an Advanced Reactor Hydrogen Cogeneration Project.

SEC. 652. PROJECT DEFINITION.

The project shall consist of the research, development, design, construction, and operation of a hydrogen production cogeneration research facility that, relative to the current commercial reactors, enhances safety features, reduces waste production, enhances thermal efficiencies, increases proliferation resistance, and has the potential for improved economics and physical security in reactor siting. This facility shall be constructed so as to enable research and development on advanced reactors of the type selected and on alternative approaches for reactor-based production of hydrogen.

SEC. 653. PROJECT MANAGEMENT.

(a) MANAGEMENT.—The project shall be managed within the Department by the Office of Nuclear Energy, Science, and Technology.

(b) LEAD LABORATORY.—The lead laboratory for the project, providing the site for the reactor construction, shall be the Idaho National Engineering and Environmental Laboratory (in this subtitle referred to as "INEEL").

(c) STEERING COMMITTEE.—The Secretary shall establish a national steering committee with membership from the national laboratories, universities, and industry to provide advice to the Secretary and the Director of the Office of Nuclear Energy, Science, and Technology on technical and program management aspects of the project.

(d) COLLABORATION.—Project activities shall be conducted at INEEL, other national laboratories, universities, domestic industry, and international partners.

SEC. 654. PROJECT REQUIREMENTS.

(a) RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The project shall include planning, research and development, design, and construction of an advanced, next-generation, nuclear energy system suitable for enabling further research and development on advanced reactor technologies and alternative approaches for reactor-based generation of hydrogen.

(2) REACTOR TEST CAPABILITIES AT INEEL.—The project shall utilize, where appropriate, extensive reactor test capabilities resident at INEEL.

(3) ALTERNATIVES.—The project shall be designed to explore technical, environmental, and economic feasibility of alternative approaches for reactor-based hydrogen production.

(4) INDUSTRIAL LEAD.—The industrial lead for the project shall be a company incorporated in the United States.

(b) INTERNATIONAL COLLABORATION.—

(1) IN GENERAL.—The Secretary shall seek international cooperation, participation, and financial contribution in this project.

(2) ASSISTANCE FROM INTERNATIONAL PARTNERS.—The Secretary may contract for assistance from specialists or facilities from member countries of the Generation IV International Forum, the Russian Federation, or other international partners where such specialists or facilities provide access to cost-effective and relevant skills or test capabilities.

(3) GENERATION IV INTERNATIONAL FORUM.—International activities shall be coordinated with the Generation IV International Forum.

(4) GENERATION IV NUCLEAR ENERGY SYSTEMS PROGRAM.—The Secretary may combine this project with the Generation IV Nuclear Energy Systems Program.

(c) DEMONSTRATION.—The overall project, which may involve demonstration of selected project objectives in a partner nation, must demonstrate both electricity and hydrogen production and may provide flexibility, where technically and economically feasible in the design and construction, to enable tests of alternative reactor core and cooling configurations.

(d) PARTNERSHIPS.—The Secretary shall establish cost-shared partnerships with domestic industry or international participants for the research, development, design, construction, and operation of the research facility, and preference in determining the final project structure shall be given to an overall project which retains United States leadership while maximizing cost sharing opportunities and minimizing Federal funding responsibilities.

(e) TARGET DATE.—The Secretary shall select technologies and develop the project to provide initial testing of either hydrogen production or electricity generation by 2010, or provide a report to Congress explaining why this date is not feasible.

(f) WAIVER OF CONSTRUCTION TIMELINES.—The Secretary is authorized to conduct the Advanced Reactor Hydrogen Cogeneration Project without the constraints of DOE Order 413.3, relating to program and project management for the acquisition of capital assets, as necessary to meet the specified operational date.

(g) COMPETITION.—The Secretary may fund up to 2 teams for up to 1 year to develop detailed proposals for competitive evaluation and selection of a single proposal and concept for further progress. The Secretary shall define the format of the competitive evaluation of proposals.

(h) USE OF FACILITIES.—Research facilities in industry, national laboratories, or universities either within the United States or with cooperating international partners may be used to develop the enabling technologies for the research facility. Utilization of domestic university-based facilities shall be encouraged to provide educational opportunities for student development.

(i) ROLE OF NUCLEAR REGULATORY COMMISSION.—

(1) IN GENERAL.—The Nuclear Regulatory Commission shall have licensing and regulatory authority for any reactor authorized under this subtitle, pursuant to section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842).

(2) RISK-BASED CRITERIA.—The Secretary shall seek active participation of the Nuclear Regulatory Commission throughout the project to develop risk-based criteria for any future commercial development of a similar reactor architecture.

(j) REPORT—The Secretary shall develop and transmit to Congress a comprehensive project plan not later than April 30, 2004. The project plan shall be updated annually with each annual budget submission.

SEC. 655. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH, DEVELOPMENT, AND DESIGN PROGRAMS.—The following sums are authorized to be appropriated to the Secretary for all activities under this subtitle except for construction activities described in subsection (b):

(1) For fiscal year 2004, $35,000,000.

(2) For each of fiscal years 2005 through 2008, $150,000,000.

(3) For fiscal years beyond 2008, such sums as are necessary.

(b) CONSTRUCTION.—There are authorized to be appropriated to the Secretary for all project-related construction activities, to be available until expended, $500,000,000.

Subtitle D—Nuclear Security

SEC. 661. NUCLEAR FACILITY THREATS.

(a) STUDY.—The President, in consultation with the Nuclear Regulatory Commission (referred to in this subtitle as the "Commission") and other appropriate Federal, State, and local agencies and private entities, shall conduct a study to identify the types of threats that pose an appreciable risk to the security of the various classes of facilities licensed by the Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

Such study shall take into account, but not be limited to—

(1) the events of September 11, 2001;

(2) an assessment of physical, cyber, biochemical, and other terrorist threats;

(3) the potential for attack on facilities by multiple coordinated teams of a large number of individuals;

(4) the potential for assistance in an attack from several persons employed at the facility;

(5) the potential for suicide attacks;

(6) the potential for water-based and air-based threats;

(7) the potential use of explosive devices of considerable size and other modern weaponry;

(8) the potential for attacks by persons with a sophisticated knowledge of facility operations;

(9) the potential for fires, especially fires of long duration;

(10) the potential for attacks on spent fuel shipments by multiple coordinated teams of a large number of individuals;

(11) the adequacy of planning to protect the public health and safety at and around nuclear facilities, as appropriate, in the event of a terrorist attack against a nuclear facility; and

(12) the potential for theft and diversion of nuclear materials from such facilities.

(b) SUMMARY AND CLASSIFICATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress and the Commission a report—

(1) summarizing the types of threats identified under subsection (a); and

(2) classifying each type of threat identified under subsection (a), in accordance with existing laws and regulations, as either—

(A) involving attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or otherwise falling under the responsibilities of the Federal Government; or

(B) involving the type of risks that Commission licensees should be responsible for guarding against.

(c) FEDERAL ACTION REPORT.—Not later than 90 days after the date on which a report is transmitted under subsection (b), the President shall transmit to Congress a report on actions taken, or to be taken, to address the types of threats identified under subsection (b)(2)(A), including identification of the Federal, State, and local agencies responsible for carrying out the obligations and authorities of the United States. Such report may include a classified annex, as appropriate.

(d) REGULATIONS.—Not later than 180 days after the date on which a report is transmitted under subsection (b), the Commission may revise, by rule, the design basis threats issued before the date of enactment of this section as the Commission considers appropriate based on the summary and classification report.

(e) PHYSICAL SECURITY PROGRAM.—The Commission shall establish an operational safeguards response evaluation program that ensures that the physical protection capability and operational safeguards response for sensitive nuclear facilities, as determined by the Commission consistent with the protection of public health and the common defense and security, shall be tested periodically through Commission approved or designed, observed, and evaluated force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. For purposes of this subsection, the term "sensitive nuclear facilities" includes at a minimum commercial nuclear power plants and category I fuel cycle facilities.

(f) CONTROL OF INFORMATION.—Notwithstanding any other provision of law, the Commission may undertake any rulemaking under this subtitle in a manner that will fully protect safeguards and classified national security information.

(g) FEDERAL SECURITY COORDINATORS.—

(1) REGIONAL OFFICES.—Not later than 18 months after the date of enactment of this Act, the Commission shall assign a Federal security coordinator, under the employment of the Commission, to each region of the Commission.

(2) RESPONSIBILITIES.—The Federal security coordinator shall be responsible for—

(A) communicating with the Commission and other Federal, State, and local authorities concerning threats, including threats against such classes of facilities as the Commission determines to be appropriate;

(B) ensuring that such classes of facilities as the Commission determines to be appropriate maintain security consistent with the security plan in accordance with the appropriate threat level; and

(C) assisting in the coordination of security measures among the private security forces at such classes of facilities as the Commission determines to be appropriate and Federal, State, and local authorities, as appropriate.

(h) TRAINING PROGRAM.—The President shall establish a program to provide technical assistance and training to Federal agencies, the National Guard, and State and local law enforcement and emergency response agencies in responding to threats against a designated nuclear facility.

SEC. 662. FINGERPRINTING FOR CRIMINAL HISTORY RECORD CHECKS.

(a) IN GENERAL.—Subsection a. of section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169(a)) is amended—

(1) by striking "a. The Nuclear" and all that follows through "section 147." and inserting the following:

"a. IN GENERAL.—

"(1) REQUIREMENTS.—

"(A) IN GENERAL.— The Commission shall require each individual or entity—

"(i) that is licensed or certified to engage in an activity subject to regulation by the Commission;

"(ii) that has filed an application for a license or certificate to engage in an activity subject to regulation by the Commission; or

"(iii) that has notified the Commission, in writing, of an intent to file an application for licensing, certification, permitting, or approval of a product or activity subject to regulation by the Commission,

to fingerprint each individual described in subparagraph (B) before the individual is permitted unescorted access or access, whichever is applicable, as described in subparagraph (B).

"(B) INDIVIDUALS REQUIRED TO BE FINGERPRINTED.—The Commission shall require to be fingerprinted each individual who—

"(i) is permitted unescorted access to—

"(I) a utilization facility; or

"(II) radioactive material or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks; or

"(ii) is permitted access to safeguards information under section 147.";

(2) by striking "All fingerprints obtained by a licensee or applicant as required in the preceding sentence" and inserting the following:

"(2) SUBMISSION TO THE ATTORNEY GENERAL.—All fingerprints obtained by an individual or entity as required in paragraph (1)";

(3) by striking "The costs of any identification and records check conducted pursuant to the preceding sentence shall be paid by the licensee or applicant." and inserting the following:

"(3) COSTS.—The costs of any identification and records check conducted pursuant to paragraph (1) shall be paid by the individual or entity required to conduct the fingerprinting under paragraph (1)(A)."; and

(4) by striking "Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to licensee or applicant submitting such fingerprints." and inserting the following:

"(4) PROVISION TO INDIVIDUAL OR ENTITY REQUIRED TO CONDUCT FINGERPRINTING.—Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to the individual or entity required to conduct the fingerprinting under paragraph (1)(A).".

(b) ADMINISTRATION.—Subsection c. of section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169(c)) is amended—

(1) by striking ", subject to public notice and comment, regulations—" and inserting "requirements—"; and

(2) by striking, in paragraph (2)(B), "unescorted access to the facility of a licensee or applicant" and inserting "unescorted access to a utilization facility, radioactive material, or other property described in subsection a.(1)(B)".

(c) BIOMETRIC METHODS.—Subsection d. of section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169(d)) is redesignated as subsection e., and the following is inserted after subsection c.:

"d. USE OF OTHER BIOMETRIC METHODS.—The Commission may satisfy any requirement for a person to conduct fingerprinting under this section using any other biometric method for identification approved for use by the Attorney General, after the Commission has approved the alternative method by rule.".

SEC. 663. USE OF FIREARMS BY SECURITY PERSONNEL OF LICENSEES AND CERTIFICATE HOLDERS OF THE COMMISSION.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following subsection:

"(z)(1) notwithstanding section 922(o), (v), and (w) of title 18, United States Code, or any similar provision of any State law or any similar rule or regulation of a State or any political subdivision of a State prohibiting the transfer or possession of a handgun, a rifle or shotgun, a short-barreled shotgun, a short-barreled rifle, a machinegun, a semiautomatic assault weapon, ammunition for the foregoing, or a large capacity ammunition feeding device, authorize security personnel of licensees and certificate holders of the Commission (including employees of contractors of licensees and certificate holders) to receive, possess, transport, import, and use 1 or more of those weapons, ammunition, or devices, if the Commission determines that—

"(A) such authorization is necessary to the discharge of the security personnel's official duties; and

"(B) the security personnel—

"(i) are not otherwise prohibited from possessing or receiving a firearm under Federal or State laws pertaining to possession of firearms by certain categories of persons;

"(ii) have successfully completed requirements established through guidelines implementing this subsection for training in use of firearms and tactical maneuvers;

"(iii) are engaged in the protection of—

"(I) facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission; or

"(II) radioactive material or other property owned or possessed by a person that is a licensee or certificate holder of the Commission, or that is being transported to or from a facility owned or operated by such a licensee or certificate holder, and that has been determined by the Commission to be of significance to the common defense and security or public health and safety; and

"(iv) are discharging their official duties.

"(2) Such receipt, possession, transportation, importation, or use shall be subject to—

"(A) chapter 44 of title 18, United States Code, except for section 922(a)(4), (o), (v), and (w);

"(B) chapter 53 of title 26, United States Code, except for section 5844; and

"(C) a background check by the Attorney General, based on fingerprints and including a check of the system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) to determine whether the person applying for the authority is prohibited from possessing or receiving a firearm under Federal or State law.

"(3) This subsection shall become effective upon the issuance of guidelines by the Commission, with the approval of the Attorney General, to govern the implementation of this subsection.

"(4) In this subsection, the terms "handgun", "rifle", "shotgun", "firearm", "ammunition", "machinegun", "semiautomatic assault weapon", "large capacity ammunition feeding device", "short-barreled shotgun", and "short-barreled rifle" shall have the meanings given those terms in section 921(a) of title 18, United States Code.".

SEC. 664. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting "or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act" before the period at the end.

SEC. 665. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

(a) In General.—Section 236 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking "storage facility" and inserting "storage, treatment, or disposal facility";

(2) in paragraph (3)—

(A) by striking "such a utilization facility" and inserting "a utilization facility licensed under this Act"; and

(B) by striking "or" at the end;

(3) in paragraph (4)—

(A) by striking "facility licensed" and inserting ", uranium conversion, or nuclear fuel fabrication facility licensed or certified"; and

(B) by striking the comma at the end and inserting a semicolon; and

(4) by inserting after paragraph (4) the following:

"(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, uranium conversion, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility;

"(6) any primary facility or backup facility from which a radiological emergency preparedness alert and warning system is activated; or

"(7) any radioactive material or other property subject to regulation by the Nuclear Regulatory Commission that, before the date of the offense, the Nuclear Regulatory Commission determines, by order or regulation published in the Federal Register, is of significance to the public health and safety or to common defense and security,".

(b) Penalties.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284) is amended by striking "$10,000 or imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life" both places it appears and inserting "$1,000,000 or imprisoned for up to life without parole".

SEC. 666. SECURE TRANSFER OF NUCLEAR MATERIALS.

(a) Amendment.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201–2210b) is amended by adding at the end the following new section:

"SEC. 170C. SECURE TRANSFER OF NUCLEAR MATERIALS.

"a. The Nuclear Regulatory Commission shall establish a system to ensure that materials described in subsection b., when transferred or received in the United States by any party pursuant to an import or export license issued pursuant to this Act, are accompanied by a manifest describing the type and amount of materials being transferred or received. Each individual receiving or accompanying the transfer of such materials shall be subject to a security background check conducted by appropriate Federal entities.

"b. Except as otherwise provided by the Commission by regulation, the materials referred to in subsection a. are byproduct materials, source materials, special nuclear materials, high-level radioactive waste, spent nuclear fuel, transuranic waste, and low-level radioactive waste (as defined in section 2(16) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(16))).".

(b) Regulations.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter as it considers necessary, the Nuclear Regulatory Commission shall issue regulations identifying radioactive materials or classes of individuals that, consistent with the protection of public health and safety and the common defense and security, are appropriate exceptions to the requirements of section 170C of the Atomic Energy Act of 1954, as added by subsection (a) of this section.

(c) Effective Date.—The amendment made by subsection (a) shall take effect upon the issuance of regulations under subsection (b), except that the background check requirement shall become effective on a date established by the Commission.

(d) Effect on Other Law.—Nothing in this section or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.

(e) Table of Sections Amendment.—The table of sections for chapter 14 of the Atomic Energy Act of 1954 is amended by adding at the end the following new item:

"Sec. 170C. Secure transfer of nuclear materials.".

SEC. 667. DEPARTMENT OF HOMELAND SECURITY CONSULTATION.

Before issuing a license for a utilization facility, the Nuclear Regulatory Commission shall consult with the Department of Homeland Security concerning the potential vulnerabilities of the location of the proposed facility to terrorist attack.

SEC. 668. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle and the amendments made by this subtitle.

(b) Aggregate Amount of Charges.—Section 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and" and

(3) by adding at the end the following:

"(iii) amounts appropriated to the Commission for homeland security activities of the Commission for the fiscal year, except for the costs of fingerprinting and background checks required by section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) and the costs of conducting security inspections.".

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

SEC. 701. USE OF ALTERNATIVE FUELS BY DUAL-FUELED VEHICLES.

Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E)(i) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that an agency qualifies for a waiver of such requirement for vehicles operated by the agency in a particular geographic area in which—

"(I) the alternative fuel otherwise required to be used in the vehicle is not reasonably available to retail purchasers of the fuel, as certified to the Secretary by the head of the agency; or

"(II) the cost of the alternative fuel otherwise required to be used in the vehicle is unreasonably more expensive compared to gasoline, as certified to the Secretary by the head of the agency.

"(ii) The Secretary shall monitor compliance with this subparagraph by all such fleets and shall report annually to Congress on the extent to which the requirements of this subparagraph are being achieved. The report shall include information on annual reductions achieved from the use of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels.".

SEC. 702. NEIGHBORHOOD ELECTRIC VEHICLES.

(a) Amendments.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking "or a dual fueled vehicle" and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) in paragraph (13), by striking "and" at the end;

(3) in paragraph (14), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle that—

"(A) meets the definition of a low-speed vehicle (as defined in part 571 of title 49, Code of Federal Regulations);

"(B) meets the definition of a zero-emission vehicle (as defined in section 86.1702–99 of title 40, Code of Federal Regulations);

"(C) meets the requirements of Federal Motor Vehicle Safety Standard No. 500; and

"(D) has a maximum speed of not greater than 25 miles per hour.".

(b) CREDITS.—Notwithstanding section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) or any other provision of law, a neighborhood electric vehicle shall not be allocated credit as more than 1 vehicle for purposes of determining compliance with any requirement under title III or title V of such Act.

SEC. 703. CREDITS FOR MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(e) CREDIT FOR PURCHASE OF MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.—

"(1) DEFINITIONS.—In this subsection:

"(A) HEAVY DUTY DEDICATED VEHICLE.—The term 'heavy duty dedicated vehicle' means a dedicated vehicle that has a gross vehicle weight rating of more than 14,000 pounds.

"(B) MEDIUM DUTY DEDICATED VEHICLE.—The term 'medium duty dedicated vehicle' means a dedicated vehicle that has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

"(2) CREDITS FOR MEDIUM DUTY VEHICLES.—The Secretary shall issue 2 full credits to a fleet or covered person under this title, if the fleet or covered person acquires a medium duty dedicated vehicle.

"(3) CREDITS FOR HEAVY DUTY VEHICLES.—The Secretary shall issue 3 full credits to a fleet or covered person under this title, if the fleet or covered person acquires a heavy duty dedicated vehicle.

"(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.".

SEC. 704. INCREMENTAL COST ALLOCATION.

Section 303(c) of the Energy Policy Act of 1992 (42 U.S.C. 13212(c)) is amended by striking "may" and inserting "shall".

SEC. 705. ALTERNATIVE COMPLIANCE AND FLEXIBILITY.

(a) ALTERNATIVE COMPLIANCE.—

(1) IN GENERAL.—Title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) is amended—

(A) by redesignating section 514 as section 515; and

(B) by inserting after section 513 the following:

"SEC. 514. ALTERNATIVE COMPLIANCE.

"(a) APPLICATION FOR WAIVER.—Any covered person subject to section 501 and any State subject to section 507(o) may petition the Secretary for a waiver of the applicable requirements of section 501 or 507(o).

"(b) GRANT OF WAIVER.—The Secretary may grant a waiver of the requirements of section 501 or 507(o) upon a showing that the fleet owned, operated, leased, or otherwise controlled by the State or covered person—

"(1) will achieve a reduction in its annual consumption of petroleum fuels equal to the reduction in consumption of petroleum that would result from 100 percent compliance with fuel use requirements in section 501, or, for entities covered under section 507(o), a reduction equal to the covered State entity's consumption of alternative fuels if all its alternative fuel vehicles given credit under section 508 were to use alternative fuel 100 percent of the time; and

"(2) is in compliance with all applicable vehicle emission standards established by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(c) REVOCATION OF WAIVER.—The Secretary shall revoke any waiver granted under this section if the State or covered person fails to comply with subsection (b).".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by striking the item relating to section 514 and inserting the following:

"Sec. 514. Alternative compliance.
"Sec. 515. Authorization of appropriations.".

(b) CREDITS.—Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) (as amended by section 703) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall allocate a credit to a fleet or covered person that is required to acquire an alternative fueled vehicle under this title, if that fleet or person acquires an alternative fueled vehicle—

"(1) in excess of the number that fleet or person is required to acquire under this title;

"(2) before the date on which that fleet or person is required to acquire an alternative fueled vehicle under this title; or

"(3) that is eligible to receive credit under subsection (b).

"(b) MAXIMUM AVAILABLE POWER.—The Secretary shall allocate credit to a fleet under subsection (a)(3) for the acquisition by the fleet of a hybrid vehicle as follows:

"(1) For a hybrid vehicle with at least 4 percent but less than 10 percent maximum available power, the Secretary shall allocate 25 percent of 1 credit.

"(2) For a hybrid vehicle with at least 10 percent but less than 20 percent maximum available power, the Secretary shall allocate 50 percent of 1 credit.

"(3) For a hybrid vehicle with at least 20 percent but less than 30 percent maximum available power, the Secretary shall allocate 75 percent of 1 credit.

"(4) For a hybrid vehicle with 30 percent or more maximum available power, the Secretary shall allocate 1 credit."; and

(3) by adding at the end the following:

"(g) CREDIT FOR INVESTMENT IN ALTERNATIVE FUEL INFRASTRUCTURE.—

"(1) DEFINITION OF QUALIFYING INFRASTRUCTURE.—In this subsection, the term 'qualifying infrastructure' means—

"(A) equipment required to refuel or recharge alternative fueled vehicles;

"(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles; and

"(C) such other activities as the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

"(2) ISSUANCE OF CREDITS.—The Secretary shall issue a credit to a fleet or covered person under this title for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

"(3) AMOUNT.—For the purpose of credits under this subsection—

"(A) 1 credit shall be equal to a minimum investment of $25,000 in cash or equivalent expenditure, as determined by the Secretary; and

"(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

"(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

"(h) DEFINITION OF MAXIMUM AVAILABLE POWER.—In this section, the term 'maximum available power' means the quotient obtained by dividing—

"(1) the maximum power available from the energy storage device of a hybrid vehicle, during a standard 10-second pulse power or equivalent test; by

"(2) the sum of—

"(A) the maximum power described in subparagraph (A); and

"(B) the net power of the internal combustion or heat engine, as determined in accordance with standards established by the Society of Automobile Engineers.".

(c) LEASE CONDENSATE FUELS.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) (as amended by section 702) is amended—

(1) in paragraph (2), by inserting "mixtures containing 50 percent or more by volume of lease condensate or fuels extracted from lease condensate;" after "liquefied petroleum gas;";

(2) in paragraph (14)—

(A) by inserting "mixtures containing 50 percent or more by volume of lease condensate or fuels extracted from lease condensate," after "liquefied petroleum gas,"; and

(B) by striking "and" at the end;

(3) in paragraph (15), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(16) the term 'lease condensate' means a mixture, primarily of pentanes and heavier hydrocarbons, that is recovered as a liquid from natural gas in lease separation facilities.".

(d) LEASE CONDENSATE USE CREDITS.—

(1) IN GENERAL.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.) is amended by adding at the end the following:

"SEC. 313. LEASE CONDENSATE USE CREDITS.

"(a) IN GENERAL.—Subject to subsection (d), the Secretary shall allocate 1 credit under this section to a fleet or covered person for each qualifying volume of the lease condensate component of fuel containing at least 50 percent lease condensate, or fuels extracted from lease condensate, after the date of enactment of this section for use by the fleet or covered person in vehicles owned or operated by the fleet or covered person that weigh more than 8,500 pounds gross vehicle weight rating.

"(b) REQUIREMENTS.—A credit allocated under this section—

"(1) shall be subject to the same exceptions, authority, documentation, and use of credits that are specified for qualifying volumes of biodiesel in section 312; and

"(2) shall not be considered a credit under section 508.

"(c) REGULATION.—

"(1) IN GENERAL.—Subject to subsection (d), not later than January 1, 2004, after the collection of appropriate information and data that consider usage options, uses in other industries, products, or processes, potential volume capacities, costs, air emissions, and fuel efficiencies, the Secretary shall issue a regulation establishing requirements and procedures for the implementation of this section.

"(2) QUALIFYING VOLUME.—The regulation shall include a determination of an appropriate qualifying volume for lease condensate, except that in no case shall the Secretary determine that the qualifying volume for lease condensate is less than 1,125 gallons.

"(d) APPLICABILITY.—This section applies unless the Secretary finds that the use of lease condensate as an alternative fuel would adversely affect public health or safety or ambient air quality or the environment.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title III the following:

"Sec. 313. Lease condensate use credits.".

(e) EMERGENCY EXEMPTION.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) (as amended by section 702 and this section) is amended in paragraph (9)(E) by inserting before the semicolon at the end ", including vehicles directly used in the emergency repair of transmission lines and in the restoration of electricity service following power outages, as determined by the Secretary".

SEC. 706. REVIEW OF ENERGY POLICY ACT OF 1992 PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary of Energy shall complete a study to determine the effect that titles III, IV, and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.) have had on—

(1) the development of alternative fueled vehicle technology;

(2) the availability of that technology in the market; and

(3) the cost of alternative fueled vehicles.

(b) TOPICS.—As part of the study under subsection (a), the Secretary shall specifically identify—

(1) the number of alternative fueled vehicles acquired by fleets or covered persons required to acquire alternative fueled vehicles;

(2) the quantity, by type, of alternative fuel actually used in alternative fueled vehicles acquired by fleets or covered persons;

(3) the quantity of petroleum displaced by the use of alternative fuels in alternative fueled vehicles acquired by fleets or covered persons;

(4) the direct and indirect costs of compliance with requirements under titles III, IV, and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.), including—

(A) vehicle acquisition requirements imposed on fleets or covered persons;

(B) administrative and recordkeeping expenses;

(C) fuel and fuel infrastructure costs;

(D) associated training and employee expenses; and

(E) any other factors or expenses the Secretary determines to be necessary to compile reliable estimates of the overall costs and benefits of complying with programs under those titles for fleets, covered persons, and the national economy;

(5) the existence of obstacles preventing compliance with vehicle acquisition requirements and increased use of alternative fuel in alternative fueled vehicles acquired by fleets or covered persons; and

(6) the projected impact of amendments to the Energy Policy Act of 1992 made by this title.

(c) REPORT.—Upon completion of the study under this section, the Secretary shall submit to Congress a report that describes the results of the study and includes any recommendations of the Secretary for legislative or administrative changes concerning the alternative fueled vehicle requirements under titles III, IV and V of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.).

SEC. 707. REPORT CONCERNING COMPLIANCE WITH ALTERNATIVE FUELED VEHICLE PURCHASING REQUIREMENTS.

Section 310(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13218(b)(1)) is amended by striking "1 year after the date of enactment of this subsection" and inserting "February 15, 2004".

Subtitle B—Hybrid Vehicles, Advanced Vehicles, and Fuel Cell Buses

PART 1—HYBRID VEHICLES

SEC. 711. HYBRID VEHICLES.

The Secretary of Energy shall accelerate efforts directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

PART 2—ADVANCED VEHICLES

SEC. 721. DEFINITIONS.

In this part:

(1) ALTERNATIVE FUELED VEHICLE.—

(A) IN GENERAL.—The term "alternative fueled vehicle" means a vehicle propelled solely on an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)).

(B) EXCLUSION.—The term "alternative fueled vehicle" does not include a vehicle that the Secretary determines, by regulation, does not yield substantial environmental benefits over a vehicle operating solely on gasoline or diesel derived from fossil fuels.

(2) FUEL CELL VEHICLE.—The term "fuel cell vehicle" means a vehicle propelled by an electric motor powered by a fuel cell system that converts chemical energy into electricity by combining oxygen (from air) with hydrogen fuel that is stored on the vehicle or is produced onboard by reformation of a hydrocarbon fuel. Such fuel cell system may or may not include the use of auxiliary energy storage systems to enhance vehicle performance.

(3) HYBRID VEHICLE.—The term "hybrid vehicle" means a medium or heavy duty vehicle propelled by an internal combustion engine or heat engine using any combustible fuel and an onboard rechargeable energy storage device.

(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term "neighborhood electric vehicle" means a motor vehicle that—

(A) meets the definition of a low-speed vehicle (as defined in part 571 of title 49, Code of Federal Regulations);

(B) meets the definition of a zero-emission vehicle (as defined in section 86.1702-99 of title 40, Code of Federal Regulations);

(C) meets the requirements of Federal Motor Vehicle Safety Standard No. 500; and

(D) has a maximum speed of not greater than 25 miles per hour.

(5) PILOT PROGRAM.—The term "pilot program" means the competitive grant program established under section 722.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(7) ULTRA-LOW SULFUR DIESEL VEHICLE.—The term "ultra-low sulfur diesel vehicle" means a vehicle manufactured in any of model years 2003 through 2006 powered by a heavy-duty diesel engine that—

(A) is fueled by diesel fuel that contains sulfur at not more than 15 parts per million; and

(B) emits not more than the lesser of—

(i) for vehicles manufactured in—

(I) model year 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(II) model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; or

(ii) the quantity of emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best-performing technology of ultra-low sulfur diesel vehicles of the same class and application that are commercially available.

SEC. 722. PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Transportation, shall establish a competitive grant pilot program, to be administered through the Clean Cities Program of the Department of Energy, to provide not more than 15 geographically dispersed project grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section may be used for the following purposes:

(1) The acquisition of alternative fueled vehicles or fuel cell vehicles, including—

(A) passenger vehicles (including neighborhood electric vehicles); and

(B) motorized 2-wheel bicycles, scooters, or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of alternative fueled vehicles, hybrid vehicles, or fuel cell vehicles, including—

(A) buses used for public transportation or transportation to and from schools;

(B) delivery vehicles for goods or services; and

(C) ground support vehicles at public airports (including vehicles to carry baggage or push or pull airplanes toward or away from terminal gates).

(3) The acquisition of ultra-low sulfur diesel vehicles.

(4) Installation or acquisition of infrastructure necessary to directly support an alternative fueled vehicle, fuel cell vehicle, or hybrid vehicle project funded by the grant, including fueling and other support equipment.

(5) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue requirements for applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant—

(i) be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and a registered participant in the Clean Cities Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including how the project meets the requirements of this part;

(II) an estimate of the ridership or degree of use of the project;

(III) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the project, and a plan to collect and disseminate environmental data, related to the project to be funded under the grant, over the life of the project;

(IV) a description of how the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(VI) a description of which costs of the project will be supported by Federal assistance under this part; and

(VII) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the project, and a commitment by the applicant to use such fuel in carrying out the project.

(2) Partners.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) Selection Criteria.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider each applicant's previous experience with similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize protection of the environment;

(B) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this part is completed; and

(C) exceed the minimum requirements of subsection (c)(1)(B)(ii).

(e) Pilot Project Requirements.—

(1) Maximum amount.—The Secretary shall not provide more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) Cost sharing.—The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) Maximum period of grants.—The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) Deployment and distribution.—The Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(5) Transfer of information and knowledge.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) Schedule.—

(1) Publication.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due not later than 180 days after the date of publication of the notice.

(2) Selection.—Not later than 180 days after the date by which applications for grants are due, the Secretary shall select by competitive, peer reviewed proposal, all applications for projects to be awarded a grant under the pilot program.

(g) Limit on Funding.—The Secretary shall provide not less than 20 nor more than 25 percent of the grant funding made available under this section for the acquisition of ultra-low sulfur diesel vehicles.

SEC. 723. REPORTS TO CONGRESS.

(a) Initial Report.—Not later than 60 days after the date on which grants are awarded under this part, the Secretary shall submit to Congress a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of other applicants that submitted applications for the pilot program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) Evaluation.—Not later than 3 years after the date of enactment of this Act, and annually thereafter until the pilot program ends, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including—

(1) an assessment of the benefits to the environment derived from the projects included in the pilot program; and

(2) an estimate of the potential benefits to the environment to be derived from widespread application of alternative fueled vehicles and ultra-low sulfur diesel vehicles.

SEC. 724. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this part $200,000,000, to remain available until expended.

PART 3—FUEL CELL BUSES

SEC. 731. FUEL CELL TRANSIT BUS DEMONSTRATION.

(a) In General.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish a transit bus demonstration program to make competitive, merit-based awards for 5-year projects to demonstrate not more than 25 fuel cell transit buses (and necessary infrastructure) in 5 geographically dispersed localities.

(b) Preference.—In selecting projects under this section, the Secretary of Energy shall give preference to projects that are most likely to mitigate congestion and improve air quality.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.

Subtitle C—Clean School Buses

SEC. 741. DEFINITIONS.

In this subtitle:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Alternative fuel.—The term "alternative fuel" means liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume.

(3) Alternative fuel school bus.—The term "alternative fuel school bus" means a school bus that meets all of the requirements of this subtitle and is operated solely on an alternative fuel.

(4) Emissions control retrofit technology.—The term "emissions control retrofit technology" means a particulate filter or other emissions control equipment that is verified or certified by the Administrator or the California Air Resources Board as an effective emission reduction technology when installed on an existing school bus.

(5) Idling.—The term "idling" means operating an engine while remaining stationary for more than approximately 15 minutes, except that the term does not apply to routine stoppages associated with traffic movement or congestion.

(6) Secretary.—The term "Secretary" means the Secretary of Energy.

(7) Ultra-low sulfur diesel fuel.—The term "ultra-low sulfur diesel fuel" means diesel fuel that contains sulfur at not more than 15 parts per million.

(8) Ultra-low sulfur diesel fuel school bus.—The term "ultra-low sulfur diesel fuel school bus" means a school bus that meets all of the requirements of this subtitle and is operated solely on ultra-low sulfur diesel fuel.

SEC. 742. PROGRAM FOR REPLACEMENT OF CERTAIN SCHOOL BUSES WITH CLEAN SCHOOL BUSES.

(a) Establishment.—The Administrator, in consultation with the Secretary and other appropriate Federal departments and agencies, shall establish a program for awarding grants on a competitive basis to eligible entities for the replacement of existing school buses manufactured before model year 1991 with alternative fuel school buses and ultra-low sulfur diesel fuel school buses.

(b) Requirements.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish and publish in the Federal Register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including instructions for the submission of grant applications and certification requirements to ensure compliance with this subtitle.

(2) Application deadlines.—The requirements established under paragraph (1) shall require submission of grant applications not later than—

(A) in the case of the first year of program implementation, the date that is 180 days after the publication of the requirements in the Federal Register; and

(B) in the case of each subsequent year, June 1 of the year.

(c) Eligible Recipients.—A grant shall be awarded under this section only—

(1) to 1 or more local or State governmental entities responsible for providing school bus service to 1 or more public school systems or responsible for the purchase of school buses;

(2) to 1 or more contracting entities that provide school bus service to 1 or more public school systems, if the grant application is submitted jointly with the 1 or more school systems to be served by the buses, except that the application may provide that buses purchased using funds awarded shall be owned, operated, and maintained exclusively by the 1 or more contracting entities; or

(3) to a nonprofit school transportation association representing private contracting entities, if the association has notified and received approval from the 1 or more school systems to be served by the buses.

(d) Award Deadlines.—

(1) In general.—Subject to paragraph (2), the Administrator shall award a grant made to a qualified applicant for a fiscal year—

(A) in the case of the first fiscal year of program implementation, not later than the date that is 90 days after the application deadline established under subsection (b)(2); and

(B) in the case of each subsequent fiscal year, not later than August 1 of the fiscal year.

(2) INSUFFICIENT NUMBER OF QUALIFIED GRANT APPLICATIONS.—If the Administrator does not receive a sufficient number of qualified grant applications to meet the requirements of subsection (i)(1) for a fiscal year, the Administrator shall award a grant made to a qualified applicant under subsection (i)(2) not later than September 30 of the fiscal year.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—A grant under this section shall be used for the replacement of school buses manufactured before model year 1991 with alternative fuel school buses and ultra-low sulfur diesel fuel school buses.

(2) NO ECONOMIC BENEFIT.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) PRIORITY OF GRANT APPLICATIONS.—The Administrator shall give priority to applicants that propose to replace school buses manufactured before model year 1977.

(f) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) SCHOOL BUS FLEET.—All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) USE OF FUNDS.—Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel fuel school buses, including State taxes and contract fees associated with the acquisition of such buses; and

(B) to provide—

(i) up to 20 percent of the price of the alternative fuel school buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 25 percent of the price of the alternative fuel school buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) GRANT RECIPIENT FUNDS.—The grant recipient shall be required to provide at least—

(A) in the case of a grant recipient described in paragraph (1) or (3) of subsection (c), the lesser of—

(i) an amount equal to 15 percent of the total cost of each bus received; or

(ii) $15,000 per bus; and

(B) in the case of a grant recipient described in subsection (c)(2), the lesser of—

(i) an amount equal to 20 percent of the total cost of each bus received; or

(ii) $20,000 per bus.

(4) ULTRA-LOW SULFUR DIESEL FUEL.—In the case of a grant recipient receiving a grant for ultra-low sulfur diesel fuel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Administrator that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(5) TIMING.—All alternative fuel school buses, ultra-low sulfur diesel fuel school buses, or alternative fuel infrastructure acquired under a grant awarded under this section shall be purchased and placed in service as soon as practicable.

(g) BUSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), funding under a grant made under this section for the acquisition of new alternative fuel school buses or ultra-low sulfur diesel fuel school buses shall only be used to acquire school buses—

(A) with a gross vehicle weight of greater than 14,000 pounds;

(B) that are powered by a heavy duty engine;

(C) in the case of alternative fuel school buses manufactured in model years 2004 through 2006, that emit not more than 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(D) in the case of ultra-low sulfur diesel fuel school buses manufactured in model years 2004 through 2006, that emit not more than 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter.

(2) LIMITATIONS.—A bus shall not be acquired under this section that emits nonmethane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of the same class of ultra-low sulfur diesel fuel school buses commercially available at the time the grant is made.

(h) DEPLOYMENT AND DISTRIBUTION.—The Administrator shall—

(1) seek, to the maximum extent practicable, to achieve nationwide deployment of alternative fuel school buses and ultra-low sulfur diesel fuel school buses through the program under this section; and

(2) ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), of the amount of grant funding made available to carry out this section for any fiscal year, the Administrator shall use—

(A) 70 percent for the acquisition of alternative fuel school buses or supporting infrastructure; and

(B) 30 percent for the acquisition of ultra-low sulfur diesel fuel school buses.

(2) INSUFFICIENT NUMBER OF QUALIFIED GRANT APPLICATIONS.—After the first fiscal year in which this program is in effect, if the Administrator does not receive a sufficient number of qualified grant applications to meet the requirements of subparagraph (A) or (B) of paragraph (1) for a fiscal year, effective beginning on August 1 of the fiscal year, the Administrator shall make the remaining funds available to other qualified grant applicants under this section.

(j) REDUCTION OF SCHOOL BUS IDLING.—Each local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is encouraged to develop a policy, consistent with the health, safety, and welfare of students and the proper operation and maintenance of school buses, to reduce the incidence of unnecessary school bus idling at schools when picking up and unloading students.

(k) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Administrator shall transmit to Congress a report evaluating implementation of the programs under this section and section 743.

(2) COMPONENTS.—The reports shall include a description of—

(A) the total number of grant applications received;

(B) the number and types of alternative fuel school buses, ultra-low sulfur diesel fuel school buses, and retrofitted buses requested in grant applications;

(C) grants awarded and the criteria used to select the grant recipients;

(D) certified engine emission levels of all buses purchased or retrofitted under the programs under this section and section 743;

(E) an evaluation of the in-use emission level of buses purchased or retrofitted under the programs under this section and section 743; and

(F) any other information the Administrator considers appropriate.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended—

(1) $45,000,000 for fiscal year 2005;

(2) $65,000,000 for fiscal year 2006;

(3) $90,000,000 for fiscal year 2007; and

(4) such sums as are necessary for each of fiscal years 2008 and 2009.

SEC. 743. DIESEL RETROFIT PROGRAM.

(a) ESTABLISHMENT.—The Administrator, in consultation with the Secretary, shall establish a program for awarding grants on a competitive basis to entities for the installation of retrofit technologies for diesel school buses.

(b) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to a local or State governmental entity responsible for providing school bus service to 1 or more public school systems;

(2) to 1 or more contracting entities that provide school bus service to 1 or more public school systems, if the grant application is submitted jointly with the 1 or more school systems that the buses will serve, except that the application may provide that buses purchased using funds awarded shall be owned, operated, and maintained exclusively by the 1 or more contracting entities; or

(3) to a nonprofit school transportation association representing private contracting entities, if the association has notified and received approval from the 1 or more school systems to be served by the buses.

(c) AWARDS.—

(1) IN GENERAL.—The Administrator shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of grants under this section.

(2) PREFERENCES.—In making awards of grants under this section, the Administrator shall give preference to proposals that—

(A) will achieve the greatest reductions in emissions of nonmethane hydrocarbons, oxides of nitrogen, or particulate matter per proposal or per bus; or

(B) involve the use of emissions control retrofit technology on diesel school buses that operate solely on ultra-low sulfur diesel fuel.

(d) CONDITIONS OF GRANT.—A grant shall be provided under this section on the conditions that—

(1) buses on which retrofit emissions-control technology are to be demonstrated—

(A) will operate on ultra-low sulfur diesel fuel where such fuel is reasonably available or required for sale by State or local law or regulation;

(B) were manufactured in model year 1991 or later; and

(C) will be used for the transportation of school children to and from school for a minimum of 5 years;

(2) grant funds will be used for the purchase of emission control retrofit technology, including State taxes and contract fees; and

(3) grant recipients will provide at least 15 percent of the total cost of the retrofit, including the purchase of emission control retrofit technology and all necessary labor for installation of the retrofit.

(e) VERIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register procedures to verify—

(1) the retrofit emissions-control technology to be demonstrated;

(2) that buses powered by ultra-low sulfur diesel fuel on which retrofit emissions-control technology are to be demonstrated will operate on diesel fuel containing not more than 15 parts per million of sulfur; and

(3) that grants are administered in accordance with this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended—

(1) $20,000,000 for fiscal year 2005;

(2) $35,000,000 for fiscal year 2006;

(3) $45,000,000 for fiscal year 2007; and

(4) such sums as are necessary for each of fiscal years 2008 and 2009.

SEC. 744. FUEL CELL SCHOOL BUSES.

(a) ESTABLISHMENT.—The Secretary shall establish a program for entering into cooperative agreements—

(1) with private sector fuel cell bus developers for the development of fuel cell-powered school buses; and

(2) subsequently, with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) COST SHARING.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) REPORTS TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for the period of fiscal years 2004 through 2006.

Subtitle D—Miscellaneous

SEC. 751. RAILROAD EFFICIENCY.

(a) ESTABLISHMENT.—The Secretary of Energy shall, in cooperation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, establish a cost-shared, public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers and equipment suppliers, and the Association of American Railroads, to develop and demonstrate railroad locomotive technologies that increase fuel economy, reduce emissions, and lower costs of operation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section—

(1) $25,000,000 for fiscal year 2005;

(2) $35,000,000 for fiscal year 2006; and

(3) $50,000,000 for fiscal year 2007.

SEC. 752. MOBILE EMISSION REDUCTIONS TRADING AND CREDITING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the experience of the Administrator with the trading of mobile source emission reduction credits for use by owners and operators of stationary source emission sources to meet emission offset requirements within a nonattainment area.

(b) CONTENTS.—The report shall describe—

(1) projects approved by the Administrator that include the trading of mobile source emission reduction credits for use by stationary sources in complying with offset requirements, including a description of—

(A) project and stationary sources location;

(B) volumes of emissions offset and traded;

(C) the sources of mobile emission reduction credits; and

(D) if available, the cost of the credits;

(2) the significant issues identified by the Administrator in consideration and approval of trading in the projects;

(3) the requirements for monitoring and assessing the air quality benefits of any approved project;

(4) the statutory authority on which the Administrator has based approval of the projects;

(5) an evaluation of how the resolution of issues in approved projects could be used in other projects; and

(6) any other issues that the Administrator considers relevant to the trading and generation of mobile source emission reduction credits for use by stationary sources or for other purposes.

SEC. 753. AVIATION FUEL CONSERVATION AND EMISSIONS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Administrator of the Environmental Protection Agency shall jointly initiate a study to identify—

(1) the impact of aircraft emissions on air quality in nonattainment areas; and

(2) ways to promote fuel conservation measures for aviation to—

(A) enhance fuel efficiency; and

(B) reduce emissions.

(b) FOCUS.—The study under subsection (a) shall focus on how air traffic management inefficiencies, such as aircraft idling at airports, result in unnecessary fuel burn and air emissions.

(c) REPORT.—Not later than 1 year after the date of the initiation of the study under subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the Environmental Protection Agency shall jointly submit to the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) describes the results of the study; and

(2) includes any recommendations on ways in which unnecessary fuel use and emissions affecting air quality may be reduced—

(A) without adversely affecting safety and security and increasing individual aircraft noise; and

(B) while taking into account all aircraft emissions and the impact of the emissions on human health.

SEC. 754. DIESEL FUELED VEHICLES.

(a) DEFINITION OF TIER 2 EMISSION STANDARDS.—In this section, the term "tier 2 emission standards" means the motor vehicle emission standards that apply to passenger cars, light trucks, and larger passenger vehicles manufactured after the 2003 model year, as issued on February 10, 2000, by the Administrator of the Environmental Protection Agency under sections 202 and 211 of the Clean Air Act (42 U.S.C. 7521, 7545).

(b) DIESEL COMBUSTION AND AFTER-TREATMENT TECHNOLOGIES.—The Secretary of Energy shall accelerate efforts to improve diesel combustion and after-treatment technologies for use in diesel fueled motor vehicles.

(c) GOALS.—The Secretary shall carry out subsection (b) with a view toward achieving the following goals:

(1) Developing and demonstrating diesel technologies that, not later than 2010, meet the following standards:

(A) Tier 2 emission standards.

(B) The heavy-duty emissions standards of 2007 that are applicable to heavy-duty vehicles under regulations issued by the Administrator of the Environmental Protection Agency as of the date of enactment of this Act.

(2) Developing the next generation of low-emission, high-efficiency diesel engine technologies, including homogeneous charge compression ignition technology.

SEC. 755. CONSERVE BY BICYCLING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term "program" means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the "Conserve by Bicycling Program".

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $6,200,000, to remain available until expended, of which—

(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (d).

SEC. 756. REDUCTION OF ENGINE IDLING OF HEAVY-DUTY VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.—The term "advanced truck stop electrification system" means a stationary system that delivers heat, air conditioning, electricity, and communications, and is capable of providing verifiable and auditable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.

(3) AUXILIARY POWER UNIT.—The term "auxiliary power unit" means an integrated system that—

(A) provides heat, air conditioning, engine warming, and electricity to the factory-installed components on a heavy-duty vehicle as if the main drive engine of the heavy-duty vehicle were running; and

(B) is certified by the Administrator under part 89 of title 40, Code of Federal Regulations (or any successor regulation), as meeting applicable emission standards.

(4) HEAVY-DUTY VEHICLE.—The term "heavy-duty vehicle" means a vehicle that—

(A) has a gross vehicle weight rating greater than 12,500 pounds; and

(B) is powered by a diesel engine.

(5) IDLE REDUCTION TECHNOLOGY.—The term "idle reduction technology" means an advanced truck stop electrification system, auxiliary power unit, or other device or system of devices that—

(A) is used to reduce long-duration idling of a heavy-duty vehicle; and

(B) allows for the main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle to be shut down.

(6) LONG-DURATION IDLING.—

(A) IN GENERAL.—The term "long-duration idling" means the operation of a main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle, for a period greater than 15 consecutive minutes, at a time at which the main drive engine is not engaged in gear.

(B) EXCLUSIONS.—The term "long-duration idling" does not include the operation of a main drive engine or auxiliary refrigeration engine of a heavy-duty vehicle during a routine stoppage associated with traffic movement or congestion.

(b) IDLE REDUCTION TECHNOLOGY BENEFITS, PROGRAMS, AND STUDIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall—

(A)(i) commence a review of the mobile source air emission models of the Environmental Protection Agency used under the Clean Air Act (42 U.S.C. 7401 et seq.) to determine whether the models accurately reflect the emissions resulting from long-duration idling of heavy-duty vehicles and other vehicles and engines; and

(ii) update those models as the Administrator determines to be appropriate; and

(B)(i) commence a review of the emission reductions achieved by the use of idle reduction technology; and

(ii) complete such revisions of the regulations and guidance of the Environmental Protection Agency as the Administrator determines to be appropriate.

(2) DEADLINE FOR COMPLETION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(A) complete the reviews under subparagraphs (A)(i) and (B)(i) of paragraph (1); and

(B) prepare and make publicly available 1 or more reports on the results of the reviews.

(3) DISCRETIONARY INCLUSIONS.—The reviews under subparagraphs (A)(i) and (B)(i) of paragraph (1) and the reports under paragraph (2)(B) may address the potential fuel savings resulting from use of idle reduction technology.

(4) IDLE REDUCTION DEPLOYMENT PROGRAM.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Transportation, shall establish a program to support deployment of idle reduction technology.

(ii) PRIORITY.—The Administrator shall give priority to the deployment of idle reduction technology based on beneficial effects on air quality and ability to lessen the emission of criteria air pollutants.

(B) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out subparagraph (A) $19,500,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, and $45,000,000 for fiscal year 2006.

(ii) COST SHARING.—Subject to clause (iii), the Administrator shall require at least 50 percent of the costs directly and specifically related to any project under this section to be provided from non-Federal sources.

(iii) NECESSARY AND APPROPRIATE REDUCTIONS.—The Administrator may reduce the non-Federal requirement under clause (ii) if the Administrator determines that the reduction is necessary and appropriate to meet the objectives of this section.

(5) IDLING LOCATION STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Transportation, shall commence a study to analyze all locations at which heavy-duty vehicles stop for long-duration idling, including—

(i) truck stops;

(ii) rest areas;

(iii) border crossings;

(iv) ports;

(v) transfer facilities; and

(vi) private terminals.

(B) DEADLINE FOR COMPLETION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(i) complete the study under subparagraph (A); and

(ii) prepare and make publicly available 1 or more reports of the results of the study.

(c) VEHICLE WEIGHT EXEMPTION.—Section 127(a) of title 23, United States Code, is amended—

(1) by designating the first through eleventh sentences as paragraphs (1) through (11), respectively; and

(2) by adding at the end the following:

"(12) HEAVY DUTY VEHICLES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in order to promote reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limit and the axle weight limit for any heavy-duty vehicle equipped with an idle reduction technology shall be increased by a quantity necessary to compensate for the additional weight of the idle reduction system.

"(B) MAXIMUM WEIGHT INCREASE.—The weight increase under subparagraph (A) shall be not greater than 250 pounds.

"(C) PROOF.—On request by a regulatory agency or law enforcement agency, the vehicle operator shall provide proof (through demonstration or certification) that—

"(i) the idle reduction technology is fully functional at all times; and

"(ii) the 250-pound gross weight increase is not used for any purpose other than the use of idle reduction technology described in subparagraph (A).".

SEC. 757. BIODIESEL ENGINE TESTING PROGRAM.

(a) IN GENERAL.—Not later that 180 days after the date of enactment of this Act, the Secretary shall initiate a partnership with diesel engine, diesel fuel injection system, and diesel vehicle manufacturers and diesel and biodiesel fuel providers, to include biodiesel testing in advanced diesel engine and fuel system technology.

(b) SCOPE.—The program shall provide for testing to determine the impact of biodiesel from different sources on current and future emission control technologies, with emphasis on—

(1) the impact of biodiesel on emissions warranty, in-use liability, and antitampering provisions;

(2) the impact of long-term use of biodiesel on engine operations;

(3) the options for optimizing these technologies for both emissions and performance when switching between biodiesel and diesel fuel; and

(4) the impact of using biodiesel in these fueling systems and engines when used as a blend with 2006 Environmental Protection Agency-mandated diesel fuel containing a maximum of 15-parts-per-million sulfur content.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide an interim report to Congress on the findings of the program, including a comprehensive analysis of impacts from biodiesel on engine operation for both existing and expected future diesel technologies, and recommendations for ensuring optimal emissions reductions and engine performance with biodiesel.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to carry out this section.

(e) DEFINITION.—For purposes of this section, the term "biodiesel" means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545) and that meets the American Society for Testing and Materials D6751-02a Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

SEC. 758. HIGH OCCUPANCY VEHICLE EXCEPTION.

Notwithstanding section 102(a) of title 23, United States Code, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle—

(1) is a dedicated vehicle (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)); or

(2) is a hybrid vehicle (as defined by the State for the purpose of this section).

Subtitle E—Automobile Efficiency

SEC. 771. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION AND ENFORCEMENT OF FUEL ECONOMY STANDARDS.

In addition to any other funds authorized by law, there are authorized to be appropriated to the National Highway Traffic Safety Administration to carry out its obligations with respect to average fuel economy standards $2,000,000 for each of fiscal years 2004 through 2008.

SEC. 772. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

"(1) Technological feasibility.

"(2) Economic practicability.

"(3) The effect of other motor vehicle standards of the Government on fuel economy.

"(4) The need of the United States to conserve energy.

"(5) The effects of fuel economy standards on passenger automobiles, nonpassenger automobiles, and occupant safety.

"(6) The effects of compliance with average fuel economy standards on levels of automobile industry employment in the United States.".

SEC. 773. EXTENSION OF MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUELED VEHICLES.

(a) MANUFACTURING INCENTIVES.—Section 32905 of title 49, United States Code, is amended—

(1) in each of subsections (b) and (d), by striking "1993-2004" and inserting "1993-2008";

(2) in subsection (f), by striking "2001" and inserting "2005"; and

(3) in subsection (f)(1), by striking "2004" and inserting "2008".

(b) MAXIMUM FUEL ECONOMY INCREASE.—Subsection (a)(1) of section 32906 of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "the model years 1993-2004" and inserting "model years 1993-2008"; and

(2) in subparagraph (B), by striking "the model years 2005-2008" and inserting "model years 2009-2012".

SEC. 774. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall initiate a study of the feasibility and effects of reducing by model year 2012, by a significant percentage, the amount of fuel consumed by automobiles.

(b) SUBJECTS OF STUDY.—The study under this section shall include—

(1) examination of, and recommendation of alternatives to, the policy under current Federal law of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles it manufactures;

(2) examination of how automobile manufacturers could contribute toward achieving the reduction referred to in subsection (a);

(3) examination of the potential of fuel cell technology in motor vehicles in order to determine the extent to which such technology may contribute to achieving the reduction referred to in subsection (a); and

(4) examination of the effects of the reduction referred to in subsection (a) on—

(A) gasoline supplies;

(B) the automobile industry, including sales of automobiles manufactured in the United States;

(C) motor vehicle safety; and

(D) air quality.

(c) REPORT.—The Administrator shall submit to Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

TITLE VIII—HYDROGEN

SEC. 801. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Hydrogen Technical and Fuel Cell Advisory Committee established under section 805.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) FUEL CELL.—The term "fuel cell" means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by an electrochemical process taking place at separate electrodes in the device.

(4) INFRASTRUCTURE.—The term "infrastructure" means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen.

(5) LIGHT DUTY VEHICLE.—The term "light duty vehicle" means a car or truck classified by the Department of Transportation as a Class I or IIA vehicle.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 802. PLAN.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to Congress a coordinated plan for the programs described in this title and any other programs of the Department that are directly related to fuel cells or hydrogen. The plan shall describe, at a minimum—

(1) the agenda for the next 5 years for the programs authorized under this title, including the agenda for each activity enumerated in section 803(a);

(2) the types of entities that will carry out the activities under this title and what role each entity is expected to play;

(3) the milestones that will be used to evaluate the programs for the next 5 years;

(4) the most significant technical and nontechnical hurdles that stand in the way of achieving the goals described in section 803(b), and how the programs will address those hurdles; and

(5) the policy assumptions that are implicit in the plan, including any assumptions that would affect the sources of hydrogen or the marketability of hydrogen-related products.

SEC. 803. PROGRAMS.

(a) ACTIVITIES.—The Secretary, in partnership with the private sector, shall conduct programs to address—

(1) production of hydrogen from diverse energy sources, including—

(A) fossil fuels, which may include carbon capture and sequestration;

(B) hydrogen-carrier fuels (including ethanol and methanol);

(C) renewable energy resources, including biomass; and

(D) nuclear energy;

(2) use of hydrogen for commercial, industrial, and residential electric power generation;

(3) safe delivery of hydrogen or hydrogen-carrier fuels, including—

(A) transmission by pipeline and other distribution methods; and

(B) convenient and economic refueling of vehicles either at central refueling stations or through distributed on-site generation;

(4) advanced vehicle technologies, including—

(A) engine and emission control systems;

(B) energy storage, electric propulsion, and hybrid systems;

(C) automotive materials; and

(D) other advanced vehicle technologies;

(5) storage of hydrogen or hydrogen-carrier fuels, including development of materials for safe and economic storage in gaseous, liquid, or solid form at refueling facilities and onboard vehicles;

(6) development of safe, durable, affordable, and efficient fuel cells, including fuel-flexible fuel cell power systems, improved manufacturing processes, high-temperature membranes, cost-effective fuel processing for natural gas, fuel cell stack and system reliability, low temperature operation, and cold start capability;

(7) development, after consultation with the private sector, of necessary codes and standards (including international codes and standards and voluntary consensus standards adopted in accordance with OMB Circular A-119) and safety practices for the production, distribution, storage, and use of hydrogen, hydrogen-carrier fuels, and related products; and

(8) a public education program to develop improved knowledge and acceptability of hydrogen-based systems.

(b) PROGRAM GOALS.—

(1) VEHICLES.—For vehicles, the goals of the program are—

(A) to enable a commitment by automakers no later than year 2015 to offer safe, affordable, and technically viable hydrogen fuel cell vehicles in the mass consumer market; and

(B) to enable production, delivery, and acceptance by consumers of model year 2020 hydrogen fuel cell and other hydrogen-powered vehicles that will have—

(i) a range of at least 300 miles;

(ii) improved performance and ease of driving;

(iii) safety and performance comparable to vehicle technologies in the market; and

(iv) when compared to light duty vehicles in model year 2003—

(I) fuel economy that is substantially higher;

(II) substantially lower emissions of air pollutants; and

(III) equivalent or improved vehicle fuel system crash integrity and occupant protection.

(2) HYDROGEN ENERGY AND ENERGY INFRASTRUCTURE.—For hydrogen energy and energy infrastructure, the goals of the program are to enable a commitment not later than 2015 that will lead to infrastructure by 2020 that will provide—

(A) safe and convenient refueling;

(B) improved overall efficiency;

(C) widespread availability of hydrogen from domestic energy sources through—

(i) production, with consideration of emissions levels;

(ii) delivery, including transmission by pipeline and other distribution methods for hydrogen; and

(iii) storage, including storage in surface transportation vehicles;

(D) hydrogen for fuel cells, internal combustion engines, and other energy conversion devices for portable, stationary, and transportation applications; and

(E) other technologies consistent with the Department's plan.

(3) FUEL CELLS.—The goals for fuel cells and their portable, stationary, and transportation applications are to enable—

(A) safe, economical, and environmentally sound hydrogen fuel cells;

(B) fuel cells for light duty and other vehicles; and

(C) other technologies consistent with the Department's plan.

(c) DEMONSTRATION.—In carrying out the programs under this section, the Secretary shall fund a limited number of demonstration projects, consistent with a determination of the maturity, cost-effectiveness, and environmental impacts of technologies supporting each project. In selecting projects under this subsection, the Secretary shall, to the extent practicable and in the public interest, select projects that—

(1) involve using hydrogen and related products at existing facilities or installations, such as existing office buildings, military bases, vehicle fleet centers, transit bus authorities, or units of the National Park System;

(2) depend on reliable power from hydrogen to carry out essential activities;

(3) lead to the replication of hydrogen technologies and draw such technologies into the marketplace;

(4) include vehicle, portable, and stationary demonstrations of fuel cell and hydrogen-based energy technologies;

(5) address the interdependency of demand for hydrogen fuel cell applications and hydrogen fuel infrastructure;

(6) raise awareness of hydrogen technology among the public;

(7) facilitate identification of an optimum technology among competing alternatives;

(8) address distributed generation using renewable sources; and

(9) address applications specific to rural or remote locations, including isolated villages and islands, the National Park System, and tribal entities.

The Secretary shall give preference to projects which address multiple elements contained in paragraphs (1) through (9).

(d) DEPLOYMENT.—In carrying out the programs under this section, the Secretary shall, in partnership with the private sector, conduct activities to facilitate the deployment of hydrogen energy and energy infrastructure, fuel cells, and advanced vehicle technologies.

(e) FUNDING.—

(1) IN GENERAL.—The Secretary shall carry out the programs under this section using a competitive, merit-based review process and consistent with the generally applicable Federal laws and regulations governing awards of financial assistance, contracts, or other agreements.

(2) RESEARCH CENTERS.—Activities under this section may be carried out by funding nationally recognized university-based or Federal laboratory research centers.

(f) COST SHARING.—

(1) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this title, for research and development programs carried out under this title the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this paragraph if the Secretary determines that the research and development is of a basic or fundamental nature or involves technical analyses or educational activities.

(2) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this title, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this title to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this paragraph if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this title.

(3) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary may include personnel, services, equipment, and other resources.

(4) SIZE OF NON-FEDERAL SHARE.—The Secretary may consider the size of the non-Federal share in selecting projects.

(g) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) relating to the protection of information shall apply to projects carried out through grants, cooperative agreements, or contracts under this title.

SEC. 804. INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the President shall establish an interagency task force chaired by the Secretary with representatives from each of the following:

(1) The Office of Science and Technology Policy within the Executive Office of the President.

(2) The Department of Transportation.

(3) The Department of Defense.

(4) The Department of Commerce (including the National Institute of Standards and Technology).

(5) The Department of State.

(6) The Environmental Protection Agency.

(7) The National Aeronautics and Space Administration.

(8) Other Federal agencies as the Secretary determines appropriate.

(b) DUTIES.—

(1) PLANNING.—The interagency task force shall work toward—

(A) a safe, economical, and environmentally sound fuel infrastructure for hydrogen and hydrogen-carrier fuels, including an infrastructure that supports buses and other fleet transportation;

(B) fuel cells in government and other applications, including portable, stationary, and transportation applications;

(C) distributed power generation, including the generation of combined heat, power, and clean fuels including hydrogen;

(D) uniform hydrogen codes, standards, and safety protocols; and

(E) vehicle hydrogen fuel system integrity safety performance.

(2) ACTIVITIES.—The interagency task force may organize workshops and conferences, may issue publications, and may create databases to carry out its duties. The interagency task force shall—

(A) foster the exchange of generic, nonproprietary information and technology among industry, academia, and government;

(B) develop and maintain an inventory and assessment of hydrogen, fuel cells, and other advanced technologies, including the commercial capability of each technology for the economic and environmentally safe production, distribution, delivery, storage, and use of hydrogen;

(C) integrate technical and other information made available as a result of the programs and activities under this title;

(D) promote the marketplace introduction of infrastructure for hydrogen fuel vehicles; and

(E) conduct an education program to provide hydrogen and fuel cell information to potential end-users.

(c) AGENCY COOPERATION.—The heads of all agencies, including those whose agencies are not represented on the interagency task force, shall cooperate with and furnish information to the interagency task force, the Advisory Committee, and the Department.

SEC. 805. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Hydrogen Technical and Fuel Cell Advisory Committee is established to advise the Secretary on the programs and activities under this title.

(b) MEMBERSHIP.—

(1) MEMBERS.—The Advisory Committee shall be comprised of not fewer than 12 nor more than 25 members. The members shall be appointed by the Secretary to represent domestic industry, academia, professional societies, government agencies, Federal laboratories, previous advisory panels, and financial, environmental, and other appropriate organizations based on the Department's assessment of the technical and other qualifications of committee members and the needs of the Advisory Committee.

(2) TERMS.—The term of a member of the Advisory Committee shall not be more than 3 years. The Secretary may appoint members of the Advisory Committee in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the Advisory Committee. A member of the Advisory Committee whose term is expiring may be reappointed.

(3) CHAIRPERSON.—The Advisory Committee shall have a chairperson, who is elected by the members from among their number.

(c) REVIEW.—The Advisory Committee shall review and make recommendations to the Secretary on—

(1) the implementation of programs and activities under this title;

(2) the safety, economical, and environmental consequences of technologies for the production, distribution, delivery, storage, or use of hydrogen energy and fuel cells; and

(3) the plan under section 802.

(d) RESPONSE.—

(1) CONSIDERATION OF RECOMMENDATIONS.—The Secretary shall consider, but need not

adopt, any recommendations of the Advisory Committee under subsection (c).

(2) BIENNIAL REPORT.—The Secretary shall transmit a biennial report to Congress describing any recommendations made by the Advisory Committee since the previous report. The report shall include a description of how the Secretary has implemented or plans to implement the recommendations, or an explanation of the reasons that a recommendation will not be implemented. The report shall be transmitted along with the President's budget proposal.

(e) SUPPORT.—The Secretary shall provide resources necessary in the judgment of the Secretary for the Advisory Committee to carry out its responsibilities under this title.

SEC. 806. EXTERNAL REVIEW.

(a) PLAN.—The Secretary shall enter into an arrangement with the National Academy of Sciences to review the plan prepared under section 802, which shall be completed not later than 6 months after the Academy receives the plan. Not later than 45 days after receiving the review, the Secretary shall transmit the review to Congress along with a plan to implement the review's recommendations or an explanation of the reasons that a recommendation will not be implemented.

(b) ADDITIONAL REVIEW.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy will review the programs under section 803 during the fourth year following the date of enactment of this Act. The Academy's review shall include the research priorities and technical milestones, and evaluate the progress toward achieving them. The review shall be completed not later than 5 years after the date of enactment of this Act. Not later than 45 days after receiving the review, the Secretary shall transmit the review to Congress along with a plan to implement the review's recommendations or an explanation for the reasons that a recommendation will not be implemented.

SEC. 807. MISCELLANEOUS PROVISIONS.

(a) REPRESENTATION.—The Secretary may represent the United States interests with respect to activities and programs under this title, in coordination with the Department of Transportation, the National Institute of Standards and Technology, and other relevant Federal agencies, before governments and nongovernmental organizations including—

(1) other Federal, State, regional, and local governments and their representatives;

(2) industry and its representatives, including members of the energy and transportation industries; and

(3) in consultation with the Department of State, foreign governments and their representatives including international organizations.

(b) REGULATORY AUTHORITY.—Nothing in this title shall be construed to alter the regulatory authority of the Department.

SEC. 808. SAVINGS CLAUSE.

Nothing in this title shall be construed to affect the authority of the Secretary of Transportation that may exist prior to the date of enactment of this Act with respect to—

(1) research into, and regulation of, hydrogen-powered vehicles fuel systems integrity, standards, and safety under subtitle VI of title 49, United States Code;

(2) regulation of hazardous materials transportation under chapter 51 of title 49, United States Code;

(3) regulation of pipeline safety under chapter 601 of title 49, United States Code;

(4) encouragement and promotion of research, development, and deployment activities relating to advanced vehicle technologies under section 5506 of title 49, United States Code;

(5) regulation of motor vehicle safety under chapter 301 of title 49, United States Code;

(6) automobile fuel economy under chapter 329 of title 49, United States Code; or

(7) representation of the interests of the United States with respect to the activities and programs under the authority of title 49, United States Code.

SEC. 809. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, in addition to any amounts made available for these purposes under other Acts—

(1) $273,500,000 for fiscal year 2004;

(2) $375,000,000 for fiscal year 2005;

(3) $450,000,000 for fiscal year 2006;

(4) $500,000,000 for fiscal year 2007; and

(5) $550,000,000 for fiscal year 2008.

TITLE IX—RESEARCH AND DEVELOPMENT

SEC. 901. GOALS.

(a) IN GENERAL.—The Secretary shall conduct a balanced set of programs of energy research, development, demonstration, and commercial application to support Federal energy policy and programs by the Department. Such programs shall be focused on—

(1) increasing the efficiency of all energy intensive sectors through conservation and improved technologies;

(2) promoting diversity of energy supply;

(3) decreasing the Nation's dependence on foreign energy supplies;

(4) improving United States energy security; and

(5) decreasing the environmental impact of energy-related activities.

(b) GOALS.—The Secretary shall publish measurable 5-year cost and performance-based goals with each annual budget submission in at least the following areas:

(1) Energy efficiency for buildings, energy-consuming industries, and vehicles.

(2) Electric energy generation (including distributed generation), transmission, and storage.

(3) Renewable energy technologies including wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, and hydropower.

(4) Fossil energy including power generation, onshore and offshore oil and gas resource recovery, and transportation.

(5) Nuclear energy including programs for existing and advanced reactors and education of future specialists.

(c) PUBLIC COMMENT.—The Secretary shall provide mechanisms for input on the annually published goals from industry, university, and other public sources.

(d) EFFECT OF GOALS.—

(1) NO NEW AUTHORITY OR REQUIREMENT.—Nothing in subsection (a) or the annually published goals shall—

(A) create any new—

(i) authority for any Federal agency; or

(ii) requirement for any other person;

(B) be used by a Federal agency to support the establishment of regulatory standards or regulatory requirements; or

(C) alter the authority of the Secretary to make grants or other awards.

(2) NO LIMITATION.—Nothing in this subsection shall be construed to limit the authority of the Secretary to impose conditions on grants or other awards based on the goals in subsection (a) or any subsequent modification thereto.

SEC. 902. DEFINITIONS.

For purposes of this title:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) DEPARTMENTAL MISSION.—The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following laboratories owned by the Department:

(A) Ames Laboratory.

(B) Argonne National Laboratory.

(C) Brookhaven National Laboratory.

(D) Fermi National Accelerator Laboratory.

(E) Idaho National Engineering and Environmental Laboratory.

(F) Lawrence Berkeley National Laboratory.

(G) Lawrence Livermore National Laboratory.

(H) Los Alamos National Laboratory.

(I) National Energy Technology Laboratory.

(J) National Renewable Energy Laboratory.

(K) Oak Ridge National Laboratory.

(L) Pacific Northwest National Laboratory.

(M) Princeton Plasma Physics Laboratory.

(N) Sandia National Laboratories.

(O) Stanford Linear Accelerator Center.

(P) Thomas Jefferson National Accelerator Facility.

(5) NONMILITARY ENERGY LABORATORY.—The term "nonmilitary energy laboratory" means the laboratories listed in paragraph (4), except for those listed in subparagraphs (G), (H), and (N).

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(7) SINGLE-PURPOSE RESEARCH FACILITY.—The term "single-purpose research facility" means any of the primarily single-purpose entities owned by the Department or any other organization of the Department designated by the Secretary.

Subtitle A—Energy Efficiency

SEC. 904. ENERGY EFFICIENCY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for energy efficiency and conservation research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $616,000,000.

(2) For fiscal year 2005, $695,000,000.

(3) For fiscal year 2006, $772,000,000.

(4) For fiscal year 2007, $865,000,000.

(5) For fiscal year 2008, $920,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 905—

(A) for fiscal year 2004, $20,000,000;

(B) for fiscal year 2005, $30,000,000;

(C) for fiscal year 2006, $50,000,000;

(D) for fiscal year 2007, $50,000,000; and

(E) for fiscal year 2008, $50,000,000.

(2) For activities under section 907—

(A) for fiscal year 2004, $4,000,000; and

(B) for each of fiscal years 2005 through 2008, $7,000,000.

(3) For activities under section 908—

(A) for fiscal year 2004, $20,000,000;

(B) for fiscal year 2005, $25,000,000;

(C) for fiscal year 2006, $30,000,000;

(D) for fiscal year 2007, $35,000,000; and

(E) for fiscal year 2008, $40,000,000.

(4) For activities under section 909, $2,000,000 for each of fiscal years 2005 through 2008.

(c) Extended Authorization.—There are authorized to be appropriated to the Secretary for activities under section 905, $50,000,000 for each of fiscal years 2009 through 2013.

(d) Limitation on Use of Funds.—None of the funds authorized to be appropriated under this section may be used for—

(1) the issuance and implementation of energy efficiency regulations;

(2) the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.);

(3) the State Energy Program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(4) the Federal Energy Management Program under part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.).

SEC. 905. NEXT GENERATION LIGHTING INITIATIVE.

(a) In General.—The Secretary shall carry out a Next Generation Lighting Initiative in accordance with this section to support research, development, demonstration, and commercial application activities related to advanced solid-state lighting technologies based on white light emitting diodes.

(b) Objectives.—The objectives of the initiative shall be to develop advanced solid-state organic and inorganic lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are longer lasting; more energy-efficient; and cost-competitive, and have less environmental impact.

(c) Industry Alliance.—The Secretary shall, not later than 3 months after the date of enactment of this section, competitively select an Industry Alliance to represent participants that are private, for-profit firms which, as a group, are broadly representative of United States solid state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(d) Research.—

(1) In general.—The Secretary shall carry out the research activities of the Next Generation Lighting Initiative through competitively awarded grants to researchers, including Industry Alliance participants, National Laboratories, and institutions of higher education.

(2) Assistance from the industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify solid-state lighting technology needs;

(B) assessment of the progress of the Initiative's research activities; and

(C) assistance in annually updating solid-state lighting technology roadmaps.

(3) Availability of information and roadmaps.—The information and roadmaps under paragraph (2) shall be available to the public and public response shall be solicited by the Secretary.

(e) Development, Demonstration, and Commercial Application.—The Secretary shall carry out a development, demonstration, and commercial application program for the Next Generation Lighting Initiative through competitively selected awards. The Secretary may give preference to participants of the Industry Alliance selected pursuant to subsection (c).

(f) Intellectual Property.—The Secretary may require, in accordance with the authorities provided in section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), that—

(1) for any new invention resulting from activities under subsection (d)—

(A) the Industry Alliance members that are active participants in research, development, and demonstration activities related to the advanced solid-state lighting technologies that are the subject of this section shall be granted first option to negotiate with the invention owner nonexclusive licenses and royalties for uses of the invention related to solid-state lighting on terms that are reasonable under the circumstances; and

(B)(i) for 1 year after a United States patent is issued for the invention, the patent holder shall not negotiate any license or royalty with any entity that is not a participant in the Industry Alliance described in subparagraph (A); and

(ii) during the year described in clause (i), the invention owner shall negotiate nonexclusive licenses and royalties in good faith with any interested participant in the Industry Alliance described in subparagraph (A); and

(2) such other terms as the Secretary determines are required to promote accelerated commercialization of inventions made under the Initiative.

(g) National Academy Review.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic reviews of the Next Generation Lighting Initiative. The Academy shall review the research priorities, technical milestones, and plans for technology transfer and progress towards achieving them. The Secretary shall consider the results of such reviews in evaluating the information obtained under subsection (d)(2).

(h) Definitions.—As used in this section:

(1) Advanced solid-state lighting.—The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) Research.—The term "research" includes research on the technologies, materials, and manufacturing processes required for white light emitting diodes.

(3) Industry alliance.—The term "Industry Alliance" means an entity selected by the Secretary under subsection (c).

(4) White light emitting diode.—The term "white light emitting diode" means a semiconducting package, utilizing either organic or inorganic materials, that produces white light using externally applied voltage.

SEC. 906. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) Interagency Group.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an interagency group to develop, in coordination with the advisory committee established under subsection (e), a National Building Performance Initiative (in this section referred to as the "Initiative"). The interagency group shall be co-chaired by appropriate officials of the Department and the Department of Commerce, who shall jointly arrange for the provision of necessary administrative support to the group.

(b) Integration of Efforts.—The Initiative, working with the National Institute of Building Sciences, shall integrate Federal, State, and voluntary private sector efforts to reduce the costs of construction, operation, maintenance, and renovation of commercial, industrial, institutional, and residential buildings.

(c) Plan.—Not later than 1 year after the date of enactment of this Act, the interagency group shall submit to Congress a plan for carrying out the appropriate Federal role in the Initiative. The plan shall include—

(1) research, development, demonstration, and commercial application of systems and materials for new construction and retrofit relating to the building envelope and building system components; and

(2) the collection, analysis, and dissemination of research results and other pertinent information on enhancing building performance to industry, government entities, and the public.

(d) Department of Energy Role.—Within the Federal portion of the Initiative, the Department shall be the lead agency for all aspects of building performance related to use and conservation of energy.

(e) Advisory Committee.—

(1) Establishment.—The Secretary, in consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, shall establish an advisory committee to—

(A) analyze and provide recommendations on potential private sector roles and participation in the Initiative; and

(B) review and provide recommendations on the plan described in subsection (c).

(2) Membership.—Membership of the advisory committee shall include representatives with a broad range of appropriate expertise, including expertise in—

(A) building research and technology;

(B) architecture, engineering, and building materials and systems; and

(C) the residential, commercial, and industrial sectors of the construction industry.

(f) Construction.—Nothing in this section provides any Federal agency with new authority to regulate building performance.

SEC. 907. SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) Definitions.—For purposes of this section:

(1) Associated equipment.—The term "associated equipment" means equipment located where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

(2) Battery.—The term 'battery" means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity.

(b) Program.—The Secretary shall establish and conduct a research, development, demonstration, and commercial application program for the secondary use of batteries if the Secretary finds that there are sufficient numbers of such batteries to support the program. The program shall be—

(1) designed to demonstrate the use of batteries in secondary applications, including utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including useful service life and costs, of such batteries in field operations, and the necessary supporting infrastructure, including reuse and disposal of batteries; and

(3) coordinated with ongoing secondary battery use programs at the National Laboratories and in industry.

(c) Solicitation.—Not later than 180 days after the date of enactment of this Act, if the Secretary finds under subsection (b) that there are sufficient numbers of batteries to support the program, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(d) Selection of Proposals.—

(1) In general.—The Secretary shall, not later than 90 days after the closing date established by the Secretary for receipt of proposals under subsection (c), select up to 5 proposals which may receive financial assistance under this section, subject to the availability of appropriations.

(2) Diversity; environmental effect.—In selecting proposals, the Secretary shall consider diversity of battery type, geographic and climatic diversity, and life-cycle environmental effects of the approaches.

(3) Limitation.—No 1 project selected under this section shall receive more than 25 percent of the funds authorized for the program under this section.

(4) Optimization of federal resources.—The Secretary shall consider the extent of involvement of State or local government and other persons in each demonstration project to optimize use of Federal resources.

(5) Other criteria.—The Secretary may consider such other criteria as the Secretary considers appropriate.

(e) Conditions.—The Secretary shall require that—

(1) relevant information be provided to the Department, the users of the batteries, the proposers, and the battery manufacturers;

(2) the proposer provide at least 50 percent of the costs associated with the proposal; and

(3) the proposer provide to the Secretary such information regarding the disposal of the batteries as the Secretary may require to ensure that the proposer disposes of the batteries in accordance with applicable law.

SEC. 908. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) Establishment.—The Secretary shall establish an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) Report.—The Secretary shall submit to Congress, along with the President's annual budget request under section 1105(a) of title 31, United States Code, a report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 909. ELECTRIC MOTOR CONTROL TECHNOLOGY.

The Secretary shall conduct a research, development, demonstration, and commercial application program on advanced control devices to improve the energy efficiency of electric motors used in heating, ventilation, air conditioning, and comparable systems.

SEC. 910. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

(a) Grants.—Not later than 18 months after the date of enactment of this Act, the Secretary shall make grants to nonprofit institutions, State and local governments, or universities (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers.

(b) Activities.—

(1) In general.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use.

(2) Advisory panel.—Each Center shall establish an advisory panel to advise the Center on how best to accomplish the activities under paragraph (1).

(c) Application.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section.

(d) Selection Criteria.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

(1) The ability of the applicant to carry out the activities in subsection (b).

(2) The extent to which the applicant will coordinate the activities of the Center with other entities, such as State and local governments, utilities, and educational and research institutions.

(e) Matching Funds.—The Secretary shall require a non-Federal matching requirement of at least 50 percent of the costs of establishing and operating each Center.

(f) Advisory Committee.—The Secretary shall establish an advisory committee to advise the Secretary on the establishment of Centers under this section. The advisory committee shall be composed of individuals with expertise in the area of advanced energy methods and technologies, including at least 1 representative from—

(1) State or local energy offices;

(2) energy professionals;

(3) trade or professional associations;

(4) architects, engineers, or construction professionals;

(5) manufacturers;

(6) the research community; and

(7) nonprofit energy or environmental organizations.

(g) Definitions.—For purposes of this section:

(1) Advanced energy methods and technologies.—The term "advanced energy methods and technologies" means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

(2) Center.—The term "Center" means an Advanced Energy Technology Transfer Center established pursuant to this section.

(3) Distributed generation.—The term "distributed generation" means an electric power generation facility that is designed to serve retail electric consumers at or near the facility site.

Subtitle B—Distributed Energy and Electric Energy Systems

SEC. 911. DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for distributed energy and electric energy systems activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $190,000,000.

(2) For fiscal year 2005, $200,000,000.

(3) For fiscal year 2006, $220,000,000.

(4) For fiscal year 2007, $240,000,000.

(5) For fiscal year 2008, $260,000,000.

(b) Micro-Cogeneration Energy Technology.—From amounts authorized under subsection (a), $20,000,000 for each of fiscal years 2004 and 2005 is authorized for activities under section 914.

SEC. 912. HYBRID DISTRIBUTED POWER SYSTEMS.

(a) Requirement.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and transmit to Congress a strategy for a comprehensive research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine—

(1) 1 or more renewable electric power generation technologies of 10 megawatts or less located near the site of electric energy use; and

(2) nonintermittent electric power generation technologies suitable for use in a distributed power system.

(b) Contents.—The strategy shall—

(1) identify the needs best met with such hybrid distributed power systems and the technological barriers to the use of such systems;

(2) provide for the development of methods to design, test, integrate into systems, and operate such hybrid distributed power systems;

(3) include, as appropriate, research, development, demonstration, and commercial application on related technologies needed for the adoption of such hybrid distributed power systems, including energy storage devices and environmental control technologies;

(4) include research, development, demonstration, and commercial application of interconnection technologies for communications and controls of distributed generation architectures, particularly technologies promoting real-time response to power market information and physical conditions on the electrical grid; and

(5) describe how activities under the strategy will be integrated with other research, development, demonstration, and commercial application activities supported by the Department related to electric power technologies.

SEC. 913. HIGH POWER DENSITY INDUSTRY PROGRAM.

The Secretary shall establish a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency of high power density facilities, including data centers, server farms, and telecommunications facilities. Such program shall consider technologies that provide significant improvement in thermal controls, metering, load management, peak load reduction, or the efficient cooling of electronics.

SEC. 914. MICRO-COGENERATION ENERGY TECHNOLOGY.

The Secretary shall make competitive, merit-based grants to consortia for the development of micro-cogeneration energy technology. The consortia shall explore—

(1) the use of small-scale combined heat and power in residential heating appliances; and

(2) the use of excess power to operate other appliances within the residence and supply excess generated power to the power grid.

SEC. 915. DISTRIBUTED ENERGY TECHNOLOGY DEMONSTRATION PROGRAM.

The Secretary, within the sums authorized under section 911(a), may provide financial assistance to coordinating consortia of interdisciplinary participants for demonstrations designed to accelerate the utilization of distributed energy technologies, such as fuel cells, microturbines, reciprocating engines, thermally activated technologies, and combined heat and power systems, in highly energy intensive commercial applications.

SEC. 916. RECIPROCATING POWER.

The Secretary shall conduct a research, development, and demonstration program regarding fuel system optimization and emissions reduction after-treatment technologies for industrial reciprocating engines. Such after-treatment technologies shall use processes that reduce emissions by recirculating exhaust gases and shall be designed to be retrofitted to any new or existing diesel or natural gas engine used for power generation, peaking power generation, combined heat and power, or compression.

Subtitle C—Renewable Energy

SEC. 918. RENEWABLE ENERGY.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for renewable energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $480,000,000.

(2) For fiscal year 2005, $550,000,000.

(3) For fiscal year 2006, $610,000,000.

(4) For fiscal year 2007, $659,000,000.

(5) For fiscal year 2008, $710,000,000.

(b) Bioenergy.—From the amounts authorized under subsection (a), the following sums are authorized to be appropriated to carry out section 919:

(1) For fiscal year 2004, $135,425,000.

(2) For fiscal year 2005, $155,600,000.

(3) For fiscal year 2006, $167,650,000.

(4) For fiscal year 2007, $180,000,000.

(5) For fiscal year 2008, $192,000,000.

(c) Concentrating Solar Power.—From amounts authorized under subsection (a), the following sums are authorized to be appropriated to carry out section 920:

(1) For fiscal year 2004, $20,000,000.

(2) For fiscal year 2005, $40,000,000.

(3) For each of fiscal years 2006, 2007 and 2008, $50,000,000.

(d) Public Buildings.—From the amounts authorized under subsection (a), $30,000,000 for each of the fiscal years 2004 through 2008 are authorized to be appropriated to carry out section 922.

(e) Limits on Use of Funds.—

(1) No funds for renewable support and implementation.—None of the funds authorized to be appropriated under this section may be used for Renewable Support and Implementation.

(2) Grants.—Of the funds authorized under subsection (b), not less than $5,000,000 for each fiscal year shall be made available for grants to Historically Black Colleges and Universities, Tribal Colleges, and Hispanic-Serving Institutions.

(3) Regional field verification program.—Of the funds authorized under subsection (a), not less than $4,000,000 for each fiscal year shall be made available for the Regional Field Verification Program of the Department.

(4) Off-stream pumped storage hydropower.—Of the funds authorized under subsection (a), such sums as may be necessary shall be made available for demonstration projects of off-stream pumped storage hydropower.

(f) Consultation.—In carrying out this subtitle, the Secretary, in consultation with the Secretary of Agriculture, shall demonstrate the use of advanced wind power technology, including combined use with coal gasification; biomass; geothermal energy systems; and other renewable energy technologies to assist in delivering electricity to rural and remote locations.

SEC. 919. BIOENERGY PROGRAMS.

(a) Definitions.—For the purposes of this section:

(1) The term "agricultural byproducts" includes waste products, including poultry fat and poultry waste.

(2) The term "cellulosic biomass" means any portion of a crop containing lignocellulose or hemicellulose, including barley grain, grapeseed, forest thinnings, rice bran, rice hulls, rice straw, soybean matter, and sugarcane bagasse, or any crop grown specifically for the purpose of producing cellulosic feedstocks.

(b) Program.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including—

(1) biopower energy systems;

(2) biofuels;

(3) bio-based products;

(4) integrated biorefineries that may produce biopower, biofuels, and bio-based products;

(5) cross-cutting research and development in feedstocks and enzymes; and

(6) economic analysis.

(c) Biofuels and Bio-Based Products.—The goals of the biofuels and bio-based products programs shall be to develop, in partnership with industry—

(1) advanced biochemical and thermochemical conversion technologies capable of making biofuels that are price-competitive with gasoline or diesel in either internal combustion engines or fuel cell-powered vehicles, and bio-based products from a variety of feedstocks, including grains, cellulosic biomass, and other agricultural byproducts; and

(2) advanced biotechnology processes capable of making biofuels and bio-based products with emphasis on development of biorefinery technologies using enzyme-based processing systems.

SEC. 920. CONCENTRATING SOLAR POWER RESEARCH AND DEVELOPMENT PROGRAM.

(a) In General.—The Secretary shall conduct a program of research and development to evaluate the potential of concentrating solar power for hydrogen production, including cogeneration approaches for both hydrogen and electricity. Such program shall take advantage of existing facilities to the extent possible and shall include—

(1) development of optimized technologies that are common to both electricity and hydrogen production;

(2) evaluation of thermochemical cycles for hydrogen production at the temperatures attainable with concentrating solar power;

(3) evaluation of materials issues for the thermochemical cycles described in paragraph (2);

(4) system architectures and economics studies; and

(5) coordination with activities in the Advanced Reactor Hydrogen Cogeneration Project on high temperature materials, thermochemical cycles, and economic issues.

(b) Assessment.—In carrying out the program under this section, the Secretary shall—

(1) assess conflicting guidance on the economic potential of concentrating solar power for electricity production received from the National Research Council report entitled "Renewable Power Pathways: A Review of the U.S. Department of Energy's Renewable Energy Programs" in 2000 and subsequent Department-funded reviews of that report; and

(2) provide an assessment of the potential impact of the technology before, or concurrent with, submission of the fiscal year 2006 budget.

(c) Report.—Not later than 5 years after the date of enactment of this Act, the Secretary shall provide a report to Congress on the economic and technical potential for electricity or hydrogen production, with or without cogeneration, with concentrating solar power, including the economic and technical feasibility of potential construction of a pilot demonstration facility suitable for commercial production of electricity or hydrogen from concentrating solar power.

SEC. 921. MISCELLANEOUS PROJECTS.

The Secretary may conduct research, development, demonstration, and commercial application programs for—

(1) ocean energy, including wave energy; and

(2) the combined use of renewable energy technologies with one another and with other energy technologies, including the combined use of wind power and coal gasification technologies.

SEC. 922. RENEWABLE ENERGY IN PUBLIC BUILDINGS.

(a) Demonstration and Technology Transfer Program.—The Secretary shall establish a program for the demonstration of innovative technologies for solar and other renewable energy sources in buildings owned or operated by a State or local government, and for the dissemination of information resulting from such demonstration to interested parties.

(b) Limit on Federal Funding.—The Secretary shall provide under this section no more than 40 percent of the incremental costs of the solar or other renewable energy source project funded.

(c) Requirement.—As part of the application for awards under this section, the Secretary shall require all applicants—

(1) to demonstrate a continuing commitment to the use of solar and other renewable energy sources in buildings they own or operate; and

(2) to state how they expect any award to further their transition to the significant use of renewable energy.

SEC. 923. STUDY OF MARINE RENEWABLE ENERGY OPTIONS.

(a) In General.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study on—

(1) the feasibility of various methods of renewable generation of energy from the ocean, including energy from waves, tides, currents, and thermal gradients; and

(2) the research, development, demonstration, and commercial application activities required to make marine renewable energy generation competitive with other forms of electricity generation.

(b) Transmittal.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit the study to Congress along with the Secretary's recommendations for implementing the results of the study.

Subtitle D—Nuclear Energy

SEC. 924. NUCLEAR ENERGY.

(a) CORE PROGRAMS.—The following sums are authorized to be appropriated to the Secretary for nuclear energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle, other than those described in subsection (b):

(1) For fiscal year 2004, $273,000,000.

(2) For fiscal year 2005, $355,000,000.

(3) For fiscal year 2006, $430,000,000.

(4) For fiscal year 2007, $455,000,000.

(5) For fiscal year 2008, $545,000,000.

(b) NUCLEAR INFRASTRUCTURE SUPPORT.—The following sums are authorized to be appropriated to the Secretary for activities under section 925(e):

(1) For fiscal year 2004, $125,000,000.

(2) For fiscal year 2005, $130,000,000.

(3) For fiscal year 2006, $135,000,000.

(4) For fiscal year 2007, $140,000,000.

(5) For fiscal year 2008, $145,000,000.

(c) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 926—

(A) for fiscal year 2004, $140,000,000;

(B) for fiscal year 2005, $145,000,000;

(C) for fiscal year 2006, $150,000,000;

(D) for fiscal year 2007, $155,000,000; and

(E) for fiscal year 2008, $275,000,000.

(2) For activities under section 927—

(A) for fiscal year 2004, $35,200,000;

(B) for fiscal year 2005, $44,350,000;

(C) for fiscal year 2006, $49,200,000;

(D) for fiscal year 2007, $54,950,000; and

(E) for fiscal year 2008, $60,000,000.

(3) For activities under section 929, for each of fiscal years 2004 through 2008, $6,000,000.

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used for decommissioning the Fast Flux Test Facility.

SEC. 925. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) NUCLEAR ENERGY RESEARCH INITIATIVE.—The Secretary shall carry out a Nuclear Energy Research Initiative for research and development related to nuclear energy.

(b) NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.—The Secretary shall carry out a Nuclear Energy Plant Optimization Program to support research and development activities addressing reliability, availability, productivity, component aging, safety, and security of existing nuclear power plants.

(c) NUCLEAR POWER 2010 PROGRAM.—The Secretary shall carry out a Nuclear Power 2010 Program, consistent with recommendations in the October 2001 report entitled "A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010" issued by the Nuclear Energy Research Advisory Committee of the Department. Whatever type of reactor is chosen for the hydrogen cogeneration project under subtitle C of title VI, that type shall not be addressed in the Program under this section. The Program shall include—

(1) support for first-of-a-kind engineering design and certification expenses of advanced nuclear power plant designs, which offer improved safety and economics over current conventional plants and the promise of near-term to medium-term commercial deployment;

(2) action by the Secretary to encourage domestic power companies to install new nuclear plant capacity as soon as possible;

(3) utilization of the expertise and capabilities of industry, universities, and National Laboratories in evaluation of advanced nuclear fuel cycles and fuels testing;

(4) consideration of proliferation-resistant passively-safe, small reactors suitable for long-term electricity production without refueling and suitable for use in remote installations;

(5) participation of international collaborators in research, development, design, and deployment efforts as appropriate and consistent with United States interests in nonproliferation of nuclear weapons;

(6) encouragement for university and industry participation; and

(7) selection of projects such as to strengthen the competitive position of the domestic nuclear power industrial infrastructure.

(d) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—The Secretary shall carry out a Generation IV Nuclear Energy Systems Initiative to develop an overall technology plan and to support research and development necessary to make an informed technical decision about the most promising candidates for eventual commercial application. The Initiative shall examine advanced proliferation-resistant and passively safe reactor designs, including designs that—

(1) are economically competitive with other electric power generation plants;

(2) have higher efficiency, lower cost, and improved safety compared to reactors in operation on the date of enactment of this Act;

(3) use fuels that are proliferation-resistant and have substantially reduced production of high-level waste per unit of output; and

(4) use improved instrumentation.

(e) NUCLEAR INFRASTRUCTURE SUPPORT.—The Secretary shall develop and implement a strategy for the facilities of the Office of Nuclear Energy, Science, and Technology and shall transmit a report containing the strategy along with the President's budget request to Congress for fiscal year 2006.

SEC. 926. ADVANCED FUEL CYCLE INITIATIVE.

(a) IN GENERAL.—The Secretary, through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct an advanced fuel recycling technology research and development program to evaluate proliferation-resistant fuel recycling and transmutation technologies that minimize environmental or public health and safety impacts as an alternative to aqueous reprocessing technologies deployed as of the date of enactment of this Act in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate. Opportunities to enhance progress of the program through international cooperation should be sought.

(b) REPORTS.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program as part of the Department's annual budget submission.

SEC. 927. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to invest in human resources and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—In carrying out the program under this section, the Secretary shall establish fellowship and faculty assistance programs, as well as provide support for fundamental research and encourage collaborative research among industry, National Laboratories, and universities through the Nuclear Energy Research Initiative. The Secretary is encouraged to support activities addressing the entire fuel cycle through involvement of both the Office of Nuclear Energy, Science, and Technology and the Office of Civilian Radioactive Waste Management. The Secretary shall support communication and outreach related to nuclear science, engineering, and nuclear waste management, consistent with interests of the United States in nonproliferation of nuclear weapons capabilities.

(c) STRENGTHENING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Activities under this section may include—

(1) converting research and training reactors currently using high-enrichment fuels to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among institutions of higher education;

(2) providing technical assistance, in collaboration with the United States nuclear industry, in relicensing and upgrading research and training reactors as part of a student training program; and

(3) providing funding, through the Innovations in Nuclear Infrastructure and Education Program, for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY NATIONAL LABORATORY INTERACTIONS.—The Secretary shall develop sabbatical fellowship and visiting scientist programs to encourage sharing of personnel between National Laboratories and universities.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a research and training reactor at an institution of higher education used in the research project.

SEC. 928. SECURITY OF REACTOR DESIGNS.

The Secretary, through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct a research and development program on cost-effective technologies for increasing the safety of reactor designs from natural phenomena and the security of reactor designs from deliberate attacks.

SEC. 929. ALTERNATIVES TO INDUSTRIAL RADIOACTIVE SOURCES.

(a) STUDY.—The Secretary shall conduct a study and provide a report to Congress not later than August 1, 2004. The study shall—

(1) survey industrial applications of large radioactive sources, including well-logging sources;

(2) review current domestic and international Department, Department of Defense, Department of State, and commercial programs to manage and dispose of radioactive sources;

(3) discuss disposal options and practices for currently deployed or future sources and, if deficiencies are noted in existing disposal options or practices for either deployed or future sources, recommend options to remedy deficiencies; and

(4) develop a program plan for research and development to develop alternatives to large industrial sources that reduce safety, environmental, or proliferation risks to either workers using the sources or the public.

(b) PROGRAM.—The Secretary shall establish a research and development program to implement the program plan developed under subsection (a)(4). The program shall include miniaturized particle accelerators for well-logging or other industrial applications and portable accelerators for production of short-lived radioactive materials at an industrial site.

SEC. 930. GEOLOGICAL ISOLATION OF SPENT FUEL.

The Secretary shall conduct a study to determine the feasibility of deep borehole disposal of spent nuclear fuel and high-level radioactive waste. The study shall emphasize geological, chemical, and hydrological characterization of, and design of engineered structures for, deep borehole environments. Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit the study to Congress.

Subtitle E—Fossil Energy

PART I—RESEARCH PROGRAMS

SEC. 931. FOSSIL ENERGY.

(a) In General.—The following sums are authorized to be appropriated to the Secretary for fossil energy research, development, demonstration, and commercial application activities, including activities authorized under this part:

(1) For fiscal year 2004, $530,000,000.

(2) For fiscal year 2005, $556,000,000.

(3) For fiscal year 2006, $583,000,000.

(4) For fiscal year 2007, $611,000,000.

(5) For fiscal year 2008, $626,000,000.

(b) Allocations.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 932(b)(2), $28,000,000 for each of the fiscal years 2004 through 2008.

(2) For activities under section 934—

(A) for fiscal year 2004, $12,000,000;

(B) for fiscal year 2005, $15,000,000; and

(C) for each of fiscal years 2006 through 2008, $20,000,000.

(3) For activities under section 935—

(A) for fiscal year 2004, $259,000,000;

(B) for fiscal year 2005, $272,000,000;

(C) for fiscal year 2006, $285,000,000;

(D) for fiscal year 2007, $298,000,000; and

(E) for fiscal year 2008, $308,000,000.

(4) For the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (42 U.S.C. 7144d), $25,000,000 for each of fiscal years 2004 through 2008.

(5) For activities under section 933, $4,000,000 for fiscal year 2004 and $2,000,000 for each of fiscal years 2005 through 2008.

(c) Extended Authorization.—There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (42 U.S.C. 7144d), $25,000,000 for each of fiscal years 2009 through 2012.

(d) Limits on Use of Funds.—

(1) No funds for certain programs.—None of the funds authorized under this section may be used for Fossil Energy Environmental Restoration or Import/Export Authorization.

(2) Institutions of higher education.—Of the funds authorized under subsection (b)(2), not less than 20 percent of the funds appropriated for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

SEC. 932. OIL AND GAS RESEARCH PROGRAMS.

(a) Oil and Gas Research.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on oil and gas, including—

(1) exploration and production;

(2) gas hydrates;

(3) reservoir life and extension;

(4) transportation and distribution infrastructure;

(5) ultraclean fuels;

(6) heavy oil and oil shale;

(7) related environmental research; and

(8) compressed natural gas marine transport.

(b) Fuel Cells.—

(1) In general.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells for low-cost, high-efficiency, fuel-flexible, modular power systems.

(2) Improved manufacturing production and processes.—The demonstrations under paragraph (1) shall include fuel cell technology for commercial, residential, and transportation applications, and distributed generation systems, utilizing improved manufacturing production and processes.

(c) Natural Gas and Oil Deposits Report.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall transmit a report to Congress of the latest estimates of natural gas and oil reserves, reserves growth, and undiscovered resources in Federal and State waters off the coast of Louisiana and Texas.

(d) Integrated Clean Power and Energy Research.—

(1) National center or consortium of excellence.—The Secretary shall establish a national center or consortium of excellence in clean energy and power generation, utilizing the resources of the existing Clean Power and Energy Research Consortium, to address the Nation's critical dependence on energy and the need to reduce emissions.

(2) Program.—The center or consortium shall conduct a program of research, development, demonstration, and commercial application on integrating the following focus areas:

(A) Efficiency and reliability of gas turbines for power generation.

(B) Reduction in emissions from power generation.

(C) Promotion of energy conservation issues.

(D) Effectively utilizing alternative fuels and renewable energy.

(E) Development of advanced materials technology for oil and gas exploration and utilization in harsh environments.

(F) Education on energy and power generation issues.

SEC. 933. TECHNOLOGY TRANSFER.

The Secretary shall establish a competitive program to award a contract to a nonprofit entity for the purpose of transferring technologies developed with public funds. The entity selected under this section shall have experience in offshore oil and gas technology research management, in the transfer of technologies developed with public funds to the offshore and maritime industry, and in management of an offshore and maritime industry consortium. The program consortium selected under section 942 shall not be eligible for selection under this section. When appropriate, the Secretary shall consider utilizing the entity selected under this section when implementing the activities authorized by section 975.

SEC. 934. RESEARCH AND DEVELOPMENT FOR COAL MINING TECHNOLOGIES.

(a) Establishment.—The Secretary shall carry out a program of research and development on coal mining technologies. The Secretary shall cooperate with appropriate Federal agencies, coal producers, trade associations, equipment manufacturers, institutions of higher education with mining engineering departments, and other relevant entities.

(b) Program.—The research and development activities carried out under this section shall—

(1) be guided by the mining research and development priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) include activities exploring minimization of contaminants in mined coal that contribute to environmental concerns including development and demonstration of electromagnetic wave imaging ahead of mining operations;

(3) develop and demonstrate electromagnetic wave imaging and radar techniques for horizontal drilling in coal beds in order to increase methane recovery efficiency, prevent spoilage of domestic coal reserves, and minimize water disposal associated with methane extraction; and

(4) expand mining research capabilities at institutions of higher education.

SEC. 935. COAL AND RELATED TECHNOLOGIES PROGRAM.

(a) In General.—In addition to the programs authorized under title IV, the Secretary shall conduct a program of technology research, development, demonstration, and commercial application for coal and power systems, including programs to facilitate production and generation of coal-based power through—

(1) innovations for existing plants;

(2) integrated gasification combined cycle;

(3) advanced combustion systems;

(4) turbines for synthesis gas derived from coal;

(5) carbon capture and sequestration research and development;

(6) coal-derived transportation fuels and chemicals;

(7) solid fuels and feedstocks;

(8) advanced coal-related research;

(9) advanced separation technologies; and

(10) a joint project for permeability enhancement in coals for natural gas production and carbon dioxide sequestration.

(b) Cost and Performance Goals.—In carrying out programs authorized by this section, the Secretary shall identify cost and performance goals for coal-based technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020. In establishing such cost and performance goals, the Secretary shall—

(1) consider activities and studies undertaken to date by industry in cooperation with the Department in support of such assessment;

(2) consult with interested entities, including coal producers, industries using coal, organizations to promote coal and advanced coal technologies, environmental organizations, and organizations representing workers;

(3) not later than 120 days after the date of enactment of this Act, publish in the Federal Register proposed draft cost and performance goals for public comments; and

(4) not later than 180 days after the date of enactment of this Act and every 4 years thereafter, submit to Congress a report describing final cost and performance goals for such technologies that includes a list of technical milestones as well as an explanation of how programs authorized in this section will not duplicate the activities authorized under the Clean Coal Power Initiative authorized under subtitle A of title IV.

SEC. 936. COMPLEX WELL TECHNOLOGY TESTING FACILITY.

The Secretary, in coordination with industry leaders in extended research drilling technology, shall establish a Complex Well Technology Testing Facility at the Rocky Mountain Oilfield Testing Center to increase the range of extended drilling technologies.

SEC. 937. FISCHER-TROPSCH DIESEL FUEL LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF FISCHER-TROPSCH DIESEL FUEL.—In this section, the term "Fischer-Tropsch diesel fuel" means diesel fuel that—

(1) contains less than 10 parts per million sulfur; and

(2) is produced through the Fischer-Tropsch liquification process from coal or waste from coal that was mined in the United States.

(b) LOAN GUARANTEES.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a program to provide guarantees of loans by private lending institutions for the construction of facilities for the production of Fischer-Tropsch diesel fuel and commercial byproducts of that production.

(2) REQUIREMENTS.—The Secretary may provide a loan guarantee under paragraph (1) if—

(A) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in paragraph (1);

(B) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(C) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(3) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(A) meet all Federal and State permitting requirements;

(B) are most likely to be successful; and

(C) are located in local markets that have the greatest need for the facility because of—

(i) the availability of domestic coal or coal waste for conversion; or

(ii) a projected high level of demand for Fischer-Tropsch diesel fuel or other commercial byproducts of the facility.

(4) MATURITY.—A loan guaranteed under paragraph (1) shall have a maturity of not more than 25 years.

(5) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under paragraph (1) shall provide that no provision of the loan may be amended or waived without the consent of the Secretary.

(6) GUARANTEE FEE.—A recipient of a loan guarantee under paragraph (1) shall pay the Secretary an amount to be determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(7) FULL FAITH AND CREDIT.—

(A) IN GENERAL.—The full faith and credit of the United States is pledged to payment of loan guarantees made under this section.

(B) CONCLUSIVE EVIDENCE.—Any loan guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(C) VALIDITY.—The validity of a loan guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(8) REPORTS.—Until each guaranteed loan under this section is repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(10) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a new loan guarantee under paragraph (1) terminates on the date that is 5 years after the date of enactment of this Act.

PART II—ULTRA-DEEPWATER AND UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES

SEC. 941. PROGRAM AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program under this part of research, development, demonstration, and commercial application of technologies for ultra-deepwater and unconventional natural gas and other petroleum resource exploration and production, including addressing the technology challenges for small producers, safe operations, and environmental mitigation (including reduction of greenhouse gas emissions and sequestration of carbon).

(b) PROGRAM ELEMENTS.—The program under this part shall address the following areas, including improving safety and minimizing environmental impacts of activities within each area:

(1) Ultra-deepwater technology, including drilling to formations in the Outer Continental Shelf to depths greater than 15,000 feet.

(2) Ultra-deepwater architecture.

(3) Unconventional natural gas and other petroleum resource exploration and production technology, including the technology challenges of small producers.

(c) LIMITATION ON LOCATION OF FIELD ACTIVITIES.—Field activities under the program under this part shall be carried out only—

(1) in—

(A) areas in the territorial waters of the United States not under any Outer Continental Shelf moratorium as of September 30, 2002;

(B) areas onshore in the United States on public land administered by the Secretary of the Interior available for oil and gas leasing, where consistent with applicable law and land use plans; and

(C) areas onshore in the United States on State or private land, subject to applicable law; and

(2) with the approval of the appropriate Federal or State land management agency or private land owner.

(d) RESEARCH AT NATIONAL ENERGY TECHNOLOGY LABORATORY.—The Secretary, through the National Energy Technology Laboratory, shall carry out research complementary to research under subsection (b).

(e) CONSULTATION WITH SECRETARY OF THE INTERIOR.—In carrying out this part, the Secretary shall consult regularly with the Secretary of the Interior.

SEC. 942. ULTRA-DEEPWATER PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out the activities under section 941(a), to maximize the use of the ultra-deepwater natural gas and other petroleum resources of the United States by increasing the supply of such resources, through reducing the cost and increasing the efficiency of exploration for and production of such resources, while improving safety and minimizing environmental impacts.

(b) ROLE OF THE SECRETARY.—The Secretary shall have ultimate responsibility for, and oversight of, all aspects of the program under this section.

(c) ROLE OF THE PROGRAM CONSORTIUM.—

(1) IN GENERAL.—The Secretary may contract with a consortium to—

(A) manage awards pursuant to subsection (f)(4);

(B) make recommendations to the Secretary for project solicitations;

(C) disburse funds awarded under subsection (f) as directed by the Secretary in accordance with the annual plan under subsection (e); and

(D) carry out other activities assigned to the program consortium by this section.

(2) LIMITATION.—The Secretary may not assign any activities to the program consortium except as specifically authorized under this section.

(3) CONFLICT OF INTEREST.—

(A) PROCEDURES.—The Secretary shall establish procedures—

(i) to ensure that each board member, officer, or employee of the program consortium who is in a decision-making capacity under subsection (f)(3) or (4) shall disclose to the Secretary any financial interests in, or financial relationships with, applicants for or recipients of awards under this section, including those of his or her spouse or minor child, unless such relationships or interests would be considered to be remote or inconsequential; and

(ii) to require any board member, officer, or employee with a financial relationship or interest disclosed under clause (i) to recuse himself or herself from any review under subsection (f)(3) or oversight under subsection (f)(4) with respect to such applicant or recipient.

(B) FAILURE TO COMPLY.—The Secretary may disqualify an application or revoke an award under this section if a board member, officer, or employee has failed to comply with procedures required under subparagraph (A)(ii).

(d) SELECTION OF THE PROGRAM CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall select the program consortium through an open, competitive process.

(2) MEMBERS.—The program consortium may include corporations, trade associations, institutions of higher education, National Laboratories, or other research institutions. After submitting a proposal under paragraph (4), the program consortium may not add members without the consent of the Secretary.

(3) TAX STATUS.—The program consortium shall be an entity that is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986.

(4) SCHEDULE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall solicit proposals from eligible consortia to perform the duties in subsection (c)(1), which shall be submitted not later than 360 days after the date of enactment of this Act. The Secretary shall select the program consortium not later than 18 months after such date of enactment.

(5) APPLICATION.—Applicants shall submit a proposal including such information as the Secretary may require. At a minimum, each proposal shall—

(A) list all members of the consortium;

(B) fully describe the structure of the consortium, including any provisions relating to intellectual property; and

(C) describe how the applicant would carry out the activities of the program consortium under this section.

(6) ELIGIBILITY.—To be eligible to be selected as the program consortium, an applicant must be an entity whose members collectively have demonstrated capabilities in planning and managing research, development, demonstration, and commercial application programs in natural gas or other petroleum exploration or production.

(7) CRITERION.—The Secretary shall consider the amount of the fee an applicant proposes to receive under subsection (g) in selecting a consortium under this section.

(e) ANNUAL PLAN.—

(1) IN GENERAL.—The program under this section shall be carried out pursuant to an annual plan prepared by the Secretary in accordance with paragraph (2).

(2) DEVELOPMENT.—

(A) SOLICITATION OF RECOMMENDATIONS.—Before drafting an annual plan under this subsection, the Secretary shall solicit specific written recommendations from the program consortium for each element to be addressed in the plan, including those described in paragraph (4). The Secretary may request that the program consortium submit its recommendations in the form of a draft annual plan.

(B) SUBMISSION OF RECOMMENDATIONS; OTHER COMMENT.—The Secretary shall submit the recommendations of the program consortium under subparagraph (A) to the Ultra-Deepwater Advisory Committee established under section 945(a) for review, and such Advisory Committee shall provide to the Secretary written comments by a date determined by the Secretary. The Secretary may also solicit comments from any other experts.

(C) CONSULTATION.—The Secretary shall consult regularly with the program consortium throughout the preparation of the annual plan.

(3) PUBLICATION.—The Secretary shall transmit to Congress and publish in the Federal Register the annual plan, along with any written comments received under paragraph (2)(A) and (B).

(4) CONTENTS.—The annual plan shall describe the ongoing and prospective activities of the program under this section and shall include—

(A) a list of any solicitations for awards that the Secretary plans to issue to carry out research, development, demonstration, or commercial application activities, including the topics for such work, who would be eligible to apply, selection criteria, and the duration of awards; and

(B) a description of the activities expected of the program consortium to carry out subsection (f)(4).

(5) ESTIMATES OF INCREASED ROYALTY RECEIPTS.—The Secretary, in consultation with the Secretary of the Interior, shall provide an annual report to Congress with the President's budget on the estimated cumulative increase in Federal royalty receipts (if any) resulting from the implementation of this part. The initial report under this paragraph shall be submitted in the first President's budget following the completion of the first annual plan required under this subsection.

(f) AWARDS.—

(1) IN GENERAL.—The Secretary shall make awards to carry out research, development, demonstration, and commercial application activities under the program under this section. The program consortium shall not be eligible to receive such awards, but members of the program consortium may receive such awards.

(2) PROPOSALS.—The Secretary shall solicit proposals for awards under this subsection in such manner and at such time as the Secretary may prescribe, in consultation with the program consortium.

(3) REVIEW.—The Secretary shall make awards under this subsection through a competitive process, which shall include a review by individuals selected by the Secretary. Such individuals shall include, for each application, Federal officials, the program consortium, and non-Federal experts who are not board members, officers, or employees of the program consortium or of a member of the program consortium.

(4) OVERSIGHT.—

(A) IN GENERAL.—The program consortium shall oversee the implementation of awards under this subsection, consistent with the annual plan under subsection (e), including disbursing funds and monitoring activities carried out under such awards for compliance with the terms and conditions of the awards.

(B) EFFECT.—Nothing in subparagraph (A) shall limit the authority or responsibility of the Secretary to oversee awards, or limit the authority of the Secretary to review or revoke awards.

(C) PROVISION OF INFORMATION.—The Secretary shall provide to the program consortium the information necessary for the program consortium to carry out its responsibilities under this paragraph.

(g) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—To compensate the program consortium for carrying out its activities under this section, the Secretary shall provide to the program consortium funds sufficient to administer the program. This compensation may include a management fee consistent with Department of Energy contracting practices and procedures.

(2) ADVANCE.—The Secretary shall advance funds to the program consortium upon selection of the consortium, which shall be deducted from amounts to be provided under paragraph (1).

(h) AUDIT.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds provided to the program consortium, and funds provided under awards made under subsection (f), have been expended in a manner consistent with the purposes and requirements of this part. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to Congress, along with a plan to remedy any deficiencies cited in the report.

SEC. 943. UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out activities under subsection 941(b)(3), to maximize the use of the onshore unconventional natural gas and other petroleum resources of the United States, by increasing the supply of such resources, through reducing the cost and increasing the efficiency of exploration for and production of such resources, while improving safety and minimizing environmental impacts.

(b) AWARDS.—

(1) IN GENERAL.—The Secretary shall carry out this section through awards to research consortia made through an open, competitive process. As a condition of award of funds, qualified research consortia shall—

(A) demonstrate capability and experience in unconventional onshore natural gas or other petroleum research and development;

(B) provide a research plan that demonstrates how additional natural gas or oil production will be achieved; and

(C) at the request of the Secretary, provide technical advice to the Secretary for the purposes of developing the annual plan required under subsection (e).

(2) PRODUCTION POTENTIAL.—The Secretary shall seek to ensure that the number and types of awards made under this subsection have reasonable potential to lead to additional oil and natural gas production on Federal lands.

(3) SCHEDULE.—To carry out this subsection, not later than 180 days after the date of enactment of this Act, the Secretary shall solicit proposals from research consortia, which shall be submitted not later than 360 days after the date of enactment of this Act. The Secretary shall select the first group of research consortia to receive awards under this subsection not later than 18 months after such date of enactment.

(c) AUDIT.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds provided under awards made under this section have been expended in a manner consistent with the purposes and requirements of this part. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to Congress, along with a plan to remedy any deficiencies cited in the report.

(d) FOCUS AREAS FOR AWARDS.—

(1) UNCONVENTIONAL RESOURCES.—Awards from allocations under section 949(d)(2) shall focus on areas including advanced coalbed methane, deep drilling, natural gas production from tight sands, natural gas production from gas shales, stranded gas, innovative exploration and production techniques, enhanced recovery techniques, and environmental mitigation of unconventional natural gas and other petroleum resources exploration and production.

(2) SMALL PRODUCERS.—Awards from allocations under section 949(d)(3) shall be made to consortia consisting of small producers or organized primarily for the benefit of small producers, and shall focus on areas including complex geology involving rapid changes in the type and quality of the oil and gas reservoirs across the reservoir; low reservoir pressure; unconventional natural gas reservoirs in coalbeds, deep reservoirs, tight sands, or shales; and unconventional oil reservoirs in tar sands and oil shales.

(e) ANNUAL PLAN.—

(1) IN GENERAL.—The program under this section shall be carried out pursuant to an annual plan prepared by the Secretary in accordance with paragraph (2).

(2) DEVELOPMENT.—

(A) WRITTEN RECOMMENDATIONS.—Before drafting an annual plan under this subsection, the Secretary shall solicit specific written recommendations from the research consortia receiving awards under subsection (b) and the Unconventional Resources Technology Advisory Committee for each element to be addressed in the plan, including those described in subparagraph (D).

(B) CONSULTATION.—The Secretary shall consult regularly with the research consortia throughout the preparation of the annual plan.

(C) PUBLICATION.—The Secretary shall transmit to Congress and publish in the Federal Register the annual plan, along with any written comments received under subparagraph (A).

(D) CONTENTS.—The annual plan shall describe the ongoing and prospective activities under this section and shall include a list of any solicitations for awards that the Secretary plans to issue to carry out research, development, demonstration, or commercial application activities, including the topics for such work, who would be eligible to apply, selection criteria, and the duration of awards.

(3) ESTIMATES OF INCREASED ROYALTY RECEIPTS.—The Secretary, in consultation with the Secretary of the Interior, shall provide an annual report to Congress with the President's budget on the estimated cumulative increase in Federal royalty receipts (if any) resulting from the implementation of this part. The initial report under this paragraph shall be submitted in the first President's budget following the completion of the first annual plan required under this subsection.

(f) ACTIVITIES BY THE UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior, through the United States Geological Survey, shall, where appropriate, carry out programs of long-term research to complement the programs under this section.

SEC. 944. ADDITIONAL REQUIREMENTS FOR AWARDS.

(a) DEMONSTRATION PROJECTS.—An application for an award under this part for a demonstration project shall describe with specificity the intended commercial use of the technology to be demonstrated.

(b) FLEXIBILITY IN LOCATING DEMONSTRATION PROJECTS.—Subject to the limitation in section 941(c), a demonstration project under this part relating to an ultra-deepwater technology or an ultra-deepwater architecture may be conducted in deepwater depths.

(c) INTELLECTUAL PROPERTY AGREEMENTS.—If an award under this part is made to a consortium (other than the program consortium), the consortium shall provide to the Secretary a signed contract agreed to by all members of the consortium describing the rights of each member to intellectual property used or developed under the award.

(d) TECHNOLOGY TRANSFER.—2.5 percent of the amount of each award made under this part shall be designated for technology transfer and outreach activities under this title.

(e) COST SHARING REDUCTION FOR INDEPENDENT PRODUCERS.—In applying the cost sharing requirements under section 972 to an award under this part the Secretary may reduce or eliminate the non-Federal requirement if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project.

SEC. 945. ADVISORY COMMITTEES.

(a) ULTRA-DEEPWATER ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the Ultra-Deepwater Advisory Committee.

(2) MEMBERSHIP.—The advisory committee under this subsection shall be composed of members appointed by the Secretary including—

(A) individuals with extensive research experience or operational knowledge of offshore natural gas and other petroleum exploration and production;

(B) individuals broadly representative of the affected interests in ultra-deepwater natural gas and other petroleum production, including interests in environmental protection and safe operations;

(C) no individuals who are Federal employees; and

(D) no individuals who are board members, officers, or employees of the program consortium.

(3) DUTIES.—The advisory committee under this subsection shall—

(A) advise the Secretary on the development and implementation of programs under this part related to ultra-deepwater natural gas and other petroleum resources; and

(B) carry out section 942(e)(2)(B).

(4) COMPENSATION.—A member of the advisory committee under this subsection shall serve without compensation but shall receive travel expenses in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(b) UNCONVENTIONAL RESOURCES TECHNOLOGY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the Unconventional Resources Technology Advisory Committee.

(2) MEMBERSHIP.—The advisory committee under this subsection shall be composed of members appointed by the Secretary including—

(A) a majority of members who are employees or representatives of independent producers of natural gas and other petroleum, including small producers;

(B) individuals with extensive research experience or operational knowledge of unconventional natural gas and other petroleum resource exploration and production;

(C) individuals broadly representative of the affected interests in unconventional natural gas and other petroleum resource exploration and production, including interests in environmental protection and safe operations; and

(D) no individuals who are Federal employees.

(3) DUTIES.—The advisory committee under this subsection shall advise the Secretary on the development and implementation of activities under this part related to unconventional natural gas and other petroleum resources.

(4) COMPENSATION.—A member of the advisory committee under this subsection shall serve without compensation but shall receive travel expenses in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(c) PROHIBITION.—No advisory committee established under this section shall make recommendations on funding awards to particular consortia or other entities, or for specific projects.

SEC. 946. LIMITS ON PARTICIPATION.

An entity shall be eligible to receive an award under this part only if the Secretary finds—

(1) that the entity's participation in the program under this part would be in the economic interest of the United States; and

(2) that either—

(A) the entity is a United States-owned entity organized under the laws of the United States; or

(B) the entity is organized under the laws of the United States and has a parent entity organized under the laws of a country that affords—

(i) to United States-owned entities opportunities, comparable to those afforded to any other entity, to participate in any cooperative research venture similar to those authorized under this part;

(ii) to United States-owned entities local investment opportunities comparable to those afforded to any other entity; and

(iii) adequate and effective protection for the intellectual property rights of United States-owned entities.

SEC. 947. SUNSET.

The authority provided by this part shall terminate on September 30, 2011.

SEC. 948. DEFINITIONS.

In this part:

(1) DEEPWATER.—The term "deepwater" means a water depth that is greater than 200 but less than 1,500 meters.

(2) INDEPENDENT PRODUCER OF OIL OR GAS.—

(A) IN GENERAL.—The term "independent producer of oil or gas" means any person that produces oil or gas other than a person to whom subsection (c) of section 613A of the Internal Revenue Code of 1986 does not apply by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A(d) of such Code.

(B) RULES FOR APPLYING PARAGRAPHS (2) AND (4) OF SECTION 613A(d).—For purposes of subparagraph (A), paragraphs (2) and (4) of section 613A(d) of the Internal Revenue Code of 1986 shall be applied by substituting "calendar year" for "taxable year" each place it appears in such paragraphs.

(3) PROGRAM CONSORTIUM.—The term "program consortium" means the consortium selected under section 942(d).

(4) REMOTE OR INCONSEQUENTIAL.—The term "remote or inconsequential" has the meaning given that term in regulations issued by the Office of Government Ethics under section 208(b)(2) of title 18, United States Code.

(5) SMALL PRODUCER.—The term "small producer" means an entity organized under the laws of the United States with production levels of less than 1,000 barrels per day of oil equivalent.

(6) ULTRA-DEEPWATER.—The term "ultra-deepwater" means a water depth that is equal to or greater than 1,500 meters.

(7) ULTRA-DEEPWATER ARCHITECTURE.—The term "ultra-deepwater architecture" means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at ultra-deepwater depths.

(8) ULTRA-DEEPWATER TECHNOLOGY.—The term "ultra-deepwater technology" means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at ultra-deepwater depths.

(9) UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCE.—The term "unconventional natural gas and other petroleum resource" means natural gas and other petroleum resource located onshore in an economically inaccessible geological formation, including resources of small producers.

SEC. 949. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to be deposited in the Fund, such sums as are necessary for each of the fiscal years 2004 through 2013, to remain available until expended.

(b) OBLIGATIONAL AUTHORITY.—Monies in the Fund shall be available to the Secretary for obligation under this part without fiscal year limitation, to remain available until expended.

(c) ALLOCATION.—Amounts obligated from the Fund under this section in each fiscal year shall be allocated as follows:

(1) 50 percent shall be for activities under section 942.

(2) 35 percent shall be for activities under section 943(d)(1).

(3) 10 percent shall be for activities under section 943(d)(2).

(4) 5 percent shall be for research under section 941(d).

(d) FUND.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund".

Subtitle F—Science

SEC. 951. SCIENCE.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application activities of the Office of Science, including activities authorized under this subtitle, including the amounts authorized under the amendment made by section 958(c)(2)(C), and including basic energy sciences, advanced scientific computing research, biological and environmental research, fusion energy sciences, high energy physics, nuclear physics, and research analysis and infrastructure support:

(1) For fiscal year 2004, $3,785,000,000.

(2) For fiscal year 2005, $4,153,000,000.

(3) For fiscal year 2006, $4,618,000,000.

(4) For fiscal year 2007, $5,310,000,000.

(5) For fiscal year 2008, $5,800,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities of the Fusion Energy Sciences Program, including activities under sections 952 and 953—

(A) for fiscal year 2004, $335,000,000;

(B) for fiscal year 2005, $349,000,000;

(C) for fiscal year 2006, $362,000,000;

(D) for fiscal year 2007, $377,000,000; and

(E) for fiscal year 2008, $395,000,000.

(2) For the Spallation Neutron Source—

(A) for construction in fiscal year 2004, $124,600,000;

(B) for construction in fiscal year 2005, $79,800,000;

(C) for completion of construction in fiscal year 2006, $41,100,000; and

(D) for other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment related to construction), $103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

(3) For Catalysis Research activities under section 956—

(A) for fiscal year 2004, $33,000,000;

(B) for fiscal year 2005, $35,000,000;

(C) for fiscal year 2006, $36,500,000;

(D) for fiscal year 2007, $38,200,000; and

(E) for fiscal year 2008, $40,100,000.

(4) For Nanoscale Science and Engineering Research activities under section 957—

(A) for fiscal year 2004, $270,000,000;

(B) for fiscal year 2005, $292,000,000;

(C) for fiscal year 2006, $322,000,000;

(D) for fiscal year 2007, $355,000,000; and

(E) for fiscal year 2008, $390,000,000.

(5) For activities under section 957(c), from the amounts authorized under paragraph (4) of this subsection—

(A) for fiscal year 2004, $135,000,000;

(B) for fiscal year 2005, $150,000,000;

(C) for fiscal year 2006, $120,000,000;

(D) for fiscal year 2007, $100,000,000; and

(E) for fiscal year 2008, $125,000,000.

(6) For activities in the Genomes to Life Program under section 959—

(A) for fiscal year 2004, $100,000,000; and

(B) for fiscal years 2005 through 2008, such sums as may be necessary.

(7) For activities in the Energy-Water Supply Program under section 961, $30,000,000 for each of fiscal years 2004 through 2008.

(c) ITER CONSTRUCTION.—In addition to the funds authorized under subsection (b)(1), such sums as may be necessary for costs associated with ITER construction, consistent with limitations under section 952.

SEC. 952. UNITED STATES PARTICIPATION IN ITER.

(a) IN GENERAL.—The United States may participate in ITER in accordance with the provisions of this section.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary is authorized to negotiate an agreement for United States participation in ITER.

(2) CONTENTS.—Any agreement for United States participation in ITER shall, at a minimum—

(A) clearly define the United States financial contribution to construction and operating costs;

(B) ensure that the share of ITER's high-technology components manufactured in the United States is at least proportionate to the United States financial contribution to ITER;

(C) ensure that the United States will not be financially responsible for cost overruns in components manufactured in other ITER participating countries;

(D) guarantee the United States full access to all data generated by ITER;

(E) enable United States researchers to propose and carry out an equitable share of the experiments at ITER;

(F) provide the United States with a role in all collective decisionmaking related to ITER; and

(G) describe the process for discontinuing or decommissioning ITER and any United States role in those processes.

(c) PLAN.—The Secretary, in consultation with the Fusion Energy Sciences Advisory Committee, shall develop a plan for the participation of United States scientists in ITER that shall include the United States research agenda for ITER, methods to evaluate whether ITER is promoting progress toward making fusion a reliable and affordable source of power, and a description of how work at ITER will relate to other elements of the United States fusion program. The Secretary shall request a review of the plan by the National Academy of Sciences.

(d) LIMITATION.—No funds shall be expended for the construction of ITER until the Secretary has transmitted to Congress—

(1) the agreement negotiated pursuant to subsection (b) and 120 days have elapsed since that transmission;

(2) a report describing the management structure of ITER and providing a fixed dollar estimate of the cost of United States participation in the construction of ITER, and 120 days have elapsed since that transmission;

(3) a report describing how United States participation in ITER will be funded without reducing funding for other programs in the Office of Science, including other fusion programs, and 60 days have elapsed since that transmission; and

(4) the plan required by subsection (c) (but not the National Academy of Sciences review of that plan), and 60 days have elapsed since that transmission.

(e) ALTERNATIVE TO ITER.—If at any time during the negotiations on ITER, the Secretary determines that construction and operation of ITER is unlikely or infeasible, the Secretary shall send to Congress, as part of the budget request for the following year, a plan for implementing the domestic burning plasma experiment known as FIRE, including costs and schedules for such a plan. The Secretary shall refine such plan in full consultation with the Fusion Energy Sciences Advisory Committee and shall also transmit such plan to the National Academy of Sciences for review.

(f) DEFINITIONS.—In this section and sections 951(b)(1) and (c):

(1) CONSTRUCTION.—The term "construction" means the physical construction of the ITER facility, and the physical construction, purchase, or manufacture of equipment or components that are specifically designed for the ITER facility, but does not mean the design of the facility, equipment, or components.

(2) FIRE.—The term "FIRE" means the Fusion Ignition Research Experiment, the fusion research experiment for which design work has been supported by the Department as a possible alternative burning plasma experiment in the event that ITER fails to move forward.

(3) ITER.—The term "ITER" means the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003.

SEC. 953. PLAN FOR FUSION ENERGY SCIENCES PROGRAM.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to conduct research, development, demonstration, and commercial application to provide for the scientific, engineering, and commercial infrastructure necessary to ensure that the United States is competitive with other nations in providing fusion energy for its own needs and the needs of other nations, including by demonstrating electric power or hydrogen production for the United States energy grid utilizing fusion energy at the earliest date possible.

(b) PLANNING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall present to Congress a plan, with proposed cost estimates, budgets, and potential international partners, for the implementation of the policy described in subsection (a). The plan shall ensure that—

(A) existing fusion research facilities are more fully utilized;

(B) fusion science, technology, theory, advanced computation, modeling, and simulation are strengthened;

(C) new magnetic and inertial fusion research facilities are selected based on scientific innovation, cost effectiveness, and their potential to advance the goal of practical fusion energy at the earliest date possible, and those that are selected are funded at a cost-effective rate;

(D) communication of scientific results and methods between the fusion energy science community and the broader scientific and technology communities is improved;

(E) inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development; and

(F) attractive alternative inertial and magnetic fusion energy approaches are more fully explored.

(2) COSTS AND SCHEDULES.—Such plan shall also address the status of and, to the degree possible, costs and schedules for—

(A) in coordination with the program under section 960, the design and implementation of international or national facilities for the testing of fusion materials; and

(B) the design and implementation of international or national facilities for the testing and development of key fusion technologies.

SEC. 954. SPALLATION NEUTRON SOURCE.

(a) DEFINITION.—For the purposes of this section, the term "Spallation Neutron Source" means Department Project 99–E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

(b) REPORT.—The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

(c) LIMITATIONS.—The total amount obligated by the Department, including prior year appropriations, for the Spallation Neutron Source shall not exceed—

(1) $1,192,700,000 for costs of construction;

(2) $219,000,000 for other project costs; and

(3) $1,411,700,000 for total project cost.

SEC. 955. SUPPORT FOR SCIENCE AND ENERGY FACILITIES AND INFRASTRUCTURE.

(a) FACILITY AND INFRASTRUCTURE POLICY.—The Secretary shall develop and implement a strategy for facilities and infrastructure supported primarily from the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Fossil Energy, or the Office of Nuclear Energy, Science, and Technology Programs at all National Laboratories and single-purpose research facilities. Such strategy shall provide cost-effective means for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility modifications; and

(4) building new facilities.

(b) REPORT.—

(1) IN GENERAL.—The Secretary shall prepare and transmit, along with the President's budget request to Congress for fiscal year 2006, a report containing the strategy developed under subsection (a).

(2) CONTENTS.—For each National Laboratory and single-purpose research facility, for the facilities primarily used for science and energy research, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current 10-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facility and infrastructure project compared to the original baseline cost, schedule, and scope.

SEC. 956. CATALYSIS RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the Office of Science, shall support a program of research and development in catalysis science consistent with the Department's statutory authorities related to research and development. The program shall include efforts to—

(1) enable catalyst design using combinations of experimental and mechanistic methodologies coupled with computational modeling of catalytic reactions at the molecular level;

(2) develop techniques for high throughput synthesis, assay, and characterization at nanometer and subnanometer scales in situ under actual operating conditions;

(3) synthesize catalysts with specific site architectures;

(4) conduct research on the use of precious metals for catalysis; and

(5) translate molecular understanding to the design of catalytic compounds.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Director of the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators to pioneer new approaches in catalytic design;

(2) develop, plan, construct, acquire, share, or operate special equipment or facilities for the use of investigators in collaboration with national user facilities such as nanoscience and engineering centers;

(3) support technology transfer activities to benefit industry and other users of catalysis science and engineering; and

(4) coordinate research and development activities with industry and other Federal agencies.

(c) TRIENNIAL ASSESSMENT.—The National Academy of Sciences shall review the catalysis program every 3 years to report on gains made in the fundamental science of catalysis and its progress towards developing new fuels for energy production and material fabrication processes.

SEC. 957. NANOSCALE SCIENCE AND ENGINEERING RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

(a) ESTABLISHMENT.—The Secretary, acting through the Office of Science, shall support a program of research, development, demonstration, and commercial application in nanoscience and nanoengineering. The program shall include efforts to further the understanding of the chemistry, physics, materials science, and engineering of phenomena on the scale of nanometers and to apply that knowledge to the Department's mission areas.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) support both individual investigators and teams of investigators, including multidisciplinary teams;

(2) carry out activities under subsection (c);

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering;

(4) coordinate research and development activities with other Department programs, industry, and other Federal agencies;

(5) ensure that societal and ethical concerns will be addressed as the technology is developed by—

(A) establishing a research program to identify societal and ethical concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated; and

(B) integrating, insofar as possible, research on societal and ethical concerns with nanotechnology research and development; and

(6) ensure that the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy is realized by supporting nanotechnology energy applications research and development.

(c) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—

(1) IN GENERAL.—The Secretary shall carry out projects to develop, plan, construct, acquire, operate, or support special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) ACTIVITIES.—Projects under paragraph (1) may include the measurement of properties at the scale of nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) FACILITIES.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities, and related instrumentation.

(4) COLLABORATIONS.—The Secretary shall encourage collaborations among Department programs, institutions of higher education, laboratories, and industry at facilities under this subsection.

SEC. 958. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) IN GENERAL.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge, computationally based, science problems related to departmental missions.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms in collaboration with other Department program offices;

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest;

(3) enhance national collaboratory and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets;

(4) develop and maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address departmental missions are available; and

(5) explore new computing approaches and technologies that promise to advance scientific computing, including developments in quantum computing.

(c) HIGH-PERFORMANCE COMPUTING ACT OF 1991 AMENDMENTS.—The High-Performance Computing Act of 1991 is amended—

(1) in section 4 (15 U.S.C. 5503)—

(A) in paragraph (3) by striking "means" and inserting "and networking and information technology mean", and by striking "(including vector supercomputers and large scale parallel systems)"; and

(B) in paragraph (4), by striking "packet switched"; and

(2) in section 203 (15 U.S.C. 5523)—

(A) in subsection (a), by striking all after "As part of the" and inserting "Networking and Information Technology Research and Development Program, the Secretary of Energy shall conduct basic and applied research in networking and information technology, with emphasis on supporting fundamental research in the physical sciences and engineering, and energy applications; providing supercomputer access and advanced communication capabilities and facilities to scientific researchers; and developing tools for distributed scientific collaboration.";

(B) in subsection (b), by striking "Program" and inserting "Networking and Information Technology Research and Development Program"; and

(C) by amending subsection (e) to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out the Networking and Information Technology Research and Development Program such sums as may be necessary for fiscal years 2004 through 2008.".

(d) Coordination.—The Secretary shall ensure that the program under this section is integrated and consistent with—

(1) the Advanced Simulation and Computing Program, formerly known as the Accelerated Strategic Computing Initiative, of the National Nuclear Security Administration; and

(2) other national efforts related to advanced scientific computing for science and engineering.

(e) Report.—

(1) In general.—Before undertaking any new initiative to develop any new advanced architecture for high-speed computing, the Secretary, through the Director of the Office of Science, shall transmit a report to Congress describing—

(A) the expected duration and cost of the initiative;

(B) the technical milestones the initiative is designed to achieve;

(C) how institutions of higher education and private firms will participate in the initiative; and

(D) why the goals of the initiative could not be achieved through existing programs.

(2) Limitation.—No funds may be expended on any initiative described in paragraph (1) until 30 days after the report required by that paragraph is transmitted to Congress.

SEC. 959. GENOMES TO LIFE PROGRAM.

(a) Program.—

(1) Establishment.—The Secretary shall establish a research, development, and demonstration program in genetics, protein science, and computational biology to support the energy, national security, and environmental mission of the Department.

(2) Grants.—The program shall support individual investigators and multidisciplinary teams of investigators through competitive, merit-reviewed grants.

(3) Consultation.—In carrying out the program, the Secretary shall consult with other Federal agencies that conduct genetic and protein research.

(b) Goals.—The program shall have the goal of developing technologies and methods based on the biological functions of genomes, microbes, and plants that—

(1) can facilitate the production of fuels, including hydrogen;

(2) convert carbon dioxide to organic carbon;

(3) improve national security and combat terrorism;

(4) detoxify soils and water at Department facilities contaminated with heavy metals and radiological materials; and

(5) address other Department missions as identified by the Secretary.

(c) Plan.—

(1) Development of plan.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a research plan describing how the program authorized pursuant to this section will be undertaken to accomplish the program goals established in subsection (b).

(2) Review of plan.—The Secretary shall contract with the National Academy of Sciences to review the research plan developed under this subsection. The Secretary shall transmit the review to Congress not later than 18 months after transmittal of the research plan under paragraph (1), along with the Secretary's response to the recommendations contained in the review.

(d) Genomes to Life User Facilities and Ancillary Equipment.—

(1) In general.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 951(b)(6) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research, development, demonstration, and commercial application in systems biology and proteomics and associated biological disciplines.

(2) Facilities.—Facilities under paragraph (1) may include facilities, equipment, or instrumentation for—

(A) the production and characterization of proteins;

(B) whole proteome analysis;

(C) characterization and imaging of molecular machines; and

(D) analysis and modeling of cellular systems.

(3) Collaborations.—The Secretary shall encourage collaborations among universities, laboratories, and industry at facilities under this subsection. All facilities under this subsection shall have a specific mission of technology transfer to other institutions.

(e) Prohibition on Biomedical and Human Cell and Human Subject Research.—

(1) No biomedical research.—In carrying out the program under this section, the Secretary shall not conduct biomedical research.

(2) Limitations.—Nothing in this section shall authorize the Secretary to conduct any research or demonstrations—

(A) on human cells or human subjects; or

(B) designed to have direct application with respect to human cells or human subjects.

SEC. 960. FISSION AND FUSION ENERGY MATERIALS RESEARCH PROGRAM.

In the President's fiscal year 2006 budget request, the Secretary shall establish a research and development program on material science issues presented by advanced fission reactors and the Department's fusion energy program. The program shall develop a catalog of material properties required for these applications, develop theoretical models for materials possessing the required properties, benchmark models against existing data, and develop a roadmap to guide further research and development in this area.

SEC. 961. ENERGY-WATER SUPPLY PROGRAM.

(a) Establishment.—There is established within the Department the Energy-Water Supply Program, to study energy-related and certain other issues associated with the supply of drinking water and operation of community water systems and to study water supply issues related to energy.

(b) Definitions.—For the purposes of this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Agency.—The term "Agency" means the Environmental Protection Agency.

(3) Foundation.—The term "Foundation" means the American Water Works Association Research Foundation.

(4) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) Program.—The term "Program" means the Energy-Water Supply Program established by this section.

(c) Program Areas.—The Program shall develop methods, means, procedures, equipment, and improved technologies relating to—

(1) the arsenic removal program under subsection (d);

(2) the desalination program under subsection (e); and

(3) the water and energy sustainability program under subsection (f).

(d) Arsenic Removal Program.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary, in coordination with the Administrator and in partnership with the Foundation, shall utilize the facilities, institutions, and relationships established in the Consolidated Appropriations Resolution, 2003 as described in Senate Report 107–220 to carry out a research program to provide innovative methods and means for removal of arsenic.

(2) Required evaluations.—The program shall, to the maximum extent practicable, evaluate the means of—

(A) reducing energy costs incurred in using arsenic removal technologies;

(B) minimizing materials, operating, and maintenance costs; and

(C) minimizing any quantities of waste (especially hazardous waste) that result from use of arsenic removal technologies.

(3) Peer review.—Where applicable and reasonably available, projects undertaken under this subsection shall be peer-reviewed.

(4) Community water systems.—In carrying out the program under this subsection, the Secretary, in coordination with the Administrator, shall—

(A) select projects involving a geographically and hydrologically diverse group of community water systems (as defined in section 1003 of the Public Health Service Act (42 U.S.C. 300)) and water chemistries, that have experienced technical or economic difficulties in providing drinking water with levels of arsenic at 10 parts-per-billion or lower, which projects shall be designed to develop innovative methods and means to deliver drinking water that contains less than 10 parts per billion of arsenic; and

(B) provide not less than 40 percent of all funds spent pursuant to this subsection to address the needs of, and in collaboration with, rural communities or Indian tribes.

(5) Cost effectiveness.—The Foundation shall create methods for determining cost effectiveness of arsenic removal technologies used in the program.

(6) Education, training, and technology.—The Foundation shall include education, training, and technology transfer as part of the program.

(7) Coordination.—The Secretary shall consult with the Administrator to ensure that all activities conducted under the program are coordinated with the Agency and do not duplicate other programs in the Agency and other Federal agencies, State programs, and academia.

(8) Reports.—Not later than 1 year after the date of commencement of the program under this subsection, and once every year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate a report on the results of the program under this subsection.

(e) Desalination Program.—

(1) In general.—The Secretary, in cooperation with the Commissioner of Reclamation of the Department of the Interior, shall carry out a program to conduct research and develop methods and means for desalination in accordance with the desalination technology progress plan developed under title II of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 498), and described in Senate Report 107–39 under the heading "Water and Related Resources" in the "Bureau of Reclamation" section.

(2) REQUIREMENTS.—The desalination program shall—

(A) use the resources of the Department and the Department of the Interior that were involved in the development of the 2003 National Desalination and Water Purification Technology Roadmap for next-generation desalination technology;

(B) focus on technologies that are appropriate for use in desalinating brackish groundwater, drinking water, wastewater and other saline water supplies, or disposal of residual brine or salt; and

(C) consider the use of renewable energy sources.

(3) CONSTRUCTION PROJECTS.—Funds made available to carry out this subsection may be used for construction projects, including completion of the National Desalination Research Center for brackish groundwater and ongoing operational costs of this facility.

(4) STEERING COMMITTEE.—The Secretary and the Commissioner of Reclamation of the Department of the Interior shall jointly establish a steering committee for activities conducted under this subsection. The steering committee shall be jointly chaired by 1 representative from the program and 1 representative from the Bureau of Reclamation.

(f) WATER AND ENERGY SUSTAINABILITY PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program to identify methods, means, procedures, equipment, and improved technologies necessary to ensure that sufficient quantities of water are available to meet energy needs and sufficient energy is available to meet water needs.

(2) ASSESSMENTS.—In order to acquire information and avoid duplication, the Secretary shall work in collaboration with the Secretary of the Interior, the Army Corps of Engineers, the Administrator, the Secretary of Commerce, the Secretary of Defense, relevant State agencies, nongovernmental organizations, and academia, to assess—

(A) future water resources needed to support energy development and production within the United States including water used for hydropower, and production of, or electricity generation by, hydrogen, biomass, fossil fuels, and nuclear fuel;

(B) future energy resources needed to support water purification and wastewater treatment, including desalination and water conveyance;

(C) use of impaired and nontraditional water supplies for energy production other than oil and gas extraction;

(D) technology and programs for improving water use efficiency; and

(E) technologies to reduce water use in energy development and production.

(3) ROADMAP; TOOLS.—The Secretary shall—

(A) develop a program plan and technology development roadmap for the Water and Energy Sustainability Program to identify scientific and technical requirements and activities that are required to support planning for energy sustainability under current and potential future conditions of water availability, use of impaired water for energy production and other uses, and reduction of water use in energy development and production;

(B) develop tools for national and local energy and water sustainability planning, including numerical models, decision analysis tools, economic analysis tools, databases, and planning methodologies and strategies;

(C) implement at least 3 planning projects involving energy development or production that use the tools described in subparagraph (B) and assess the viability of those tools at the scale of river basins with at least 1 demonstration involving an international border; and

(D) transfer those tools to other Federal agencies, State agencies, nonprofit organizations, industry, and academia.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the Water and Energy Sustainability Program that—

(A) includes the results of the assessment under paragraph (2) and the program plan and technology development roadmap; and

(B) identifies policy, legal, and institutional issues related to water and energy sustainability.

SEC. 962. NITROGEN FIXATION.

The Secretary, acting through the Office of Science, shall support a program of research, development, demonstration, and commercial application on biological nitrogen fixation, including plant genomics research relevant to the development of commercial crop varieties with enhanced nitrogen fixation efficiency and ability.

Subtitle G—Energy and Environment

SEC. 964. UNITED STATES-MEXICO ENERGY TECHNOLOGY COOPERATION.

(a) PROGRAM.—The Secretary shall establish a research, development, demonstration, and commercial application program to be carried out in collaboration with entities in Mexico and the United States to promote energy efficient, environmentally sound economic development along the United States-Mexico border that minimizes public health risks from industrial activities in the border region.

(b) PROGRAM MANAGEMENT.—The program under subsection (a) shall be managed by the Department of Energy Carlsbad Environmental Management Field Office.

(c) TECHNOLOGY TRANSFER.—In carrying out projects and activities under this section, the Secretary shall assess the applicability of technology developed under the Environmental Management Science Program of the Department.

(d) INTELLECTUAL PROPERTY.—In carrying out this section, the Secretary shall comply with the requirements of any agreement entered into between the United States and Mexico regarding intellectual property protection.

(e) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated to the Secretary to carry out activities under this section:

(1) For each of fiscal years 2004 and 2005, $5,000,000.

(2) For each of fiscal years 2006, 2007, and 2008, $6,000,000.

SEC. 965. WESTERN HEMISPHERE ENERGY COOPERATION.

(a) PROGRAM.—The Secretary shall carry out a program to promote cooperation on energy issues with Western Hemisphere countries.

(b) ACTIVITIES.—Under the program, the Secretary shall fund activities to work with Western Hemisphere countries to—

(1) assist the countries in formulating and adopting changes in economic policies and other policies to—

(A) increase the production of energy supplies; and

(B) improve energy efficiency; and

(2) assist in the development and transfer of energy supply and efficiency technologies that would have a beneficial impact on world energy markets.

(c) UNIVERSITY PARTICIPATION.—To the extent practicable, the Secretary shall carry out the program under this section with the participation of universities so as to take advantage of the acceptance of universities by Western Hemisphere countries as sources of unbiased technical and policy expertise when assisting the Secretary in—

(1) evaluating new technologies;

(2) resolving technical issues;

(3) working with those countries in the development of new policies; and

(4) training policymakers, particularly in the case of universities that involve the participation of minority students, such as Hispanic-serving institutions and Historically Black Colleges and Universities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $8,000,000 for fiscal year 2004;

(2) $10,000,000 for fiscal year 2005;

(3) $13,000,000 for fiscal year 2006;

(4) $16,000,000 for fiscal year 2007; and

(5) $19,000,000 for fiscal year 2008.

SEC. 966. WASTE REDUCTION AND USE OF ALTERNATIVES.

(a) GRANT AUTHORITY.—The Secretary may make a single grant to a qualified institution to examine and develop the feasibility of burning post-consumer carpet in cement kilns as an alternative energy source. The purposes of the grant shall include determining—

(1) how post-consumer carpet can be burned without disrupting kiln operations;

(2) the extent to which overall kiln emissions may be reduced;

(3) the emissions of air pollutants and other relevant environmental impacts; and

(4) how this process provides benefits to both cement kiln operations and carpet suppliers.

(b) QUALIFIED INSTITUTION.—For the purposes of subsection (a), a qualified institution is a research-intensive institution of higher education with demonstrated expertise in the fields of fiber recycling and logistical modeling of carpet waste collection and preparation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $500,000.

SEC. 967. REPORT ON FUEL CELL TEST CENTER.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of a study of the establishment of a test center for next-generation fuel cells at an institution of higher education that has available a continuous source of hydrogen and access to the electric transmission grid. Such report shall include a conceptual design for such test center and a projection of the costs of establishing the test center.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $500,000.

SEC. 968. ARCTIC ENGINEERING RESEARCH CENTER.

(a) IN GENERAL.—The Secretary of Energy (referred to in this section as the "Secretary") in consultation with the Secretary of Transportation and the United States Arctic Research Commission shall provide annual grants to a university located adjacent to the Arctic Energy Office of the Department of Energy, to establish and operate a university research center to be headquartered in Fairbanks and to be known as the "Arctic Engineering Research Center" (referred to in this section as the "Center").

(b) PURPOSE.—The purpose of the Center shall be to conduct research on, and develop improved methods of, construction and use of materials to improve the overall performance of roads, bridges, residential, commercial, and industrial structures, and other infrastructure in the Arctic region, with an emphasis on developing—

(1) new construction techniques for roads, bridges, rail, and related transportation infrastructure and residential, commercial, and industrial infrastructure that are capable of withstanding the Arctic environment and using limited energy resources as efficiently as possible;

(2) technologies and procedures for increasing road, bridge, rail, and related transportation infrastructure and residential, commercial, and industrial infrastructure safety, reliability, and integrity in the Arctic region;

(3) new materials and improving the performance and energy efficiency of existing materials for the construction of roads, bridges, rail, and related transportation infrastructure and residential, commercial, and industrial infrastructure in the Arctic region; and

(4) recommendations for new local, regional, and State permitting and building codes to ensure transportation and building safety and efficient energy use when constructing, using, and occupying such infrastructure in the Arctic region.

(c) Objectives.—The Center shall carry out—

(1) basic and applied research in the subjects described in subsection (b), the products of which shall be judged by peers or other experts in the field to advance the body of knowledge in road, bridge, rail, and infrastructure engineering in the Arctic region; and

(2) an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

(d) Amount of Grant.—For each of fiscal years 2004 through 2009, the Secretary shall provide a grant in the amount of $3,000,000 to the institution specified in subsection (a) to carry out this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2004 through 2009.

SEC. 969. BARROW GEOPHYSICAL RESEARCH FACILITY.

(a) Establishment.—The Secretary of Commerce, in consultation with the Secretaries of Energy and the Interior, the Director of the National Science Foundation, and the Administrator of the Environmental Protection Agency, shall establish a joint research facility in Barrow, Alaska, to be known as the "Barrow Geophysical Research Facility", to support scientific research activities in the Arctic.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretaries of Commerce, Energy, and the Interior, the Director of the National Science Foundation, and the Administrator of the Environmental Protection Agency for the planning, design, construction, and support of the Barrow Geophysical Research Facility $61,000,000.

SEC. 970. WESTERN MICHIGAN DEMONSTRATION PROJECT.

The Administrator of the Environmental Protection Agency, in consultation with the State of Michigan and affected local officials, shall conduct a demonstration project to address the effect of transported ozone and ozone precursors in Southwestern Michigan. The demonstration program shall address projected nonattainment areas in Southwestern Michigan that include counties with design values for ozone of less than .095 based on years 2000 to 2002 or the most current 3-year period of air quality data. The Administrator shall assess any difficulties such areas may experience in meeting the 8-hour national ambient air quality standard for ozone due to the effect of transported ozone or ozone precursors into the areas. The Administrator shall work with State and local officials to determine the extent of ozone and ozone precursor transport, to assess alternatives to achieve compliance with the 8-hour standard apart from local controls, and to determine the timeframe in which such compliance could take place. The Administrator shall complete this demonstration project no later than 2 years after the date of enactment of this section and shall not impose any requirement or sanction that might otherwise apply during the pendency of the demonstration project.

Subtitle H—Management

SEC. 971. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department under this title shall remain available until expended.

SEC. 972. COST SHARING.

(a) Research and Development.—Except as otherwise provided in this title, for research and development programs carried out under this title the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature or involves technical analyses or educational activities.

(b) Demonstration and Commercial Application.—Except as otherwise provided in this title, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this title to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this title.

(c) Calculation of Amount.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

(d) Size of Non-Federal Share.—The Secretary may consider the size of the non-Federal share in selecting projects.

SEC. 973. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under this title shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

SEC. 974. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) National Energy Research and Development Advisory Boards.—

(1) In general.—The Secretary shall establish 1 or more advisory boards to review Department research, development, demonstration, and commercial application programs in energy efficiency, renewable energy, nuclear energy, and fossil energy.

(2) Existing advisory boards.—The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, and may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) Office of Science Advisory Committees.—

(1) Utilization of existing committees.—The Secretary shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act (5 U.S.C. App.) by the Office of Science to oversee research and development programs under that Office.

(2) Science advisory committee.—

(A) Establishment.—There shall be in the Office of Science a Science Advisory Committee that includes the chairs of each of the advisory committees described in paragraph (1).

(B) Responsibilities.—The Science Advisory Committee shall—

(i) serve as the science advisor to the Director of the Office of Science;

(ii) advise the Director with respect to the well-being and management of the National Laboratories and single-purpose research facilities;

(iii) advise the Director with respect to education and workforce training activities required for effective short-term and long-term basic and applied research activities of the Office of Science; and

(iv) advise the Director with respect to the well being of the university research programs supported by the Office of Science.

(c) Membership.—Each advisory board under this section shall consist of persons with appropriate expertise representing a diverse range of interests.

(d) Meetings and Purposes.—Each advisory board under this section shall meet at least semiannually to review and advise on the progress made by the respective research, development, demonstration, and commercial application program or programs. The advisory board shall also review the measurable cost and performance-based goals for such programs as established under section 901(b), and the progress on meeting such goals.

(e) Periodic Reviews and Assessments.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct periodic reviews and assessments of the programs authorized by this title, the measurable cost and performance-based goals for such programs as established under section 901(b), if any, and the progress on meeting such goals. Such reviews and assessments shall be conducted every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to Congress reports containing the results of all such reviews and assessments.

SEC. 975. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) Technology Transfer Coordinator.—The Secretary shall designate a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall—

(1) coordinate the activities of the Technology Transfer Working Group;

(2) oversee the expenditure of funds allocated to the Technology Transfer Working Group; and

(3) coordinate with each technology partnership ombudsman appointed under section 11 of the Technology Transfer Commercialization Act of 2000 (42 U.S.C. 7261c).

(b) Technology Transfer Working Group.—The Secretary shall establish a Technology Transfer Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices, including alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department, including those related to alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters.

(c) Technology Transfer Responsibility.—Nothing in this section shall affect the technology transfer responsibilities of Federal employees under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

SEC. 976. FEDERAL LABORATORY EDUCATIONAL PARTNERS.

(a) Distribution of Royalties Received by Federal Agencies.—Section 14(a)(1)(B)(v) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)(v)), is amended to read as follows:

"(v) for scientific research and development and for educational assistance and other purposes consistent with the missions and objectives of the agency and the laboratory.".

(b) Cooperative Research and Development Agreements.—Section 12(b)(5)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(5)(C)) is amended to read as follows:

"(C) for scientific research and development and for educational assistance consistent with the missions and objectives of the agency and the laboratory.".

SEC. 977. INTERAGENCY COOPERATION.

The Secretary shall enter into discussions with the Administrator of the National Aeronautics and Space Administration with the goal of reaching an interagency working agreement between the 2 agencies that would make the National Aeronautics and Space Administration's expertise in energy, gained from its existing and planned programs, more readily available to the relevant research, development, demonstration, and commercial applications programs of the Department. Technologies to be discussed should include the National Aeronautics and Space Administration's modeling, research, development, testing, and evaluation of new energy technologies, including solar, wind, fuel cells, and hydrogen storage and distribution.

SEC. 978. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) Establishment.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) Purpose.—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories and single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories and single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or single-purpose research facilities and entities that can support departmental missions at the National Laboratories or single-purpose research facilities, such as institutions of higher education; technology-related business concerns; nonprofit institutions; and agencies of State, tribal, or local governments.

(c) Projects.—The Secretary shall authorize the Director of each National Laboratory or single-purpose research facility to implement the Technology Infrastructure Program at such National Laboratory or facility through projects that meet the requirements of subsections (d) and (e).

(d) Program Requirements.—Each project funded under this section shall meet the following requirements:

(1) Each project shall include at least 1 of each of the following entities: A business; an institution of higher education; a nonprofit institution; and an agency of a State, local, or tribal government.

(2) Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources. The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project after start of the project. Independent research and development expenses of Government contractors that qualify for reimbursement under section 31.205-18(e) of the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited toward costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(3) All projects under this section shall be competitively selected using procedures determined by the Secretary.

(4) Any participant that receives funds under this section may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) No Federal funds shall be made available under this section for construction or any project for more than 5 years.

(e) Selection Criteria.—

(1) In general.—The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) Criteria.—The Secretary shall consider the following criteria in selecting a project to receive Federal funds:

(A) The potential of the project to promote the development of a commercially sustainable technology cluster following the period of Department investment, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility.

(B) The potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility.

(C) The extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project.

(D) The extent to which the project focuses on promoting the development of technology-related business concerns that are small businesses or involves such small businesses substantively in the project.

(E) Such other criteria as the Secretary determines to be appropriate.

(f) Allocation.—In allocating funds for projects approved under this section, the Secretary shall provide—

(1) the Federal share of the project costs; and

(2) additional funds to the National Laboratory or single-purpose research facility managing the project to permit the National Laboratory or single-purpose research facility to carry out activities relating to the project, and to coordinate such activities with the project.

(g) Report to Congress.—Not later than July 1, 2006, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued and, if so, how the program should be managed.

(h) Definitions.—In this section:

(1) Technology cluster.—The term "technology cluster" means a concentration of technology-related business concerns, institutions of higher education, or nonprofit institutions that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(2) Technology-related business concern.—The term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that conducts scientific or engineering research; develops new technologies; manufactures products based on new technologies; or performs technological services.

(i) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2004, 2005, and 2006.

SEC. 979. REPROGRAMMING.

(a) Distribution Report.—Not later than 60 days after the date of the enactment of an Act appropriating amounts authorized under this title, the Secretary shall transmit to the appropriate authorizing committees of Congress a report explaining how such amounts will be distributed among the authorizations contained in this title.

(b) Prohibition.—

(1) In general.—No amount identified under subsection (a) shall be reprogrammed if such reprogramming would result in an obligation which changes an individual distribution required to be reported under subsection (a) by more than 5 percent unless the Secretary has transmitted to the appropriate authorizing committees of Congress a report described in subsection (c) and a period of 30 days has elapsed after such committees receive the report.

(2) Computation.—In the computation of the 30-day period described in paragraph (1), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Reprogramming Report.—A report referred to in subsection (b)(1) shall contain a full and complete statement of the action proposed to be taken and the facts and circumstances relied on in support of the proposed action.

SEC. 980. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title, the Secretary shall carry out the research, development, demonstration, and commercial application programs, projects, and activities authorized by this title in accordance with the applicable provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act), and any other Act under which the Secretary is authorized to carry out such activities.

SEC. 981. REPORT ON RESEARCH AND DEVELOPMENT PROGRAM EVALUATION METHODOLOGIES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to investigate and report on the scientific and technical merits of any evaluation methodology currently in use or proposed for use in relation to the scientific and technical programs of the Department by the Secretary or other Federal official. Not later than 6 months after receiving the report of the National Academy, the Secretary shall submit such report to Congress, along with any other views or plans of the Secretary with respect to the future use of such evaluation methodology.

SEC. 982. DEPARTMENT OF ENERGY SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to establish a Department of Energy Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Department.

(2) COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) SERVICE AGREEMENTS.—To carry out the Program the Secretary shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Department, for the period described in subsection (f)(1), in positions needed by the Department and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) SCHOLARSHIP ELIGIBILITY.—In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic program or field of study described in the list made available under subsection (d);

(2) be a United States citizen; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) APPLICATION REQUIRED.—An individual seeking a scholarship under this section shall submit an application to the Secretary at such time, in such manner, and containing such information, agreements, or assurances as the Secretary may require.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The Secretary shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized, and shall update the list as necessary.

(e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—The Secretary may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Secretary, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Secretary grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Secretary, but shall in no case exceed the cost of attendance.

(4) AUTHORIZED USES.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Secretary by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—The Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—The period of service for which an individual shall be obligated to serve as an employee of the Department is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) SCHEDULE FOR SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) DEFERRAL.—The Secretary may defer the obligation of an individual to provide a period of service under paragraph (1) if the Secretary determines that such a deferral is appropriate. The Secretary shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Secretary by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment not later than 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Secretary when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—A scholarship recipient who, for any reason, fails to begin or complete a service obligation under this section after completion of academic training, or fails to comply with the terms and conditions of deferment established by the Secretary pursuant to subsection (f)(2)(B), shall be in breach of the contractual agreement. When a recipient breaches an agreement for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) DEFINITIONS.—In this section the following definitions apply:

(1) COST OF ATTENDANCE.—The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087*ll*).

(2) PROGRAM.—The term "Program" means the Department of Energy Science and Technology Scholarship Program established under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section—

(1) for fiscal year 2004, $800,000;

(2) for fiscal year 2005, $1,600,000;

(3) for fiscal year 2006, $2,000,000;

(4) for fiscal year 2007, $2,000,000; and

(5) for fiscal year 2008, $2,000,000.

SEC. 983. REPORT ON EQUAL EMPLOYMENT OPPORTUNITY PRACTICES.

Not later than 12 months after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the equal employment opportunity practices at National Laboratories. Such report shall include—

(1) a thorough review of each laboratory contractor's equal employment opportunity policies, including promotion to management and professional positions and pay raises;

(2) a statistical report on complaints and their disposition in the laboratories;

(3) a description of how equal employment opportunity practices at the laboratories are

treated in the contract and in calculating award fees for each contractor;

(4) a summary of disciplinary actions and their disposition by either the Department or the relevant contractors for each laboratory;

(5) a summary of outreach efforts to attract women and minorities to the laboratories;

(6) a summary of efforts to retain women and minorities in the laboratories; and

(7) a summary of collaboration efforts with the Office of Federal Contract Compliance Programs to improve equal employment opportunity practices at the laboratories.

SEC. 984. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) SMALL BUSINESS ADVOCATE.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to designate a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities along with recommendations, if appropriate, on how to improve participation;

(3) make available to small businesses training, mentoring, and information on how to participate in procurement and collaborative research activities;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concerns' products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.—The term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section $5,000,000 for each of fiscal years 2004 through 2008.

SEC. 985. REPORT ON MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress identifying any policies or procedures of a contractor operating a National Laboratory or single-purpose research facility that create disincentives to the temporary transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities and provide suggestions for improving interlaboratory exchange of scientific and technical personnel.

SEC. 986. NATIONAL ACADEMY OF SCIENCES REPORT.

Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the Academy to—

(1) conduct a study on—

(A) the obstacles to accelerating the commercial application of energy technology; and

(B) the adequacy of Department policies and procedures for, and oversight of, technology transfer-related disputes between contractors of the Department and the private sector; and

(2) transmit a report to Congress on recommendations developed as a result of the study.

SEC. 987. OUTREACH.

The Secretary shall ensure that each program authorized by this title includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, institutions of higher education, small businesses, facility planners and managers, State and local governments, and other entities.

SEC. 988. COMPETITIVE AWARD OF MANAGEMENT CONTRACTS.

None of the funds authorized to be appropriated to the Secretary by this title may be used to award a management and operating contract for a nonmilitary energy laboratory of the Department unless such contract is competitively awarded or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver and shall submit to Congress a report notifying Congress of the waiver and setting forth the reasons for the waiver at least 60 days prior to the date of the award of such a contract.

SEC. 989. EDUCATIONAL PROGRAMS IN SCIENCE AND MATHEMATICS.

(a) ACTIVITIES.—Section 3165(a) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381b(a)) is amended by adding at the end the following:

"(14) Support competitive events for students, under supervision of teachers, designed to encourage student interest and knowledge in science and mathematics.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3169 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381e), as so redesignated by section 1102(b), is amended by inserting before the period "; and $40,000,000 for each of fiscal years 2004 through 2008".

TITLE X—DEPARTMENT OF ENERGY MANAGEMENT

SEC. 1001. ADDITIONAL ASSISTANT SECRETARY POSITION.

(a) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—

(1) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "six Assistant Secretaries" and inserting "7 Assistant Secretaries".

(2) SENSE OF CONGRESS.—It is the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of Energy (7)".

(2) DEPARTMENT OF ENERGY ORGANIZATION ACT.—The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking "Section 209" and inserting "Sec. 209";

(B) by striking "213." and inserting "Sec. 213.";

(C) by striking "214." and inserting "Sec. 214.";

(D) by striking "215." and inserting "Sec. 215."; and

(E) by striking "216." and inserting "Sec. 216.".

SEC. 1002. OTHER TRANSACTIONS AUTHORITY.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

"(g)(1) In addition to other authorities granted to the Secretary under law, the Secretary may enter into other transactions on such terms as the Secretary may deem appropriate in furtherance of research, development, or demonstration functions vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908) or section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

"(2)(A) The Secretary shall ensure that—

"(i) to the maximum extent the Secretary determines practicable, no transaction entered into under paragraph (1) provides for research, development, or demonstration that duplicates research, development, or demonstration being conducted under existing projects carried out by the Department;

"(ii) to the extent the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction; and

"(iii) to the extent the Secretary determines practicable, competitive, merit-based selection procedures shall be used when entering into transactions under paragraph (1).

"(B) A transaction authorized by paragraph (1) may be used for a research, development, or demonstration project only if the Secretary makes a written determination that the use of a standard contract, grant, or cooperative agreement for the project is not feasible or appropriate.

"(3)(A) The Secretary shall protect from disclosure, including disclosure under section 552 of title 5, United States Code, for up to 5 years after the date the information is received by the Secretary—

"(i) a proposal, proposal abstract, and supporting documents submitted to the Department in a competitive or noncompetitive process having the potential for resulting in an award under paragraph (1) to the party submitting the information; and

"(ii) a business plan and technical information relating to a transaction authorized by paragraph (1) submitted to the Department as confidential business information.

"(B) The Secretary may protect from disclosure, for up to 5 years after the information was developed, any information developed pursuant to a transaction under paragraph (1) which developed information is of a character that it would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.

"(4) Not later than 90 days after the date of enactment of this subsection, the Secretary shall prescribe guidelines for using other transactions authorized by paragraph (1). Such guidelines shall be published in the Federal Register for public comment under rulemaking procedures of the Department.

"(5) The authority of the Secretary under this subsection may be delegated only to an officer of the Department who is appointed by the President by and with the advice and consent of the Senate and may not be delegated to any other person.

"(6)(A) Not later than September 31, 2005, the Comptroller General of the United States shall report to Congress on the Department's use of the authorities granted under this section, including the ability to attract nontraditional government contractors and whether additional safeguards are needed with respect to the use of such authorities.

"(B) In this section, the term 'nontraditional Government contractor' has the same meaning as the term 'nontraditional defense contractor' as defined in section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).".

TITLE XI—PERSONNEL AND TRAINING

SEC. 1101. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

The Secretary of Energy, in consultation with the Secretary of Labor and jointly with the electric industry and recognized employee representatives, shall develop model personnel training guidelines to support electric system reliability and safety. The training guidelines shall, at a minimum—

(1) include training requirements for workers engaged in the construction, operation, inspection, and maintenance of electric generation, transmission, and distribution, including competency and certification requirements, and assessment requirements that include initial and ongoing evaluation of workers, recertification assessment procedures, and methods for examining or testing the qualification of individuals performing covered tasks; and

(2) consolidate existing training guidelines on the construction, operation, maintenance, and inspection of electric generation, transmission, and distribution facilities, such as those established by the National Electric Safety Code and other industry consensus standards.

SEC. 1102. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) DEPARTMENT OF ENERGY SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

"(c) PROGRAMS FOR STUDENTS FROM UNDERREPRESENTED GROUPS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage students from underrepresented groups to pursue scientific and technical careers.".

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVICING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

"SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given that term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in section 902 of the Energy Policy Act of 2003.

"(4) SCIENCE FACILITY.—The term 'science facility' has the meaning given the term 'single-purpose research facility' in section 902 of the Energy Policy Act of 2003.

"(5) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'Tribal College or University' in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3)).

"(b) EDUCATION PARTNERSHIP.—The Secretary shall direct the Director of each National Laboratory and, to the extent practicable, the head of any science facility to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in activities that increase the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

"(c) ACTIVITIES.—An activity under subsection (b) may include—

"(1) collaborative research;

"(2) equipment transfer;

"(3) training activities conducted at a National Laboratory or science facility; and

"(4) mentoring activities conducted at a National Laboratory or science facility.

"(d) REPORT.—Not later than 2 years after the date of enactment of the Energy Policy Act of 2003, the Secretary shall submit to Congress a report on the activities carried out under this section.".

SEC. 1103. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (in this section referred to as the "Center"), to address the need for training and educating certified operators for nonnuclear electric power generation plants.

(b) ROLE.—The Center shall provide both training and continuing education relating to nonnuclear electric power generation plant technologies and operations. The Center shall conduct training and education activities on site and through Internet-based information technologies that allow for learning at remote sites.

(c) CRITERIA FOR COMPETITIVE SELECTION.—The Secretary shall support the establishment of the Center at an institution of higher education with expertise in power plant technology and operation and with the ability to provide onsite as well as Internet-based training.

SEC. 1104. INTERNATIONAL ENERGY TRAINING.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretaries of Commerce, Interior, and State and the Federal Energy Regulatory Commission, shall coordinate training and outreach efforts for international commercial energy markets in countries with developing and restructuring economies.

(b) COMPONENTS.—The efforts may address—

(1) production-related fiscal regimes;

(2) grid and network issues;

(3) energy user and demand side response;

(4) international trade of energy; and

(5) international transportation of energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2004 through 2007.

TITLE XII—ELECTRICITY

SEC. 1201. SHORT TITLE.

This title may be cited as the "Electric Reliability Act of 2003".

Subtitle A—Reliability Standards

SEC. 1211. ELECTRIC RELIABILITY STANDARDS.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'bulk-power system' means—

"(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

"(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

"(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

"(3) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

"(4) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

"(5) The term 'Interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of 1 or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

“(6) The term ‘transmission organization’ means a Regional Transmission Organization, Independent System Operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

“(7) The term ‘regional entity’ means an entity having enforcement authority pursuant to subsection (e)(4).

“(b) JURISDICTION AND APPLICABILITY.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

“(2) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

“(c) CERTIFICATION.—Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization. The Commission may certify 1 such ERO if the Commission determines that such ERO—

“(1) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

“(2) has established rules that—

“(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

“(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

“(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

“(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

“(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

“(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

“(2) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

“(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

“(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

“(5) The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

“(6) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

“(A) the Commission finds a conflict exists between a reliability standard and any such provision;

“(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

“(C) the ordered change becomes effective under this part.

If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

“(e) ENFORCEMENT.—(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

“(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

“(B) files notice and the record of the proceeding with the Commission.

“(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the ERO files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the ERO and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the ERO for further proceedings. The Commission shall implement expedited procedures for such hearings.

“(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

“(4) The Commission shall issue regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

“(A) the regional entity is governed by—

“(i) an independent board;

“(ii) a balanced stakeholder board; or

“(iii) a combination independent and balanced stakeholder board.

“(B) the regional entity otherwise satisfies the provisions of subsection (c)(1) and (2); and

“(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO’s authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

“(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

“(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

“(f) CHANGES IN ELECTRIC RELIABILITY ORGANIZATION RULES.—The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the ERO. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c).

“(g) RELIABILITY REPORTS.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

"(h) Coordination With Canada and Mexico.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the ERO in the United States and Canada or Mexico.

"(i) Savings Provisions.—(1) The ERO shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

"(2) This section does not authorize the ERO or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

"(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the ERO.

"(5) The Commission, after consultation with the ERO and the State taking action, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

"(j) Regional Advisory Bodies.—The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than ½ of their electric load served within the region. A regional advisory body shall be composed of 1 member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

"(k) Alaska and Hawaii.—The provisions of this section do not apply to Alaska or Hawaii.".

(b) Status of ERO.—The Electric Reliability Organization certified by the Federal Energy Regulatory Commission under section 215(c) of the Federal Power Act and any regional entity delegated enforcement authority pursuant to section 215(e)(4) of that Act are not departments, agencies, or instrumentalities of the United States Government.

Subtitle B—Transmission Infrastructure Modernization

SEC. 1221. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

(a) Amendment of Federal Power Act.—Part II of the Federal Power Act is amended by adding at the end the following:

"SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

"(a) Designation of National Interest Electric Transmission Corridors.—

"(1) Transmission congestion study.—Within 1 year after the enactment of this section, and every 3 years thereafter, the Secretary of Energy, in consultation with affected States, shall conduct a study of electric transmission congestion. After considering alternatives and recommendations from interested parties, including an opportunity for comment from affected States, the Secretary shall issue a report, based on such study, which may designate any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor. The Secretary shall conduct the study and issue the report in consultation with any appropriate regional entity referenced in section 215 of this Act.

"(2) Considerations.—In determining whether to designate a national interest electric transmission corridor referred to in paragraph (1) under this section, the Secretary may consider whether—

"(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

"(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

"(ii) a diversification of supply is warranted;

"(C) the energy independence of the United States would be served by the designation;

"(D) the designation would be in the interest of national energy policy; and

"(E) the designation would enhance national defense and homeland security.

"(b) Construction Permit.—Except as provided in subsection (i), the Commission is authorized, after notice and an opportunity for hearing, to issue a permit or permits for the construction or modification of electric transmission facilities in a national interest electric transmission corridor designated by the Secretary under subsection (a) if the Commission finds that—

"(1)(A) a State in which the transmission facilities are to be constructed or modified is without authority to—

"(i) approve the siting of the facilities; or

"(ii) consider the interstate benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

"(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

"(C) a State commission or other entity that has authority to approve the siting of the facilities has—

"(i) withheld approval for more than 1 year after the filing of an application pursuant to applicable law seeking approval or 1 year after the designation of the relevant national interest electric transmission corridor, whichever is later; or

"(ii) conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission congestion in interstate commerce or is not economically feasible;

"(2) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce;

"(3) the proposed construction or modification is consistent with the public interest;

"(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce and protects or benefits consumers; and

"(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence.

"(c) Permit Applications.—Permit applications under subsection (b) shall be made in writing to the Commission. The Commission shall issue rules setting forth the form of the application, the information to be contained in the application, and the manner of service of notice of the permit application upon interested persons.

"(d) Comments.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

"(e) Rights-of-Way.—In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify such transmission facilities, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the district court of the United States for the district in which the property concerned is located, or in the appropriate court of the State in which the property is located. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

"(f) State Law.—Nothing in this section shall preclude any person from constructing or modifying any transmission facility pursuant to State law.

"(g) Compensation.—Any exercise of eminent domain authority pursuant to this section shall be considered a taking of private property for which just compensation is due. Just compensation shall be an amount equal to the full fair market value of the property taken on the date of the exercise of eminent domain authority, except that the compensation shall exceed fair market value if necessary to make the landowner whole for decreases in the value of any portion of the land not subject to eminent domain. Any parcel of land acquired by eminent domain under this subsection shall be transferred back to the owner from whom it was acquired (or his heirs or assigns) if the land is not used for the construction or modification of electric transmission facilities within a reasonable period of time after the acquisition. Other than construction, modification, operation, or maintenance of electric transmission facilities and related facilities, property acquired under subsection (e) may not be used for any purpose (including use for any heritage area, recreational trail, or park) without the consent of the owner of the parcel from whom the property was acquired (or the owner's heirs or assigns).

"(h) Coordination of Federal Authorizations for Transmission and Distribution Facilities.—

"(1) Lead Agency.—If an applicant, or prospective applicant, for a Federal authorization related to an electric transmission or distribution facility so requests, the Department of Energy (DOE) shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility. For purposes of this subsection, the term 'Federal authorization' means any authorization required under Federal law in order to site a transmission or distribution facility, including but not limited to such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal or a State agency. To the maximum extent practicable under applicable Federal law, the Secretary of Energy shall coordinate this Federal authorization and review process with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

"(2) Authority to Set Deadlines.—As lead agency, the Department of Energy, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian tribes, multi-State entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility. The Secretary of Energy shall ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 1 year or, if a requirement of another provision of Federal law makes this impossible, as soon thereafter as is practicable. The Secretary of Energy also shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant within 60 days of when the prospective applicant submits a request for such information concerning—

"(A) the likelihood of approval for a potential facility; and

"(B) key issues of concern to the agencies and public.

"(3) Consolidated Environmental Review and Record of Decision.—As lead agency head, the Secretary of Energy, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law. The document may be an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 if warranted, or such other form of analysis as may be warranted. The Secretary of Energy and the heads of other agencies shall streamline the review and permitting of transmission and distribution facilities within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors. Such document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable laws.

"(4) Appeals.—In the event that any agency has denied a Federal authorization required for a transmission or distribution facility, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the Secretary, who shall, in consultation with the affected agency, review the denial or take action on the pending application. Based on the overall record and in consultation with the affected agency, the Secretary may then either issue the necessary authorization with any appropriate conditions, or deny the application. The Secretary shall issue a decision within 90 days of the filing of the appeal. In making a decision under this paragraph, the Secretary shall comply with applicable requirements of Federal law, including any requirements of the Endangered Species Act, the Clean Water Act, the National Forest Management Act, the National Environmental Policy Act of 1969, and the Federal Land Policy and Management Act.

"(5) Conforming Regulations and Memoranda of Understanding.—Not later than 18 months after the date of enactment of this section, the Secretary of Energy shall issue any regulations necessary to implement this subsection. Not later than 1 year after the date of enactment of this section, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into Memoranda of Understanding to ensure the timely and coordinated review and permitting of electricity transmission and distribution facilities. The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the DOE regulations and any Memoranda. Interested Indian tribes, multi-State entities, and State agencies may enter such Memoranda of Understanding.

"(6) Duration and Renewal.—Each Federal land use authorization for an electricity transmission or distribution facility shall be issued—

"(A) for a duration, as determined by the Secretary of Energy, commensurate with the anticipated use of the facility, and

"(B) with appropriate authority to manage the right-of-way for reliability and environmental protection.

Upon the expiration of any such authorization (including an authorization issued prior to enactment of this section), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing its importance for public health, safety and economic welfare and as a legitimate use of Federal lands.

"(7) Maintaining and Enhancing the Transmission Infrastructure.—In exercising the responsibilities under this section, the Secretary of Energy shall consult regularly with the Federal Energy Regulatory Commission (FERC), FERC-approved electric reliability organizations (including related regional entities), and FERC-approved Regional Transmission Organizations and Independent System Operators.

"(i) Interstate Compacts.—The consent of Congress is hereby given for 3 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional transmission siting agencies to facilitate siting of future electric energy transmission facilities within such States and to carry out the electric energy transmission siting responsibilities of such States. The Secretary of Energy may provide technical assistance to regional transmission siting agencies established under this subsection. Such regional transmission siting agencies shall have the authority to review, certify, and permit siting of transmission facilities, including facilities in national interest electric transmission corridors (other than facilities on property owned by the United States). The Commission shall have no authority to issue a permit for the construction or modification of electric transmission facilities within a State that is a party to a compact, unless the members of a compact are in disagreement and the Secretary makes, after notice and an opportunity for a hearing, the finding described in section (b)(1)(C).

"(j) Savings Clause.—Nothing in this section shall be construed to affect any requirement of the environmental laws of the United States, including, but not limited to, the National Environmental Policy Act of 1969. Subsection (h)(4) of this section shall not apply to any Congressionally-designated components of the National Wilderness Preservation System, the National Wild and Scenic Rivers System, or the National Park system (including National Monuments therein).

"(k) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).".

(b) Reports to Congress on Corridors and Rights of Way on Federal Lands.—The Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, and the Chairman of the Council on Environmental Quality shall, within 90 days of the date of enactment of this subsection, submit a joint report to Congress identifying each of the following:

(1) All existing designated transmission and distribution corridors on Federal land and the status of work related to proposed transmission and distribution corridor designations under Title V of the Federal Land Policy and Management Act (43 U.S.C. 1761 et seq.), the schedule for completing such work, any impediments to completing the work, and steps that Congress could take to expedite the process.

(2) The number of pending applications to locate transmission and distribution facilities on Federal lands, key information relating to each such facility, how long each application has been pending, the schedule for issuing a timely decision as to each facility, and progress in incorporating existing and new such rights-of-way into relevant land use and resource management plans or their equivalent.

(3) The number of existing transmission and distribution rights-of-way on Federal lands that will come up for renewal within the following 5-, 10-, and 15-year periods, and a description of how the Secretaries plan to manage such renewals.

SEC. 1222. THIRD-PARTY FINANCE.

(a) Existing Facilities.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary"), acting through the Administrator of the Western Area Power Administration (hereinafter in this section referred to as "WAPA"), or through the Administrator of the Southwestern Power Administration (hereinafter in this section referred to as "SWPA"), or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, an electric power transmission facility and related facilities ("Project") needed to upgrade existing transmission facilities owned by SWPA or WAPA if the Secretary of Energy, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located in a national interest electric transmission corridor designated under section 216(a) of the Federal Power Act and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Regional Transmission Organization or Independent System Operator (as defined in the Federal Power Act), if any, or approved regional reliability organization; and

(B) efficient and reliable operation of the transmission grid; and

(3) would be operated in conformance with prudent utility practice.

(b) NEW FACILITIES.—The Secretary, acting through WAPA or SWPA, or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, a new electric power transmission facility and related facilities ("Project") located within any State in which WAPA or SWPA operates if the Secretary, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located in an area designated under section 216(a) of the Federal Power Act and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Regional Transmission Organization or Independent System Operator, if any, or approved regional reliability organization; and

(B) efficient and reliable operation of the transmission grid;

(3) will be operated in conformance with prudent utility practice;

(4) will be operated by, or in conformance with the rules of, the appropriate (A) Regional Transmission Organization or Independent System Operator, if any, or (B) if such an organization does not exist, regional reliability organization; and

(5) will not duplicate the functions of existing transmission facilities or proposed facilities which are the subject of ongoing or approved siting and related permitting proceedings.

(c) OTHER FUNDS.—

(1) IN GENERAL.—In carrying out a Project under subsection (a) or (b), the Secretary may accept and use funds contributed by another entity for the purpose of carrying out the Project.

(2) AVAILABILITY.—The contributed funds shall be available for expenditure for the purpose of carrying out the Project—

(A) without fiscal year limitation; and

(B) as if the funds had been appropriated specifically for that Project.

(3) ALLOCATION OF COSTS.—In carrying out a Project under subsection (a) or (b), any costs of the Project not paid for by contributions from another entity shall be collected through rates charged to customers using the new transmission capability provided by the Project and allocated equitably among these project beneficiaries using the new transmission capability.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects any requirement of—

(1) any Federal environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) any Federal or State law relating to the siting of energy facilities; or

(3) any existing authorizing statutes.

(e) SAVINGS CLAUSE.—Nothing in this section shall constrain or restrict an Administrator in the utilization of other authority delegated to the Administrator of WAPA or SWPA.

(f) SECRETARIAL DETERMINATIONS.—Any determination made pursuant to subsection (a) or (b) shall be based on findings by the Secretary using the best available data.

(g) LIMITATIONS.—The Secretary shall not accept and use more than $100,000,000 under subsection (c)(1) for the period encompassing fiscal years 2005 through 2013.

(h) EFFECTIVE DATE.—This section takes effect on October 1, 2004.

SEC. 1223. TRANSMISSION SYSTEM MONITORING.

Within 6 months after the date of enactment of this Act, the Secretary of Energy and the Federal Energy Regulatory Commission shall study and report to Congress on the steps which must be taken to establish a system to make available to all transmission system owners and Regional Transmission Organizations (as defined in the Federal Power Act) within the Eastern and Western Interconnections real-time information on the functional status of all transmission lines within such Interconnections. In such study, the Commission shall assess technical means for implementing such transmission information system and identify the steps the Commission or Congress must take to require the implementation of such system.

SEC. 1224. ADVANCED TRANSMISSION TECHNOLOGIES.

(a) AUTHORITY.—The Federal Energy Regulatory Commission, in the exercise of its authorities under the Federal Power Act and the Public Utility Regulatory Policies Act of 1978, shall encourage the deployment of advanced transmission technologies.

(b) DEFINITION.—For the purposes of this section, the term "advanced transmission technologies" means technologies that increase the capacity, efficiency, or reliability of existing or new transmission facilities, including, but not limited to—

(1) high-temperature lines (including superconducting cables);

(2) underground cables;

(3) advanced conductor technology (including advanced composite conductors, high-temperature low-sag conductors, and fiber optic temperature sensing conductors);

(4) high-capacity ceramic electric wire, connectors, and insulators;

(5) optimized transmission line configurations (including multiple phased transmission lines);

(6) modular equipment;

(7) wireless power transmission;

(8) ultra-high voltage lines;

(9) high-voltage DC technology;

(10) flexible AC transmission systems;

(11) energy storage devices (including pumped hydro, compressed air, superconducting magnetic energy storage, flywheels, and batteries);

(12) controllable load;

(13) distributed generation (including PV, fuel cells, microturbines);

(14) enhanced power device monitoring;

(15) direct system state sensors;

(16) fiber optic technologies;

(17) power electronics and related software (including real time monitoring and analytical software); and

(18) any other technologies the Commission considers appropriate.

(c) OBSOLETE OR IMPRACTICABLE TECHNOLOGIES.—The Commission is authorized to cease encouraging the deployment of any technology described in this section on a finding that such technology has been rendered obsolete or otherwise impracticable to deploy.

SEC. 1225. ELECTRIC TRANSMISSION AND DISTRIBUTION PROGRAMS.

(a) ELECTRIC TRANSMISSION AND DISTRIBUTION PROGRAM.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary") acting through the Director of the Office of Electric Transmission and Distribution shall establish a comprehensive research, development, demonstration and commercial application program to promote improved reliability and efficiency of electrical transmission and distribution systems. This program shall include—

(1) advanced energy delivery and storage technologies, materials, and systems, including new transmission technologies, such as flexible alternating current transmission systems, composite conductor materials and other technologies that enhance reliability, operational flexibility, or power-carrying capability;

(2) advanced grid reliability and efficiency technology development;

(3) technologies contributing to significant load reductions;

(4) advanced metering, load management, and control technologies;

(5) technologies to enhance existing grid components;

(6) the development and use of high-temperature superconductors to—

(A) enhance the reliability, operational flexibility, or power-carrying capability of electric transmission or distribution systems; or

(B) increase the efficiency of electric energy generation, transmission, distribution, or storage systems;

(7) integration of power systems, including systems to deliver high-quality electric power, electric power reliability, and combined heat and power;

(8) supply of electricity to the power grid by small scale, distributed and residential-based power generators;

(9) the development and use of advanced grid design, operation and planning tools;

(10) any other infrastructure technologies, as appropriate; and

(11) technology transfer and education.

(b) PROGRAM PLAN.—Not later than 1 year after the date of the enactment of this legislation, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. In preparing the program plan, the Secretary may consult with utilities, energy services providers, manufacturers, institutions of higher education, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

(c) IMPLEMENTATION.—The Secretary shall consider implementing this program using a consortium of industry, university and national laboratory participants.

(d) REPORT.—Not later than 2 years after the transmittal of the plan under subsection (b), the Secretary shall transmit a report to Congress describing the progress made under this section and identifying any additional resources needed to continue the development and commercial application of transmission and distribution infrastructure technologies.

(e) Power Delivery Research Initiative.—

(1) In General.—The Secretary shall establish a research, development, demonstration, and commercial application initiative specifically focused on power delivery utilizing components incorporating high temperature superconductivity.

(2) Goals.—The goals of this initiative shall be to—

(A) establish facilities to develop high temperature superconductivity power applications in partnership with manufacturers and utilities;

(B) provide technical leadership for establishing reliability for high temperature superconductivity power applications including suitable modeling and analysis;

(C) facilitate commercial transition toward direct current power transmission, storage, and use for high power systems utilizing high temperature superconductivity; and

(D) facilitate the integration of very low impedance high temperature superconducting wires and cables in existing electric networks to improve system performance, power flow control and reliability.

(3) Requirements.—The initiative shall include—

(A) feasibility analysis, planning, research, and design to construct demonstrations of superconducting links in high power, direct current and controllable alternating current transmission systems;

(B) public-private partnerships to demonstrate deployment of high temperature superconducting cable into testbeds simulating a realistic transmission grid and under varying transmission conditions, including actual grid insertions; and

(C) testbeds developed in cooperation with national laboratories, industries, and universities to demonstrate these technologies, prepare the technologies for commercial introduction, and address cost or performance roadblocks to successful commercial use.

(4) Authorization of Appropriations.—For purposes of carrying out this subsection, there are authorized to be appropriated—

(A) for fiscal year 2004, $15,000,000;

(B) for fiscal year 2005, $20,000,000;

(C) for fiscal year 2006, $30,000,000;

(D) for fiscal year 2007, $35,000,000; and

(E) for fiscal year 2008, $40,000,000.

SEC. 1226. ADVANCED POWER SYSTEM TECHNOLOGY INCENTIVE PROGRAM.

(a) Program.—The Secretary of Energy is authorized to establish an Advanced Power System Technology Incentive Program to support the deployment of certain advanced power system technologies and to improve and protect certain critical governmental, industrial, and commercial processes. Funds provided under this section shall be used by the Secretary to make incentive payments to eligible owners or operators of advanced power system technologies to increase power generation through enhanced operational, economic, and environmental performance. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application establishing an applicant as either—

(1) a qualifying advanced power system technology facility; or

(2) a qualifying security and assured power facility.

(b) Incentives.—Subject to availability of funds, a payment of 1.8 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying advanced power system technology facility under this section for electricity generated at such facility. An additional 0.7 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying security and assured power facility for electricity generated at such facility. Any facility qualifying under this section shall be eligible for an incentive payment for up to, but not more than, the first 10,000,000 kilowatt-hours produced in any fiscal year.

(c) Eligibility.—For purposes of this section:

(1) Qualifying Advanced Power System Technology Facility.—The term "qualifying advanced power system technology facility" means a facility using an advanced fuel cell, turbine, or hybrid power system or power storage system to generate or store electric energy.

(2) Qualifying Security and Assured Power Facility.—The term "qualifying security and assured power facility" means a qualifying advanced power system technology facility determined by the Secretary of Energy, in consultation with the Secretary of Homeland Security, to be in critical need of secure, reliable, rapidly available, high-quality power for critical governmental, industrial, or commercial applications.

(d) Authorization.—There are authorized to be appropriated to the Secretary of Energy for the purposes of this section, $10,000,000 for each of the fiscal years 2004 through 2010.

SEC. 1227. OFFICE OF ELECTRIC TRANSMISSION AND DISTRIBUTION.

(a) Creation of an Office of Electric Transmission and Distribution.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) (as amended by section 502(a)) is amended by inserting the following after section 217, as added by title V:

"SEC. 218. OFFICE OF ELECTRIC TRANSMISSION AND DISTRIBUTION.

"(a) Establishment.—There is established within the Department an Office of Electric Transmission and Distribution. This Office shall be headed by a Director, subject to the authority of the Secretary. The Director shall be appointed by the Secretary. The Director shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) Director.—The Director shall—

"(1) coordinate and develop a comprehensive, multi-year strategy to improve the Nation's electricity transmission and distribution;

"(2) implement or, where appropriate, coordinate the implementation of, the recommendations made in the Secretary's May 2002 National Transmission Grid Study;

"(3) oversee research, development, and demonstration to support Federal energy policy related to electricity transmission and distribution;

"(4) grant authorizations for electricity import and export pursuant to section 202(c), (d), (e), and (f) of the Federal Power Act (16 U.S.C. 824a);

"(5) perform other functions, assigned by the Secretary, related to electricity transmission and distribution; and

"(6) develop programs for workforce training in power and transmission engineering.".

(b) Conforming Amendments.—(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Office of Electric Transmission and Distribution.".

(2) Section 5315 of title 5, United States Code, is amended by inserting after the item relating to "Inspector General, Department of Energy." the following:

"Director, Office of Electric Transmission and Distribution, Department of Energy.".

Subtitle C—Transmission Operation Improvements

SEC. 1231. OPEN NONDISCRIMINATORY ACCESS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting after section 211 the following new section:

"SEC. 211A. OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES.

"(a) Transmission Services.—Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(1) at rates that are comparable to those that the unregulated transmitting utility charges itself; and

"(2) on terms and conditions (not relating to rates) that are comparable to those under which such unregulated transmitting utility provides transmission services to itself and that are not unduly discriminatory or preferential.

"(b) Exemption.—The Commission shall exempt from any rule or order under this section any unregulated transmitting utility that—

"(1) sells no more than 4,000,000 megawatt hours of electricity per year; or

"(2) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof); or

"(3) meets other criteria the Commission determines to be in the public interest.

"(c) Local Distribution Facilities.—The requirements of subsection (a) shall not apply to facilities used in local distribution.

"(d) Exemption Termination.—Whenever the Commission, after an evidentiary hearing held upon a complaint and after giving consideration to reliability standards established under section 215, finds on the basis of a preponderance of the evidence that any exemption granted pursuant to subsection (b) unreasonably impairs the continued reliability of an interconnected transmission system, it shall revoke the exemption granted to that transmitting utility.

"(e) Application to Unregulated Transmitting Utilities.—The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(f) Remand.—In exercising its authority under paragraph (1) of subsection (a), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of subsection (a).

"(g) Other Requests.—The provision of transmission services under subsection (a) does not preclude a request for transmission services under section 211.

"(h) Limitation.—The Commission may not require a State or municipality to take action under this section that would violate a private activity bond rule for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(i) Transfer of Control of Transmitting Facilities.—Nothing in this section authorizes the Commission to require an unregulated transmitting utility to transfer control or operational control of its transmitting facilities to an RTO or any other

Commission-approved independent transmission organization designated to provide nondiscriminatory transmission access.

"(j) DEFINITION.—For purposes of this section, the term 'unregulated transmitting utility' means an entity that—

"(1) owns or operates facilities used for the transmission of electric energy in interstate commerce; and

"(2) is an entity described in section 201(f).".

SEC. 1232. SENSE OF CONGRESS ON REGIONAL TRANSMISSION ORGANIZATIONS.

It is the sense of Congress that, in order to promote fair, open access to electric transmission service, benefit retail consumers, facilitate wholesale competition, improve efficiencies in transmission grid management, promote grid reliability, remove opportunities for unduly discriminatory or preferential transmission practices, and provide for the efficient development of transmission infrastructure needed to meet the growing demands of competitive wholesale power markets, all transmitting utilities in interstate commerce should voluntarily become members of Regional Transmission Organizations as defined in section 3 of the Federal Power Act.

SEC. 1233. REGIONAL TRANSMISSION ORGANIZATION APPLICATIONS PROGRESS REPORT.

Not later than 120 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to Congress a report containing each of the following:

(1) A list of all regional transmission organization applications filed at the Commission pursuant to subpart F of part 35 of title 18, Code of Federal Regulations (in this section referred to as "Order No. 2000"), including an identification of each public utility and other entity included within the proposed membership of the regional transmission organization.

(2) A brief description of the status of each pending regional transmission organization application, including a precise explanation of how each fails to comply with the minimal requirements of Order No. 2000 and what steps need to be taken to bring each application into such compliance.

(3) For any application that has not been finally approved by the Commission, a detailed description of every aspect of the application that the Commission has determined does not conform to the requirements of Order No. 2000.

(4) For any application that has not been finally approved by the Commission, an explanation by the Commission of why the items described pursuant to paragraph (3) constitute material noncompliance with the requirements of the Commission's Order No. 2000 sufficient to justify denial of approval by the Commission.

(5) For all regional transmission organization applications filed pursuant to the Commission's Order No. 2000, whether finally approved or not—

(A) a discussion of that regional transmission organization's efforts to minimize rate seams between itself and—

(i) other regional transmission organizations; and

(ii) entities not participating in a regional transmission organization;

(B) a discussion of the impact of such seams on consumers and wholesale competition; and

(C) a discussion of minimizing cost-shifting on consumers.

SEC. 1234. FEDERAL UTILITY PARTICIPATION IN REGIONAL TRANSMISSION ORGANIZATIONS.

(a) DEFINITIONS.—For purposes of this section—

(1) APPROPRIATE FEDERAL REGULATORY AUTHORITY.—The term "appropriate Federal regulatory authority" means—

(A) with respect to a Federal power marketing agency (as defined in the Federal Power Act), the Secretary of Energy, except that the Secretary may designate the Administrator of a Federal power marketing agency to act as the appropriate Federal regulatory authority with respect to the transmission system of that Federal power marketing agency; and

(B) with respect to the Tennessee Valley Authority, the Board of Directors of the Tennessee Valley Authority.

(2) FEDERAL UTILITY.—The term "Federal utility" means a Federal power marketing agency or the Tennessee Valley Authority.

(3) TRANSMISSION SYSTEM.—The term "transmission system" means electric transmission facilities owned, leased, or contracted for by the United States and operated by a Federal utility.

(b) TRANSFER.—The appropriate Federal regulatory authority is authorized to enter into a contract, agreement or other arrangement transferring control and use of all or part of the Federal utility's transmission system to an RTO or ISO (as defined in the Federal Power Act), approved by the Federal Energy Regulatory Commission. Such contract, agreement or arrangement shall include—

(1) performance standards for operation and use of the transmission system that the head of the Federal utility determines necessary or appropriate, including standards that assure recovery of all the Federal utility's costs and expenses related to the transmission facilities that are the subject of the contract, agreement or other arrangement; consistency with existing contracts and third-party financing arrangements; and consistency with said Federal utility's statutory authorities, obligations, and limitations;

(2) provisions for monitoring and oversight by the Federal utility of the RTO's or ISO's fulfillment of the terms and conditions of the contract, agreement or other arrangement, including a provision for the resolution of disputes through arbitration or other means with the regional transmission organization or with other participants, notwithstanding the obligations and limitations of any other law regarding arbitration; and

(3) a provision that allows the Federal utility to withdraw from the RTO or ISO and terminate the contract, agreement or other arrangement in accordance with its terms.

Neither this section, actions taken pursuant to it, nor any other transaction of a Federal utility using an RTO or ISO shall confer upon the Federal Energy Regulatory Commission jurisdiction or authority over the Federal utility's electric generation assets, electric capacity or energy that the Federal utility is authorized by law to market, or the Federal utility's power sales activities.

(c) EXISTING STATUTORY AND OTHER OBLIGATIONS.—

(1) SYSTEM OPERATION REQUIREMENTS.—No statutory provision requiring or authorizing a Federal utility to transmit electric power or to construct, operate or maintain its transmission system shall be construed to prohibit a transfer of control and use of its transmission system pursuant to, and subject to all requirements of subsection (b).

(2) OTHER OBLIGATIONS.—This subsection shall not be construed to—

(A) suspend, or exempt any Federal utility from, any provision of existing Federal law, including but not limited to any requirement or direction relating to the use of the Federal utility's transmission system, environmental protection, fish and wildlife protection, flood control, navigation, water delivery, or recreation; or

(B) authorize abrogation of any contract or treaty obligation.

(3) REPEAL.—Section 311 of title III of Appendix B of the Act of October 27, 2000 (Public Law 106-377, section 1(a)(2); 114 Stat. 1441, 1441A-80; 16 U.S.C. 824n) is repealed.

SEC. 1235. STANDARD MARKET DESIGN.

(a) REMAND.—The Commission's proposed rulemaking entitled "Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design" (Docket No. RM01-12-000) ("SMD NOPR") is remanded to the Commission for reconsideration. No final rule mandating a standard electricity market design pursuant to the proposed rulemaking, including any rule or order of general applicability within the scope of the proposed rulemaking, may be issued before October 31, 2006, or take effect before December 31, 2006. Any final rule issued by the Commission pursuant to the proposed rulemaking shall be preceded by a second notice of proposed rulemaking issued after the date of enactment of this Act and an opportunity for public comment.

(b) SAVINGS CLAUSE.—This section shall not be construed to modify or diminish any authority or obligation the Commission has under this division, the Federal Power Act, or other applicable law, including, but not limited to, any authority to—

(1) issue any rule or order (of general or particular applicability) pursuant to any such authority or obligation; or

(2) act on a filing or filings by 1 or more transmitting utilities for the voluntary formation of a Regional Transmission Organization or Independent System Operator (as defined in the Federal Power Act) (and related market structures or rules) or voluntary modification of an existing Regional Transmission Organization or Independent System Operator (and related market structures or rules).

SEC. 1236. NATIVE LOAD SERVICE OBLIGATION.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 217. NATIVE LOAD SERVICE OBLIGATION.

"(a) MEETING SERVICE OBLIGATIONS.—(1) Any load-serving entity that, as of the date of enactment of this section—

"(A) owns generation facilities, markets the output of Federal generation facilities, or holds rights under 1 or more wholesale contracts to purchase electric energy, for the purpose of meeting a service obligation, and

"(B) by reason of ownership of transmission facilities, or 1 or more contracts or service agreements for firm transmission service, holds firm transmission rights for delivery of the output of such generation facilities or such purchased energy to meet such service obligation,

is entitled to use such firm transmission rights, or, equivalent tradable or financial transmission rights, in order to deliver such output or purchased energy, or the output of other generating facilities or purchased energy to the extent deliverable using such rights, to the extent required to meet its service obligation.

"(2) To the extent that all or a portion of the service obligation covered by such firm transmission rights or equivalent tradable or financial transmission rights is transferred to another load-serving entity, the successor load-serving entity shall be entitled to use the firm transmission rights or equivalent tradable or financial transmission rights associated with the transferred service obligation. Subsequent transfers to another load-serving entity, or back to the original load-serving entity, shall be entitled to the same rights.

"(3) The Commission shall exercise its authority under this Act in a manner that facilitates the planning and expansion of transmission facilities to meet the reasonable needs of load-serving entities to satisfy their service obligations.

"(b) Allocation of Transmission Rights.—Nothing in this section shall affect any methodology approved by the Commission prior to September 15, 2003, for the allocation of transmission rights by an RTO or ISO that has been authorized by the Commission to allocate transmission rights.

"(c) Certain Transmission Rights.—The Commission may exercise authority under this Act to make transmission rights not used to meet an obligation covered by subsection (a) available to other entities in a manner determined by the Commission to be just, reasonable, and not unduly discriminatory or preferential.

"(d) Obligation To Build.—Nothing in this Act shall relieve a load-serving entity from any obligation under State or local law to build transmission or distribution facilities adequate to meet its service obligations.

"(e) Contracts.—Nothing in this section shall provide a basis for abrogating any contract or service agreement for firm transmission service or rights in effect as of the date of the enactment of this subsection.

"(f) Water Pumping Facilities.—The Commission shall ensure that any entity described in section 201(f) that owns transmission facilities used predominately to support its own water pumping facilities shall have, with respect to such facilities, protections for transmission service comparable to those provided to load-serving entities pursuant to this section.

"(g) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

"(h) Jurisdiction.—This section does not authorize the Commission to take any action not otherwise within its jurisdiction.

"(i) Effect of Exercising Rights.—An entity that lawfully exercises rights granted under subsection (a) shall not be considered by such action as engaging in undue discrimination or preference under this Act.

"(j) TVA Area.—For purposes of subsection (a)(1)(B), a load-serving entity that is located within the service area of the Tennessee Valley Authority and that has a firm wholesale power supply contract with the Tennessee Valley Authority shall be deemed to hold firm transmission rights for the transmission of such power.

"(k) Definitions.—For purposes of this section:

"(1) The term 'distribution utility' means an electric utility that has a service obligation to end-users or to a State utility or electric cooperative that, directly or indirectly, through 1 or more additional State utilities or electric cooperatives, provides electric service to end-users.

"(2) The term 'load-serving entity' means a distribution utility or an electric utility that has a service obligation.

"(3) The term 'service obligation' means a requirement applicable to, or the exercise of authority granted to, an electric utility under Federal, State or local law or under long-term contracts to provide electric service to end-users or to a distribution utility.

"(4) The term 'State utility' means a State or any political subdivision of a State, or any agency, authority, or instrumentality of any 1 or more of the foregoing, or a corporation which is wholly owned, directly or indirectly, by any 1 or more of the foregoing, competent to carry on the business of developing, transmitting, utilizing or distributing power.".

SEC. 1237. STUDY ON THE BENEFITS OF ECONOMIC DISPATCH.

(a) Study.—The Secretary of Energy, in coordination and consultation with the States, shall conduct a study on—

(1) the procedures currently used by electric utilities to perform economic dispatch;

(2) identifying possible revisions to those procedures to improve the ability of nonutility generation resources to offer their output for sale for the purpose of inclusion in economic dispatch; and

(3) the potential benefits to residential, commercial, and industrial electricity consumers nationally and in each State if economic dispatch procedures were revised to improve the ability of nonutility generation resources to offer their output for inclusion in economic dispatch.

(b) Definition.—The term "economic dispatch" when used in this section means the operation of generation facilities to produce energy at the lowest cost to reliably serve consumers, recognizing any operational limits of generation and transmission facilities.

(c) Report to Congress and the States.—Not later than 90 days after the date of enactment of this Act, and on a yearly basis following, the Secretary of Energy shall submit a report to Congress and the States on the results of the study conducted under subsection (a), including recommendations to Congress and the States for any suggested legislative or regulatory changes.

Subtitle D—Transmission Rate Reform

SEC. 1241. TRANSMISSION INFRASTRUCTURE INVESTMENT.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 218. TRANSMISSION INFRASTRUCTURE INVESTMENT.

"(a) Rulemaking Requirement.—Within 1 year after the enactment of this section, the Commission shall establish, by rule, incentive-based (including, but not limited to performance-based) rate treatments for the transmission of electric energy in interstate commerce by public utilities for the purpose of benefiting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion. Such rule shall—

"(1) promote reliable and economically efficient transmission and generation of electricity by promoting capital investment in the enlargement, improvement, maintenance and operation of facilities for the transmission of electric energy in interstate commerce;

"(2) provide a return on equity that attracts new investment in transmission facilities (including related transmission technologies);

"(3) encourage deployment of transmission technologies and other measures to increase the capacity and efficiency of existing transmission facilities and improve the operation of such facilities; and

"(4) allow recovery of all prudently incurred costs necessary to comply with mandatory reliability standards issued pursuant to section 215 of this Act.

The Commission may, from time to time, revise such rule.

"(b) Additional Incentives for RTO Participation.—In the rule issued under this section, the Commission shall, to the extent within its jurisdiction, provide for incentives to each transmitting utility or electric utility that joins a Regional Transmission Organization or Independent System Operator. Incentives provided by the Commission pursuant to such rule shall include—

"(1) recovery of all prudently incurred costs to develop and participate in any proposed or approved RTO, ISO, or independent transmission company;

"(2) recovery of all costs previously approved by a State commission which exercised jurisdiction over the transmission facilities prior to the utility's participation in the RTO or ISO, including costs necessary to honor preexisting transmission service contracts, in a manner which does not reduce the revenues the utility receives for transmission services for a reasonable transition period after the utility joins the RTO or ISO;

"(3) recovery as an expense in rates of the costs prudently incurred to conduct transmission planning and reliability activities, including the costs of participating in RTO, ISO and other regional planning activities and design, study and other precertification costs involved in seeking permits and approvals for proposed transmission facilities;

"(4) a current return in rates for construction work in progress for transmission facilities and full recovery of prudently incurred costs for constructing transmission facilities;

"(5) formula transmission rates; and

"(6) a maximum 15-year accelerated depreciation on new transmission facilities for rate treatment purposes.

The Commission shall ensure that any costs recoverable pursuant to this subsection may be recovered by such utility through the transmission rates charged by such utility or through the transmission rates charged by the RTO or ISO that provides transmission service to such utility.

"(c) Just and Reasonable Rates.—All rates approved under the rules adopted pursuant to this section, including any revisions to such rules, are subject to the requirement of sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.".

SEC. 1242. VOLUNTARY TRANSMISSION PRICING PLANS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 219. VOLUNTARY TRANSMISSION PRICING PLANS.

"(a) In General.—Any transmission provider, including an RTO or ISO, may submit to the Commission a plan or plans under section 205 containing the criteria for determining the person or persons that will be required to pay for any construction of new transmission facilities or expansion, modification or upgrade of transmission facilities (in this section referred to as 'transmission service related expansion') or new generator interconnection.

"(b) Voluntary Transmission Pricing Plans.—(1) Any plan or plans submitted under subsection (a) shall specify the method or methods by which costs may be allocated or assigned. Such methods may include, but are not limited to:

"(A) directly assigned;

"(B) participant funded; or

"(C) rolled into regional or sub-regional rates.

"(2) FERC shall approve a plan or plans submitted under subparagraph (B) of paragraph (1) if such plan or plans—

"(A) result in rates that are just and reasonable and not unduly discriminatory or preferential consistent with section 205; and

"(B) ensure that the costs of any transmission service related expansion or new generator interconnection not required to meet applicable reliability standards established under section 215 are assigned in a fair manner, meaning that those who benefit from the transmission service related expansion or new generator interconnection pay an appropriate share of the associated costs, provided that—

"(i) costs may not be assigned or allocated to an electric utility if the native load customers of that utility would not have required such transmission service related expansion or new generator interconnection absent the request for transmission service related expansion or new generator interconnection that necessitated the investment;

"(ii) the party requesting such transmission service related expansion or new generator interconnection shall not be required to pay for both—

"(I) the assigned cost of the upgrade; and

"(II) the difference between—

"(aa) the embedded cost paid for transmission services (including the cost of the requested upgrade); and

"(bb) the embedded cost that would have been paid absent the upgrade; and

"(iii) the party or parties who pay for facilities necessary for the transmission service related expansion or new generator interconnection receives full compensation for its costs for the participant funded facilities in the form of—

"(I) monetary credit equal to the cost of the participant funded facilities (accounting for the time value of money at the Gross Domestic Product deflator), which credit shall be pro-rated in equal installments over a period of not more than 30 years and shall not exceed in total the amount of the initial investment, against the transmission charges that the funding entity or its assignee is otherwise assessed by the transmission provider;

"(II) appropriate financial or physical rights; or

"(III) any other method of cost recovery or compensation approved by the Commission.

"(3) A plan submitted under this section shall apply only to—

"(A) a contract or interconnection agreement executed or filed with the Commission after the date of enactment of this section; or

"(B) an interconnection agreement pending rehearing as of November 1, 2003.

"(4) Nothing in this section diminishes or alters the rights of individual members of an RTO or ISO under this Act.

"(5) Nothing in this section shall affect the allocation of costs or the cost methodology employed by an RTO or ISO authorized by the Commission to allocate costs (including costs for transmission service related expansion or new generator interconnection) prior to the date of enactment of this section.

"(6) This section shall not apply within the area referred to in section 212(k)(2)(A).

"(7) The term 'transmission provider' means a public utility that owns or operates facilities that provide interconnection or transmission service in interstate commerce.".

Subtitle E—Amendments to PURPA

SEC. 1251. NET METERING AND ADDITIONAL STANDARDS.

(a) Adoption of Standards.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) Net metering.—Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible onsite generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

"(12) Fuel sources.—Each electric utility shall develop a plan to minimize dependence on 1 fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

"(13) Fossil fuel generation efficiency.—Each electric utility shall develop and implement a 10-year plan to increase the efficiency of its fossil fuel generation.".

(b) Compliance.—

(1) Time limitations.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

"(3)(A) Not later than 2 years after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to each standard established by paragraphs (11) through (13) of section 111(d).

"(B) Not later than 3 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (11) through (13) of section 111(d).".

(2) Failure to comply.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following:

"In the case of each standard established by paragraphs (11) through (13) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs (11) through (13).".

(3) Prior state actions.—

(A) In general.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

"(d) Prior State Actions.—Subsections (b) and (c) of this section shall not apply to the standards established by paragraphs (11) through (13) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

"(1) the State has implemented for such utility the standard concerned (or a comparable standard);

"(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility; or

"(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility.".

(B) Cross reference.—Section 124 of such Act (16 U.S.C. 2634) is amended by adding the following at the end thereof: "In the case of each standard established by paragraphs (11) through (13) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs (11) through (13).".

SEC. 1252. SMART METERING.

(a) In General.—Section 111(d) of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(14) Time-based metering and communications.—

"(A) Not later than 18 months after the date of enactment of this paragraph, each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance, if any, in the utility's costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

"(B) The types of time-based rate schedules that may be offered under the schedule referred to in subparagraph (A) include, among others—

"(i) time-of-use pricing whereby electricity prices are set for a specific time period on an advance or forward basis, typically not changing more often than twice a year, based on the utility's cost of generating and/or purchasing such electricity at the wholesale level for the benefit of the consumer. Prices paid for energy consumed during these periods shall be pre-established and known to consumers in advance of such consumption, allowing them to vary their demand and usage in response to such prices and manage their energy costs by shifting usage to a lower cost period or reducing their consumption overall;

"(ii) critical peak pricing whereby time-of-use prices are in effect except for certain peak days, when prices may reflect the costs of generating and/or purchasing electricity at the wholesale level and when consumers may receive additional discounts for reducing peak period energy consumption; and

"(iii) real-time pricing whereby electricity prices are set for a specific time period on an advanced or forward basis, reflecting the utility's cost of generating and/or purchasing electricity at the wholesale level, and may change as often as hourly.

"(C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.

"(D) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(E) In a State that permits third-party marketers to sell electric energy to retail electric consumers, such consumers shall be entitled to receive the same time-based metering and communications device and service as a retail electric consumer of the electric utility.

"(F) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall, not later than 18 months after the date of enactment of this paragraph conduct an investigation in accordance with section 115(i) and issue a decision whether it is appropriate to implement the standards set out in subparagraphs (A) and (C).".

(b) State Investigation of Demand Response and Time-Based Metering.—Section 115 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended as follows:

(1) By inserting in subsection (b) after the phrase "the standard for time-of-day rates established by section 111(d)(3)" the following: "and the standard for time-based metering and communications established by section 111(d)(14)".

(2) By inserting in subsection (b) after the phrase "are likely to exceed the metering" the following: "and communications".

(3) By adding at the end the following:

"(i) Time-based Metering and Communications.—In making a determination with respect to the standard established by section 111(d)(14), the investigation requirement of section 111(d)(14)(F) shall be as follows: Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs.".

(c) Federal Assistance on Demand Response.—Section 132(a) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(a)) is amended by striking "and" at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting "; and", and by adding the following at the end thereof:

"(5) technologies, techniques, and ratemaking methods related to advanced metering and communications and the use of these technologies, techniques and methods in demand response programs.".

(d) Federal Guidance.—Section 132 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642) is amended by adding the following at the end thereof:

"(d) Demand Response.—The Secretary shall be responsible for—

"(1) educating consumers on the availability, advantages, and benefits of advanced metering and communications technologies, including the funding of demonstration or pilot projects;

"(2) working with States, utilities, other energy providers and advanced metering and communications experts to identify and address barriers to the adoption of demand response programs; and

"(3) not later than 180 days after the date of enactment of the Energy Policy Act of 2003, providing Congress with a report that identifies and quantifies the national benefits of demand response and makes a recommendation on achieving specific levels of such benefits by January 1, 2005.".

(e) Demand Response and Regional Coordination.—

(1) In general.—It is the policy of the United States to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable demand response services to the public.

(2) Technical assistance.—The Secretary of Energy shall provide technical assistance to States and regional organizations formed by 2 or more States to assist them in—

(A) identifying the areas with the greatest demand response potential;

(B) identifying and resolving problems in transmission and distribution networks, including through the use of demand response;

(C) developing plans and programs to use demand response to respond to peak demand or emergency needs; and

(D) identifying specific measures consumers can take to participate in these demand response programs.

(3) Report.—Not later than 1 year after the date of enactment of the Energy Policy Act of 2003, the Commission shall prepare and publish an annual report, by appropriate region, that assesses demand response resources, including those available from all consumer classes, and which identifies and reviews—

(A) saturation and penetration rate of advanced meters and communications technologies, devices and systems;

(B) existing demand response programs and time-based rate programs;

(C) the annual resource contribution of demand resources;

(D) the potential for demand response as a quantifiable, reliable resource for regional planning purposes; and

(E) steps taken to ensure that, in regional transmission planning and operations, demand resources are provided equitable treatment as a quantifiable, reliable resource relative to the resource obligations of any load-serving entity, transmission provider, or transmitting party.

(f) Federal Encouragement of Demand Response Devices.—It is the policy of the United States that time-based pricing and other forms of demand response, whereby electricity customers are provided with electricity price signals and the ability to benefit by responding to them, shall be encouraged, and the deployment of such technology and devices that enable electricity customers to participate in such pricing and demand response systems shall be facilitated. It is further the policy of the United States that the benefits of such demand response that accrue to those not deploying such technology and devices, but who are part of the same regional electricity entity, shall be recognized.

(g) Time Limitations.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

"(4)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111, or set a hearing date for such consideration, with respect to the standard established by paragraph (14) of section 111(d).

"(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to the standard established by paragraph (14) of section 111(d).".

(h) Failure To Comply.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following:

"In the case of the standard established by paragraph (14) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph (14).".

(i) Prior State Actions Regarding Smart Metering Standards.—

(1) In general.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

"(e) Prior State Actions.—Subsections (b) and (c) of this section shall not apply to the standard established by paragraph (14) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

"(1) the State has implemented for such utility the standard concerned (or a comparable standard);

"(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility within the previous 3 years; or

"(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility within the previous 3 years.".

(2) Cross reference.—Section 124 of such Act (16 U.S.C. 2634) is amended by adding the following at the end thereof: "In the case of the standard established by paragraph (14) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraph (14).".

SEC. 1253. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) Termination of Mandatory Purchase and Sale Requirements.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

"(m) Termination of Mandatory Purchase and Sale Requirements.—

"(1) Obligation to purchase.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that the qualifying cogeneration facility or qualifying small power production facility has nondiscriminatory access to—

"(A)(i) independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy; and (ii) wholesale markets for long-term sales of capacity and electric energy; or

"(B)(i) transmission and interconnection services that are provided by a Commission-approved regional transmission entity and administered pursuant to an open access transmission tariff that affords nondiscriminatory treatment to all customers; and (ii) competitive wholesale markets that provide a meaningful opportunity to sell capacity, including long-term and short-term sales, and electric energy, including long-term, short-term and real-time sales, to buyers other than the utility to which the qualifying facility is interconnected. In determining whether a meaningful opportunity to sell exists, the Commission shall consider, among other factors, evidence of transactions within the relevant market; or

"(C) wholesale markets for the sale of capacity and electric energy that are, at a minimum, of comparable competitive quality as markets described in subparagraphs (A) and (B).

"(2) REVISED PURCHASE AND SALE OBLIGATION FOR NEW FACILITIES.—(A) After the date of enactment of this subsection, no electric utility shall be required pursuant to this section to enter into a new contract or obligation to purchase from or sell electric energy to a facility that is not an existing qualifying cogeneration facility unless the facility meets the criteria for qualifying cogeneration facilities established by the Commission pursuant to the rulemaking required by subsection (n).

"(B) For the purposes of this paragraph, the term 'existing qualifying cogeneration facility' means a facility that—

"(i) was a qualifying cogeneration facility on the date of enactment of subsection (m); or

"(ii) had filed with the Commission a notice of self-certification, self recertification or an application for Commission certification under 18 CFR 292.207 prior to the date on which the Commission issues the final rule required by subsection (n).

"(3) COMMISSION REVIEW.—Any electric utility may file an application with the Commission for relief from the mandatory purchase obligation pursuant to this subsection on a service territory-wide basis. Such application shall set forth the factual basis upon which relief is requested and describe why the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) of this subsection have been met. After notice, including sufficient notice to potentially affected qualifying cogeneration facilities and qualifying small power production facilities, and an opportunity for comment, the Commission shall make a final determination within 90 days of such application regarding whether the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) have been met.

"(4) REINSTATEMENT OF OBLIGATION TO PURCHASE.—At any time after the Commission makes a finding under paragraph (3) relieving an electric utility of its obligation to purchase electric energy, a qualifying cogeneration facility, a qualifying small power production facility, a State agency, or any other affected person may apply to the Commission for an order reinstating the electric utility's obligation to purchase electric energy under this section. Such application shall set forth the factual basis upon which the application is based and describe why the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) of this subsection are no longer met. After notice, including sufficient notice to potentially affected utilities, and opportunity for comment, the Commission shall issue an order within 90 days of such application reinstating the electric utility's obligation to purchase electric energy under this section if the Commission finds that the conditions set forth in subparagraphs (A), (B) or (C) of paragraph (1) which relieved the obligation to purchase, are no longer met.

"(5) OBLIGATION TO SELL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that—

"(A) competing retail electric suppliers are willing and able to sell and deliver electric energy to the qualifying cogeneration facility or qualifying small power production facility; and

"(B) the electric utility is not required by State law to sell electric energy in its service territory.

"(6) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect or pending approval before the appropriate State regulatory authority or non-regulated electric utility on the date of enactment of this subsection, to purchase electric energy or capacity from or to sell electric energy or capacity to a qualifying cogeneration facility or qualifying small power production facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

"(7) RECOVERY OF COSTS.—(A) The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility that purchases electric energy or capacity from a qualifying cogeneration facility or qualifying small power production facility in accordance with any legally enforceable obligation entered into or imposed under this section recovers all prudently incurred costs associated with the purchase.

"(B) A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

"(n) RULEMAKING FOR NEW QUALIFYING FACILITIES.—(1)(A) Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule revising the criteria in 18 CFR 292.205 for new qualifying cogeneration facilities seeking to sell electric energy pursuant to section 210 of this Act to ensure—

"(i) that the thermal energy output of a new qualifying cogeneration facility is used in a productive and beneficial manner;

"(ii) the electrical, thermal, and chemical output of the cogeneration facility is used fundamentally for industrial, commercial, or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as State laws applicable to sales of electric energy from a qualifying facility to its host facility; and

"(iii) continuing progress in the development of efficient electric energy generating technology.

"(B) The rule issued pursuant to section (n)(1)(A) shall be applicable only to facilities that seek to sell electric energy pursuant to section 210 of this Act. For all other purposes, except as specifically provided in section (m)(2)(A), qualifying facility status shall be determined in accordance with the rules and regulations of this Act.

"(2) Notwithstanding rule revisions under paragraph (1), the Commission's criteria for qualifying cogeneration facilities in effect prior to the date on which the Commission issues the final rule required by paragraph (1) shall continue to apply to any cogeneration facility that—

"(A) was a qualifying cogeneration facility on the date of enactment of subsection (m), or

"(B) had filed with the Commission a notice of self-certification, self-recertification or an application for Commission certification under 18 CFR 292.207 prior to the date on which the Commission issues the final rule required by paragraph (1).".

(b) ELIMINATION OF OWNERSHIP LIMITATIONS.—

(1) QUALIFYING SMALL POWER PRODUCTION FACILITY.—Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

"(C) 'qualifying small power production facility' means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting fuel use, fuel efficiency, and reliability) as the Commission may, by rule, prescribe;".

(2) QUALIFYING COGENERATION FACILITY.—Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

"(B) 'qualifying cogeneration facility' means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe;".

Subtitle F—Repeal of PUHCA

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "Public Utility Holding Company Act of 2003".

SEC. 1262. DEFINITIONS.

For purposes of this subtitle:

(1) AFFILIATE.—The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) ASSOCIATE COMPANY.—The term "associate company" of a company means any company in the same holding company system with such company.

(3) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(4) COMPANY.—The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) ELECTRIC UTILITY COMPANY.—The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) EXEMPT WHOLESALE GENERATOR AND FOREIGN UTILITY COMPANY.—The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5a, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) GAS UTILITY COMPANY.—The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) HOLDING COMPANY.—The term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public-utility company or of a holding company of any public-utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with 1 or more persons) such a controlling influence over the management or policies of any public-utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) HOLDING COMPANY SYSTEM.—The term "holding company system" means a holding company, together with its subsidiary companies.

(10) JURISDICTIONAL RATES.—The term "jurisdictional rates" means rates accepted or established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) NATURAL GAS COMPANY.—The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) PERSON.—The term "person" means an individual or company.

(13) PUBLIC UTILITY.—The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) PUBLIC-UTILITY COMPANY.—The term "public-utility company" means an electric utility company or a gas utility company.

(15) STATE COMMISSION.—The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) SUBSIDIARY COMPANY.—The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with 1 or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) VOTING SECURITY.—The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 1263. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 1264. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission determines are relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 1265. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public-utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public-utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission determines are relevant to costs incurred by such public-utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 1266. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall issue a final rule to exempt from the requirements of section 1264 (relating to Federal access to books and records) any person that is a holding company, solely with respect to 1 or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—The Commission shall exempt a person or transaction from the requirements of section 1264 (relating to Federal access to books and records) if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 1267. AFFILIATE TRANSACTIONS.

(a) COMMISSION AUTHORITY UNAFFECTED.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the issuance of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

(b) RECOVERY OF COSTS.—Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public-utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public-utility company from an associate company.

SEC. 1268. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), (3), or (4) acting as such in the course of his or her official duty.

SEC. 1269. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 1270. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 1271. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle, or otherwise in the Public Utility Holding Company Act of 1935, or rules, regulations, or orders thereunder, prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the date of enactment of this Act, if that person continues to comply with the terms (other than an expiration date or termination date) of any such authorization, whether by rule or by order.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal

Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.).

SEC. 1272. IMPLEMENTATION.

Not later than 12 months after the date of enactment of this subtitle, the Commission shall—

(1) issue such regulations as may be necessary or appropriate to implement this subtitle (other than section 1265, relating to State access to books and records); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 1273. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 1274. EFFECTIVE DATE.

(a) IN GENERAL.—Except for section 1272 (relating to implementation), this subtitle shall take effect 12 months after the date of enactment of this subtitle.

(b) COMPLIANCE WITH CERTAIN RULES.—If the Commission approves and makes effective any final rulemaking modifying the standards of conduct governing entities that own, operate, or control facilities for transmission of electricity in interstate commerce or transportation of natural gas in interstate commerce prior to the effective date of this subtitle, any action taken by a public-utility company or utility holding company to comply with the requirements of such rulemaking shall not subject such public-utility company or utility holding company to any regulatory requirement applicable to a holding company under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.).

SEC. 1275. SERVICE ALLOCATION.

(a) FERC REVIEW.—In the case of nonpower goods or administrative or management services provided by an associate company organized specifically for the purpose of providing such goods or services to any public utility in the same holding company system, at the election of the system or a State commission having jurisdiction over the public utility, the Commission, after the effective date of this subtitle, shall review and authorize the allocation of the costs for such goods or services to the extent relevant to that associate company in order to assure that each allocation is appropriate for the protection of investors and consumers of such public utility.

(b) COST ALLOCATION.—Nothing in this section shall preclude the Commission or a State commission from exercising its jurisdiction under other applicable law with respect to the review or authorization of any costs allocated to a public utility in a holding company system located in the affected State as a result of the acquisition of nonpower goods or administrative and management services by such public utility from an associate company organized specifically for that purpose.

(c) RULES.—Not later than 6 months after the date of enactment of this Act, the Commission shall issue rules (which rules shall be effective no earlier than the effective date of this subtitle) to exempt from the requirements of this section any company in a holding company system whose public utility operations are confined substantially to a single State and any other class of transactions that the Commission finds is not relevant to the jurisdictional rates of a public utility.

(d) PUBLIC UTILITY.—As used in this section, the term "public utility" has the meaning given that term in section 201(e) of the Federal Power Act.

SEC. 1276. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 1277. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) CONFLICT OF JURISDICTION.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) DEFINITIONS.—(1) Section 201(g)(5) of the Federal Power Act (16 U.S.C. 824(g)(5)) is amended by striking "1935" and inserting "2003".

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2003".

Subtitle G—Market Transparency, Enforcement, and Consumer Protection

SEC. 1281. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 220. MARKET TRANSPARENCY RULES.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide the Commission and the public with access to such information as is necessary or appropriate to facilitate price transparency and participation in markets subject to the Commission's jurisdiction under this Act. Such systems shall provide information about the availability and market price of wholesale electric energy and transmission services to the Commission, State commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis. The Commission shall have authority to obtain such information from any electric utility or transmitting utility, including any entity described in section 201(f).

"(b) EXEMPTIONS.—The Commission shall exempt from disclosure information it determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security. This section shall not apply to transactions for the purchase or sale of wholesale electric energy or transmission services within the area described in section 212(k)(2)(A). In determining the information to be made available under this section and time to make such information available, the Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anti-competitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

"(c) COMMODITY FUTURES TRADING COMMISSION.—This section shall not affect the exclusive jurisdiction of the Commodity Futures Trading Commission with respect to accounts, agreements, contracts, or transactions in commodities under the Commodity Exchange Act (7 U.S.C. 1 et seq.). Any request for information to a designated contract market, registered derivatives transaction execution facility, board of trade, exchange, or market involving accounts, agreements, contracts, or transactions in commodities (including natural gas, electricity and other energy commodities) within the exclusive jurisdiction of the Commodity Futures Trading Commission shall be directed to the Commodity Futures Trading Commission.

"(d) SAVINGS PROVISION.—In exercising its authority under this section, the Commission shall not—

"(1) compete with, or displace from the market place, any price publisher; or

"(2) regulate price publishers or impose any requirements on the publication of information.".

SEC. 1282. MARKET MANIPULATION.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 221. PROHIBITION ON FILING FALSE INFORMATION.

"No person or other entity (including an entity described in section 201(f)) shall willfully and knowingly report any information relating to the price of electricity sold at wholesale or availability of transmission capacity, which information the person or any other entity knew to be false at the time of the reporting, to a Federal agency with intent to fraudulently affect the data being compiled by such Federal agency.

"SEC. 222. PROHIBITION ON ROUND TRIP TRADING.

"(a) PROHIBITION.—No person or other entity (including an entity described in section 201(f)) shall willfully and knowingly enter into any contract or other arrangement to execute a 'round trip trade' for the purchase or sale of electric energy at wholesale.

"(b) DEFINITION.—For the purposes of this section, the term 'round trip trade' means a transaction, or combination of transactions, in which a person or any other entity—

"(1) enters into a contract or other arrangement to purchase from, or sell to, any other person or other entity electric energy at wholesale;

"(2) simultaneously with entering into the contract or arrangement described in paragraph (1), arranges a financially offsetting trade with such other person or entity for the same such electric energy, at the same location, price, quantity and terms so that, collectively, the purchase and sale transactions in themselves result in no financial gain or loss; and

"(3) enters into the contract or arrangement with a specific intent to fraudulently affect reported revenues, trading volumes, or prices.".

SEC. 1283. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended as follows:

(1) By inserting "electric utility," after "Any person,".

(2) By inserting ", transmitting utility," after "licensee" each place it appears.

(b) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 825l) is amended by inserting 'electric utility,' after 'person,' in the first 2 places it appears and by striking 'any person unless such person' and inserting 'any entity unless such entity'.

(c) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended as follows:

(1) By inserting ', electric utility, transmitting utility, or other entity' after 'person' each time it appears.

(2) By striking the period at the end of the first sentence and inserting the following: "or in obtaining information about the sale of electric energy at wholesale in interstate commerce and the transmission of electric energy in interstate commerce.".

(d) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 825o) is amended—

(1) in subsection (a), by striking "$5,000" and inserting "$1,000,000", and by striking "two years" and inserting "5 years";

(2) in subsection (b), by striking "$500" and inserting "$25,000"; and

(3) by striking subsection (c).

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended as follows:

(1) In subsections (a) and (b), by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

(2) In subsection (b), by striking "$10,000" and inserting "$1,000,000".

SEC. 1284. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended as follows:

(1) By striking "the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "the date of the filing of such complaint nor later than 5 months after the filing of such complaint".

(2) By striking "60 days after" in the third sentence and inserting "of".

(3) By striking "expiration of such 60-day period" in the third sentence and inserting "publication date".

(4) By striking the fifth sentence and inserting the following: "If no final decision is rendered by the conclusion of the 180-day period commencing upon initiation of a proceeding pursuant to this section, the Commission shall state the reasons why it has failed to do so and shall state its best estimate as to when it reasonably expects to make such decision.".

SEC. 1285. REFUND AUTHORITY.

Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding the following new subsection at the end thereof:

"(e)(1) Except as provided in paragraph (2), if an entity described in section 201(f) voluntarily makes a short-term sale of electric energy and the sale violates Commission rules in effect at the time of the sale, such entity shall be subject to the Commission's refund authority under this section with respect to such violation.

"(2) This section shall not apply to—

"(A) any entity that sells less than 8,000,000 megawatt hours of electricity per year; or

"(B) any electric cooperative.

"(3) For purposes of this subsection, the term 'short-term sale' means an agreement for the sale of electric energy at wholesale in interstate commerce that is for a period of 31 days or less (excluding monthly contracts subject to automatic renewal).

"(4) The Commission shall have refund authority under subsection (e)(1) with respect to a voluntary short-term sale of electric energy by the Bonneville Power Administration (in this section 'Bonneville') only if the sale is at an unjust and unreasonable rate and, in that event, may order a refund only for short-term sales made by Bonneville at rates that are higher than the highest just and reasonable rate charged by any other entity for a short-term sale of electric energy in the same geographic market for the same, or most nearly comparable, period as the sale by Bonneville.

"(5) With respect to any Federal power marketing agency or the Tennessee Valley Authority, the Commission shall not assert or exercise any regulatory authority or powers under subsection (e)(1) other than the ordering of refunds to achieve a just and reasonable rate.".

SEC. 1286. SANCTITY OF CONTRACT.

(a) IN GENERAL.—The Federal Energy Regulatory Commission (in this section, "the Commission") shall have no authority to abrogate or modify any provision of an executed contract or executed contract amendment described in subsection (b) that has been entered into or taken effect, except upon a finding that failure to take such action would be contrary to the public interest.

(b) LIMITATION.—Except as provided in subsection (c), this section shall apply only to a contract or contract amendment—

(1) executed on or after the date of enactment of this Act; and

(2) entered into—

(A) for the purchase or sale of electric energy under section 205 of the Federal Power Act (16 U.S.C. 824d) where the seller has been authorized by the Commission to charge market-based rates; or

(B) under section 4 of the Natural Gas Act (15 U.S.C. 717c) where the natural gas company has been authorized by the Commission to charge market-based rates for the service described in the contract.

(c) EXCLUSION.—This section shall not apply to an executed contract or executed contract amendment that expressly provides for a standard of review other than the public interest standard.

(d) SAVINGS PROVISION.—With respect to contracts to which this section does not apply, nothing in this section alters existing law regarding the applicable standard of review for a contract subject to the jurisdiction of the Commission.

SEC. 1287. CONSUMER PRIVACY AND UNFAIR TRADE PRACTICES.

(a) PRIVACY.—The Federal Trade Commission may issue rules protecting the privacy of electric consumers from the disclosure of consumer information obtained in connection with the sale or delivery of electric energy to electric consumers.

(b) SLAMMING.—The Federal Trade Commission may issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer or if approved by the appropriate State regulatory authority.

(c) CRAMMING.—The Federal Trade Commission may issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

(d) RULEMAKING.—The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule under this section.

(e) STATE AUTHORITY.—If the Federal Trade Commission determines that a State's regulations provide equivalent or greater protection than the provisions of this section, such State regulations shall apply in that State in lieu of the regulations issued by the Commission under this section.

(f) DEFINITIONS.—For purposes of this section:

(1) STATE REGULATORY AUTHORITY.—The term "State regulatory authority" has the meaning given that term in section 3(21) of the Federal Power Act (16 U.S.C. 796(21)).

(2) ELECTRIC CONSUMER AND ELECTRIC UTILITY.—The terms "electric consumer" and "electric utility" have the meanings given those terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle H—Merger Reform

SEC. 1291. MERGER REVIEW REFORM AND ACCOUNTABILITY.

(a) MERGER REVIEW REFORM.—Within 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the Attorney General of the United States, shall prepare, and transmit to Congress each of the following:

(1) A study of the extent to which the authorities vested in the Federal Energy Regulatory Commission under section 203 of the Federal Power Act are duplicative of authorities vested in—

(A) other agencies of Federal and State Government; and

(B) the Federal Energy Regulatory Commission, including under sections 205 and 206 of the Federal Power Act.

(2) Recommendations on reforms to the Federal Power Act that would eliminate any unnecessary duplication in the exercise of regulatory authority or unnecessary delays in the approval (or disapproval) of applications for the sale, lease, or other disposition of public utility facilities.

(b) MERGER REVIEW ACCOUNTABILITY.—Not later than 1 year after the date of enactment of this Act and annually thereafter, with respect to all orders issued within the preceding year that impose a condition on a sale, lease, or other disposition of public utility facilities under section 203(b) of the Federal Power Act, the Federal Energy Regulatory Commission shall transmit a report to Congress explaining each of the following:

(1) The condition imposed.

(2) Whether the Commission could have imposed such condition by exercising its authority under any provision of the Federal Power Act other than under section 203(b).

(3) If the Commission could not have imposed such condition other than under section 203(b), why the Commission determined that such condition was consistent with the public interest.

SEC. 1292. ELECTRIC UTILITY MERGERS.

(a) AMENDMENT.—Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended to read as follows:

"(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of $10,000,000;

"(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with those of any other person, by any means whatsoever; or

"(C) purchase, acquire, or take any security with a value in excess of $10,000,000 of any other public utility.

"(2) No holding company in a holding company system that includes a public utility shall purchase, acquire, or take any security with a value in excess of $10,000,000 of, or, by any means whatsoever, directly or indirectly, merge or consolidate with, a public utility or a holding company in a holding company system that includes a public utility with a value in excess of $10,000,000 without first having secured an order of the Commission authorizing it to do so.

"(3) Upon receipt of an application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, the Commission shall approve the proposed disposition, consolidation, acquisition, or change in control, if it finds that the proposed transaction will be consistent with the public interest. In evaluating whether a transaction will be consistent with the public interest, the Commission shall consider whether the proposed transaction—

"(A) will adequately protect consumer interests;

"(B) will be consistent with competitive wholesale markets;

"(C) will impair the financial integrity of any public utility that is a party to the transaction or an associate company of any party to the transaction; and

"(D) satisfies such other criteria as the Commission considers consistent with the public interest.

"(5) The Commission shall, by rule, adopt procedures for the expeditious consideration of applications for the approval of dispositions, consolidations, or acquisitions under this section. Such rules shall identify classes of transactions, or specify criteria for transactions, that normally meet the standards established in paragraph (4). The Commission shall provide expedited review for such transactions. The Commission shall grant or deny any other application for approval of a transaction not later than 180 days after the application is filed. If the Commission does not act within 180 days, such application shall be deemed granted unless the Commission finds, based on good cause, that further consideration is required to determine whether the proposed transaction meets the standards of paragraph (4) and issues an order tolling the time for acting on the application for not more than 180 days, at the end of which additional period the Commission shall grant or deny the application.

"(6) For purposes of this subsection, the terms 'associate company', 'holding company', and 'holding company system' have the meaning given those terms in the Public Utility Holding Company Act of 2003.".

(b) Effective Date.—The amendments made by this section shall take effect 12 months after the date of enactment of this section.

Subtitle I—Definitions

SEC. 1295. DEFINITIONS.

(a) Electric Utility.—Section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) is amended to read as follows:

"(22) Electric utility.—The term 'electric utility' means any person or Federal or State agency (including any entity described in section 201(f)) that sells electric energy; such term includes the Tennessee Valley Authority and each Federal power marketing administration.".

(b) Transmitting Utility.—Section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) is amended to read as follows:

"(23) Transmitting utility.—The term 'transmitting utility' means an entity, including any entity described in section 201(f), that owns, operates, or controls facilities used for the transmission of electric energy—

"(A) in interstate commerce; or

"(B) for the sale of electric energy at wholesale.".

(c) Additional Definitions.—Section 3 of the Federal Power Act (16 U.S.C. 796) is amended by adding at the end the following:

"(26) Electric cooperative.—The term 'electric cooperative' means a cooperatively owned electric utility.

"(27) RTO.—The term 'Regional Transmission Organization' or 'RTO' means an entity of sufficient regional scope approved by the Commission to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce and to ensure nondiscriminatory access to such facilities.

"(28) ISO.—The term 'Independent System Operator' or 'ISO' means an entity approved by the Commission to exercise operational or functional control of facilities used for the transmission of electric energy in interstate commerce and to ensure nondiscriminatory access to such facilities.".

(d) Commission.—For the purposes of this title, the term "Commission" means the Federal Energy Regulatory Commission.

(e) Applicability.—Section 201(f) of the Federal Power Act (16 U.S.C. 824(f)) is amended by adding after "political subdivision of a state," the following: "an electric cooperative that has financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) or that sells less than 4,000,000 megawatt hours of electricity per year,".

Subtitle J—Technical and Conforming Amendments

SEC. 1297. CONFORMING AMENDMENTS.

The Federal Power Act is amended as follows:

(1) Section 201(b)(2) of such Act (16 U.S.C. 824(b)(2)) is amended as follows:

(A) In the first sentence by striking "210, 211, and 212" and inserting "203(a)(2), 206(e), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, and 222".

(B) In the second sentence by striking "210 or 211" and inserting "203(a)(2), 206(e), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, and 222".

(C) Section 201(b)(2) of such Act is amended by striking "The" in the first place it appears and inserting "Notwithstanding section 201(f), the" and in the second sentence after "any order" by inserting "or rule".

(2) Section 201(e) of such Act is amended by striking "210, 211, or 212" and inserting "206(e), 206(f), 210, 211, 211A, 212, 215, 216, 217, 218, 219, 220, 221, and 222".

(3) Section 206 of such Act (16 U.S.C. 824e) is amended as follows:

(A) In subsection (b), in the seventh sentence, by striking "the public utility to make".

(B) In the first sentence of subsection (a), by striking 'hearing had' and inserting "hearing held".

(4) Section 211(c) of such Act (16 U.S.C. 824j(c)) is amended by—

(A) striking "(2)";

(B) striking "(A)" and inserting "(1)"

(C) striking "(B)" and inserting "(2)"; and

(D) striking "termination of modification" and inserting "termination or modification".

(5) Section 211(d)(1) of such Act (16 U.S.C. 824j(d)(1)) is amended by striking "electric utility" the second time it appears and inserting "transmitting utility".

(6) Section 315 (c) of such Act (16 U.S.C. 825n(c)) is amended by striking "subsection" and inserting "section".

TITLE XIII—STUDIES

SEC. 1301. STUDY ON INVENTORY OF PETROLEUM AND NATURAL GAS STORAGE.

(a) Definition.—For purposes of this section "petroleum" means crude oil, motor gasoline, jet fuel, distillates, and propane.

(b) Study.—The Secretary of Energy shall conduct a study on petroleum and natural gas storage capacity and operational inventory levels, nationwide and by major geographical regions.

(c) Contents.—The study shall address—

(1) historical normal ranges for petroleum and natural gas inventory levels;

(2) historical and projected storage capacity trends;

(3) estimated operation inventory levels below which outages, delivery slowdown, rationing, interruptions in service, or other indicators of shortage begin to appear;

(4) explanations for inventory levels dropping below normal ranges; and

(5) the ability of industry to meet United States demand for petroleum and natural gas without shortages or price spikes, when inventory levels are below normal ranges.

(d) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit a report to Congress on the results of the study, including findings and any recommendations for preventing future supply shortages.

SEC. 1302. NATURAL GAS SUPPLY SHORTAGE REPORT.

(a) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on natural gas supplies and demand. In preparing the report, the Secretary shall consult with experts in natural gas supply and demand as well as representatives of State and local units of government, tribal organizations, and consumer and other organizations. As the Secretary deems advisable, the Secretary may hold public hearings and provide other opportunities for public comment. The report shall contain recommendations for Federal actions that, if implemented, will result in a balance between natural gas supply and demand at a level that will ensure, to the maximum extent practicable, achievement of the objectives established in subsection (b).

(b) Objectives of Report.—In preparing the report, the Secretary shall seek to develop a series of recommendations that will result in a balance between natural gas supply and demand adequate to—

(1) provide residential consumers with natural gas at reasonable and stable prices;

(2) accommodate long-term maintenance and growth of domestic natural gas-dependent industrial, manufacturing, and commercial enterprises;

(3). facilitate the attainment of national ambient air quality standards under the Clean Air Act;

(4) permit continued progress in reducing emissions associated with electric power generation; and

(5) support development of the preliminary phases of hydrogen-based energy technologies.

(c) Contents of Report.—The report shall provide a comprehensive analysis of natural gas supply and demand in the United States for the period from 2004 to 2015. The analysis shall include, at a minimum—

(1) estimates of annual domestic demand for natural gas that take into account the effect of Federal policies and actions that are likely to increase and decrease demand for natural gas;

(2) projections of annual natural gas supplies, from domestic and foreign sources, under existing Federal policies;

(3) an identification of estimated natural gas supplies that are not available under existing Federal policies;

(4) scenarios for decreasing natural gas demand and increasing natural gas supplies comparing relative economic and environmental impacts of Federal policies that—

(A) encourage or require the use of natural gas to meet air quality, carbon dioxide emission reduction, or energy security goals;

(B) encourage or require the use of energy sources other than natural gas, including coal, nuclear, and renewable sources;

(C) support technologies to develop alternative sources of natural gas and synthetic gas, including coal gasification technologies;

(D) encourage or require the use of energy conservation and demand side management practices; and

(E) affect access to domestic natural gas supplies; and

(5) recommendations for Federal actions to achieve the objectives of the report, including recommendations that—

(A) encourage or require the use of energy sources other than natural gas, including coal, nuclear, and renewable sources;

(B) encourage or require the use of energy conservation or demand side management practices;

(C) support technologies for the development of alternative sources of natural gas and synthetic gas, including coal gasification technologies; and

(D) will improve access to domestic natural gas supplies.

SEC. 1303. SPLIT-ESTATE FEDERAL OIL AND GAS LEASING AND DEVELOPMENT PRACTICES.

(a) REVIEW.—In consultation with affected private surface owners, oil and gas industry, and other interested parties, the Secretary of the Interior shall undertake a review of the current policies and practices with respect to management of Federal subsurface oil and gas development activities and their effects on the privately owned surface. This review shall include—

(1) a comparison of the rights and responsibilities under existing mineral and land law for the owner of a Federal mineral lease, the private surface owners and the Department;

(2) a comparison of the surface owner consent provisions in section 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1304) concerning surface mining of Federal coal deposits and the surface owner consent provisions for oil and gas development, including coalbed methane production; and

(3) recommendations for administrative or legislative action necessary to facilitate reasonable access for Federal oil and gas activities while addressing surface owner concerns and minimizing impacts to private surface.

(b) REPORT.—The Secretary of the Interior shall report the results of such review to Congress not later than 180 days after the date of enactment of this Act.

SEC. 1304. RESOLUTION OF FEDERAL RESOURCE DEVELOPMENT CONFLICTS IN THE POWDER RIVER BASIN.

The Secretary of the Interior shall—

(1) undertake a review of existing authorities to resolve conflicts between the development of Federal coal and the development of Federal and non-Federal coalbed methane in the Powder River Basin in Wyoming and Montana; and

(2) not later than 6 months after the date of enactment of this Act, report to Congress on alternatives to resolve these conflicts and identification of a preferred alternative with specific legislative language, if any, required to implement the preferred alternative.

SEC. 1305. STUDY OF ENERGY EFFICIENCY STANDARDS.

The Secretary of Energy shall contract with the National Academy of Sciences for a study, to be completed within 1 year after the date of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report to Congress.

SEC. 1306. TELECOMMUTING STUDY.

(a) STUDY REQUIRED.—The Secretary, in consultation with the Commission, the Director of the Office of Personnel Management, the Administrator of General Services, and the Administrator of NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting by Federal employees:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and Congress a report on the study required by this section not later than 6 months after the date of enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(4) TELECOMMUTING.—The term "telecommuting" means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

(5) FEDERAL EMPLOYEE.—The term "Federal employee" has the meaning provided the term "employee" by section 2105 of title 5, United States Code.

SEC. 1307. LIHEAP REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to Congress a report on how the Low-Income Home Energy Assistance Program could be used more effectively to prevent loss of life from extreme temperatures. In preparing such report, the Secretary shall consult with appropriate officials in all 50 States and the District of Columbia.

SEC. 1308. OIL BYPASS FILTRATION TECHNOLOGY.

The Secretary of Energy and the Administrator of the Environmental Protection Agency shall—

(1) conduct a joint study of the benefits of oil bypass filtration technology in reducing demand for oil and protecting the environment;

(2) examine the feasibility of using oil bypass filtration technology in Federal motor vehicle fleets; and

(3) include in such study, prior to any determination of the feasibility of using oil bypass filtration technology, the evaluation of products and various manufacturers.

SEC. 1309. TOTAL INTEGRATED THERMAL SYSTEMS.

The Secretary of Energy shall—

(1) conduct a study of the benefits of total integrated thermal systems in reducing demand for oil and protecting the environment; and

(2) examine the feasibility of using total integrated thermal systems in Department of Defense and other Federal motor vehicle fleets.

SEC. 1310. UNIVERSITY COLLABORATION.

Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall transmit to Congress a report that examines the feasibility of promoting collaborations between large institutions of higher education and small institutions of higher education through grants, contracts, and cooperative agreements made by the Secretary for energy projects. The Secretary shall also consider providing incentives for the inclusion of small institutions of higher education, including minority-serving institutions, in energy research grants, contracts, and cooperative agreements.

SEC. 1311. RELIABILITY AND CONSUMER PROTECTION ASSESSMENT.

Not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, the Federal Energy Regulatory Commission shall assess the effects of the exemption of electric cooperatives and government-owned utilities from Commission regulation under section 201(f) of the Federal Power Act. The assessment shall include any effects on—

(1) reliability of interstate electric transmission networks;

(2) benefit to consumers, and efficiency, of competitive wholesale electricity markets;

(3) just and reasonable rates for electricity consumers; and

(4) the ability of the Commission to protect electricity consumers.

If the Commission finds that the 201(f) exemption results in adverse effects on consumers or electric reliability, the Commission shall make appropriate recommendations to Congress pursuant to section 311 of the Federal Power Act.

TITLE XIV—MISCELLANEOUS

Subtitle A—Rural and Remote Electricity Construction

SEC. 1401. DENALI COMMISSION PROGRAMS.

(a) POWER COST EQUALIZATION PROGRAM.—There are authorized to be appropriated to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note) not more than $5,000,000 for each of fiscal years 2005 through 2011 for the purposes of funding the power cost equalization program established under section 42.45.100 of the Alaska Statutes.

(b) AVAILABILITY OF FUNDS.—

(1) PURPOSE.—Amounts authorized in paragraph (2) shall be available to the Denali Commission to permit energy generation and development (including fuel cells, hydroelectric, solar, wind, wave, and tidal energy, and alternative energy sources), energy transmission (including interties), fuel tank replacement and clean-up, fuel transportation networks and related facilities, power cost equalization programs, and other energy programs, notwithstanding any other provision of law.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Denali Commission to carry out paragraph (1) $50,000,000 for each of fiscal years 2004 through 2013.

SEC. 1402. RURAL AND REMOTE COMMUNITY ASSISTANCE.

(a) PROGRAM.—Section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) is amended by striking all that precedes subsection (b) and inserting the following:

"SEC. 19. ELECTRIC GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS TO RURAL AND REMOTE COMMUNITIES WITH EXTREMELY HIGH ELECTRICITY COSTS.

"(a) In General.—The Secretary, acting through the Rural Utilities Service, may—

"(1) in coordination with State rural development initiatives, make grants and loans to persons, States, political subdivisions of States, and other entities organized under the laws of States, to acquire, construct, extend, upgrade, and otherwise improve electric generation, transmission, and distribution facilities serving communities in which the average revenue per kilowatt hour of electricity for all consumers is greater than 150 percent of the average revenue per kilowatt hour of electricity for all consumers in the United States (as determined by the Energy Information Administration using the most recent data available);

"(2) make grants and loans to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public 105–277) to be used for the purpose of providing funds to acquire, construct, extend, upgrade, finance, and otherwise improve electric generation, transmission, and distribution facilities serving communities described in paragraph (1); and

"(3) make grants to State entities to establish and support a revolving fund to provide a more cost-effective means of purchasing fuel in areas where the fuel cannot be shipped by means of surface transportation.".

(b) Definition of Person.—Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended by striking "or association" and inserting "association, or Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act)".

Subtitle B—Coastal Programs

SEC. 1411. ROYALTY PAYMENTS UNDER LEASES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Royalty Relief.—

(1) In general.—For purposes of providing compensation for lessees and a State for which amounts are authorized by section 6004(c) of the Oil Pollution Act of 1990 (Public Law 101–380), effective beginning October 1, 2008, a lessee may withhold from payment any royalty due and owing to the United States under any leases under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) for offshore oil or gas production from a covered lease tract if, on or before the date that the payment is due and payable to the United States, the lessee makes a payment to the Secretary of the Interior of 44 cents for every $1 of royalty withheld.

(2) Use of amounts paid to secretary.—Within 30 days after the Secretary of the Interior receives payments under paragraph (1), the Secretary of the Interior shall—

(A) make 47.5 percent of such payments available to the State referred to in section 6004(c) of the Oil Pollution Act of 1990; and

(B) make 52.5 percent of such payments available equally, only for the programs and purposes identified as number 282 at page 1389 of House Report number 108–10 and for a program described at page 1159 of that Report in the State referred to in such section 6004(c).

(3) Treatment of amounts.—Any royalty withheld by a lessee in accordance with this section (including any portion thereof that is paid to the Secretary of the Interior under paragraph (1)) shall be treated as paid for purposes of satisfaction of the royalty obligations of the lessee to the United States.

(4) Certification of withheld amounts.—The Secretary of the Treasury shall—

(A) determine the amount of royalty withheld by a lessee under this section; and

(B) promptly publish a certification when the total amount of royalty withheld by the lessee under this section is equal to—

(i) the dollar amount stated at page 47 of Senate Report number 101–534, which is designated therein as the total drainage claim for the West Delta field; plus

(ii) interest as described at page 47 of that Report.

(b) Period of Royalty Relief.—Subsection (a) shall apply to royalty amounts that are due and payable in the period beginning on January 1, 2008, and ending on the date on which the Secretary of the Treasury publishes a certification under subsection (a)(4)(B).

(c) Definitions.—As used in this section:

(1) Covered lease tract.—The term "covered lease tract" means a leased tract (or portion of a leased tract)—

(A) lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); or

(B) lying within such zone but to which such section does not apply.

(2) Lessee.—The term "lessee"—

(A) means a person or entity that, on the date of the enactment of the Oil Pollution Act of 1990, was a lessee referred to in section 6004(c) of that Act (as in effect on that date of the enactment), but did not hold lease rights in Federal offshore lease OCS–G–5669; and

(B) includes successors and affiliates of a person or entity described in subparagraph (A).

SEC. 1412. DOMESTIC OFFSHORE ENERGY REINVESTMENT.

(a) Domestic Offshore Energy Reinvestment Program.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. DOMESTIC OFFSHORE ENERGY REINVESTMENT PROGRAM.

"(a) Definitions.—In this section:

"(1) Approved plan.—The term 'approved plan' means a Secure Energy Reinvestment Plan approved by the Secretary under this section.

"(2) Coastal energy state.—The term 'Coastal Energy State' means a Coastal State off the coastline of which, within the seaward lateral boundary as determined by the map referenced in subsection (c)(2)(A), Outer Continental Shelf bonus bids or royalties are generated, other than bonus bids or royalties from a leased tract within any area of the Outer Continental Shelf for which a moratorium on new leasing was in effect as of January 1, 2002, unless the lease was issued before the establishment of the moratorium and was in production on such date.

"(3) Coastal political subdivision.—The term 'coastal political subdivision' means a county, parish, or other equivalent subdivision of a Coastal Energy State, all or part of which lies within the boundaries of the coastal zone of the State, as identified in the State's approved coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) on the date of the enactment of this section.

"(4) Coastal population.—The term 'coastal population' means the population of a coastal political subdivision, as determined by the most recent official data of the Census Bureau.

"(5) Coastline.—The term 'coastline' has the same meaning as the term 'coast line' in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

"(6) Fund.—The term 'Fund' means the Secure Energy Reinvestment Fund established by this section.

"(7) Leased tract.—The term 'leased tract' means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

"(8) Qualified outer continental shelf revenues.—(A) Except as provided in subparagraph (B), the term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States on or after October 1, 2003, from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g), or lying within such zone but to which section 8(g) does not apply, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related interest.

"(B) Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf for which a moratorium on new leasing was in effect as of January 1, 2002, unless the lease was issued before the establishment of the moratorium and was in production on such date.

"(9) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(b) Secure Energy Reinvestment Fund.—

"(1) Establishment.—There is established in the Treasury of the United States a separate account which shall be known as the 'Secure Energy Reinvestment Fund'. The Fund shall consist of amounts deposited under paragraph (2), and such other amounts as may be appropriated to the Fund.

"(2) Deposits.—For each fiscal year after fiscal year 2003, the Secretary of the Treasury shall deposit into the Fund the following:

"(A) Notwithstanding section 9, all qualified Outer Continental Shelf revenues attributable to royalties received by the United States in the fiscal year that are in excess of the following amount:

"(i) $3,455,000,000 in the case of royalties received in fiscal year 2004.

"(ii) $3,726,000,000 in the case of royalties received in fiscal year 2005.

"(iii) $4,613,000,000 in the case of royalties received in fiscal year 2006.

"(iv) $5,226,000,000 in the case of royalties received in fiscal year 2007.

"(v) $5,841,000,000 in the case of royalties received in fiscal year 2008.

"(vi) $5,763,000,000 in the case of royalties received in fiscal year 2009.

"(vii) $6,276,000,000 in the case of royalties received in fiscal year 2010.

"(viii) $6,351,000,000 in the case of royalties received in fiscal year 2011.

"(ix) $6,551,000,000 in the case of royalties received in fiscal year 2012.

"(x) $5,120,000,000 in the case of royalties received in fiscal year 2013.

"(B) Notwithstanding section 9, all qualified Outer Continental shelf revenues attributable to bonus bids received by the United States in each of the fiscal years 2004 through 2013 that are in excess of $1,000,000,000.

"(C) Notwithstanding section 9, in addition to amounts deposited under subparagraphs (A) and (B), $35,000,000 of amounts received by the United States each fiscal year as royalties for oil or gas production on the Outer Continental Shelf, except that no amounts shall be deposited under this subparagraph before fiscal year 2004 or after fiscal year 2013.

"(D) All interest earned under paragraph (4).

"(E) All repayments under subsection (f).

"(3) Reduction in deposit.—(A) For each fiscal year after fiscal year 2013 in which amounts received by the United States as royalties for oil or gas production on the Outer Continental Shelf are less than the sum of the amounts described in subparagraph (B) (before the application of this subparagraph), the Secretary of the Treasury shall reduce each of the amounts described in subparagraph (B) proportionately.

"(B) The amounts referred to in subparagraph (A) are the following:

"(i) The amount required to be covered into the Historic Preservation Fund under section 108 of the National Historic Preservation Act (16 U.S.C. 470h) on the date of the enactment of this paragraph.

"(ii) The amount required to be credited to the Land and Water Conservation Fund under section 2(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)(2)) on the date of the enactment of this paragraph.

"(iii) The amount required to be deposited under subparagraph (C) of paragraph (2) of this subsection.

"(4) Investment.—The Secretary of the Treasury shall invest moneys in the Fund (including interest) in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement under this section.

"(5) Review and revision of baseline amounts.—Not later than December 31, 2008, the Secretary of the Interior, in consultation with the Secretary of the Treasury, shall—

"(A) determine the amount and composition of Outer Continental Shelf revenues that were received by the United States in each of the fiscal years 2004 through 2008;

"(B) project the amount and composition of Outer Continental Shelf revenues that will be received in the United States in each of the fiscal years 2009 through 2013; and

"(C) submit to the Congress a report regarding whether any of the dollar amounts set forth in clauses (v) through (x) of paragraph (2)(A) or paragraph (2)(B) should be modified to reflect those projections.

"(6) Authorization of appropriation of additional amounts.—In addition to the amounts deposited into the Fund under paragraph (2) there are authorized to be appropriated to the Fund—

"(A) for each of fiscal years 2004 through 2013 up to $500,000,000; and

"(B) for each fiscal year after fiscal year 2013 up to 25 percent of qualified Outer Continental Shelf revenues received by the United States in the preceding fiscal year.

"(c) Use of Secure Energy Reinvestment Fund.—

"(1) In general.—(A) Amounts into the Fund shall be available for obligation or expenditure only for the purposes of this section, and only as provided for in an appropriations Act. The appropriations may be made without fiscal year limitation.

"(B) Of amounts made available under subsection (m), the Secretary shall use amounts remaining after the application of subsections (h) and (i) to pay to each Coastal Energy State that has a Secure Energy Reinvestment Plan approved by the Secretary under this section, and to coastal political subdivisions of such State, the amount allocated to the State or coastal political subdivision, respectively, under this subsection.

"(C) The Secretary shall make payments under this paragraph in December of 2004, and of each year thereafter, or as soon as practicable thereafter.

"(2) Allocation.—The Secretary shall allocate amounts made available under subsection (m) in a fiscal year, and other amounts determined by the Secretary to be available to carry out this section, among Coastal Energy States that have an approved plan, and to coastal political subdivisions of such States, as follows:

"(A)(i) Of the amounts made available for each of the first 10 fiscal years for which amounts are available for allocation under this paragraph, the allocation for each Coastal Energy State shall be calculated based on the ratio of qualified Outer Continental Shelf revenues generated off the coastline of the Coastal Energy State to the qualified Outer Continental Shelf revenues generated off the coastlines of all Coastal Energy States for the period beginning January 1, 1992, and ending December 31, 2001.

"(ii) Of the amounts available for a fiscal year in a subsequent 10-fiscal-year period, the allocation for each Coastal Energy State shall be calculated based on such ratio determined by the Secretary with respect to qualified Outer Continental Shelf revenues generated in each subsequent corresponding 10-year period.

"(iii) For purposes of this subparagraph, qualified Outer Continental Shelf revenues shall be considered to be generated off the coastline of a Coastal Energy State if the geographic center of the lease tract from which the revenues are generated is located within the area formed by the extension of the State's seaward lateral boundaries, calculated using the strict and scientifically derived conventions established to delimit international lateral boundaries under the Law of the Sea, as indicated on the map entitled 'Calculated Seaward Lateral Boundaries' and dated October 2003, on file in the Office of the Director, Minerals Management Service.

"(B) 35 percent of each Coastal Energy State's allocable share as determined under subparagraph (A) shall be allocated among and paid directly to the coastal political subdivisions of the State by the Secretary based on the following formula:

"(i) 25 percent shall be allocated based on the ratio of each coastal political subdivision's coastal population to the coastal population of all coastal political subdivisions of the Coastal Energy State.

"(ii) 25 percent shall be allocated based on the ratio of each coastal political subdivision's coastline miles to the coastline miles of all coastal political subdivisions of the State. In the case of a coastal political subdivision without a coastline, the coastline of the political subdivision for purposes of this clause shall be one-third the average length of the coastline of the other coastal political subdivisions of the State.

"(iii) 50 percent shall be allocated based on a formula that allocates 75 percent of the funds based on such coastal political subdivision's relative distance from any leased tract used to calculate that State's allocation and 25 percent of the funds based on the relative level of Outer Continental Shelf oil and gas activities in a coastal political subdivision to the level of Outer Continental Shelf oil and gas activities in all coastal political subdivisions in such State, as determined by the Secretary, except that in the case of a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries the allocation under this clause shall be determined as if that coastal political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues.

"(3) Reallocation.—Any amount allocated to a Coastal Energy State or coastal political subdivision of such a State but not disbursed because of a failure of a Coastal Energy State to have an approved plan shall be reallocated by the Secretary among all other Coastal Energy States in a manner consistent with this subsection, except that the Secretary—

"(A) shall hold the amount in escrow within the Fund until the earlier of the end of the next fiscal year in which the allocation is made or the final resolution of any appeal regarding the disapproval of a plan submitted by the State under this section; and

"(B) shall continue to hold such amount in escrow until the end of the subsequent fiscal year thereafter, if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Secure Energy Reinvestment Plan under subsection (d).

"(4) Minimum share.—Notwithstanding any other provision of this subsection, the amount allocated under this subsection to each Coastal Energy State each fiscal year shall be not less than 5 percent of the total amount available for that fiscal year for allocation under this subsection to Coastal Energy States, except that for any Coastal Energy State determined by the Secretary to have an area formed by the extension of the State's seaward lateral boundary, as designated by the map referenced in paragraph (2)(A)(iii), of less than 490 square statute miles, the amount allocated to such State shall not be less than 10 percent of the total amount available for that fiscal year for allocation under this subsection.

"(5) Recomputation.—If the allocation to one or more Coastal Energy States under paragraph (4) with respect to a fiscal year is greater than the amount that would be allocated to such States under this subsection if paragraph (4) did not apply, then the allocations under this subsection to all other Coastal Energy States shall be paid from the amount remaining after deduction of the amounts allocated under paragraph (4), but shall be reduced on a pro rata basis by the sum of the allocations under paragraph (4) so that not more than 100 percent of the funds available in the Fund for allocation with respect to that fiscal year is allocated.

"(d) Secure Energy Reinvestment Plan.—

"(1) Development and submission of state plans.—The Governor of each State seeking to receive funds under this section shall prepare, and submit to the Secretary, a Secure Energy Reinvestment Plan describing planned expenditures of funds received under this section. The Governor shall include in the State plan submitted to the Secretary plans prepared by the coastal political subdivisions of the State. The Governor and the coastal political subdivision shall solicit local input and provide for public participation in the development of the State plan. In describing the planned expenditures, the State and coastal political subdivisions shall include only items that are uses authorized under subsection (e).

"(2) APPROVAL OR DISAPPROVAL.—

"(A) IN GENERAL.—The Secretary may not disburse funds to a State or coastal political subdivision of a State under this section before the date the State has an approved plan. The Secretary shall approve a Secure Energy Reinvestment Plan submitted by a State under paragraph (1) if the Secretary determines that the expenditures provided for in the plan are uses authorized under subsection (e), and that the plan contains each of the following:

"(i) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section.

"(ii) A program for the implementation of the plan, that (I) has as a goal improving the environment, (II) has as a goal addressing the impacts of oil and gas production from the Outer Continental Shelf, and (III) includes a description of how the State and coastal political subdivisions of the State will evaluate the effectiveness of the plan.

"(iii) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

"(iv) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

"(v) For any State for which the ratio determined under subsection (c)(2)(A)(i) or (c)(2)(A)(ii), as appropriate, expressed as a percentage, exceeds 25 percent, a plan to spend not less than 30 percent of the total funds provided under this section each fiscal year to that State and appropriate coastal political subdivisions, to address the socioeconomic or environmental impacts identified in the plan that remain significant or progressive after implementation of mitigation measures identified in the most current environmental impact statement (as of the date of the enactment of this clause) required under the National Environmental Protection Act of 1969 for lease sales under this Act.

"(vi) A plan to utilize at least one-half of the funds provided pursuant to subsection (c)(2)(B), and a portion of other funds provided to such State under this section, on programs or projects that are coordinated and conducted in partnership between the State and coastal political subdivision.

"(B) PROCEDURE AND TIMING.—The Secretary shall approve or disapprove each plan submitted in accordance with this subsection within 90 days after its submission.

"(3) AMENDMENT OR REVISION.—Any amendment to or revision of an approved plan shall be prepared and submitted in accordance with the requirements under this paragraph for the submittal of plans, and shall be approved or disapproved by the Secretary in accordance with paragraph (2)(B).

"(e) AUTHORIZED USES.—A Coastal Energy State, and a coastal political subdivision of such a State, shall use amounts paid under this section (including any such amounts deposited into a trust fund administered by the State or coastal political subdivision dedicated to uses consistent with this subsection), in compliance with Federal and State law and the approved plan of the State, only for one or more of the following purposes:

"(1) Projects and activities, including educational activities, for the conservation, protection, or restoration of coastal areas including wetlands.

"(2) Mitigating damage to, or the protection of, fish, wildlife, or natural resources.

"(3) To the extent of such sums as are considered reasonable by the Secretary, planning assistance and administrative costs of complying with this section.

"(4) Implementation of federally approved plans or programs for marine, coastal, subsidence, or conservation management or for protection of resources from natural disasters.

"(5) Mitigating impacts of Outer Continental Shelf activities through funding onshore infrastructure and public service needs.

"(f) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that an expenditure of an amount made by a Coastal Energy State or coastal political subdivision is not in accordance with the approved plan of the State (including the plans of coastal political subdivisions included in such plan), the Secretary shall not disburse any further amounts under this section to that Coastal Energy State or coastal political subdivision until—

"(1) the amount is repaid to the Secretary; or

"(2) the Secretary approves an amendment to the plan that authorizes the expenditure.

"(g) ARBITRATION OF STATE AND LOCAL DISPUTES.—The Secretary may require, as a condition of any payment under this section, that a State or coastal political subdivision in a State must submit to arbitration—

"(1) any dispute between the State or coastal political subdivision (or both) and the Secretary regarding implementation of this section; and

"(2) any dispute between the State and political subdivision regarding implementation of this section, including any failure to include, in the plan submitted by the State for purposes of subsection (d), any spending plan of the coastal political subdivision.

"(h) ADMINISTRATIVE EXPENSES.—Of amounts made available under subsection (m) for each fiscal year, the Secretary may use up to one-half of one percent for the administrative costs of implementing this section.

"(i) FUNDING FOR CONSORTIUM.—

"(1) IN GENERAL.—Of amounts made available under subsection (m) for each of fiscal year 2004 through 2013, 2 percent shall be used by the Secretary of the Interior to provide funding for the Coastal Restoration and Enhancement through Science and Technology program.

"(2) TREATMENT.—Any amount provided by the Secretary of the Interior under this subsection for a fiscal year shall, for purposes of determining the amount appropriated under any other provision of law that authorizes appropriations to carry out the program referred to in paragraph (1), be treated as appropriated under that other provision.

"(j) DISPOSITION OF FUNDS.—A Coastal Energy State or coastal political subdivision may use funds provided to such entity under this section, subject to subsection (e), for any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

"(k) REPORTS.—Each fiscal year following a fiscal year in which a Coastal Energy State or coastal political subdivision of a Coastal Energy State receives funds under this section, the Governor of the Coastal Energy State, in coordination with such State's coastal political subdivisions, shall account for all funds so received for the previous fiscal year in a written report to the Secretary. The report shall include, in accordance with regulations prescribed by the Secretary, a description of all projects and activities that received such funds. In order to avoid duplication, such report may incorporate, by reference, any other reports required to be submitted under other provisions of law.

"(l) SIGNS.—The Secretary shall require, as a condition of any allocation of funds provided with amounts made available by this section, that each State and coastal political subdivision shall include on any sign otherwise installed at any site at or near an entrance or public use focal point area for which such funds are used, a statement that the existence or development of the site (or both), as appropriate, is a product of such funds.

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Fund to the Secretary to carry out this section, for fiscal year 2004 and each fiscal year thereafter, the amounts deposited into the Fund during the preceding fiscal year.".

(b) ADDITIONAL AMENDMENTS.—Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) by striking subsection (a);

(2) in subsection (c) by striking "For fiscal year 2001, $150,000,000 is" and inserting "Such sums as may be necessary to carry out this section are";

(3) in subsection (d)(1)(B) by striking ", except" and all that follows through the end of the sentence and inserting a period;

(4) by redesignating subsections (b) through (g) in order as subsection (a) through (f); and

(5) by striking "subsection (f)" each place it appears and inserting "subsection (e)".

(c) UTILIZATION OF COASTAL RESTORATION AND ENHANCEMENT THROUGH SCIENCE AND TECHNOLOGY PROGRAM.—

(1) AUTHORIZATION.—The Secretary of the Interior and the Secretary of Commerce may each use the Coastal Restoration and Enhancement through Science and Technology program for the purposes of—

(A) assessing the effects of coastal habitat restoration techniques;

(B) developing improved ecosystem modeling capabilities for improved predictions of coastal conditions and habitat change and for developing new technologies for restoration activities; and

(C) identifying economic options to address socioeconomic consequences of coastal degradation.

(2) CONDITION.—The Secretary of the Interior, in consultation with the Secretary of Commerce, shall ensure that the program—

(A) establishes procedures designed to avoid duplicative activities among Federal agencies and entities receiving Federal funds;

(B) coordinates with persons involved in similar activities; and

(C) establishes a mechanism to collect, organize, and make available information and findings on coastal restoration.

(3) REPORT.—Not later than September 30, 2008, the Secretary of the Interior, in consultation with the Secretary of Commerce, shall transmit a report to the Congress on the effectiveness of any Federal and State restoration efforts conducted pursuant to this subsection and make recommendations to improve coordinated coastal restoration efforts.

(4) FUNDING.—For each of fiscal years 2004 through 2013, there is authorized to be appropriated to the Secretary $10,000,000 to carry out activities under this subsection.

Subtitle C—Reforms to the Board of Directors of the Tennessee Valley Authority

SEC. 1431. CHANGE IN COMPOSITION, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by striking section 2 and inserting the following:

"SEC. 2. MEMBERSHIP, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEMBERSHIP.—

"(1) APPOINTMENT.—The Board of Directors of the Corporation (referred to in this Act as the 'Board') shall be composed of 9 members appointed by the President by and with the advice and consent of the Senate, at least 5 of whom shall be a legal resident of a State any part of which is in the service area of the Corporation.

"(2) CHAIRMAN.—The members of the Board shall select 1 of the members to act as Chairman of the Board.

"(b) QUALIFICATIONS.—To be eligible to be appointed as a member of the Board, an individual—

"(1) shall be a citizen of the United States;

"(2) shall have management expertise relative to a large for-profit or nonprofit corporate, government, or academic structure;

"(3) shall not be an employee of the Corporation; and

"(4) shall make full disclosure to Congress of any investment or other financial interest that the individual holds in the energy industry.

"(c) RECOMMENDATIONS.—In appointing members of the Board, the President shall—

"(1) consider recommendations from such public officials as—

"(A) the Governors of States in the service area;

"(B) individual citizens;

"(C) business, industrial, labor, electric power distribution, environmental, civic, and service organizations; and

"(D) the congressional delegations of the States in the service area; and

"(2) seek qualified members from among persons who reflect the diversity, including the geographical diversity, and needs of the service area of the Corporation.

"(d) TERMS.—

"(1) IN GENERAL.—A member of the Board shall serve a term of 5 years. A member of the Board whose term has expired may continue to serve after the member's term has expired until the date on which a successor takes office, except that the member shall not serve beyond the end of the session of Congress in which the term of the member expires.

"(2) VACANCIES.—A member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

"(e) QUORUM.—

"(1) IN GENERAL.—Five of the members of the Board shall constitute a quorum for the transaction of business.

"(2) VACANCIES.—A vacancy on the Board shall not impair the power of the Board to act.

"(f) COMPENSATION.—

"(1) IN GENERAL.—A member of the Board shall be entitled to receive—

"(A) a stipend of—

"(i) $45,000 per year; or

"(ii)(I) in the case of the chairman of any committee of the Board created by the Board, $46,000 per year; or

"(II) in the case of the chairman of the Board, $50,000 per year; and

"(B) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

"(2) ADJUSTMENTS IN STIPENDS.—The amount of the stipend under paragraph (1)(A)(i) shall be adjusted by the same percentage, at the same time and manner, and subject to the same limitations as are applicable to adjustments under section 5318 of title 5, United States Code.

"(g) DUTIES.—

"(1) IN GENERAL.—The Board shall—

"(A) establish the broad goals, objectives, and policies of the Corporation that are appropriate to carry out this Act;

"(B) develop long-range plans to guide the Corporation in achieving the goals, objectives, and policies of the Corporation and provide assistance to the chief executive officer to achieve those goals, objectives, and policies;

"(C) ensure that those goals, objectives, and policies are achieved;

"(D) approve an annual budget for the Corporation;

"(E) adopt and submit to Congress a conflict-of-interest policy applicable to members of the Board and employees of the Corporation;

"(F) establish a compensation plan for employees of the Corporation in accordance with subsection (i);

"(G) approve all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) of all managers and technical personnel that report directly to the chief executive officer (including any adjustment to compensation);

"(H) ensure that all activities of the Corporation are carried out in compliance with applicable law;

"(I) create an audit committee, composed solely of Board members independent of the management of the Corporation, which shall—

"(i) in consultation with the inspector general of the Corporation, recommend to the Board an external auditor;

"(ii) receive and review reports from the external auditor of the Corporation and inspector general of the Corporation; and

"(iii) make such recommendations to the Board as the audit committee considers necessary;

"(J) create such other committees of Board members as the Board considers to be appropriate;

"(K) conduct such public hearings as it deems appropriate on issues that could have a substantial effect on—

"(i) the electric ratepayers in the service area; or

"(ii) the economic, environmental, social, or physical well-being of the people of the service area;

"(L) establish the electricity rates charged by the Corporation; and

"(M) engage the services of an external auditor for the Corporation.

"(2) MEETINGS.—The Board shall meet at least 4 times each year.

"(h) CHIEF EXECUTIVE OFFICER.—

"(1) APPOINTMENT.—The Board shall appoint a person to serve as chief executive officer of the Corporation.

"(2) QUALIFICATIONS.—

"(A) IN GENERAL.—To serve as chief executive officer of the Corporation, a person—

"(i) shall have senior executive-level management experience in large, complex organizations;

"(ii) shall not be a current member of the Board or have served as a member of the Board within 2 years before being appointed chief executive officer; and

"(iii) shall comply with the conflict-of-interest policy adopted by the Board.

"(B) EXPERTISE.—In appointing a chief executive officer, the Board shall give particular consideration to appointing an individual with expertise in the electric industry and with strong financial skills.

"(3) TENURE.—The chief executive officer shall serve at the pleasure of the Board.

"(i) COMPENSATION PLAN.—

"(1) IN GENERAL.—The Board shall approve a compensation plan that specifies all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) for the chief executive officer and employees of the Corporation.

"(2) ANNUAL SURVEY.—The compensation plan shall be based on an annual survey of the prevailing compensation for similar positions in private industry, including engineering and electric utility companies, publicly owned electric utilities, and Federal, State, and local governments.

"(3) CONSIDERATIONS.—The compensation plan shall provide that education, experience, level of responsibility, geographic differences, and retention and recruitment needs will be taken into account in determining compensation of employees.

"(4) POSITIONS AT OR BELOW LEVEL IV.—The chief executive officer shall determine the salary and benefits of employees whose annual salary is not greater than the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(5) POSITIONS ABOVE LEVEL IV.—On the recommendation of the chief executive officer, the Board shall approve the salaries of employees whose annual salaries would be in excess of the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 1432. CHANGE IN MANNER OF APPOINTMENT OF STAFF.

Section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

"(a) APPOINTMENT BY THE CHIEF EXECUTIVE OFFICER.—The chief executive officer shall appoint, with the advice and consent of the Board, and without regard to the provisions of the civil service laws applicable to officers and employees of the United States, such managers, assistant managers, officers, employees, attorneys, and agents as are necessary for the transaction of the business of the Corporation."; and

(2) by striking "All contracts" and inserting the following:

"(b) WAGE RATES.—All contracts".

SEC. 1433. CONFORMING AMENDMENTS.

(a) The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended—

(1) by striking "board of directors" each place it appears and inserting "Board of Directors"; and

(2) by striking "board" each place it appears and inserting "Board".

(b) Section 9 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h) is amended—

(1) by striking "The Comptroller General of the United States shall audit" and inserting the following:

"(c) AUDITS.—The Comptroller General of the United States shall audit"; and

(2) by striking "The Corporation shall determine" and inserting the following:

"(d) ADMINISTRATIVE ACCOUNTS AND BUSINESS DOCUMENTS.—The Corporation shall determine".

(c) Title 5, United States Code, is amended—

(1) in section 5314, by striking "Chairman, Board of Directors of the Tennessee Valley Authority."; and

(2) in section 5315, by striking "Members, Board of Directors of the Tennessee Valley Authority.".

SEC. 1434. APPOINTMENTS; EFFECTIVE DATE; TRANSITION.

(a) APPOINTMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall submit to the Senate nominations of 6 persons to serve as members of the Board of Directors of the Tennessee Valley Authority in addition to the members serving on the date of enactment of this Act.

(2) INITIAL TERMS.—Notwithstanding section 2(d) of the Tennessee Valley Authority Act of 1933 (as amended by this subtitle), in making the appointments under paragraph (1), the President shall appoint—

(A) 2 members for a term to expire on May 18, 2006;

(B) 2 members for a term to expire on May 18, 2008; and

(C) 2 members for a term to expire on May 18, 2010.

(b) EFFECTIVE DATE.—The amendments made by this section and sections 1431, 1432, and 1433 take effect on the later of the date on which at least 3 persons nominated under subsection (a) take office or May 18, 2005.

(c) SELECTION OF CHAIRMAN.—The Board of Directors of the Tennessee Valley Authority shall select 1 of the members to act as Chairman of the Board not later than 30 days after the effective date of this section.

(d) CONFLICT-OF-INTEREST POLICY.—The Board of Directors of the Tennessee Valley Authority shall adopt and submit to Congress a conflict-of-interest policy, as required by section 2(g)(1)(E) of the Tennessee Valley Authority Act of 1933 (as amended by this subtitle), as soon as practicable after the effective date of this section.

(e) TRANSITION.—A person who is serving as a member of the Board of Directors of the Tennessee Valley Authority on the date of enactment of this Act—

(1) shall continue to serve until the end of the current term of the member; but

(2) after the effective date specified in subsection (b), shall serve under the terms of the Tennessee Valley Authority Act of 1933 (as amended by this subtitle); and

(3) may not be reappointed.

Subtitle D—Other Provisions

SEC. 1441. CONTINUATION OF TRANSMISSION SECURITY ORDER.

Department of Energy Order No. 202-03-2, issued by the Secretary of Energy on August 28, 2003, shall remain in effect unless rescinded by Federal statute.

SEC. 1442. REVIEW OF AGENCY DETERMINATIONS.

Section 7 of the Natural Gas Act (15 U.S.C. 717f) is amended by adding at the end the following:

"(i)(1) The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any order or action of any Federal or State administrative agency or officer to issue, condition, or deny any permit, license, concurrence, or approval issued under authority of any Federal law, other than the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), required for the construction of a natural gas pipeline for which a certificate of public convenience and necessity is issued by the Commission under this section;

"(B) alleging unreasonable delay by any Federal or State administrative agency or officer in entering an order or taking other action described in subparagraph (A); or

"(C) challenging any decision made or action taken under this subsection.

"(2)(A) If the Court finds that the order, action, or failure to act is not consistent with the public convenience and necessity (as determined by the Commission under this section), or would prevent the construction and operation of natural gas facilities authorized by the certificate of public convenience and necessity, the permit, license, concurrence, or approval that is the subject of the order, action, or failure to act shall be deemed to have been issued subject to any conditions set forth in the reviewed order or action that the Court finds to be consistent with the public convenience and necessity.

"(B) For purposes of paragraph (1)(B), the failure of an agency or officer to issue any such permit, license, concurrence, or approval within the later of 1 year after the date of filing of an application for the permit, license, concurrence, or approval or 60 days after the date of issuance of the certificate of public convenience and necessity under this section, shall be considered to be unreasonable delay unless the Court, for good cause shown, determines otherwise.

"(C) The Court shall set any action brought under paragraph (1) for expedited consideration.".

SEC. 1443. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding the following new subsection at the end thereof:

"(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

"(1) DEFINITIONS.—(A) The term 'upwind area' means an area that—

"(i) significantly contributes to nonattainment in another area, hereinafter referred to as a 'downwind area'; and

"(ii) is either—

"(I) a nonattainment area with a later attainment date than the downwind area, or

"(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

"(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph (2).

"(2) EXTENSION.—If the Administrator—

"(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone; and

"(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A)—

the Administrator, in lieu of such reclassification, shall extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

"(3) REQUIRED APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator must approve a revision of the applicable implementation plan for the downwind area for such standard that—

"(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard; and

"(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection.

"(4) PRIOR RECLASSIFICATION DETERMINATION.—If, no more than 18 months prior to the date of enactment of this subsection, the Administrator made a reclassification determination under subsection (b)(2)(A) for any downwind area, and the Administrator approves the plan revision referred to in paragraph (3) for such area within 12 months after the date of enactment of this subsection, the reclassification shall be withdrawn and the attainment date extended in accordance with paragraph (5) upon such approval. The Administrator shall also withdraw a reclassification determination under subsection (b)(2)(A) made after the date of enactment of this subsection and extend the attainment date in accordance with paragraph (5) if the Administrator approves the plan revision referred to in paragraph (3) within 12 months of the date the reclassification determination under subsection (b)(2)(A) is issued. In such instances the 'current classification' used for evaluating the revision of the applicable implementation plan under paragraph (3) shall be the classification of the downwind area under this section immediately prior to such reclassification.

"(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the date on which the last reductions in pollution transport necessary for attainment in the downwind area are required to be achieved by the upwind area or areas.".

SEC. 1444. ENERGY PRODUCTION INCENTIVES.

(a) IN GENERAL.—A State may provide to any entity—

(1) a credit against any tax or fee owed to the State under a State law, or

(2) any other tax incentive—

determined by the State to be appropriate, in the amount calculated under and in accordance with a formula determined by the State, for production described in subsection (b) in the State by the entity that receives such credit or such incentive.

(b) ELIGIBLE ENTITIES.—Subsection (a) shall apply with respect to the production in the State of—

(1) electricity from coal mined in the State and used in a facility, if such production meets all applicable Federal and State laws and if such facility uses scrubbers or other forms of clean coal technology,

(2) electricity from a renewable source such as wind, solar, or biomass, or

(3) ethanol.

(c) EFFECT ON INTERSTATE COMMERCE.—Any action taken by a State in accordance with this section with respect to a tax or fee payable, or incentive applicable, for any period beginning after the date of the enactment of this Act shall—

(1) be considered to be a reasonable regulation of commerce; and

(2) not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate, against interstate commerce.

SEC. 1445. USE OF GRANULAR MINE TAILINGS.

(a) Amendment.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following:

"SEC. 6006. USE OF GRANULAR MINE TAILINGS.

"(a) Mine Tailings.—

"(1) In general.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Transportation and heads of other Federal agencies, shall establish criteria (including an evaluation of whether to establish a numerical standard for concentration of lead and other hazardous substances) for the safe and environmentally protective use of granular mine tailings from the Tar Creek, Oklahoma Mining District, known as 'chat', for—

"(A) cement or concrete projects; and

"(B) transportation construction projects (including transportation construction projects involving the use of asphalt) that are carried out, in whole or in part, using Federal funds.

"(2) Requirements.—In establishing criteria under paragraph (1), the Administrator shall consider—

"(A) the current and previous uses of granular mine tailings as an aggregate for asphalt; and

"(B) any environmental and public health risks and benefits derived from the removal, transportation, and use in transportation projects of granular mine tailings.

"(3) Public participation.—In establishing the criteria under paragraph (1), the Administrator shall solicit and consider comments from the public.

"(4) Applicability of criteria.—On the establishment of the criteria under paragraph (1), any use of the granular mine tailings described in paragraph (1) in a transportation project that is carried out, in whole or in part, using Federal funds, shall meet the criteria established under paragraph (1).

"(b) Effect of Sections.—Nothing in this section or section 6005 affects any requirement of any law (including a regulation) in effect on the date of enactment of this section.".

(b) Conforming Amendment.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle F the following:

"Sec. 6006. Use of granular mine tailings.".

TITLE XV—ETHANOL AND MOTOR FUELS

Subtitle A—General Provisions

SEC. 1501. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) In General.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

"(o) Renewable Fuel Program.—

"(1) Definitions.—In this section:

"(A) Ethanol.—(i) The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(I) dedicated energy crops and trees;

"(II) wood and wood residues;

"(III) plants;

"(IV) grasses;

"(V) agricultural residues; and

"(VI) fibers.

"(ii) The term 'waste derived ethanol' means ethanol derived from—

"(I) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(II) municipal solid waste.

"(B) Renewable fuel.—

"(i) In general.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) Inclusion.—The term 'renewable fuel' includes cellulosic biomass ethanol, waste derived ethanol, and biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and any blending components derived from renewable fuel (provided that only the renewable fuel portion of any such blending component shall be considered part of the applicable volume under the renewable fuel program established by this subsection).

"(C) Small refinery.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) Renewable fuel program.—

"(A) In general.—Not later than 1 year after the enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel as specified in subparagraph (B). Regardless of the date of promulgation, such regulations shall contain compliance provisions for refiners, blenders, and importers, as appropriate, to ensure that the requirements of this section are met, but shall not restrict where renewable fuel can be used, or impose any per-gallon obligation for the use of renewable fuel. If the Administrator does not promulgate such regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

"(B) Applicable volume.—

"(i) Calendar years 2005 through 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2005 through 2012 shall be determined in accordance with the following table:

"Applicable volume of renewable fuel

Calendar year:	**(In billions of gallons)**
2005	3.1
2006	3.3
2007	3.5
2008	3.8
2009	4.1
2010	4.4
2011	4.7
2012	5.0

"(ii) Calendar year 2013 and thereafter.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 5.0 billion gallons of renewable fuels; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) Non-contiguous state opt-in.—Upon the petition of a non-contiguous State, the Administrator may allow the renewable fuel program established by subtitle A of title XV of the Energy Policy Act of 2003 to apply in such non-contiguous State at the same time or any time after the Administrator promulgates regulations under paragraph (2). The Administrator may promulgate or revise regulations under paragraph (2), establish applicable percentages under paragraph (4), provide for the generation of credits under paragraph (6), and take such other actions as may be necessary to allow for the application of the renewable fuels program in a non-contiguous State.

"(4) Applicable percentages.—

"(A) Provision of estimate of volumes of gasoline sales.—Not later than October 31 of each of calendar years 2004 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline that will be sold or introduced into commerce in the United States during the following calendar year.

"(B) Determination of applicable percentages.—

"(i) In general.—Not later than November 30 of each of the calendar years 2004 through 2011, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

"(ii) Required elements.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refiners, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

"(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

"(C) Adjustments.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations to any person specified in subparagraph (B)(ii)(I); and

"(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (11).

"(5) Equivalency.—For the purpose of paragraph (2), 1 gallon of either cellulosic biomass ethanol or waste derived ethanol—

"(A) shall be considered to be the equivalent of 1.5 gallon of renewable fuel; or

"(B) if the cellulosic biomass ethanol or waste derived ethanol is derived from agricultural residue or is an agricultural byproduct (as that term is used in section 919 of the Energy Policy Act of 2003), shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

"(6) Credit program.—

"(A) In general.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2). Such regulations shall provide for the generation of an appropriate amount of credits for biodiesel fuel. If a small refinery notifies the Administrator that it waives the exemption provided paragraph (11), the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

"(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) LIFE OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance—

"(i) in the calendar year in which the credit was generated or the next calendar year; or

"(ii) in the calendar year in which the credit was generated or next two consecutive calendar years if the Administrator promulgates regulations under paragraph (7).

"(D) INABILITY TO PURCHASE SUFFICIENT CREDITS.—The regulations promulgated to carry out this subsection shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements under paragraph (2) to carry forward a renewable fuel deficit provided that, in the calendar year following the year in which the renewable fuel deficit is created, such person shall achieve compliance with the renewable fuel requirement under paragraph (2), and shall generate or purchase additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

"(7) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

"(A) STUDY.—For each of the calendar years 2005 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

"(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) is used during each of the periods specified in subparagraph (D) of each subsequent calendar year.

"(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

"(i) less than 35 percent of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) has been used during one of the periods specified in subparagraph (D) of the calendar year;

"(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years; and

"(iii) promulgating regulations or other requirements to impose a 35 percent or more seasonal use of renewable fuels will not prevent or interfere with the attainment of national ambient air quality standards or significantly increase the price of motor fuels to the consumer.

"(D) PERIODS.—The two periods referred to in this paragraph are—

"(i) April through September; and

"(ii) January through March and October through December.

"(E) EXCLUSIONS.—Renewable fuels blended or consumed in 2005 in a State which has received a waiver under section 209(b) shall not be included in the study in subparagraph (A).

"(8) WAIVERS.—

"(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirement of paragraph (2) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under this subsection—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

"(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirement of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

"(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(9) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—Not later than 180 days after the enactment of this subsection, the Secretary of Energy shall complete for the Administrator a study assessing whether the renewable fuels requirement under paragraph (2) will likely result in significant adverse consumer impacts in 2005, on a national, regional, or State basis. Such study shall evaluate renewable fuel supplies and prices, blendstock supplies, and supply and distribution system capabilities. Based on such study, the Secretary shall make specific recommendations to the Administrator regarding waiver of the requirements of paragraph (2), in whole or in part, to avoid any such adverse impacts. Within 270 days after the enactment of this subsection, the Administrator shall, consistent with the recommendations of the Secretary, waive, in whole or in part, the renewable fuels requirement under paragraph (2) by reducing the national quantity of renewable fuel required under this subsection in 2005. This paragraph shall not be interpreted as limiting the Administrator's authority to waive the requirements of paragraph (2) in whole, or in part, under paragraph (8) or paragraph (10), pertaining to waivers.

"(10) ASSESSMENT AND WAIVER.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall evaluate the requirement of paragraph (2) and determine, prior to January 1, 2007, and prior to January 1 of any subsequent year in which the applicable volume of renewable fuel is increased under paragraph (2)(B), whether the requirement of paragraph (2), including the applicable volume of renewable fuel contained in paragraph (2)(B) should remain in effect, in whole or in part, during 2007 or any year or years subsequent to 2007. In evaluating the requirement of paragraph (2) and in making any determination under this section, the Administrator shall consider the best available information and data collected by accepted methods or best available means regarding—

"(A) the capacity of renewable fuel producers to supply an adequate amount of renewable fuel at competitive prices to fulfill the requirement of paragraph (2);

"(B) the potential of the requirement of paragraph (2) to significantly raise the price of gasoline, food (excluding the net price impact on the requirement in paragraph (2) on commodities used in the production of ethanol), or heating oil for consumers in any significant area or region of the country above the price that would otherwise apply to such commodities in the absence of such requirement;

"(C) the potential of the requirement of paragraph (2) to interfere with the supply of fuel in any significant gasoline market or region of the country, including interference with the efficient operation of refiners, blenders, importers, wholesale suppliers, and retail vendors of gasoline, and other motor fuels; and

"(D) the potential of the requirement of paragraph (2) to cause or promote exceedances of Federal, State, or local air quality standards.

If the Administrator determines, by clear and convincing information, after public notice and the opportunity for comment, that the requirement of paragraph (2) would have significant and meaningful adverse impact on the supply of fuel and related infrastructure or on the economy, public health, or environment of any significant area or region of the country, the Administrator may waive, in whole or in part, the requirement of paragraph (2) in any one year for which the determination is made for that area or region of the country, except that any such waiver shall not have the effect of reducing the applicable volume of renewable fuel specified in paragraph (2)(B) with respect to any year for which the determination is made. In determining economic impact under this paragraph, the Administrator shall not consider the reduced revenues available from the Highway Trust Fund (section 9503 of the Internal Revenue Code of 1986) as a result of the use of ethanol.

"(11) SMALL REFINERIES.—

"(A) IN GENERAL.—The requirement of paragraph (2) shall not apply to small refineries until the first calendar year beginning more than 5 years after the first year set forth in the table in paragraph (2)(B)(i). Not later than December 31, 2007, the Secretary of Energy shall complete for the Administrator a study to determine whether the requirement of paragraph (2) would impose a disproportionate economic hardship on small refineries. For any small refinery that the Secretary of Energy determines would experience a disproportionate economic hardship, the Administrator shall extend the small refinery exemption for such small refinery for no less than two additional years.

"(B) ECONOMIC HARDSHIP.—

"(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption from the requirement of paragraph (2) for the reason of disproportionate economic hardship. In evaluating a hardship petition, the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study in addition to other economic factors.

"(ii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the receipt of the petition.

"(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that it waives the exemption provided by this Act, the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

"(D) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to the requirements of this section if it notifies the Administrator that it waives the exemption under subparagraph (A).

"(12) ETHANOL MARKET CONCENTRATION ANALYSIS.—

"(A) ANALYSIS.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price setting and other anticompetitive behavior.

"(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

"(B) REPORT.—Not later than December 1, 2004, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).".

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended as follows:

(1) In paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)".

(2) In the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

(c) SURVEY OF RENEWABLE FUEL MARKET.—

(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator of the Environmental Protection Agency (in consultation with the Secretary of Energy acting through the Administrator of the Energy Information Administration) shall—

(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

(i) conventional gasoline containing ethanol;

(ii) reformulated gasoline containing ethanol;

(iii) conventional gasoline containing renewable fuel; and

(iv) reformulated gasoline containing renewable fuel; and

(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—The Administrator of the Environmental Protection Agency (hereinafter in this subsection referred to as the "Administrator") may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate. The Administrator, to avoid duplicative requirements, shall rely, to the extent practicable, on existing reporting and recordkeeping requirements and other information available to the Administrator including gasoline distribution patterns that include multistate use areas.

(3) APPLICABLE LAW.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

SEC. 1502. FINDINGS AND MTBE TRANSITION ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (hereinafter in this section referred to as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygen standard, Congress was aware that significant use of MTBE would result from the adoption of that standard, and that the use of MTBE would likely be important to the cost-effective implementation of that program;

(4) Congress was aware that gasoline and its component additives can and do leak from storage tanks;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) having previously required oxygenates like MTBE for air quality purposes, Congress has—

(A) reconsidered the relative value of MTBE in gasoline;

(B) decided to establish a date certain for action by the Environmental Protection Agency to prohibit the use of MTBE in gasoline; and

(C) decided to provide for the elimination of the oxygenate requirement for reformulated gasoline and to provide for a renewable fuels content requirement for motor fuel; and

(7) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act; and

(B) for the purpose of mitigating any fuel supply problems that may result from the elimination of the oxygenate requirement for reformulated gasoline and from the decision to establish a date certain for action by the Environmental Protection Agency to prohibit the use of MTBE in gasoline.

(b) PURPOSES.—The purpose of this section is to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

"(5) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—

"(i) GRANTS.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether (hereinafter in this subsection referred to as 'MTBE') in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of iso-octane, iso-octene, alkylates, or renewable fuels.

"(ii) DETERMINATION.—The Administrator, in consultation with the Secretary of Energy, may determine that transition assistance for the production of iso-octane, iso-octene, alkylates, or renewable fuels is inconsistent with the provisions of subparagraph (B) and, on that basis, may deny applications for grants authorized by this paragraph.

"(B) FURTHER GRANTS.—The Secretary of Energy, in consultation with the Administrator, may also further make grants to merchant producers of MTBE in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of such other fuel additives (unless the Administrator determines that such fuel additives may reasonably be anticipated to endanger public health or the environment) that, consistent with this subsection—

"(i) have been registered and have been tested or are being tested in accordance with the requirements of this section; and

"(ii) will contribute to replacing gasoline volumes lost as a result of amendments made to subsection (k) of this section by sections 1503(a) and 1505 of the Energy Policy Act of 2003.

"(C) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced MTBE for consumption before April 1, 2003 and ceased production at any time after the date of enactment of this paragraph.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2005 through 2012, to remain available until expended.".

(d) EFFECT ON STATE LAW.—The amendments made to the Clean Air Act by this title have no effect regarding any available authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 1503. USE OF MTBE.

(a) IN GENERAL.—Subject to subsections (e) and (f), not later than December 31, 2014, the use of methyl tertiary butyl ether (hereinafter in this section referred to as "MTBE") in motor vehicle fuel in any State other than a State described in subsection (c) is prohibited.

(b) REGULATIONS.—The Administrator of the Environmental Protection Agency (hereafter referred to in this section as the "Administrator") shall promulgate regulations to effect the prohibition in subsection (a).

(c) STATES THAT AUTHORIZE USE.—A State described in this subsection is a State in which the Governor of the State submits a notification to the Administrator authorizing the use of MTBE in motor vehicle fuel sold or used in the State.

(d) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subsection (c).

(e) TRACE QUANTITIES.—In carrying out subsection (a), the Administrator may allow trace quantities of MTBE, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

(f) LIMITATION.—The Administrator, under authority of subsection (a), shall not prohibit or control the production of MTBE for export from the United States or for any other use other than for use in motor vehicle fuel.

SEC. 1504. NATIONAL ACADEMY OF SCIENCES REVIEW AND PRESIDENTIAL DETERMINATION.

(a) NAS REVIEW.—Not later than May 31, 2013, the Secretary shall enter into an arrangement with the National Academy of

Sciences to review the use of methyl tertiary butyl ether (hereafter referred to in this section as "MTBE") in fuel and fuel additives. The review shall only use the best available scientific information and data collected by accepted methods or the best available means. The review shall examine the use of MTBE in fuel and fuel additives, significant beneficial and detrimental effects of this use on environmental quality or public health or welfare including the costs and benefits of such effects, likely effects of controls or prohibitions on MTBE regarding fuel availability and price, and other appropriate and reasonable actions that are available to protect the environment or public health or welfare from any detrimental effects of the use of MTBE in fuel or fuel additives. The review shall be peer-reviewed prior to publication and all supporting data and analytical models shall be available to the public. The review shall be completed no later than May 31, 2014.

(b) Presidential Determination.—No later than June 30, 2014, the President may make a determination that restrictions on the use of MTBE to be implemented pursuant to section 1503 shall not take place and that the legal authority contained in section 1503 to prohibit the use of MTBE in motor vehicle fuel shall become null and void.

SEC. 1505. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) Elimination.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended as follows:

(A) In paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(B) In paragraph (3)(A), by striking clause (v).

(C) In paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii).

(II) by redesignating clause (iii) as clause (ii).

(2) Effective date.—The amendments made by paragraph (1) take effect 270 days after the date of enactment of this Act, except that such amendments shall take effect upon such date of enactment in any State that has received a waiver under section 209(b) of the Clean Air Act.

(b) Maintenance of Toxic Air Pollutant Emission Reductions.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended as follows:

(1) By striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) In general.—Not later than November 15, 1991,".

(2) By adding at the end the following:

"(B) Maintenance of toxic air pollutant emissions reductions from reformulated gasoline.—

"(i) Definitions.—In this subparagraph the term 'PADD' means a Petroleum Administration for Defense District.

"(ii) Regulations regarding emissions of toxic air pollutants.—Not later than 270 days after the date of enactment of this subparagraph the Administrator shall establish, for each refinery or importer, standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refinery or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000, determined on the basis of data collected by the Administrator with respect to the refinery or importer.

"(iii) Standards applicable to specific refineries or importers.—

"(I) Applicability of standards.—For any calendar year, the standards applicable to a refinery or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refinery or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000.

"(II) Applicability of other standards.—For any calendar year, the quantity of gasoline produced or distributed by a refinery or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

"(iv) Credit program.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

"(v) Regional protection of toxics reduction baselines.—

"(I) In general.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

"(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 1999 and 2000; and

"(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

"(II) Effect of failure to maintain aggregate toxics reductions.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 1999 and 2000, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

"(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

"(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the report in subclause (II) and for subsequent years.

"(vi) Regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels.—Not later than July 1, 2004, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) Consolidation in Reformulated Gasoline Regulations.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(d) Savings Clause.—Nothing in this section is intended to affect or prejudice either any legal claims or actions with respect to regulations promulgated by the Administrator of the Environmental Protection Agency (hereinafter in this subsection referred to as the "Administrator") prior to the date of enactment of this Act regarding emissions of toxic air pollutants from motor vehicles or the adjustment of standards applicable to a specific refinery or importer made under such prior regulations and the Administrator may apply such adjustments to the standards applicable to such refinery or importer under clause (iii)(I) of section 211(k)(1)(B) of the Clean Air Act, except that—

(1) the Administrator shall revise such adjustments to be based only on calendar years 1999–2000; and

(2) for adjustments based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline, the Administrator may revise such adjustments to take account of the scope of Federal or State prohibitions on the use of methyl tertiary butyl ether imposed after the date of the enactment of this paragraph, except that any such adjustment shall require such refiner or importer, to the greatest extent practicable, to maintain the reduction achieved during calendar years 1999–2000 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refinery or importer: *Provided*, That any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 1999–2000.

SEC. 1506. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

"(p) Analyses of Motor Vehicle Fuel Changes and Emissions Model.—

"(1) Anti-backsliding analysis.—

"(A) Draft analysis.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by subtitle A of title XV of the Energy Policy Act of 2003.

"(B) Final analysis.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.".

SEC. 1507. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) RENEWABLE FUELS SURVEY.—(1) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels demand in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national and regional basis, including each of the following:

"(A) The quantity of renewable fuels produced.

"(B) The quantity of renewable fuels blended.

"(C) The quantity of renewable fuels imported.

"(D) The quantity of renewable fuels demanded.

"(E) Market price data.

"(F) Such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this section.

"(2) The Administrator shall also collect or estimate information both on a national and regional basis, pursuant to subparagraphs (A) through (F) of paragraph (1), for the 5 years prior to implementation of this subsection.

"(3) This subsection does not affect the authority of the Administrator to collect data under section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a).".

SEC. 1508. REDUCING THE PROLIFERATION OF STATE FUEL CONTROLS.

(a) EPA APPROVAL OF STATE PLANS WITH FUEL CONTROLS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by adding at the end the following: "The Administrator shall not approve a control or prohibition respecting the use of a fuel or fuel additive under this subparagraph unless the Administrator, after consultation with the Secretary of Energy, publishes in the Federal Register a finding that, in the Administrator's judgment, such control or prohibition will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous areas.".

(b) STUDY.—The Administrator of the Environmental Protection Agency (hereinafter in this subsection referred to as the "Administrator"), in cooperation with the Secretary of Energy, shall undertake a study of the projected effects on air quality, the proliferation of fuel blends, fuel availability, and fuel costs of providing a preference for each of the following:

(A) Reformulated gasoline referred to in subsection (k) of section 211 of the Clean Air Act.

(B) A low RVP gasoline blend that has been certified by the Administrator as having a Reid Vapor Pressure of 7.0 pounds per square inch (psi).

(C) A low RVP gasoline blend that has been certified by the Administrator as having a Reid Vapor Pressure of 7.8 pounds per square inch (psi).

In carrying out such study, the Administrator shall obtain comments from affected parties. The Administrator shall submit the results of such study to the Congress not later than 18 months after the date of enactment of this Act, together with any recommended legislative changes.

SEC. 1509. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the "Administrator") and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to consumers in various States and localities;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals;

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while improving air quality at the national, regional and local levels consistent with the attainment of national ambient air quality standards, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply;

(F) the feasibility of providing incentives to promote cleaner burning motor vehicle fuel; and

(G) the extent to which improvements in air quality and any increases or decreases in the price of motor fuel can be projected to result from the Environmental Protection Agency's Tier II requirements for conventional gasoline and vehicle emission systems, the reformulated gasoline program, the renewable content requirements established by this subtitle, State programs regarding gasoline volatility, and any other requirements imposed by States or localities affecting the composition of motor fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2007, the Administrator and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report under this subsection shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report under this subsection, the Administrator and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) motor vehicle fuel producers and distributors; and

(D) the public.

SEC. 1510. COMMERCIAL BYPRODUCTS FROM MUNICIPAL SOLID WASTE AND CELLULOSIC BIOMASS LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF MUNICIPAL SOLID WASTE.—In this section, the term "municipal solid waste" has the meaning given the term "solid waste" in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary") shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the processing and conversion of municipal solid waste and cellulosic biomass into fuel ethanol and other commercial byproducts.

(c) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (b) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (b);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(d) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility because of—

(A) the limited availability of land for waste disposal;

(B) the availability of sufficient quantities of cellulosic biomass; or

(C) a high level of demand for fuel ethanol or other commercial byproducts of the facility.

(e) MATURITY.—A loan guaranteed under subsection (b) shall have a maturity of not more than 20 years.

(f) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under subsection (b) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(g) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under subsection (b) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(h) GUARANTEE FEE.—The recipient of a loan guarantee under subsection (b) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(i) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(j) REPORTS.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(l) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a loan guarantee under subsection (b) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 1511. RESOURCE CENTER.

(a) DEFINITION.—In this section, the term "RFG State" means a State in which is located one or more covered areas (as defined in section 211(k)(10)(D) of the Clean Air Act (42 U.S.C. 7545(k)(10)(D)).

(b) AUTHORIZATION OF APPROPRIATIONS FOR RESOURCE CENTER.—There are authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the University of Mississippi and the University of Oklahoma, $4,000,000 for each of fiscal years 2004 through 2006.

(c) RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

(2) ELIGIBILITY.—

(A) IN GENERAL.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

(B) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 1512. CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(r) CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE.—

"(1) IN GENERAL.—The Secretary of Energy may provide grants to merchant producers of cellulosic biomass ethanol and waste-derived ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of ethanol.

"(2) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

"(A) is located in the United States; and

"(B) uses cellulosic biomass or waste-derived feedstocks derived from agricultural residues, municipal solid waste, or agricultural byproducts as that term is used in section 919 of the Energy Policy Act of 2003.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated the following amounts to carry out this subsection:

"(A) $100,000,000 for fiscal year 2004.

"(B) $250,000,000 for fiscal year 2005.

"(C) $400,000,000 for fiscal year 2006.".

SEC. 1513. BLENDING OF COMPLIANT REFORMULATED GASOLINES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(s) BLENDING OF COMPLIANT REFORMULATED GASOLINES.—

"(1) IN GENERAL.—Notwithstanding subsections (h) and (k) and subject to the limitations in paragraph (2) of this subsection, it shall not be a violation of this subtitle for a gasoline retailer, during any month of the year, to blend at a retail location batches of ethanol-blended and non-ethanol-blended reformulated gasoline, provided that—

"(A) each batch of gasoline to be blended has been individually certified as in compliance with subsections (h) and (k) prior to being blended;

"(B) the retailer notifies the Administrator prior to such blending, and identifies the exact location of the retail station and the specific tank in which such blending will take place;

"(C) the retailer retains and, as requested by the Administrator or the Administrator's designee, makes available for inspection such certifications accounting for all gasoline at the retail outlet; and

"(D) the retailer does not, between June 1 and September 15 of each year, blend a batch of VOC-controlled, or 'summer', gasoline with a batch of non-VOC-controlled, or 'winter', gasoline (as these terms are defined under subsections (h) and (k)).

"(2) LIMITATIONS.—

"(A) FREQUENCY LIMITATION.—A retailer shall only be permitted to blend batches of compliant reformulated gasoline under this subsection a maximum of two blending periods between May 1 and September 15 of each calendar year.

"(B) DURATION OF BLENDING PERIOD.—Each blending period authorized under subparagraph (A) shall extend for a period of no more than 10 consecutive calendar days.

"(3) SURVEYS.—A sample of gasoline taken from a retail location that has blended gasoline within the past 30 days and is in compliance with subparagraphs (A), (B), (C), and (D) of paragraph (1) shall not be used in a VOC survey mandated by 40 CFR Part 80.

"(4) STATE IMPLEMENTATION PLANS.—A State shall be held harmless and shall not be required to revise its State implementation plan under section 110 to account for the emissions from blended gasoline authorized under paragraph (1).

"(5) PRESERVATION OF STATE LAW.—Nothing in this subsection shall—

"(A) preempt existing State laws or regulations regulating the blending of compliant gasolines; or

"(B) prohibit a State from adopting such restrictions in the future.

"(6) REGULATIONS.—The Administrator shall promulgate, after notice and comment, regulations implementing this subsection within one year after the date of enactment of this subsection.

"(7) EFFECTIVE DATE.—This subsection shall become effective 15 months after the date of its enactment and shall apply to blended batches of reformulated gasoline on or after that date, regardless of whether the implementing regulations required by paragraph (6) have been promulgated by the Administrator by that date.

"(8) LIABILITY.—No person other than the person responsible for blending under this subsection shall be subject to an enforcement action or penalties under subsection (d) solely arising from the blending of compliant reformulated gasolines by the retailers.

"(9) FORMULATION OF GASOLINE.—This subsection does not grant authority to the Administrator or any State (or any subdivision thereof) to require reformulation of gasoline at the refinery to adjust for potential or actual emissions increases due to the blending authorized by this subsection.".

Subtitle B—Underground Storage Tank Compliance

SEC. 1521. SHORT TITLE.

This subtitle may be cited as the "Underground Storage Tank Compliance Act of 2003".

SEC. 1522. LEAKING UNDERGROUND STORAGE TANKS.

(a) IN GENERAL.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

"(f) TRUST FUND DISTRIBUTION.—

"(1) IN GENERAL.—

"(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State for—

"(i) actions taken by the State under section 9003(h)(7)(A);

"(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to State fund or State assurance programs under subsection (c)(1);

"(iii) any State fund or State assurance program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the States, the financial resources of the owner and operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business; or

"(iv) enforcement, by a State or a local government, of State or local regulations pertaining to underground storage tanks regulated under this subtitle.

"(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

"(C) PROHIBITED USES.—Funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under subparts B, C, D, H, and G of part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

"(2) ALLOCATION.—

"(A) PROCESS.—Subject to subparagraphs (B) and (C), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using an allocation process developed by the Administrator.

"(B) DIVERSION OF STATE FUNDS.—The Administrator shall not distribute funds under subparagraph (A)(iii) of subsection (f)(1) to any State that has diverted funds from a State fund or State assurance program for purposes other than those related to the regulation of underground storage tanks covered by this subtitle, with the exception of those transfers that had been completed earlier than the date of enactment of this subsection.

"(C) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) after—

"(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks; and

"(ii) taking into consideration, at a minimum, each of the following:

"(I) The number of confirmed releases from federally regulated leaking underground storage tanks in the States.

"(II) The number of federally regulated underground storage tanks in the States.

"(III) The performance of the States in implementing and enforcing the program.

"(IV) The financial needs of the States.

"(V) The ability of the States to use the funds referred to in subparagraph (A) in any year.

"(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

"(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

"(B) is enforcing a State program approved under this section.

"(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).".

(b) WITHDRAWAL OF APPROVAL OF STATE FUNDS.—Section 9004(c) of the Solid Waste Disposal Act (42 U.S.C. 6991c(c)) is amended by inserting the following new paragraph at the end thereof:

"(6) WITHDRAWAL OF APPROVAL.—After an opportunity for good faith, collaborative efforts to correct financial deficiencies with a State fund, the Administrator may withdraw approval of any State fund or State assurance program to be used as a financial responsibility mechanism without withdrawing approval of a State underground storage tank program under section 9004(a).".

SEC. 1523. INSPECTION OF UNDERGROUND STORAGE TANKS.

(a) INSPECTION REQUIREMENTS.—Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended by inserting the following new subsection at the end thereof:

"(c) INSPECTION REQUIREMENTS.—

"(1) UNINSPECTED TANKS.—In the case of underground storage tanks regulated under this subtitle that have not undergone an inspection since December 22, 1998, not later than 2 years after the date of enactment of this subsection, the Administrator or a State that receives funding under this subtitle, as appropriate, shall conduct on-site inspections of all such tanks to determine compliance with this subtitle and the regulations under this subtitle (40 CFR 280) or a requirement or standard of a State program developed under section 9004.

"(2) PERIODIC INSPECTIONS.—After completion of all inspections required under paragraph (1), the Administrator or a State that receives funding under this subtitle, as appropriate, shall conduct on-site inspections of each underground storage tank regulated under this subtitle at least once every 3 years to determine compliance with this subtitle and the regulations under this subtitle (40 CFR 280) or a requirement or standard of a State program developed under section 9004. The Administrator may extend for up to one additional year the first 3-year inspection interval under this paragraph if the State demonstrates that it has insufficient resources to complete all such inspections within the first 3-year period.

"(3) INSPECTION AUTHORITY.—Nothing in this section shall be construed to diminish the Administrator's or a State's authorities under section 9005(a).".

(b) STUDY OF ALTERNATIVE INSPECTION PROGRAMS.—The Administrator of the Environmental Protection Agency, in coordination with a State, shall gather information on compliance assurance programs that could serve as an alternative to the inspection programs under section 9005(c) of the Solid Waste Disposal Act (42 U.S.C. 6991d(c)) and shall, within 4 years after the date of enactment of this Act, submit a report to the Congress containing the results of such study.

SEC. 1524. OPERATOR TRAINING.

(a) IN GENERAL.—Section 9010 of the Solid Waste Disposal Act (42 U.S.C. 6991i) is amended to read as follows:

"SEC. 9010. OPERATOR TRAINING.

"(a) GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, in consultation and cooperation with States and after public notice and opportunity for comment, the Administrator shall publish guidelines that specify training requirements for persons having primary daily on-site management responsibility for the operation and maintenance of underground storage tanks.

"(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

"(A) State training programs in existence as of the date of publication of the guidelines;

"(B) training programs that are being employed by tank owners and tank operators as of the date of enactment of the Underground Storage Tank Compliance Act of 2003;

"(C) the high turnover rate of tank operators and other personnel;

"(D) the frequency of improvement in underground storage tank equipment technology;

"(E) the nature of the businesses in which the tank operators are engaged; and

"(F) such other factors as the Administrator determines to be necessary to carry out this section.

"(b) STATE PROGRAMS.—

"(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State that receives funding under this subtitle shall develop State-specific training requirements that are consistent with the guidelines developed under subsection (a)(1).

"(2) REQUIREMENTS.—State requirements described in paragraph (1) shall—

"(A) be consistent with subsection (a);

"(B) be developed in cooperation with tank owners and tank operators;

"(C) take into consideration training programs implemented by tank owners and tank operators as of the date of enactment of this section; and

"(D) be appropriately communicated to tank owners and operators.

"(3) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements requirements described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $200,000, to be used to carry out the requirements.

"(c) OPERATORS.—All persons having primary daily on-site management responsibility for the operation and maintenance of any underground storage tank shall—

"(1) meet the training requirements developed under subsection (b); and

"(2) repeat the applicable requirements developed under subsection (b), if the tank for which they have primary daily on-site management responsibilities is determined to be out of compliance with—

"(A) a requirement or standard promulgated by the Administrator under section 9003; or

"(B) a requirement or standard of a State program approved under section 9004.".

(b) STATE PROGRAM REQUIREMENT.—Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding the following new paragraph at the end thereof:

"(9) State-specific training requirements as required by section 9010.".

(c) ENFORCEMENT.—Section 9006(d)(2) of such Act (42 U.S.C. 6991e) is amended as follows:

(1) By striking "or" at the end of subparagraph (B).

(2) By adding the following new subparagraph after subparagraph (C):

"(D) the training requirements established by States pursuant to section 9010 (relating to operator training); or".

(d) TABLE OF CONTENTS.—The item relating to section 9010 in table of contents for the Solid Waste Disposal Act is amended to read as follows:

"Sec. 9010. Operator training.".

SEC. 1525. REMEDIATION FROM OXYGENATED FUEL ADDITIVES.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended as follows:

(1) In paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)" ; and

(B) by striking "and including the authorities of paragraphs (4), (6), and (8) of this subsection" and inserting "and the authority under sections 9011 and 9012 and paragraphs (4), (6), and (8),".

(2) By adding at the end the following:

"(12) Remediation of oxygenated fuel contamination.—

"(A) In general.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of a fuel containing an oxygenated fuel additive that presents a threat to human health or welfare or the environment.

"(B) Applicable authority.—The Administrator or a State shall carry out subparagraph (A) in accordance with paragraph (2), and in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

SEC. 1526. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

(a) Release Prevention and Compliance.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding at the end the following:

"SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

"(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

"(2) by the Administrator, for tanks regulated under this subtitle (including under a State program approved under section 9004).".

(b) Government-Owned Tanks.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

"(i) Government-Owned Tanks.—

"(1) State compliance report.—(A) Not later than 2 years after the date of enactment of this subsection, each State that receives funding under this subtitle shall submit to the Administrator a State compliance report that—

"(i) lists the location and owner of each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with section 9003; and

"(ii) specifies the date of the last inspection and describes the actions that have been and will be taken to ensure compliance of the underground storage tank listed under clause (i) with this subtitle.

"(B) An underground storage tank described in this subparagraph is an underground storage tank that is—

"(i) regulated under this subtitle; and

"(ii) owned or operated by the Federal, State, or local government.

"(C) The Administrator shall make each report, received under subparagraph (A), available to the public through an appropriate media.

"(2) Financial incentive.—The Administrator may award to a State that develops a report described in paragraph (1), in addition to any other funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the report.

"(3) Not a safe harbor.—This subsection does not relieve any person from any obligation or requirement under this subtitle.".

(c) Public Record.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

"(d) Public Record.—

"(1) In general.—The Administrator shall require each State that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States), a record of underground storage tanks regulated under this subtitle.

"(2) Considerations.—To the maximum extent practicable, the public record of a State, respectively, shall include, for each year—

"(A) the number, sources, and causes of underground storage tank releases in the State;

"(B) the record of compliance by underground storage tanks in the State with—

"(i) this subtitle; or

"(ii) an applicable State program approved under section 9004; and

"(C) data on the number of underground storage tank equipment failures in the State.".

(d) Incentive for Performance.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

"(e) Incentive for Performance.—Both of the following may be taken into account in determining the terms of a civil penalty under subsection (d):

"(1) The compliance history of an owner or operator in accordance with this subtitle or a program approved under section 9004.

"(2) Any other factor the Administrator considers appropriate.".

(e) Table of Contents.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9011. Use of funds for release prevention and compliance.".

SEC. 1527. DELIVERY PROHIBITION.

(a) In General.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding at the end the following:

"SEC. 9012. DELIVERY PROHIBITION.

"(a) Requirements.—

"(1) Prohibition of delivery or deposit.—Beginning 2 years after the date of enactment of this section, it shall be unlawful to deliver to, deposit into, or accept a regulated substance into an underground storage tank at a facility which has been identified by the Administrator or a State implementing agency to be ineligible for fuel delivery or deposit.

"(2) Guidance.—Within 1 year after the date of enactment of this section, the Administrator and States that receive funding under this subtitle shall, in consultation with the underground storage tank owner and product delivery industries, for territory for which they are the primary implementing agencies, publish guidelines detailing the specific processes and procedures they will use to implement the provisions of this section. The processes and procedures include, at a minimum—

"(A) the criteria for determining which underground storage tank facilities are ineligible for delivery or deposit;

"(B) the mechanisms for identifying which facilities are ineligible for delivery or deposit to the underground storage tank owning and fuel delivery industries;

"(C) the process for reclassifying ineligible facilities as eligible for delivery or deposit; and

"(D) a delineation of, or a process for determining, the specified geographic areas subject to paragraph (4).

"(3) Delivery prohibition notice.—

"(A) Roster.—The Administrator and each State implementing agency that receives funding under this subtitle shall establish within 24 months after the date of enactment of this section a Delivery Prohibition Roster listing underground storage tanks under the Administrator's or the State's jurisdiction that are determined to be ineligible for delivery or deposit pursuant to paragraph (2).

"(B) Notification.—The Administrator and each State, as appropriate, shall make readily known, to underground storage tank owners and operators and to product delivery industries, the underground storage tanks listed on a Delivery Prohibition Roster by:

"(i) posting such Rosters, including the physical location and street address of each listed underground storage tank, on official web sites and, if the Administrator or the State so chooses, other electronic means;

"(ii) updating these Rosters periodically; and

"(iii) installing a tamper-proof tag, seal, or other device blocking the fill pipes of such underground storage tanks to prevent the delivery of product into such underground storage tanks.

"(C) Roster updates.—The Administrator and the State shall update the Delivery Prohibition Rosters as appropriate, but not less than once a month on the first day of the month.

"(D) Tampering with device.—

"(i) Prohibition.—It shall be unlawful for any person, other than an authorized representative of the Administrator or a State, as appropriate, to remove, tamper with, destroy, or damage a device installed by the Administrator or a State, as appropriate, under subparagraph (B)(iii) of this subsection.

"(ii) Civil penalties.—Any person violating clause (i) of this subparagraph shall be subject to a civil penalty not to exceed $10,000 for each violation.

"(4) Limitation.—

"(A) Rural and remote areas.—Subject to subparagraph (B), the Administrator or a State shall not include an underground storage tank on a Delivery Prohibition Roster under paragraph (3) if an urgent threat to public health, as determined by the Administrator, does not exist and if such a delivery prohibition would jeopardize the availability of, or access to, fuel in any rural and remote areas.

"(B) Applicability of limitation.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator or the appropriate State that exercising the authority of paragraph (3) is limited by subparagraph (A).

"(b) Effect on State Authority.—Nothing in this section shall affect the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.

"(c) Defense to Violation.—A person shall not be in violation of subsection (a)(1) if the underground storage tank into which a regulated substance is delivered is not listed on the Administrator's or the appropriate State's Prohibited Delivery Roster 7 calendar days prior to the delivery being made.".

(b) ENFORCEMENT.—Section 9006(d)(2) of such Act (42 U.S.C. 6991e(d)(2)) is amended as follows:

(1) By adding the following new subparagraph after subparagraph (D):

"(E) the delivery prohibition requirement established by section 9012,".

(2) By adding the following new sentence at the end thereof: "Any person making or accepting a delivery or deposit of a regulated substance to an underground storage tank at an ineligible facility in violation of section 9012 shall also be subject to the same civil penalty for each day of such violation.".

(c) TABLE OF CONTENTS.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9012. Delivery prohibition.".

SEC. 1528. FEDERAL FACILITIES.

Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended to read as follows:

"SEC. 9007. FEDERAL FACILITIES.

"(a) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any underground storage tank or underground storage tank system, or (2) engaged in any activity resulting, or which may result, in the installation, operation, management, or closure of any underground storage tank, release response activities related thereto, or in the delivery, acceptance, or deposit of any regulated substance to an underground storage tank or underground storage tank system shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting underground storage tanks in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local underground storage tank regulatory program. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning underground storage tanks with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State law concerning underground storage tanks, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction. The President may exempt any underground storage tank of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"(b) REVIEW OF AND REPORT ON FEDERAL UNDERGROUND STORAGE TANKS.—

"(1) REVIEW.—Not later than 12 months after the date of enactment of the Underground Storage Tank Compliance Act of 2003, each Federal agency that owns or operates 1 or more underground storage tanks, or that manages land on which 1 or more underground storage tanks are located, shall submit to the Administrator, the Committee on Energy and Commerce of the United States House of Representatives, and the Committee on the Environment and Public Works of the United States Senate a compliance strategy report that—

"(A) lists the location and owner of each underground storage tank described in this paragraph;

"(B) lists all tanks that are not in compliance with this subtitle that are owned or operated by the Federal agency;

"(C) specifies the date of the last inspection by a State or Federal inspector of each underground storage tank owned or operated by the agency;

"(D) lists each violation of this subtitle respecting any underground storage tank owned or operated by the agency;

"(E) describes the operator training that has been provided to the operator and other persons having primary daily on-site management responsibility for the operation and maintenance of underground storage tanks owned or operated by the agency; and

"(F) describes the actions that have been and will be taken to ensure compliance for each underground storage tank identified under subparagraph (B).

"(2) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.".

SEC. 1529. TANKS ON TRIBAL LANDS.

(a) IN GENERAL.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding the following at the end thereof:

"SEC. 9013. TANKS ON TRIBAL LANDS.

"(a) STRATEGY.—The Administrator, in coordination with Indian tribes, shall, not later than 1 year after the date of enactment of this section, develop and implement a strategy—

"(1) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

"(A) an Indian reservation; or

"(B) any other area under the jurisdiction of an Indian tribe; and

"(2) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

"(A) an Indian reservation; or

"(B) any other area under the jurisdiction of an Indian tribe.

"(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that summarizes the status of implementation and enforcement of this subtitle in areas located wholly within—

"(1) the boundaries of Indian reservations; and

"(2) any other areas under the jurisdiction of an Indian tribe.

The Administrator shall make the report under this subsection available to the public.

"(c) NOT A SAFE HARBOR.—This section does not relieve any person from any obligation or requirement under this subtitle.

"(d) STATE AUTHORITY.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.".

(b) TABLE OF CONTENTS.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9013. Tanks on Tribal lands.".

SEC. 1530. FUTURE RELEASE CONTAINMENT TECHNOLOGY.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, after consultation with States, shall make available to the public and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate information on the effectiveness of alternative possible methods and means for containing releases from underground storage tanks systems.

SEC. 1531. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by adding at the end the following:

"SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Administrator the following amounts:

"(1) To carry out subtitle I (except sections 9003(h), 9005(c), 9011 and 9012) $50,000,000 for each of fiscal years 2004 through 2008.

"(2) From the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986:

"(A) to carry out section 9003(h) (except section 9003(h)(12)) $200,000,000 for each of fiscal years 2004 through 2008;

"(B) to carry out section 9003(h)(12), $200,000,000 for each of fiscal years 2004 through 2008;

"(C) to carry out sections 9004(f) and 9005(c) $100,000,000 for each of fiscal years 2004 through 2008; and

"(D) to carry out sections 9011 and 9012 $55,000,000 for each of fiscal years 2004 through 2008.".

(b) TABLE OF CONTENTS.—The table of contents for such subtitle I is amended by adding the following new item at the end thereof:

"Sec. 9014. Authorization of appropriations.".

SEC. 1532. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended as follows:

(1) By striking "For the purposes of this subtitle—" and inserting "In this subtitle:".

(2) By redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively.

(3) By inserting before paragraph (2) (as redesignated by paragraph (2) of this subsection) the following:

"(1) INDIAN TRIBE.—

"(A) IN GENERAL.— The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

"(B) INCLUSIONS.—The term 'Indian tribe' includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and".

(4) By inserting after paragraph (8) (as redesignated by paragraph (2) of this subsection) the following:

"(9) TRUST FUND.— The term 'Trust Fund' means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS.—The Solid Waste Disposal Act (42 U.S.C. 6901 and following) is amended as follows:

(1) Section 9003(f) (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking "9001(2)(B)" and inserting "9001(7)(B)"; and

(B) in paragraphs (2) and (3), by striking "9001(2)(A)" each place it appears and inserting "9001(7)(A)".

(2) Section 9003(h) (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking "Leaking Underground Storage Tank Trust Fund" each place it appears and inserting "Trust Fund".

(3) Section 9009 (42 U.S.C. 6991h) is amended—

(A) in subsection (a), by striking "9001(2)(B)" and inserting "9001(7)(B)"; and

(B) in subsection (d), by striking "section 9001(1) (A) and (B)" and inserting "subparagraphs (A) and (B) of section 9001(10)".

SEC. 1533. TECHNICAL AMENDMENTS.

The Solid Waste Disposal Act is amended as follows:

(1) Section 9001(4)(A) (42 U.S.C. 6991(4)(A)) is amended by striking "sustances" and inserting "substances".

(2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(3) Section 9004(a) (42 U.S.C. 6991c(a)) is amended by striking "in 9001(2) (A) or (B) or both" and inserting "in subparagraph (A) or (B) of section 9001(7)".

(4) Section 9005 (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

TEXT OF AMENDMENTS

SA 3052. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 5, line 2, strike "2006." and insert "2007.".

On page 5, line 20, strike "2005." and insert "2007.".

SA 3053. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

"SEC. 48A. BROADBAND INTERNET ACCESS CREDIT.

"(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

"(1) the current generation broadband credit, plus

"(2) the next generation broadband credit.

"(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

"(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

"(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

"(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

"(A) current generation broadband services are provided through such equipment to qualified subscribers, or

"(B) next generation broadband services are provided through such equipment to qualified subscribers.

"(2) LIMITATION.—

"(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

"(i) the original use of which commences with the taxpayer, and

"(ii) which is placed in service, after December 31, 2003.

"(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

"(i) is originally placed in service after December 31, 2003, by any person, and

"(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

"(d) SPECIAL ALLOCATION RULES.—

"(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

"(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of—

"(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

"(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

"(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

"(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

"(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

"(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

"(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 5,000,000 bits per second from the subscriber (or its equivalent as so measured).

"(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means any person who purchases broadband services which are delivered to the permanent place of business of such person.

"(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

"(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

"(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

"(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment any—

"(A) cable operator,

"(B) commercial mobile service carrier,

"(C) open video system operator,

"(D) satellite carrier,

"(E) telecommunications carrier, or

"(F) other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

"(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

"(A) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

"(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

"(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

"(D) such services have been purchased by 1 or more such subscribers, and

"(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

"(13) QUALIFIED EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

"(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

"(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

"(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

"(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

"(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

"(14) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

"(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

"(ii) incurred after December 31, 2003, and before January 1, 2008.

"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

"(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in subparagraph (A).

"(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

"(A) with respect to the provision of current generation broadband services—

"(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, or underserved area, or

"(ii) any residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

"(B) with respect to the provision of next generation broadband services—

"(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, or underserved area, or

"(ii) any residential subscriber.

"(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means any individual who purchases broadband services which are delivered to such individual's dwelling.

"(17) RURAL AREA.—The term 'rural area' means any census tract which—

"(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

"(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

"(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(19) SATELLITE CARRIER.—The terns 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

"(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which; as of the date of the enactment of this section—

"(A) current generation broadband services have been provided by a, single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

"(B) such services can be utilized—

"(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(21) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

"(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include any commercial mobile service carrier.

"(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(24) UNDERSERVED AREA.—The term 'underserved area,' means any census tract which is located in—

"(A) an empowerment zone or enterprise community designated under section 1391,

"(B) the District of Columbia. Enterprise Zone established under section 1400,

"(C) a renewal community designated under section 1400E, or

"(D) a low-income community designated under section 45D.

"(25) UNDERSERVED SUBSCRIBER.— The term 'underserved subscriber' means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.".

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to the amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following:

"(4) the broadband Internet access credit."

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) from the sale of property subject to a lease described in section 48A(c)(2)(B), but only to the extent such income does not in any year exceed amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.".

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48 the following:

"Sec. 48A. Broadband internet access credit.".

(e) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (17) and (24) of section 48A(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(20) of such section 48A—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later, than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts submitted and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(C) AUTHORITY TO DISREGARD FALSE SUBMISSIONS.—In addition to imposing any other applicable penalties, the Secretary of the Treasury shall have the discretion to disregard any form described in subparagraph (A)(i) on which a provider knowingly submitted false information.

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or, instrumentality shall adopt regulations or rate making procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48A of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48A of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48A of such Code to provide broadband services, and (B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48A of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2003.

SA 3054. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE —PHONE BILL FAIRNESS ACT.

SECTION—01. SHORT TITLE.

This title may be cited as the "Phone Bill Fairness Act".

SEC.—02. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Customer bills for telecommunications services are unreasonably complicated, and many Americans are unable to understand the nature of services provided to them and the charges for which they are responsible.

(2) One of the purposes of the Telecommunications Act of 1996 (Public Law 104–104) was to unleash competitive and market forces for telecommunications services.

(3) Unless customers can understand their telecommunications bills they cannot take advantage of the newly competitive market for telecommunications services.

(4) Confusing telecommunications bills allow a small minority of providers of telecommunications services to commit fraud more easily. The best defense against telecommunications fraud is a well informed consumer. Consumers cannot be well informed when their telecommunications bills are incomprehensible.

(5) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as "line-item charges".

(6) These line-item charges have proliferated and are often described with inaccurate and confusing names.

(7) These line-item charges have generated significant confusion among customers regarding the nature and scope of universal service and of the fees associated with universal service.

(8) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission to require interstate telecommunications carriers to provide accurate customer notice regarding the implementation and purpose of end-user charges for telecommunications services.

(b) PURPOSE.—It is the purpose of this Act to require the Federal Communications Commission and the Federal Trade Commission to protect and empower consumers of telecommunications services by assuring that telecommunications bills, including line-item charges, issued by telecommunications carriers nationwide are both accurate and comprehensible.

SEC.—03. INVESTIGATION OF TELECOMMUNICATIONS CARRIER BILLING PRACTICES.

(a) INVESTIGATION.—

(1) REQUIREMENT.—The Federal Communications Commission and the Federal Trade Commission shall jointly conduct an investigation of the billing practices of telecommunications carriers.

(2) PURPOSE.—The purpose of the investigation is to determine whether the bills sent by telecommunications carriers to their customers accurately assess and correctly characterize the services received and fees charged for such services, including any fees imposed as line-item charges.

(b) DETERMINATIONS.—In carrying out the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission shall determine the following:

(1) The prevalence of incomprehensible or confusing telecommunications bills.

(2) The most frequent causes for confusion on telecommunications bills.

(3) Whether or not any best practices exist, which, if utilized as an industry standard, would reduce confusion and improve comprehension of telecommunications bills.

(4) Whether or not telecommunications bills that impose fees through line-item charges characterize correctly the nature and basis of such fees, including, in particular, whether or not such fees are required by the Federal Government or State governments.

(c) REVIEW OF RECORDS.—

(1) AUTHORITY.—For purposes of the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission may obtain from any

telecommunications carrier any record of such carrier that is relevant to the investigation, including any record supporting such carrier's basis for setting fee levels or percentages.

(2) USE.—The Federal Communications Commission and the Federal Trade Commission may use records obtained under this subsection only for purposes of the investigation.

(d) DISCIPLINARY ACTIONS.—

(1) IN GENERAL.—If the Federal Communications Commission or the Federal Trade Commission determines as a result of the investigation under subsection (a) that the bills sent by a telecommunications carrier to its customers do not accurately assess or correctly characterize any service or fee contained in such bills, the Federal Communications Commission or the Federal Trade Commission, as the case may be, may take such action against such carrier as such Commission is authorized to take under law.

(2) CHARACTERIZATION OF FEES.—If the Federal Communications Commission or the Federal Trade Commission determines as a result of the investigation under subsection (a) that a telecommunications carrier has characterized a fee on bills sent to its customers as mandated or otherwise required by the Federal Government or a State and that such characterization is incorrect, the Federal Communications Commission or the Federal Trade Commission, as the case may be, may require the carrier to discontinue such characterization.

(3) ADDITIONAL ACTIONS.—If the Federal Communications Commission or the Federal Trade Commission determines that such Commission does not have authority under law to take actions under paragraph (1) that would be appropriate in light of a determination described in paragraph (1), the Federal Communications Commission or the Federal Trade Commission, as the case may be, shall notify Congress of the determination under this paragraph in the report under subsection (e).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Federal Communications Commission and the Federal Trade Commissions shall jointly submit to Congress a report on the results of the investigation under subsection (a). The report shall include the determination, if any, of either Commission under subsection (d)(3) and any recommendations for further legislative action that such Commissions consider appropriate.

SEC. _04. TREATMENT OF MISLEADING TELECOMMUNICATIONS BILLS AND TELECOMMUNICATIONS RATE PLANS.

(a) FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall treat any telecommunications billing practice or telecommunications rate plan that the Commission determines to be intentionally misleading as an unfair business practice under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) FEDERAL COMMUNICATIONS COMMISSION.—The Federal Communications Commissions shall, upon finding that any holder of a license under the Commission has repeatedly and intentionally engaged in a telephone billing practice, or has repeatedly and intentionally utilized a telephone rate plan, that is misleading, treat such holder as acting against the public interest for purposes of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. _05. REQUIREMENTS FOR ALL BILLS FOR TELECOMMUNICATIONS SERVICES.

(a) AVERAGE PER MINUTE RATE CALCULATION.—Each telecommunications carrier shall display on the first page of each customer bill for telecommunications services the average per-minute charge of telecommunications services of such customer for the billing period covered by such bill.

(b) CALLING PATTERNS.—Each telecommunications carrier shall display on the first page of each customer bill for telecommunications services the percentage of the total number of telephone calls of such customer for the billing period covered by such bill as follows:

(1) That began on a weekday.

(2) That began on a weekend.

(3) That began from 8 a.m. to 8 p.m.

(4) That began from 8:01 p.m. to 7:59 a.m.

(5) That were billed to a calling card.

(c) AVERAGE PER-MINUTE CHARGE DEFINED.—IN THIS SECTION, THE TERM "AVERAGE PER-MINUTE CHARGE", IN THE CASE OF A BILL OF A CUSTOMER FOR A BILLING PERIOD, MEANS

(1) the sum of—

(A) the aggregate amount of monthly or other recurring charges, if any, for telecommunications services imposed on the customer by the bill for the billing period; and

(B) the total amount of all per-minute charges for telecommunications services imposed on the customer by the bill for the billing period; divided by

(2) the total number of minutes of telecommunications services provided to the customer during the billing period and covered by the bill.

SEC. _06. REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS IMPOSING CERTAIN CHARGES FOR SERVICES.

(a) BILLING REQUIREMENTS.—Any telecommunications carrier shall include on the bills for telecommunications services sent to its customers the following:

(1) An accurate name and description of any covered charge.

(2) The recipient or class of recipients of the monies collected through each such charge.

(3) A statement whether each such charge is required by law or collected pursuant to a requirement imposed by a governmental entity under its discretionary authority.

(4) A specific explanation of any reduction in charges or fees to customers, and the class of telephone customer that such reduction, that are related to each such charge.

(b) UNIVERSAL SERVICE CONTRIBUTIONS AND RECEIPTS.—Not later than January 31 each year, each telecommunications carrier required to contribute to universal service during the previous year under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) shall submit to the Federal Communications Commission a report on the following:

(1) The total contributions of the carrier to the universal service fund during the previous year.

(2) The total receipts from customers during such year designed to recover contributions to the fund.

(c) ACTION ON UNIVERSAL SERVICE CONTRIBUTIONS AND RECEIPTS DATA.—

(1) REVIEW.—The Federal Communications Commission shall review the reports submitted to the Commission under subsection (b) in order to determine whether or not the amount of the contributions of a telecommunications carrier to the universal service fund in any year is equal to the amount of the receipts of the telecommunications carrier from its customers in such year for purposes of contributions to the fund.

(2) ADDITIONAL CONTRIBUTIONS.—If the Commission determines as a result of a review under paragraph (1) that the amount of the receipts of a telecommunications carrier from its customers in a year for purposes of contributions to the universal service fund exceeded the amount contributed by the carrier in such year to the fund, the Commission shall have the authority to require the carrier to deposit in the fund an amount equal to the amount of such excess.

(d) COVERED CHARGES.—For purposes of subsection (a), a covered charge shall include any charge on a bill for telecommunications services that is separate from a per-minute rate charge, including a universal service charge, a subscriber line charge, and a resubscribed interchange carrier charge.

SEC. _07. TELECOMMUNICATIONS CARRIER DEFINED.

In this Act, the term "telecommunications carrier" has the meaning given that term in section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)).

SA 3055. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 5, line 2, strike "2006." and insert "2005.".

SA 3056. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 4, beginning with line 9, strike through line 20 on page 5, and insert the following:

"SEC. 1104. GRANDFATHERING OF PRE-OCTOBER 1998 TAXES.

"(a) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

'(1) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(b) TERMINATION.—Subsection (a) shall not apply after November 1, 2006.".

SA 3057. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, strike lines 1 through 6, and insert the following:

"(a) Moratoria.—

"(1) Multiple or discriminatory taxes on electronic commerce.—No State or political subdivision thereof may impose multiple or discriminatory taxes on electronic commerce.

"(2) Taxes on Internet access.—No State or political subdivision thereof may impose a tax on Internet access during the period beginning November 1, 2003, and ending November 1, 2007.".

SA 3058. Mr. ALLEN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, strike lines 1 through 7, and insert the following:

"(a) Moratorium.—No State or political subdivision thereof may impose any of the following taxes:

"(1) Taxes on Intenet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

On page 8, between lines 9 and 10, insert the following:

SEC. 7. RESTORATION OF ORIGINAL DEFINITION OF INTERNET ACCESS AFTER 4 YEARS.

"(a) In General.—

"(1) Paragraph (3)(D) of section 1101(d) (as redesignated by section 2(b)(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

"(2) Paragraph (5) of section 1105 (as redesignated by section 3(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

"(b) Effective Date.—The amendments made by subsection (a) shall take effect on November 2, 2007.

On page 8, line 10, strike "**SEC. 7.**" and insert "**SEC. 8.**".

On page 8, line 11, strike "The" and insert "Except as provided in section 7(b), the".

SA 3059. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 5, line 2, strike "2006" and insert "2007".

SA 3060. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INTERNET TAX PROVIDERS MUST PAY OTHER STATE TAXES THEY ARE REQUIRED TO PAY.

Nothing in the Internet Tax Freedom Act (47 U.S.C. 151 note) may be construed to exempt an Internet access provider (within the meaning of that Act) from liability to pay any tax that is—

(1) generally applied under the authority of State law; and

(2) the legal liability of that Internet access provider.

SA 3061. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, line 1, strike "No State or political subdivision thereof may" and insert "The Federal Government and a State or political subdivision thereof may not".

SA 3062. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) Findings.—The Senate finds that the Unfunded Mandates Reform Act of 1995 (P.L. 104-4) was passed—

(1) "to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities";

(2) to provide "for the development of information about the nature and size of mandates in proposed legislation";

(3) "to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates";

(4) to require that "Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process"; and

(5) to establish the general rule that Congress shall not impose Federal mandates on State, local, and tribal governments without providing adequate funding to comply with such mandates.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Unfunded Mandates Reform Act of 1995 constituted an important pledge on the part of the Federal Government, in general, and Congress, in particular, to refrain from imposing Federal mandates on State, local, and tribal governments without providing adequate resources to compensate State, local, and tribal governments for the cost of complying with such mandates;

(2) at this time when State, local, and tribal governments are struggling to cope with the worst State and local fiscal crisis since World War II, it is urgently important that Congress adhere to its commitments under the Unfunded Mandates Reform Act of 1995; and

(3) Congress should not pass laws mandating that States or localities spend new money or forgo collecting currently collected revenues, unless Congress—

(A) has clear and precise estimates of the budgetary impacts of such mandates upon States, local governments, and tribal governments; and

(B) provides adequate funding to cover the cost to States and localities of complying with such mandates.

SA 3063. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—CORPORATE SUBSIDY REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the "Corporate Subsidy Reform Commission Act of 2004".

SEC. 202. FINDINGS.

The Congress finds that—

(1) Federal subsidies, including tax advantages, which may have been enacted with a valid purpose for specific industries or industry segments can—

(A) fall subject to abuse, causing unanticipated and unjustified windfalls to some industries and industry segments; or

(B) become obsolete, anticompetitive, or no longer in the public interest, making such subsidies unnecessary or undesired;

(2) it is unfair to force the United States taxpayer to support unnecessary subsidies, including tax advantages, that do not provide a substantial public benefit or serve the public interest;

(3) the Congress has been unable to evaluate methodically those Federal subsidies that are unfair and unnecessary and require reform or elimination; and

(4) a Commission to advise the Congress is essential to a comprehensive review of such unfair corporate subsidies and to the reform or elimination of such subsidies.

SEC. 203. PURPOSE.

The purpose of this title is to establish a fair and deliberative process that will result in the timely identification, review, and reform or elimination of unnecessary and inequitable subsidies, including tax advantages, provided by the Federal Government to entities or industries engaged in profit-making enterprises.

SEC. 204. DEFINITION.

For purposes of this title, the term "inequitable Federal subsidy"—

(1) except as provided in paragraph (2), means a payment, benefit, service, or tax advantage that—

(A) is provided by the Federal Government to any corporation, partnership, joint venture, association, or business trust other than—

(i) a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; or

(ii) a State or local government or Indian Tribe; and

(B) provides an unfair competitive advantage or financial windfall; and

(2) does not include a payment, benefit, service, or tax advantage that is awarded for the purposes of research and development in the broad public interest on the basis of a peer reviewed or other open, competitive, merit-based procedure.

SEC. 205. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Corporate Subsidy Reform Commission" (hereafter in this title referred to as the "Commission").

(b) DUTIES.—The Commission shall—

(1) examine the programs and laws of the Federal Government and identify such programs and laws that provide inequitable Federal subsidies;

(2) review inequitable Federal subsidies; and

(3) submit the report required under section 206(c) to the Congress, making recommendations regarding the termination, modification, or retention of inequitable Federal subsidies.

(c) LIMITATIONS.—

(1) CREATION OF NEW PROGRAMS OR TAXES.—This title is not intended to result in the creation of new programs or taxes. The Commission established in this section shall limit its activities to reviewing existing programs or laws with the goal of ensuring fairness and equity in the operation and application thereof.

(2) ELIMINATION OF AGENCIES AND DEPARTMENTS.—The Commission—

(A) shall limit its recommendations to the termination or reform of payments, benefits, services, or tax advantages; and

(B) shall not recommend the termination of any Federal agency or department.

(d) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of that term in the Federal Advisory Committee Act (5 U.S.C. App.).

(e) APPOINTMENT.—

(1) MEMBERS.—The members of the Commission—

(A) shall be appointed for the life of the Commission; and

(B) shall be composed of 8 members, of whom—

(i) 2 shall be appointed by the Speaker of the House of Representatives;

(ii) 2 shall be appointed by the minority leader of the House of Representatives;

(iii) 2 shall be appointed by the majority leader of the Senate, one of whom shall be designated by the majority leader to serve as a co-chair; and

(iv) 2 shall be appointed by the minority leader of the Senate, one of whom shall be designated by the minority leader to serve as a co-chair.

(2) CONSULTATION REQUIRED.—The Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under subsection (b).

(3) BACKGROUND.—The members shall represent a broad array of expertise covering, to the extent practical, all subject matter, programs, and laws the Commission is likely to review.

(f) MEETINGS.—

(1) INITIAL MEETING.—No later than April 1, 2004, the Commission shall conduct its first meeting.

(2) OPEN MEETINGS.—Each meeting of the Commission shall be open to the public, except that in cases in which classified information, trade secrets, or personnel matters are discussed, the co-chairs may close the meeting. All proceedings, information, and deliberations of the Commission shall be available, upon request, to the Chairman and ranking minority member of the relevant Committee of the Congress having jurisdiction to report legislation regarding the subject matter thereof.

(g) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

(h) PAY AND TRAVEL EXPENSES.—

(1) PAY.—Notwithstanding section 7 of the Federal Advisory Committee Act (5 App. U.S.C.), each member of the Commission, other than the co-chairs, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIRMEN.—Notwithstanding section 7 of the Federal Advisory Committee Act (5 App. U.S.C.), the co-chairs shall be paid for each day referred to in paragraph (1) at a rate equal to the daily payment of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(3) TRAVEL EXPENSES.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(i) DIRECTOR OF STAFF.—

(1) QUALIFICATIONS.—The co-chairs shall appoint as Director an individual who has not, during the 12 months preceding the date of such appointment, served in any of the entities or industries that the Commission intends to review.

(2) PAY.—Notwithstanding section 7 of the Federal Advisory Committee Act (5 App. U.S.C.), the Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) REPORTS.—The Director shall submit periodic reports on administrative and personnel matters to the co-chairs of the Commission and the Chairman and ranking minority member of the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(j) STAFF.—

(1) ADDITIONAL PERSONNEL.—Subject to paragraphs (2) and (4), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) APPOINTMENTS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) LEGAL STAFF.—The Director shall appoint under paragraph (2) such professional legal staff as are necessary for the performance of the functions of the Commission.

(4) DETAILEES.—Upon the request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in accordance with an agreement entered into with the Commission.

(5) RESTRICTIONS ON PERSONNEL AND DETAILEES.—The following restrictions shall apply to personnel and detailees of the Commission:

(A) PERSONNEL.—No more than one-third of the personnel detailed to the Commission may be on detail from Federal agencies that deal directly or indirectly with the Federal subsidies the Commission intends to review.

(B) ANALYSTS.—No more than one-fifth of the professional analysts of the Commission may be persons detailed from a Federal agency that deals directly or indirectly with the Federal subsidies the Commission intends to review.

(C) LEAD ANALYST.—No person detailed from a Federal agency to the Commission may be assigned as the lead professional analyst with respect to an entity or industry the Commission intends to review if the person has been involved in regulatory or policy-making decisions affecting any such entity or industry in the 12 months preceding such assignment.

(D) DETAILEE.—A person may not be detailed from a Federal agency to the Commission if, within 12 months before the detail is to begin, that person participated personally and substantially in any matter within that particular agency concerning the preparation of recommendations under this title.

(E) FEDERAL OFFICER OR EMPLOYEE.—No officer or employee of a Federal agency may—

(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from a Federal agency to that staff;

(ii) review the preparation of such report; or

(iii) approve or disapprove such a report.

(F) LIMITATION ON STAFF SIZE.—(i) Subject to clause (ii), there may not be more than 25 persons (including any detailees) on the staff at any time.

(ii) The Commission may increase the member of its personnel in excess of the limitation under clause (i), 15 days after submitting notification of such increase to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(G) LIMITATION ON FEDERAL OFFICER.—No member of a Federal agency and no employee of a Federal agency may serve as a member of the Commission or as a paid member of its staff.

(6) ASSISTANCE.—

(A) IN GENERAL.—The Comptroller General of the United States may provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(B) CONSULTATION.—The Commission and the Comptroller General of the United States shall consult with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the agreement referred to under subparagraph (A) before entering into such agreement.

(k) OTHER AUTHORITY.—

(1) EXPERTS AND CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) LEASING.—The Commission may lease space and acquire personal property to the extent that funds are available.

(l) FUNDING.—There is authorized to be appropriated to the Commission $4,000,000 to carry out its duties under this title.

(m) TERMINATION.—The Commission shall terminate on January 1, 2006.

SEC. 206. PROCEDURE FOR MAKING RECOMMENDATIONS TO TERMINATE CORPORATE SUBSIDIES.

(a) AGENCY PLAN.—

(1) IN GENERAL.—The head of each Federal department or agency shall include in the documents submitted in support of the budget of the agency for fiscal year 2005 a list identifying all programs and laws administered by that department or agency that the head of the department or agency determines provide inequitable Federal subsidies.

(2) CONTENTS.—Such list shall include—

(A) a detailed description of each program or law in question;

(B) a statement identifying and detailing the extent to which each payment, benefit, service, or tax advantage under such program or law is an inequitable Federal subsidy;

(C) a statement summarizing the legislative history and purpose of such payment, benefit, service, or tax advantage, and the laws or policies directly or indirectly giving rise to the need for such programs or law; and

(D) a recommendation to the Commission regarding the termination, modification, or retention of each inequitable Federal subsidy identified in the list.

(b) REVIEW BY THE COMMISSION.—

(1) IN GENERAL.—At any time after the submission of the budget documents to the Congress, the Commission shall conduct public hearings on the termination, modification, or retention of inequitable Federal subsidies, including the recommendations included in the lists required under subsection (a).

(2) TESTIMONY UNDER OATH.—All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.

(c) REPORT AND RECOMMENDATIONS OF COMMISSION.—

(1) REPORT TO CONGRESS.—

(A) REQUIREMENT.—No later than March 31, 2005, the Commission shall submit a report to the Congress containing the Commission's findings and recommendations for termination, modification, or retention of each of the inequitable Federal subsidies reviewed by the Commission.

(B) CONTENTS.—Such findings and recommendations shall specify—

(i) all actions, circumstances, and considerations relating to or bearing upon the recommendations; and

(ii) to the maximum extent practicable, the estimated effect of the recommendations upon the policies, laws, and programs directly or indirectly affected by the recommendations.

(C) SUPERMAJORITY REQUIREMENT.—The Commission may not include a recommendation in the report unless inclusion of the recommendation is approved by at least 6 members of the Commission.

(2) INFORMATION AND JUSTIFICATIONS.—The Commission shall include in its report information specifying—

(A) the reasons and justifications for the recommendations of the Commission;

(B) to the maximum extent practicable, the estimated fiscal, economic, and budgetary impact of accepting its recommendations;

(C) the amount of the projected savings resulting from each of its recommendations;

(D) all actions, circumstances, and considerations relating to or bearing upon the recommendations and to the maximum extent practicable, the estimated effect of the recommendations upon the policies, laws and programs directly or indirectly affected by the recommendations; and

(E) the specific changes in Federal statutes necessary to implement the recommendations, including citation of the relevant provisions of existing law.

(3) SUBMISSION TO CONGRESS.—The report submitted to the Congress under this subsection shall be submitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of the Representatives if the House is not in session.

(4) FEDERAL REGISTER.—The report submitted under this subsection shall be printed in the first issue of the Federal Register after such submission.

(5) CHANGES IN AGENCY OR DEPARTMENT RECOMMENDATIONS.—

(A) IN GENERAL.—Subject to the deadline in paragraph (1) and to subparagraphs (B) and (C) of this paragraph, in making its recommendations, the Commission may make changes in any of the recommendations made by a department or agency if the Commission determines that such department or agency, in treating any matter as an inequitable Federal subsidy, deviated substantially from the provisions of section 204.

(B) LIMITATION.—The Commission may make a change in the recommendations made by a department or agency, only if the Commission—

(i) makes the determination required under subparagraph (B); and

(ii) conducts a public hearing on the Commission's proposed changes.

(C) APPLICATION OF LIMITATION.—Subparagraph (B) shall apply only to a change by the Commission in a department or agency recommendation that would—

(i) add or delete a payment, benefit, service, or tax advantage to or from, respectively, the list recommended for termination;

(ii) add or delete a payment, benefit, service, or tax advantage to or from, respectively, the list recommended for modification; or

(iii) increase or decrease the extent of a recommendation to modify a payment, benefit, service, or tax advantage included in a department's or agency's recommendation.

(D) JUSTIFICATION.—The Commission shall explain and justify in the report submitted to the Congress under this subsection any recommendation made by the Commission that is different from a recommendation made by an agency under subsection (a).

(6) PROVISION OF INFORMATION TO MEMBERS OF CONGRESS.—After March 31, 2005, the Commission shall, upon request, promptly provide to any Member of Congress the information used by the Commission in making its recommendations.

(7) COMPTROLLER GENERAL.—The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission's review and analysis of the lists, statements, and recommendations made by departments and agencies under subsection (a); and

(B) no later than 60 days after April 1, 2004, or the public release of the President's budget documents in 2004, whichever is earlier, submit to the Congress and to the Commission a report containing a detailed analysis of the list, statements, and recommendations of each department or agency.

SEC. 207. CONGRESSIONAL ACTION ON COMMISSION RECOMMENDATIONS.

It is the sense of the Congress that, following submission of the report of the Corporate Subsidy Reform Commission under section 206, the House of Representatives and the Senate should promptly consider legislation that would enact changes in Federal statutes necessary to implement the recommendations of the Commission.

SA 3064. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. . 4-YEAR GRANDFATHER FOR EXISTING TAXES.

(a) IN GENERAL.—Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by this Act, to the contrary section 1101(a) of that Act does not apply to—

(1) a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

(B) a State or political subdivision thereof generally collected such tax on charges for Internet access; or

(2) a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

(b) TERMINATION.—This section shall not apply after November 1, 2007.

SA 3065. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. . GRANDFATHER FOR EXISTING TAXES.

(a) IN GENERAL.—Notwithstanding any provision of the Internet Tax Freedom Act (47

U.S.C. 151 note), as amended by this Act, to the contrary section 1101(a) of that Act does not apply to—

(1) a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

(B) a State or political subdivision thereof generally collected such tax on charges for Internet access; or

(2) a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

SA 3066. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF EXISTING DEFINITION OF INTERNET ACCESS.

(a) IN GENERAL.—

(1) Paragraph (3)(D) of section 1101(d) (as redesignated by section 2(b)(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

(2) Paragraph (5) of section 1105 (as redesignated by section 3(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 3, 2003.

SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary, no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101(a) of that Act.

SEC. . VOIP AND BROADBAND TELEPHONY EXCLUSION.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications regardless of whether such service employs circuit-switched technology, packet switched technology, or any successor technology or transmission protocol.

SEC. . GRANDFATHERING OF EXISTING TAXES.

(a) IN GENERAL.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"SEC. 1104. EXCEPTIONS FOR CERTAIN TAXES.

"(a) PRE-OCTOBER, 1998, TAXES.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Ban Extension and Improvement Act) that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(b) TAXES ON TELECOMMUNICATIONS SERVICES.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access service.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on November 3, 2003.

SA 3067. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF EXISTING DEFINITION OF INTERNET ACCESS.

(a) IN GENERAL.—

(1) Paragraph (3)(D) of section 1101(d) (as redesignated by section 2(b)(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

(2) Paragraph (5) of section 1105 (as redesignated by section 3(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 3, 2003.

SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary, no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101 (a) of that Act.

SEC. . VOIP AND BROADBAND TELEPHONY EXCLUSION.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications regardless of whether such service employs circuit-switched technology, packet switched technology, or any successor technology or transmission protocol.

SA 3068. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REIMBURSEMENT OF STATE AND LOCAL GOVERNMENTS FOR REVENUES FORGONE DUE TO INTERNET TAX FREEDOM ACT.

(a) APPLICATION.—Upon a proper accounting and showing, at such time, in such form, and containing such information as the Secretary of the Treasury shall require, each State, local government, or other taxing authority shall request reimbursement from the Treasury of the United States for tax revenues forgone by that State, local government, or other taxing authority because of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151). Any such request shall be made by written application, signed under penalty of perjury, by the chief executive officer of the State, local government, or other taxing authority requesting reimbursement.

(b) CERTAIN TAXES INELIGIBLE FOR REIMBURSEMENT.—Subsection (a) shall not apply to revenues lost from—

(1) any tax imposed only on Internet access; or

(2) any rate of tax imposed on Internet access that exceeds the rate at which that tax is imposed on other taxable activities to which the tax applies.

(c) NO INTEREST OR PENALTIES.—No payment may be made under this section for any amount attributable to interest or penalties.

(d) AUTHORITY TO PAY.—The Secretary of the Treasury shall pay, upon application, such amounts as the Secretary determines to be requested in accordance with subsection (a) and supported by such documentation as the Secretary may require, to any State, local government, or other taxing authority that requests reimbursement under subsection (a).

(e) FUNDING.—Notwithstanding any other provision of law to the contrary, amounts received in the general fund of the Treasury attributable to taxes imposed and collected under subchapter B of chapter 33 of the Internal Revenue Code of 1986 shall be available, without further appropriation, to make payments under this section.

SA 3069. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . $25 PER MONTH CAP.

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary, the prohibition on the imposition of tax on Internet access provided by section 1101(a) of that Act shall apply only with respect to the first $25 of charges per month per subscriber for Internet access.

SA 3070. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Ban Extension and Improvement Act".

SEC. 2. 2-YEAR EXTENSION OF MORATORIUM.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 nt) is amended—

(1) by striking "2003—" and inserting "2005:";

(2) by striking paragraph (1) and inserting the following:

"(1) Taxes on Internet access."; and

(3) by striking "multiple" in paragraph (2) and inserting "Multiple".

SEC. 3. EXCEPTIONS FOR CERTAIN TAXES.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. EXCEPTIONS FOR CERTAIN TAXES.

"(a) PRE-OCTOBER, 1998, TAXES.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Ban Extension and Improvement Act) that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(b) TAXES ON TELECOMMUNICATIONS SERVICES.—Section 1101(a) does not apply to a tag on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access service.".

SEC. 4. CHANGE IN DEFINITIONS. OF INTERNET ACCESS SERVICE.

(a) IN GENERAL. Paragraph (3)(D) of section 1101(e) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2)(B)(1) of section 1105 of that Act, as redesignated by subsection (a), is amended by striking "except with respect to a tax (on Inter net access) that was generally imposed and actually enforced prior to October 1, 1998,".

(2) INTERNET ACCESS.—Paragraph (5) of section 1105 of that Act, as redesignated by subsection (a), is amended by striking the second sentence and inserting "The term 'Internet access" does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

(3) Paragraph (10) of section 1105 of that Act, as redesignated by subsection (a), is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.—

"(A) IN GENERAL.—The term 'tax on Internet access" means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access" does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

SEC. 5. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

SEC. 6. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E-911 SERVICES.—Nothing in this Act shall prevent the imposition or collection on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

"(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect November 1, 2003.

SA 3071. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. TWO-YEAR EXTENSION OF INTERNET TAX MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2005:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.—

"(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

(3) Section 1104(2)(B)(1) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) INTERNET ACCESS SERVICE; INTERNET ACCESS.—

(1) INTERNET ACCESS SERVICE.—Paxagraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

(2) INTERNET ACCESS.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Nondiscrimination Act) that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2006.

"(b) PRE-NOVEMBER 2003 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2005.".

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services, except, to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E-911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

"(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

"SEC. 1108. TAXATION OF TELEPHONE SERVICE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications regardless of whether such service employs circuit-switched technology, packet switched technology, or any successor technology or transmission protocol.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

SA 3072. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. TWO-YEAR, EXTENSION OF INTERNET TAX MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2005:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.—

"(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) INTERNET ACCESS SERVICE; INTERNET ACCESS.—

(1) INTERNET ACCESS SERVICE.—Paragraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

(2) INTERNET ACCESS.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Nondiscrimination Act) that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2006.

"(b) PRE-NOVEMBER 2003 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2005.".

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access" means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E-911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

"(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

"SEC. 1108. TAXATION OF TELEPHONE SERVICE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications regardless of whether such service employs circuit-switched technology, packet switched technology, or any successor technology or transmission protocol.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

SA 3073. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Ban Extension and Improvement Act".

SEC. 2. 2-YEAR EXTENSION OF MORATORIUM.

Section 1101 (a) of the Internet Tax Freedom Act (47 U.S.C. 151 nt) is amended—

(1) by striking "2003—" and inserting "2005:";

(2) by striking paragraph (1) and inserting the following:

"(1) Taxes on Internet access."; and

(3) by striking "multiple" in paragraph (2) and inserting "Multiple".

SEC. 3. EXCEPTIONS FOR CERTAIN TAXES.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. EXCEPTIONS FOR CERTAIN TAXES.

"(a) PRE-OCTOBER, 1998, TAXES.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Ban Extension and Improvement Act) that generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet, access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(b) TAXES ON TELECOMMUNICATIONS SERVICES.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access service.".

SEC. 4. CHANGE IN DEFINITIONS OF INTERNET ACCESS SERVICE.

(a) IN GENERAL.—Paragraph (3)(D) of section 1101(e) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2)(B)(i) of section 1105 of that Act, as redesignated by subsection (a), is amended by striking "except with respect, to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(2) INTERNET ACCESS.—Paragraph (5) of section 1105 of that Act, as redesignated by subsection (a), is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

(3) Paragraph (10) of section 1105 of that Act, as redesignated by subsection (a), is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.

"(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

SEC. 5. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICE.—The term 'charges for telecommunications services' means all charges for telecommunications services except to the extent such services are purchased, used, or sold by an Internet access provider to connect a purchaser of Internet access to the Internet access provider.".

SEC. 6. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E–911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E–911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E–911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E–911 services.

"(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect November 1, 2003.

SEC. VOIP AND BROADBAND TELEPHONY EXCLUSION.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications regardless of whether such service employs circuit-switched technology, packet switched technology, or any successor technology or transmission protocol.

SA 3074. Mr. GRAHAM of Florida submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Whereas the United States, its people and its armed forces, are committed to winning the war on terrorism;

Whereas winning this global war will require a sustained sacrifice from our troops, an expensive commitment of U.S. resources, and effective and credible intelligence community, and considerable cooperation of the international community;

Whereas winning this global war will also require that our leaders correctly prioritize the national security threats facing this nation, develop a plan for defeating those threats, and urgently implement the measures required to defeat those threats;

Whereas senior Bush Administration officials have acknowledged that terrorism was not their top priority prior to September 11, 2001, their strategy to counter this threat took eight months to develop, and this strategy was not implemented until after September 11, 2001.

Whereas Richard Clarke, President Bush's former senior counter-terrorism advisor, has testified under oath that the Bush Administration did not consider terrorism the top priority and reports indicate that terrorism was discussed at only two of the 100 meetings of the Bush Administration's National Security Council prior to September 11, 2001;

Whereas Richard Clarke also testified that he provided Bush Administration officials a memo on January 25, 2001 outlining a counter-terrorism strategy and in September, 2001 the Administration approved a counter-terrorism strategy that, according to Clarke, was virtually identical to the strategy outlined in his January memo;

Whereas the terrorist attacks of September 11, 2001, were the deadliest ever directed against the United States and there have been more terrorist attacks by al-Qaeda and related groups in the 30 months since September 11, 2001 than there were in the 30 months before September 11;

Whereas the Administration's policies have generated growing hostility and resentment of the United States throughout the Middle East and the world and majorities in key Muslim countries have a more favorable opinion of Osama Bin Laden than they do the United States;

Whereas the assessment by David Kay, the Administration's chief weapons inspector, that there are no weapons of mass destruction in Iraq has eroded the confidence of the American people and the world in the assessment of our intelligence community and our policymakers;

Whereas the bipartisan, bicameral joint congressional inquiry into the intelligence community's activities before and after September 11, 2001, discovered many strengths and weaknesses within the community pertaining to counter-terrorism;

Whereas many of the joint inquiry's testimony and documents remain classified and inaccessible, including June 11, 2002 testimony by Richard Clarke and a twenty-eight page section that addresses the involvement of a foreign government in supporting several of the hijackers who carried out the September 11 attacks;

Whereas Richard Clarke and the Majority and Minority Leaders of the United States Senate have requested that Clarke's June 11, 2002, testimony before the Joint Inquiry be declassified; and

Whereas an Administration decision to selectively declassify parts of documents or of individual documents will not present to our troops and the American people the complete information they need and deserve;

Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) the June 11, 2002 testimony of Richard Clarke before the joint inquiry should immediately be declassified and publicly released in its entirety;

(2) the twenty-eight pages of the joint inquiry report discussing foreign government involvement in the September 11 terrorist plot should be immediately declassified and publicly released in their entirety, as well as any other joint inquiry documents and testimony whose classification can no longer be justified;

(3) the January 25, 2001 memorandum prepared by Richard Clarke outlining a plan of action against the al-Qaeda terrorist organization and the Bush Administration's September 4, 2001 National Security Directive addressing terrorism should be immediately declassified and publicly released in their entirety; and

(4) the Bush Administration should immediately prepare and publicly release a list of the dates and topics of all National Security Council meetings that took place before September 11, 2001.

SA 3075. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

TITLE —BROADBAND DEPLOYMENT

SEC.—01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Broadband Telecommunications Deployment Act of 2004.".

(b) TABLE OF CONTENTS.—

The table of contents for this title is as follows:

Sec. —01. Short title; table of contents.
Sec. —02. Findings.

Subtitle A—Trust Fund for Broadband Loans and Grants

Sec. —101. Broadband deployment trust fund.

Subtitle B—Access to Broadband Telecommunications Services in Rural Areas

Sec. — 201. Loan program.
Sec. — 202. Grants for planning and feasibility studies on broadband deployment.
Sec. — 203. Pilot program for wireless or satellite broadband trials in rural areas.
Sec. — 204. Rural and underserved community broadband technology initiative.
Sec. — 205. Report on universal service and competition.
Sec. — 206. Block grants to States for broadband deployment.
Sec. — 207. GAO to study broadband deployment in other countries.
Sec. — 208. Assessment of homeland security and public safety needs in rural and underserved areas.

Subtitle C—Research on Technical and Financial Requirements for Faster Broadband Services

Sec. — 301. Research enhancement of broadband telecommunications services.
Sec. — 302. Grants to colleges and universities to research faster broadband technology.

Subtitle D—Stimulating Demand for Broadband Services

Sec. — 401. Grants to colleges and universities for research.
Sec. — 402. Grants to libraries to digitize collections.
Sec. — 403. Grants to museums to digitize collections.
Sec. — 404. Grants for DTV conversion and programming.

SEC. —02. FINDINGS.

The Congress finds the following:

(1) Broadband service could revolutionize the way Americans live. Therefore, it is important that Congress examine the issues surrounding the availability and subscription to broadband service.

(2) The Federal Communications Commission recently concluded that advanced telecommunications capability is being deployed in a reasonable and timely manner and that although investment trends in general have slowed recently, investment in infrastructure for advanced telecommunications remains strong.

(3) Approximately 89 percent of Americans have access to broadband service provided by either the cable or telephone companies.

(4) Some communities, such as those in rural and urban areas do not have access to broadband service.

(5) According to numerous reports approximately 21 percent of consumers subscribe to broadband service, leading many to believe that the low adoption of broadband by consumers is not due to low availability, but instead to a lack of demand by consumers.

(6) Cable and telephone companies generally provide broadband service with speeds of up to 1.5 megabits per second to residential consumers. How ever, many in the technology industry state that higher speeds are needed to provide telemedicine, video conferencing, movie and music over the internet and other internet applications.

(7) The Federal Communications Commission's policies for promoting broadband deployment must not undermine competition or universal service.

(8) Congress must explore ways to ensure that broadband service is available to all Americans and that no one is left behind. This includes exploring ways to increase deployment in unserved and underserved areas, address consumer demand factors, facilitate innovation that results in higher service speeds, and promote consumer confidence when using the Internet.

Subtitle A—Trust Fund for Broadband Loans and Grants

SEC. —101. BROADBAND DEPLOYMENT TRUST FUND.

(a) In General.—The National Telecommunications and Information Administration Organization Act is amended—

(1) by redesignating part C as part D; and

(2) by inserting after part B (47 U.S.C. 921 et seq.) the following new part:

"Part C—Assistance To Promote Broadband Deployment and Demand

"SEC. 131. BROADBAND DEPLOYMENT AND DEMAND TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the Broadband Deployment and Demand Trust Fund.

"(b) Expenditures From Trust Fund.—Amounts in the Trust Fund shall be available for making expenditures to carry out the provisions of the Broadband Telecommunications Deployment Act of 2004, and for such expenditures as may be necessary to administer the programs established therein.

"(c) Treatment as Trust Fund.—Subchapter B of chapter 98 of the Internal Revenue Code of 1986 shall apply to the administration of the Trust Fund.

"SEC. 132. REGULATIONS.

"The Secretary of Commerce may prescribe such regulations as may be necessary to carry out this part.

"SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization.—For each of fiscal years 2005 through 2009 there are authorized to be appropriated to the Broadband Deployment and Demand Trust Fund an amount equivalent to 50 percent of the taxes received in the Treasury after September 30, 2004, and before October 1, 2009, under section 4251 (relating to tax on communications) of the Internal Revenue Code of 1986.

"(b) Sunset of Appropriations Stream.—The authorization of appropriations by subsection (a) to the Trust Fund shall terminate at the end of fiscal year 2009, but any balances remaining in the Trust Fund at the close of that fiscal year, and any repayments of loans made from the Trust Fund received after fiscal year 2009, shall remain available for obligation and expenditure from the Trust Fund.".

Subtitle B—Access to Broadband Telecommunications Services in Rural Areas

SEC. —201. LOAN PROGRAM.

(a) Purpose.—The purpose of this section is to provide loans to fund the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in eligible rural and underserved communities.

(b) Definitions.—In this section:

(1) Broadband service.—The term "broadband service" means any technology identified by the National Telecommunications and Information Administration, in consultation with the Rural Utilities Service of the Department of Agriculture, as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, high-speed data, graphics, or video.

(2) Eligible rural community.—The term "eligible rural community" means any incorporated or unincorporated place that—

(A) has not more than 50,000 inhabitants, based on the most recent available population statistics of the Bureau of the Census; and

(B) is not located in an area designated as a standard metropolitan statistical area.

(3) Eligible underserved community.—The term "eligible underserved community" means any census tract located in—

(A) an empowerment zone or enterprise community designated under section 1391 of the Internal Revenue Code of 1986;

(B) the District of Columbia Enterprise Zone established under section 1400 of such Code;

(C) a renewal community designated under section 1400E of such Code; or

(D) a low-income community designated under section 45D of such Code.

(c) Loans.—

(1) In general.—The Rural Utilities Service, in consultation with National Telecommunications and Information Administration, shall make loans to eligible entities to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural and underserved communities.

(2) Loans to LECs.—The Rural Utilities Service, in consultation with National Telecommunications and Information Administration, shall make loans to local exchange carriers (as defined in section 3(26) of the Communications Act of 1934 (47 U.S.C. 151(26)) that are eligible entities to provide funds to upgrade or install remote terminals located more than 25,000 feet from the closest central office of the local exchange carrier, and for the installation of fiber optic cable or broadband wireless facilities between such remote terminals and the closest central office of a local exchange carrier, in order to provide broadband service to eligible rural and underserved communities.

(3) Effect of communications policy.—Notwithstanding any other provision of this section, the Rural Utilities Service may not make a loan under this subsection if the National Telecommunications and Information Administration determines that the loan would have an adverse effect on communications policy, including competition in the communications marketplace.

(d) Eligible Entities.—To be eligible to obtain a loan under this section, an entity shall—

(1) be able to furnish, improve, or extend a broadband service to an eligible rural or underserved community; and

(2) submit to the Rural Utilities Service a proposal for a project that meets the requirements of this section.

(e) Broadband service.—The National Telecommunications and Information Administration shall, from time to time as advances in technology warrant, re view and recommend modifications to the rate-of-data transmission criteria for purposes of the identification of broadband service technologies under subsection (b)(1).

(f) Technological neutrality.—For purposes of determining whether to make a loan for a project under this section, the Rural Utilities Service shall apply technologically neutral criteria and encourage the use of a variety of landline and wireless technologies among applications.

(g) Terms and Conditions for Loans.—A loan under subsection (d) shall—

(1) be made available in accordance with the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.);

(2) bear interest at an annual rate, as determined by the National Telecommunications and Information Administration, in consultation with the Rural Utilities Service, of—

(A) 4 percent per annum; or

(B) the current applicable market rate; and

(3) have a term not to exceed the useful life of the assets constructed, improved, or acquired with the proceeds of the loan or extension of credit.

(h) Use of Loan Proceeds to Refinance Loans for Deployment of Broadband Service.—Notwithstanding any other provision of this title, the proceeds of any loan made by the Rural Utilities Service under this title may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this title if the use of the proceeds for that purpose will further the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural and underserved communities.

(i) Incumbent Local Exchange Carrier Must Make Upgraded Facilities Available.—In addition to any other requirement to provide unbundled network elements, any incumbent local exchange carrier (as defined in section 251(h) of the Communications Act of 1934 (47 U.S.C. 251(h))) that uses funds made available under subsection (c)(2) shall make remote terminals and fiber optic cable so funded, and any loop that includes such components, available to a requesting telecommunications carrier on an unbundled basis in accordance with the requirements of sections 251 and 252 of the Communications Act of 1934 (47 U.S.C. 251, 252).

(j) Funding.—

(1) In general.—The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund not more than $125,000,000 for each of fiscal years 2005 through 2009 for loans under this section, of which $25,000,000 shall be for loans under subsection (c)(2).

(2) Value of loans outstanding.—The aggregate value of all loans made under this section shall be at least $2,500,000,000 for each such fiscal year, including not more than $500,000,000 for outstanding loans under subsection (c)(2).

(3) Allocation of funds.—

(A) In general.—From amounts made available for each fiscal year under paragraph (1), the Rural Utilities Service shall establish a national reserve for loans to eligible entities in States under this section.

(B) Unobligated amounts.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (A) that are not obligated by April 1 of the fiscal year shall be available to the Rural Utilities Service to make loans under this section to eligible entities in any State, as determined by the Rural Utilities Service.

SEC. 202. GRANTS FOR PLANNING AND FEASIBILITY STUDIES ON BROADBAND DEPLOYMENT.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make grants to non-profit organizations for planning and feasibility studies on the deployment of broadband services in different geographic areas, including towns, cities, counties, and States.

(b) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The National Telecommunications and Information Administration may establish additional criteria for eligibility for grants under this section, including criteria for the scope of the planning and feasibility studies to be carried out with grants under this section.

(2) CONTRIBUTION BY GRANTEE.—An organization may not be awarded a grant under this section unless the entity agrees to contribute (out of funds other than the grant amount) to the planning and feasibility study to be funded by the grant an amount equal to the amount of the grant.

(c) APPLICATION.—An organization seeking a grant under this section shall submit an application for the grant to National Telecommunications and Information Administration that is in such form, and that contains such information, as the National Telecommunications and Information Administration shall require.

(d) LIMITATION ON USE OF GRANT AMOUNTS.—Grant amounts under this section may not be used for the acquisition of office equipment, the construction of buildings or other facilities, the acquisition or improvement of existing buildings or facilities, or the leasing of office space.

(e) RESERVATION OF FUNDS FOR GRANTS.—

(1) IN GENERAL.—The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund not more than $60,000,000 for each of fiscal years 2005 through 2009 as a reserve for grants under this section.

(2) RELEASE.—Funds reserved under paragraph (1) for a fiscal year shall be reserved only until April 1 of the fiscal year.

(f) SUPPLEMENT NOT SUPPLANT.—

(1) IN GENERAL.—Eligibility for a grant under this section shall not affect eligibility for a grant or loan under another section of this title.

(2) CONSIDERATIONS.—The National Telecommunications and Information Administration may not take into account the award of a grant under this section, or the award of a grant or loan under another section of this title, in awarding a grant or loan under this section or another section of this title, as the case may be.

(g) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—No grant may be made under this section after September 30, 2009.

(2) EFFECT ON VALIDITY OF GRANT.—Notwithstanding paragraph (1), any grant made under this section before the date specified in paragraph (1) shall be valid.

SEC. 203. PILOT PROGRAM FOR WIRELESS OR SATELLITE BROADBAND TRIALS IN RURAL AREAS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall support up to 7 pilot programs in each of fiscal years 2005 through 2009 for conducting innovative applications of wireless, satellite, and other non-wireline technologies capable of delivering broadband service (as defined in section 201(b)(1)) to an eligible rural community (as defined in section 201(b)(2)) or an eligible underserved community (as defined in section 201(b)(3)). The National Telecommunications and Information Administration shall support 1 pilot program per year for fiber-to-the-home technology under this subsection except for any year for which no application is received for such a program.

(b) APPLICATION PROCEDURES AND CONDITIONS.—The National Telecommunications and Information Administration shall establish such application procedures and conditions for grants under this section as it deems appropriate.

(c) FUNDING.—The Secretary of Commerce shall make available from the Broadband Deployment and Demand Trust Fund up to $2,000,000 per year for each pilot program under subsection (a).

SEC. 204. RURAL AND UNDERSERVED COMMUNITY BROADBAND TECHNOLOGY INITIATIVE.

The Director of the National Institute of Standards and Technology, through the Advanced Technology Program, may hold a portion of the Institute's competitions in thematic areas, selected after consultation with industry, academics, and other Federal Agencies, designed to develop and improve technical capabilities with respect to the speed, quality, and availability of technologies that will extend the reach of broadband Internet services to individuals living in eligible rural communities (as defined in section —201(b)(2)) and eligible underserved communities (as defined in section 201(b)(3)).

SEC. 205. REPORT ON UNIVERSAL SERVICE AND COMPETITION.

No later than May 1, 2005, a Federal-State Joint Board established pursuant to section 410(c) of the Communications Act of 1934 (47 U.S.C. 410(c)) and the National Exchange Carriers Association shall report to the Federal Communications Commission and to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

(1) the effect of reclassifying telecommunications services provided by incumbent local exchange carriers on—

(A) the level of support available for universal service;

(B) the universal service contribution obligations of telecommunications carriers and other providers of telecommunications; and

(C) the ability of the Commission and State commissions to fulfill the requirements of subsections (b), (h), and (i) of section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(2) the effect on universal service of—

(A) reducing the availability of network elements provided by incumbent local exchange carriers;

(B) modifying the rates, terms, and conditions for the purchasing or leasing of such elements; and

(C) reducing the oversight of the rates, charges, terms, and conditions for the purchasing or leasing of telecommunications services provided by such carriers; and

(3) the effect of such changes on competition in the provision of telecommunications services.

SEC. —206. BLOCK GRANTS TO STATES FOR BROADBAND DEPLOYMENT.

(a) IN GENERAL.—The Secretary of Commerce shall establish a grant program to provide funding to State and local governments to encourage and support the deployment of broadband technologies and services, particularly in eligible rural communities (as defined in section —201(b)(2)) and eligible underserved communities (as defined in section —201(b)(3)).

(b) PURPOSES.—State and local governments receiving grants under this section shall use the funds—

(1) to spur investment in broadband facilities;

(2) to stimulate deployment of broadband technology and services;

(3) to encourage the adoption of broadband in eligible rural communities (as defined in section —201(b)(2)) and eligible underserved communities (as defined in section —201(b)(3)); and

(4) to provide e-government services through improved access to government services through broadband Internet connections.

(c) APPLICATIONS.—To be eligible to receive a grant under this section, a State or local government shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall establish a procedure for accepting, processing, and evaluating applications and publish an announcement of the procedure, including a statement regarding the availability of funds, in the Federal Register.

(d) FUNDING.—The Secretary shall make available from amounts in the Broadband Deployment and Demand Trust Fund $1,000,000,000 for each of fiscal years 2005 through 2009 for grants under this section, of which $250,000,000 shall be made available for each such fiscal year for e-government enhancement activities described in subsection (b)(4) in all communities.

SEC. —207. GAO TO STUDY BROADBAND DEPLOYMENT IN OTHER COUNTRIES.

The Comptroller General shall survey countries with broadband deployment and subscriber rates that are similar to, or greater than, the broadband deployment and subscriber rates in the United States in order to determine the actions governments, carriers, and other parties have taken to facilitate the deployment of broadband (including the factors that encourage consumers to subscribe to broadband service) and report the results of his survey to the Congress by May 1, 2005.

SEC. —208. ASSESSMENT OF HOMELAND SECURITY AND PUBLIC SAFETY NEEDS IN RURAL AND UNDERSERVED AREAS.

(a) IN GENERAL.—No later than 6 months after the date of enactment of this title, the National Telecommunications and Information Administration shall issue a report on the potential role of broadband in rural and underserved areas in addressing homeland security and public safety needs, and, as necessary, make recommendations to enhance deployment to improve emergency response systems.

(b) FUNDING.—The Secretary of Commerce shall make available from the Broadband Deployment and Demand Trust Fund up to $500,000 for the study under subsection (a).

SUBTITLE C—RESEARCH ON TECHNICAL AND FINANCIAL REQUIREMENTS FOR FASTER BROADBAND SERVICES

SEC. —301. RESEARCH ENHANCEMENT OF BROADBAND TELECOMMUNICATIONS SERVICES.

(a) IN GENERAL.—

(1) NATIONAL SCIENCE BOARD RESEARCH.—The Director of the National Science Board, without considering any changes in telecommunications regulation, shall research—

(A) technical changes that would be necessary with respect to wireline, wireless facilities, and satellite facilities to provide broadband telecommunications services in order to provide speeds between 50 megabits-per-second and 100 megabits-per-second; and

(B) the financial cost of ensuring that all Americans have access to broadband services with speeds between 50 megabits-per-second and 100 megabits-per-second.

(2) ITS BROADBAND RESEARCH.—The Director of the Institute of Telecommunications Sciences of the National Telecommunications and Information Administration, in consultation with the Director of the National Institute of Science and Technology Laboratories, shall engage in research and development—

(A) of wireline, wireless facilities, and satellite facilities to provide broadband telecommunications services in order to provide speeds between 50 megabits-per-second and 100 megabits-per-second;

(B) of new broadband technologies to meet government and commercial needs; and

(C) with respect to the technical capabilities of existing technologies to improve their speed, quality, and availability and extend the reach of broadband services to individuals living in rural areas.

(3) SPECTRUM-SHARING AND INTERFERENCE ISSUES.—The Director of the Institute of Telecommunications Sciences shall also conduct research or studies—

(A) to enhance spectrum-sharing between governmental and private sector users of broadband services;

(B) to develop technologies that would enable government and private sector users to use spectrum more efficiently; and

(C) to provide recommendations to the Administrator of the National Telecommunications and Information Administration that would enhance—

(i) government and private sector spectrum sharing opportunities and coordination; and

(ii) private sector innovation of new wireless technologies that benefit government and private sector users.

(b) CONSULTATION AND COORDINATION.—The Directors of the National Science Board, the Institute of Telecommunications Sciences, and the National Institute of Science and Technology Laboratories shall—

(1) consult with governmental and commercial users of broadband services as appropriate to facilitate research under subsection (a); and

(2) consult with each other in order to coordinate their activities under subsection (a).

(c) RESULTS OF RESEARCH.—The Director shall make available to the public, in such manner as the Director considers appropriate, the results of any research carried out under this section.

(d) FUNDING.—The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund for each of fiscal years 2005 through 2009 to carry out this section not more than—

(1) $60,000,000 to the Director of the Institute of Telecommunications Sciences of the National Telecommunications and Information Administration, of which not more than $10,000,000 shall be used to carry out subsection (a)(2);

(2) $15,000,000 to the Director of the National Institute of Science and Technology Laboratories; and

(3) $50,000,000 to the Director of the National Science Board.

SEC. —302. GRANTS TO COLLEGES AND UNIVERSITIES TO RESEARCH FASTER BROADBAND TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Science Foundation shall establish and administer a grant program to fund research at colleges and universities into advancing the technical aspects of broadband technology in order to provide speeds between 50 megabits-per-second and 100 megabits-per-second. In carrying out this subsection, the Director shall ensure that grants are geographically distributed nationwide.

(b) FUNDING.—The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund not more than $50,000,000 for each of fiscal years 2005 through 2009 to the National Science Board for purposes of activities under this section.

Subtitle D—Stimulating Demand for Broadband Services

SEC.—401. GRANTS TO COLLEGES AND UNIVERSITIES FOR RESEARCH.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall establish and administer a grant program to fund research at colleges and universities to develop computer or Internet applications that require broadband facilities and are of particular use to residential consumers.

(b) FUNDING.—The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund not more than $50,000,000 for each of fiscal years 2005 through 2009 for grants under this section.

SEC.—402. GRANTS TO LIBRARIES TO DIGITIZE COLLECTIONS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall establish and administer a grant program for libraries to enable them to make a record in digital format of their collections.

(b) CONSULTATION WITH KNOWLEDGEABLE PERSONS.—In making grants under subsection (a), the National Telecommunications and Information Administration shall consult with—

(1) the Librarian of Congress;

(2) the Archivist of the United States; and

(4) representatives of libraries, academic institutions, and other individuals with professional responsibilities related to collection, curation, preservation, and display of books, records, films, and other written or recorded matter of public interest.

(c) FUNDING.—The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund not more than $100,000,000 for each of fiscal years 2005 through 2009 for grants under this section.

SEC.—403. GRANTS TO MUSEUMS TO DIGITIZE COLLECTIONS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall establish and administer a grant program for museums to enable them to make a record in digital format of their collections.

(b) CONSULTATION WITH KNOWLEDGEABLE PERSONS.—In making grants under subsection (a), the National Telecommunications and Information Administration shall consult with—

(1) the Secretary of the Smithsonian Institution;

(2) the Chairman of the National Endowment for the Arts;

(3) the Chairman of the National Endowment for the Humanities; and

(4) representatives of museums, academic institutions, and other individuals with professional responsibilities related to collection, curation, preservation, and display of objects of significant public interest.

(c) FUNDING.—The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund not more than $100,000,000 for each of fiscal years 2005 through 2009 for grants under this section.

SEC.—404. GRANTS FOR DTV CONVERSION AND PROGRAMMING.

The Secretary of Commerce shall make available from amounts in the Broadband Deployment and Demand Trust Fund not more than $50,000,000 for each of fiscal years 2005 through 2009 to the National Telecommunications and Information Administration for grants under the Public Telecommunications Facilities Program for facility upgrades to transmit digital television programming and to develop educational and public interest digital programming.

SA 3076. Mr. GRAHAM of Florida submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sales and Use Tax Fairness Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the November 12, 2002, Streamlined Sales and Use Tax Agreement establishes minimum requirements for a sales and use tax system that simplifies and harmonizes State sales and use tax laws and administrative procedures; and

(2) the Agreement, once implemented, will eliminate any undue burden on interstate commerce associated with requiring remote sellers to collect and remit sales and use taxes.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that the sales and use tax system established by the Streamlined Sales and Use Tax Agreement provides sufficient simplification and uniformity to warrant Federal authorization to States that are parties to the Agreement to require remote sellers, subject to the conditions provided in this Act, to collect and remit the sales and use taxes of such States and of local taxing jurisdictions of such States.

SEC. 4. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.

(a) GRANT OF AUTHORITY.—Once ten States comprising at least twenty percent of the total population of all States imposing a sales tax, as determined by the 2000 Federal census, have petitioned for membership under the Streamlined Sales and Use Tax Agreement in the manner required by the Agreement, have been found to be in compliance with the Agreement pursuant to the terms of the Agreement, and have become Member States under the Agreement, any Member State under the Agreement is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the small business exception provided under subsection (b) to collect and remit sales and use taxes with respect to remote sales to purchasers located in such State. Such authorization shall terminate if the requirements of the preceding sentence cease to be met. Such authorization shall also terminate for any Member State if such Member State no longer complies with the minimum requirements of the Agreement existing on November 12, 2002, or if such requirements are no longer complied with by ten States that otherwise meet the requirements of this subsection. Determinations regarding compliance with the requirements of this subsection shall be made by the Governing Board (or, where provided by the Agreement, the States petitioning for membership under the Agreement) subject to the governance provisions of Section 5.

(b) Small Business Exception.—No seller shall be subject to a requirement of any State to collect and remit sales and use taxes with respect to a remote sale where the seller and its affiliates collectively had gross sales nationwide of less than $5,000,000 in the calendar year preceding the date of such sale.

(c) Reasonable Seller Compensation.—The authority provided in subsection (a) shall be conditioned on acceptance and implementation by all Member States under the Agreement of a requirement that such States provide reasonable and uniform compensation for expenses incurred by sellers related to the collection and remittance of the sales and use taxes of such States.

SEC. 5. GOVERNANCE.

(a) Petition.—Any person who may be affected by the Agreement may petition the Governing Board for a determination on any issue relating to the implementation of the Agreement.

(b) Review in Court of Federal Claims.—Any person who has submitted a petition under subsection (a) may bring an action against the Governing Board in the United States Court of Federal Claims for judicial review of the action of the Governing Board on that petition if—

(1) The petition related to (A) an issue of whether a State has met or continues to meet the requirements for Member State status under the Agreement, or (B) an issue of whether the Governing Board has performed a non-discretionary duty of the Governing Board under the Agreement; and

(2) The petition was denied by the Governing Board in whole or in part with respect to that issue, or the Governing Board failed to act on the petition with respect to that issue within six months of the date on which the petition was submitted.

(c) Timing of Action for Review.—An action for review under this section shall be initiated within 60 days of the Governing Board's denial of the petition as provided in subsection (b), or, if the Governing Board failed to act on the petition as provided in subsection (b), within 90 days following the expiration of the six-month period following the date on which the petition was submitted.

(d) Standard of Review.—In any action for review under this section, the court shall set aside the actions, findings, and conclusions of the Governing Board found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(e) Jurisdiction.—Chapter 91 of Title 28 of the United States Code is amended by adding at the end thereof:

§1510. Jurisdiction regarding the Streamlined Sales and Use Tax Agreement

The United States Court of Federal Claims shall have exclusive jurisdiction over actions for judicial review of determination of the Governing Board of the Streamlined Sales and Use Tax Agreement under the terms and conditions provided in section 5 of the Sales and Tax Fairness Act.

SEC. 6. LIMITATION.

(a) In General.—Nothing in this Act shall be construed as subjecting sellers to franchise taxes, income taxes, or licensing requirements of a State or political subdivision thereof, nor shall anything in this Act be construed as affecting the application of such taxes or requirements or enlarging or reducing the authority of any State to impose such taxes or requirements.

(b) No Effect on Nexus, Etc.—No obligation imposed by virtue of the authority granted by section 4 of this Act shall be considered in determining whether a seller has a nexus with any State for any other tax purpose. Except as provided in Section 4 of this Act, nothing in this Act permits or prohibits a State—

(1) to license or regulate any person;

(2) to require any person to qualify to transact intrastate business; or

(3) to subject any person to State taxes not related to the sale of goods or services.

SEC. 7. DEFINITIONS.

For the purposes of this Act—

(1) Affiliate.—The term "affiliate" means any entity that controls, is controlled by, or is under common control with a seller.

(2) Governing board.—The term "Governing Board" means the governing board established by the Streamlined Sales and Use Tax Agreement.

(3) Member state.—The term "Member State" means a member state under the Streamlined Sales and Use Tax Agreement.

(4) Person.—The term "person" means an individual, trust, estate, fiduciary, partnership, corporation, or any other legal entity, and includes a State or local government.

(5) Remote sale.—The terms "remote sale" and "remote seller" refer to a sale of goods or services attributed to a particular taxing jurisdiction with respect to which the seller did not have adequate nexus under the law existing on the day before the date of enactment of this Act to allow such jurisdiction to require the seller to collect and remit sales or use taxes with respect to such sale.

(6) State.—The term "State" means any State of the United States of America and includes the District of Columbia.

(7) Streamlined sales and use tax agreement.—The term "Streamlined Sales and Use Tax Agreement" (or "the Agreement") means the multistate agreement with the title adopted on November 12, 2002, and as amended from time to time.

SA 3077. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

SA 3078. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. TWO-YEAR EXTENSION OF INTERNET TAX MORATORIUM.

(a) In General.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) Moratorium.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2005:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) Conforming Amendments.—

(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) Tax on internet access.—

"(A) In general.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) General exception.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) Internet Access Service; Internet Access.—

(1) Internet access service.—Paragraph (3)(D) of section 11[illegible]1(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

(2) Internet access.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) Pre-October 1998 Taxes.—

"(1) In general.—Section 1101(a) does not apply to a tag on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) Termination.—This subsection shall not apply after November 1, 2005.

"(b) Pre-November 2003 Taxes.—

"(1) In general.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) Termination.—This subsection shall not apply after November 1, 2005.".

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) In General.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) Definitions.—In this section:

"(1) Charges for internet access.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) Charges for telecommunications services.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) Universal Service.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 and E-911 Services.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

"(c) Non-Tax Regulatory Proceedings.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

"SEC. 1108. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

"Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or any other service utilizing Internet Protocol or any successor protocol. This section shall not apply to Internet access or to any services that are incidental to Internet access, such as e-mail, text instant messaging, and instant messaging with voice capability.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

SA 3079. Mr. GRAHAM of Florida submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place in Amdt. No. 3048, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) Findings.—The Senate finds that the Unfunded Mandates Reform Act of 1995 (P.L. 104-4) was passed—

(1) "to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities";

(2) to provide "for the development of information about the nature and size of mandates in proposed legislation";

(3) "to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates";

(4) to require that "Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process"; and

(5) to establish the general rule that Congress shall not impose Federal mandates on State, local, and tribal governments without providing adequate funding to comply with such mandates.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Unfunded Mandates Reform Act of 1995 constituted an important pledge on the part of the Federal Government, in general, and Congress, in particular, to refrain from imposing Federal mandates on State, local, and tribal governments without providing adequate resources to compensate State, local, and tribal governments for the cost of complying with such mandates;

(2) at this time when State, local, and tribal governments are struggling to cope with the worst State and local fiscal crisis since World War II, it is urgently important that Congress adhere to its commitments under the Unfunded Mandates Reform Act of 1995; and

(3) Congress should not pass laws mandating that States or localities spend new money or forgo collecting currently collected revenues, unless Congress—

(A) has clear and precise estimates of the budgetary impacts of such mandates upon States, local governments, and tribal governments; and

(B) provides adequate funding to cover the cost to States and localities of complying with such mandates.

SA 3080. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. EXTENSION OF THE INTERNET TAX FREEDOM ACT.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "November 1, 2003" and inserting "May 31, 2005".

SA 3081. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. EXTENSION OF THE INTERNET TAX FREEDOM ACT.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "November 1, 2003" and inserting "June 1, 2005".

SA 3082. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3048 proposed by Mr. McCain to the bill S. 150, to make permanent the moratorium on taxes on

Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 5, line 2, strike "2006" and insert "2007".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 28, 2004, at 11 a.m., in closed session, to receive a briefing regarding the performance of force protection equipment for ground forces in Iraq, including the up-armored HMMWV, and potential alternatives to meet force protection needs of the combatant commander.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 28, 2004, at 9:30 a.m., on Telecommunications Policy Review: A Look Ahead, in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, April 28 at 11:30 a.m. to consider pending calendar business.

Agenda Item 1: S. 203—A bill to open certain withdrawn land in Big Horn County, WY to locatable mineral development for bentonite mining.

Agenda Item 5: S. 1071—A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes.

Agenda Item 6: S. 1097—A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

Agenda Item 9: S. 1467—A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes.

Agenda Item 10: S. 1582—A bill to amend the Valles Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

Agenda Item 11: S. 1649—A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

Agenda Item 12: S. 1687—A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

Agenda Item 13: S. 1778—A bill to authorize a land conveyance between the United States and the City of Craig, AK, and for other purposes.

Agenda Item 14: S. 1791—A bill to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

Agenda Item 15: S. 2180—A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

Agenda Item 16: S. Res. 321—A resolution recognizing the loyal service and outstanding contributions of J. Robert Oppenheimer to the United States and calling on the Secretary of Energy to observe the 100th anniversary of Dr. Oppenheimer's birth with appropriate programs at the Department of Energy and the Los Alamos National Laboratory.

Agenda Item 20: H.R. 1521—To provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

Agenda Item 21: H.R. 3249—To extend the term of the Forest Counties Payments Committee.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, April 28th at 9:30 a.m. to conduct a hearing to receive testimony on the reauthorization of the Economic Development Administration.

The hearing will be held in SD 406, hearing room.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, April 28, 2004, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Taking the Taxpayers for a Ride: Fraud and Abuse in the Power Wheelchair Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 28, 2004 at 10 a.m. to hold a Nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 28, 2004 at 3 p.m. to hold a Nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 28, 2004, at 10 a.m. for a hearing titled "Government Purchase Cards: Smarter Use Can Save Taxpayers Hundreds of Millions of Dollars."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 28, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2172, Tribal Contract Support Cost Technical Amendments of 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, April 28, 2004 at 2 p.m. on "The Playwrights Licensing Antitrust Initiative Act: Safeguarding the Future of American Live Theater" in the Dirksen Senate Office Building, Room 226

Witness List

Arthur Miller, Playwright (Death of a Salesman, The Crucible, All My Sons); Roxbury, CT.

Stephen Sondheim, Lyricist (West Side Story, Gypsy, Sweeney Tood); New York, NY.

Wendy Wasserstein, Playwright (Uncommon Women and Others, Isn't It Romantic, The Heidi Chronicles); New York, NY.

Gerald Schoenfeld, Chairman, League of American Theaters and Producers; Chairman, The Shubert Organization; New York, NY.

Roger Berlind, Producer, Berlind Productions (Kiss Me Kate, City of Angels, Wonderful Town, Caroline or Change); New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "Impact of Stock Option Expensing on Small Businesses" on Wednesday, April 28, 2004, beginning at 10 a.m. in Room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. ALLEN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Wednesday, April 28, 2004, from 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALLEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 28, 2004, at 2:30 p.m., to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on Healthy Marriage: What is it and why should we promote it? During the session of the Senate on Wednesday, April 28, 2004, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Mental Health in Children and Youth: Issues Throughout the Development Process during the session of the Senate on Wednesday April 28, 2004, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MOTORCYCLE SAFETY AND AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 168 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 168) designating May 2004 as "National Motorcycle Safety and Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motions to reconsider be laid upon the table; and that any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 168

Whereas the United States of America is the world leader in motorcycle safety, promoting education, training, and motorcycle awareness;

Whereas motorcycles occupy a very important position in the history of this Nation and of the world;

Whereas over two-thirds of car-motorcycle crashes and nearly one-half of all motorcycle crashes are caused by car drivers, not by motorcyclists;

Whereas of the 1,400 fatal car-motorcycle crashes in 2001, 36 percent involved another vehicle violating the motorcyclist's right-of-way by turning left while the motorcycle was going straight, passing, or overtaking the vehicle;

Whereas although the motorcycling community has made efforts to mitigate these right-of-way crashes through enhancing motorcycle awareness via billboards, posters, media, and other campaigns, the message to 'watch for motorcycles' continues to go unheeded by the general motoring public;

Whereas the motorcycling community has invested considerable time and effort to improve its safety record through safety initiatives such as increased rider training and licensing campaigns, but many times demand for rider training exceeds enrollment capacity and the programs often lack support from the larger traffic safety community;

Whereas the larger traffic safety community, highway designers, law enforcement, the medical community, designers of other vehicles, government, researchers working in related areas, insurers, and all road users can accomplish much more toward improving motorcycle safety;

Whereas the motorcycle is an efficient vehicle which conserves fuel, has little impact on our overworked roads and highway system, is an important mode of transportation involving such activities as commuting, touring, and recreation, and promotes friendship by attracting riders from all over the world through various clubs and organizations;

Whereas the month of May marks the traditional start of the motorcycle riding season; and

Whereas, due to the increased number of motorcycles on the road, it is appropriate to set aside the month of May 2004 to promote motorcycle awareness and safety and to encourage all citizens to safely share the roads and highways of this great Nation by paying extra attention to those citizens who ride motorcycles: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2004 as "National Motorcycle Safety and Awareness Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

NATIONAL RAILROAD HALL OF FAME

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 255 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 255) supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of railroads, especially in the United States, and (3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of all persons interested in railroading; and

Whereas the National Railroad Hall of Fame, Inc., is planning to erect a monument known as the National Railroad Hall of Fame to honor the men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

Resolved, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

NATIONAL GOOD NEIGHBOR DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 340 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. 340) expressing the sense of the Senate that the President should designate September 26, 2004, as National Good Neighbor Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to en bloc; the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD; and the above occur with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 340

Whereas our society has developed highly effective means of speedy communication around the world, but has failed to ensure meaningful communication among people living across the globe, or even across the street, from one another;

Whereas the endurance of human values and consideration for others are critical to the survival of civilization; and

Whereas being good neighbors to those around us is the first step toward human understanding: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL GOOD NEIGHBOR DAY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate September 26, 2004, as "National Good Neighbor Day".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating September 26, 2004, as "National Good Neighbor Day"; and

(2) calling on the people of the United States and interested groups and organizations to observe "National Good Neighbor Day" with appropriate ceremonies and activities.

DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 342, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 342) designating April 30, 2004, as Día de los Niños: Celebrating Young Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 342) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 342

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2004, as "Día de los Niños: Celebrating Young Americans"; and

(2) requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including—

(A) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) activities that are positive and uplifting and that help children express their hopes and dreams;

(C) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) activities that provide opportunities for families within a community to get acquainted; and

(F) activities that provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

ORDERS FOR THURSDAY, APRIL 29, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, April 29. I further ask that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and following the time for the two leaders the Senate then begin a period of morning business for up to 90 minutes, with the first 30 minutes of the time under the control of the Democratic leader or his designee, the second 30 minutes under the control of the majority leader or his designee, and the final 30 minutes equally divided between the assistant majority leader and Senator FEINSTEIN; provided that following that 90-minute period the Senate resume consideration of S. 150, the Internet tax bill; provided further that there then be up to 1 hour of debate only equally divided between the two leaders or their designees.

I further ask consent that following the use or yielding back of the time, the Senate proceed to the cloture vote on Daschle amendment No. 3050.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning, following morning business, the Senate will resume consideration of the Internet tax bill. There will be up to 1 hour of debate prior to the cloture vote on the Daschle amendment on renewable fuels. If all time is used, the cloture vote on the Daschle amendment will occur at approximately 12 tomorrow, and that will be the first rollcall vote of the day. If cloture is not invoked on the Daschle amendment, the Senate will immediately proceed to a cloture vote on Domenici amendment No. 3051 on energy policy. If cloture fails on the Domenici amendment, the Senate will proceed to a cloture vote on the pending McCain substitute. Therefore, up to three rollcall votes are possible beginning at 12 tomorrow.

It is my hope we will be able to make progress on the bill tomorrow. If we are able to invoke cloture, we would move forward with Internet-tax-related amendments.

Senators should therefore anticipate additional votes during tomorrow's session.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. I chose not to object to the unanimous consent request dealing with what we are going to be doing tomorrow. We would just hope that the good offices of the majority leader would allow, if, in fact, cloture is not invoked on Daschle or Domenici, and we have to go to McCain, that we could have some arrangement that we could have a little bit of debate before voting on the McCain cloture because we have our party policy luncheon tomorrow. It may not be a bad idea, and we can certainly discuss this with others on the majority side, for Senator MCCAIN and others, if, in fact, cloture is not invoked on those first two motions that have been filed, that we have a little time to get rid of the two energy matters and get back on Internet and discuss that, and that would put us with just a short debate of maybe an hour or so into the end of the policy luncheon.

Mr. FRIST. Mr. President, I understand their policy luncheon is tomorrow, and clearly we will make every consideration for them to continue with that. We will schedule the votes—it depends on how each of these cloture votes go—after discussion over the course of the morning. Again, the first rollcall vote will begin at approximately noon tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:16 p.m., adjourned until Thursday, April 29, 2004, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, April 28, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 28, 2004.

I hereby appoint the Honorable JEFF MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of life and designer of all seasons, spring has to be Your masterpiece. At first, early sketches are slow and tentative. Then suddenly, spring bursts into full color and fills the landscape of longing.

The most tender shoots, like all the young, must have life their own way. Ground spots that only a few weeks ago seemed as though they would never grow anything again now are softened with life.

During this time of threatening clouds of terrorism and violent winds of war, may the signs of spring bring us hope that peace will yet emerge.

In the current political atmosphere, when debate of issues can easily fall into personal attacks and partisan loyalty can become intolerance and defensive posturing, may the seeds of spring bear a gentleness of manner and a civility of heart that will make us all proud to be Americans, truly one Nation under Your loving providence now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title which the concurrence of the House is requested:

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

The message also announced that pursuant to section 128, of Public Law 108–132, the Chair, on behalf of the Majority Leader, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States—

Admiral Thomas Lopez of Virginia.

RECOGNIZING COOPER COMMUNITIES ON THEIR 50TH ANNIVERSARY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize Cooper Communities, a northwest Arkansas-based business that will be celebrating its 50th anniversary tomorrow.

In 1954, John and Mildred Cooper began a small home-building business that has evolved into a successful corporation that builds homes, master communities and resorts in Arkansas, Tennessee, Missouri, Alabama, and West Virginia.

By building quality homes and unique master communities, Cooper Communities has helped lure people to the South. In fact, retirees from across the country are relocating to Bella Vista Village, helping to make the Third Congressional District of Arkansas one of the fastest growing regions in the country.

Cooper Communities has been acknowledged as one of the most fiscally responsible developers of planned communities in the Nation. They have also been praised in their environmental efforts, setting aside 20 to 30 percent of the land in each Cooper Community.

Mr. Speaker, I take this time and opportunity to recognize Cooper Communities for its exemplary business practices and contributions to the quality of life in the South.

SEEKING CLARIFICATION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, last Sunday, when asked about the March For Women's Lives, Karen Hughes said, and I quote, "The fundamental difference between us and the terror network we fight is that we value every life."

On behalf of the millions of Americans who are pro-choice, I am asking, along with nine Members of Congress, that the Bush administration clarify this statement. Surely they cannot be equating choice with terrorism, but it sounds like that to me. This is a dangerous and ugly pattern. If people do not agree, call them terrorists.

Mr. Speaker, I will be placing in the RECORD the letter from nine Members of Congress to President Bush and the article that appeared today in The Washington Post.

MARRIAGE PENALTY

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, in 2001 and again in 2003, this body passed legislation that eliminated the marriage tax penalty, saving families an average of $1,400. Unfortunately, unless we act to permanently eliminate the marriage penalty, married couples will face tax increases starting next year. We should not discourage marriages by making couples sign on to a higher tax bill with their marriage certificate.

There is no good reason to raise taxes on married couples. In the midst of a strong economic recovery, imposing higher taxes on married couples will only create financial hardship for millions of Americans and stifle a growing economy. If we examine the consequences of the marriage penalty on the American family, we will not have to think twice about permanently repealing this particular act.

If we do not act, we will send in my district nearly 62,000 families a higher bill on January 1. Instead, let us tell them that we have finally put an end to the marriage tax penalty. I urge my colleagues to vote for this bill.

JOBS

(Mr. MEEK of Florida asked and was given permission to address the House

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Speaker, I am here today to not only report to the American people an unfortunate event we are going through here in the United States, living under the highest deficit in the history of the Republic and losing 2.8 million jobs since the Bush administration has been in control of our government.

I think it is very, very important for the American people to understand that Democrats in this House are looking for sensible tax relief and also reducing the deficit along with creating manufacturing jobs. I am talking about those 2.8 million Americans that are out of work and who had jobs and were paying taxes and were also providing health care, or trying to pay for health care, for their families.

I think it is very, very important the American people pay very close attention to those that are trying to push forward reasonable tax relief, student loan opportunities for the middle class, and who want to make sure we can move forward in building America and manufacturing jobs and making sure that we close the gap on the 2.8 million jobs that have been lost under this administration.

TRIBUTE TO LIEUTENANT COMMANDER DANIEL PETTIGREW

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to ask my colleagues to join me in paying respect to one of my constituents, Lieutenant Commander Daniel Pettigrew, U.S. Navy, retired, of Middletown, Maryland, who passed away on Wednesday, April 21. Dan Pettigrew was a 26-year Navy veteran, retiring in 1974. He served his country with distinction, and was awarded the Bronze Star Medal, the Vietnam Service Medal, the National Navy Achievement Medal, the Navy Commendation Medal, the Navy Unit Commendation, and the Navy Marine Corps Medal.

Dan was as member of Middletown United Methodist Church; VFW Post 3285 John R. Webb, Frederick; Masonic Lodge AF&AM in Massachusetts. He also served as a national legislative director for the Uniformed Services Disabled Retirees. In his role at the USDR, he worked tirelessly on the issues of concurrent receipt, veterans health care, and VA disability compensation.

Dan's last 6 years were spent walking the halls of Congress bringing the message about the needs of military retirees, veterans, and their families across the Nation. Please join me in remembering Dan and his valiant causes that he supported so diligently for our veterans, military retirees, and their families.

JOBS IN AMERICA

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, congratulations to the Bush administration on yet another record: 354,000 people exhausted their unemployment benefits in March, the largest number since we started keeping statistics in 1971; and yet they cannot find work.

We have 1.5 million people since the program ended in December, and the President and the Republican leadership have refused to renew the program. There are 23,000 Oregonians, people who want and cannot find work. They are the long-term army of the unemployed in America due to outsourcing and misplaced budget priorities.

But the administration will not extend unemployment benefits to them because then they would have to admit that the rosy glow they want to paint upon the economy and job prospects actually is a sunset.

So are they worried about creating deficits? No. There are $17 billion in the Unemployment Trust Fund. Why do they not care about this army of unemployed Americans? Why will they not help them find work, and while they are still looking for work, help them keep their families together and keep their homes with extended unemployment benefits out of the trust fund balance that is sitting unspent?

VOLUNTEER MILITARY EXCEEDING RE-ENLISTMENT EXPECTATIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today's all-volunteer military protects Americans every day by bravely fighting the war on terrorism in Afghanistan, Iraq, and wherever terrorists attack. Despite the sacrifice and commitment service in our armed service requires, and despite the enemies of freedom who are attacking America and its allies, troops are reenlisting at rates exceeding our expectations.

September 11 changed America's psychology. Americans know there is a real and visible threat to our life and liberty. The troops who are signing back up for service know better than anyone how important this fight against terrorism is to the future of our Nation and to freedom throughout the world to protect American families.

Mr. Speaker, we have 1.4 million men and women who are on active duty, along with 1.2 million who serve in the Guard and Reserves. These volunteers and their families are dedicated individuals who have chosen a life of honor and duty to our country. I ask all my colleagues to join me in thanking servicemembers for their service.

In conclusion, may God bless our troops, and we will never forget September 11.

PRESIDENTIAL DEBATES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, 30 years ago President Bush and Senator KERRY received their reviews from their respective commanders.

Lieutenant Kerry, from Lieutenant Commander George Elliott: "Lt. Kerry frequently exhibited a high sense of imagination and judgment in planning operations against the enemy in the Mekong Delta. Involved in several enemy-initiated firefights, including an ambush during the Christmas truce, he effectively suppressed enemy fire and is unofficially credited with 20 enemy killed in action."

The evaluation from Lt. Bush's commander: "Lt. Bush has not been observed at this unit during the period of this report."

Now, we can debate what these two men did 30 years ago, or we can debate what this country is going to do on June 30 in Iraq in finding a government to hand to the people of Iraq that they respect and that will give them a sense of where they are going.

It is worthy of having a debate of what happened 30 years ago, but I think it is very important to the people of this country that we debate what we are going to do on June 30.

SHADOWY CAMPAIGN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Congress Daily reported last week that liberal soft money groups, 527s they are called, have out-raised conservative groups five to one in 2004, and their goal is to raise $500 million to defeat the President. These 527 groups raise unreported, unregulated soft money, unlimited donations by millionaire fat cats, with no reporting requirements, no public scrutiny, and unlimited access to candidates.

This is the kind of thing McCain-Feingold finance reform was supposed to deal with. It did not. The money just went underground. But it is not only the money that is the problem; it is that people do not know who is influencing our political process. These donations are not from small donors. The top 24 donors to these groups have given a total of $40 million.

If we had done campaign reform right, we would not have this problem. Instead, we are stuck with this unending special interest shadow campaign, while true citizens' groups operate on limited budgets and cannot even run ads on issues that they care about.

□ 1015

KERRY'S RECORD

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I rise in support of JOHN KERRY, the Democratic presidential nominee, the only candidate who has a real plan to build a stronger, more secure America. JOHN KERRY is committed to empowering our communities by creating good jobs, improving our public schools and increasing home ownership. JOHN KERRY has the best combination of character, policymaking experience and national security credentials to get our neighborhoods and our country back on track.

Back on track from what, one might ask? From a dismal GOP economic record. This administration's economic plan has created the worst job loss since President Hoover. A whopping 2.8 million jobs have disappeared since President Bush took office, including 1 million jobs that have been shipped overseas. Nevertheless, President Bush says our economy is strong. He should see how his economic plan has devastated hardworking families like in my home State of California where over 1 million Californians are looking for work. Clearly we need new leadership in the White House that has a strategy to create jobs, revitalize our economy and help all working families realize their dreams. JOHN KERRY is the man to do this.

INTERNATIONAL RELATIONS COMMITTEE SET TO EXAMINE OIL FOR FOOD PROGRAM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, a millennia ago the question was asked that rings through history and through governance, and that is, can a corrupt throne be allied with you? Today in just a few moments the Committee on International Relations will gather to examine the United Nations Oil for Food Program. We will begin to call for transparency and accountability in a program that the United Nations oversaw but that the evidence suggests allowed Saddam Hussein to amass and divert through kickbacks and various forms of graft in excess of $4 billion.

As we consider moving forward as a partner in Iraq with the United Nations, now is the time and the Committee on International Relations is the place where we must begin to get to the bottom of the administration of the Oil for Food Program, find the truth, have transparency and accountability and go forward with the United Nations with our eyes open.

DEMOCRATS FIGHT TO PROTECT RETIREMENT BENEFITS OF MILITARY WIDOWS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, most Americans believe that our troops should be given the opportunity to provide the services that they are entitled to and as they battle we all recognize and we are extremely supportive of their efforts. But we also need to respect them when they come home. We know that the spouses also sacrifice. But this House has refused to keep the promise and provide the military retirees and their spouses with the retirement benefits that they earned in this country. Over 225,000 military spouses are currently paying the survivor benefit penalty and it eventually will be 1.2 million military retirees enrolled in this survivor benefit plan.

Today we ask you to sign and we launched a discharge petition to force this House in a bipartisan way to reach out to end the survivor benefit penalty and change it so that our military individuals and spouses will be able to get that service that is needed.

The survivors penalty hurts military widows. We need to do the right thing. Sign the discharge petition.

EU ENLARGEMENT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, 53 years ago, acting on a vision conceived by French businessman Jean Monnet and proposed by Robert Schuman, six nations of Europe agreed to create what we now know as the European Union. On Saturday, May 1, there will be yet another historic milestone toward achieving the dreams of Monnet and Schuman. Ten nations, eight of which just a few years ago were trapped behind the Iron Curtain, will become members of the European Union.

Mr. Speaker, the commitment of those 10 nations to shared values, to the pursuit of political and economic reforms and to solidarity with each other have helped facilitate these changes. The historic enlargement of the EU along with that of the recent NATO enlargement has resulted in a giant step towards a Europe that is whole and free, democratic and dynamic, and at peace.

Mr. Speaker, the newest members of the EU have done a remarkable job preparing for this day. On the eve of this historic enlargement of the European Union it is appropriate, as we did recently with the newest members of NATO, to congratulate Estonia, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

HOUSE TO VOTE ON EXTENDING SURFACE TRANSPORTATION ACT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, today in a couple of moments the House of Representatives will vote on extending the Surface Transportation Act. The hang-up? The President's threat to veto a bill that is not a 10 percent cut in transportation funding over the next 6 years, even though his own Department of Transportation says that we should be spending half again as much as he proposes.

Earlier the House of Representatives overwhelmingly passed a bipartisan bill that would move us in the right direction. The Senate overwhelmingly approved on a bipartisan basis even a larger bill. This is supported by the broadest coalition in the history of infrastructure in this country, from the Sierra Club to the Chamber of Commerce.

Now is the time for the House to reaffirm its strong support, resist calls for cuts that will set America back for the next 6 years, so we will not have to play catchup for a generation.

KERRY COMMENTS ON GREAT LAKES BASIN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, on issues important to our States it is reasonable to have an expectation that a leader will speak on the issues with clarity, so that people will know where that leader actually stands. On an issue which is vitally important to my home State of Michigan as well as every State in the Great Lakes Basin, Senator John Kerry has been less than clear. The issue is the potential for diversion of the Great Lakes.

Recently the Democratic presidential nominee was asked by the Detroit Free Press where he stood on this issue and he responded: "It is a delicate balancing act that needs to focus on national priorities." What does that mean? The next day his supporters said he really did not mean what he said. For the State of Michigan, the Great Lakes State, as well as States like New York and Pennsylvania, Ohio, Minnesota, Wisconsin, Illinois and Indiana, those of us who recognize what a magnificent natural resource the Great Lakes are and what they mean to us, we need to look very closely at what Senator KERRY has in mind for us, even if this is another issue that he wants to flip-flop on. We cannot take the risk.

HONORING PRESIDENT JAMES MONROE

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to honor an incredible American statesman and native of Virginia's First District, which I have the privilege of representing in this House. James Monroe was born this day in 1758 in Westmoreland County, Virginia, and spent much of his life in what is now Virginia's First Congressional District. He attended the College of William and Mary and practiced law in Fredericksburg before becoming a U.S. Senator, Minister to France, negotiator of the Louisiana Purchase in 1803 and ultimately our Nation's fifth President.

James Monroe is perhaps best remembered for his December 2, 1823 message to Congress that is now known as the Monroe Doctrine. James Monroe forged an independent American foreign policy and signaled the end of Old World colonization of the Americas.

James Monroe will forever be remembered in the hearts and minds of all Americans, but he will always have a special place for citizens of the Commonwealth of Virginia.

CONCERNING YESTERDAY'S PLEDGE OF ALLEGIANCE

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, yesterday a Member of Congress led the House in the Pledge of Allegiance using his own personal version. He left the phrase out "under God" from our Pledge. While he may not love "under God" in our country's pledge, God still loves him.

God still loves him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART II

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4219) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The Clerk read as follows:

H.R. 4219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Extension Act of 2004, Part II".

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110; 118 Stat. 478) is amended by striking "and the Surface Transportation Extension Act of 2004" and inserting ", the Surface Transportation Extension Act of 2004, and the Surface Transportation Extension Act of 2004, Part II".

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking "$1,633,333,333" and inserting "$2,100,000,000".

(2) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking "April 30" inserting "June 30".

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 478) is amended by striking "$18,876,841,666 for the period of October 1, 2003, through April 30, 2004" and inserting "$24,270,225,000 for the period of October 1, 2003, through June 30, 2004".

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111; 118 Stat. 478) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "April 30" and inserting "June 30";

(B) in subparagraph (A) by inserting after "of 2004" the following: "and the Surface Transportation Extension Act of 2004, Part II"; and

(C) in subparagraph (B) by striking "$\frac{7}{12}$" and inserting "$\frac{9}{12}$";

(2) in paragraph (2)—

(A) by striking "April 30" and inserting "June 30";

(B) by striking "$19,741,750,000" and inserting "$25,382,250,000"; and

(C) by striking "$372,750,000" and inserting "$479,250,000"; and

(3) in paragraph (3) by striking "April 30" and inserting "June 30".

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2003 (117 Stat. 1113; 118 Stat. 479) is amended by striking "$262,500,000" and inserting "$337,500,000".

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113; 118 Stat. 479) is amended—

(i) in the first sentence by striking "$160,416,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$206,250,000 for the period of October 1, 2003, through June 30, 2004"; and

(ii) in the second sentence by striking "$7,583,333" and inserting "$9,750,000".

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480) is amended by striking "$143,500,000 for the period of October 1, 2003, through April 30, 2004" and inserting "$184,500,000 for the period of October 1, 2003, through June 30, 2004".

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480) is amended by striking "$96,250,000 for the period of October 1, 2003, through April 30, 2004" and inserting "$123,750,000 for the period of October 1, 2003, through June 30, 2004" .

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480) is amended by striking "$11,666,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$15,000,000 for the period of October 1, 2003, through June 30, 2004".

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114; 118 Stat. 480) is amended by striking "$81,666,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$105,000,000 for the period of October 1, 2003, through June 30, 2004".

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480) is amended by striking "$22,166,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$28,500,000 for the period of October 1, 2003, through June 30, 2004".

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114; 118 Stat. 480) is amended—

(i) in clause (i) by striking "$5,833,333" and inserting "$7,500,000";

(ii) in clause (ii) by striking "$2,916,667" and inserting "$3,750,000"; and

(iii) in clause (iii) by striking "$2,916,667" and inserting "$3,750,000".

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480) is amended by striking "$16,041,666 for the period of October 1, 2003, through April 30, 2004" and inserting "$20,625,000 for the period of October 1, 2003, through June 30, 2004" .

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480) is amended by striking "$6,416,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$8,250,000 for the period of October 1, 2003, through June 30, 2004".

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480) is amended by striking "$2,916,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$3,750,000 for the period of October 1, 2003, through June 30, 2004".

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such

Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 481) is amended by striking "$64,166,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$82,500,000 for the period of October 1, 2003, through June 30, 2004".

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114; 118 Stat. 481) is amended by striking "$291,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$375,000 for the period of October 1, 2003, through June 30, 2004".

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114; 118 Stat. 481) is amended by striking "$14,583,333 for the period of October 1, 2003, through April 30, 2004" and inserting "$18,750,000 for the period of October 1, 2003, through June 30, 2004".

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

"(F) $105,000,000 for the period of October 1, 2003, through June 30, 2004.";

(B) in subsection (a)(2) by striking "$1,166,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$1,500,000 for the period of October 1, 2003, through June 30, 2004"; and

(C) in the item relating to fiscal year 2004 in the table contained in subsection (c) by striking "$1,516,666,667" and inserting "$1,950,000,000".

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481) is amended by striking "$61,250,000 for the period of October 1, 2003, through April 30, 2004" and inserting "$78,750,000 for the period of October 1, 2003, through June 30, 2004".

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481) is amended by striking "$32,083,334 for the period of October 1, 2003, through April 30, 2004" and inserting "$41,250,000 for the period of October 1, 2003, through June 30, 2004".

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481) is amended by striking "$12,250,000 for the period of October 1, 2003, through April 30, 2004" and inserting "$15,750,000 for the period of October 1, 2003, through June 30, 2004".

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481) is amended by striking "$18,083,333 for the period of October 1, 2003, through April 30, 2004" and inserting "$23,250,000 for the period of October 1, 2003, through June 30, 2004".

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481) is amended by striking "$67,083,334 for the period of October 1, 2003, through April 30, 2004" and inserting "$86,250,000 for the period of October 1, 2003, through June 30, 2004".

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482) is amended by striking "$72,333,334 for the period of October 1, 2003, through April 30, 2004" and inserting "$93,000,000 for the period of October 1, 2003, through June 30, 2004".

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482) is amended by striking "$15,750,000 for the period of October 1, 2003, through April 30, 2004" and inserting "$20,250,000 for the period of October 1, 2003, through June 30, 2004".

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116; 118 Stat. 482) is amended by striking "$140,000,000 for the period of October 1, 2003, through April 30, 2004" and inserting "$180,000,000 for the period of October 1, 2003, through June 30, 2004".

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116; 118 Stat. 482) is amended by striking "$21,233,333 for the period of October 1, 2003, through April 30, 2004" and inserting "$27,300,000 for the period of October 1, 2003, through June 30, 2004".

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 482) is amended by striking "$10,966,666 for the period of October 1, 2003, through April 30, 2004" and inserting "$14,100,000 for the period of October 1, 2003, through June 30, 2004".

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat. 482) is amended by striking "$291,667 for the period of October 1, 2003, through April 30, 2004" and inserting "$375,000 for the period of October 1, 2003, through June 30, 2004".

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 482) is amended—

(1) by striking "$58,333,333" and inserting "$75,000,000"; and

(2) by striking "April 30" and inserting "June 30".

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 482) is amended—

(1) by striking "$58,333,333" and inserting "$75,000,000"; and

(2) by striking "April 30" and inserting "June 30".

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 482) is amended by striking "$437,500 for the period of October 1, 2003, through April 30, 2004" and inserting "$562,500 for the period of October 1, 2003, through June 30, 2004".

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 482) is amended—

(1) by striking "$3,062,500" and inserting "$3,937,500";

(2) by striking "$145,833" and inserting "$187,500"; and

(3) by striking "April 30" each place it appears and inserting "June 30".

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 482) is amended—

(1) in paragraph (1) by striking "$5,833,333 for the period of October 1, 2003, through April 30, 2004" and inserting "$7,500,000 for the period of October 1, 2003, through June 30, 2004"; and

(2) in paragraph (2) by striking "$5,833,333 for the period of October 1, 2003, through April 30, 2004" and inserting "$7,500,000 for the period of October 1, 2003, through June 30, 2004".

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118; 118 Stat. 483) is amended—

(1) by striking "and section 5 of the Surface Transportation Extension Act of 2004" and inserting ", section 5 of the Surface Transportation Extension Act of 2004, and section 4 of the Surface Transportation Extension Act of 2004, Part II"; and

(2) by striking "or the amendment made by section 4(a)(1) of such Act" and inserting ", the amendment made by section 5(a)(1) of the Surface Transportation Extension Act of 2004, or the amendment made by section 4(a)(1) of the Surface Transportation Extension Act, Part II".

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119; 118 Stat. 483) is amended—

(1) by striking "and section 5 of the Surface Transportation Extension Act of 2004" and inserting ", section 5 of the Surface Transportation Extension Act of 2004, and section 4 of the Surface Transportation Extension Act of 2004, Part II";

(2) by striking "and by section 5 of such Act" and inserting ", by section 5 of the Surface Transportation Extension Act of 2004, and by section 4 of the Surface Transportation Extension Act of 2004, Part II"; and

(3) by striking "and by section 5 of such Act" and inserting ", by section 5 of the Surface Transportation Extension Act of 2004, and by section 4 of the Surface Transportation Extension Act of 2004, Part II".

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119; 118 Stat. 483) is amended by striking "and section 5 of the Surface Transportation Extension Act of 2004" and inserting ", section 5 of the Surface Transportation Extension Act of 2004, and section 4 of the Surface Transportation Extension Act of 2004, Part II".

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking "$65,333,333 for the period of October 1, 2003, through April 30, 2004" and inserting "$84,000,000 for the period of October 1, 2003, through June 30, 2004".

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking "$70,000,000 for the period of October 1, 2003, through April 30, 2004" and inserting "$90,000,000 for the period of October 1, 2003, through June 30, 2004".

SEC. 6. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

"(6) $7,499,999 for the period of October 1, 2003, through June 30, 2004;".

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the paragraph heading by striking "7 MONTHS" and inserting "9 MONTHS";

(2) in the matter preceding subparagraph (A) by striking "$47,833,333" and inserting "$61,499,999";

(3) in subparagraph (A) by striking "$5,833,333" and inserting "$7,499,999"; and

(4) in subparagraph (B) by striking "$4,666,667" and inserting "$6,000,001".

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$2,916,667" and inserting "$3,750,001"; and

(2) by striking "$1,166,667" and inserting "$1,500,001".

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "April 30, 2004" and inserting "June 30, 2004";

(B) in subparagraph (A) by striking ", except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which $699,642,775 will be available" and inserting ", except for the period beginning on October 1, 2003, and ending on June 30, 2004, during which $899,540,711 will be available";

(C) in subparagraph (B) by striking ", except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which $767,657,109 will be available" and inserting ", except for the period beginning on October 1, 2003, and ending on June 30, 2004, during which $986,987,712 will be available"; and

(D) in subparagraph (C) by striking ", except for the period beginning on October 1, 2003 and ending on April 30, 2004, during which $352,110,220 will be available" and inserting ", except for the period beginning on October 1, 2003, and ending on June 30, 2004, during which $452,713,140 will be available;

(2) by amending paragraph (2)(B)(iii) to read as follows:

"(iii) OCTOBER 1, 2003 THROUGH JUNE 30, 2004.—Of the amounts made available under paragraph (1)(B), $7,753,980 shall be available for the period beginning on October 1, 2003, and ending on June 30, 2004, for capital projects described in clause (i).";

(3) in paragraph (3)(B)—

(A) by striking "$1,750,000" and inserting "$2,236,725"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004"; and

(4) in paragraph (3)(C)—

(A) by striking "$28,994,583" and inserting "$37,278,750"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004".

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is amended by striking "April 30, 2004" and inserting "June 30, 2004".

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking "APRIL 30, 2004" and inserting "JUNE 30, 2004";

(2) in paragraph (2)(A)(vi)—

(A) by striking "$1,780,963,287" and inserting "$2,289,809,940"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004";

(3) in paragraph (2)(B)(vi)—

(A) by striking "$445,240,822" and inserting "$572,452,485"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004"; and

(4) in paragraph (2)(C) by striking "April 30, 2004" and inserting "June 30, 2004".

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (117 Stat. 1122) is amended to read as follows:

"(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH JUNE 30, 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through June 30, 2004—

"(1) $3,616,001 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

"(2) $37,278,750 shall be available for bus and bus facilities grants under section 5309 of such title;

"(3) $67,588,463 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

"(4) $179,391,044 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

"(5) $5,181,748 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

"(6) $2,569,206,421 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.".

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "APRIL 30, 2004" and inserting "JUNE 30, 2004";

(2) in subparagraph (A)(vi)—

(A) by striking "$1,819,410,104" and inserting "$1,871,393,250"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004"; and

(3) in subparagraph (B)(vi)—

(A) by striking "$363,882,021" and inserting "$467,848,313"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004".

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "APRIL 30, 2004" and inserting "JUNE 30, 2004";

(2) in subparagraph (A)(vi)—

(A) by striking "$33,981,652" and inserting "$43,690,695"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004"; and

(3) in subparagraph (B)(vi)—

(A) by striking "$8,350,440" and inserting "$10,736,280"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004".

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "APRIL 30, 2004" and inserting "JUNE 30, 2004";

(2) in subparagraph (A)(vi)—

(A) by striking "$24,471,428" and inserting "$31,463,265"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004";

(3) in subparagraph (B)(vi)—

(A) by striking "$6,262,830" and inserting "$8,052,210"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004"; and

(4) in subparagraph (C) by striking "April 30, 2004" and inserting "June 30, 2004".

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 (118 Stat. 486) is amended to read as follows:

"(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH JUNE 30, 2004.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through June 30, 2004—

"(1) not less than $3,914,269 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

"(2) not less than $6,150,994 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

"(3) not less than $2,982,300 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than $745,575 to carry out section 5315(a)(16) of such title; and

"(4) any amounts not made available under paragraphs (1) through (3) shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.".

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "APRIL 30, 2004" and inserting "JUNE 30, 2004";

(2) in subparagraph (A)—

(A) by striking "$2,783,480" and inserting "$3,578,760"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004";

(3) in subparagraph (B)—

(A) by striking "$695,870" and inserting "$894,690"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004"; and

(4) in subparagraph (C) by striking "April 30, 2004" each place it appears and inserting "June 30, 2004".

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 (118 Stat. 487) is amended to read as follows:

"(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

"(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through June 30, 2004—

"(A) $1,491,150 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

"(B) $1,491,150 shall be available for the center identified in section 5505(j)(4)(F) of such title.

"(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of title 49, United States Code, any amounts made available under such section for the period October 1, 2003, through June 30, 2004, that remain after distribution under paragraph (1), shall be available for the purposes specified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).".

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 487) is amended by striking "April 30, 2004" and inserting "June 30, 2004".

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "APRIL 30, 2004" and inserting "JUNE 30, 2004";

(2) in subparagraph (A)(vi)—

(A) by striking "$35,025,457" and inserting "$45,032,730"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004"; and

(3) in subparagraph (B)(vi)—

(A) by striking "$8,756,364" and inserting "$11,258,183"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004".

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)(vi)—

(A) by striking "$57,989,167" and inserting "$74,557,500"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004";

(2) in paragraph (1)(B)(vi)—

(A) by striking "$14,497,292" and inserting "$18,639,375"; and

(B) by striking "April 30, 2004" and inserting "June 30, 2004";

(3) in paragraph (2) by striking "April 30, 2004, $5,798,917" and inserting "June 30, 2004, $7,455,750"; and

(4) in paragraph (4) by striking "$11,597,833" and inserting "$14,911,500".

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note; 118 Stat. 488) is amended—

(1) in paragraph (1)(F)—

(A) by striking “$3,044,431” and inserting “$3,914,268”; and

(B) by striking “April 30, 2004” and inserting “June 30, 2004”; and

(2) in paragraph (2)—

(A) by striking “$985,816” and inserting “$1,267,478”; and

(B) by striking “April 30, 2004” and inserting “June 30, 2004”.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “APRIL 30, 2004” and inserting “JUNE 30, 2004”; and

(2) in subparagraph (A) by striking “April 30, 2004” and inserting “June 30, 2004”;

(o) OBLIGATION CEILING.—Section 3040(6) of the Federal Transit Act of 1998 (112 Stat. 394; 118 Stat. 488) is amended—

(1) by striking “$4,238,428,192” and inserting “$5,449,407,675”; and

(2) by striking “April 30, 2004” and inserting “June 30, 2004”.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal Transit Act of 1998 (112 Stat. 361; 118 Stat. 489) is amended—

(1) by striking “April 30, 2004” and inserting “June 30, 2004”; and

(2) by striking “$2,812,475” and inserting “$3,616,039”.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note; 118 Stat. 489) is amended—

(1) by striking “April 30, 2004,” and inserting “June 30, 2004”; and

(2) by striking “$2,812,475” and inserting “$3,727,876”.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 489) is amended by striking “April 30, 2004” each place it appears and inserting “June 30, 2004”.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379; 118 Stat. 489) is amended by striking “April 30, 2004” each place it appears and inserting “June 30, 2004”.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note; 118 Stat. 489) is amended—

(1) in paragraph (1) by striking “and by section 9 of the Surface Transportation Extension Act of 2004” and inserting “, by section 9 of the Surface Transportation Extension Act of 2004, and by section 7 of the Surface Transportation Extension Act of 2004, Part II”; and

(2) in paragraph (2) by striking “7/12” and inserting “9/12”.

(u) LOCAL SHARE.—Section 3011(a) of the Federal Transit Act of 1998 (49 U.S.C. 5307 note; 118 Stat. 489) is amended by striking “April 30” and inserting “June 30”.

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489) is amended by striking “, and $96,250,000 for the period of October 1, 2003, through April 30, 2004” and inserting “, and $123,019,875 for the period of October 1, 2003, through June 30, 2004”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489) is amended by striking “$42,000,000 for the period of October 1, 2003, through April 30, 2004” and inserting “$53,681,400 for the period of October 1, 2003, through June 30, 2004”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS-.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489) is amended by striking “$11,666,700 for the period of October 1, 2003, through April 30, 2004” and inserting “$14,911,500 for the period of October 1, 2003, through June 30, 2004”.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489) is amended by striking “$23,333,300 for the period of October 1, 2003, through April 30, 2004” and inserting “$29,823,000 for the period of October 1, 2003, through June 30, 2004”.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 490) is amended by striking “$2,100,000 for the period of October 1, 2003, through April 30, 2004” and inserting “$2,684,070 for the period of October 1, 2003, through June 30, 2004”.

SEC. 9. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120; 118 Stat. 490) is amended by striking “$102,467,000 for the period October 1, 2003 through April 30, 2004”, and inserting “$131,811,967 for the period October 1, 2003, through June 30, 2004”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

“(7) Not more than $126,519,126 for the period of October 1, 2003, through June 30, 2004.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

“(5) $14,972,678 for the period of October 1, 2003, through June 30, 2004.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended—

(A) by striking “April 30,” and inserting “June 30,”; and

(B) by striking “$582,000” and inserting “$748,634”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended—

(1) by striking “$582,000” and inserting “$748,634”; and

(2) by striking “April 30” and inserting “June 30”.

SEC. 10. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking “May 1, 2004” and inserting “July 1, 2004”,

(B) by striking “or” at the end of subparagraph (F),

(C) by striking the period at the end of subparagraph (G) and inserting “, or”,

(D) by inserting after subparagraph (G), the following new subparagraph:

“(H) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part II.”, and

(E) in the matter after subparagraph (H), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004” and inserting “Surface Transportation Extension Act of 2004, Part II”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “May 1, 2004” and inserting “July 1, 2004”,

(B) in subparagraph (D), by striking “or” at the end of such subparagraph,

(C) in subparagraph (E), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (E) the following new subparagraph:

“(F) the Surface Transportation Extension Act of 2004, Part II”, and

(E) in the matter after subparagraph (F), as added by this paragraph, by striking “Surface Transportation Extension Act of 2004” and inserting “Surface Transportation Extension Act of 2004, Part II”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking “May 1, 2004” and inserting “July 1, 2004”.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2004” each place it appears and inserting “Surface Transportation Extension Act of 2004, Part II”.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “May 1, 2004” and inserting “July 1, 2004”, and

(B) by striking “Surface Transportation Extension Act of 2004” and inserting “Surface Transportation Extension Act of 2004, Part II”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “May 1, 2004” and inserting “July 1, 2004”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on June 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

The legislation now before us will continue for an additional 2 months the highway construction, highway safety, transit, motor carrier and surface transportation research programs. These programs will be continued under current law program structures and conditions.

This bill is necessary in order to give the House Committee on Transportation and Infrastructure and our colleagues in the Senate time to conference our two versions of the multiyear surface transportation bill.

H.R. 4219 provides over $31 billion in new funding authority, which reflects 9 months' worth, or nine-twelfths of the budget authority and associated outlays in the 2004 budget resolution that Congress passed earlier this year.

As the House knows, we recently passed by 357 votes H.R. 3550, the Transportation Equity Act: A Legacy For Users. This bill will help the country maintain and begin to improve our aging and deteriorating transportation infrastructure.

Although H.R. 3550 is funded at a much lower level than it was originally introduced, $275 billion in guaranteed funding instead of the $375 billion the Committee on Transportation and Infrastructure supported, it is a balanced and good bill that will help stimulate and support the economy, decrease congestion and make our highways safer.

Until H.R. 3550 can be conferenced with the Senate-passed bill, this 2-month extension through June 30 is a must-pass bill. If we do not pass this bill and send it to the President before Friday of this week, four Department of Transportation agencies will close their doors and furlough their employees: the Federal Highway Administration, Federal Transit Administration, the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration.

If we do not pass this extension, new highway projects will be shelved, States will not be reimbursed the Federal share of projects, safety grants will not be provided to States, transit construction will be halted, and Federal enforcement of motor carrier safety regulations on the highways and at our borders will suffer.

It is crucial that H.R. 4219 be passed by both the House and Senate and delivered to the President by April 30, if not before. Our economy cannot withstand the shutdown of the national surface transportation programs.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, once again time has run out on our effort to reauthorize the core mobility program of America, our Federal highway public transit and transportation safety programs. The Transportation Equity Act for the 21st Century expired 7 months ago, on September 30, 2003. On September 24, in consideration of that bill, I said, "I'm afraid we'll be back here on this floor once again pleading for another extension of time to keep transportation programs from once again expiring. I do not want to be back on this floor saying again what I said 6 years ago in 1997, time is running out."

Well, here we are. In the words of an icon of the other party, here we go again. We passed the 5-month extension bill last fall carrying programs through February 29, kind of a mystical date. It appears once every 4 years. So here we are mystically appearing once again, pleading for another short-term extension through the end of June. Who is going to give me odds we are going to be back here in June saying, please, another extension of time so we do not shut down our transportation programs.

□ 1030

Why? Because, for the first time in my nearly 30 years as a member of this committee, as a member, and another 11 years as a member of the staff of that committee, ideology, not good public bipartisan transportation policy, is driving this process.

Despite the fact that we overwhelmingly in both this body and the other body passed 6-year highway transit reauthorization bills weeks ago, there has been no motion to go to conference, no appointment of conferees, no meeting of staff, except for one. Why? Frankly, because the leadership of this body has allowed the Congress to be treated like a parliamentary institution, an extension of the executive; one that works at the direction of, in our government, the President, a President who strongly opposes increased investment at the level that his own Department of Transportation said we need to make. So we have become swept up, pawns in the political agenda, of some operatives over there at 1600 Pennsylvania Avenue.

Now, step back from that for a moment. This committee, working in the bipartisan tradition, long-standing, and under the able and distinguished stewardship of the chairman of the full committee, the gentleman from Alaska (Chairman YOUNG); the chairman of the Subcommittee on Highways, Transit and Pipelines (Mr. PETRI); the ranking member, the gentleman from Illinois (Mr. LIPINSKI); and myself left politics at the door.

Oh, we had differences on how these programs should be crafted, but we worked through them. We spent hours working shoulder to shoulder crafting appropriate language to meet what from different viewpoints we saw, and, in most cases, the same viewpoints, are necessary actions to take for the good of mobility and productivity in America.

Last November, 73 members of our committee introduced a bill to authorize $375 billion for highway transit transportation safety programs over the next 6 years. We did not pull that number out of thin air. It was prepared by the Department of Transportation at the direction of the committee in TEA–21 to design the pathway to what we need to do in the 6 years following on TEA–21, that number, $375 billion, to stem the tide of crippling congestion that chokes America's seaports, major transportation arteries, our center cities, our suburbs, and even our rural areas. But that bill is still in committee.

We did have a voice vote reported out and put aside with common agreement because the leadership of this body made it clear to the leadership of our committee that a bill at $375 billion would never see the light of day on the House floor.

Okay, let us go along with this. Let us get another number we can agree on. So we cut the bill $100 billion. On April 2, we considered that bill. We passed it overwhelmingly, by 357 to 65. You pass constitutional amendments by votes like that. Now that vote, that bipartisan overwhelming vote is being cast aside, saying, sorry, we cannot do that.

The other body passed a bill at $318 billion. Their vote was 76 to 21. Well, that is a vote that also could pass a constitutional amendment. These are not just squeaker votes, like some we have had in this body.

So you would think with such overwhelming bipartisan support that there would be a committee of conference at work to resolve the differences between the two bills. No motion has been made to go to conference; no appointment of conferees; Members have not met with each other. In fact, in 25 days since the House passed its bill, the respective staffs have met only once, and the Republican staff in the other body told our combined staff that their leadership would not allow them to meet on anything substantive. Well, that does not make any sense either.

Then we read in the papers about meetings of House and Senate Republicans and the White House to determine the most critical issue in this bill, the dollar amount. Now, that is a little strange. We have stood shoulder to shoulder, meeting to meeting, kneecap to kneecap, Members and staff, for months. Not just an occasional meeting. Our staff worked over weekends. Members met morning, afternoon and evening, Democrats and Republicans, to craft something we thought was in the best interests of the country. And we are not invited to 1600 Pennsylvania Avenue, or wherever they meet, to fashion the key issue in this legislation?

I do not understand it. That does not make any sense. That is not the pathway to progress for America.

If we passed the $375 billion bill, which we could do by the end of May, we would have 475,000 new jobs in the workplace by Labor Day. We would have $80 billion of total economic activity in the workplace. We would have a surging national economy. George Bush would be on his way to reelection.

I say to people I have never worked so hard to elect a Republican President in my life. But they do not want it. So here we are.

Their bill, their idea of progress for America, is $256 billion. That is flatline budgeting over the next 6 years; not an additional dollar in real dollars, when you take into account inflation, and not one additional job in the marketplace. And we know that. That is why we reported out a bill, or attempted to report out a bill, at $375 billion. Both sides know this.

So here we are, caught in the swirl and swirling around of political ideology. Maybe we ought to have the Presidential election next Tuesday, get it over, out of our bloodstream, and then we can go on and pass real policy for America. I say that somewhat facetiously, but this election-year jitters that has its hand gripped around the throat of the most important policy initiative, transportation, that improves productivity, mobility of America, keeps us competitive in the world marketplace, is choking off our ability to compete and our ability to move ahead, to create jobs in America and do what is right for this country.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I want to commend the distinguished ranking member of the full committee for his remarks and his observations. I would agree with most of them. I have had the pleasure of serving with the gentleman from Minnesota for 10 years now, and his institutional knowledge, not only about transportation issues but all issues that come before this body, is second to none; and I have nothing but the greatest respect for him.

I do have to tell him, however, that the distinguished subcommittee chair indicates that Ronald Reagan actually said "There you go again," not "Here we go again." But other than that, it was exactly right and on point.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I just wanted to depersonalize it. I did say "paraphrase."

Mr. LATOURETTE. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, this is an embarrassing time for members of the Committee on Transportation and Infrastructure because a bill that is supposed to improve traffic is now stuck in traffic. In Ohio, where I am from, we always joke about the fact that our State flower is the orange barrel or the orange cone. We do not have that going on in Ohio now, but construction projects all across the country are stuck in traffic.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) have correctly stated all the statistics and figures about why this is an important bill to keep America moving, why it is important for jobs.

The last time we did this extension I talked about that AASHTO came up with an estimate that if we had done our work and if this bill signed into law before the last bill, TEA-21, expired on September 30, we would have 90,000 jobs in the economy already, we would have $2 billion of investment, and every extension that we have to come to the floor and ask for continues that.

This committee did its job. This committee adopted the Department of Transportation numbers indicating that we need $375 billion of highway investment over the next 6 years to keep America moving.

Now, I know that the leader of this House, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), is committed to getting this bill done; and I hope and pray, I read in the newspaper there is going to be a meeting tomorrow, I would hope that the wisdom descends upon all those participating in this meeting and we get this bill done, we get Americans to work, we build roads and that the orange cone State flower of Ohio blooms again in May.

Mr. OBERSTAR. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to thank the distinguished gentleman from Ohio. Would there were more like him on both sides of the aisle, a fountain of reasonableness, a center of constructive thought, a Member who really cares about the direction of the Nation and about the programs under the jurisdiction of our committee.

Let me also concur with the gentleman from Ohio about the intentions of our Speaker. He has vigorously advocated with the executive branch for a robust bill and has told me, as well as others, that he was not making progress; that there was a determination to stay away from the 5 cent increase in the highway user fee, and that was going to affect the funding level of the successor transportation bill.

The gentleman from Alaska (Chairman YOUNG), to his everlasting credit, has proven to be a vigorous, forceful leader for the programs of our committee. He has taken the message of our $375 billion bill to the House Republican Conference, to the White House, to the Office of Management and Budget, to the contractor community, and has vigorously advocated for a full, vigorous funding of our transportation programs. We are not there for no lack of effort by our committee leadership, goodness knows.

The gentleman from Wisconsin (Chairman PETRI), Mr. Speaker, has traveled the Nation to points of great congestion, of great transportation need, to advocate the case for a vigorous, robust transportation bill. I have done the same. We have worked side by side to try to advance this cause that we know is the right thing to do; and, regrettably, we are stymied by ideology.

When the Congress established the Highway Trust Fund in 1956 as the mechanism with which to launch the interstate highway program, it crafted out of extensive deliberation a funding mechanism, the highway user fee. It was set at 4 cents in 1956. The next year, 1957, President Eisenhower, who was the stimulus for the interstate highway program, said move it ahead, get going. He signed the bill and agreed to that additional 1 cent increase, because he knew, as Congress knew and the Bureau of Public Roads, as it was called in those days, now the Federal Highway Administration, knew, that it would take more than the amount that the 4 cents was yielding to build the interstate.

They did the right thing. They saw. They had a vision of where America needed to go, because at the rate of fatalities on the Nation's highways in 1956, it was projected we would be killing 110,000 people a year on America's highways if we did not move ahead with a four-lane, divided access, controlled superhighway system that would link America coast to coast and border to border, theoretically traveling the Nation without hitting a stoplight, although that is not, in practice, possible any more.

But it was the right thing. And it was a Republican President who had the vision and the courage to stand up and say we need to invest in a pay-as-you-go system, although that was not called such at the time.

Subsequent increases in the highway user fee have been signed into law by President Nixon, President Reagan, and President Bush One.

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Why not this one?

There is, I will not say no, there is minimal opposition to the highway user fee. And when we have an opportunity, as the gentleman from Wisconsin (Chairman PETRI) knows, as we have sat with editorial boards, we spell it out, we spell it out to the traveling public, they understand it, they get it. There is accountability in the Highway Trust Fund, in the highway user fee. People know they pay at the pump and they drive away on the road, and it improves their driving experience.

This is the most effective, sensible, sustainable mechanism in the Federal Government, apart from the Social Security Trust Fund, maybe it is even better than the Social Security Trust Fund, to invest in America. Why is there opposition to it? This has nothing to do with the budget deficit. We cannot spend more money than is available in the Highway Trust Fund because there is an anti-deficiency provision in the basic law that says you cannot run a deficit, and it never has and it never will. So get off it.

When we introduced this bill a year and a half ago, the price of gasoline was $1.35. It is $1.95 now, at least here in the Washington area; it is a little bit less in other parts of the country. Where has all that money gone from the price increase at the pump? It has gone overseas, nearly all of it. We are importing better than 50 percent of our fuel, and not a penny of that increase has gone to build new roads or new bridges or buy new buses or light rail systems. That is all going to line the pockets of the oil billionaires and Sheikhs overseas.

But the 5-cent increase will be invested right here at home, right here in the good of America, right here in jobs. We have talked about the flights of jobs from America overseas. The job that cannot be built, that cannot be created in China, in Taiwan, in Korea, in Japan, in Thailand is the job of building a road in front of our homes. That job stays here in America.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this bill. I appreciate his eloquence and the leadership that we have had from our committee.

The gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Ranking Member OBERSTAR), the gentleman from Wisconsin (Chairman PETRI), and the gentleman from Illinois (Ranking Member LIPINSKI) have worked hard to keep faith with this body, to deliver a transportation bill that is right sized for America's needs.

In that effort, they have kept faith with the broadest coalition we have seen in the history of infrastructure development. We have everybody from the Chamber of Commerce to the Sierra Club, the bicyclists, to the people who put down asphalt, to the women who are frankly the single most aggressive, articulate, and I think intimidating spokespeople, the Women's Garden Club of America, all are arrayed behind the principle that this country should invest in the infrastructure that we need for today and for tomorrow.

Our committee has responded under the leadership of the gentlemen I just mentioned. We have worked with the other body. It is not what America needs, but it is in keeping with the realities that we can get through this Congress. It is a concession to the administration, although what we will settle for is far less than what we know America needs. We have scaled down. The administration to this point is saying that unless there is a 10 percent cut in real transportation spending over the next 6 years, they will not let it pass.

That is unconscionable. We have an opportunity to draw upon money that Americans have invested in trust funds. We have an opportunity to generate more tax dollars by this strategic investment. We have an opportunity not just to keep faith with our colleagues and with this broad coalition; we have an opportunity to keep faith with the American public. We have bridges that are crumbling. We have economic opportunities in our cities. We have a chance to take this coalition that is alive and well in every State, every region, every city to bring it together with local and private resources that will turn the economy around. It will make our communities more livable, it will make our families safer, healthier, and more economically secure.

We have reached the point, if we cannot, with this extension, reach agreement for this minimally-sized package that the House and the Senate is working on, then I think we ought to just admit the wheels have fallen off, extend it for another 8 months until we get past the election. Then, maybe, we can act like grownups and give Americans the transportation bill they deserve.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I wish I was standing here on the floor today urging passage of a conference report meeting our Nation's transportation needs. Instead, I urge my colleagues to support a further 2-month extension of the existing program so that conferees can be appointed and we can work with the Senate toward the end of meeting our Nation's transportation needs. This is what we need to do under the circumstances, and do it promptly.

Mr. BACA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in support of H.R. 4219. While I support this extension, I am very concerned that we are here to punt on our legislative duties, like we have done all too many times. The transportation reauthorization expired last fall, but Congress has refused to more past partisan wrangling and political rhetoric so that we can achieve true compromise.

The White House has already cost our Nation 1.8 million jobs by threatening to veto any bill that does not cut transportation spending below the amount Congress authorized nearly a decade ago. I support an extension, but it is critical that Congress get the full six-year surface transportation authorization bill enacted into law to bolster our economy and create good-paying jobs.

While people in Wall Street talk of recovery, working families everywhere are still seeing their jobs being sent overseas. While the White House economic policy advisors argue for shipping jobs overseas, working families everywhere are relying on charity, food stamps, and more than one part-time job just to keep a roof over their head and clothes on their back. Our economy is suffering from a huge jobs deficit. Since the beginning of the Bush Administration, 2.6 million private sector jobs have been lost. 8.4 million people are looking for work, and 4.7 million people are working part-time for economic reasons.

We need to create jobs, and every month that the transportation reauthorization is delayed is costing jobs for construction workers, truckers, steelworkers, electricians, and the millions of Americans that in one way or another benefit from the reauthorization. The average length of unemployment is the worst in 20 years, and two million people have been unemployed for at least six months. If Republicans and the White House indeed have no economic plan other than outsourcing our prosperity to China and India, they should pass a full six-year reauthorization.

We need a full reauthorization of transportation funding for the sake of California and the Nation. Jobs are at stake, and In-and-Out Burger cannot alone hire the hundreds of thousands of Californians out of work because of our Administration's misguided economic policies.

Mr. Speaker, I urge my colleagues to support H.R. 4219, but also encourage our Republican Congressional leaders and White House to come up with a job creation strategy that creates jobs in the United States, not Shanghai.

Mr. GREEN of Texas. Mr. Speaker, on February 11, 2004, I supported H.R. 3783, legislation to provide an extension of the transportation programs funded out of the Highway Trust Fund pending enactment of a reauthorization of the Transportation Equity Act for the 21st Century (TEA–21). I will also support H.R. 4219 today, but I am extremely frustrated with this process.

Here Americans are again, more than two months later, still waiting to see how many crumbs this Administration is willing to throw to our Nation's transportation infrastructure. The fact that Congress must approve another temporary extension of the Highway Trust Fund programs shows the lack of concern in the White House for America's transportation.

I support H.R. 3550, the Transportation Equity Act, a Legacy for Users, the product of the hard and tireless work of two well respected members of the House, Transportation and Infrastructure Chairman DON YOUNG and Ranking Member JIM OBERSTAR. I supported H.R. 3550 at the full authorized level of $375 billion through 2009. Chairman YOUNG did pull that out of the air. That number came from the non-partisan career staff at the U.S. Department of Transportation. $375 billion requires indexing the gas tax for inflation, an idea I have supported since my days in the

Texas State Legislature. I support that proposal only if every cent we pay at the pump to the Federal government goes to transportation. That is current law.

While the Administration refuses to accept non-partisan analysis, we are willing to accept the Senate's $318 billion level, $57 billion less than is necessary for a mobility improvement. Even this bi-partisan legislation is opposed by narrow ideological interests in the White House and House leadership who are blind to the number-one local issue in Houston, Texas—mobility.

To satisfy ultra-conservative groups that do not believe in Federal taxes of any kind, the Administration is willing to watch our highways and bridges crumble and rust. The Administration should be more concerned about putting Americans back to work. Each billion spent on infrastructure creates 47,500 American jobs, with 3.5 million jobs to be generated and sustained through 2009 under H.R. 3550, including over 200,000 jobs in Texas.

Since roads are not built for free, rational people support a level of Federal tax necessary to pay for national defense, Medicare, Medicaid, Social Security, and transportation infrastructure. The Administration does not grasp this, and here are some consequences for my constituents.

Residents in my community lose an average of 37 hours and 60 gallons of gas each year in congested traffic. That is $2.1 billion, every year, in productivity and fuel, and congestion has been getting worse. These figures are from Texas A&M's Texas Transportation Institute's 2003 Urban Mobility Report. Texas mobility is also impacted severely by the fact that 10 cents of every dollar we pay in gasoline taxes goes to other States. I strongly believe that Texas deserves at least 95 percent of Texas gas tax revenue for Texas transportation projects and have cosponsored legislation, H.R. 2208, to that effect.

But as we saw during the House vote on the Isakson amendment to H.R. 3550, it is hard to increase our slice of the pie to a fair level unless the pie is big enough to pay for the Nation's needs. Inadequate transportation investment means lost hours spent in traffic, lost job opportunities, and lost lives from unsafe road conditions. I call on the Administration to allow conferees to fully fund H.R. 3550 at the bipartisan level of $375 billion.

Mr. MCDERMOTT. Mr. Speaker, no one in Seattle doubts the city will be rocked by another earthquake one day. We've faced large magnitude quakes in the past and we fear a large magnitude quake in the future.

So, I rise to express my outrage that the Administration and Republican leadership refuse to pass a comprehensive highway bill that includes critical planning money for the Alaskan Way Viaduct. There is not a moment to lose in planning and replacing the roadway. A large magnitude quake could topple the double-decked highway, just as we saw with tragic consequences in Oakland, California.

Quit playing politics with peoples' lives. Safety must not be held hostage by the Administration and Republican leaders. Pass a real highway bill now, while there is time, while the Alaskan Way Viaduct is still standing.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 4219.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4219.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WILKIE D. FERGUSON, JR. UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1904) to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse."

The Clerk read as follows:

S. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 400 North Miami Avenue in Miami, Florida, shall be known and designated as the "Wilkie D. Ferguson, Jr. United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Wilkie D. Ferguson, Jr. United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio. (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1904, similar to H.R. 2538, which was introduced by our friend and colleague, the gentleman from Florida (Mr. MEEK), designates the United States Courthouse located at 400 North Miami Avenue in Miami, Florida as the "Wilkie D. Ferguson, Jr. United States Courthouse."

Wilkie Ferguson was born in Miami, Florida in 1938 to Bahamian immigrants and raised in the Liberty Square public housing project. Despite being raised in an environment of discrimination and segregation, Wilkie Ferguson attended the then segregated Miami Public School System and, upon his graduation, attended Florida A&M.

After graduating from Florida A&M with a Bachelor's Degree in business administration, Wilkie Ferguson entered the United States Army, where he served as a First Lieutenant for 3 years, and then for another 2 years as a Captain in the Army Reserve.

When he left the Army, Mr. FERGUSON attended and graduated from Howard University Law School. His legal career began with Legal Services of Greater Miami. He also worked as a staff attorney for the Miami Dade School Board of Education before entering private practice.

In 1973, his judicial career began when he was appointed a Judge of Industrial Claims, and later as a Judge on the Circuit Court for the 11th Judicial Circuit Court of Florida, and then the Third District Court of Appeals for Florida.

In 1993, Judge Ferguson was appointed by President Clinton to serve on the United States District Court for the Southern District of Florida, a post which he held until his death.

This is a fitting tribute to a man who dedicated his life to helping the poor and the disenfranchised. I support this measure and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1904 is a bill to designate the United States Courthouse located at 400 North Miami Avenue in Miami, Florida as the Wilkie D. Ferguson, Jr. United States Courthouse. The gentleman from Florida (Mr. MEEK) introduced the House companion bill, H.R. 2538, for himself, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentlemen from Florida (Mr. LINCOLN DIAZ-BALART), (Mr. MARIO DIAZ-BALART), (Mr. DEUTSCH), and (Mr. BROWN).

Judge Wilkie Ferguson, a native Floridian, was born to immigrant parents in 1938 and was raised in a public housing project in Miami. Through hard work, perseverance, and personal drive, he received degrees from Florida A&M University, Drexel University in Philadelphia, and a law degree from Howard University Law School in the District of Columbia.

Judge Ferguson served in the U.S. Army Reserves from 1960 until 1964 as a Lieutenant and as a Reserve Captain from 1964 to 1968. He was nominated to the Federal bench by President Clinton in 1993 and was confirmed by the U.S. Senate in November of 1993.

Despite his humble beginnings, Judge Ferguson achieved the highest levels of judicial service and was a dedicated public servant. He holds the distinction of being the first black jurist appointed to the Miami Dade Circuit Court and the Third District Court of Appeals. His judicial legacy includes a 1980 ruling that African Americans cannot be systematically excluded from a jury. His rulings also significantly affected the lives of many disabled individuals by prohibiting the State from reducing services to the disabled.

Judge Ferguson was a prolific writer and authored many articles on Federal drug laws, expert witnesses, and privacy in the computer age. He received numerous awards and honors, including the Courage and Scholarship in Legal Writing Award from the National Bar Association, the Champions of Higher Education in Florida Award, and the Thurgood Marshall Achievement Award For Exceptional Scholarly Performance.

He was a member of the American Bar Association, the National Bar Association, and the Florida Supreme Court Committee on Jury Instructions.

Judge Ferguson was highly regarded and was liked by not only his peers, but also by many young colleagues. He was experienced, knowledgeable, and dedicated to fairness and compassion. It is most fitting that the courthouse in Miami be named in his honor. I support S. 1904 and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I would advise my friend, the gentleman from California, that we have no additional speakers and would reserve our time subject to closing.

Mr. THOMPSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I want to also thank the chairman for his very kind comments about Judge Wilkie Ferguson.

I just want to share with the House and the American people that the local community in Miami Dade County and within the circuit there in south Florida, that it is just a high honor that this House would not find it robbery and also the other body to name this courthouse after Judge Wilkie Ferguson. Many of our viewers and also Members of the House had an opportunity to hear my colleagues speak so eloquently about his past contributions to our society. Unfortunately, but some may say fortunately, he moved on to a higher place on June 9 of 2003.

I think it is very, very fitting for the American people not only to hear of his contributions, but also for judges and those that are involved in our judicial system, from the Supreme Court all the way down to a hearing officer at the county court level, to hear the contributions of this great man. He stood on behalf of not only people financially challenged or people of color, but he stood on behalf of the law and what the Constitution spoke of as it relates to representing everyone and making sure that they have a fair share.

In south Florida, we have a very diverse community, Mr. Speaker, and I must say, as it relates to Judge Ferguson and as it relates to this courthouse being named after him, we had unanimous support as it relates to individuals coming forth and saying we want to name this courthouse, which is in downtown Miami, one of the most outstanding buildings that is being erected that will be ready to open its doors in the fall of 2005, for those workers who are working on that courthouse, for those individuals that walk by every day as they walk to the county courthouse and also to the courthouse that is existing now, they will know that the American people stand behind the Wilkie Ferguson philosophy in making sure that everyone is represented.

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For every judge that walks into those doors, it will remind him and her and, even as it relates to the magistrates, it will remind them of the importance of standing on behalf of all Americans and standing on behalf of individuals until they are proven guilty.

It will remind those individuals, those court reporters that walk into that Federal courthouse of the importance of making sure that as they type down the words of witnesses and defendants and prosecutors and individuals that are trying to seek justice, families that are looking to be made whole through our justice system and finding some sort of resolution, whether it be to a civil offense or to a criminal offense that may take place, that Judge Wilkie Ferguson once walked through that area in that vicinity and that his spirit will forever live in the hearts and minds of those individuals that work there every day of their lives.

I just want to also share with the House that it is very, very important that we remember the importance of the contributions of those individuals that came up on the rough side. Wilkie Ferguson did. His wife Betty Ferguson also did, who also offered her life and is still offering her service to our public there in the Miami-Dade Commission.

Wilkie Ferguson spoke to individuals, ordinary individuals at his level. Being a Federal judge, serving and being very respected in the community, he spoke to the individuals that were out there clipping the hedges. He spoke to the individuals as it relates to getting a cup of coffee for people such as himself. He is the kind, and was the kind, and I say he is the kind because in my heart and my mind he is still living with us, even though he has passed on his spirit is still alive and well, he spoke to those individuals. He made sure that people felt like people.

He represented in a way that he should. He wrote articles to our local paper about what should be happening in our judicial system. He was an advocate judge, but an advocate judge on behalf of every American.

And I am so honored; I am pleased that my community came together on this. I thank my colleagues on the other side of the aisle for their forward thinking in saying that this was appropriate to name this courthouse after him. I thank this House for coming together and making sure that we honor a man of great dignity and integrity on the bench and even before he got on the bench.

Mr. Speaker, I want to thank the American people for this opportunity to address the House.

Mr. OBERSTAR. Mr. Speaker, I rise in support of S. 1904, a bill to designate the United States Courthouse located at 400 North Miami Avenue, Miami, FL, as the Wilkie D. Ferguson Jr. United States Courthouse.

Judge Wilkie Ferguson, a native Floridian, was born of Bahamian parents in Miami on May 1, 1938, and died on June 9, 2003. He was educated at Florida A&M University and Howard University Law School. Judge Ferguson served with distinction as a lieutenant in the U.S. Army Reserves from 1960 to 1964, and as a Reserve captain from 1964 until 1968. He was nominated to the Federal bench by President Clinton in 1993 and was confirmed by the U.S. Senate in November 1993.

Rising from humble beginnings, Judge Ferguson was highly educated, hard working, and a dedicated public servant. In addition to his undergraduate degree from Florida A&M University, he also received a master's degree from Drexel University in Philadelphia, as well as a law degree from Howard University in the District of Columbia.

Judge Ferguson holds the distinction of being the first black jurist appointed to the Miami-Dade Circuit Court and the Third District Court of Appeals.

Judge Ferguson was a prolific writer and authored many articles on Federal drug laws, expert witnesses, and privacy in the computer age. His professional work was acknowledged with many awards and honors, including the Williams Hastie Award, the United Way of Dade County Distinguished Service Award, and the South Florida Chapter of the American Society for Public Administration Award.

Judge Wilkie Ferguson was well respected by his colleagues and by all who entered his courtroom. He was dedicated to fairness and compassion and served as a mentor to many younger colleagues. It is most fitting that the courthouse in Miami be named in his honor. I support S. 1904 and urge its passage.

Mr. THOMPSON of California. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1904.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 376) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 376

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 19, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, House Concurrent Resolution 376 introduced, once again, by the gentleman from Maryland (Mr. HOYER) authorizes the use of the Capitol Grounds for the Greater Washington Soapbox Derby on June 19, 2004.

In sort of a parenthetical, I would not only commend the gentleman from Maryland (Mr. HOYER) but last year when we had similar legislation introduced by the gentleman, he was detained by his other very important duties as the minority whip; and the gentleman from Maine (Mr. MICHAUD) and I spent about 20 minutes on the floor thinking about great things on the soapbox derby to breathlessly await his arrival. I am grateful that the gentleman from Maryland (Mr. HOYER) is with us today.

These races, which will be held on Constitution Avenue, allow young people from the Greater Washington Metropolitan area to compete with one another for the honor of representing their district at the National Soap Box Derby competition to be held this summer in the city of Akron in the great State of Ohio.

Participants, who range in age from 9 to 16, compete in three different divisions, based upon experience. In preparing for these competitions, participants must construct their vehicle, with limited assistance, from stock supplies. The Soap Box Derby teaches the value of hard work, dedication, and ingenuity, and shows them the joy of a job well done.

This race has been held for over 50 years in the Washington area. I am pleased that once again we can offer our support for this worthwhile event.

The sponsors of this event have agreed to work with the Capitol Police to ensure the enforcement of all applicable regulations, and the event will be free of charge and open to the public.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of our time.

Mr. THOMPSON of California. Mr. Speaker, I yield as much time as he may consume to the gentleman from Maryland (Mr. HOYER), my esteemed colleague and the esteemed whip for the minority side of the aisle.

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from California (Mr. THOMPSON), for yielding. I also want to thank my good friend from Ohio (Mr. LATOURETTE), the chairman of this subcommittee, for last year trying to give me the opportunity to speak on my bill. I remember that and recall that well. I thank him very much.

I want to thank my good friend, the gentleman from California (Mr. THOMPSON), the ranking Democrat, and the extraordinary staff assistant that he has on this subcommittee, Susan Brita.

Mr. Speaker, for the past 12 years I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race on the Capitol Grounds along Constitution Avenue. Once again, I am proud to have sponsored such a resolution to permit the 63rd running of the Soap Box Derby races scheduled to take place on Saturday, June 19.

The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for conducting the race in complete compliance with the rules and regulations governing the use of the Capitol Grounds.

Therefore, I request my colleagues to join with me and other co-sponsors, including the gentleman from Virginia (Mr. WOLF), the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Maryland (Mr. WYNN), the gentleman from Virginia (Mr. MORAN), and the gentleman from Maryland (Mr. VAN HOLLEN), in supporting this resolution.

The Soap Box Derby has been held in the Washington D.C. area since 1991. It has attracted over 50 participants each of these years ranging in age from 9 to 16. The participants work very hard, as all of us know, to prepare their own race cars from the kit provided by the All American Soap Box Derby program.

The contestants are given an opportunity to learn basic skills of workmanship and to enhance their building expertise while creating their own style car. Winners of these levels of the local race become eligible to compete in the National Soap Box Derby races held in the district of the gentleman from Ohio (Mr. LATOURETTE) in Akron.

Prior to the national races, they attend a week of camps in Derbytown where they make lasting friendships while participating in a variety of sporting activities. The national races are held in July and give the participants a chance to win scholarships and merchandise prizes.

Mr. Speaker, this event has been called, and I quote, "the greatest amateur racing event in the world." I am not sure that it is the greatest, but it is certainly one of the very best and certainly gives to young people the values of self-reliance, of enterprise, of innovation, and of competition.

This is a wonderful opportunity for our children from the District of Columbia, Maryland, and Virginia to venture into the world of science while experiencing the spirit of competition.

I again thank the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. THOMPSON) for their leadership in bringing this to the floor.

Mr. THOMPSON of California. Mr. Speaker, I associate myself with the remarks made by the author of the bill, the gentleman from Maryland (Mr. HOYER).

Mr. Speaker, I ask for passage of this bill.

Mr. Speaker, I am delighted to support, along with Ms. NORTON, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. WYNN, and Mr. VAN HOLLEN, H. Con. Res. 376, and acknowledge the efforts of Mr. HOYER, who has been such a great and consistent champion for his constituents for this event.

H. Con. Res. 376 authorizes use of the Capitol Grounds for the Greater Washington Soap Box Derby. Youngsters age 9 through 16 construct and operate their own soap box vehicles. On June 19, 2004 youngsters from the greater Washington area will race down Constitution Avenue to test the principles of aerodynamics in hand-designed and -constructed soap box vehicles.

Mr. Speaker, many hundreds of volunteers donate considerable time supporting the event and providing families with a fun-filled day, which is quickly becoming a tradition in the Washington, D.C. area. The event has grown in popularity, and Washington is now known as one of the outstanding race cities.

Consistent with all events using the Capitol Grounds, this event is open to the public and free of charge. The organizers will work with the Capitol Hill Police and the Office of the Architect.

I support H. Con. Res. 376 and urge passage of this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Con. Res. 376, which authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby. I especially want to mention the diligence and dedication of Mr. HOYER, the resolution's annual sponsor.

This annual event encourages all boys and girls, ages 9 through 16, to construct and operate their own soap box vehicles. The principles of aerodynamics are combined with fun and excitement for all participants and their families in the Greater Washington area.

The Washington event has grown in size and has become one of the best-attended events in the country. In the past, the Washington event has produced winners who went on to the National Soap Box Derby finals.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place.

I support this resolution and urge my colleagues to support H. Con. Res. 376.

Mr. THOMPSON of California. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 376.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RONALD REAGAN FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2043) to designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building".

The Clerk read as follows:

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD REAGAN FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building located at 228 Walnut Street, Harrisburg, Pennsylvania, shall be known and designated as the "Ronald Reagan Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Ronald Reagan Federal Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, S. 2043, introduced by Senator SPECTER of Pennsylvania, is similar to House bill H.R. 3923, which was introduced by the gentleman from the Ninth Congressional District of Pennsylvania (Mr. SHUSTER).

This bill designates the Federal building located at 228 Walnut Street in Harrisburg, Pennsylvania, as the Ronald Reagan Federal Building.

Many times I have come to the floor to honor Americans, politicians, judges and other great leaders. Perhaps no other American, however, has been as honored or as deserving of an honor as the 40th President of the United States, Ronald Wilson Reagan.

Ronald Reagan was born in Tampico, Illinois, in 1911. His early years are a model that we can all be proud of. The son of working-class parents, he attended the public schools in Dixon, Illinois, and then worked his way through Eureka College where he was on the football team and an actor.

One story that I think does not get told enough about Ronald Reagan is before President Reagan had an impact on the lives of billions, he had a more direct impact on the lives of people in his community of Dixon, Illinois. While growing up, Ronald Reagan earned extra money working as a lifeguard at Rock River. Over the course of 6 years, then-lifeguard Reagan pulled 77 swimmers out of the water who were struggling in the notorious swift current and were in need of assistance.

During his time in public life, Ronald Reagan always worked to improve the lives of everyday Americans, from his Economic Recovery Act, which he worked to pass even after an assassination attempt, to the 1986 tax bill which reduced the burdens of taxation on all Americans.

In foreign policy, he pursued a policy of "peace through strength," a policy that brought about the end of the Soviet empire, bringing freedoms to millions in Europe and Asia.

This legislation bestows an appropriate honor to one who has given so much to his country.

I support the legislation, and I urge our colleagues to do the same.

Mr. Speaker, I reserve the balance of our time.

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill designates the Federal building located at 228 Walnut Street, Harrisburg, Pennsylvania, as the Ronald Reagan Federal Building. The bill was introduced by Senator SPECTER for himself and Senator SANTORUM. The House companion bill, H.R. 3923, was introduced by the gentleman from Pennsylvania (Mr. SHUSTER.)

Former President Reagan was our country's 40th President. He was a magnetic leader whose greatest legacy was perhaps his call to Mr. Gorbachev to "tear down this wall."

His talents and his personal touch enabled him to rally support for his programs, often convincing even his greatest critics to see things his way. His charisma along with his sense of humor have earned him a special place in our Nation's history.

I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 2043.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 388) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service, as amended.

The Clerk read as follows:

H. CON. RES. 388

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The National Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 23rd annual National Peace Officers' Memorial Service (in this resolution jointly referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2003.

(b) DATE OF EVENT.—The event shall be held on May 15, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

It is my pleasure to bring to the floor a resolution authorizing the use of the Capitol Grounds for the 23rd Annual National Peace Officers Memorial Service. This service will honor the memory of 148 law enforcement officers killed in the line of duty during 2003. This service will also honor a number of law enforcement officers killed during other years, who, for a variety of reasons, have not yet had their names inscribed on the wall of honor at the National Law Enforcement Officers Memorial located at the National Law Enforcement Officers Memorial here in Washington.

This service comes as part of Police Week, a week-long festival of events that remember those members of law enforcement who have made the ultimate sacrifice. Police Week includes events such as the annual Law Ride, a Police Unity Tour, Honor Guard competition, Blue Mass, and Candlelight Vigil.

□ 1115

Since the first official memorial service was held in 1982, over 3,000 officers have been honored. Since that first service, the Grand Lodge of the Fraternal Order of Police and its Auxiliary have served as hosts and sponsors of the event.

This service, as are many of the events encompassing Police Week, is open to the public and free of charge.

I support this resolution, which will allow the use of the Capitol grounds for this important service in honor of the men and women who keep us, our families, our communities, and the Nation safe and secure. I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 388 authorizes use of the Capitol grounds for the 23rd Annual National Peace Officers Memorial Service, a most solemn and respectful public event honoring our Nation's brave civil servants. The event, scheduled for May 15, will be coordinated with the Office of the Architect of the Capitol and the Capitol Hill Police.

This is a fitting tribute to Federal, State and local police officers who give their lives in the daily work of protecting our families, our homes, our places of work, and us. Three hundred sixty-two names will be added to the memorial wall this year, including the names of 145 brave men and women who were killed in the line of duty, as well as 217 historic cases that were uncovered by the Memorial Research Department.

On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines.

During 2003, six of the fallen officers were women.

The ceremony to be held on May 15 is the 23rd anniversary of this memorial service. Consistent with all Capitol Hill events, the memorial service will be free and open to the public.

I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen Peace Officers.

This measure is particularly important to me, Mr. Speaker, because my youngest son, Jon, is Deputy Sheriff in Calaveras County in California, and I would like to recognize him for his great service and all of those brave men and women who serve us every day. I urge its passage.

Mr. OBERSTAR. Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 388, to authorize use of the Capitol Grounds for the National Peace Officers' Memorial Service on May 15, 2004.

In October 1962, President Kennedy proclaimed May 15 as National Peace Officers' Memorial Day. Each year on this date we, as a nation, have an opportunity to honor the devotion with which peace officers perform their daily task of protecting our families, coworkers, friends, and each of us. The 2004 event marks the 23rd anniversary of the Capitol Hill event. In the post-September 11 environment, the work of selfless police and firemen has become our model of courage and moral strength.

There are approximately 700,000 sworn law enforcement officers serving the American public today. Officers work for states, counties, U.S. territories, Federal enforcement, military police, and corrections departments. Ten percent of law enforcement officers are women.

During 2004, 145 peace officers were killed in the line of duty; of those killed, 6 were women. The average age of those killed in the line of duty was 37 years.

It is most fitting and proper to honor the lives, sacrifices, and public service of these brave men and women. I urge support for H. Con. Res. 388.

Mr. THOMPSON of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 388, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1904, H. Con. Res. 376, S. 2043, and H. Con. Res. 388, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INCREASED CAPITAL ACCESS FOR GROWING BUSINESS ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3170) to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

The Clerk read as follows:

H.R. 3170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Increased Capital Access for Growing Business Act".

SEC. 2. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940.

(a) DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.—Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(46)(C)) is amended—

(1) by striking clause (i) and inserting the following:

"(i) it does not have any class of equity securities listed for trading on a national securities exchange or traded through the facilities of a national securities association as described in Section 15A of the Securities Exchange Act of 1934;";

(2) by striking "or" at the end of clause (iii);

(3) by redesignating clause (iv) as clause (v); and

(4) by inserting after clause (iii) the following new clause:

"(iv) the aggregate value of its outstanding publicly traded equity securities is not more than $250,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in one or more generally accepted indices or other indicators for small business, consistent with the public interest, the protection of investors, and the purposes fairly intended by the policy and provisions of this title; or".

(b) ASSETS OF BUSINESS DEVELOPMENT COMPANIES.—Section 55(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–55(a)(1)) is amended—

(1) in subparagraph (B), by striking "securities with respect to which a member of a national securities exchange, broker, or dealer may extend or maintain credit to or for a customer pursuant to rules or regulations adopted by the Board of Governors of the Federal Reserve System under Section 7 of the Securities Exchange Act of 1934" and inserting the following: "equity securities listed for trading on a national securities exchange or traded through the facilities of a national securities association as described in Section 15A of the Securities Exchange Act of 1934"; and

(2) by striking "or" at the end of subparagraph (A), by inserting "or" after the semicolon at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) from the issuer of such securities, which issuer is described in section 2(a)(46)(A) and (B) but is not an eligible portfolio company because the aggregate value of its outstanding publicly traded equity securities is more than $250,000,000 but not more than $500,000,000, if such securities represent not more than 10 per centum of the total assets of the business development company invested in securities described in paragraphs (1) through (6) of this section;".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3170.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Speaker very much for allowing me to bring this important legislation to the floor for consideration today. I also thank the gentlewoman from New York (Ms. VELÁZQUEZ) for working with me on this important issue that will help small businesses.

Small businesses are the backbone of our economy and Congress must ensure that they have every opportunity to succeed. It is crucial that small businesses have efficient access to capital in order to create jobs and ensure a strong and growing economy.

Today, the legislation before us, the Increased Capital Access For Growing Business Act, will ensure that small businesses have better access to capital by modernizing outdated security laws.

In 1980, Congress created Business Development Companies to encourage investments in small, developing and financially troubled businesses, known as "eligible portfolio companies."

BDCs are publicly traded investment companies that invest in both public and private companies and generate an injection of capital for businesses. BDCs have provided significant benefits to the economy, including the opportunity for the public to invest in small, developing companies while also supplying much needed financing.

The legislation we are considering today makes important changes to the securities laws that ensure the viability of BDCs and expands the businesses these entities are able to assist.

In 1980, BDCs were able to invest in approximately 66 percent of the 12,000 publicly held operating companies. Since that time, however, the Federal Reserve has amended its margin rules on several occasions, resulting in a clear decrease in the number of eligible portfolio companies.

In order to correct these unintended consequences, the legislation amends the definition of an eligible portfolio company to enable the BDCs to have a greater flexibility in selecting appropriate investments.

To accomplish this goal, the legislation permits BDCs to provide capital to a larger number of companies by increasing the size of companies that BDCs can invest in to reflect changes in the market since the creation of the act. The legislation also includes specific authority for the Securities and Exchange Commission to modify dollar thresholds in the future.

This would enable the SEC to review these thresholds on a regular basis and consider changes that are in the interest of the companies trying to access capital and shareholders of BDCs.

Small and developing businesses should be able to devote their energies towards their customers growing their business, not worrying about access to capital.

As BDCs are able to provide financing to additional small and medium sized businesses, the economy will experience greater growth and job creation.

I also would like to commend the chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), and the ranking member, the gentleman from Massachusetts (Mr. FRANK), for recognizing the importance and urgency of this legislation and agreeing to move it quickly.

This is a no-cost, common sense piece of legislation that will help small businesses and increase capital formation; and that is good, healthy economic structure for all. I urge my colleagues to join me in support of this important legislation for investors and small businesses.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3170, the Increased Capital Access For Growing Businesses Act; and I want to commend my good friend and colleague, the gentlewoman from New York (Mrs. KELLY), for moving this matter so expeditiously. I also want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK), the ranking member, for their support in expediting the consideration of this measure.

With this legislation we have an opportunity to help more small companies access capital so that they can expand and grow their businesses. Business Development Companies are unique investment companies authorized by the 1980 Amendments to the Investment Company Act. They are publicly traded companies that invest primarily in small companies.

Since 1980, BDCs have proven to be a valuable source of funding for growing companies that do not have access to traditional sources of financing like bank lending or access to the public securities markets. At the same time, BDCs provide the investing public with an opportunity to invest in private equity, an opportunity traditionally limited to wealthy investors.

In 1980, when BDCs were first authorized by Congress, about two-thirds of all publicly held companies were eligible for BDC investment. While the securities and financial services industries evolved during the 1990s, Congress did not act to keep the BDC statute current. As a result, the number of public companies in which BDCs could invest in has been reduced drastically, effectively eliminating the option of BDC investment for many companies.

It is important to understand that just because a firm has gone public does not mean that it can access the financing necessary for growing and expanding. In the late 1990s, for instance, many companies went public that may not have been able to do so under current market conditions. As a result, after the market bubble burst, many of these companies found themselves unable to access traditional financing sources. These smaller, illiquid company stocks could have greatly benefited from financing offered by BDCs. Instead, the current statute severely restricts such investments by BDCs.

The current standard for eligibility, whether or not a company has outstanding marginable securities, has proven unworkable, as it is tied to a standard that is no longer relevant.

H.R. 3170 attempts to provide more certainty and update the law concerning permissible investments by BDCs. It creates a more workable standard to enable BDCs to provide financing to companies as originally intended by the 1980 amendments. This legislation attempts to provide a more objective standard, based on a market capitalization test, to modernize the definition of eligible portfolio companies.

H.R. 3170 modernizes U.S. securities laws to reflect changes in the marketplace. Small and growing companies are often widely regarded as engines of economic growth and job creation. Allowing BDCs to invest in more companies in need of capital will provide more opportunities, more jobs, and contribute to the economic expansion.

I urge my colleagues to support this legislation critical for small businesses and the U.S. economy.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 3170.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4181, PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND THE 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 607 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 607

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns. The bill shall be considered as read for amendment. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

□ 1130

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

On Tuesday, the Committee on Rules met and granted a modified closed rule for the Marriage Penalty Relief Act.

H.R. 4181 amends the Internal Revenue Code of 1986 to permanently extend the increased standard deduction and the 15 percent individual income tax rate bracket expansion for married taxpayers filing joint returns. It will also make permanent the increase in the phase-out of the earned income credit for joint filers.

Before 2001, the Tax Code penalized many married couples by forcing them to pay higher taxes just because they were married. The 2001 tax relief bill, enacted by President Bush, brought fairness to the Tax Code by phasing out these penalties. This law increased the standard deduction in the 15 percent tax bracket for married couples to twice as much for individuals. The relief was accelerated in the tax relief that was signed into law last year.

Thirty-five million couples currently benefit from the elimination of the marriage penalty. However, this relief will be reduced next year and will expire in 2010, and we cannot let that happen. Unless the relief is extended, 27 million married couples will face an average tax increase of $300 in 2005, and over 35 million will see a tax increase of more than $700 starting in 2011.

H.R. 4181 ensures that the marriage penalty relief is not reduced next year and that it stays in the law permanently.

We all know our economy is starting to rebound. Businesses are beginning to hire workers again, and Americans are starting to spend their money with more confidence. If we do not eliminate the marriage tax penalty and prevent other tax increases, our economy might slow down and prevent job creation.

Married working couples will be able to use this tax relief to benefit their families, which always helps the economy. They will be able to spend this money to improve their home or buy something they want, like a new washing machine or a new TV; and the more money they spend, the more jobs they will help create for their neighbors and friends.

This is what the bill is all about. The most important thing we can do today is revitalize our economy here at home, and we do this by eliminating the marriage penalty tax.

To that end, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself as much time as I may consume, and I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes.

Mr. Speaker, marriage penalty tax relief is a good thing, not paying for it is a bad thing. All of us in this Chamber support tax fairness for married couples. But the question is, who supports tax fairness for future generations?

The deficit in this country continues to skyrocket, and what is disturbing to me is that there do not seem to be very many people on the other side of the aisle that care very much about that fact. We have to give President Clinton and his administration credit because, during the Clinton administration, this country experienced the first budget surpluses since the 1960s. Democrats and Republicans, working in a bipartisan way, delivered balanced budgets and extended the solvency of Social Security and Medicare well into the 21st century, but then the Bush administration moved into the White House, and fiscal responsibility went out of fashion.

Over the course of three major tax cuts, essentially handouts to the wealthiest Americans and corporations in this country, the $5.6 trillion surplus became a $2.9 trillion deficit, a stunning $8.5 trillion reversal.

Mr. Speaker, the Republican leadership claimed they were providing middle-class tax relief, but the truth is that the vast majority of these tax cuts went to the wealthiest individuals and corporations in this country. They claimed that these tax cuts would stimulate the economy and create jobs, but the truth is that this country has lost more than 2 million jobs since the President took office. They claim that this country could afford these tax cuts; but the truth is, they have squandered the Clinton surplus and actually hidden the long-term costs of these tax cuts by pretending that they will expire in 2010.

Mr. Speaker, the American people, I believe, can separate the rhetoric from reality. Over the next 4 weeks, starting today, this House will consider legislation to extend various provisions of the 2001 and 2003 tax cuts. Mind you, we will consider these bills without a budget resolution, the framework for all Federal spending for the upcoming fiscal year; and we will consider them years before many of them actually expire.

Today's offering is a bill to extend marriage penalty tax relief beyond 2010. I fully support extending tax relief for married couples, but this bill that the Republican leadership has drafted has the same problem as their previous bills. It is not paid for. Well, I should say actually it will be paid for some day, but not by this Congress. Just like in 2001 and 2003, the Republicans pass the cost of their tax cuts to our children and to our grandchildren. In essence, they are raising taxes on future generations. Mr. Speaker, that is not fair and that is not right.

Democrats, I think, have a better plan to extend marriage penalty relief. The Democratic substitute improves this legislation with three simple, commonsense provisions.

First, the Democrats extend the earned income tax credit for low- and middle-income married couples; and the Democratic bill speeds up the EITC marriage penalty relief included in the 2001 tax cut bill, ensuring that low- and middle-income married couples are not penalized by this unfair tax.

Second, Democrats exempt any marriage penalty relief from the alternative minimum tax. Unfortunately, over half of the marriage penalty relief is taken away from married couples by the Federal Government because of the alternative minimum tax. The Republican bill fails to fix this unfair taxation, and many married couples will find that the government is taxing the very relief promised them by the Republican leadership. We will not see that in the Republican press releases today.

Third, Mr. Speaker, the Democrats provide an offset. Unlike the Republican bill, Democrats actually pay for this tax relief. Democrats do not believe we should be passing the burden of paying for these tax cuts onto future generations.

Mr. Speaker, every day American families must make tough choices with their hard-earned money. They budget for groceries and housing, transportation, education and child care. They spend sensibly within their means.

Congress could learn a lot from the average American family. Congress should live within its means as well.

It is very simple. If you are going to spend, you should pay for it. For the life of me, I cannot understand why the other side of the aisle is ignoring that important lesson.

We have an opportunity here today to work together and provide meaningful marriage penalty relief to married couples, regardless of income; and we can do this in a way that we pay for it.

So I would urge my friends on the other side of the aisle to join us today. Support the Rangel-Matsui Democratic substitute. Show the American people that this Congress can actually act in a fiscally responsible manner, that it does indeed care about the deficit and the fiscal health of this Nation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I would just say to the gentleman that we do have a bit of a philosophical difference here because, throughout history, every time we have done tax relief, the economy improves, and we put more money into the system, and it pays for itself over and over and over and over and over again. So this is just a philosophical difference we have.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, the examples of inequities and simply unfair and lacking-in-commonsense provisions of our existing Tax Code are just too numerous to mention. I wish I could wave a magic wand and eliminate them all overnight.

This President and this Congress are doing their best to bring about much-needed and long-overdue tax reform to the American people, but I am a realist. I know that a journey of 1,000 miles requires many steps forward. Today, we have an opportunity to take a joint step forward.

I stand before my colleagues as a proud cosponsor and strong advocate for eliminating permanently the marriage tax penalty. And what is the marriage tax penalty? I wish it were easy to explain to the American people, but think of it in these terms. When the only thing that changes in the lives of a man and a woman, not their job, not their income, nothing else, when the only thing that changes is that they fall in love and get married, only to discover that their tax obligation is dramatically increased, not double what they were paying as two single people but double plus, that just does not make sense.

The 2001 tax relief act, enacted by President Bush and proudly passed by this Congress, brought fairness to the Tax Code by phasing out this penalty; however, this relief will be reduced next year and will expire entirely by 2010 unless we take the action called for in this good legislation.

We want to provide tax relief for the American people. We want them to keep more of their own money so that they can make the wise decisions on how to spend that money. We want to provide relief for the American business community to incentivize them to buy new equipment, to build new buildings, to expand and create more jobs. The President and this Congress are seeking to do just that.

It is mind-boggling to me to think that anyone would oppose it, but we get people who stand up on this floor and say I am for it, but I am for it but. There is always but, but, but. Let us do it, provide tax relief to the American families, tax relief that will get our economy moving again; and this is one very important step forward in that very important and long journey.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume to respond to my colleague, the gentlewoman from North Carolina, who I have great respect for.

We serve together on the Committee on Rules, and I did not think we had much of a philosophical difference because I have admired a lot of the comments that she has made over the last several months about the importance of this Congress being fiscally responsible. The gentlewoman actually heads the Republican's Study Group which represents a lot of the more conservative Members of this Chamber, but I read a quote that she had made that appeared in Congress Daily on January 22 that I actually agree with. She says, "I support making tax cuts permanent, but we have to pay for them."

I think the only kind of difference that we seem to have on this debate, which I did not think we did based on this quote, was that we want tax relief and we want it paid for.

My colleague from New York says that we always want to say but, but, but. Well, it is not that we want to say "but." I think most Americans want us to be fiscally responsible, and the fact of the matter is we are faced with the largest deficits in the history of our country. That used to be a concern on the other side of the aisle. It does not seem to be a concern anymore, and we are also faced with record job losses. I mean, 2.6 million jobs have been lost under this administration.

I am concerned by the fact that we cannot seem to get a highway bill to the President's desk. The gentleman from New York is on the Committee on Transportation and Infrastructure. He knows full well that if we passed a transportation bill, we would create a lot of jobs by investing in our infrastructure and investing in our highways.

So if we want to get serious about controlling this deficit, I think we need to show a little fiscal responsibility here on the House floor.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, to my distinguished colleague from Massachusetts, I say this: if my colleagues provide tax relief to the American families, they are not going to hide the money under the mattress. They are going to use it to buy goods and services, manufactured right here in the United States, by his neighbors and mine.

My favorite four letter word, and we can use it in polite company, is "jobs."

□ 1145

And if you provide tax relief for the families, they will use their money wisely to create new jobs. If you incentivize business to buy new equipment, build new buildings, create new jobs, that is the best way to get more money flowing into the Treasury to reduce that deficit.

I, like you, want to do that; but we are moving in the right direction. We have got the right ticket to drive this economy forward if we provide much-needed tax relief for the families and for the businesses of America so that our economy, which is moving in the right direction, will do so at an accelerated pace.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume and say to the gentleman from New York that my favorite four letter word as well is "jobs," and I am, quite frankly, very worried about the fact that under this administration and under their economic policies we have lost 2.6 million jobs.

I want to make sure that our economy moves in a different direction. I guess I also believe that one of the ways to help continue to move us in a different direction is to get our fiscal house in order and to reverse this trend that we are now pursuing, which is one of record deficits.

Going deeper into debt, in the long run, is going to undercut our economy and undercut our ability to grow jobs. What we are simply saying here is that, yes, we believe in marriage penalty tax relief; but we think it should be paid for. I do not think that should be controversial. That seems consistent with a lot of statements made by the other side of the aisle over the many years I have heard speeches being given on this floor.

What we are doing today is not paid for. What we are doing today, in the end, is going to bring us further into debt; and I think that we can do this better. We should be able to come together in a bipartisan way and get this right. I think that is what the American people would expect.

Mr. Speaker, I yield 15 seconds to my distinguished colleague, the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me this time; and to quote someone a lot more famous than me, "There you go again." It is, we believe in this, but, but, but. Let us do it.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume and again thank the gentleman for his remarks; but this is not an excuse. This is very serious.

We are now faced with the biggest deficit in the history of this country; and every single Member, Republican and Democrat, liberal and conservative, should be worried about it because we are passing this on to our kids and our grandkids. That is no joking matter. That is serious.

I believe if we do not reverse this trend, we will undercut our ability to grow jobs. So I want tax relief, but I also want us to be fiscally responsible and pay for it. That is consistent with the statement of my colleague from North Carolina, who I have great admiration for. I just wish when we say these things, we would actually fight to make them a reality on this House floor.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume and would just say that I am glad the gentleman agrees that we need tax relief and we need fiscal constraint, because the budget we are looking at bringing forward, of course, has a freeze on spending, which is a very important part of this to reduce the deficit.

And again I would just say that we have a difference in how we look at this and how we pay for the tax cuts, because we believe that there will be increased monies coming in to the Treasury through the economic generation that is done with the tax relief. It has happened throughout history. And because of that, we will see the tax cuts paid for and the deficit reduced.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), another distinguished member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I rise in support of this rule, and I thank my friend and colleague from the Committee on Rules, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me this time.

Mr. Speaker, this is a traditional rule for legislation that amends the Internal Revenue Code, and I am pleased the House will have the opportunity to consider the merits of the underlying legislation and also an amendment from the ranking minority member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL).

Mr. Speaker, our Nation's Tax Code remains hopelessly complex. Just a few years ago, it was so convoluted from years of tax changes that it punished married taxpayers merely because they were married. Unfortunately, only under this current monstrosity of a Tax Code could the marriage penalty that this House eliminated reappear in the very near future. This rule before the House, H. Res. 607, will give Members of the House an opportunity to consider legislation that not only makes the Tax Code fairer but also ensures that we can halt a targeted tax increase on married Americans.

I want to commend the gentleman from Pennsylvania (Mr. GERLACH) for introducing this important legislation, H.R. 4181, which extends indefinitely the tax relief that the Congress and President Bush enacted in 2001 and 2003 to help married couples.

Previously, our income tax code penalized couples who got married, frequently forcing them to pay higher taxes than if they had remained single. If we fail to enact H.R. 4181, tax rates will revert to their pre-2001 levels, and the marriage tax penalty will be reinstated at the end of this year.

As a Nation built on strong families, we should promote marriage, not penalize it. Our tax system should not discourage getting married and raising a family. Therefore, it is imperative we pass H.R. 4181 today.

Mr. Speaker, I urge my colleagues to join me in supporting this rule so we may proceed to debating the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Again, Mr. Speaker, I would urge my colleagues on both sides of the aisle to support the Democratic substitute that the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. MATSUI) will offer. I think it is a responsible way to approach this issue because it supports marriage penalty tax relief, but it pays for it.

The gentlewoman from North Carolina mentioned that their budget resolution urges that we pay for additional spending programs. I am all for pay-as-you-go rules, but I think they should also apply to tax cuts. I think it is the responsible thing to do.

I think all of us here would like to go home to our districts and talk about all the tax relief that we can provide our American families; but I think without specifying how we are going to pay for it, it is really irresponsible. It is a nice press release. It is a nice kind of public relations item. But if we do not pay for it, what we are really doing is we are passing the burdens on to future generations, to our children, our grandchildren, and our great grandchildren.

My grandfather used to say to me that you cannot have dessert without first having your spinach, and I think that that is a good lesson for us to apply to how we do business on the House floor. It is nice to get up here and talk about tax cuts and tax cuts and tax cuts, but it would be better to do so in the context that we pay for them. I think that is what the American people expect. That is what American families have to do. They pay as they go. They have to live within their means, and I think that same lesson should apply here.

So having said that, Mr. Speaker, we have no objection to the rule, but I would urge my colleagues very strongly to do the responsible thing and to support the Rangel-Matsui Democratic substitute.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume, and I say to my friend from Massachusetts that tax cuts do not cost money, they make money.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, proceedings will now resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 4219, by the yeas and nays; and

S. 1904, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART II

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4219.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 4219, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 134]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Bonner
Cardin
Davis (IL)
DeMint
Fattah
Gephardt
Gordon
Greenwood
Hastings (FL)
Hoeffel
Kilpatrick
Kleczka
Millender-McDonald
Pascrell
Rohrabacher
Rothman
Shuster
Smith (NJ)
Tauzin
Tiahrt
Toomey
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes within which to record their votes.

□ 1217

Ms. HART changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PASCRELL. Mr. Speaker, on rollcall No. 134, had I been present, I would have voted "yea."

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 134, I was detained by constituents which is the reason for my not voting. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the remaining vote will be conducted as a 5-minute vote.

WILKIE D. FERGUSON, JR., UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1904.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1904, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 135]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
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King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Blunt
Bonner
Burton (IN)
Cardin
Davis (IL)
DeMint
Fattah
Gephardt
Gordon
Greenwood
Hastings (FL)
Hoeffel
Kilpatrick
Kleczka
Mollohan
Rohrabacher
Rothman
Schiff
Shuster
Smith (NJ)
Tauzin
Tiahrt
Toomey
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1225

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHIFF. Mr. Speaker, on rollcall No. 135, had I been present, I would have voted "yea."

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 135 on adoption of a motion to suspend the rules and pass S. 1904, the Wilkie D. Ferguson United States Courthouse Designation Act, I am not recorded. Had I been present, I would have voted "yea."

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 23 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1350

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 1 o'clock and 50 minutes p.m.

PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

Mr. WELLER. Mr. Speaker, pursuant to House Resolution 607, I call up the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 607, the bill is considered read for amendment.

The text of H.R. 4181 is as follows:

H.R. 4181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INCREASED STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to basic standard deduction) is amended to read as follows:

"(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

"(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

"(i) a joint return, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $4,400 in the case of a head of household (as defined in section 2(b)), or

"(C) $3,000 in any other case.".

(b) CONFORMING AMENDMENTS.—

(1) Section 63(c)(4) of such Code is amended by striking "(2)(D)" each place it occurs and inserting "(2)(C)".

(2) Section 63(c) of such Code is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 2. EXTENSION OF 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Paragraph (8) of section 1(f) of the Internal Revenue Code of 1986 (relating to phaseout of marriage penalty in 15-percent bracket) is amended to read as follows:

"(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—With respect to taxable years beginning after December 31, 2004, in prescribing the tables under paragraph (1)—

"(A) the maximum taxable income in the 15 percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(B) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under subparagraph (A).".

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1 of such Code is amended by striking "PHASEOUT" and inserting "ELIMINATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. REPEAL OF SUNSET.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by sections 301 and 302 of such Act.

The SPEAKER pro tempore. The amendment printed in part A of House Report 108–470 is adopted.

The text of H.R. 4181, as amended, is as follows:

H.R. 4181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INCREASED STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

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"(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

"(i) a joint return, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $4,400 in the case of a head of household (as defined in section 2(b)), or

"(C) $3,000 in any other case.".

(b) CONFORMING AMENDMENTS.—

(1) Section 63(c)(4) of such Code is amended by striking "(2)(D)" each place it occurs and inserting "(2)(C)".

(2) Section 63(c) of such Code is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

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"(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—With respect to taxable years beginning after December 31, 2004, in prescribing the tables under paragraph (1)—

"(A) the maximum taxable income in the 15 percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(B) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under subparagraph (A).".

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1 of such Code is amended by striking "PHASEOUT" and inserting "ELIMINATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. REPEAL OF SUNSET.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by title III of such Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from New York (Mr. RANGEL), or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Illinois (Mr. WELLER) and the gentleman from Massachusetts (Mr. NEAL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have before us an issue that we have debated in the past, an issue which has earned bipartisan support. I want to thank you for the opportunity to bring H.R. 4181 to the House floor today. This legislation makes the marriage tax relief provisions of the Economic Growth and Tax Relief Reconciliation Act permanent. Currently there are 36 million American working families that benefit from the elimination of the marriage tax penalty. However, without H.R. 4181, this relief will be reduced next year and expire in 2010. Frankly what that means in simple terms, if this legislation fails to become law, 36 million married working couples will suffer higher taxes and see much of their marriage tax penalty return in the coming calendar year.

To make sure this does not happen, the gentleman from Pennsylvania (Mr. GERLACH) and I introduced H.R. 4181 last week. Overall, our efforts to eliminate the marriage tax penalty have taken more than 6 years. We have made great strides but we are not done yet. We are determined to bring this effort across the finish line and today's legislation achieves that goal.

The Economic Growth and Tax Relief Act, which President Bush signed into law on June 6, 2001, eliminates the marriage tax penalty in three steps. First, we double the standard deduction to twice that of singles. This helps families who do not itemize their income taxes. Additionally, it eliminates the marriage tax penalty for homeowners and others who itemize their taxes by widening the 15 percent tax bracket. Finally, it phases out the marriage penalty suffered by low-income couples when they utilize the earned income tax credit as a married couple.

Much of the relief which became law in 2001 was accelerated last year when President Bush signed a second piece of legislation called the Jobs and Growth Tax Act into law. The accelerated relief included in what some call the Bush tax cut expires at the end of this year. Unless this marriage tax relief is extended, 27 million married couples will face an average tax increase of $300 and over 30 million American working couples will face an average tax increase of more than $700 starting in 2011. The Joint Committee on Taxation, a bipartisan agency of this Congress, estimates that these same couples will pay nearly $105 billion in higher taxes over the next decade in marriage tax penalty unless we pass H.R. 4181, making marriage tax penalty relief permanent today.

Over the last several years, I have introduced my colleagues to some young couples from the district that I represent. One couple, Shad and Michelle Hallihan, was the first couple I shared. They are from Manhattan, Illinois, a married working couple, two schoolteachers. I explained how they suffered from the unfair marriage tax penalty. They benefited from the legislation that was signed into law by President Bush in 2001; they benefited even more in 2003; and we will protect them from the marriage tax penalty in this legislation we hope to send to the President this year.

Two years ago I introduced to my colleagues another couple from my district, Jose and Magdelene Castillo, of Joliet, Illinois. In 2002, they earned combined salaries of $82,000 a year. Jose made $57,000 in 2002 and Magdelene earned $25,000. They suffered the marriage tax penalty. They have two children, Eduardo and Carolina. As a result of the tax law changes that we passed and President Bush signed into law, their marriage tax penalty was reduced by $1,125 a year. This represented a 12 percent overall reduction in taxes for the Castillo family.

Imagine what this means for families like the Castillos, the Hallihans and other middle-income working Americans. With that $1,125, the Castillos could start saving for their children's college education. They could go back to school at Joliet Junior College and pay for a semester or two of college education. They could save for their retirement. They could put a small down payment on a car or a new home. The bottom line is $1,125 is real money for families like the Castillos.

Overall in the State of Illinois, which I have the privilege of representing, 1,544,000 couples today benefit from the marriage tax relief passed by this Congress and signed into law by President Bush. What Congress must do now is to make sure that American families can be confident that this much-deserved tax relief will not be taken away. They want to be sure that we are committed to fairness in the Tax Code by ensuring the marriage tax penalty is gone and will stay away. We must make marriage tax relief permanent for the 36 million American couples that benefit from the tax law changes that we passed into law last year and were signed into law by President Bush.

As unfair as the marriage tax penalty is, it seems even more unfair to consider telling couples like Shad and Michelle Hallihan of Manhattan, Illinois, or Jose and Magdelene Castillo of Joliet, Illinois, that in just a few short years the marriage tax penalty may return because Congress failed to extend and make permanent the elimination of the marriage tax penalty. Let us remember, this bill makes permanent the marriage tax penalty relief included in the Bush tax cut. We make permanent the elimination of the marriage tax penalty for those who use the earned income tax credit. We double the standard deduction for those who do not itemize to help provide those with marriage tax relief. And for many middle-class families who itemize, we eliminate the marriage tax penalty by permanently widening the 15 percent tax bracket so you can earn as a married couple twice that of a single person and stay in the 15 percent bracket.

Mr. Speaker, H.R. 4181 is a good bill. It encourages the values we hold most dear, marriage, family and hard work. My hope is this legislation will earn bipartisan support today. I think we can all agree that it is wrong to punish society's most basic institution, the center of every American family, and that is marriage. I encourage my colleagues to vote for H.R. 4181, making marriage tax relief a permanent part of our Tax Code, because it is the right thing to do, it is the fair thing to do for American families.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that this bill was summed up perfectly by my friend the gentleman from Illinois when he said that this bill was introduced last week. So the bill was introduced last week and now it is on the floor this week, a complicated tax bill? I think the oldest committee in the Congress, the Committee on Ways and Means, would have had an opportunity to digest the details of this legislation, but this must be some new mechanism that we have developed here whereby on a very important tax matter the legislation is introduced last week and it is on the floor today for discussion without incidentally having gone through the committee, which for people like myself happen to believe that this is the basis of the Congress, sending legislation through the committee so it might be vetted properly and there might be an opportunity for people to examine the details of the legislation before it is brought to the floor.

Let me speak specifically to the tax cut mania that we are hearing in this institution. What is striking about this proposal, Mr. Speaker, is that, I want to remind people, we have 130,000 troops in Iraq who are serving with honor and distinction every single day. We have 12,000 more troops in Afghanistan who likewise are serving this country admirably day in and day out. So here is the strategy in the modern Congress.

□ 1400

We are simultaneously fighting two wars with three tax cuts.

One of the things that I am most proud of during my time on the Committee on Ways and Means is that we were able to put together the details that balanced the budget of the United States for the first time, I believe, in about 3½ decades, and then we projected surpluses where we may well have had the opportunity to repair Social Security, to repair Medicare, to spend some money on education and to have done the things that we all desire in terms of improving our environment. But the strategy afoot today in the modern Congress is you introduce the bill last week, and then you bring it to the floor for a debate without even going through the committee process. So two wars, three tax cuts, $500 billion in deficit, and there is no vetting of this process in front of our committees?

Let me speak specifically, if I can, to the proposal of the gentleman from Illinois (Mr. WELLER). Let me tell the gentleman, I know people like the Hallihans. Here is the problem with this proposal: What we give to them with this hand, the alternative minimum tax takes away with the other hand. For a family who already has discovered a couple of weeks ago how ferocious the alternative minimum tax can be, they are going to discover that with the headlines of marriage penalty relief that there is a take-back provision.

So we are going to give them the benefit today of what we deem to be or call marriage penalty relief, and, guess what, Mr. Speaker? The Hallihans are about to discover that if they are a married couple with two children who make $72,000 a year, they are not going to get any relief in this proposal because of the alternative minimum tax.

Now, I along with others have been talking about the problem of the alternative minimum tax for the last few years around here. I said recently seldom have I ever been part of any issue in the 16 years in which I have had the honor to serve here where people said to me, keep up the good work, we appreciate what you are doing on both sides of the aisle, and then we do not do anything about it.

So let me go back to the Hallihans for a second, because I expect that they are going to know about alternative minimum tax very quickly. If they have two children and they take the standard deduction with income of $72,000 a year, let me repeat, they are not going to get any tax relief with this proposal. Part of the problem is AMT, and part of the problem happens to be the President's tax cut proposals.

I am going to go back to what I said at the beginning. How can we be fighting two wars with three tax cuts? That is what we ought to be discussing and deliberating here. We passed $87 billion for the war in Iraq, that on top of $60 billion, and everybody in this institution knows that after the election we are going to need more money for the Iraq war and the Afghanistan war.

Where are we going to go to get it? I do not know any businessman or businesswoman in America that could hope to run their company the way that we are undertaking tax cut legislation in the modern Congress.

Then on top of that, we stand at the microphones and tell people, you are going to get relief under this proposal, and more relief under this provision. Then they get their tax bill; and they discover not only is there not any more relief, but, because of alternative minimum tax, they are going to pay more.

There are two issues that we should all be able to agree on in this Congress:

tax simplification, there ought to be an appetite here for getting it done; and the second part of this issue, we should be fixing permanently the alternative minimum tax. That is what we should be doing.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note that this House will be considering in the next few weeks legislation for broad AMT relief. In fact, 11 million taxpaying families will benefit from the AMT relief that we will pass later on in the next few weeks.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GERLACH), a distinguished leader in the effort to permanently eliminate the marriage tax penalty.

Mr. GERLACH. Mr. Speaker, I rise today to encourage my colleagues to support H.R. 4181, a straightforward piece of legislation that will provide permanent marriage penalty tax relief.

First, I would like to express my gratitude to the gentleman from Illinois (Mr. WELLER) and his staff for the tireless work that they have done regarding marriage penalty relief over the past years. The dedication of the gentleman from Illinois (Mr. WELLER) to providing married couples with tax equality is admirable.

I would also like to convey my gratitude to the gentleman from California (Chairman THOMAS) and the Committee on Ways and Means staff and members for their expertise and knowledge in developing and moving forward with this legislation. Their actions over the past years to eliminate the marriage penalty and to increase the child care tax credit has greatly benefited American families and our economy.

Prior to 2001, the Tax Code penalized many married couples by forcing them to pay higher taxes after they married. Two unmarried people living in the same home frequently paid far less in taxes than a married couple with the same income. The 2001 Economic Growth and Tax Relief Reconciliation Act set out to rectify this situation. These penalties would be phased out beginning in 2005. By 2010, the standard deduction and the 15 percent tax bracket for joint filers would be increased to double those for single filers. However, the bill included a sunset provision that eliminated all of these benefits after 2010.

Last year, this Congress took even greater steps to provide tax relief for 35 million hard-working married couples by accelerating this relief. Married couples in 2003 and 2004 received twice the standard deduction for single filers, and the 15 percent tax bracket was doubled to twice that for single filers.

Unfortunately, the accelerated relief provided last year will expire after the 2004 tax year, and all penalty relief is due to expire after 2010 as a result of the 2001 act's sunset provision.

Let me illustrate the effect of our tax policy. In 2001, Mr. and Mrs. Smith each earn $27,000 for a total household income of $54,000. If they filed individually, they would each have a standard deduction of $4,550, or a total of $9,100, and both would fall into the 15 percent tax bracket under the marginal rates at that time. However, if they filed jointly in 2001, they would only receive a standard deduction of $7,600, because the standard deduction for married couples in 2001 was just 167 percent of the individual standard deduction.

Further, the joint income of $54,000 would put them in the 27.5 percent marginal tax bracket. So if they both filed as individuals, their total tax would be $6,734. If they filed jointly, their tax would be $7,110, a marriage penalty of $376.

Under the 2003 act's tax cuts, Mr. and Mrs. Smith could file a joint return in 2003 and 2004 tax years and receive the standard deduction for a married couple of $9,500. This is equal to twice the standard deduction for individuals. They would also fall into the 15 percent rate bracket. As joint filers, they are treated no differently from an unmarried couple.

What will happen to Mr. and Mrs. Smith in tax year 2005? If the standard deduction for the individual remains the same and the Smiths filed separately, they would each have a deduction of $4,750. Their total deduction would be $9,500. That would put them in the 15 percent rate bracket. As a married couple in that tax year, their deduction would be 174 percent of the individual standard deduction. This works out to $8,265. If the 15 percent rate bracket income limit for single filers remained the same, they would return to the 27.5 bracket.

Over the next few years, Mr. and Mrs. Smith would make out better as the phase-in of the marriage penalty relief continued. In 2010 they would return to what they remember as the "good old days" of 2003 and 204 when they were treated the same as unmarried couples. Unfortunately, in the following tax year, the rug would be pulled out from under them, and the Tax Code would treat the Smiths in the same inequitable and unfair manner as it did before 2003.

H.R. 4181 will ensure that the marriage penalty relief is not reduced next year and that the relief stays in the law permanently. As a result of this legislation, couples will no longer have to worry about incurring a tax penalty just by getting married.

If we fail to act, more than 35 million married couples will see an average tax increase of $300 in the 2005 tax year. In 2011, 35 million married couples would see a tax increase of more than $700. In many of our districts, that is the equivalent of a month's rent.

As we all work to help our economy to continue to recover, the greatest error we could make would be to allow an increase on taxes on our families. At a time in our allocating of Federal funds to promote marriage for public assistance beneficiaries, how can we even consider allowing the return to a Tax Code that penalizes married couples?

In conclusion, this is the right bill, this is the right time, and I request all of our Members to support the legislation on final passage.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. TANNER), who was elected on the same day as I was. I would point out he is a member of the Committee on Ways and Means, which generally is in a position to take up these sorts of issues.

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me time.

I too am concerned about the total lack of process around here and what we are supposed to be doing. My concerns really do not go to the substance of the bill or the policies, but the total lack of process and the fact that we do not even have a budget by which we can gauge what our priorities ought to be.

I am going to talk about something here as a business person, that I am looking forward to this tax cut a week over the next several weeks, because I think it is going to give us a wonderful opportunity to explain to the American people what is going on in this town.

Generally speaking, when you are in business, you have a budget. You try to decide what you are going to spend money for and what you are going to do. We do not have that, so we come with these ad hoc tax bills, and the mantra seems to be that a tax cut generates money; it does not cost money. In fact, the majority party tries to apply PAYGO rules only on the spending side and not to the tax side. It is called a balance sheet. It is not a liability sheet; it is a balance sheet. You have to have both.

What I think they fail to understand is that a tax cut today with borrowed money is a tax increase tomorrow, and it is called interest. We are now paying over $300 billion a year in interest on the national debt. If that was all that we had to worry about, maybe we could figure out a way to pay that back with inflated dollars or in some way do something to get us out of this hole, if that is all we had to worry about.

I remember when Secretary Snow came before the committee and I asked him about interest. He said, oh, yes, it is an obligation that must be paid. I said, yes, it must be paid off the top. Everyone who has borrowed money knows about interest, and this bill today on the floor adds another $100 billion of unpaid-for tax consequences that we will have to begin paying interest on as we borrow it. Again, if that was as far as it went, maybe we could somehow justify that, if we had a budget, which we do not.

But Secretary Snow, getting back to him, when I asked him about interest, he said, yes, it is, but this is nothing to worry about, because the United States economy is so large and this is such a small percentage of GDP that the borrowings we are incurring today, we can handle them.

What he did not say was that back when we did have a percentage of GDP of borrowings this big, it was the American people who were funding the deficit, who were buying the IOUs of the Treasury. That is not true today. I want to tell the American people that this is a national security issue, and I hope I can explain why to them.

Last year we had a budget deficit here in this town of over $370 billion. Over 70 percent of that debt was purchased by foreign interests. Let me say that again: foreign interests are financing the deficit borrowing that this Congress is doing.

I just want to know, how far are we willing to go to mortgage our financial future to foreign interests? According to the Treasury Department, major foreign holdings of U.S. Treasury securities now total over $1.6 trillion. Over 34 percent of the money, hard currency, that we owe, is held by foreign interests. China alone holds over $200 billion. The Japanese hold over $600 billion. Furthermore, the Central Bank in Beijing has increased their holdings of United States debt by over 100 percent since 2001.

You would be amazed at what is going on here. We are borrowing money to cut taxes, indicating that in tomorrow's day, our citizens will have a tax increase because they must pay interest on what we are unwilling to either cut or unwilling to raise money for our needs, particularly those soldiers, sailors and Marines in Iraq.

□ 1415

We cannot even extend to them $100,000 worth of life insurance because they say they do not have the money, and here they are going to spend $100 billion, borrowing 70 percent of it from people around the world. As I say, I do not have any problem with the substance, but this is the wrong way to do it.

Let me just give an example. The Caribbean Banking Centers, we owe them $74 billion; Taiwan, over $50 billion; OPEC, who is raising prices, cutting production of oil, while gasoline in this country is $2 a gallon, OPEC owns over $43 billion worth of our debt. Korea, $37 billion; Singapore, $22 billion; Italy, $15 billion; Brazil, $15 billion; Thailand, $14 billion. We are putting our country in hock all over the world with this deficit spending that is going on, and sooner or later, let me tell my colleagues this: sooner or later those countries are going to say to the American Treasury we do not want any more debt, we are not going to buy at a relatively low rate of interest your paper any longer.

Do my colleagues know what is going to happen then? Interest rates are going to go up, because we are going to have to hike the interest rates that we are willing to pay for borrowed money so somebody somewhere will buy it. Again, that will directly result in a tax increase on the American people and particularly these young people.

We all are witnessing a generational mugging, because my generation is sending young men and young women to Iraq to fight a war, we are borrowing the money, taking a tax cut, my generation is taking a tax cut to borrow the money from foreign interests and giving them the bill when they get home, some without an arm, some without a leg. What is there to be proud of about what we are doing here? That is exactly what is happening.

Thankfully, the Wall Street Journal finally picked up on this national security argument I have been making for 7 or 8 months, about how crazy it is, foolhardy it is, and how dangerous it is to continue to borrow money from foreign interests. They said, "Some would argue," in this Wall Street Journal article, "that foreign countries would never sell off U.S. debt. However, economic history shows a number of times when countries have subordinated their economic interests to political goals and clout."

Some day, I do not know when, in the future, China, Japan, any of these other countries that I read, the Caribbean Banking Centers, OPEC, you name it, some day they are going to say we do not see the world as the United States does, and we are going to either threaten to dump this debt or we are going to sell off, in which case it will have a direct effect on the markets of this country.

Thankfully, Wall Street is beginning to wake up to this national security issue of being held hostage and in hock financially to foreign interests who may or may not see the world as we do in the future.

I think again that there is no way to overemphasize how dangerous this course of action is. This bill is just one little symptom of a far greater problem that we have in this country and in this Congress, and that is the absolute unwillingness to ask the American people to sacrifice anything in the event of war. We are at war in Afghanistan, at war against terrorists, at war in Iraq, and nobody in this country is asked to do anything except the men and women in uniform, the Reservists and the Guardsmen who are fighting. Nobody else has been asked to do anything except take a tax cut, and when they see the terrorists flare up we are advised by the administration to go shopping.

This is really a sad day. This bill is a symptom of a far greater problem, and I look forward to laying out how much we owe to foreign interests and what it means to this country if they ever decide to change their mind about whether or not they will buy our paper.

Mr. WELLER. Mr. Speaker, as I prepare to yield to the gentleman from Illinois I would note that later during this debate we are going to be debating a Democratic alternative which, according to the Joint Committee on Taxation, raises taxes on individuals and small business by $207 billion. Think what that will mean to our economy.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), the ranking member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today to voice my support for H.R. 4181, the permanent repeal of the marriage tax penalty.

On June 7, 2001, President Bush signed a repeal of the burdensome marriage penalty tax as part of the 2001 Economic Growth and Tax Relief Reconciliation Act. With this, President Bush lifted the unconscionable burden for millions of Americans taxed more than other citizens simply because they were married.

If H.R. 4181 is not passed this year, married couples will be required to pay 20 percent more in Federal taxes than unmarried Americans earning the same income. And in 2010, they once again will be paying the exorbitant marriage taxes in place before tax relief was enacted in 2001.

One of the many charges the Preamble of the United States Constitution requires of us who serve in government is to promote the general welfare of the people of this Nation. Before President Bush took office the economy was heading into a recession. The Nation was shocked and the recession made worse when the attacks of September 11 took place. The acceleration of the President's tax cuts returned money to the pockets of American citizens, the people best qualified to reinvest and spend their own money on their businesses and consumer goods. The increased spending which has resulted from these tax cuts has led to the steady improvement of the economy, a steady improvement which we as a nation continue to enjoy.

The repeal of the marriage penalty is also an important step in strengthening marriages and families in this country. The idea that couples were and could be again penalized by incurring taxes for getting married is unacceptable. It is wrong that a nation would lay a tax on marriage in any way, shape, or form.

Mr. Speaker, I am proud to be a cosponsor of H.R. 4181, and I urge my colleagues to support and pass this legislation.

Mr. NEAL of Massachusetts. Mr. Speaker, there are 10 million people, married households who are going to get no benefits from this proposal; 3 million more are only going to get part of the benefits. That means we are denying 13 million married households a benefit that is being promised to them today because of alternative minimum tax.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I think we ought to look at the record. Under this monolithic Republican government that we have here in Washington, 2.6 million jobs have been lost, long-term unemployment is at a record high, we have gone from a $5.6 trillion surplus in the Federal budget to a nearly $3 trillion deficit. This year alone the budget deficit is expected to reach $500 billion, primarily due to the President's and the congressional Republicans' economic program.

Mr. Speaker, 4 million people lost their health insurance, and 1.3 million people have gone into poverty. Median annual income for middle class families is down by $1,400.

Yet, instead of extending the temporary unemployment benefit program that expired in December and addressing the litany of problems that I have mentioned, the Republican bill before us today continues the kind of reckless policy that has been pursued by the Bush administration and by the leaders in this House.

The bill will cost approximately $100 billion over the next 10 years, all of which will need to be borrowed because Republicans provide no offset to pay for these tax cuts. This will further increase the debt tax that Americans must pay to ensure that our country does not go into bankruptcy. And, as is the case with most Republican tax bills, when you look at the fine print, you find even more reasons to worry.

Thirteen million middle income families, 26 percent of married couples earning between $75,000 and $100,000, and 60 percent of married couples earning between $100,000 and $200,000, receive no benefit or scanty benefits from this bill. Additionally, the Republican tax bill is shortchanging our most needy families.

While this bill makes the new $3,000 earned income tax credit permanent, it forces low-income families to wait 4 years before receiving the full benefits of the bill. All other marriage penalty relief provisions are accelerated under this bill, except the one benefit that is aimed at those people who need it the most.

When it comes to the wealthiest Americans, the Republican bill makes sure that no multimillionaire is left behind. Families with incomes over $1 million will be twice as likely as other families to collect the bill's full benefits.

The Democratic substitute, on the other hand, would make the marriage penalty relief permanent without borrowing a single dollar. The Democratic bill pays for its tax relief through a rate adjustment for married couples earning over $1 million a year. The Democratic substitute adjusts the alternative minimum tax to ensure that middle class families see all of the benefits we are promising them today. It also accelerates the phase-in of the highest earned income tax credit that is used by lower income families.

The Democrats' bill provides 13 million families with twice as much tax relief, and all married couples earning less than $1 million each year will receive more benefits under the Democratic proposal.

So the Democratic bill deals in a much fairer way, a much more equitable way, and in a way that is going to provide benefits which will be beneficial to the families who will receive them, because they will receive them now, and beneficial to our economy because we will not have to borrow the money in order to pay for it.

So if you are a multimillionaire, you are probably going to like the bill that has been presented to us by the Republican Party and the White House. If you are a middle class American, you are not going to like it, because whatever scanty benefits you do get under their bill we are going to have to borrow the money to provide those benefits, and you will have to pay back that money with interest in the near future. And to the extent that you are not paying it back, middle class families, your children will have to pay it back. That is the enormous problem with this piece of tax legislation.

We need to return to the sound fiscal policies that we had during the decade of the 1990s when people were working and we had fairness and justice in our tax policies as well.

Mr. WELLER. Mr. Speaker, there are clear differences being outlined here today. Democrats are proposing a $270 billion tax increase, the Republicans are proposing a simple extension of existing marriage tax relief.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I am simply going to build on the introduction and comments of my friend, the gentleman from Illinois. We have already heard about what this underlying bill is about. H.R. 4181 is one of the fundamental tax equity issues that will come up in this Congress. We are talking about extending and making permanent the relief that we have extended to working couples and end permanently the marriage tax penalty.

Mr. Speaker, this is not a vote about mortgaging our future, about Iraq, about macroeconomic policy, or even about the budget deficit. This is a narrow, important issue that speaks to fundamental tax equity for working families, and I speak from experience on this.

Twelve years ago when my wife and I were married, she was a teacher, I was a staffer for the State legislature working for someone who is now a colleague of mine. When we got married, we ended up paying several thousand more dollars in taxes. That was an absolute absurdity. When we ran the figures, we were astounded to find this marriage tax penalty, and I am proud to say since I have come to Congress, I have been fighting consistently on the Committee on Ways and Means to permanently correct this problem.

Now, our friends on the other side want the revenue. They do not want to provide the relief to the families. They want this important fix to our tax system to expire next year and effectively raise taxes on working families, not on multimillionaires. Give me a break. I was not a multimillionaire a few years ago when I was first contending with this.

This is not a reckless policy, as our friend from New York characterized it. This is about fundamental tax fairness. And if our friends on the other side of the aisle are in favor of that, if our friends on the other side of the aisle are against punishing families who happen to choose to get married, then I think they need to join us in supporting this fundamental, straightforward tax reform bill that I think draws a clear contrast between the two parties.

Mr. NEAL of Massachusetts. Mr. Speaker, it certainly is a contrast between the two parties. To suggest that this is not about paying for Iraq and Afghanistan is ridiculous. Of course it is. We are borrowing the money to pay for Iraq and Afghanistan: $87 billion. Of course this is entirely relevant.

Also, I do not believe that the Committee on Ways and Means brought this issue up. Maybe I was not there that day.

Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

□ 1430

Mr. LEVIN. Mr. Speaker, we have two alternatives before us; that is not always true on this floor. Often Democrats are not allowed a substitute. This time we have been granted that. We should always have that, by the way. Always, always.

The alternatives are very different. The issue is not whether we want this to expire, I say to the gentleman from Pennsylvania (Mr. ENGLISH). We do not. And surely it is not a question of fundamental tax fairness. Indeed, the opposite is true when you look at your proposal.

First of all, it does discriminate between couples of certain income brackets and couples in lower income brackets. My colleagues on the other side of the aisle do that. They differentiate, indeed, they discriminate. Why discriminate against working people who have less income and help working people who have more? What is the reason? What is the reason?

Well, I remember when we argued over the child credit, and my colleagues thought it was defensible to differentiate between those with kids who have certain incomes and those who have kids with less and lower incomes. All right. That is one difference between the two alternatives.

Another relates to the alternative minimum tax. And here, to put it charitably, my colleague is not telling it like it is. Because essentially what my colleague is going to do is to give to millions of couples with one hand, and they are allowing it to be taken back with another. Indeed, the figures I think are pretty clear that about half of what would be given through this will be taken back by the alternative minimum tax. One-half.

Millions of couples who think, because of my colleagues' advertisement, that they are going to get some help on a permanent basis, are going to have that taken back when they face the alternative minimum tax.

My colleagues have not faced up to the impact of the alternative minimum tax, period. Millions and millions and millions of taxpayers are going to fall within it because of my colleagues' inaction. And it is always next year they say that they are going to do something about it.

So that is a second difference between the two bills. We do not discriminate between married couples according to their income and differentiate against those who have lesser income. And we do not give with one hand and take back with another. We address the alternative minimum tax issue.

And, thirdly, and my Democratic colleagues have talked about this, and it relates, really, to the AMT, is my Republican colleagues' fiscal irresponsibility. They do not pay for this at all. They say the more debt, I guess, the better. That is their philosophy. The more the national debt goes up, the better. The deeper the hole, their philosophy is, dig it deeper and my colleagues think over time growth as some magic wand will fill in a deepened hole. That is irresponsible. Indeed, it is worse than that: it is dangerous.

So there are three basic differences between those two alternatives and why I urge serious consideration, indeed, all of my colleagues to vote for the substitute. It does not discriminate according to income. It addresses the alternative minimum tax so we will not take back from millions those that we pretend, or my colleagues pretend, to help; and it is fiscally responsible.

And if my colleagues vote otherwise, essentially what they want is not tax equity; they want what they think is a political issue. They are dead wrong. Americans do not want discrimination against low-income families. They do not want them to say one thing and then another thing be done through operation of the AMT.

And I think they are increasingly sick and tired of the fiscal irresponsibility of the majority in this House, the majority in the other House, and the chief executive of this country.

Mr. WELLER. Mr. Speaker, I have a note that this House will be considering broad AMT relief in the next few weeks.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), a senior member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding this time to me. I want to compliment him that he has been a complete hero with regard to doing away with the marriage penalty, and he has been fighting for this for many, many years.

The previous speaker, I can understand his sensitivity to alternative minimum tax because it was part of the Democrat Party that really made this worse in 1993 with the tax increase of President Clinton. If my memory is correct, not one Republican supported that particular piece of legislation.

We are in the process, as the gentleman from Illinois (Mr. WELLER) said, of working on a bill that will help clean that up. The alternative minimum tax is a very harmful tax, and it is one that should be put to rest forever.

The marriage penalty, however, which is under discussion today, one would not know it to listen to the other side, but this penalty for many Americans, it is wrong; it is wrong for the government to promote marriage and family and at the same time to financially penalize couples for getting married and having two incomes. Can you imagine that?

Approximately 1.8 million Florida couples, that is 3.6 million people, benefit from the repeal of this unfair tax. In particular, the penalty is especially harmful to younger couples starting out together. These are not millionaires, Mr. Speaker, by any stretch of the imagination. They are struggling young people who are trying to raise a family, pay their mortgage, put groceries on the table, and go on with their lives and at the same time to save for college education, which we are hearing a lot about in a lot of rhetoric in this Presidential campaign.

Without passage of H.R. 4181, these couples would see their taxes go up an average of $300 a year. That is $300 that could be used and be saved for college education or put simply for house payments.

I am proud to be an original cosponsor of this legislation. And I urge all my colleagues, and I am sure many Democrats will join with us, to support this important piece of legislation.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER). Today we will vote on permanently ending what is perhaps one of the most unfair taxes in the U.S. Tax Code: the tax on marriage.

The marriage penalty rose from a 1960s change in tax law to relieve what was perceived as an unfair burden on single taxpayers. At that time, a special deduction was also created to relieve the effects of the marriage penalty. However, during the 1986 Tax Act when Congress reduced all tax rates, a special allowance was repealed for single filers; but the marriage penalty has remained and has existed ever since, with only temporary respite.

Today we must end it, permanently. Paying more in income taxes because one is married makes as much sense as paying more for a loaf of bread simply because they chose to be someone's wife or husband.

The Tax Code should not discriminate between people who are single and people who are married. When couples say "I do," I do not think they were referring to the IRS. Half of all marriages in this Nation end in divorce, and less than half of all children spend their childhood years in a two-parent family. We need to be supportive of families in America, not punish them.

We must ensure the Tax Code treats single and dual earners equally. It is simply wrong for anyone to pay more in taxes simply because they exchange marriage vows.

I urge my colleagues to end this unfair taxation.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank my good friend from Illinois (Mr. WELLER) for yielding time.

Mr. Speaker, I rise today in strong support of H.R. 4181 because I know how critical this tax relief is to so many American married couples and hard-working families. This Congress must permanently extend the increased standard deduction and the 15 percent individual income tax bracket expansion for married taxpayers.

As a Congressman representing both Charleston and Myrtle Beach, I recognize the great impact these types of tax cuts have upon our economy, especially in keeping the travel and tourist industry alive and well. By continuing to provide this tax relief to married couples filing jointly, more American families will be able to take vacations and spend time together at our golf courses and hotels and museums and beaches and historic places.

With so many perils and stresses facing parents in today's society, it is more important than ever for families to get away and enjoy life and strengthen family bonds. Tourism is the largest industry in my area and serves as the backbone of the local economy. It grows our economy, generates jobs, and provides for capital investments in South Carolina.

Last year alone, my district hosted more than 18 million visitors, nearly a 7 percent increase over the previous year. These visitors and the businesses that caters to them, spent $5.1 billion in 2003 compared with $4.7 in 2002.

Jobs, those directly and indirectly linked to the tourism industry, grew by 8.9 percent to $93,702, while wages increased by 9.4 percent to an aggregate of $1.28 billion. I believe that all of this would not be possible without limiting the marriage penalty and putting in place the President's tax cuts that have done so much to spur the economy.

The institution of marriage is under attack from so many angles including the courts and some segments of the media and popular culture. Our tax system should not serve to weaken the bonds of marriage; instead, it should serve to strengthen this great institution by ending the marriage penalty forever. How can we tell American families that they will have to pay nearly $90 billion in new taxes over the next 10 years? Not on our watch.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in support of H.R. 4181, which will end the marriage penalty once and for all. It is time to put this debate to rest, and it is time to abolish this Nation's anti-family tax policies.

When we pass this legislation, this House is making a statement that we as lawmakers will not stand for a Tax Code that punishes married couples. To place an additional tax burden on married couples simply because they are married is crazy. The Federal Government cannot be passing tax laws which are designed to drive people apart rather than bringing families together. It is counterintuitive.

Unfortunately, many of my colleagues on the other side of the aisle say, well, who cares. After all, they say, the government needs more money, and we should be the ones to decide who to redistribute the wealth to based on our concept of what is good.

Mr. Speaker, I believe the Federal Government should have tax policy that has three fundamental caveats: it needs to be pro-growth; it needs to be pro-opportunity; and, most importantly, it needs to be pro-family.

Social engineering has been practiced by the other party, and it has had very negative results on our society.

Mr. Speaker, this House must pass H.R. 4181 to ensure that the marriage penalty relief is made permanent. The majority in this House has been an advocate for families by passing needed tax relief for hard-working families, expanding the child tax credit. Passage of this bill shows that this House is committed to this Nation's families. A fall-back to the old fashioned and anti-family tax policies that this Nation faced prior to President Bush taking office is unacceptable.

Mr. Speaker, I call on my colleagues to support our Nation's families and to support H.R. 4181. I am proud to be a cosponsor of this bill, and I will be very proud to go back home and tell my constituents that this House is working for them and for their families. Vote "yes" on H.R. 4181.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in full support of H.R. 4181. There is no doubt that our society is overtaxed when we are talking about people simply because they decide to get married. The Federal Government has no business punishing people for making a choice. And that is essentially what this tax is, a punishment for choosing to get married.

□ 1445

Prior to 2001 the standard deduction married couples could take was less than that allowed for two single taxpayers. There is something wrong with that picture. Are we saying single people deserve more of their money back than married people? We need to do all we can to make the Tax Code fairer. Passing H.R. 4181 to extend full marriage penalty relief through 2010 and beyond so that marriage tax equity becomes a permanent law is a great first step.

Mr. Speaker, we are talking about people's money, not ours. Let us get it back in their pockets so they can save for a down payment on a house, buy a car, buy clothes for the kids or spend it in whichever way they see fit.

I urge my colleagues to vote in favor of H.R. 4181, to help ease the tax burden placed on hard working American families.

Mr. WELLER. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Michigan (Mrs. MILLER) earlier spoke of the need for tax relief, and other speakers on the other side have offered different proposals suggesting that we should proceed down this road of tax cuts regardless of whether or not we are going to need this money for Iraq and for Afghanistan.

Now, let me go back to the point that I raised earlier in this debate, and I hope people are listening. Without batting an eye in this institution, we borrowed $87.5 billion for the war in Iraq. Now, the only reason we did not hear the real cost of the war in Iraq is because people would have reacted very differently. Everybody in this institution today, the people that are watching, the people that are here as guests, they know you are going to need more money for Iraq and Afghanistan. Tens of billions of dollars more will be needed for Iraq and Afghanistan.

For years Democrats were accused of being the party of fiscal irresponsibility even though we set the Nation on the right course in the mid-nineties with record surpluses, record economic growth, unparalleled prosperity, and we demonstrated you could balance the budget and still fix Social Security and Medicare.

Today we are, and I want people to listen to this carefully, we are borrowing the money for this tax proposal before us today, borrowing the money and sending the bill to our children. We are fighting two wars. For the first time in our history we are having tax cuts at the same time that we are fighting two wars. We watch the red ink everywhere, $500 billion this year in deficit, and the answer here is let us add more to it.

The President comes forward with a proposal to finance the war in Iraq, which I voted for because I thought those soldiers needed the best equipment and best supplies we could provide them with, but we borrowed the money to do it. And the answer today is, let us borrow money for tax cuts to pay for these proposals. And then people like myself who have been talking about alternative minimum tax for years here were told, well, do not worry because we are just going to do this in a couple of weeks. We are going to fix the alternative minimum tax in a couple of weeks.

The alternative minimum tax problem is going to cost $500 billion to $600 billion to fix. We will not fix it in 2 or 3 weeks here. Everybody knows it. We will have the tax cut of the week in an effort to massage the numbers.

Let me give you another specific quick example of what we seek. The AMT problem reaches in to more families based upon the more kids you have. So the families who take the standard deduction and have four kids with incomes of $64,000, they are not getting any benefit from this proposal today because what they are offering them on one hand, they are taking away on the other. So they suggest we will give you marriage penalty relief, and then the IRS is going to say, aha, take those deductions for those children, take the HOPE credit, and let us tell you what is going to come of it.

What is going to come of it is you are bumped into alternative minimum tax and you will be hit with a bigger bill than you originally would have had.

Now, let me offer some of my political DNA on this issue as a Democrat. I have proposed getting rid, outright, of alternative minimum tax. Just repealing it. That would force this institution and the other body to speak specifically to the issue of the tax cuts that we have seen here, reckless disregard for the future of this Nation's financial security. We are going to need that money for the international commitment that we have made in Iraq and Afghanistan and in the war on terror.

We will need to fix Social Security. We will need to fix Medicare for generations to come. That is not irresponsible to have used those surpluses during the Clinton-Rubin years to pay for the basic requests of the American people.

This is not an issue that is 20 years off. The baby boomers begin to retire in 2011. We are going to need the resources for that. And to the question that was referenced earlier, the suggestion that we are proposing a $206 billion tax increase, we are going to need $300 billion for the war in Iraq.

I will remind this body, General Shinseki said, You need tens of thousands of more troops. He got fired for his wisdom. Lawrence Lindsey, by the way, the architect of the President's economic policies, said 200- to $300 million. He got fired because he had the audacity to suggest the truth to our respective bodies.

Mr. Speaker, I yield back the balance of my time.

Mr. WELLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as we bring this debate to a close on this legislation, I really believe we need to bring it back into focus. We have had a lot of peripheral issues that have been thrown out there, and this is really what this legislation does. It is a simple extension of existing law, existing law that eliminates the marriage tax penalty for 36 million married working couples.

The example of a couple in the district that I represent who are those who face higher taxes if we fail to pass this legislation law is a couple by the name of Jose and Magdalena Castillo of Joliet, Illinois. They have a little boy and a little girl, Eduardo and Carolina. They are a hard working couple, and like 36 million married working couples, they could pay higher taxes unless this legislation becomes law.

In 2001 and 2003 we worked with President Bush and we succeeded in essentially wiping out the marriage tax penalty for 36 million low income and middle class married working couples. For the Castillo family of Joliet, Illinois, it meant $1,125. Think about that. In Joliet, Illinois, that is a couple semesters worth of tuition at the community college. It pays several months of daycare. It is a down payment on a home. It is money they can put in their retirement account or their education savings account to help their children.

The Castillos, like millions of married working couples, could face higher taxes. Now, it is estimated that if we fail to pass this legislation into law that next year millions of couples will receive a tax increase of about $300 million as a portion of that marriage tax penalty if reimposed. And then in 2010 if we fail to make permanent the elimination of the marriage tax penalty, they could see about a $1,000 increase in their taxes. And over that 10-year time, 36 million married working couples could receive about $100 billion in higher taxes, just because they are married, and that is what this is all about.

We hear a lot of rhetoric but this is pretty simple legislation. We are doing a simple extension of existing law that is due to sunset this year, and if we fail to extend it 36 million married working couples will suffer higher taxes just because they are married.

So I urge my colleagues to join with us. Let us work in a bipartisan fashion. Our efforts to eliminate the marriage tax penalty enjoyed bipartisan support. Let us focus on what this issue is, and that is bringing fairness to the Tax Code. So I ask my colleagues on both sides of the aisle to think of the Castillo family when they vote to make permanent today the elimination of the marriage tax penalty.

I urge a no vote on the substitute which contains a $207 billion tax increase on individuals and small business. I urge a no vote to reject that and I ask for an aye vote to make permanent the elimination of the marriage tax penalty. Who benefits? Thirty-six million hard working married couples where both the husband and wife are in the workforce. And it is just a common sense question. Why should they have to pay higher taxes just because they are married? We have made a commitment to eliminate the marriage tax penalty. Let us make it permanently eliminated so it never comes back.

Ms. DELAURO. Mr. Speaker, I rise in opposition to this bill. No one in this body believes that the "marriage penalty" is fair. No one believes that if you are married, you should have to pay more taxes than if you were single or filing separately.

But that is not the debate we are having today, regardless of what the majority says. The trust is, we are debating whether Congress should continue to finance tax cuts out of Social Security and Medicare. The budget deficit this year is already more than half a trillion dollars. A 10-year budget outlook once projected to have a surplus of $5.6 trillion is now a deficit of more than $4 trillion. The passage of this bill will only make matters worse.

Americans believe in responsibility. Our values tell us that when you pass tax cuts, you have to pay for them. But this Republican marriage penalty bill will cost $96 billion over the next 10 years—none of it paid for. These are not the Democrats' numbers—they are from the non-partisan Joint Committee on Taxation. And that is only the beginning, with the majority expecting to take up more tax bills in the coming weeks. All equally expensive—none of them paid for, threatening economic growth, ballooning interest rates, and costing us jobs. This is in addition to a Republican budget that rejects pay-as-you-go rules that Alan Greenspan says are essential if we are to continue our tentative economic recovery.

What became of the Republican Party that preached fiscal discipline and responsibility? By contrast, the Democratic plan would provide more than twice as much tax relief without threatening economic growth. It would help middle-class families and ensure that tax relief from marriage penalty is not reduced by the Alternative Minimum Tax, as it is under the Republican bill. And above all, it would be paid for. Reject this bill and support the Democratic substitute.

Mr. FOLEY. Mr. Speaker, I rise in strong support of repealing the penalty on people who choose to marry. It seems strange that the tax code discriminates against married couples. It's even stranger that there are many in this body who are opposed to fixing this problem.

The President and the Congressional majority have worked hard to enact marriage penalty relief. Because of demands from the other side, this relief will end next year. That means an automatic tax increase in an economy that is coming out of a recession. Mr. Speaker, we must pass this legislation to permanently extend this relief.

As we attempt to eliminate this discrimination in the tax code, I will continue my work to repeal the marriage penalty that affects many couples on Social Security. Yes . . . there is also a "marriage penalty" that occurs when Social Security benefits are taxed. As a result, I have introduced legislation to increase the income threshold for couples to double that of individuals to end this unequal treatment in the tax code that discourages marriage among seniors.

Certainly our seniors should not have to worry about losing Social Security benefits because they are married or want to marry.

Mr. MILLER of Florida. Mr. Speaker, today we will be voting on important legislation; legislation that will help roughly 21 million young Americans financially. I am speaking about marriage penalty relief. Thanks to the peculiarities of the tax code, when married couples earn roughly the same salaries, they tend to pay more in taxes than they would if both were single filers. Our previous action to extend this tax relief benefit has encouraged marriage and saved the average married couple $1,400 a year, allowing them to spend on items that support their families.

This discrepancy financially penalizes couples for doing nothing more than choosing to get married, which creates a strong disincentive for people to build families. With a breakdown of the family and high divorce rates, we need to strengthen marriage—not weaken it. As every study shows, children fare best and have the most promising life prospects when they are raised in intact families. Promoting marriage has the potential to significantly decrease poverty and dependence, increase child well-being and adult happiness, and to provide the safest environment for women and children.

Mr. Speaker, letting the tax penalty relief expire would cost families $1,400 a year. The federal government should not be picking pockets of people just because they are married. If we do not extend the marriage penalty tax relief today, Uncle Sam will not only once again be taking a gift at the wedding reception instead of giving one, but will also be contributing to the breakdown of our basic social institution, marriage.

Mr. CRENSHAW. Mr. Speaker, I rise today in support of H.R. 4181, an Act that will make the marriage penalty tax relief permanent. This unfair provision must be permanently stricken from the tax code so individuals who enter into the sanctity of marriage re no longer penalized when they file their taxes. Marriage is the highest form of commitment between a man and a woman, and we should be encouraging this union—not penalizing it.

Since the 1960's, this archaic standard has been penalizing married couples for simply filing their tax returns as husband and wife. Fortunately, in 2001 we successfully eliminated this unfair provision by passing the Economic Growth and Tax Relief Reconciliation Act. Because of this important legislation, over 42 million married couples are now treated equally when they file their taxes. This tax cut has spurred our economy's recovery and created thousands of jobs. By putting taxpayer money back in the hands of the American people, we reduce their economic burden and empower them to spend their money in a manner they see fit.

We must pass this important legislation and continue to provide this much needed relief to American families. We should never underestimate the good that can be accomplished when families are able to keep more of their money and make spending decisions based on their needs. Congress needs to finish the job we started of promoting economic responsibility and long-term economic growth by making these cuts permanent. Let's do what is right for the American economy and America's families.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 4181, to making permanent the repeal of the Marriage Penalty Tax that has helped 30 million married Americans since 2001.

Married couples rely upon this tax relief for purchasing a new home, saving for their children's college education, and setting up retirement savings plans. Now, nor ever, do I see a reason why nearly 1.1 million married couples in New Jersey should be re-penalized and forced to pay higher taxes simply because they decided to get married and start a family. Allowing this tax benefit to expire would also be counterproductive to the strength our economy continues to show.

Americans scored a major victory in 2001 when Congress and President Bush addressed one of the most unjust provisions of the tax code by reducing the Marriage Penalty Tax. Congress furthered our commitment last year to reducing taxes under the Jobs and Growth Tax Relief Reconciliation Act of 2003, where Congress accelerated the seven year phase-in of the marriage penalty relief.

As a result, today, the standard deduction for married couples stands at $9,500—twice the value that it is for a single individual, and the upper limit on the 15 percent tax bracket for married filers is twice the income limit for single filers. Under current law, each of these tax benefits for married couples will be reduced next year and fully expire in 2010, if we do not act to make the repeal permanent.

If Congress does not act, beginning in 2011, the standard deduction for married couples will be reduced, forcing 30 million more couples to pay more taxes.

The Marriage Penalty tax is inherently unfair. The Federal Government should not force working couples, through an archaic tax code, to pay higher taxes.

The Marriage Penalty Tax weakens the foundation of one of society's most sacred institutions: marriage. We cannot turn back the clock after making such great strides in providing this sensible, meaningful tax relief. And quite frankly Mr. Speaker, families are counting on this relief.

So today, I urge my colleagues to build on our ongoing efforts to provide tax relief for all hard working Americans. Let's pass Marriage Penalty Tax relief for the millions of working couples.

Mr. BLUMENAUER. Mr. Speaker, fixing the "marriage penalty" and increasing the earned income tax credit (EITC) for low-income families are important and long-overdue steps toward tax fairness. I support both measures but wish that Congress had made reducing the tax burden for dual-income middle-class families and those most in need of tax relief its top priority 3 years ago, instead of focusing tax relief primarily on the wealthiest Americans.

Improving the fairness of our tax code is a laudable goal. The Bush tax policies passed by Congress have added significantly to our national deficit. Congress need not continue to exacerbate the budget while providing reasonable tax relief. As this legislation is written, over $100 billion will be added to our national deficit. The Democratic Substitute, which I support, instead would pay for marriage penalty relief and an increase in the EITC by reducing tax cuts available to couples earning more than one million dollars a year. The Democratic proposal provides a more responsible manner of providing tax fairness that does not further burden future generations with more debt.

Mr. STARK. Mr. Speaker, I rise today to oppose the fiscally irresponsible and inadequate H.R. 4181, "Make Permanent Marriage Penalty Relief," and in support of the Democratic Substitute that helps more families and is fiscally responsible.

The Republicans have brought a bill to the floor that is not paid for. In fact, their plan would add $105 billion over the next 10 years to the federal budget deficit.

In contrast, the Democratic substitute provides marriage penalty tax relief to more Americans than the Republicans bill, but pays for it in a fair manner by limiting tax cuts for the wealthiest Americans.

The Democratic substitute provides more marriage penalty relief to 13 million families than the GOP bill by ensuring that tax relief from the marriage penalty is not taken away or reduced by the alternative minimum tax. The Republican bill denies full marriage penalty tax relief to 13 million families next year, including more than 25 percent of the middle-class families making $75,000 to $100,000, by failing to fix the inequities caused by the current alternative minimum tax system.

The Democratic substitute also provides immediate marriage tax penalty relief to more Americans by increasing the value of the Earned Income Tax Credit for more lower-income working couples. The Republicans fail to give these families immediate relief in their bill.

Again, the Republican bill demonstrates the misguided priorities of the Republican Party. Rather than ensuring that all hard working families get marriage tax penalty relief, the Republicans have decided to bankrupt this country to ensure that their fat cat rich elite donors continue to get away with paying absurdly low taxes. The ultimate losers are our children who will be left to pay the bill for the large budget deficits that President Bush and our Republican colleagues in Congress are planning to leave them.

I urge my colleagues to support the Democratic substitute bill and vote against the insufficient and unaffordable Republican proposal.

Mr. KIND. Mr. Speaker, I rise in support of making permanent the marriage penalty tax relief Congress passed in 2003. I believe that we should eliminate the tax penalty that some married couples incur because, simply, it is the right thing to do.

The marriage penalty stems from provisions in the Tax Code that impact married couples filing joint tax returns differently than if they filed separate tax returns. In 2001, the marriage penalty hit around 47 percent of married tax filers from all income brackets.

Without action, tax relief from the marriage penalty would lapse next year as required under the 2003 tax cut package. While the majority of the 2003 tax proposal that passed the House was fiscally irresponsible and designed to benefit only the wealthiest of Americans, its provision providing couples complete relief from the marriage penalty in 2003 and 2004 had bipartisan agreement. The legislation before us today and the substitute offered by Congressman RANGEL will permanently extend relief from the marriage penalty.

Every week I am back in Wisconsin talking to my constituents about the challenges they are facing in today's economy. With rising costs for college tuition, health care, and other necessities, we need to act today to ensure that working families are not going to be faced with a marriage penalty tax in 2005.

I also believe, however, that we must work to make sure these tax cuts are paid for so that we do not increase the budget deficit. It is unfair to Americans today, and especially the next generation, to delude ourselves by thinking the record budget deficits facing our Nation, estimated by the White House at over $500 billion this year alone, will simply go away.

As a member of the House Budget Committee, I supported a budget resolution that allows for extending marriage penalty tax relief while still reducing the deficit. This approach requires tough choices, prioritization, and a bipartisan commitment to helping working families. With the House-Senate conference committee still negotiating the budget resolution for fiscal year 2005, I remain hopeful that we will be able to provide married couples continued tax relief today without raising the debt burden on our children's generation.

The substitute offered today by Representative RANGEL is a more responsible bill that will permanently repeal the marriage penalty tax for millions of Americans while not increasing the budget deficit. By providing a responsible offset to pay for this tax cut, we can benefit all married tax filers without burdening our children with added debt that they will have to pay off.

In addition, the Rangel substitute will benefit 13 million more Americans by accounting for the alternative minimum tax. The AMT will deny many married couples the tax relief intended under this bill because they fall under a complex set of AMT tax provisions.

Mr. Speaker, extending relief from the marriage penalty now will help millions of working families that otherwise would face a tax increase in 2005. I believe we can and must provide this relief in a fiscally responsible manner that will not burden future generations of Americans. Our work is far from over in helping working families face the challenges of today's economy, and we must come together in a bipartisan manner to craft a fiscally responsible budget resolution.

Mr. WELLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF INCREASED STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to basic standard deduction) is amended to read as follows:

"(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

"(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

"(i) a joint return, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $4,400 in the case of a head of household (as defined in section 2(b)), or

"(C) $3,000 in any other case.".

(b) CONFORMING AMENDMENTS.—

(1) Section 63(c)(4) of such Code is amended by striking "(2)(D)" each place it occurs and inserting "(2)(C)".

(2) Section 63(c) of such Code is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 2. EXTENSION OF INCREASED EARNED INCOME CREDIT FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) JOINT RETURNS.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by $3,000."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. EXTENSION OF 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Paragraph (8) of section 1(f) of the Internal Revenue Code of 1986 (relating to phaseout of marriage penalty in 15-percent bracket) is amended to read as follows:

"(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—With respect to taxable years beginning after December 31, 2004, in prescribing the tables under paragraph (1)—

"(A) the maximum taxable income in the 15 percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(B) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under subparagraph (A).".

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1 of such Code is amended by striking "PHASEOUT" and inserting "ELIMINATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 4. BENEFITS EXTENSION NOT TO INCREASE FEDERAL BUDGET DEFICIT.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(j) ADDITIONAL TAX ON HIGH INCOME TAXPAYERS.—The amount determined under subsection (a), (b), (c), or (d), as the case may be, shall be increased by 3.6 percent of so much of adjusted gross income as exceeds $1,000,000 in the case of individuals to whom subsection (a) applies ($500,000 in any other case)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 5. REPEAL OF SUNSET APPLICABLE TO BENEFITS EXTENDED BY THIS ACT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by sections 301, 302, and 303 of such Act.

SEC. 6. BENEFITS OF ACT NOT DENIED BY REASON OF ALTERNATIVE MINIMUM TAX.

(a) MINIMUM TAX.—The amount of the minimum tax imposed by section 55 of the Internal Revenue Code of 1986 shall be determined as if sections 1, 3, and 5 of this Act had not been enacted.

(b) CREDITS.—In applying section 26(a)(1) of such Code, the amount referred to in subparagraph (B) thereof shall be reduced (but not below zero) by the amount of the reduction in the taxpayer's regular tax liability by reason of sections 1, 3, and 5 of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 607, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Illinois (Mr. WELLER) for his persistence in trying to bring tax relief to working people and married people who need it. Again, I would like to thank him for the courtesy which he extended to me at the Committee on Rules which allowed this substitute to be in order.

I would like to say at the outset that I do hope that Members of this Congress would feel the ever growing jurisdiction of the Committee on Rules as we find very important and complex bills, especially tax bills, bypassing the Committee on Ways and Means and coming to this floor.

If the Committee on Ways and Means had allowed the gentleman from Illinois (Mr. WELLER) to have brought this amendment which he has championed over the years to the Committee on Ways and Means, perhaps he would see that Republicans do not have the only way in which to perfect a bill. Perhaps he would have seen that we would have followed his lead in providing for the standard deductions in and making certain that we would not have this so-called marriage penalties. But we would have perfected it so that the earned income tax credit, which is so important for low income people, would have gone into effect immediately so that they would have been able to enjoy the same benefits that their fellow taxpayers, albeit in the upper income tax brackets, would have enjoyed.

Since last seeing this bill, I will have to admit that they have improved it so that in 4 or 5 years these low income people would receive some benefits, but if we had had a chance to work together in committee with amendments and, more importantly, with discussions, we would have been able to fix this so that the low income people and the middle income people would enjoy the benefits of the earned income tax credit.

Another thing which is far more serious is that they give with one hand under the Weller bill, but by doing this and providing the benefits, they kick the taxpayer up into another income category where the monster of the alternative minimum tax grabs them and takes back that money.

It would seem to me that if the gentleman from Illinois (Mr. WELLER) and I were working together, what he would want to do, at least for this bill, recognizing the close to $1 trillion it would cost to eliminate the alternative minimum tax altogether, that we would have said, as we say in the substitute, that for purposes of this bill none of the benefits received under this bill will be denied because of the alternative minimum tax bill that would take it away.

Lastly, let me say this: Is this the time for us to be talking about going further in debt?

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The billions of dollars that the gentleman from Illinois (Mr. WELLER) says Democrats would ask us to pay is not billions of dollars in increase. It would just make certain that the benefits during time of war of those people who God has blessed with receiving incomes of over $1 million will say, hold it, it is a time of war, it is a time of sacrifice; if anybody deserves a tax cut, let it be the people that the gentleman from Illinois (Mr. WELLER) has championed, let it be the married people who struggle every day, let it be not only the middle income people but the lower income people and not the people that receive over a million bucks.

So what I am suggesting is this. Let us take the theme that the gentleman from Illinois (Mr. WELLER) has championed, albeit his couple have changed dramatically since he first brought this up, but that just shows that we have to respond more speedily to decent legislation, and let us take the substitute that has been perfected and say this. If the gentleman from Illinois (Mr. WELLER) and the majority wants to make certain that we expand the 15 percent tax bracket and we increase the standard deduction, count us in. If the gentleman from Illinois (Mr. WELLER) really wants the earned income tax credit to lock into place for all people when this becomes effective and not wait 4 years, we support the substitute and we support the gentleman from Illinois (Mr. WELLER).

If the gentleman from Illinois (Mr. WELLER) wants to make certain that once the benefits are received by these married people, the monster of the AMT that we refuse to touch, not because we believe it is good legislation but because we just do not want to go into debt another trillion dollars, let us say when we get the courage to deal with the deficit we will do it, but for purposes of this bill and the people who look like or suffer the pain of the portrait of the people we see on the floor every year, we will make certain that the benefits will not be harmed by the AMT.

I think this is the time for us and the generations to follow to be careful how further we go into deficit. We do not know how much the war is going to cost, but we do know how much this bill would cost, and this bill does not increase taxes. It rearranges the benefits so that the people making less than $1 million would say, thank you, Mr. WELLER; thank you, Mr. RANGEL; thank you for bringing Democrats and Republicans together to do the right thing. We tried to do this in the substitute. We hope we can get my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, I rise to claim the time in opposition, and I yield myself as much time as I may consume.

Mr. Speaker, let me begin by, of course, thanking my good friend the gentleman from New York (Mr. RANGEL) for these thoughtful and friendly comments, and as we begin this debate on the substitute he is offering, and of course, my criticism that I will have of course is being made in friendly terms, as he knows.

Let me just explain why I urge my colleagues in the House to, in a bipartisan way, oppose the Rangel substitute to H.R. 4181.

As my good friend from New York noted, it includes a $207 billion tax increase on individuals, on families and particularly on small business. To summarize the Rangel substitute, it reverses the tax relief that benefits many families that was included in the Bush tax cuts of 2001 and 2003. It creates a new tax on families and small business, and it even makes the existing alternative minimum tax, something that we all despise, even more complicated.

The Rangel proposal, the Rangel alternative, creates a new tax on families and small business. The Joint Committee on Taxation estimates that the substitute authored by my friend from New York raises taxes by $207 billion by creating a new tax on a group that is defined as the rich, but if we look at the fine print of that definition, the vast majority of the so-called rich are people on Main Street, entrepreneurs and small business people, the people who employ a lot of workers in Morris, Illinois, where I live.

As I noted, it increases taxes on entrepreneurs and reverses the President's tax relief by raising the rate, and it makes the AMT even more complex. Although we share a bipartisan goal of fixing the AMT impacting the 2003 tax cut, we provided for AMT relief, and I expect in the next few weeks the House is going to vote on an extension of that which provides broad AMT relief for millions of families who would otherwise suffer the AMT.

I would note under the Rangel substitute the Tax Code is made even more complicated by requiring families, believe this or not, to do three sets of tax calculations. People have got to figure out their taxes three times to determine whether or not they avoid the AMT under my good friend's proposal.

Republicans are working to address the AMT and I would note the AMT, the alternative minimum tax, was made much worse in 1993 with what has been called the Clinton tax increase. No Republican supported what was then the biggest tax hike in the history of our Nation but most Democrats did, but the AMT was made much more complicated and actually of greater burden, targeted at middle class families. We are working to solve that burden, and this House will be voting on AMT relief sometime in the near future. We are working closely with the Bush administration towards that goal, and we believe that proposal will protect 11 million families who otherwise would pay the alternative minimum tax.

So I ask bipartisan opposition to my good friend's proposal, which again is a $207 billion tax increase on individuals and small business.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I hope that the constant question that would remain on the floor is that the substitute does not increase the deficit by one penny and that the Republican bill increases the deficit by $104 billion. That is the difference.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BECERRA), a distinguished member of the Committee on Ways and Means, for the purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, the difficulty with this debate is that there is a big monster in the closet that people do not want to discuss, and that is the growing national deficit, which is going to make it impossible for us to ever do the type of investments in our education, in our housing, health care for seniors and others that we need to do. It certainly will stop us from doing things the right way in places like Afghanistan, Iraq, around the world where the United States must stand up to defend the rights of others and protect Americans, and certainly we are not doing the right thing for at least some 13 million Americans under this particular bill when it comes to the so-called marriage penalty relief because they will get a benefit, because what is not being said, because of that big monster in the closet is that a lot of these folks, 10 million directly, outright, will lose any type of relief from this legislation because they will fall into another tax category.

So my colleagues take care of what is called the marriage penalty, but they dump them into what is called the alternative minimum tax, such that if a family makes about 72,000 in a year and has two kids and, in filling out the tax form does the standard deductions, that family thinks all of the sudden it may get some relief out of the marriage penalty legislation, like what we have today, will finally get nothing, and that is the reality for 10 million families in America.

For another 3 million families, they will get less than what this bill promises, and the big monster in that closet is going to come out because if we have a $521 billion deficit for this current year and over a $7 trillion national debt collectively, which amounts to more than 24,000 for each man, woman and child in this country that each and every one of us owes and sooner or later will pay, either through higher taxes or reduced services in education, health care, housing, national defense, then we are going to see the real consequences come.

So this debate should be about doing marriage penalty relief responsibly at a time of deficits. This should be about doing marriage penalty relief responsibly at a time when we are asking men and women to sacrifice their lives every single day in places like Afghanistan and Iraq, and this should be a debate about doing this responsibly and in a bipartisan fashion so that we could craft legislation that would take care of the 13 million American families that are going to be deceived and believe that they are going to get something from this and get either nothing or very little whatsoever, at a cost of over $100 billion.

So, Mr. Speaker, there could be bipartisanship here. We should move forward in taking care of marriage penalty for any family under the Tax Code, and for that reason I would hope that Members would consider voting for this substitute because it goes in that direction.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, as we continue to debate the Democrat proposal to raise taxes by $207 billion, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, today this body has one very important decision to make. Do we really want to raise taxes on married couples by bringing back the unfair marriage penalty to our Tax Code? Do we really want to tax the institution that represents the greatest social welfare program in the history of our Nation; in other words, the American family? Do we really want to start rolling back the tax relief that was responsible for making the U.S. the fastest growing economy in the world last year, the tax relief that has helped bring about the highest rate of home ownership in the history of our Nation, the tax relief that has helped create over three-quarters of a million new jobs and the tax relief that has actually brought in more tax revenue to our U.S. Treasury? That is right, tax relief by promoting economic growth has brought more tax revenue into the U.S. Treasury.

Mr. Speaker, the answer should be a resounding no. If we choose to revive the marriage penalty, 30 million married couples will face an average tax increase of $369 next year. The same number of couples will see a tax increase of more than $700, starting in 2011. I mean, that is a rental payment or two for an apartment, a home computer for a son or a daughter. It is weeks of child care. At a time when tax relief is fueling our economic recovery, now is not the time to raise taxes on families or reinstitute unjust penalties on married couples who are working hard to realize the American dream.

I urge all of my colleagues to defeat the marriage penalty, defeat this substitute and support H.R. 4181.

Mr. BECERRA. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time.

The previous speaker was very animated on the fact that we ought not to bring back the marriage penalty. Is it not wonderful that 435 people agree on that? That is not a dispute in this debate. All of us want to give relief. All of us want to make it permanent. Some of us believe, however, there is a free lunch and we want to pass it along to our children and grandchildren. To that extent, it will be a free lunch for us but not for them.

Mr. Speaker, the marriage penalty bill that the House Republicans put on the floor today is divorced from the fiscal reality that confronts this Nation. Just think, in 3½ years the Republican Party has turned a projected budget surplus of $5.6 trillion over 10 years, according to President Bush that is what we had when he spoke to the joint session of Congress, and they have turned it into a deficit of $4 trillion in less than 4 years. This year alone the Federal Government is expected to run a record deficit of half a trillion dollars. That figure does not even include the $50- to $75 billion that virtually everyone agrees will be needed for our war efforts.

So what do our Republican friends propose here today? A tax bill that will cost an estimated $105 billion over the next decade. Now it is $200 billion, and then guess what, they take $100 billion back. That is called a shell game where I come from. Not one nickel of that 105 net is paid for, not one nickel. That is right, with a fiscal crisis looming House Republicans would drive us deeper into debt because, as the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE) said in March, "We don't believe that you should have to pay for tax cuts."

They are for free, supply-side, free lunch. Somebody will pay, and it will be our children and grandchildren. My Republican friends do not but our children and grandchildren will surely do so.

Make no mistake, Democrats strongly support marriage penalty relief because married couples should not have to pay more in taxes than they would if unmarried.

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That is fair. We are for that principle. Everybody is for that principle on this floor.

As a result, Members have a choice today. They can vote for the fiscally irresponsible Republican bill, or they can vote for the superior Democratic substitute, every penny of which is paid for and will give marriage relief to all Americans. The Democratic substitute is fiscally responsible, and it ensures the benefits of the bill are not nullified by the alternative minimum tax, that shell game of which I talked.

I know the gentleman from Illinois (Mr. WELLER) is not playing a shell game, but we have this AMT. It is a fancy phrase, but it simply means if an individual is below a certain degree of obligation, they make a certain income, we are going to take more. So what they say is, we are going to give you $200; but, guess what, we are taking $100 back. We do not do that.

That is why they talk about 205. But it is paid for, and as the gentleman from Illinois (Mr. WELLER) must admit, it does not add a single nickel to the deficit or the debt. Perhaps when he rises to speak, he will deny that. I hope not, because it is the fact.

Mr. Speaker, I urge my colleagues to vote for the Democratic substitute, vote for marriage penalty relief, and vote for fiscal responsibility. The failure to pay for tax cuts not only threatens our economic future but also is an immoral abdication of our responsibility to our children and future generations.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

We are learning a new definition today, "pay for," which means "tax increase." Again, the Democrat substitutes proposes a $207 billion tax increase on individuals and small businesses, those who create jobs all across America.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank my colleague for yielding me this time, and I think there are things both sides of the aisle can agree to. Certainly this side agrees to fiscal responsibility. I hope we can move ahead and have a balanced budget. But there are two ways to get to the balanced budget. We can increase taxes and continue on this splurge of increased spending from the Federal Government and the growth of Federal Government and making promises when we do not know where the money is coming from. We can either raise taxes to accomplish that, or we can slow down on this splurge of spending increases that this Chamber and the Senate and the White House for the last 20 years have proceeded on.

We are now facing that decision. Do we try to reduce spending to accommodate a balanced budget so that we do not pass on to future generations, or do we increase taxes? And let me just suggest to the gentleman from Maryland (Mr. HOYER), with his hand on the microphone, that our taxes on business today are 18 percent higher than our competitors in other nations. So to simply say we want to accommodate government's increased spending by taxing our citizens and our businesses more, like the Democrats did in their alternative budget proposals with increased taxes and increased spending, like the Democrats are doing in this substitute, adding another 200 to add to taxes that will go essentially to married families, we cannot continue to put our businesses at a competitive disadvantage by simply saying we want more money in Washington, therefore we are going to increase taxes.

Let us move ahead with the Republican proposal that has the marriage penalty relief. And I will make this commitment. If we do not stick to our guns on holding the line on spending, like we did in the House budget, then I will simply vote against those bills that increase spending.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I think my time has run.

Mr. HOYER. Will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Maryland (Mr. HOYER) if the Speaker will let me.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from Michigan has expired.

Mr. HOYER. If my friend will yield, I was wondering who is in charge of this splurge of spending that the gentleman is concerned about?

The SPEAKER pro tempore. The Chair would ask the gentleman to abide by the rules.

The gentleman from California (Mr. BECERRA) is recognized.

Mr. BECERRA. Mr. Speaker, I yield myself such time as I may consume to mention that the last time I looked the majority party is in control of both the House and the Senate and controls any spending bills that come out of this Congress. Of course, they first are sent over to us by the White House, meaning the President as well. So in terms of who controls the spending and who is splurging, the minority party would love to have control of both the House and White House, but at this stage that is in the hands of the majority party, so the gentleman should take his concerns directly to his leadership of his party.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I can tell the gentleman who I think is in charge of spending and taxing in this administration and in this Congress; it is Harry Houdini. Because if Harry Houdini was a Member of Congress, he could not have come up with a better "now you see it, now you don't" tax gimmick. That is what we are doing today.

My Republican colleagues want to pass what they claim is a $96 billion tax cut for married couples today, but then the AMT denies $99 billion in promised marriage penalty relief tomorrow. "Here today, gone tomorrow."

We have just heard the gentleman from Illinois state that 36 million families deserve this tax relief today, but the AMT is raising taxes on 41 million taxpayers by the year 2010. In 2001, we promised taxpayers real relief. At that time 1.8 million were paying the AMT. This year, 3 million of them pay the AMT. By the year 2010, 41 million of them will pay the AMT.

My colleagues on the other side of the aisle rush to give the deepest tax cuts to people making over $1 million, then sit idly by while taxes are skyrocketing for 70 percent of people making between $75,000 and $100,000: our cops, our firefighters, our nurses, and our teachers.

The American people do not have to listen to this debate and take a side. They get it. All they have to do is listen to their accountants. I got a call from a constituent in Northport, New York, today. He told me this story. He is newly married. He now has two children. He and his wife both work as educators. They are exactly the kind of family we want to help, but here is the effect of the Houdini tax policy on him. He went to his accountant in April. They figured out his taxes. And just when he thought it was safe to mail in his tax form, presto, the AMT. His deductions for property taxes, disallowed; his deduction for business exemptions and child exemptions, disallowed.

Congratulations. Only in Washington do we turn a tax cut into a $6,000 tax increase for that middle class teacher.

Mr. Speaker, we owe it to our constituents to be honest and accountable. We have to get away from these Houdini policies of making tax cuts appear and disappear. We have to get away from this stealth and secret tax on the middle class. We have to give meaningful tax relief to the American people. That is what the Rangel substitute does, and that is why I will support it today.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note that we continue to debate the Democrat proposal to raise taxes by $207 billion on individuals and small businesses.

Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman for yielding me this time to debate this important issue because I really think ending the marriage penalty is one of the most important accomplishments that we have had in the last couple of Congresses.

We should be encouraging marriage, not discouraging marriage. Married couples should not receive an extra gift at their wedding from Uncle Sam with an extra tax bill. All we are trying to do is keep it neutral, neither discourage or encourage, but certainly not penalize them. If we do not pass this amendment, if we do not reject the Rangel amendment, we will be having a tax increase on married couples coming up next year of $300 or more and even higher in outer years.

Yes, we heard the minority whip say that Democrats support marriage penalty relief. In fact, 72 Democrats did join nearly every Republican in voting for permanent extension. So it is fair to say that essentially all the Republican side and some Democrats do see this. But when it comes to actually coming to the point of saying we support families, we lose too many Members on this important issue.

Now is not the time to have a gigantic tax increase. Our families should not only not be penalized for being married but we should be doing what we can to grow this economy and grow jobs. At a time when we are just beginning to get the economy coming back and growing those jobs, we should not pass a tax increase bill, which this amendment would be, which would devastate small businesses and their job creation. It would be a back-door sneak attack on them. Now is not the time to abandon hard-working Americans and hard-working small businesses that are creating jobs for American families.

The debate really comes down to who should be looked to to come up with solutions for this country. Do we look for government, or do we look for families? We heard a lot of talk on the other side about the deficit of the Federal Government. We have not heard a lot of talk about the budgets of families, which their amendment would increase the cost to them.

We also hear how weak an argument they have against what we are trying to do here by bringing up the AMT. The gentleman from New York said that we needed to be honest and accountable. Well, let us be honest and accountable about the AMT and why increasing numbers of Americans are facing that burden. It is because under Clinton and a Democratic Congress, where we passed AMT without an index, each and every year we bring in more and more hard-working families in the middle class to do this perversive tax. It comes, if we are to be honest and accountable, from the tax policy that they are now proposing in this Rangel substitute, and it must be rejected.

Look at how far they are searching for excuses to come out against eliminating the marriage penalty. The gentleman from California says that this would certainly stop us from doing the right thing in Afghanistan and Iraq. Now, I am not sure what marriage penalty relief has to do with preventing us from doing the right thing in Afghanistan and Iraq. I do not know if it is the confusion about what the right thing in Afghanistan or Iraq should be, but certainly I think our fighting men and women are doing a wonderful thing of extending freedom and keeping us safe here at home.

This bill will do nothing to prevent the full commitment we have and will give our troops for that. But those troops are hoping to come back to an America that values the families that bore them, that values the families that they are creating themselves, and America cannot at this point in time back away from helping American families, from helping the small businesses that create jobs for those families, and I encourage my colleagues to reject the Rangel amendment and vote to keep marriage penalty relief and not allow a tax increase on hard-working American families.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Let us be straight about what is happening here. This is a $207 billion tax cut for people who make less than $1 million a year, the kind of people that need the tax cut. This is a tax increase, in order to pay for the bill, a tax increase of $207 billion for those people who make more than $1 million a year.

This is very simple math. We are not being irresponsible with this substitute. We all support getting rid of the marriage penalty. We all want to encourage marriage through the Tax Code. We do not want to penalize anybody for getting married. But to sit here and say that this is somehow a tax increase on middle America, on average Americans, is not telling the whole story.

This is a tax cut for people who are married and make less than $1 million a year. These are the people who are paying increased property tax and who are experiencing tuitions that have gone up by 15 percent, increased sales taxes, and health care costs that have gone up by 15 to 20 percent a year. These are the people we are trying to help here, and the Democrats are in support of that.

But we do not want to go out and borrow money and put it on the next generation. You borrow money, you have to pay interest on it. This is revenue neutral, so that when we have the challenges we need to face down the pike with Afghanistan, with Iraq, making sure our troops have the proper equipment, then we will be able to answer that call.

□ 1530

We are asking millionaires to give back only $30,000 of their Bush tax cut. They are still going to get $100,000. They are still going to get $100,000 back from the Bush tax cut. When are we going to ask the top 1 percent in this country to start making sacrifices? When? Now is the time with this substitute bill to say that we are not going to push it onto the next generation and we are finally, since this country had the greatest tragedy it has ever had in its history, finally we are going to ask the top 1 percent to sacrifice a little bit to help move the whole society along.

Really the only problem that I see right now with this substitute is that you need a job to be able to qualify to get it, because there are no jobs in this country. The previous speaker said the economy is growing. Where? If you have stocks, you may be doing okay. In Ohio, we lost 200,000 jobs, most of them manufacturing, and 2 million jobs nationwide. This is Herbert Hoover's economy.

Let us be responsible. Let us ask the top 1 percent, people making over $1 million a year, to pay their fair share. Only $30,000 of the Bush tax cut do they need to give back and they are going to give it back to average families who have seen increases in a variety of other tax structures, with their cities, with their counties, with their school districts, with their mental health levies. Those are the people we want to help.

I urge passage of this substitute. It is the right way to go about it by not pushing it off on our kids.

Mr. WELLER. Mr. Speaker, as we debate the Democrat proposal to increase taxes on individuals, families and small business by $207 billion, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, there are still Members in this body that do not understand what marriage penalty relief is about. They only understand tax and spending increases, for any reason regardless of whether any particular tax may be unfair or inefficient or damaging to our economy or destructive to our Nation's families and their moral fiber.

Let us take a quick look. Marriage penalty relief is not about how much is paid, but it is about how it is paid. There is absolutely no reason that any married man and woman in this country should pay more in taxes than similar individuals who are not married. A wife and a husband that make minimum wage should not pay a nickel more in tax than two unmarried people making minimum wage. A husband and wife making $1 million a year should not pay a nickel more in tax than two unmarried people making $1 million a year.

Americans of both parties were united behind this concept. Leave it to our liberal opponents to seek a way to destroy national consensus and attempt to convince Americans that inequality is not only acceptable but it is justified as long as it is against someone else and, in this case, married couples. If those who oppose eliminating the marriage penalty want to raise taxes on families, be honest. Come forward with a bill to raise the tax rate on middle and upper income households. We will have that debate and vote. But any proposal must ensure that all taxes paid by Americans are paid equally, instead of once again penalizing good citizens for being married.

Mr. Speaker, I urge my colleagues to defeat this substitute and support the underlying bill.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise today in support of the Democratic substitute. I believe strongly that we must provide as much permanent marriage penalty relief as possible, which is why I will be voting today for H.R. 4181, the permanent extension of the marriage penalty bill. However, I believe that the Democratic substitute will do an even better job of providing real marriage penalty relief for middle class families.

For increasing numbers of families, April 15 is becoming April Fool's Day thanks to the alternative minimum tax. Unfortunately, more families are finding out that the joke is on them when they realize that they will not receive many of the promised tax cuts. The alternative minimum tax was originally designed to make sure that wealthy taxpayers did not completely avoid paying taxes. However, the AMT was not indexed for inflation nor does it allow many popular deductions, including marriage penalty relief. So it is increasingly impacting middle class families whose incomes have risen over the years, particularly two-parent working families with children.

I am from Long Island where the voice of our business community, the Long Island Association, has declared the AMT to be the number one threat to Long Island's taxpayers. The problem with the Republican bill is that it does not protect marriage penalty relief from the AMT. The AMT hits Long Islanders particularly hard, as State and local income taxes, property taxes and other personal deductions are added back in for the purpose of calculating the AMT. In a sense, Long Island is being double-crossed and double-taxed. In fact, more Long Islanders pay the AMT than taxpayers in any other region of the country.

I find it deeply disingenuous to promise marriage penalty relief to millions of Americans who we know will not reap the benefits of it. When many families who think they are getting marriage penalty relief instead have to pay the AMT, I believe that they will be outraged that we had the opportunity to act, which we do, but we did not.

The Democratic substitute provides more marriage penalty relief to 13 million families than the Republican bill by ensuring that tax relief from the marriage penalty is not taken away or reduced by the AMT. The Republican bill denies the full marriage penalty tax relief to 13 million families next year, including more than 25 percent of the middle class families making between $75,000 and $100,000.

Mr. WELLER. Mr. Speaker, as we continue to debate the Democrat proposal to increase taxes by $207 billion on individuals, families and small business, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GERLACH), one of our leaders in the effort to permanently eliminate the marriage tax penalty.

Mr. GERLACH. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to urge opposition to the Rangel substitute here today. It is unbelievable that just as the economy in our Nation is starting to turn around, seeing increasing jobs, lowering the unemployment rate, higher rates of home ownership, that we are going to be asked through this amendment, through this substitute, to raise taxes on our job creators. According to the Joint Committee on Taxation, this substitute will hit approximately 200,000 individual returns, 75 percent of those returns having small business income, income that can be used to plow back into those small businesses, plow back into increasing the number of jobs at that small business, plow back into that small business for better equipment, better technology, a larger physical facility to handle the operations of that small business. That would be cut. That would be adversely impacted by this substitute.

The substitute also reverses the effects of the President's 2001 and 2003 tax relief. At a minimum, affected families and small businesses will pay a marginal tax rate of 38.6 percent.

Mr. Speaker, now is not the time to stifle economic growth in this Nation through higher taxes. Now is the time to continue economic growth through lower taxes. I would urge my colleagues to vote "no" on the Rangel substitute.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I say now is the time to get back the money we gave to all those rich folks when we gave them the tax cut because we really need it. We could use it to pay for some of the equipment that the folks in the armed services need right now.

But let me speak more specifically to the legislation that we are here to talk about. I rise in support of the Rangel substitute amendment, which not only makes permanent marriage penalty relief for millions of hardworking families eligible for the earned income tax credit but also provides that relief immediately, not 3 years from now like the Republican bill.

In 2001, the marriage penalty relief that was enacted was phased in over a long period of time. Last year, the economic stimulus legislation that was enacted accelerated the phase-in of the 2001 marriage penalty relief provisions except for the marriage penalty relief in the earned income tax credit. I ask, why not? Why was immediate relief for the most needy neglected and not accelerated like the other marriage penalty provisions?

The earned income tax credit assists lower and middle income earners. In Cleveland, Ohio, more than 80,000 individuals filed for the credit. In the State of Ohio, more than 700,000 individuals took advantage of the credit. Nationwide, about 18 million Americans utilized the credit. These hardworking Americans should not be penalized because they are married and they should be provided relief immediately, not 3 years from now. We should accelerate their relief just like the other marriage penalty provisions. Those eligible for the earned income tax credit are in the most need and we should make sure that they get relief as soon as possible.

An in-depth study on the earned income tax credit was conducted by an Ohio think tank and Ohioans were asked what they would do with the extra money they would receive through the earned income tax credit. They provided the following responses: "I would spend it on the kids and on visits to the doctor. I have health insurance but my youngest has to see a foot specialist and the shoes are not covered by insurance. They cost $140."

As I said, I rise in support of the Rangel substitute and would ask all of my colleagues to consider it the best thing for us to do.

Mr. WELLER. Mr. Speaker, I reserve the balance of my time.

Mr. BECERRA. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank my colleague from California for yielding me this time.

In 1993 and 1997, we both reduced the deficit and in 1997 balanced the budget by cutting taxes for working families and middle class families who were trying to meet their obligations to their children and their families. We did not make a choice between tax cuts and deficit reduction. We did both effectively, resulting in 22 million more Americans having jobs, half the poverty rate in this country cut, incomes at all levels going up and the ability of families to send their kids to college being achieved and realized.

Today we have two proposals but also two different visions, both providing tax relief. One, I believe, the Democratic alternative, more equitably, more fairly and more progressively and being paid for, that does not literally in my view provide a head fake to future generations who will be left the obligation to pay for this tax cut.

I note in the Republican proposal that they do finally have in 2008 the earned income tax credit extension. My view is if it is good in 2008, let us do what the Democratic proposal does and bring that tax cut forward to 2005. Because if it is good in 2008 and if it is a good enough tax cut in 2008, let us extend to working families that tax cut in 2005. It always surprises me, they never use the opportunity to be progressive and to be fair.

Second, the notion that there will be 10 million families earning $75,000 to $200,000 who will get no tax cut under this proposal. In my view, we can cut taxes for middle class families and reduce the deficit, which will be good for the economy, producing jobs, and good for American families. There is a right way to do it and a wrong way. That is the wrong way. Our Democratic proposal and Democratic agenda has a right way without making choices; that is, to give a tax cut to working families while reducing the deficit.

Mr. BECERRA. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all thank the gentleman from New York (Mr. RANGEL) for his leadership and the gentleman from California (Mr. BECERRA) as well for his leadership and encourage my colleagues on the other side of the aisle to just simply be fair. The Rangel amendment and substitute is simply clear and simply fair. It makes this legislation effective for millions of lower and middle class Americans, families, the working poor, who can also have the benefit as married couples and families under this legislation and particularly as it relates to the earned income tax credit.

□ 1545

Allow me to just share with you a young lady by the name of Nicole Goodwin. Yes, Mr. Speaker, she is an American. She is an Iraq war combat veteran who is homeless with her daughter. Say, for example, that she would get a job, as she is looking from one homeless shelter to another. This legislation would not benefit this working mom, this family, this individual, who may ultimately marry and be part of the working community, but not part of the millionaire community.

It seems that it is important when we talk about tax relief, inasmuch as we have already given to the top 1 percent an enormous tax cut that puts us trillions of dollars in debt, that it is only fair that as we come to the floor of the House with this benefit that is now being given and will be made permanent by the Rangel substitute, but as well that we be allowed to extend it to millions and millions of working families, to the working poor.

I cannot imagine that we would allow an Iraq war veteran, a combat veteran, to suffer under this legislation.

Mr. Speaker, I ask my colleagues to support the Rangel substitute.

Mr. Speaker, it is unfortunate today that this body must be consumed by debate on legislation that has no real hope of passing through the Senate, never mind the fact that it will not help real Americans. This Marriage Penalty bill is being used by Members of this body as distraction from the real issues at hand. Currently, our nation is engaged in a war that does not have an end in sight. In this body alone we still have massive transportation legislation that has not been resolved and we have yet to even approve a complete budget. Yet, we must be present here to debate legislation that is not realistic nor does it serve a true purpose in its current form. Members of this body who support the original legislation of H.R. 4181 seek to deflect attention away from the fact that to average Americans the economy is lagging, jobs are not abundant, and irresponsible tax cuts have hurt not helped them. However, the majority party continues to repeat the mantra that tax cuts for the rich will lead to a real economic recovery. The facts do not bear out their repeated statements. Average Americans are not the ones receiving massive tax cuts; instead they themselves and their children after them will be the ones paying off an ever increasing national debt. The original form of this legislation continues this skewed pattern of benefiting the rich over lower and middle class Americans. This legislation if passed in its original form will leave middle class couples in the cold when it comes to tax relief and furthermore it has no legitimate offsets to pay for its expense. This irresponsible legislation will only grow the deficit and make greater the burden on average Americans.

This is why I am in full support of the Rangel substitute which offers a responsible way to extend relief from the marriage penalty. Under the Rangel substitute, the marriage penalty provisions related to the standard deductions, Earned Income Tax Credit (EITC) phase-out increase, and 15% bracket would be made permanent, just as in the original legislation of H.R. 4181. However, the Rangel substitute takes the next step towards fiscal responsibility that the original legislation ignores. First, the substitute accelerates the increase for those eligible for EITC, so that they will not have to wait until 2008 to get the full benefit of this legislation. Second, it makes this legislation effective for millions of lower and middle class Americans who are ignored in the original legislation. $100 billion of promised relief is taken back in the form of the alternative minimum tax in H.R. 4181. Additionally, three million families will only receive a partial benefit from this legislation. Those who only receive a partial benefit will disproportionately be couples with children because the minimum tax does not allow a deduction for dependent deductions. Now I ask, does this sound like legislation that truly benefits American married couples?

Too many average Americans are not seeing a benefit; instead they are being fed a steady diet of misinformation and irresponsible policies. The Rangel substitute addresses all these loopholes that allow so many Americans to fall through the cracks and not receive real tax relief.

The strongest argument for the Rangel substitute is fiscal responsibility. The Rangel substitute would ensure that this legislation does not increase the national deficit as it would in its original form. The cost of this tax relief will be offset by adjusting the tax rate for married couples making over a million dollars a year. No doubt, this provision will draw the ire of the majority party, no doubt that they will assail us for daring to make adjustments to their tax cuts. But, I ask what other responsible options are we left with? Should we pass this legislation in its original form and just accept soaring deficits? Should we deny this legislation and leave married couples to lose the tax relief that they have earned? These are the meager alternatives left to us if we do not take the fiscally responsible action of adjusting the tax rate for the richest Americans. I can not understand how some in this body can possibly compare America's millionaires to American working class families as if their situation was one in the same. Clearly, that is not true; America's working class families are the ones in need of tax relief. America's millionaires can stand to pass on more tax relief for the sake of fiscal responsibility.

The difference between the original legislation and the Rangel substitute is that the latter is actually effective and furthermore it's responsible. In these trying times for our nation we can not afford anymore misguided policies.

Extending tax relief for married couples is an admirable goal, but creating irresponsible legislation is not.

Mr. WELLER. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the House Republican leadership.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Illinois for yielding me time.

Mr. Speaker, I wanted to speak in general of the marriage tax penalty relief bill which the gentleman from Illinois (Mr. WELLER) has worked so hard for so many years to pass in Congress. The amendment offered here by the gentleman from New York (Mr. RANGEL) might have some merits, but I also am aware there are so many people who are opposed to this legislation on the other side of the aisle, that sometimes you wonder if these amendments are not being offered in the clever way to derail the legislation itself. It is probably not the case, with the sponsor and many of the people who are supporting it.

I am absolutely not yielding to my friend, but let me say, as I just said, it is probably not the case. That is what I just said. I said that often many times these amendments are offered in an attempt to derail the legislation. However, when the record is written, I will have a chance to show my friend from New York, whom I respect immensely, that I said that is probably not the intent there. And let me say this to my friend from New York, that I also have said that the gentleman has consistently worked for legislation like this. So it certainly is very, I guess, expected that the gentleman would use this opportunity. I would use it too, if I were the gentleman in his position.

Having said that, let me say again, I will be happy to yield to the gentleman, and I do know it is not his intent to derail something.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I would be happy to yield to my friend, the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding, because I misunderstood him. If his final argument is that my intent is just as honest as that of the underlying sponsor of this legislation, then I apologize to the gentleman for misunderstanding what he was saying.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, let me say this: I think the gentleman has been a great champion of tax relief in many respects, and certainly I have a lot of admiration for him.

My support today is for the marriage tax penalty relief. But I would love to see us pass this legislation in its entirety one time and have our colleagues in the other body finish the work that this House so many times has passed and that we cannot get through.

So, Mr. Speaker, I wanted to go on record saying I do support the efforts of the gentleman from Illinois (Mr. WELLER) on marriage tax penalty. I think it is so very important for middle-class America, and I support it today.

Mr. BECERRA. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman has 3½ minutes remaining.

Mr. BECERRA. Mr. Speaker, everyone who has spoken today on both sides of the aisle supports tax relief for married couples. In fact, I know of no one who is going to come here and say to you they are prepared to vote against marriage penalty relief for married couples in this country.

But at a time when we are facing as a result of policies in this government the largest deficit in the Nation's history, some $521 billion, and at a time when there is a double whammy of having to fight a war in Iraq and Afghanistan with no sense of when we are going to have an opportunity to bring our troops home and at what cost, we have to move on legislation like this in a responsible fashion.

This legislation will cost over $100 billion. We do not have $100 billion to pull out of the Federal Treasury's pocket to pay for this bill. That means the deficit of the Nation will increase that much more.

As I mentioned at the inception of this debate, we have a $7 trillion-plus national debt. I guess you could continue spending, the credit card looks good, but at some point we have to pay. And if we are not going to pay, that means our children will pay.

At a time when we are this year, as a result of the administration's request, underfunding the President's own No Child Left Behind Act for education some $8 billion to $10 billion, at a time when we are underfunding the IDEA legislation, which is for special education needs of our kids throughout this country, by more than $2 billion this year, at a time when we are failing to help 44 million Americans have access to health insurance, at a time when we see men and women every day sacrificing their life in places like Afghanistan and Iraq for us, here we are talking about giving $100 billion in tax cuts, when we are not willing to pay for them.

The Democrat substitute simply says, let us give that tax relief, but let us pay for it. We do so by taking the top one-fifth of 1 percent of the richest Americans in this country, one-fifth of 1 percent, and saying to them, you are going to get about $136,000 in tax cuts from the 2001 and 2003 tax bills that were passed. Take $100,000 instead of $136,000. That will help us take care of the millions of families, tens of millions of families that will otherwise face this marriage tax penalty.

Sacrifice a little bit the way the young men or women in Afghanistan are doing today or Iraq are doing today, or the working family making $40,000 or $50,000 is doing today. You will still get $100,000. That is more in relative terms and in absolute terms in the tax cut than any other income group in America.

One-fifth of 1 percent of the richest families in America would help cover the cost. That way we do not add another $100 billion to the national debt. Cannot do that? I guess that is considered responsible.

Some of us believe we owe it to the people of this country to spend, but spend responsibly; to enact legislation, but do it responsibly. That is what I think the Democratic substitute does.

It simply says, let us not try to hoodwink you, let us not do tax policy in the back room with a big black monster back there you cannot see. Let us do it so people can understand transparently, clearly. Big print, not fine print, is what we are trying to say.

Let us give marriage tax relief to all families, but do it responsibly without adding to the debt that will have to be paid by the children of the people that will receive some of that relief. Do not take it from Peter to give it to Paul. Let us do it the right way.

I urge my colleagues to vote for the Democratic substitute.

Mr. WELLER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 11¾ minutes.

Mr. WELLER. Mr. Speaker, I rise in strong opposition to my friend from New York's substitute proposal that he is offering, which, again, is a $207 billion tax increase on individuals, on families, and on small business.

The issue of the AMT has been raised today, and that is another issue which concerns all of us. But I would note that in 1993 when President Clinton called for a tax increase, the biggest tax increase in the history of our Nation, Democrats controlled the Congress, and at that time they increased taxes, increased the rates; but they failed to index it for inflation. That has created the problem that we are facing when it comes to the AMT.

In the next few weeks, this House will be taking up legislation, broad AMT reforms, which will help prevent 11 million of those families that my good friend from New York has identified as needing help. We will be voting on that sometime, very, very soon. But today we are talking about the marriage tax penalty.

Mr. Speaker, I would note in directing my attention directly to the Rangel substitute that it does several things. It reverses President Bush's tax relief, and that means higher taxes, as I said earlier; it creates new taxes on families, individuals, and small businesses; and it makes the alternative minimum tax even more complicated.

Again, under my good friend from New York's proposal, you would have to essentially figure out your taxes three times before you could determine what your tax would be under this proposal. The Tax Code would become much more complicated and taxes would go up $207 billion.

So I urge my colleagues to vote in opposition to the Rangel substitute. The gentleman from New York (Mr. RANGEL) is a good friend of mine. We work together on a lot of things. But I disagree with him on the substitute that he has offered.

But let us talk about what the real issue is before the House today, and that is, do we want to eliminate the marriage tax penalty permanently? If we fail to do anything, the marriage tax penalty will come back for millions of American families.

I remember all the years we have talked about eliminating the marriage tax penalty. I have a couple that I used as an example, a young couple who I had met when they just got married, Shad and Michelle Hallihan.

When we were working early on to eliminate the marriage tax penalty, twice we passed legislation to eliminate and wipe out the marriage tax penalty, and unfortunately it fell victim to President Clinton's vetoes. He wanted to spend the money, rather than give it back to married couples; so he vetoed that bill.

In the case of Shad and Michelle, what really was the problem was they both work, they are both school teachers, so they have two incomes. Under the Tax Code in the old days, before President Bush's tax cut was put in place, they paid higher taxes. In fact, the average married couple at the time we introduced the original legislation to eliminate the marriage tax penalty paid about $1,400.

Well, after our legislation to eliminate the marriage tax penalty was vetoed twice by President Clinton, time marched on and the Hallihans had a son. In fact, that little boy is about ready to start grade school now. Over that little boy's lifetime, we have been working to eliminate the marriage tax penalty.

If you think about it, Will County, Illinois, where the Hallihans live, $1,400 for them is tuition at Joliet Junior Community College, several months of daycare at a local community college. So the Hallihans are a good example of a married couple with a young child who suffer the marriage tax penalty.

Well, this past year, with the help of President Bush, President Bush in 2001, President Bush in 2003, we were successful in enacting into law legislation that essentially wiped out the marriage tax penalty for 36 million married working couples.

Another example of a couple from the district I represent, Jose and Magdalena Castillo, Joliet, they are construction workers, they work in the construction field, they have two children, Carolina and Eduardo, and they work hard. But they suffered the marriage tax penalty too, and thanks to the legislation that the President signed into law, after it was twice vetoed by President Clinton, the Castillos have an extra $1,125 when their marriage tax penalty was eliminated.

Of course, they have two children. That $1,125 is money they could set aside in an education savings account, in a health savings account, to help with health care or college tuition needs. It is money they can use to put a down payment on a car. Or they could also put it in their individual retirement accounts for their later years some day when the kids are out of school, out of college, and they are empty-nesters and are ready to retire.

But the bottom line is that Shad and Michelle Hallihan and Jose and Magdalena Castillo represent the 36 million married working couples who will suffer higher taxes, unless we make permanent the elimination of the marriage tax penalty.

We do have two alternatives here. My good friend from New York has offered one in which the code word "pay for" is used. Just to explain congressional terms, pay for means tax increase. My friend's proposal has a $207 billion tax increase on families and individuals and small businesses, those who create jobs in America.

The Republican proposal, which I hope has bipartisan support, does not include a tax increase on families or small business. What we do is provide a simple extension of the existing marriage tax penalty relief that if we fail to pass into law would result in a tax increase on married couples, like Jose and Magdalena Castillo and Shad and Michelle Hallihan.

If we fail to extend this marriage tax relief, couples such as the Castillos would see a $300 marriage tax penalty reimposed, a portion of that previous penalty they had. If we fail to make it permanent, 35 million couples like the Castillos would see a tax increase of more than $700 starting in 2011.

☐ 1600

Overall, over the next decade, if we fail to extend and make permanent the elimination of the marriage tax penalty, married couples will pay nearly $105 billion in higher taxes.

This is what this is all about. It is a simple choice today. I urge my colleagues to do the right thing, and the right thing is to oppose a $207 billion tax increase on families and individuals and small business by voting "no" on the substitute of my good friend from New York (Mr. RANGEL) and voting "yes" on H.R. 4181, legislation that makes permanent the elimination of the marriage tax penalty.

We do it in three ways. We extend the doubling of the standard deduction so that married couples can have a standard deduction twice that of singles that helps those who do not itemize. We also make permanent the widening of the 15 percent tax bracket so middle class married couples who are both in the work force make twice as much when they file jointly and stay in the 15 percent tax bracket as a single, and we also help the working poor, those who benefit from the earned income credit, a program that was created by Ronald Reagan to help the working poor make ends meet.

My good colleague from Texas said that somehow this proposal would not help this returning Iraqi war veteran and, with all due respect, she is wrong because under our legislation we make permanent the earned income credit which my friend says that she qualifies for. So she benefits as well.

The bottom line is low income and middle class married couples benefit in a significant way when we make permanent the elimination of the marriage tax penalty. Again, my good friend is offering a tax increase of $207 billion. It is a bad idea at this time. We need to keep the economy moving forward. Let us help families by permanently eliminating the marriage tax penalty.

Mr. Speaker, I urge an aye vote, an aye vote on H.R. 4181, and a no vote on the Rangel substitute.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 607, the previous question is ordered on the bill, as amended, and on the further amendment offered by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BECERRA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 189, nays 226, not voting 18, as follows:

[Roll No. 136]

YEAS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman

Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bonilla
Bonner
Cardin
DeMint
Gephardt
Granger
Hastings (FL)
Kilpatrick
Nussle
Rohrabacher
Rothman
Ryun (KS)
Smith (NJ)
Tauzin
Thompson (CA)
Toomey
Waters
Wexler

☐ 1627

Messrs. GREENWOOD, RENZI, GRAVES and YOUNG of Alaska, changed their vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RYUN of Kansas. Mr. Speaker, on rollcall No. 136 I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. LaHood). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

(Mr. LEWIS of California asked and was given permission to speak out of order.)

RECOGNIZING THE PASSING OF FORMER COLLEAGUE ALPHONZO BELL, JR. AND CELEBRATING THE BIRTH OF THE ROHRABACHER TRIPLETS

Mr. LEWIS of California. Mr. Speaker, I appreciate the attention of the House by way of the gentleman from California (Mr. Cox) and I joining together to make an announcement regarding our colleagues.

I get the side of it that is less than totally positive, while my colleague will take the other side.

I am here to announce to the House, or bring to their attention, the passing of former colleague Alphonzo Bell, Jr., who this last Sunday passed away at the age of 89.

Congressman Bell was known while he was in the House by Members of the House as a guy who covered the whole gamut. Some called him a liberal, some called him a moderate, some called him a conservative. He reflects the mix that we have here today. A fabulous Member of the House who passed away at a wonderful, ripe age.

Mr. Speaker, let me yield to my colleague, the gentleman from California (Mr. Cox).

Mr. COX. Mr. Speaker, at the same time, our congressional family is renewed. I am pleased to announce that we have new family members to bring to your attention. The gentleman from California (Mr. ROHRABACHER) is thrilled to announce and, of course, his wife, Rhonda, is pleased to announce, the arrival last night of a baby girl, Annika Brigit Rohrabacher; and a baby boy, Christian August Rohrabacher; and a baby girl, Tristen Francis Rohrabacher. All three of the babies are doing well. They have a healthy birth weight and they are expected to go home soon.

I am told that after they had their Apgar tests they were instantly communicating with each other, these three, signaling each other trying to figure a way out of the nursery to head to the beach because they understand the Rohrabacher family motto is fighting for freedom and having fun, and they are already into it.

The Rohrabacher family is very much proud of this, as we should be. Congratulations to this newest congressional family of five.

☐ 1630

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LaHood). Is the gentleman opposed to the bill?

Mr. STENHOLM. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Stenholm moves to recommit the bill H.R. 4181 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 4 TAX REDUCTIONS CONTINGENT ON AVAILABLE DEBT LIMIT.

No provision of this Act shall take effect unless the Secretary of the Treasury certifies that, upon enactment, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, is sufficient to allow for the increased borrowing required as a result of this Act over the next 10 years.

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes on his motion to recommit.

Mr. STENHOLM. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, it is rather ironic but this is a very straightforward motion. It simply says to this body that if Members want to take credit for cutting taxes we need to take the responsibility for the increased debt as well. Or I would put it in light of the last announcement, the three new little Rohrabachers I am concerned about today and I do not want us to add $95 billion additional debt to the three new little Rohrabachers that we just applauded.

This debate is not about whether or not we should end the marriage tax penalty. Every Member of this body supports marriage penalty relief. The debate is whether we should do so with borrowed money, adding more debt on top of our $7.1 trillion national debt, or paying as we go.

PAYGO worked in the nineties, 1990 and 1997. I believe it will work today if we can just start enforcing it. I do not believe we should pay for tax cuts by borrowing money against our children's future. That is why I supported the Rangel substitute, which would provide for a full and permanent elimination of the marriage penalty without increasing the deficit. Congress should be required to sit down and figure out how to make things fit within a budget just like families across the country do every day. Unfortunately, the leadership of this House seems to have forgotten that common sense principle.

Since the Republican leadership refuses to pay for tax cuts by cutting spending or replacing the revenues, every dime of this bill will be added to the debt we leave for our children and grandchildren. I believe that at a time when our national debt is approaching $8 trillion and our Nation faces tremendous expenses for our troops overseas it is irresponsible to pass legislation that would put our Nation even deeper in debt. But if my Republican colleagues believe that deficits do not matter, they should have no problem borrowing the money openly and honestly to pay for it.

I hope that all of the Members who have come to the floor today to brag about this bill will come to the floor with the same enthusiasm when it comes time to increase the national debt limit. But instead of taking the responsibility for the consequences of their economic policies, the Republican leadership is going to great lengths to avoid even having a discussion of the debt limit.

The budget resolution that this body may consider next week would increase the national debt to over $8 trillion. All this motion does is ask the House to acknowledge that every dime of tax cuts would be added to our national debt. Perhaps if we take responsibility for the impact that our votes have on the national debt we will think twice before we vote to place more debt on our children and grandchildren.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, as bad as the gentleman from Texas (Mr. STENHOLM) talked about the gigantic size of the debt, that is not the worst part of it. A tax cut today with borrowed money is a tax increase tomorrow in the form of interest on the debt. One cannot have it both ways.

If that is not bad enough, that is still not the worst of it. The worst of it is this: This country ran up a $370-plus billion deficit last year. You know who financed it? Seventy percent of it was financed by foreign interests. Beijing, the Central Bank of China, has increased their holdings of American paper 105 percent since 2001. Now the Asians own almost $1 trillion worth of our paper. Every dime you borrow, 70 percent of it is being bought by Saudi Arabia, OPEC, Caribbean nations. I have got the list of people we are in hock to all around the world.

Sooner or later, I am telling you, sooner or later, you keep on doing this and this bill, nobody disagrees with the substance of it, you just will not pay for it. Sooner or later when they do not see the world as we see it, we are going to be in deep trouble. They will have control of the financial markets. They will have control of Wall Street because all they will have to do is call the amount of paper that they hold and we are in trouble.

I would say this bill is just a symptom of a far greater, more serious problem that is every bit as important to this country as any national security matter that I know of.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in conclusion, I am a strong believer in pay-as-you-go legislation. It worked in 1990 when, in a bipartisan way, we passed it in this House. It worked in 1997 when, in a bipartisan way, you could not have done it without Democratic votes. I wished we were doing that. But since we are not going to even allow us to pay for the tax cut that is on the table today, we are going to brag about all the things about it, it seems the least we can do is step up and acknowledge we are going to borrow it and say to the American people we are going to borrow $95 billion on our children's and grandchildren's future. That is all this amendment does.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if this were a debate on the budget and the decision before the House was to bind every spending measure and every tax measure to a PAYGO rule, the debate might be more appropriate. But to assign to one particular tax cut, and only one, a rule that is not applied to any other decision in this House, whether spending or tax cuts, seems to me to point out that somebody does not like making sure that married people pay no more tax than any other two taxpayers.

It took us a long time to reach this point. It seems to me the gentleman's points will be well taken during a debate on the budget. There are a lot of people anxious to find out whether or not they are going to be able to continue the current marriage tax structure that we have.

The gentleman from California (Mr. ROHRABACHER) and Rhonda Rohrabacher have diapers to change. Let us not leave them in suspense.

Vote no on the motion to recommit and yes on the underlying bill.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for an electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 199, nays 220, not voting 14, as follows:

[Roll No. 137]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg

Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bonner
Cardin
DeMint
Hastings (FL)
Kilpatrick
Rohrabacher
Rothman
Smith (NJ)
Tancredo
Tauzin
Thompson (CA)
Toomey
Waters
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes to vote.

☐ 1659

Mr. QUINN changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 323, noes 95, not voting 15, as follows:

[Roll No. 138]

AYES—323

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner (OH)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—95

Abercrombie
Andrews
Becerra
Berman
Berry
Blumenauer
Brady (PA)
Capps
Capuano
Carson (IN)
Conyers
Cooper
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Evans
Farr
Fattah
Frank (MA)
Green (TX)
Grijalva
Hill
Hinchey
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kucinich
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Majette
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Menendez
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Stenholm
Tanner
Taylor (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Velázquez
Visclosky
Watson
Watt
Waxman
Woolsey

NOT VOTING—15

Bonner
Cardin
DeMint
Gutierrez
Hastings (FL)
Kilpatrick
Rohrabacher
Rothman
Smith (NJ)
Tauzin
Thompson (CA)
Toomey
Waters
Weldon (FL)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining in this vote.

☐ 1708

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. THOMPSON of California. Mr. Speaker, due to a family emergency I was not present to vote on rollcall votes 136, 137, and 138, which were held today on H.R. 4181.

Had I been present, I would have voted: "Yes" on the Rangel Substitute (rollcall vote 136); "yes" on the Motion to Recommit (rollcall vote 137); "no" on Final Passage (rollcall vote 138).

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal business prevents me from being present for legislative business scheduled for today, Wednesday, April 28, 2004. Had I been present, I would have voted "aye" on H.R. 4219, legislation extending authorization of the surface transportation bill (rollcall No. 134); "aye" on S. 1904, to redesignate a courthouse located in Miami, FL, as the Wilkie D. Ferguson, Jr. U.S. Courthouse (rollcall No. 135); "aye" on the Rangel Amendment to H.R. 4181 (rollcall No. 136); "aye" on the motion to recommit the bill, H.R. 4181 (rollcall No. 137); and "no" on the question of final passage of H.R. 4181 (rollcall No. 138).

PERSONAL EXPLANATION

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 134, 135, 136, 137, and 138. Had I been present, I would have voted "yea" on rollcall votes 134, 135, and 138. I would have voted "nay" on rollcall votes 136 and 137.

GENERAL LEAVE

Mr. WELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill just passed, H.R. 4181.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purposes of inquiring of the majority leader the schedule for the following week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the distinguished whip from Maryland for yielding to me.

Mr. Speaker, I would like to make all the Members aware that the House has completed voting for the day and the week.

Regarding next week's schedule, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday and Thursday the House will convene at 10 a.m. We plan to consider H.R. 4227, the Middle Class Alternative Minimum Tax Relief Act, which would increase the amount of income exempt from the individual AMT, thereby ensuring that hundreds of thousands of middle class taxpayers are not hit with a hidden tax increase next year.

Finally, I would like to remind all Members that we do not plan to have any votes next Friday, May 7.

I thank the gentleman for yielding, and I will be happy to answer any questions he may have.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the majority leader.

Mr. Leader, the transportation reauthorization, on a bipartisan basis today, as you know, we extended for 2 months. The surface transportation bill that would have been reauthorized last September was the final phase-out date, but we have extended that a number of times since then.

It is my understanding that a meeting at the White House is scheduled tomorrow, to which no Democrat Member has been invited, to decide the overall size of the new transportation bill.

First of all, Mr. Leader, can I ask why are House and Senate Democrats not being included in the discussion about this job-creating legislation that is critical to our Nation, particularly in light of the fact that, as you well know, because you and I have been here for some period of time, historically, Mr. SHUSTER and his counterpart, in the latter years the gentleman from Minnesota (Mr. OBERSTAR), worked hand in hand on this legislation; the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) have worked hand in hand on this legislation, as you know. We voted for it on an overwhelmingly bipartisan basis. But now we, apparently, are not continuing to have discussions with reference to the level of funding on this bill on a bipartisan basis.

Can the majority leader inform me, and the gentleman from Minnesota (Mr. OBERSTAR) who was just on the floor, as to whether or not we might expect to be included in such meetings in the future, so that we could again go forward, as we have in the past on this particular bill, on a bipartisan basis?

Mr. Speaker, I again yield to my friend, the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman for yielding, and I really cannot speak to any discussions the gentleman from Minnesota (Mr. OBERSTAR) or Chairman YOUNG have had, either amongst themselves or with their Senate counterparts.

What I can tell the gentleman is that the Speaker, being Speaker of the House, is defending his prerogative to appoint conferees to represent the House. And before he takes that formal step, he would like to establish some general parameters, or understandings, with the President, getting some sense from the President of what kind of bill he will sign.

The Speaker is not negotiating with the President. The Speaker is holding a meeting of high-level, not committee-level people, putting together and trying to understand, because there has been some confusion as to what the President will or will not accept, before the Speaker appoints conferees.

Mr. HOYER. Reclaiming my time once again, Mr. Speaker, I thank the gentleman for that information.

As the gentleman knows, I would hope the Speaker would go into these discussions with the President armed with the fact that well over two-thirds of the House voted for this bill and, therefore, a very strong sentiment that this bill is the appropriate level of funding. And, in fact, I think the Senate level probably would have passed with a pretty healthy majority as well on this floor.

In any event, I am hopeful that when the Speaker determines how he wants to proceed and appoints conferees, I would certainly hope that all of the conferees will be included in the meetings of the conference to discuss the resolution of the differences between the bodies and the shape and levels of the conference report that would be reported back to the House.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield.

Mr. HOYER. Mr. Speaker, I yield to my friend, hopefully for assurances that that will happen.

Mr. DELAY. I thank the gentleman for yielding, Mr. Speaker, and I would just point out to the gentleman that the transportation bill has always been a very bipartisan bill. I would not expect anything different in the process of going through the conference committee and meetings of the conferees than has been in the past. Both sides of the aisle here and both sides of the rotunda are very interested in keeping that bipartisanship, so I would be very surprised and would oppose having meetings that did not include everybody that was appointed to the conference committee.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the majority leader for that representation.

As the majority leader knows, we have been very concerned about that in the past on some of the legislation, the Medicare prescription drug bill in particular. I believe the majority leader and I had a number of conversations on that, and I am pleased at the assurances the leader is giving us on this particular bill.

Mr. Leader, tomorrow we had scheduled, as I understand it, the consideration of the budget resolution conference report. That, obviously, is not coming to the floor tomorrow if we are not going to be here tomorrow. Can the gentleman tell me where the negotiations stand on the proposal that some of us feel very strongly about, and obviously a majority of the Senate feels very strongly about, and that is the pay-as-you-go provision which affects both expenditures and revenues? Where are the negotiations on that issue at this point in time?

□ 1715

Mr. DELAY. If the gentleman will yield, all I can inform the gentleman of as far as negotiations, of which I am not privy, they are fluid and ongoing and constant. There has been a lot of discussion, as the gentleman knows, particularly over the last few weeks and more specifically over the last few days. No resolution has been decided. No conclusion has been reached. Those negotiations will continue.

This will likely sound redundant to the gentleman, but my answer is basically the same as I gave him last week. Our Budget Committee chairman advises me that there is a very good chance that we could have a conference report on the floor next week. I am hoping that will be the case.

Mr. HOYER. Mr. Speaker, the gentleman has listed the alternative minimum tax as a schedule for the floor. I want to ask him the question I asked him about today's bill. Will that go through the Committee on Ways and Means process or is it the expectation that it will come directly to the floor without consideration by the Committee on Ways and Means?

Mr. DELAY. I think we will probably proceed the same as we did on the bill today that just passed. The AMT bill has passed this House before. It has been marked up by the Committee on Ways and Means before. I do not know how many times. The Committee on Ways and Means feels that there is nothing new here and that the House should consider it as soon as possible, and that is why they want to bring it here, straight to the floor through the Committee on Rules. I would assume that is what the process will be.

Mr. HOYER. Does the gentleman know whether or not this will be a 1-year extension or 1-year effect on the AMT or will it be longer than that or permanent?

Mr. DELAY. I want to be very careful here because I have not seen the bill as introduced. In fact, I am not sure the bill has been introduced as of yet. I am very careful as to what I can say is in it because I have not seen it. All I know is that discussions that I have been privy to, the last I was advised is that the AMT bill is for 1 year.

Mr. HOYER. The last question with reference to the particular bill that is scheduled for next week, is it the intention as far as the gentleman knows to treat the handling of that bill the same way the marriage penalty bill was treated with respect to us having a substitute obviously that is germane and in order under the rule?

Mr. DELAY. Of course I would defer any final decision to the Committee on Rules. I imagine as they did this week with the marriage penalty bill that they would be inclined to make in order a substitute amendment as a substitute.

Mr. HOYER. In addition to the AMT, does the gentleman expect the 10 percent bracket extension to be included as part of the agenda next week as well?

Mr. DELAY. I do not expect the 10 percent bill, the marginal rate bill, to be on the floor next week. We anticipate that bill being on the floor the following week, and then the $1,000 child tax credit on the floor the week after that.

Mr. HOYER. I think I asked this last week, but let me ask him again because he will be disappointed if I did not ask this. Will the folks, $26,000 and under, that were included in the Senate bill but did not come out of the House here be included as far as he knows in the child tax credit?

Mr. DELAY. That is so far down the road, as the gentleman knows. It is 2 weeks away. I would wait to see what the final bill looks like as it is introduced.

Mr. HOYER. I realize 14 days is a long time away, particularly when we are working, people over here, we are working at least a day and a half a week. It is a pretty onerous schedule that the gentleman has got us on.

Might I ask the leader, is he sure we are going to meet next Thursday?

Mr. DELAY. I am not sure of tomorrow.

Mr. HOYER. That is going to make a lot of our Members nervous, I might say.

Mr. DELAY. I would just say to the gentleman that we have a full week of work lined up. Hopefully if things go the way that we anticipate them going, we would be here on Thursday, but not on Friday.

ADJOURNMENT FROM FRIDAY, APRIL 30, 2004, TO TUESDAY, MAY 4, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, April 30, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, May 4, for morning hour debates.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF MEMBER TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Commission on Security and Cooperation in Europe:

Mr. MCINTYRE, North Carolina.

WE THE PEOPLE—THE CITIZEN AND CONSTITUTION

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, the future of our country is rooted in respect for, and understanding of, the United States Constitution. On May 1, more than 1,200 students from across the United States will gather in Washington, D.C. to compete in the national finals of the We the People, the Citizen and the Constitution competition. This outstanding program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am pleased that 40 students from Grant High School in Portland, Oregon, will be representing our State. These scholars have worked diligently to reach the national finals, gaining a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. Grant High School, my neighborhood school, has won twice in the last 4 years.

As we celebrate these young scholars, we should keep in mind that it would not be possible without the dedicated teachers led by Diane Thelen-Sager and their advisers led by Jim Westwood. I wish these young constitutional experts the best of luck at the We the People national finals. They truly represent the future leaders of our Nation.

ADMINISTRATION'S ECONOMIC POLICIES NOT WORKING IN OHIO

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, President Bush was in Cincinnati this week to sell his program of tax cuts and trickle-down economics, tax cuts for the most privileged Americans, hoping that it would trickle down and create jobs and more trade agreements that unfortunately have shipped jobs overseas. The problem with his economic program in Ohio and elsewhere obviously is it is not working. We have lost almost 150 jobs every single day during the Bush administration. In Ohio alone one out of six manufacturing jobs in our State has disappeared. Yet the President's solution is always the same.

Instead, this Congress should extend unemployment benefits to the 50,000 Ohioans and 1 million Americans who have seen their benefits run out. This Congress also should pass the bipartisan Crane-Rangel bill which will give incentives to manufacturers that manufacture in the United States, not outsource and ship jobs overseas.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NOW IS THE TIME—WE MUST RECOGNIZE THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, tonight I rise to remind the world that the 24th of April marked the 89th anniversary of the Armenian Genocide, a systematic and deliberate campaign of genocide of the Ottoman Empire. Also, it marked yet another year with the U.S. formally recognizing the atrocities that occurred. Considering how well documented the genocide is in the U.S. archives and through an overwhelming body of first-hand, governmental, and diplomatic evidence this is nothing less than a disgrace. I also rise to reaffirm my support for the adoption of the Genocide Resolution H. Res. 193. The purpose of this legislation is prevent future genocides by stressing the importance of remembering and learning the lessons of past crimes against humanity, including the Armenian Genocide, Holocaust, and the Cambodian and Rwandan genocides in hopes of preventing future atrocities. In addition, this resolution strengthen America's commitment to the universal values of the Genocide Convention and asks the United States to commemorate the 15th anniversary of the Genocide Convention. Support for this legislation is widespread with a diverse coalition of over 100 ethnic, religious, civil, and human rights organizations calling for its passage.

As Ranking Member of the House Judiciary Committee, it was an honor to be instrumental in preparing the report which gained unanimous approval at the committee level. The report described the Armenian Genocide in the following terms: "Beginning in 1915, the Islamic Turkish state of the Ottoman Empire sought to end the collective existence of the Christian Armenian population. From 1915 through 1918, during World War I, the Ottoman Empire subjected the Armenian people to deportation, expropriation, abduction, torture, massacre, and starvation. The atrocities were renewed between 1920 and 1923. It is estimated that one and a half million Armenians were killed out of over two million Armenians who had lived in the Ottoman Empire. It should be noted that these activities ceased with the institution of the new Republic of Turkey in October, 1923." This past March, I signed onto a bipartisan letter to Speaker HASTERT asking to bring H. Res. 193 to vote but we have not yet been given the opportunity to vote on this important legislation. Today, also marks the day of the Armenian Genocide Observance on Capital Hill and I join over 110 House and Senate Members who have agreed to co-host this observance.

The Armenian Genocide is fully documented in U.S. history. In a July 24, 1915 cable, American Consul Davis noted that, "I do not believe there has ever been a massacre in the history of the world so general and thorough as that which is now being perpetrated in this region or that a more fiendish, diabolical scheme has ever been conceived by the mind of man. What the order is officially and nominally to exile the Armenians from these Vilayets may mislead the outside world for a time, but the measure is nothing but a massacre of the most atrocious nature. It would be that even if all the people had allowed to perish on the road. As a greater part of them, however, have been actually murdered and as there is no doubt that this was done by order of the Government, there can be no pretense that the measure is anything else but a general massacre."

Now more than ever as the world is gripped by unrest and terrorism, the memory of the Genocide underscores our responsibility to help convey our cherished tradition of respect for fundamental human rights and opposition to mass slaughter. We owe it to the victims of the Genocide to acknowledge what happened and to teach our students and children about their suffering, so that we can fulfill our obligation to ensure that genocide will never happen again. Our future generation should be able to say, "I learned, I acknowledge, and I will work to prevent it from happening again."

EXCHANGE OF SPECIAL ORDER

Mr. BRADLEY of New Hampshire. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. BURGESS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

HONORING RON RIOUX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Mr. Ron Rioux for his outstanding work in helping low income New Hampshire residents achieve the goal of home ownership. Ron is the President and CEO of St. Mary's Bank, a not-for-profit, member-owned association and home of the Nation's first credit union. St. Mary's Bank, under Ron's careful guidance, is a company that faithfully upholds the ideals of corporate responsibility, good citizenship and core values. The bank's commitment to giving back to the greater community is evident in its many partnerships with local nonprofit organizations and its sponsorship of a scholarship program for local high school seniors.

Ron's leadership has extended to other organizations as well, including the New Hampshire Credit Union League, which is comprised of 31 consumer-owned credit unions across the State. The Credit Union League has undertaken a new venture providing financial and loan assistance to deserving families.

In 2003, the New Hampshire Credit Union League announced a 5-year, $35 million commitment to reach out to financially disadvantaged New Hampshire residents. Credit unions across the State recognized the need to improve the availability of affordable housing in New Hampshire and established a community loan program, in conjunction with Neighborhood Housing Services of Manchester, in order to provide affordable housing, financial counseling and loan programs to this underserved population. Ron serves as chairman of the committee that secured the participation of New Hampshire credit unions in this program and was the driving force for creating the financial assistance fund in the first place. This new program is an excellent example of the working partnerships that help make the dream of home ownership a reality for many financially disadvantaged families.

Ron Rioux believes strongly in the adage that each credit union is an integral part of the community it serves. The formation of this new community loan program exemplifies just that. The program will not only allow many first-time home buyers the ability to lay a foundation to build wealth that they can pass on to future generations, it will rebuild the community and grow livable and safe neighborhoods.

Ron and the New Hampshire Credit Union League saw an imperative need to make home ownership an affordable reality for many New Hampshire families and worked tirelessly behind the scenes to put this plan into action. Always humble, Ron refuses to take credit for the formation of this community loan program, instead pointing the spotlight on the efforts of the entire league and its members. His tireless commitment to assisting first-time home buyers is a wonderful example of his perseverance and his dedication to improving the community and State in which he lives. Ron's hard work, determination and ability to motivate those around him to reach greater heights is truly commendable. I am honored to represent concerned and conscientious citizens such as Ron Rioux in the United States House of Representatives.

□ 1730

SUPPORTING AND PROPERLY EQUIPPING OUR BRAVE TROOPS OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I rise today to salute Staff Sergeant Eugene Simon of Beaumont, Texas. It has come to my attention through a number of e-mails and other contacts from families in my district about the concerns that many of them are having about our fighting men and women in Iraq. But Staff Sergeant Eugene Simon of Beaumont wrote to me recently, and I want to bring to our colleagues' attention his e-mail that he sent me from his station there in Iraq.

Staff Sergeant Simon and his fellow troops are having a hard time protecting themselves from hostile action, especially in the Humvees they are traveling around in in Iraq. He said that he and the other brave, committed and dedicated troops, and this is his quote, "cut some metals to put a little something on each door" of their Humvees. And that is because they do not have the proper armor on their transportation.

I inspected an armored Humvee today on Capitol Hill, and it disgusts me that our troops have to weld scrap metal on to their Humvees. Troops need properly armored vehicles. They need to withstand small arms attacks and roadside bombs. Can we really afford to sell our troops short when it comes to providing them what they need to protect their lives?

That is why I have sent a letter to the Department of Defense calling for immediate action at whatever the cost might be to provide the equipment and the materials to protect our brave young fighting men and women, and I ask every Member of Congress to join me in demanding more protection for our troops. It is an absolute outrage to me that rock stars on the streets of Los Angeles have safer limousines and safer transportation than our brave men and women do in Iraq. This situation cannot continue.

Let us keep supporting our brave troops for all their valiant efforts overseas. We want them to know that, and we do indeed. But let us also let them know that their country stands behind them with our actions, not just our talk.

DOING BETTER FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, Congress is now working on a final budget, a $2.3 trillion budget with a $521 billion deficit. That deficit shows that it is impossible to finance three wars with three tax cuts and expect a different result. Never before has anybody waged a war with a tax cut. What the result is, we have three wars going on, and we have three tax cuts, and we have $521 billion in deficit.

The budget proposed by the President and the Republican majority repeats the same mistakes that resulted in a jobless economy and a wage and benefit recession for Americans with the lowest growth in wages in the last 30 years.

This budget, the $2.3 trillion budget, continues the same failed economic policies that have given us 43 million Americans without health insurance, 2 million more Americans who have moved into poverty out of the middle class, only a growth of 1 percent in wages in the last 3 years, 2.5 million Americans have lost their jobs, and nearly $1 trillion worth of corporate and individual assets have been foreclosed on.

During the 2000 Presidential campaign, President Bush declared he was against nation-building. Well, who knew that he was talking about America when he said he was opposed to nation building.

This budget and the President's vision are really the tale of two budgets: one for America and one for Iraq. We have spent nearly $150 billion in Iraq on the occupation and war, but without promising America the same future we are now committing to Iraq. I am not against rebuilding Iraq, we need to do that, but I am against taking dollars away and not investing in the education, health care, and environment here at home that we need to do for Americans.

Take the area of health care. We have opened 150 clinics in Iraq and have provided 3 million Iraqis 100 percent prenatal and infant coverage. In America, 44 million Americans go without health care, 33 million Americans work without health care, and 10 million children do not have health care.

In the area of jobs, in Iraq there is universal job training. In America, in the President's budget job training programs have been either capped with no increase or zeroed out.

In the area of veterans, in Iraq, $60 million was spent to train Iraqi veterans of former wars. In America, we are cutting veterans medical care by $257 million.

In the field of education, in Iraq we have built 2,300 new schools, or rehabbed 2,300 schools. In America, Leave No Child Behind is underfinanced by $8 billion. In Iraq, the universities are receiving $99 million for higher education partnerships. In America, Perkins loans have been cut by $99 million and Pell grants have been frozen for 4 years in a row while college costs have gone up 10 percent a year.

In the area of law enforcement, $500 million is being spent in Iraq for a new police force. In the United States under the President's budget, the police program, the COPS Program, is being cut by $659 million.

In the area of housing, in Iraq we are spending $470 million for public housing. In America, we have cut $791 from public housing homeownership.

In the area of the environment, we are paying $3.6 billion for new water treatment facilities in Iraq. In America, $500 million has been cut for water treatment and our drinking water here in the United States.

As President Bush seeks reelection, think of this: after his vision for Iraq and what is happening here at home and our own economy, he can say he kept his commitments against nation-building. The problem is, it is in America that he is opposed to nation-building.

We need to invest here at home. We cannot have the tale of two budgets; the tale of two values; the tale of two sets of books, one for Iraq and one for America. Yet those are the wrong values for here at home.

The American people are the most generous people in the world. They have committed to doing something in Iraq. They have done it over the years in Germany and Japan after World War II. We did it by welcoming other Eastern European nations into NATO and into the EU, leading that effort.

We will continue to be the most generous people in the world, but we will not do it at the expense of the future of our children. We can do better. We do not need to make this an either/or choice. But we have an economic vision and balance that is put in place in the budget of this President and economic priorities and values that have literally left Americans today with less opportunities in education, less opportunities for health care.

Think of this: today, health care costs cost $9,000 for a family of four, compared to $6,500 just 3 years ago. It has gone up 30 percent. College costs have gone up 10 percent, and yet we have not increased our benefits.

We can do better for the American people. We need to do better.

MISTAKES ACCOMPLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 2 weeks ago the President held only his third public news conference in the evening when Americans could watch it. He was asked a question by one reporter: After 9/11, what would your biggest mistake be, what would you say, and what lessons have you learned from it?

Mr. Bush was surprised. He stopped, he paused, he hesitated. He said, I am sure something will pop into my head here in the midst of this press conference with all of the pressure of trying to come up with an answer, but it has not yet.

Now, Mr. Speaker, I am joined tonight by the gentleman from Illinois (Mr. EMANUEL), who also spoke of this, and the gentlewoman from Illinois (Ms. SCHAKOWSKY). We are not here particularly to criticize the President about this. We want to help the President learn from his mistakes; and we want to outline, each of us, a couple of mistakes tonight that I think the President could learn from, if he thought about them and if he tried to act on them.

Saturday marks the 1-year anniversary of the President's flying on to the aircraft carrier with the sign that his staff put up that said "Mission Accomplished." Karl Rove, the President's political guru, strategist, said recently he regrets using the "Mission Accomplished" sign; but nonetheless, it sort of galvanized the public to think about all of what this Iraq war has been about and what the Iraq occupation is about.

But I want to concentrate tonight, as we look at some of the mistakes that have been made by the White House, mistakes that, unfortunately, he has not thought about and talked about publicly to learn from, whether it is what he has done with Medicare, or veterans, shortchanging veterans, or the tax cuts only for the wealthy, the loss of jobs, the weakening manufacturing base, trade agreements and all of that.

But I want to talk tonight about how the soldiers have been equipped in Iraq. Only recently, I got a letter from a mother in Avon, Ohio, my district, informing me that her son serving in Iraq receives only one meal a day.

Now, much of the last year I have met with families of young men and women serving in Iraq, and those families have talked about not enough safe drinking water. That is why so many of our servicemen and -women have come down with dysentery. Many have talked about having to send food to their sons or husbands or sisters who are serving in Iraq, because the military has not equipped them and Halliburton and those private contractors have not fed them well enough.

Most seriously, and the gentlewoman from Illinois (Ms. SCHAKOWSKY) is going to talk about this, as she has other nights, and the gentleman from Ohio (Mr. STRICKLAND) also, how we simply have not equipped our soldiers with the right kind of body armor.

I met a young man on a plane one day who did reconnaissance for the military, just left, just had gotten home from Iraq. He was given one plate of body armor, everybody in his patrol was given one plate of body armor; and he said, we decided to put them on our fronts rather than our backs, because we were not going to be running from anybody. But he had to make that choice.

Our government, our military, the Bush administration, would spend $1.5 billion in Iraq every week, but did not have the foresight and the interest to outfit our soldiers and our servicemen overseas with the right kind of equipment to keep them safe.

As the gentleman from Illinois (Mr. EMANUEL) said, we have not put the armor on the Humvees nearly to the degree necessary on the doors and on the underbelly. We have not provided the kind of body armor.

Month after month after month after month, Members of Congress have stood on this floor, parents wrote the Pentagon, people called the White House demanding, asking, pleading that body armor be provided for our soldiers. Some people died, some young men and women in Iraq were killed because the government, the Pentagon, the White House, simply did not provide the most basic body armor for our soldiers.

Then you go to the President's budget; you go to what is really the measure of ourselves as a Nation, to provide for those men and women after serving their country when they come home. I just would like to read you four quotes that I think will help us see how we can fix the President's mistake, the mistake of not caring for the Nation's veterans.

The Paralyzed Veterans of America said, "The lack of consistent funding for the VA and the uncertainty attached to the process fuels efforts to deny more veterans health care and charge more veterans for the care they receive." That is the Paralyzed Veterans who gave so much to their country. We are not taking care of them.

The President of Veterans of Foreign Wars said, "The President ignored veterans in the State of the Union address and in the 2005 budget. It is further evident that veterans are no longer a priority with the Bush administration." The Veterans of Foreign Wars.

The Vietnam Veterans of America, "The budget proposed by President Bush for veterans health care is not only inadequate, it is an insult to veterans." That is the Vietnam Veterans of America.

The Disabled American Veterans said, "It is clear that vets are not a national priority to the Bush administration. The President's budget plan attempts to shift the burden for funding veterans health care," shift the burden for funding veterans health care, "to those brave men and women who have served and sacrificed for our country."

Mr. Speaker, we can fix one of these mistakes. The President could fix them by adequately funding veterans benefits and taking care of our troops.

HOUSE BUDGET RESOLUTION TO WEED OUT WASTE, FRAUD, AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I want to speak briefly this evening on the House budget and the House budget resolution. It is a responsible budget that has a proper balancing of national priorities. However, Congress cannot get a control on government spending and reduce the deficit unless we find a way to combat waste.

We right now are spending $69,000 per second. The 2005 House budget seeks to weed out waste, fraud and abuse, and builds on our successes of 2004.

Last year the Committee on the Budget, which I am very proud to serve on, began an effort to identify the most blatant examples of waste, fraud and abuse in the Federal mandatory programs. One year later, we know with certainty that we have not even scratched the surface.

For example, the Inspector General of the Department of Education found that States are not complying with the Federal regulations for distributing IDEA funds to local agencies. In a review of six States, half were not complying. Many local education agencies were receiving an incorrect allocation. Some were underfunded by as much as $600,000 and some overfunded by more than $800,000.

□ 1745

The budget that we passed also provides for the permanent extension of the President's tax cuts, the marriage penalty on which we voted earlier, the death tax, and also the child tax credit. Included in the House budget which we passed was language that I had suggested, suggesting the importance of regulatory inform.

Let me briefly quote from the budget resolution: "It is the sense of the House that Congress should establish a mechanism for reviewing Federal agencies and their regulations with the express purpose of making recommendations to Congress when agencies prove to be inefficient, duplicative, outdated, irrelevant, or fail to accomplish their intended purpose."

Some would think that we could do away with half of the Federal bureaucracy with that description.

To continue with the language that is in the budget: "It is an economic reality that unnecessary and ineffective regulations discourage investment and run counter to a holistic vision of growth. They increase prices for consumers, and they suppress job creation. Making agencies more accountable to Congress and the American taxpayer will lead to more efficient practices and less waste."

Based on these findings, I have introduced legislation to reduce wasteful government bureaucracy. It is actually called the JAPC bill, or the Joint Administrative Procedures bill, and it is House Resolution 3356.

I introduced it because during my term as a State Senator I had the privilege of serving on the Florida JAPC commission. It is a bipartisan commission made up of House and Senate members who were charged with the responsibility and the authority of reviewing agency rulemaking. Our State knew that excessive paperwork and burdensome regulations thwarted economic growth and global competitiveness. The accountability will lead to far more efficient practices and much less waste.

The JAPC Act that I introduced is very similar because it establishes a bicameral committee modeled after the Florida system to review agency rules. It also builds on the success of the Congressional Review Act, which was implemented in 1996 as part of the Contract With America.

Mr. Speaker, it has been estimated that Americans pay more than $700 billion a year to comply with regulatory burdens, and that is more than $8,000 per household. I believe that it is time to put the brakes on this unnecessary and ineffective runaway system of regulations that we have. I hope that Democrats, like the gentleman running for President, will embrace regulatory reform and eliminate this burden from the American economy and the taxpayer before they seek out new ways to raise our taxes.

THE PRESIDENT MUST KEEP HIS PROMISE AND PROVIDE OUR TROOPS WITH WHAT THEY NEED

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, as the gentleman from Ohio (Mr. BROWN) said earlier, he referred back to the prime time press conference that the President had some weeks ago where he could not think of any mistakes he had made in response to a question. So some of us have been offering ideas so at the next, if he has one, prime time press conference he would not have to fumble for an answer.

I have to say that with the year anniversary of "mission accomplished," that speech on the deck of the aircraft carrier, that he might want to think about some mistakes that have been made regarding the war in Iraq. Whether one is for or against the war in Iraq, here is something to consider. I wanted to use not my own words, but I wanted to refer to the Newsweek of May 3 and just read a couple of sections here.

"For the Bush administration," this is all a quote, "it has been a mantra, one the President intones repeatedly: America's troops will get whatever they need to do the job. But as Iraq's liberation has turned into a daily grind of low intensity combat and Defense Secretary Donald Rumsfeld grudgingly raises troop levels, many soldiers who are there say the Pentagon is failing to protect them with the best technology America has to offer. Especially tanks, Bradleys, and other heavy vehicles, even in some cases body armor. That has been the tragic lesson of April, a month in which a record 115 U.S. soldiers have died so far, and 879 others have been wounded, 560 of them fairly seriously.

"Soldiers in Iraq complain that Washington has been too slow to acknowledge that the Iraqi insurgency consists of more than 'dead-enders.' And even at the Pentagon many officers say Rumsfeld and his brass have been too reluctant to modify their long-term plans for a lighter military. On the battlefield, that has translated into a lack of armor. Perhaps the most telling example: a year ago the Pentagon had more than 400 main battle tanks in Iraq; as of recently, a senior defense official told Newsweek, there was barely a brigade's worth of operational tanks still there. (A brigade usually has about 70 tanks.)"

How about this: "According to an unofficial study by a defense consultant that is now circulating through the Army, of a total of 789 Coalition deaths as of April 15, (686 of them Americans), 142 were killed by land mines or improvised explosive devices, while 48 others died in rocket-propelled grenade attacks. Almost all of those soldiers were killed while in unprotected vehicles, which means that perhaps one in four of those killed in combat in Iraq might be alive if they had had stronger armor around them, the study suggested."

I want to repeat that: "One in four of those killed in combat might be alive if they had had stronger armor around them, the study suggested. Thousands more who were unprotected have suffered grievous wounds such as the loss of limbs."

I guess it was a week ago Sunday I attended a meeting in my district of 500 people organized by Military Families Speak Out, who have a website that has actually provided a lot of comfort to some of the families who feel quite alone in this situation, Military Families Speak Out. There was an aunt of a soldier who went down in an Illinois National Guard Chinook helicopter on November 2, 2003. This helicopter was not equipped with the latest automatic antimissile blocking system. That is partly because the National Guard is lower down the list on who gets the really good equipment.

Finally, let me quote from a letter from a soldier that was in the Peoria Journal Star, actually. He said, "Our unit's tour of duty in Iraq has been extended past our one-year mark. This is not in line with what our supposed leaders have proposed.

"Let your readers know as well that this unit does not have the extra armor that is now required for vehicle convoys." This is April 24, 2004. "Even though we have been here for over a year, we still do not have the right protection from roadside bombs or small-arms fire. Our doors are basically just two sides of sheet metal."

He says, "I would like to get home and continue my life, as our Congressmen are doing with theirs. Members of," and he mentions his company, "have done our time here in Iraq with honor, and now we are ready to go home."

So, Mr. President, it seems to me that the mistake was made and is still being made, and cries out for a remedy. The least we ought to do is what you promised, and that is that our troops will have everything they need. They still do not. They must. And that is the least that we can do for our soldiers. For those of us who were against the war from the beginning or those who supported the war, all of us support our troops. It is a mistake not to.

EXCHANGE OF SPECIAL ORDER TIME

Mr. HONDA. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman of the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HONORING THE MEMORY OF PAT TILLMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, I rise today to honor the memory of Pat Tillman, a San Jose native who was killed in action last week in Afghanistan.

At a time when many of us in this country talk about sacrifice, about devotion, about courage, we can look to Pat Tillman as a man who lived those ideals. The consummate student athlete, Pat excelled in the classroom and on the gridiron at Leland High School in San Jose. He graduated summa cum laude from Arizona State University while earning the honor of Pac-10 defensive Player of the Year of 1997. He was a loyal friend, a dutiful son, and a devoted brother.

By now, many of my colleagues have heard about Pat's selfless decision to join the Army Rangers, a decision that required him to turn his back on a multi-million dollar contract offer to continue playing professional football for the Arizona Cardinals.

Pat wanted to serve his country. He wanted to be a direct part of our national response to the terrorist attacks of 9/11.

In a society that reveres athletes as heroes, that hypes sporting events as mythic battles between warring foes, Pat Tillman wanted to serve his country as a soldier.

His enlistment in May of 2002 drew media attention, but Pat very deliberately avoided the publicity that followed his decision. For him, joining the Rangers was a matter of duty and honor, not an opportunity to generate fanfare for himself.

Instead of seeking special recognition for his own actions, Pat shifted attention to the men and women serving in the armed forces. Alongside his brother Kevin, Pat served in Afghanistan where Coalition forces continue to search for Osama bin Laden.

Last Thursday, near a village approximately 25 miles southwest of a U.S. military base, Pat was killed in a firefight when his unit came under attack.

Pat Tillman has made the ultimate sacrifice. The selflessness and patriotism he displayed in his short life will serve as a model to all Americans. For the people of San Jose, he is a native son lost in the field of battle. For Americans across the country, he represents the ideals of duty, honor, and courage.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO MR. WILLIE VAUGHN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, growing up in a small rural town in extreme southeastern Arkansas presented for me and many of my peers many challenges, memorable moments, and interesting personalities. On April 20 of this year, one of those personalities, Mr. Willie Vaughn, reached a milestone in his life.

Mr. Vaughn became 100 years old. He is still alive, still active, still sharp-minded, goes to church, participates in activities. So I take this opportunity to congratulate him for not only living this long, but for the many things he was able to provide leadership to and that he accomplished during his lifetime.

Mr. Willie Vaughn was actually my uncle. We always called him Uncle Dude. He is technically my mother's stepbrother. However, they never acted as though they were anything except brothers and sisters who were integral parts of a large family group. In addition, he and my father had always been close friends and church associates. Therefore, our families were always very close and exhibited great feelings of kinship, friendship, and fellowship.

Uncle Dude was always a leader, at work, at church, in community activities, in family matters, in life. Like practically all of the other blacks in our town, he had very little formal education, but has always been one of the smartest men that I have ever known. He was a farmer, a sharecropper, but he was also a tailor and could make you a suit of clothes. He could cut your hair, make molasses and syrup, buy and rent real estate, and drove the school bus once we got one.

Uncle Dude was probably best known as a church leader, negotiator, and mentor. He kept the Penny's Chapel CMA church on the map, and was a constant visitor to other churches throughout the region. He was the epitome of excellence and no job was too small or too large. He had a motto that if a task was once begun, never leave until it was done. Be the job great or small, do it well or not at all.

He did everything at church there was to do. He could sing. He was chairman of the trustee board, Sunday school superintendent and teacher, fund-raiser, program planner, and would clean up, cut the grass, and do everything else that was required.

□ 1800

Uncle Dude was, and still is, a tremendous family man, a patriarch. My Aunt L.C. and all of my cousins always knew that Uncle Dude was a man who they could depend upon and count on and be proud of his leadership, personal support, and well-being for his family.

He was a strong proponent of formal education and created many opportunities for me and others like me to learn. Uncle Dude, Brother Willie, Mr. Vaughn, he was called many things by many different people, but always with respect. He has been a giant, a legend, a mentor, a man among men. He learned to walk with kings and queens but never lost the common touch. All people matter with him; but none too much. I am proud to be in this man's family and proud to wish him a happy birthday as he reached the ripe age of 100.

PERSONAL EXPLANATION

Mr. DAVIS of Illinois. Mr. Speaker, earlier today I was unable to cast votes due to being out of town on important business. And if I had been present for roll call votes for the following bills, 134, on motion to suspend the rules and pass to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the Wilkie D. Ferguson, Jr., United States Courthouse; 135, on motion to suspend the rules and pass Surface Transportation Extension Act of 2004, Part II, I would have voted "yes" to all of these bills.

THE IRAQ THEATER OF WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Mr. Speaker, I wanted to take this opportunity with a number of colleagues on the Committee on Armed Services to discuss the subject on which America is most closely focused right now because we have troops in combat and that is the Iraq theater of war and the progress that has been made and the portent for the future.

We all recall when our great servicemen, the 1st Marine Division, the 101st Airborne, the 3rd Army Division, and the many other supporting elements in the Navy and the Marine Corps and the Army and the Air Force and the U.S. Coast Guard made that lightning drive for Baghdad and doing something that most of the critics felt they could not do, drove past choke points, bridges, oil fields,. and other places that we thought the enemy would blow or disrupt; but the movement was so quick and so well coordinated that, in fact, we seized most of those difficult areas before the enemy could take advantage of their capability to blow them or to make them impassable for our soldiers.

So we drove up right through the center of Iraq, up through the heart of Iraq; and we took Baghdad and we started the second chapter of this centerpiece of the war on terrorism and that is to turn Iraq into a nation that has a benign intent with respect to the United States, that is not an enemy of the United States, and, in fact, can be counted on to be a friend and in that very, very difficult part of the world lying between Syria and Iran, can be a force for good and an ally of the United States. It is a very important aspect of our war against terrorism.

Now we have started the second chapter, and it is a tough chapter. We have troops engaged in combat right now in areas like Fallujah. We have the United States Marines in firefights, as we speak, trying to knock out the resistance to those who do not want to see democracy.

And I think for those who looked at this June 30 hand-over of initial sovereignty, taking it away from the United States and handing it over, starting that turn-over of political power, most of us anticipated that there would be an up-swell in violence. There has been an up-swell in violence.

And the Marines right now are fighting tenaciously. And we see with our embedded reporters and our real time television in the city of Fallujah and other areas, difficult areas, we see clerics like al Sadr taking advantage of the occupation in an attempt to foment anti-Americanism and strikes against our troops. We see still the remnants of Saddam Hussein's regime, those people who had it so good in the days of the palaces who want to get back into power.

And we have a message for the United States that, I think, is derived against that background. That message is hold firm. Stay steady, because we are making steady progress.

And there are people in Iraq who want to be part of this new government. We have hundreds of little community governments that have been started up, interestingly, by our military leaders, by these great wonderful military leaders who are skilled in leadership, who know how to bring people together, who know how to engineer teamwork. And they stood up city councils and what I would call county governments across Iraq.

And those people are working on getting those sewage systems hooked up, getting that electricity hooked up, getting that water supply to the neighborhood that does not have it.

And we are also doing great things for the children of Iraq. We are now at a record level of school attendance. We are doing everything we can to make sure that Iraqi children are able to go to school, get an education. We have stood up hospitals. We have allowed a religious freedom that is unprecedented in modern times where people can go to the areas that were forbidden by Saddam Hussein. We are hooking up electrical capability and turning on that great resource for the Iraqi people, and that is the oil fields.

Now we have had a major, major redeployment of American troops, one of the biggest in history. And in that redeployment we moved the 1st Infantry Division up to that very difficult area of operations, up to the area of Baghdad where the 4th Infantry Division was in place. The 4th Infantry Division is now rotated out. We have moved many elements from the 1st Marine Division into the area of operations to Fallujah and points west where the 82nd Airborne was in place and where the 1st Armored Division was in place. In Baghdad we have moved now the 1st Cavalry Division. And we have kept most of the 1st Armored Division in place which, I think, in light of this upswell in violence, is a very, very prudent decision by Secretary of Defense Don Rumsfeld and the President of the United States.

So stay steady should be the order of the day. And we are doing that. And our troops are doing a wonderful job for us. We know we have got a ton of National Guard and Reservists in place. And they are doing a wonderful job for us. And when we finish in Iraq, we cannot guarantee that the Iraqi people will have freedom forever, we cannot expect them to turn into Republicans and Democrats. But what we can expect is to have a nation that has a benign intent toward the United States, that is has a good relationship toward the United States and refuses to be a jumping off point for terrorism and a point for unrest and disruption in that part of the world.

And I still in my mind's eye, I know it was a long time ago and images move off that TV screen quickly, but I remember the pictures of the dead Kurdish mothers holding their babies, killed in mid-stride where that poison gas hit them. I remember those images.

I remember the images of the mass graves that they have uncovered, many more to be uncovered where people are just now discovering what happened to their father or their brother.

I remember the story from the farmer who said that every day bus loads of people would be brought up to his farm and that backhoes that had dug the trenches the day before would be standing by with new trenches dug, and the firing squad that worked bankers hours, 9 to 5, would appear; and they would move people out of the buses from grandmothers right down to little children, move them up to the edge of the trenches, and they would each receive one bullet in the back of the head, and then they would be bulldozed into the trenches.

He recounted one day where the firing squad ran out of ammunition so they just bulldozed them into the trenches alive. That is the story of what happened before in Iraq.

And so for people who ask their mothers and fathers when they look through history and see terrible things in that land, they say why did we not as Americans do anything about it, they can, with respect to Iraq, say America did something about it.

Right now we are in a difficult time. Our troops are in battle. Now we should stay firm. We should stay steady.

Mr. Speaker, I would be happy to yield to my colleague, the gentleman from Minnesota (Mr. KLINE), who had a great career in the United States Marines, who does a great service on the Committee on Armed Services.

Mr. KLINE. Mr. Speaker, I thank my colleague for yielding. I thank him for his leadership on the Committee on Armed Services and everything he is doing to take care of our men and women who are leading in this war on terrorism.

Mr. Speaker, I rise today to talk about the heroes, not in the large sense, but in the individual sense, the heroes that we have in this war, fighting in this war in Afghanistan and in Iraq. And, specifically, I would like to share the story today of just one of the many committed Marines. And I know that the gentleman's son is in the Marines, and we share some common bond here; but one of the Marines that is serving today in Iraq has an incredible story.

I was talking to the commandant of the Marines this week. He was in an airplane, I think he said at 48,000 feet. It is amazing how we fly these airplanes these days. He was telling me the story of Sergeant Christopher Chandler. I wanted to share that today because it is a story of resolve, determination, love of country, and love of the American people. It is an example that we see in other men and women in uniform, but this one is particularly special.

I have got some notes here to make sure I get the dates and times right. In November of 2001, Sergeant Christopher Chandler answered the call to service in Operation Enduring Freedom in Afghanistan. Less than one month into this assignment, Sergeant Chandler stepped on a land mine while providing security for an explosive ordnance disposal unit in Kandahar, Afghanistan; and he lost a leg.

Sergeant Chandler was one of the first service members injured in the global war on terrorism after the attacks on 9/11 and the first American to be awarded the Purple Heart in Operation Enduring Freedom. Despite the severity of his injury, he refused to let the incident diminish his resolve.

Following the incident, Sergeant Chandler was evacuated to Walter Reed Army Medical Center where he received treatment and was outfitted with a prosthetic leg.

Neither his injury nor the immediate danger he experienced were able to stifle the determined spirit of Sergeant Chandler. Upon completion of physical therapy, he re-enlisted in the Marine Corps and requested a seat in the U.S. Army jump school.

His request was met, as I am sure you can imagine, with some resistance. He was informed that no exceptions could be made for any physical limitations. He would be required to complete every task and fulfill each training requirement at the same level of excellence as everyone else attending that jump school.

He accepted the challenge. He excelled. He was able to demonstrate to the physical evaluation review board that he was fit to return to full active duty without limitations. He became the first amputee to complete Army jump school.

The story is not over. In December of 2003, Sergeant Chandler graduated, exceeding all expectations by being selected the noncommissioned officer honor graduate of his class.

Today Sergeant Chandler is serving our Nation bravely as a member of the 1st Light Armored Reconnaissance in Iraq.

It has been said that the truest test of a man's character is not what he does with success, but what he makes of defeat. For generations, the Marine Corps has trained recruits with this type of determination and instilled the courage in its men and women to move forward when those around them have faltered. Sergeant Chandler is a leader, but he is not the only one.

Thousands of terrific men and women have answered the call to serve because they know how important this service is to the security of America and to a stable world. And these brave men and women deserve to know that they have our unconditional love and support.

□ 1815

In those discussions with the Commandant of the Marine Corps, as I mentioned earlier, and he has just returned from Iraq only just a couple of weeks ago, he shared with me the single most asked question about the families of the American and women serving at every level and by the men and women themselves in the Marine Corps. And the question is, Do we still have the backing of the American people?

He answers unequivocally yes. We need to make certain that stays so. These men and women who face danger each day on our behalf see and hear the same newscasts that we do. We cannot allow the morale of our troops to be diminished by these negative reports.

Mr. Chairman, you are absolutely right. We have to stay the course. We have a responsibility to make our support known, our emotional, financial, all levels of support to every man and woman who serves this Nation. We owe them no less. We cannot show any weakening of resolve.

It is a commitment that we have to Sergeant Chandler and to all the Marines and soldiers serving over there.

I know, Mr. Chairman, you are giving them your unqualified support and I pledge mine, and I ask my colleagues and the American people to do the same.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his very eloquent remarks. I am reminded that we have a lot of folks fighting the war against terrorism in Afghanistan and in other parts of the world. We are equally grateful to them. I thank him for the experience he brings to the committee and his good judgment.

Mr. Speaker, I yield to my great colleague, the gentleman from New Hampshire (Mr. BRADLEY) for any remarks he would like to make.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank the chairman very much for his leadership of the Committee on Armed Services. It has certainly been a pleasure to serve with him.

Mr. Chairman, I was in Iraq in November, and there is no question what I saw. Iraq is a war zone in some places. We saw that when we were on the ground. We saw the fact that there are challenges and obstacles that face us. The gut wrenching scenes that we have seen on our TV are without doubt something that all Americans find very difficult to endure. But we have also, Mr. Chairman, seen what we are fighting.

I was in the Abu Ghraib prison. I stood in the execution chamber where 80,000 Iraqis were hung. It is a life altering experience to have been in a place where so many people were so barbarically killed.

Mr. HUNTER. Mr. Speaker, if the gentleman would yield on that one point, I remember one story in the Post and I believe it was fairly well-documented about a high school class in Baghdad where the high schoolers, several of them wrote anti-Saddam Hussein remarks on the blackboard. They disappeared, and their families discovered after some years they had been hung. So high schoolers were taken out and hung for making anti-Saddam remarks.

Mr. BRADLEY of New Hampshire. Mr. Speaker, that story was in the Washington Post just after I returned from Iraq. It was about 40 or 45 young high school students. We all do crazy things when we are young, but graffiti should not be a reason that one gets executed. But we saw that when we were in Iraq.

What most Americans are not seeing, which you so correctly note, is the reconstruction that is taking place, the fact that electricity is now at pre-war levels and is evenly distributed through the country, the fact that water systems are coming back online, the fact that there is adequate food in the country, that there is gasoline, that there is traffic on the streets, that the major oil refineries are working, that oil is at pre-war export level.

Mr. Chairman, this is significant success in a short period of time. And yes, we need to get the security situation under control. Our soldiers are doing a terrific job in some of the most trying and difficult circumstances. Over 700 of them have paid the ultimate sacrifice, and we must be forever thankful and supportive of their efforts. And I would like to, if I could just have another couple of moments, read from an e-mail of one of those soldiers because I think it is certainly far more telling in his words than any of our words.

This is a soldier who is in the U.S. Army serving in the 16th Combat Engineer Battalion in Baghdad. I will not read the entire e-mail. I will read excerpts from it but it is very telling. "The news you are hearing stateside is awfully depressing and negative. The reality is we are accomplishing a tremendous amount here, and the Iraqi people are not only benefiting greatly but are enthusiastically supportive." He goes on to say, "I am not out of touch with the negative side of things. In fact, I think my unit has it harder than many other Army units in this whole operation. That said, despite some attacks, the overall picture is one of extreme success and much thanks. The various terrorist enemies we are facing in Iraq are really aiming at you back in the United States. This is a test of will for our country. We soldiers of yours are doing great and scoring victories in confronting the evil terrorists."

He concludes by saying, "Yes, there are terrorists who wish to strike these things down, but this is a test of will. We must win. We can do this as long as Americans at home keep faith with the soldiers in this war. We are Americans after all. We can and must win this test. That is all it is."

So, Mr. Chairman, let me conclude by saying that based on my experience of having been in Iraq and what we knew absolutely about Saddam Hussein, that he had started two wars, that he had territorial aspirations, that he had used weapons of mass destruction not only against the Iranians but against the Kurds, as you so aptly noted, that he was funding suicide bombers, and that over 300,000 people were killed and laid in mass graves. That is what we know.

Mr. Speaker, our world is a much safer world with Saddam Hussein in prison, not in power.

Mr. HUNTER. Mr. Speaker, I might just ask the gentleman what his basic take was on the GIs that he met with while in Iraq?

Mr. BRADLEY of New Hampshire. Mr. Speaker, there were six of us in this congressional delegation and all of us had the chance to meet with various members of the military from our own State. So I met with 12 or 13 New Hampshire soldiers. At that time their morale was extremely high. We knew that we were asking them to do a very tough and a very dangerous job and they knew it too. They missed their loved ones. There is no question about that. They would obviously prefer to be home and not in a far away land as they are. But they also said to a man that the reaction that they were getting from the Iraqi people was extremely positive.

They do not all love us there. That is clear. But the vast majority of Iraqi people are glad that we have liberated their country and they are glad for the fact that these soldiers are helping rebuild schools, get hospitals on line, improve the water systems, all of the reconstruction projects that we are asking them to do, and the vast majority of the Iraqi people are glad that there is now an interim constitution and there is going to be a successful handover of power on June 30.

Certainly in talking to the New Hampshire soldiers, this is precisely what they told us and felt that if we stand behind their mission they will finish the job and they will finish it and have done a great job.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his trip, and I want to thank all the Members who have gone, Republican and Democrat. We have had a great majority of the members of the committee go to Iraq and spend a lot of time with the troops. We really appreciate that.

Incidentally, I would ask my colleagues, the gentleman from Virginia (Mr. FORBES) and the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the gentleman from Virginia (Mr. SCHROCK), and the gentleman from Ohio (Mr. TURNER), I will ask the gentleman from Ohio (Mr. TURNER) to talk to us a little bit next. But if anybody needs to leave early, we will make sure that they get a chance to speak before we go on.

I want to thank the gentleman for his great work on the Committee on Armed Services. It is a big commitment to go to Iraq and take that big block of time, and it is not easy, not convenient and under the rules and the tough aspects of flying into some of those areas now it is a little bit of an ordeal. I want to thank the gentleman for taking the effort and really caring about our troops.

Mr. Speaker, I recognize the gentleman from Ohio (Mr. TURNER) for any remarks he would like to make.

Mr. TURNER of Ohio. Mr. Speaker, I first want to congratulate you on your comments that you have made about the importance of our troops having the necessary equipment and protective gear. You have been a leader, as has our President, in making certain that they have the resources necessary in order to protect themselves, and that of course was not without opposition.

There has been significant opposition in supporting our troops and our funding, and our President has stood fast and so have you in making sure that they have had the correct armor, the Humvees had the correct armor, and that we work diligently to bring those supplies and equipment to our troops.

Mr. Speaker, I had the opportunity to travel to Iraq with the gentleman from New Jersey (Mr. SAXTON) of the Subcommittee on Terrorism, Unconventional Threats and Capabilities under the gentleman's committee. We had the opportunity to go to Bahrain, Saudi Arabia, Qatar, Turkey, and Kuwait.

Throughout our trip there was not anyone that we met with in any one of those countries who did not identify Iraq as part of the war on terror. They all reported that Saddam Hussein was a threat to the safety in the Middle East, safety to the United States and safety of the Western civilized world, and understood how important it was that the United States win this effort and stick to this effort of stabilizing Iraq and of the removal of Saddam Hussein.

Now, everyone has their stories of when they were in Iraq as to what they saw. One that touched me the most, I served as the former mayor for the City of Dayton and I had the opportunity to talk with some of the mayors that were emerging for some of the towns and cities in Iraq, and they were able to talk to us about the path to liberty. These were men who were absolutely committed to serving their communities, who had the challenges that every community does, in dealing with the areas of infrastructure and sanitary issues, sewer issues, their police, the safety of their people, but had a glint in their eye of the commitment, of the understanding of what was more important of what they were doing.

They were not mayors who were just concerned about the public services that a city provides, but they were concerned about the path to liberty, the support the United States was providing to them and their ability to stabilize their country.

Each of them was serving at a tremendous risk to themselves and their family, knowing that the idea that they were standing for, the beliefs that they were standing for, of liberty, was jeopardizing their life and the lives and the safety of their family.

Now, recently, I had someone ask me why did I think the conflict in Iraq was increasing currently. I think we all know that as we take a look at Iraq and its path to liberty that there are those that benefited from the brutal regime of Saddam Hussein. There are those who benefited from this brutal dictatorship and they do not want to see this path to liberty this country is taking. They would prefer to have a brutal dictatorship that delivers out power and benefits to the few instead of the country benefiting from the freedom of all.

I think the President's efforts in Iraq are best shown in the efforts that we have recently seen in Libya. We know that as a result of Iraq and the removal of Saddam Hussein, that Moammar Khadaffi has come forward and offered up his nuclear weapons program to the United States and other countries, indicating that he is abandoning his efforts of pursuing the weapons of mass destruction, particularly in the area of nuclear weapons and that he was much more advanced than what we had thought.

What we know is by pulling Saddam Hussein out of a spider hole, in Libya we have seen that Moammar Khadaffi and the Libyans have coughed up their nuclear weapons program again to the greater safety of the world and to the United States.

Mr. Speaker, I appreciate the chairman's leadership on this issue and for continuing to focus on the issue of protecting our troops.

Mr. HUNTER. Mr. Speaker, I wanted to thank the gentleman for his great service in the Committee on Armed Services and his expertise to the markups we have had; also to his commitment to our people in uniform.

Let me ask the gentleman his ideas on the morale of our troops. I understand this is a tough and difficult time. What is your take?

Mr. TURNER of Ohio. Mr. Speaker, when I am asked this back at home about the issue of morale of our troops, I always tell everyone there are two components of morale. One is are you sure of your purpose? Two, do you want to come home?

Everyone I met with, of course, wanted to come home and had very compelling stories of the sacrifice they were making in being away from their families. But everyone was absolutely sure of their purpose, not just for the liberation of Iraq but for the absolute nexus of their work for their safety of the United States. They know they are on the front lines of the war on terror and the war on terrorism. They know the efforts they are doing is making America safer.

Every one of them when I asked about their commitment to being in Iraq, their desire to stay and finish the job, were absolutely committed to this, and from that I would say their morale was very high because they were doing what they love, which is defending our country and advancing the freedom and the safety of our country.

Mr. HUNTER. Mr. Speaker, I thank the gentleman.

Let me ask the gentleman from Virginia (Mr. FORBES), who actually arrived first for this special order. I want to thank him for his special efforts and all the great service on the committee, and all the work he does for the people who wear the uniform for the United States. Please tell us about your experience in Iraq.

Mr. FORBES. Mr. Speaker, first of all, we want to thank you for your diligent efforts on behalf of our men and women in uniform.

Mr. HUNTER. We are all working together.

Mr. FORBES. It is an important thing and we appreciate your leadership on this. I appreciate your conducting this special order tonight, because as you know so oftentimes the men and women fighting in Iraq never get their voices heard here. We hear a lot of negative voices and a lot of other things in the media, but they do not get to speak out unless we bring that message here.

□ 1830

Just a few nights ago I had an opportunity to speak to a large group of students, and they were in high school, and they had all been high achievers and had great academic excellence, and as I walked in that big auditorium, I was looking at all the students. I could not help but think that we had men and women over in Iraq who were just a couple of years older than they were, and because of their courage and what they were doing, that those students were able to meet there that night in freedom and in safety because these men and women in uniform from this country have gone there and taken the fight to the terrorists so that we are fighting in Iraq instead of fighting over here in our streets and in our hallways over here.

Mr. Speaker, it just makes you proud to be a part of those young men and women.

Mr. HUNTER. On that point, too, I would say to my good friend from Virginia, one thing that I think Americans understand is that we now live in an age where we have to preempt, we have to go abroad, we have to go after the bad guys. That is what this President has done aggressively. He has gone after the bad guys. Up to that point we had had attacks on the Cole, we had attacks on embassies, we had terrorist acts around the world and we threw a few cruise missiles. We got a pharmacy knocked out, a pharmaceutical plant, and a relatively empty training ground in Afghanistan and two Chihuahuas and I do not think we hit the Chihuahuas under a previous administration, and I am being facetious. Actually, they were not effective enough to get Chihuahuas. So we had a very limited response to terrorist acts against our people. It killed our people.

This President has gone after the bad guys in a furious way, and we have taken out terrorists in places where they never thought we would show up.

We had the 10th Mountain Division guys come up over the top of those mountains at 10,000 feet elevation and, they killed these guys at close range in their foxholes and their fighting positions.

We had people who went to meeting places where they thought they were totally meeting in secret, except for a team of Navy SEALS who had shown up before they did by great exertion and got there ahead of them.

We have got American Marines right now locked in firefights at close range in Fallujah, where literally one mud wall may separate our forces and automatic weapons fire coming from the other side.

So we have gone after the bad guys aggressively and there have been some rewards, and I think Americans reflect on those rewards.

Mr. Khadaffi, who caused us enormous problems and caused us to have to take military action after he killed American servicemen through terrorist activities in Germany, and I remember the strike on the Gulf of Sidra that was made under Ronald Reagan. He decided, and I think one reason he decided was because of what he saw on his television set, he decided to start turning his nuclear program over to the United States and turning over tens of millions of dollars worth of equipment, and I think that is because he looked at his television set and he saw Saddam Hussein being led out of his spider hole and decided that he did not want to be in that position some day, and so we are now disarming Libya of its nuclear program without firing a shot. That is one result, one reward of having a President who has gone aggressively after the bad guys, and I think Americans understand.

I thought what a great thing as I drove up from the gentleman from Virginia's (Mr. SCHROCK) district the other day, through the gentleman's district and through the gentlewoman from Virginia's (Mrs. JO ANN DAVIS) district, what a wonderful thing that we, millions of Americans, live this great life, springtime in America, and you can drive up that highway, you can see the new rose buds coming out and the dogwoods blossoming, and we live this wonderful life with our families in security because we have great people in uniform who are aggressively going after the bad guys.

We found out in 9/11 what happens when we do not aggressively go after the bad guys, when we bomb an empty pharmaceutical plant in response to killings of Americans.

So I think the American people kind of understand that, and I think that has been reflected in every poll, and these things never come wrapped, I have discovered, in neat packages. Nothing ever flows smoothly. Lots of mistakes are made in wars. You have lots of problems with your logistics lines.

I would like to see our armored situations coming along faster than they are. Even though we now have some 7,000 out of our 12,000 Humvees in theater, are now totally remanufactured Humvees or they are up-armored, I would like to see all 12,000 that the Army has up-armored. I would like to see more gun trucks, more armored five tons, seven tons.

This President has aggressively gone after the bad guys, and in those actions and the actions of our great people in uniform we have put the United States in a much better position than we were just a few years ago, and I thank the gentleman for talking about this.

Mr. FORBES. Mr. Speaker, I think one thing that September 11 shows very clearly is that we are going to fight this fight. The question that is left is just where are we going to fight the fight, whether we are going to fight it on our soil, we are going to fight it where the terrorists are.

It is interesting if you took a microphone and interviewed each one of our men and women in uniform, as I know you do when you are in Iraq and you try to talk to them and we talk to them here, to the person, they will tell us this is a fight that we have to win, we need to be there.

One of the things that, as I was just looking at that large group of high school students, I kind of threw away my speech and I was trying to think what could I tell them. The one thing that I told them was whatever you do, do not quit, and I remembered a story of a group of airplanes that had been lost over the Atlantic. They were trying to come into Florida. They had lost communications and it was dark. They were running out of fuel, and they did not know if they were heading in the right direction, and about 15 minutes before the lights would have opened up, they would have seen the base in Florida, they turned around, headed back out to the Atlantic, and they were never heard of again because they quit.

Mr. Speaker, I want to just close with one statement that I heard from a sergeant that was over there in Iraq. When we were in Iraq, we stopped by Ramstein Air Force Base. As you know, that is where we take all of our wounded soldier, and there was this young sergeant who was 25 years old, Puerto Rican soldier, who was in there. I went in and I talked to him, and literally in broken English he was telling me his story, how these terrorists had got him in Iraq and he had sent his platoon back. For 2½ hours he would not quit. He continued to fight the terrorists and to fire his gun. They finally came in, took him off on a stretcher. He continued firing.

Mr. Speaker, he was shot in his arm. He was shot in his hip. The bottom bone in his leg was blown out, and when they took him into surgery in Ramstein, the doctors told me that as he was literally heading into surgery he looked at them and said I just have two things to ask you. He said, one, try to save my leg, which they were able to do; and the second thing he told them, which was a refrain we are hearing over and over and over again from our men and women over there, he said get me back to my troops.

I went in and I put my arm on his shoulder, Mr. Speaker, and it was all I could do to hold back the tears, and I said I just do not know, Sergeant, how to thank you for what you have done. Without even thinking about it or batting an eye, he looked at me, and he said, Congressman, it was a privilege for me to be shot for my country and for freedom.

Mr. Speaker, he did not quit on us, and this country is not going to quit on him, and thank you for holding this special order tonight.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for a very, very eloquent statement and for his great service to our country and as a great member of the Committee on Armed Services and his caring for our people in uniform. Thank you very much.

It is a pleasure to call on the gentlewoman from Virginia (Mrs. JO ANN DAVIS), who also is a great supporter of the U.S. military and a great member of the committee. Thanks for being with us.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I want today to express in the strongest possible way my support for our Nation's ongoing missions to sow the seeds of liberty, security and prosperity in Iraq, and as you know and as you said, you have been through my district and you know that I represent an area in Virginia where thousands upon thousands of service members live and train, and those service members I represent and their families and all of our men and women in the military and their families. I want to say right now how much I thank them for everything that they are doing and that they are sacrificing for our country.

It is one of the most honorable things that anybody could do, and most Americans have absolutely no idea how much dedication and commitment it truly takes to do what they do, and for that I and so many of our Members of Congress are truly grateful, as I know all the members on our Committee on Armed Services are.

Mr. Speaker, I feel very strongly that Congress and the administration cannot afford to lose sight of how important it is that our mission succeeds in Iraq. Failure is not an option, and the gravity of the implications for the broader war on terror and the security of so many things is so enormous, and I would like to talk a little bit now about our Marines operating in Fallujah and the nobility and the goodness of their brave devotion to duty under fire from a largely faceless enemy. Their courage, their competence and commitment are the hallmark of everything that is and ever will be great about America.

Our duty under Article I, section 8 of the Constitution, not to mention our own constitutional oath, absolutely compels us to make difficult choices in staying the course, regardless of the prevailing political winds at home and overseas. Anything else would dishonor the service of our Marines, our soldiers, sailors and airmen and all others who are supporting our effort, as well as the legacy and the memory of brave generations of all who have gone before them.

Mr. Speaker, I will insert the full text of an April 25, 2004, article from the Los Angeles Times, which I am going to make reference to, with my statement in the record, and I would like to call my colleagues' attention to that article entitled: "Keeping Spirits Up While They Hunker Down; Humor and a Lid on Emotions Help Echo Company's Marines Stay Focused in Fallouja."

Mr. Speaker, I am grateful to say that I know a friend and Naval Academy classmate of the commander of Echo Company, 2nd Battalion, 1st Marine Regiment, the unit profiled in this story. The enthusiasm of the Echo Company commander that is referenced in this story is, as I can tell you firsthand, an absolutely contagious thing.

It is vivid in friends of the company commander halfway around the world, and I trust and pray that it is also in the young Marines under his charge in Echo Company. We should consider ourselves blessed that we have this quality of leadership so abundantly present in our young officers who are on the tip of the spear in Fallujah and places like it.

Captain Doug Zembiec, the leader of Echo Company, embodies everything that we envision in the young American officers with whom we entrust the lives of our young men and women.

I would like to read an excerpt from the article that I referenced before. It reads:

"Just as the chaplain Saturday started to lead a group of Marines in song, a Marine sniper on the roof let loose several thunderous rifle blasts at armed insurgents moving into position for a possible attack. If the Marines in the room below took any notice, they didn't show it. Instead, they launched into 'Lord, we lift Your name on high.'

"For the young men of Echo Company of the 2nd Battalion, 1st Regiment of the 1st Marine Division, the sound of sniper fire, or mortar rounds, rockets or bursts from automatic weapons is hardly noticeable anymore.

"Other companies and other battalions have done their share of fighting in Fallujah, but none have done more than Echo Company of the 2nd Battalion, 1st Regiment, 1st Marine Division," and I am still quoting from the article.

"All military groups take on the personality of their commander. For Echo Company, that's Captain Douglas Zembiec, 31, of Albuquerque, a balding, gregarious man who, in glasses, looks like a high school science teacher but was a former wrestler at the Naval Academy.

"Zembiec believes in leading from the front. He led the charge into hostile fire that started the Marine assault April 6 on the neighborhood and has been known to disregard his own safety to get a clear radio transmission during combat.

"His admiration for his troops is hard to contain.

"'They're fired up, they're motivated,' he said while filling out forms requesting medals for bravery for several of his men. 'These are young men who grew up wanting to be defenders. What other kind of job has this kind of honor and danger?'

"Gunnery Sergeant Daniel Jonas, 35, of San Diego, who served in Operation Desert Storm and Kosovo, said Zembiec's enthusiasm and his policy of giving authority to enlisted Marines have helped sustain morale.

"'This is a very close company,' he said.

"There are, inevitably, strong bonds formed from facing danger and from their mutual dependence.

"'We're out here for each other,' said Private First Class Bernard Boykin, 21, of Eugene, Oregon. 'I wouldn't want to be anywhere else.'

"And what will the men of Echo Company remember when it is over?

"'I'll always remember the good times, the jokes, the stories,' said Lance Corporal Chris Hankins, 19, of Kansas City, Missouri. 'But the bad things, the dead bodies, seeing my friends bleeding and being carried away, I hope to forget that.'"

Mr. Speaker, it is beyond me how any American could read this article's capsule of a leader's laser-like vision of his mission, the resolve of those under his charge, and the mutual esteem and faith that they are driven by and not be deeply moved and humbled. It should remind us to the depths of our being how fortunate we are to be Americans.

It is the service of Echo Company and their contemporaries that we cannot dishonor by failing to stabilize Iraq. Regardless of one's view on what led us there, our vision of the need to stay the course there absolutely must be a common one. As you have said, Mr. Speaker, we have got to remain steady, and that is the one thing that is the message that we have got to send to the American people, we have got to send to our troops who are over there fighting for us.

Before closing, Mr. Speaker, I would like to recognize Colonel Michael Shupp, our former Marine House liaison director who will shortly be assuming command of the 1st Marine Regiment in Iraq.

Colonel Shupp took me on my first CODEL to Afghanistan, and I have watched him as he has been readying to change and to go over to Iraq to command the 1st Marine Regiment in Iraq.

□ 1845

And I have seen the excitement and the grin on his face that you cannot keep him from showing when he is ready to leave to go over and do his duty. That is what our Marines are like. That is what every one of our men and women in uniform are like. That is why we have to stay steady on this course.

Colonel Shupp, who is a proud graduate of VMI, has been a treasured friend to all of us, and I know I speak for all 434 of my colleagues. We will sorely miss him, but I know that our country needs people like Captain Zembiec, that I referenced, and Michael Shupp if we are to succeed in filling our oath to preserve, protect, and defend the Constitution.

With that, Mr. Speaker, I would like to thank the gentleman from California and all the members of the House Committee on Armed Services who have fought so diligently to fight and protect and give our men and women in the military what they need so that we can stay the course and stay steady.

Mr. Speaker, I submit for the RECORD the Los Angeles Times article I referred to earlier.

[From the Los Angeles Times, Apr. 25, 2004]

THE WORLD; KEEPING SPIRITS UP WHILE THEY HUNKER DOWN; HUMOR AND A LID ON EMOTIONS HELP ECHO COMPANY'S MARINES STAY FOCUSED IN FALLOUJA

(By Tony Perry)

FALLOUJA, IRAQ.—Just as the chaplain Saturday started to lead a group of Marines in song, a Marine sniper on the roof let loose several thunderous rifle blasts at armed insurgents moving into position for a possible attack.

If the Marines in the room below took any notice, they didn't show it. Instead, they launched into "Lord, we lift your name on high."

For the young men of Echo Company of the 2nd Battalion, 1st Regiment of the 1st Marine Division, the sound of sniper fire—or mortar rounds, rockets or bursts from automatic weapons—is hardly noticeable anymore.

Other companies and other battalions have done their share of fighting in Fallouja, but none have done more than Echo company of the 2/1.

Hunkered down in several adjoining two-story homes in an abandoned, bullet-ridden neighborhood in the northwestern corner of the city, the Marines of Echo Company have engaged in skirmishes with insurgents nearly every day for three weeks.

And if the order comes for a full-out assault on the city center, there is no doubt that Echo Company will be a major part of the operation.

"This is what Marines do," said Sgt. Casey Olson, 26, of Fargo, N.D. "They fight."

They also laugh, grieve and bottle up their emotions to stay focused on the heavily armed insurgents who lie only a few hundred yards away.

Despite a cease-fire agreement and a call for the people of Fallouja to relinquish their heavy weapons, arranged with the help of Iraqi mediators, the troops of Echo Company, and the battalion's other companies, Fox and Golf, have been attacked daily.

Last week, Echo Company fought a five-hour battle with insurgents, leaving three Marines wounded and scores of insurgents dead or injured.

The notion of a cease-fire has brought a kind of sarcastic battlefield humor.

The insurgents aren't really firing mortar rounds at the Marines, they're only trying to turn in their mortars one shell at a time, the troops joke. And those insurgents running between houses with AK–47s and rocket-propelled grenades? They are actually running to a Marine checkpoint to give up their weaponry.

The floors of the homes occupied by Echo Company are a jumble of weapons, sleeping bags, magazines, DVDs, MRE rations, cartridge belts, letters from home.

Concrete walls have been knocked down between rooms and between houses to keep the Marines from having to venture into alleys.

The Marines cordoned off the city five days after four U.S. civilian security contractors were slain and their bodies mutilated.

Marines sleep 10 or more to a room. Snipers are on the roofs, streets are blocked with concertina wire, and houses are barricaded with sandbags. The formerly vibrant, middle-class neighborhood has become a ghost town after residents fled the fighting.

There is no water or electricity; the sewer system has stopped functioning. Resupply convoys arrive under heavy protection. The wind carries dust storms down the streets and the sound and sight of mortar rounds and rockets fill the evening darkness.

The insurgents, several hundred yards away, have been using mosques as rallying spots. The minaret of one mosque offers a direct view of the alley between the homes occupied by the Marines, a perfect vantage point for insurgent snipers.

Two weeks ago, two members of Echo Company were killed and seven wounded during an attack by insurgents. The painful memory lingers.

"It was the worst night of my life," said Navy medical corpsman Jason Duty, 20, of New London, Conn. "You take classes, symposiums, training on mass casualties, but it slaps you in the face when you see nine guys bleeding, screaming."

A small memorial with a tiny American flag has been erected for the two Marines killed: Lance Cpl. Robert Zurheide of Tucson and Lance Cpl. Brad Shuder of El Dorado Hills, Calif.

"You just can't think about it, you can't," said Lance Cpl. Christopher Rodriguez, 19, of Des Moines. "You just keep pushing forward."

Rodriguez says he notices things that lift his spirits when he is on patrol and entering other abandoned houses looking for insurgents.

"You see things—like baby pictures and a Barbie doll, maybe some toys," Rodriguez said. "You realize these are people who want a good life. And we can help them have it."

Lt. Ben Wagner, 27, of San Diego said the Marines of Echo Company have had to build "an emotional wall" to block out things that could distract them.

"It's not easy or fun. But as platoon commander, if I'm sad or upset, it affects other people," Wagner said. "The same is true of the other Marines. You have to stay focused on the job, even if it's hard."

"Two-thirds of the company served in the invasion of Iraq in March 2003 that toppled Saddam Hussein's regime. Now, its members say, it's more difficult, more confusing, more tragic.

"It's worse this time," said Cpl. Joshua Hill, 22, of Huntsville, Texas. "Last time, we fought the Iraqi army and they surrendered. This time, it's like we're fighting the Iraqi people and they don't understand we're trying to help them."

Olson agreed that "they seem more determined this time. We're going to be beat them, but they seem more determined."

All military groups take on the personality of their commander. For Echo Company, that's Capt. Douglas Zembiec, 31, of Albuquerque, a balding, gregarious man who, in glasses, looks like a high school science teacher but was a former wrestler at the Naval Academy.

Zembiec believes in leading from the front. He led the charge into hostile fire that started the Marine assault April 6 on the neighborhood and has been known to disregard his own safety to get a clear radio transmission during combat.

His admiration for his troops is hard to contain.

"They're fired up, they're motivated," he said while filling out forms requesting medals for bravery for several of his men. "These are young men who grew up wanting to be defenders. . . . What other kind of job has this kind of honor and danger?

Asked what kind of day his Marines are having, Zembiec said, "A terrific day. We just whacked two [insurgents] running down an alley with AK–47s."

Gunnery Sgt. Daniel Jonas, 35, of San Diego, who served in Operation Desert Storm and Kosovo, said Zembiec's enthusiasm and his policy of giving authority to enlisted Marines have helped sustain morale.

"This is a very close company," Jonas said.

There are, inevitably, strong bonds formed from facing danger and from their mutual dependence.

"We're out here for each other," said Pfc. Bernard Boykin, 21, of Eugene, Ore. "I wouldn't want to be anywhere else."

And what will the men of Echo Company remember when it is over?

"I'll always remember the good times, the jokes, the stories," said Lance Cpl. Chris Hankins, 19, of Kansas City, Mo. "But the bad things, the dead bodies, seeing my friends bleeding and being carried away, I hope to forget that.

"I never want to think about that again."

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for her great service on the Committee on Armed Services and her dedication to our people in uniform. What a wonderful, wonderful statement she has made, and especially relating it to the people that wear the uniform, because they are literally America's heart and soul over in that military theater.

So I thank the gentlewoman from Virginia very much, and now I would like to yield to the gentlewoman's colleague, the gentleman from Virginia (Mr. SCHROCK), who has done a great job on our committee and works very hard and has served our people in uniform, so he has a little background there himself.

Let me ask the gentleman what his take is on the situation in Iraq right now. How does my colleague see it?

Mr. SCHROCK. Well, Mr. Speaker, I am totally convinced that our men and women know exactly what they are doing. They are proud to be there and doing exactly what we task them to do. It looks like we have made some major headway today in Fallujah. I think it was long past time when we did do that. This constant drip, drip, drip of our folks getting injured and killed could only go on so long, and I think we gave those people far and enough time to get out of there so we could go in there. Now they have done that; and, hopefully, we are going to bring a little peace to that area and will settle things down.

The interesting thing is I think Americans believe when they see actions like Fallujah, that the whole country is on fire and the whole country is being bombed. It is not. Most of the country is stable and being brought back to life. Schools are open, courts are open, the water systems are up and running, sewer systems are up and running. But when we have one little area like that that is being attacked, the perception is that the whole country is like that, and it is not.

It is interesting, our men and women know what they are doing and they do a great job. And even those who have been injured and brought to field hospitals want to get well and get back again. They want to go back to join the folks they were fighting with so they can bring this thing to a conclusion because they know it is the right thing to do.

I think that is the story that, unfortunately, does not get out very often. Good news is no news in so many cases, and there are so many good stories over there that are going on. It is a shame the American people are not allowed to share in those. And I think the news media, unfortunately, has not done a good enough job of showing the good-news stories in Iraq. That is said not only for our men and women but for their families back home.

Mr. HUNTER. I think the gentleman understands, too, that there is no substitute in terms of a dramatic picture on the television screen for a burning truck or for an explosion or bullet-riddled vehicle. That, unfortunately, tends to sell more Coca Cola

Mr. SCHROCK. It does.

Mr. HUNTER. I would compare it to some of the TV stations who say we are going to make our 5 o'clock news wall to wall wrecks. We are not going to have a lot of content, but we are going to have wall to wall wrecks, and we will get a certain viewership just from doing that. I think nationally you see the same thing. So they do not see the good things. An electric line being hooked up will put you to sleep, and it is nothing like a burning vehicle. I think that is one of the things that we are fighting against. I am glad the gentleman is here to talk about the accomplishments.

Mr. SCHROCK. Mr. Speaker, I think it is kind of a sad commentary, too, because our folks are doing such a great job. When they see all the bad stuff and when they know they are doing the good stuff, it demoralizes them.

The two times I have been privileged to be in Iraq, these men and women are so supercharged about what they are doing and know they are doing the right thing. Whether they are active duty, Reserve, or Guard, they all work together as one big unit, and I think we should be very, very proud of every single one of them.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for those great statements because he has worn the uniform for a long time himself. The gentleman's feeling is that our people have good morale?

Mr. SCHROCK. I think the morale is very, very good; and I think I have something to compare it with. I was privileged to serve my country in Vietnam for a couple of years, so I know what good morale is and what it is not. I think the morale of these young men is far better than it ever was when I was in Vietnam. Because, frankly, this President made it very clear what the mission was and what the end game was. When we send people in there knowing that is what they need to do and they need to get it done fairly quickly, people will serve and serve very well; and they will be enthusiastic about it.

We did not do that in Vietnam. We played a limited war game in Vietnam, and we were never in there to win.

This President is in there to win the war on terror. Because if we do not, it will be spread not only to the countries of the Middle East but everywhere and right here on our soil. And, frankly, I would rather fight it on their soil than have to fight it here at some point.

Mr. HUNTER. What is interesting, too, Mr. Speaker, is that those who have stepped back from the fray, some of the Arab nations, like Saudi Arabia, have now discovered that they are targets; that you cannot, by staying away from this fight that the Americans have taken on, because we face our threats head on and take them on, they thought somehow they could stay out of the battle and they could stay away from the brutality of the terrorist groups. But they have discovered now they cannot do that. Jordan is discovering it cannot avoid this conflict.

And I think there is another thing, too, that the world understands, and perhaps more leaders in the world need to be educated on this. We won World War II. We could have enslaved Germany and Japan. And certainly after what Japan did to us with the surprise attack at Pearl Harbor, the Japanese people were told by their military leaders to expect us to be as brutal to them as they had been to other people. They decapitated our POWs. They killed about a third of them. They killed 100,000 people when they took Nan-King, China. They speared live people on their bayonet courses. They captured Chinese civilians.

They did all these brutal, horrible things, and they warned their people, they are now going to do to us what we have done to them. But American GIs walked down the streets of Tokyo and handed out Hershey bars. That character has not changed.

When we look at the guys walking down the streets of Baghdad with a bunch of kids standing around them, we see the same character. In fact, many of those guys are the grandchildren of people who served in World War II and the children of people who served in Vietnam.

That takes me to one thing, too, that I thought was very relevant, and that is the fight over the Presidency and Senator KERRY's participation in the Vietnam War, for which he should be credited, but also the accountability that he should take for what he said about his fellow GIs.

If we were to take three of the statements Senator KERRY has said, the one where he said 80 percent of us were stoned on dope 24 hours a day; the one where he said that we murdered 200,000 people, that was two of those statements; and the one where he said that we ravaged the countryside, cutting off limbs and murdering people in a manner, quote, reminiscent of Ghengis Khan, if Senator KERRY had said that our GIs in Iraq, as they were driving up that country, if he had come on television and said the American soldiers in Iraq are stoned 24 hours a day, 80 percent of them; that they have murdered 200,000 Iraqis, and they are ravaging Iraq in a manner reminiscent of Ghengis Khan, the American people would be picketing his office by the tens of thousands, and he would be on his way out immediately.

So if we just juxtapose and take off that word Vietnam from the statement he made in 1971, where he said American GIs were ravaging Vietnam like Ghengis Khan and had murdered 200,000 people, if we took out Vietnam and put Iraq on it, I think Americans today can understand why a lot of Vietnam veterans feel no close kinship to Senator KERRY. Because those guys that were driving up there through the heart of Iraq taking that shot and shell and heading for Baghdad, those kids were the same guys we had in Vietnam. Many of them were the sons and grandsons. Same character, same characteristics, same sense of honor, and doing the same great thing for the people.

Lastly, I remember the pictures of the people, of all the hundreds of thousands of Vietnamese who tried to swim after the Americans after we left Vietnam. I remember also the pictures of the people being held in the Hong Kong camps who were now going to be forcibly repatriated back to what I guess Mr. KERRY's cohorts would call the people's working paradise in Vietnam. They were holding on to the guards and they were shrieking and they were beside themselves. They would do anything and had to be sedated to be finally put on the planes to be carried back to Communist Vietnam.

That showed, to a large degree, the character of the Americans that had been in Vietnam. If we had been bad to the people, they would not have tried to swim after us after we left. And they are today in our populations by the hundreds of thousands.

So I thought about that when I watched that embedded news following our kids in the 1st Marine Division in Iraq and following the 101st Airborne and the 3rd Army and the 4th Infantry Division. Same people, same GIs, same good people.

Mr. SCHROCK. And, Mr. Speaker, the chairman of our House Committee on Armed Services is absolutely right. And if, in fact, he witnessed those sorts of events and did not try to do anything about that, then shame on him. He should have. Where I was in Vietnam, I never experienced people who acted like that, and I do not think we have men and women in Iraq doing that now. They are there to do their duty. They are not engaged in all those other activities he accused others of doing in Vietnam, and I think that is a sad commentary.

Mr. HUNTER. Well, I think American Vietnam veterans should simply look at his statements, and if they agree with those statements, if they did those things, and they think that is accurate, then they should vote for Mr. KERRY.

Mr. SCHROCK. That is right. And I was part of Operation New Life when I was stationed on Guam. We had 130,000 refugees come on packed boats so they could get out of there and come to a better life. So, believe me, they wanted to get out of there just as the Iraqis want the freedom we are giving them.

One thing many Iraqis told me when I was there was, please do not cut and run, because we had had such a habit of doing that. They were afraid they would start supporting our efforts to free them and we would back away and they would have to pay the penalty.

But this President is determined to get this thing done and get it done right, and he is not going to cut and run. We have to stay the course as long as it takes.

Mr. HUNTER. Stay steady.

Mr. SCHROCK. Stay steady.

Mr. HUNTER. I thank the gentleman.

Mr. SCHROCK. Mr. Speaker, I really thank the gentleman from California for his leadership. I hope the people in California's 52nd District realize how fortunate they are to have a man of his caliber representing them back here at this particular time in our history. The gentleman understands it better than most because he is the parent of one of these men that is involved in this battle. And there is nothing like that to make one realize exactly what is important. So to the gentleman and his wife, Lynn, we thank them; and we are sure Duncan will come home very safely and very soon.

Mr. HUNTER. Well, Mr. Speaker, I would suggest the gentleman not praise me too much, because this Special Order has to stay credible.

Mr. Speaker, I thank the gentleman for his great remarks, and I now want to welcome the gentleman from South Carolina (Mr. WILSON), who is carrying on the great tradition of Floyd Spence, my great buddy and friend and former chairman of the Committee on Armed Services. I thank him for the sacrifices his family has made and he has made in being in the service, and for his dedication to our people in uniform.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman from California, and we appreciate greatly our colleague's past military service, we appreciate his service now as chairman of the Committee on Armed Services, and we are very grateful for the service of his son, who is currently in Iraq. We are just so pleased that the gentleman is leading the effort to explain to the American people the significance of the war on terrorism.

Mr. Speaker, I will be providing for the RECORD a prepared statement, but I would like to give a brief synopsis, and it really relates to earlier this month my having had the opportunity to serve on a bipartisan delegation led by the gentleman from Michigan (Mr. ROGERS) and the gentleman from North Carolina (Mr. ETHERIDGE).

The intent of our trip was to visit Iraq. On the way, though, we had several stops. First, it was to Qatar, then Iraq, then Jordan, and then Hungary. What I found out at every place that we stopped is that the war on terror is coming into place, and we have thousands of allies, professionals, working together to provide in the war on terror protection for the American people.

When we first arrived in Qatar itself, we visited with the Iraqi Survey Group, and we found that there are hundreds of linguists putting together 32 million pieces of evidence, paper, video tape, computer disks, and computers themselves to put together the whole story and history of the Saddam Hussein dictatorship. This can be used for the later situation of a war crimes trial. Additionally, it can be used for putting together identification of criminals who are in the country of Iraq, in order to protect American soldiers.

Then we visited Iraq itself, and I was very pleased at the airport to visit with the FBI command post and found the very dedicated FBI agents who are working to uncover the different bombings that have occurred in Iraq in order to protect the American citizens who are in Iraq.

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We also helicoptered to Kirkush to visit with the North Carolina Army National Guard. While we were there, we of course met with troops from our home State, from my situation in South Carolina. It was a 2-day visit. At each stop we would visit with enlisted personnel, junior officers, and in meeting with them, it was so encouraging. When I was there in September, the young service members told me that 70 to 90 percent of the people that they met on the streets, and that is how they patrol. It is not by speeding Humvees. They walk the streets. Seventy to 90 percent are supportive of the liberation of their country and the ability to develop a democratic Iraq. Now when I was there just this month, the number is 90 percent. I kept stretching and asking them, are you sure? They told me that indeed the people are supportive of the efforts made by all of our allies. We have got 32 countries with 25,000 troops in Iraq working to build a democratic country.

We also had the opportunity to visit with personnel who had helped reestablish the Ministry of Health in Iraq. Currently there are 240 hospitals in Iraq which are open and 1,200 primary health care clinics. This is extraordinary because traditionally that has not been available for the average citizens. Health care was for the elite of the Baath Socialist Party.

Additionally, we visited Jordan. In visiting Jordan, I found visiting the International Police Training Center that there are professional police from 20 countries who are training in classes of 500 Iraqi police. Ultimately by the end of next year, 32,000 police officers will be trained to serve in Iraq. That night I visited with the chairman of the U.S. Chamber of Commerce, the AmCham, in Jordan, who told me that there have been two business conferences where there are in place contracts to establish hopefully over a million new jobs in the country of Iraq. This is extraordinary, the progress being made.

Finally, we came back through Hungary. We visited the International Law Enforcement Academy in Budapest, where since 1995 law enforcement officers have been trained to fight organized crime and they are preparing for police officers from Iraq to fight organized crime which works with terrorism. I am so encouraged by the visit to Hungary. It was symbolic. Fifteen years ago, Hungary was a totalitarian police state. Today it is a democratic member of NATO. Nobody would have ever dreamed this could occur in 15 years. That is the vision that our President has for the Middle East, that it be democratic, that it be peaceful and that it protect the people of the United States from terrorist activities.

I thank the gentleman again for his efforts.

Thank you Mr. Chairman, we appreciate your past military service and now chairmanship of Armed Services Committee, we are grateful for your son serving in Iraq.

Mr. Speaker, during the first week of April, I served on a bipartisan delegation led by Congressmen MIKE ROGERS and BOB ETHERIDGE to visit Iraq, but I found every stop in Qatar, Iraq, Jordan, and Hungary to be a crucial part of the Global War on Terror.

I saw first hand courageous coalition forces of dozens of nations working with determination to stop terrorism from destroying modern civilization. Without fanfare or attention, American families are being protected by professionals who are making every reasonable effort to keep the terrorists on the defensive overseas and deter further attacks on civilians in North America.

As the media correctly reported the violence of the week in Iraq, the global interrelation with terrorism was evidenced by another bombing in Madrid while terrorist cells with truck loads of explosives were arrested in England and Jordan. The worldwide conflict is not solely war in Iraq. The Jordanian explosives yesterday were revealed to include chemicals which could kill up to 80,000 civilians.

In Qatar, we were immediately taken to Camp As Sayliyah for a briefing by the Iraqi Survey Group. Hundreds of linguists and analysts are cataloging 32 million documents retrieved from Iraqi Government ministries, terrorist sites, Saddam Hussein's many palaces, and dual-use laboratories to recreate a paper, computer disk, and videotape history of the Hussein dictatorship.

The evidence of war crimes will be presented at upcoming trials and the recovered individual criminal records can now be used to protect American troops from violent criminals released by Hussein prior to Iraq's liberation.

Visiting troops from South Carolina was a highlight of my trip, and I enjoyed seeing personnel of all ranks enthusiastic with high morale. It was especially meaningful to meet with Columbian Major David G. Ellison who still has a will I prepared for him when I was a mobilization JAG officer with the S.C. Army National Guard.

With 2 days in Iraq at the height of renewed violence we found morale high, and the South Carolina troops who patrol by walking the streets said 90 percent of the Iraqis were grateful for liberation, which is higher than the estimates I learned in a September visit. My appreciation for the troops and their families is profound. My oldest son is now deployed in Iraq, and I was able to speak by phone with him as he begins his year of active duty.

In Baghdad, we visited the FBI Command Post where experienced agents from across America lead investigations of identifying terrorists, uncovering terrorist financing, and analyzing bombings and murders of Americans. This came to life with Congressman ROGERS, a former FBI agent, and by the accompaniment of Indianapolis Special Agent in Charge Tom Fuentes who has an extensive career of professional investigation.

We helicoptered to Kirkush to visit with the newly arrived troops of the North Carolina Army National Guard. Their morale was high as it was explained that the local Iraqi security forces were making a real impact establishing order. Proof of the local forces' effectiveness is that Hussein loyalists are brutally attacking them with the Iraqis fighting back with a new resolve to build democracy.

In concluding our briefings we met with Jim Haveman, formerly Community Health Director of Michigan, who explained the upgrading of Iraqi healthcare. The previous system, which was totally focused for the Baath Socialist Party members, has been expanded for all citizens and the Ministry of Health was among the first to be transferred to Iraqi control. All 240 Iraqi hospitals and more than 1,200 primary care clinics are open.

Visiting Jordan was an unexpectedly pleasant surprise. Jordanians are enthusiastic in helping the coalition rebuild Iraq because a stable Iraq protects Jordan's growing economy.

At the Jordan International Police Training Center, professional police from 20 nations are training classes of 500 Iraqi police trainees with a goal of producing 32,000 graduates by December 2005. Without notice or preselection our delegation interviewed four Iraqi students who told of their heartfelt desire to play a role in building a democratic Iraq.

That evening I met with the Chairman of the U.S. Chamber of Commerce (AmCham) in Jordan. The AmCham had recently hosted in Jordan a second business conference on Iraq, together with Amman World Trade Centers. The conference was attended by many Iraqi business people during which it was suggested that contracts that are either in place or soon to be awarded to hopefully create more than 1 million new jobs in Iraq. The AmCham is promoting Jordan for the value it offers as a launching pad for doing business in Iraq.

Hungary is home of the International Law Enforcement Academy at Budapest where since 1995 police officers from formerly communist nations have been trained to detect and fight financial and organized crime. Iraqis will soon join the classes to learn of the relationships between organized crime and terrorism, which work to acquire financing and provide munitions.

In the former totalitarian police state of Hungary, which is now a dynamic member of NATO, it is a dream come true to see freedom flourish in just 15 short years of democracy. President Bush has this same vision of democracy for the Middle East, which he knows will benefit the people of the region and is the best way to protect American families from future terrorist attacks. Just as in Hungary, the road is bumpy, but the benefits are crucial for peace and freedom. After World War II we rebuilt Germany to deter it from being a breeding ground for communists and now in Iraq we can stop it from being a breeding ground for terrorists.

September 11 confirmed we are in a global war we did not seek, but we clearly now have a choice of fighting terrorists overseas at their homes or we will fight them in America at our homes. From Qatar to Iraq to Jordan to Hungary competent and dedicated patriots are making a difference.

In conclusion God Bless our Troops, we will not forget the attacks of September 11.

Mr. HUNTER. I thank the gentleman for his remarks.

COMPARISON OF VOTING RECORDS IN REGARD TO NATIONAL DEFENSE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under a previous order of the House, the gentleman from South Carolina (Mr. WILSON) is recognized for 5 minutes.

Mr. WILSON of South Carolina. Mr. Speaker, I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for yielding. I have been watching the national debate and, of course, all of the talk shows and all of the discussion about Senator KERRY's service to the country, the President's service to the country, who is patriotic, who is not patriotic. I think that it is important to lay out in lines of demarcation across what is fair political comment and what is not. I think that, first, service to our country gives any Member who has served, especially in a war like Vietnam, the platform, the right, to certainly have a position, a credible position on what we should do with respect to national defense. On the other hand, service in the military does not by and of itself mean that you are not accountable for, if you are elected to Congress, your voting record.

What I would like to do is to simply say that I have no quarrel with Senator KERRY's having served in Vietnam. I think that is a good thing and I think that being a veteran is something people should be commended for. On the other hand, I think it is very important to say that that is not a substitute for a strong defense voting record. I heard several people attacking the President the other day and Vice President CHENEY in particular, saying that Vice President CHENEY had a poor voting record on defense and that Senator KERRY had a good voting record on defense. So what I did was go to the Almanac of American Politics, which puts together a series of ratings on Congressmen and Senators. It is done by the National Journal. It is considered to be nonpartisan. It is considered to have a great deal of credibility. They give people ratings by groups that they think are good, honest brokers of where you stand in particular areas.

For example, I have, I think, a fairly low AFL–CIO rating. Other Members of Congress have a high rating. That rating is in the National Journal, where people can open it up and see my rating. Senator KERRY also has a rating from the American Security Council. He has a rating that was given at the same time that he was in the Senate that the Vice President, RICHARD CHENEY, was in the House of Representatives, and in which a real barometer for being a good, strong defense Democrat, Sam Nunn of Georgia, was in the Senate. I looked at this rating. The rating at the time when they were all three in Congress, Vice President CHENEY, at that time Congressman CHENEY, had a 100 percent American Security Council rating for being strong on national defense as reported by the Almanac of American Politics. Sam Nunn, Democrat from Georgia, had a 100 percent rating for being strong on national defense under the American Security Council rating system as reported in the Almanac of American Politics put out by National Journal. Senator KERRY had a zero for a national defense voting record as rated by the American Security Council, as reported by the National Journal's Almanac of American Politics. Once again Vice President CHENEY, 100 percent in votes in support of a strong national defense. Sam Nunn, Democrat from Georgia, 100 percent for a strong national defense. Senator JOHN KERRY, zero.

I do not think we should continue to debate ad nauseam Senator KERRY's record with respect to Vietnam. I think his words when he testified to the Senate and said that American servicemen had murdered 200,000 people, I think he should be accountable for that. I think he should be accountable for the statement when he said that 80 percent of them were stoned on pot 24 hours a day and that they ravaged the country like Genghis Khan. But I do not think that we should ad nauseam debate his service. We should, though, debate his voting record and whether that voting record portends well for the United

States of America in terms of a strong national security should he become President of the United States. I think that we ought to go to the record, we ought to get off this who shot JOHN and who is bad and who is good and who served and who did not, but go to the voting record and analyze who would be best in terms of making a strong national security apparatus for our country. In my estimation, that is not Senator KERRY.

I again thank the gentleman for yielding.

JOBS AND THE ECONOMY

The SPEAKER pro tempore (Mrs. BLACKBURN). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Madam Speaker, it certainly is my honor and my pleasure to join with the Congressional Black Caucus in this special order. Before I get started, I could not help but hear the comments of my colleagues from the other side. I just find it so interesting that the chairman said just a moment ago, we should not get caught up in who shot John. But over the last hour or so, that is exactly what has been done. The fact still remains that John Kerry went to war, that John Kerry earned medals, that John Kerry gave his blood, sweat and tears for this country; and it is interesting that while John Kerry and others fought in Vietnam where, sadly, 58,000 young men and women died and he fought alongside of them for what this country is supposed to be all about and upholding our Constitution, and the fact is that when he came back and he provided his observations, by the way, exercising his first amendment rights of freedom of speech, now some many years later he is being criticized for what he said.

Madam Speaker, I think that in this country we have to be very careful that if on the one hand we are going to salute the flag, shed tears at baseball games when the Star Spangled Banner is played, stand up over and over again for our men and women who are in harm's way, I think one of the greatest things that we can do to honor them is not be about the business of tearing up anyone for doing exactly what those men and women in Iraq and in Vietnam and in Korea and in other wars have done. What they are there about is uplifting our Constitution. John Kerry had the right to come back and express his observations.

I, too, like the last speaker on the other side, am getting tired of this back and forth of who did this and who did that. But the fact still remains that when all of the dust clears and when we look at what in fact did happen, there was a man named John Kerry that got on a plane and went to a foreign land called Vietnam, that he obeyed the orders of his Commander in Chief, that he stood up in a war over and over and over again. I am not even going to get into what the President may have been doing or not been doing. But I do know that another thing we should not do, and I think it is as denigrating to our soldiers when we go after one of them who has already served and when he comes back and expresses his views, is to say to him that there is something wrong with you. We must be about the business of upholding this wonderful document called the Constitution of the United States of America.

And so, Madam Speaker, before I begin, I just want to take a moment to salute our troops. I salute the young men and women who I see at Walter Reed Army Hospital with amputated legs and arms and hands. I salute our young men and women, and the Congressional Black Caucus, we salute the young men and women who are standing up for us over and over and over again and obeying the commands of their Commander in Chief. I salute the families of those who have lost men and women, husbands, wives, friends, relatives, fathers, daughters, aunts, uncles in this war in Iraq.

□ 1915

So let it not be said that while members of the Congressional Black Caucus before this war started stood up and said to the President, please, do not go to war, now that we are there, we salute our troops and we pray for them.

Madam Speaker, tonight we come as the Congressional Black Caucus to the well of this House to talk about some very interesting situations in our country that are domestic as opposed to foreign.

There are many people in our country who are watching us tonight who at the end of the week will have no paycheck. When their daughter or son comes and says, mommy, can I go to the movie with my friends, they will not have the money to give to them. The reason for that, Madam Speaker, is because they have no jobs. So we rise as the Congressional Black Caucus this evening to discuss the state of our Nation's economy.

As you well know, Madam Speaker, we are now approaching graduation season. I am sure that you and many other Members of this great Congress will be fanning out across the country delivering commencement addresses at local colleges and universities. In fact, next Saturday I will be traveling to North Carolina to speak to the 2004 graduating class of Shaw University.

Madam Speaker, I have to be honest with you, I really have been wrestling with exactly what I am going to tell these optimistic, intelligent young people about their prospects of finding a job once they have earned their degrees.

At this very moment, Madam Speaker, there are over 8 million people without a job in America. The members of the Congress Black Caucus and I have come to the House floor time and time again to remind this Congress and the president of this fact.

Over 8 million people, some of whom are probably watching this special order right now on C-SPAN, some of them unable to watch it because they cannot afford cable, but those people woke up this morning without a job. There are people in small-town America, in rural America, in urban America, in black America and in white America that have not yet realized the recovery of the economy because they are still without a job.

The truth is, Madam Speaker, our Nation's unemployment situation is not just reserved to the service industry or the manufacturing industry. All segments of our economy have been affected, and, as a result, all segments of our population are feeling the awful sting of joblessness.

So, Madam Speaker, what do I tell these young people at Shaw University? Should I tell them to hold on to their degree until President Bush's trickle-down economic policies take hold? Should I tell them that this President has yet to create one net job, but if they just hold on for one, two, maybe three years longer, that will change? What do I tell them, Madam Speaker?

Madam Speaker, it is indeed time for change in this country. It is up to us, the stewards of government, to turn this cycle of fiscal and economic mismanagement around.

Next Friday, the Department of Labor will release its monthly report on this Nation's unemployment situation. Unlike last month, I hope this month's report will reveal a decrease in the African American unemployment rate, which is consistently almost double that of the national rate.

So that we will be clear on what those numbers are, African American unemployment in this country is 10.2 percent. The national rate is 5.7 percent. It is interesting that just a few weeks ago the New York Times published an article where it said that in New York, 50 percent of African American males are unemployed. They did not say the unemployment rate is 50 percent. The reason why they did not use the words "unemployment rate" is because those are people they can measure. They concluded there were 50 percent of the African American males who did not have a job.

Madam Speaker, while Wall Street is celebrating a rebounding economy, people on Main Street, America, are agonizing over how to simply pay their bills.

In March, more people exhausted their Federal unemployment benefits than in any other month in the last 30 years. These educated, hard-working Americans are now unable to find a job and unable to receive the Federal help that was allowing them to feed and clothe their families in the interim.

As I travel throughout my district, the number one request that I get from my constituents is, Mr. CUMMINGS, can you help me find a job? There are almost 120,000 people in my home State of Maryland that were unemployed in March. To be honest, I have trouble explaining to them why it is that, despite their skills, despite their education and their desire, they are unable to find gainful employment in this great land of opportunity.

When I think of my constituents who just want to provide for their families, I cannot help but be bothered when I hear the President and my colleagues on the other side of the aisle blame all of the country's economic woes on September 11, corporate scandals and the drumbeat to the Iraq war.

I realize that my colleagues are probably facing the same questions from their constituents regarding unemployment as the folks in Baltimore and Howard County are asking me. But let me remind my Republican colleagues that every President and every administration has had to overcome significant challenges. How about World War II, the Cuban missile crisis, the Vietnam War, the Watergate scandal, the Iran hostage situation, the Cold War and the first Persian Gulf War?

I could continue on, but my point is that every President has faced these types of challenges, and still, and still, managed to create jobs, except one since the Great Depression, and that is George W. Bush and this Republican House and Senate.

So, Madam Speaker, we either need to change the policies or change the leadership of this country. I would submit that we should do both.

With that, Madam Speaker, I yield to the distinguished gentlewoman from the great State of California (Ms. LEE).

Ms. LEE. Madam Speaker, let me thank the gentleman from Maryland (Chairman CUMMINGS) for holding these weekly special orders, which provide us a forum to speak out on the most pressing issues facing our constituents, the African American community, and, indeed, our country.

I would like to take this opportunity to commend the chairman for the outstanding address that he delivered yesterday at the National Press Club. In his eloquent and very thoughtful message, he outlined the Congressional Black Caucus' agenda and our priorities on both the domestic and foreign policy arenas. Part of his address was dedicated to the topic that is on the minds of millions of Americans today, and that is jobs and the economy.

Madam Speaker, I rise tonight to discuss the same vital issue. We know that people are suffering under the Bush economy and we know that we must reverse the damage done and move forward to grow our economy and create real, good-paying jobs. We must also protect existing jobs here at home.

Economic security should really be part of a major national security strategy. It should be a key component. How do we ensure domestic tranquility when so many Americans are jobless?

I think most of us are familiar with Bush's less-than-rosy record on the economy, but I want to just start with some statistics about Bush's poor record on job creation in minority communities.

As the gentleman from Maryland (Chairman CUMMINGS) mentioned, the African American unemployment rate in March increased to an astounding 10.2 percent, while Hispanic unemployment rates remained persistent at 7.4 percent. These harsh and telling numbers came during the very same month, mind you, that the Bush administration was really bragging and boasting about an economic recovery.

Excuse me? But I just have to ask, just who really is benefiting from our Nation's long overdue job creation efforts? I cannot tell you how many of my constituents have asked me that very same question.

Another question I often hear is, what is President Bush's plan for creating the millions of jobs that he has lost, mind you, that he has lost on his watch? What is he doing to address the suffering which jobless individuals have endured during his 3 years in office?

I hear former, and, yes, they are former manufacturing workers, talk about the decimation of their sector over the past 3 years. It is really hard to fathom the reality that since taking office, President Bush has lost about 3 million good-paying jobs. Under this administration our country has simply hemorrhaged manufacturing jobs, and given this administration's support for outsourcing jobs and shipping them overseas, the pain and the suffering from job loss will likely only worsen.

We all know that manufacturing is extremely critical for the financial security of millions of families. Every manufacturing job creates at least four other jobs. It is also critical to our national security. Today, manufacturing is at a 53-year low. What a lost opportunity and what a sad record this administration has created.

Does this President and this administration care about the decimation of an entire industry? Does this administration have a plan to really remedy this mess? And that is what it is, it is a mess, and it is creating havoc in the lives of millions of American families. And what about the Republican leadership in Congress? Can they explain the 2.8 million manufacturing jobs lost over the last 3 years?

Yesterday the Republicans unveiled a proposal entitled "Jobs for the 21st Century." Like many of their proposals, we know better than to be fooled by that name. The plan is really another classic Republican example of how rhetoric, rhetoric, mind you, trumps substance, and how the monied interest's agenda reigns supreme.

We should be providing incentives to companies that create real jobs here at home, rather than sending them overseas. That is why we have launched a discharge petition to bring the bipartisan Crane-Rangel manufacturing bill to the floor.

Our efforts to keep jobs here at home must also extend beyond our manufacturing sector, because not only are companies exporting our manufacturing jobs overseas, they are also exporting high-paying white-collar jobs overseas as well.

According to a recent study by the Haas School of Business, 14 million white-collar service jobs representing 11 percent of the total United States workforce are in danger of being outsourced overseas.

We should also consider legislation like the Defending American Jobs Act introduced by my colleague the gentleman from Vermont (Mr. SANDERS). This legislation would prohibit companies that lay off a greater percentage of U.S. workers than they do overseas from receiving grants, loans or loan guarantees from the Federal Government. That just makes common sense. The Republican House leadership really should allow us to consider these types of proposals.

Instead of short-term extensions to the transportation bill, we should really be voting on a strong highway bill that would create over 1.8 million jobs. The Republicans' reliance on these short-term extensions have cost America thousands of jobs already. And what about the Republican leadership's failure to extend Federal unemployment benefits for out-of-work Americans? That, to me, is just mean, it is unconscionable and it is wrong.

In March, a record 354,000 Americans exhausted their State unemployment benefits, and the number of long-term unemployed Americans is rising, with nearly one in four jobless workers out of a job for 27 weeks or more. That is a long time. By the end of this month, 1.5 million Americans will have exhausted all of their benefits.

So I think that the Republicans really should be ashamed of their "compassion." This compassion is a compassion that I, quite frankly, do not understand.

□ 1930

It does not extend to helping jobless workers feed their families or pay their utility bills until they can find a job. Even Federal Reserve Chairman Greenspan has expressed his support for extending unemployment benefits to long-term unemployed workers, saying that it would be, I think he said it would be a good idea because of the exceptionally high number of exhaustions.

Chairman Greenspan has also admitted that he does not have all the answers when it comes to the economy. As a member of the House Committee on Financial Services, I have the opportunity to question the chairman on a regular basis, and in March I asked him, I said what do we tell our young people? And the gentleman from Maryland (Mr. CUMMINGS) I think said this very eloquently tonight as he reflected upon what he is going to talk about at these graduation speeches.

I asked Chairman Greenspan, what do we tell our young people after they have gone to school, after they have played by the rules, after they have done everything we have told them to do to realize the American dream, what do we tell them when they cannot find a job? What do we tell them in terms of where are the jobs of the future? We have lost manufacturing jobs, the service industry is decimated, and now the high-tech industry will soon be gone. So what in the world do we tell our young people? Where are the jobs? Where are the jobs? We are trying to get our young people focused on how to stay off the streets, how to be productive citizens, how to engage in productive work, and yet there are no jobs out there for them.

Chairman Greenspan's response was he just simply did not know. He did not have the answer. That is in essence what he said. And I must say that the answers, quite frankly, are not to be found in the policies of this Bush administration or this Republican-controlled House. We must answer these questions and take action to reverse the loss of jobs that we have seen under this Bush administration.

Democrats have a plan to do exactly that. We have a plan to create jobs, to keep jobs on our shores, and to prevent the shipping of jobs overseas, a policy that the Bush administration has totally, mind you, totally embraced.

So it is up to the American people now to wake up. November really cannot come fast enough. We must ensure that the tide is turned as we move together to create economic growth and good-paying jobs for all.

So I thank the chairman again for the opportunity for the Congressional Black Caucus to talk to America to try to raise these issues with regard to how we see the deal going down, as it relates to the American people and the jobless rates and the job loss and the shambles that many people find their lives in.

Mr. CUMMINGS. Madam Speaker, I want to thank the gentlewoman for her statement. Sometimes people ask the question, why is it that members of the Congressional Black Caucus continue to stand up on these issues. Somebody asked, they said, well, you may stand up on these issues, but you may not win. And one of the things that former Congressman Gray of Pennsylvania said, and I will never forget it, it is embedded in the DNA of every cell of my brain. He said, "You may not win every battle, but you set the trend."

If we do not speak up on these issues, the fact is it seems like a train is going down the track and it seems like we are just kind of going along with it, but what we do week after week and day after day is stand up and say, we have a greater vision for America and we want to do everything in our power to bring that vision into reality. So I really appreciate what the gentlewoman has said.

Ms. LEE. Mr. Chairman, it would be morally irresponsible of us if we did not fight these battles and, hopefully, one day we will win the war.

Mr. CUMMINGS. Madam Speaker, it is my pleasure to yield to the gentlewoman from the State of Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Madam Speaker, at this point I would like to commend my good friend, the gentleman from Maryland (Mr. CUMMINGS), for his leadership, his tenacity, and his great performance as the chairperson of the Congressional Black Caucus. I call him my brother, and he is doing such a fantastic job, and I am so pleased to be part of his team.

Earlier, before we began our hour, I came in at the end of the Republican Special Order, and I was just stunned. I could not believe what I heard my colleagues saying about Senator JOHN KERRY.

I spent yesterday, all day, with Senator KERRY. He visited the State of Ohio, and we talked about jobs, jobs, jobs. We started in the City of Youngstown, where a little company that used to make wire hangers went out of business because wire hangers were being made cheaper in China and in Youngstown these poor folks were out of jobs. I have spent quite a bit of time over the past 2 years in Youngstown because of the steel companies that were going out of business and the steel workers in Youngstown who are losing their jobs. They all were out at this rally looking for an opportunity to talk to someone who understood what it meant to be out of work and without a job.

We moved from the City of Youngstown on to the City of Cleveland, where mayors from all across the State of Ohio were talking about the issue of loss of jobs. We had the mayor of the City of Columbus, Michael Coleman, we had the mayor of the City of Cleveland, Jane Campbell, we had the mayor of the City of Parma, Dean DePiero, we had the mayor of the City of Toledo, Jack Ford, and we had the mayor of Chillicothe and other suburban mayors seated out in the audience, and all of them talked about the impact of the policies of this Bush administration on their ability to administer their own cities: the tax cuts, the lack of jobs, which meant lack of income to their budgets.

In the City of Cleveland alone, since George Bush took office, we have lost 70,000 jobs. In the State of Ohio since he took office, we have lost 160,000 jobs. As we talk about that, we talk about the impact that it has on a school system. In the City of Cleveland, our public school system has a $100 million deficit as a result of loss of income from people out of work in the City of Cleveland, as a result of loss of income of businesses who are losing their tax dollars, or losing income and, therefore, not able to pay the tax dollars.

We talked about the fight that cities across this country, because their budgets are low, are having to lay off firefighters, are having to lay off police officers, and at a time when we are fighting the war on terrorism one would think that this administration would have an economic policy that would allow the frontline defenders, the first responders to be able to handle the jobs that they have to handle. It is a terrible situation. We are talking about laying off teachers as well.

Well, the thing that I will say is that JOHN KERRY has an economic plan to deal with job loss in this country. He is unveiling a comprehensive economic agenda that will unleash the productive potential of America's economy to help create jobs, 10 million jobs in his first term. He believes that Americans should not subsidize moving jobs overseas. He will eliminate tax breaks for companies that create jobs overseas and use the approximately $12 billion in annual savings to cut the corporate tax rate. Under his plan more than 99 percent of tax-paying companies will see their taxes go down. He would jump-start manufacturing job creation with a new jobs tax credit that would pay the employers' share of the payroll taxes for any net new jobs created by the manufacturers and other businesses affected by outsourcing and small businesses in 2005 and 2006. As President, he will take our country into a different direction on trade enforcement. Rather than turn a blind eye to clear trade violations when American jobs are on the line, he will make clear through his actions that when the U.S. enters into a trade agreement we will expect our partners to live up to their side of the deal, unlike what we are dealing with right now where, for example, with steel, we are having steel dumped into our country and there are no policies through the World Trade Organization that will support our country.

I was just stunned, as I came in this room earlier today, and the speaker on the Republican side was talking about JOHN KERRY. He could not be talking about the JOHN KERRY I traveled with yesterday. He could not be talking about the JOHN KERRY that fought in Vietnam, that was in a boat, and he got ready to leave and he heard that one of his crew was back there and harmed and he went back to pick up the crew member that he had lost and got shot in the process. He could not be talking about the JOHN KERRY I know that received bronze medals, that received Purple Hearts, and came back to this country to speak up on behalf of all of those fighting over in Vietnam.

He has been supportive of a strong and responsible military his entire career. I would challenge, when we are going to compare records, Vice President CHENEY or President Bush to compare the type of record that JOHN KERRY has of serving in the military.

Madam Speaker, I could go on and on and on, but what I want to say here is I am so pleased to be here this evening with my colleagues from the Congressional Black Caucus. We are the voice of the people who are left out and locked out of this process. We are the voice of those who need an extended unemployment tax benefit. We are the voice of those who have been perhaps in trouble with the law and need an opportunity to get gainful employment and have an opportunity to make their lives right. We are the voice of the people who are not heard, who need the support of Members of Congress like the Congressional Black Caucus to make a difference.

I am proud to stand shoulder to shoulder with the chairman, and I will be here every time he needs me. But I want the people who are listening to us to understand that it is about jobs. It is about jobs. It is about jobs.

Mr. CUMMINGS. Madam Speaker, if the gentlewoman will yield just for a moment, as I listened to the gentlewoman I could not help but think about the fact that so often when people hear the words "Congressional Black Caucus" they automatically assume that this is a caucus that just speaks for African American people. When the gentlewoman talked about the rally and all of the people who had been laid off up there in Ohio, I could not help but think, and the gentlewoman can tell us, were we talking about a rainbow of different colors? It is not just, I am sure it was not just African Americans.

Mrs. JONES of Ohio. Absolutely not. And that is one of the things that as a Congressional Black Caucus, we represent the Congressional Black Caucus but we also represent constituencies that are not totally African American. My congressional district in the City of Cleveland is probably 50 percent African American, but I represent Latinos, I represent Caucasians. There are 84 different ethnic groups in my congressional district that come from all over. I represent a district that is very, very poor and some of it is very, very rich.

But at that rally in Youngstown yesterday there was a rainbow of folks, all kinds of people, all out of a job. And when you are out of a job, your color, when you start talking about the issues of being unemployed and locked out, the color, there is a rainbow of colors. It is not just black folks, it is not just white folks, it is not just brown or yellow folks. All people, a lot of people of all races are out of jobs and they were there at that rally yesterday saying jobs, we need jobs, we need jobs.

Mr. CUMMINGS. Madam Speaker, the gentlewoman said something else that was really quite telling. When the gentlewoman talked about the deficit in the school system, we in Baltimore, we have a deficit too of about $58 million, if I remember correctly. When we are talking about educating children, one of the things that we have consistently said in the Congressional Black Caucus is that while we want to make sure, we do not want people to be confused, that we do not want to ever see another 9/11 happen again. So we believe in fighting terrorism, but we also want to make sure that we take care of the people here at home.

One of the things, and I have said it many, many times, I think the greatest threat to our national security is our failure to properly educate our children. And if the money is not there for teachers, not there for the janitors so they can have clean schools and clean buildings, I say that it is their turn. In other words, it is our children's turn. We had our opportunity to get our education and we got it or we would not be here. But now it is their turn. And then they have to go through this deficit. Why? And they are suffering because of it, because I know in Baltimore we just had a proposal where we are going to increase class sizes. Why? Because we have to lay off teachers.

Mrs. JONES of Ohio. Madam Speaker, the same issue is being raised by Barbara Byrd-Bennett, the CAO of the Cleveland Municipal School District, the need to have to raise class sizes. It is so very important that we educate our children.

One of the things that we have learned since 9/11 is that one of the reasons that terrorism happens or flourishes in many countries is because people are uneducated or they have been brainwashed into one direction, that they feel like they are left out and locked out of the process that they have no control over, so they figure out who are they going to point the finger at, and if they start pointing the finger they start pointing it at the United States.

But as important or more important is that we must educate our own. I want to see the people in Iraq, I want to see them get better. I want to see them have a school system and health care and roads, but not as much as I want the people of the United States to have a health care system, to have education, and to have roads.

□ 1945

And we need to be directed towards an agenda or a policy that will allow our people to back to work, that will allow our people to rebuild our own country, the roads, the sewer systems, the bridges. That is a back-to-work agenda. That is what we need for the United States.

Mr. CUMMINGS. Madam Speaker, finally, let me just say this: I cannot help but be moved by your words with regard to Senator KERRY. And I understand you were with him yesterday. It pains me tremendously, as I said a little earlier, that our military can go and fight for this Constitution and can fight for America to maintain its strength, can fight for our freedoms, can fight for the conventions and opportunities that we have, but then to hear people slam him because he comes back after doing all the things my colleague said, and I am glad he made it clear, all the things he said, he could come back and express his views, and thank God we have a country that says you have freedom of speech; but then he gets slammed for the very freedoms that he placed his life on the line for. Something is wrong with the picture.

Mrs. JONES of Ohio. Madam Speaker, time will show and time will tell that the John Kerry that I know and the John Kerry that I have worked with and that I traveled with is a man of substance, a man of strength, a man who wants to see this Nation back on its feet and wants to see this Nation be a leader in the international arena that will lead other countries back to greatness and not be misled by other countries as well. In that strength, I am sure he will do well.

Madam Speaker, I thank my colleague for this exchange of words.

Mr. CUMMINGS. Madam Speaker, I will yield to the gentleman from Illinois (Mr. DAVIS), my good friend, such time as he may consume.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman for yielding. I also want to take this opportunity to commend the gentleman for his outstanding leadership as chairman of the caucus. And especially was I pleased to be at the National Press Club as he laid out in sharp relief for the national press what it really takes to get people involved in our country where African Americans stand, what we believe in, and what it is going to take to convince us that we need to be supporting different individuals who run for office.

And I was very pleased with the eloquence with which he displayed that information and conveyed it, and I want to thank him.

I am also pleased to join with him tonight and my colleagues to discuss the state of our economy and look at the job loss in America. I will not focus on the nearly 3 million jobs that have been lost since the President took office; but I will take a look in a micro-fashion just at my city, the City of the Big Shoulders, the city of Chicago, the city that sits by the lake.

In February, the Chicago Tribune reported that Chicago finished first as the job-loss Capital of America. The nine-county region lost nearly 58,000 jobs last year, outpacing every other major metropolitan area in this country. New York, the runner-up, lost 45,000 jobs, according to the U.S. Department of Labor.

The job loss in Chicago and throughout the State are troubling because Illinois represents mainstream, middle-of-the-road America. Major employers in Illinois have cut jobs. The hardest hit industry has been the manufacturing sector. Manufacturing jobs statewide are at their lowest levels since World War II, falling from 936,000 in 2000 to 870,000 today.

A number of job losses in Illinois and throughout the country can be attributed directly to this administration's policy of outsourcing. I could not believe it when a senior administration official suggested that that was a good and appropriate thing to do, NAFTA and cheaper wages overseas. Obviously, Chicago can never compete with the lower wages paid in China. However, our workers are the very best when it comes to productivity.

It is a shame that we do not manufacture dress shirts for men in America. Think of all the people who used to work in the garment industry, people who could go to work, knowing that they were helping to dress America. Now every time you look in the label, the back of whatever garment that you wear, you will find that it is produced somewhere other than in our country.

Therefore, we must utilize every effort to persuade companies to keep their manufacturing operations in America.

Even more troubling is the devastating job loss and high unemployment rate among African American males. We have a way of saying that if other parts of the community sneeze, then the African American community catches pneumonia.

When it comes to work opportunities, black men are seriously disproportionately unemployed. The Department of Labor statistics suggest that nationwide unemployment for African American males is 32 percent. In the city of Chicago more than 50 percent of young African American males between the ages of 16 and 22 are out of work and do not go to school, do not have a job.

The New York Times recently cited a study by the Community Service Society, a non-profit group that serves the poor. The study showed that in 2003 one of every two African American men between 16 and 64 was not working. Mark Levitan, the report's author, found that just 51.8 percent of black men, and I am not talking about Chicago, I am talking about the Nation, 51.8 percent of black men ages 16 to 64 held jobs in New York City in 2003. The rate for white men was 75.7 percent, for Hispanic men 65.7 percent, and for black women 57.1 percent.

The employment population ratio for black men was the lowest for the period Mr. Levitan has studied, which goes back to 1979. The tragedy is it is not just New York. It is Chicago, Los Angeles, Detroit, and other major cities in America.

I grew up in rural America where folks were hard-working, Bible-reading Christians. And my mother used to tell us that the Bible said that idle hands and an idle mind were the devil's workshop. And so we have to ask the question, if young African American men are not working, how are they surviving? Are they being driven to participation in the negative underground economy selling drugs and joining gangs?

It is for this reason that I, along with other members of the Congressional Black Caucus, the 100 Black Men of America, the NAACP, The Urban League, National Association of Black Psychologists, and others have begun to focus attention on the state of African American males. We have selected barriers to employment as an area of focus. And we hope over the next year to examine these issues in detail and provide some recommendations for needed changes.

Clearly, every segment of our society must be able to enjoy the American dream. I appreciate my colleagues for taking the time out to shed light on this subject this evening. And as I listen to different people talk about jobs that you cannot find, it reminds me of the song that we used to listen to some years ago that talked about a man who would get up in the morning and the writer wrote that every morning about this time she brings my breakfast to the bed crying, get a job. He says, "When I read the paper, I read it through and through, trying to see if there is any work for me to do."

The reality is that in too many instances the answer is absolutely, no. And if you cannot find a job, then you lose hope. You feel like a failure. You feel like you do not have a place.

Well, I believe that this administration is failing. This administration is failing because it has produced a feeling of hopelessness and helplessness among too many people. And when you fail, you ought to get a failing grade. And when you get a failing grade, sometimes you get put out.

Well, I believe the remedy, Madam Speaker, is to put this administration out and let us get in another group who can bring hope, who can bring to the American people a feeling that yesterday is dead and gone but tomorrow is something that we can look forward to. And what we want to look forward to is the ability to get up in the morning, go to work, have a job, produce for our families and children, and move America on to becoming even greater than what we have known it to be.

So I thank my colleague for taking out this Special Order and have welcomed the opportunity to participate in it.

Mr. CUMMINGS. Madam Speaker, I want to thank the gentleman for his statement and for his eloquence. He said something when he was talking about African American males and the unemployment rate. One of the things that I talked about in my district was coping skills. But when we talk about, as my colleague just said, in the Chicago area 50 percent unemployed black males, we have to find a way to create hoping skills.

And as he said, when people lose hope, that is a major problem. And when they do not have any money and have children to feed, and have to take care of themselves, that is a rough situation to have hope around.

Mr. DAVIS of Illinois. Madam Speaker, I certainly agree with my colleague. I thank him for that observation. I think in many instances what has happened, many of the jobs that traditionally were held by African American males no longer exist in this country.

For example, African American males worked in production. First it was in farm production. Then with the industrial revolution, they went into the factories and worked in production again. Now that we are becoming more and more of a high-tech service economy, we have not provided a thinking process where young African American boys have recognized in many instances that the jobs their grandfathers had and fathers had that they could expect to get no longer exist, so they have fallen behind in many instances in school because their father did not have to get an education, they did not get an education.

My father did not have much education, my uncle who I celebrate right now, he just became 100 years old, neither one of them had any education; but they were two of the smartest men I have ever known in my life. And they had these coping skills. They developed these coping skills to deal with the environment of which they were a part.

So we have to find ways to help bring all of our society into the 21st century so that everybody can have an opportunity to play on an even playing field. And that is what the gentleman has been doing as he has led this caucus. That is what the Congressional Black Caucus is trying to do is bring hope to all of America.

□ 2000

I thank the gentleman for your leadership and I welcome the opportunity to participate this evening.

Mr. CUMMINGS. I thank the gentleman very much.

Madam Speaker, I yield to my good friend, the gentlewoman from the great State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I appreciate the time we have on the floor to be able to make an important statement.

I have some very dear and respected constituents who have had the opportunity to join us today, experiencing the legislative process, meeting with their Senators, meeting with their Members of Congress. They wanted to know what this process was. And I said the gentleman from Maryland (Mr. CUMMINGS) called this special order in order to make the RECORD, because if we do not make the RECORD for those who cannot speak for themselves, if we do not make the RECORD so that all might read in the largest story of the United States, as long as this Congress's doors have been open there has been a CONGRESSIONAL RECORD, if we do not enunciate the RECORD and let people know on this night, April 28, 2004, we stood on the floor to claim a clarion call for those who cannot speak for themselves and to be able to insist that this Congress address the question of loss of jobs.

The numbers are 3 million. Each of our respective States have experienced the pain of manufacturing jobs being gone. Some of us have had on occasion businesses moving from one State to the next so there have been broad headlines. A new company opens up in Texas, and those jobs are there, but those jobs are lost from the State they moved from. The economy may be percolating but it is not boiling.

I think it is shameful that in the midst of the terrible turmoil in Fallujah, Marines now in bunkers under siege, fighting for their lives, in a war that was declared over over a year ago, that these brave Marines and these brave military personnel, these civilians who are there as contractors, are in a turmoil fighting for their life.

Yet, they may return home and not have a place to live and not have food to eat and not have a job. And so I ask the question to the President, I ask the question to this Congress, why cannot we rally around in a leadership of this Nation or proposing leadership issues that would answer the loss of jobs.

Let me cite for you an example that I would think bring shame and certainly pain to this body. I pay tribute tonight to Nicole Goodwin. Nicole Goodwin is a former member of the United States military. Not one of 10 years ago or 6 years ago or 8 years ago or 3 years ago but a recent returnee from the combat zone of Iraq. I wanted everybody to get a chance to meet Miss Goodwin.

She has a new and wonderful baby. She was dishonorably discharged. But let me tell you her story because she is, in fact, not just a former war veteran, someone who spent nights with missiles and explosives around her surroundings, someone who was serving as other were fallen or wounded. This is how Nicole Goodwin travels these days, with a one-year-old daughter pressed to her chest in a snuggly, a heavy backpack strapped across her shoulders and a baby stroller crammed with as many bags of clothes and diapers as she can hold.

When and you are a homeless young mother these are the things that you carry. The story goes on to say, as it is called "Home From Iraq and Homeless," that now every day she soldiers on to find a residence where the rent is not covered by payment in kind of late bus rides and early morning rising to move from one shelter to the next. All the while she keeps in mind the acronym she earned or learned in the Army. Leadership. L is for loyalty. D is for duty. R is for respect. S is for selfless service. H is for honor. P is for personal coverage. And I is her favorite and that is for integrity.

A homeless veteran. A young woman with a child. A combat veteran is homeless and without a job. What can America say to its best and brightest who have come home from a war and they cannot find a job.

Let me just finish her story by saying a war veteran wearing a backpack, pushing a stroller and carrying a baby, stayed in another strange hotel room last night, mostly because the city of her birth does not know how to welcome her home.

Mr. Chairman, I would ask you tonight as we know that Miss Goodwin probably still walks the street and is homeless and is without a job. I would like to see the Congressional Black Caucus rally around her with certainly the members from her constituency to be able to ask the State why they cannot help an Iraqi war veteran, a young woman who now walks the street as we speak homeless with a daughter, without a job.

I yield to the gentleman for the opportunity to respond.

Mr. CUMMINGS. Madam Speaker, I wanted to make it clear that we will do that. We will rally around Miss Goodwin, but the sad part about it is Miss Goodwin is only one, and I am sure that there are many, many others and then the question becomes how do we make sure we rally around all of them. Because as you just said, with our men and women in bunkers in Fallujah and with them fighting and giving up their blood, sweat, tears and lives, and then for those who are able to come back and end up in situations like this or somewhat similar is a shame.

So, yes, we will rally around here but we must find ways to rally around the many others who are voiceless, who the New York Times never interviewed, the ones that will never appear on the front page of the Washington Post, the ones that you will never hear about on ABC News, those who we have to find and help.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman. As we discussed, you were absolutely right. She is symbolic of millions, and what I would like us to be reminded of is we have a job, and that is why we need to have a leadership change in this country because in the State of Texas we are talking about 500 jobs lost in the month of March, but we are talking about 175,200 jobs lost since January of 2001.

We are talking about a Congress that is struggling to pass a transportation bill that will create jobs. We are talking about those who are incarcerated, African American males who come out having paid their time and not able to find jobs.

We are speaking as well about programs that have been cut, the Small Business Administration funding which creates jobs, and yet the budget from the Bush administration refuses to refund or add monies back to create those jobs that would come about. We need a common sense plan to recognize, one, that the budget and the economy is failing, but as well that we need a change in government, one that allows a President to promote jobs and to claim that he is concerned about people like Miss Goodwin and other homeless persons and others who are educated, without cause.

As I close, let me say that I thank the Chair for allowing me to speak and I thank the gentleman for having this special order to talk about the importance of jobs in America.

Mr. CUMMINGS. Madam Speaker, I thank the gentlewoman very much.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mrs. BLACKBURN). Is there objection to the request of the gentleman from Maryland?

There was no objection.

BALANCE THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to address certainly different issues that I think are possibly more serious than a lot of challenges this Congress has faced, this Nation has faced in fact.

This is the 195th birthday of Abraham Lincoln, and in my district Republicans are celebrating Abraham Lincoln's birthday with their annual dinners. And I think of what Abraham Lincoln said in his Gettysburg Address when he indicated that, Can a country of the people, by the people and for the people long endure?

And now I am concerned about the system that we have in the United States where we have so many lobbying groups pushing for more money and a political system where Members of the House and the Senate often are better off and increase their probabilities of getting reelected if they start promising more programs, if they take home pork barrel projects that might allow them to be on the front page of the newspaper or on television and it ends up that they have more publicity if they spend more money down here.

And that has led us into a dilemma of overspending and overpromising. And I have put this pie chart up simply to review how the Federal Government now spends approximately $2.4 trillion in the year that we are budgeting for right now.

We see the largest portion of our total spending pie that represents 21 percent of the total spending of the Federal Government is Social Security. But Medicare, which is now 12 percent, is going to overtake Social Security in terms of the percentage of total spending, total Federal Government spending that it consumes, and that is going to happen within the next 25 years.

Part of it is because we have dramatically expanded the Medicare program to now cover more benefits, including prescription drugs. And there is a problem with prescription drugs because if you are on Medicare and you do not have the proper drugs and you go into the hospital, then Medicare pays for all those prescription drugs while you are in the hospital. So to the extent that some of the new prescription drugs can keep you out of the hospital, it is reasonable to have some help from Medicare to furnish those drugs to keep you out of the hospitals.

But what we have done now is we have expanded the entitlement program in Medicare for prescription drugs without making strong changes to the programs that are going to keep the program solvent. So the actuaries in Medicare are estimating that the unfunded liabilities for Medicare now is approaching almost over $60 trillion. In other words, over $60 trillion would have to be put in a savings account today with returning the amount of interest that would represent inflation plus the time value of money to come up with enough money to continue to pay benefits and to have enough money over and above the FICA tax, the payroll tax that is contributing to the Medicare fund.

As we go around this pie chart, we see that defense is 20 percent, 2 years ago it was about 18.5 percent. Going into Afghanistan and going into Iraq has increased about 1.5 percent of the budget now dedicated to defense. But still Social Security compared to defense, you see Social Security is much larger. Domestic discretionary is 16 percent. Other entitlements are 10 percent. Medicaid is now 6 percent. We were growing very quickly, and part of that is long-term health care.

So even if you are fairly diligent in saving during your working life and your early retirement years, if you have to go into a nursing home that is now costing between 40 and $70,000 a year, it very quickly uses up those savings, and you have gone from a self-payer to a system of Medicaid.

☐ 2015

Medicaid is the health care system for the low income, and Medicare is the health care system once you reach 65 for seniors, and I want to make a point over here at about four o'clock.

You see about 14 percent of that pie in that purple section; that is interest on the debt. Today's debt that is subject to the debt limit in the United States, the 14 percent, is now over $7 trillion. In a few months, we are going to have to again vote in this Chamber and in the Senate, and the President is going to have to sign it, a bill that increases the debt limit of this country.

What does that mean? It means that somehow, we are pretending that our problems today are so great that it justifies us borrowing money from the earnings that our kids and our grandkids have not even received yet. We are borrowing money and passing this increased debt on to them to let them worry about servicing the debt; and right now, interest rates are at record lows.

When interest rates go up, and Alan Greenspan chairman of the Fed has suggested that is going to happen, we know it is going to happen. The 14 percent of the total Federal spending that is now used to pay the servicing of that debt, paying interest, could dramatically increase from two fronts. One is the increased rate that government is going to have to pay to entice people to loan money and buy Treasury bills; and of course, the second is that we are dramatically increasing the debt.

This country from 1776 till now, what, that adds up to about 228 years, it took the first 200 years of this country to amass a debt of $500 billion, and now we are increasing our debt every year by an additional $500 billion. So we are mounting the debt load that we are passing on to the next generation for the next several generations, and it is going to be intolerable if we do not control how much we are overspending, and even more significant is unfunded liabilities.

Unfunded liabilities, Madam Speaker, is what politicians promise that they are going to do in the future, for example, Social Security. We are promising to pay Social Security benefits, and I would like everyone to know that there is no entitlement to Social Security. There is no account with your name on it. So you can work all of your 40, 50 years, you can pay into Social Security, but you are not automatically deserving of Social Security benefits based on the fact that you paid into it. It has gone to the Supreme Court twice, and twice the Supreme Court has ruled that Social Security taxes are simply another tax that is charged by legislation passed by the House and the Senate and signed by the President; and Social Security benefits are a benefit program that is not directly related to the fact that you have made payments in all of your life.

So that is one reason we should consider private savings accounts that are owned by the worker, that government cannot mess around with, for lack of a better description, and this is the messing around. Government has been taking all of the surplus from the Social Security trust fund and spending it for other purposes; and so we have continued over the years to expand the benefits of Social Security to the extent that today we have a $12 trillion unfunded liability; and, again, that means that we are going to have to put $12 trillion in a bank account today that is going to, over the next 75 years, earn about $120 trillion, and this is what we are going to need for the next 75 years in future years' dollars, $120 trillion in addition to the payroll tax that is coming in from existing workers to accommodate and to meet promised benefits that we have promised in the current Social Security legislation.

Medicare part A. Medicare part A is mostly hospitals, and the unfunded liability for Medicare part A is $21.8 trillion. Medicare part B, mostly doctors, is $23.2 trillion, and Medicare part D, the drug program that we passed last November, is $16.6 trillion. This is the unfunded liability, what is going to be needed in addition to the money coming in for those programs; and on the Medicare drug program, it is interesting that Tom Savings, an actuary in Medicare, estimated last November that the unfunded liability for Medicare would be about $7.5 trillion. The new estimate that came out last month is $16.6 trillion, a huge liability to leave to our kids and our grandkids.

The unfunded liabilities, the generosity of this body, saying we are going to make all these kinds of promises and let our kids and our grandkids pay for it and we are going to continue to increase overspending in addition to these promises on Medicare and Medicaid and Social Security, in addition to that we are going to overspend. Last year, it was $530 billion overexpenditure. This year it could very well get up to $620 billion overexpenditure. Next year, another 520 to $530 billion overexpenditure.

Overexpenditure means deficit spending; and the deficit spending every year you add that up, and it comes to the total debt, and somebody's going to deal with if not paying back the debt, at least paying the interest on that increased debt, a huge challenge that is going to make life much tougher for our kids and our grandkids.

I am going to talk about Social Security and the Social Security bill that I have introduced. I was chairman of the bipartisan Social Security Task Force; and when Democrats and Republicans met and had witnesses, we brought in witnesses every week for close to a year, it was unanimous: Republicans and Democrats, everybody agreed, we have got to do something with Social Security; and the longer we wait to solve this program, the more drastic the solution is going to have to be.

And yet we do not do anything. We do not mention it, we do not mention the huge entitlement programs in our budget. We simply pass a budget every year, and now what is called the Gephardt amendment in our rules says that when we pass a budget, this is sort of a footnote, when we pass a budget, instead of bringing it up for a separate bill and debate, we will automatically consider a separate bill that increases the debt limit. It will be assumed to be passed when we pass a budget, so sort of hidden in that budget bill. So we really do not talk about the significance of increasing the debt on our kids and our grandkids and the tremendous challenge it is going to be to pay the interest on that debt, as well as trying to sometime, somehow, somewhere trying to pay some of that debt down.

This is sort of a quick tutorial on how Social Security works, and then I will go into what I have done in my Social Security bill to keep it solvent forever as scored by the Social Security Administration.

Benefits are highly progressive and based on earnings. That means the lower income you are through your working lifetime, as you pay in your Social Security tax a higher percentage, you will get back a lot more relative to what you earn than if you are higher income; and this is how this is going to work down here. At retirement, all of a worker's wages up to the tax ceiling are indexed to present value using wage inflation.

What we do is for your 35 best years, so if you are working 40 years you take your best 35 years of earnings, if you work 30 years, that means 5 years are scored as zero, as you add those 35 best years together and divide by 35, but in terms of indexing to present value, on wage inflation, wages double about every 11 years, and so that means if 11 years ago you were making $20,000 and you score it 11 or 12 years later, you are scored as making $20,000. So it is the kind of job that you had in earlier years and what the wages would be for that job today is what is credited, adding up your 35 best years on Social Security. Here is the progressivity.

The annual benefit for those retiring in 2004 equals 90 percent of earnings up to $7,344. So if you are making $7,344 or less a year, you would get 90 percent of that back in Social Security payments if that was your average for the 35 years. For that amount over the $7,000 up to the $44,000, it is 32 percent of the earnings between the $7,300 and the $44,200, and then 15 percent of the earnings above $44,268.

It might be good to just mention here that one of the ways that I keep Social Security solvent is slowing down the increased benefits for high-income retirees, and what I do, these are called ben points. What I do is add an additional ben point of 5 percent and say that higher-income earners over $38,000 would get a return of 5 percent of those higher wages. So a low income would get 90 percent, and then it would go to 32 percent, 15 percent. Then I add another ben point of 5 percent.

I put this blip in because I think that a lot of people do not understand or have not figured out, should they retire at 62 and start earning benefits or should they wait till age 65. Based on average life expectancy, early retirees would get less. So at the average age of death, which is now 86 years old for a male and 88 years old for a female, the average earnings for those years, whether you retire at 62 or 65, would still amount to the same amount of payments back to you. In fact, if you wait 2 years to retire after 65, you can have an additional 4 percent added to your benefits for each one of those years. In terms of waiting until you are 66 or 67, you can have additional benefits if you wait an extra 2 years.

When I give speeches around Michigan and around the country, a lot of people say, well, I know people that are getting SSI, supplemental security income, payments on welfare, and they really do not deserve it; and I should not have to have that come out of my Social Security. Actually, the Social Security Administration runs the program, but it comes out of the general fund. It does not come out of the FICA tax. It does not come out of the Social Security trust fund.

This picture sort of represents the demographic problems. The birth rate is going down, and the age of death is going up, and since Social Security is a pay-as-you-go program, with existing workers paying in their tax, and within days that withholding from your paycheck is sent out to current retirees; and the problem is there are fewer workers working per retiree.

In 1940 we had about 36 workers working, paying in their Social Security tax to accommodate the needs of every one retiree. By 2000, the taxes had to go up, of course, because there were only three workers working to pay in their taxes to accommodate every retiree; and by 2025, there will be just two workers in the United States working to pay the benefits of every retiree.

□ 2030

The United States is heading towards a ratio of workers to senior citizens that is going to continue to result in a pay-as-you-go program, like our Social Security System, to have it continue to be insolvent. So now we can play around the edges a little bit and say, well, let us increase taxes or let us reduce benefits. But even those kinds of decisions are going to eventually again keep the Social Security System from, in the long range, being solvent.

The birthrate. Well, of course, we have 78 million baby boomers, those born right after World War II, from about 1946 to 1965. We have 78 million of them that are going to start retiring in 5 years, and these are the people that are high-income now. So the 12.4 percent of their payroll brings a lot of money into the Social Security System. Again, as they retire, we lose those high-paying individuals, and they go out as recipients collecting the high payments as retirees, since there is a direct relationship, even though it is progressive, between what you pay in and what you take out.

I think it is important to sort of reflect historically on what we have done. Some people suggest, well, maybe the economy can help us. If the economy can come back stronger, we are going to have money. But that is not true, of course, because of the direct relationship of benefits to earnings. So if the economy increases even more rapidly than it is now and jobs expand, then we have more people paying into the system now, which means that there will be more money in the short run; but when they retire, because they are paying in more money now, they are going to take more benefits out when they retire to leave a deeper hole then. So it is going to take some structural changes to the program.

What this body in the House and what the Senate and what the President have done over the years when they needed a little more money for Social Security, they said, well, let us just increase taxes again. There is sort of a historical picture of taxes going from 1 percent to, in 1940, increasing it to 2 percent of the first 3,000, which meant a maximum tax of $60 a year. In 1960, when we needed money, we increased the rate threefold to 6 percent, upped the base to $4,800, for a total of $288 a year. In 1980, we increased it again to 10.16 percent of the first $26,000, roughly; and that amounted to

$2,631. In 2000, we increased it again to 12.4 percent, and that was of the first $76,200 then. But since that is indexed, we have now upped that. By 2004, it has gotten up to 12.4 percent of the first $87,900. Next year it is going to be 12.4 percent of $89,000. And that will continue to be indexed to increase.

The point I am trying to make is that by delaying, by not paying attention to some of these very serious problems that are going to confront this country, I think, is in effect passing on a legacy to our kids and our grandkids that is going to mean that their lifestyle is going to be much less than the opportunities that we have had in this country. We are saying to them, look, you are going to have to pay off our debts that we are borrowing today. So it is important to have a program that does not increase taxes, the FICA taxes, on payroll.

Madam Speaker, I would ask everybody that is listening to guess what the payroll taxes are right now in France. The payroll taxes in France, to accommodate their retired population, their senior population, is over 50 percent. That is one of the reasons why France is having such a problem competing. Because if a company has to pay a 50 percent payroll tax, that means they have two choices. To stay in business they either reduce wages to their workers, or they increase the price of their product to accommodate the extra taxes that they are paying. If they are increasing the price of their product, then of course they are less competitive to trade with other countries of the world. Germany just surpassed 40 percent.

I just think it is so important that we act on this huge challenge of correcting Social Security and that we not end up having another tax increase that is going to make our businesses at even a greater disadvantage.

Let me just put a footnote on that. We are concerned about losing jobs. A lot of it is because of our increased productivity to try to stay competitive. But our taxes on our businesses in the United States are about 18 percent higher than the taxes of our competitors in the G–7, in the other industrialized countries. So when we hear from this Chamber, quite often from this side of the aisle over here, let us increase taxes to accommodate some of the great needs that we have in our districts back home, and there are needs, there are unlimited problems, the question is how many of those problems should be the responsibility of the Federal Government and how many of those problems should be accommodated by borrowing more money or increasing taxes to put our businesses at a greater competitive disadvantage, and, of course, taking the money out of the pockets of the people that have earned, telling all the American citizens that they have to give more to the government to make the government stronger, making them less able to do the things that they want to do with their money.

We have had a system, and maybe I am philosophizing here a little bit, but our forefathers came up with a system in our Constitution in this country that in effect said that those that work hard and save and that try and invest and that go to school and use that education are going to be better off than those that do not.

But now we have sort of come with a philosophy for the last 25 years in this country where we are sort of dividing the wealth up. So we have got a tax system that is very progressive, where we take from the people that are successful and give to the people that are not successful. So we are ending up with a situation where roughly 50 percent of the adult population in the United States pays less than 1 percent of the income tax. Fifty percent of the adult population in the United States, the lower-income earning 50 percent of the adult population in the United States, pays less than 1 percent of the Federal income tax.

So with a lot of people, they say, well, let us have a few more government services; because when there is more government services, we gain, because we are not paying in tax in the first place. So it is maybe a whole new discussion on Special Orders, but how do we change our tax system so that everybody has a stake in how big this government gets?

There are a lot of Members in the Chamber that react to that kind of pressure and say, well, I am going to take home more pork barrel projects, I am going to start more social programs, I am going to make more promises, even though we do not know where the money is going to come from to keep those promises.

Let me conclude by going over the provisions of the Social Security bill that I have introduced, and this is a bipartisan bill. I have both Republicans and Democrats on the bill. These are the six principles that I went by in designing my bill:

Number one. Protect current and future beneficiaries.

Number two. Allow freedom of choice, so that if you do not want to go in the program and want to stay with what we have now, you have that option.

Three. It preserves the safety net, and so the Social Security TRUST FUND, where now we have IOUs of $1.4 trillion, that is the $1.4 trillion where the Congress, the House and the Senate, and the President have taken the surpluses coming in from Social Security and spent it for other government programs. So I do not spend all of that trust fund money. I save half of it and only use half, obviously, to make the transition to start getting some real returns on some of the money that is paid into Social Security.

Four. Make Americans better off and not worse off.

Five. Create a fully funded system.

And Six. No tax increases.

Madam Speaker, it is interesting that in looking in the archives, that in 1934, Franklin Delano Roosevelt thought it was very important to stop the number of hardship seniors that were, if you will, as Will Carlton says, going over the hill to the poor house. So instead of having so many people depending on going over to a poor house and having very meager, very difficult retirement years, he said, well, let us have a program, a system where we require savings of some of your earnings while you are working and set that aside so that you cannot use it until you retire so you have a little more social security when you retire.

So the House passed a bill following FDR's recommendation; and it said government will keep all the money and then pay the benefits when the time comes, when the individuals turn 65 years old. The Senate passed a bill, however, that said, well, we are going to do the same thing, but instead of government keeping all the money, we are going to have the accounts in individuals' names, where the individuals own that account. But if they die before age 65, it is still money that will be passed on to their heirs. But there will be a rule that they cannot take that money out of that special account until they turn 65 years old.

What is interesting is that the average age of death, up until about 1940, the average age of death was 62 years old. But the program says you cannot have Social Security benefits until you are 65. When the House and the Senate went to conference committee, we went with the House version that said government is going to handle all the money. And it worked very well for many years. We only had to start increasing the tax in 1940, because the average age of death was 62. So most people died before they became eligible for Social Security. So the pay-as-you-go program worked very well.

Here is my bill. It has been scored by the Social Security Administration actuaries to restore the long-term solvency of Social Security.

There is no increase in the retirement age. No changes in the COLA, the annual cost of living index that we increase payments to COLA. And there is no change in the benefits for seniors or near-term seniors.

Solvency is achieved through higher returns from worker accounts and slowing the increase in benefits for the highest-earning retirees.

Right now, Social Security is not a good investment. The average return for retirees in Social Security is 1.7 percent. And what we do in our legislation is we guarantee that if you decide on a personal retirement account that you own, and that is going to be optional, but we will guarantee that you will get as much payments in your retirement years from having an account as you will if you did not have an account, but the option is still up to the individual.

The Social Security trust fund continues. Voluntary accounts would start at 2.5 percent of your income and would reach 8 percent of income by the year 2075. A long time.

My first bill that I introduced, and this is the fifth Social Security bill I have introduced that has been scored by the actuaries to keep Social Security solvent, but in 1993 and 1994, the legislation did not have to borrow any extra money from the general fund of government. It did not have to wait until 2075, until we upped the amount that you are going to be allowed in your own savings account.

□ 2045

But now it is a little more drastic. If we wait another 4 years, it is going to even be more drastic. If we wait more than 4 years to solve Social Security, then plan on a higher Social Security tax. Increased taxes will be on somebody someplace because there is no other way to accommodate it. Investments would be safe, widely diversified and investment providers would be subject to government oversight. It is sort of a copy of what Federal Government employees have now in their thrift savings account. They have several options, indexed bonds, indexed stocks, indexed cap funds. So very low risk, but it starts growing up in your account and the magic of compound interest means that you can be a modest earning worker but you can retire as a millionaire.

Part of my persuasion I hope today, Mr. Speaker, is to encourage everybody to start saving, to let these savings grow and not live sort of the satisfying our needs of today and hoping that somebody else will take care of us in the future. You are going to need something probably in your retirement years in addition to Social Security if you are under 45 years old now.

The next blip is the government would supplement the accounts of workers earning less than $35,000 to ensure they build up significant savings. Actually I sort of copied this from our former President, President Clinton, from his U.S. savings accounts. So that even low-income workers can have a little more in their savings account to result in the magic of compounding to give them more money in these accounts. These accounts belong to the workers.

All worker accounts would be owned by the worker and invested through pools supervised by the government. Regulations would be instituted to prevent people from taking undue risks, so you would have limited investment opportunity. Workers have a choice of three safe indexed funds with more options after their balance reaches $2,500. So it is very limited until you have at least a balance of $2,500, then in my legislation additional safe investments as determined by the Secretary of Treasury would be allowed for individuals once they hit the plateau of having $2,500 in their own retirement savings account. This, of course, is what you get from the savings account. Right now as I mentioned, Social Security has a return of 1.7 percent. So in effect anything you can earn from that savings account in excess of that 1.7 percent would add over and above what you would otherwise get from Social Security.

Worker accounts. Accounts are voluntary and participants would receive benefits directly from the government along with their account balance. There is a provision that I do not have on the board but at such time over age 55 that you buy an annuity to, in effect, guarantee that your retirement income is going to be at least what Social Security would pay you and that you are not going to ask other taxpayers to help you later on, then you would have the option of investing your personal retirement savings account in anything you want to invest it in, or if you want to start using it. The government benefit would be offset based on the money deposited in their accounts, not on the money earned. And workers could expect to earn more from their accounts than from traditional Social Security. That is why we can guarantee that the 1.7 percent that you get from Social Security, that is why we can guarantee that you will get at least as much earnings as you would have from Social Security.

Here is a provision that I put in. My politically astute colleagues tell me that it is not politically correct to say fairness for women. I should say fairness for lower earning spouses that might be staying home with children. But these three changes for married couples, account contributions would be pooled and then divided equally between the husband and wife. So for your personal savings account, if one spouse is earning twice as much as the other spouse and so, therefore, is eligible to put more money into the personal savings account, you add what each spouse can put into the personal savings account, you divide by two, and so each spouse owns an identical amount that goes into their personal savings account every pay period, every month, every year. It would increase surviving spouse benefits to 110 percent of the higher earning spouse's benefit. Right now the surviving spouse is entitled to 100 percent of the higher benefit. But even that amount often requires that these individuals move out of their home into more expensive nursing home care as they shift from Medicare to Medicaid. And so what kind of provisions can we have to encourage people to stay in their own homes, which is so much lower cost than if they go to a nursing home?

Stay-at-home mothers with kids under 5. Maybe this is just a personal opinion of mine, but I put it in the legislation that stay-at-home moms, staying home with kids under 5, would receive a credit as if they were working years at the higher earning salary when their Social Security benefits are calculated.

These are some other areas, simply to try to increase and stimulate more people to think about their retirement. Number one, increase contribution limits for IRAs and 401(k)s and pension plans; two, a 33 percent tax credit for the purchase of long-term care insurance, up to $1,000, $2,000 for a couple per year; and low-income seniors would be eligible for a $1,000 tax credit for expenses related to living in their own homes, or if they are living with their kids or somebody else, whoever they are living with could receive that $1,000 tax credit, reimbursable tax credit on their income tax.

Let me conclude, Mr. Speaker, by just urging my colleagues to face up to this challenge. More than that, this is an election year for both Members of the House and roughly a third of the Members of the Senate. So every time you have an opportunity to go and hear a candidate or talk to a candidate, ask them what they are going to do about the problem of Social Security running out of money. Ask them what they are going to do about the huge unfunded liabilities of Medicare and Medicaid. Ask them what they intend to do about increasing the debt of this country to the extent that we are asking foreign countries now to help pay for our debt.

We have about a $500 billion trade deficit. What that means is that we send out $500 billion to other countries more than they send to us when they are buying our goods. What happens to that $500 billion? It is American dollars. They are not good anyplace unless they end up in America. What other countries are doing now with that $500 billion is buying our Treasury bills, they are buying our companies through stocks and equities, and that additionally leaves us in a very precarious situation to be that vulnerable to some of these countries.

China, for example. I just returned from China. I am concerned about some of their what I perceive to be violations of the WTO agreements, their trade agreements. We have a deficit with China of about $100 billion. China right now sometimes puts some of that money, in effect, under the mattress to hold it out there. Sometimes it buys Treasury bills. This country has accumulated enough that if they pulled their money out of Treasury bills or out of our stock market, it could dramatically affect the economy of the United States.

So as we cavalierly overspend, as we increase promises to increase the unfunded liabilities, we are not only making our children more vulnerable in the kind of taxes they are going to pay but we make the future of America more vulnerable to what other countries might do. If, for example, other countries decide that there is a better place to invest their money than the United States because the United States is less dependable and starts paying a lower return and they decide to invest it someplace else or they decide for political purposes that they want to negotiate trade deals by saying, Look, we're going to pull our trillions of dollars out, that is going to disrupt your economy because we just don't want to do business with you unless you agree to our trade deal or to our other political deal or to our whatever deal. Let us not allow ourselves to continue down this road of leaving our kids and our grandkids a bigger debt.

I am a farmer from southern Michigan. Traditionally what we have always figured on the farm, what my grandfather taught my dad, what my dad taught me is you try to pay off some of the mortgage on the farm to let your kids have a little better life than you have had. But in this Chamber and over in the Senate and in the White House, we are doing just the opposite. We are mounting up that mortgage. We are mounting up that debt and making the future of our kids and our grandkids more vulnerable.

IRAQ WATCH

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, I have come tonight to discuss the challenge for America in the Iraq war. Some may know that a group of my colleagues and myself have been discussing this challenge now for several months on the floor of the House, once a week. We style this the Iraq Watch. The reason we come to the floor, sometimes as late as midnight, is that this really is a challenge and it demands that Congress be involved and not sit on the sidelines of this issue. This issue is too important, it is too deadly, it is too contentious for Members of Congress to simply take a pass and have responsibility only rest in the executive branch, the President's branch of the United States Government. So we have come once a week to talk about how to pursue a meaningful, commonsense, successful policy in Iraq. Hopefully I will be joined by some colleagues a little later in the evening.

I would like to start by just giving a background about why this is so important and why it is so important for Members of Congress to address the Iraq issue and not walk away from it. The answer is simply an example many Members of Congress have had, that I have had, of visiting a few weeks ago with a family in Bremerton, Washington, who the father and the husband was serving in Iraq proudly as a sergeant in the United States Army a few months ago. He was involved in a sweep mission near the Tigris River. A boat overturned, he went to aid, to try to save an Iraqi who was serving in forces with the U.S. Army. Unfortunately, he drowned while doing his duty. Like so many others in Iraq, a hero.

We now have lost since the war began 725 Americans, since the capture of Saddam Hussein 264 Americans, since May 31, 2003, and the President declared that the mission was accomplished, 585 Americans. We have had, total wounded, 4,151 Americans, many with very, very severe injuries, many which I have visited in Walter Reed and Bethesda.

Our losses demand that the U.S. Government pursue a policy that is not based on half truths but all the truth, not on partial planning but full planning, not on a policy based just on wishes and dreams and hopes and even faith but based on meaningful plans, strategic decisions that are based on the hard realities in Iraq.

Unfortunately, the truth is, and it is hard to say, that our policy in Iraq has not fit the extent of the heroism put forth by our proud men and women in Iraq who have served with great valor and distinction in extremely trying circumstances.

□ 2100

Their valor, their professionalism, their integrity has not been matched by the Federal Government's decision-making. We are going to discuss tonight in several ways why that professionalism in Iraq has not been matched by professionalism and wisdom here in Washington, D.C.

I want to talk about several of those mistakes which have cost us grievously. By the way, I want to say one thing up front: these people say, well, this is not the 50,000 people we lost in Vietnam. Try telling that to the family that I visited and the two kids whose dad will never come home. One American life lost due to incompetence, neglect, exaggeration, deceit, failure to plan is too many; and that is what has happened in Iraq.

So, if I may, let me address some of the mistakes that our country has suffered in Iraq due to failures of this nature.

Number one, this administration sent into combat, into mortal combat, into the lion's den our soldiers and sailors with inadequate security protection for themselves. Today as we speak, almost 1 year after the President of the United States declared that the mission was accomplished, we still do not have armored Humvees in an adequate number in Iraq to protect our sons and daughters and husbands and wives. That is inexcusable.

It is inexcusable, because we obviously were going to be involved in urban combat going into Iraq. We obviously were going to take RPG, rocket-propelled grenades, AK-47s, which can penetrate this tiny little thin skin of sheet metal on a Humvee; and we did not, the people who were vested in the executive power of the United States Government, did not do adequate planning to protect our soldiers and sailors from an obvious threat in the dens and warrens of Baghdad, Fallujah, Basra. Today they are still not on.

Why did that happen? You know of the travail and travesty, that we sent our soldiers over there without flak vests either. We are now told that finally after a year that has been remedied. By why would the executive branch of this government send our soldiers and Marines into dangerous urban combat without armor to protect them? Why would they do that?

Well, it is because of mistake number two. Mistake number two was the one where the executive over and over and over again told us in the Congress, told Americans, and apparently believed, for reasons that stretch my powers of imagination, that we would be met with nothing but rose petals and champagne and the welcome mat from grateful Iraqis for occupying their country, and that this country, if you can call it that, which is a collection of tribes thrown together after the collapse of the Ottoman Empire, would come together in this joyous reunion of brotherhood and sisterhood and welcome us with nothing but open arms, an occupying army from a Western nation, the greatest Western nation and the greatest democracy that has ever lived, but one that is totally foreign to Iraq.

This was wishful thinking at its highest. It was the arrogance at its highest of those that did not have a clue what was going on in the culture and sent our boys and daughters into this combat without this protection; and, as a result, we have lost now hundreds of our finest people in this country.

Now, thankfully, finally, the executive has admitted its mistake and they are trying to remedy this issue, and they have now issued these contracts trying to put these retrofitted armor plates on our Humvees. But it is an example of what happens when an executive makes a war-power decision based on arrogance. People die. And that is what has happened in Iraq, and it is what happens when you make a decision based on not understanding the nature of the threat.

So let me go to mistake number three that still exists today. Now, today we had the pleasure of talking to Dr. Condoleezza Rice, who finally came and briefed the Democratic Caucus. We think the briefings should be bipartisan, because this is a bipartisan challenge and there are no Democrats or Republicans in Iraq. There are only Americans.

Mr. DELAHUNT. If I can interrupt my friend, how many briefings has Dr. Rice volunteered up to this point in time to come in and to consult and to engage in a discourse and a dialogue with Members of Congress?

Mr. INSLEE. I could be mistaken, but I do not recall any. The way this one happened is she agreed to brief the Republican colleagues, and only later as an afterthought, at our request, apparently, offered to brief the Democratic colleagues. We have suggested that we have bipartisan briefings, because we are in this pickle together, and we have suggested this.

Mr. DELAHUNT. What you are saying is that the President's National Security Adviser, who is responsible for coordinating American foreign policy, particularly in times of crisis like obviously we find ourselves currently in, has not on a single occasion briefed Democratic Members of the House of Representatives, at least to your knowledge?

Mr. INSLEE. That is correct. It is a failure, because we need to be a team in this regard.

Mr. DELAHUNT. I think what is particularly interesting, when we talk about consultation, and those that are listening to us this evening, members of our group that we call the Iraq Watch, ought to be aware that this is a complaint that not only comes from the Democratic side of the aisle, but also from Republicans.

I remember noting a particular quote by Senator HAGEL who serves on the Senate Foreign Relations Committee in describing his perception of the consultative process during the course of the debate leading up to the war as one which he felt that the White House considered Congress as a nuisance.

Hopefully, hopefully, that attitude will not occur, and conceivably we could have some discourse and dialogue with key members of the administration such as Dr. Rice on a regular basis.

I think in all fairness, however, I should note, and those who are listening to us this evening, that on a regular basis, the Secretary of Defense, Mr. Rumsfeld, has volunteered to come before Members of Congress and provide briefings. But I have been particularly disappointed with Dr. Rice, who, up until this point in time, has not in any way engaged in a conversation with Members of Congress.

Mr. INSLEE. And we would hope in the future when we do have these consultations that we do this in a bipartisan manner, because we have to all have the information, Democrat and Republican alike, so we can try to fashion the proper response.

Let me go to the third mistake, if I can, we were talking about. I must say after briefings today by Dr. Rice and listening to the administration and listening to the press information, this is an error that I will next address that still exists in this administration, and that is the error that they have a strategic initiative that is based on the wishful hopes that there is just a few finite number of individuals in Iraq, and that if they are eliminated, this problem is going to be solved.

This administration still looks at Iraq as sort of this virginal, potential flower Garden of Eden of democracy that just happens to have the Corleone family in it, and if they can just get rid of the Corleone family, everything is going to be hunky-dory.

Listening to Dr. Rice's briefing today, I was astounded to hear that things were going so swimmingly in Iraq, that if we just eliminate a few more people in Fallujah and maybe a couple in Basra and three in Baghdad, things were going to be okay.

That is the most wildly out-of-touch viewpoint about the challenge that we have in Iraq and dooms our policy in Iraq to failure.

If you think about the administration's theory, their plan, if you can call it that, their view is, well, when we get Uday, things are going to be okay. We got Uday, and things were not okay. If we get Saddam, things are going to be okay. Well, we got Saddam, and we have lost 264 Americans since then. Now, if we just get a few people in Fallujah, things are going to be okay.

Well, unfortunately, that is not the situation, because one of the most prescient things said was stated by Mr. Paul Bremer when he said on January 1, and, I am sorry my quote does not have which year, but it holds for any year, he said, "As long as we are here, we are the occupying power." It is a very ugly word, but it is true: "As long as we are here."

Unfortunately, Mr. Bremer was correct, and that is why this administration is wrong not to equip our Army in a way that will make it prepared for that type of conflict as long as we are there and to develop a strategic effort to recognize that we will be seen as an occupying power by a significant portion of that population as long as we are there.

This administration's theory is if we just eliminate a few more people, we will no longer be seen as an occupying power, but rather as the liberators that we wish to be. It is a policy based on a falsehood which is based on mistake number four.

Mistake number four is that there is one principal rule of warfare, that you should not start a war based on falsehood. Unfortunately, that is what this executive branch of the United States Government did. If I can spend just a few minutes, and then I will yield to the gentleman from Massachusetts (Mr. DELAHUNT) in that regard. That is a significant thing to say, but it is, unfortunately, the sad truth.

On March 17, 2003, the President of the United States, George Bush, said, "Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised."

That statement was false, and that statement formed the entire foundation of the war that this President initiated, and it was false. But, unfortunately, it was not the only falsehood that we heard.

On March 16, 2003, the day before, the Vice President of the United States, DICK CHENEY said, "And we believe he has in fact reconstituted nuclear weapons." That statement was false, and it was an underlying principle of this executive starting this war.

On March 23, a week later, 2003, Kenneth Adelman, the Defense Policy Board member of the executive branch of the government said, "I have no doubt we are going to find big stores of weapons of mass destruction." That statement was false.

Now, this administration I think somewhere in the year 2050 will still be saying, "It is out there in the turkey fields somewhere. We know it is there."

It is now over a year after we have had control of Iraq and have not found a single weapon system that this administration started a war that cost hundreds of Americans' lives over. Not one. Not an ounce. Not a gear. Not a paper. Nothing. This is while our soldiers and sailors have paid the ultimate tribute at the behest of the Federal Government.

On March 30, 2003, Secretary of Defense Donald Rumsfeld said, "We know where they are," referring to weapons of mass destruction. "They are in the area around Tikrit and Baghdad, and east, west, south and north somewhat."

That statement was false. Unfortunately, these statements were false even given the intelligence we had then. We have subsequent to the initiation of this war had access, and obviously we will not disclose any secure information tonight, but in the public realm, it is clear that our intelligence indicated there was lots of doubt, at a minimum, what the situation was in Iraq.

These airplanes that the President told us had been built by Saddam to fly over the Atlantic and spray germ warfare over Baltimore and Washington, D.C., which is a terrifying prospect, and one if it was true we ought to be concerned about, there was only one problem: the United States Air Force before the war started, according to published accounts, stated that that is not the reason these balsa wood, duct tape affairs were put together.

□ 2115

They were put together, they tried to come up with something they could take Polaroid pictures of the enemy. They were not meant for spraying germ warfare, and our own intelligence indicated that. But that is not what the President told us. It was something else.

Mr. DELAHUNT. Mr. Speaker, what I find particularly disturbing, and I think that the American people have reached, by a vast majority, the conclusion that many of us reached during the course of the debate on whether Congress should authorize the executive to attack Iraq militarily, and that is the case was never made, never made in terms of the existence of weapons of mass destruction. Neither was the case ever made in terms of a relationship or linkage between al Qaeda and Saddam Hussein, particularly as focused on September 11. There was no involvement by the Iraqi regime on September 11, and there never had been a significant relationship between al Qaeda and the Saddam Hussein regime in Baghdad.

But what I find even more disturbing is that reluctance of the administration to let go of this myth. It is as if they so intensely embrace this belief that they are incapable from detaching themselves from that belief and accept reality.

What I thought was particularly striking is that after the so-called major combat phase of the Iraq war, as it was announced by the President, and the inability of the existing forces to discover weapons of mass destruction, he created the so-called Survey Group, the Iraq Survey Group headed by a former U.N. inspector who was described as hawkish in his views in terms of whether there should have been or whether the United States was correct in invading Iraq. His name was David Kay. I am sure many of us remember the name, many of those watching here tonight remember David Kay. He appeared on a number of television programs, wrote opinion pieces in major media outlets, and he was selected by the President to head the effort.

Well, last October he returned to Washington, consulted with Congress, consulted with Secretary Rumsfeld and reported that he was wrong. In fact, he testified before a Senate committee and made that statement which ended up in Newsweek that I believed was refreshing, because it reflected a candor and an honesty that has been lacking. And he stated passionately that we were all wrong. We were all wrong. Yet, as the gentleman from Washington indicated, the President, and particularly the Vice President will not let go, wants to create a reality that is simply inaccurate, that is false.

Recently, David Kay stated that the U.S. is in grave danger of destroying its credibility at home and abroad if we do not own up to the mistakes that we made. We are a proud people. We are a democracy, and in a democracy, to move forward we have an opportunity to speak the truth, to acknowledge mistakes, and to learn from those mistakes. As I said earlier, the Vice President on more than one occasion has been, I do not want to say overruled, that is not the right word, but after making a statement the President himself has indicated that the statement was not accurate.

Mr. ABERCROMBIE. Will the gentleman yield?

Mr. DELAHUNT. I yield to my friend, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Will the gentleman be interested to know that the Wall Street Journal on the 23rd of this month made a report, and I quote: "Before the war, United States companies used French units or French go-betweens to sell goods to Iraq. Since the war, French firms are using U.S. operations to bid for contracts in Iraq, though it is unclear whether they will succeed."

The Journal added, "Between 1998 and 2002, United Nations documents show $397 million in sales to Iraq by French units of U.S. companies. The sales coincided with the period when the Clinton and Bush administrations were increasing pressure on Mr. Hussein, and the practice extended well beyond early 2002, when Mr. Bush included Iraq in his so-called Axis of Evil.

Halliburton did tens of millions of dollars of business with Iraq in the late 1990s when it was still led by Vice President CHENEY. Much of that business was done through French units. Mr. CHENEY said during the 2000 election campaign that Halliburton had a policy against trading with Iraq. The Halliburton contracts mentioned in the United Nations documents involved units and joint ventures that came with the purchase of Dresser, Incorporated in 1998.

Will the gentleman recall that during the Watergate investigation, that Woodward and Bernstein, when they were following through on various contacts and leads, that they had reported that it was not always that people were lying to them, it was that they were not telling the truth. Unless you knew the exact question to ask ahead of time, that is to say unless you knew the information and the answers to your questions ahead of time, you might actually ask a question in which the other party could avoid telling you the truth while not absolutely lying to you.

It may well have been, as Mr. CHENEY said, that Halliburton had a policy against trading with Iraq, but apparently it did not mean that units or subunits of Halliburton located in other nations could do the trading for them, thus benefiting and profiting the Halliburton company while Mr. CHENEY was in charge of it. This is the caliber of the Vice President's ability to have any kind of veracity when it comes to statements about weapons of mass destruction or anything else having to do with whether or not he or his company profited from trading with Iraq.

Mr. DELAHUNT. Well, we do know this: we do know that Halliburton, according to a CBS report, established a subsidiary with an office in the Cayman Islands, and when an investigative team from CBS went to the office in the Cayman Islands, do my colleagues know what they found? They found a small office without a single person in the office. That obviously caused more interest.

Further investigation revealed that this particular subsidiary of Halliburton in fact had an office in Dubai in the United Arab Emirates. That particular subsidiary was dealing with another member of the so-called Axis of Evil club: Iran. They were supplying the services and the products necessary for Iran to upgrade its oil industry.

So the conflict, if you will, at least as I see it, and some would suggest that it is illegal, that it is a subterfuge that there are on the books of the United States Criminal Code laws that would prohibit American corporations such as Halliburton from dealing with rogue nations. My memory is that the title of the particular legislative provisions is called Trading With the Enemy Act. We had sanctions, and yet we have Halliburton, a subsidiary of Halliburton trading with Iran; Iran who, clearly, if we examine the reports of our own Department of State, to a far greater magnitude than anything that Saddam Hussein had done in Iraq as far as encouraging terrorists, terrorist organizations, that if there was a nation on the planet that sponsored terrorism and terrorist organizations, it was in Iran and, at the same time, Halliburton was supporting them in terms of the key component of their economy.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, the gentleman has brought up a point with Iran which, unlike Iraq, is developing a nuclear program and is a potential threat on a nuclear basis. When I was in Israel a couple of years ago talking to the Israeli defense force, they were concerned, and rightfully so, I think, about the nuclear capabilities of Iran, not Iraq. But the pickle we are now in, we are in a situation now where we have difficulty dealing with Iran because they have the potential to inflame the Shiite allies they have in Iraq to get them whipped up, if you will, and foment violence. Now we are in a more difficult position in Iran.

But I would like to return if I can for just a minute to another economic issue, since the gentleman brought up economics.

There is a fourth mistake this administration has made which has severely hampered our effort, and that is this administration has not leveled with the American people about what the Iraq war costs, and this costs us a giant deficit because the President will not come forth and tell the truth about what this is costing the American taxpayer. How do I know that? It is real simple.

The President of the United States sent us a budget, and in the budget it is hundreds of pages thick, thousands of numbers, thousands of numbers, all kinds of numbers. But there is one number that he did not have the willingness to put in his budget so Americans could see what it was going to be. That was the cost of the Iraq war.

Can my colleagues believe it? The President of the United States purports to have us adopt a budget, but he leaves out the cost of the Iraq war. How could one possibly, with a straight face, leave out something that this year is going to cost us at least $100 billion and next year probably half to three-quarters of that at least, if not more. How with a straight face could he do that, unless he really did not want the American people to know how costly this endeavor is?

This President needs to shoot straight with the American people and tell them what it is going to cost, which is hundreds of millions of dollars coming out of their April 15 taxes. And if it is worth doing, he needs to say so. But this duplicitous thing of trying to fight a war on the cheap is wrong.

Winston Churchill said, "All I have to offer you is blood, sweat, toil, and tears." This President said, don't worry, be happy. That is not the situation we are in today, and the President needs to belly up to the bar and show us how he intends to pay for this instead of ballooning the deficit, which is what he is doing, and putting the cost of the Iraq war, which is going to go on for years and years on the backs of our children, with a $500 billion deficit that he thinks Americans are not smart enough to figure out. Well, I think he is wrong.

□ 2130

Mr. INSLEE. I think they know, especially with the deficit, the cost of this war; and he is not willing to talk about his tax cuts to pay for it because he doesn't want anybody to make a sacrifice in this war except the soldiers, sailors, Marines, and Air Force who put their lives on the line. They put their lives on the line, George Bush ought to put his tax cuts on the line. They know what sacrifice is. And, yet, this President won't shoot straight with the American people to show how to pay for this war.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield for a moment. I do not want the audience or whoever may be watching us have this conversation tonight to perceive this simply to be a one-sided partisan attack on the White House because that would be a distorted view of our purpose and our intent.

Mr. ABERCROMBIE. Would the gentleman yield on that point? I just read something from the Wall Street Journal, an investigative report of the Wall Street Journal. I hardly think that the Wall Street Journal can be called a tool of the Democratic Party.

Mr. DELAHUNT. I concur with that, but let me read something from The Washington Post of last week.

Mr. ABERCROMBIE. Would the gentleman yield again? The Washington Post, which has editorially supported the war in Iraq.

Mr. DELAHUNT. That is accurate.

Mr. ABERCROMBIE. Let us just keep right on with what we are doing here. We are analyzing the situation in which American troops are in harm's way and any accusation that this has anything to do with Republicans or Democrats is not only entirely beside the point, but undermines the dialogue and discussion that has to take place when we are in a situation of war.

As the gentleman well knows, this Member has disagreed publicly and privately with the President of the United States when it was Bill Clinton and it was a Democrat. This gentleman, I can tell you, has never taken a position on the basis of who was President of the United States, but rather what the position of the United States should be in the consul of world powers in terms of the peace and welfare of the planet and the United States' role in it. Whether it is a Democratic President or a Republican President, we have to be accountable.

Mr. DELAHUNT. I think we have to acknowledge that there are Republican Members of this House and the other body that say it like it is, that speak the truth, that are not hesitant to take on a President of their own party.

Let me just read to you a statement that was attributed to the vice chair of the House Committee on Armed Services on which you serve, the gentleman from Pennsylvania (Mr. WELDON), a Republican, from Pennsylvania. He charged that "the President is playing political games by postponing further funding requests until after the election to try to avoid reopening debate on the war's cost and future. WELDON described the administration's current defense budget request as outrageous and immoral and said that at least $10 billion is needed for Iraqi operations over the next 5 months." There needs to be a supplemental whether it is a Presidential election year or not.

Mr. ABERCROMBIE. Would the gentleman yield? I serve as the ranking member on the subcommittee of the gentleman from Pennsylvania (Mr. WELDON). And I can tell my colleague that back in the time of President Clinton's administration when the Kosovo and Bosnia issues were there, I was privileged to go with the gentleman from Pennsylvania (Mr. WELDON) and other Members in a joint Democratic and Republican congressional delegation to the area because of disagreements we had in the way we were conducting both our foreign policy and military operations there.

The gentleman from Pennsylvania (Mr. WELDON), I believe, is also a supporter of the fact that we went to war with Iraq. So his admonitions here are based on his perceptions, I am certain, serving as his ranking member and counting myself as among his good and personal friends in this body. I have deep affection and respect for him both personally and as a colleague in this body.

If he is making these statements, he is making them because he believes as a supporter of this war effort that this is, in fact, in the interest of the troops and the interest of the Nation.

So this is something that is not partisan in nature. This is something that has to be addressed by all of us as our responsibility of one of 435 people in this body representing the interests of this Nation.

Mr. DELAHUNT. Let me note that the Senate chair of the foreign relations committee, who we all know and respect, Senator LUGAR, along with the ranking member, Senator BIDEN, urged the administration to be more forthcoming about its strategy for returning Iraq to the control of its people. And, again, this is from an article last Wednesday from The Washington Post: "The Bush administration has sometimes failed in the past to communicate its Iraq plans and cost estimates to Congress and the American people, LUGAR said, and must recognize that its domestic credibility on Iraq will have a great impact on its efforts to succeed."

Mr. INSLEE. Would the gentleman yield? He said something that really triggered a thought, and it is disappointing. He said, "The administration needs to be more forthright to tell us its plan." Well, I have some really bad news for the American people tonight: there was not a plan for the security of Iraq the week before the invasion, there was not a plan for the security of Iraq the week after the invasion, there was not a plan for the security of Iraq when the President declared the mission accomplished in May, 2003, and there is not a plan for the security of Iraq tonight that has a good chance of success.

Now, why do I say that? And this is very, very frustrating to me. Because 7 days before the invasion of Iraq, we, on a bipartisan basis in several meetings, begged the administration to show us the plan for the security of Iraq after the Iraqi Army folded, which we knew was going to happen at some point. And the administration officials essentially said a week before the invasion, we are giving serious thought to that.

Well, I just do not think that is good enough. And that is one of the reasons Iraq exploded into looting because the President did not listen to General Shinseki when he told him, and this is the fifth mistake, that we need hundreds of thousands of boots on the ground to prevent Iraq from going up in flames after the Iraqi Army collapses.

And our soldiers today, tonight in Fallujah are paying the price for that mistake, that we did not have enough boots on the ground the day after the Iraqi Army collapsed. And we continue to suffer as a result of that.

Now, why did that happen? Again, the deadliest kind of plans in warfare are those based on wishful thinking. And this plan, if you could call it that, from day one has been based on fallacious, false, wishful thinking. It is wishful thinking about the amount of troops we are going to have to have, it was wishful thinking about what type of armor we are going to have to have, it was wishful thinking about how much it was going to cost, it was wishful thinking about whether we would find the weapons of mass destruction, it was wishful thinking that once we got rid of Saddam Hussein there would no longer be an ally of al Qaeda.

Al Qaeda is in Iraq. They are in there now, al Qaeda is in Iraq big time now. They may not have been there before the war; but, by gum, we made it a great place for them to do business today, and they are there.

Mr. DELAHUNT. Can I use another word? My colleague said "wishful thinking." Let me be very clear. What we are talking about here is competence or incompetence, and we are not talking about the military who, clearly, have performed professionally, heroically, and deserve our praise and deserve our support. But what we are talking about is the civilian leadership at the Pentagon and this administration and this Presidency.

Let me just for one minute, if I can, here we are now talking about whether there should be a supplemental budget. And recently a colleague of ours, the gentleman from Texas (Mr. EDWARDS), visited Iraq and returned in the latter part of March and had private conversations with the generals in charge of the post-combat phase, if you will, according to the President. And they informed him that if there was not a supplemental, there would be serious problems confronting the American military.

Again, in a recent story, a recent report, dated April 21, so that is last Wednesday, this is what is happening. Let us be very clear, we have heard again and again colleagues stand up and talk about the inadequate protection being provided to American troops, whether it be vests, whether it be unarmored Humvees. So to make it up, here is what is happening. According to this report, the military is scrambling to fill its needs. The Pentagon last week diverted 120 armored Humvees purchased by the Israeli defense forces to Iraq. Yesterday, the Army announced a $110 million contract for still more armored Humvees. This is incompetence. That is what this is about. It is not just about credibility; it is about incompetence.

An unreal expectation that the numbers of troops that would be necessary in May of 2003 and 3 months thereafter would be 30,000. And, yet, the Under Secretary of Defense, Mr. Wolfowitz, in a very derisive way when asked about the estimate that was given to the Senate by General Shinseki of 200,000 troops, said it was wildly off the mark. Well, Mr. Wolfowitz, now you are scrambling, and now we have American military personnel at risk.

Mr. ABERCROMBIE. If the gentleman would yield, both he and the gentleman from Washington (Mr. INSLEE) have made the point over the last several minutes that a lack of planning, a lack of clear-sighted planning has brought us to the present path.

I would like to cite an article in The Washington Post for summary purposes made just yesterday. At the confirmation hearing before the Senate Committee on Foreign Relations, where Mr. John Negroponte, Mr. Bush's nominee to be ambassador to Iraq, was being questioned, the summary in the story by Walter Pincus and Colum Lynch is as follows: "Panel members expressed confidence in Negroponte while voicing skepticism that the United States had a clear enough strategy in place for Iraq."

Let me be a little more specific, specific in the words of Mr. Negroponte with respect to his assuming the ambassadorship in Iraq and planning for what is going to happen to our troops and what is going to happen to Iraq in terms of its sovereignty: Under questioning by Senator HAGEL, Republican of Nebraska, when asked what would happen if there was disagreement between Iraqi authorities and the United States military over how to handle a situation similar to the unrest in Fallujah, that would require, "a real dialogue between our military commanders, the new Iraqi government, and, I think, the United States mission as well," Negroponte said. Think about that. Can you imagine a combat situation such as is faced right now in Fallujah. It has nothing to do with the competence or incompetence of the United States military; it has everything to do with the competence or incompetence of the political policies that put the military in that situation.

We are now faced with circumstances in which military action becomes the political policy, that in order to support the political policy, you have to support military action, whatever it might be.

Going on, in the end, however, Negroponte said, "The U.S. military is going to have the freedom to act in their self-defense, and they are going to be free to operate in Iraq as they best see fit." Operate in their self-defense.

Mr. Negroponte, perhaps unconsciously, recognizes we are not on the offense.

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We are not accomplishing any mission. What we are saying is, what I have said on this floor, that on June 30, the United States military is going to set adrift in a desert sea of political anarchy where our military action will be self-defense. Is that what we are sentencing the United States military to? A daily round of defending itself? For what? Under what circumstances can we justify the continued presence of the United States military if their sole military purpose according to the ambassador nominee to Iraq is to defend themselves?

Continuing, what is more, he said, Iraqi military forces "will come under the unified command of a U.S.-led multinational force. Negroponte emphasized the interim government will not need law-making authority because it will just have two prime functions: running 25 government ministries and preparing for next year's election of a transitional national assembly. Among the most sensitive aspect of the U.S. transition plan has been what has been called the transitional administration law devised by the United States and its appointed Iraq governing council."

At the White House yesterday, Mr. Scott McClellan, the press secretary, told reporters, and I am quoting from the article "that an annex to the transitional law is being written that will limit the interim government's power."

Mr. DELAHUNT. I am sure the Iraqi people will welcome that.

Mr. ABERCROMBIE. "Iraqis have made it clear they want limits on the authority of the interim government," Mr. McClellan said.

We are in a situation where presumably authority is being transferred the 30th of June to an interim Iraqi government when we are writing an annex, which is a fancy word for saying we are writing an addendum, we are adding another codicil, another provision of this transitional law.

Mr. DELAHUNT. A secret agreement.

Mr. ABERCROMBIE. They are still writing it. Because, as Mr. Negroponte said in responding to a question about the annex by Senator DODD, a Democrat of Connecticut, Mr. Negroponte said he had not been briefed on it. "I am just not at the moment clued in as to the discussion about the annex."

This is the gentleman who by June 30 is supposed to take over in Iraq. It cannot be more clear the stumbling and the bumbling that has taken place to this point.

Mr. DELAHUNT. And the incompetence.

Mr. ABERCROMBIE. And the incompetence that has taken place up to this point is to continue.

How is it possible that the ambassador designee says, I am not clued in, even on the most fundamental addition to the transitional authority law that will set the circumstances and boundaries for how the United States military, let alone its diplomatic function, is to take place in a presumably sovereign Iraq?

Mr. INSLEE. I do not think the Iraqi new "sovereign," whatever they are, should feel badly because our Secretary of State did not find out about the war until the ambassador of Saudi Arabia did first.

Mr. DELAHUNT. Prince Bandar.

Mr. INSLEE. Prince Bandar, who learned about it before our Secretary of State. So the fact that we told the Saudis, the President of the United States shared with the Saudi Government, a foreign government, our war plan, that the war was going to start before he told the Secretary of State, the Iraqis should not feel too bad if we do not clue them to who the next government will be that we choose.

Let us be honest about this. This is what we are asking and suggesting to the President in a very, very difficult situation. And I do not envy that position of dealing with Iraq as President of the United States. But the first order of business ought to be truth. And this operation from day one has been built on the shifting sands of deception, exaggeration, failure, and simply not shooting straight.

Now he needs to be straight with the world and the Iraqis. What happens on June 30 is not going to be a sovereign government. And the reason it is not going to be a sovereign government is because the only force capable of doing anything in Iraq is the United States military. And he is fooling himself if he thinks that is going to fool the American people or the Iraqi people or the world. And we need to be straight about this that this is a multi-year situation the mess we are about.

Mr. DELAHUNT. We have already had the evidence of that. It has been demonstrated very, very clearly.

I remember the Secretary of Defense speaking to the fact that there was some 70,000 Iraqi security forces. Well, the truth is that there were about 3,000 of them that had actually received some 2 weeks of training. That is not being honest and forthcoming with the Congress of the United States and the American people. And then we learn during their first encounter about one in every 10 of Iraq security forces actually work against U.S. troops during the recent militia violence in Iraq, and an additional 40 percent walked off the job because of intimidation, the commander of the first armored division said Wednesday, and that is Major General Martin Dempsey.

Mr. ABERCROMBIE. I want to point out that that story is in the Washington Times. Again, if someone wants to think that this is a partisan situation, everyone knows the Washington Times is in favor of this war, that the Washington Times represents itself to be a conservative voice. This is a report from the Washington Times.

Mr. DELAHUNT. Well, speaking about where conservatives are, and again I think it is extremely important for us because we acknowledge that we are Democrats, but there is a growing opinion on the part of all Americans from whatever political perspective that they hold that the credibility that we see is dissipating now, as well as the competence in the planning has been a failure.

Let me read something from a highly regarded national conservative leader by the name of Clyde Prestowitz. This was a column that appeared in my hometown paper, the Boston Globe. And more and more traditional conservative voices in this country are echoing these sentiments. And this White House and this administration should listen very carefully to the traditional Republican conservatives in this country who will voice similar concerns and doubts as we do here on a once-a-week basis.

"For a moment during the spring, neoconservatives associated with the Bush administration thought they had died and gone to heaven. The quicker than expected fall of Saddam Hussein seemed to justify their vision of a new America that would reshape world politics. The United States would use its overwhelming military power to crush tyrannical regimes, they declared, and establish American-style capitalist democracies in their place. Domestically, the neocons only question was whether the tax cuts aimed at reshaping American society would be merely big or gigantic. As time passes, however, it has become increasingly clear that this course is neither neo nor conservative and that it may lead more quickly to hell than to heaven.

"This is not the foreign policy agenda traditional conservatives like myself voted for in 2000. Concerned about growing anti-American feeling around the world, we were pleased when candidate Bush spoke of adopting a humbler attitude in foreign policy and of reducing U.S. overstretch abroad. We also anticipated that a new Bush administration would embrace longstanding conservative values such as smaller government, fiscal responsibility, tax cuts carved with a goal of balancing budgets, strong protection of individual rights, and support of healthy State and local governments."

I dare say that that is an opinion that is being echoed among conservatives of both parties. Recently, there was a similar piece, I will not take the time because I know we are getting towards the end, that appeared in the New York Times. But I would commend those that are watching us this evening to go to the April 9 edition of the New York Times and read a piece by David Kirkpatrick entitled "Lack of Resolutions in Iraq Find Conservatives Divided."

Mr. INSLEE. We have only got a minute or two and if the gentleman from Hawaii (Mr. ABERCROMBIE) would like to finish just briefly? Let me wrap up if I can.

Mr. ABERCROMBIE. I am delighted to have the gentleman wrap up.

Mr. INSLEE. I am sure the country will appreciate that.

First off, I want to make sure people understand what we have been talking about tonight has been very well documented. The Web site that is indicated before the podium here indicates where you can check out, anybody that is listening this evening can check out the factual statements that we have talked about. You will find 247 misstatements of fact by this administration about Iraq that are documented in this government Web site by the House Committee on Government Reform due to the good efforts of the gentleman from California (Mr. WAXMAN). Anyone can check that out.

In conclusion, let me wrap up. What we were saying tonight is a theme. We believe this is an extremely challenging situation for America in Iraq. We believe our soldiers and sailors, Air Force personnel, men and women, are doing an exemplary job in Iraq under extremely trying circumstances; and anyone who has talked to them will agree with that. But we believe it is high time for the administration, for the President of the United States, for the Vice President of the United States, for the Secretary of Defense to stop basing an Iraq policy on wishful thinking and exaggeration.

They need to adopt the policy to the number of troops based on realism rather than rose-tinted glasses. They need to adopt a policy on how much it will cost based on hard-headed fiscal reality, rather than hiding the ball from the American people. They need to adopt a policy on the armor that recognizes how severe this problem is with security in Iraq, and starting to tell the truth to the American people is a good way to start to figure out a way out of Iraq.

Mr. ABERCROMBIE. Mr. Speaker, it remains for us to thank you for your patience and forbearance tonight. I believe at this opportunity we can indicate to our colleagues and to those watching us and participating with us tonight on C-SPAN broadcasts, these very valuable Special Orders that the House prepares to enable Members to speak to the broader American audience and elsewhere across the country. Thank you and thank them.

At this time, pending our next session of Iraq Watch, we would move to adjourn the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CARTER). Before entertaining the motion to adjourn, the Chair must remind Members that remarks in debate are properly addressed to the Chair and not to a viewing audience.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, APRIL 27, 2004 AT PAGE H2395

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as member of the Select Committee on Homeland Security:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Homeland Security, effective immediately. I realize that I served on the Select Committee due to my role as Chairman of the Energy and Commerce Committee. I no longer hold the position of Chairman, thus I resign from the other.

Thank you for your assistance in this matter.

Sincerely,
W.J. "BILLY" TAUZIN,
Member of Congress.

The SPEAKER pro tempore (Mr. BURGESS). Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Select Committee on Homeland Security to fill the existing vacancy thereon:

Mr. BARTON of Texas to rank immediately after Mr. BOEHLERT of New York.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROHRABACHER (at the request of Mr. DELAY) for the week of April 27 on account of the birth of his triplets, Annika, Christian, And Tristen.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of April 27 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCINTYRE) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. BRADLEY of New Hampshire) to revise and extend their remarks and include extraneous material:)

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, April 29.

Mr. PENCE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WILSON of South Carolina, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2315. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, April 29, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7858. A letter from the Asst. General Counsel, Regulatory Services Division, Department of Education, transmitting the Department's final rule — Impact Aid Programs (RIN: 1810-AA96) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7859. A letter from the Asst. General Counsel, Regulatory Services Division, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program (RIN: 1830-ZA04) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7860. A letter from the Assistant Secretary, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Impact Aid Programs (RIN: 1810-AA96) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7861. A letter from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Underground Coal Mine Ventilation—Safety Standards for the Use of a Belt Entry as an Intake Air Course To Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed (RIN: 1219-AA76) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7862. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interst Assumptions for Valuing and Paying Benefits — received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7863. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7864. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 108-181); to the Committee on the Judiciary and ordered to be printed.

7865. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108–182); to the Committee on the Judiciary and ordered to be printed.

7866. A letter from the Regulations Coordinator, ACF, Department of Health and Human Services, transmitting the Department's final rule — Tribal Child Support Enforcement Programs (RIN: 0970-AB73) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7867. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Unemployment Insurance Program Letter (UIPL) 14-01 — Treatment of Indian Tribes Under Federal Unemployment Compensation Law — Amendments made by the Consolidated Appropriations Act, 2001 — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7868. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Accounts (Rev. Proc. 2004-22) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7869. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Accounts (Rev. Rul. 2004-38) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 2771. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program (Rept. 108–476). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. WEXLER, Mr. KELLER, Mr. CRANE, Mr. CRENSHAW, Mr. HYDE, Mr. FEENEY, Mr. SHAW, Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Mr. MEEK of Florida, Mr. CUNNINGHAM, Mr. PAYNE, Mr. GREEN of Wisconsin, Mr. BONILLA, Ms. HART, Mr. KING of Iowa, Mr. CARTER, Mrs. BLACKBURN, Ms. HARRIS, Mr. BOYD, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PENCE, Ms. BERKLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. CANNON, Mr. FORBES, Mr. MARIO DIAZ-BALART of Florida, and Mr. HOSTETTLER):

H.R. 4225. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. DEFAZIO):

H.R. 4226. A bill to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the "Cape Town Treaty"; to the Committee on Transportation and Infrastructure.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. PICKERING, Mr. AKIN, Mr. HAYWORTH, and Mr. BROWN of South Carolina):

H.R. 4227. A bill to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 4228. A bill to provide for an improved acquisition system; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4229. A bill to amend title 38, United States Code, to make improvements to certain life insurance programs, administered by the Secretary of Veterans Affairs for veterans with service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. KIRK, and Mr. LEWIS of Georgia):

H.R. 4230. A bill to authorize the establishment within the Department of State of an Office to Monitor and Combat Anti-Semitism, to require inclusion in annual Department of State reports of information concerning acts of anti-Semitism around the world, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS:

H.R. 4231. A bill to provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas:

H.R. 4232. A bill to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office"; to the Committee on Government Reform.

By Mrs. CAPITO:

H.R. 4233. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself and Mr. MATSUI):

H.R. 4234. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,500 and to provide for a graduated implementation of such provision on amounts above such $2,500 amount; to the Committee on Ways and Means.

By Mr. FROST (for himself, Mr. ACKERMAN, Mr. WAXMAN, Ms. SCHAKOWSKY, and Mr. LANTOS):

H.R. 4235. A bill to allow the export or other provision of oil to Israel; to the Committee on International Relations.

By Mr. GUTIERREZ (for himself, Mr. PAUL, Mr. SHERMAN, Mr. OTTER, Mr. TOWNS, Mr. BACA, Ms. LEE, Mrs. MALONEY, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Mr. LIPINSKI, Mr. ACEVEDO-VILÁ, Ms. WATERS, Mr. RANGEL, Mr. NADLER, Mr. SANDERS, Mr. HINCHEY, Ms. SLAUGHTER, Mr. OWENS, Mr. RUSH, Mr. WEINER, Mr. DAVIS of Illinois, Mr. CLAY, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. MORAN of Virginia, Ms. BALDWIN, and Mr. BARTLETT of Maryland):

H.R. 4236. A bill to provide for congressional disapproval of certain regulations issued by the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code; to the Committee on Financial Services.

By Mr. GUTIERREZ (for himself, Mr. PAUL, Mr. SHERMAN, Mr. OTTER, Mr. TOWNS, Mr. BACA, Ms. LEE, Mrs. MALONEY, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Mr. LIPINSKI, Mr. ACEVEDO-VILÁ, Ms. WATERS, Mr. RANGEL, Mr. NADLER, Mr. SANDERS, Mr. HINCHEY, Ms. SLAUGHTER, Mr. OWENS, Mr. RUSH, Mr. WEINER, Mr. DAVIS of Illinois, Mr. CLAY, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. MORAN of Virginia, Ms. BALDWIN, and Mr. BARTLETT of Maryland):

H.R. 4237. A bill to provide for congressional disapproval of certain regulations issued by the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code; to the Committee on Financial Services.

By Mr. HINCHEY:

H.R. 4238. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are active members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 4239. A bill to provide a civil action for a minor injured by exposure to an entertainment product containing material that is harmful to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. RENZI, Mr. GRIJALVA, Mr. PASTOR, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. SHADEGG, and Mr. FLAKE):

H.R. 4240. A bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; to the Committee on Resources.

By Mr. LYNCH:

H.R. 4241. A bill to amend chapter 89 of title 5, United States Code, and the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require coverage of hearing aids under the Federal Employees Health Benefits Program and private group and individual insurance; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE (for himself and Mr. Lewis of California):

H.R. 4242. A bill to transfer jurisdiction over certain public lands from the Bureau of Land Management to the Department of Defense; to the Committee on Resources.

By Mr. RYAN of Ohio:

H.R. 4243. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the costs of college textbooks; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4244. A bill to designate the visitor center at the U.S.S. Arizona Memorial in Hawaii as the "Pearl Harbor Memorial Site Visitor Center"; to the Committee on Resources.

By Mr. WALSH:

H.R. 4245. A bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 4246. A bill to amend the Defense Base Closure and Realignment Act of 1990 to specify the criteria to be used by the Secretary of Defense in making recommendations in 2005 for the closure or realignment of military installations inside the United States under such Act; to the Committee on Armed Services.

By Mr. MORAN of Kansas (for himself, Ms. Kaptur, Mr. Ballenger, Mr. Dingell, Mr. Hall, Mr. Houghton, Mr. Hyde, Mr. Smith of New Jersey, and Mr. Regula):

H. Con. Res. 409. Concurrent resolution recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia; to the Committee on Veterans' Affairs, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H. Res. 608. A resolution expressing the sense of the House of Representatives that the Department of Defense should rectify deficiencies in the military postal system to ensure that members of the Armed Forces stationed overseas are able to receive and send mail in a timely manner as well as receive and send election ballots in time to be counted in the 2004 elections; to the Committee on Armed Services.

By Mr. GREEN of Wisconsin (for himself, Mr. English, and Mr. Ballenger):

H. Res. 609. A resolution expressing the sense of the House of Representatives that the importation into the United States of products and services of foreign nationals who violate the intellectual property rights of persons under United States laws should be prohibited; to the Committee on Ways and Means.

By Mr. LYNCH (for himself and Mr. Tiahrt):

H. Res. 610. A resolution expressing the sense of the House of Representatives with respect to the level of funding provided to the National Institutes of Health for carrying out the Autoimmune Diseases Research Plan; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Ms. Schakowsky, and Mr. Brown of Ohio):

H. Res. 611. A resolution expressing the sense of the House of Representatives that the President should immediately communicate to the members of the Organization of Petroleum Exporting Countries (OPEC) cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States that urgent action must be taken to increase world crude oil supplies so as to achieve stable crude oil prices, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 109: Ms. Woolsey.

H.R. 121: Ms. DeLauro.

H.R. 284: Mr. Gallegly.

H.R. 348: Mr. Udall of New Mexico.

H.R. 356: Mr. Lantos.

H.R. 391: Mr. Lewis of Kentucky.

H.R. 434: Mr. Bishop of Utah and Mr. Shays.

H.R. 446: Mr. Olver.

H.R. 548: Mr. Conyers, Mr. Gephardt, Mr. Pascrell, Mr. Dingell, Mr. Levin, Mr. Becerra, and Mr. Payne.

H.R. 577: Mr. Lipinski.

H.R. 714: Mr. Duncan.

H.R. 716: Mr. Lampson, Mr. Rothman, and Mr. Scott of Georgia.

H.R. 728: Mr. Lewis of California.

H.R. 775: Mr. Bachus.

H.R. 806: Mr. Kolbe.

H.R. 847: Mr. Israel.

H.R. 869: Mr. Frost.

H.R. 890: Mr. Pitts.

H.R. 970: Mr. Dicks and Mr. Larsen of Washington.

H.R. 979: Ms. Berkley.

H.R. 996: Mr. Akin.

H.R. 1057: Ms. Lee, Mr. Hoeffel, Mr. Gutierrez, Ms. Kaptur, Mr. Burns, Ms. Baldwin, and Mr. Gingrey.

H.R. 1084: Mrs. Wilson of New Mexico.

H.R. 1117: Mr. Bass.

H.R. 1173: Mr. Putnam.

H.R. 1306: Ms. Kilpatrick.

H.R. 1336: Mr. Ryun of Kansas and Mr. Ruppersberger.

H.R. 1355: Mr. Brown of Ohio.

H.R. 1523: Mr. Manzullo, Mr. Meeks of New York, Mr. Jefferson, Mr. Leach, and Mr. Rush.

H.R. 1563: Mr. Hastings of Florida.

H.R. 1653: Mr. Wolf.

H.R. 1655: Mr. Allen and Mr. Jefferson.

H.R. 1673: Mr. Sabo and Ms. McCollum.

H.R. 1700: Mr. Sensenbrenner.

H.R. 1726: Mr. Owens.

H.R. 1735: Mr. Porter, Mr. Brady of Pennsylvania, Mr. Hinojosa, Mr. Payne, and Ms. Hooley of Oregon.

H.R. 1796: Mr. Ferguson.

H.R. 1812: Mr. Van Hollen.

H.R. 1930: Mr. Jackson of Illinois, Ms. Norton, and Mr. Rush.

H.R. 1931: Mr. McCotter.

H.R. 1989: Mr. Goode.

H.R. 2151: Ms. Norton, Mr. Towns, and Mr. Fossella.

H.R. 2198: Ms. Lofgren and Mr. Pastor.

H.R. 2237: Ms. Norton and Mr. Markey.

H.R. 2238: Mr. Case.

H.R. 2318: Ms. Waters, Mr. Clyburn, and Mr. Cummings.

H.R. 2358: Mr. Carson of Oklahoma.

H.R. 2387: Mr. Scott of Virginia, Mr. Cramer, Mr. McGovern, Mr. Langevin, Ms. Eshoo, and Mr. Holden.

H.R. 2612: Mr. Tierney and Mr. Udall of New Mexico.

H.R. 2797: Mr. Sam Johnson of Texas.

H.R. 2824: Mr. Souder and Mr. Holt.

H.R. 2900: Mr. Ney, Mr. Kennedy of Minnesota, Mr. Tom Davis of Virginia, and Mr. Gordon.

H.R. 2932: Mr. Andrews.

H.R. 2959: Mr. Gonzalez, Mr. Hastings of Florida, Mr. Pomeroy, Mr. Leach, Mr. Rogers of Alabama, Mr. Andrews, Mr. Shays, Mr. Bishop of Georgia, Mrs. Miller of Michigan, Mr. Peterson of Minnesota, Mr. Ruppersberger, Mr. McCotter, Mr. McDermott, Mr. Bell, Mr. Davis of Illinois, Mrs. Emerson, Mr. King of Iowa, Mr. Spratt, Mr. Jones of North Carolina, Mr. Green of Texas, and Ms. Berkley.

H.R. 2966: Mr. Larsen of Washington.

H.R. 2967: Mr. English.

H.R. 3069: Mrs. Myrick.

H.R. 3085: Mr. Ackerman, Mrs. McCarthy of New York, Ms. Roybal-Allard, Ms. Velázquez, and Mr. Pastor.

H.R. 3193: Mr. Weldon of Pennsylvania, Mr. Radanovich, Mr. Boehlert, Mr. Taylor of North Carolina, Mr. Weldon of Florida, Mr. Mollohan, Mrs. Emerson, Mr. Walden of Oregon, and Mr. Hayworth.

H.R. 3194: Ms. McCarthy of Missouri and Mr. Boucher.

H.R. 3243: Mr. Wexler, Mr. Ferguson, Mr. Boozman, and Mr. Cooper.

H.R. 3246: Mr. John, Mr. Rogers of Alabama, and Mr. Boehlert.

H.R. 3296: Ms. Hart.

H.R. 3441: Mr. Gutierrez, Mr. Chandler, and Ms. Schakowsky.

H.R. 3446: Mr. Thompson of Mississippi, Mr. Clyburn, and Ms. Majette.

H.R. 3458: Mr. Nethercutt, Mr. McNulty, Mr. Acevedo-Vilá, Mr. Meeks of New York, Mr. Grijalva, and Ms. Jackson-Lee of Texas.

H.R. 3459: Mrs. McCarthy of New York.

H.R. 3476: Mr. Barrett of South Carolina, Mr. Miller of Florida, Mr. Latham, Mrs. Musgrave, Mr. Lincoln Diaz-Balart of Florida, Mr. Payne, Mr. Cardin, and Mr. Green of Wisconsin.

H.R. 3524: Mr. Rothman.

H.R. 3558: Mr. Brady of Pennsylvania and Mrs. Capps.

H.R. 3574: Mr. Green of Texas.

H.R. 3602: Mr. Ehlers, Mr. Sandlin, Mr. Boehlert, Mr. Goode, Mr. Lampson, and Mr. Hinojosa.

H.R. 3615: Ms. Schakowsky, Mr. Evans, Mr. Abercrombie, Ms. McCollum, Mr. Grijalva, Mrs. Maloney, Mr. Meeks of New York, Mr. Kennedy of Rhode Island, Mr. Ackerman, and Mr. Towns.

H.R. 3755: Mr. Ross, Mrs. Emerson, Ms. Berkley, and Mr. Bradley of New Hampshire.

H.R. 3763: Mr. Cantor, Mr. Boehlert, and Mr. Rogers of Kentucky.

H.R. 3777: Mr. Smith of Michigan, Mr. Moore, Mr. Lucas of Kentucky, Mr. Shimkus, Ms. Jackson-Lee of Texas, and Mr. Camp.

H.R. 3800: Mrs. Jo Ann Davis of Virginia.

H.R. 3816: Mr. Boswell, Mr. McNulty, Ms. DeLauro, and Ms. McCollum.

H.R. 3829: Mr. Houghton.

H.R. 3831: Ms. Lee.

H.R. 3857: Mr. Portman.

H.R. 3858: Mr. Portman and Mr. Stark.

H.R. 3880: Ms. Lofgren, Mr. English, and Ms. Roybal-Allard.

H.R. 3896: Mr. Flake.

H.R. 3918: Mr. Clay, Mr. Cummings, Ms. Kilpatrick, Mr. Meek of Florida, Mr. Rush, Mr. Towns, Mr. Owens, and Mr. Lewis of Georgia.

H.R. 3920: Mr. Schrock, Mr. Carter, and Mr. Souder.

H.R. 3941: Mr. Garrett of New Jersey.

H.R. 3965: Mr. Green of Wisconsin and Ms. Kaptur.

H.R. 3968: Mr. Ruppersberger.

H.R. 4023: Mr. Abercrombie.

H.R. 4033: Mr. Spratt.

H.R. 4048: Mr. Collins.

H.R. 4052: Mr. Frank of Massachusetts, Mr. English, and Mr. McHugh.

H.R. 4060: Mr. Blumenauer.

H.R. 4061: Mr. Bereuter, Mr. Green of Wisconsin, Mr. Moran of Virginia, Mr. Simmons, Mr. Tancredo, Mr. Sanders, Mr. Kucinich, Mr. Putnam, and Ms. Carson of Indiana.

H.R. 4065: Mr. Owens and Mr. Renzi.

H.R. 4076: Mr. Nadler, Mr. Markey, and Ms. Norton.

H.R. 4077: Mr. Otter.

H.R. 4078: Mr. Burton of Indiana and Mr. Hostettler.

H.R. 4101: Mrs. Tauscher.

H.R. 4116: Mr. Wicker.

H.R. 4126: Mr. Otter and Mr. LaTourette.

H.R. 4130: Mr. Pickering and Mrs. Maloney.

H.R. 4131: Mr. Simmons.

H.R. 4142: Mr. Franks of Arizona.

H.R. 4156: Mr. Terry and Ms. Baldwin.

H.R. 4176: Mr. Ballance, Mr. Price of North Carolina, Mr. Coble, Mrs. Myrick, Mr. Ballenger, Mr. Taylor of North Carolina, Mr. Watt, Mr. Jones of North Carolina, Mr. Miller of North Carolina, Mr. McIntyre, Mr. Etheridge, and Mr. Burr.

H.R. 4180: Ms. Bordallo, Mr. Bartlett of Maryland, and Mr. Acevedo-Vilá.

H.R. 4181: Ms. Ros-Lehtinen, Mr. Collins, Mr. Kline, and Mr. Bradley of New Hampshire.

H.R. 4187: Mr. Kline.

H.R. 4188: Mr. Wilson of South Carolina, Mr. Taylor of Mississippi, Mr. Evans, Mr. Etheridge, and Mr. Miller of Florida.

H.R. 4192: Mr. Abercrombie, Mr. Owens, Mr. Udall of New Mexico, Mr. Hinojosa, Mr. McGovern, Mr. Towns, Mr. Kind, and Mr. Kleczka.

H.R. 4203: Mr. Burr, Mr. Boucher, and Mr. Ballenger.

H.R. 4207: Mr. Grijalva and Mr. Spratt.

H.R. 4217: Mr. LaHood, Mr. Kind, Mr. Whitfield, Mr. Evans, Mr. Stearns, Mr. Simmons, Mr. Schrock, Ms. Hooley of Oregon, Mr. Etheridge, Mr. Saxton, Mr. Holt, Mr. Vitter, Mr. Brady of Pennsylvania, Mr. Owens, and Mr. Rahall.

H.J. Res. 28: Mr. Bishop of Georgia, Ms. Corrine Brown of Florida, Ms. Lee, Mrs. Jones of Ohio, Mr. Lewis of Georgia, Mr. Davis of Alabama, Ms. Eddie Bernice Johnson of Texas, Mr. Owens, Mr. Jefferson, Mr. Clyburn, Mrs. Christensen, Ms. Carson of Indiana, Mr. Payne, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, and Mr. Towns.

H.J. Res. 29: Mr. Jefferson, Mr. Clyburn, and Ms. Carson of Indiana.

H.J. Res. 30: Mr. Clyburn, Ms. Carson of Indiana, Mr. Payne, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, and Mr. Towns.

H.J. Res. 31: Mr. Conyers.

H.J. Res. 32: Mr. Conyers.

H.J. Res. 33: Mr. Conyers.

H.J. Res. 34: Mr. Conyers.

H.J. Res. 35: Mr. Conyers.

H. Con. Res. 30: Mr. Davis of Florida, Mr. Grijalva, Mr. Emanuel, Mr. Bishop of Georgia, Mr. Van Hollen, Mr. Ramstad, Mr. McDermott, Mr. Pitts, Mr. Cardin, Mr. Lincoln Diaz-Balart of Florida, Mr. Sabo, and Mr. McGovern.

H. Con. Res. 247: Mr. Larsen of Washington.

H. Con. Res. 276: Mr. Pallone and Mr. Grijalva.

H. Con. Res. 325: Mr. Ruppersberger.

H. Con. Res. 332: Ms. Loretta Sanchez of California and Mr. Stupak.

H. Con. Res. 366: Mr. Udall of Colorado, Mr. Mollohan, Mr. Cramer, and Mr. Snyder.

H. Con. Res. 375: Mr. McCotter, Ms. Solis, and Mr. Wexler.

H. Con. Res. 385: Mr. Andrews, Mr. Ackerman, Mr. Schiff, Mr. Frost, Mr. Spratt, Mr. Meehan, and Mr. Wexler.

H. Con. Res. 396: Mr. Rothman.

H. Con. Res. 403: Mr. Bell, Mr. Gallegly, Mr. Clay, and Mr. Tierney.

H. Con. Res. 406: Mr. Wexler, Mr. Evans, and Mr. Shimkus.

H. Res. 466: Mr. Rahall and Mr. Watt.

H. Res. 575: Ms. Kaptur.

H. Res. 576: Mr. Goodlatte.

H. Res. 594: Ms. Majette, Mr. Gingrey, Mr. Burns, Mr. Norwood, Mr. Kingston, Mr. Scott of Georgia, and Mr. Bishop of Georgia.

H. Res. 596: Mr. Weldon of Pennsylvania.

H. Res. 598: Mr. Kline, Mr. Scott of Virginia, Mr. McHugh, Mr. Forbes, Mr. Carson of Oklahoma, and Mr. Collins.

H. Res. 605: Mr. Grijalva, Mr. Greenwood, Mr. Allen, and Mr. Rothman.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 8. April 27, 2004, by Mr. EDWARDS on House Resolution 584, was signed by the following Members: Chet Edwards, Bob Filner, Sanford D. Bishop, Jr., Max Sandlin, Leonard L. Boswell, Ruben Hinojosa, Bill Pascrell, Jr., John D. Dingell, John W. Olver, Tom Lantos, James R. Langevin, Jim Turner, Jim Cooper, Bart Gordon, Steve Israel, Dennis Moore, Baron P. Hill, Dale E. Kildee, Lois Capps, Bob Etheridge, Mike Thompson, Anna G. Eshoo, Rush D. Holt, Jim McDermott, Janice D. Schakowsky, Gene Taylor, Robert C. Scott, Zoe Lofgren, Danny K. Davis, Jane Harman, Ben Chandler, Lynn C. Woolsey, John B. Larson, Rick Larsen, Shelley Berkly, Karen McCarthy, Michael M. Honda, Darlene Hooley, Tammy Baldwin, Susan A. Davis, Henry A. Waxman, Sheila Jackson-Lee, Wm. Lacy Clay, David Scott, Thomas H. Allen, Michael H. Michaud, Carolyn B. Maloney, Joe Baca, Timothy H. Bishop, C.A. Dutch Ruppersberger, Betty McCollum, Steny H. Hoyer, Michael R. McNulty, Tim Ryan, Allen Boyd, John F. Tierney, Ron Kind, Mike McIntyre, Hilda L. Solis, Eddie Bernice Johnson, Lane Evans, Jay Inslee, Carolyn McCarthy, Sam Farr, Nick Lampson, Martin T. Meehan, James L. Oberstar, Mike Ross, Frank W. Ballance, Jr., Rosa L. DeLauro, Robert T. Matsui, Robert Menendez, Rahm Emanuel, Frank Pallone, Jr., Adam B. Schiff, James E. Clyburn, John Lewis, David E. Price, Jim Davis, Chris Bell, Linda T. Sánchez, Brad Miller, Lincoln Davis, James P. McGovern, Major R. Owens, Raul M. Grijalva, Ed Case, Charles A. Gonzalez, Ciro D. Rodriguez, Marcy Kaptur, Marion Berry, Brad Sherman, Solomon P. Ortiz, Ellen O. Tauscher, James P. Moran, Lucille Roybal-Allard, Donald M. Payne, Silvestre Reyes, Chris Van Hollen, Sander M. Levin, Grace F. Napolitano, David R. Obey, José E. Serrano, Robert E. Andrews, Lloyd Doggett, Melvin L. Watt, William J. Jefferson, Earl Pomeroy, Christopher John, Bart Stupak, Michael F. Doyle, Gregory W. Meeks, Dennis A. Cardoza, Albert Russell Wynn, Charles W. Stenholm, Martin Frost, Gene Green, Juanita Millender-McDonald, Julia Carson, Peter A. DeFazio, Tom Udall, Brian Baird, Michael E. Capuano, Robert A. Brady, Tim Holden, Ed Pastor, Bernard Sanders, Nancy Pelosi, Kendrick B. Meek, Jim Matheson, William D. Delahunt, Edolphus Towns, Denise L. Majette, Elijah E. Cummings, Howard L. Berman, Gary L. Ackerman, Artur Davis, Ken Lucas, Earl Blumenauer, Jim Marshall, Ike Skelton, Maurice D. Hinchey, Fortney Pete Stark, Patrick J. Kennedy, Chaka Fattah, Stephen F. Lynch, Jerry F. Costello, William O. Lipinski, Joseph M. Hoeffel, Eliot L. Engel, John Conyers, Jr., Collin C. Peterson, Jesse L. Jackson, Jr., Bennie G. Thompson, Gerald D. Kleczka, David Wu, Bobby L. Rush, Louise McIntosh Slaughter, George Miller, Nydia M. Velázquez, Adam Smith, Ted Strickland, Sherrod Brown, Anthony D. Weiner, Vic Snyder, Joseph Crowley, Barney Frank, Brad Carson, Rodney Alexander, Corrine Brown, Diane E. Watson, Dennis J. Kucinich, Diana DeGette, Jerrold Nadler, Mark Udall, Richard A. Gephardt, and Barbara Lee.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7 by Mr. BAIRD on House Resolution 572: Steny H. Hoyer, James E. Clyburn, David E. Price, and Chris Bell.

Petition 6 by Mr. TURNER of Texas on House Resolution 523: Steve Israel, Shelley Berkley, Frank Pallone, Jr., Lucille Roybal-Allard, Sanford D. Bishop, Jr., and Vic Snyder.

EXTENSIONS OF REMARKS

FORMER PENNSYLVANIA GOVERNOR DICK THORNBURG'S THOUGHTFUL STATEMENT ON "INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED U.N. CONVENTION"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, "International Disability Rights: The Proposed U.N. Convention." This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under in international law to the same extent as other human rights through a binding U.N. convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schövinck; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the CONGRESSIONAL RECORD, so that all of my colleagues may profit from their expertise, and I ask that the statement of Governor Dick Thornburgh be placed at this point in the CONGRESSIONAL RECORD.

DICK THORNBURGH, FORMER ATTORNEY GENERAL OF THE UNITED STATES AND UNDER-SECRETARY GENERAL OF THE UNITED NATIONS BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS ON 2203 RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, D.C.

Thank you, Congressman Lantos. I'm very happy to be participating on this panel today. It gives me an opportunity to discuss two topics about which I care deeply—disability rights and international cooperation. The fact that the United Nations has taken an important—and long overdue—step toward bringing 600 million people with disabilities into the mainstream of human rights concerns is a milestone for social justice globally. I applaud the disability community for its tireless efforts in what must have seemed an uphill battle for international recognition of this important issue.

About 15 years ago, I testified before House and Senate Committees as the principal spokesperson for President George Bush's administration on the development of the Americans with Disabilities Act (ADA). I testified as Attorney General of the United States and as a parent of an adult child with mental retardation. During those hearings I recognized that no piece of legislation could alone change the longstanding misperceptions that many people have about disability—misperceptions based largely on stereotype, ignorance and fear of what is different. Any reshaping of attitudes would be the gradual result not of the words or ideas in the laws, but of bringing people with disabilities from the margins of society into the mainstream of American life—our schools, workplaces, busses and trains, courthouses, restaurants and theaters—where they not only have an absolute right to be but where we have an obligation as fellow human beings to welcome them on an equal basis as all others.

The effort to secure passage of the Americans with Disabilities Act was difficult. Those of us who wanted to see it happen were given countless reasons that it couldn't be done. We were told that the climate in Congress wasn't right, it would be too expensive, too complicated, not effective, impossible to enforce—even that the country in general just wasn't ready for it. So we discussed, debated, argued, researched, analyzed, negotiated, pleaded, convinced and, ultimately, drafted and passed the most progressive disability legislation the world had ever seen. This legislation, with its innovative concepts such as "reasonable accommodation," has changed the way we do business in this country. It has made us more representative, more democratic and more free by ending the unchecked exclusion of 54 million Americans from public life.

Of course we still have a long way to go. The ADA isn't perfect and people with disabilities in America continue to face serious challenges. Still, we've made remarkable progress that is not only celebrated here at home but also recognized abroad. The United States is viewed internationally as the pioneer for disability rights. Disability activists from other countries have taken the ADA to their governments and said "Look. This is how it should be done. We need to do this here in our country." And many governments have responded. Our legislation has served as an model for anti-discrimination protections for people with disabilities all over the world.

However, despite our progress at home—and the progress that it has inspired in other countries—on the whole disability as a global issue remains near the bottom of the list of priorities for many governments and societies. People with disabilities are among the poorest, least educated and most abused and excluded people on earth. I said that the ADA has served as a shining model for domestic legislation for other countries. That is true, but, in actuality, fewer than 50 nations actually have anti-discrimination laws to protect the rights of people with disabilities. The mainstream human rights movement has traditionally considered disability as an issue that falls outside its scope, viewing it as a social problem or a medical issue instead of a subject of human rights. While the rights of women, children, racial minorities and migrant workers have found their place in the international human rights and legal framework, disability rights have languished on the sidelines. Fortunately, that chapter in history is approaching its end with the UN effort to draft an international convention on disability.

I'd like to address briefly—and hopefully put to rest—some of the questions and concerns that have been raised about this convention. To begin, it has been argued that disability rights are more appropriately addressed as a domestic concern, given the complexity of the issues involved. In other words, this really isn't an appropriate subject for international protection. Certainly, good domestic legislation in every country would be the ideal solution. But most countries don't have it and it does not seem reasonable to expect that this will change dramatically without international pressure. The fact is, for many countries, international conventions have served as a catalyst for the development of domestic protections. Furthermore, the human rights situation of people with disabilities is a legitimate matter of international concern. Just last month, Amnesty International reported that 17 patients at a psychiatric hospital in southern Romania have died so far this year, apparently from malnutrition and hypothermia. The total number of deaths in 2003 at that institution from similar causes was 84. In the absence of effective domestic protections, these are the types of persons who deserve and require the coverage of an international convention.

Another view put forth is that, because of America's comprehensive domestic protections, a treaty on disability would have no relevance in our own country. Therefore, in the absence of any intention of becoming a party to the convention, our participation in the process of its development should be minimal.

We are the most progressive country in the world when it comes to disability rights domestically. The universality of human rights and fundamental freedoms—as expressed in our Declaration of Independence—is the foundation on which our entire society is based. Respect for human rights is also a stated core principle of our foreign policy—precisely because we recognize that stability, security and economic opportunity in any society presuppose a social order based on respect for the rights of its citizens. Given this history and these values, it would seem natural, in fact, for the United States to assume a leading role—not a passive one—in the UN effort to codify in an international treaty the principles of equality, inclusion and respect for the human rights of people with disabilities.

It might sound familiar—even a cliché—to say we are the world leaders on this subject.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Let's be honest. There is certainly no shortage of issues on which we claim to be the world leaders. We are predisposed to take credit for most any trend in the world that seems just, free and democratic. But with respect to this issue, we really do have "bragging rights." We got disability rights right.

This is our opportunity to export the very best the U.S. has to offer. This is a chance to use our rich national experience on disability rights—which has gained us the respect of the world community—to extend the principles embodied in the ADA to the hundreds of millions of people with disabilities worldwide who have no domestic protection. This is worthy of our leadership. We have everything to gain and nothing to lose by playing the role the world expects of us.

It would be a shame to let the chance pass by to demonstrate political and moral leadership in a process in which the end result can only be the improvement of life for countless millions of people. We can't afford to shortchange this treaty by declaring at the outset our intention not to be a party to it or to participate in a meaningful way in its development.

Just like the ADA, a convention will not be a magic legal solution with the power to create immediate change in the attitudes, cultural perceptions and ignorance that lead to discrimination and human rights abuses of people with disabilities. What it will do is create a place for disability in the human rights framework. It will put disability on the radar screen of governments and societies as a legitimate human rights issue to which they must give heed. It will provide guidance and standards and create a legal obligation for States Parties to respect the rights of this sizable population. It will serve as a powerful advocacy tool for the global disability movement to promote inclusion and equality of opportunity.

Change will be gradual—probably painfully slow. But this is the best first step we can take toward promoting change on an global scale. Our commitment to leadership on disability rights should not end at our shores. This is about 600 million people worldwide whose rights have been ignored for too long.

HUMAN TRAFFICKING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BEREUTER. Mr. Speaker, this Member agrees with the sentiments expressed in an April 22, 2004, Omaha World Herald editorial entitled "A New Fight Against Slavery." This Member commends the article to his colleagues.

A NEW FIGHT AGAINST SLAVERY

Slavery has long been officially illegal in most of the world. Yet de facto slavery continues for hundreds of thousands of women and children kidnapped and exploited as prostitutes, domestic servants or forced laborers.

The revenues generated for criminal enterprises total a staggering $7 billion a year. The U.S. Intelligence community projects that within a decade, the worldwide returns from criminal trafficking in human beings will exceed those from the sale of illegal narcotics or guns.

Paula J. Dobriansky, U.S. undersecretary of state for global affairs, described the scale of this problem during a recent speech. "Each year," she said, "an estimated 800,000 to 900,000 human beings—mostly women and children in search of a better life—are bought, sold or forced across international borders."

Although most of these cases involve developing and middle-income countries, some of the exploitation reaches U.S. shores. Between 18,000 and 20,000 women and children are coerced into the United States annually by traffickers, Dobriansky said.

Despite the challenge in tackling such a global phenomenon, progress is being made. When a State Department report listed friendly countries such as South Korea, Greece and Turkey among those failing to address human trafficking, those governments soon ratcheted up their law enforcement efforts.

Greater international cooperation has led to significant arrests. One operation involving 12 countries led last year to the apprehension of 207 suspected traffickers.

In this country, Congress and the White House have cooperated to sharply increase the penalties for such crimes. In early 2004, the federal government was pursuing more than 300 human-trafficking investigations.

Private aid agencies as well as governments are contributing millions of dollars to help resettle women and children and provide them with educational assistance or other help.

The official abolition of slavery was one of the milestones of the 19th century. Successfully choking off the opportunities for human traffickers would be one of the great achievements in the 21st.

OCCUPATIONAL THERAPY MONTH

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. EVANS. Mr. Speaker, today, I want to acknowledge April as Occupational Therapy Month. Occupational therapy is a health, wellness, and rehabilitation service provided by medically qualified professionals whose expertise includes anatomy, physiology, psychology and other disciplines which enable them to provide "skills for the job of living."

Occupational therapy is based on performing the meaningful activities of daily life, such as self-care, education, work, or social interaction, especially to enable or enhance participation in such activities despite impairments or limitations in physical or mental functioning. Occupational therapy helps children with disabilities in schools learn, help adults with mental illness function safely in the community, and helps stroke and other neurological patients recover as much ability as possible to lead full, productive, meaningful lives.

More than 2300 occupational therapists live and practice in the great state of Illinois of which 125 providers reside in my district, in western and central Illinois.

This year's focus for Occupational Therapy Month is older driver issues. The number of Americans aged 65 and older is expected to double to 70 million by the year 2030. With an increasing proportion of elderly persons expected to stay mobile longer, health care professionals, policymakers, and caregivers have raised concerns about addressing driving safety and quality-of-life issues among older adults.

Occupational therapy can optimize and prolong an older driver's ability to drive safely, and ease the transition to other forms of transportation if driving cessation becomes necessary. By identifying strengths as well as physical or cognitive challenges, occupational therapists can evaluate an individual's overall ability by testing his or her vision, reaction time, strength, judgment, and endurance to operate a vehicle safely and recommend assistive devices or behavioral changes to limit risks.

I want to recognize occupational therapists and occupational therapy assistants in the important service they provide to millions of individuals and families and to our nation as a whole.

RECOGNIZING THE CHAMPIONSHIP OF THE MICHIGAN STATE UNIVERSITY DEBATE TEAM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the accomplishment of the Michigan State University Debate Team. On April 6, 2004, The Michigan State University Debate team placed first at the National Debate Tournament held at Catholic University in Washington, DC. The National Debate Tournament is the premier debate tournament in the country. Only seventy-eight of the nation's very best Universities are invited to compete at the highest level of collegiate debate.

The MSU Debate Team has had a long history of success in national debate competition finishing in the Final Four of the National Debate Tournament in 1968, 1998, 2001, 2002 and 2003. In 2000, the Michigan State University finished as a runner up in the competition. However, despite their previous success, the 2004 championship marks the first championship in the school's history. The Michigan State Spartans are only the third public school in the fifty-seven year history of the competition to take the first place honors.

Mr. Speaker, I would like to ask my colleagues to join me in celebrating the accomplishment of the Michigan State University Debate Team. I am extremely grateful to represent one of the premier universities in the country and delighted to share their successes with you.

HONORING THE MEMORY OF DAVID SPIRTES, SUPERINTENDENT OF THE FIRE ISLAND NATIONAL SEASHORE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor David Spirtes, Superintendent of the Fire Island National Seashore on Long Island and resident of East Moriches, New York, who passed away on Thursday, April 15. A 31-year veteran of the National Park Service, Mr. Spirtes was highly respected for his fair and cooperative nature, as well as his strong environmental stewardship of the parks entrusted to his care. He was a man of integrity, noted for the respect with which he treated others, service to his country in the armed forces, and devotion to his family.

A native of New York, David Spirtes began a long and successful career with the National Park Service 31 years ago. Before securing his first career position with the agency in 1977, he served as a seasonal park ranger at such prestigious parks as the Grand Canyon, Everglades, and White Sands National Monument. Mr. Spirtes quickly rose through the ranks, promoted to subdistrict ranger at Yellowstone National Park, then to chief ranger at Glacier Bay National Park. In 1994, he first acquired the rank of superintendent at Bering Land Bridge National Preserve, and also held the post at Western Arctic National Parklands in Kotzebue, Alaska. During his years with the Park Service, Mr. Spirtes became known for his ability to foster cooperation between residents and other groups with conflicting interests without compromising the integrity of the natural resources under his supervision.

In May 2003, David Spirtes brought this same professional and conciliatory quality to his native New York as superintendent of Fire Island National Seashore—a national park known both for its natural beauty and political sensitivity. Upon his arrival at Fire Island, Mr. Spirtes found a community divided over a number of issues, ranging from erosion to the use of vehicles on the beach. To dispel the existing atmosphere of contention, he quickly acquainted himself with the park, its residents, and other parties affiliated with its operation, thoughtfully weighing the priorities and agendas of each. Although he had been at Fire Island for less than a year, Mr. Spirtes is credited with mending much of the divisiveness in the community through his cooperative brand of leadership and willingness to listen. Mr. Spirtes quickly gained the respect of the Fire Island community and is often touted as the best superintendent in the park's history.

During his long career, David Spirtes earned numerous awards for his achievements in wilderness management, assisting in the Exxon oil spill response, and managing search and rescue operations. In 2000, he was honored with the Secretary of the Interior's Meritorious Service Award. Mr. Spirtes graduated with a Bachelor of Arts degree from the University of Pittsburgh in 1970. Prior to joining the National Park Service, he served as a pathfinder and infantryman with the Army's prestigious 101st Airborne Division in Vietnam. He is survived by his wife, Kathy, their young daughter, Alexandra, two brothers, Richard and Peter, and sister, Judy.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in honoring the memory of David Spirtes. Throughout his exemplary career with the National Park Service, Mr. Spirtes worked to preserve and promote the most important natural treasures in our nation, which enhanced the quality of life of countless communities and all Americans. Though his stewardship of Fire Island National Seashore was brief, his many contributions will not be forgotten by the residents of Fire Island and those with whom he worked. Mr. Spirtes' leadership and strength of character are qualities each of us should aspire to embrace as we carry out our professional and private endeavors.

HONORING ALICIA McCOMBS OF GIRL SCOUT TROOP 47

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts—Kickapoo Council in Peoria, Illinois. She is Alicia McCombs of Girl Scout Troop 47.

Alicia is being honored on May 2, 2004 for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts—Kickapoo Council, Alicia began working toward the Girl Scout Gold Award in September 2000. Her project consisted of co-directing a school play with responsibilities including set building, costumes, makeup, and lighting. Alicia is currently a senior at Lewistown High School.

The earning of the Girl Scout Gold Award is a major accomplishment for Alicia and I believe she should receive the public recognition due her for this significant service to her community and her country.

IN RECOGNITION OF THE SMALL BUSINESS ADMINISTRATION AWARDING LARRY O'TOOLE THE MASSACHUSETTS SMALL BUSINESS PERSON OF THE YEAR

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. CAPUANO. Mr. Speaker, I rise today to recognize Larry O'Toole, founder and president of Gentle Giant Moving Company. Gentle Giant has received numerous accolades since it's incorporation in 1985, including the Greater Boston Chamber of Commerce's 2002 Small Business of the Year award, the 2002 and 2003 Better Business Bureau Local Torch Award for Excellence, five time winner of both the Improper Bostonian's Best Moving Company award and Boston Magazine's Best of Boston: Best Moving Company. However, just this spring, Mr. O'Toole has been named the Small Business Administration's State Small Business Person of the Year from Massachusetts.

Mr. O'Toole began Gentle Giant in 1980, with $17, a truck he borrowed from a friend and a single ad placed in a weekly Boston newspaper. By 1990, the company's revenue was $2 million; by 2000, it was $12 million. There is no special secret to Gentle Giant's success. Mr. O'Toole relies heavily on well trained, well conditioned moving crews; in fact, three Gentle Giant employees participated in the Barcelona Olympics. The company also consistently goes above and beyond the call of duty to assist those who are moving, to the point where Gentle Giant offers complimentary packing seminars on Saturday mornings. The result of Mr. O'Toole's business approach is sound—90% of Gentle Giant's business is either repeat or referral.

However, there is more to running a successful business than profit and sound business strategy. There is also giving back to the community, and in this regard, Mr. O'Toole and Gentle Giant are nonpareil. Gentle Giant has partnered for years with the AIDS Action Committee, the Boys and Girls Club and the Somerville Homeless Coalition. Mr. O'Toole has started the Gentle Giant Rowing Club, offering free and subsidized rowing lessons to teens and adults. In fact, just this year, Gentle Giant sponsored 11 runners in the 2004 Boston Marathon.

In closing, I salute Larry O'Toole for being awarded the Small Business Administration State Small Business Person of the Year for Massachusetts. It is a well deserved recognition.

50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the 50th anniversary of Brown v. Board of Education.

The United States Supreme Court case, decided on May 17, 1954, challenged the constitutionality of racial segregation in public schools. The landmark decision of Brown v. Board of education affected changes in national and social policy by putting an end to the legality of racial segregation.

The achievements of early leaders continue today as Linda Brown and Cheryl Brown Henderson, daughters of Oliver Brown, the first of the 12 families to file suit, promote equality in education. Their foundation, the Brown Foundation for Education Equity, Excellence and Research, provides scholarships for minority students.

In the spirit of equality, I am pleased to commemorate the 50th anniversary of Brown v. Board of Education.

CALLING FOR RECOGNITION OF THE ARMENIAN GENOCIDE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to commemorate the somber occasion of the 89th Anniversary of the Armenian Genocide, and to call upon the Administration to finally recognize this horrible crime for what it truly was, systematic and deliberate murder.

The Armenian Genocide began on April 24, 1915, and within eight years one and a half million Armenians were tortured and killed. Tortures that the Armenians were forced to endure included forced labor, rape, kidnapping, and death marches under the guise of "temporary relocation." A grave injustice was intentionally committed by the Ottoman Empire during these years, and it is imperative that we now stand up and demand that this injustice be officially recognized by Turkey, the United States, and the World.

The senseless crime of genocide is one of the most reprehensible acts that can be committed by man. To attempt eradication of an entire population based on a misguided prejudice is absolutely vile, and the United States should do everything in its power to try and prevent such atrocities from happening in the future. Only by explicitly defining genocide and ensuring that all cases of genocide throughout history are appropriately identified can we effectively deter this crime. Particularly at this time of heightened vigilance around the world, it is absolutely imperative that America take a strong stance against the most troubling of all terrorist acts, mass killings.

We can not forget Adolph Hitler's haunting remark to his military staff prior to launching the Holocaust: "who, after all, remembers the annihilation of the Armenians." Let us stand up as a country and let the world know that we do remember.

HONORING KENDALL JUERS OF GIRL SCOUT TROOP 555

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts—Kickapoo Council in Peoria, Illinois. She is Kendall Juers of Girl Scout Troop 555.

Kendall is being honored on May 2, 2004 for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts—Kickapoo Council, Kendall began working toward the Girl Scout Gold Award in September 2000. For her project, Kendall refurbished the Glen Oak Primary School library. Her efforts consisted of organizing new and slightly used books that were donated into the existing library. She also made bags that the children could use to carry home checked out library books. Kendall is currently a freshman at Illinois Central College.

The earning of the Girl Scout Gold Award is a major accomplishment for Kendall and I believe she should receive the public recognition due her for this significant service to her community and her country.

ANOTHER EXAMPLE OF OUTRAGEOUS DRUG PRICING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BEREUTER. Mr. Speaker, this Member wishes to submit, for the CONGRESSIONAL RECORD, an editorial from the Omaha World Herald, which questions the skyrocketing cost of Norvir, an essential antiretroviral drug prescribed to AIDS patients. According to the editorial, the drug previously cost $1,500 annually, on average. The cost has now risen to approximately $7,800 per year—which is a 420 percent increase! Yet, Europeans are paying a fraction of this price for the very same drug.

While this Member believes pharmaceutical manufacturers should be able to recoup the costs of researching, developing, and marketing pharmaceutical products, American consumers should not be forced to pay the world's highest prices for the medicines they need.

Norvir has raked in more than $1 billion dollars for Abbott Laboratories since its debut in 1996. Apparently, such profit is not enough, as the company has quintupled the price of the medication. This is just one example of how the pharmaceutical industry is working to line its pockets with dollars from hard-working Americans.

Government officials and consumers cannot allow the pharmaceutical industry to continue to charge Americans such egregious prices for medical treatments, especially when most drugs, like Norvir, are researched and developed with assistance from the National Institutes of Health (NIH). As taxpayers, we deserve and demand much better.

IF NOT NOW, WHEN?

When Abbott Laboratories quintupled the price of its vital AIDS drug, Norvir, it didn't upset merely the patients whose health depend on their daily meds. The action also set off activists already demanding drug reimportation from Canada and other countries.

Norvir is a key ingredient in the drug "cocktail" that helps AIDS patients keep their disease under control. The drug previously costs $1,500 a year, on average. That has risen to about $7,800 a year—in the United States. Europeans pay a tenth of that; Belgians, for instance, spend the equivalent of $720 a year.

Abbott can't raise its drug prices overseas because nearly all other governments control pharmaceutical prices. Not only does the U.S. government not generally cap drug prices (nor are we saying it should), but Congress specifically forbade federal agencies from negotiating drug prices in the recently passed Medicare drug-benefit bill.

Even more outrageous: Norvir was developed with federal money.

Work on the drug began in 1988 with a grant from the National Institutes of Health to Abbott's AIDS drug research program. The former head of that effort called the federal money "critical" in the drug's rapid development. Norvir debuted in 1996 as only the second protease inhibitor on the market.

It has earned more than $1 billion since then for Abbott.

And the company expresses its thank-you by quintupling the cost of the drug. It's reason? Well, company spokesmen said, patients are using smaller doses of Norvir and the price increase is needed to make up lost revenue. And, of course, there is the overseas price-cap "problem."

The federal government needn't be helpless in the face of such gall.

In the boilerplate wording that companies agree to when they accept NIH money, it says that the government can require "reasonable" prices for drugs developed with federal grants.

The clause isn't often invoked. But if not now, when?

PAYING TRIBUTE TO THE ROYAL COLLEGE OF PHYSICIANS AND SURGEONS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to celebrate the 20th anniversary of the Royal College of Physicians and Surgeons of the United States. The Royal College was created in 1984 and is located in Detroit, Michigan. Today, the Royal College of Physicians provides invaluable publications and continuing education to physicians across the globe.

The Royal College of Physicians and Surgeons, is truly an international organization. With locations in Canada, England, Ireland, Australia, and South Africa. The Royal College of Physicians and Surgeons is committed to providing better health care around the world through their commitment to the science of medicine and surgery. This commitment has led the Royal College of Physicians and Surgeons to be one of the most highly respected Royal Colleges in the World.

Mr. Speaker, I am proud to say the hard work and dedication of the Royal College takes place in my home State of Michigan. I ask my colleagues to join me in recognizing the tremendous work of the Royal College of Physicians and Surgeons and to join me in celebrating their 20 years of service.

HONORING DR. GEORGE WILLIAMS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise in honor of Dr. George Williams, a distinguished faculty member emeritus at Stony Brook University on the occasion of a symposium celebrating his work. Dr. William an acclaimed scientist and internationally renowned evolutionary biologist.

Dr. Williams arrived at Stony Brook University in 1960, before the school existed in its current form. His expertise and accomplishments were critical in building the reputation of the school, now one of the premier research institutions in our country. Dr. Williams legacy has greatly benefited the thousands of students and faculty that have passed through Stony Brook since his arrival.

Dr. Williams was elected to the U.S. National Academy of Sciences in 1993. In 1999, he shared the distinguished Crafoord Prize of the Royal Swedish Academy of Sciences with Ernst Mayr and John Maynard Smith for his seminal contributions to evolutionary biology. At that time, the Royal Institute noted that Dr. Williams was one of the first to establish that adaptations generally come through the process of natural selection, favoring those in a population possessing such characteristics that they have more offspring than others. The Academy noted his contribution toward the concept that adaptations arise "for the good of the species," a linchpin of the theory of evolution that Darwin had not fully developed.

The significance of Dr. Williams' career is evident in the extraordinary list of scholars and speakers gathered for the symposium in his honor. I am pleased to have the opportunity to express my appreciation for the outstanding contribution he has made to Long Island and to the advancement of scientific thought.

I offer Dr. Williams my warmest congratulations and wish him continued success in his worthy endeavors.

HONORING LESLIE CARTER OF GIRL SCOUT TROOP 47

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts—Kickapoo Council in Peoria, Illinois. She is Leslie Carter of Girl Scout Troop 47.

Leslie is being honored on May 2, 2004 for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts—Kickapoo Council, Leslie began working toward the Girl Scout Gold Award in September 2000. For her project she was a personalized student aide for a girl with special needs during the summer school term. She planned lessons and activities that helped the girl improve her socialization skills and enabled her to be receptive to her lessons, try new skills, and improve her abilities. She is currently a freshman at the University of Illinois.

The earning of the Girl Scout Gold Award is a major accomplishment for Leslie and I believe she should receive the public recognition due her for this significant service to her community and her country.

TRIBUTE TO HENRY AND RUTH MORGENTHAU

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. CAPUANO. Mr. Speaker, I rise to praise two of my most illustrious constituents, Henry Morgenthau III and Ruth S. Morgenthau. Harvard Hillel will honor them this weekend, on Sunday, May 2, with its Tribute to Excellence. Henry and Ruth Morgenthau are distinguished citizens of the 8th Congressional District, Massachusetts, and of our nation. They can be said, truly, to be also citizens of the world. They are cosmopolitan in the best sense, their knowledge and compassion embracing several continents.

Ruth Morgenthau is Adlai Stevenson Professor of International Politics emerita at Brandeis University and Founding Director of its graduate program in sustainable development. She wrote an award-winning book on the politics of francophone Africa and became an early, persuasive advocate of micro-finance and micro-enterprise as development strategies. She organized Food Corps International to provide low cost, low-tech assistance to rural populations in Africa, Asia, and Latin America. She serves now as Chair of the Board of Directors of PACT, an NGO that supports capacity building community projects in twenty countries. PACT is remarkable too, and here one sees Ruth Morgenthau's leadership, for its work in educating and empowering women.

Henry Morgenthau III, the son and grandson of eminent public servants, has been a pioneer in public television. He early sensed the role it could play in our civic life, and he used it to deepen our understanding of ourselves as a people. He served as Executive Producer of Prospects for Mankind, the program that Eleanor Roosevelt hosted during the last three years of her life, interviewing, among others, Ralph Bunche, John Kenneth Galbraith, Adlai Stevenson, and, at Henry's urging, a young Senator from Massachusetts, John Kennedy. In the spring of 1963, he produced, for Boston's WGBH, an important series on The Negro and the American Promise, featuring interviews with Dr. Kenneth Clark, Martin Luther King, Malcolm X, and James Baldwin. He has won many awards, including the Peabody, Emmy, UPI, EFLA, and Flaherty Film Festival Awards.

Both Henry and Ruth Morgenthau achieved significant and enduring professional triumphs. But they were never too busy to help a friend, shelter a refugee, or further a good cause. Their house on Highland Street in Cambridge commemorates decades of public service. There are pictures of Henry Morgenthau, Wilson's ambassador to Turkey, who pleaded for the Armenians; Henry Morgenthau II who helped President Roosevelt shape the New Deal and defeat the Axis; family photos with Eleanor Roosevelt and other world leaders. Mrs. Roosevelt was a dear friend to them both and stood by the chupa at their wedding. Every year, on October 11, they celebrate her birthday, with a party, verging on a rally, that never fails to inspire all present.

Today, I want, above all, to thank Ruth and Henry Morgenthau for their tireless efforts to make the world free and safe. They have kept hope alive and encouraged us all to carry on the struggle.

RECOGNIZE AND HONOR WELDON VOLUNTEER FIRE COMPANY #3 ON ONE HUNDRED YEARS OF SERVICE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor Weldon Volunteer Fire Company #3 on its one hundred years of service to Glenside, Pennsylvania and the surrounding areas.

The fire company was established in 1904. Originally, it owned a single horse-drawn hose reel, which it had to house on a community member's property. From its difficult beginning, the company has expanded and moved into its current building, which provides space for its growing number of members and fire rescue vehicles. This expansion has allowed the company to serve over 55,000 people in Abington Township, including my family.

The Weldon Fire Company holds strong values of volunteerism and community involvement. In my experiences with the company, I have seen its dedication to its past and present members and to the community. These basic principles will allow the company to prosper in the years to come. I thank the company and its volunteer members for their service to Abington Township. Again, I congratulate Weldon Volunteer Fire Company #3 on its 100th anniversary.

IN CONTINUED SUPPORT OF THE REPUBLIC OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to voice my continued support for the Republic of Cyprus, and to urge the Administration and the international community to continue working towards an agreeable solution to the division of the island.

While it is certainly disappointing that the UN brokered negotiations on reunification were not successful, it is important that the responsibility for this lack of success not be placed squarely on one party. It was determined by the Greek-Cypriot community that the final version of the Annan plan was not an acceptable solution to the division of the island, and they therefore chose to reject the plan through the democratic process. The Greek-Cypriots have made it clear that while they did have objections to the plan that was presented through the referendum, they are still very much in favor of reunification. Given the expressed willingness of both sides to work towards an agreeable solution to the division of the island, it would be a mistake for the international community to abandon these efforts.

The final version of the Annan plan, which was brought before both Cypriot communities for a referendum, was not in the best interest of the Greek-Cypriot citizenry. The plan placed severe restrictions on the number of Greek-Cypriot refugees that would be permitted to return to the North, restricted property rights for the Greek-Cypriots in the North, and would have required that the Greek-Cypriots essentially compensate themselves for the properties they lost as a result of the Turkish invasion of 1974. While the plan did significantly reduce the number of Turkish troops on the island, it did not provide for full demilitarization. In essence, this plan did more to solidify the status quo on the island than it did to unify the two communities.

As Cyprus prepares to officially enter the European Union next month, I urge my colleagues to voice their support for full, meaningful membership within the EU for our Cypriot allies, as well as continued efforts towards an equitable reunification of the island.

HONORING TIFFANY CREMER OF GIRL SCOUT TROOP 47

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts—Kickapoo Council in Peoria, Illinois. She is Tiffany Cremer of Girl Scout Troop 47.

Tiffany is being honored on May 2, 2004 for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts—Kickapoo Council, Tiffany began working toward the Girl Scout Gold Award in September 2000. She increased public knowledge of Girl Scout events, service projects, and overall involvement by writing articles and taking pictures for the local newspapers within Fulton County. Tiffany is currently a freshman at Bradley University.

The earning of the Girl Scout Gold Award is a major accomplishment for Tiffany and I believe she should receive the public recognition due her for this significant service to her community and her country.

CATTLE TESTING AND ITS EFFECTS ON TRADE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BEREUTER. Mr. Speaker, this Member would like to share with his colleagues the following editorial regarding cattle testing from the April 22, 2004, Omaha World-Herald.

USDA'S STUBBORN STANCE

The absurdity of the U.S. Department of Agriculture's mad cow no-testing policy was highlighted recently when a small Kansas meatpacker wanted to export its products to Japan.

Japan's government is edgy about the deadly disease, which in rare instances appears to have been transmitted from infected cattle to beef-eating people. When a cow with the disease was found in Washington state in December, Japan and more than 50 other nations banned American beef. Japan has since said it will take beef from tested cows.

Then the USDA arbitrarily decided (after heavy lobbying by the National Cattlemen's Beef Association and at least one big U.S. packer) that it wouldn't allow anyone but its laboratory to do the testing. And it would test only a limited number of cows.

Creekstone Farms, the aforementioned Kansas packing plant, is a small, upscale operation. It has spent more than $500,000 on a lab and testers, and it wants to test all of the 1,000 cows a day its slaughters. It says it can test for $18 a head rather than the $325 a head the USDA claims it would cost. The government says no. Because, the agriculture agency rationalized, false positives might worry beef consumers. And testing all cattle might "confuse" consumers into thinking there was something wrong with beef. There is no scientific justification for testing all cattle, the government reasoned, so no one may do it.

Creekstone is in serious trouble. It could close. Its 800 employees would be put out of work. And its suppliers—it buys premium cattle—would have to find other outlets.

All courtesy of the USDA. And all contrary to the most basic of business rules: Give the customers what they want. Creekstone is considering shipping the brain stems of the cattle slaughtered to Japan for testing. It had better watch out—the USDA will most likely come up with an objection to that, too.

Meanwhile, Australia, which hasn't had a mad-cow case and where no cattle are tested, moves in on the world beef market once served by U.S. growers and packers. What's wrong with this picture?

What's wrong with the USDA?

HONORING THE LIFE AND CAREER OF JERRY HYNES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a truly remarkable man, the wonderful and kind Jerry Hynes. Soon to retire after 32 years protecting Capitol Hill, Jerry has graciously served our Capitol Hill Congressional Family.

Jerry Hynes was born in 1946 in Furth, Germany, to an American military family. During his childhood, he lived and traveled with his parents to several military bases from Alaska to Germany, finally settling in the Washington, DC area. He served the U.S. Army bravely in Vietnam from 1966 to 1968. He endured some of the fiercest fighting in the conflict, and when he was injured in battle, the U.S. Army awarded him the Purple Heart. In 14 months of military service, he attained the rank of Sergeant and was awarded the Army Commendation Medal for his heroism. Jerry spent the last 6 months of his service assigned to the Honor Guard at Fort Meade, MD.

After his tour of duty ended, he went to college under the Montgomery G.I. Bill studying law enforcement and eventually came to the U.S. Capitol Police in 1972. During his distinguished 32-year career with the Capitol Police, he served many U.S. Presidents and over 3,000 Members of Congress and their staffs. While for most of his career he was assigned to traffic control at the intersection of Washington and C Streets, he has served in many capacities on the Hill. He was selected to be a member of the U.S. Capitol Police Hostage Negotiations Team, studying at the FBI Academy and Prince George's County Police Departments. He was also instrumental in creating and serving on the Capitol Honor Guard. He was elected chairman of the Grievance

Advisory Committee to the 1,170 member department, and facilitated the purchase of K–9 dogs from Germany. Jerry has also remained involved in his law enforcement community by being a member of the International Police Association, a friendship organization that promotes cultural exchanges between police officers in various nations.

A single parent to 3 children, Jerry was elected PTA President at 3 different schools for 6 consecutive years. In 1999, he married Dr. Alla Hynes. On September 11, while Jerry was at the Capitol protecting Members of Congress and their staffs, his wife, a physician at Washington Hospital Center, took care of the burning and wounded victims of the Pentagon attack while being 8 and 1/2 months pregnant. Two weeks after 911, Alla gave birth to a baby daughter, Stephanie.

I am pleased to pay the highest tribute to my friend, and highly respected officer, for his patriotism, accomplishments, and efforts on behalf of all people who work on Capitol Hill. He is retiring at the mandatory age of 57, and we wish him an enjoyable journey on his new path in life. He will be missed greatly by the thousands of Members of Congress, staff, issue advocates and military personnel that he has befriended over his 32-year career with the Capitol Police. Our country has been bettered immeasurably by his dedication and good cheer. Onward!

HONORING THE ACCOMPLISHMENTS OF PAUL B. EBERT AND ROBERT F. HORAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. WOLF. Mr. Speaker, I rise today to recognize the accomplishments of two distinguished civil servants from the Commonwealth of Virginia—Prince William County Commonwealth's Attorney Paul B. Ebert and Fairfax County Commonwealth's Attorney Robert F. Horan.

Both were honored as "champions of justice" by the Northern Virginia Coalition of Victim Services Providers during the 12th Annual Candlelight Vigil of Courage, Hope and Remembrance on April 25. They were presented with the Northern Virginia Coalition Championship Awards.

Mr. Ebert and Mr. Horan were responsible for the prosecution of Washington area snipers John Allen Muhammed and Lee Boyd Malvo. As you know, Mr. Speaker, the sniper attacks traumatized the entire Washington metropolitan area in the fall of 2002. Everyone lived in fear during this shooting spree. These random acts of violence changed forever the lives of Virginians and other area residents who lost loved ones in these senseless crimes.

Mr. Ebert and Mr. Horan handled this complex and high profile prosecution with professionalism, sensitivity for the families of the victims, and a strong sense of fairness and justice. They represent the best aspects of the legal profession and are a source of pride to Virginians.

It is important to remember, as they did, that behind this prosecution there were real people. The sniper attacks left in their wake sons and husbands and fathers and daughters and wives and mothers among the dead and injured, as well as families, friends and communities who continue to grieve the loss of loved ones.

These victims' friends and families recognized the dedication of Mr. Ebert and Mr. Horan to making sure that justice prevailed in the trials of Muhammed and Malvo. These prosecutors never forgot that they owed an obligation to see justice done not just for the Commonwealth of Virginia, but to the families who endured the loss of those they loved. Their compassion and outstanding professional legal work are worthy of recognition, and the victims' groups who honored Mr. Ebert and Mr. Horan deserve our appreciation as well for their willingness to speak out for the rights of victims of crimes.

I draw the attention of Congress and the nation to their actions as an example of how people can serve their communities with distinction and sensitivity.

HONORING SARAH ROSECRANS OF JULIETTE GIRL SCOUT TROOP

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts—Kickapoo Council in Peoria, Illinois. She is Sarah Rosecrans of the Juliette Girl Scout Troop.

Sarah is being honored on May 2, 2004 for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts—Kickapoo Council, Sarah began working toward the Girl Scout Gold Award in September 2000. Sarah's project consisted of an event at the council level for Brownie Girl Scouts. The event enabled the Brownie Girl Scouts to learn and prepare for the next level in Girl Scouts, which is Junior Girl Scouts. Sarah is currently a senior in Marquette Heights.

The earning of the Girl Scout Gold Award is a major accomplishment for Sarah and I believe she should receive the public recognition due her for this significant service to her community and her country.

MS. HUGHES SHOULD APOLOGIZE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mrs. MALONEY. Mr. Speaker, I submit the following for the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 27, 2004.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing out of great concern about comments made by one of your top campaign advisors regarding a woman's right to choose. In a live interview on CNN, Karen Hughes made the following statement:

"I think after September 11th the American people are valuing life more and realizing that we need policies to value the dignity and worth of every life.

"And President Bush has worked to say, let's be reasonable, let's work to value life, let's try to reduce the number of abortions, let's increase adoptions.

"And I think those are the kind of policies that the American people can support, particularly at a time when we're facing an enemy, and really the fundamental difference between us and the terror network we fight is that we value every life. It's the founding conviction of our country, that we're endowed by our Creator with certain unalienable rights, the right to life and liberty and the pursuit of happiness.

"Unfortunately our enemies in the terror network, as we're seeing repeatedly in the headlines these days, don't value any life, not even the innocent and not even their own." (CNN Late Edition, April 25, 2004)

By claiming that those who "value life" want to reduce abortions, then going on to say that the difference between us and the terrorists is that "we value every life," Ms. Hughes's argument sounds a lot like an effort to equate those who are pro-choice with terrorists. This is a dangerous, ugly and slanderous argument that has no place in our nation's political discourse. To draw even a remote comparison between any law-abiding, patriotic American and the terrorists, whose goal is to wipe our country off the map, is not only insulting to law-abiding Americans, it shows particular disrespect to the victims of 9/11 and their families.

Mr. President, you came to office by promising to be "a uniter, not a divider." Your aide's comments have the potential to be extremely divisive by invoking the War on Terrorism. It is cheap and distasteful politics, and we ask you to take a stand against it.

We urge you to have Ms. Hughes apologize for her comments. We urge you to clarify for the public that reproductive choice and terrorism are completely unrelated issues and that all Americans, regardless of their beliefs about a woman's right to choose, are united against the terrorists. This is important for the unity of our country and its political discourse. We know you will take proper action.

Sincerely,

Carolyn B. Maloney, Stephanie Tubbs Jones, Sheila Jackson-Lee, Hilda Solis, Jan Schakowsky, Tammy Baldwin, Jerrold Nadler, Barbara Lee, Raul M. Grijalva.

[From the Washington Post]

HUGHES DEFENDS REMARKS ON ABORTION RIGHTS MARCH

(By Dan Balz)

Presidential adviser Karen Hughes responded yesterday to criticism that, in a television interview, she had compared participants in Sunday's abortion rights march in Washington to terrorists, calling that interpretation "a gross distortion" of her remarks.

Hughes's original comments, during an interview Sunday on CNN as the march was forming, drew criticism yesterday from a feminist leader and a House member from New York.

Asked by host Wolf Blitzer how big an issue she thought abortion would be in this year's presidential election, Hughes responded: "Well, Wolf, it's always an issue. And I frankly think it's changing somewhat. I think after September 11th the American people are valuing life more and realizing that we need policies to value the dignity and worth of every life."

The former White House counselor then noted that President Bush has urged Americans to "be reasonable" about the issue and to encourage a reduction in the number of abortions performed each year in a variety of ways, including by encouraging more adoptions.

"And I think those are the kind of policies that the American people can support, particularly at a time when we're facing an enemy, and really the fundamental difference between us and the terror network we fight is that we value every life," she added. "It's the founding conviction of our country, that we're endowed by our creator with certain unalienable rights, the right to life and liberty and the pursuit of happiness. Unfortunately our enemies in the terror network, as we're seeing repeatedly in the headlines these days, don't value any life, not even the innocent and not even their own."

Eleanor Smeal, president of the Feminist Majority, condemned the comments as "cynical, ugly and mean-spirited" and urged Hughes to clarify or take back what she said. Rep. Eliot L. Engel (D–N.Y.) issued a statement expressing shock that Hughes "compared the 9/11 terrorists to Americans who marched on the Mall" on Sunday. "It's outrageous to use the tragic events of 9/11 to demonize the pro-choice movement," he said.

Asked for her response yesterday, Hughes sent an e-mail saying, "That is a gross distortion and I would never make such a comparison. Surely even the most strident of partisans, and reasonable people on both sides of the abortion issue, can agree that we have been reminded of the precious nature of human life and that we ought to work to reduce the number of abortions in America."

SHARON HABERSKI HONORED AS THE PULASKI COUNCIL 2004 POLISH HERITAGE AWARD RECIPIENT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. KLECZKA. Mr. Speaker, it is a pleasure for me to take this opportunity to recognize the special volunteer work of Sharon Haberski who has devoted much of her life to the important task of preserving Polish traditions, heritage and culture throughout the United States and in her hometown of Milwaukee.

Sharon has tirelessly given of her time and talents to the Polish American Community for almost 30 years. Her efforts have resulted in countless examples of Polish culture, arts, including dance, and events flourishing in communities across the country. With her boundless energy and enthusiasm Sharon plays a major role in ensuring the continuity of Polish culture by serving as the Director of the Polish Roman Catholic Union of America, a director of the Polish American Congress, a board member of the Polish Heritage Alliance, Inc. and President of the Pulaski Council.

Inspiration for much of Sharon's volunteer work has come from her father John, who told her stories about his homeland Poland and her father-in-law Stephen Haberski, Sr., who made her aware of the work of the Polish Roman Catholic Union of America and who was her favorite polka partner. Sharon married her childhood sweetheart Stephen Haberski in 1963 and attributes his encouragement, understanding and the support of her efforts as a primary reason for her successfully accomplishing her volunteer work. The Haberskis have two daughters and Sharon is the proud "Babcia" of four grandsons.

Sharon Haberski has a personal motto which is: "All is activity, and all activity is towards building, loving, caring and sharing Polish culture, heritage, history and fraternalism in our community."

Congratulations to Sharon on receiving the Pulaski Council 2004 Polish Heritage Award, which she so richly deserves and continued success in her activities on behalf of Poles throughout the United States.

IMPORTANT AND ESSENTIAL ROLE OF ONCOLOGY NURSES

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mrs. JONES of Ohio. Mr. Speaker, I rise today to bring to the attention of my colleagues the important and essential role that oncology nurses play in the care of patients diagnosed with cancer. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. In short, they are integral to our Nation's cancer care delivery system.

Cancer is a complex, multifaceted, and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. This year alone 1.3 million Americans will hear the words "You have cancer." In addition, 556,500 will lose their battle with this terrible disease. Everyday, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment. Oncology nurses play a central role in the provision of quality cancer care as they are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients may experience.

The Oncology Nursing Society (ONS) is the largest organization of oncology health professionals in the world with more than 30,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology.

On behalf of all the people with cancer and their families in Ohio's 11th Congressional District, I would like to acknowledge Molly Loney for her leadership within the Oncology Nursing Society. For the past 2 years, Molly has served on the ONS Board of Directors as Secretary. Through Molly's and ONS' leadership, our Nation is charting a course that will help us win the war on cancer.

The ONS has 9 chapters in the great state of Ohio. These chapters serve the oncology nurses in the State and help them to continue to provide high quality cancer care to those patients and their families in the State.

I commend the Oncology Nursing Society for all of its efforts and leadership over the last 29 years and thank the Society and its members for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families. I urge all of my colleagues to support them in their important endeavors.

PAYING RESPECT TO LAVERNE HOGAN

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay respect to Laverne Hogan, a great leader in the Houston Community, who passed away Thursday, April 22, 2004 at the age of 65.

Laverne Hogan's work was instrumental in setting up the first enhanced 9–1–1 system in the state of Texas. Ms. Hogan began work on the system nearly 20 years ago working for then Harris County Commissioner Tom Bass and Houston City Councilmember Eleanor Tinsley. While serving in the Texas state legislature, and later in the U.S. House of Representatives, I worked closely with Ms. Hogan on a number of occasions to improve the 9–1–1 system in Houston and throughout Texas.

Just a few of her many accomplishment included being elected to and serving as the Southeast Regional President of the National Emergency Number Association from 1996 to 2000; being appointed to serve as a commissioner for the Texas Commission on State Emergency Communications from 1992 to 1998 by Governor Ann Richards; and at the time of her death, Ms. Hogan was serving as the Executive Director of the Greater Harris County 9–1–1 Emergency Network, the largest 9–1–1 system in Texas, and the third largest in the United States.

Laverne Hogan will be greatly missed by all those who knew her, and all those she worked to protect throughout her dedicated career.

HONORING DIANA NEWLAN OF GIRL SCOUT TROOP 555

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts—Kickapoo Council in Peoria, Illinois. She is Diana Newlan of Girl Scout Troop 555.

Diana is being honored on May 2, 2004 for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill 5 requirements: earn 4 interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts—Kickapoo Council, Diana began working toward the Girl Scout Gold Award in September 2000. For her project, Diana completely reorganized her school's music library and cataloged, repaired, or replaced the sheet music. She is currently a senior at East Peoria High School.

The earning of the Girl Scout Gold Award is a major accomplishment for Diana and I believe she should receive the public recognition due her for this significant service to her community and her country.

HONORING IOWA STATE SENATOR KITTY REHBERG

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. NUSSLE. Mr. Speaker, I rise today to pay tribute to someone who exemplifies the meaning of public service. I want to join Kitty's constituents in expressing my sadness on the retirement of Iowa State Senator Kitty Rehberg after 8 years of dedicated service to our State. Instead of spending several months each year in Des Moines, Senator Rehberg is choosing to spend more time in Rowley with her family, particularly her supportive husband, Frank, and their grandchildren.

I have known Kitty for many years, and have been proud to watch a former staff member achieve such a record of success. While working for me as a district representative in Iowa, she showed her dedication to my constituents. Once she was elected to the Iowa Senate, I watched her define the meaning of hard work on behalf of her constituents. People could agree or disagree with her on the issues, but no one could ever disagree that she worked hard every single day on her constituents' behalf.

For those who follow her in her seat, and for her colleagues she will not return to next year, they have a tough void to fill. Kitty has set the bar high on service to Iowa. If they are half as hard working as Kitty, Iowa will continue to benefit.

Below I have included Iowa Senate Resolution No. 153, which honors Senator Kitty Rehberg. I wish Kitty continued success and many, many quality hours with her family and friends. It is well deserved.

IOWA SENATE RESOLUTION NO. 153

Whereas, Senator Kitty Rehberg is retiring from legislative office after completing two terms in office as a State Senator; and

Whereas, Senator Rehberg's distinguished career as a State legislator has included service as the Chairperson of the Small Business, Economic Development and Tourism Committee in the Seventy-ninth General Assembly, as Chairperson of the Economic Growth Committee in the Eightieth General Assembly, and as Chairperson of the Education Appropriations Subcommittee in the Seventy-seventh and Seventy-eighth General Assemblies; and

Whereas, Senator Rehberg has also served as Vice Chairperson of the Education Committee and on many other standing committees throughout her 8 years of legislative service and has been an influential and devoted legislator in this state; and

Whereas, Senator Rehberg has been influential in the passage of legislation in areas of economic and rural development, and education, and has championed the interests of her constituents; and

Whereas, Senator Rehberg has served honorably and has unselfishly given of her time and efforts to further the interests of the State of Iowa and to provide beneficial programs for the citizens of Iowa: Now therefore, be it

Resolved by the Senate, That the Senate pay tribute to Senator Kitty Rehberg for her devoted service to the Iowa General Assembly and the citizens of this state and wish her the very best in the years ahead; and be it further

Resolved, That an official copy of this Resolution be prepared and presented to Senator Rehberg.

COMMEMORATING THE 18TH ANNIVERSARY OF CHERNOBYL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, on April 26, 2004 we marked the 18 year anniversary of the terrible tragedy at Chernobyl, Ukraine. On that day and those that followed, thousands of people lost their lives and millions more around the world felt the effects of the escaped radiation.

Today, many of the survivors have returned to live in the contaminated area. They no longer fear the lingering radiation or the land's barren landscape, choosing rather to live on the only land they can call home. They do not have much to live for, the contaminated zone offers little in the shadow of the reactor's remains, but they are tough-minded individuals with little else to give.

The incident at Chernobyl reminded us that mankind remains at the mercy of its creations. Innovation sets mankind apart from other living creatures, yet to a certain extent we will always be powerless to the whims of technology. The incident at Chernobyl was a tragedy of epic proportions, one that is too easily overlooked by the world even though it took place less than 20 years ago. As we continue to progress and develop new technologies, we must remember the lessons of Chernobyl and the lives it forever altered.

HONORING THE MEMORY OF MASON, OHIO MAYOR LOUIS J. EVES

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to honor the memory of a friend, respected elected official and distinguished constituent, Louis J. Eves, who passed away on Friday, April 16, 2004.

Known as the father of Mason, Ohio, Lou will be remembered for his dedication to Mason and was the longest serving mayor in the city's history—sixteen years. Appointed to the Mason City Council in 1973, Lou was reelected five times. His vision for the city could be summed up as growth with control, and he helped Mason become the growing and prosperous city it is today. He also paved the way for toll free calling from Mason to Cincinnati; urged additional park funding; and pushed for construction of a municipal swimming pool, which was eventually named for him.

A Mason resident for more than thirty years, Lou was the owner of Mason's Houston Inn Restaurant, a Warren County landmark for many years. Lou bought the restaurant in 1959, expanded it three times, and it is still run by his family.

Lou was also an Army Master Sergeant who served his country honorably. He served in Korea and completed multiple tours of duty in World War II. The first life member of the Landen Kings Chamber of Commerce, Lou was one of only four lifetime Mason Kiwanians.

Lou is survived by his devoted wife, Frances; his children, David, Michael, Lou and Kathy; eleven grandchildren and four great-grandchildren.

I am grateful to have had his friendship and counsel, and all of us in Southwest Ohio have benefited from Lou's leadership and his strong example in our lives.

HONORING SANDRA J. ANDERSON, ESQ., RECIPIENT OF THE 2004 JUSTICE ALICE ROBIE RESNICK AWARD OF DISTINCTION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to honor Sandra J. Anderson, a partner in the Columbus law office of Vorys, Sater, Seymour and Pease LLP.

On Friday, April 23, 2004, Ms. Anderson was presented with the Justice Alice Robie Resnick Award of Distinction. This honor is the Ohio Women's Bar Association's highest award for professional excellence, and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and improving the legal profession in the State of Ohio.

In addition to her litigation practice, Ms. Anderson is a Fellow of the American College of Trial Lawyers and a faculty member of the National Institute for Trial Advocacy. She has also served as an Adjunct Professor for the Ohio State University College of Law and Capital University Law School, and is a frequent speaker in continuing legal education programs.

I am proud that citizens of Central Ohio continue to excel among their peers and commend Ms. Anderson for her dedication to our community and her commitment to advancing the status of women within the legal profession.

HONORING CLARK COUNTY HIGH SCHOOL STUDENTS, TEACHERS AND ADMINISTRATORS FOR THEIR DEDICATION TO MAINTAINING SUFFICIENT BLOOD SUPPLIES IN SOUTHERN NEVADA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. PORTER. Mr. Speaker, I rise today to honor the efforts of all those in Southern Nevada, particularly Clark County School District high school students, teaches, and administrators, involved in projects dedicated to maintaining a sufficient blood supply to meet local and at times national demands and contingencies.

Clark County high school students are crucial donors of blood products for twenty-one area hospitals, providing over 6,000 units of blood annually. They provide a significant volume of the community's blood supply in their commitment to community service and humanitarianism. In addition, high school junior and senior classmen from thirty-three schools perform life-saving services by recruiting blood donors, volunteering at on-campus blood drives, and soliciting media support for United Blood Services, a provider of blood products for area hospitals for more than 50 years.

In a show of their dedication and support, the Clark County School District has invested significant resources to provide for adequate space and class time that ensure an adequate blood supply to meet the daily demand of 250 to 300 units of life saving blood for area hospitals. As the single-largest source of blood in the Las Vegas valley since the 2000 school year, the school district's principals, superintendents, and class leaders have also responded to the needs of cancer patients and burn victims by facilitating an ample supply of platelets and plasma.

I am proud to represent such conscientious and dedicated volunteers and wish them continued success in their work for the people of Southern Nevada.

SALUTE TO LOUIS P. BARTOLOTTA, SR.

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to a man who has served his country and who remains a role model for his family and community.

I speak of Louis P. Bartolotta, Sr. Louis is a veteran of the Second World War. He was born the son of immigrant parents in 1918. He married his wife Ida in 1941, just three months before Pearl Harbor. This year they will celebrate their 63rd wedding anniversary.

On November 26th, 1943, he was aboard a British transport ship, the HMT *Rohna*, when the vessel was attacked by a German bomber off the coast of North Africa. Over one thousand United States service members and more than 100 British and Allied officers and crewmembers lost their lives in the attack. Louis is a survivor of that tragic day. In October of 2000, Congress recognized the heroic sacrifices made by those who lost their lives, the survivors and their families in House Concurrent Resolution 408.

Today Louis and Ida live in Boynton Beach, Florida. At the end of May, as we dedicate the World War II Memorial, they will visit Washington, D.C. to participate in the Rohna Survivors convention.

Mr. Speaker, as we honor the veterans of World War II please let us add to those tributes those who lost their lives on the HMT *Rohna* as well as those who survived, like my dear friend Louis.

CONGRATULATING THE TRINITY VALLEY COMMUNITY COLLEGE LADY CARDS BASKETBALL TEAM

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. HENSARLING. Mr. Speaker, today, I would like to congratulate the Lady Cards basketball team from Trinity Valley Community College in Athens, Texas, for winning the National Junior College Athletic Association (NJCAA) Women's Basketball National Championship.

The top ranked Lady Cards capped off a perfect 36–0 season with a 77–66 victory over Gulf Coast, Florida, in the title game of the NJCAA Women's Championship.

The Lady Cards' victory is Trinity Valley Community College's fifth national title in women's basketball and the college's second undefeated season. The Lady Cards have an unbelievable 66–1 record over the last two seasons and currently hold a 78–game regular season winning streak.

I would like to recognize team members Jennifer Harris, LeKeisha Carter, Chanae Early, Daiane Packer, Alona Obaze, La'Courtney Ratliff, Vanessa Silva, Vanessa Clementino, Yolanda Jones, Ashley Streetman, and Jennifer Jones.

I would also like to recognize the head coach of the Lady Cards basketball team, Michael Landers, who was named the 2004 Women's Basketball Coaches Association Coach of the Year. Coach Landers has amassed an impressive 352–24 record over his career and 126–8 record in his four years at Trinity Valley Community College.

Congratulations to Coach Landers and the Lady Cards on their remarkable undefeated season in 2004 and their tremendous National Championship victory.

FREEDOM FOR JUAN CARLOS GONZÁLEZ LEIVA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Juan Carlos González Leiva, a pro-democracy activist "sentenced" by a sham court yesterday in totalitarian Cuba.

Mr. González Leiva is a blind lawyer who has devoted his life to the cause of human rights and liberty for every Cuban. He is the president of the Cuban Foundation for Human Rights. Though Mr. González Leiva is unable to see, his vision of a free Cuba is an inspiration to freedom loving people throughout the world.

On March 4, 2002, Mr. González Leiva was savagely beaten and locked in the totalitarian gulag for drawing attention to a journalist who had been admitted to a local hospital after being attacked by the tyrant's thugs. For over two years, Mr. González Leiva languished in Castro's totalitarian gulag. His cane and Bible were confiscated; he was forced to sleep on the floor of his diabolical cell; the thugs who run the gulag threatened his life; and he was tortured with chemical substances. In a letter recorded by his wife, and that I brought to the attention of the House, Mr. González Leiva describes the heinous conditions of the totalitarian gulag in this translated excerpt from that letter:

> State security used inmate Joe Prado, as he calls himself, to throw in my cell a substance that produced a burning sensation on the skin and nasal congestion, a great deal of phlegm and bronchial inflammation. The situation still continues.
>
> Since January, they have added another substance to the sawdust they throw at me.

This one gives me the sensation of millions of bugs constantly running all over me. It causes a great deal of itching and prevents me from sleeping. I do not know if this is a biological substance or chemical agent, but I know it is not insects because when I touch my skin there are no actual bugs that I can feel, although this sensation is palpable.

Normally the sawdust shower is a daily occurrence. Yesterday it started around 6:00 p.m. when I was on my knees praying. The sensation is that of a multitude of bugs suddenly coming down on my face and my body. This torment continues until 2:00 or 3:00 in the morning.

Mr. González Leiva was trapped in these brutal conditions for over two years before he was ever tried. I want to repeat that, Mr. González Leiva was locked in the totalitarian gulag for over two years before he was even brought before a sham court.

According to an AP story that appeared in the April 28 edition of The Miami Herald, Mr. González Leiva "was released on parole shortly after being sentenced to four years in prison." Let us be very clear about parole in totalitarian Cuba. Parole is not freedom; it is a temporary release, conditioned on constant observation, before being locked in the gulag again.

Mr. Speaker, Mr. González Leiva has been imprisoned for over two years without trial and "convicted" by a sham court because he believes in basic human rights for every Cuban. My Colleagues, we must demand true freedom for Juan Carlos González Leiva, every prisoner of conscience languishing in the totalitarian gulag, and every Cuban suffering under the nightmare called the Castro regime.

ISRAEL WEEK

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the conclusion of Israel Week. From April 18th through April 27th, we commemorate the lasting friendship and mutual goals of freedom, democracy and peace that we share with Israel.

This is a time for both celebration and reflection beginning with Yom Ha Shoah, Holocaust Remembrance Day, and ending with Yom Hazikharon, Israel's National Memorial Day for the Fallen Victim's of Terror. What we remember during Israel Week is not simply Jewish or Israeli history; it is a shared history of the struggle to overcome oppression, tyranny and hatred. I believe this message is significant to all peoples of the world. We remember the events of our shared history so that we may work together to end the fear, hatred and violence that plague our world.

The United States and Israel have been allies since the United States first recognized Israel as an independent state in 1948. Since that time, our two countries have grown closer as a result of our shared democratic, religious and cultural values. As we move towards our seventh decade of friendship, I believe the United States must take an active role in helping to achieve permanent security and peace for Israel and its neighbors.

Israel Week is not only a time to remember the past; it is a time to look toward the future. We must continue to actively pursue the dream we all share of peace, freedom and security.

TRIBUTE TO MR. MICHAEL ROCCIA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize an outstanding member of my community, Mr. Michael Roccia. For 63 years, he has been fighting to improve the working conditions and lives of American workers. He has spent 32 years with Local 262 in New Jersey, and has served our community well.

He was Shop Chairman for Local 305, CIO from 1940–1969. During that time he organized 500 employees of the L.S. Branch Co. for Playthings, Jewelry, and Novelty Workers, CIO Local 305. When Local 305 became Local 301, he became General Organizer, and when that merged with Local 262, he continued to work, serving as Business Agent for as many as twenty shops. He would go on to serve as Local 262's General Organizer, and eventually became their President. He has been Vice President of both the IUC and the RWDSU, and has served on the Advisory Committee of the UFCW.

Mr. Roccia has lived the life of a worker and an activist. He has labored on an assembly line, organized workers, walked the picket line, negotiated contracts, handled grievances, argued arbitrations, and fought for health and welfare plans. He has led and inspired the men and women of Local 262 in New Jersey to commit to activism, working early in the morning and late at night to improve labor conditions for all workers.

In his own words, "The work of a good trade unionist can never be a 9 to 5 job—never an 8 hour day."

I salute Mr. Roccia, the oldest officer in his Union, for his lifelong commitment to serving others. I am proud to have him in my district, and I am honored to call him my neighbor.

Mr. Speaker, please join me in extending my thanks to Michael Roccia, and I invite my colleagues to join me in wishing him the strength to continue his good work for many years to come.

INTRODUCTION OF LEGISLATION TO OVERTURN THE OFFICE OF THE COMPTROLLER OF THE CURRENCY'S "PREEMPTION REGULATIONS"

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. GUTIERREZ. Mr. Speaker, today, along with Congressman PAUL and a number of our colleagues, I am introducing legislation to overturn the Office of the Comptroller of the Currency's (OCC) "preemption regulations." These misguided, unprecedented, and unchecked pair of regulations expand federal regulatory authority by preempting state consumer protection laws. The OCC regulations exceed the limited preemption authority granted the agency by Congress. Our legislation will stop the OCC from eroding strong safeguards that have been used by the states for more than a century to enforce consumer protection laws.

The Congressional Review Act (5 U.S.C. 801) provides a mechanism for Congress to review and nullify regulations and prohibit the agency from promulgating substantially similar regulations—without changing the underlying statute. In this case, each Congressional Review Act resolution—one for each rule—will function like a "referendum" on an OCC rule. Similar legislation was introduced in the Senate before the recess.

Last week, in testimony before the Senate Banking Committee, Federal Reserve Board Chairman Alan Greenspan expressed concern about the OCC's actions and their potential to undermine the dual banking system. He urged legislators to maintain an "appropriate balance" in the nation's dual system of federally and state-chartered banks. I would hope that my colleagues would join our effort to accomplish that balance by overturning these misguided rules.

HONORING MR. TERENCE R. WILLIAMS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Mr. Terence R. Williams, winner of the Missouri 2004 Voice of Democracy Broadcast Scriptwriting Contest sponsored by the Veterans of Foreign Wars, Ladies Auxiliary.

Mr. Williams is a junior at the Gateway Institute of Technology High School located in St. Louis, MO. He is the son of Mr. and Mrs. Terry Williams. He plans a career in journalism and public speaking. Terence was sponsored by VFW Post 8888, Ladies Auxiliary in St. Louis.

Each year, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy audio and essay competition designed to give high school students the opportunity to voice their opinions on their responsibility to our country. This year, more than 80,000 secondary school students competed for the 59 national scholarships. The contest theme for this year was "My Commitment to America's Future."

I want to commend Mr. Williams on receiving this prestigious award, and request my colleagues to do the same. I am honored to recognize Terrence R. Williams today before Congress.

Attached are excerpts from Mr. Williams' winning essay. The text of that essay is as follows:

MY COMMITMENT TO AMERICA'S FUTURE

(By Terence Williams)

I am a citizen of the world. I am a citizen of this country. I am a citizen. Citizen, is a word often entangled in "rights" and "freedoms," but never discussed are responsibilities, obligations, and commitments. It is because of this very reason, I can improve society. My society. Not by well-planned inventions, or even to strive to be better than the average "Joe." My plan does not call for elaborate thought or constant recognition. It is indwelt in a commitment not only to my country but to myself. It is a commitment to America's future.

We live in an age of moral decline. Any opinion, statement, ideals or theories reserve the right to be challenged. Therefore, it is imperative to establish firm foundations for every basis in which we believe. To fulfill my commitment every perception, every elementary thought must be broken to one foundation: Excellence without Excuses. By implementing this logic into society, a fraction of my commitment will aim fellow citizens toward success.

Because many are bombarded by overwhelming stereotypes and influences from negative media sources, I cannot let my responsibility of honesty fail me. My commitment to encourage my community must be even stronger. My support for those younger than me can increase their self-esteem. I can instill an ethic that is missing to their time. My dreams may become their visions. In that way, they will not fall victim to the ever changing plagues that try to destroy our nations unity. I will be an invisible thread that holds together the links of the young and old, the strong and weak, the sheep and lion. But, I can't do it alone. To be a man of success is to not forget the people around you.

The utmost important commitment to my country's future is to instill unity at all cost. We are in this thing together. Lest we forget, we are the future. We are the individuals who create history everyday just by waking up. However, I can't neglect my commitment because of the people around me. I have a vision. And without a vision the people will perish.

A vision that can join us on a common bond. This is our hope. Everyday someone steps up and realizes his dream. They focus their attention and say I want to be just like him or her. That is why my impact will not shatter the world to my surprises. My commitment is to stay committed to the every growing success of my nation. So why don't we start now, let us begin. I shall pursue excellence without excuses, shall you?

ON THE ANNIVERSARY OF THE BIRTH OF JAMES MONROE, FIFTH PRESIDENT OF THE UNITED STATES OF AMERICA

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. SCOTT of Virginia. Mr. Speaker, today, April 28th, the Commonwealth of Virginia celebrates the birthday of James Monroe, who served as the fifth President of the United States from 1817 to 1825.

James Monroe was born in Westmoreland County, Virginia to Spence Monroe and Eliza Jones Monroe on April 28, 1758.

As a student of law at the College of William and Mary in Williamsburg, Virginia, where he studied under the tutelage of Thomas Jefferson, a young James Monroe decided to join the Continental Army and was soon fighting at the side of George Washington in New York. Lieutenant Colonel Monroe earned recognition from General Washington as "a brave and active officer." After the Revolutionary War, Monroe was appointed Military Commissioner of Virginia.

After a distinguished military career and completion of his legal studies, Monroe was elected to the Continental Congress in 1783, where he avidly fought to promote a bill of rights. It was at this time that he met and married Elizabeth Kortright.

In 1790, Monroe was elected to represent the Commonwealth of Virginia as a U.S. Senator, followed by an appointment to serve as the U.S. Minister to France from 1794 to 1796.

Monroe returned home and was elected in 1799 to serve as the Governor of our great Commonwealth. In 1803, Monroe helped negotiate the Louisiana Purchase.

Eventually, Monroe's political ideals led him to become U.S. Secretary of State, U.S. Secretary of War, and then, ultimately, President, at which time he began a new Era of Good Feelings for the nation.

Monroe served two terms as President—his popularity at the end of his first term so high that he ran unopposed in 1820. During his tenure as President, Monroe signed the "Missouri Compromise," barring slavery in territories north and west of Missouri, as well as the "Monroe Doctrine," which denounced European intervention and colonization in the Western Hemisphere.

James Monroe was a loyal public servant and an important figure in both Virginian and American history. He set an example we can look to today by being a chief executive who usually chose the middle path, the path of compromise.

Governor Mark R. Warner has recognized today, April 28, 2004, as James Monroe Day in the Commonwealth of Virginia. Therefore, on this day, the anniversary of the birth of James Monroe, I ask for unanimous consent that the Governor's Certificate of Recognition be entered into the RECORD.

CERTIFICATE OF RECOGNITION

Whereas, James Monroe was born in Westmoreland County, Virginia to Spence Monroe and Eliza Jones Monroe on April 28, 1758, and he studied law under the tutelage of Thomas Jefferson at the College of William and Mary; and

Whereas, James Monroe fought with the Continental Army as a Lieutenant Colonel in the Revolutionary War, earning recognition from General George Washington as "a brave and active officer"; and

Whereas, as a young politician, James Monroe joined the anti-Federalists in the Virginia Convention, where he helped ratify the Constitution of the United States of America, and in 1790, he was elected to represent the Commonwealth as a United States Senator, and

Whereas, James Monroe was the United States' Minister to France from 1794–1796 and, along with Robert R. Livingston, he utilized his understanding of foreign policy and his powerful skills of persuasion to negotiate the Louisiana Purchase; and

Whereas, James Monroe served as the fifth President of the United States from 1817–1825, during which time he signed the "Missouri Compromise," barring slavery in territories north and west of Missouri, as well as "The Monroe Doctrine," which denounced European intervention and colonization in the Western Hemisphere; and

Whereas, James Monroe was a loyal public servant and an important leader in both Virginian and American history, and he left behind a legacy as one of our nation's great foreign policy leaders;

Now, therefore, I, Mark R. Warner, do hereby recognize April 28, 2004, as James Monroe Day in the Commonwealth of Virginia, and I call this observance to the attention of all our citizens.

TRIBUTE TO DUKE SEVILLA

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. CASE. Mr. Speaker, I rise today to congratulate Duke Sevilla, Program Coordinator for Maui Economic Opportunity's YouthBank Program, who has been named the 2004 recipient of the Hawaii State Teachers Association Friend of Youth Award.

The Friend of Youth Award is given annually to recognize an outstanding person or public/private agency which has contributed greatly to the youth of Hawaii. Duke was chosen from among numerous nominations statewide.

Duke has been an outstanding volunteer on Maui for many years. You can frequently find him in the weight rooms at Baldwin High School and the Old Wailuku Gym showing the kids how weightlifting can be beneficial to them. Duke's commitment to our keiki knows no bounds, as he often visits homes to work with youth who are estranged from school.

Duke's aloha isn't limited to the YouthBank program. He and his wife Jean have been foster parents for several years, with their home ending up being the "last stop" for youth after many foster homes.

Congratulations, Duke, and mahalo nui loa for your true dedication to Maui's keiki. It is greatly appreciated by all!

CONGRATULATING THE DONELSON SENIOR CENTER FOR ITS FIRST PLACE AWARD IN THE 2004 OLDER AMERICANS MONTH NATIONAL PHOTOGRAPHY CONTEST

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. COOPER. Mr. Speaker, I am proud to have the honor today of congratulating the Donelson Senior Center in Nashville, Tennessee, for its recent first-place award in the 2004 Older Americans Month National Photography Contest, sponsored by the National Council on Aging.

The theme for this year's contest was "Aging Well, Living Well," and it is a fitting motto for the extraordinary seniors who are the members of the Donelson Senior Center. Under the leadership of Director Jane Schnelle, the Donelson Senior Center is one of the leading community organizations in Nashville and offers a wide variety of services to thousands of seniors in the Nashville area. In recent years, the Center has become especially renowned for its theatrical productions and promotion of the arts. We in Nashville have been especially proud to support the Center's recent efforts to build the Donelson Senior Center for the Arts, one of only a few of its kind in the country.

The winning photo submitted by the Donelson Senior Center, taken by member Bob Churchwell, perfectly captures the exuberance and community spirit of the Center's membership. Titled "Red Hat Honeys Revving Up to Age Well," this photo is a portrait of one of the Center's most popular groups, the Red Hat Honeys. In addition to their distinctive attire—purple dresses and red hats—the Red Hat Honeys are well-known for their many contributions to the community. Last year, the Red Hat Honeys lent their assistance to a variety of local causes, including a battered women's shelter, a school and the humane society. The group also collected items for children in foster care and for our troops in Iraq. An essay that accompanied the winning photo includes the following lines about the Red Hat Honeys: "The Donelson Senior Center Red Hat Honeys are taking each day and living it to the fullest not only by just having a good time but by giving back to each other and the community—they are aging well and living well."

The Donelson Senior Center and its many members are a vital and vibrant part of Nashville's community, and I am proud of the national recognition they have achieved. On behalf of the people of the Fifth District of Tennessee, I extend the heartiest congratulations and thanks to each of the seniors of the Donelson Senior Center—and especially to the Red Hat Honeys—for setting us all such a fine example of what it means to live and age with grace.

B'NAI SHOLOM CONGREGATION CELEBRATES 100TH ANNIVERSARY

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. JENKINS. Mr. Speaker, I rise today to request that the House join me in recognizing the centennial celebration of the B'Nai Sholom Congregation, located in Blountville, Tennessee.

Since the turn of the 20th century, members of the Jewish community in Upper East Tennessee and Southwest Virginia have been meeting together to celebrate and worship. In 1904, the B'Nai Sholom Congregation was founded, and its earliest members worshipped in Bristol until 1957, when the congregation moved to its current home in Blountville.

B'Nai Sholom means "sons of peace," and the congregation has grown over the years as the region has developed. With the diversity of our region, and the makeup of the synagogue's membership changing over the years, B'Nai Sholom has developed a variety of ideological practices. The strength of the congregation comes through its unity in faith and the Jewish heritage.

Today, B'Nai Sholom continues to be the center of worship for the Jewish community in the region. It continues to be successful because of the hard work, dedication, and spirit of the families who make up the congregation today. They carry on the fine traditions of the wonderful people who started the congregation many years ago, mindful of the importance of having a center of worship where families can join to celebrate, learn, and worship.

B'Nai Sholom is certainly worthy of our praise as they celebrate their centennial year in 2004. The congregation is a credit to our district in East Tennessee and to the Jewish community throughout the world. I know that the Members of the House will join with me in congratulating B'Nai Sholom on its 100th anniversary and wish them continued success and prosperity for many years to come.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. TIERNEY. Mr. Speaker, I join my fellow members of the Congressional Caucus on Armenian issues, and a large number of my colleagues, as we rightfully recognize, remember, and renounce the Armenian genocide.

I rise today to speak on one of the most unspeakable acts that ever came to pass. Beginning in 1915, innocent and unsuspecting Armenians of all ages were led by Ottoman Empire officials from their villages to their brutal death. Such atrocities endured for eight years. By 1923, an estimated 1.5 million Armenians were massacred.

While this tragedy of incomprehensible proportions was being perpetrated, the world stood idle. Prominent nations remained silent in the face of skyrocketing death tolls in this corner of Europe. Today and throughout this month, as we reflect and remember the victims of the Armenian genocide, we must also repudiate our unresponsiveness to this horrible mass murder.

Lastly, on behalf of the Sixth District of Massachusetts, I would like to praise the commitment and perseverance of Armenian-Americans, who have tirelessly labored to ensure that all know the tragic story and great sorrow of their people. Their efforts in this regard are laudable and serve as the best legacy they can leave to succeeding generations.

RECOGNIZING THE ACCOMPLISHMENTS AND SERVICE OF LYNN ALCOCK

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. SENSENBRENNER. Mr. Speaker, on behalf of Rep. JOHN CONYERS and myself, I wish to extend our thanks and gratitude to Lynn Alcock, who is retiring this week after over 30 years of service as the calendar clerk on the House Judiciary Committee. Lynn has served admirably chairmen from both political parties, beginning with Chairman Peter Rodino and staying through the chairmanships of Jack Brooks, HENRY HYDE, and now my three-plus years. These chairmen, I believe, came to the same conclusion I did: Lynn is a tremendous asset who cannot be replaced.

Lynn hails from the Buckeye State of Ohio and began her congressional service in April of 1969 at the American Law Division of the Congressional Research Service, a nonpartisan congressional research arm of the Library of Congress. Three years later, Lynn began working for House Information Resources before coming to her job "home" since December of 1973—the House Judiciary Committee.

Lynn is one of only a few who have worked for the House Judiciary Committee during both the impeachment of President Nixon and the impeachment of President Clinton. Her efforts making the Committee's work on these events available to the public will be particularly helpful to historians and scholars interested in these important events.

Mr. Speaker, Lynn has served the House Judiciary Committee, the Congress, and the American people for over 30 years with dedication, excellence, and integrity. We thank her and know that she will be missed.

TRIBUTE TO MR. WILLIE VAUGHN (UNCLE DUDE)

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. DAVIS of Illinois. Mr. Speaker, growing up in a small rural town in extreme Southeastern Arkansas presented many memorable moments and interesting personalities. On April 20th one of those personalities, Mr. Willie Vaughn reached a milestone in his life, Mr. Vaughn became 100 years old. I take this opportunity to congratulate him for not only living this long but for the many things he was able to provide leadership to and that he accomplished during his lifetime.

Mr. Willie Vaughn (my Uncle Dude) is technically my mother's stepbrother. However, they never acted as though they were anything except brothers and sisters who were integral parts of a large family group. In addition, he and my father were close friends and church associates. Therefore, our families were always very close and exhibited great feelings of kinship and friendship.

Uncle Dude was always a leader, at work, at church, in community activities, in family matters . . . in life. Like practically all of the other Blacks in town, he had very little formal education but has always been one of the smartest men that I have known. He was a farmer, a sharecropper, but also could make you a suit of clothes, cut your hair, make molasses and syrup, buy and rent real-estate and drive the school bus once we got one.

Uncle Dude was probably best known as a church leader and mentor. He could do and did everything at church there was to be done.

He could sing, was chairman of the trustee board, Sunday School Superintendent and teacher, fundraiser, program planner and would cleanup, cut the grass and do everything else that was required. Uncle Dude was and is a tremendous family man, a patriarch; Aunt L.C. and all of my cousins always knew that Uncle Dude was a man whom they could count on and be proud of his leadership, personal support and well-being for his family.

Uncle Dude, Brother Willie, Mr. Vaughn, he was called many things and by many different people; but always with respect. He has been a giant, a legend, a mentor. . . . a man among men. He learned to walk with Kings and Queens but never lost the common touch, all men matters with him; but none too much.

Happy Birthday on your 100th.

IN HONOR OF PHILLIP M. LELLI

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. SMITH of Washington. Mr. Speaker, on Sunday, April 25th, the labor community of Pierce County, Washington and American workers nationwide lost one of their most progressive advocates and dedicated voices, Phillip M. Lelli.

Joining the longshore workforce on the Tacoma waterfront in 1949, Phil dedicated his entire career to expanding opportunities at the Port of Tacoma. In doing so he revolutionized the local waterfront.

As President of the Tacoma Longshore Union, ILWU Local 23, for almost twenty years, Phil championed unprecedented standards of efficiency within the labor force and innovations on the docks. At the same time, he strengthened the bargaining power of the ILWU and protected the rights and wellbeing of the longshore men and women.

Truly committed to the expansion of opportunity at the port, Phil elevated his involvement and was a pioneer in forming partnerships with the greater maritime community. He believed in the rewards of port and union cooperation and he continuously advocated on its behalf. In 1977 Phil became the first longshore worker elected to Tacoma's mainstream Propeller Club, and later the Propeller Club awarded Phil its greatest honor, Tacoma Master Mariner for 1982.

Phil's list of accomplishments and legacies is long and impressive. His influence has had a ripple effect in the Tacoma community that will continue long after his passing.

I honor the life of Phillip Lelli on an appropriate occasion. Today is National Worker's Memorial Day, a day observed by trade unions since 1989 to honor American workers who have been killed or injured on the job in the last year and an occasion to rededicate ourselves to protecting the health and wellbeing of workers in the future. While Phil recently lost his life after a battle with cancer, he truly worked day to day until his very last to protect the American worker—a commitment that intensified after the loss of his youngest son, Ross, in a waterfront accident in 1989.

Phillip Lelli's passing is a loss to all who knew him, and I extend my deepest sympathy to his family in their great loss. My thoughts and sympathies are also with other families across the Nation today who are mourning the loss of their loved ones on this day of reflection.

RECOGNIZING THE NATIONAL LATINO DAY FOUNDATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. PASTOR. Mr. Speaker, I rise today to give recognition to The National Latino Day Foundation, which is dedicated to celebrating the contributions of the Latino population throughout the U.S. and the Americas.

The National Latino Day Foundation has chosen July 24th to celebrate National Latino Day. On this day, Latinos will celebrate freedom, positive self-awareness, cultural unity, and their important roles in the democratic process. Planned events will recognize Latinos' active participation and creative leadership in our communities and their role as responsible American citizens.

It is appropriate that the Latino contribution be recognized in this way. In the Western Hemisphere, the Latino population expands to over 700 million people. Latinos are the fastest growing and largest minority group in the U.S., with 40 million people, and will play a significant role in shaping our Nation's future.

The goals of The National Latino Day Foundation are to promote unity and closer bonds between Latinos and other Americans. The Foundation strives to expand the Latino population's political participation, uphold international peace and goodwill, and most important, celebrate the Latino heritage, culture and the arts.

The National Latino Day Foundation has made it their mission to ensure that a National Latino Day is established to recognize and celebrate the contributions of the Latino population in the U.S. The National Latino Day Foundation aspires to transform National Latino Day into a positive movement for national unity, social, political, and economic growth. I support this effort, ask my colleagues to do the same, and look forward to celebrating National Latino Day on July 24th.

COMMENDING THE WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION PROGRAM AND INCLINE HIGH SCHOOL

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. GIBBONS. Mr. Speaker, from May 1 to 3, 2004 more than 1,200 students from across the United States will visit Washington, DC to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by Congress.

I am proud to announce that the class from Incline High School in Incline Village will represent the State of Nevada in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's capitol and compete at the national level.

The 3-day We the People National Finals Competition is modeled after hearings in the U.S. Congress. The students are given an opportunity to demonstrate their knowledge before a panel of adult judges while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by questions designed to probe the students' depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder once described this annual competition as "the place to come to have your faith in the younger generation restored."

Most recently, the We the People program was highlighted at two national conferences held in 2003: the White House Forum on American History, Civics, and Service, and the first annual Congressional Conference on Civic Education. Evaluations and independent studies have validated the effectiveness of the We the People program on students' civic knowledge and attitudes. This innovative civic education program continues to be one of the best antidotes to apathy and cynicism in our Nation.

In addition, I would like to recognize the commitment and support received from all of Incline Village, community organizations and parents. Individually, coach Robert Heilig, peer tutors Ashley Hanna, Daniel St. John, and Jonathan B. Shoops, and teacher Milton Hyams have dedicated their time to work with the students in the program. Judy Simpson, the State Coordinator of the program, and Daniel Wong, the district Coordinator of the Program have also contributed countless hours into making these students better citizens.

I would also like to recognize the participants of this program individually: Bradley Charles Allured, Jason Daniel Beavers, Nicholas J. Bohn, Jessica L. Corpuel, Joseph Driver, Alexander T. Heilig, McKenna Louise Hollingsworth, Joshua Michael Hub, Ansley Karen Kendziorski, Elisabeth Komito, Ashley Christine Nikke, Laura Rochelle Pillsbury, Robert William Rappaport, Catherine Lauren Serrano, Tira Wickland, and Beate Marie Wolter. These students should be commended for their hard work and tireless dedication.

The class from Incline High School diligently conducted research and prepared for their participation in the national competition. I again commend these young "constitutional experts" on their work for and commitment to the We the People national finals. They represent the future leaders of our Nation.

I wish these students the best of luck at the We the People national finals and applaud their achievement. We should all be proud that they are learning and advocating the fundamental ideals that identify us as a people and bind us together as a Nation.

IN SUPPORT OF THE GUTIERREZ-PAUL BILL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. PAUL. Mr. Speaker, I am pleased to cosponsor the legislation offered by Mr. GUTIERREZ using the Congressional Review Act to disapprove the Office of the Comptroller of the Currency's (OCC) preemption regulation because I strongly oppose any attempt to expand the OCC's regulatory functions beyond the power Congress originally granted the OCC. The OCC was never meant to serve as a national consumer protection agency. Its limited, intended role has been underscored by Federal court rulings that State law remains applicable to national banks in the absence of explicit Federal preemption.

Expanding the jurisdiction of OCC necessarily infringes on the ability of State lawmakers to determine their own consumer protection standards. One-size-fits-all policies crafted in Washington cannot serve the 50 diverse States well. Different States and markets have different needs that are better understood by State and local legislators. Congressional conservatives, in particular, should not endorse an expansion of the Federal regulatory power at the expense of States' rights. The Tenth Amendment is clear: regulatory powers not specifically granted to Congress remain with the States. Congress should stop usurping State authority and leave consumer protection laws to those with far more experience and expertise.

This new OCC authority will have far-reaching and unintended consequences. State law governing mortgage brokers, sub-prime lenders, check cashing centers, leasing companies, and even car dealers could be preempted under the new proposal. This proposal may also give national banks and their subsidiaries a competitive advantage over small mortgage companies. OCC undoubtedly will need to hire new staff. Yet the OCC still may be unable to handle the flood of new responsibilities. Unless Congress resists any expansion of OCC, it risks creating another huge, unaccountable, bureaucratic agency. Therefore, I respectfully urge all my colleagues to support Mr. Gutierriez's legislation disapproving the OCC's preemption regulation.

CONGRESSIONAL TRIBUTE TO GARFIELD TOWNSHIP VOLUNTEER FIRE DEPARTMENT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. STUPAK. Mr. Speaker, I rise today to honor the extraordinary service and commitment of Bay County's Garfield Township Volunteer Fire Department. On May 1st, the Department will celebrate 25 years of serving their Northern Michigan community. The efforts of the men and women of the Garfield Township Volunteer Fire Department stand as an example to all of us, and I join the township residents in thanking them for all they do.

Before their volunteer fire department was formed, the residents of Garfield Township had to rely on firefighters from nearby Kawkawlin. This meant that under the best of circumstances, it took at least 20 minutes for help to arrive on the scene of a fire. Not content with this dangerous situation, Township Treasurer Ray Monison and Township resident Gary Fritz began organizing what would become the Garfield Township Volunteer Fire Department.

Before long the Township approved a millage for training, equipment, and a pole barn. Volunteers rebuilt a pumper truck donated by the Michigan Department of Natural Resources, and the community came together to donate paint for the truck. By May 1979, the Garfield Township Volunteer Fire Department was up and running.

Over the years, Garfield Township residents have supported their Department by approving additional millages, holding fundraisers, and donating their time. The Department has not only made Garfield Township safer, but brought the community closer together.

Since 1979, over 100 Township residents have joined the Department, maintaining a steady roster of about 20. Today, the Garfield Township Volunteer Fire Department has 22 proud members, nine of which have been with the Department from the very beginning.

Mr. Speaker, each of these people deserves individual recognition. The nine founding members of the Department still serving are: Wayne DeHate, Jerald DeLano, Terald DeLano, Ben Luptowski, Ronald Monison, Rodney Richmond, Gerald Rivard, Paul Smith, and Robert Umphrey. More recent additions to the Department are: James Gotfryd (21 years), James Dubay (20 years), Donald Cielinski and Terrel Wackerle (13 years), James Warren (12 years), Clarence Pelton (8 years), Steve Eddy (7 years), Nicholas Smith and Stephen Smith (6 years), Dan Beyersdorf and Kelly Dearing (5 years), Scott Drake (4 years), and Ami Stender (2 years).

Mr. Speaker, as I said before, the efforts of the men and women of the Garfield Township Volunteer Fire Department should stand as an example to all of us, and I ask the House to join me in honoring them.

RECOGNIZING THE WORK OF KENTUCKY NURSES AND THE AMERICAN NURSES ASSOCIATION IN HONOR OF NATIONAL NURSE'S WEEK

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mrs. NORTHUP. Mr. Speaker, I rise today to pay tribute to a tireless group of Kentuckians who exhibit incredible dedication to serving others in my home state and throughout the country. Nurses are at the forefront of the healthcare system, working day in and day out to provide quality care to every patient in settings from the hospital emergency room, to the battlefield, and to the bed of a nursing home. The American Nurses Association and the Kentucky Nurses Association have declared May 6 through May 12, 2004 Kentucky Nurses' Week, and I encourage all Kentuckians to join with me in honoring the nursing profession.

America boasts many men and women in the nursing profession who proudly represent all races, religions and creeds in a variety of settings. They are the personal hand and comforting voice of the healthcare system, and I'm sure we can all remember a time when a nurse's kind words or gentle smile provided reassurance. Every year, the Kentucky Nurses Association recognizes over three hundred nurses for their excellence in service. I wholeheartedly support these efforts to recognize the unsung heroes of the medical community.

This year's theme, "Nurses: Your Voice, Your Health, Your Life," personifies the commitment to service so evident in the nursing profession. With a wide variety of responsibilities, nurses are always prepared to offer the best possible health care to their patients. They are there to help the sick to get better and to make sure the healthy stay that way. I am proud to call attention to all of the nurses in our Kentucky community and hope you will join with me in celebrating the tireless efforts of these angels of mercy.

WORKERS MEMORIAL DAY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Ms. HOOLEY of Oregon. Mr. Speaker, on April 28, 1989, the world observed the first Workers Memorial Day in honor of the 2 million people who die each year as a result of workplace injury or illness. Fifteen years later, we remember the almost 6,000 Americans who died on the job this past year and recall the hard work that still needs to be done in the United States to keep our working men and women safe.

The date of April 28th was chosen in recognition of the anniversary of The Occupational Safety and Health Act of 1971. Since its creation, OSHA has helped reduce the rate of workplace death and injury through the work of The National Institute for Occupational Safety and Health and the Occupational Health and Safety Administration. But over 6 million workers in the United States still become sick or injured each year as a result of their work. This is not the time to roll back new safety and health standards, to cut OSHA's budget or to gut funding for job safety research. To have a strong and healthy economy, America needs a safe and healthy workforce.

Last year, 70 Oregonians gave the ultimate sacrifice to their professions: their lives. I would like to honor their memory now by recognizing them by name:

Larry H. Zygar, Jacquelyn S. Wyatt, Azucena Terrazas, Michael W. Norris, Donald

M. Lea II, Randall Harmon, Dan O. Taylor, Robert G. Cramer, Nicholas Voris, Timothy M. Smith, Mark A. Hauser, Ronald S. Weekly, Steven J. Maine, Nathan D. Sigfrid, Janet P. Knoke, Russell H. Simpson, Russell L. Barker, James G. Clements, Leland S. Halsell, Luther H. Stinson Jr., Daniel R. Becker, Richard W. Black, David C. Mackey, Jessie D. Rucker, Kenneth F. Tison, Bobby D. Adams, Henry C. Gauthier, Camilo U. Becerra-Corona, Daniel A. Knigge, Robert L. Chasteen.

Juan Rivas, David A. Burgess Jr., Elizabeth Roxanne Smith-McLeod, Harold E. Hanscom, Jerome P. Sedlak, Michael S. Lowe, David L. Martinson, Milan Smith Jr., Daryl R. Steenhard, Charles A. Shull, David K. Hammer, Mark R. Ransdell, Ricardo B. Moore, Jesse D. James, Leland D. Price Jr., Ricardo M. Ruiz, Paul E. Gibson, Jeffrey D. Hengel, Christopher R. Kroker, Sarah G. Huang, Timothy A. Bowers, Timothy P. Smith, Adam H. Cox, Jeremy C. Gage, Matthew S. Fitsgerald, Douglas R. Davis, John M. Allison, Noe Lira-Sanchez, Wiley D. Rasmussen, Matthew L. Barrows Sr.

Alfredo Zamarano-Sierra, Gregory V. Rogozhnikov, Samuel L. Lazott, Thomas H. Kistler, Timothy J. Lannon, Gregory A. Hoffert, Luis J. Gonzales, Griffin E. Fisk, Joseph A. Davis, and Daniel L. Coulter.

We remember them and their parents, spouses, children and friends who are grieving. But grief cannot overshadow hope. Mourn for the dead but fight for the living—this is the message of Workers Memorial Day. But it must be in our thoughts every day of the year, as workers and their advocates strive to make workplaces safer for those whose lives depend on it.

WE NEED COMMON SENSE IMMIGRATION POLICY REFORM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BAKER. Mr. Speaker, as Members of Congress, the most important duty that we have is to protect the safety and well-being of the American people. However, the grim reality is that our broken immigration system is preventing us from fulfilling this most important obligation. The increasing numbers of immigrants, both legal and illegal, threaten our national security and weigh down our already over-burdened economy. Every day, illegal immigrants cross our borders and take advantage of taxpayer funded benefits available to them in the U.S. We must act now and reform our immigration policy so that we may protect the safety and financial prosperity of our citizens.

We know what the problem is, but how do we solve it? Amnesty is not the answer. Rewarding illegal immigrants with jobs and benefits at the expense of the American people is not the answer. Allowing more immigrants into America is not the answer. H.R. 775, which would end this harmful "Visa Lottery" program, is a solid first step in the right direction to limit the number of immigrants allowed to enter our country. Only through narrowing the stream of immigration can we begin to be able to take back control of our borders.

One of the many lessons of September 11th is that we cannot be too careful when it comes to our national immigration policy. It was only after these horrific attacks that we learned that most of the terrorists should not have been admitted into our country in the first place. The first step in solving this crisis is simple: we must limit, not expand, the number of people allowed into this country and the SAFE Act does just this.

CONGRATULATING WINNERS OF THE 2003 PRESIDENT'S ENVIRONMENTAL YOUTH AWARD

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. LANGEVIN. Mr. Speaker, I rise to congratulate Miguel Blanco, Olabisi Davies, and Taja Gonsalves on winning the 2003 President's Environmental Youth Award. These three students are all residents of Providence, Rhode Island, and participate in the Groundwork Providence Education Team.

Groundwork Providence, which is part of the national nonprofit Groundwork USA network, develops community based partnerships that work to regenerate, improve and manage the physical environment. The Education Team is aimed at getting students involved in taking care of their community and teaching others to do the same. The President's Environmental Youth Awards program is sponsored by the U.S. Environmental Protection Agency's Office of Environmental Education. The program helps promote environmental awareness and community involvement among young people. Only ten exceptional projects are picked per year.

Mr. Blanco, a junior at Mt. Pleasant High School; Ms. Davies, a senior at North Providence High School; and Ms. Gonsalves, a freshman at the Health & Science Technology High School, plan and run after school programs for younger students. They also help run summer environmental education camps, attend training sessions and workshops, and take part in projects to clean up the community.

Mr. Speaker, these inspiring students have become important role models not only to younger children, but also to their communities. I hope my colleagues join me in congratulating them on their accomplishments and wishing them all the best as they continue their education and community involvement.

TRIBUTE TO DR. DeLOIS WEEKES

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to the efforts of Dr. DeLois Weekes in ensuring quality cancer care in southwest Missouri and our Nation. Her unflagging commitment to improving cancer treatment should serve as a model, worthy of our admiration and appreciation.

Cancer is a complex, multifaceted disease that can often best be treated by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. As a two-time cancer survivor, I have firsthand knowledge of the clinical, psychosocial, and supportive care oncology nurses provide to patients and their families. For the past three years, Dr. Weekes has served as President of the Cox College of Nursing and Health Sciences in Springfield, Missouri. In the course of her work in pediatric oncology nursing, she has been a teacher, administrator, speaker, advocate, researcher and author. Dr. Weekes' role as an educator and administrator has provided her with a unique opportunity to train these intelligent, highly skilled individuals, like the ones who helped me wage my own battle with cancer.

The impact of Dr. Weekes' work, however, is not limited to southwest Missouri. She has helped advance the nursing profession by serving on the Oncology Nursing Society (ONS) Board of Directors and developing grassroots programs that educate elementary school students about the meaningful and rewarding nursing profession. Her leadership within ONS, the largest organization of oncology health professionals in the world, has allowed her to help cancer patients around the globe. Since 1975, ONS has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. Dr. Weekes' position as a Director-at-Large on the ONS Board of Directors has enabled her to advance programs and policies that help ensure that America is has a well trained oncology nursing workforce. In Missouri alone, ONS has four chapters that serve the oncology nurses in the state and help them provide quality care to cancer patients and their families.

Dr. Weekes' service and the ONS mission have never been more essential. This year alone, 1.3 million Americans will be diagnosed with cancer. An additional 556,000 will lose their battle with this terrible disease. Today, more than two-thirds of cancer victims are over the age of 65, and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of our community-based cancer centers are facing significant barriers to hiring the specialized oncology nurses they need to treat their patients. It is estimated that there will be a shortage of 1.1 million nurses by the year 2015. As this date steadily approaches, Dr. Weekes' efforts to educate and prepare America's caregivers for positions in nursing, both in her work at Cox College and ONS, are ever more important.

I commend Dr. DeLois Weekes for her commitment to providing and improving cancer care, and I urge all of my colleagues to support oncology nurses across the country.

IN RECOGNITION OF THE VOLUNTEERS AT THE SUNNYSIDE COMMUNITY SERVICE CENTER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to recognize the dedicated volunteers of the Sunnyside Community Service Center located in Sunnyside, Queens, New York during National Volunteer Week.

The Sunnyside Community Service Center has done an outstanding job of providing a range of social, recreational, and educational services to over 2,000 members. Its successful volunteer program helps the center achieve its goals, reaching hundreds of senior citizens each and every day.

The center offers lunches, Meals on Wheels, and about 30 weekly activities, including special celebrations, concerts, and performances. It also offers a variety of educational programs, such as English as a Second Language, conversational Spanish, citizenship preparation, and health classes.

At the center, seniors can receive assistance including benefits counseling, entitlements—Social Security, SSI, and Medicare—mental health services, and access to various support groups. In addition, the center has a special program for homebound seniors, allowing them to participate in activities and lunch with their peers, and an Alzheimer's day program that provides much-needed support.

The Sunnyside Community Service Center volunteers are, in many ways, the lifeline of the organization. These volunteers dedicate their time, energy, and compassion to enriching people's lives each and every day at the center. Therefore, it is with great enthusiasm that I ask you to join me in recognizing the following volunteers for their dedication and commitment to service in our community:

Ana Abreu, Reginaldo Acosta, Zoraida Aguilar, Ashraf Ahmed, Mario Alulema, Sixta Tulia Alvarez, Ana Arboleda, Clara Baquero, Martha Barjacoba, Norma Benitez, Paul Bernaschina, Luisa Bonete, Dikran Bostanian, Novella Busetti, Maria Camisa, Zoila Caraballo, Margaret Carlucci, Dorothy Cavallo, Clemencia Ceballos, Haydee Ceballos, Ellie Chen, Joli Chowdhury, Ann Chuhran, Christine Conety, Catherine Coscia, Michelle Cotrina, Emma Cristancho, Carrie Cunningham.

Anna Damis, Mary Davide, Stephane Dejean, Dora Delgado, Sigrid Doleske, Don Donner, Stephanie Dosantos, Clifton Duhaney, Alfonso Duran, Rosemary Eischeid, Headley Evans, Letty Fabre, Francesca Ferreira, Betty Gallino, Ru-Ze Gao, Mickey Garmendia, Ray Glantz, Paulina Gonzalez, Veronica Gonzalez, Mary Halvey, Ni Han, Eileen Hand, Nancy Hendley, Shyrene Hernandez, Hermilinda Hidalgo, Gloria Holder, Maggie Houston.

Ani Janikian, Idalie Jean-Jacques, Jennie Jesse, Jose Jimenez, Siria Jomarron, Valerie Jones, Yvonne Jones, Cierra Knight, Rodica (Denise) Kondan, Marie Konecko, Mildred Lang, Cecile Laroche, Tatiana Lavega, Laura Lecour, Maria Linan, Renato Lins, Glyn Lloyd, Haleyda Lopez, Juan Lozano, Carmen Luzarraga, Barbara Lynch, Rosa Macas, Paola Machicao, William Madden, Maria Maldonado, Bestina Marte, Joan Marus, Eugenia Matviyenko.

Jim McBride, Robert McCreanor, Gert McDonald, Felipa Miranda, Rakhshinda Moeen, Grace Montes, Betty Moore, Khosrow Moradian, Fanny Morales, Albert Mullakandov, Cortenie Murphy, Robert Murphy, Sara Najam, Lillie Navarro, Marzana Naz, Walky Nazon, Nga Nguyen, Ruben Nunez, Maria O'Grady, Oscar Orozco, David Ortiz, Gizem Ozcelik, Kong Park, Ethel Parker, Dalia E. Perez, Emilia Pineda, Bertha Power, Amalia Priore, Rosario P. Priore.

Myriam Ramirez, Ana Restrepo, Maureen Rinaldi, Leopoldina Rodriguez, Celina Ruiz, Julio Salcedo, Karmin Sanchez, Maria Inez Sanchez, Mariana Sanchez, Marina Sanin, Nickola Saroff, Frances Schaefer, Mary Sesio, Jeanette Shane, Virginia Shaw, David Shin, Cynthia Singleton, Maria Sorenson, Juana Sosa, Elsa Spielvogel, Lillian Stanley, Gail Sylvester, Millie Taveras, Angeline Thayuman, Paris Torossian, Yasmin Torres, Zoila Torres, Catherine Trochelman, Ana Urbina, Ligia Vasquez, Abe Vilensky, Anne Walsh, Harry Werner, Maura Wilson, Maisie Wright, Elizabeth Youngfleish, and Christopher Zottarelli.

RECOGNIZING STAFF SGT. JIMMY ARROYAVE WHO WAS KILLED IN IRAQ, APRIL 2004

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. THOMPSON of California. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Jimmy Arroyave, USMC, who was killed in the line of duty in Iraq on April 15, 2004. On his second deployment in support of Operation Iraqi Freedom, Staff Sgt. Arroyave died in a motor vehicle accident northeast of Al Ramadi.

Serving with the Combat Service Support Battalion, 1st Marine Expeditionary Force, which is stationed out of Camp Pendleton, this 30-year-old resident of Yolo County, CA answered his country's call and paid the ultimate price.

Born in Cali, Colombia, Staff Sgt. Arroyave moved to Woodland, CA, at an early age and enlisted in the Marine Corps in 1993. He was proud to be a Marine, loved the military life and had planned on making the military his career.

In addition to his deployments to Iraq, Staff Sgt. Arroyave served in Kuwait from October 2002 until June 2003, and in Japan for 12 months in 1999. He was the recipient of the Navy and Marine Corps Achievement Medal, the Good Conduct Medal, the National Defense Service Medal, the Sea Service Deployment Ribbon and the Navy and Marine Corps Overseas Ribbon.

Staff Sgt. Arroyave was a devoted son, husband, and father. He is survived by his wife Rachelle, who is 3 months pregnant, daughters Vanessa and Natalia, all of Oceanside, and daughter Catie of Dixon. He leaves behind his mother, Carmenza Brennan of Woodland, his father Javier Arroyave of New York, and a loving circle of extended family.

Staff Sgt. Arroyave died serving the country he loved, with comrades he loved and with the love of his wife and family in his heart. Our Nation is humbled and grateful for his sacrifice.

Mr. Speaker, it is appropriate at this time that we recognize Staff Sgt. Jimmy Arroyave, who gave his life in service to our country.

COMMENDING SANTA MARIA HIGH SCHOOL FOR RECEIVING THE COLLEGE BOARD 2004 INSPIRATION AWARD

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Ms. CAPPS. Mr. Speaker, I rise today to pay tribute to an extraordinary accomplishment by one of the Central Coast's finest educational institutions: Santa Maria High School (SMHS).

I am delighted to report that SMHS will receive the College Board 2004 Inspiration Award for its steadfast commitment to fostering student success in one of America's most socioeconomically challenged communities. To meet each student's personal needs, the staff has been deeply involved in developing a variety of innovative methods to reach students and improve learning and success in a diverse and dynamic setting. A distinguished panel of Inspiration Award judges selected Santa Maria High School based on the school's success in increasing the number of student's preparation for college.

While many SMHS students are children of migrant farm workers who never had the opportunity to graduate from high school, a "can-do" attitude permeates the school. Santa Maria's 3,650 students learn in a facility designed for 1,800. Despite the portable classroom trailers used to accommodate the overflow, students and teachers go about their business of learning and teaching with great spirit and determination.

Mr. Speaker, historically this school had its share of struggles, including poor achievement and gang activity. The transformation of SMHS began a decade ago. SMHS embarked on an action plan that included career exploration initiatives, the creation of a college center, and partnerships with businesses and community leaders.

Additionally, Mr. Speaker, I have a personal connection to this school. One of my legislative aides, a proud SMHS graduate, serves in my Washington office and helps with the important issues of the 23rd Congressional District.

In closing, I want to affirm my support for SMHS, and ask my colleagues to join me in congratulating the school on its receipt of the College Board 2004 Inspiration Award. This Monday will be a very proud day in the beautiful mosaic we call Santa Maria.

RECOGNIZING THE LIFE AND SERVICE OF PAT TILLMAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Ms. LOFGREN. Mr. Speaker, I rise today to commemorate the life and service of Pat Tillman who was killed in action in Afghanistan last week. Originally from San Jose, Pat Tillman lived a life that exuded courage, loyalty and hard work.

On the football field, Pat was a shining star. Though undersized at his position, Pat always excelled. After starring in football at Leland High School, Pat went on to play football at Arizona State University. As a 5-foot-10, 180-pound linebacker at Arizona State University, Pat was named Pac-10 Defensive Player of the Year, a tremendous honor for an athlete who succeeded on brains and heart. Though proud of his award, he was even prouder of his educational accomplishments. Pat earned a degree in marketing in just 3½ years and maintained a 3.84 GPA.

The Arizona Cardinals selected Pat in the final round of the 1998 NFL draft. Pat responded by engaging in a rigorous exercise program and adding 20 pounds of muscle to his already solid frame. Pat spurned his critics and became a starter during his first NFL season. In 2000, the St. Louis Rams tried to sign him to a $9 million offer sheet and out of loyalty, Pat turned it down to stay in Phoenix for less money.

It was Pat's deep loyalty that drove him to do the unthinkable. Following the horrific attacks of 9/11, Pat, returning from a honeymoon announced that he was leaving the NFL to join the Army Rangers. To enlist, Pat left behind his new bride Marie and a $3.6 million contract from the Arizona Cardinals.

Mr. Speaker, Pat Tillman was never about the money or the bright light of fame. He was a man who cared more about others more than he cared about himself. Pat's physical strength and talents were only overshadowed by his love for country and personal integrity. I have no doubts that when Pat Tillman died, he did so trying to protect his fellow soldiers.

Mr. Speaker, Pat Tillman was a giant. He was given a golden egg in the NFL and he sacrificed it for a uniform and a flag. It is most appropriate at this time that we honor him. Pat was and will forever remain a true hero. He upheld a standard of patriotism and courage that we should all strive to achieve. On behalf of the citizens of San Jose, I wish to express my deepest sympathies to Pat's wife Marie, his father Patrick Sr., his mother Mary and his two brothers Kevin and Richard and the entire Tillman family.

ISRAEL INDEPENDENCE DAY AND ISRAEL MEMORIAL DAY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. WEXLER. Mr. Speaker, it is an honor to join you in marking 56 years of Israel's independence, 56 years of American-Israeli relations, and 56 years of Israel's continuing struggle for security and peace. We gather here today to deliver a clear message—that in these turbulent times—the government of the United States and the American people stand shoulder to shoulder with Israel, now and forever.

Since 1948, Israel has persevered through seemingly insurmountable challenges by drawing upon the richness of Jewish tradition and our love for life. In just over five decades, Israel has risen from the ashes of the Holocaust and developed into one of the most technologically advanced nations on earth. Its population has increased ten-fold. It has established a vibrant democracy that values freedom, justice and human rights. Israel has deepened economic, military and diplomatic ties with America and Europe, but most remarkably with nations like Turkey, India, Egypt and Jordan. The ingenuity of the Israeli people soared during the recent high-tech boom, with more Israeli Internet startups and companies on the NASDAQ per capita than any other country in the world.

While Israel celebrates 56 years of freedom, this freedom is unquestionably challenged by ongoing incidents of terror and festering regional threats. At this difficult time, it is clear that the essential counterbalance to these threats is America's steadfast partnership with Israel. This sentiment is shared by an overwhelming majority of my colleagues in Congress, where Israel is enjoying unprecedented friendship and support.

In this post-9/11 world, the American and Israeli people are forever linked. We understand that terror knows no borders and cannot be justified, qualified or ignored. We understand that terrorism—in any form or supported by any nation—must meet a swift, definitive and unequivocal response. We know that incitement and hate pose the most significant obstacles to peace, and we know that terrorism incurs irreparable pain and loss.

On this Yom Ha'zikaron, our thoughts and prayers turn to brave soldiers who have sacrificed their futures for that of Israel. Yet this year, one cannot help but also think of the 960 innocent Israelis who have died since September 2000 in hundreds of terrorist attacks. These are the victims of Israel's latest war, where civilians—as opposed to soldiers—are the prime targets.

Six years ago at the White House, I stood alongside President Clinton and Prime Minister Netanyahu at the signing of the Wye River Accords. I hoped then that Israel was embarking upon a new era of peace. Unfortunately, since refusing Prime Minister Barak's historic offer in January 2001, we have witnessed a complete abdication of responsibility on the part of Yasser Arafat, the deterioration of the Palestinian Authority and a cynical attempt by the Palestinians to use terror—as opposed to negotiations—as a means of achieving their political goals.

As a result, America must lead efforts with Egypt, Jordan, Europe and others in the international community to build the capacity and will of Palestinian anti-terror institutions so that Israel is not forced to continue to act in self-defense. America must also firmly support Israel's construction of a security barrier between Jewish population centers and the West Bank. That is why I traveled to the Hague in the Netherlands two months ago—to oppose the Palestinian case against Israel in the International Court of Justice and voice my unwavering support for Israel's right of selfdefense.

Prime Minister Sharon's recent proposal to withdraw Israeli troops and settlements from the Gaza Strip is quite significant. Until now, no Israeli Prime Minister was prepared to unilaterally evacuate settlements before Israel had been promised comprehensive peace as part of a final status agreement. And it is especially remarkable that the father of the settlement movement, Ariel Sharon, has led this initiative.

It is undeniable that Palestinians have suffered enormously. We must all have rachmanus—compassion—for innocent Palestinians, but Palestinians primarily suffer because of their own failed leadership. In order to achieve peace, the Palestinian Authority must be transformed. Arafat's dictatorship must end. Democracy and the rule of law must win out. Palestinian schools must cease their teaching of hatred and implement a curriculum of coexistence. Most importantly, a new vision of peace and prosperity must be broadcast throughout the Arab world, and the likes of Al Jazeera television and Arab newspapers must terminate their deranged glorification of martyrdom and Jihad.

Israel has responsibilities as well. Prime Minister Sharon must continue to construct the security barrier in a manner that minimizes the hardships of the Palestinian people and stop settlement expansion on the Palestinian side of the fence.

My friends, the largest challenges facing the Jewish people do not lie solely in Israel or the Middle East. We are witnessing a dramatic rise in anti-Semitic discourse, behavior and sentiment throughout the world—especially in Europe. Tomorrow I will join Secretary of State Powell and leaders from 55 nations at an international conference on European anti-Semitism in Berlin.

At this conference, I will continue to urge European governments to take decisive action against anti-Semitic hate crimes and impose stronger measures to punish perpetrators of these heinous acts. European leaders must acknowledge that anti-Semitism is not just a Jewish problem. It is a social disease that has plagued Europe throughout history. It is not a temporary or political phenomenon, and it must be met with a zero-tolerance policy, especially in European schools.

Fortunately, there is reason for hope as more European nations are finally confronting their complicity in the annihilation of European Jewry. Last week—while in Budapest—to mark 60 years since the deportation and killing of 600,000 Hungarian Jews, I was overtaken with emotion when told that the display of Israeli flags throughout the city marked the most prominent display of the Star of David since yellow stars were branded on the chests of Jews. Today, Europe has no choice but to face the evils of anti-Semitism, so we may fulfill the promise of "never again," in memory of those lost and as a promise to generations to come.

Last week, on Yom HaShoah we mourned for those who have passed, and today we do so again on Yom Ha'zikaron. It is not a coincidence, however, that tomorrow we will celebrate the continuity of life, the independence of Israel and the perseverance of the Jewish State. This should give us great hope. As Israel marks the beginning of its 56th year of independence, it is my most sincere wish that the vision of hope embodied in Israel's national anthem—Hatikva—may come to fruition and that Israel may soon find a genuine peace that will last m'dor v'dor—from one generation to the next.

HONORING MR. ROSS P. ROGERS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Mr. Ross P. Rogers as he concludes his many, dedicated years with the Merced Irrigation District and a 45 years career in which Ross has provided resources essential to life in the Central Valley: water to our farmers' fields and into our families' homes and schools as well as electricity to power our cities, businesses and neighborhoods.

Ross Rogers has long been a valued leader and a true public servant. He spent nearly his entire life honorably serving his country and his local community. Ross' introduction to public leadership and self sacrifice came as he served as the Battalion Sergeant Major of the United States Army's 57th Field Artillery, 7th Infantry Division in Korea from 1951 to 1954. He then used his leadership abilities and commitment to public service to lead to a long and distinguished career.

After leaving the service, Ross decided to use what he learned studying civil engineering at the University of Nevada and work for the State Department of Water Resources. He then joined the East Contra Cost Irrigation District as General Manager. In 1991, he joined the Merced Irrigation District, where he would make his lasting impression and finish his career.

In his relatively brief tenure here, Ross has created a legacy for the Merced Irrigation District by turning it into one of the most respected water agencies in the state of California. This was despite the fact that the district he inherited in 1991 had just suffered from the longest drought in recent history and was handicapped by internal struggles.

Ross has never been fearful of change or innovation in his work. The most notable example was in 1995, when Ross made the decision to create the Energy Resources Department. That decision dramatically changed the Merced Irrigation District for the better. His leadership moved the district squarely into the 21st century and has the potential to lead to an economic boon for our local communities.

Following his longstanding tradition of public service, Ross has been extremely active in his local community outside of his work with the water district. He has been an active member in the Brentwood Lions Club for twenty-five years, dutifully serving in all Lions Club offices and as President twice.

Ross has been married to his wife Adair for forty-seven years, and together they have two daughters and three grandchildren. I am proud to recognize all of Ross' numerous accomplishments and to call him my friend. Today I call upon my colleagues to help me thank Ross for his commitment and dedicated service to the Central Valley, and to wish him a very happy retirement.

TRIBUTE TO VALERIE JEAN WOODWARD TURNER

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. BACA. Mr. Speaker, I rise today to pay tribute to the life of Valerie Jean Woodward Turner. Valerie had the good fortune to travel throughout the world during her life. She used these diverse cultural experiences to educate those around her and cultivate a loving environment for those across the economic and social spectrum. It gives me no greater pleasure than to honor today this kind and gentle spirit.

Affectionately known as "Sister T," Valerie graduated from Cabrillo High School in Lompoc, California and went on to attend California State University, Sonoma, earning a bachelor's degree in liberal arts. In 1981, while attending Loveland Church, Valerie accepted Jesus Christ as her Lord and Savior and made assurance of her eternal life secure. Her ability to see beauty in all things and desire to share her wealth of experiences made her a unique and beloved member of her community. Valerie's love of teaching and gifted ability in arts and crafts led to the opening of "Valerie's Gifts and Consignments." This was not only a store but also a forum to interact with the community around her, opening her home and her heart to those she cared about most.

In January 1991, Valerie joined her husband in the Temple Missionary Baptist Church, where he served as interim pastor and later elected senior pastor. Her move to Temple Missionary was accompanied by a leadership role in the Inland Empire.

Valerie had a love for education and children that was finally satisfied when she began teaching at Loveland Academy in Fontana, California in 1992. During her time there she co-founded the Temple Learning Center (TLC) where she served faithfully as principal. Her commitment to bettering the lives of others was further evident in her missionary work in American Samoa, Western Samoa, and Jamaica, and especially the children's missions in Ghana, Malawi, and Zambia.

I join today with family and friends in paying tribute to Valerie Turner, a dearly loved member of her family and community. She was a selfless role model and a generous teacher. Above all, Valerie was a supportive and dedicated wife, mother, and friend. She is survived by her husband Pastor Raymond W. Turner and their six children. She will be deeply missed by all.

ARMENIAN GENOCIDE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. SOUDER. Mr. Speaker, I rise in support of my colleagues who stood to commemorate the Armenian Genocide of 1915–1923 and in memory of those who died 89 years ago.

The Genocide of 1915–1923 was the culmination of decades of official Ottoman policies to stamp out Armenia—religiously, culturally, and ethnically. The "Armenian Question" posed a problem for many successive leaders until a seemingly "brilliant" realization—"No Armenians, No Armenian Question." The horrible answer to a perplexing question led to the slaughter of millions of Armenians and the continuing denial of the massacres by today's Turkish government.

The long lists of atrocities have been well documented by numerous sources. The dwindling number of Armenians who survived the long death marches still tell chilling stories of their families' deaths. American diplomats and missionaries documented brutal attacks on peaceful cities and towns. German military personnel allied to the Turkish government, who defied orders to look the other way, compiled a record of death and destruction throughout the region. Even Turkish parliamentary and government documents speak to the existence and scope of these massacres.

The United States has a long history and long alliance with the Armenian people. During the massacres of the late Nineteenth century, tons of humanitarian supplies and hundreds of thousands of dollars poured into Armenia from the United States in an effort to alleviate the suffering of the Armenian people. American missionaries and prominent Americans, including American Red Cross founder Clara Barton, visited Armenia and aided the starving, homeless, and terrorized. During the Genocide of 1915–1923, American missionaries documented the slaughter of Armenian men, women, and children. In some cases, missionaries risked their own lives to protect Armenians.

Despite a compelling record proving the massacre of millions of human beings, there are still individuals, organizations, and governments that deny what happened 89 years ago. Given the United States' longstanding dedication to combating human rights abuses, it is shocking that the United States government has not officially recognized the savage butchery of one of the 20th Century's worst human rights violations.

In his book "The Burning Tigris," Peter Balakian describes the Genocide as follows:

> The plan to liquidate the Armenians of the Ottoman Empire was put into action in the spring and early summer of 1915. It was well orchestrated, and in city and town, village and hamlet, and in the Armenian sections of the major cities of Asia Minor and Anatolia, Armenians were rounded up, arrested, and either shot outright or put on deportation marches. Most often the able-bodied men were arrested in groups and taken out of the town or city and shot en masse.
>
> In the southeast towns and cities as were both killing stations and refugee spots,

> where Armenians who had survived long death marches from the north lived in concentration camps, in makeshift tents, or on the desert ground, hoping to stay alive. Farther south, in the Syrian desert, more Armenians died than perhaps anywhere else. There the epicenter of death was the region of Deir el-Zor, where Armenians died not only of massacre, starvation, and disease but were stuffed into caves and asphyxiated by brush fires—primitive gas chambers.
>
> The Committee of Union and Progress's [Turkish ruling party] plan to exterminate the Armenians was made possible by the highest level of government planning: harnessing the bureaucracy for the organization and implementation of the Armenian deportations; the formation and organization of killing squads; the creation and manipulation of legislation, and the use of technology and communications . . .

The Armenian Genocide of 1915–1923 ranks among the Holocaust, Pol Pot's Cambodia, Stalin's starvation of kulaks in the Ukraine, and Muslim violence against Christians in Sudan as one of the worst instances of inhumanity and wanton cruelty. No one denies that these violent events happened. Indeed, the denial of these episodes would be met with immediate criticism and vociferous censure. Why is Turkey given a pass when it comes to admitting past mistakes?

I recognize that Turkey is a NATO ally and an ally in the war on terror. I recognize that the United States needs to maintain friendly relations with Turkey to help stabilize the Middle East, but as a friend of Turkey, the United States should be able to take its ally aside and point out its mistakes. Without recognizing our mistakes and our shortcomings, we do not learn. Without recognizing malice and cruelty wherever it is found, we risk forgetting these events and the lessons to be learned from them.

My deepest sympathies go to the whole of Armenia, and more importantly, my pity to those who continue to deny or ignore the massacre of 1.5 million Armenians during the Genocide of 1915–1923.

PAYING TRIBUTE TO JUDITH "JR" RODRIGUE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise today and pay tribute to Judith "JR" Rodrigue and thank her for her outstanding commitment to serving the people of Colorado as the Chief Clerk of the Colorado House of Representatives. After twenty-four years of tireless service, JR will be stepping down from her position as Chief Clerk. As she celebrates her retirement, let it be known that she leaves behind a wonderful and strong legacy of dedication to the Colorado General Assembly and the citizens of Colorado.

In 1979, JR began her career in the State House as an Assignable Clerk. She has since served as Messenger, Historian for the House of Representatives, and Chief Clerk's assistant, before her appointment as Chief Clerk in 1994. Some of her many accomplishments as Chief Clerk include publishing an Office Manual for the Members of the House, creating the Chief Clerk's Book, creating the Book of Motions, and serving as a member of the American Society of Legislative Clerks and Secretaries.

Most importantly, JR has provided excellent leadership and guidance, while establishing a close camaraderie with her colleagues and members of the Colorado House. Indeed, one of the highlights of my service as a state legislator was the friendship and guidance I received from JR. I can guarantee that I speak for many past and current members when I say she will always be revered for the level of honesty, integrity, and impartiality that she brought to her position. She is everybody's friend and always has a smile. She will be sorely missed by one and all.

Mr. Speaker, I am honored to pay tribute to Judith Rodrigue before this body of Congress and this nation, and to congratulate her on an outstanding career of public service. Her selfless dedication to the Colorado General Assembly and the people of Colorado as the Chief Clerk of the Colorado House of Representatives is truly remarkable. I wish her all the best in her future endeavors.

TRIBUTE TO KEVIN KULOW

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. LAMPSON. Mr. Speaker, I rise today to recognize courage, loyalty, nobility, and honor; values enshrined in the everyday lives of firefighters. These brave men and women wake up every morning and routinely put their lives in harm's way.

I often marvel at the integrity one must possess to run voluntarily into a burning building knowing they may not exit alive. Every year, 1.9 million fires are reported throughout the country—that's three fires a minute, 24 hours a day, seven days a week. At a moment's notice, our firefighters give their lives for us; one such man was Kevin Kulow.

Only 32, Kevin Kulow was the quintessential firefighter; a hardworking family man from Houston, a devoted husband, father to two beautiful little boys, and a man known for his charisma, Kevin was a modern day hero.

One of Kevin's life ambitions was to be a firefighter. He served for several years as a volunteer fireman in Sealy, Texas but in September 2003, he completed fire academy and joined the ranks of the Houston Fire Department. Kevin tragically perished fighting a fire earlier this month. Today, I offer a salute to a man who epitomized the values that our country was built on, offer my prayers for his family, and extend my gratitude to Kevin Kulow for defining integrity.

COMMENDING MR. DONALD HINKLE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. GERLACH. Mr. Speaker, I rise today to commend the founder and artistic director of the Berks Classical Children's Chorus, Mr. Donald Hinkle.

Mr. Hinkle has a long and distinguished career in music. He received a Bachelor of Music degree from the Oberlin Conservatory of Music and a Master of Sacred Music from Wittenberg University. Post-graduate studies include time spent at Union Theological Seminary School of Music in New York City and Westminster Choir College in Princeton, New Jersey. He was the Director of Music at Trinity Lutheran Church in Reading, Pennsylvania from 1969 through 1996.

In 1992, Mr. Hinkle decided to use his talents and establish a musical organization to train young singers. Twelve years and hundreds of singers later, the Berks Classical Children's Chorus (BCCC) continues to educate vocal artists from grade school through high school. An ensemble of over 125 professionally and rigorously trained young men and women perform with the BCCC in concerts, competitions, churches and civic organizations.

Many members of the Chorus have grown up singing with the BCCC, and the experience has been life changing. Through the BCCC, these young men and women learn to read music, master a diverse and challenging repertoire, use, their voices properly, and become poised and confident performers. They learn an appreciation for a wide variety of cultures through the music they study and perform. But even more importantly, they learn the life lessons of self-discipline, personal responsibility, self-expression, teamwork, and self-confidence.

For Mr. Hinkle, the BCCC is about more than singing. It is his vehicle for building character through disciplined and professional artistic expression. Donald Hinkle has always been and always will be a man with a mission. His students are the fulfillment of that mission. They are not only accomplished singers, but also better human beings. Mr. Hinkle inspires them to strive for and achieve their personal best. His uncompromising pursuit of excellence transforms all of his students. I congratulate him on these accomplishments.

PAYING TRIBUTE TO CHRIS BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Chris Brown of Grand Junction, Colorado whose efforts and vision recently earned his business, the designation of Small Business of the Year from the Grand Junction Chamber of Commerce. Since he opened Brown's Cycles in

2000, Chris has made great contributions to the Grand Junction business community, as well as helping to spread the love of biking in his community.

Chris began exploring his passion for bicycle exhibition and repair while working as an engineer where he would plan business trips around cities with other bike enthusiasts. Since opening his store, he has brought his engineering background to his passion, creating new and innovative bikes. Perhaps most notable is the bike he specially designed which allows people with physical disabilities to share in his passion for cycling. As a member of the Downtown Association Board, Chris is a proponent for all the businesses on Main Street, and is currently working on a proposal for a summer bike festival for Grand Junction.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Chris Brown before this body of Congress and this nation. Through his vision and determination, he has made remarkable contributions to his Grand Junction community. I sincerely thank him for his efforts and wish him the best in his future endeavors.

IN HONOR OF ISRAEL'S INDEPENDENCE DAY

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. DAVIS of Alabama. Mr. Speaker, I rise today to honor the nation of Israel, the lone beacon of democracy in a region roiling with tyranny and oppression. In the ongoing war on terrorism, we have no firmer friend than the nation of Israel, and as we seek a lasting peace in the Middle East, we can have no stronger ally.

Today we celebrate Israel's Day of Independence in 1948. For more than 50 years our two great nations have forged a bond built on a shared vision of democracy. Our similar ideals and like minded determination protect the freedoms of our citizens and ensure the fundamental principles of equality and pluralism.

It is a fact that Israel has had to live in the shadow of danger because it has too often been surrounded by enemies. That insecure existence has demanded the sacrifice of numerous Israeli soldiers, who have fought to keep Israel independent and free in the face of war and terrorism.

Today we also call to mind the victims of the attacks Israel has weathered since its' inception. The dead and the wounded remind us of Israel's valor and her willingness to protect the basic aspirations of democracy: human dignity, individual rights, and religious freedom.

Today, Mr. Speaker, is the day we celebrate Israel's Day of Independence, and pronounce our steadfastness to her survival and prosperity.

PAYING TRIBUTE TO SALLY SCHAEFER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise today and pay tribute to Sally Schaefer for her remarkable contributions to her Grand Junction, Colorado community. Her outstanding dedication to Hilltop Community Resources, which helps people with brain injuries re-create their lives is certainly commendable and worthy of recognition from this body of Congress and this nation. It is my pleasure to take this opportunity and thank Sally for her many contributions to Grand Junction and the State of Colorado.

Sally became interested in aiding others at an early age by helping to take care of her six younger siblings when they were sick. She attended Marquette University Nursing School, and in 1982 became a rehabilitation nurse at Hilltop. Sally immediately took a leadership role at the hospital, developing the Life Adjustment Program for brain-injured adults, a program that helps patients learn to live constructive lives after they are discharged from the hospital. In 1995, Sally negotiated the sale of Hilltop's rehabilitation hospital to St. Mary's Hospital in order for the Center to focus exclusively on people readjusting to their lives after a serious medical trauma. In 1998, she became chief executive officer of Hilltop, overseeing an organization with $40 million dollars worth of assets and 400 employees.

Sally's extensive involvement in her Grand Junction community includes her participation in numerous civic organizations. She serves as chairman of the Victims of Crime state board, an organization dedicated to victim's rights, and for the Grand Junction Economic Partnership and Rocky Mountain Health Plans. She also serves as vice chairman of the Fort Lewis College governing board, and is a member of the state medical services board.

Mr. Speaker, it is clear Sally Schaefer plays a vital role in her Grand Junction community. Sally's leadership and dedication as chief executive officer of Hilltop has helped it become a preeminent rehabilitation facility for people suffering from major trauma injuries. Her efforts in serving the people of Grand Junction and the State of Colorado are worthy of recognition before this body of Congress and this nation today, and I thank Sally for her service.

H.R. 2239—REPRESENTATIVE HOLT'S VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Ms. LEE. Mr. Speaker, I rise today to add my voice to the chorus of support for my colleague, RUSH HOLT's, Voter Confidence and Increased Accessibility Act of 2003, H.R. 2239.

As a proud co-sponsor of this important piece of legislation, I believe very strongly that we need to ensure a voter-verifiable paper audit trail for direct recording electronic voting machines, or touch screen machines as they are commonly called, in order to ensure the validity of the election process.

The modernization of voting equipment and the switch to computers encouraged by the Help America Vote Act of 2002 has generated considerable concern among my constituents that the voting process may be subject to manipulation from unknown sources.

These concerns have been magnified by the complexities involved in maintaining the integrity of computer systems, training poll workers in proper setup, operation, and troubleshooting, and educating the public on the proper operation of these touch screen machines.

Listening to these concerns and understanding the importance of earning the public's trust in these new systems in order to carry out a fair election in California, last year our Secretary of State, Kevin Shelley, convened an Ad Hoc Touch Screen Task Force to provide recommendations on the best ways to address these issues.

Based on the discussions and recommendations that grew out of this task force, the Secretary of State concluded last November that a voter verified paper audit trail should be required on all touch screen voting machines used in California.

Beginning on July 1, 2005, the Secretary of State will require all local jurisdictions purchasing new touch screen machines to ensure that they contain a voter verified paper audit trail system that is fully accessible to all voters, including those living with disabilities and those for whom English is a second language.

Local jurisdictions that are currently using touch screen machines without the voter verified paper feature will have until July 1, 2006 to retrofit or replace them.

While these actions are certainly a step in the right direction, like Mr. HOLT, I believe we must accelerate our efforts to ensure that each and every touch screen system employs voter verified paper technology as soon as possible, and at the very least by the election in November.

I think the experience in my own district in Alameda County during the California primary on March 2nd, is proof enough of why the integrity and operation of these touch screen systems must be improved.

Even before the vote took place on March 2nd, we knew that Alameda County would have problems, as the Secretary of State informed us on February 13th that our machines did not meet State certification due to last minute adjustments sought by the vendor to correct several perceived flaws in the system.

But because the notice from the Secretary of State's office came so close to the election, the County felt that it had to conduct the election with the existing touch screen system, even with the modifications sought by the vendor because without these machines, as the Alameda County Registrar indicated in a letter dated February 16th to the Secretary, "there will be thousands of people unable to vote."

On February 23rd, following a similar appeal by San Diego County, which utilized the same machines, and a subsequent test of the modified system, the Secretary of State's office provided administrative approval for one-time limited use of these devices for the March primary.

The fact that the voting machines' vendor sought modifications to its product at such a late stage just prior to the primary, and the position that this vendor placed both the Secretary of State's office, and our local registrar in Alameda County is indicative of the evolving nature of touch screen systems, and provides even further proof of the necessity of a voter verified paper audit to backup the electronic systems.

Of course, that was not the end of the problem with these devices in my district. Having conditionally approved the touch screen devices for use on primary day, the Secretary of State's office strongly recommend to both Alameda and San Diego Counties, that an appropriate backup voting system should be put in place in the case of a failure in the electronic devices.

And, sure enough, fail, was just what these devices did.

Due to a number of technical issues involving the battery system of the machines and because of incorrect or insufficient troubleshooting information provided to poll workers by the vendor, many of the touch screen systems in Alameda County did not operate properly when polling places opened on March 2nd.

Thankfully the Alameda County Registrar had followed the Secretary of State's advice and provided paper provisional ballots in case the touch screen systems had failed. So, many voters who went to their polling places voted with paper ballots until the County was able to identify and correct the technical issues surrounding the touch screen systems.

However in some cases, polling places ran out of these paper provisional ballots before the electronic devices were fixed, and as a result some voters were unable to cast a ballot unless they were able to return later in the day.

In addition despite the initial problems with the touch screen systems that were overcome, several of these devices also failed for other reasons during the course of the day, further undermining their reliability.

I won't even get into the problems that San Diego County experienced with these touch screen machines but let me say this.

Despite all the problems that we experienced with the touch screen systems on March 2nd, without the existence of a voter verified paper audit trail, we still do not know if any of these touch screen machines failed to properly mark and tabulate each individuals vote once they were finally put into use.

That is why the Voter Confidence and Increased Accessibility Act of 2003 makes sense.

I applaud my colleague for introducing it, and I urge this body to pass this bill so we can ensure that the public has confidence in our election process no matter the kind of system that is in place.

PAYING TRIBUTE TO FATHER VINCENTE PAZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Father Vincente Paz, pastor of Immaculate Heart of Mary Catholic Church in Grand Junction, Colorado. Father Paz has been serving Catholic Parishes of my state with great dedication for the past 28 years. His move to Grand Junction to become pastor of Immaculate Heart of Mary is the latest step in a remarkable journey.

Paz, a native of Northeast England, was ordained in 1966. An encounter with a Franciscan Priest in 1975 convinced him to leave his teaching position in England to serve as Pastor of a parish in Pueblo, Colorado. Reverend Paz also served parishes in Durango and Delta before coming to Grand Junction. He continues to strive to keep his church's message relevant to an ever-changing culture and to actively involve as many community members as possible in his parish's ministry.

Mr. Speaker, I am honored to pay tribute to the service of Reverend Vincente Paz in front of this body of Congress and this Nation. Over the years, he has helped to serve several communities in my state, just as he continues to do for the parish of Immaculate Heart of Mary. I sincerely thank him for his service and wish him the best in his future endeavors.

REMEMBERING THE ARMENIAN GENOCIDE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. SHERMAN. Mr. Speaker, I join with my colleagues tonight in somber remembrance of the Armenian Genocide. Early in the 20th Century, during World War I and its aftermath, the Ottoman Empire attempted the complete liquidation of the Armenian population of Eastern Anatolia.

We must come down to the House floor tonight not only to remember this tragic event, but we must also proclaim that the Armenian Genocide is an historical fact. There are many who deny that this first genocide of the 20th Century actually took place.

The American ambassador to the Ottoman Empire in 1919 was an eyewitness. In his memoirs, he said, "When the Turkish authorities gave the order for these deportations they were merely giving the death warrant to an entire race. They understood this well and in their conversations with me made no particular attempt to conceal this fact."

He went on to describe what he saw at the Euphrates River. He said, as our eyes and ears in the Ottoman Empire, "I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which they, the Armenian men and women, are victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortune of the Armenian people."

We can never forget that 8 days before he invaded Poland, Adolf Hitler turned to his inner circle and said, "Who today remembers the extermination of the Armenians?" The impunity with which the Turkish government acted in annihilating the Armenian people emboldened Adolf Hitler and his inner circle to carry out the Holocaust of the Jewish people.

It is time for Turkey to acknowledge this genocide, because only in that way can the Turkish government and its people rise above it. The German government has been quite forthcoming in acknowledging the Holocaust, and in doing so it has at least been respected by the peoples of the world for its honesty. Turkey should follow that example rather than trying to deny history.

It is also time—indeed it is far overdue—for our Congress to recognize the Armenian Genocide.

Mr. Speaker, I again call on my colleagues to recognize the Armenian Genocide and to urge my fellow Americans to remember this tragic event.

CONGRATULATIONS TO THE 2004 FRANKLIN INSTITUTE LAUREATES

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to congratulate the 2004 Franklin Institute Laureates being honored in a gold-medal ceremony tomorrow in the Benjamin Franklin National Memorial in Philadelphia, for exemplary accomplishments in science, technology, and business.

The Franklin Institute first began recognizing achievement in science and technology in 1824—making the Franklin Institute Awards one of the most historic and long-standing science honors in the world, predating the Nobel Prize by almost 75 years. In its very early years, honors were given to scientists and engineers whose products and inventions best improved life in our young nation.

Today, the Institute bestows the Franklin Medals, named for America's first great scientist and founding father, Benjamin Franklin, to an international group of scientists, engineers, and business leaders, whose achievements, innovations, and discoveries have improved the human condition and solved mysteries of our world. Some are honored for careers which have inspired thousands; others, for one incredible breakthrough upon which whole industries or entirely new fields of thought have been founded. Additionally, since 1990 the Institute has awarded the Bower Awards for Business Leadership and Science Achievement, which carries with it one of the largest cash prizes in the world. This year, the Bower Awards are awarded to one scientist and one business leader who have distinguished themselves in the field of brain research.

A list of previous Franklin Institute award winners is a roll call of brilliance for the 19th, 20th, and 21st centuries. Over 2,000 individuals have been honored by the Institute over the past 180 years, including luminaries like Alexander Graham Bell, Thomas Alva Edison, Orville and Wilbur Wright, Madame and Pierre Curie, Albert Einstein, Frank Lloyd Wright, Louis Kahn, Stephen Hawking, David Packard and Jane Goodall.

Tomorrow, at the Franklin Institute Awards Ceremony, seven special people will join these esteemed ranks, in fields ranging from computational complexity to magnetic resonance imaging. Their cumulative work has had an enormous impact on humankind—from the display technology in our cell phones and PDA's to revolutionary materials used in space flight; from non-invasive treatment and diagnosis of disease and injury to a better understanding of lifegiving processes like photosynthesis; from enabling parents to see their child months before birth, to enabling businesses to solve extremely complex problems quickly and efficiently, to the fundamental, groundbreaking experiments that displayed the genetic basis of behavior.

I am honored to invite this Congress and the nation to join me in congratulating:

2004 Bower Award and Prize for Achievement in Science in the Field of Brain Research, Seymour Benzer, Ph.D.—For pioneering discoveries that both founded and greatly advanced the field of neurogenetics, thereby transforming the understanding of the brain.

2004 Bower Award for Business Leadership in the Field of Brain Research, Raymond V. Damadian, M.D.—For his development of magnetic resonance imaging used in clinical applications, which has transformed the diagnosis and treatment of disease.

2004 Benjamin Franklin Medal in Chemistry, Harry B. Gray, Ph.D.—For his pioneering contributions in the field of electron transfer in metalloproteins.

2004 Benjamin Franklin Medal in Computer and Cognitive Science, Richard M. Karp, Ph.D.—For his contributions to the understanding of computational complexity.

2004 Benjamin Franklin Medal in Electrical Engineering, Robert E. Newnham, Ph.D.—For his invention of multiphase piezoelectric transducers and their spatial architecture, which revolutionized the field of acoustic imaging.

2004 Benjamin Franklin Medal in Mechanical Engineering, Roger Bacon, Ph.D.—For his fundamental research on the production of graphite whiskers and the determination of their microstructure and properties, for his pioneering development efforts in the production of the world's first continuously processed carbon fibers and the world's first high modulus, high strength carbon fibers using rayon precursors, and for his contributions to the development of carbon fibers from alternative starting materials.

2004 Benjamin Franklin Medal in Physics, Robert B. Meyer, Ph.D.—For his creative synthesis of theory and experiment demonstrate that tilted, layered liquid crystal phases of chiral molecules are ferroelectric, thus launching both fundamental scientific advancement in the field of soft condensed matter physics and the development of liquid crystal displays that meet the demands of current technology.

The Commonwealth of Pennsylvania is delighted to honor and welcome these amazing scientists and to host this fantastic celebration of their work. Moreover, Pennsylvania is proud of its most visited and most beloved museum, The Franklin Institute, for its distinguished record of recognizing genius and innovation.

PAYING TRIBUTE TO JOHN HUEBINGER, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to John Huebinger, Jr. of Glenwood Springs, Colorado, for his great efforts to better his community. John is an extraordinary businessman and community leader, and as one of the founders of Vail, has shaped the landscape of communities around Vail, Aspen and Snowmass through his many construction projects.

John, a native of Marion, Texas, came to Colorado in 1962 to work on the Vail Village Inn, and later moved to Snowmass in 1964 when he formed the Aspen Construction Company. His extraordinary achievements in the construction industry early in his career gained him entrance into the Young Presidents organization, an exclusive group of international business leaders. When the construction industry began to falter, John quickly adjusted and began Harbinger Real Estate, which he ran until his retirement in 1998.

In addition to helping construct his community, John participates in numerous civic organizations. He has been a member of the Aspen Elks and Eagles Lodges, served as president of the Aspen Fire Protection District, and volunteered with the Boy Scouts.

Mr. Speaker, I am honored to pay tribute to the service and achievements of John Huebinger, Jr. before this body of Congress and this nation. His vision and determination have shaped several communities in the Vail, Aspen, and Snowmass areas, and I sincerely thank him for his service. I wish him the best in his future endeavors.

HONORING PETTY OFFICER 3RD CLASS NATHAN BRUCKENTHAL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to honor the life of Petty Officer 3rd Class Nathan Bruckenthal of Dania Beach, Florida. I praise Petty Officer Bruckenthal's commitment to his community and our nation. It brings me great sadness to report that Petty Officer Bruckenthal was killed recently in the bombing of a U.S. Navy vessel in Persian Gulf waters, and I wish to offer my deepest sympathy to his family, his friends, and his admirers—of which there are many.

Born in Long Island, New York, Nathan Bruckenthal later moved to Dania Beach, Florida. As the son of a police chief and the stepson of an Army veteran, Petty Officer Bruckenthal leaves behind a family legacy of public service. He himself was contemplating joining a Florida police department upon his return from Iraq.

Petty Officer Bruckenthal joined the Coast Guard after graduating from high school. His service in Florida included nine months as a member of the Tactical Law Enforcement Team, searching vessels for illegal activity, before being deployed to the Persian Gulf. Law Enforcement Detachments from the Tactical Law Enforcement Team South, based at the Miami Coast Guard Station in Opa-Locka, have been deploying overseas since the launch of Operation Iraqi Freedom. Petty Officer Bruckenthal is the first guardsman to die in combat since the Vietnam War.

Petty Officer Bruckenthal is survived by his mother, Laurie Bullock, his father, Northport Police Chief Ric Bruckenthal, his brothers Matthew and Michael, and his wife Patricia, who is pregnant with their first child. Throughout his six years in the Coast Guard and two tours in Iraq, Nathan Bruckenthal served our nation with dignity and distinction. Mr. Speaker, today we celebrate Nathan Bruckenthal's life, which serves as a wonderful example to all who follow in his footsteps.

OBSERVING THE ARMENIAN GENOCIDE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. HOLT. Mr. Speaker, April 24, 2004 marked the 89th anniversary of one of the most harrowing events in modern day history—the beginning of the Armenian Genocide. The Armenian community is too familiar with the details of this tragedy. They know well the accounts of Armenian leaders, writers and professionals in Constantinople that were rounded up, deported and killed; the accounts of men, women and children were driven into the desert between Terablus and Derzor to die of starvation, disease and exposure; and the accounts of families that were burned alive in wooden houses or chained together and drowned in Lake Van.

Unfortunately, few outside of the Armenian community know of the Armenian Genocide—one of the most awful events in modern history. Many are not aware that Ottoman officials expelled millions of Armenians from the homelands they had inhabited for over 2,500 years. They are not aware that Ottoman officials attempted to exterminate the Armenian race and the precedent this event set for the genocides that followed. It is distressing that horrors of this magnitude have largely been forgotten.

Even more disturbing are the governments, institutions, scholars, and individuals who deny the enormity of these crimes against humanity. It is inconceivable that individuals and governments continue to ignore the substantial evidence—including numerous survivor accounts, photodocumentaries, and official documents in the archives of the United States, Britain, France, Austria, and the Vatican—that prove these atrocities took place. It is also frustrating that some rationalize these crimes or refuse to recognize this premeditated ethnic cleansing as genocide.

The international community must deal honestly with this senseless genocide. World leaders must rise above indifference and the political considerations that they have cowered behind. They must unequivocally acknowledge the murders of one and a half million Armenians that began in 1915 for what it is—genocide. They must use their position to reveal the truth and bring attention to this tragedy that has been overlooked and brushed aside for too long.

We all want to forget these horrific tragedies in our history and bury them in the past. However, understanding the immeasurable wrongs the Armenian people endured—and the mass scale on which they occurred—is vital to grasping the impact these events continue to have on the stability of the region. It is only through the painful process of acknowledging and discussing these horrific events that we can prevent similar iniquity in the future.

We owe full recognition and acceptance of these crimes to the one and half million victims of the Armenian Genocide. Anything less is an insult to their memory.

PAYING TRIBUTE TO LUCY RICKMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate and thank Lucy Rickman, an extraordinary woman from my district. Lucy will soon be retiring as the director of The Haven, an assisted living center in Hayden, Colorado, where she has worked since its inception in 1992. She has dedicated an extraordinary amount of time, effort, and care into the project, and it is my privilege to recognize her career here today.

Seeing the need for an assisted living center in Hayden, Lucy became heavily involved in The Havens planning and design. After thirty-four years of teaching English and Social Studies to seventh and eight graders, Lucy became director of The Haven in 2000. Lucy saw to it that the facility grew and become a success, and worked to obtain grants for the center totaling $115,000. A firm believer in grassroots community involvement, she has implemented events such as senior visit lunch Fridays, holiday light tours, and socials in the town park.

Mr. Speaker, Lucy has been a vital part of The Haven's formation and operation since its beginning, and it is my pleasure to recognize her today before this body of Congress and this nation. Her hard work and dedication are largely responsible for The Haven's existence and success. Thanks for your service, Lucy, and I wish you all the best in your future endeavors.

DEPARTMENT OF VETERANS AFFAIRS NURSE RECRUITMENT AND RETENTION ACT

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. SIMMONS. Mr. Speaker, today I am introducing legislation that would authorize several new and innovative initiatives to attract and retain nursing personnel in the Department of Veterans Affairs (VA).

Since 1996, the number of patients treated annually by VA has risen by 70 percent. During this same period of growing demand for VA health care services, the number of nursing program graduates nationwide began to fall, along with the number of registered nurses employed in nursing. The latest U.S. Health Resources and Services Administration report projects that the shortage of nurses this year will reach about 138,322 nationally, and will rise to about 808,416 in 2020.

Today, about 7.6 million veterans are enrolled in VA health care and in 2010 it is estimated that this number will grow to approximately 8.4 million. VA cannot meet the future health care burden for caregivers without an adequate supply of nurses in its 1,300 facilities. VA's nurse vacancy and turnover rates have greatly increased since 1998. Unless we create incentives and opportunities for experienced caregivers to choose VA as a professional career, our nation's veterans will suffer.

First, my legislation would authorize a new initiative to improve VA's program for recruiting nurses through the use of outside recruitment, advertising, and communication agencies, and the use of interactive and online technologies. The federal government's recruitment process is not responsive to the market conditions for recruitment of nursing personnel. In order to address the human capital challenges in the VA, the Department needs better tools and strategies to plan, attract, assess, hire and manage its recruitment process for nurses. This pilot program would test whether such tools can fit VA's needs.

The VA health care system has over 200,000 employees, ranking it among the top 25 largest employers as defined in the Hoover's Handbook of American Business. The VA health care system has more employees than, for example, Blue Cross and Blue Shield, the Kaiser Foundation Health Plan and Manor Care, Inc., and is the largest employer of registered nurses in this country. In the private sector, human resources professionals have developed and are successfully using internet-based recruitment tools, but VA's use of such tools is extremely limited. Forrester Research, an independent technology research company that provides advice about technology's impact on business, recently reported that 100% of Fortune 500 companies are now using online recruiting. It is in the best interest of VA to capitalize on this best practice of private industry. I believe that streamlining the recruitment process to offer nursing employment opportunities in an appealing and contemporary format will attract talented nurses to fill Department vacancies.

The bill would enhance VA's ability to provide nurses flexible work schedules by authorizing three different options for alternative tours of duty to accommodate the personal needs of nurses to have more control over their schedules. Nurses are the front line providers of care and their continued dedication and support makes patients' lives better and doctors' jobs easier. According to an American Organization of Nurse Executives survey, a major cause of dissatisfaction in the nursing workforce is inflexible work schedules. Offering more family friendly schedules is critical to keeping experienced nurses employed in the VA.

My bill would also clarify that the Department's policy for nurse recruitment should focus on the registered nurse's clinical competencies and direct patient care performance. If a nurse has presented or accomplished the required elements for VA employment, the lack of a specific educational degree should not be a factor in VA's hiring decision. Recent testimony before the National Commission on VA Nursing, established in Public Law 107–135, called attention to a concern that VA's policies under its nurse qualification standards discourage some nurses with associate degrees in nursing from seeking employment in VA because they are not judged for their experience and expertise, but are disqualified because they do not possess a baccalaureate degree in nursing.

The American Association of Community Colleges reports that 62 percent of employed staff nurses, including 45 percent in nurse clinician positions, 42 percent in clinical nurse specialist positions, 52 percent in head nurse positions and 65 percent in nurse supervisor positions received their nursing educational preparation through associate degree or diploma nursing programs.

Regardless of educational preparation, all nursing graduates must pass rigorous licensing examinations administered by state governments. Once licensed, they perform the identical scope of nursing practice under state law. A recent review of test data by the National Council of State Boards of Nursing indicates that the pass rates of nurses trained with associate and baccalaureate degrees are virtually identical. However, notwithstanding their years of bedside nursing or clinical proficiency, VA will not hire nurses above the entry Nurse Level I position unless they have baccalaureate degrees. VA is losing the opportunity to bring experienced, qualified nurses into its system because of this policy.

Finally, the bill would make technical corrections and incorporate blind rehabilitation specialists in the list of certain positions that the VA is permitted to hire through use of the direct appointment authority provided in title 38, United States Code. The use of this so-called "hybrid Title 38" authority enhances VA's ability to hire clinical staff in a timely fashion to maintain the necessary level of highly-trained staff.

It is vital for the health of our veterans that VA possesses the tools to employ and retain experienced nurses in the VA health care system. I look forward to seeing the VA nursing workforce grow as a result of the enactment of the measures contained in my bill and urge my colleagues to join me in supporting this important legislation.

PAYING TRIBUTE TO JOHN E. KAPUSHION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of John Kapushion of Pueblo, Colorado, who passed away recently at the age of eighty-three. John was a true American patriot, and a beloved friend and colleague to many in his Colorado community. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community, state and country.

Born and raised in Crested Butte, Colorado, John proudly served his country in World War II under General George Patton. After the war, he moved to Pueblo where he worked as an electrician for Colorado Fuel and Iron until his retirement in 1982. An avid outdoorsman, John enjoyed fishing and hunting, as well as spending summers with his family in the mountains of Crested Butte. He was also active in his community, serving as a member of the American Legion.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to recognize the life of John Kapushion. He dedicated his life toward the betterment of his community, state and nation, and he will be greatly missed. My thoughts are with his loved ones during this difficult time of bereavement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 29, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 4

2:30 p.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

3:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

5 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

MAY 5

9 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2005 for defense related programs.
SD–192

10 a.m.
Judiciary
To hold an oversight hearing to examine material support statute relating to aiding terrorists.
SD–226

Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

Finance
Social Security and Family Policy Subcommittee
To hold hearings to examine the benefits of healthy marriage.
SD–215

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

2:30 p.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 155, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, S. 2285, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah, S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, S. 1826, to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada, S. 2085, to modify the requirements of the land conveyance to the University of Nevada at Las Vegas Research Foundation, and H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway.
SD–366

MAY 6

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine new opportunities for agriculture, focusing on biomass use in energy production.
SD–106

Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine S. 1668, to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions.
SD–342

2 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine certain challenges facing military parents raising children.
SD–430

MAY 7

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

MAY 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine the impacts and costs of last year's fires, focusing on the problems faced last year and what problems agencies and the land they oversee may face next season, including aerial fire fighting assests and crew, and overhead availability.
SD–366

Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine conservation programs of the 2002 Farm bill.
SD–628

MAY 12

Time to be announced

Indian Affairs

To hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.

SD–192

MAY 13

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine Commodity Futures Trading Commission regulatory issues.

SD–106

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug reimportation.

SD–430

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB

HOUSE OF REPRESENTATIVES—*Thursday, April 29, 2004*

The House met at 10 a.m.

The Reverend Dr. Nathan D. Baxter, Rector, St. James Episcopal Church, Lancaster, Pennsylvania, offered the following prayer:

Let us pray.

Blessed Lord, we pause at the beginning of this House's work to acknowledge You, the author of liberty. We thank You for the spirit of freedom so deeply endowed in the heart of this Nation. We also thank You for the great work of democracy, the fruit of liberty, to which this House is dedicated.

We pray for its Members, its officers and staff. For just as we believe democracy is inspired of You, we also know its human work can be difficult and complex, especially in these times of momentous decisions for our Nation and beyond, times of war and terrorist threat, times of economic uncertainty. We need the strength of Your spirit.

So hear our prayer for those we have chosen to represent us in these times. We ask that You would grant each one an extra measure of courage to act rightly when partisan passions beckon, and give them the grace of patience in discerning answers when truth is not clear.

Finally, we pray not just for this House, but for all of us, legislators and citizens, that neither the diligent work of democracy nor the privilege of its fruits will ever long distract us from the truth of its purpose, which is liberty and justice for all. Blessed Lord, hear our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. STENHOLM) come forward and lead the House in the Pledge of Allegiance.

Mr. STENHOLM led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IRAQ OIL-FOR-FOOD PROGRAM

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, the Iraq Oil-for-Food Program was established in 1996 to ensure adequate food, medicine, and supplies were available for the Iraqi people despite U.N.-imposed sanctions. It was meant to keep food on the table of the oppressed, not money in the hands of the oppressors. We are now finding out the program was filled with corruption and the Iraqi people were not in fact the beneficiaries.

The very leader that kept them in utter poverty was using the program to line his own pockets and enrich his friends. This corruption was made possible by U.N.-member countries and senior U.N. officials.

Saddam Hussein stole $10 billion; and, in exchange for their help, several members of the U.N. Security Council secretly received billions of barrels of Iraqi crude at cut-rate prices. These nations publicly supported the goals of the Oil-for-Food Program while privately undermining it.

For the United Nations to allow this to go on for 7 years is unconscionable. The U.N. was responsible for overseeing a program designed to provide aid to Iraqi citizens; and, instead, on the U.N.'s watch, the program strengthened the Hussein regime.

Now some are calling for increased reliance on the United Nations to determine our foreign policy? I do not think so.

U.S. FARM PROGRAMS

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, this week a ruling by a committee of the WTO seems to have been interpreted by too many in the press that this was the end of farm programs in the United States. Furthest from the truth.

Let me encourage everyone to be patient until the 400-something-page report is read and deciphered by the House Committee on Agriculture and the Department of Agriculture, and then let us see exactly what they have said. Do not panic.

And let me remind everyone in the United States that we are truly blessed to live in a country that has the most abundant food supply, the best quality of food, the safest food supply, at the lowest cost to our people of any other country in the world. And to those who are critical of our farm programs that feed the American people in this way, take a good hard look and realize when you sit down at the dinner table tonight it is because of the American farmer and rancher.

APPOINTMENT OF HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 4, 2004

The SPEAKER laid before the House the following communication:

WASHINGTON, DC,
April 29, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 4, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ARMOR FOR SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, a couple of weeks ago, some of my constituents who are currently serving in Iraq with the 419th Transportation Company learned that their deployment would be extended. These Army Reservists and their unit have already served with great distinction since March of 2003. Their families and loved ones are understandably concerned that these soldiers will not return home this week, as was originally planned, but instead will remain in Iraq.

The continued turmoil in Iraq obviously calls on greater sacrifices from members of the Armed Forces, but what is of particular concern is that these soldiers may not be adequately equipped for their mission. Though all members of the 419th have body armor, it has been reported to me that none of their vehicles have been armored. Given that this unit may travel along

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dangerous and challenging routes in southern and central Iraq, armored plating on all vehicles is not only common sense but it is imperative.

Congress has provided many defense resources via the appropriations process, as well it should; and it was my understanding that this funding was to ensure that all soldiers have body armor and armored vehicles. If not, I would hope that the Department of Defense would be quick to ask for additional support from the Congress, as I am certain that providing the best possible tools for soldiers in theater is of paramount priority for many in Congress, like myself.

I am well aware of the current demands faced by American soldiers and the sacrifices made by family members and loved ones. American soldiers have always excelled in their military duties at a time when many of our troops are deployed for a year or more. I think it is imperative that Congress and the Federal Government adequately provide for them.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MATHESON) to revise and extend their remarks and include extraneous material:)

Mr. MATHESON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

ADJOURNMENT

Mr. COBLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes a.m.), the House adjourned until Friday, April 30, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7870. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Tolerance Exemptions for Certain Biopesticides [OPP-2003-0416; FRL-7353-5] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7871. A letter from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting Report on the quality of health care furnished under the health care programs of the Department of Defense covering FY 2002, pursuant to 10 U.S.C. 1071 Public Law 106—65, section 723; to the Committee on Armed Services.

7872. A letter from the Acting Under Secretary, Department of Defense, transmitting the Secretary's certification that the full-up, system level Live Fire Test and Evaluation (LFT&E) of the Department of the Navy's lead CVN 21 aircraft carrier would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

7873. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Edward G. Anderson III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7874. A letter from the Acting Under Secretary, Department of Defense, transmitting a report presenting the specific amounts of staff-years of technical effort to be allocated for each defense federally funded research and development center (FFRDC) during FY 2005, pursuant to Public Law 108—87, section 8029(e); to the Committee on Armed Services.

7875. A letter from the Acting Under Secretary, Department of Defense, transmitting pursuant to section 2433 of title 10, United States Code, certification with respect to the Evolved Expendable Launch Vehicle (EELV) major defense acquisition program that: such acquisition program is essential to the national security; there are no alternatives to such acquisition program which will provide equal or greater military capability at less cost; the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and the management structure for the acquisition program is adequate to manage and control program acquisition cost or procurement unit cost; to the Committee on Armed Services.

7876. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7877. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Natamycin [Docket No. 1995F-0221] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7878. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Reponse Act of 2002; Reopening of Comment Period [Docket No. 2002N-0276] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7879. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period [Docket No. 2002N-0278] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7880. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 2002F-0181] received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7881. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Bar Code Label Requirement for Human Drug Products and Biological Products; Correction [Docket No. 2002N-0204] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7882. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Extension of Temporary Placement of Alpha-Methyltryptamine (AMT) and 5-Methoxy-N, N-Diisopropyltryptamine (5-MeO-DIPT) in Schedule I of the Controlled Substances Act [Docket No. DEA-251E] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7883. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates [OAR-2003-0083; FRL-7651-8] (RIN: 2060-) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7884. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona [AZ 116-0059a; FRL-7651-1] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7885. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans, Finding of Attainment, and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard, East Kern County, California [CA 118-PLANa; FRL-7641-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7886. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone Standard; Determination Regarding Applicability of Certain Clean Air Act Requirements; Approval and Promulgation of Ozone Attainment Plan; San Francisco Bay Area, California [CA258-0442(A); FRL-7645-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7887. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of RFP for Capacity Building Project in NIS — received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7888. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL-7651-4] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7889. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Action to Stay and Defer Sanctions Based on Attainment of the 1-hour Ozone Standard for the San Francisco Bay Area, California [CA258-0442(B); FRL-7645-8] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7890. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [CA 218-0433a; FRL-7640-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7891. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California States Implementation Plan, San Joaquin Valley Unifed Air Pollution Control District [CA 083-0436a; FRL-7650-4] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7892. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 304-0446a; FRL-7651-3] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7893. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Dakota; Final Authorization of State Hazardous Waste Management Program Revision [FRL-7653-2] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7894. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") — received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7895. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

7896. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Israel (Transmittal No. DDTC-001-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan (Transmittal No. DTC 009-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7898. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7899. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

7900. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Tome H. Walters, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-27 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court, pursuant to 22 U.S.C. 7421 et. seq; to the Committee on International Relations.

7902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a letter to inform that the Departments of State, Defense, and Commerce are engaged in an ongoing review of the United States Munitions List (USML), resulting in the proposed removal from the USML, and transfer to the Commerce Control List, of items from Category XIV, as required by Section 38(f) of the Arms Control Export Act, as amended; to the Committee on International Relations.

7903. A letter from the Inspector General, Department of Defense, transmitting In compliance with the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105-270, an inventory of commercial and inherently government activities for FY 2003; to the Committee on Government Reform.

7904. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance Report of the National Endowment for the Humanities for Fiscal Year 2003; to the Committee on Government Reform.

7905. A letter from the Administrator, Office of Management and Budget, transmitting the annual report required by the Paperwork Reduction Act (PRA) entitled "Managing Information Collection — Information Collection Budget of the United States Government," pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform.

7906. A letter from the Director, Regulations and Forms Services, Department of Homeland Security, transmitting the Department's "Major" final rule — Adjustment of the Immigration Benefit Application Fee Schedule [CIS No. 2233-02] (RIN: 1615-AA84) received April 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7907. A letter from the Assistant Attorney General, Department of Justice, transmitting the report for FY 2001 and 2002 on the status of correctional job training and placement programs in the United States and the activities of the Office of Correctional Job Training and Placement (OCJTP), as required by Section 20418 of the Violent Crime Control and Law Enforcement Act of 1994; to the Committee on the Judiciary.

7908. A letter from the Acting Assistant Director, Civil Division, Torts Branch, Department of Justice, transmitting the Department's "Major" final rule — Civil Division; Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Amendments Contained in the 21st Century Department of Justice Appropriations Authorization Act of 2002 [Docket No. CIV101F; AG Order No. 2711-2004] (RIN: 1105-AA75) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7909. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No. 03-9006 — In re Bankvest Capital Corp. (March 15, 2004)); to the Committee on the Judiciary.

7910. A letter from the Acting Administrator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting notification of the belief that the report mandated by section 4630 of the Balanced Budget Act (BBA) of 1997 would no longer be useful to Congress; jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RENZI (for himself and Mr. Porter):

H.R. 4247. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H.R. 4248. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. PELOSI (for herself and Mr. Castle):

H.R. 4249. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the "Granite Lady", and for other purposes; to the Committee on Financial Services.

By Mr. PRICE of North Carolina (for himself, Ms. Corrine Brown of Florida, Mr. Davis of Florida, Mr. Hastings of Florida, Ms. Jackson-Lee of Texas, Mr. Davis of Illinois, Ms. Lee, Mr. Ballance, Mr. Clay, Mr. Ford, Mr. Owens, Mr. Payne, Mr. Towns, Mr. Watt, Mr. Wynn, Mr. Berman, Mr. Dingell, Mr. Hinchey, Mr. Brady of Pennsylvania, Mr. Case, Mr. Grijalva, Mr. Serrano, Mr. Sherman, and Mr. Holt):

H.R. 4250. A bill to amend the National Voter Registration Act of 1993 to require States to provide notice and an opportunity for review prior to removing any individual from the official list of eligible voters by reason of criminal conviction or mental incapacity; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mr. Simmons, Mr. Bilirakis, Ms. Corrine Brown of Florida, Mr. Reyes, Mr. Wilson of South Carolina, Mr. Baker, Mrs. Maloney, Mr. Miller of Florida, Mr. Burton of Indiana, Mr. Sanders, Mr. Case, Mr. Bartlett of Maryland, Mr. Hoeffel, Mr. Calvert, Mr. Hayes, Mr. Saxton, Mr. Jones of North Carolina, Mr. LoBiondo, and Mr. Ferguson):

H.J. Res. 93. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II; to the Committee on Armed Services.

By Mr. GOODE (for himself, Mr. King of Iowa, Mr. Doolittle, Mr. Burton of Indiana, Mr. Jones of North Carolina, and Mr. Bartlett of Maryland):

H.J. Res. 94. A joint resolution proposing an amendment to the Constitution of the United States to establish English as the official language of the United States; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. Berman, Mr. Sherman, Mr. Ackerman, Mr. Abercrombie, Mr. Crowley, Mr. Kirk, Mr. Faleomavaega, Ms. Ros-Lehtinen, Ms. McCollum, Ms. Lee, Mr. McGovern, Mr. King of New York, Mr. Evans, Mr. Payne, Mr. Wexler, Mr. Brown of Ohio, Mr. Pitts, Mr. Rohrabacher, Mr. Souder, Mr. Engel, Mr. Blumenauer, Mr. Meeks of New York, Mr. Chandler, Mr. Hoeffel, Mr. Kucinich, Mr. Tancredo, Mr. Snyder, Ms. Watson, Mr. DeFazio, Mr. Smith of New Jersey, Mr. Andrews, Mr. Menendez, and Mr. Delahunt):

H.J. Res. 95. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mr. Scott of Virginia, and Mr. Forbes):

H. Res. 612. A resolution recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3921: Mr. Pastor.

SENATE—*Thursday, April 29, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Pastor John Bengston, of All Saints Lutheran Church in Bowie, MD.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Lord God, Sovereign of the universe and giver of holy love to each person, receive our thanks for the gift of this day, the opportunity we have to be alive, mobile, well fed and clothed, and gathered with purpose. Help us, we humbly pray, that each of us live in concert with Your purpose of mercy and justice, love and grace. We also thank You for ordaining government in the human family so that the human community might live with order, dignity, respect, and care under Your design and will.

Thank You for those who serve in the Senate as elected Members and as staff. You have placed upon them all an awesome responsibility, so we ask You to give them comparable discernment, courage, and concern for their calling. Bless all who work within these walls that Your Spirit may inspire, guide, and prod each one to serve You first. Bless also those citizens who will visit the gallery today, observing the workings of Government and the deliberations of this body. Thank You for their interest, and may they be able to perceive Your hand at work in the discussions and decisions of the United States Senate.

This world faces tremendous challenges, O Lord of the nations. Please give to all, especially those who bear the responsibility of office here and elsewhere, the patience necessary to seek harmonious resolution of those challenges. Hear our prayer and give ear to our supplications. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEADER TIME

The PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time under the standing order.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for up to 90 minutes. The first 30 minutes will be under the control of the Democratic leader or his designee, the second 30 minutes will be controlled by this side of the aisle, and the final 30 will be divided between Senators MCCONNELL and FEINSTEIN.

Following that morning business period, the Senate will resume consideration of S. 150, the Internet access tax measure. There will be an additional hour for debate prior to the first of the scheduled cloture votes. The first vote will be on invoking cloture on the Daschle ethanol amendment to the Internet bill. If cloture fails, we will go immediately to a cloture vote on the Domenici energy package. Finally, if cloture has not been invoked to that point, the Senate will proceed to a cloture vote on the pending McCain substitute regarding the Internet tax moratorium.

Having said that, it has been my goal from the start to finish this Internet legislation. This week has been set aside for consideration of this matter. I hope we can stay late and finish the bill.

Mr. President, I briefly wish to comment on the first two cloture votes, opening with the fact that I am a strong supporter of the ethanol provision that the Democratic leader has pulled out of the Energy bill and offered as an amendment to the original language of the Internet tax bill. In fact, I joined the minority leader in offering very similar language to the Energy bill when it was considered on the Senate floor last summer.

While I do support the renewable fuels standard as a matter of policy, there are many other important provisions included in the Energy bill that at this point I am not prepared to abandon.

We in the United States need a comprehensive national energy policy. We have gone on for way too long without that policy, and we see the consequences of that every day. We see it in our rising dependence on foreign oil. We see it in last summer's blackout in the Northeast and today's record high gas prices, and in skyrocketing natural gas prices, which are hurting farmers and manufacturers and consumers alike.

The slimmed-down Energy bill that Chairman DOMENICI has offered as a second-degree amendment addresses each of these issues. It lays out a balanced national energy policy that will lessen our reliance on foreign energy, thereby enhancing both our economic security as well as our national security. Senator DOMENICI's plan will help diversify our energy supply and encourage the use of renewable energy sources such as wind and solar energy and ethanol, all of which decreases our reliance on foreign oil and increases our own energy independence.

Moreover, it will facilitate the construction of the Alaska natural gas pipeline. This is perhaps the single most important thing we can do to increase our supply of natural gas, by transporting it from Alaska's North Slope to the lower 48 States.

The Domenici amendment will also strengthen our electricity grid and make it easier to build transmission lines. With these improvements we will be better able to prevent blackouts such as the one last summer that blanketed 50 million Americans from the Northeast to the Midwest.

The Domenici plan promotes clean coal technology, hydrogen fuel cells, clean nuclear energy, and domestic oil and gas production consistent with protecting the environment. It also encourages conservation and energy efficiency.

We need all of these components in order to have an effective national energy policy. While the ethanol mandate is vitally important, we need a comprehensive plan that addresses all of our energy needs. That is why I urge my colleagues to oppose cloture on the Daschle amendment and to support cloture on the Domenici amendment. We should not break apart the Energy bill and attempt to pass it piecemeal. America needs an energy plan that increases our economic security, our energy independence, and adequately meets the demands of the 21st century.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

TRUST AND TREATY OBLIGATIONS TO INDIAN PEOPLE AND TRIBES

Mr. DASCHLE. Mr. President, an historic gathering took place in South Dakota last week. For 2 days, Indians and non-Indians came together to discuss how they could improve the schools attended by Indian children in South Dakota.

The South Dakota Indian Education Summit was sponsored by our Governor, Mike Rounds, and our state Education Department, working with tribal leaders and educators. It grew out of an extraordinary conference last October that I was proud to cosponsor. That Gathering and Healing of Nations conference brought Indians and non-Indians together to talk honestly about the issues that divide us, and the issues that unite us.

At the Indian Education Summit last week, most of the discussion focused on how to make sure the No Child Left Behind Act improves the schools Indian children attend. As we all know, concerns about No Child Left Behind are not limited to Indian Country. But they are especially acute in many parts of Indian Country, largely because of the Federal Government's long history of severely underfunding Indian education. I have heard from many Indian educators who tell me they are deeply concerned that the Federal Government will not provide Indian schools with the resources they need to meet the higher standards in No Child Left Behind. They are worried as well that the Bureau of Indian Affairs and the Department of Education may be placing too much emphasis on testing students and labeling schools—and not enough emphasis on helping schools correct problems. They're concerned about preserving native cultures and languages.

These are all legitimate concerns. We need to pay attention to them. That is why I have asked the Senate Indian Affairs Committee to hold hearings on how the No Child Left Behind Act is being implemented in Indian Country. I have not received a reply yet from the committee chairman, but I am hopeful that there will be agreement on the importance of holding such a hearing. I know he cares deeply about the need for the Federal Government to honor its trust and treaty obligations regarding education.

President Bush has proposed three Federal budgets since he signed the No Child Left Behind Act. All three have shortchanged No Child Left Behind. The President's proposed budget for next year—fiscal year 2005—underfunds the new law by $9.4 billion. Schools serving Indian children are among the oldest, poorest, and most crowded schools in America. They have been drastically underfunded for decades. The last thing children attending Indian schools need is to be denied the opportunities, resources, and good teachers the new law promises—and then have their schools labeled as "failing."

That is why, during debate last month on the budget resolution for next year, Democrats offered an amendment to fully fund No Child Left Behind for all schools, including BIA schools. Regrettably, Republicans defeated our amendment. But we are not giving up. We will continue to press to make sure No Child Left Behind is funded adequately and implemented sensibly in Indian Country, so that this Nation leaves no Indian child behind, either.

America also needs to face up to the massive school facilities problem in Indian Country. There is an overwhelming backlog of facility repair and construction projects for BIA schools, and the BIA estimates the cost of completing those projects at nearly $1.2 billion.

In 2000, when he was running for President, then-Governor Bush met with tribal leaders in New Mexico and promised to invest $1 billion to fix crumbling BIA schools. Yet the President's proposed budget for next year cuts funding for Indian school, reconstruction for the second year in a row. That is wrong.

Crow Creek Tribal Schools in Stephan, SD are among the nearly 200 BIA-funded and BIA-operated schools in the United States. Their buildings are typical of schools throughout Indian Country. They are crowded, crumbling, and outdated. Some of them date to the 1930s. Between 500 and 600 students attend classes in them. Two years ago, Crow Creek's middle school was condemned and replaced with modular trailers. An elementary school also need to be replaced. The high school gym is in such poor structural condition that it can only be used for limited purposes; the district has to rent gym space from other schools for basketball games. They don't know where they will hold their graduation this year.

Crow Creek Tribal Chairman Duane Big Eagle has been lobbying for money to fix the schools on the reservation for 25 years. Two months ago, he drove 4,000 miles to try to find someone in the Federal Government who would help him. He drove first to the BIA facilities and construction office in Albuquerque. When he found no help there, he drove to BIA headquarters in Washington, DC.

Senator TIM JOHNSON and I met with Chairman Big Eagle while he was in Washington, and I have since spoken with BIA officials about the Crow Creek schools. I am pleased to report that the BIA has agreed to provide $2.5 million for a new 17,000-square-foot gymnasium.

But there are still schools all over Indian Country where conditions would shock most Americans—schools with no heat and schools where the cold wind whips in through broken windows. Schools where trash cans are positioned in classrooms to catch the rain water that pours in through holes in the roofs.

The He Dog Tribal School in Rosebud is a two-story brick building built in the 1930s. Its "library" is three shelves of books on one bookcase.

A while back, leaders from the Dakota Area Consortium of Treaty Schools proposed a smart way to address the backlog of school construction needs in Indian Country. Their proposal called for the creation of a new Indian school-bonding authority that would use Federal dollars to leverage other funds.

We have been working with Senator JOHNSON to help create this authority, and we now have bipartisan support. We ought to consider it—and any other innovative ideas people may have to deal with the school-construction backlog—and then we must act.

It shouldn't take a tribal chairman driving thousands of miles for Indian children to be able to attend safe schools with adequate space and up-to-date books and computers. The right to attend a good school should be the birthright of every child in America. But Native American children have a special claim on this right.

Our Government has given its word, in treaties and laws, to provide education, health care, housing, and other basic necessities to Indian tribes and their members forever.

Education and other Federal programs serving Native Americans are not handouts; they are treaty obligations. They are installment payments the United States Government owes for land the tribes surrendered reluctantly more than a century ago. America has never even come close to meeting those obligations. You can see the legacy of this neglect in the harsh realities of life in Indian Country today: houses with no electricity, plumbing, or telephones. On some reservations in South Dakota, people live in homes with no running water; they have to haul water from 15 or 20 miles away. It is not unusual on reservations in South Dakota for 20 members of an extended family to share one small, three-bedroom home. Three hundred families on Pine Ridge are living in homes that are contaminated with black mold. The Pine Ridge Reservation needs 3,000 new houses just to meet the current demand.

During the depths of the Great Depression, 25 percent of Americans were unemployed. Today, on many reservations in South Dakota and other States, the unemployment rate is twice that high—or higher.

Native Americans live sicker and die younger than other Americans as a result of inadequate health care. Their higher rates of diabetes, heart disease, sudden infant death syndrome, tuberculosis, alcoholism, and many other serious health problems are the direct result of our Government's long history of dramatically underfunding Indian health. Our Government spends twice as much per person on health care for federal prisoners as it does on health care for Native Americans. I am still baffled by that statistic. We spend twice as much per person on health care for Federal prisoners in this country—$3,800 per capita—as we do on the children on Indian reservations—$1,900 per capita this year. The rationing of health care at Indian Health clinics and hospitals is so severe that sick and injured people who are not in immediate danger of losing their life or a limb are routinely turned away and denied any care. This is immoral.

Tribal roads make up two-and-a-half percent of Federal roads in this country, yet tribes receive only one-half-of-one-percent of Federal road funding. The poor condition of many tribal roads is a significant reason that the rate of fatal traffic accidents on tribal roads is four times higher than the national average. It is also a major obstacle to economic opportunity in Indian Country.

These are just a few of the ways the Federal Government is failing to meet its trust and treaty obligations to Native people and tribes. Unfortunately, President Bush's proposed budget for next year would make things even worse. Dozens of programs serving Native Americans and Alaska Natives are flat-lined, reduced, or simply eliminated.

According to the National Congress of American Indians, the President's proposed budget cuts Indian hospital and clinic construction by 56 percent; Indian school construction by 19 percent; and tribal college funding by 11.5 percent. The tribal COPS program is slated to be cut by 20 percent, the tribal courts program by 26 percent, and the Indian Housing Loan Guarantee Program by 83 percent. The President's proposed budget also cuts $52 million from the BIA for tribal law enforcement, tribal roads, and Indian child welfare programs.

Earlier this month, BIA Assistant Secretary Dave Anderson shocked tribes with an announcement that BIA programs will be slashed another $79 million in fiscal year 2006.

The president of the National Congress of American Indians, Tex Hall, has said, "Asking us to somehow prioritize which programs in the BIA should be cut is like asking Indian Country to decide which child should go hungry, which elder should go unprotected, and which of those who need medical help should go untreated."

Rather than do that, the National Congress of American Indians and BIA's Tribal Budget Advisory Council met recently with BIA officials in Washington over 2 days to develop an alternative budget. A tribal leader from my State, John Steele, president of the Oglala Sioux Tribe, is a member of that advisory council.

Assistant Secretary Anderson visited South Dakota reservations recently, so I know he is familiar with the staggering unmet needs of Indian Country. He surely must know that cuts such as those recommended by the White House will do real harm to people and communities that have already suffered greatly because of the policies and neglect of the Federal Government.

I hope Assistant Secretary Anderson will consider carefully the recommendations of the Tribal Budget Advisory Council as he prepares his budget request for fiscal year 2006. If he will take a strong stand for this government to meet its trust and treaty obligations, I know he will find many allies in Congress. I am one of them.

But Assistant Secretary Anderson and Interior Secretary Norton do not have to wait until the department completes its fiscal year 2006 budget proposal. They can do something today that will not cost a dime and will make a significant difference in the lives of thousands of Native Americans, especially children.

Three times now, the Federal judge hearing the Cobell v. Norton Indian trust case has had to order the Interior Department to shut down its computer system to protect individual Indian money accounts from hackers. Every time BIA has shut down computers in the Office of Special Trustee, it has shut down the computers serving Indian schools as well. The last time, the shutdown lasted for 5 days. Such disruptions cause serious problems for teachers, students, and school administrators.

In response to a recent letter from me, Interior Department officials said they did not choose to shut down the BIA school computers; they were forced to do so when the judge ordered the Indian trust computers shut down.

I have been told there is a simple solution: All Interior Department officials have to do is properly certify and verify to the court hearing the Cobell lawsuit that the BIA school computers are separate from the trust fund computers and protected from intrusion. Based on the department's certification and verification, if the trust fund computers ever have to be shut down again, BIA school computers will be spared. It is a simple step that can make a difference in the education of Indian children, and I urge the Interior Department to do it as soon as possible.

I also ask the Interior Department, the White House, and our Republican colleagues to work with us to come up with budgets that honor America's trust and treaty obligations to Indian people and tribes—next year, the year after that, and every year. This should not be a partisan issue.

The PRESIDENT pro tempore. The Democratic leader's time has expired.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Republican leader's time will be reserved for future use.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there is a transaction for the period of morning business for up to 90 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, the second 30 minutes under the majority leader or his designee, and the final 30 minutes equally divided between the assistant minority leader and the Senator from California, Mrs. FEINSTEIN.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. KENNEDY. Mr. President, a year ago this Saturday, President Bush dressed up in a flight suit, flew out to the aircraft carrier *Abraham Lincoln*, and declared "Mission Accomplished" in Iraq.

Our mission was far from accomplished then, and it is far from accomplished now.

At his press conference in the White House earlier this month, the President was asked if he knew of any mistakes he had made, and he said he couldn't think of any. It is too much to expect that he would have mentioned Iraq, but he might at least have mentioned the trip to the carrier. The trip was nothing more than a photo op tailored for the 2004 election.

Then, as now, the President had no plan and no strategy about how America can stabilize Iraq, bring our soldiers home with dignity and honor, and accomplish the mission. Then, as now, we are muddling through day by day, hoping for the best, fearing the worst.

Iraq was the big mistake. There was no urgent need to go to war in Iraq. Saddam Hussein was a brutal dictator. But he did not pose the kind of immediate threat to our national security that could justify a unilateral, preventive war without the broad support of the international community.

It is clear that the Bush administration manipulated, misrepresented, and distorted the available intelligence in order to justify the war in Iraq. They put a spin on the intelligence and a spin on the truth. They said Saddam was acquiring nuclear weapons. He wasn't. They said he had close ties to al-Qaida. He didn't. Congress would never have voted to authorize the war if we had known the truth.

Our military had a brilliant plan to win the war. Our soldiers performed brilliantly during the 3-week initial military operation. But the President had no plan to win the peace. He said we would be treated as liberators, and in the first day or two after the statue of Saddam fell, we were. But then the massive looting began. Resentment by the Iraqi people began, and the liberation quickly turned into an occupation.

Iraq has become a quagmire. It may well go down as the worst blunder in the entire history of American foreign policy.

Iraq is George Bush's Vietnam. By going to war in Iraq, President Bush squandered the immense good will of the world community we had won in the wake of 9/11, and we are paying a high price in the lives of our troops and the respect of other nations.

By going to war in Iraq, President Bush has made the real war on terrorism harder to win. We left the war in Afghanistan unfinished. We should never have given al-Qaida precious time to recover and regroup and expand their reach. By doing so, we made future terrorist attacks on the United State more likely.

Before the war, Pentagon officials assured Congress that firm plans were in place to secure Iraq and rebuild it. The reality is that the administration had a plan on paper, but not a real plan—and precious little paper at that.

The administration's post-war planning was based on a quicksand of false assumptions. It has been hamstrung by blunder, after blunder, after blunder. The continuing arrogance of the administration has blinded it to the cold, hard facts about the immense challenge of post-war reconstruction in Iraq.

Based on our experience in Bosnia, in Kosovo, in East Timor, and in Afghanistan, we knew security could be a profound problem, with major challenges from a restless population. Yet we had no broad security plan, as the early looting quickly showed, and a dangerous security situation still exists today.

The administration assumed that we would be able to draw on thousands of Saddam's police force to protect security—but in the critical early weeks that followed the war, they were nowhere to be found, and too many of their officers turned out to be thugs and torturers.

The administration assumed that Iraqi exile leaders could return to Iraq to rally the population and lead the new government, but they were—and still are—strongly resented by the Iraqi people.

Today, with the transfer of sovereignty scheduled for the end of June, the administration still has no idea about who should run the country. They assumed that after a few hundred of Saddam's top advisers were removed from power, large numbers of local officials would remain to run the government—but the government crumbled. Today, it remains in shambles.

Wrongly, we continue to rely primarily on a military solution for politically inspired violence. Look at Fallujah. Let us hope we don't have to hear Secretary Rumsfeld say, "We had to destroy Fallujah in order to save it."

It is painfully clear that the President and those who advocated the war have lost all credibility on Iraq. They did not understand the situation going into the war. They do not understand the situation now. And they have no plan to extricate us from the quagmire they created. The result has been chaos for the Iraqi people, and continuing mortal danger for our troops.

We cannot cut and run. Our soldiers deserve a genuine strategy to deal with the continuing crisis.

All of us who have concerns about the administration's past policy welcome the reinvolvement of the United Nations in Iraq and the administration's openness to a new U.N. resolution. The question is whether the administration's efforts will provide any significant relief for our troops.

There is no sign of that yet. The Bush administration has poked its finger in the eye of almost every other nation in the world, and they have little incentive or interest in coming to our rescue.

Our military has been bearing a disproportionate share of the burden. We have 80 percent of the troops on the ground, and we have suffered 80 percent of the casualties. That burden is increasing, with Spain, Honduras, Nicaragua, and El Salvador pulling troops out of the country, and others threatening to do the same.

Very little will change after the transfer of sovereignty and under the administration's plan to work with the international community. It is not even a genuine transfer of sovereignty. We'll still be running the show in Iraq. A U.S. occupation by another name is still a U.S. occupation.

We need a real change in our foreign policy, not a cosmetic change. Only a new administration that has the trust and confidence of the rest of the world will be able to bring in the international community to provide international troops, provide international police, provide international financial resources, achieve a workable political solution, and, relieve the burden on our military and bring them home with dignity and honor.

Mr. President, our mission in Iraq is far from accomplished. Our men and women in uniform know it. The Iraqi people know it. And the American people know it too.

I withhold the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. I yield 15 minutes to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts.

MISSION NOT ACCOMPLISHED

Mr. BYRD. Mr. President, a year ago the President of the United States harkened back to his days as an aviator for the Texas Air National Guard to deliver a dramatic made-for-television speech. Eager to experience the thrill of a carrier landing, the President donned a flight suit, strapped into a jet, and rocketed off into the wild blue yonder for a 30-mile journey.

This flight of fancy concluded with the dramatic landing of that speeding plane onto the deck of an aircraft carrier, the USS *Abraham Lincoln*—so named for the stoic leader who guided our country through one of its most troubled times.

Such was the scene on May 1, 2003, under the warming rays of the California sun. The President delivered to the sailors on that ship a welcome and long overdue message: He commended the men and women on their outstanding service to our country during the trials of the war in Iraq, and welcomed them back to the United States of America.

While the President delivered those words of appreciation, every television viewer in the country—and, indeed, the world—could see in the background a banner with the words "Mission Accomplished"—"Mission Accomplished"—superimposed upon the Stars and Stripes.

In contrast to the simple humility of President Lincoln's Gettysburg Address, President Bush's speech was designed from the outset to be remembered right up until November 2, 2004.

The President announced unequivocally that "major combat operations in Iraq have ended," and that "in the battle of Iraq, the United States and our allies have prevailed." Now, 1 year later, combat deaths are more than five times that of a year ago when our President celebrated "mission accomplished."

Since that time, Iraq has become a veritable shooting gallery. This April has been the bloodiest month of the entire war, with more than 120 Americans killed. Young lives cut short in pointless conflict, and all the President can say is that it "has been a tough couple of weeks"—a tough couple of weeks, indeed.

Plans have obviously gone tragically awry. But the President has, so far, only managed to mutter that we must "stay the course." But what course is there to keep when our ship of state is being tossed like a dinghy in a storm of Middle East politics? If the course is to end in the liberation of Iraq and bring a definitive end to the war against Saddam Hussein, one must conclude, mission not accomplished, Mr. President.

The White House argues time and again that Iraq is the "central front" on the war on terrorism. But instead of keeping murderous al-Qaida terrorists on the run, the invasion of Iraq has stoked the fires of terrorism against the United States and our allies. Najaf is smoldering. Fallujah is burning. And there is no exit in sight. What has been accomplished, Mr. President?

Al-Qaida has morphed into a hydra-headed beast, no longer dependent on Osama bin Laden. The administration has flippantly claimed that it is better to tie down terrorists in Iraq than to battle them in our homeland. Mr. President, with hundreds of thousands of American troops in Iraq for the foreseeable future, and a worldwide campaign of terrorism gathering steam, who is tying down whom?

Indeed, our attack on Iraq has given Islamic militants a common cause and has fertilized the field for new recruits. The failures by the United States to secure the peace in Iraq has virtually guaranteed al-Qaida a fertile field of new recruits ready to sacrifice their lives to fight the American infidels. These extremists openly call for "jihad," swear allegiance to bin Laden, and refer to the September 11 murderers as the "magnificent 19." According to intelligence sources, hundreds of young Muslims are answering recruitment calls with a resounding "yes."

Amidst all this, the American people are asking themselves one central question: Have we been made more safe by the President's war in Iraq? Do we sleep more soundly in our beds now that Saddam Hussein has been captured? Or, instead, are we starting to fully comprehend and regret the fury which has been unleashed by the unprovoked attack on Iraq?

Deaths and casualties of Iraqi citizens are in the thousands—their blood is on our hands—but an actual number cannot be obtained. Is it any wonder that Iraqis see us, not as liberators, but as crusaders and conquerors? A growing number of Iraqis see us as we would see foreign troops on the streets of Chicago or New York or Washington, or any small town in America. Surely one can understand the hatred brewing in Iraq in the hearts of the men and women and children—the boys and girls—in Iraq when we see the agony—the agony—of an Iraqi family that has lost a loved one due to an errant bomb or bullet.

One year after President Bush proclaimed the conclusion of major combat operations in Iraq, is the world any safer from terrorism? Iraq has become a breeding ground for terrorists of all stripes. The Middle East seethes in deepening violence and the culture of revenge. Our war on terror appears to many as a war against Islam. A one-sided policy on the Arab-Israeli conflict drives both sides away from the peace table, and hundreds of millions more to hatred of our country. No, the world is not safer.

One year after the "mission accomplished" speech, is America safer? We have not secured our homeland from terrifying threats of destruction. This President has sown divisions in our longstanding alliances. He has squandered our treasure in Iraq and put us deep in debt. Our brave soldiers are pinned down in Iraq while our enemies see the invincible American armor as penetrable by the sword of urban guerrilla warfare. No, America is not safer.

One year ago, the President announced an end to major combat operations in Iraq. And yet our troops are having their deployments extended in Iraq while our lines are stretched thin everywhere else. Billions upon billions of taxpayer dollars are being poured into Iraq. Seven hundred and twenty-two American lives have been lost before today. And we hear that 8 to 10 additional lives have been lost today. Unknown thousands of Iraqis are dead. Claims of WMD and death-dealing drones are discredited. And bin Laden is still on the loose.

I stand behind no one in supporting our troops through the dangers they face every day. I grieve along with the families that have lost loved ones. The failures of post-war Iraq lay squarely on the Bush administration for recklessly sending this country—sending our men and women—to war, a war that should not have been fought, a war in the wrong place, at the wrong time, and for the wrong reasons.

Mission accomplished? The mission in Iraq, as laid out by President Bush and Vice President CHENEY, has failed. Even more disturbing, the disdain for international law, and the military bombast of this cocky, reckless administration have tarnished the beacon of hope and freedom which the United states of America once offered to the world.

How long will America continue to pay the price in blood and treasure of this President's war? How long must the best of our Nation's military men and women be taken from their homes to fight this unnecessary war in Iraq? How long must our National Guardsmen be taken from their communities to fight and to die in the hot sands of Iraq? How long must the mothers and the fathers see their sons and daughters die in a faraway land because of President Bush's doctrine of preemptive attack? How long must little children across our great land go to sleep at night crying for a daddy or a mother far away who may never come back home?

President Bush typified the Happy Warrior when he strutted across the deck of the USS *Abraham Lincoln* a year ago this coming Saturday. He was in his glory that day. But on this May 1, we will remember the widows and the orphans who have been made by his fateful decision to attack Iraq. We will be aware of the tears that have been shed for his glory. How long? How long? How long?

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I yield my remaining time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. LEVIN. Madam President, in the midst of the ongoing upsurge of the violence in Iraq, President Bush has offered two options for the United States. The first option is to stay the course; the second option is to cut and run. That is a false choice between staying the course and cutting and running. It is too typical of the black and white approach that this administration has repeatedly and unwisely taken.

For example, saying "you are either with us or against us" is a black and white choice—the stark choice the President laid down to allies. Well, it may make you feel good to say that, but it needlessly offends those who are certainly not hostile to the United States but may be unwilling to affirmatively endorse all of our actions.

In addition to the President's stark two options—staying the course or cutting and running—there is a third way, and that is to correct the course we are on. The administration has belatedly begun this process, but there is much to be done, and it is much harder and more difficult because of the administration's stubborn insistence that no mistakes were made and its refusal to learn the lessons that need to be learned from those mistakes.

For instance, after holding the United Nations at arm's length, the administration is now belatedly working with the U.N., asking them to help identify an entity to whom sovereignty could be restored by June 30—an entity which needs to have the confidence and credibility of the Iraqi people. I hope this will be the start of a true partnership at the U.N. in fostering Iraq's political and economic development.

The administration has decided to retain some troops in Iraq that were scheduled to leave, despite the fact that the administration disparaged General Shinseki when he foretold the need for more troops for the stability phase.

The administration decided to modify its policy on de-Baathification and reinstate about 11,000 teachers and hundreds of professors and is reportedly looking to reinstate others whose skills and support are needed for Iraq's development. I hope this revision is seen for what it is—acknowledgement that we went too far, acknowledgement that we made a mistake. I hope it will also include the removal of Ahmed Chalabi as the head of the de-Baathification program, as well. He is the wrong person for the job for a lot of reasons.

While not reversing the mistaken decision to disband the Iraqi Army, the administration's decision to bring back some military officers who were not high Baathists to help guide the new Iraqi Army and other security forces is a practical first step—very late. We only have a few thousand in the Iraqi Army who are now trained but long overdue.

One other mistake was perhaps the biggest mistake of all, in my judgment. Our uniformed military leadership was largely excluded from the planning for the potentially violent aftermath of the fall of Saddam Hussein's regime. The civilians in the Pentagon who were put in charge projected rose-colored scenarios in their planning for the aftermath: Our troops would be greeted with embraces and flowers. It would be a cakewalk.

Had our uniformed military leadership been more deeply involved in that planning, it would have been very different, as our military plans for worst case scenarios. The worst case scenario is what turned out to be the case. But uniformed military were all but left out of the planning for the post-Saddam period. General Tommy Franks, the now retired commander of Central Command who planned the other phases of the operation, confirmed that to me and to Senator WARNER a few weeks ago.

On the matter of planning, I realize the administration is committed to the June 30 date for the restoration of Iraqi sovereignty. But I hope that commitment will not prevent it from planning for other options in the event Mr. Brahimi is not successful in identifying a credible entity to whom sovereignty can be restored by that date.

If we have a chance of succeeding and bringing stability and democracy to Iraq, it will mean learning from our mistakes, not denying them and not ignoring them.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, are we now under the Republican time?

The PRESIDING OFFICER. The minority has 3 minutes remaining.

Mr. REID. Madam President, I yield that 3 minutes to the Senator from Minnesota, Mr. DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 3050

Mr. DAYTON. Madam President, I thank my friend from Nevada for this opportunity to speak on behalf of the amendment being offered by Senator DASCHLE to the bill before the Senate about the use of ethanol and other renewable fuels.

Here we are in the middle of this energy price crisis in our country, when in Minnesota the price of a gallon of regular unleaded gasoline is almost $2, and in other parts of the country it is as high as $2.50. Possibly it is going higher. I am being asked what are we doing about bringing the price of motor fuel down. I think the honest answer is nothing. There is not a whole lot we can do when we are dependent upon foreign supplies of oil, when we are sending $115 billion a year overseas to buy that product.

Senator DASCHLE's amendment—I give him great credit for every year championing the cause of renewable fuels, with the opportunity that is right before us in America today to shift from foreign oil consumption to using a cleaner burning, lower priced, American-grown, American-produced fuel, not as a substitute for MTBE—the additives to gasoline—but as a substitute for gasoline itself. I know that because I drive all over the State of Minnesota in a Ford Explorer, factory-produced, with a slight modification to the usual engine. It was modified in the factory. I drive on 85-percent ethanol and 15-percent gasoline. Today it is 20 cents a gallon cheaper than regular unleaded gasoline. I can get it in most places in Minnesota.

We can give the American people a choice to have a homegrown fuel with the money staying in America to benefit our rural economies. We can renew it every year. We know we can produce the amount that will be necessary, and today it will cost 20 to 15 cents a gallon less than regular unleaded gasoline and likely in the future $1 less than the rising cost of gasoline. If we are not going to take any steps to bring about that opportunity, people will think we are out of our minds.

I do not understand why the debate today on Senator DASCHLE's amendment about why do this, or why not do this and even more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. Madam President, I ask unanimous consent for 1 minute to finish my remarks.

Mr. REID. Madam President, I ask that the majority have an additional 1 minute in morning business also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Madam President, Senator DASCHLE has been heroic in my caucus and this body in his support for those who are not in corn-producing States who support ethanol and other renewable fuels, biofuels as products. But this is not just about South Dakota or Minnesota. Yes, it benefits my State. It benefits the farmers of my State. This benefits America. This is the best opportunity in my lifetime to shift our energy consumption from our traditional sources and their costs to something that is American, that is clean, and that is cheaper. I am amazed we are not racing to the stores for that product. We have it. Senator DASCHLE's amendment will take us in that direction. We should be doing even more than that, but this is an important first step. I urge my colleagues to support the amendment.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

IRAQ

Mr. THOMAS. Madam President, I had come to the Senate floor to talk about an issue that is very important to all of us, particularly Medicare recipients in this country. But first I have to express some disappointment, frankly, and some surprise about the discussion that has gone on here in the first 30 minutes criticizing the President on everything that is happening overseas, acting as if we are not in support of what is happening there.

I am very surprised and, frankly, disappointed. All they talk about is what the President has done. We voted here on this floor to do this job in the Middle East. That is what we are seeking to do, and that is what our great service people are doing for us over there.

The idea behind conducting Operation Iraqi Freedom was to free 25 million Iraqis from the Saddam Hussein regime. That is why we are there: to defend the will of the international community, to remove the threat of terrorism that happened here on September 11, and to change the dynamics in the Middle East. That is what we are seeking to do, and that is what we are trying to carry on, and it is an admirable effort.

Madam President, 211 Members of Congress have visited Iraq and witnessed firsthand some of the extraordinary efforts of the coalition forces and Iraqis. I have been to Iraq. I am impressed with what they are doing. For us to simply criticize everything that is happening there aimed at the election in 2004 is a great disappointment to me.

Despite the terrorist attacks and the tough events that have happened, public opinion has found 56 percent of Iraqis believe things are better than they were; 71 percent believe a year from now they will be better than they are now. Again, having been there, I agree with that assessment. I have been there traveling around with the military, with all the little kids waving and saying hello. I have seen the schools and hospitals that have been fixed up. Of course, there is a real problem with terrorism, there is no question about it.

The defeat of Saddam Hussein's regime is the second major victory in the war on terrorism. We need to continue. I hope we give the kind of support that is necessary.

MEDICARE PRESCRIPTION DRUGS

Mr. THOMAS. Madam President, we also have issues at home about which we ought to be talking. One of them is health care, of course. We have great health care in this country, the best in the world. We have some limited access, however, because of the costs, and we need to address that issue.

There are many reasons for the costs. One reason is liability and malpractice, which we do not seem to be able to deal with. Another reason, I suppose, is overutilization. There is a difference between health care and health. We have some responsibility to take care of ourselves as well. Modern equipment is the biggest cost increase. We all want the modern equipment. We have to find the system in which the costs can be reduced.

In any event, what we are talking about today is the opportunity to make it much better for Medicare folks through a Medicare drug discount card in which seniors will soon be able to enroll. All Medicare beneficiaries, except those who have medication paid for by Medicaid, will be eligible. While seniors may enroll in only one Medicare-approved discount card, they can keep the other discount cards if they have them, if they like. There are going to be 40 official discount cards available. It is surprising there has been that much involvement. It shows we are moving in the right direction and doing what needs to be done.

This is the first time in Medicare's history that seniors will have a discount for pharmaceutical drugs. Quite frankly, it is the first thing in about 30 years we have done to bring Medicare more into the modern world and give some options to seniors. I want to emphasize what is going to happen. In 2006, there are going to be options for seniors. They can stay with what they now have. It is also the first time that low-income seniors will receive additional assistance from the Federal Government for the cost of their medications. It is a great step forward for seniors to deal with the high cost of drugs.

This is more of a temporary program. When we put this together in the Finance Committee, of which I am a member, we knew changes were going to be difficult. We knew it would take some time to prepare for those changes, not only on the part of seniors but on the part of people who have a program. This program will be implemented and in place until 2006, when there will be a broad system put into place. We need to take advantage of this card system as quickly as possible so we get the benefits from it.

I commend the hard work of Secretary Tommy Thompson and CMS Administrator Mark McClellan. There has been an overwhelming response to this program. As I mentioned, 40 drug discount cards will be available from which seniors can choose. I believe there are an additional 33 that will be available on a regional basis. So there is a lot of interest for doing something in this area.

Drug card sponsors are required to provide information to beneficiaries, the annual enrollment fee cannot be more than $30 per year, and the people who are putting out the cards will have to show what their discount prices will be. The transparency will give an opportunity for people to choose what will work best for them.

We are trying to make this as simple as possible. Medicare's Web site will be the best opportunity for people to get an update on drug prices. The Web site is www.medicare.gov. The information will be there. In my home State of Wyoming, AARP is holding seminars to help people understand the benefits, what the options are, and how you can take advantage of them. It is very important for seniors in the next couple of weeks to take advantage of the informational efforts being put forth. The easiest one, of course, is for seniors to call 1–800–Medicare, and a live person in this country will answer and help them figure out the card that meets their needs the best.

CMS has already received a lot of calls. They received 112,000 calls on Monday, as a matter of fact—isn't that amazing?—and 94,000 on Tuesday from seniors seeking information. It is the right thing to do to call that 1–800–Medicare number.

The average wait is only a very short 22 seconds, I believe. This is a huge accomplishment for a Federal bureaucracy to be able to put this into place to deal with that many people in that short a time.

By mid-May, seniors should make a decision so they can receive a card, and the benefits are to begin on June 1. I think it is great to take advantage of this information. Our own offices in Wyoming will have the information as to where people can go to get the information and find out the choices that are available.

Contrary to what some people have said on the other side of the aisle, this discount card will provide for significant savings. There was a study that was done which shows there will be an approximate 17-, 18- to 25-percent reduction in the cost. The average beneficiary will probably spend $1,500. This is a significant amount of saving over where we are today.

It is expected that the overall savings to seniors would be probably about a billion dollars over the next year, and that is very useful.

The card provides immediate help to the most needy Medicare beneficiaries. Low-income seniors who do not currently have prescription drug coverage or do not qualify for Medicaid will be given additional help. Low-income beneficiaries will be helped by receiving $600 annually to help them buy the medicine right from the pharmaceutical companies.

To qualify for that additional assistance, they must have an income of 135 percent of the Federal poverty level. That is about $12,000 per individual or $16,000 for couples. If they qualify for Medicaid, of course, they get their assistance there and will not get it from the card.

Further, the Federal Government will pay the annual enrollment fees for low-income seniors. Major card companies have told HHS that they will continue to provide the drugs that are already given free or at a steeply discounted rate for those people who qualify for the $600 use. So low-income people will reap a great benefit from this.

In Wyoming, of course, we know that our AARP chapter and the Senior Health Insurance Information Program have been working hard. I think that is the case in all States. So I guess the point we are trying to make today is, here is a program that has the potential to be beneficial to all Medicare recipients. It is a choice program. If they have other cards that are not in this official brand, they may keep those. They do not need to get into it if they choose not to, but it is beneficial, and they need to know what is required to get the information and then have an opportunity to make choices among several things that can indeed happen.

So we want to urge everyone to take advantage of this potential new change and the opportunities available to reap some savings and to make pharmaceuticals even a stronger part of their health care program by making them less expensive through this program.

I yield to my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

FILING DEADLINE

Mr. ENZI. I ask unanimous consent that the filing deadline under cloture rules for second-degree amendments to the Daschle amendment occur at 11:30 a.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENZI. Madam President, I am a little disturbed at some of the words I heard on the Senate floor this morning. The minority is trying to take the President apart at the cost of our troops, and we cannot stand for that. We have people fighting in Iraq. Two weeks ago I was in Germany, and I met with some of the wounded troops. We thought we would have to pump them up, but they pumped us up. Their message to us was: How come everything sounds so bad back home when it is improving in Iraq? They said the people of Iraq appreciate what we are doing. We are making a difference. Let us do our job.

Then we hear this rhetoric which is just based on a Presidential election. It has nothing to do with the true feelings in Iraq or the protection of our troops. In much the same way, I hear people on that side of the aisle trying to scare seniors about Medicare.

Seniors are about to get the best advantage they have ever had since the founding of Medicare, and that is the new prescription drug program.

Next week, we will take the first step in the history of Medicare toward providing seniors with the help they need to pay for their prescription drugs. We made improvements to Medicare in a three-stage parcel so that it can be done right. What begins next week is that people begin to get information so they can select a prescription drug card where they will get 10- to 20-percent discounts on the drugs they are taking now. They can do it easily. They can go online and make a comparison, or they can call 1-800-MEDICARE and talk to live people, tell them what their drugs are, and get some help in gathering information. But they do not have to make the decision right now. That is just a telephone call to find out what the best possibility is right now.

So seniors can begin to run options through their minds and make the best selection for the drugs they take to get the biggest discount they possibly can.

This is an historic new benefit for seniors, and I am sorry there has been so much rhetoric surrounding the new law. There are some people who would prefer to have had an issue instead of a solution. But President Bush said we are going to have a prescription drug plan, and because he put the effort behind it, and because people here believed in it, we got a solution.

The solution comes in three parts: By June 1, seniors can get the drug card. That is the 2004 benefit. In 2005, for the first time seniors under Medicare will be able to get a physical, part of preventive medicine. We think that it is important that people find out what their medical problems are early and solve them. Preventive medicine is proven to be the most beneficial for the patient and absolutely the best from a pain standpoint, and it does prevent problems from happening, which is also a huge cost saver.

So get on the phone or get on the Internet. Seniors should call in, find out how the drug benefit works, and they will receive up to 10 to 20 percent off the prices they are paying now for their drugs. And if they happen to be a low-income senior who signs up for the card, they will receive an extra $600 in credit in 2004 and 2005 to help pay for their prescriptions.

A number of the pharmaceutical companies also have agreed to provide their brands of drugs free of charge to seniors who exhaust their $600 credit. That is going to cost the companies quite a bit of money.

Some people who say we didn't do anything, that there is a donut hole in the benefit. My response is, before we did the Medicare bill there was not even a donut. Now there is only a donut hole.

So in 2006, there will be more extensive and comprehensive coverage of prescription drugs, and a maximum out-of-pocket spending of $3,600 per person on drugs before catastrophic coverage kicks in.

There has been a tremendous benefit that has been delivered, but seniors have to participate if they are under Medicare. They have to do the research to find out what the best discount card for them would be.

There are two ways to do that. One is on the Internet at Medicare.gov. The other is by telephone at 1-800-MEDICARE. There will be live people on the phone to help seniors gather the information by June 1. Seniors do not have to sign up until June 1, but they should do the research and watch what happens to the price as competition kicks in. That is what this is, a number of companies vying for the business of seniors, all seniors, because all seniors will have help with their drug benefit—up to 10 to 20 percent, in some cases higher with the discount cards, but $600 if they are low income, and some other benefits beyond that.

I hope we can end some of the rhetoric that is coming from the other side of the aisle about what this does and does not do, and we can get on board and help seniors to take advantage of what has been done. We talked about doing a benefit for years, and it did not get done. The President got behind it, pushed it, said we will have it done, and it is done. The reality is now that seniors have access to new benefits under Medicare, they can sign up for that with a drug discount card beginning next week. They do not have to sign up until June 1 with no penalty if they wait until then.

So let us do what is right by seniors and put politics aside for a moment. There will be plenty of time later for debating and campaigning. The great majority of seniors will benefit from the new Medicare discount cards.

Let me recap again what this bill does.

Next month, seniors can begin signing up for a Medicare-endorsed drug discount card that will save them 10 to 20 percent, at least, off retail drug prices. Seniors with low incomes will also get up to $600 in credit to help them pay for their prescriptions.

Next year, Medicare will cover new preventive benefits, including a "Welcome to Medicare" physical exam for all Americans when they turn 65.

And in 2006, Medicare will offer voluntary, comprehensive drug coverage, with special benefits for seniors with low incomes and seniors with high drug bills.

The new drug benefit will be voluntary. It will offer the most help to those who need the help most. And it will provide much-needed security and peace of mind to seniors who worry about losing their life savings in the event of a devastating illness.

Despite all of these good things, there are still some who insist on "talking down" this new Medicare drug benefit. There are some who are trying to convince seniors and their families that this is somehow a raw deal, a sham, or worse.

I hear that, and I know that other Members who voted for the Medicare bill from both sides of the aisle hear these things. And then I review again what the bill actually does, and I wonder what the problem is.

I think I have finally figured out the problem.

The problem is that this new Medicare drug benefit does not fit the tired old storyline about Republicans and healthcare.

We Republicans know the story all too well. I am surprised someone has not turned it into a children's book yet, so that kids can hear it when they are very young. Or maybe someone has.

The tired old story changes over time, but the main points are always the same.

The tired old story is that Republicans do not care about healthcare; they do not care if healthcare is affordable or available to everyone; they do not care if people with low incomes can get care when they need it; they do not care about seniors and their drug bills.

And the problem for the storytellers is that the facts on the Medicare drug benefit do not support their story.

Nevertheless, the storytellers persist in peddling this tale. It is so bad right now that some of the storytellers are trying to undo this important legislation before it even gets off the ground. In fact, some are completely reversing their longstanding positions on this issue, in an attempt to remove parts of the new Medicare law that are nearly identical to sections of their bills from recent years.

I understand why some in the minority are upset with the new Medicare law. They are upset because Republicans campaigned 2 years ago on a promise to pass a meaningful drug benefit for seniors, and we delivered on that promise.

But the reality is that now seniors have access to new benefits under Medicare, and they can sign up for the first new benefit—the drug discount card—beginning next week.

So let's do right by seniors and put politics aside for a moment. There will be plenty of time later for debating and campaigning.

The great majority of seniors will benefit from the new Medicare drug discount cards. Our job should be to work together to help seniors make the best decisions about their own healthcare and their own finances. Let's give them the right information so they can decide whether to sign up, and which card to choose. Let's do this now, because seniors deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—S. 1072

Mr. BOND. Madam President, I thank my colleague from Wyoming for giving us some time. We are in another critical juncture in our efforts to pass a transportation bill, a highway bill, or SAFTEA. I propose a unanimous consent request. I ask unanimous consent the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken, and the text of S. 1072, as passed, be inserted in lieu thereof, the bill then be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 11 to 10.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, reserving the right to object, as my good friend, the distinguished Senator from Missouri, knows, the current extension expires tomorrow. In fact, the House of Representatives has already passed it. That measure is at the desk now. We need to do something today that will not require further action by the House because they will be gone.

I ask my colleague if he will agree that we need to act today on another extension of the highway bill, or if not today, tomorrow?

Would the Senator agree to modify his request and provide for the immediate consideration of H.R. 4219, which is the bill I referred to just a minute ago, a 2-month extension of the highway bill, and that the Senate proceed then to its passage, the bill be read, of course, three times, the motion to reconsider be laid on the table, and there be no intervening action or debate?

If we do this, it gives us time to continue our informal discussions about the larger bill.

I hope the Senate will agree to pass this today to ensure that there are no disruptions in highway projects. I ask my friend to modify his unanimous consent request.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. BOND. Madam President, I would be happy to accept that as an addendum to my request. The problem is, we need to appoint conferees to the House. I want to call attention to the fact that for 11 weeks we have been stalled. If we cannot appoint conferees, then I have a hold on the extension. So unless my good friend is willing to accept the unanimous consent request I propounded, I cannot accept his unanimous consent request.

Mr. REID. Further, Madam President——

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nevada.

Mr. REID. Madam President, how much time is remaining on everything?

The PRESIDING OFFICER. There are 10 minutes remaining to the majority.

Mr. REID. That is all for morning business.

The PRESIDING OFFICER. That is correct.

Mr. REID. Then we have a Burma discussion; is that right?

The PRESIDING OFFICER. After the 10 minutes there is another 15-minute period.

Mr. REID. Madam President, I ask unanimous consent I be allowed to speak on my position for 5 minutes and give equal time for the majority.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I reserve the right to object. I will not object, but I will point out to the Senator that we are prepared to move on to the Burma issue, and it is important. I know what the Senator wants to discuss: the importance of passing the highway bill and his objection and the usual degeneration that has taken place around here. We would like to talk about Burma and a woman who is a Nobel Peace Prize winner who is being kept under house arrest. But I will not object to the request of the Senator from Nevada.

Mr. REID. I apologize to the Senators here because the time has been allotted to him. I do appreciate the 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We really do need to pass this 2-month extension. I say to my friend from Missouri and all others here, Senator INHOFE and I have worked very hard to move this bill along. The 11 weeks the Senator talked about, of course, a lot of that time we have been out of session. I have spoken to Chairman YOUNG. He wants a bill. Senator INHOFE wants a bill. A bill has, in fact, passed both bodies by overwhelming majorities. To not allow this 2-month extension will cause a layoff of 5,000 people beginning Saturday. They will no longer be able to work. These are employees of the U.S. Department of Transportation.

Not agreeing to the extension will cause new highway and bridge projects to be shelved. It will stop reimbursement payments to States for projects that already are incurred. It will halt safety grants, stop transportation projects in cities and towns, interrupt enforcement of motor carrier safety regulations, and disrupt safety inspections at the Nation's borders. This is a temporary extension designed to provide time for the Congress to complete its work on a fully funded authorization. The extension is a means to an end, and the end is the passage of a highway bill, so we need to get to work on that.

Madam President, we have tried very hard to pass this bill. We got 76 votes to pass it and get it to the President. We need to keep working on it. The Nation expects nothing less.

As we discussed yesterday, the Republican leadership is going to meet later on to decide what they are going to do with this bill. I think that is appropriate. As I indicated, I wish that I and others were in on that discussion, but I am glad they are meeting.

Madam President, the Americans for Transportation Mobility, which includes hundreds of organizations—hundreds, including the U.S. Chamber of Commerce, Associated General Contractors, International Union of Operating Engineers—and, as I say hundreds of other organizations, including organizations from the State of Missouri—the Kirksville Area Chamber of Commerce, Lake of the Ozarks West Chamber of Commerce, Missouri Chamber of Commerce, Springfield Area Chamber of Commerce—in effect, they have written a letter to each Senator. Among other things they say:

> As business and labor, we will only support a final conference report at the Senate investment level for a six-year bill. To that end, we support agreement on funding levels for the legislation before entering into a formal conference committee. We urge that final legislation meet our minimum $318 billion objective.

So these hundreds of groups disagree with the Senator from Missouri, including people from his own State.

I know how strongly he feels about a highway bill. I have talked to him. He has discussed this publicly and privately. But I think in effect he is shooting himself in the foot by not agreeing to the 2-month extension. We have made progress in the few meetings that the two staffs have had.

So I say to my friend, we have cleared on our side—there are no objections on our side to having a 2-month extension. I think it is a heavy weight for my friend to carry, to bring down everything that is going on around the country tomorrow by objecting to this 2-month extension.

If that is the weight he wants to bear, that is what he has to bear. But I am very disappointed. As the Senator knows, we have had problems with conferences. That doesn't mean we can't complete important legislation as we have done on numerous occasions without a formal conference. In this instance, we may be able to do a conference, as I have spoken about with Senator INHOFE. We need to do a little more work this morning.

I ask unanimous consent, in closing, to have printed in the RECORD the letter from Americans for Transportation Mobility, together with its members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 23, 2004.

DEAR SENATOR: The House and Senate will soon begin meeting to reconcile differences on reauthorization of the federal highway and transit law (H.R. 3550/S. 1072). The undersigned organizations firmly believe there is no more important legislation this year to benefit all industries, all communities, all working people and the American economy.

As we have stated previously, the appropriate investment blueprint for this legislation is provided by the U.S. Department of Transportation's recent Conditions and Performance Report, which outlines that the federal investment share necessary to begin improving the nation's surface transportation network is $375 billion over the next six years. The bi-partisan leaders of the House Transportation and Infrastructure (T&I) Committee identified this goal earlier this year and we continue to support their efforts to reach this objective.

The Senate passed TEA–21 reauthorization proposal (S. 1072) would authorize a total of $318 billion for federal surface transportation programs, with $294 billion in guaranteed highway and transit investment over the next six years. The Senate investment levels represent the mid-point between the nation's surface transportation needs and the current inadequate federal highway and transit funding levels.

As business and labor, we will only support a final conference report at the Senate investment level for a six-year bill. To that end, we support agreement on funding levels for the legislation before entering into a formal conference committee. We urge that final legislation meet our minimum $318 billion objective.

A $318 billion investment level would create and support over 2 million American job opportunities and help address the growing deterioration of the nation's highway, bridge and transit infrastructure facilities. With the Department of Transportation stating that 47,500 U.S. jobs are created for every $1 billion of federal highway and transit investment, investment levels below $318 billion would miss a critical opportunity to create badly needed jobs.

The U.S. is facing a transportation infrastructure deficit that can no longer be ignored. Traffic crashes cost our society $230 billion per year and inadequate roadway conditions are a factor in one-third of these accidents. Traffic congestion robs $70 billion per year from the U.S. economy and denies Americans time with their families. A recent study has shown the number of traffic bottlenecks nationwide have grown from 167 to 233, while only one-quarter of households have access to adequate public transportation. This situation will only get worse if we do not enact a reauthorization bill of at least $318 billion.

The Senate-proposed investment levels are attainable without raising the federal gas tax or user fee, or increasing the federal deficit. It continues the important principle of paying for highways, bridges and transit through the Highway Trust Fund. As such, the $318 billion investment level complies with surface transportation program financing parameters identified by the Bush Administration.

We strongly urge the conferees and the bipartisan House/Senate Leadership to support a $318 billion investment level. Our business and labor organizations, and the American people, will accept nothing less. Thank you for your consideration.

Sincerely,
Americans for Transportation Mobility.
Transportation Construction Coalition.

Mr. REID. I extend my appreciation to everyone on the other side of the aisle for extending me the extra 5 minutes.

Mr. BOND. Madam President, I want to reclaim my time. First, let me say I know all the pressures. I know the people my good friend from Nevada mentioned. They want a highway bill at $318 billion that we passed. I want one. I have long quotations. I have all kinds of people behind me. The chairman of the committee, Senator INHOFE wants it. I know that Senator REID wants it and Senator JEFFORDS wants it. But do you know something, we can't do anything because we are opposed, we are blocked by the minority from going to conference.

A lot of people in America don't understand. They have heard about filibusters. They know we filibuster judges around here. They know we filibuster bills. But this is the first time I know of where a bill that has passed this body with 76 votes has been stopped from going to conference by the opposition of the minority.

Mr. MCCONNELL. Will the Senator yield?

Mr. BOND. I am happy to yield to the assistant leader.

Mr. MCCONNELL. I say to my friend from Missouri, it is not actually the first time this has happened. It has become, actually, repetitious. They prevented us from going to conference on the CARE Act, the Bankruptcy Act, the Workforce Investment Act, the Patients Safety Act, not to mention the Transportation bill. So there is a pattern, I would say to my friend from Missouri, which is that the minority is saying to the majority of the Senate and to the majority in the House: You make the bill exactly the way we want it or we won't let the legislative process go forward. Complete stalemate.

Mr. BOND. Madam President, I thank my colleague and neighbor for the clarification. I have never seen, in my history, a bill passing the Senate with this much support, that is so important to our Nation, being held up. It is 11 weeks since we passed a highway bill, the $318 billion Surface Transportation Equity Act. To get it to conference, we have to have the approval of the minority.

I am taking this step. I am taking this radical step because the people of America need to know. When I go home, they say: How come we don't have a highway bill? They don't understand that we are being blocked from going to conference. We can't work out the differences between the House and Senate unless we can go to conference. If there has ever been a bipartisan bill, I believe this bill is it.

Chairman INHOFE with Senator JEFFORDS, Senator REID and I have worked, I think collegially and effectively, in bringing a good bill to the floor of the Senate. I appreciate the work that my colleagues did.

It is obvious when the bill passes with 76 votes that it was a good bipartisan bill. We can't tell what is going to come out of conference. I am going to go into conference saying we need a $318 billion bill. But if we can't go to conference, we can't even take that step.

We have been delayed and delayed from going to conference. That is what, unfortunately, we have to explain to our constituents around the country—that the transportation system lifeline to our country and our economy is being held up. We cannot take the next step and make the major investment in the future of this system to promote increased employment, decrease congestion, enhance security, to lay the sinews of economic development for the future and, most of all, provide safety on our highways.

There are 43,000 Americans killed on the highways each year; in Missouri, more than three a day, and at least one and probably more of those are killed because of inadequate highways. What can we do about it? We can do something in the Senate. But we don't get the job done. We have to sit down and work with our colleagues in the House and come up with a compromise proposal that I hope looks like our bill in the Senate.

I am going to fight as hard as I can when we can get to conference. But until we can get to conference, we don't know and there is no hope of us getting a new bill. That is why I have placed a hold on the extension of the highway bill. Yes, this is a drastic measure. How long are we going to kick the ball down the road? I objected to holding up the first extension, but we have had extension after extension after extension. When are we going to get a bill? It is very simple. We can have this bill. We can have the extension if the minority will agree to let us appoint conferees so this can go to conference.

I assure you that we will continue to work, Senator INHOFE, our ranking members, Senators JEFFORDS and REID, as we did before to get a bill that looks as much like the Senate bill as we possibly can, but until we do that, I am going to continue to object to the extension. I regret we have to take this drastic action, but the people of America and the people concerned about highways need to know what is causing this problem.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, first of all, to show how unrelated the statements are to reality, we couldn't have gone to conference 11 weeks ago. The House didn't pass the bill until the first part of April. The bill has been passed for 3 weeks. So there is no 11 weeks. That is certainly not a valid statement.

I repeat: We need to pass this 2-month extension in an effort to get this bill moving. If we don't pass a 2-month extension, 5,000 people are going to be laid off starting Saturday. This is no joke. This is not hyperbole. This is a fact. People will be laid off and construction projects around the country will come to standstill.

We can talk about the fact that in previous months we have enacted into law many pieces of legislation. We have entered into law 60 pieces of legislation without a conference. We have preconferenced them. We can do that on the highway bill.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER OF PROCEDURE

Mr. McCONNELL. Madam President, am I correct that under the consent agreement, we have 15 minutes for the discussion of the Burma matter?

The PRESIDING OFFICER. There are 8½ minutes for debate remaining in morning business followed by 15 minutes for the Senator from Kentucky.

Mr. McCONNELL. Would it be permissible under the consent agreement for Senator McCAIN and I to proceed on the 15 minutes on the Burma issue?

The PRESIDING OFFICER. The Senator may use that time under morning business.

(The remarks of Mr. McCONNELL, Mr. McCAIN, and Mrs. FEINSTEIN are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that we have about 6 minutes on our side.

The PRESIDING OFFICER. About 5 minutes.

Mr. DOMENICI. I am going to use those 5 minutes, and then we will be on the Domenici amendment. Then, I will speak a few more minutes, as I have time. I will start by using some time right now.

ENERGY

Mr. DOMENICI. Mr. President, I must tell my colleagues that, as chairman of the Energy Committee, I am having a good week for a change. On Monday, Senator CANTWELL came to the floor and sought unanimous consent to bring up one piece of the Energy bill. On Tuesday, the minority leader came to the floor and offered a portion of the Energy bill as an amendment to the Internet tax bill.

We seem to be on a roll. Members know this country has a serious energy problem. They are feeling the political pressure to do something about it. That is good news for this chairman, who has waited so long and worked so hard seeking to develop some sort of political consensus on a broad energy bill.

Fellow Senators, I have never in my 31 years worked on legislation that is so hard to piece together, because every time you have a comprehensive bill, you show it to somebody and they read it in its entirety, they find one piece out of hundreds they cannot support. If I had the wisdom and the time to go to every Senator and let them read it and say what can I take out that would make you happy and have you go for this bill, I assume that when I was finished, this 900-page authorizing bill would probably end up being just a few sheets of paper.

The truth is that America is crying for a comprehensive energy bill. America is not worried about one Senator's particular concern about one particular aspect. They are worried about the fact we will soon be importing natural gas. We have been using our own natural gas, and now predictions are that we are going to be using foreign natural gas in large quantities very soon.

The consensus that I indicated to you is very hard to achieve. In the last Congress, the House and Senate both passed bills but were unable to resolve their differences in conference. I am not speaking of a few months ago; I mean the last legislative session, the last Congress.

Last year the Senate considered energy legislation for somewhere on the order of 3 months before we were able to pass a bill off the floor. This time we got a conference agreement.

I have been criticized for that conference. Some say we didn't have enough meetings. Some say the meetings were not open to the public. Others say they were not open to the Democratic staff.

Let me tell you, this is good rhetoric, but the truth is we conducted one of the most open conferences that I have been in in almost 32 years in the Senate. We made agreements public as they were reached and at the end, before we circulated the agreement for signature, we held an open meeting and reconsidered all the amendments. When amendments could be agreed to by both bodies, we made changes. That is very different than the way most conferences are conducted. I have asked Senators on both sides of the aisle if they have been involved in bills where they were the minority and they didn't even participate in the conference, and many have said that is almost the course of things as we live in this Senate. Yet we did our best to use the Internet as a new tool. We submitted this to all the press through the Internet. They knew more about this bill if they wanted to report it than anybody has ever known. While doing that, we obviously submitted it to the minority and the minority staff.

I responded to that criticism by dramatically reducing this bill. It is a slimmed-down energy bill. It dramatically reduces the cost for the nontax portions. We have reduced the cost from $5.4 billion to a minus $1.3 billion.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 150, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Pending:

McCain amendment No. 3048, in the nature of a substitute.

Daschle amendment No. 3050 (to the language of the bill proposed to be stricken by amendment No. 3048), to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

Domenici amendment No. 3051 (to amendment No. 3050), to enhance energy conservation and research and development and to provide for security and diversity in the energy supply for the American people.

The PRESIDING OFFICER. Under the previous order, there will be up to 1 hour of debate only equally divided between the two leaders or their designees.

Mr. DOMENICI. Mr. President, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. I hope I don't use all that time. Will the Chair advise me when I have used 10 minutes?

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 3051

Mr. DOMENICI. Mr. President, we cut the cost by $6.7 billion. The amendment before us is not subject to a point of order and it can proceed without any concern in that regard.

We have been criticized heretofore because we had an MTBE safe harbor provision. That provided faulty product liability protection for the manufacturers of MTBE. When the conference report was on the Senate floor, I spent a great deal of time defending that position which was insisted upon by the House. I thought that provision was necessary, but because we could not get that provision accepted by the Senate, it is not in this legislation.

I feel very chagrined today to note, while it has not been to my ear where I have heard it, I understand the oil companies and their major lobbying groups are opposing this bill because of MTBE not being in it. I think that is a shortsighted approach. How are they going to get MTBE if we don't get a bill? If we don't get a bill, we stay right where we are, except we don't have an energy bill for America. What we have is no change in the MTBE law, but we do not have an energy bill.

I urge those who are taking that position to assume the reality of things. If they think we are going to change the original bill and get two more votes—remember, in a cloture situation on the original bill, we got 58 votes. I remind those who think we can go back and fix it that it is also subject to seven points of order. Sooner or later, it would have been defeated by a point of order.

For those who are sitting around thinking that we can get that, they just absolutely are talking irrelevant, they are talking things that cannot happen. Now let's talk about the bill.

I hope my friend LARRY CRAIG comes to the Senate floor before we are finished because I could not have a better helper than he. He understands this bill. I want to suggest to all that this bill, in its slimmed-down manner, when coupled with the tax provisions that are in the tax bill that will come up in the Senate next week, will put before the American people one of the best energy bills we have ever done. The American people are watching as gasoline prices soar, and they are going to be looking today as Senators vote yes or no on keeping this bill alive.

I know it is tough to get 60 votes. I know that Senators have their particular reasons—one little piece of this bill—for voting no. I know there are some Senators even on my side who are being told: Wait around until we get MTBE. We are not going to get MTBE in the Senate. It is an absolute wish that cannot be accomplished. For those who are worried about it, they ought to let us get a bill and then see what happens.

Let me move to a few other issues. Senator BINGAMAN came to the Senate floor yesterday with a list of concerns. He does not support the hydroelectric relicensing provision, the Indian energy provisions, or the electricity title. I understand his perspective, but I contend that his views on these issues are the ones that are outside the consensus. We need consensus. We do not need what one Senator thinks we need; we need consensus. This bill has consensus.

Take the hydroelectric relicensing which is so important to Senators of both parties from the Northwest. We are not trying to build new dams or change the standards. All we are trying to do is streamline the process. Senator CRAIG has been active in that issue, and many Senators voted for it, even though they are not from that area.

Let's take the electricity provision about which many experts have said the future of America lies in the electric grid of America growing and becoming stronger and becoming better, and of all the things we can do, this is the most important.

When I became chairman, I assumed that issue would be an obstacle to reaching consensus in light of the great controversy over the Federal Energy Regulatory Commission's recent rulings. We worked for months to get an agreement, and the final product is, to my amazement, supported by almost all the players in the industry across this land. It is by far the greatest achievement of this bill that we could reach such an agreement in the months since we completed that conference. The agreement has held, and it is here. There are parts of this bill that some criticize, just as there are parts of this comprehensive legislation that, taken alone, I would criticize; however, on balance, this package is a middle ground in this Congress.

We know this bill is before us in an extraordinary way. We know that if after this vote the McCain vote succeeds, we are wiped out, we are removed from the calendar. We understand that. I guess the probability is that we cannot get cloture, but we are not giving up because we understand there is some kind of bipartisan support for getting cloture.

This bill also has that most attractive part for many Senators, the ethanol provisions, which 31 Republicans voted for when it was introduced. Senators can look at that and see if they voted for it or not, and if they did, they should vote for the Domenici bill. I hate to call it "mine" because it is the result of so many Senators working on both sides of the aisle. I think I would call it the "consensus bill," but maybe people would not like that because they do not think it is consensus for them.

This bill provides great quantities of natural gas from American sources over the next 5 to 10 years—from Alaska and from underground off our shores without in any way violating the moratorium. It produces a modernization which addresses the drilling activities in our country so we can get more oil and gas without harming the environment.

It solves the electric problem. In addition to the grid I talked about, believe it or not, this bill provides that when there is gridlock, when you cannot proceed any further because you run into State lines or you run into somebody else's right-of-way, believe it or not, we got a consensus, including Republicans, that after negotiations that occur in the States or between the companies that are at loggerheads, we have a provision that eminent domain can apply. Nobody thought we would get that. That is an extraordinary position to get and bring before the Senate.

I know it does not sound sexy, as some political issues, but it is good. This bill is filled with very good things. I hope those who are looking at this bill with a microscope, and want to make sure every single provision meets with their satisfaction, understand that the American people are not looking at this bill with a microscope. They are looking at this bill to see if the Senate wants to pass an energy bill. This will be a signal of whether we want to put something together that will help America in this energy crisis.

If we do not want to, then we can send a signal that we do not like this provision and we do not like that provision, but at some point in time the American people are not going to look at that. They are going to see where were the Democrats, where were the Republicans, where were the leaders in trying to get a bill that will help solve America's energy problem.

I see the minority leader in the Chamber, and I understand his great concern on the ethanol front. I suggest that he has been very helpful in the past in trying to get a comprehensive bill which would include ethanol, and I understand that, but I submit there are an awful lot of people who are very shortsighted.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. DOMENICI. I will use 1 more minute and yield the time.

I understand the minority leader is in a predicament because of this being a bill that the consensus was worked out not by his side, although there were some, but predominately by this Senator on this side. I believe the American people are going to say on every major aspect of America's growing dependence, the price of gasoline, the price of natural gas, wiping out of the fertilizer industry in America which affects our agriculture, and on and on, they understand we need an energy bill.

We need this bill. This is as good as we will ever get. Having spoken as well as I can for as long as is prudent in the Senate where one can speak too long—the House does it in 2 or 3 minutes; if they would have forced me I guess I could have done that—but as I started out saying, as the chairman of this committee, it has been a good week and a few good things have happened. There has been some evidence that people want to get this bill done.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I did not have the opportunity to hear all of what the distinguished chairman of the committee has said, but what I did hear him say I find myself in agreement with.

Let me first talk procedurally for a moment and then I want to talk substantively. I hope, procedurally, we can reach an agreement to attempt to get to the votes earlier rather than later. I think it would be great if we could have the three cloture votes beginning at noon to accommodate our policy conference meeting. If that could be done, I think it would also accommodate a number of Senators' schedules.

With regard to the larger procedural question, this is not our first choice. This is not the way we ought to approach comprehensive energy legislation or targeted energy legislation, as my amendment did with ethanol. I have made no secret of my frustration and disappointment with regard to the conference process and the way in which Democrats again were locked out of the opportunity to express themselves.

I warned our House colleagues and our leadership on the other side with regard to putting MTBE legislation into the conference report. All those warnings, all those admonitions, all those concerns about being locked out have been expressed on a number of occasions.

As I said the other day, I am also very deeply concerned about the reported decision to delay any real debate about energy legislation until the fall. I think it was reported in the Energy Daily on Tuesday.

So for all of those procedural concerns, we had no choice but to act as we did the other day and to provide at least an opportunity for Senators to be heard and for us to vote once again on legislation that on a bipartisan basis this Senate has supported over and over.

The first vote we will cast this morning will be on the renewable fuels standard. I hope our colleagues will support cloture on it. Two-thirds of the Senate has voted for it in the past. All we need, of course, is 60 votes so I cannot imagine that anybody would flip their vote, having supported it on several occasions, and vote against it as we contemplate its consideration today.

It is the exact same legislation that we have offered. It eliminates the reformulated gasoline programs oxygen standard, replaces it with the renewable fuel standard, and sets a 10-year schedule for assured growth in alternative energy. It contains the same waiver authority agreed to in the energy conference report and it strikes all liability protection for MTBE and ethanol and bans MTBE within 4 years.

So this is an amendment that merits the bipartisan support that it has received before, and I hope our colleagues could support the amendment.

I hope my colleagues will support cloture on the comprehensive Energy bill. Senator DOMENICI did what he said he was going to do. He took out MTBE liability immunity. He has also taken out the provisions having to do with many of the tax incentives created originally in the Energy bill. This is a much different bill. So those who voted against it before I think ought to look very carefully at voting in favor of it this time.

One of the reasons on this side of the aisle that we have always opposed cloture is to protect Members' rights to offer amendments. In this case, there is no concern for the protection of a Senator's rights because they will be protected. We are only bringing cloture on the amendment. The bill is open as wide as it is now to any amendment that Senators wish to offer on energy or on anything else. So we are not in any way excluding or minimizing Senators' opportunities to be heard and to offer other legislation.

I might say the third cloture vote is the critical one. That is the cloture motion that I hope will be defeated, because I believe we have not had a good enough debate on the Internet tax bill. We have not had an opportunity to offer our amendments. We have not really had the kind of debate that an issue of this import requires.

There are very divergent views in the Senate on a bipartisan basis, and I think as we consider those divergent views it is critical for us to ensure the debate and the opportunity to reach consensus prior to the time we invoke cloture or bring this bill to a premature conclusion and have the vote that I think can be taken at some point as that debate produces the consensus for which we are looking.

So if we are going to accommodate the schedule that I have just suggested, I will not dominate the floor. Let me again reiterate that I hope my colleagues will support the cloture vote on ethanol. I hope they will support the cloture vote on energy. I hope they will oppose the cloture vote on the Internet tax bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. My guess is that most Senators understand the process and the procedure we are under, but there is a large body of interest that does not understand what we are doing at all. It is called the American consumer.

I can put it this way: The minority is trying to wrestle control of the floor away from the majority and set their own agenda. That is one way of looking at it. The other way of looking at it is to create an environment of false hope for that consumer who went to the gas pump today and paid more for gas than he or she has ever paid in their life.

I question the integrity of Senators who will argue and opine the problems of energy but set in motion a procedural event that denies us the opportunity to produce for the American consumer a national energy policy.

So go home to your voters and tell them it is no longer big oil's fault, that it is no longer the nuclear industry's fault, it is the politicians' fault because consistently over the last 5 years Democrats and Republicans alike have denied the American consumer a legitimate, comprehensive policy for national energy. So we are now held hostage for some 60 percent of our consumption by a foreign interest. Or we are held hostage by an environmental lawsuit that denies access. Or we are held hostage by the bickering of States who cannot agree that a transmission line ought to cross their territory.

Those are the realities of where we are today. We are going to tell the American farmers they are going to pay 30 percent more this year than they thought for input costs to produce their grains. But who is going to pay for it? The farmer can't. He is hardly breaking even. But the politician in the Senate has created the environment for that 30-percent increase in production costs. It is not the chairman of the Energy Committee, not this Senator who for 5 years has worked to build a comprehensive energy policy, but those who have decided they must have a small piece their way, and their way denies the American consumer the reality of energy.

So the average household—if you are wealthy, my goodness, $300 or $400 more in costs; 5 percent of your income this year will go to energy. But if you are making $29,000 a year, 20 percent of your income will go to energy. If you are making $10,000 a year as an American, 40 percent of your income will go to energy.

So let's not stand here and debate the small stuff. Let's say to the American consumer what is an honest statement, that the Senate has not been able to settle on the establishment of a national energy policy that would, had it been implemented, begin to hold down costs and bring production up and bring conservation up and improve the environment and do the very thing that quality energy has always done to the American economy and for the American worker: allowed them to be the most productive, most competitive of any economy and any workforce in the world.

But today that is less the case. Today, the petrochemical industry shuts down and goes offshore because they can't afford to produce in this country. Today, in lieu of natural gas we are going to establish ports and liquefy somebody else's gas and bring it here on a ship. Shame on us for that silly attitude that the American politician has developed.

Does he or she think the American consumer is going to roll over? I don't think so. I think that consumer grows angrier by the day; when they go to the gas pump, weekly, and all of a sudden it is not $1.50 for regular, it is $1.65, $1.75, $1.80. Last week it hit an all-time high. This week it will hit another all-time high. If you are out in California, you pay $2.50. If you are in Idaho, you are paying $2.00 for regular gas.

Now let's talk about the House. Let's talk about our inability to get out to western gasfields. Let's talk about the unwillingness to bring down gas out of Alaska. What have we done? Through the Clean Air Act we said the only way you can meet air shed standards is to generate electricity by the use of natural gas. We saw those turbines begin to go in place over the last good number of years when it was $2.30 a million cubic feet. Now it is $5, now it is $6, and those turbines are shut down.

Shame on us, and I do mean Senators. I do mean this procedure. I do mean this false process.

Is there cynicism afoot? You know, there ought to be. The American consumer ought to grow progressively cynical—become the cynic, I should say, of the process that denies them reasonable high-quality energy.

To the American producer, to the American farmer, to my farmers in Idaho—I know they are calling me. I hear them. They are frustrated and they are angry. They have a right to be. We will play this political game. I must tell you, shame on us because we cannot get it right and the vote today on the Daschle amendment will not get it right.

Tragically enough, the vote today on the alternative that I and others have worked on collectively in a bipartisan way will not be allowed to get it right.

If we fail, and if we go into the fall and gas prices keep ticking up and somebody over in the Middle East says, Got them where we want them, let's crank, I must say the American consumer has a right to grow angry and a right to be frustrated because their political process—and those of us who have been invested with the responsibility of making it work—have denied them reasonable, high-quality energy of the kind they ought to expect. Now they better start demanding it.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I hope we can get cloture in a few minutes.

The PRESIDING OFFICER. The Senator will yield.

Mr. DASCHLE. Mr. President, who controls time?

The PRESIDING OFFICER. The leader controls the time.

Mr. DASCHLE. That was my understanding. How much time remains?

The PRESIDING OFFICER. There is 24 minutes 30 seconds on your side, 11 minutes on the other side.

Mr. DASCHLE. How much time will the Senator from Oregon require?

Mr. WYDEN. Five minutes will be plenty, if that is acceptable to the leader.

Mr. DASCHLE. I hope we can yield back as much time as possible to accommodate the votes as quickly as possible, but I am happy to yield to the Senator from Oregon 5 minutes and the Senator from Delaware 5 minutes.

Mr. WYDEN. Mr. President, I will be very brief. We have had 3 full days of debate on the Internet tax question. I am hopeful we will be able to get cloture on the McCain substitute.

If the Alexander proposal, the alternative, is accepted, all across this country folks who now get a message that says "You've got mail," will get a message that says "You have special taxes."

What Senator ALLEN and I have done over the last 3 days on the floor of the Senate is outline, under the Alexander proposal, the scores and scores of local jurisdictions that would be able to impose these special taxes on electronic commerce.

Over the last 7 years, we have heard these State and local projections by governmental bodies about how revenue would be lost. In each instance, colleagues, they have not come to pass. In 1997, for example, the National Governors Association said that our Internet tax freedom bill would cause the virtual collapse of the State and local revenue system. That next year revenue went up $7 billion.

All we are trying to do in the McCain compromise, and it is, in fact, a compromise—Senator ALLEN and I have sought a permanent ban on multiple and discriminatory taxes on electronic commerce. We are compromising now so that it is a 4-year proposal. We have made it clear to the other side regarding telephone calls made over the Internet, the way in which those are handled and taxed would not be changed. So this is a compromise proposal.

We have had 3 days of debate. It doesn't involve sales taxes or property taxes or utility taxes or any other kinds of taxes. This is a question of whether there ought to be double taxation on something folks have already paid for, and that is Internet access. I hope we will be able to invoke cloture on the McCain substitute and be able to go on with the amendment process. We have had 3 full days of debate. I compared it to prolonged root canal work because I know this is not inherently the most fascinating subject. I hope today we can invoke cloture on the McCain substitute and get about the task of amending and passing the bill, and I yield the floor.

Mr. DASCHLE. Before I yield additional time, I know Senator CARPER wanted 5 minutes, and I will yield to our distinguished manager, the Senator from North Dakota, 5 minutes. But I want to be sure people understand there will be three votes, regardless of the outcome of these votes. There will be a vote on the Daschle amendment; there will be a vote on cloture on the energy amendment offered by the Senator from New Mexico; and there will be a vote on McCain, a cloture vote on the McCain substitute, the amendment pending. There will be three cloture votes.

I know there was some question as to whether there would be a vote, given how the amendments may be resolved. The votes will be cast regardless.

I yield the floor to accommodate the requests made by my colleagues.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. CARPER. Mr. President, the question here today is not whether we want to tax people's access to the Internet. We don't. None of us want to do that. That is not the issue.

The question is, are we going to say to State and local governments that have collected a portion of their taxes for years from telecommunications, from telephone services, are we going to take away their ability to do that? We are going to reduce their ability to do that? We are going to reduce their revenue base but at the same time, whatever shortfall they realize, we are not going to make up for it?

Ever since the time of Alexander Graham Bell, State and local governments have been collecting taxes on traditional telephone services. What is at issue here is whether we are going to empty the State and local treasuries to the tune of as much as $20 billion in the years ahead, at a time when they are facing the greatest fiscal crisis they have faced since World War II.

Are we going to empty the treasury of California by another $836 million? It is already empty. Do we want to empty the treasury of the State of Connecticut by some $170 million, or $265 million out of Kentucky's treasury, or $110 million out of Louisiana's Treasury, or $225 million out of Massachusetts' treasury, or $360 million out of Michigan's treasury, or $285 million out of Minnesota's treasury, or $600 million out of New Jersey's treasury, or $370 million out of North Carolina's treasury, or $358 million out of Tennessee's treasury, or $200 million out of Wisconsin's treasury? The list goes on.

I have said on the Senate floor before and I will say it again: If we want to do something good for the telecommunications industry—I do, and I am supportive of a number of other initiatives for the industry—if we are supportive of tax credits or allowing companies to expense their investments, we should pay for it as Federal legislators. It is wrong for us to say we are going to give a break to the telecommunications industry, or any other industry, and say not only are we not going to pay for it, but we will tell the State and local governments they have to pay for it. In my view, that is wrong. That is not treating other people the way we want to be treated, and it is something we shouldn't countenance today.

We are going to vote on cloture in a short while with respect to the McCain amendment. Let me say this: There is a reasonable compromise between where Senator ALEXANDER and I stand and where Senator MCCAIN stands. There is a reasonable compromise. We will get to that compromise with a "no" vote on cloture. I am convinced that we will get it.

I stood here last week and urged people to vote no on the cloture on the Frist bill on asbestos. I said if we do it, we will create a dynamic where real compromise and consensus can be built around asbestos—a very difficult issue. We voted no on cloture, and as we gather here right now, over in SH–216 in Hart there are serious meetings going on to get us to a real settlement on asbestos.

We need real negotiation. A "no" vote on cloture on McCain does not end prospects for consensus, but it actually creates it. I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me make a brief comment in response to the comments of my colleague from Idaho.

He is quite correct. We have an urgent situation with respect to energy. We have two subjects at this point. One is the underlying bill, the Internet tax bill, and the other represents amendments offered by my colleague, Senator DASCHLE, and an amendment offered by Senator DOMENICI. I intend to support cloture with respect to both of these initiatives.

I want to respond to my colleague from Idaho who says, Shame on us, this is false procedure, it is politics, and someone is trying to take over the floor of the Senate, and so on.

If we believe that we have an urgent need to pass an energy bill—incidentally, I was one of those who supported an energy bill when it came to the Senate floor, and it lost by two votes—if there is a time and place to do that, we are going to have a cloture vote. I suggest with respect to his suggestion about anger, hold your anger for a couple of hours until we see how we vote on cloture. If we want to debate energy, let us do that. I am in favor of debating energy. I am also in favor of concluding the bill dealing with Internet taxation.

Also, my colleague, Senator CARPER, said that he is not in support of taxing access to the Internet. I am not, either. I have previously supported a moratorium on taxation. I hope before this process is over, I will be able to support this. But we are dealing with two different subjects.

My colleague from Idaho just described the subject of energy. My point on energy is very simple: There is a way to deal with energy sooner rather than later. The way to do that is vote for cloture in the next half hour or so, which I intend to do.

I yield the floor.

Mr. MCCAIN. Mr. President, I intend to yield 3 minutes to the Senator from Tennessee and then yield the remainder of my time. I understand the Senator from North Dakota is going to yield the remainder of his time also; is that correct?

Mr. DORGAN. Yes.

Mr. MCCAIN. Mr. President, I yield myself 20 seconds before then.

I commend to my colleagues this morning the Washington Post editorial entitled "Energy Follies." I quote:

> It would make far more sense for Senators who are interested in some aspect of this legislation—whether ethanol or electricity regulation or renewable fuels—to design bills around those issues and vote on them separately, judging each by its own merits. But that would be too rational for this Senate, which almost seems to prefer doing things sideways.

I ask unanimous consent that the editorial be printed in the RECORD, and I yield 3 minutes to the Senator from Tennessee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 29, 2004]

ENERGY FOLLIES

The Senate's machinations over the energy bill this week seem to prove the existence of a link between overly complex parliamentary procedures and bad law. The original energy bill, as readers will remember, failed to pass last November, and for good reason. Its size, price and expensive perks for industry became too much even for a majority of senators. Since then, Sen. Pete V. Domenici (R–N.M.) and the Senate leadership have been looking for another way to pass it, or at least most of it. They've now found a place: The bill, which in its "slimmed-down" version numbers more than 900 pages, has been attached as an amendment to a bill on Internet tax law.

True, the idea of using an Internet tax bill to pass a law on energy was not original to Mr. Domenici. He proposed his "amendment" only after the Senator minority leader, Thomas A. Daschle (D–S.D.), proposed another "amendment"—one promoting the use of ethanol, a piece of pork much beloved by members of Congress representing corn-producing states.

After Mr. Daschle's proposal, Republicans first condemned the Democratic leader for attaching a "non-germane" proposal to the Internet bill—and then decided not to beat him but to join him. There are various other layers of complication, but the probable result will be a messy series of votes today, after which both amendments will fail. If that doesn't happen, and if Mr. Domenici's amendment gets a full vote, the Senate could find itself grappling with a large, complicated piece of law stuck to another piece of law, which would then become tangled further in conference with the House. We can only hope the Senate will be wise enough to avoid such an outcome.

It would make far more sense for senators who are interested in some aspect of this legislation—whether ethanol or electricity regulation or renewable fuels—to design bills around those issues and vote on them separately, judging each by its own merits. But that would be too rational for this Senate, which seems almost to prefer doing things sideways.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I note that the Washington Post is recommending support for the Alexander-Carper version of the legislation. This is not about taxes. This is not about the Internet. This is about Senators and Congressmen coming to Washington, passing an expensive idea, and sending the bill home to State and local governments.

I am voting against cloture on the McCain proposal and against cutting off debate because this legislation breaks our promise to State and local government.

In 1994, 300 Republicans stood on the Capitol steps and said: No money, no mandate; break our promise, throw us out. In 1995, the Republican majority passed the Unfunded Mandate Reform Act. There are 62 Senators serving in this body today who voted for that.

This legislation breaks our promise in a big way. The Congressional Budget Office tells us it is an unfunded mandate. The National League of Cities says it is a nightmare. The National Governors Association says it can cost States up to $18 billion a year because of language in the proposal. The commissioner of revenue from the State of Tennessee says in a letter dated yesterday, to put it in dollar terms, Tennessee would lose $350 million a year, up to about 5 percent of the States budget.

I ask unanimous consent to have those three documents printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF TENNESSEE,
DEPARTMENT OF REVENUE,
Nashville, TN, April 28, 2004.

Hon. LAMAR ALEXANDER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ALEXANDER: We were asked by your office to evaluate the impact of the "McCain Compromise" bill to preempt certain state and local taxes on Internet access and related services. After reviewing the McCain Compromise language, it is our conclusion that the proposed compromise does nothing to mitigate the adverse impact that S. 150 would reap on our state revenue structure. To put this in dollar terms, we believe Tennessee would lose approximately $350 million annually in revenue. This loss would increase as additional services migrate to the Internet. Given that Tennessee imposes a broad levy on telecommunications services, we believe that the majority of sales taxes collected on this levy are at stake. This loss does not include services which may be bundled with the sale of Internet access.

HOW THE MCCAIN COMPROMISE REDUCES STATE REVENUES

First, the proposed language does not do anything to correct the fundamental problems that exist in the definition of Internet access. One aspect of the proposed changes in the McCain Compromise continues to perpetuate the unfunded mandate on states that prevents states from taxing telecommunications "to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access."

This has the effect of exempting telecommunication services that makeup the Internet backbone, the "middle mile" telecommunications used by Internet Service Providers to provide internet access, and the "last mile" telecommunications services used to connect an end user to the Internet. The Alexander-Carper bill provided a much more limited preemption for the "last mile" telecommunications services used to connect the consumer to the Internet.

While the sale of Internet access to the consumer is no longer subject to sales tax in Tennessee, the state does impose tax on all telecommunications services used in connection with providing or receiving Internet access. This tax would be eliminated under S150 or the McCain Compromise.

Second Tennessee is deeply concerned that the term Internet access is defined to "include access to proprietary content, information, and other services that are a part of a package of services offered to users." As long distance services and other services are increasingly bundled with Internet access, we are concerned that these telecommunications services become subject to the preemption pursuant to this broad language.

Third, the VOIP exception to the moratorium actually does nothing for the states' abilities to tax that or similar services that may migrate to the Internet. Current Tennessee law allows the state and local governments to tax VOIP as a telecommunications service, as long as there is no federal preemption. The McCain "exception" to the federal preemption does not apply to voice services that are a package of services offered with Internet access, and since that is how VOIP services are currently sold and probably will continue to be sold, the exception is the McCain bill in fact provides no protection against states losing revenue as phone services migrates to VOIP.

To summarize, Tennessee continues to support the provisions of S. 2084 or a straight 2 year extension of the original moratorium.

If you have further questions, please do not hesitate to call (615) 741-2461 my office of the Tennessee Department of Revenue.

Sincerely,

LOREN L. CHUMLEY,
Commissioner.

NGA SUPPORTS REASONABLE EXTENSION OF THE INTERNET TAX FREEDOM ACT

The National Governors Association (NGA) supports extending the federal ban on state and local taxation of Internet access in a manner that is technology neutral and fiscally fair to state and local governments. Unfortunately, two pieces of legislation currently moving through Congress violate these basic principles. The House of Representatives has already passed H.R. 49 and S. 150 is currently under consideration in the Senate. By permanently expanding the definition of tax-free Internet access, both bills rob state and local governments of existing revenues while creating a tax free zone for future communications services.

The NGA calls upon Congress to adopt S. 2084, the "Internet Tax Ban Extension and Improvement Act." This compromise bill, sponsored by Senators Alexander and Carper, offers a reasonable extension of the moratorium while addressing industry concerns for technological neutrality without unduly burdening state and local governments.

BACKGROUND

Although the U.S. Constitution grants Congress broad authority to regulate interstate commerce, the federal government, historically, has been reluctant to interfere with states' ability to raise and regulate its own revenues. State tax sovereignty is a basic tenet of the federalist system and is fundamental to the inherent political independence and viability of states. Only in the most narrowly defined exceptions has Congress crossed that line.

The 1998 "Internet Tax Freedom Act" (ITFA), which imposed a moratorium on state or local taxation of Internet access, is one exception to this long held practice. The ITFA expired briefly in 2000 but Congress renewed it through November 1, 2003. Designed to "jump start" the then-fledgling Internet industry, the moratorium included three important restrictions to protect states:

(1) It applied only to new taxes—existing taxes were grandfathered;

(2) The definition of Internet access, while broad, excluded telecommunication services; and

(3) The bill expired after two years to allow Congress, states and industry the opportunity to make adjustments for rapidly developing technologies and markets.

THE NGA POSITION

Today, over 130 million Americans access the Internet using everything from dial-up modems, high-speed broadband, and Digital Subscriber Line (DSL) offerings to wireless technologies and even satellite and power line connections. The Internet's broad reach and technological promise is also transforming entire industries such as telecommunications, which is rapidly migrating all of its services to Internet based technologies and rolling out new services such as Voice Over Internet Protocol (VOIP).

As Congress considers legislation to extend the moratorium, NGA encourages members to adhere to the following guidelines to maintain the balance struck by the original moratorium, a balance that encouraged the growth of the Internet but still respected state sovereignty:

1. Do no harm—Any extension of the moratorium should preserve existing state and local revenues.

The original moratorium protected existing state revenues by grandfathering tax laws in place before 1998 and prohibiting only new taxes on Internet access. In contrast, H.R. 49 and S. 150 would cost states much needed revenue by repealing the grandfather clause and expanding the law to prohibit taxes on telecommunications "used to provide Internet access." Stating that the proposed bills would trigger a possible point-of-order under the Unfunded Mandates Reform Act, the Congressional Budget Office (CBO) estimates removing the grandfather provision would cost states between $80 and $120 million annually. The effect of the second provision could be even greater. "[D]epending on how the language altering the definition of what telecommunications services are taxable is interpreted," the CBO said, "that language also could result in substantial revenue losses for states." With state and local governments collecting over $18 billion in telecommunications taxes annually, any significant change in the taxability of telecommunications could cost states billions of dollars. At a time when state and local governments are facing large increases in mandatory spending and stagnant revenue growth, Congress should not exacerbate state fiscal problems by interfering with the collection of existing taxes.

2. Be clear—Definitions matter.

The original moratorium split the definition of Internet access into two parts: a broad and inclusive description of Internet access and an absolute exclusion of telecommunications services from the moratorium. The definition read: "Internet access means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. Such term does not include telecommunications services."

The exclusion of telecommunications services protected states by clarifying that Internet access was a separate, distinct and limited service. It also clearly preserved existing state and local taxes on telecommunications services that amounted to over $18 billion in 1999. The definition, however, allowed some jurisdictions t4o tax the telecommunications component of certain broadband technologies like DSL while others remained tax-free. This perceived inequity led to a push to alter the definition of Internet access in H.R. 49 and S. 150 to make tax free telecommunications services "used to provide Internet access," as a means of making the ITFA technology neutral. This change, however, is too broad. Not only would it prohibit taxes states and localities are collecting on DSL, it would also exempt all telecommunications services used anywhere along the Internet—from the end-user all the way to and including the "backbone." Compared to the original moratorium, which expressly exempted telecommunications from its scope, H.R. 49 and S. 150 could ultimately put at risk most, if not all, state and local telecommunication tax revenue. (See below.)

H.R. 49 and S. 150 would also intensify a long-standing problem with the original definition: the unlimited ability to bundle together content and "other services" into a single offering of tax-free Internet access. Services such as VOIP highlight the risk states face from this broad definition. Unlike traditional telecommunications services, VOIP uses the Internet to transmit voice communications between computers, phones and other communications devices. Industry observers expect 40 percent of all telephone calls in the United Sates to be Internet based within five years. If VOIP is allowed to be bundled with Internet access into a single tax-free offering, and telecommunications used to deliver that offering are also tax free, states could quickly see their telecommunications tax base erode to nothing.

Language in S. 150 as amended and S. 2084 that requires service providers to unbundled taxable services from non-taxable Internet access is helpful, but only if the universe of what constitutes Internet access is actually limited.

3. Stay flexible—A temporary solution is better than permanent confusion.

Rapid pace innovation in the Internet and telecommunications industries makes it difficult to define accurately these complex and ever-changing services. The original moratorium was made temporary in part for this reason—to provide Congress, industry and state and local governments with the ability to revisit the issue and make adjustments where necessary to accommodate new technologies and market realities. The fact that the courts, the Federal Communications Commission and Congress are all in the process of examining and redefining the core elements of what constitutes telecommunications and Internet access underscores the need for caution. With so much uncertainty, a temporary extension of the moratorium is the best way to avoid unintended consequences from a permanent moratorium.

CONCLUSION

NGA supports S. 2084 because it best reflects a balance between state sovereignty and federal support for the Internet. First, it protects states by drawing a line in the sand to prohibit new taxes on Internet without interfering with existing state taxes. Second, by making the connection from a consumer to their Internet access provider tax free, the Alexander-Carper bill actually levels the playing field for competing technologies without overreaching. Third, it gives Congress, industry and states a chance to revisit the Act by making the moratorium expire after two years. For these reasons NGA supports S, 2084 as a true compromise that is fair to industry, respectful of states, and good for consumers.

STATE AND LOCAL TELECOMMUNICATIONS TAXES POTENTIALLY AT RISK UNDER H.R. 49/S. 150

[In millions of dollars]

	Revenues at risk under H.R. 49[1]	Revenues at risk under S. 150 as amended[2]
Alabama	$213	$115
Alaska	18	13
Arizona	308	146
Arkansas	146	101
California	1,495	836
Colorado	293	169
Connecticut	276	170
Delaware	27	17
District of Columbia	120	116
Florida	1,490	1,059
Georgia	344	182
Hawaii	51	48
Idaho	37	3
Illinois	1,000	807
Indiana	265	148
Iowa	137	49
Kansas	172	74
Kentucky	284	192
Louisiana	207	69
Maine	67	28
Maryland	369	222
Massachusetts	411	256
Michigan	678	477
Minnesota	226	135
Mississippi	190	90
Missouri	334	216
Montana	46	7
Nebraska	101	59
Nevada	52	22
New Hampshire	65	56
New Jersey	699	473
New Mexico	125	101
New York	1,904	1,418
North Carolina	308	225
North Dakota	32	22
Ohio	680	345
Oklahoma	258	166
Oregon	113	63
Pennsylvania	672	547
Rhode Island	100	77
South Carolina	196	90
South Dakota	48	25
Tennessee	348	196
Texas	1,724	1,213
Utah	160	89
Vermont	30	17
Virginia	329	148
Washington	492	331
West Virginia	73	36
Wisconsin	363	255
Wyoming	22	13
Total	18,098	11,732

[1] H.R. 49: Figures assume the loss of all state and local telecommunications transaction taxes and business taxes as companies migrate their telecommunications services to the Internet.

[2] S. 150: Includes all telecommunications taxes except for 911 fees and business taxes such as property taxes, capital stock taxes on net worth, or sales and use taxes on business inputs.

Source: Special Report/Viewpoint "Telecommunications Taxes: 50-State Estimates of Excess State and Local Tax Burden," Robert Cline, State Tax Notes, June 3, 2002.

ALEXANDER-CARPER INTERNET TAX BILL PROTECTS LOCAL AUTHORITY

WASHINGTON.—The following is an opinion-editorial by the National League of Cities that will appear in the Nation's Cities Weekly Monday April 26:

This coming week, Congress will consider two vastly different approaches to local revenue authority in the area of Internet taxes. One is an important step forward in the right direction. The other would be a nightmare for America's cities, towns and consumers.

The stakes in this issue are enormous and far-reaching.

The step in the right direction is offered by Sen. Lamar Alexander (R-Tenn.) and Sen. Thomas Carper (D-Del.) Their bill, the Internet Access Tax Ban Extension and Improvement Act (S. 2084), would preserve local authority to collect existing, legally due taxes and it would help clarify Internet tax issues. The National League of Cities supports the Alexander-Carper bill.

The wrong approach is the "Internet Tax Non-Discrimination Act" (S. 150), which would strip away local authority to collect vital revenue and would cost America's cities and towns billions of dollars in lost revenue.

S. 150 would deny local authority to collect a range of legally due taxes and threaten as much as $9 billion in local revenue that funds police officers, teachers and other essential local services and infrastructure in cities and towns across America.

By redefining "Internet access," this bill would squash local and state authority to collect current gross receipts taxes, right-of-way fees, and other existing taxes on telecommunications services.

Not only would the bill trample local revenue authority, it dishes out a multi-billion tax break to the telecommunications industry—at the expenses of local and state taxpayers, small businesses and working families.

The net impact of S. 150? Lost revenues, cuts to services and additional fiscal burdens for local governments.

The National League of Cities strongly opposes S. 150 and urges you to let your members of Congress know that the bill is bad news. The bill is likely to come up for consideration on the Senate floor for debate early this week.

The right approach is the Alexander-Carper bill, S. 2084, which will be offered as a substitute for S. 150.

The Alexander-Carper bill defines Internet access in a way that preserves the ability of local and state governments to continue to collect telecommunications taxes and franchise fees. Their bill would create parity among all types of Internet platforms, whether phone lines, cable modems or digital subscriber lines (DSL).

Let's be clear. Our position has never been an attempt to tax e-mail or impose new taxes on the Internet. Instead, we are simply insisting that local revenue authority for America's cities and towns not be eroded by an unnecessary law that siphons money out of local coffers and pumps it directly into the telecommunications industry.

On the important issue of protecting local revenue streams to support essential public services, the Alexander-Carper bill is the best solution for America's cities, towns and consumers.

Mr. ALEXANDER. Mr. President, this proposal violates the Budget Act. It breaks our promise. While it has distinguished support among my colleagues, it is a political trick because it means lower taxes here and higher taxes there.

I suggest that my colleagues might go home and ask legislators and mayors whether they plan to fire teachers or raise local property taxes, whether they plan to raise college tuition or raise their State's tax on food, or whether they plan to let prisoners out of jail or put in a new State income tax.

This legislation has the wrong name. It at least has an incomplete name. It ought to be called the "Higher Local Property Tax Act of 2004" or the "Higher State Income Tax Law of 2004" because that is inevitably what would happen. This does not have to happen this way. There is a better way.

I support a 2-year ban on State and local taxation of the Internet. I have suggested four ways to fix the McCain substitute. I would take the Texas law that President Bush passed in 1999 and make it permanent, giving everybody up to a $25 credit on their tax.

We need to continue this debate. We need a comprehensive review. The industry doesn't need a subsidy. My hope is that Congress will continue to debate and decide if it intends to give an additional subsidy to the high-speed Internet access business that we in Congress pay the bill with Federal dollars rather than sending the bill back to State and local governments.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I intend to yield back the remainder of my time.

I ask unanimous consent that there be 2 minutes equally divided prior to the second and third votes and that the votes be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. I yield the remainder of my time.

Mr. REID. I yield the time of the minority.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Daschle amendment No. 3050 to S.150:

Thomas Daschle, Harry Reid, Jeff Bingaman, Kent Conrad, Byron L. Dorgan, Tom Harkin, Dick Durbin, Max Baucus, Daniel L. Akaka, Evan Bayh, Debbie Stabenow, Mark Dayton, Jay Rockefeller, Ben Nelson, Tim Johnson, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3050 offered by the Senator from South Dakota shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk proceeded to called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—40

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Byrd
Cantwell
Carper
Conrad
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham (FL)
Hagel
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Rockefeller
Sarbanes
Stabenow

NAYS—59

Alexander
Allard
Allen
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kyl
Lautenberg
Leahy
Lott
McCain
McConnell
Miller
Murkowski
Nickles
Reed
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in affirmative, the motion is rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. LAUTENBERG. Mr. President, I have a unanimous consent request that on rollcall vote No. 73, I voted "yea." My intent was to vote "nay." It would not change the outcome. I ask unanimous consent that change be made.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the 2nd degree pending amendment to Calendar No. 353, S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Bill Frist, John McCain, George Allen, Pete Domenici, Trent Lott, Chuck Hagel, Larry E. Craig, John Ensign, Craig Thomas, Robert F. Bennett, James M. Inhofe, Conrad Burns, Don Nickles, Orrin Hatch, Gordon Smith, Saxby Chambliss, Mitch McConnell.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I urge my colleagues to vote against cloture on the Domenici amendment. It has really no business on an Internet tax bill. We all know that. I read again from the Washington Post of this morning:

> It would make far more sense for Senators who are interested in some aspect of this legislation, whether ethanol or electricity regulation or renewable fuels, to design bills around those issues and vote on them separately, judging each by its own merits. But that would be too rational for this Senate which seems almost to prefer doing things sideways.

There is no need for this legislation on the bill. It has no place on it. I can assure my colleagues it would be dropped in conference if it were adopted.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute.

Mr. DOMENICI. I yield my time to Senator CRAIG.

Mr. CRAIG. Mr. President, the Senator from Arizona is absolutely right. Energy should not be on an Internet tax bill. But if you want to vote for energy this year, if you want to go home to your consumers and say: I voted for a comprehensive energy bill, this may be the last chance you will have. The reality is, if you vote for cloture on Domenici and then you vote for cloture on McCain, Domenici falls. So weigh it out. Weigh the odds. What do you want to go home and tell the consumer, who today is paying the highest price for energy in the history of this country? The reason they are paying it is because we can't produce a bill and change our policies.

We have an option. It is quite simple. We can vote for energy by voting for cloture. Then we can vote for McCain, because he is right, it should not be here. Domenici will fall. Then we get to where we ought to be today on an Internet tax bill. We didn't do this. Somebody else did this and fouled the process. Now let's clear it up. Clean it up. Vote for energy, vote for cloture.

Mr. JEFFORDS. Mr. President, as the ranking member of the Senate Environment and Public Works Committee, I want to express my serious concern with the content of the amendment offered by Senator DOMENICI. This amendment differs even from the surprise energy bill that was introduced on February 12, 2004, and placed directly on the Senate's calendar.

Senators should make no mistake, this legislation is not the product of bipartisan consensus in the Senate committees of jurisdiction. In most respects, this amendment is the energy bill conference report we have already defeated. And most importantly, it is not the right energy policy for America.

I agree with Senator DASCHLE that we should try to reach consensus on targeted pieces of energy legislation. We could pass legislation on issues such as renewable motor fuels, as Senator DASCHLE has proposed with his amendment. We could enact fiscally responsible extensions of needed energy tax provisions, such as the wind energy tax credit. National electricity reliability standards are another area in which Senator CANTWELL and I believe there could be agreement and we could pass a bill.

But there should be no agreement on the poor environment policy that is contained in this amendment. The Senate should reject this amendment, and oppose cloture.

As with the energy bill conference report, nearly a hundred sections of this amendment are in the jurisdiction of the Environment and Public Works Committee. We were not consulted on any of these provisions, and I have repeatedly raised concerns about them on the Senate floor.

This amendment does not represent the kind of forward-looking balanced energy policy that our Nation needs.

The Senate should be able to ensure that our constituents have reliable electric power without polluting their drinking water. Our constituents deserve cleaner gasoline without requiring them to breath dirtier air. We should be able to promote renewable energy without waiving environmental laws.

This amendment seriously harms the environment. The supporters have said that a waiver of liability for MTBE producers is not contained in this amendment. That does not make the motor fuels provisions good or workable public policy. Though we know MTBE is environmentally harmful, the amendment would allow this product to be used for 10 more years before we pull it off of the market. In addition, the amendment allows the President to overturn the MTBE ban prior to June 30, 2014, and continue its use indefinitely.

The amendment unravels the ozone designation process in the Clean Air Act by delaying compliance with the national health-based air quality ozone standards until the air in the dirtiest city is cleaned up. Neither the Senate nor the House of Representatives has ever considered this damaging provision. It is a leftover from the failed energy bill conference report.

Changing cities' ozone compliance deadlines under the Clean Air Act doesn't increase our Nation's energy supplies. Exposing the public to continued levels of harmful dangerous air pollution emissions for far more time than allowed under existing law guarantees thousands of more asthma attacks, more hospital visits and more cases of respiratory distress, disease and illness. Recently, the EPA announced that there are record numbers of Americans, more than 165 million, who are breathing unhealthy air.

The change is also unfair to States that have worked hard to achieve compliance with the Clean Air Act's health-based national standards. Why should areas that have done little or nothing to reduce emissions be given a free pass from halting local pollution? This amendment also provides unprecedented relief for a single region of the country from application of the entire Clean Air Act, without a hearing in the Environment and Public Works Committee or Senate consideration.

The amendment continues the administration's drive to greater dependency on old technologies and fuel systems. This focus will increase greenhouse gas emissions and keep us on the wrong path that increases the risks from global warming and climate change.

This amendment also continues to include language from the failed energy bill that exempts oil and gas exploration and production activities from the Clean Water Act stormwater program. The Clean Water Act requires permits for stormwater discharges associated with construction activity. The amendment changes the Act to provide a special exemption for oil and gas construction activities from stormwater pollution control requirements. The scope of the provision is extremely broad. Stormwater runoff typically contains pollutants such as oil and grease, chemicals, nutrients, metals, bacteria, and particulates.

I have told colleagues this before but EPA estimates that this change would exempt at least 30,000 small oil and gas sites from clean water requirements. In addition, every construction site in the oil and gas industry larger than 5 acres would be exempt as well. The large sites have held permits for 10 years or more. That is a terrible rollback of current law. I want Senators to imagine trying to explain to constituents why an oil drilling site that had to comply with the Clean Water Act for 10 years suddenly no longer needs to do so.

So let's review the contents of this amendment. This amendment pollutes our surface and groundwater by exempting oil and gas development from provisions of the Clean Water Act. It pollutes our drinking water by allowing MTBE to seep into our public and private drinking water systems for 10 more years. The amendment pollutes our land by accelerating development of energy installations on public lands, including parks, wildlife refuges, and sensitive areas. And this amendment pollutes our air in many different ways. It extends pollution compliance deadlines and continues to avoid serious progress in cleaning up our air.

There are too many serious problems with this amendment. We should not invoke cloture on it. The American people do not want energy security at the expense of the environmental quality. We should be passing the pieces of the energy bill where we can reach agreement to do so, like those issues I outlined.

We should not be rushing to pass legislation with such serious consequences. This is an aggressive, overreaching amendment, and it is deeply flawed. I will vote against cloture, and other Senators should as well.

Mr. LEVIN. Mr. President, this amendment incorporates a whole energy bill. It has many provisions that are deeply flawed. But we are voting on whether to end debate on a complicated, flawed energy bill before debate has even begun, making it very difficult to correct those flaws.

The Senate passed a comprehensive and balanced energy bill in July 2003. Then, after weeks of closed-door meetings with virtually no input from Democratic conferees, the Republicans put forward a "take it or leave it" energy conference report that was drastically different than the bill that the Senate passed. I voted against cloture on the conference report in November 2003 because it was deeply flawed and had been produced by a flawed process. The Domenici amendment, the energy bill, which is before the Senate today, suffers from that same problem. There are simply too many provisions on the negative side of the ledger for me to support it, and because this is a cloture vote, voting yes would make it difficult to consider amendments.

At a time when crude oil prices are at 13-year highs, gasoline prices are reaching new record highs daily, diesel prices are breaking records, and high jet fuel prices are straining our airline industry, the Senate should be considering legislation that would do something to lower oil prices. The bill however, would push oil, gasoline, diesel, and jet fuel prices even higher by directing the Department of Energy, DOE, to "as expeditiously as practicable acquire petroleum in amounts sufficient to fill the Strategic Petroleum Reserve to the [1 billion] barrel capacity." By directing DOE to take tens of millions of barrels of oil off the market at a time when supplies are tight and prices high—as they have been for the past 2 years—this bill would tighten supplies in the commercial inventories even further, drive oil and gasoline prices even higher, and keep private sector inventories from building back to normal levels.

The bill would fill the SPR in a manner that is inconsistent with two recent amendments adopted by the Senate. Last fall, the Senate unanimously approved an amendment that Senator COLLINS and I offered to the Interior Appropriations bill, directing DOE to develop procedures to minimize the cost to the taxpayer and maximize the overall supply of oil in the United States when acquiring oil for the SPR. This amendment expressed the sense of the Senate that the DOE's current procedures for filling the SPR have raised oil prices, are too costly for the taxpayers, and have not improved our overall energy security. Unfortunately, this amendment was not included in the Interior Appropriations conference report, and the administration has continued to fill the SPR without regard to the price or supply of oil. This is a significant reason oil and gasoline prices are so high today.

In light of the continuing rise in oil and gasoline prices, and the administration's refusal to suspend SPR shipments, the Senate approved an amendment that Senator COLLINS and I offered last month to the budget resolution for FY 2005. Our amendment would cancel the planned delivery of 50 million barrels of oil to the SPR from now through sometime in 2005 that would have completed the filling of the reserve. The SPR is 93 percent filled already. Our amendment is being considered in the House-Senate conference on the budget resolution.

By directing the DOE to fill the SPR to 1 billion barrels—300 million barrels above its current capacity of 700 million barrels—the bill before the Senate today would worsen a SPR policy that is 180 degrees opposite from the direction the Senate just approved in the Senate budget resolution.

By increasing deposits in a government reserve at a time when commercial supply is scarce and prices are high, oil companies will meet the additional demand for crude oil for the reserve by removing oil from their own inventories rather than purchasing high-priced oil on the spot market. Since the price of oil is so closely tied to inventory levels, filling the SPR under these market conditions both depletes private sector inventories and pushes up prices for America's consumers.

Two years ago, the DOE's own staff explained this as follows: "Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices."

For these reasons, in 2002, DOE SPR staff recommended against buying more oil for the SPR in tight markets. The administration chose to ignore these warnings. SPR deliveries proceeded. As the DOE staff predicted, oil supplies tightened, private inventory levels fell, and prices climbed.

In summary, the direction in the bill to DOE to fill the Strategic Petroleum Reserve by another 300 million barrels, to a total level of 1 billion barrels, is likely to increase the cost of crude oil and crude oil products, such as gasoline, home heating oil, and diesel and jet fuel, to American consumers and businesses, with no benefits to our national security.

The electricity provisions of the bill before us are also deeply flawed. Instead of improving our current situation, I believe they will make it worse. The massive power failure of August 2003, on top of the massive price manipulation perpetrated by Enron and others, provided additional proof—proof that should not have been needed—that the United States' deregulated energy markets are not functioning well to secure a supply of energy against interruption.

The bill before us—the Domenici amendment—would repeal the Public Utility Holding Company Act of 1934, PUHCA, long-standing consumer and investor protection legislation governing energy industry structure and consolidation. With the repeal of PUHCA, the resulting provisions of the bill before us fail to provide adequate protections to prevent industry market manipulation and consumer abuses.

The Congress needs to enact mandatory reliability legislation, and while some provisions of the bill would be an improvement over the current voluntary system of reliability standards, other provisions of this bill would take us in the wrong direction and could, in fact, make things worse. The bill fails to ensure that regional transmission organizations, RTOs, will have the authority to enforce electric reliability standards in order to prevent, or respond effectively to, another blackout. Further, the "participant funding" provision of this bill shifts the cost of building new electric transmission such that transmission construction will be discouraged and utilities will be encouraged not to participate in RTOs. There is a strong need for a stand-alone electricity reliability bill that sets mandatory standards, requires utilities to join RTOs, and establishes consistent rules for enforcement of standards. But the bill before us today is not the right answer.

Two provisions of the bill would significantly impede the ability of federal and state agencies to investigate and prosecute fraud and price manipulation in energy markets. If adopted, section 1281 would impede state and Federal authority, other than the Commodity Futures Trading Commission, to investigate and prosecute wrongdoing in financial and commodity markets. It would turn the CFTC into a gatekeeper for all other federal and state investigations into matters within CFTC-regulated markets, which would be an unprecedent intrusion into the enforcement of state and federal consumer protection laws.

Section 1282 would impose a higher, criminal standard, "knowingly and willfully", for filing false information and for improper phony round trip trading than exists under current law. The new round trip trading provision is inconsistent with current law and the Cantwell amendment that recently passed the Senate, which prohibited market manipulation in electricity markets.

Manipulation is difficult to prove even under current law. By raising the burden of proof, this provision will make it nearly impossible to prove illegal round trip trading or wash sales. Rather than weakening the laws preventing fraud and manipulation in energy markets, the Congress should be strengthening these prohibitions.

Over the past several years, the Permanent Subcommittee on Investigations, which I previously chaired and on which I am now the ranking minority member, has investigated how Enron, financial institutions, and others have manipulated financial energy markets and prices. The record we have established is clear and dramatic. Strengthened oversight and transparency are critical to the proper functioning of our energy and financial markets. The provisions in this amendment will weaken our ability to ensure these markets are functioning properly.

There are some provisions of the bill before us that I support. The amendment contains two provisions that appear on their face to partially address the unfair air quality restrictions placed on a number of Michigan counties. These provisions do not go far enough, however, to remedy the negative impacts that I have fought against for years.

According to the Michigan Department of Environmental Quality, the Environmental Protection Agency, EPA, would not be required to act on the results of the demonstrations study that is required by the so-called Upton language included in this amendment. It also would not relieve new major sources from state new source review regulations, and it would not release Southwest Michigan from Clean Air Act provisions that mandate specific local reductions following completion of the study. Finally, it would not prevent Southwest Michigan nonattainment areas from classification bump-up if the area is unable to attain the standard by the deadline.

The so-called Barton provisions contained in this amendment would help some for two Michigan counties, Cass and Muskegon, those are the only two counties subject to transport that have been designated under Subpart 2 of Section 181 of the Clean Air Act. However, the help is modest because it is workable only if those areas fail to meet the standard by the deadline and the EPA decides to "bump them up" to a higher classification.

We need to do more to prevent restrictions from being placed on areas that are impacted by overwhelming transport. The potential consequences of a nonattainment designation are significant. I will continue to work with the EPA and the Congress to ensure that the Clean Air Act provisions are applied with common sense so that counties are not required to take costly actions for problems that are created downwind, which would be illogical and unfair.

The Senate has worked to create a national energy policy for years, but the bill before us today is not the right answer. Even if we were to pass it today, it will get caught in a logjam between the House and Senate on energy policy that is centered on the issue of the fuel additive methyltertiarybutylether, MTBE. The energy bill conference report that I voted against in November contained a provision that would exempt its producers from liability. In Michigan, it has been estimated that MTBE has contaminated groundwater around over 700 leaking underground storage tank sites. There are similar problems in many other states.

The crux of the matter is that the Senate will not pass legislation that includes the MTBE provision and the House will not pass legislation without it. So we are in a logjam, and I believe that any legislation that we pass will eventually come back to this body containing the MTBE liability exemption, which would then again be rejected.

We should continue work to complete a long-term, comprehensive energy plan that provides consumers with affordable and reliable energy, increases domestic energy supplies in a responsible manner, invests in energy efficiency and renewable energy sources and protects the environment and public health. But the bill before us today, offered to legislation on a completely different matter, is not the right answer. Nor is voting "aye" to end debate on an important bill like energy before the debate has begun.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. As I understand it, under the rule we had a minute to respond. Let me just say that I am disappointed that we didn't get cloture on the Daschle amendment. I am also troubled by the fact that we find ourselves in this position to begin with. We should not be on the Energy bill as an amendment to the Internet tax, but many of us have been asking to have an energy bill scheduled now for some time for good, open debate, given our failure to pass the conference report. This is our only option. This does not in any way preclude a Senator from offering other energy amendments on the Internet tax bill. It doesn't in any way undermine a Senator's right to be heard on an energy debate.

If we move to cloture, we bring this bill to an opportunity that otherwise we should have had, had the legislation been freestanding. So far that has not happened. I hope Senators will support cloture so we can move this energy legislation forward.

I yield the floor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3051, offered by the Senator from New Mexico, Mr. DOMENICI, shall be brought to a close?

The yeas and nays are mandatory under the rules. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—55

Alexander
Allard
Allen
Bennett
Bond
Breaux
Bunning
Burns
Campbell
Carper
Chambliss
Cochran
Coleman
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Enzi
Fitzgerald
Frist
Grassley
Hagel
Harkin
Hatch
Hollings
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Chafee
Clinton
Collins
Cornyn
Corzine
Dodd
Ensign
Feingold
Feinstein
Graham (FL)
Graham (SC)
Gregg
Hutchison
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
McCain
Mikulski
Murray
Nelson (FL)
Reed
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Sununu
Wyden

NOT VOTING—2

Edwards
Kerry

The PRESIDING OFFICER. On this vote, the yeas are 55 and the nays are 43. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion fails.

Under the previous order, there will now be 2 minutes of debate equally divided prior to the next vote.

The Senator from Arizona.

Mr. McCAIN. I yield my 1 minute to the Senator from Virginia, Mr. ALLEN.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1 minute.

Mr. ALLEN. Mr. President, on behalf of Senator McCAIN, Senator WYDEN, myself, and others who are in favor of Internet tax freedom, I respectfully urge my colleagues to vote for cloture on this amendment. What is at stake is whether 15- to 18-percent taxes will be imposed upon Internet access.

The Internet is a great invention for the advancement of ideas, of information, for commerce, for telemedicine, and for education. This country has been a leader in technology, although we are falling behind, particularly in broadband. I ask my colleagues to vote for cloture.

There can be germane amendments but allow us to go forward. A vote for cloture is a vote for freedom and opportunity for the American people. Stand on the side of that principle.

The PRESIDING OFFICER. The Senator's time has expired.

The Democratic leader.

Mr. DASCHLE. I ask unanimous consent to take 1 minute of leader time to respond.

Mr. President, I was 1 of those 74 Senators who voted for the motion to proceed. I want to see this bill completed. I would like to find a way to resolve the outstanding differences. I think that can happen.

We have now found ourselves in a position where cloture would deny Senators the opportunity to offer relevant amendments. They may not be germane but they certainly are relevant. So I would vote against cloture in the hope that we can find a way to continue this debate and allow for the offering of amendments that are relevant. My hope is that at the end of the day we can reach a conclusion procedurally as well as substantively.

The PRESIDING OFFICER. Does the Senator from Tennessee wish to speak?

Mr. ALEXANDER. Did I not have 1 minute?

The PRESIDING OFFICER. Is there an objection to the Senator from Tennessee speaking for 1 minute?

Mr. McCAIN. I ask unanimous consent that the Senator from Tennessee be allowed 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized for 1 minute.

Mr. ALEXANDER. Mr. President, since that would put two speakers on that side, I ask unanimous consent that one other speaker on the other side be permitted 1 minute to speak.

Mr. ALLEN. Objection.

The PRESIDING OFFICER. The objection is heard.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am voting against cloture, against cutting off debate. The Senator from Arizona and the Senator from Virginia have worked hard to make this a good amendment. I and my group of colleagues have been working on this issue. We are for a 2-year ban on State and local taxation of Internet access but this does much more than that. A vote against cloture, against cutting off the debate, is a vote to do no harm to State and local governments. It will allow us to continue the debate. I urge my colleagues to vote against cloture.

Mr. KOHL. Mr. President, I rise today to add my voice to the debate surrounding the Internet tax moratorium. I believe strongly we can and should find a reasonable replacement for the expired 1998 moratorium on taxation of internet access, a replacement that balances the fiscal needs and rights of the States and the overwhelming national interest in fostering and growing the internet economy.

The McCain substitute is a solid, and I believe well intentioned, first step toward such a compromise. Its provision to extend the moratorium for 4 years seems a reasonable solution to legislating about an industry that is rapidly changing. The McCain amendment's phasing out of the current grandfather provisions over 3 years seems a reasonable compromise with those who would end the grandfather provisions immediately. The McCain amendment's provisions to exempt "voice over Internet" services from the moratorium seem a reasonable answer to the States' concerns that their undisputed right to tax the telecommunications base be preserved.

In its general framework, the McCain substitute outlines the foundation of a reasonable compromise to the highly contentious issue of taxation of internet access. Unfortunately, the Senate has only had a few days to consider the highly technical and important details of the McCain substitute. And there is legitimate and heated disagreement over exactly what the McCain substitute would do. This is exactly the sort of instance in which the Senate should take the time to debate, consider, and amend where necessary to produce a true compromise that is truly workable. Invoking cloture today would cut off that very legitimate and necessary process, and therefore I cannot support it.

But we need to keep working to reach a compromise on the tax treatment of Internet access. As we struggle as a nation to address our eroding manufacturing base, one answer is to make our Nation more attractive to Internet based companies and our companies more willing to employ new Internet-based technologies. This can't happen if States tax every new form of Internet-access technology.

That is why I am saddened by having to vote against cloture today. This was an extremely difficult decision. I support many aspects of the McCain legislation. However, as both sides continue to argue about the potential effects of the proposal, the bottom line is that we need more time. We need more time to debate the best possible solution, the way to balance the needs of innovation versus the needs of the States.

I remain hopeful that the vote today is not the end, but rather the beginning. That it is the beginning of a solution, of a compromise of which both sides can be proud. That is not out of reach, and I call on the leaders to leave the McCain bill on the floor and let us continue to work on a compromise.

Mr. SMITH. Mr. President, I rise today in support of the managers' amendment to S. 150, the Internet Tax Nondiscrimination Act. Although the amendment is not perfect, I believe it will sufficiently protect consumers from State attempts to embrace the Internet as a new platform for taxation. Rather than increasing taxes on consumers, we should all work to embrace the Internet for its potential as a critical source of information and services and as a tremendous new marketplace for all to access, not just those that can afford to pay more taxes.

Of course, this vote takes place at a time when the economy is beginning to rebound as a result of tax relief—not tax increases—and the U.S. high-tech sector is getting its second wind, preparing to lead the economy once again into a period of increased productivity and job growth. Let us not stifle this by giving a green light to taxing innovation, to taxing Americans' access to the Internet.

There is no question that technology boosts U.S. economic output and makes U.S. workers more productive, and that the U.S. high-tech sector is a leading force driving our recent economic growth. Between 1992 and 2000, high tech companies created twice as many jobs as non-high private employers nationwide in the United States. Not to mention that these jobs pay, on average, nearly twice as much as other private sector jobs.

Additionally, the Internet and technology have contributed dramatically to our expanding knowledge base, bringing opportunity and hope to those who need them most. Distance learning is offered to more than 3,300 American schools, providing knowledge and education to anyone who can log on, wherever they live. Not to mention, the increased access to government services, born by State, local and Federal Government reliance on the Internet to provide its citizens with valuable government information and services. To realize the full potential of the Internet and the digital economy, every person must be able to participate fully.

But today, we are talking about taxing the Internet, the vital core of the information technology revolution of the 1990s and the single greatest resource for Americans to have increased access to vast information resources and government services. About this, there should be no question, and no debate. With technology playing such a critical role in our economy, society and way of life, one would expect political leaders to be supportive of its continued growth for all Americans. Taxing Internet access has never been good policy, and it isn't today. Whether access is provided by traditional phone lines, high-speed Digital Subscriber Lines, DSL, or even wireless, the Internet must remain free of taxation.

To the extent that I have any reservations about the amendment, it will likely prolong the different tax regimes for DSL and cable modem service. It is my belief that all high speed data connections should be treated the same and that the government and this legislation should not allow any disparities to continue.

Nevertheless, let me reiterate my support for this bill and the promise that it provides for continued economic growth. I urge my colleagues to join me in supporting this vital measure. I remind them that the economy is not beginning to rebound as a result of more taxes; it is beginning to rebound as a result of less taxes.

The PRESIDING OFFICER. All time has expired. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate to the pending McCain substitute amendment No. 3048 to Calendar No. 353, S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Bill Frist, John McCain, Jon Kyl, Norm Coleman, Jim Bunning, Gordon Smith, Mitch McConnell, Pete Domenici, Conrad Burns, Rick Santorum, Olympia J. Snowe, Judd Gregg, Wayne Allard, Thad Cochran, Mike Crapo, Larry E. Craig, Ted Stevens, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on amendment No. 3048 offered by the Senator from Arizona, Mr. MCCAIN, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—64

Allard
Allen
Baucus
Bayh
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Chafee
Chambliss
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dole
Domenici
Ensign
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Inhofe
Inouye
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Warner
Wyden

NAYS—34

Akaka
Alexander
Biden
Bingaman
Breaux
Carper
Clinton
Cochran
Conrad
Daschle
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Hutchison
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Levin
Lieberman
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Voinovich

NOT VOTING—2

Edwards Kerry

The PRESIDING OFFICER (Mr. ENZI). On this vote, the yeas are 64, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. FRIST. Mr. President, I am delighted with the outcome of that last cloture vote. It means we can proceed on course to finish this bill—a very important bill.

I congratulate the managers but encourage our colleagues to come forward with germane amendments. We will be working through the afternoon. We will be voting through the afternoon. We can finish the bill this afternoon. We have been debating this bill all week. It is an issue that we debated months ago. We are debating it now. Now is the time to bring those amendments forward so we can have these final votes and complete the bill this afternoon.

Mr. McCAIN. Mr. President, I raise a point of order that the Daschle amendment is not germane and ask for a ruling from the Chair.

The PRESIDING OFFICER. Point of order is sustained. The amendment falls.

Mr. McCAIN. Mr. President, I thank all of my colleagues for the comity that has existed in addressing this bill.

I thank, of course, Senator ALLEN, Senator LOTT and Senator SUNUNU, and many others who have helped to get this bill to the point where it is.

We are ready to consider amendments. I assured the opponents of this bill who have fought tenaciously—Senator VOINOVICH, Senator ALEXANDER, and Senator CARPER in particular—that if there is an amendment which they have filed which is not technically germane but is associated with the Internet tax, I would ask consent that it be considered because there was a feeling that they did not have their amendments properly considered. I hope we can give them that consideration.

I hope we can move forward soon with the amendments. As I last checked, there are about 30 which were filed. I hope we can move forward, debate, and dispose of those amendments. I thank all of my colleagues for their cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak very briefly after the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, having been involved in this issue now for 8 years, I can say it has never been easy. Certainly what we have seen today demonstrates that once more.

But I think the Senate has made an important statement today; that is, as we try to lay out the policies that will say a lot about the future of the Internet, it is critically important this exciting opportunity for Americans not be subject to more discriminatory taxes.

We have said once again in the Senate, we want to try to find common ground around the principle of technological neutrality, for example. If we do not do that, we will be discriminating against the future, because if we do not work it out now in the amendment process, broadband services delivered through DSL would be taxed and Internet access through cable would not be taxed. That is not technological neutrality.

What is going to give Americans the best array of technologies at the cheapest prices is true competition where there is a level playing field for the various technologies. I have said repeatedly I don't want to see the people who now get the message "You've got mail" to get a message that says "You've got special taxes." My colleagues on the other side of the aisle agree with that as well. We have a difference of opinion with respect to how we are going to get that done. Now we will be able to go to the amendment process.

I have compared this exercise repeatedly to something resembling root canal work. I make it clear to my friend from Tennessee, the Senator from Delaware that we are going to do everything possible to make sure there is an adequate opportunity for colleagues to offer their amendments and discuss them. These are very technical, complicated issues. I have spent about as much time on the Senate floor discussing these issues over the last 3 days as any Member. I intend to stay at this post so we give everybody who wants a chance to discuss these issues that kind of opportunity.

Over the last 7 years, we have seen a lot of reports about dire consequences that come about if we pass this legislation. That has not come to pass. I see the distinguished Senator from Connecticut.

We were told in 1997, if we pass that, we will bring the collapse of the revenue system in States and localities, and revenue went up $7 billion the next year. We have to deal with those issues. In the last two iterations of this legislation, I have said repeatedly that no one has brought forward an example of a local jurisdiction hurt by their inability to discriminate against electronic commerce. That is what this bill does; it makes sure you cannot single Internet out for special taxes.

We will use this amendment process now to address the concerns of various Senators. A lot of Members did not think we would get to this point today, but we have a chance, working with colleagues, to produce a bipartisan bill that will be passed overwhelmingly by the Senate. I intend to stay and work with the Senator from Tennessee and others to make sure they get the discussion on the topics they feel strongly about and that it is fair and thorough. That is my pledge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see other Senators waiting to speak, so I will be brief. I acknowledge and congratulate Senator McCAIN, Senator ALLEN, Senator WYDEN, and others who have worked very hard on this issue. Their point of view on the cloture vote is prevailing. I congratulate them and thank them also for the discussions we have had, trying to assure Members that this legislation, in the end, would do the minimum amount of harm to State and local governments. I would like to continue to do that.

There are a number of amendments that have been filed. We need to have a few minutes to talk about exactly in what order we would like to bring up those amendments. I believe in some cases the Senator from Oregon, the Senator from Virginia, and I intend to do the same thing, but that our language does a different thing. To the extent there is a misunderstanding that produces concerns on my part and among the National Governors Association, the mayors, and the county executives of the country, perhaps we could work those things out by consensus.

I congratulate them on moving ahead with this step. I appreciate the offer to continue to work together. Within a few minutes, we will have an idea of which amendments and in what order we would like to proceed, and we will move along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield to my colleague from Delaware. I know he has a comment he wants to make.

Mr. CARPER. I thank my colleague for yielding. I join Senator ALEXANDER in congratulating Senator WYDEN, Senator ALLEN, and Senator McCAIN for the vote on the cloture. All week I had a different point of view on how we wanted to approach this matter. Now that is behind us. We want to approach this in the spirit of comity and see if we cannot find a consensus.

I said yesterday and I reiterate again today, there are four areas of contention, as I see them. We are discussing going from a very narrow moratorium to a very broad moratorium and the issue of what is defined as exempt under the moratorium. It is a good deal broader than what we faced in recent years. That is a matter of concern. Going well beyond access fees and discriminatory taxes is a matter of second concern.

I appreciate Senator McCAIN's offer to go from a permanent moratorium down to 4 years. We were interested in 2 years. I don't know if there is a similar area there for compromise. I think there is a number between 2 and 4 that might work. That would be consistent with the third area of contention where the duration of the grandfather clause for State and local governments is 3 years. They are protected for 3 years, and the length of the moratorium is 4. If we could put those two together, 3 and 3—3 years for the moratorium and stick with the 3 years for the grandfather clause—I think that actually addresses that concern.

In conversation with Senator WYDEN, Senator ALLEN, Senator McCAIN, Senator VOINOVICH, and Senator ALEXANDER, everyone says nobody wants to deny State and local governments the opportunity to collect taxes from telephone services that they have collected for decades. I have not talked to anybody who wants to deny State and local governments that have been collecting taxes on telephone services almost since the day Alexander Graham Bell invented the telephone. Everyone says they do not want to deny the ability to collect that for State and local governments. The concern is, as telephone service and commerce communication migrate to the Internet, we want to make sure that as that happens State and local governments do not see those they traditionally rely on cut out.

Those are four areas, and I think there is middle ground—at least on three of them. I don't know if we can ever agree on the breadth and depth of the definition. We will approach it in a good spirit.

I thank Senator DODD for yielding.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I propound a unanimous consent request regarding time. My colleague from Arkansas wishes to speak for 10 minutes on a subject unrelated to the matter before the Senate. I would like to follow her, if I might accommodate my Senator from Arkansas, on a subject matter unrelated to the matter before the Senate. I clearly know the priority is to get amendments up here. If I may, I make such a request, that the Senator from Arkansas be recognized for 10 minutes, and following her remarks I be recognized for 15 minutes to speak on a matter unrelated to the subject matter before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I rise today with a heavy heart but with a great sense of Arkansas pride as well to pay tribute to five members of the Arkansas 39th Infantry Brigade who lost their lives fighting for our country in Iraq this past weekend.

According to recent reports, Saturday was one of the deadliest days for the Arkansas service members since 1950 in the Korean War. On Saturday, four soldiers from the Arkansas 39th were killed in a mortar attack, and 27 hours later a fifth Arkansan was killed by a roadside bomb as he patroled the neighborhoods of Baghdad.

I think back to last fall when I had the honor of attending a sendoff ceremony for the 39th Infantry Brigade in Little Rock, AR. That ceremony brought together soldiers, families, friends, and loved ones to commemorate the occasion and wish them the best in their mission, to join together in prayer and send them off with the idea that we would be back soon to welcome them home safely.

The sendoff was not a celebration. In fact, it was a sobering occasion. After all, no one relishes the prospect of traveling halfway around the world, far from family and friends and home, to take on a dangerous mission. But even at such a somber occasion something special happens. Differences begin to fade away. The soldiers that were standing before me were no longer from big cities or small cities, they were no longer Black or White, and they were no longer male or female. Their differences did not exist. Those brave soldiers were Americans, and for the defense of this Nation, they become one of mind and one of mission.

The oneness of purpose that the 39th exhibited that day should serve as a lesson to those of us they leave behind. They are sacrificing their lives not just for their kind and kin but for every American who enjoys liberty and peace.

When a member of the 39th patrols Baghdad, he does not just patrol it for the sake and safety of Lewisville, AR, or Little Rock, AR, or Hazen or Humnoke or Batesville, AR; he patrols Baghdad for the sake and the safety of all Americans and the values and the ideals that we, as Americans, believe in and support. When a member of the 39th Infantry pays the ultimate price in battle, he does it not just for the sake of his children but also for the sake of my children and your children as well. In the end, these courageous souls are not only protecting our liberty, they are also teaching us what it means to be a part of one American family—one American family.

In this time, when so many Americans are willing to lay their lives on the line, we in this body—we in this Nation—must become one America. We must understand what it takes to be one with the sacrifices that we, too, must undertake.

Unfortunately, carrying out the duty of a nation requires sacrifices, and some of those are sacrifices we would rather not take. This weekend, we were once again reminded of the sacrifices that are required to protect our Nation. We, too, as leaders in this body—all Americans—must make sacrifices, too—to govern, to protect, to get along, and to make this Nation strong. Our sacrifices are not even worthy to be compared to what these brave Americans have done and the sacrifices they have made, but our sacrifices, too, are all too important, that the sacrifices they have made will not have been done in vain, that our Nation can remain as strong as it has ever been, and that each of us—from big cities and small, men and women, Black and White, Republican and Democrat—must become one America.

Over the course of those 2 days, the State of Arkansas lost five brave soldiers who made the ultimate sacrifice to make the world a better place. I know that my colleagues in the Senate join me in paying tribute to CPT Arthur "Bo" Felder, 36 years old, of Lewisville, AR; CWO Patrick W. Kordsmeier, 49 years old, of North Little Rock, AR; SSG Stacey C. Brandon, 35 years old, of Hazen, AR; SSG Billy Joe Orton, 41 years old, of Humnoke, AR; and SP Kenneth A. Melton, 30 years old, of Batesville, AR.

Captain Felder served as a youth director at Saint Luke Missionary Baptist Church in North Little Rock. He was known as someone who felt at ease with children, who loved them, cared for them, and wanted to help prepare them for the future. It was reported in the Arkansas Democrat Gazette that Captain Felder was remembered by his friends as a person of faith and prayer.

Chief Warrant Officer Kordsmeier was killed as he rushed to the aid of his fellow soldiers. His selfless act illustrates the kind of courage which is necessary to keep this Nation strong and free.

According to the Arkansas Democrat Gazette, Sergeant Stacey Brandon was a prison guard for the State Department of Correction and later worked at the Federal prison in Forrest City, AR.

His friends said of him:

> He was a very outstanding young man whose loss will affect a lot of people. He was one of the young people you could admire.

Sergeant Orton was loved by his family and friends. It is reported that when they learned of his death over 100 people gathered around his home to stand vigil and to support his family. It was noted by those there that Billy had given his life for the cause of freedom.

Many of Specialist Melton's fellow soldiers from Bravo Company were especially affected by his death. He had known and worked with many of them for years. It is reported that upon the announcement of Specialist Melton's death, his comrades did not think of the dangers of their mission but of comforting Specialist Melton's wife and children.

Saturday's deadly attack on Camp Cooke, the base camp for Arkansas' 39th Infantry, occurred at 5 a.m. Captain Felder, Chief Warrant Officer

Kordsmeier, Sergeant Brandon, and Sergeant Orton were killed in the final moments of the attack when they took a direct mortar hit as they emerged from the bunker where they had been taking cover. On Sunday, Specialist Melton was killed by a roadside bomb as he manned a machine gun atop his Humvee.

These five brave men are a shining example of the citizen soldiers who are fighting in the deserts of the Middle East. Those serving in Iraq today are not only military men, but they are also doctors, lawyers, police officers, firemen, teachers, factory workers, business owners, and elected officials. Most importantly, they are husbands and wives, they are mothers and fathers.

In short, they are our American family. They are the leaders of their respective communities. Their loss will not only be felt on the battlefield but also by their families, friends, and communities who will miss their love and leadership.

When their Nation called, these brave men answered. They did so without regard to politics or party. They did so without regard to the many small differences we allow to divide us as a nation.

I am sure the entire Senate body will join with me as we send our condolences and sympathy to the families and friends of these brave Americans, to send our thanks for the courageous way they have served their country. They left their homes as family members, co-workers, and friends, and they return as heroes.

I am honored and humbled to pay tribute to their sacrifice. It is hard to find the words that you might think could match those sacrifices because there are no words. But we try. I challenge my colleagues today, let us not just use words. Let us use actions. Let our work be an example of the sacrifices we are willing to take by saying to one another, we will be one America.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Connecticut.

Mr. DODD. Mr. President, before I begin my remarks, may I also make a unanimous consent request that at the conclusion of my remarks, the distinguished Senator from West Virginia, Mr. BYRD, be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. My remarks will be off the subject matter of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, will the Senator from Connecticut restate what his request is?

Mr. DODD. At the conclusion of my remarks, which are about 15 minutes off the subject matter of the bill, Senator BYRD of West Virginia be recognized for 20 minutes.

Mr. ALLEN. I ask the Senator from Connecticut, is the subject of Senator BYRD's remarks the Internet tax issue?

Mr. DODD. I do not know. I have not asked the Senator.

No, it is not. It is a tribute to a constituent.

Mr. ALLEN. Mr. President, I understand the nature of Senator BYRD's remarks. We all want to get to the amendments that might be proposed on the Internet tax issue, but knowing the subject matter of Senator BYRD's remarks, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Connecticut.

IRAQ

Mr. DODD. Mr. President, I commend my colleague from Arkansas for her very eloquent remarks. While she addressed them to four specific individuals from her State, she could have been speaking for any one of our States in talking about any one of the several hundred young men and women who have lost their lives in Iraq over the last year. I thank her for the eloquence of her remarks, the sense of passion and commitment she brought to them. I know she is joined by all of us—certainly this Senator—in expressing deep sorrow for the loss of these Arkansans. We will certainly keep them in our thoughts and prayers.

My remarks follow on a little bit with the remarks of my colleague from Arkansas. Later today or tomorrow, this body will be asked to vote on the confirmation of the first Ambassador to be sent to post-Saddam Hussein Iraq, John Negroponte. Presently, he is our Ambassador to the United Nations. Ambassador Negroponte has a very distinguished diplomatic career and is well suited to undertake what is surely going to be an extremely difficult and complex assignment, likely the most difficult one of his career, and certainly one of the most difficult in the history of the diplomatic corps, going back over the more than 200-year history of our Nation.

While we have had our differences from time to time, I happen to believe John Negroponte is eminently qualified to take on this post. I thank him for his willingness to assume this responsibility, if he is confirmed, and I believe he will be. I also thank his family for their willingness and understanding that our country needs John Negroponte's service at this critical hour.

During his nomination hearing before the Foreign Relations Committee, I stressed to Ambassador Negroponte that it would be terribly important for him to be candid with this Congress and the American people about what is happening in Iraq and what is not occurring. As we send our sons and daughters, mothers and fathers, brothers and sisters in harm's way, as we have just heard our colleague from Arkansas so eloquently describe, the American people have every right to expect and demand that U.S. officials are telling them the truth about what is happening in Iraq because if they lose faith in what our government is telling them, the United States will not be able to sustain the long and difficult task we have undertaken in this faraway country. Ambassador Negroponte acknowledged his obligation to keep us informed. I am very confident he will do so.

While I intend to support Ambassador Negroponte's nomination when the Senate votes on this matter, I would not want that vote of support for him to be interpreted as an endorsement of the U.S. policy in Iraq, as it is presently being conducted. I am deeply troubled about the pace and direction of our policy in that country. The situation in Iraq could not be more volatile. Yet the Bush administration seems hell-bent to stick to the planned date of June 30 for the transfer of sovereignty to the Iraqi Government. Given the recent upsurge in violence in places such as Falluja and Najaf, given the absence of an effective Iraqi security force to deal with such acts, and given the inadequate numbers of U.S. and foreign troops in that country to restore and maintain stability, I wonder—and I assume others do as well—whether we are setting ourselves up for a catastrophic failure by rigidly adhering to this deadline of June 30.

This coming Saturday, May 1, will be the 1-year anniversary of President Bush's declaration of mission accomplished in Iraq. Recent events make it painfully obvious that nothing could be further from the truth; rather, our mission may be just beginning. Certainly the return of sovereignty to Iraq is a laudable goal which I support, as I assume most all of my colleagues do. It should and must be our end game. But a transfer of authority will not in and of itself be a panacea for all the problems Iraq faces. Moreover, if we do it prematurely, it could put our whole mission and the future of Iraq at risk.

This has been obvious to many of us for some time. But the Bush administration continues to plunge forward with the hope and prayer that everything somehow will work out after June 30. It does so without any clear sign that Iraq is ready for us to turn over authority or its institutions are at all capable at this juncture of successfully taking on this incredible responsibility. In fact, I would argue that all the evidence before us suggests that Iraq is not ready and will not be ready in the coming 62 days. Ironically, in light of recent events, with each step closer to June 30 we seem to be taking a step back in terms of our readiness to hand over control to the interim transitional Iraqi Government.

Last week, the Senate Foreign Relations Committee held three consecutive hearings on the situation in Iraq. I commend Senator LUGAR and Senator BIDEN for holding the hearings. On Tuesday, the committee considered the nomination of Ambassador John Negroponte to be the first Ambassador to post-Saddam Hussein Iraq. Many questions were explored in the course of those hearings. Frankly, with respect to many of those questions, there were no or very few clear answers. However, we did receive some very excellent testimony from expert witnesses with very different backgrounds—from the U.S. military, from academia, from policing experience, and counterterrorism.

Despite their different expertise, all of the witnesses were in agreement on one thing: that is, a major course correction with respect to U.S. efforts in Iraq is badly needed, and needed immediately. I have come to a very similar conclusion. Let me be clear. This need for a correction in our policy is not because our men and women in uniform have somehow failed to do their jobs. Quite the contrary, these men and women have performed every task that has been asked of them with the highest degree of professionalism, patriotism, and heroism. Let there be no doubt about that in the mind of any single American. But it is now more than 1 year after the end of major combat, and arguably the dangers to our troops have never been greater 1 year later.

Why then are our troops in so much danger? I believe the answer, unfortunately, is quite simple. We have failed to craft and implement an effective stabilization plan for the nation of Iraq. This is not the fault of those in uniform; rather, it is the responsibility of top civilian officials in the Department of Defense and the White House who from the very beginning ignored—in fact, scoffed at and thwarted—recommendations from leading uniformed officers, including GEN Eric Shinseki, that several hundred thousand troops would be needed to complete our mission in Iraq. In retrospect, it certainly seems that General Shinseki's judgment was right on the mark. More recently, military experts have concluded that we are likely, at least in the short term, to need an additional 50,000 U.S. troops if we are going to be able to secure the peace in that country.

We are also going to need a similar number from our European allies in NATO, and we need these reinforcements soon before events spin even further out of control than they already have.

Indeed, I wonder if last March we had sent a larger number of troops to Iraq—and had broad international participation—whether we would now be facing the same unacceptable lack of security throughout that country. I also wonder what effect increased security in Iraq would have had with respect to Iraqis' tolerance of a U.S. military presence in their country.

Unfortunately, this lack of security has been evident from the earliest days of the conflict, when it first became apparent that the administration had not paid sufficient attention to the security needs of Iraq. Museums were looted. Ordinary civilians took up arms to guard their neighborhoods. Lawlessness prevailed throughout much of the country. Most importantly, in that short period of time, we lost the confidence of the Iraqi people.

This isn't simply my observation. I was told very directly by an Iraqi during my trip to the nation back in December, well before the recent flareup in violence over the last several weeks—this Iraqi citizen is a Shiite, a moderate, a forward-looking individual. He very frankly told me that the lawlessness which followed the war negatively impacted Iraqis' confidence as to the intentions, preparedness, and capabilities of coalition forces to create a safe and secure Iraq.

His contention was reinforced by Hasan Zirkani, who in November 2003 listed the lack of law and order, rampant unemployment, and the lack of basic services as sources of Shiite unrest. I would note that Mr. Zirkani is a Shiite cleric who supports Moqtada al-Sadr, the radical leader who commands the loyalty of the group responsible for much of the recent violence and unrest in Iraq.

I also point to a February 2004 nationwide poll in Iraq, which showed that 64 percent of the Iraqi people consider regaining public security as their "first priority" over the next 12 months.

Disturbingly, the Bush administration has attempted to make up for its lack of security preparation in the same reactive and hasty manner as much of the planning for post-war Iraq was carried out. One example of this has been the assembling of the various Iraqi security forces, a process which most experts agree was done far too quickly, with little or no training, and with inadequate vetting. We all witnessed the consequences of these rushed activities during the recent upsurge in violence, when Iraqi forces collapsed in the face of armed resistance.

Insecurity in Iraq has also affected the ability of U.S. and foreign NGOs to perform the necessary humanitarian and reconstruction duties that would help them turn around the mood in the Iraqi streets. Unfortunately, due to the lack of security, many are unwilling or unable to operate in that country. In many places, reconstruction activities have come to a screeching halt. Contractors sit in hotel lobbies in Kuwait and Jordan, waiting for order to be restored so they can return to their projects.

The administration says we are on course for June 30. I ask: What is that course? Where is all this leading?

One thing is clear: From the very beginning, the Bush administration has done an inadequate job of preparing for the peace in Iraq. It has attempted to fix problems in shortsighted, often haphazard ways. It has only begrudgingly moved to adapt to the resulting strategic realities on the ground.

That is why I believe it is fair and responsible to question the administration's plans as they relate to the upcoming June 30 deadline. How much more complex will this situation be if we try to stand up an Iraqi authority prematurely—if we stubbornly adhere to this date? What happens if that authority crumbles?

I don't underestimate the problem of delaying the turnover. Clearly, if U.N. Special Envoy Brahimi were to announce that the turnover on June 30 is impossible, that would make our choice much easier. But we must recognize that the situation in Iraq is incredibly fragile. If this effort to build a stable and democratic Iraq is to succeed, it is going to need enormous international support. That support will not be forthcoming if the interim government in Iraq is not perceived as legitimate—both by the Iraqi people and the international community.

I emphasize again that I understand there will be a cost by delaying the June 30 date. My point is that whatever that cost is, the cost of adhering to that date, sticking to it prematurely I think would be far more precarious than whatever damage may be associated with delaying the date beyond the June 30 date. Indeed, for all the difficulties in delaying the turnover of authority in Iraq, they pale in comparison, in my view, to going forward and seeing the situation irreversibly spiral downward.

Equally troubling is that the administration is now saying that our handover of sovereignty to the Iraqis on June 30 will be "limited." Mr. President, I don't quite understand what that means. I suspect the Iraqi people don't either. The law of administration for the state of Iraq, the so-called transitional law, which was drafted and approved earlier this year, calls for the establishment of a "fully sovereign Iraqi interim government."

Now it would appear that a yet-to-be-negotiated annex to that transitional law is going to spell out the limits of Iraq's sovereignty after June 30. Of course, nobody yet knows what that annex is going to look like—what concessions the administration will have to make to get the various Iraqi factions to sign off on the individuals who will make up the interim government, or whether those concessions, made in haste, in the long run will undermine our goal of a fully independent and democratic Iraq.

I don't pretend to have all the answers with respect to what needs to be done before sovereignty is handed back to the Iraqi people. But I will say that the rapidly deteriorating security situation, combined with the lack of legitimacy for the U.S. presence in Iraq, has created conflicting pressures on the administration with respect to the June 30 deadline.

Administration officials assert if we hand over authority to the Iraqis on schedule, the U.S. presence in that country will become less controversial. I disagree. The way to enhance U.S. legitimacy is to get the security situation turned around. That isn't going to happen by simply declaring Iraq a sovereign nation on July 1; it is only going to happen with a carefully planned and implemented stabilization program.

That stabilization program will require more troops on the ground—our troops and troops from other nations sanctioned by a clear U.N. mandate. Whether that can be accomplished by June 30 remains to be seen. I think it is very unlikely.

As I mentioned earlier, we are only 62 days away from the turnover date. Yet, we still don't know who we are turning that authority over to. We don't know whether the individuals to be chosen by a U.N. special envoy will be acceptable to the Iraqi people.

What we do know is that virtually every day more Americans and more Iraqis are dying. Recent events have forced the Bush administration to acknowledge some of these realities. I do not think we should dismiss out of hand that a course correction may be called for that makes the primary focus of our efforts security; or that we put off, for a time, the standing up of an unelected interim government.

That would also give us additional time to make sure that when authority is transferred, it is transferred to a body that has legitimacy in the eyes of the international community and the Iraqi people. To help do this, we need to go to the U.N. and NATO before turning over authority, not after. The U.N. and NATO would be invaluable partners in tackling a task never before attempted from the outside: converting dictatorship into democracy. It would infuse our efforts with much-needed legitimacy.

There are roughly 9 weeks left before June 30. In the interim, a lot could be accomplished in Iraq that might make the turnover of sovereignty possible on the timetable the administration has laid out. We could have achieved, before that date, a clear and concrete U.N. mandate for nation building in Iraq. We could have a secured commitment for a significant NATO troop deployment in that nation. We could have deployed additional troops to address the security challenges of a growing insurgency movement—including troops from governments in the region. But we have not achieved any of those things yet. We need to be honest about that.

Mr. President, now is the time for a careful, informed debate in America about U.S. policy in Iraq, especially about the wisdom of our set deadlines—the pros and cons of moving forward as planned. After that debate, as June 30 draws nearer, we may in fact determine that sufficient progress has been made to go ahead as planned with the turnover of sovereignty. That may in fact be the right thing to do. But if on balance we conclude it is not, we in Congress need to say so publicly and on a bipartisan basis. The Bush administration needs to do so as well. Then we need to act accordingly.

Former U.S. Ambassador to Saudi Arabia, Chas Freeman, recently sent an e-mail to some of his friends concerning the situation in Iraq. It was printed in the Washington Post about 2 weeks ago. He concluded with these comments:

> Military triumph does not necessarily equate to a political victory. Wars end only when the defeated accept defeat, not when the victor declares victory. A victory that does not produce peace can be much more costly than protracted confrontation that accomplishes deterrence. Arrogant daydreams that inspire military actions can become humiliating nightmares that produce political debacles.

Before our daydreams for a free and democratic Iraq become our nightmares of a bottomless quagmire, let us do the sensible thing and at least honestly take a hard look at our decision to turn back authority to the Iraqi people on June 30—before we are sure that "victory is going to produce peace." Once we have allowed the Iraqi people to govern themselves, it is going to be virtually impossible to take that sovereignty back without enormous loss of the blood and treasure of both of our peoples.

That is something no one wants to see happen. I urge the administration to think about the wisdom of moving forward on the June 30 date.

Mr. REID. Mr. President, I know the order is that the distinguished senior Senator from West Virginia gets the floor. I ask unanimous consent that I be able to ask, under my time postcloture, some questions of the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Is that OK with the Senator from West Virginia?

Mr. BYRD. It is.

Mr. REID. Mr. President, I have been fascinated with the statement of the Senator from Connecticut. What triggered my mind was the statements he made about General Shinseki who said we would need a couple hundred thousand troops over there. I ask the Senator from Connecticut, what happened to him? He is gone.

Mr. DODD. He is gone. He retired. He was not fired.

Clearly, the message was quite clear that he had stepped out of line by saying what he thought from a military standpoint—he had a distinguished career of many years in military service—that in order to be successful, that number of troops was necessary. He was, in a sense, penalized, at the very least rhetorically for suggesting as such.

Mr. REID. I ask the Senator, does he remember a man named Larry Lindsey? I suggest he was on the Board of Governors working with Alan Greenspan. He also was the chief economic adviser to President Bush. Does the Senator from Connecticut remember a time just a short time ago after the war started that he said he thought the war could cost as much as $200 billion?

Mr. DODD. I recall that.

Mr. REID. He was even more lenient than that. The news article I have says it would be between $100 billion to $200 billion. The Senator recognizes that he was also given his walking papers; is that true?

Mr. DODD. That is exactly what happened. He was also highly condemned for suggesting a number that now looks small in comparison to what the real pricetag is going to be.

Mr. REID. Before asking my final question, I ask the Senator from Connecticut, I am confident he is aware of the last press conference that the President held; is that true? Does the Senator remember the question that was asked in that press conference where the President said, when asked the question about having made mistakes, he couldn't remember any? I ask the Senator from Connecticut if he thinks this is a mistake made by the President: No. 1, going on the aircraft carrier and having a banner above it saying "Mission Accomplished"? The Senator is aware that since that time, about 700 American soldiers have been killed; is that true?

Mr. DODD. That number I think is roughly correct. Most of those, by the way, have died since May 1 of last year.

Mr. REID. So it is fair, is it not, that could have been a mistake?

Mr. DODD. I think by anyone's estimation to declare that the mission was accomplished was a mistake.

Mr. REID. Does the Senator from Connecticut also think it was a mistake for the President to say—when asked about whether there would be any people who would cause trouble there, does the Senator from Connecticut remember him saying, "Bring 'em on"?

Mr. DODD. I do recall that statement he made.

Mr. REID. I suggest to the President's people that they should advise him the next time he is asked that question, he could at least relate to those two things—No. 1, "Mission Accomplished," and No. 2, "Bring 'em on." Since the time of "Bring 'em on," hundreds of soldiers have been killed and thousands maimed for life and injured in other ways.

I appreciate very much that statement of the distinguished Senator from Connecticut.

Mr. DODD. Mr. President, if I may take 1 additional minute, my point is, I voted in favor of the authority. I believe it was the right thing to do. My concern is the June 30 date. I am concerned, and I realize there is a cost in changing it. We need to evaluate whether turning sovereignty over at that date is going to serve our interests. That was the sum and substance of my remarks.

I appreciate the questions my colleague from Nevada raised. I made comments regarding holding rigidly to a date that could turn out to be a mistake.

Mr. REID. I say to my friend, I also voted for the resolution. I think it is extremely important that we who support the effort in Iraq, protecting the men and women who are representing our country over there, have the ability to speak out freely on this issue and not be criticized as having been unpatriotic for having done so.

The Senator from West Virginia was originally almost a lone voice speaking out against this event. Time has shown perhaps his vision was more meaningful than people realized at the time. I appreciate the Senator responding to my questions.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. MCCAIN. Will the Senator from West Virginia yield to me 30 seconds for a comment?

Mr. BYRD. Absolutely.

Mr. MCCAIN. I thank the Senator from West Virginia.

It is the intention of all to finish this legislation tonight. I hope those with amendments will come over during the period that Senator BYRD makes his remarks so we can proceed with amending this legislation. I regret it, but I will object to further extraneous conversation or dialog until we finish consideration of this bill because I do not want to inconvenience Members by keeping them in late tonight. We have some 31 relevant amendments. We need to get about addressing them.

I thank the Senator from West Virginia for allowing me to comment.

Mr. REID. If I can, as a matter of trying to lay out what is ahead of us, Senator WYDEN spoke with me and one other Senator indicating they worked to get cloture on this amendment that the Senator from Arizona filed. There has been an agreement—I have not been part of those agreements—that Senator WYDEN, Senator CARPER, and others would have an opportunity to offer amendments. The Senator from Arizona has indicated that he will do everything within his power to make sure those amendments are offered and debated in an orderly time.

My only statement to the Senator from Arizona is, I think it may be difficult to finish this bill today because he talked about extraneous matters. The Senator from West Virginia has a right to speak for 1 hour on this matter, as do I and others. No one is attempting to stall this legislation. The Senator from Arizona had a very important vote, but I hope this matter is not, in effect, going to be jammed through. This is an important piece of legislation. We will work with the majority as much as we can, but based on my experience in the Senate—the Senator from Arizona and I came on the very same day, so one does not have more experience than the other—I think it will be difficult to finish tonight. If we can, we will work with you. I think it is extremely difficult to finish tonight.

Mr. MCCAIN. If the Senator will yield for one additional comment, I appreciate what the Senator from Nevada said. He is very experienced at floor procedures. I point out we have been on this bill all week. I would hope we could finish it tonight. I see no reason why we cannot.

I understand his skepticism. In no way did I mean to criticise the very important statements being made on the vital issue of national security.

I thank the Senator from West Virginia for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

SGM MICHAEL BOYD STACK

Mr. BYRD. Mr. President, on Easter Sunday, April 11, 2004, this Nation lost a fine soldier, a good man, a loving father and husband, and a faithful Christian when SGM Michael Boyd Stack of C Company, 2nd Battalion, 5th Special Forces Group Airborne, was killed in an ambush in Iraq.

SGM Stack is 1 of more than 700 men and women who have given their lives in this conflict and 1 of the more than 100 who were killed in the month of April alone. Each is mourned. Each is honored. Each is sorely missed.

These men and women knew the meaning of duty, honor, and courage. They and their comrades in arms still serving are most emphatically not the summer soldier and the sunshine patriot whom Thomas Paine warned against, who shrink from the service of their country in times of crisis.

SGM Stack and his fallen comrades wore the uniform of the United States proudly and bravely. When told to go to Iraq and Afghanistan, they saluted and prepared to go. They said their farewells to their loving and fearful families and set off. From spare bivouacs, they patrolled dusty streets and lonely highways. They faced rocket-propelled grenades, improvised landmines, sniper fire, and ambush. They looked out for one another with humor and grace and caring. They gave their very best. In the end, they gave their all.

Soldier, rest!
Thy warfare oer,
Sleep the sleep that knows not breaking,
Dream of battled fields no more,
Days of danger, nights of waking.

So said Sir Walter Scott in the Lady of the Lake.

These fallen heroes made the ultimate sacrifice, bravely and unshirking. When all is said and done, all policy laid aside, out there at the sharp end of the spear, these men and women did what good soldiers do. They stood shoulder to shoulder and did not flinch. In the heat of battle, in the threat of danger, in the face of death, they did not flinch.

SGM Stack had faced such dangers before. His 27-year Army career spanned the cold war, the first Gulf war, and the conflict in the Balkans. His experience and his cool head in tense situations made him a valued member of his company and his battalion. He volunteered for Airborne School and service in the 82d Airborne Division upon his enlistment in 1977. He joined the Special Forces in 1988, serving 16 years with the 3d, 5th, and 10th Special Forces Groups, and as an instructor in the 1st Special Warfare Training Group. Much of what he did will never be made public, but he earned the unqualified respect and admiration of his fellow soldiers. The high standard of professionalism, ability, teamwork, and fairness that SGM Stack exemplified and taught to new generations of Green Berets will be his legacy to the Army, as well as in the Armed Forces of other nations that he helped to train.

Even as a young platoon sergeant, he was known as "No Slack Billy Jack Stack," in recognition of the high standards he expected, and required, of the men he led. He cared deeply for his men and died among them, manning a .50-caliber machine gun in the heat of battle, keeping them safe and striving, as always, to achieve the mission goals.

SGM Stack was a professional soldier, hard-eyed and competent, the very picture of a happy warrior, who might have inspired these words by the poet William Wordsworth:

Who is the happy Warrior? Who is he
That every man in arms should wish to be?
It is the generous Spirit, who, when brought
Among the tasks of real life, hath wrought
Upon the plan that pleased his boyish thought:
Whose high endeavors are an inward light
That makes the path before him always bright:
Who, with a natural instinct to discern

What knowledge can perform, is diligent to learn;
Who, doomed to go in company with Pain,
And Fear, and Bloodshed, miserable train!
Turns his necessity to glorious gain;
In face of these doth exercise a power
Which is our human nature's highest dower:
Controls them and subdues, transmutes, bereaves
Of their bad influence, and their good receives:
Whose powers shed round him in the common strife,
Or mild concerns of ordinary life,
A constant influence, a peculiar grace;
But who if he be called upon to face
Some awful moment to which Heaven has joined
Great issues, good or bad for human kind,
Is happy as a Lover; and attired
With sudden brightness, like a Man inspired;
And, through the heat of conflict, keeps the law
In calmness made, and sees what he foresaw.

In and out of uniform, SGM Stack set high standards for himself. He earned his college degree while serving in the Army. He was active in his church. He kept a Holy Bible in his desk at work, by his chair at home, and in the pocket of his battle dress uniform. He had the quiet confidence of a man who keeps the Lord close to his heart. Before leaving on his final patrol, SGM Stack asked the unit chaplain to say a prayer over his men.

He kept his family close as well. He went home to lunch most days. He lavished love on his young children and took great pride in the accomplishments of his older children. In his wife, Suzanne, he had a soulmate with whom he was planning a long and happy retirement, a retirement which never came. He relished quiet hours spent with family and friends, and he took justified pride in his cooking abilities at such times. He was slow to anger and quick to forgive. He left behind him a full measure of That best portion of a good man's life, His little, nameless, unremembered acts of kindness and of love.

SGM Stack is survived by his wife, Victoria Suzanne Stack; his children Milissa, Virginia, Jillian, David, and William; step-son Bryan, and grandchildren Jakob, Tylor, and Jesse. His father, Cecil, and mother, Antoinette Stack, also mourn him, as do his brother, Cecil Stack, Jr., and sisters Tammy, Kimberly, and Christina.

Military service was a tradition in the Stack family that stretches across generations. SGM Stack's father, brother, and nephew all serve or served in the Army. SGM Stack's father-in-law retired from the Air Force. The Nation owes a deep debt of gratitude to such families, who have answered the call to arms so often and so willingly in our history.

Today, as SGM Michael Stack is laid to rest at Arlington Cemetery, joining the quiet ranks of fallen heroes there, no words can truly comfort hearts that loved him and that are grieving. But at this Easter season, especially, we are reminded that death is not the end, but only a parting for a little while. Michael's faith gave him comfort as he stepped in front of danger; may that same faith sustain his family that they will surely be together again.

Once again, I reach for the words of William Wordsworth, from his Ode, Intimations of Immortality:

Though nothing can bring back the hour
Of splendor in the grass, of glory in the flower;
We will grieve not, rather find
Strength in what remains behind;
In the primal sympathy
Which having been must ever be;
In the soothing thoughts that spring
Out of human suffering;
In the faith that looks through death,
In years that bring the philosophic mind.

I offer the thanks of a grateful Nation to SGM Stack, who served his country in the Army, who served his country with great honor and distinction. To his family, I offer my sincere condolence for their loss. I pray that the Lord gives them strength to bear this sad burden until, in the fullness of time, they are all united again.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed as in morning business for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. BURNS. Mr. President, I have heard my colleagues come to the Senate today criticizing the President about the handling of Iraq and the war on terrorism. I hate for it just to lie there and somebody not explain to the American people that we are at a war. This is a war that is as big as World War II or World War I. It is global in its size, but it is with a different enemy than we have ever known before in the history of this country or any other country. It is terrorism. It is performed by people who do not wear uniforms, who operate in the shadows and are faceless, are indiscriminate in whose life they take—whether they be combatants or noncombatants, men or women, young or old—and a respecter of no nationality. That is the enemy.

Some would actually question the decision to move against Iraq or Afghanistan. Let me remind my fellow Americans and also my colleagues, we could go back as far as Beirut when a building was bombed there and over 200 marines lost their lives. It was a car bombing. We had never experienced that before. It gave us a pattern of what was to come in later years.

We have heard the crying of the Iraqi people. I believe the spirit of freedom lives in their breast as it does in ours. But let's look at the track record, how we got to where we are today.

Do you recall the World Trade Center, the first time it was hit, February 26, 1993? Six people died. Cyanide gas and other chemicals were found in that building. Next, we move to June 25, 1996, when 19 Americans were killed and 372 were wounded at a place called Khobar Towers in Saudi Arabia. Nothing was done about either one of those attacks.

Then came August 7, 1998. Two embassies were bombed; one in Tanzania, one in Kenya, eastern Africa.

Then came October 12, 2000. The USS *Cole* was attacked in Yemen. Seventeen American sailors died.

Then we come to September of 2001—September 11; 9/11—and the World Trade Center, New York City. Two airplanes were flown into the two towers. Over 2,500 people were killed on that fateful day that most of us remember. There was another attack in Washington, DC, at the Pentagon on that same day. On that day some 3,000 people died. We did not even lose that many at Pearl Harbor when Japan attacked our forces, the U.S. Navy.

We could go on about Santiago, on September 27, 2001; the U.S. housing compound in Saudi Arabia—all of those terrorist attacks on American citizens.

Because we did nothing to answer any of those attacks, was that basically a green light to go ahead? How long do we have to apologize and say, Well, we are trying to find a way to take care of this cancer that has invaded our world?

So the decision was to say, after 9/11: Let's go after the cancer. And we did that. And al-Qaida, even though it operates, I will tell you, it does not operate as freely as it did.

The American people, have they forgotten we have not been hit by another terrorist act in this country since we made the decision to tear the heart out of the dragon?

And then the idea of Iraq and weapons of mass destruction, he had them. He used them. He manufactured them. People were even trained.

I do not think we need to apologize to anybody anymore for the actions we are taking. Enough is enough, for the protection of our country and for the protection of the people who live here, who work here, and long to be free.

Just ask the young men. For everybody who would say, Well, this thing is falling apart, do you realize our recruitments are up? People who are reenlisting in the service—those numbers are up. If you talk to our young people there in Iraq, who are doing those patrols—and I have done that; I have been there—they know what the mission is. They know the risk involved. They willingly accept it because they have a great heritage of generations before them. When called upon to make the sacrifice for national security, Americans have always answered the call—even in light of those who would be apologists.

So we as, say, the political arm also have an obligation to make sure they inherit the world they think they are getting. They are willing to die for it. We should support them because they understand the next generation will. If you wanted to take a poll on how many people wanted to be on Normandy Beach on June 6, 1944, I doubt you would get a majority of people who would like to have been there. But we went. We answered the call. That is what is important. We cannot lose our will as a people or a society or as our military forces. That is what I am hearing is our will. They understand what is at stake for the next generation. That is what has made this country great. We always think about the next generation. It is not about our own generation. It is about our kids. That is what this is all about.

If we keep backing and shrinking away, then our enemy will take whatever we give them, and we will pay an even higher price than we have already paid—Americans killed, innocently, going about their own business in their own way in a free country.

We have men and women who have answered the call and a Commander in Chief who is doing his level best to not only end it in an honorable way but to also secure the freedom and the safety of people in a part of the world where that has been done very few times. He is to be commended for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 59 young Americans who have been killed in Iraq from March 22 to April 26. All of them to whom I am going to pay tribute were from California or were based in California.

I have previously read the names of all the others connected to California who have died. Sadly, these numbers are going up. I was shocked to just hear on the radio that 11—11—of our troops have been killed today in Iraq.

So I am going to read the names of those who are connected to California. And this, again, is from March 22 until Monday of this week.

LCpl Jeffrey C. Burgess, age 20, died March 25, due to enemy action near Fallujah. He was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

LCpl James A. Casper, age 20, died March 25, due to a noncombat-related incident at Al Asad. He was assigned to 2nd Battalion, 11th Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

MSgt Timothy Toney, age 37, died March 27, due to a noncombat-related incident at Camp Wolverine, Kuwait. He was assigned to Headquarters Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Leroy Sandoval, age 21, died March 26 due to hostile fire in the Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl William J. Wiscowiche died March 30 due to enemy action in Al Anbar Province, age 20. He was assigned to 1st Combat Engineering Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Victorville.

PFC Dustin Sekula, age 18, died April 1 due to injuries sustained from enemy fire in Al Anbar Province. Assigned to 2nd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

PFC Geoffrey Morris, 19. Private Morris died April 4 due to injuries received from hostile fire in Al Anbar Province. Assigned to 2nd Battalion, 4th Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Aric Barr, age 22, died April 4 due to injuries received from enemy action in Al Anbar Province. Assigned to Twentynine Palms, CA, the same battalion, the same division, the same force.

Cpl Tyler Fey, age 22. Corporal Fey died April 4 due to injuries received from enemy action in Al Anbar Province. He was assigned to the same battalion, the same division, the same force, Twentynine Palms, CA.

We have been hurting in California.

LCpl Matthew Serio, age 21, died April 5 due to injuries received from hostile fire in Al Anbar Province; also from Camp Pendleton, the same battalion, the same division, the same force.

Sgt Michael W. Mitchell, age 25, died April 4 in Baghdad when his unit was attacked with rocket-propelled grenades and small arms fire. He was assigned to the Army's 2nd Battalion, 37th Armor Regiment, 1st Brigade, 1st Armored Division, Ray Barracks, Friedberg, Germany. Sergeant Mitchell was from Porterville, CA.

SP Casey Sheehan, age 24, died April 4 in Baghdad when his unit was attacked with rocket-propelled grenades and small arms fire. He was assigned to the Army's 1st Battalion, 82nd Field Artillery Regiment, 1st Calvary Division, Fort Hood, TX. Specialist Sheehan was from Vacaville, CA.

Cpl Jesse Thiry, age 23, died April 5 due to injuries received from hostile fire in Al Anbar Province. Assigned to 1st Battalion, 5th Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Christopher Ramos, age 26. Private First Class Ramos died April 5 due to injuries received from hostile fire in Al Anbar Province; the same battalion, same Marine division, same force, Camp Pendleton, CA.

Another from the same battalion, the same force at Camp Pendleton, is PFC Derrick Hallal, age 24, died April 6 due to hostile fire in Al Anbar Province.

PFC Christopher Cobb, age 19, died April 6 due to hostile fire in Al Anbar Province; also from Camp Pendleton, CA.

PFC Ryan Jerabek, age 18, died April 16 due to hostile fire in Al Anbar Province; also from Camp Pendleton, CA.

PFC Moises Langhorst, age 19, died April 5 due to hostile fire in Al Anbar; same battalion, from Camp Pendleton, CA.

LCpl Travis Layfield, age 19, assigned to 2nd Battalion, 4th Marines, 1st Marine Division, same force, Camp Pendleton, CA. He was from Freemont, CA.

LCpl Anthony Roberts died April 6 due to hostile fire in Al Anbar Province; the same group of marines from Camp Pendleton.

SSgt Allan Walker died April 6 as a result of a gunshot wound while conducting combat operations in the Al Anbar Province. He was from the same battalion, division, force at Camp Pendleton. He was from Palmdale, CA.

LCpl Kyl Crowley died April 6 as a result of a gunshot wound while conducting combat operations in the Al Anbar Province. He was from the same battalion, same division, same force, Camp Pendleton, CA. He was from San Ramon, CA.

PFC Benjamin Carman, age 20, died April 6 due to hostile fire in Al Anbar Province. He was assigned to the same group as the others, Camp Pendleton, CA.

LCpl Marcus M. Cherry, age 18. He died as a result of a gunshot wound while conducting combat operations in Al Anbar Province. He was from the same battalion, same division, same force, Camp Pendleton. Lance Corporal Cherry was from Imperial, CA.

LCpl Shane Goldman died April 5 due to injuries received from hostile fire in

Al Anbar Province. He was from the same battalion, same division, same force, Camp Pendleton, CA.

2LT John Wroblewski. Second Lieutenant Wroblewski died April 6 due to injuries received from hostile fire in Al Anbar Province. He was assigned to the same group at Camp Pendleton.

CPT Brent Morel, age 27, died from hostile fire in Al Anbar Province on April 7. He was assigned to the same group, Camp Pendleton.

Petty Officer Third Class Fernando Mendezaceves, age 27, killed April 6 in Iraq while conducting combat operations in the Al Anbar Province. He was assigned to the Naval Medical Center in San Diego, 1st Marine Division Detachment, San Diego.

PFC Christopher D. Mabry, 19, died April 7 due to injuries received from hostile fire in Al Anbar Province. He was part of the same group from Pendleton, CA.

SSgt William Harrell, age 30, died April 8 of a gunshot wound while conducting combat operations in Al Anbar Province. He was from Placentia, CA. He was part of the same marine group, Camp Pendleton.

1LT Joshua Palmer died April 8 of wounds received from small arms fire while conducting combat operations in the Al Anbar Province. He was assigned to the same group of marines, Camp Pendleton, CA. He was from Banning, CA.

LCpl Michael Wafford, 20, died April 8 due to injuries received from hostile fire in Al Anbar Province. He is from the same Marine regiment, division, force at Camp Pendleton, CA.

Cpl Nicholas J. Dieruf, age 21. Corporal Dieruf died April 8 due to injuries received from enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Christopher B. Wasser, age 21. Lance Corporal Wasser died April 8 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

LCpl Levi T. Angell, age 20. Lance Corporal Angell died April 8 due to injuries received from hostile fire in Al Anbar Province. He was assigned to Combat Service Support Group 11, 1st Force Service Support Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Matthew E. Matula, age 20. Corporal Matula died April 9 form hostile fire in Iraq. He was assigned to 2nd Battalion, 1st Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Elias Torrez, III, age 21. Lance Corporal Torrez died April 9 from hostile fire in Iraq. He was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, Ca.

PFC Eric A. Ayon, age 26. Private First Class Ayon died April 9 as a result of shrapnel wounds from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, Ca. Private First Class Ayon was from Arleta, CA.

PFC Chance R. Phelps, age 19. Private First Class Phelps died April 9 form hostile fire in Al Anbar Province. He was assigned to 3rd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LC John T. Sims, Jr., age 21. Lance Corporal Sims died April 10 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

1LT Oscar Jimenez, age 34. First Lieutenant Jimenez died April 11 due to a gunshot wound to the head and thigh received in Al Anbar Province. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from San Diego, CA.

PFC George D. Torres, age 23. Private First Class Torres died April 11 after sustaining a gunshot wound to the head while conducting combat operations in the Al Anbar Province. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Long Beach, CA.

LC Phillip E. Frank, age 20. Lance Corporal Frank died April 8 from hostile fire in Al Anbar province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Daniel R. Amaya, age 22. Corporal Amaya died April 11 from hostile fire in Al Anbar Province. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Torrey L. Gray, Age 19. Lance Corporal Gray died April 11 from hostile fire in Al Anbar Province. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

PVT Noah L. Boye, age 21. Private Boye died April 13 from hostile fire in Al Anbar Province. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert P. Zurheide, Jr., Age 20. Lance Corporal Zurheide died April 12 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA

LCpl Brad S. Shuder, Age 21. Lance Corporal Shuder was killed in action April 12 while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Kevin T. Kolm, Age 23. Corporal Kolm died April 13 from hostile fire in Al Anbar Province. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG.Victor A. Rosaleslomeli, Age 29. Staff Sergeant Rosaleslomeli died April 13 in Iraq when an improvised explosive device exploded near his escort vehicle. He was assigned to the 2nd Battalion, 2nd Infantry Regiment, 1st Infantry Division, Vilseck, Germany. He was from Westminster, CA.

SGT Brian M. Wood, Age 21. Sergerant Wood died April 16 in Tikrit when his military vehicle pulled off the road and apparently hit a mine while on patrol. He was assigned to the Army's 9th Engineer Battalion, 2nd. Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. Sergeant Wood was from Torrance, CA.

SSG Jimmy J. Arroyave, Age 30. Staff Sergeant Arroyave died April 15 due to a non-combat related vehicle accident northeast of Ar Ramadi, Iraq. He was assigned to Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Woodland, CA.

LCpl Gary F. VanLeuven, age 20. Lance Corporal VanLeuven died April 17 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

LCpl Ruben Valdez, Jr., age 21. Lance Corporal Valdez died April 17 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

LCpl Michael J. Smith, Jr., age 21. Lance Corporal Smith died April 17 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

CPT Richard J. Gannon, II, age 31. Captain Gannon died April 17 from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I

Marine Expeditionary Force, at Twentynine Palms, CA. Captain Gannon was from Escondido, CA.

PFC Leroy Harris-Kelly, age 20. Private First Class Harris-Kelly died April 20 north of Tallil, Iraq, when his truck went off the road and rolled over because of limited visibility and dangerous driving conditions. He was assigned to the 596th Maintenance Company, 3rd Corps Support Command, V Corps, Darmstadt, Germany. He was from Azusa, CA.

Cpl Christopher A. Gibson, age 23. Corporal Gibson died April 18 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA. He was from Simi Valley, CA.

Cpl Jason L. Dunham, age 22. Corporal Dunham died April 22 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

Sadly, since this list was compiled, we have suffered more and more losses. Today alone, I understand from radio reports, we have lost 11 soldiers. So this list that I read pays tribute to those lost between March 22 and Monday of this week. It took me too long, Mr. President, and I had to ask for more time because, sadly, we have lost more than 700 people, and the numbers are escalating.

I say to the families not only of these brave servicemen—and I don't think there was a woman in this particular list—I say to the parents who have lost a child here, and I say to the wives or the husbands who have lost a spouse here, and I say to the children who have lost a dad here, or the siblings who have lost a brother or sister here, you should be very proud of your family member; that love of country takes many forms, and one form is being willing to carry a weapon on to the field of battle where you face death, and that is what these brave men and women are doing right now.

As a Senator, I owe you a plan, I owe you a clear mission, I owe you a clear exit strategy. Working on the Foreign Relations Committee with my colleagues on both sides of the aisle—Senators LUGAR, BIDEN, KERRY, DODD, SARBANES, CHAFEE, and all the Members on both sides of the aisle, we owe it to the people to come together now and figure this out.

My friend from Montana said this is a war against terrorism. I want to bring us back for a moment to September 11 when the whole world was with us against Osama bin Laden, and I gave the President full authority to go get the people who did this to us.

After September 11, as each of us were trying to find out what happened, I asked the State Department about al-Qaida and where al-Qaida operated.

I have a booklet that was printed after September 11 from the Bush administration's State Department. Al-Qaida operated at that date in 45 countries, including our own. Iraq was not on the list. And somehow because we did not have a plan and we lost the support of most of the world for this, we find ourselves alone in this matter.

For every name that I read, there is a family grieving with tears that we can only imagine. We owe it to them now, because we are where we are, not to come to the floor and snipe at each other, but to find a plan so we can make sure the world is with us and make sure the Iraqi people are with us.

Yes, we are going to have those elements—the Baathists and the extremists—but if we can win the hearts and minds of the Iraqi people, as we have been saying on the Foreign Relations Committee for so long, we can turn this around. But we need to do it with the world behind us, and that takes leadership.

For me to come to the floor and talk about all these deaths and then have to ask for additional time because there are so many deaths that I ran out of time—this is not what the American people were told. We need a plan. We need more support. We need an exit strategy that makes sense that gives us pride, that gives the people of Iraq pride, that gives them at least the limited sovereignty they have been promised.

This is a very hard time. I support our men and women in Iraq. I am going to work overtime in a bipartisan way to make sure the tone around here can change, and we can come together.

Yes, we differed on the way in. I differed with how we went in and with whom we went in, but we are where we are, and now is a time to figure out a way to get us out of there in a way that makes the world safer, makes us safer, and once more puts America in the front of the world as the country that will, in fact, be able to bring democracy in a way that makes sense for the people of the world.

I am going to give back my time because I am very anxious to get this bill passed with my colleagues, Senators McCAIN, WYDEN, ALLEN, and others.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from California for her courtesy.

I would like to report that after a very productive meeting amongst the principals who have been involved in this legislation, I might add, I was reminded, for about 8 years now, and thanks to the good offices of Senators DORGAN, VOINOVICH, ALLEN, LOTT, ALEXANDER, and CARPER, I think we have the outline of an agreement that I hope can lead to a successful conclusion within the next hour or so.

We have refined the issues basically down to two. One of them is the issue of a moratorium. We expect Senator LAUTENBERG to come to the floor with an amendment on the issue of moratorium, the numbers of years of a moratorium for different protocols, and also one on the definition of the backbone. It is not clear whether the second issue will require a recorded vote.

We also reached an agreement on an amendment I will propose on behalf of all of us in a few minutes that has to do with the voice over Internet protocol issue, a definition to which we have agreed.

I inform my colleagues, I think it is very possible that we could have one or two more votes and then vote on final passage. At least I am hopeful of that outcome. I again thank my colleagues for their progress.

I will also mention that there are a couple of Senators who are being checked in who had amendments to make sure their concerns are being addressed in the amendments that may be proposed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank Senator McCAIN for his leadership. We did just conclude a meeting and, as a result of that meeting, it appears to me we should be able to complete this legislation likely this afternoon. We dealt with the question of the voice over Internet protocol, VOIP. I think Senator McCAIN will offer an amendment that reflects an agreement on all sides of that issue. That is one of the issues resolved.

There still remains some issues dealing with the grandfather issue. I believe Senator LAUTENBERG will offer an amendment on that issue. Senator LOTT has an amendment. I am not certain whether they need votes. In any event, they will be working on those.

The other issue is the definition as to what extent this legislation applies to certain activities with respect to taxation of telephone and telecommunications issues and the Internet.

The underlying bill is a Federal preemption of taxation with respect to the Internet. The point of the legislation, as introduced, is to effectively prevent taxing the connection to the Internet, believing that the buildout of broadband services in this country is good for the country and will expand the economy and create jobs.

Almost all of us previously voted for a moratorium on taxes on the Internet. I voted for it, and so has most of my colleagues. This iteration of that moratorium has become increasingly complicated because since the moratorium, new technologies have developed, and it has caused more difficulties in negotiating. Even though we do not have agreement on every feature, my expectation is that in the next couple of hours the likelihood is this legislation could be completed in the Senate.

Again, I appreciate the leadership of Senator McCain. A group of us have been active in trying to see if we can find common definitions and common intent with respect to this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I share the view of the chairman of the Commerce Committee and Senator Dorgan. I think the end is now in sight. I see the distinguished Senator from Virginia on the floor right now, and I commend him for all the effort and the relentless pursuit of a cause that he and I have shared for many years, going back to when he was Governor and when I was the original Senate sponsor.

We have held steadfast to the proposition that the Internet, this extraordinary national and global treasure, should not be subject to multiple and discriminatory taxes. I think the earlier Senate vote indicates that a majority of the Senate is prepared to support policies which will ensure that the Internet is healthy and vibrant for the future.

I see the chairman of the Commerce Committee on the floor. People felt strongly about the question of telephone calls over the Internet. The chairman of the Commerce Committee came, had a very constructive definition which made clear or clearer what Senator Allen and I have felt all along, and that is that there should not be a change in the status quo. That is very constructive.

My guess is that the big challenge over the course of the afternoon will be on the issue of definitions. Certainly there are definitions with respect to how what is called the backbone of the system, the architecture, is handled. Depending on how it is written, that definition could provide for taxes on BlackBerrys and e-mails and the kind of thing that the Senator from Virginia and I have opposed strongly. We will have to oppose that once again, but I want to make it clear, as I did earlier in the afternoon, that we are anxious to deal with the remaining issues in a collegial fashion with the Senator from Tennessee. The Senator from Tennessee has made it clear he wants to move this bill along.

I join my colleagues in saying that after 8 years of being at this, literally since the time I came to the Senate early in 1996, I suspect in a few hours the Senate will have acted once more in a bipartisan fashion.

I want to wrap up by commending the Senator from Virginia. He has been willing to compromise with respect to issues but he has never compromised on principle, and I appreciate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, we await the arrival of Senator Lautenberg so we can move forward with his amendment. Then I am informed that at least Senators Alexander, Carper, and Voinovich do not intend to offer their amendment on definition, but there are other Senators who also have an interest in this issue. So it is not for sure that we are not going to have an amendment on that issue.

As I mentioned, moratorium and the grandfather issues need to be addressed, and Senator Lautenberg's amendment addresses the issue of grandfathering. So we await his arrival in hopes that we can get that disposed of, and then the Lott amendment and then we would be ready to move to final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chafee). Without objection, it is so ordered.

Mr. REID. Mr. President, this morning we came to the floor and were confronted with a situation where we tried to get an extension of a highway bill. That was objected to by the senior Senator from the State of Missouri. We talked a little bit at that time, and what we talked about is, basically, if there is no extension given—which has been cleared on our side, by the way—there will be some 5,000 Federal employees of the U.S. Department of Transportation laid off. They may be able to wait until Monday, but certainly they will be able to wait no longer.

What does this mean? It means new highway and bridge projects will be shelved. It will stop reimbursement payments to the States for projects already incurred. It will halt safety grants to the States. It will stop work on transit construction in the Nation's cities and towns. It will interrupt enforcement of motor carrier safety regulations. It will disrupt inspection efforts at our Nation's borders. All we are asking is a temporary extension.

I said this morning, and I say tonight, Senator Inhofe has been a real soldier. He has been with us every step of the way to get a highway bill that is meaningful. No one can question the conservative credentials of Jim Inhofe from Oklahoma. The Senator from Oklahoma is noted for being a person who watches where the money is spent. But he recognizes the bill we reported and passed in the Senate, a bill that was some $318 billion, is legislation that is important for the country. It is important for the State of Oklahoma. It is important for the State of Nevada. It is important for the State of Rhode Island. It is important for the State of Virginia, and every other State I see represented on this Senate floor—which is no other State at this time.

This is something we have to do. I think it would be a terrible shame, and I can't imagine the reason that my friend, the distinguished senior Senator from Missouri, has used for wanting to object to this extension.

He says: I want a conference appointed.

Mr. President, we have said there are other ways of arriving at this. There are other ways of having legislation approved by the body, by the House, and sent to the President.

I have in my hand bills enacted into law without using conferencing. This is an effort to negotiate differences in language between the House and the Senate. We have, just in the 108th Congress, 21 different measures, important measures: TANF, military family relief, Tax Relief Act, veterans' benefits, and many other pieces of legislation—18 others, to be specific.

I think it is a tightrope I would not want to go to Nevada on, saying that I objected to the highway bill and I am closing the Department of Transportation because the minority won't agree to a conference. I don't think that is very good reasoning. I think the people of the country would also think it is not good reasoning.

We have worked, in a bipartisan manner, to produce a highway bill in the Senate. That legislation achieved 76 votes. We received a letter from 20 Republican Senators, dated today, supporting the Senate funding levels. These are Republican Senators, 20 Senators. These are Senators, any one of which——

Mr. McCAIN. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for the parliamentary inquiry?

Mr. REID. I am happy to.

Mr. McCAIN. At what time does the Pastore rule apply?

The PRESIDING OFFICER. It does not apply postcloture.

Mr. REID. Three hours. Pastore works 3 hours after we take up a measure. So that wouldn't apply here.

I appreciate my friend's interest.

Mr. McCAIN. I thank the chairman.

The PRESIDING OFFICER. But we are postcloture and germane debate is required.

Mr. REID. Certainly, I understand that totally. Mr. President, the reason I understand that is the legislation that is before this body, this Internet legislation, has so many ramifications that are important to what is going on in the country today. One of the things going on in the country today is how we have improved the way we work on transportation generally. But for the high-tech industry we couldn't do many of the things that are done today. There are many different things we do today that we didn't do 5 years ago, or even 10 years ago as a result of computerization.

The vehicles on the roads now, with some exceptions in the State of Nevada, Department of Transportation vehicles, have computers in them. So I have no qualms, using my hour's time on this legislation, talking about the importance of the highway bill and, of course, the fact is, with the highway bill there are many high-tech propositions that would be affected by this underlying legislation.

Mr. President, I have a letter. I would read all the names, but, frankly, I can't read them because I can't read some of the signatures. But I do see one signature that jumps out at me: ELIZABETH DOLE. She has been Cabinet Secretary two or three times, but one of those times she was a Secretary. In one of our President's Cabinets she was Secretary of Transportation.

ELIZABETH DOLE is one of those supporting the $318 billion bill. Virtually every Senator on the Democratic side supports it. That is 69 votes right there.

I hope what we are doing today is only for a short time. We need in the worst way to find out a way of getting Senator BOND to agree to this extension. This Nation expects nothing less.

The Republican leadership is going to meet today or tomorrow and talk about what they think should be the size of this bill. The vast majority—far more than 67 Senators, the veto-proof number of Senators—believe we should have a higher number.

It is very clear. If a bill came to the Senate or the House with $318 billion for highway transit, we would override any veto of the President. Why? Because this bill does not raise the debt. It is paid for out of trust fund money, and revenue streams are already in place.

Not only do we have a lot of people supporting this legislation, as I indicated earlier today—and it is now in the RECORD—but we have hundreds of organizations that support this legislation: U.S. Chamber of Commerce; Laborers International Union of North America; Associated General Contractors—they are not together very often on anything—American Road & Transportation Builders Association; International Union of Operating Engineers; American Public Transportation Association; National Asphalt Pavement Association; National Stone, Sand & Gravel Association; Association of Equipment Manufacturers; American Waterways Operators; Air Transport Association; and Waterways Work.

These are only a few of the hundreds of organizations that want us to proceed.

I hope we can do this. It would be a shame to lay off 5,000 people. The impact it would have on their immediate families is important. But the impact it would have on this country—we are just beginning to come out of a recession, so I am told. We are really fighting for jobs. One way to work to have more jobs is to keep the highway program going.

This legislation that is before the Senate is about as high tech as you can get. We know for every $1 billion spent in infrastructure development, 47,500 jobs are generated. That is important. That is only for direct jobs, and thousands of other jobs are spun off from that.

I hope we can move forward. I understand the importance of consumer-friendly legislation. Let us please not have an objection to this legislation.

I am not going to ask unanimous consent until Senator BOND has some knowledge that I will do that. But I will do that later in the day.

I appreciate everyone's courtesy. I know they stretched the rule a little bit for me. I am very grateful. Even though the highway bill is high tech, I am not sure it is that high tech.

Mr. MCCAIN. Mr. President, I would never, ever believe that my friend from Nevada would stretch any of the Senate rules. Of course, I appreciate his real knowledge of the rules of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3082 TO AMENDMENT NO. 3048

Mr. LOTT. Mr. President, I call up amendment No. 3082, which is my amendment to the McCain underlying amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3082 to amendment No. 3048.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the 1998 grandfather from 3 years to 4 years)

On page 5, line 2, strike "2006" and insert "2007"

Mr. LOTT. Mr. President, in order to explain exactly what is involved, it is quite simple. The amendment would extend the 1998 grandfather coverage in the bill from 3 years to 4 years. I support ending this grandfather provision for States that had already enacted some Internet tax by 1998. I support phasing that out.

I would like to have this issue dealt with in a broad, comprehensive way. I hope the Commerce Committee will do that in the next year or two. I felt that 3 years was enough of an extension of that grandfather clause. But I have talked to a number of Senators on both sides of the aisle who say that in the interest of fairness you have the grandfather clause phased out in 3 years, and this bill is for 4 years. Wouldn't it be fairer, and we would be more supportive of it, if we could get these two provisions in the same position?

For that reason, I filed an amendment yesterday just before 1 o'clock. I have discussed this with Senator STEVENS, Senator MCCAIN, and Senator WYDEN. Members on both sides are aware of what this amendment is. Senator SUNUNU had some reservations about it but understands what we have done.

We are prepared to go forward with this amendment now. I am willing to do it because I think it is so important that we have Senators who feel good about this legislation and believe it is fair so we can get a bill, get it now, and deal with this moratorium after these many months of laboring to do the right thing.

That is basically what this is all about. I hope my colleagues will support it and it can be accepted, hopefully, on a voice vote.

Mr. MCCAIN. Mr. President, I thank the Senator from Mississippi for his very adroit, as always, capable work on this issue and moving this legislation along.

I thank my colleague from New Hampshire, Mr. SUNUNU, who feels very strongly about this issue. I know we will be revisiting this issue again.

I thank my colleagues. I strongly recommend that we agree to the amendment by voice vote.

I yield the floor.

Mr. DORGAN. Mr. President, I have no objections to the amendment that is being offered by my colleague from Mississippi. We discussed the amendment earlier today. It is an amendment I support. I hope we can agree to it without a recorded vote. I think that makes sense.

I might say while addressing this at the moment that I am trying to get in touch with Senator FEINSTEIN to determine whether she intends to offer an amendment on this subject. I believe that is perhaps the last amendment on our side of which we need to try to determine the disposition. As soon as we determine what that is, I will let Senator MCCAIN know.

Once again, I do not object at all to the amendment offered by Senator LOTT. I think a voice vote is in order.

I yield the floor.

Mr. MCCAIN. Mr. President, there is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3082) was agreed to.

Mr. LOTT. Mr. President, if the Senator will yield, this appears to be a moment where we are waiting for other Senators to be contacted to further work on amendments that may or may not be offered. I want to take this opportunity to say something positive about this institution which has been having difficulties lately.

This bill shows what you can do when Senators will work together on a very difficult issue. Senators prefer not to vote on this issue. We have friends on both sides—all of us. We have heard from our Governors, mayors, and from the industry. We have heard from all different points of view. But with the tenacity and persistence of Senator ALLEN, Senator WYDEN, the chairman of the committee, and the manager on the Democratic side—they have some feel for what this institution can do and should do. I think they all deserve a lot of credit. We may actually get something done. This is something that needs to be done and something of which we can all be proud.

I was talking to Senator DASCHLE earlier today repeating my oft-stated opinion that when you govern and when you produce results, everybody wins regardless of party. That is what we are really here for.

I say to those who are on the other side of this issue—former Governors, of course, led by Senator ALEXANDER, Senator CARPER, and Senator VOINOVICH—they have been eloquent in their presentations. They have made us all uncomfortable with the points they made while submitting their arguments. They have been dogged, but they have also been reasonable.

If we get this bill completed today, the people on all sides can feel good about how it was done. I commend all concerned. It makes me feel good for a change about what we are doing.

I yield the floor.

AMENDMENT NO. 3104 TO AMENDMENT NO. 3048

Mr. McCAIN. I have submitted an amendment to the desk on behalf of Senator LAUTENBERG, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] for Mr. LAUTENBERG, proposes an amendment numbered 3104 to amendment No. 3048.

The amendment is as follows:

(Purpose: To require the Comptroller General to study the impact of the Internet Tax Freedom Act on State and local governments and on broadband development)

At the appropriate place, insert the following:

SEC. ___. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

Mr. LAUTENBERG. Mr. President, I offer an amendment, No. 3104, to the McCain substitute amendment to S. 150, the Internet Access Tax Moratorium bill. My amendment, if adopted, would require the General Accounting Office, GAO, to conduct a study on the impact of the moratorium and report its findings back to Congress by November 1, 2005.

GAO would be tasked with analyzing the revenue impact of the Internet tax moratorium on State and local governments. GAO would also be tasked with analyzing the effect of the moratorium on the deployment and adoption of broadband technologies for Internet access throughout the United States.

The amendment directs GAO to compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and to take into account other factors to determine whether the Internet Tax Freedom Act has had a positive impact on the deployment and adoption of broadband Internet access services.

Having GAO conduct such a study is important because we simply don't know what the real impact of this legislation will be on the tax revenues of State and local government. The way Internet "access" is defined in the bill, it could be a giant loophole ripe for exploitation by telecommunications companies, especially with regard to the emerging market of Internet telephony, which is commonly referred to as "Voice over Internet Protocol", VoIP. Tax and public utility officials I have spoken with in New Jersey are very worried that S. 150 could cost the State and jurisdictions within the State hundreds of millions of dollars annually. This is revenue they desperately need to provide essential services.

Furthermore, we simply don't know what the real impact of this legislation will be on the telecommunications industry and on future broadband deployment, both of which are so important to our economy. Supporters of the bill claim that the moratorium is essential. But I would note that three economists at the University of Tennessee compared Internet access rates in jurisdictions with Internet taxes and jurisdictions without any such taxes. The access rates were the same. In other words, the moratorium may not be having any beneficial effect. That is something we need to find out.

Mr. President, I understand that my amendment will be adopted and I appreciate Chairman McCAIN's support for it. I think it is an eminently reasonable amendment, and I hope that it can be protected in the Conference Committee deliberations on this bill.

Mr. McCAIN. Senator LAUTENBERG's amendment calls for a GAO study on broadband for the effects of tax moratorium on State and local economies and other impacts of this Internet tax moratorium. I find it a very valuable amendment. It would be very helpful because this is a moratorium, not a permanent ban. It would be very helpful as we debate this issue, which I imagine will start again in a year or so.

The Lautenberg amendment is a good amendment. Senator LAUTENBERG is a conferee, and I know Senator DORGAN will agree we will fight to make sure this GAO study is included.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the Lautenberg amendment. His suggestion makes a great deal of sense. I hope we can voice vote the Lautenberg amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3104) was agreed to.

Mr. McCAIN. As far as I know—and Senator DORGAN is more aware than I am—we have one more amendment we agreed to which I hope to propose within a couple of minutes. Senator FEINSTEIN may or may not be proposing an amendment. We will find out shortly. Then we would be prepared to go to final passage.

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, while we are awaiting the amendment and the presence or decision on Senator FEINSTEIN's amendment, I wish to make a couple of comments about individuals. I specifically speak of Senator ALEXANDER, Senator VOINOVICH, and Senator CARPER, who fought very hard and valiantly on this issue. We have honest differences of opinion on this issue.

It is very likely we will pass this legislation, but Senator ALEXANDER, Senator VOINOVICH, Senator CARPER, and Senator DORGAN have had an enormous impact. We have gone from a permanent ban to a 4-year moratorium. We are changing the definition of voice over Internet protocol. We have made significant changes to this legislation thanks to their efforts.

Throughout, our debate has been characterized by mutual respect and understanding that we just have fundamental differences of opinion. I congratulate them on a battle well fought. Although they may have lost in passage of the legislation, they improved it dramatically, and I say that from a position on both sides of the issue. They brought into play their backgrounds as Governors of their respective States and bring a much needed perspective to this body. I congratulate them for their very outstanding work, particularly over the long period of time we have been involved in this issue.

If we pass this bill shortly—and we may not—there are two individuals who deserve the credit: Senators ALLEN and WYDEN, who took up this legislation years ago, and followed it. They have been relentless, dedicated advocates, and have brought their debate and discussion all over America. They have done an outstanding job. They are the ones who, I believe, deserve the credit on all of it for the magnificent work they have done on an issue that is of great importance and profound importance to small and large businesses all over America. I thank them for their valued efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Before the Senator leaves the floor, I don't want to turn this into a bouquet-tossing contest, but I came to the Senate in the winter of 1996 as a new member of the Commerce Committee. The chairman of the committee was exceptionally helpful in terms of working on the legislation then. We have gone through two iterations already.

Senator DORGAN and I have spent untold numbers of hours talking about this vastly important bill, more than either of us would have wanted. The Senator from Virginia is here as well, and the fact that he has been involved so extensively has been an enormous help. The Senator from Virginia has consistently talked about standing up for freedom. He is absolutely right.

There is a reason the Gray Panthers, for example, are for this legislation. They and millions of other consumers understand how important it is that we not hammer Internet access.

We will have other debates with respect to the future of the Internet. Certainly the Senator from North Dakota has talked passionately, for example, about a project the Governors were talking about, the streamlined sales tax concept. So we will have these other debates.

But the chairman of the Commerce Committee, who was so gracious to me and the Senator from Virginia, helped us consistently through this 8-year-long battle. I want the chairman of the Commerce Committee to know I am very appreciative of all of the help and support he has given us in this cause.

We are going to be wrapping up the work of the Senate in just a few minutes, and a lot of people who have said it just was not in the cards, it just was not to be, the Senate was gridlocked—suffice it to say there will be further debates as we discuss this with the other body.

This is a very significant step forward. Every Member of the Senate, in my view—and I have talked to almost every Member about this on a personal basis—every Member understands the value to the opportunity of a healthy and vibrant Internet. What we had over the last few days is a debate about the best set of policies to attain that objective. This will not be the last debate. For example, even in an area where we have come to an agreement with respect to the taxation of telephone calls made over the Internet, this is not the last word. As the Senator from Tennessee and I have discussed, we still have the Federal Communications Commission in a position to take a more comprehensive look, for example, on how phone calls made over the Internet are going to be regulated and dealt with by the various jurisdictions.

This debate is sure to continue for many days ahead, but this is a banner day. This is a day when the Senate has made some judgments that will help keep the Internet healthy and vibrant in the days ahead. That is a great success. I commend my colleagues for being patient enough to deal with the subject.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—H.R. 3550

Mr. BOND. Mr. President, a few moments ago, my good friend from Nevada talked about how the highway transportation system in Nevada depends upon the Internet and all the technology there. And I agree with him. We are very proud of the technology, the intelligence transportation systems, and other things we have in our Missouri Department of Transportation, our highway entity.

I was very pleased he read off a list of people who support the measure we passed in the Senate. That just reinforces what I have said for a long time. We had an overwhelming vote to get the number of $255 billion for highways. We had an overwhelming vote to get a bill to the floor. We had an overwhelming vote of 76 to 21 to pass a good 6-year highway bill.

My good friend from Nevada worked very closely with us. I tell you, as long as I have been in the Senate, I do not know if we ever had better bipartisan cooperation than Senator INHOFE and I on the Republican side have had with Senator JEFFORDS and Senator REID on the Democratic side.

Mr. President, 11 weeks ago, we passed this wonderful highway bill. This, what I hold in my hand, is the highway bill. It passed overwhelmingly. It is a 6-year, $318 billion bill for all of transportation. Do you know what? It is still sitting at the desk. I was on this floor raising Cain with our House colleagues because they would not move. I believe my friend from Nevada joined with us.

Well, they moved. It will be 4 weeks tomorrow that they moved. Now, something that maybe a lot of people don't understand is, when you pass a bill like this, it doesn't go into the President's hands; it doesn't become law. You have to take some procedural steps to move it out of here. You have to substitute this bill for the House bill. You have to insist on a conference. You have to name conferees and send it back to the House—procedural items.

For most of the time I have been here, it happens automatically. Once you have a conference, then the Republican and Democratic conferees from the House sit down with the Republican and Democratic conferees from the Senate, and you can move forward.

But do you know what. We are stuck. We are stymied. Senator REID wants to know what we can do. I say, very simply, what we need to do is to stop blocking the transfer of this bill back into conference with the House. What part of "yes" don't you understand? This is a simple matter. Now we have kicked the can down the road. We have had extensions and extensions, and we can't sit down and talk with our House colleagues.

And I said: Wait a minute. We have intelligence transportation systems in Missouri and every other State in the Nation. We have a need for good highways, roads, and bridges, to promote our homeland security, to create jobs, to relieve congestion, to promote long-term economic growth, and for safety. At least a third of the 43,000 people killed on highways every year in the Nation are killed because of unsafe highways.

So my good friend from Nevada wants to know what he can do to get an extension; and I said so this morning. I said: It is very easy. Let us move forward on the bill. We have tough issues to work out with the White House. We cannot work on those issues until we can sit down with the House and move forward. We have been blocked by the actions of the other side.

I asked unanimous consent this morning to move forward, and the distinguished minority whip on the other side had another unanimous consent request. I said I would be happy to accept his if he accepts this one. Let's move the process forward. This is not rocket science. This is a necessary procedural step.

I am going home to Missouri this weekend. And do you know what. People are going to ask me: Why haven't you passed a highway bill? I would not be surprised if at least 90 percent of the Members of this body are asked the same question: Why haven't you passed a highway bill? One simple answer: 76 Members of this body voted for it, but now the other side objects to the procedural steps we need to take to move this into conference.

Nothing is going to happen until we move this bill into conference. This is not some strange procedure. Up until this year, this has been the normal procedure. Maybe if my colleague is sufficiently concerned about the extension, maybe if I renewed my request, he would be willing to move the bill forward.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken and the text of S. 1072, as passed, be inserted in lieu thereof; the bill then be read a third time and passed; further that the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate, with a ratio of 11 to 10.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have a bill that is about to be completed, and I do not want to interfere. I have a statement that will take a few minutes. But I want the RECORD spread with the fact that after I do object, sometime before the day is out I will renew my request for the 2-month extension together with a statement.

So at this time, I say to the two managers of the bill, do you want to do something on this bill that is now before the Senate? I ask, through the Chair, the distinguished chairman of the Commerce Committee, are you ready to do something right now on the bill? Otherwise, I will give my statement.

As I said to the Chair, I do not want to take away from moving this bill forward if people are ready to do something. But we are waiting for Senator FEINSTEIN, I understand.

Mr. McCAIN. That is correct. Please proceed.

Mr. DORGAN. Mr. President, if I might respond, Senator FEINSTEIN has actually left her office and is on her way.

Mr. REID. Mr. President, I will speak very briefly. When she shows up, I will finish within a couple minutes.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. BOND. Mr. President, I am sorry there continues to be an objection. I do not want to hold up this bill any longer. I want to see the Internet tax moratorium bill pass. I want to see us move forward on highways and transportation. I felt it was necessary to come down to clarify, based on what my good friend from Nevada said, that I am trying to move the process along. And when he asks his unanimous consent, I would ask that my unanimous consent be added to it so we can move forward. That is all we are doing.

This is very simple, standard procedure. I appreciate the time of the managers and everybody else. But there are an awful lot of people in this country who are waiting for a good 6-year Transportation bill, one like we passed in this Senate.

I appreciate my colleagues' time. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, this will be the third extension of this very important legislation. The first extension was the 5-month extension. We did that because we could not get our act together: Senator INHOFE, Senator JEFFORDS, Senator BOND, and this Senator. As a result of that, we got a commitment from the majority leader and the minority leader we could take up this bill at a specified time in February. Everyone lived up to that agreement, and we did that. Within almost a record period of time, we passed this very important legislation. So that was the reason for the first extension.

The second extension was necessary because the House had not yet done their legislating. We asked for a 2-month extension on this matter on February 27.

At that time Senators McCAIN and LIEBERMAN objected to that extension because they had some problems with the 9/11 Commission. As a result of that, a number of us came to the floor and said: How could Senator McCAIN and Senator LIEBERMAN do such a thing? And in the process, statements were made, some of which were by the distinguished Senator from Missouri.

I quote from the CONGRESSIONAL RECORD of that date. I will not read the whole statement. I will read that which is pertinent. This is a quote from the distinguished Senator from Missouri:

> What the Senators from Arizona and Connecticut are doing is seeking to hold hostage the whole highway program in the United States.

I agree. That is what is happening now.

The Senator further went on to say:

> This extension expires on Sunday.

Just as it does now.

> If we fail to extend this, there will be a shutdown of any further contract authority for Federal aid highway projects and a shutdown of payments for work already contracted for by the States and performed by contractors. This means no further projects can be approved or awarded. It also means that not only the Federal Highway Administration but also the National Highway Traffic Safety Administration, the Federal Motor Carrier Administration, as well as the Bureau of Transportation Statistics, will cease operation.

Skipping:

> Not only are we talking about people's livelihoods, we are shutting down the Federal agencies, which will have an adverse consequence for our Nation's highways, motor carrier safety, and consequentially for the condition and operation of our Nation's surface transportation system.

Skipping down two more paragraphs:

> Jobs will be lost in the private sector. An extension is bad enough, but a complete disruption of the program when there are crucial job needs across the country will have an economic impact on the families directly, and on the economy.

Next paragraph:

> We need the extension to stop playing politics with people's jobs in this most important legislation.

Mr. BOND. Mr. President, will my colleague yield for a question?

Mr. REID. I will shortly.

I could not have said it better myself. That is what we are facing right now. We are facing a shutdown of jobs. We will furlough 5,000 people in the agencies that were referred to on February 27 by my friend.

The people of this country should understand there are different ways of getting a bill to the President's desk. It is not necessarily with a conference. I have told Senator INHOFE and Senator FRIST that does not mean we are not going to go to conference.

I say to my friends, anyone within the sound of my voice, if conferees were appointed right now, immediately, the first thing we would do is say: OK, staff, majority staff, minority staff, majority and minority staff from the House, get together and work on this. See what you can come up with. Bring it back to us. That would take a couple of weeks to do that.

Then we would work through whatever they couldn't work through themselves. Finally, the Members would agree on certain things. Then if there were things we could not agree on, we would take it to the full conference.

We are weeks and weeks away from that if we appoint a conference right now. The point is, we are not appointing conferences right now because, as I said before, we have on many occasions, more than 20 times already in this year's Congress, passed legislation by what we call preconferencing it. It does not matter what you call it.

I have the same goal as the Senator from Missouri. We want a highway bill. I appreciate and admire and respect his energy in helping arrive at this bill where we now have a bill that is good for the American people, a 6-year bill, $318 billion that is good for roads and transit.

I hope the Senator has made his point, but I do believe we need to get this short 2-month extension done and then if there is something that comes up in 2 months that the Senator thinks we are not making progress on the legislation, then he may want to try something such as this again.

I yield to my friend who said he had a question.

Mr. BOND. Mr. President, I express my appreciation to the Senator from Nevada for reciting the deathless prose that I shared with this body the last time we were trying to get an extension. I made those statements because the highway bill is so important.

I ask my friend if he understands my message today—I know what the process is like; we go through this process of appointing conferees, and it takes a long time to get it done—if he understands that the way to move forward is to stop objecting to the simple procedural process of substituting this bill for the House bill, reading it a third time, passing it, naming conferees, sending it to the House and asking for a conference, all he has to do is to say yes to the unanimous consent request. I will say yes to his request and we can get on with the business. This is absolutely an unnecessary procedural delay. Every day we fail to appoint conferees, we are further down the road.

Did I make myself clear to my friend from Nevada? If he will agree to take the procedural steps, I will be happy to remove my objection to the extension.

Mr. REID. Mr. President, in answer to the Senator from Missouri's question, I certainly understand the point he is making. I simply do not agree.

I, therefore, at a subsequent time before we adjourn this evening, will ask unanimous consent that the Senate pass a 2-month extension, something the House has already done.

At this time Senator FEINSTEIN has arrived and I would only end by saying that I personally would not want to return to Nevada, recognizing that I would not agree to a 2-month extension. In Nevada, it would wreak havoc with the growth of the State there.

The fact is, even where there is not rapid growth, as in Nevada, there are repairs that must be done. The construction season is upon us. Some of these projects will never go forward.

AMENDMENT NO. 3105 TO AMENDMENT NO. 3048

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. ALLEN, Mr. VOINOVICH, Mr. ALEXANDER, Mr. DORGAN, Mr. CARPER, and Mr. WYDEN, proposes an amendment numbered 3105 to amendment No. 3048.

The amendment is as follows:

On page 8 strike lines 1 through 9 and insert the following:

"SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.

"Nothing in this Act shall be construed to effect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.

Mr. MCCAIN. Mr. President, I submit the amendment on behalf of myself, Senator ALLEN, Senator VOINOVICH, Senator ALEXANDER, Senator DORGAN, Senator CARPER, and Senator WYDEN. It refines the language concerning the voice over Internet protocol. It is a product of an agreement of language between all of us. I ask for its consideration.

Before I do that, I believe Senator FEINSTEIN has an amendment she wants to propose. I hope we can get an agreement, say, 40 minutes equally divided, if that would be agreeable.

Mrs. FEINSTEIN. That would be fine.

Mr. MCCAIN. Forty minutes equally divided, followed by a recorded vote, which would then be followed by final passage. I ask unanimous consent that after disposal of the pending amendment, no more amendments be in order, that there be 40 minutes equally divided between myself and Senator FEINSTEIN, a vote on the amendment, followed immediately by a final passage recorded vote.

Mr. REID. Reserving the right to object, I direct this question to the manager of the bill, Senator DORGAN. Is that correct, that all amendments have been offered?

Mr. DORGAN. Mr. President, to my knowledge, all of the amendments that have been previously noticed would not be offered. We have tried to check with the authors. A number of them would not be in order postcloture. We have checked with the authors of the amendments that were noticed. My understanding is that there are no amendments on this side other than Senator FEINSTEIN. At least we have not been notified that there is an amendment out there other than Senator FEINSTEIN.

Mr. REID. I would say also to the two managers of the bill, then we should be advised there will be at least two more votes, perhaps on Feinstein and final passage.

Mr. MCCAIN. That is correct.

Mr. REID. I would say also to my two friends, I always like to have the trains run on time. This is excellent work. I appreciate this. I thought it couldn't be done today. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is agreeing to amendment No. 3105.

The Senator from Tennessee.

Mr. ALEXANDER. Is it appropriate for me to make a few remarks on the McCain amendment?

The PRESIDING OFFICER. It is.

Mr. ALEXANDER. I won't take many minutes, but I wanted to do this while the chairman of the committee and Senators WYDEN and ALLEN and DORGAN are all here. I intend to vote for this legislation tonight. This is a good result.

Senator LOTT made some comments a few minutes ago about how the Senate can sometimes come to a good conclusion. Before I came to the Senate, I spent a year and a half teaching a course in American character at the Kennedy School of Government at Harvard. What we talked about there was what distinguishes our country is that we agree on a few principles. Professor Samuel Huntington pointed out that our politics is a conflict between those principles. We had a conflict here between laissez-faire free market principles and federalism, and they are both very important.

We have been working hard to come to agreement, and we got a good result. Senator ALLEN and Senator WYDEN should feel very good about what they have been able to accomplish, and this has been a fashion of theirs for a long time. I feel good about the fact that Senators CARPER, VOINOVICH, GRAHAM, FEINSTEIN, and others have been able to remind us of the importance of a strong Federal system as we debate our issues, and that we promise as a Congress to do our best to minimize harm to State and local governments as we take important actions here.

So what pleases me about the result is what Senator MCCAIN talked about—moving from a permanent ban to 4 years. I think that is good. Far and away, the most important result is the clarification that Senator MCCAIN has been able to achieve on the question of whether we are trying to decide what to do about telephone calls made over the Internet. That is not what we are trying to do with this legislation. We had that in our mind on both sides, but we have not been able to agree on that. That is far and away the biggest issue for State and local governments, because they collect up to $18 billion a year in taxes on telephone services. That may change as time goes on, but we did not want ambiguous language, or a misunderstanding, or to run the risk during the period of this moratorium—which we prefer to call a temporary timeout—that anyone would think we were trying to decide the issue of what to do about telephone calls made over the Internet.

Senator MCCAIN's amendment makes that clear and it speaks for itself. Also, he has been able, through his final suggestion, to leave some grandfather extensions in the bill. I would like to see more. We will have a chance to vote on more in a minute.

The area where we did not go as far as we would like on our side was in the definition. It expands the tax exempt coverage to what we call the backbone and a number of other Internet activities. But this is a good result. It should be a wake-up call to Members of the Congress that this is the fastest-growing new technology in America. It is going to change the way we live, and it should be a wake-up call to us who care about federalism—all of us, and Governors and mayors everywhere—that we are going to have to do careful, creative, constructive thinking about what the impact of this is on our Federal system. What does it do to Governors, mayors, and county commissioners?

We are making a temporary decision here, but the Commerce Committees of this Congress have already said they are going to take the issue up in November. So from where we started in December, to where we are today, I feel very good about it.

I especially thank the chairman of the Commerce Committee, who has, from the beginning, in terms of allowing me to testify before the committee—I am not a member of the Commerce Committee; this is not an area in which I am usually involved—he respected my effort, and that of others, to push the issue of federalism forward. I thank him for helping us create a very good result.

So while I intend to be a cosponsor of Senator FEINSTEIN's bill, I believe that what we have achieved so far goes a long way in minimizing the effect of this legislation on doing harm to State and local governments. It taught all of us that this is an issue we need to learn more about to make sure we deal with it intelligently.

I thank you for the time. I thank the Senator from Arizona for his leadership. Also, Senator ALLEN and Senator WYDEN have been congenial as well as effective in their work. I am grateful for that as well. I have enjoyed working with them.

The PRESIDING OFFICER. Is there further debate on the McCain amendment?

Mr. DORGAN. Mr. President, Senator McCAIN has offered this amendment with agreement from all of us who have participated earlier today in a meeting to discuss areas of disagreement. This was one of the areas of disagreement. It is called VOIP, voice over Internet protocol. We had concern about the section of the McCain substitute that dealt with this topic.

After a meeting, we were able to reach agreement on the language. So what Senator McCAIN is now offering is an amendment to his substitute which actually deals with this issue in a manner that is consistent with the intent of everyone who has participated in the meeting. I am pleased to support it. I think it improves this bill and adds to the bill language that reflects the intent of all of us who have worked together on it.

So I fully support the amendment offered by Senator McCAIN. There is no objection to passing it by a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCAIN. The Senator from Delaware would like to make a comment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I have listened, and I understand we are debating—actually embracing—the McCain amendment to modify the language that would ensure States which have traditionally been able to derive revenue from telephone communications would continue to be able to do that. As we go forward in time—and those communications are expected to migrate to the Internet—we want to make sure we don't undercut the ability of States to continue to derive some revenues from this.

We had a good exchange an hour or so ago among Senators ALEXANDER, VOINOVICH, myself, and our friends who have different views on the overall bill. I am pleased we were able to come to an agreement, not just in spirit but in letter as well. We all said we were interested in the same thing. We don't want to undercut the bill. The language in the original amendment did not appear to do that—at least to us. We would rather not have ambiguity going forward.

At a future date, if there is a court hearing and a judge is looking at the language, trying to figure out what we meant, we want the judge to understand very clearly that this body, the Congress, has no interest in taking away the ability of States to raise revenue from a longstanding traditional source—some say it goes back to the time when Alexander Graham Bell invented the telephone. I don't know if the tax has been around that long, but I think this preserves that for the States, and that is important, as telephone communications migrate to the Internet.

I thank my colleagues, Senators McCAIN, ALLEN, and WYDEN, for working with us. In fact, our staffs helped thread the needle in a very constructive and tough way.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3105) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized to offer an amendment.

AMENDMENT NO. 3052, AS MODIFIED, TO AMENDMENT NO. 3048

Mrs. FEINSTEIN. Mr. President, I have sent a modification to the desk to amendment No. 3052.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 3052, as modified, to amendment No. 3048.

The amendment is as follows:

(Purpose: To extend the grandfathers for the term of the moratorium extension)

On page 5, line 20, strike "2005." and insert "2007.".

Mrs. FEINSTEIN. Mr. President, essentially, this is a one-line amendment. It takes page 5 of the bill and strikes the date 2005 and inserts 2007.

Essentially, this amendment makes both grandfather clauses in the bill 4-years in duration. This would mean no new taxes for the industry that is concerned, and the cities and counties would not lose the revenue they currently receive, for at least 4 years.

I want to say again—I said this yesterday—not one single California company that supports this bill has contacted me, but I have heard from representatives of 478 cities in the State saying: Please, don't do this. It may well be because in California, local jurisdictions have very limited revenue sources. It is either the property tax or a small amount of sales tax or if they have a hotel tax, but there are not many tax vehicles. So utility user taxes, as well as telephone taxes, have for many cities been a critical part of their budget, for some up to 15 percent. That is just a fact. California may be an anomaly. Maybe I know this because I have been a mayor for 9 years and a county supervisor for 9 years.

This would affect telecommunications services, taxes that have been in place since the old moratorium was enacted, particularly local exchange.

For the city of Los Angeles, whose chief administrative officer, William Fujioka, has said his city could lose $40 million a year if local exchange service is not protected. So this grandfather clause to the largest city in my State is worth $40 million a year of taxes that have been levied, of revenues that are counted upon to balance the budget.

Senator INOUYE joins me in cosponsoring this amendment, as do Senator CARPER, Senator ALEXANDER, Senator VOINOVICH, and Senator HOLLINGS.

It seems to me that it is not unreasonable to say to hard-pressed cities and counties that you have 4 years to find other revenue sources or make the necessary cuts. This does not have to be done immediately. None of the companies who benefit from this bill are suffering. As a matter of fact, most of them are doing very well. It is the cities that have the hard time funding police officers, funding firefighters, and it is not easy. Nearly every city in the State of California has a deficit and is losing revenues. I cannot just stand here on the floor of the Senate and let this happen because I have news for everybody: Where people want their services is on the local level.

Some say: Oh, no, this will not happen. But when you ask the technical analysts and the attorneys of these communities whether it will happen, they say yes.

I very much appreciate the change that was made in the Voice Over Internet Protocol language of the bill. This goes a long way. I very much appreciate the 4-year grandfather clause given for Internet access. That goes a further distance.

There is this 2-year grandfather for those who use DSL or these local exchanges—and I do not understand why one is 4 years and the other is 2 years. I do not understand why these companies cannot wait 4 years before they are going to end up socking it to the cities. It may be that in some States this is not the case. I know it is the case in my State.

Again, I am very pleased to be joined by Senators INOUYE, ALEXANDER, CARPER, VOINOVICH, and HOLLINGS as cosponsors of this amendment. It seems to me to make sense. It seems a compromise which for the proponents should be relatively easy to make. I think it will make a big difference to the cities of California.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Oregon?

Mr. WYDEN. Mr. President, I believe we have an agreement to share the time. I am allocated 10 minutes to speak on this amendment. I am not going to take 10 minutes, but it will come from the allocation under the agreement worked out by the chairman of the committee and the manager of the bill, Senator DORGAN.

The PRESIDING OFFICER. This is off the chairman's time?

Mrs. FEINSTEIN. This would come off Senator McCAIN's time.

Mr. WYDEN. Yes, that will be fine. I will not take 10 minutes.

Mr. President, the Senator from California knows how much respect I have for her, but I must profoundly disagree with this amendment. This amendment would essentially reward bad behavior. What we have is a number of jurisdictions doing what clearly is in violation of the law. We do not even think they are in California, but in jurisdictions around the country people are taxing DSL. We are convinced that is clearly against the law. It certainly promotes technological inequality because we have a situation where cable gets a free ride, and then they end up taxing DSL.

The Feinstein amendment would make the 2-year DSL grandfather 4 years. Some of these grandfathers in this bill are going to live longer than Methuselah. It certainly does not make sensible public policy, and it does not make sensible public policy when we would be discriminating against the future. The future is broadband, high-speed Internet access through DSL. This would allow folks to keep taxing DSL, which has certainly been contrary to the spirit of everything we have done over the last 7 years. It, in effect, would be rewarding bad behavior. It would certainly discriminate against DSL relative to cable.

I think this would be a significant mistake. Certainly, there are different technology platforms for Internet access, but for 8 years, the central proposition I tried to advance on this legislation is that there ought to be technological equality; that we ought not to treat all technologies differently. We had a number of jurisdictions violate that. They have gone out and stuck it to DSL. So DSL gets taxed, and cable does not get taxed. We don't think it happens in California, but it certainly has happened around the country.

I do not think we ought to let these grandfathers outlive us all. That is essentially where we are going on this issue. We just keep extending the life of these grandfathers. It is going to do great damage to the country's future by particularly discouraging broadband development through DSL.

I hope the Senate will oppose the amendment. I cannot say there is anybody I would rather not oppose than the Senator from California. I agree with her on virtually everything under the Sun with respect to public policy.

But, Mr. President, I say to the Senate, if they vote for the Feinstein amendment, they are rewarding bad behavior. They are encouraging technological inequality. We have already taken steps to let some of these grandfathers live longer than I certainly would. We are now saying that some of them are going to make Methuselah look young. I think it is a mistake. I urge my colleagues to oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to be sure the record is correct. I appreciate the comments of the Senator from Oregon. He knows I respect him and enjoy working with him. There is no problem there.

Let me make sure the record is correct. California's cities do not tax DSL. We are not one of the 27 states.

Mr. WYDEN. We agree.

Mrs. FEINSTEIN. That is not the issue. The issue is the local exchange and because of the particular "proposition 13" situation where local revenues are so restricted, property taxes are so restricted, it is extraordinarily difficult. So utility user taxes, local exchange taxes actually play a substantial role in some smaller cities' budgets. That is just a fact.

Los Angeles, the biggest city, a city with a lot of problems, a city with a big gang population, needs a lot of police. Some of that police force is actually funded from this local exchange money, which totals $40 million a year.

I yield time to the distinguished Senator from Tennessee. May I ask how much time he would like.

Mr. ALEXANDER. Three minutes.

Mrs. FEINSTEIN. I yield 3 minutes of my time to Senator ALEXANDER.

Mr. ALEXANDER. I thank the Senator from California for her leadership on this issue. From the beginning, because of her background as mayor of San Francisco, she has had a clear understanding of the effect of this debate on the ability of cities and States to do what they are expected to do, and the importance of our Federal system of government.

Now, Senators should consider on both sides of the aisle what this means. It means we have largely come to a consensus, at least from my point of view, about what we want to do. We have decided that for the States that were already taxing Internet access in 1998, they should have 4 years more as we have a 4-year moratorium on new taxes.

What the Senator from California is saying is, then the States that are taxing Internet access that is delivered in other kinds of ways should also have the same 4 years. I believe she is right. Senator FEINSTEIN's position says no new taxes, no new harm, and treat all States the same. That is a fair result that fits with the consensus that we have developed for the rest of this legislation, and I will support it, vote for it, and cosponsor it. I hope our colleagues will do the same.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I yield to the Senator from Virginia such time as he may consume.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, the Senator from California mentioned waiting for 4 years while this bill ends. The reality is that those who are paying taxes right now because some States and localities have started taxing DSL in the last several years, that means consumers, with the amendment that was approved in the McCain amendment, that the consumers are going to be taxed for 2 more years. The design of this bill, as amended, is to protect taxpayers. It is to protect consumers. It is to expand opportunity, jobs, and commerce to people all across this country.

The grandfather clause that Senator McCAIN put in his amendments, particularly on the DSL, is different than what we passed out of the committee, which was to stop these DSL taxes immediately because what has happened in the last few years is some of these localities and States have figured out ways around the intent of the original Internet tax moratorium and, indeed, are taxing the backbone. Having a 4-year grandfather on DSL taxes, on the backbone, on high-speed broadband, rewards those who have been the most aggressive in looking at loopholes to tax. It is going to cause probably more litigation as well because it can always be argued over.

The reality of taxes is that they want to put them on DSL. They want telecommunications taxes. Telecommunications taxes on average across this country are about 15 to 17 percent. Some places it is worse than others. Richmond, VA, is about the worst in the whole country. About 27 percent is the local tax. These are the kinds of taxes that are going to be imposed on DSL bills, whether from the telephone, wireless, BlackBerrys or Y5.

The issue is this is the way that our Internet access bills should look, without DSL taxes on it. Here is the cost, $23.90, $25, $37, whatever it may be, no taxes, clear, simple, understandable, and more affordable. If taxes are put on, the Internet service bill will look like what a telephone bill looks like right now, and this is just one page of it, but all the local taxes, all the State taxes, all the Federal taxes, again, on average in this country are about 17 percent. This is what we are trying to prevent.

The Feinstein-Alexander amendment, though, would allow this sort of taxation onto the Internet service access bill. One of the problems we have, and Senator WYDEN brought it up, is how do we ever get rid of taxes? Guess what. Part of this tax was put in as a luxury tax on telephone service to finance the Spanish American War in 1898. Everybody is still paying that tax. That war has been fought and won over 100 years ago. That is how difficult it is, nearly impossible, to ever get rid of taxes.

The McCain compromise allows those who are taxing DSL to wean themselves off of that tax over 2 years. The reality is if the grandfather is allowed to go on 4 years, which is the duration of the entire measure on the moratorium, they will never take off those taxes. So I say to my colleagues, the time to act is now because this is how it will impact across the country.

Say someone wanted to e-mail from Washington, DC, to Los Angeles, CA. That is going to be routed to Chicago, which has a hub, another big hub in Austin, across all the way to the Bay area of San Francisco that has a hub, and then to Los Angeles. That is the way it would go. All of these jurisdictions in between that 3,000 miles are going to be able to put on these DSL taxes. This is what we are trying to stop.

The ones that have been doing it—and it is unclear how many States are doing it at this point. Some say 8, some say 12, some say 20. The point is, there is going to be 3,000 miles of taxes from localities, States, and jurisdictions in between.

The States will have enough time with the McCain compromise, which is, I think, very generous to those who are advocates of allowing taxation on the Internet, to have 2 more years to wean themselves off of it.

The big issue on the fiscal impact that one would hear all the time was voice over IP, worrying about telephone service migrating to the Internet. That has been resolved. The junior Senator from Tennessee, Mr. ALEXANDER, and I debated and discussed it. All of us worked on it, and finally, this afternoon we were able to get language that everyone could agree upon.

So when folks say it is going to have such a big hit, a big cost on States and localities, the voice over amendment, which we all adopted unanimously, will take away those fiscal impacts.

What we are now talking about, though, is whether there is going to be 3,000 miles of taxation and subjecting Internet traffic to that sort of taxation. This is clearly undesirable, particularly when we are trying to get high-speed broadband built out to rural and small town communities. If we start increasing taxes on DSL and broadband, it is going to make it very difficult to get companies to invest, but most importantly it will mean more people will be unable to afford DSL or high-speed broadband services.

So I ask my colleagues to make sure we avoid this sort of taxation. Do not let all those States in America put on taxes like the ones we see on our telephone bill. Let us make sure we act on this amendment to defeat it. The defeat of this amendment will be a protection to consumers, and it also will be a vote to expand economic opportunity and prosperity for all Americans everywhere in our country.

I respectfully urge my colleagues to defeat or vote no on the Feinstein-Alexander amendment because it is contrary to the desirability of economic opportunity for Americans. Adding more taxes, or allowing these taxes to continue for 4 years, is not the policy to make this country more competitive, individuals more free, with greater opportunities.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. Twelve minutes.

Mrs. FEINSTEIN. I yield 4 minutes to the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, perhaps I have been in local and State government too long. I really do care about my brothers and sisters in State government and in local government.

I was not going to speak on the Feinstein amendment, but I have some statistics about the fiscal stress on the States that would lose the DSL after they sunset the exemption in the next 2 years. I am here to urge my colleagues to support the 4-year extension for those States that have used DSL.

The reason for it is this: The States are under one of the worst fiscal constraints they have been in since the Second World War. Alabama, projected deficit next year, $620 million; Alaska, $475 million; Arizona, the State of the Senator McCAIN, sponsor of the underlying compromise, $1.1 billion; California, $15 billion; Connecticut, $200 million; Illinois, $2 billion; Indiana, $595 million; Kentucky, $200 million; Louisiana $500 million; Minnesota, $185 million; Mississippi, $709 million—a small State, lots of money; Missouri, $600 million; New Jersey, $5 billion; New York, $5.1 billion; North Carolina, $400 million; Rhode Island, $188 million; South Carolina, $300 million.

The States are in trouble. If we give them an extra 2 years so they can make the adjustment in terms of losing these dollars, I think it will help them segue into a situation where they can get themselves back on track.

The last thing I would say is that the way this is going, I think it could end up being the largest unfunded mandate on the States. We should at least give these States a break.

I urge my colleagues to include passing the Feinstein amendment.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Ohio for his comments and for his leadership.

I yield 5 minutes to the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank Senator FEINSTEIN for yielding time and particularly for offering this amendment. I would say to my colleagues, I believe we have made pretty good progress, not just today but over the last several weeks, maybe the last several months, in terms of narrowing our differences. I am encouraged by that. I hope others of us are as well.

One of the great concerns some of us had was a moratorium on the ability of State and local governments to collect certain kinds of revenues that lasted forever. I am pleased that is not the case anymore. We have a moratorium of a finite duration, and the duration of the moratorium will be 4 years. I am encouraged that we entered into a healthy negotiation on just how can we make sure State and local governments which traditionally derive revenue from telephone operations continue to do that. We had a good-faith negotiation, and that led to an amendment offered by Senator McCAIN that was accepted unanimously. That was a very important provision.

There is one more issue I believe needs to be addressed. It is addressed in the Feinstein amendment. If somehow the Feinstein amendment could be adopted, I believe we would have a bill—in fact, we would have a bill I would vote for. I know the Presiding Officer, Senator ALEXANDER, with whom I have worked very hard on these issues, indicated he would very likely do the same thing. For us to come from sort of how far apart we were to the point where we could actually vote for this bill were this change enacted is no small amount of progress.

Some of my colleagues have said to me that this is a complex issue. It is. Some have said to me I don't really understand most of these issues. I have studied hard. I confess there is still a good deal I don't know. But I would share with my colleagues, whether you understand the intricacies of the backbone of the Internet and what DSL means, I think we understand this and I hope we could agree on this: If we are going to say that on the one hand we are going to extend the moratorium for 4 years, and we are going to say to State and local governments there are certain things you can't do during those 4 years, I think there is a great virtue in saying to those States that are legally collecting revenues that they can continue to do that. They have not violated the law. In fact, the old moratorium enacted in 1998 explicitly said the moratorium did not apply to telecommunications services. That is what it said.

DSL has a telecom component in it. As such, States are not prohibited from taxing DSL. Around 17 States currently do. All we are asking in this amendment is that the grandfather clause, both for dial-up and for DSL, run coterminously with the term in the McCain compromise, and that is 4 years.

If we have a 4-year moratorium, why shouldn't we have a 4-year grandfather in States that are not doing anything illegal but, frankly, exercising their rights as sovereign States? I like that symmetry and balance. What I like maybe even more is it enables those of us who fought very hard over these issues in recent weeks and months to actually come together in the end and vote for this package.

So I say to my colleagues, if you voted earlier today, maybe, for cloture, and you thought in voting for cloture you were voting for a 4-year grandfather for State and local governments, you did not. What you thought you were voting for and what you thought you were getting, you did not get. You have the opportunity now to make amends for that, and I hope you will do that by voting for the Feinstein amendment: 4-year moratorium, 4-year grandfather. It is a good symmetry, and, frankly, it is a very good compromise and one that will enable us to go ahead and proceed on this bill and pass it and ultimately to enact it.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to comment for a couple of minutes on the discussion that was had with Senator McCAIN, Senator DORGAN, and Senator WYDEN and the concern here of the telecommunications taxes which have been exempted from the bill—in other words, those that have always been a legitimate source of revenue raising. I have an Ernst & Young study going back to 1999 that shows, for example, in the taxes collected by California in the year 1999, on telecommunications transaction taxes, the amount was $802 million. It doesn't say which precise taxes those are. This is the depth of this problem. This is not a small problem. What bothers me is we are moving on without really knowing. The finance officers of the larger cities of California tell me one thing. The Senator from Arizona believes that is not correct and says the intention of the bill is not, in fact, to make these non-DSL telecommunications services tax-exempt.

I would like to ask the Senator from Arizona.

Mr. WYDEN. Will the Senator yield briefly? Because I have been following this, along with the Senator from Arizona, and we may be able to have a colloquy to work this out.

California does not tax DSL now.

Mrs. FEINSTEIN. Correct.

Mr. WYDEN. That is good. California does not tax the backbone of the communications system now. California does, based on these analyses that have been given you, tax various telecommunications services. I think it would be fair to all of us to say it is our desire to keep the status quo in California.

In other words, various services are paying telecommunications taxes now. The reading of our proposal indicates there is nothing which would prevent California from being able to continue to impose those taxes.

Would it be acceptable to the Senator from California to have a colloquy which would allow us to include some report language stipulating in those areas where communications services are being taxed now that there is nothing in the McCain proposal which would change that? If that would be acceptable to the Senator from California, we might be able to work out with the chairman of the committee and the Senator from Virginia report language and withdraw her amendment. That would protect the status quo in California. It would, however, make sure we are not rewarding bad behavior in other States around the country that tax DSL.

If the Feinstein amendment is offered in its current form, I will oppose it very strongly. The Feinstein amendment, if it is offered, and if we can't agree on a colloquy, would promote technological inequality. It would nail DSL and give cable a free ride.

I will urge the Senate to oppose the Feinstein amendment, but I would be open to report language with my colleague from California to make sure it is the intent of the Senate to keep the status quo in California where DSL isn't taxed and the backbone isn't taxed where the Senator has been concerned.

Mrs. FEINSTEIN. If I might respond to that question through the Chair, we have worked with a group—the Senator from Delaware, the Senator from Ohio, the Senator from Tennessee—all along on this. I don't know the particular situation of their States. I don't know whether they tax DSL. I do know that the bill exempts telecommunications, and telecommunications has been a legitimate source of revenue which is now affected by this grandfather clause. Obviously, if I could get half a loaf for my State, I do not want to sell out those whom I have been working with over the last week.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senator from California be given 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I would like an opportunity to talk with the Senator from Tennessee, the Senator from Ohio, and the Senator from Delaware to see if we can work something out that might meet the concern of the Senator from Oregon.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. McCAIN. Maybe the Senator could do that in the next few minutes while I make a couple of comments, if that is agreeable.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to be clear that a tax on DSL services is a tax on Internet access. Seventeen States have cleverly found a way to get around the Internet tax moratorium. Right now, 17 States have gotten around at least the spirit if not the letter of the Internet tax moratorium by taxing DSL service.

The heart of this compromise to the original legislation had no grandfathering whatsoever—none, zero. So we put in a compromise that would have called for 3 years of non-DSL taxation, 2 years grandfathering in for non-DSL taxes. This would have given the DSL taxing States 2 years to adjust their budgets. Then we went from 3 years to 4 years' moratorium, lifting the moratorium for those who are taxing non-DSL taxes.

If we do this, we are gutting the compromise. It is unfair to DSL consumers. Why should consumers in one-third of all States be treated differently from the rest of the country?

I strongly oppose the amendment. I would like to work out the compromise as discussed between Senator FEINSTEIN, Senator WYDEN, and Senator ALLEN. I hope we can agree to it.

In the meantime, I ask unanimous consent to send an amendment to the desk on behalf of myself and Senator HUTCHISON which would then allow the State of Texas to have their "access line fee" included in the voice over IP compromise language.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I didn't understand exactly what was agreed to.

The PRESIDING OFFICER. Is there objection to consideration of the amendment?

Mr. DORGAN. I reserve the right to object so I can understand what is happening.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I have an amendment at the desk, and I ask unanimous consent for its consideration on behalf of Senator HUTCHISON.

If there is an objection, just object and let us move on.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. What is the parliamentary situation, Mr. President?

The PRESIDING OFFICER. The Feinstein amendment is pending.

There are 2 minutes 15 seconds for the Senator from Arizona, and 1 minute 42 seconds for Senator FEINSTEIN.

Mr. McCAIN. Mr. President, we have compromised. We have been working on this issue for a long period of time. This is a compromise that is not widely regarded, and Senator ALLEN and Senator WYDEN accepted this grandfathering clause with great reluctance. Now the whole grandfathering clause would be made moot. I don't think consumers in one-third of all States should be treated differently than the rest of the country. I urge my colleagues to reject this amendment.

I yield back the remainder of my time.

PRESIDING OFFICER. The Senator from California has a minute 42 seconds.

Mrs. FEINSTEIN. Mr. President, I thank my colleagues for the discussion. The discussion shows how rapidly we are doing something about all the ramifications we may not know. This concerns me greatly.

This amendment is a simple amendment. It simply extends the grandfather clause and secures the telecommunications areas for those cities and States that have been using this methodology for revenue raising for years. In California, in 1999, the amount was $802 million that came from this area. For Los Angeles, in 1 year it is $40 million.

I hope Members of this body would be willing to move the 2-year grandfather clause to 4 years. This gives an opportunity for this to be sorted out. There is a Ninth Circuit Court opinion affecting DSL and cable. No one knows how that will sort itself out because it just came out a few weeks ago. The legislation may well be affected by it.

All I am asking is, make the grandfather clauses in both areas even. Raise the 2-year in this one—which affects the local exchange of telecommunications—to 4 years.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. McCAIN. I move to table the Feinstein amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—59

Allard
Allen
Baucus
Bond
Boxer
Brownback
Burns
Campbell
Cantwell
Chambliss
Cochran
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Ensign
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Talent
Thomas
Warner
Wyden

NAYS—37

Akaka
Alexander
Bayh
Biden
Bingaman
Byrd
Carper
Chafee
Clinton
Conrad
Daschle
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Lautenberg
Levin
Lugar
Mikulski
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Stabenow
Stevens
Voinovich

NOT VOTING—4

Bennett
Breaux
Bunning
Kerry

The motion was agreed to.

Mr. KENNEDY. Mr. President, much of Massachusetts' economy is now based on technology and innovation. The high-tech industry tripled in Massachusetts over the past decade and drove our region's economy. The Massachusetts telecommunications sector employs over 110,000 workers in the State. We need to support their continued growth. We need to make broadband a priority since the technology can add $300 billion a year to the U.S. economy and generate more than 1.2 million jobs. That is why this legislation is so important.

The issue on final passage of the McCain compromise amendment is whether the Nation continues to have a moratorium preventing taxation on access to the Internet. I have always supported the moratorium in the past, and I will do so again today.

I opposed cloture earlier today because I thought there was room for improvement, and I wanted the Senate to take the time to get it right. I am pleased with the improvements that have been made during the course of today's debate.

Congress should not jeopardize the continued advance of information technology by allowing the tax moratorium to disappear, subjecting the Internet to "multiple and discriminatory taxes." We clearly need to reinstate the moratorium. Now is the time to pass this legislation.

AMENDMENT NO. 3048

The PRESIDING OFFICER. The question is on agreeing to the McCain substitute, amendment No. 3048, as amended.

The amendment (No. 3048), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

DIAL-UP ACCESS

Mr. DAYTON. Mr. President I have some concerns about the impact of S. 150 that I wish to address to the gentleman from Oregon, the author of the Internet Tax Freedom Act. It is my understanding that S. 150 provides that Internet access services do not include telecommunications services purchased by customers to obtain dial-up access to the Internet. I also understand that S. 150 provides that only telecommunications services purchased or used by the provider of Internet access in providing Internet access are included within the moratorium.

Further, I understand that the Internet access moratorium does not apply to the sale or use of telecommunications services that are carried or "routed" over the internet that are not purchased or used to provide internet access, for example, services that are comparable to today's circuit switched voice but which are provided over internet protocol. This is often called "Voice Over Internet Protocol," or VOIP. Finally, to the extent that a telecommunications carrier sells both internet access services and telecommunications services, I understand that the charges for internet access are covered by the moratorium subject to the accounting rule covering aggregated charges for internet access and telecommunications services. Am I correct in my analysis of S. 150?

Mr. WYDEN. I appreciate the question from the Senator from Minnesota, who is distinguishing himself for his keen interest in technology issues. He is correct in his understanding of those matters and in his reading of the legislation. As the author of the original Internet Tax Freedom Act, it is my intent that when it comes to services that are comparable to today's circuit switched voice but which are provided over internet protocol; what some call VOIP, the legislation's moratorium would not apply. In other words, the internet access moratorium would not apply to the sale of telecommunications services that are carried or routed over the Internet that are comparable to circuit switched voice services.

Mr. BAUCUS. Mr. President, I support the Internet Tax Freedom Act. This bill represents a reasonable compromise. We should enact it.

A tremendous amount of work went into this bill. I commend the Commerce Committee for its effort to resolve some of these complex issues. In particular, I commend Chairman McCAIN and Senator HOLLINGS for working to bring parties together and develop a common-sense bill.

Last fall, the Senate entered an order recognizing that the Commerce and Finance Committees share jurisdiction over this bill. That order granted sequential referral of this bill to the Finance Committee after the Commerce Committee acted. We inherited a host of unresolved issues. And, after thorough examination—and in consultation with members of the Finance Committee—we decided to allow the bill to be discharged without a markup.

Let me briefly explain what this compromise bill does. Importantly, the bill extends the moratorium for 4 years. Some argue that this is too long, and others believe that the tax moratorium should be permanent. Four years represents a reasonable compromise. Four years will allow us to revisit unresolved issues in the future.

Next, the bill allows States to continue tax telecommunications if they decide they want to. The bill makes clear that when phone lines are carried over the Internet in the future using Voice Over Internet Protocol technology, States will still be able to assess telecommunications taxes on that service. I know several Senators had concerns about protecting their States' ability to tax phone service, and this bill meets their concerns.

Finally, the bill provides a soft landing for States that have been grandfathered under the 1998 act. The 1998 act allows certain States, who taxed Internet access prior to 1998, to continue to do so. It is time to make the Internet Tax Freedom Act national policy. The Internet is a national treasure, and a pillar of interstate commerce. In future legislation we should phase out the grandfather clause and allow us to move this national policy forward, without leaving any State behind.

This does not mean that I believe the bill is perfect. But it is a good bill. And it should move forward.

But before I agreed to support this bill, I made sure of two things: One, this bill would not harm Montana's businesses and citizens; and two, this bill would bring jobs and economic growth to Montana.

First, this bill will not harm Montana. It accommodates Montana's special needs in Universal Service and emergency 911 services.

This bill does not jeopardize the Universal Service program. Universal Service helps Montana rural telephone companies to provide telephone access to rural areas. Universal Service is extremely important to Montana.

Rural America stands on the edge of a digital revolution. Technology will move us to places about which we can only dream. But we must preserve the networks that will provide us that opportunity.

The telecommunications network in Montana is among the best in the country. Over 140 communities have DSL. We have 95 videoconferencing sites spread throughout the state. The Universal Service Fund helped build this network.

In addition, this bill would not harm Montana because it helps maintain emergency communications through the federal enhanced 911 program, or E-911.

. E-911 allows police, fire, and emergency workers automatically to locate those who call 911. In Montana, where open space can go on for miles, this technology can mean the difference between life and death.

Many State and local governments have diverted 911 funds to other uses—away from development of an 911 network. This bill ensures that those providers that use the 911 network continue to pay for it.

We need to ensure funding of this extremely important program. I appreciate the efforts of Chairman McCAIN and Senator HOLLINGS to ensure that 911 is protected.

Second, this bill will bring good jobs to Montana. Companies like Internet Montana—an Internet service provider headquartered in Bozeman—provide Internet access to thousands of subscribers in Montana and neighboring States.

Keeping Internet access tax-free helps businesses like these grow. Keeping Internet access tax-free breaks down costly barriers. This keeps jobs in Montana.

The next 5 years will bring change in the technology and the market for Internet access. Technological advances will blur the very definitions of Internet service and use. These changes will affect how we access the Internet, and how much we pay for doing so. These changes pose challenges for writing legislation.

This bill represents an attempt to balance the interests of those who want to make sure that the Internet remains taxfree, with those who are concerned that if we try to define Internet access, we may erode State and local tax coffers.

As technology changes, we will need to watch this delicate balance. I look forward to working with my colleagues to ensure that this legislation lives up to its promise.

Mr. LEAHY. Mr. President, I am pleased to cosponsor and strongly support the Internet Tax Nondiscrimination Act, S. 150. I thank Senator WYDEN, Senator ALLEN, Senator McCAIN and others for their leadership on this legislation.

I also support Senator McCAIN's compromise amendment to extend for 4 years the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce. In addition, the McCain amendment would safeguard fees for universal service and 9-1-1 or e-9-1-1 services and does not affect the emerging technology of Voice Over Internet Protocol, VOIP.

I urge the Senate to support electronic commerce by keeping it free from discriminatory and multiple State and local taxes and from Internet access taxes.

The Internet has changed the way we do business. Today businesses can sell their goods and services all over the world in the blink of an eye. E-commerce has created new markets, new efficiencies and new products.

The growth of electronic commerce is everywhere, including my home State of Vermont. For example, the Vermont Teddy Bear Company, which employs more than 300 Vermonters, sells online 60 percent of its bears during its two busiest times of the year—for Valentine's Day and Mother's Day. That is 60 percent of all Vermont teddy bears sold online during this busy time.

Hundreds of Vermont businesses are selling online, ranging from Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream. These Vermont cybersellers are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of famous ex-hippies who make great ice cream.

What Vermont online sellers have in common is that Internet commerce allows them to erase the geographic barriers that historically limited our access to major markets. With the power of the Internet, Vermonters can sell their products and services anywhere, anytime.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is the key to reaching its full potential, and creating out new tax categories for the Internet is exactly the wrong thing to do.

E-commerce should not be subject to new taxes that do not apply to other commerce. Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce.

Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of discriminatory or multiple taxes.

I also believe that extending the bar on Internet access taxes will help Vermonters end the digital divide and help Vermonters compete for better jobs. Recently, the University of Vermont released a study that found only 39 percent of Vermonters who earning less than $20,000 a year have a personal computer, while 67 percent of Vermonters who earn more than $35,000 a year own a personal computer. And 92 percent of Vermonters who do own a computer are connected to the Internet. We have to close this digital divide for Vermonters to have the skills for the good-paying jobs of the 21st century.

We need to bar Internet access taxes and multiple or discriminatory taxes on goods and services sold over the Internet to provide the stability necessary for electronic commerce to flourish, and to close the digital divide for all Americans.

Mr. ENZI. Mr. President, we are about to vote on final passage of the Internet access tax moratorium. After months of negotiations, I believe the amended version before us represents a fair and reasonable compromise. It addresses, although not entirely, most of the concerns I raised when we debated this bill in November. I plan to vote for it today.

I do not support taxing the Internet. I never have. I stood before you 2 years ago and proposed an amendment that would have put in place a "permanent" moratorium. But my colleagues, at the time, presented a very compelling argument as to why a ban on taxing the Internet should not be made permanent. They said we should simply extend the moratorium for 2 years rather than put in place a permanent mandate on technological development.

The major point of contention, they said, was the way in which we defined "Internet access." They said we needed to let technology develop before defining what could and could not be taxed 10 years down the road. In retrospect, I agree with my colleagues, and I agree with my colleagues now. The moratorium needs to be extended for 4 years, as is done in this compromise. We need to put in place a moratorium for 4 years because it is extremely difficult to write a definition today that will protect and promote technology even 5 years down the road. Technology is simply changing too fast for us to make those kinds of decisions with any certainty.

For example, in my home State of Wyoming, we have a small telephone company in the northwestern part of the State that serves about 7,000 people. Two years ago, in this small community, the company was working to update their plain old telephone system so they could handle the capacity needed for dial-up networking.

Today, after 2 years of upgrades and investments, the company now offers to every single customer a package of high-speed Internet access, digital cable service, multiple telephone lines, and voice over the Internet in some areas. Talk about rapidly changing technology. This company is making things happen. However, at the same time, the company's progress highlights the difficulty we face in determining what is and what is not Internet service.

For instance, most of us don't know exactly when a local telephone call ceases to be a telephone call and becomes a dial-up Internet service. We don't understand how to decipher a digital packet of voice information from a digital packet of Internet service information. And we certainly don't know exactly how the digital data in our BlackBerrys connects to our desktop computers at home, to our laptop computers in the car, or to our mobile phones in our pockets. But, we do know when we are trying to make a phone call and when we are typing with our fingers.

Voice telecommunications are treated differently than other broadband Internet services, and that is a fact. It is not fair and it is not right, but it is a fact. The compromise before us recognizes this problem. That is why it carves out VOIP or voice over the Internet. I am pleased my colleagues were able to craft language this afternoon that improved the original VOIP provision included in the McCain substitute. The new language makes it more clear and easier for our States, cities, businesses, and judicial system to interpret.

I am glad my colleagues were able to reach an agreement on the issue of VOIP. Unfortunately, we weren't as lucky on the definition of "internet access service." The Allen-Wyden, Alexander-Carper and McCain proposals all contained different definitions that would restrict the ability of States and locals to tax telecommunications services. What troubled me was that each definition would have cost our States millions of dollars, but nobody could tell me exactly how much it would have cost them. That is the problem.

CBO was unable to estimate how much our States and locals would lose under the Allen-Wyden or McCain definitions, but clearly stated that the loss could be "substantial." The most concrete numbers from CBO were provided in a letter dated November 5, 2003. In that letter, CBO estimated that revenue losses could range from $80 to $120 million per year to State and local governments that are already taxing Internet access and were covered by the "grandfather clause."

Additionally, CBO states that "other states are currently imposing taxes on charges for the portions of DSL services they do not consider Internet access." Those States would lose between $40 and $75 million per year. As you will recall, under the Allen-Wyden and McCain definition, taxation of all DSL services would be preempted.

The Multistate Tax Commission estimates that the loss could be as much as $4 billion to $8 billion under the Allen-Wyden and McCain definitions. Given these two examples, there is clearly a lot of discrepancy between the agencies that are supposed to know the most.

Of course, the Alexander-Carper definition wasn't perfect either. It would have also cost our States millions of dollars over time, but it would have been far less significant. It would have prevented States from collecting new revenue from consumers who are paying for the last mile of their DSL services. However, once again, nobody could tell me—including CBO—how much the Alexander-Carper definition would have cost. With over $20 billion being collected from taxes on telecommunications services every year, this imprecise data made it difficult for me to support any definitions. That is why we had to include other provisions—like the grandfather provisions and the VOIP language—that would help cushion the impact this bill will have on our States and locals.

The grandfather provisions are important because they ensure that States and locals that are currently taxing do not lose millions of dollars over the next couple of years. I had hoped all of the grandfather clauses would expire at the same time, but we were beat fair and square. The problem is that extending the grandfather for some States for only 2 years still creates an unfunded mandate.

As many of you know, this is an issue I have followed closely for years. Questions about unfunded mandates have always been the issues that cause me, especially when I served in the Wyoming State legislature, to sit up and take notice. Whenever Congress takes up an issue that could have an effect on State revenues, every State Governor and legislature stops what they are doing to see what we are up to—and how it may affect them—or more to the point—what it is going to cost them.

So now, after months of hearings, meetings and negotiations, we are getting ready to pass a bill that could create an unfunded mandate for a couple of years but doesn't do it permanently, which I am pleased about. The original Allen-Wyden bill proposed a "permanent" moratorium on access taxes and "permanent" definition of internet access. My question was whether or not we should lock any type of technology in a glass box labeled "permanent" when that technology is changing shape and size at the speed of light. The problem with the word "permanent" was that it didn't allow for a lot of wiggle room. The changing shape of technology would break the glass box whether we like it or not, so I am pleased that we crafted a bill that will keep the latch open to allow for expansion and future growth. That way we can check on the progress of technology in 4 years, and then decide whether we should lock it up tighter or change its design to allow for more expansion and development.

The key words here are time and change. By signing on to something that was supposed to be "permanent" we would have been committing ourselves to something that might not have survived the test of time. Things are moving quickly and changing fast and we are trying to make decisions about what lies down the road based on what we have just driven past—or the scenery that surrounds us right now. It might work. But it might not. It might not because no other product of technology has seen such growth and change in the past few years as the Internet and information technology. That is what has made it a difficult issue to track and to address in terms of what its future may hold. The bill we have before us is an effort to allow some of these issues to ripen, while protecting internet users from future taxation.

That being said, I think we might benefit from taking a look at the past history of the issue before we try to form an opinion on its future. Two years ago, I stood before you and offered an amendment that would have—like this bill—made the moratorium on Internet access permanent. At the time, I believed we were taking a fair and equitable approach to a prohibition on taxing the Internet.

My amendment, which was cosponsored by my good friend and colleague from North Dakota, Senator DORGAN, would have made the ban on taxing the Internet permanent, and it would have simplified the extremely cumbersome network of State sales and use taxes. My amendment failed, in part because most Senators did not want to put in place a "permanent" moratorium.

The other reason my amendment failed was because it addressed a complex issue that most Senators did not understand. It was the issue of streamlined sales and use tax. I introduced the Streamlined Sales and Use Tax Act in 2001 and again last year because it would greatly reduce the complexity of our system of sales and use taxes.

This year, Senator DORGAN and I have been joined by 18 bipartisan cosponsors in introducing S. 1736. Like our bill in the 107th Congress, S. 1736 would make it easier for American consumers and businesses to conduct sales from remote locations and help States begin to recover from years of budgetary shortfalls. It would authorize States that have signed the Streamlined Sales and Use Tax Agreement and have passed legislation simplifying their tax system to require all sellers to collect and remit sales taxes.

S. 1736 is a critical piece of legislation that many of my colleagues are learning more about and recognizing its growing importance as Internet usage explodes. Two years ago the revenue loss attributed to the Internet sales tax loophole was fairly minimal. Today, the revenue loss has ballooned as online and other remote sales have increased. The States have responded to this budget crisis by signing the Streamlined Sales and Use Tax Agreement and implementing legislation that drastically simplifies their sales and use tax systems. In fact, 20 States have already signed into law the necessary implementing legislation, while 9 others are currently in the process of doing so.

Two years ago, my colleagues said the States hadn't come far enough in the process to warrant congressional action. I think the opposite can be said today. The States have taken the bull by the horns and are poised to act. Now, Congress needs to step up and do the same.

The sales and use tax bill has been referred to the Finance Committee and I hope to work with Chairman GRASSLEY and others to bring it up in committee some time this year. But, that is not what we are talking about here today.

Let me be clear—we are not talking about sales and use taxes today as part of the internet access tax moratorium. These are two completely separate issues. Today we are talking about the Internet access tax moratorium.

The compromise before us doesn't address every concern raised by the States and locals, but it doesn't address every concern raised by industry either. But, isn't that the sign of a true compromise? Both sides have to give a little in order to come up with the best product.

I have worked with my colleagues on both sides of the issue to find middle ground that would protect consumers and ensure that States and localities don't lose billions in tax revenue. I think we have found the middle ground. I have talked to both Republicans and Democrats and this is the bipartisan solution.

I urge my colleagues to vote for this bill, so we can allow the use of the Internet to continue to prosper and grow. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. I hope you will vote with me in favor of both.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Biden
Bond
Boxer
Brownback
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—3

Bingaman
Graham (FL)
Lautenberg

NOT VOTING—4

Bennett
Breaux
Bunning
Kerry

The bill (S. 150), as amended, was passed, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. FOUR-YEAR EXTENSION OF INTERNET TAX MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2007:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) CONFORMING AMENDMENTS.—(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.—

"(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) INTERNET ACCESS SERVICE; INTERNET ACCESS.—

(1) INTERNET ACCESS SERVICE.—Paragraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

(2) INTERNET ACCESS.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2007.

"(b) PRE-NOVEMBER 2003 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2005.".

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.".

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E-911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

"(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.".

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

"SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.

"Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.".

SEC. 7. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

Mr. ALLEN. Mr. President, I move to reconsider the vote.

Mr. WYDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, I congratulate the two managers and all the many Senators on both sides of the aisle who helped bring this bill to conclusion. It has been a tough road, a difficult road. There has been tremendous debate. It wasn't both sides of the aisle but in the Chamber itself.

There are going to be no further votes this evening. The Senate will reconvene on Monday. At that time we will resume consideration of the JOBS bill, the FSC/ETI bill. The chairman and ranking member of the Finance Committee have lined up Senators to offer amendments on Monday and therefore we will make progress on the bill on Monday. Any votes ordered on amendments during Monday's session will be delayed until Tuesday.

MORNING BUSINESS

Mr. FRIST. I now ask unanimous consent there be a period for morning business with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the distinguished Senator from Alaska if I could do a colloquy, without delaying him?

Mr. STEVENS. Fine.

INTERNET TAX NONDISCRIMINATION ACT

Mrs. HUTCHISON. Mr. President, I voted for the bill that has just passed because I have said all along I am against taxing Internet access. I think it is a disruption of interstate commerce. I have said that all along.

The reason I have been concerned about this bill is I have been very afraid that the city franchise taxes that are collected in my State of Texas were somehow going to be brought into the bill. I have now been working with the Senate leaders, the managers of the bill, Senators McCAIN, ALLEN, WYDEN, and Senator DORGAN, to assure that it was not the intent to take the Texas franchise fee, which is called an access line fee in Texas, to be included in the ban on Internet access. It is not Internet access; it is a franchise fee.

I very much hope we can clarify the record on this point and assure that in conference the definition will be clear so it will be recognized under Federal law 47 U.S.C., section 1104(8)(B), that the Texas access line fee is included as a franchise fee or similar fee, and included in the exceptions from the definition of tax.

I hope we have an assurance from the managers of the bill that this Texas access line fee, which is a franchise fee, would not be included within the definition of Internet access tax.

Mr. WYDEN. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield.

Mr. WYDEN. I am glad to work with the Senator. I wish to consult with the chairman and also Senator ALLEN, but it has always been our intent—and as the prime Senate sponsor of the law back in 1998 it was always my intent—that franchise fees not be affected by the Internet tax moratorium.

As the Senator has correctly noted, I say to the distinguished Senator from Texas, Texas has changed the name of its franchise fee to an access line fee. It was never our intention that franchise fees be affected by the moratorium.

I am very happy to work with the Senator from Texas on it. I will have to consult with the Senator from Virginia, but he has always been very gracious working with our colleagues. The two of us will be consulting with the chairman of the committee. I want to make it clear I am very anxious to accommodate the distinguished Senator from Texas.

Mr. ALLEN. Will the Senator from Texas yield?

Mrs. HUTCHISON. I am happy to yield to the Senator from Virginia.

Mr. ALLEN. Mr. President, I state for the record that I concur with the Senator from Oregon, Mr. WYDEN, and the Senator from Texas, Mrs. HUTCHISON, that my intent as the author of the underlying bill, S. 150, is to prevent taxation of Internet access. Any modifications to the definition of Internet access taxes are not intended to include payments for franchising fees as described in section 1104(8)(B), including Texas' access line fees. I believe it is accurate to say the exemption for any franchise fee or similar fee in the definition of tax in section 1104(8)(B) of title 47 of the United States Code includes the tax line fees as established in Texas in 1999.

I thank the Senator from Texas for her strong advocacy for the people of Texas, making sure that this is brought up. I can assure the Senator from Texas that the Senator from Oregon and I, as this goes into conference, will work to make sure that express intent is effectuated when this measure comes back and is signed into law.

Mr. McCAIN. I want to join my colleagues Senators ALLEN, WYDEN and HUTCHISON to include Texas access line fees collected by cities and local governments in the exception to the definition of "tax" in 47 U.S.C. section 1104(8).

Mrs. HUTCHISON. Mr. President, I thank the Senators from Virginia and Oregon, and say that I also have the assurance from Senator McCAIN and Senator DORGAN that in the conference this issue will be addressed. It is a Texas-only issue, as I understand. It is a franchise fee but it is called an access line fee after Texas law was changed in 1999, which is why the moratorium puts it in question.

I would like to assure that we get this definition in conference. I know now, from talking to the four managers, that it was not the intention to take our access fee as a part of the major bill, but in fact treat it as a franchise fee, which is what it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

PLAYING POLITICS WITH IRAQ

Mr. STEVENS. Mr. President, as President pro tempore and presiding over the Senate, I have found the overheated rhetoric on Iraq over the last few days at best disappointing and at worst misleading, harshly partisan, and motivated by election year politics. I have simply had enough of this. I have come to the floor to ask my Senate colleagues to restore the level of debate that this institution demands. I urge the Senate to not play politics with Iraq.

Do not seek to gain some slim, fleeting advantage at the ballot box by making our country appear divided, and by making reckless accusations.

Our troops in Iraq deserve better than this. They deserve much better. If there is debate, let it be reasoned and measured, and focused on the way forward in this war on terrorism.

When our forces are deployed and in the field, they deserve nothing less than our absolute, unwavering commitment to their success. Nothing less.

I take strong issue with three particular themes: First, the analogy that Iraq is somehow like Vietnam. This analogy is wrong, and simply inflammatory; second, that the President was wrong when he made his speech on the USS *Abraham Lincoln* a year ago on May 1; and third, that somehow our action to remove the brutal regime of Saddam Hussein was in any regard "unprovoked." That is simply and plainly not true.

Iraq is not Vietnam. It is wildly irresponsible—even reckless—to compare the situation in Iraq to the war in Vietnam. Those who make that false claim are engaging in dangerous rhetoric, and are ill informed about history and facts of the two conflicts.

Comparing Iraq to Vietnam does not advance the debate, it simply inflames the issue, obscures the facts and, unfortunately, misleads the American people.

My colleague, the senior Senator from Massachusetts, started this Iraq is Vietnam spin in a speech a few weeks ago. Of all people, he knows better than to make that bogus comparison.

I encourage my colleagues to turn down the rhetoric on Vietnam, and get the facts right. Here are some of those facts:

In Vietnam, President Kennedy sent "advisers" to Vietnam in 1961, but they were not authorized to use force until 1964, 3 years later. Then, in 1971, Congress repealed that authority.

In Iraq, this very Congress approved a resolution that authorized the use of force in October, 2002, well in advance of any forces being deployed. That resolution still stands today.

In Vietnam, eight nations joined with the United States.

In Iraq, over 30 nations are in our coalition, including 16 of 26 NATO allies.

In Vietnam, Ho Chi Minh violated zero U.N. Security Council resolutions—none.

In Iraq, Saddam Hussein violated seventeen—seventeen—U.N. Security Council resolutions, beginning immediately after the 1991 Gulf war cease fire agreement.

In Vietnam, how many draftees were sent to that country? About two million draftees, all young men.

In Iraq, how many draftees are there? Zero, none. We have an all-volunteer force. They know the risks, they know their duty, and they volunteer to step forward and serve our country.

I have yet to meet one at the hospitals here who hasn't asked me the question: How can I go back to my unit? How can I go back to Iraq? They ask that despite the many serious wounds they have.

In Vietnam, against how many Vietnamese, Cambodians, and Laotians did Ho Chi Minh use chemical and biological weapons? Were there chemical and biological weapons used by North Vietnam? No, none.

In Iraq, against how many Iraqis, Iranians, and Kurds did Saddam Hussein use chemical and biological weapons? Thousands and thousands of people—the Kurds, the Iraqis, and Iranians—were the subject of chemical and biological weapons used by Saddam Hussein.

I have an article here from last Sunday's Providence Journal-Bulletin, and the headline of that article is this: "Historians, Soldiers Hesitant to Call Iraq another Vietnam: the purposes, strategy, terrain and players in the Vietnam war were far different than those in Iraq, many experts say."

Far different than those in Iraq, indeed.

That is a true statement by the Providence Journal-Bulletin. In this article, Anthony Cordesman, a military expert and former diplomat, says "I really worry about the analogy between Vietnam and Iraq, where we're not really fighting a foreign enemy."

Mr. Cordesman, who is now at the Center for Strategic and International Studies, goes on to say:

> There is as yet no massive insurgency [confronting coalition forces]. We're not dealing with massive external powers supporting the insurgents. We do not have a situation where we have lost a majority of the population as we did in Vietnam when we lost the Buddhists. We are not attempting to get around the reality of a need to create a legitimate government, which we did after the fall of the South Vietnam's Diem regime.

I hope that cooler heads and cooler rhetoric will prevail here in the Senate. My colleague from Delaware, the ranking member of the Senate Foreign Relations committee, has found the Vietnam analogy, "misleading" because, as he says, "The vast majority of Iraqis share our vision for a participatory, representative democracy."

President Bush is absolutely right when he says that the Vietnam-Iraq analogy is false. And he is right that brandishing that false analogy as a rhetorical weapon, "sends the wrong message to our troops and sends the wrong message to the enemy."

With regard to President Bush's speech on the USS *Abraham Lincoln*, some have chosen to make a great issue about it. They have endlessly taunted the Commander in Chief for words on a banner, and have twisted his words to suit their purposes.

What the President said is this:

> Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed. And now our coalition is engaged in securing and reconstructing that country.

The President was dead-on right. He spoke clearly and plainly, yet some refuse to listen to what he said.

He went on to say that "major combat operations in Iraq have ended." The President was and is absolutely correct today in making that statement.

Saddam's regime of oppression and torture was gone. The Hussein Baath Party regime was disbanded, and no longer in power. Baghdad had fallen, and was under the control of the coalition of which we were the leader.

Active, organized military resistance had collapsed. Saddam's military forces were not resisting; their will to fight had been destroyed; they had no ability to command and control the few forces they had left.

The mission was to remove a threatening, brutal dictator from power, to bring to an end the ruthless oppression of the Iraqi people—and that mission was accomplished.

President Bush made it abundantly clear that he recognized the challenges that would face America and confront our troops. He said, "And now our coalition is engaged in securing and reconstructing that country."

He said:

> We have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. The transition from dictatorship to democracy will take time, but it is worth the effort. Our coalition will stay until our work is done.

That could not be clearer or more truthful. There are those in this body who should listen to these words and hear them accurately.

Let me state that again. He said:

> We have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. The transition from dictatorship to democracy will take time, but it is worth the effort. Our coalition will stay until our work is done.

The clear and compelling meaning of the President's words on May 1, 2003 was that Saddam Hussein had been removed from power, Iraq's military defeated, and the work of stabilizing and reconstructing Iraq had begun—and that such work would be both difficult and costly.

The President was right when he spoke on the carrier a year ago, and he is still right today.

What has happened in recent weeks and months is an emerging insurgency, and the appearance of foreign fighters in Iraq who will do anything—anything—to see the coalition fail, and see Iraq revert back to a brutal dictatorship, and become a breeding ground for radical Islamic terrorists.

These terrorists have joined with former regime elements, and have chosen to make Iraq a full-blown battlefield in the war on terrorism.

This is not a war against Saddam Hussein. This is a war on terrorism. What these terrorists and their sympathizers fear most is Iraq becoming a stable, functioning democracy that benefits the Iraqi people, joins the world community, and serves as a source of democratic influence on the people of the region.

They have no regard for the will of the Iraqi people, for their safety, for their security or for their future. They are simply using Iraqi soil, and taking innocent Iraqi lives, in their ruthless Jihad, in their desire to spread chaos and foment hate across the Islamic world, and in their hatred of freedom, moderation and democracy.

I urge those who are twisting the President's words of now almost a year ago to listen carefully to what he said, to end the personal attack, to stop the spin. Stop parsing words and stop mocking plastic banners. We can and we must do better than that in the Senate.

And unprovoked? I heard the word "unprovoked." My third point is, I say to those who claim the war to liberate Iraq was somehow "unprovoked," that is wrong. It is absolutely wrong. Could that statement be more preposterous? Could anything be more disconnected from the truth in Iraq? Can anyone say with a straight face Saddam Hussein did nothing to provoke the international community?

Here is a sampling of some of the ways that Saddam Hussein provoked this conflict, how he provoked the United States, and how he provoked the world. In 1980, Iraq invaded Iran and used chemical weapons against the

Iranian people. In 1988, Saddam's forces killed 5,000 innocent civilians in a chemical weapons attack against the Kurdish villages of Halabja. In 1990, Saddam's forces invaded another neighbor, this time Kuwait. We all know in the Gulf War thousands of innocent Kuwaiti civilians were raped, tortured, and murdered during the occupation. In 1991, Iraq was poised to march on other nations but was stopped by a U.S.-led coalition of forces. We call that the Gulf War. Iraq has launched ballistic missiles at four of its neighbors. Remember that, "unprovoked"? It launched ballistic missiles at four of its neighbors: Iraq, Saudi Arabia, Bahrain, and Israel. I might say, I was in Israel when one of those was launched.

Saddam's Iraq was, at a minimum, engaged in clandestine research and development activities to develop, refine, and employ chemical and biological weapons. From 1991 to 2003, Saddam's Iraq fired more than 1,000 missiles at our aircraft as they patroled Iraq's U.N.-sanctioned no-fly zones. We went over to Kuwait. We met the pilots who were flying day after day—what we call the CAP, the constant air patrol—at the request of the U.N. in compliance with the U.N. resolution. They told us how they were fired at again and again and again. Saddam Hussein was firing at U.S. planes daily. Provocation? I can't think of another provocation. As a matter of fact, we should have gone to war when President Clinton said he was about ready to go to war in 1998.

For more than a decade, Saddam's Iraq steadfastly ignored the will of the United Nations and the civilized world and ignored no fewer than 17 U.N. resolutions.

I could continue with the list, but the point is the same: To say that Saddam Hussein is not responsible for his fate and Iraq's current status and did nothing to provoke that change is ludicrous. It is plainly untrue.

Let me conclude by saying this: The tone of the debate on Iraq must change. With our troops under daily attack, we cannot make Iraq a political football in an election year or any year.

Representative JIM MARSHALL, a freshman Democrat from Georgia, wrote a compelling column in the Washington Post last October. The title of his column was "Don't Play Politics on Iraq." A decorated Army Ranger who served in Vietnam, Congressman MARSHALL was right then and he is right today. His observations were wise then and even wiser today: Don't play politics on Iraq.

Let me quote from that article Congressman MARSHALL wrote:

> Many in Washington view the contest for the presidency and the control of Congress as a zero-sum game without external costs or benefits. Politicians and activists in each party reflexively celebrate, spread and embellish the news bad for the opposition. But to do that now with regard to Iraq harms our troops and our effort. Concerning Iraq, this normal political tripe can impose a heavy external cost.

I continue with the article written by Congressman MARSHALL:

> For now, responsible Democrats should carefully avoid using the language of failure. It is false. It endangers our troops and our effort. It can be unforgivably self-fulfilling.

That Congressman gets it. He really gets it. You do not play politics on Iraq. You do not play politics with national security. You do not play politics with the defense of this country. You do not play politics with troops deployed. You do not let seeking partisan advantage drive a wedge between Americans when troops are in harm's way.

I urge our colleagues to end this divisive practice of using the floor of this Senate and this issue on Iraq to bash the administration to try to score political points. We can do better than that. For those who persist on this practice, reflect on Congressman MARSHALL's words: It endangers our troops and our effort. It is simply wrong, election year or not. Those who irresponsibly endanger or use Iraq for partisan advantage should be warmed: You must understand and take responsibility for the message you send to the enemies of freedom, democracy, and liberty through the world.

This country should be united when we have troops abroad. We should be united when we have people trying to assist Iraqis to find freedom and defeat the terrorists who persist to bring the war on terrorism to Iraq after we won the war against Saddam Hussein. I urge my colleagues to follow Congressman MARSHALL's injunction: Do not play politics anymore on Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the quorum call is rescinded and the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 7:04 p.m., recessed subject to the call of the Chair and reassembled at 7:06 p.m. when called to order by the Presiding Officer (Mr. TALENT).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Missouri, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MINORITY CANCER AWARENESS WEEK

Mr. DASCHLE. Mr. President, last week was National Minority Cancer Awareness Week, an annual event for the past 18 years. Though we have been monitoring disparities in cancer for nearly two decades, the gap in some cancer mortalities has widened rather than narrowed.

One of the most important reasons for this disparity is poor access to health care. People who do not get mammograms, colon exams, and Pap tests on schedule are more likely to be diagnosed with cancer at a later stage of the disease, when survival rates are lower. And why don't they get these necessary tests on time? Members of racial and ethnic minority groups are more likely to be poor, have lower education levels, and less likely to have health coverage or a source of primary care.

Recently, I told the story of a young Indian girl who was misdiagnosed with heartburn at an under-funded Indian Health Service clinic. It turned out that she really had stomach cancer that had already spread and was, therefore, untreatable. I will remind you that this is not some rare exception. For Native Americans and other minority communities across the country, the miracles of modern medicine—and sometimes even the most basic primary care—are beyond their reach.

The disparities within our health care system have reached a crisis point, and the consequences for America's minority communities are staggering.

Overall, African Americans are more likely to develop cancer than persons of any other racial or ethnic group.

Cervical cancer incidence in Hispanic women has been consistently higher at all ages than for other women.

Only 52 percent of American Indian/Alaska Native women aged 40 years and older have had a recent mammogram.

American Indians and Alaska Natives have the poorest survival rate from all cancers combined when compared to other racial and ethnic groups.

I am grateful that National Minority Cancer Awareness Week causes us to reflect on these facts. America faces few more important or complex challenges than building a world-class health care system for everyone, regardless of race, income, or geography.

There are no quick fixes. The factors that have led to these inequities in our health system are complex and interrelated.

Minorities are far less likely to have health insurance or a family doctor, making regular preventive visits less likely. And many of those who do have insurance report having little or no choice in where they seek care.

Minority communities are more frequently exposed to environmental risks, such as polluted industrial areas, cheap older housing with lead paint, or asbestos-laden water pipes.

For Hispanics, Native Americans, and others who do not speak English as a first language, the lack of translators and bilingual doctors makes it more difficult to communicate with doctors and nurses.

The Native American community has been forced to cope with a system suffering from decades of neglect and underfunding of the Indian Health Service. The IHS has consistently grown at a far slower rate than the rest of the HHS budget, and at only a fraction of health care inflation.

America is obligated, by statute and by treaty, to provide health care for American Indians—a commitment the U.S. Government made to the Indian people in exchange for their lands. America is not honoring that commitment. The White House's budget this year included only $2.1 billion for IHS clinical services. That is more than 60 percent below the bare minimum needed to provide basic health care for people already in the IHS system.

The problems run still deeper. Even when minorities and white Americans have roughly the same insurance coverage, the same income, the same age and the same health conditions, minorities receive less aggressive and less effective care than whites.

The racial and ethnic disparities in our health care system are not merely minority issues or health care issues. They are moral issues. A health care system that provides lesser treatment for minorities offends every American principle of justice and equality.

The Republican Leadership has promised to address these issues.

After seeing no action for almost a year, House and Senate Democrats, led by the House Minority Caucuses, introduced the Healthcare Equality and Accountability Act of 2003.

This legislation would reduce health disparities and improve the quality of care for racial and ethnic minorities. There are several elements of this bill that would specifically address minority cancer rate reduction. I would like to highlight four particularly important issues.

First, this bill will provide adequate funding for the Indian Health Service—so that we can finally stop the shameful underfunding of Indian health needs.

Second, it will provide funds to increase cancer prevention and treatment programs. This includes the development of screening guidelines for minority populations for chronic diseases, including prostate, breast, and colon cancer.

Third, this bill will provide funding through the Health Research and Services Administration, the Indian Health Service, and the National Cancer Institute for patient navigators. Patient navigators work in underserved communities to bring individuals into the health care system sooner, so they can learn about preventing and detecting diseases—especially cancer—before they become ill. Patient navigators also help individuals overcome language and cultural barriers to setting up appointments and understanding their doctors' instructions. Patient navigators can also be important resources to individuals living in rural areas, since they often have to travel outside their communities to receive certain health services. The American Cancer Society notes that "Patient navigator programs offer a low-cost, tangible fix in a part of our health care system that is broken, giving hope to millions of medically underserved individuals, saving lives and reducing health care costs."

The last item I would like to highlight in this bill is the focus on improved health literacy, the degree to which individuals can obtain, process, and understand basic health information. The bill will provide funds to support programs that remove language and cultural barriers. Just two weeks ago, the Institute of Medicine released its report on health literacy and recommended that "Government and private funders should support the development and use of culturally appropriate new measures of health literacy."

On that same day, the Agency for Healthcare Research and Quality released findings that showed that individuals with low literacy—lower-than-average reading skills—are less likely than other Americans to get potentially life-savings screening tests such as mammograms and Pap smears.

In addition, Secretary Thompson remarked that, "We must ensure that all Americans get the prevention and health information that they can understand and use to keep themselves and their families healthy." He pointed out, "Health literacy can save lives, money, and improve the health of millions of Americans."

The Healthcare Equality and Accountability Act would move us closer to the goal of ensuring equal access to quality health care.

Last year, the majority leader said, "Inequity is a cancer than can no longer be allowed to fester in health care."

I agree. We know what happens when cancer is allowed to spread.

Too many Americans in minority communities have lost their lives because they are not getting the care they need. We cannot afford to wait any longer to confront the minority health gap in our country.

Americans are asking for our leadership on a challenge that is quickly becoming a national emergency. We have an obligation to answer their call.

EL DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

Mr. DASCHLE. Mr. President, every year on the 30th day of April, nations throughout the world, especially in Latin America, honor and celebrate the importance of children to families and communities. Many Latino families honor their children on this day by celebrating El Día de los Niños in their homes. Today, nearly 45 million children under the age of 18 reside in the United States, and one in four of these children are of Hispanic descent. The El Día de los Niños holiday provides a wonderful opportunity for all Americans to pay tribute to those who represent the future of our great country—our Nation's youth. A growing number of cities, schools, libraries, museums, churches, and other community organizations across the nation observe this holiday by planning activities and events that celebrate children.

While El Día de los Niños recognizes the importance of children, the holiday also provides an occasion to shed light on the unique challenges currently facing Latino children in America. Every day nationwide, 751 Latino children are born into poverty; 518 are born without health care; and 561 Latino high school students drop out of school.

As every parent knows, our children are a gift we have been given in exchange for a commitment to put their well-being above all else. It is our covenant to meet our children's needs before our own and to work and plan so that they may have a better future.

The Bush administration's fiscal year 2005 budget proposal breaks that covenant by giving tax cuts for the wealthy higher priority than investments in our children. His administration has created record deficits that mortgage our children's future.

The choices contained in the President's budget fail to address the basic needs of children in key areas such as health care, education, Head Start, child care, housing, child nutrition, and the prevention of, and treatment for, child abuse and neglect.

The number of Americans without health insurance increased by 2.4 million between 2001 and 2002, the largest jump in a decade, to a total of almost 44 million. Among those 44 million are more than 9 million children under age 19, almost 90 percent of whom live in working families. However, the administration's budget proposal does nothing to significantly expand health insurance coverage.

Latinos are the most likely of all groups to lack health insurance. One-third of Latinos, 33.2 percent, lack health insurance, and nearly one-quarter, 24.1 percent, of Latino children are uninsured. Since a significant reason for the low level of insurance coverage among Hispanic children is the result of current law that bars them from participating in Medicaid and State Children's Health Insurance Program, SCHIP, removing these barriers to health care is key to ensuring that Latino children have access to health care services. Yet, the administration's budget does not recommend taking this important step, leaving millions of children without coverage.

Just when schools are struggling to meet the new requirements of the No Child Left Behind Act, NCLB, President Bush has proposed the smallest increase in Federal education funding in 9 years. Since 2002, the NCLB program has been shortchanged by $26.5 billion. This year alone, President Bush has proposed a budget that would underfund the NCLB program by $9.4 billion.

The administration's budget shortchanges education programs that are particularly important for Latino students. Dropout assistance, bilingual education funding, Migrant Education, HEP and CAMP and the parent assistance program—all of which help migrant students—are all significantly underfunded.

The President's budget proposal would virtually freeze Head Start funding even though the program currently reaches only 3 out of 5 eligible preschoolers, and only 3 percent of infants and toddlers eligible for Early Head Start.

At a time when the Migrant and Seasonal Head Start Services Programs serve only 19 percent of eligible migrant and seasonal children, the President's budget provides $269.4 million—far short of what is needed to meet demand.

The President's budget proposal would flat-fund child care assistance at a time when only 1 out of 7 eligible children currently receives a child care subsidy; when States are making significant cuts to child care services due to State budget crises that are exacerbated by recent tax cuts; and when more than 550,000 children across the country are on waiting lists for child care assistance. The Senate recently voted 78 to 20 to increase the Federal investment in child care so that low-income working families can succeed in the workplace and make sure their children have safe, high-quality, appropriate care.

The President's budget proposal cuts section 8 housing assistance by $789 million, intensifying the unmet need for affordable housing. Of the 2 million households that receive section 8 rental vouchers, 52 percent are families with children, making section 8 the main source of housing assistance for low-income children.

The President's budget proposal provides no significant increase in funding for child nutrition programs, while 22 million children live in households suffering from hunger or living on the very edge of hunger.

More than 900,000 children were abused and neglected in 2001, yet the investments proposed for preventing child abuse and neglect and assisting children and families in crisis, totaling $151 million, fall far short of the need.

As we look to the future, we must do more than simply hope that our country will be in good hands. We must take steps to ensure that each child growing up in America has access to world-class health care and a quality education. El Día de los Niños allows us to celebrate the hopes and dreams of our children while reflecting on their many accomplishments and assisting them in reaching their future goals.

As a proud father and grandfather, I happily celebrate El Día de los Niños. However, my commitment to young Americans and the Latino Community will not end today. I am committed to championing legislation that will help families realize the vision of El Día de los Niños increased access to health care; higher investments in Head Start, education, and child care; access to decent housing; stronger child nutrition programs; and more child abuse prevention and treatment programs. By working to meet our children's needs today, we are building a better future for all Americans.

Mrs. CLINTON. Mr. President, I speak in celebration of El Día de los Niños, a traditional Latin American holiday celebrating the future of children. This holiday honors Latino children and other children throughout the United States. In my home State of New York a number of important celebrations are taking place in honor of this important day.

Today, there are nearly 45 million children under 18 living in the United States and one in four of these children are of Hispanic descent. Of the 3.5 million children under 18 living in New York, nearly 1 million are Latino.

While El Día de los Niños recognizes the importance of all children, the holiday also provides an occasion to shed light on the unique challenges currently facing Latino children in America. Every day nationwide, 751 Latino children are born into poverty and 561 Latino high school students drop out of school. In New York, 35.9 percent of Latino children live in poverty and nearly 20 percent of Hispanic youth drop out of high school each year.

We must do better for our children, especially our Latino children. The President's budget fails to provide adequate investments in education that could significantly improve the future of our most vulnerable children. President Bush's fiscal year 2005 budget eliminates the dropout prevention program and even calls them unnecessary despite the fact that over 27 percent of Latinos across the country currently don't graduate from high school. His budget freezes funding for bilingual education and migrant education programs; cuts funding for Head Start, after school programs, and college loan programs; and eliminates Even Start. This budget is devastating to programs designed to help Latinos gain an even footing in education.

That is why I joined my colleagues in the Senate in sending a letter to the Appropriations Committee urging the committee to target funding to meet the needs of our Hispanic children. To strengthen our Nation, we must take steps to ensure that all children growing up in America have access to a quality education. Throughout the remainder of the 108th Congress, I will continue to champion legislative efforts to aid all young Americans and the Latino community so that we can help these children pursue their hopes and dreams. Today, as we celebrate El Día de los Niños I encourage all Americans to stop for a moment and pay tribute to the future of our great country—our Nation's youth.

TRIBUTE TO TOM MEEKER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a fellow Kentuckian and UofL alumnus, Tom Meeker. Tom is the President of Churchill Downs, home of the Kentucky Derby. This Saturday, horse lovers from around the world will watch with anticipation as Tom presides over the 130th Run for the Roses.

In September of 1984, Tom was named President of Churchill Downs. Two decades later he oversees one of horseracings largest operations. His success didn't come easily or without personal struggles. When Tom assumed the reins at Churchill Downs, the 109-year-old racetrack was in need of a facelift. Today, the track is entering the final stage of a $121 million renovation.

Under Tom's leadership, Churchill Downs Inc. has also expanded its operations and now owns six tracks in five States, as well as its own simulcast network. And the company continues to give back to the Louisville community through philanthropic donations.

Tom has been described as a hard working, aggressive, loyal and forceful leader. He has had some tangles over the years with the Kentucky General Assembly regarding expanded gambling and other business issues. But these encounters pale in comparison to the personal battle he fought with alcohol. Fifteen years ago he sought help, and returned a month later a changed man.

Churchill Downs is lucky to have Tom Meeker. Under his direction, it has matured and thrived to become the place we all come home to, particularly the first Saturday in May.

Mr. President, I ask unanimous consent that the article, "Churchill's Hard Charger; Tom Meeker rebuilt the track—and his life" from The Courier-Journal, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, April 24, 2004]

CHURCHILL'S HARD CHARGER; TOM MEEKER REBUILT THE TRACK—AND HIS LIFE

(By Marcus Green)

Tom Meeker was a 41-year-old lawyer with little racetrack experience when he took the top job at Churchill Downs in 1984.

The 109-year-old track "was about ready to fall down," said Meeker, who didn't think he'd last too long either.

But in two decades Meeker has built Churchill Downs Inc. into one of the three big players in the sport, along the way eliciting both great praise and sharp criticism.

Some who know Meeker describe him as a visionary, a bold and aggressive executive whose legacy at Churchill might rival that of the legendary Derby promoter Col. Matt Winn.

"If you look at Churchill Downs then and you look at Churchill Downs today, the only similarity is the name, the Twin Spires and the fact that the Kentucky Derby is there," said Gerald Lawrence, the track's former general manager and executive vice president.

"The place has just been completely changed. It's a foresight and a vision that (Meeker) had."

Today Churchill owns six tracks in five states and beams its races live to bettors at tracks, off-track betting parlors and homes across the country.

Despite having one year left in a $121 million renovation of the flagship track in Louisville, Churchill still has the resources to offer $45 million to buy the Fair Grounds in New Orleans, one of the last independently owned, top-tier thoroughbred tracks in the country.

In addition, Churchill Downs has emerged as a leading corporate citizen with Meeker at the helm, contributing more than $7.7 million to charity over the last five years, including $2 million to the local community.

"Tom is a great leader," said Churchill Downs Inc. board Chairman Carl Pollard. "And I think we have to give him credit—most of the credit, if not all of the credit—for recognizing that the industry was changing and that in order to take advantage of the change in the industry we had to be more than one racetrack."

Meeker, who commanded Marines in Vietnam, has been described as a hard-working, aggressive, loyal and forceful leader.

Meeker volunteers another word.

"'Arrogant' has come up any number of times," he said. "I think that's a function of being action-oriented. I mean, if there's one thing you can't criticize about our team is we do things."

But Meeker said he would not have been able to guide the company's expansion if he didn't get help for his drinking after the 1989 Kentucky Derby.

"The taint that I painted on the company—you know, 'Here is some drunk running the company. What can he do?'—at that point, I kind of figured it would be short-lived before I moved on," Meeker said.

Change, for Meeker, often meant breaking with tradition.

During his first year as president, Meeker rankled some when he raised Derby ticket prices to fund on-track improvements.

He called the track's neighborhood "blighted" and promoted Sunday races to the dismay of area ministers.

And critics note that the same man who now embraces simulcasting was initially opposed to it—a fact Meeker readily admits.

"Change is such a tough taskmaster. It truly is," Meeker said. "You have to have the sense of purpose, conviction and risk-taking to be able to weather some of those storms and believing what you are doing is the right thing."

Most recently, the track's multimillion-dollar renovation has given Churchill a much-needed face-lift—but it also adds mammoth stacks of luxury suites that come close to overshadowing the famed Twin Spires and has left some longtime Derby ticket holders without a view of the race.

The changes have upset some traditionalists.

Meeker argues that replacing the patchwork of clubhouse and grandstand additions that had been bolted on to previous expansions will enhance the track's architectural integrity.

"If we don't move," Meeker said, "we're going to get lost in the wash."

Under his leadership, Churchill also expanded its portfolio by buying other tracks and later formed a separate simulcast network.

"He's taken Churchill Downs from just a facility that was used two days a year: the Oaks and Derby," said trainer John T. Ward Jr., a former Kentucky racing commission member. ". . . He's continued to promote quality racing in everything he's done, and he understands there's a definite relationship between the racing and the horsemen—even though he's made a few horsemen mad."

Ed Flint, who negotiated with Meeker when he was president of the Kentucky Horsemen's Benevolent and Protective Association, would partially agree.

"He did some great things for Churchill Downs. He's made a lot of changes out there that have been good for the industry," Flint said. "But at the same time, I think his negotiating tactics and his style have hurt the industry some."

Added Flint: "He had the mentality of a go-get'em, hard-nosed type of person, and he let that run over into trying to negotiate a lot of things that pertain to a lot of people. You know, racing touches a lot of people—owners, trainers, grooms, backside workers."

Louisville businessman J. David Grissom, a Churchill Downs director since 1979, said Meeker used to be impatient with average or mediocre performance but has become more patient through the years. Still, Grissom said: "He does not suffer fools gladly."

Not overlooked as a priority when Meeker took over 20 years ago was refocusing Churchill as a community player.

"We were not contributing," Meeker said. "We did a modest amount of token contributions to this charity or that charity, but we were not involved in our community at all."

In 2003, Churchill Downs Inc. donated $424,460 to Louisville philanthropy, bringing the total contributions to $1.5 million over the last 3 years. The company recently contributed $125,000 to a new Junior Achievement center in the Russell neighborhood that is expected to teach financial skills and business basics to 24,000 elementary and middle school students each year.

But its generosity didn't help Churchill win friends when it began its support in 1993 for expanded gambling as a way to generate more revenue and boost purses for horsemen.

Bills to expand gambling at racetracks failed to advance in the General Assembly in 2002, 2003 and again in this year's session.

Churchill was a lightning rod during debate on Kentucky House Speaker Pro Tem Larry Clark's casino bill, which stalled in the General Assembly this year. Clark's measure would have put the issue before voters as an amendment to the State constitution.

Clark, D-Okolona, wanted Churchill to locate its casino in downtown Louisville. Meeker said a better location would be the refurbished track or property the company owns at Fourth and Central Avenues.

Rep. Tom Burch, D-Buechel, who praised Meeker's role in building up Churchill Downs, said Meeker's style has agitated some lawmakers during the General Assembly's consideration of additional gambling.

"Tom is very confrontational, and he shows it," Burch said. "Most legislators don't want to have him around."

Burch said legislators are dealing with potential repercussions in their areas of the State, and "I don't think (Meeker) understands that."

But Meeker says he understands there will be friction between a business person who wants to move fast and a legislator who wants to build consensus.

"One of my weakest skills is dealing with the legislative body in Kentucky," he said. "(In) every other jurisdiction we have famous relationships. I talk to governors, speakers, leaders, and we work well together. . . . For whatever reason we haven't been able to achieve a collaborative, open dialogue with our leaders in Frankfort. Why that is I don't know. I'll accept the blame for it."

Uninspired by his first trip to a horse track—a visit to Churchill Downs with his future wife Carol's family in 1962—Meeker had not seemed destined for a career in racing.

Nothing excited me about it," Meeker said, "I mean, I didn't know who to bet or any of that stuff."

Meeker graduated summa cum laude from the University of Louisville School of Law in 1973 and practiced corporate and health-care law as an attorney with Wyatt Tarrant & Combs.

He began going to the track regularly when later serving as understudy to John Tarrant, the longtime lawyer for Churchill Downs, before being named general counsel in 1981.

It was a tumultuous time for the track. Summer racing produced small fields and turned off bettors. There were two separate attempts by others to take over Churchill. Meeker was in the thick of the action, helping the track organize its defense.

"I came to understand," he said, "exactly what the potential of the company was."

Meeker was named interim president following his friend Lynn Stone's resignation. "The deal was; I'd stay out here for three or four months, get some visibility, meet people."

But in the span of two months, Meeker's performance was enough to sway the track's board. He was named to the post permanently on Sept. 28, 1984.

There were some personally embarrassing moments along the way. In a highly publicized incident in 1986, Meeker ejected Kentucky state Sen. Greg Higdon from Churchill's suite during a University of Louisville basketball game.

Meeker thought Higdon was crashing the party. Higdon hadn't identified himself and neither man knew the other, Meeker later apologized.

A new turf course inside the dirt oval, new paddock and Turf Club helped boost Churchill's image. So did a new paint job.

The turf course helped Churchill land the first of its record five Breeders' Cups in 1988. The top four Breeders' Cup crowds—all greater than 70,000—have been in Louisville, including a then-record attendance of 71,237 in 1988.

In just four years, Churchill had made a quick turnaround. By spring of 1989, Churchill had posted nine straight meets with increased betting handle and attendance.

Meeker, however, was starting to get bored. Four years into the job at Churchill Downs, Meeker simply didn't see running a racetrack in his future.

"I just didn't think I could be happy out here for the long haul," he said. "Then things started happening."

Intertrack wagering, or simulcasting, was a new system that allowed horse tracks to televise their races to other tracks and take bets on races run elsewhere.

William King, then-president and general manager of the Louisville Downs harness track on Poplar Level Road, introduced simulcasting in Louisville with broadcasts of races from Turfway Park in Northern Kentucky in 1988. The experiment generated $8 million wagered at Louisville Downs.

Meeker originally opposed simulcasting, arguing that it could diminish on-track attendance and weaken purses for horsemen. His preference was establishing a network of off-track betting parlors across the state, but he changed his mind after seeing Louisville Downs' results.

Louisville Downs and Churchill Downs wrangled over splitting simulcasting revenue and broadcast dates. The bickering ended when Churchill bought Louisville Downs for $6 million in 1992.

The purchase ended harness racing in Louisville, but it gave Churchill much-needed barn space and a training facility. A refurbished simulcasting center, which opened later that year at the Louisville Downs site, was the heart of the deal.

"It was state of the art, the big screens and all that stuff," Meeker said. "We were kind of the darling child of the industry. And it was cranking off tons of money. It was doing well, which allowed us then to internally finance some of these other capital improvements."

Simulcasting set the stage for the company's push into the 1990s. But Meeker now believes he might not have seen the growth that followed—buying and developing other tracks and expanding its simulcast business—if he had not gotten help for a drinking problem that threatened to spiral out of control.

Meeker remembers the late Churchill Downs board Chairman Warner L. Jones Jr. as an irascible, hard-nosed man who cursed like a sailor and gave like a saint.

"And he was the one that got me sober—truth be known."

Fifteen years later, Meeker has put his drinking into perspective. He is candid. He said his drinking never spilled over to the office, but he acknowledged that it had to hurt in other ways.

On occasion, Meeker would have a few drinks during Derby Week before heading out to speak to groups. He believed, he said, that he was being eloquent.

The reality was vastly different.

"I was at the cusp of really just falling right off the edge," he said.

It was May 7, 1989, the day after Sunday Silence won the Kentucky Derby. Meeker decided he needed help to conquer his alcohol abuse.

He called Jones, who in turn called his friend Wheelock Whitney, a philanthropist and former co-owner of the National Football League's Minnesota Vikings.

Through Whitney, a thoroughbred owner and breeder whose wife sought treatment for a drinking problem, Jones arranged a place for Meeker at the Hazelden alcohol and drug rehabilitation center in Center City, Minn.

"It was kind of tough in those days (to get in)," Meeker said. "Everybody was drunk. They needed treatment."

When Meeker arrived at the Louisville airport Tuesday morning to fly to Minnesota, Jones was waiting to accompany him. Jones, Meeker recalled, wanted to ensure that Meeker made it to rehab.

Whitney met the two men in Minnesota and drove them to Hazelden. Whitney and Jones carried on a lively conversation in the front seat of the car. Meeker sat in the back, he said, scared half to death.

Soon the three were lost. The Hazelden sign was small, and the car passed it by. When they finally found the clinic, Whitney said Jones tried to cut a deal with Hazelden's president:

"Tom Meeker means a lot to me, and we want to see him get well. And I'll tell you what. If he gets well here, I'm going to give you a new sign out on the road, because that one you got is not what a place like this needs."

Several years after Meeker left Hazelden, Jones made good on his promise.

"Warner did provide a brand new sign out on the highway for Hazelden in honor of Tom Meeker's recovery," Whitney said. "It still stands there today."

Meeker returned to Churchill Downs after a month of treatment with "my head screwed on right."

By the early 1990s, Churchill Downs was posed to grow. In 1993 the company unveiled a four-part business strategy that included increasing Churchill's share of the simulcast market and acquiring additional racetracks.

The company explored the possibility of building a track in Virginia Beach, Va., but that state's racing commission awarded the license to a competing group that later built Colonial Downs.

"It was the first time where we actually in a businesslike, methodical way targeted a development project, and our skill sets were low-level," Meeker said. "We had not done any major acquisitions. We were good operators (but) we didn't have a real strong finance component."

Meanwhile, Churchill set its sights on Indiana. Any pari-mutuel wagering or gambling in Indiana posed a direct threat to Churchill Downs and Kentucky racing.

Churchill financed the development of a thoroughbred and standardbred track in Anderson, Ind., then became majority owner when the license holders defaulted. Hoosier Park, Churchill's first track outside Louisville in the modern era, held its first harness race on Sept. 1, 1994.

"We had our operation up and running in Indiana before Colonial Downs raced their first race," Meeker said. "That's how quick we responded, and many of the things that we learned in Virginia we applied in Indiana."

Indiana has since become a battleground state.

The state's gaming commission granted the first license for riverboat gambling in 1995, paving the way for fierce competition for Kentucky's gambling dollar. And Churchill's monopoly on live racing ended in late 2002 when Indiana Downs in Shelbyville, Ind., opened the state's second pari-mutuel track.

But the maturation of Churchill Downs Inc., came in a string of acquisitions that began in the late 1990s. Starting with Ellis Park in 1998, the company bought Calder Race Course in Miami and Hollywood Park in Inglewood, Calif.

A merger with Arlington Park near Chicago in 2000 ballooned Churchill's portfolio to six racetracks in five states, including three in major U.S. markets.

"It was one of those incredible times in business where you actually invent new ways of doing things on the fly," said John Long, chief operating officer at Churchill Downs Inc., from 1999 to 2003.

Churchill's strategy shifted several years ago, considering acquisitions in places where expanded gambling is likely.

Documents filed this week in a Louisiana bankruptcy court show the company made the highest offer in private talks for the Fair Grounds Race Course in New Orleans.

Churchill still could buy the bankrupt New Orleans track at an upcoming bankruptcy auction, a move that would give it winter racing and a facility soon to install hundreds of slot machines.

Meeker is 60 and his contract will be up for renewal in 2006. He's already made money—his salary this year is $463,499, he got a $200,000 bonus last year and his Churchill stock is worth more than $10 million.

He and his wife have a daughter and two grandchildren. But he jokes when asked when he might retire and shrugs off serious talk of retirement for now.

"I want to make sure that when I leave the company," Meeker said, "that it's left at a time when everything is pointing north."

CONGRATULATING INCLINE HIGH SCHOOL

Mr. REID. Mr. President, I rise today to congratulate Incline High School on its victory in the Nevada "We the People" competition.

This accomplishment reflects not only a lot of hard work by the individual participants but also the strong commitment to academic excellence of all the students, instructors, and administrators of Incline High School.

I am pleased to be able to recognize the individual members of the team on their achievement: Bradley Allured, Jason Beavers, Nicholas Bohn, Jessica Corpuel, Joseph Driver, Alexander Heilig, McKenna Hollingsworth, Joshua Hub, Ansley Kendziorski, Elisabeth Komito, Ashley Nikkel, Laura Pillsbury, Robert Rappaport, Catherine Serrano, Tira Wickland, and Beate Wolter.

I also note the efforts of their teacher Milton Hyams, their coach Robert Heilig, and their peer tutors: Ashley Hanna, Daniel St. John, and Jonathan Shoop.

I am sure that I speak for the entire Incline High School community in thanking the "We the People" program's district and State coordinators, Dan Wong and Judy Simpson, for their work in helping give the students the opportunity to participate in this great competition.

Created in 1987, "We the People" promotes civic competence and responsibility among our Nation's elementary and secondary students. Its innovative curriculum enhances student understanding of the history, principles, and institutions of American constitutional democracy.

The instructional program culminates in a simulated congressional hearing and a nationwide competitive program for high school students. Attracting the participation of more than 26 million students and 80,000 educators, the "We the People" program has expanded the civic knowledge of our students, cultivated a new generation of leaders, and highlighted the tremendous potential of our Nation's youth.

Please join me in congratulating Incline High School for its commitment to academic excellence, and its victory in the Nevada "We the People" competition.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 8, 2003, in Grand Rapids, MI, an 18-year-old bisexual man was discovered unconscious with his wrists bound in a ditch. Authorities believe that he had been the victim of a vicious sexual attack. The victim survived on a life-support for two weeks before dying of pneumonia-like symptoms.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL TIRE SAFETY WEEK

Mr. SMITH. Mr. President, I wanted to take the opportunity today to recognize the importance of tire safety during National Tire Safety Week. The Senate Commerce, Science and Transportation Subcommittee on Competition, Foreign Commerce, and Infrastructure, which I chair, has jurisdiction over the National Highway Traffic Safety Administration. As such, I am keenly aware of the devastation caused each year on our Nation's highways due to automobile accidents.

The National Tire Safety Week, created by the Rubber Manufacturers Association, is now in its third year, and one of a number of their public outreach campaigns designed to focus our efforts on a key issue for all of us: tire safety.

Tires are clearly a core component of an automobile and a key aspect to ensuring the safety of the occupant. When you stop to think about it, there is only a small patch of rubber on each tire that meets the road at any given moment. That small patch of rubber is responsible for ensuring the automobile maintains control on the roadway. This function must be maintained no matter what weather conditions exist hot or cold, wet or dry, snowy and icy. Tires are an amazing and highly technical feature of an automobile that is often taken for granted.

Just like changing your oil regularly, tires must also be routinely cared for and inspected in order to maintain their safety. Unfortunately, many drivers unwittingly neglect their tires. That is why National Tire Safety Week provides us all with a crucial reminder to do the simple things to ensure that our tires are safe.

The result of unsafe tires is simply devastating. Tire blowouts and hydroplaning cause a driver to lose control of the vehicle, which careens out of control, often smashing into other vehicles or flipping over. Tragically, just 3 weeks ago in a small farming community in southern Oregon, a family of five ranging in age from 2 years to 60 years old was killed instantly when the rear tire of their van blew out and the van veered into the path of an oncoming pickup truck. The family was on a last minute outing to gather Easter supplies for their church.

We don't yet know why the tire blew out. It could have been underinflated. Or perhaps the tread was wearing low or uneven and it was more easily punctured by a sharp object in the road. The bigger question that we need to address now is, could this accident and tragic loss of life have been avoided? Possibly.

With this in mind, I would like to highlight a small Oregon company, Smart Tread, LLC, who has developed a simple visual tread wear identification system. The Smart Tread proposal advocates for an improved visual identification system that would help consumers better understand when their tires are safe and when they are not. One such approach would use color directly in the tire tread turning yellow and/or red when a tire tread reaches a depth like 2/32 of an inch that is no longer safe and is the legal definition of a bald tire. This system will provide early warnings of a car that is out of alignment or running on overinflated or underinflated tires.

It is my hope that industry and consumers will see the benefit of this tread wear identification system that Smart Tread has developed. We need to continue to improve the safety of tires to prevent unanticipated automobile accidents and deaths. Again, I thank the tire manufacturers for all their efforts and continuing to address this important issue.

ON SUDAN

Mr. KENNEDY. Mr. President, I commend the Foreign Relations Committee for its action today in reporting a resolution urging action by the United States and the international community to respond to the ongoing ethnic violence in Sudan. The Senate should act on this resolution as soon as possible.

It has been 10 years since the Rwanda genocide. A decade ago, 8,000 Rwandans were being killed every day, yet the international community was silent. We did not stop the deaths of 800,000 Tutsis and politically moderate Hutu, in spite of our commitment that genocide must never again darken the annals of human history.

Sadly, we may now be repeating the same mistake in Sudan.

In 1998, President Clinton made a special visit to Kigali, Rwanda's capital, "partly," he said, "in recognition of the fact that we in the United States and the world community did not do as much as we could have and should have done to try to limit what occurred" in Rwanda. His visit and strong words remind us that we must not hesitate to act, when the horror is clear and when so many lives may be lost.

Over the past few weeks, reports of severe ethnic violence have come from Darfur, a region of western Sudan. We have heard accounts of thousands or even tens of thousands of people murdered, of widespread rape, and of people's homes burned to the ground.

The Sudanese Government has refused to allow full access to western Sudan. International monitors and humanitarian workers have been prevented from reaching the area. We need immediate access to gather more information on what is happening and to provide urgent humanitarian relief to the one million people the United Nations reports have been displaced internally in Sudan or across the border to Chad.

Many of us hoped that the humanitarian ceasefire and agreement earlier this month between the Sudanese government and rebel forces in western Sudan would end the many months of violence against entire communities. It has not. The bombing of villages by the Sudanese Air Force continues, and so does the mayhem by the paramilitary forces unleashed by the Government of Sudan.

The burning of homes and crops of desperately poor villagers has left in its ashes a humanitarian disaster. Without immediate relief, experts predict deaths in the hundreds of thousands. The cruelty of the Government of Sudan and its paramilitary allies against other ethnic groups raises the very real specter of genocide.

The United States and the international community need to act now, to stop this brutality, to save lives.

President Bush should make a strong public statement alerting the world to the violence in Darfur. He should call the international community to action, and increase pressure on the Sudanese Government. Doing so would send a strong signal that the international community will not accept these continuing atrocities. Sudan has been seeking better relations with the United States. It must be told that our nation will have no relations with a genocidal government.

The United States should propose a resolution in the United Nations Security Council to condemn the violations of international law being committed in Darfur, particularly the indiscriminate targeting of civilians and the obstruction of humanitarian aid by the government. The U.N. should demand immediate international access to the region to assess the full scale of the need for assistance. The U.N. should also insist on adequate support for international human rights monitors and for monitors of the ceasefire agreement reached last week.

The international community must demand that Sudan stop the violence now, and give full humanitarian access to Darfur without question or qualification.

To minimize the suffering of those affected by the violence, we should immediately identify funds and food aid to meet at least the traditional U.S. share of the $110 million appeal from the U.N. Office for the Coordination of Humanitarian Affairs to support urgently needed assistance for internally displaced persons and refugees. These internally displaced persons and refugees must also be allowed by the Sudanese Government and militias to return safely to their homes, to rebuild their lives and communities, as soon as possible.

The European Community, African countries and the rest of the international community should use their considerable influence to pressure Sudan to end the violence in Darfur, and end it now.

If the international community fails to act—and to act now—the consequences will be dire.

United Nations Secretary General Kofi Annan was eloquent in his statement at the commemoration of the tenth anniversary of the Rwanda genocide. He said that he would not permit Darfur to become the first genocide of the 21st century.

There will be discussion in Washington and around the world about whether the ethnic violence in Darfur is, in fact, genocide, but we cannot allow the debate over definitions obstruct our ability to act as soon as possible.

It is a matter of the highest moral responsibility for each of us individually, for Congress, for the United States, and for the global community to do all we can to stop the violence against innocents in Darfur. We must act, because thousands of people's lives will be lost if we don't.

STAND WITH OUR NATION'S LAW ENFORCEMENT

Mr. LEVIN. Mr. President, this week mayors and police chiefs from across the country will join with the Brady Campaign to Prevent Gun Violence to urge President Bush and Congress to renew the federal Assault Weapons Ban.

The 1994 law banned a list of 19 specific weapons, as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The assault weapons ban also prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and which accept a detachable magazine. This law is scheduled to expire on September 13, 2004.

I support the efforts of the law enforcement community and local leaders who are calling for legislation extending the law. In 1994, I voted for the assault weapons ban and, last month, I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years.

Law enforcement support for the assault weapons ban is broad. It includes the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

In addition, mayors and police chiefs from Detroit, Los Angeles, San Francisco, Miami, Seattle, Chicago, and Washington, D.C. have joined over 200 other local leaders in sending a letter urging Congress to immediately pass a 10-year extension of the assault weapons ban.

Despite broad support for this law, the National Rifle Association fought against passage of the assault weapons ban in 1994 and continues to oppose it to this day.

While President Bush has indicated that he supports reauthorizing the assault weapons ban, and a bipartisan majority in the Senate is on the record supporting reauthorization, the President has failed to urge Congress to act on this important legislation before it expires on September 13th. The ban is a major public safety measure that protects citizens and police officers and I urge the President and the Congress to act immediately to reauthorize the law.

OUTSOURCING AND CLOW VALVE

Mr. HARKIN. Mr. President, after 2½ years of a largely jobless recovery, the current administration is on track to be the first in over six decades actually to lose jobs during its 4-year term. It is particularly alarming that this country has lost more than one in seven of its manufacturing jobs since this administration took office. More than one in seven.

One reason is outsourcing. We have been seeing good, high-wage manufacturing jobs transferred overseas for a number of years. But outsourcing now has accelerated. It has spread to "knowledge-based jobs"—programming, auditing, accounting, engineering, design, telemarketing, animation, editing, transcription, legal assistance, call centers and even core research.

Some economists have argued over the years that free trade helps the United States to concentrate on creating high-wage, high-value-added jobs here in America. But now those jobs are being exported, too. The old rules of comparative advantage have been exploded.

As we all know by now, the President's annual economic report, signed by Mr. Bush, explained why we should be celebrating the outsourcing and offshoring of American jobs. Gregory Mankiw, chairman of the President's Council of Economic Advisors, summed up the report. He said that "outsourcing is a growing phenomenon, but it's something that we should realize is . . . a plus for the economy."

Yes, you heard that right: Outsourcing is "a plus for the economy."

Outsourcing of U.S. jobs, however, is just one side of the coin. The other side of the coin is U.S. jobs that are lost because this administration refuses to enforce our existing trade laws—for example, existing laws that protect against sudden surges of imports from abroad which harm particular businesses or sectors here in our country. This refusal threatens U.S. manufacturers and destroys American jobs.

Let me offer one vivid example:

Clow Valve Company has operated in the town of Oskaloosa, Iowa, since 1878. It manufactures iron pipes, water hydrants and other foundry products. If there's a fire hydrant on your block—and there should be one under most city codes—chances are excellent that it was made by Clow Valve Company.

The company was acquired by McWane, Inc., of Birmingham, Alabama in 1985. McWane owns similar facilities in several other states, including Alabama, New York, Texas, Pennsylvania, Missouri and Tennessee, employing some 7,000 workers.

Last year, McWane, Inc., faced a near tripling of Chinese imports of waterwork pipes compared to the previous year, with Chinese product being sold at prices that severely undercut American producers. Obviously, continued expansion of sales by Chinese companies at this rate could cause serious market disruption. It could threaten all 7,000 jobs in these plants, including the 358 in the Clow facilities in Oskaloosa, IA.

Nonetheless, President Bush has steadfastly refused to use his authority under Section 421 of the Trade Act of 1974 to restrain this surge of imports, even though such a step was unanimously recommended by the International Trade Commission (ITC) last December. I wrote to the administration on two occasions, once to the ITC and once to the President himself, urging that our trade officials utilize existing laws that were enacted for the very purpose of temporarily protecting American jobs from sudden surges of imported products.

The President's refusal to enforce our trade laws has profound consequences. In Oskaloosa, it could mean the loss of some or all of the 358 good-quality, high-paying jobs at the Clow Valve Company. In turn, that would have a devastating impact all across Mahaska County. Bear in mind that Clow Valve is now the single largest employer located in the county. It is an employer with deep roots in the community. I imagine there might be some bewilderment among people there about the refusal of the Bush Administration to stand up and defend those jobs.

Let me summarize the basic facts:

We have a clear case of harmful trade practices on the part of the Chinese—flooding the U.S. market with cut-rate waterwork pipes.

In December, the United States International Trade Commission ruled that a surge in imports of Chinese waterwork pipes had caused market disruption and material injury to domestic manufacturers such as Clow Valve Company.

The Commission was unanimous in its conclusion that imports from China should be restrained pursuant to section 421 of the Trade Act of 1974.

The Commission was unanimous in its prediction that, without implementation of an effective relief program, the U.S. waterwork pipes industry may have to close plants and lay off workers.

And yet, the White House refused to act. Which leads me to ask: Whose side are they on?

Mr. President, it is clear to me that the jobless recovery here in the U.S. is not an accident. It is the result of a productivity surge that has benefited corporate profits, not workers' paychecks. It is the result of corporate America's enthusiastic embrace of outsourcing and off-shoring jobs, with the blessing and encouragement of the Bush administration. And it is the result of the refusal of this administration to enforce our trade laws—its refusal to stand up for American workers, including in the face of seriously harmful trading practices from abroad.

We cannot build a sustainable recovery by exporting jobs, driving down U.S. wages to match foreign wages, and allowing nations like China to flood our market with cheap imports.

No, a true recovery must include all Americans. It can only be built on a foundation of good jobs and good wages—here in America, not overseas. And it can only be sustained if the administration, at long last, is willing to enforce our trade laws and stand up for American workers.

TRADE ADJUSTMENT ASSISTANCE

Mr. BAUCUS. Mr. President, next week the Senate will consider a trade adjustment assistance amendment introduced by my colleagues Senators WYDEN and COLEMAN. I am a co-sponsor of this amendment, which is offered on the JOBS bill, to which we will be returning next week.

I also want to acknowledge Senators ROCKEFELLER and BINGAMAN, who have worked hard to produce a strong amendment.

This amendment is the right thing to do. And now is the right time to do it.

The JOBS bill is about creating jobs and about keeping existing jobs in America. But we all know that—no matter how strong we make this JOBS bill—some workers may still see their jobs move overseas.

Since 1962, trade adjustment assistance—what we call "TAA"—has provided retraining, income support, and other benefits so that workers who lose their jobs due to trade can make a new start.

The rationale for TAA is simple. When our government pursues trade liberalization, we create benefits for the economy as a whole. But there is always some dislocation from trade.

As President Kennedy said, "those injured by . . . trade competition should not be required to bear the full brunt of the impact." "There is an obligation," he said, for the federal government "to render assistance to those who suffer as a result of national trade policy." We meet that obligation through TAA.

The TAA program has not been static over time. Several times, Congress has revised the program to meet new economic realities.

Most recently, in the Trade Act of 2002, Congress completed an important overhaul and expansion of the TAA program. I am very proud to have played a leading role in passing this landmark legislation.

But I am also the first to admit that our work is not done. Economic realities continue to change, and TAA must continue to change with them.

I am co-sponsoring the Wyden/Coleman amendment, because it makes common sense changes that help TAA keep up with the times.

Most importantly, the amendment extends TAA to service workers. Right now, we only give TAA benefits to workers who make things. That means American workers in the service sector cannot access this program.

But today, more than 80 percent of non-farm U.S. jobs are in the service sector. And the market for many services is becoming just as global as the market for manufactured goods.

Trade in services is a net plus for the U.S. economy. In fact, the service sector generated a trade surplus of nearly $74 billion in 2001.

Just as we have seen with trade in manufactured goods, however, trade in services will inevitably cost some workers their jobs.

Indeed, there have been some well-publicized examples in the papers. Examples abound of service-sector jobs—even high tech service jobs—relocating overseas. Software design. Technical support. Accounting and tax preparation services. Radiology.

Over the past 3 years, somewhere between a quarter and a half million service jobs have moved to other mainly low-wage countries.

This trend has hit home in my State of Montana. Recently, a large technical support call center closed in Kalispell. At least 550 Montanans lost their jobs while jobs were created in Canada and India.

Another Montana employer laid off workers doing medical billing and data management. Those workers applied for TAA and were turned down—not because the layoff wasn't trade related, but simply because they are service workers.

That's not right. Extending TAA to cover service workers is a simple matter of equity. When a factory relocates to another country, those workers can apply for TAA. When a call center moves to another country, those workers are not eligible for TAA. But they should be.

This amendment also makes some modest changes to eligibility rules to make it more user-friendly for workers. It removes some of the steps that workers have to take to meet the tests for shifts in production, alternative TAA, and to qualify for the health insurance tax credit. And it makes the health insurance options available to TAA recipients more affordable.

The amendment provides for better data collection and reporting. That way Congress and the public will have a better idea who is using TAA benefits and how participants are faring in the job market.

The amendment also helps trade-impacted communities to better plan their economic redevelopment and job creation strategies. That way workers who complete TAA retraining have a better chance of finding jobs in their communities.

Hard-working American workers deserve this safety net. Despite what some opponents of TAA suggest, no worker would choose to lose his job so he can qualify for TAA. These benefits will always be second best to a job. But they can really make a difference in helping workers make a new start.

It is also critical to note that TAA can make an important difference in public attitudes. Surveys show that most Americans feel a lot more comfortable with globalization, offshoring, and trade when they know they will get help if their jobs are threatened.

That's why 66 percent of Americans responding to a recent poll agreed with the following statement: "I favor free trade, and I believe that it is necessary for the government to have programs to help workers who lose their jobs."

The world is changing and TAA must keep up with the times. This amendment will help our government to keep its promise to the American people to make trade work for everyone.

I commend my colleagues Senator WYDEN and Senator COLEMAN for offering this amendment. I look forward to voting on it next week.

MEDICARE DRUG DISCOUNT CARD

Mr. TALENT. Mr. President, I rise today to speak about a much anticipated health care benefit that will help millions of our Nation's seniors—the new Medicare prescription drug discount card.

There are approximately $900,000 Medicare beneficiaries in Missouri; of these about one-fourth doesn't have prescription drug coverage. The new Medicare drug law provides these people with access to a prescription drug benefit for the first time in the history of the Medicare program. Medicare recipients—people 65 and older and some disabled people—are eligible, unless they receive drug coverage through Medicaid. A person with a discount card can get the price breaks by simply going to the participating pharmacies and presenting the card.

Seniors know that these cards are a good deal—about 7.3 million Medicare recipients are expected to sign up for them. Applications for the cards will be available May 3, and the discounts begin June 1. The cards have an annual enrollment fee of up to $30, and offer an average savings of about 17 percent and for some drugs up to 25 percent off. The average savings on generic drugs is even higher—35 percent to 40 percent. These discounts are for at least one drug in each of 209 categories of medicines commonly used by seniors.

Beneficiaries with annual incomes less than $12,569 per year for individuals or $16,862 for couples are eligible for a $600 annual subsidy for their prescription drug costs. Also, these folks won't have to pay any enrollment fees for the next 2 calendar years. That's a total of $191 million in additional help for the 159,000 beneficiaries in Missouri who are currently eligible to participate in this program. These lower income seniors will also get price discounts of up to 25 percent on brand-name drugs and up to 40 percent of generic drugs.

The Centers for Medicare & Medicaid Services expect 65 percent of the low-income beneficiaries nationally to participate in this program. This means that a total of 103,000 Missourians are expected to enroll in the Medicare drug discount card and to save a total of $124 million over the next two calendar years. You can see why this is a good deal for America's seniors to help them lead longer, healthier lives through medication therapy.

I have traveled all over my home State of Missouri and have visited with dozens of seniors who've told me about the high price of medicine, and how they are making tough choices between paying for their needed drugs and paying for other essentials of life.

I want to take a minute to tell you about Audrey Vallely, a senior from Pacific, MO, who testified at an Aging Committee hearing that I held in St. Louis last August. Audrey has osteoarthritis, a degenerative bone disease and another sinus disease that causes her to become dizzy. Her medicine costs over $100 a month for 15 or so pills to treat these conditions. But because she is living on a limited income, she cannot afford to pay for these medicines.

Audrey told me how sometimes she must choose between buying prescription drugs or paying rent, buying food or just living with air conditioning in the summer. These are choices that no one should have to make. I made a promise to Missouri seniors like Audrey that I would help them get access to quality, affordable health care, and today I am pleased to deliver on that promise.

I want to share with you some of the questions that seniors have asked me about the drug card as I visited with them during my Medicare town hall meetings in Missouri.

First, folks wanted to know whether they had to enroll in the drug discount card. The answer is no, these discount cards are completely voluntary. That means enrolling is their choice. Importantly, seniors and not the Government will have the power to choose which card is best for them depending on their health care needs.

Seniors also wanted to know who can get one of these discount cards. I told them that almost anyone with Medicare can get a discount card. The only people who aren't eligible are those who have outpatient prescription drug coverage through Medicaid when they apply.

Thinking that these drug discount cards could be a very good thing, seniors wanted to know how soon they could get these cards and how long the discounts would last. I told them that they could begin enrolling in the drug discount cards this month, and the cards will be good until at least December 31, 2005, when Medicare's new prescription drug benefit starts.

Seniors also asked me whether there was only one Medicare-approved drug discount card that they could get. Last March, HHS approved 28 providers that will offer about 49 different discount cards to Medicare beneficiaries. This means that seniors will have a choice of more than one discount card and this is a good thing since seniors with a certain type of disease like diabetes or heart disease may choose a card with deeper discounts on medicines that treat that disease.

Also, there may be some seniors who prefer specific name brands or generic drugs, and they may want to choose a card from that manufacturer. Missouri has a combined total of 43 individual drug cards. This includes 36 national drug cards, 4 regional cards, and 3 Medicare Advantage exclusive cards. With all these choices, seniors can choose which card is best for their particular health care needs.

The cards are completely voluntary, so those seniors who don't want a card don't have to have one. But for those seniors who choose to take advantage of the drug discounts, I look forward to helping them get started and putting them in touch with people and resources to help them make informed decisions.

Beginning today, 1-800-Medicare will be staffed with 1,400 operators around the clock to field questions about which discount card is best for that particular senior. Or folks can go online at *www.Medicare.gov* and search prescription drug and other assistance programs to prepare for the May 3 enrollment.

There is much to be excited about, and I am pleased to support this benefit to help our Greatest Generation live longer, healthier lives.

I also thank Chairman GRASSLEY for his leadership on the Medicare law, and recognize his hard work to build strong bipartisan support for this legislation to help America's seniors.

TRIBUTE TO SLAIN CALIFORNIA LAW ENFORCEMENT OFFICERS

Mrs. FEINSTEIN. Mr. President, three law enforcement officers in the State of California have been murdered in the past three weeks in gang-related slayings. And a fourth was killed in February.

I come to the floor to pay tribute to these brave officers and discuss the perils police face every day, especially from gang members armed with high-powered assault weapons and other guns.

Late Saturday night, April 10, one of San Francisco's finest young police officers, Officer Isaac Espinoza, was shot and killed.

Officer Espinoza was gunned down with an assault weapon, an AK–47, taking three shots in the back as the gunman fired 15 rounds in just seconds. Officer Espinoza and his partner, who was also shot, had no time to seek refuge. The suspect in the shootings is a known gang member.

Officer Espinoza, at 29 years of age, was a distinguished police officer, one of the Department's bright young stars who worked in one of the City's toughest areas.

In fact, Officer Espinoza received three major service awards in his eight years with the Department including: the Silver Medal of Valor for his bravery in a shoot-out that occurred on October, 20, 2000; the Purple Heart for injuries sustained in a foot pursuit as he and his partner attempted to make a drug arrest on May 5, 2002; and the Police Commission Commendation for his work to reduce crime in the Bayview neighborhood.

He was also recognized as Patrol Officer of the Month by the Captain of the Bayview Police Station in June 2003.

Officer Espinoza also served as a new board member of the Police Officers Association. He was Assistant Commissioner of the softball league. And he planned to take the next Sergeant's exam.

His death is a great loss to the Department and to the City. It is a particularly great loss to his wife and 3-year-old daughter.

On April 15, Merced Police Officer Stephan Gray was shot and killed when a suspect he was chasing on foot turned around and fired two bullets into his chest.

Officer Gray, 34 years of age, worked in the Merced Police Department's gang violence unit, working with some of his community's most dangerous offenders. In fact, the suspect in his killing is a gang member with whom he is believed to have had previous encounters.

Officer Gray had served with the Merced Police Department for seven years. And in those seven years of service, he earned the admiration of his colleagues and once received a commendation for resuscitating an 11-month old baby.

Being a police officer was not just a job for Officer Gray, it was a way for him to change the world. He not only patrolled the streets, but he went out and got to know the neighborhood children in the communities he served. He shot baskets with the kids and, drawing on his days as a high school track star, taught them how to sprint.

He was admired by his friends and neighbors for his loyalty to the police department, but also his devotion to his family.

Officer Gray was a true pillar of his community. He is survived by his wife and three children, ages 13, 5, and 3.

California Highway Patrol Officer Thomas Steiner, 35 years old, was murdered April 21 in a drive-by shooting in broad daylight. Officer Steiner had just walked out of the Pomona courthouse after testifying on a series of traffic cases when a 16-year-old shot him three times with a handgun, hitting him once in the head.

According to Pomona Police Chief James Lewis, the teenager charged with the shooting did not know Officer Steiner, but was merely intent on "killing a cop."

Apparently, the 16-year-old wanted to kill a cop in an attempt to prove himself to a Pomona street gang.

Officer Steiner had been a member of the California Highway Patrol since 1999. His colleagues described him as a positive influence on the police force, the kind of guy who never had anything bad to say about anyone.

On top of being a well-respected cop, he was an excellent marksman and an avid sports fan. Officer Steiner is survived by his wife, his 13-year-old stepson, and his three-year old son.

These three killings occurred in an 11-day period in April. They are but the latest deaths to report.

Two months ago, Los Angeles Police Officer Ricardo Lizzaraga was killed while responding to a domestic violence call.

At the apartment where the call originated, Officer Lizarraga confronted a man. Within seconds, the individual drew a gun and shot Lizarraga twice in the back as he and his fellow officers fled from the apartment. The suspect in the shooting was a known gang member.

Officer Lizarraga, 31, had served two-and-a half years on the force. In that time, he quickly became a well-respected police officer known for his strong work ethic and great attention to detail.

He was viewed as a gentle giant by his colleagues, friends and family. Los Angeles Police Chief William Bratton described him as the "face of Los Angeles."

Officer Lizarraga is survived by his wife Joyce.

These stories are chilling. They remind us that even those charged with protecting us are vulnerable. They reveal a segment of society that is utterly lawless, unbound by any code of decency.

And sadly, they are just a few of the stories that we will tell this year of cops being killed in the line of duty.

These tragic deaths are sure to continue because we have not done enough to stem the availability of guns nor curb the viciousness of gangs.

This body knows well that the assault weapons ban is on the verge of expiration. However, what this Congress has failed to recognize is that if we allow assault weapons to be more freely available, law enforcement officers will be in even greater danger.

Around 70 officers are killed each year by criminals. And, according to a study by the Violence Policy Center, 1 in 5 law enforcement officers killed between 1998 and 2001 were shot with assault weapons. Now, police officers in San Francisco and other cities are exploring whether to equip officers with military-style assault rifles and Kevlar-plated vests.

And that's why nearly every law enforcement organization in the country supports renewing the ban on assault weapons—they know that the lives of their officers are at risk.

The expiration of the ban would mean that assault weapons like the one used to kill Officer Isaac Espinoza will be easier to obtain whether at the nearest gun shop, sporting goods store or in someone's home.

The easier it is for criminals to get their hands on these weapons, the easier it will be for them to terrorize communities.

To honor the many law enforcement officers who have given their lives in service to their communities, we must renew the assault weapons ban before it expires on September 13.

But there is much more that we need to do to make communities and cops safer in America. In particular, we must check the rampant gang violence that plagues our city streets and, increasingly, our suburbs and rural communities.

Gang violence used to be a local problem, demanding local solutions. But over the last 12 years, since I have been in the Senate, I have seen this problem spread from isolated neighborhoods to communities across this country.

Gangs have become more sophisticated and more violent criminal enterprises. What were once loosely-organized groups centered around dealing drugs within a particular neighborhood are now complex criminal organizations whose activities include weapons trafficking, gambling, smuggling, robbery, and, of course, homicide.

In 2002, over half of the 1,228 homicides committed in Los Angeles County were gang-related. Similarly, over half of the 499 murders committed in the city of Los Angeles during 2003 were the result of gang violence.

The reach of gangs, however, extends far beyond Southern California.

In fact, Los Angeles serves as a "source city" whose gang members migrate to other communities across the country and set up new criminal entities. One such operation, the L.A.-based 18th Street Gang, is known to have initiated gang activities all over California, in Southwest border and

Pacific Northwest states, and in East Coast states including New Jersey and New York.

Today's gangs are more sophisticated, more violent, and more numerous than they were 12 years ago. And that is why we need a strong federal response.

I have introduced legislation with Senator HATCH that will give law enforcement and local communities the tools to deal with gang violence.

Our legislation: Creates new federal crimes to enable prosecutors to target violent gang members; makes changes to current law to allow for effective prosecution for violent street gang crimes; authorizes $650 million for law enforcement and community groups for suppression, prevention, and intervention programs.

This bill gives us an opportunity to do something about the gang violence that beleaguers our communities and endangers our cops. We owe it to these fine officers who were killed so viciously to do what we can to prevent more violence by gangs.

If we fail to act on both these measures, I am sad to say that I will be back here before long telling the story of some other fine law enforcement officer who is patrolling the streets of one of our communities right now. We must do everything possible to prevent these killings from happening over and over again.

MARCH FOR WOMEN'S LIVES

Mr. DURBIN. Mr. President, last Sunday, April 25, the March for Women's Lives took place here in Washington. Its organizers estimated that more than a million men, women, and children from more than 57 countries gathered under the banner of reproductive rights, health, and justice for all women. Participants called on Congress and the administration not only to protect the right to choose but also to protect and promote family planning, maternal and child health care, and the empowerment of women in the United States and abroad.

An op-ed by Werner Fornos, president of the Population Institute, appeared that same day in the Chicago Sun-Times. The piece was entitled "March is About More than Abortion," and it explained that the marchers' concerns went beyond the issue of abortion to include concerns about HIV/AIDS prevention, family planning, the President's imposition of a global gag rule on family planning providers, and the administration's refusal to release funds to the United Nations Population Fund to reduce the number of unintended pregnancies that can lead to abortion.

I ask unanimous consent that Mr. Fornos' article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Apr. 25, 2004]

MARCH IS ABOUT MORE THAN ABORTION

(By Werner Fornos)

Passing a barbershop window in Juneau, Alaska, the other day, I spotted a placard inviting locals to join a rally in Washington, D.C., today that could have significant implications for the November presidential and congressional elections.

If people from as far away as our country's northwestern-most state converge upon the nation's capital in sufficient numbers—say, a quarter of a million and upwards—it might be time for President Bush and his political guru, Karl Rove, to unbutton their collars and reach for the hyperventilation bags. The performance of the Bush administration on women's rights may be judged more by the turnout for this event than by any poll or survey.

The purpose of the March for Women's Lives is to deliver to our national leaders a strong, unequivocal message of support for reproductive health and rights and justice for all women.

There are concerns well beyond those of hard-core feminists that Bush administration policies are unduly influenced by right-wing religious zealots and the Vatican, who oppose modern contraceptives as well as abortion.

Much of this rising tide of reaction emanates from pro-choice advocates infuriated by the refusal of the White House and a Republican majority in Congress to acknowledge federal law pronouncing abortion as a matter between a woman, her conscience and her physician. But the march is about more than the termination of pregnancies.

For example, a fact sheet about condoms was removed from the National Institutes of Health Centers for Disease Control and Prevention Web site and replaced with a document emphasizing condom failure and the effectiveness of abstinence.

No one is suggesting that condom failure should be ignored, or that there is anything wrong with promoting abstinence. The fact remains, however, that the condom, in addition to being a method of preventing unintended pregnancy, is the most effective defense against HIV/AIDS for sexually active individuals.

In a world where 10 more people are infected with HIV every minute, where half of the 40 million people already infected are women, where HIV/AIDS is the leading cause of death among African-American women ages 25 to 34 and the seventh leading cause of death for white American women that age, it is patently inexcusable to omit the condom option from what should be the nation's most trusted source of medical information.

To explain the removal of the condom fact sheet, the White House Office of Science and Technology Policy offered the flimsy excuse that the CDC "routinely takes information off its Web site and replaces it with more up-to-date information." Updating the Web site is understandable, expunging the role of the condom in preventing HIV is simply indefensible.

If the Bush administration routinely ignores the reproductive rights and health of women in the United States, it is hardly surprising that respected international family planning nongovernmental organizations give the White House and U.S. congressional leadership low marks on their concern for poor women around the world.

Within an hour or two after taking the oath of office, President Bush signed the global gag rule, a policy to deny U.S. funds to overseas family planning organizations that provide, perform or counsel women on abortion. In the United States, this would be a flagrant violation of the First Amendment right to freedom of speech. But the Bush administration, while robustly promoting democratization worldwide, does not hesitate to penalize the world's poorest women by withholding this right from family planning providers overseas.

Then, too, the White House remains adamant in its refusal to release a $34 million appropriation by Congress to the United Nations Population Fund, the largest multilateral provider of family planning and reproductive health services to women in more than 140 developing countries.

Ironically, the combined impact of the Bush administration's global gag rule and its refusal to release the congressional appropriation for the U.N. agency has led to thousands of abortions resulting from pregnancies to poor women worldwide who have been denied access to family planning information, education and supplies.

There is ample evidence that the availability of condoms and other medically approved family planning methods already has prevented substantially more abortions than the Bush administration's policies have, can, or could. The women who will march in Washington today understand the calculus of reproductive health and family planning denial, even if many of our national leaders do not.

Werner Fornos is president of the Population Institute and the 2003 United Nations Population laureate.

HONORING FORMATION OF GLASS CAUCUS

Mr. LAUTENBERG. Mr. President, one of the many strengths of the Senate community is our diverse workforce. It is that diversity that contributes to a more informed and representative government.

The promise of our Nation lies in its promise to every one of its citizens that they will be judged by the quality of their work, the depth of their potential and the strength of their intellect and character. Anything less undermines the very principles of fairness we uphold and it diminishes not just those who are discriminated against, but the professional communities in which they live and work the Senate included.

Recently, several Senate employees announced that they have formed an informal, non-partisan group called Gays, Lesbians and Allies Senate Staff, GLASS, Caucus. The caucus is open to all Senate staff and is the first ever for gay and lesbian Senate staff and their allies. It is designed to raise awareness of issues affecting the gay and lesbian community and increase visibility; and promote the welfare and dignity of gay and lesbian Senate employees by providing a safe environment for social interaction and professional development.

The GLASS caucus held its inaugural reception last night. I was honored to attend and congratulate the members on their organization's formation. This was an historic moment for the Senate and special recognition must be given to four of the founding members of the caucus for a job well done: Mat Young, Lynden Armstrong, John Fossum and Jeffrey Levensaler.

Gay and lesbian Americans want the same civil rights that are extended to other Americans—nothing more, nothing less. We must build a community here in the Senate and across the Nation of mutual respect, tolerance, and freedom. This new staff caucus will make many valuable contributions in that regard.

I wish this group well and hope that it will prove to be a valuable addition to the Senate community.

ADDITIONAL STATEMENTS

SMALL BUSINESS PERSONS OF THE YEAR 2004

• Ms. MURKOWSKI. Mr. President, I rise today to commemorate the importance of small business as the foundation of the U.S. economy and to congratulate Michael and Michele Robuck, co-owners of the Alaska Mint based in Anchorage, AK, who today have been named the Small Business Persons of the Year for 2004 by the U.S. Small Business Administration, SBA.

According to the Small Business Development Center of Alaska, 97 percent of all businesses in Alaska are defined as small businesses. Eighty-five percent of all new jobs in Alaska are created by businesses with fewer than 20 employees. Small businesses have created the majority of the new jobs created in the last few years on a nationwide basis. So the importance of small businesses to the Nation's and to the Alaskan economies is obvious.

The President's small business agenda recognizes that the role of government is not to create wealth but to create an environment where entrepreneurial endeavors can flourish and people can directly benefit from their efforts. It is well accepted that small businesses and young business are the driving force in job creation and prosperity.

Since 1963, the President has designated a week as the National Small Business Week in recognition of the small business's contributions to the country. Next month, the White House and the Small Business Administration will join in celebrating the small business people and businesses of the year.

Today, Mike and Michelle Robuck, as co-owners of the Alaska Mint, will be named as the Alaska District Small Business of the Year 2004. They were nominated by their banker, First National Bank Alaska for this award. Congratulations to Mike and Michele Robuck.

Small business winners are evaluated in Alaska by a panel of judges convened by the Alaska District Office on a variety of criteria including: staying power, growth in employees, increase in market or sales volume, response to adversity, contributions to the community, and innovation of the products they offer.

Now let me tell you about Mike and Michele Robuck, the Alaska Mint and why they deserved to be small business persons of the year for Alaska. Alaska Mint is a second generation Alaskan business that trades in many things but most important in the commodities that made Alaska—gold, silver, and platinum. Alaska Mint designs and produces medallions, coins and jewelry. The Alaska Mint is designated as the official mint of the State of Alaska, the Alaska Railroad, the White Pass and Yukon Route, the Iditarod Trail Committee, the Yukon Quest, and the Anchorage Fur Rendezvous.

Part of the wonderful story of the Alaska Mint is its very beginning. Mike Robuck started the business as a sidewalk vending cart in downtown Anchorage in 1989. He was following in his father's foot steps that had started a small family-owned jewelry store in Anchorage in 1967. Mike learned the importance of dealing with the public and the value of tourism to Alaska. It was not long after that Mike opened a store and assemble the equipment to manufacture his coins, jewelry, and collectibles. I wish I could share with each member of the Senate an example of his creativity and artistry.

With the help of the Small Business Administration and the First National Bank Alaska, Mike and Michele Robuck expanded the business and began doing business nationwide with the help of QVC network and the internet. Last year Alaska Mint released a coin to commemorate the tragic events of September 11, 2001, that within a 24-hour period sold and raised over $50,000 for the Red Cross.

Their success is more than just the bottom line. The Robucks often assist a variety of charities and local schools. Mike and Michele help with counseling and provide jobs for two rehabilitation programs helping people to regain their place in the community.

It took 5 years since the Robucks formally formed the Alaska Mint for the business to become truly established and successful. From a one-person operation in the mid 1980s, the business now employs 10 people full time and increases to 20 during the summer tourist season. They are now a tourist destination and a place of education about the art of their work.

When the criteria for the award of the Small Business Persons of the Year are applied to the Robucks, they meet all of the standards. They shine like the coins they make. They have shown their staying power, increased the number of employees, increased their markets and sales volume, responded to challenges, shown innovation of the products they offer, and continue to contribute to the community. Mike and Michele Robuck, as a team, exemplify the qualities, the business skills, personal character, and the spirit of Alaska that warrant their being awarded the Small Business Persons of the Year Award for 2004.•

IN RECOGNITION OF SMOKEY BEAR'S 60TH BIRTHDAY

• Mr. DOMENICI. Mr. President, I rise today to celebrate a birthday and to pay tribute to a hero and icon from my home State a New Mexican who became the renowned symbol for the Cooperative Forest Fire Prevention program. His name is Smokey Bear.

Sixty years ago this year, Smokey Bear became the voice for the Forest Service public education campaign to save American forests. Since his creation in 1944, most Americans now quickly associate the name Smokey Bear with his mantra: "Only You Can Prevent Forest Fires."

Not many know the remarkable story of Smokey Bear or that the fire prevention program is the longest running public service advertising campaign in the history of the Ad Council. In 1950, Smokey Bear became real, sadly through an unfortunate forest fire. That spring, in Lincoln County, a little black bear cub was found clinging to the side of a charred pine tree after a forest fire swept through the mountains. After being discovered, he was briefly called "Hot Foot Teddy," but was later named Smokey Bear after the Ad Council's poster bear.

Since that late spring day, that cub became the living symbol of Smokey Bear and worked to remind Americans of the importance of outdoor fire safety. It is a message whose importance has not faded since the bear was discovered on a charred New Mexico mountain.

New Mexico, along with other Western States, has experienced devastating fires in recent years, which is why the fire prevention message is so important. Forest fires burn millions of acres, destroy homes and businesses, and, worse yet, take the lives of wildland firefighters. As we remember all too well, 2000 was the worst fire year on record since 1957, and subsequent years have not been much better.

Last year's devastating fires prompted us to finally agree to the passage of the Healthy Forests Restoration Act. I have a feeling Smokey Bear would be proud of that accomplishment, and know that his wildfire program had never been more important. While we now work to improve our forests with this new law, Smokey's message must still resound. This message of forest fire prevention has undoubtedly helped to reduce the number of forest acres lost annually to wildfire. By what measure, I can never know. However, to suggest that he has not made a significant difference would be amiss.

The injured cub discovered in 1950, our Smokey Bear, eventually arrived at the National Zoo in Washington, DC, where he would become the living symbol for fire prevention. He resided in the National Zoo for 26 years until he passed on November 9, 1976. Most appropriately he was returned to his old roaming grounds and to his home town to be laid to rest.

Capitan is a small town in Lincoln County, nestled between those Capitan and Sacramento Mountains of central New Mexico. This beautiful place is full of wonderful people who love the land and refer to Smokey Bear as "Capitan's favorite son." Each year Capitan residents celebrate his memory with the Fourth of July Smokey Bear Stampede, but this year is a special tribute. The village is hosting a special 60th birthday celebration May 7–9. Much of the 3-day festivity will take place at the historical park named in Smokey Bear's honor and along what is now aptly named Smokey Bear Boulevard.

I pay tribute to the people of Capitan in this RECORD—they have gone to great lengths to preserve the story and meaning of Smokey Bear. I also salute the USDA, the Forest Service, the National Association of State Foresters, and the Ad Council for supporting this program all these years. May the initiative's success only be a prelude to future forest preservation and wildfire prevention, and may Smokey Bear and all he represents forever remain.●

AMADOR VALLEY HIGH SCHOOL'S INVOLVEMENT IN WE THE PEOPLE

● Ms. BOXER. Mr. President, I would like to recognize a remarkable group of young people who will be traveling to Washington, DC next week, May 1–3, to participate in the national finals of "We the People: The Citizen and the Constitution." This program consists of competitions in which students field questions that test their knowledge of the U.S. Constitution.

I am pleased to announce that students from Amador Valley High School in Pleasanton, CA will be representing the State of California in this competition. With the help of their civics teacher, Matthew Campbell, these students have studied for months to prepare for their role as experts testifying on constitutional issues in a simulated congressional hearing.

These students have all worked very hard through first the congressional, then state, and now national competitions. The members of this year's civics team are Nichole Barlow, Anna Currin, Tony D'Albora, Logan Daniels, Shelley DeFord, Michael Gondkoff, Gabe Ivey, Nate Koppikar, Kristin MacDonnell, Sonia Markovic, Jennifer Martin, Lacie McFarland, Shawna McGrath, Nicole Melton, Barry Ripley, Elisabeth Schulze, Sunaina Selam, Kent Stander, and Jae Yoo. I congratulate each of them for coming this far and send them my best wishes for next week's competition.

It is very encouraging to see young people take such a profound interest in studying those ideas and principles which are at the heart of our democracy and of our country. I am certain that this type of involvement will only lead to a deeper interest and that it will build strong citizens and strong leaders for our country's future.●

HONORING AN ARMY LEGEND

● Mr. MILLER. Mr. President, I rise today to honor the Commanding General, United States Army Forces Command, General Larry R. Ellis. General Ellis has served as the Commanding General of U.S. Army Forces Command from November 19, 2001, to May 7, 2004.

General Ellis, an outstanding American Soldier from the great State of Maryland, will soon complete over 35 years of selfless service to this great Nation in the United States Army. General Ellis' dedication to our Soldiers, commitment to excellence, and performance of duty has been extraordinary throughout his career, a lifetime of service culminating in an assignment as the Commanding General of the largest major command in the United States Army. He will retire on July 1, 2004.

During more than 35 years in uniform, General Ellis served in a succession of command and staff positions worldwide. As a junior officer, he served in combat in the Republic of Vietnam, and subsequently with troop units in positions of increasing responsibility throughout the continental United States, Europe, and the Republic of Korea.

While the Deputy Director for Strategic Planning and Policy at U.S. Pacific Command, and as the Assistant Chief of Staff, J3, for United States Forces Korea, General Ellis supervised the training and performance of American military forces throughout the Far East.

He commanded units at every echelon of the Army, including the First Armored Division in Germany and when deployed as the Multinational Division (North), in Bosnia and Herzegovina, a combined task force that included units from 13 nations. In this capacity General Ellis coordinated European military and civil efforts to implement an extensive array of operations and programs to provide stability and restore favorable economic and political conditions in that war-torn region.

As the Army's Deputy Chief of Staff for Operations, General Ellis oversaw multi-year, multi-billion dollar programs supporting United States Army budget strategic objectives, and executed annual operating budgets of more than $15 billion across 16 major subordinate organizations. He directed the development of comprehensive strategic plans supporting the Army's continued success across the next three decades by resourcing plans through decisive application of deliberate management systems, strategic planning processes, environmental assessments, and periodic situational appraisals to ensure full integration and compliance with strictly defined performance objectives. He spearheaded the Army's effort to translate the senior leadership's Strategic Vision into an executable Transformation Campaign Plan.

Soon after the United States went to war in 2001, General Ellis assumed command of U.S. Army Forces Command, the Army's largest major command. He aggressively orchestrated the training, mobilization, and deployment of more than 500,000 Soldiers and more than a million tons of equipment to locations worldwide which represents the largest mobilization since the Korean War. In addition to providing resources and directing long-range planning to move Army forces, he maintained close operational control of ongoing events to ensure his subordinate units could respond to emerging trends and circumstances. The strategic communications plan he instigated to engage disparate and complex audiences to include academia, Congress, local public officials, industry, and members of the Department of Defense, ensured that his commands' operations were understood and supported.

General Ellis holds degrees from Morgan State University, B.S., 1969, and Indiana University, M.S., 1975. His honors include the NAACP National Service Award, 1999; Honorary Doctor of Law, Morgan State University, 2000; Honorary Master of Strategic Studies, U.S. Army War College, 2001; Distinguished Alumni Service Award, Indiana University, 2003. His military awards include the Defense Distinguished Service Medal, the Army Distinguished Service Medal, and the Combat Infantryman Badge.

His three and a half decades of service earned for General Ellis a reputation as one of the Department of Defense's most forward thinking and insightful leaders. General Ellis represents the epitome of what Army leaders, Soldiers, and the country expect from our officers. He is a sterling example for young Soldiers to emulate . . . well known as a "Soldiers' General." His service to the Nation has been exceptional, and General Ellis is more than deserving of this recognition.

General Ellis will be sorely missed by those who have had the opportunity to serve with him over these many years. I join with his friends and family as he celebrates this richly deserved upcoming retirement and wish him my best as he enjoys everyday of this new journey.•

TOUR DE GEORGIA IS A TOUR DE FORCE

• Mr. CHAMBLISS. Mr. President, this week Georgians will line the roads to witness the top-ranked bicycle stage race in North America.

The Dodge Tour de Georgia promotes tourism, stimulates local industry, and is proud to benefit the Georgia Cancer Coalition. The race serves as a rolling festival to entertain and educate spectators across the Peach State about cycling, fitness, and most importantly about the possibility for a cure for and the prevention of cancer. This second annual event, April 20 to 25, 2004, takes pro cyclists and multitudes of visitors on a scenic 653-mile journey through the great State of Georgia.

Athletes from over 23 countries will compete for $100,000 in cash and prizes. With a mix of road races, an individual time trial, and challenging terrain, the 2004 Dodge Tour de Georgia will be an exciting event for both racers and spectators.

A great deal of attention will be on cycling this year, since many elite athletes vie to represent their countries in the Olympic games in road, time trial or track disciplines of cycling in August. And, five-time Tour de France champion Lance Armstrong seeks his record sixth consecutive win on the Champs-Elysees in July. Part of the reason for a significant increase in media and spectator interest in the Dodge Tour de Georgia this year is because Armstrong will compete in the event with his United States Postal Service Pro Cycling Team. It will be the only stage race Armstrong is expected to enter in North America, and the only event in the U.S. for him prior to his record attempt in France.

Officials with the Dodge Tour de Georgia project a $20 to $30 million boost to the Georgia economy. The promotional and media value provided to its charitable beneficiary, the Georgia Cancer Coalition, is expected to surpass $2.5 million, doubling the number from 2003. The 2004 Dodge Tour de Georgia, the country's premier, professional cycling stage race, will visit 60 of Georgia's 159 counties in 6 days, from Tuesday, April 20 to Sunday, April 25.

As a world-class sporting event, the Dodge Tour de Georgia is defined in part by the 120 elite, professional cyclists who will compete in seven stage races, traversing 653 miles across Georgia. As a vehicle to promote tourism and stimulate economic growth, the race is defined by the thousands of visitors and volunteers who plan to visit from across Georgia, the U.S. and abroad. Over 750,000 spectators are expected for the week.

From just the impact of media, officials, teams, and support personnel, not including spectators, local communities will see an immediate impact from 3,000 room nights and over 7,000 meals.

I commend the sponsors, organizers, and staff of the Dodge Tour de Georgia, for bringing a world-class event of this magnitude to the people of the United States. I also commend the Union Cycliste Internationale, for sanctioning this event.

I would like this body to recognize the host communities, Alpharetta, Athens, Carrollton, Columbus, Dalton, Dahlonega, Dawsonville, Hiawassee/Young Harris, Macon, Rome, and Thomaston; as well as their local organizing committees for their contribution to this worthy cause.

Cancer is a brutal killer that strikes without regard to age, race, sex, or station in life. I am grateful that there are organizations such as the Georgia Cancer Coalition, which are dedicated to its eradication, and there is support from organizations such as Dodge; GE Energy; The Georgia Department of Industry, Trade, and Tourism; Georgia Power; Southern LINC; and the many others who have bonded together to organize and promote Georgia's Race to Cure Cancer.

This event is not only about the 11 communities hosting this event, it is not only about Georgia. It is about bringing the finest cyclists in the world to compete in our Nation. It is about raising awareness to fight a terrible killer so that all of the world may benefit. I am proud that this event will be held in my home State of Georgia and ask that this body commend the Dodge Tour de Georgia for its fine work.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4181. An act to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.

H.R. 3170. An act to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 376. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 388. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3170. An act to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read the first and the second times by unanimous consent, and referred as indicated:

H. Con. Res. 388. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4181. An act to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns.

S. 2370. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7260. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Elimination of Statement of Intent Procedures for Filing Medicare Claims" (RIN0938–AK79) received on April 27, 2004; to the Committee on Finance.

EC–7261. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Under Secretary for Domestic Finance, Department of the Treasury, received on April 27, 2004; to the Committee on Finance.

EC–7262. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "EP Determination Letter Program" (Ann. 2004–32) received on April 27, 2004; to the Committee on Finance.

EC–7263. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2004" (Rev. Rul. 2004–44) received on April 27, 2004; to the Committee on Finance.

EC–7264. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Pre-Approved Plans" (Ann. 2004–33) received on April 27, 2004; to the Committee on Finance.

EC–7265. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Partner's Distributive Share: Foreign Tax Expenditures" (TD9121) received on April 27, 2004; to the Committee on Finance.

EC–7266. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Notice: Split-Interest Trust Distributions to Private Foundations: Distributable Amount" (Notice 2004–36) received on April 27, 2004 ; to the Committee on Finance.

EC–7267. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Notice: Trust and Estate Distributions to Private Foundations: Net Investment Income" (Notice 2004–35) received on April 27, 2004; to the Committee on Finance.

EC–7268. A communication from the President of the United States, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–7269. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7270. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period of April 1, 2003 through September 30, 2003; to the Committee on Governmental Affairs.

EC–7271. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 2003 through March 31, 2003; to the Committee on Governmental Affairs.

EC–7272. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, the Inspector General's Fiscal Year 2003 Performance Report; to the Committee on Governmental Affairs.

EC–7273. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Final Annual Performance Plan for Fiscal Year 2005; to the Committee on Governmental Affairs.

EC–7274. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2004 Capital Investment and Leasing Program; to the Committee on Governmental Affairs.

EC–7275. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, a report relative to asset management and the payment of benefits for certain District of Columbia employees; to the Committee on Governmental Affairs.

EC–7276. A communication from the Administrator, General Services Administration, transmitting, a draft of proposed legislation relative to child care facilities; to the Committee on Governmental Affairs.

EC–7277. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the Endowment's Fiscal Year 2003 Performance Report; to the Committee on Governmental Affairs.

EC–7278. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–7279. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid-Pacific Region Survey" (RIN3206–AK06) received on April 27, 2004; to the Committee on Governmental Affairs.

EC–7280. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the North Dakota and Duluth, MN, Appropriated Fund Wage Areas" (RIN3206–AJ78) received on April 27, 2004; to the Committee on Governmental Affairs.

EC–7281. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2003 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–7282. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a document related to the Agency's regulatory programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7283. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cirtronellol; Exemption From the Requirement of a Tolerance" (FRL#7351–6) received on April 28, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7284. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OPP Pesticide Research and Training Program; Notice of Funds" (FRL#7352–4) received on April 28, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7285. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Infectious Salmon Anemia; Payment of Indemnity" (Doc. No. 01–126–2) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7286. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Additions to Quarantined Areas" (Doc. No. 03–109–1) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7287. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to the interception of wire, oral, or electronic communications; to the Committee on the Judiciary.

EC–7288. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to funds for the Conference; to the Committee on the Judiciary.

EC–7289. A communication from the Chief, Regulations and Procedures Division, transmitting, pursuant to law, the report of a rule entitled "Temecula Valley Viticultural Area (2001R–280P)" (RIN1513–AA40) received on April 27, 2004; to the Committee on the Judiciary.

EC–7290. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–7291. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–7292. A communication from the Assistant Attorney General, Department of Justice, Office of Legislative Affairs, transmitting, pursuant to law, a report relative to the Office of Correctional Job Training and Placement; to the Committee on the Judiciary.

EC–7293. A communication from the Chairperson, Commission on Civil Rights, transmitting, pursuant to law, a report relative to federal funding of programs intended to assist Native Americans; to the Committee on the Judiciary.

EC–7294. A communication from the Chairperson, Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Not in My Backyard: Executive Order 12898 and Title VI as Tools for Achieving Environmental Justice"; to the Committee on the Judiciary.

EC–7295. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Medical Opinions From the Veterans' Health Administration" (RIN2900–AK52) received on April 29, 2004; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1486. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rept. No. 108–256).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 332. A resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 334. A resolution designating May 2004 as National Electrical Safety Month.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 344. A resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1932. A bill to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2092. A bill to address the participation of Taiwan in the World Health Organization.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009.

S. 2192. A bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2237. A bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 2264. A bill to require a report on the conflict in Uganda, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments:

S. 2292. A bill to require a report on acts of anti-Semitism around the world.

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S.J. Res. 33. A joint resolution expressing support for freedom in Hong Kong.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 100. A concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nominations beginning Brigadier General James B. Armor, Jr. and ending Brigadier General Donald C. Wurster, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2004.

Air Force nomination of Brig. Gen. William L. Shelton.

Air Force nomination of Col. Ronnie D. Hawkins, Jr.

Air Force nomination of Col. Danny K. Gardner.

Air Force nomination of Col. Richard R. Moss.

Army nomination of Lt. Gen. Dan K. McNeill.

Army nominations beginning Brigadier General Gary L. Border and ending Brigadier General John A. Yingling, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2004.

Army nominations beginning Colonel John C. Adams and ending Colonel Francis J. Wiercinski, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2003.

Navy nomination of Capt. Richard J. Wallace.

Navy nomination of Capt. Harold L. Robinson.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Elwood M. Barnes and ending Rex A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Air Force nominations beginning Dwight R. Braswell and ending Karen H. Stocks, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2004.

Air Force nominations beginning Richard J. Burling, Jr. and ending Robert L. Tullman, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2004.

Air Force nomination of Aram M. Donigan.

Air Force nomination of Vincent F. Carr.

Air Force nomination of Daniel J. Courtois.

Air Force nomination of Charles G. Stitt.

Air Force nomination of Ronald E. Rikansrud.

Air Force nominations beginning Jeffrey A. Bailey and ending Terry G. Hoehne, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

Air Force nomination of Steven M. Hill.

Air Force nomination of John J. Deresky.

Air Force nominations beginning Heidi C. Bertram and ending Thomas C. Wisler, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

Air Force nomination of John D. Adams.

Army nominations beginning Thomas A. Burgess and ending John R. Stefanovich, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2004.

Army nominations beginning Timothy J. Callahan and ending Ronald O. Glenapp, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2004.

Army nomination of Leo L. Bennett.

Army nomination of James D. Jones.

Army nomination of Jorge L. Romeu.

Army nomination of Craig D. Hartranft.

Army nomination of Willis C. Hunter.

Army nomination of Dana R. Yetton.

Army nomination of Harold B. Snyder III.

Army nomination of Danny L. McGraw.

Army nomination of Richard A. Stebbins.

Army nomination of Otha Myles.

Army nomination of Jerry M. Brown.

Army nomination of Frank G. Atkins.

Army nomination of James R. Vandergrift.

Marine Corps nominations beginning Mark A. Adams and ending Erin L. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Marine Corps nominations beginning Christopher J. Aaby and ending Mark W. Zipsie, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Marine Corps nominations beginning Matthew T. Ashe, Jr. and ending Jason D. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2004.

Marine Corps nominations beginning Andrew T. Fink and ending Nick Trujillo, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2004.

Marine Corps nominations beginning Curtis S. Ames and ending Steven M. Zotti, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2004.

Marine Corps nominations beginning Travis R. Avent and ending Mark B. Windham, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2004.

Marine Corps nomination of David C. Cox.

Navy nomination of Melissa A. Harvison.

Navy nominations beginning Victoria T. Crescenzi and ending Joseph Zuliani, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2004.

Navy nomination of Scott F. Murray.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Cathy M. MacFarlane, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

*Dennis C. Shea, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

*Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

By Mr. LUGAR for the Committee on Foreign Relations.

*Constance Berry Newman, of Illinois, to be an Assistant Secretary of State (African Affairs).

*Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

*Fayza Veronique Boulad Rodman, of the District of Columbia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

*Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation.

*Constance Berry Newman, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2009.

*Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge the information contained in this report is complete and accurate.)

Nominee: Scott H. DeLisi.

Post: Eritrea.

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Tijama R. DeLisi, Joseph A. DeLisi and Anthony S. DeLisi, none.

4. Parents: Joseph S. DeLisi, Gloria A. DeLisi, none.

5. Grandparents: Deceased prior to 1999.

6. Brothers and Spouses: Joseph Daniel DeLisi, Jill DeLisi, none; Andrew J. DeLisi, Ida DeLisi, none.

7. Sisters and Spouses: Deborah A. Hannigan, James H. Hannigan, none; Christine M. Perz, Edmund Perz, none; Martha M. Bogie, David Bogie, none.

*Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State to the Republic of Cote d'Ivoire.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Aubrey Hooks.

Post: Cote d'Ivoire.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Leah Jean Hooks Billings—Kevin Billings, none; Michael Aubrey Hooks—Sandra Montero Hooks, none; Keren Jean Hooks Lundy—Michael Lundy, none; Joseph Aubrey Hooks, none; Daniel Aubrey Hooks, none; Stephanie Jean Hooks, none.

4. Parents: P.C. Hooks, deceased; Sallie Mae Floyd Hooks, deceased.

5. Grandparents: Herbert Troy Hooks, deceased; Eppie Dell Sarvis Hooks, deceased; Oscar Floyd, deceased; Bessie Jan Gerrald Floyd, deceased.

6. Brothers and Spouses: Cecil Wayne Hooks—Linda Jean Elliott Hooks, none; Jimmy Hooks, deceased; Johnnie Hooks, none; Ricky Hooks, none.

7. Sisters and Spouses: Wanda Jane Hooks Graham—Michael Graham, none; Mable Yvonne Hooks, none; Betty Gail Hooks, none; Judy Pearl Hooks Laxton—Newton Laxton, none; Jackie Darnell Hooks Strickland—Nelson Strickland, none.

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*Craig A. Kelly, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Craig A. Kelly.

Post: U.S. Ambassador to Chile.

Contributions, Amount, Date, and Donee:

1. Self, N/A.

2. Spouse, N/A.

3. Children and Spouses, N/A.

4. Parents: Connie Kelly (mother) $50 per year, 2000-2003, Rep. Ed. Royce.

5. Grandparents, N/A.

6. Brothers and Spouses: Peter D. Kelly (brother) $250, 2003—Rep. Gephardt; $1000, 2003—Sen. Kerry; $1000, 2001–Sen. Boxer; $500, 2003—Rep. Royball-Allard; $1000, 2002—Rep. Royball-Allard; $500, 2003–Rep. Loretta Sanchez; $1000, 2003–Rep. Harman; $1000, 2002—Rep. Harman.

7. Sisters and Spouses, N/A.

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*Thomas Bolling Robertson, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas B. Robertson.

Post: U.S. Ambassador to Slovenia.

Contributions, Amount, Date and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Thomas G. Robertson, none; Elizabeth T. Robertson, none.

4. Parents: T. Bolling Robertson, deceased; Ann C. Robertson, none.

5. Grandparents: Rolfe Robertson, deceased; Richard F. Cleveland, deceased; Anne P. Robertson, deceased; Ellen G. Cleveland, deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Elizabeth A. Robertson (Rowe), none; Daniel Rowe, none; Ruth C. Robertson, none; Stephen Abarbanel, none.

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*Miles T. Bivins, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Miles Teel Bivins.

Contributions, Amount, Date, and Donee:

1. Miles Teel Bivins:

$250, 2/15/1999, Mac Thornberry for Congress Committee;

$500, 4/15/1999, Texas Cattle Feeders Assn. Beef-Pac;

$1000, 6/29/1999, George W. Bush for President;

$250, 12/13/1999, Mac Thornberry for Congress Committee;

$500, 3/15/2000, Texas Cattle Feeders Assn. Beef-Pac;

$250, 9/12/2000, Kay Bailey Hutchison for Senate;

$1000, 9/26/2000, Mac Thornberry for Congress Committee;

$500, 3/06/2001, Texas Cattle Feeders Assn. Beef-Pac;

$250, 3/19/2001, Mac Thornberry for Congress Committee;

$750, 10/15/2001, Mac Thornberry for Congress Committee;

$1000, 11/12/2001, John Cornyn for Senate;

$1000, 6/11/2002, John Cornyn for Senate;

$1000, 8/05/2002, James Talent for Senate Committee;

$1000, 8/06/2002, Norm Coleman for Senate;

$1000, 8/08/2002, John R. Thune for Senate;

$1000, 8/16/2002, Thomas Jeb Hensarling Committee;

$2000, 6/17/2003, Bush/Cheney 04;

$250, 8/25/2003, Mac Thornberry for Congress Committee.

2. Patricia Hamilton Bivins, Spouse: $1000, 4/26/1999, Bush for President.

3. Andrew M. Bivins, Son: $1000, 6/30/1999, Bush for President; $2000, 6/26/2003, Bush-Cheney 04.

4. Betty Teel Bivins Lovell, Mother:

$1000, 3/10/1999, Bush for President;

$80, 3/10/1999, US English, Inc.;

$50, 5/10/1999, US English, Inc.;

$50, 6/10/1999, US English, Inc.;

$50, 8/10/1999, US English, Inc.;

$50, 2/09/2000, US English, Inc.;

$50, 2/24/2000, Republican National Committee;

$500, 2/24/2000, Thornberry for Congress;

$250, 8/10/2000, Kay Bailey Hutchison for Senate;

$100, 8/10/2000, Thornberry for Congress;

$50, 8/24/2000, Republican National Committee;

$50 8/24/2000, US English, Inc.;

$50 9/14/2000, US English, Inc.;

$50 10/19/2000, US English, Inc.;

$100, 10/25/2000, Thornberry for Congress;

$250, 2/26/2001, Thornberry for Congress;

$50, 2/26/2001, US English, Inc.;

$50, 4/09/2001, Republican National Committee;

$80, 9/10/2001, US English, Inc.;

$500, 10/10/2001, Thornberry for Congress;

$250, 6/10/2002, John Cornyn for Senate;

$50, 6/10/2002, Republican National Committee;

$1750, 7/10/2002, John Cornyn for Senate;

$250, 8/12/2002, Thornberry for Congress;

$50, 1/10/2003, US English, Inc.;

$50, 2/10/2003, Republican National Committee;

$25, 5/16/2003, Republican National Committee;

$2000, 6/10/2003, Bush/Cheney 2004;

$300, 8/25/2003, Thornberry for Congress.

John J. Lovell, Stepfather: $1000, 3/31/1999, Bush for President; $1000, 6/10/1999, Tom Udall for US; $1000 5/31/2000, Tom Udall for US; $1000, 1/19/2002, Tom Udall for US Campaign.

5. Grandparents, N/A.

6. Mark Ernest Bivins, Brother:

$1000, 3/10/1999, George W. Bush for President;

$500, 4/23/1999, Texas Cattle Feeders Assn. Beef-Pac;

$100, 11/10/1999, Thornberry for Congress;

$900, 2/24/2000, Thornberry for Congress;

$500, 4/10/2000, Texas Cattle Feeders Assn. Beef-Pac;

$100, 10/10/2000, Thornberry for Congress;

$500, 3/09/2001, Texas Cattle Feeders Assn. Beef-Pac;

$1000, 9/25/2001, Thornberry for Congress;

$500, 4/08/2002, John Cornyn for Senate;

$500, 4/25/2002, Texas Cattle Feeders Assn. Beef-Pac;

$1500, 7/10/2002, John Cornyn for Senate;

$500, 3/25/2003, Texas Cattle Feeders Assn. Beef-Pac;

$2000, 6/10/2003, Bush Cheney 04.

Ellen Smith Bivins, Spouse: $1000, 3/17/1999, George W. Bush for President; $1000, 2/28/2000, Thornberry for Congress; $1000, 7/18/2002, John Cornyn for Senate; $2000, 6/10/2003, Bush Cheney 04.

7. Thomas Peyton Bivins, Brother:

$250, 2/12/1999, Thornberry for Congress;

$500, 4/27/1999, Texas Cattle Feeders Assn. Beef-Pac;

$1000, 5/26/1999, Bush for President Inc.;

$500, 3/09/2000, Texas Cattle Feeders Assn. Beef-Pac;

$2000, 6/19/2000, National Republican Committee;

$50, 8/24/2000, Thornberry for Congress;

$500, 9/21/2000, Thornberry for Congress;

$500, 3/06/2001, Texas Cattle Feeders Assn. Beef-Pac;

$500, 3/25/2002, Texas Cattle Feeders Assn. Beef-Pac;

$250, 4/24/2002, Thornberry for Congress;

$1000, 7/09/2002, John Cornyn for Senate;

$250, 9/10/2002, Thornberry for Congress;

$500, 12/26/2002, Texas Cattle Feeders Assn. Beef-Pac.

Julie H. Bivins, Spouse: $1000, 5/26/1999, Bush for President; $1000, 7/18/2002, John Cornyn for Senate.

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*Marc McGowan Wall, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information in this report is complete and accurate.)

Nominee: Marc McGowan Wall.

Post: Ambassador to Chad.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Gregory Wall, none; Sarah Wall, none.
4. Parents: Maurice E. Wall, deceased; Marilyn M. Hardin, none.
5. Grandparents: Charles Wall, deceased; Irene Wall, deceased; Louis Murrah, deceased; Merle Murrah, deceased.
6. Brothers and Spouses: Chris R. Wall: $1,000, 9/11/00, DC Republican Committee; $500, 10/19/00, Republican National Committee; $250, 11/1/00, Lazio 2000 (New York); $100, 11/1/00, Cox for Congress (California); $100, 11/1/00, Watts for Congress (Oklahoma); $250, 12/2/00, Bush-Cheney Recount Fund; $1,000, 7/10/01, DC Republican Committee; $500, 11/6/01, Bush-Brogan 2002 (Florida); $500, 12/8/01, Bennett for Senate (Utah); $1,000, 8/15/02, DC Republican Committee; $1,000, 12/7/02, Republican National Committee; $2,000, 3/28/03, Republican National Committee; $1,000, 6/9/03, Bennett for Senate (Utah); $2,000, 9/3/03, Republican National Committee; $1,000, 9/3/03, DC Republican Committee; $2,000, 7/2/03, Bush for President.

Barbara Wall (sister-in-law): $2,000, 7/2/03, Bush for President.

Thomas M. Wall (brother): $100, 2000, Bill Yellowtail for Congress (MT); $50, 2002, Kalyn Free for Congress; $25, 2003, Kalyn Free for Congress.

Anita Wall (sister-in-law): none.

7. Sisters and Spouses: none.

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*John Campbell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Campbell

Post: Ambassador to the Republic of Nigeria.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Frances J. Campbell (mother), none.
5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: N/A.

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*John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John J. Danilovich.

Post: Ambassador/The Federative Republic of Brazil.

Contributions, Amount, Date, and Donee:

1. Self: $1,000.00, 04/99, Bush for President Inc.; $20,000.00, 10/00, Republican Nat'l Committee.
2. Spouse: none.
3. Children and Spouses: none.
4. Parents: none.
5. Grandparents: none.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Joan M. Danilovich: $1,000.00, 05/99, Bush for President Inc.

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*Michael Christian Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Serbia and Montenegro.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Michael C. Polt.

Post: Ambassador to Serbia and Montenegro.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: Hallie L. Polt, none.
3. Children and spouses: Nicholas M. Polt, single, none; Lindsay M. Polt, single, none.
4. Parents: Karl Polt, father, deceased; Margaret Reed, mother, none.
5. Grandparents: Adalbert Riedl, grandfather, deceased; Karl Polt, grandfather, deceased; Theresia Riedl, grandmother, deceased; Maria Polt, grandmother, deceased.
6. Brothers and spouses: none.
7. Sisters and spouses: Martina C. Polt, single, none.

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*Earle I. Mack, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

(Attached please find a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Earle I. Mack.

Post: Finland.

Contributions, Date, Donee, and Amount:

1. Self: Earle I. Mack:

5/29/2003, Bush-Cheney 04 Inc, $1,500;

5/19/2003, NTRA PAC, $1,000;

5/2/2003, Missourians for Kit Bond, $1,000;

4/23/2003, Citizens for Arlen Specter, $1,000;

3/12/2003, Shelby for Senate, $1,000;

3/9/2003, Specter for Senate, $2,000;

2/12/2003, Lisa Murkowski for U.S. Senate, $2,000;

11/19/2002, Suzanne Terrell for Senate, $1,000;

9/23/2002, Thune for Senate, $1,000;

9/10/2002, Susan Collins for Senate, $1,000;

7/16/2002, Hastert for Congress Committee, $1,000;

7/16/2002, Dole 2002 Committee, Inc., $1,000;

5/2/2002, New York Republican St Comm, $1,000;

4/20/2002, Cantor for Congress, $1,000;

4/22/2002, Walsh for Congress, $1,000;

4/22/2002, Republican Jewish Coalition PAC, $2,500;

4/22/2002, McConnell Senate Cmte., $1,000;

4/22/2002, Reynolds for Congress, $1,000;

4/22/2002, Quinn for Congress, $1,000;

4/12/2002, Thune for South Dakota, $500;

3/28/2002, Friends of Mark Foley, $1,000;

1/11/2002, People for Pete Domenici, $1,000;

10/10/2001, Citizens for Biden, $1,000;

9/24/2001, Dole 2002 Cmte, $1,000;

8/6/2001, People for Pete Domenici, $1,000;

4/19/2001, RNC, $15,000;

1/30/2001, Diaz-Balart for Congress, $1,000;

10/23/2000, Florida Victory 2000 Republican Party of Florida, $5,000;

8/24/2000, Grucci for Congress, $500;

6/12/2000, Shelby for Senate, $1,000;

5/31/2000, Snowe for Senate, $1,000;

4/19/2000, Friends of Giuliani Expl. Cmte., $1,000 (Refunded 5/31/00);

3/13/2000, McCollum for US Senate, $2,000;

3/6/2000, NY Repub. County Delegates, $5,000 (Refunded 8/8/2000);

1/24/2000, Grams for Senate, $1,000;

1/20/2000, Zimmer 2000, $1,000;

1/19/2000, NY Republican County Cmte., $2,500;

1/21/2000, Morrisey for Congress, $1,000;

2/4/1999, Hastert for Congress Cmte., $1,000;

1/16/1999, Torricelli for US Senate, $2,000;

4/5/1999, Elizabeth Dole for President, $1,000;

5/24/1999, Republican Leadership Council, $5,000;

6/6/1999, George W Bush Exploratory Cmte., $1,000;

6/17/1999, Friends of Cong. Mark Foley, $1,000;

7/21/1999, Friends of Giuliani, $1,000;

12/9/1999, Greenwood for Congress, $500;

12/16/1999, Dear 2000, $1,000.

2. Spouse: Carol Mack:

5/27/2003, Bush-Cheney 04 Inc., $2,000;

4/24/2003, Citizens for Arlen Specter, $1,000;

2/27/2003, RNC, $25,000;

11/19/2002, Suzanne Terrell for Senate, $2,000;

10/10/2002, North Carolina Victory Cmte, $5,000;

10/2/2002, Friends of Forrester, $2,000;

9/24/2002, Susan Collins for Senate, $1,000;

9/23/2002, Thune for Senate, $1,000 (Refunded 11/26/02);

5/16/2002, Linder for Congress, $1,000;

5/14/2002, The Road to 51, $5,000;

5/2/2002, Dole 2002 Cmte, $1,000;

4/22/2002, Walsh for Congress, $1,000;

4/22/2002, Reynolds for Congress, $1,000;

11/30/2001, Friends of Sen Carl Levin, $1,000;

11/8/2001, Friends of Schumer, $1,000;

10/9/2001, Citizens for Biden, $1,000;

9/3/2001, Dole 2002 Cmte, $1,000;

6/12/2001, Citizens for Biden, $1,000;

1/29/2001, Lincoln Diaz-Balart for Congress, $1,000;

3/1/2000, Abraham for Senate, $1,000;

9/22/2000, Bob Franks for Senate, $1,000;

1/19/2000, Bob Franks for Senate, $1,000;

10/3/2000, Dear 2000 Inc., $1,000;

5/30/2000, Lazio 2000, $2,000;

3/13/2003, McCollum for U.S. Senate, $2,000;

3/21/2000, Menendez for Congress, Inc., $1,000;

1/24/2000, NYS Republican Campaign Cmte, $5,000;

3/10/2000, Robb for Senate, $500.

3. Children and Spouses: none.

4. Parents: Ruth Mack, N/A.

5. Grandparents: none.

6. Brothers and Spouses: William Mack (brother):

3/13/2003, Friends of Reid, $2,000;

4/23/2002, Comm Bankers of NY PAC, $500;

6/12/2003, Cmte to Re-elect Max Baucus, $1,000;

6/23/2003, Pete King for Congress, $1,000;

6/24/2003, John Kerry for President, $1,500;

1/30/2002, Friends of Landrieu & Carnahan, $2,000;

2/5/2002, ROCPAC, $2,000;

4/9/2002, HANY's PAC Federal, $5,000;

6/3/2002, Toricelli for U.S. Senate, $2,000;

6/14/2002, Community Bankers Assn of NY PAC, $500;

6/19/2002, Nelson for Senate, $1,000;

6/21/2002, Friends of Chris Dodd 2004, $2,000;

7/2/2002, Bowles for Senate, $2,000;

9/9/2002, Friends of Tom Harkin, $1,000;

10/8/2002, Lautenberg for Senate, $1,000;

10/8/2002, 2002 Victory Fund (NJ Dem State Cmte), $2,000;

2/16/2001, Max Cleland for Senate, $2,000;

2/16/2001, Dick Durbin for Senate, $2,000;

3/19/2001, Friends of Tom Harkin, $1,000;

3/19/2001, Friends of Max Baucus, $1,000;

5/4/2001, Friends of Schumer, $1,000;

6/26/2001, Friends of Max Baucus, $1,000;

11/27/2001, Friends of Sen. Carl Levin, $2,000;

3/6/2001, Friends of Max Cleland, $1,000;

6/20/2001, Gordon Smith for Senate, $1,000;

12/11/2001, Friends of Carl Levin, $1,000;

1/12/2000, Friends of Schumer, $1,000;

1/21/2000, Bill Bradley for President, $1,000;

2/14/2000, A Lot of People for Dave Obey, $1,000;

3/8/2000, Robb for Senate, $1,000;

3/20/2000, Menendez for Congress Inc., $1,000;

4/17/2000, Knollenberg for Congress Cmte, $500;

4/25/2000, Friends of Cong. Michael Forbes, $1,000;

4/25/2000, Friends of Cong. Michael Forbes, $1,000;

10/5/2000, P. King for Congress, $1,000;

7/26/2000, Lazio 2000, $2,000;

1/28/1999, Lieberman 2000, $2,000 (Check never cashed);

3/15/1999, Gore 2000, $1,000;

3/23/1999, Robb for Senate, $1,000;

4/14/1999, Friends of Giuliani, $2,000 ($1000 refunded 6/30/00);

6/15/1999, Friends of Cong. Mark Foley, $1,000;

6/17/1999, Gov. George Bush Pres. Expl. Cmte., $1,000 (Refunded 12/13/99);

9/24/1999, Corzine 2000 Inc., $1,000;

1/21/1999, REALPAC, $500;

10/19/1999, Bush For President, $1,000 (Refunded 12/13/99).

David Mack (brother):

2/19/2003, Lisa Murkowski for US Senate, $2,000;

3/3/2003, RNC, $25,000;

3/10/2003, Citizens for Arlen Specter, $2,000;

3/12/2003, Friends of Harry Reid, $2,000;

4/7/2003, Shelby for US Senate, $2,000;

5/22/2003, Comm. To Re-Elect G. Ackerman, $2,000;

5/23/2003, Bush-Cheney 04 Inc, $2,000;

6/6/2003, Tom Lantos for Congress, $2,000;

6/29/2003, Dean for America, $2,000;

1/22/2002, Pete King for Congress Cmte, $1,000 (Not in FEC Database. Not in King report);

1/30/2002, Friends of Landrieu & Carnahan, $2,000;

5/13/2002, Katrina Swett for Congress Cmte, $500;

5/29/2002, Friends of Sherwood Boehlert, $1,000;

6/26/2002, Road to 51 Cmte, $5,000;

8/13/2002, Pete King for Congress Cmte, $1,000;

10/2/2002, Forrester 2002, $2,000;

10/4/2002, Friends of Carolyn McCarthy, $1,000;

10/9/2002, Lautenberg for Senate, $1,000;

10/28/2002, Friends of Katrina Swett, $1,000;

10/28/2002, Gordon Smith for US Senate 2002, $1,000;

12/3/2002, Suzanne Terrell for Senate, $1,000 (Not in FEC Database. Not in Terrell report);

1/29/2001, Diaz-Balart for Congress, $1,000;

1/31/2001, Pete King for Congress Cmte, $1,000;

6/20/2001, Stevens for Senate, $2,000;

9/24/2001, Dole 2002 Cmte, $1,000;

12/5/2001, NY Republican State Cmte, $1,500;

1/18/2000, Friends of Bill Nelson, $1,000;

2/17/2000, DeWine for Senate, $2,000;

3/7/2000, DeWine for Senate, $1,000 (Refunded);

1/31/2000, Bill Nelson for US Senate, $1,000;

6/12/2000, Lazio 2000, $2,000;

6/27/2000, Victory 2000 NJ (NJ Repub State Cmte), $5,000;

9/12/2000, Franks for Senate, $1,000;

9/15/2000, Zimmer 2000, $1,000;

10/3/2000, King for Congress, $1,000;

10/4/2000, NY Repub. Fed. Camp. Cmte (Nassau County Repub?), $5,000;

3/2/1999, NY Repub. State Cmte., $1,000;

3/23/1999, Menendez for Congress, $500;

4/22/1999, Elizabeth Dole for President Expl. Cmte., $1,000;

4/28/1999, Whitman for US Senate, $1,000 ($650 refunded on 10/19);

4/29/1999, NY Repub. State Cmte., $1,000;

5/5/1999, Friends of George Allen, $2,000;

6/21/1999, Friends of Cong. Mark Foley, $1,000;

6/25/1999, Bush for President, Inc., $1,000;

9/3/1999, Peter King for Congress Cmte., $1,000;

11/29/1999, Treffinger for Senate, $4,000 (Only $3,000 in FEC Database);

11/29/1999, Gore 2000, $2,000 (Not in FEC Database);

12/2/1999, Shuster for Congress Cmte., $1,000.

Fred Mack (brother): N/A.

Phyllis Mack (sister-in-law): N/A.

Sondra Mack (sister-in-law): N/A.

Tammy Mack (sister-in-law): N/A.

7. Sisters and Spouses: none.

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*John M. Ordway, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Ordway.

Post: Kazakhstan. Nominated

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse—Maryjo, none.

3. Children and Spouses: Christopher, none (unmarried); Julia, none (unmarried).

4. Parents: Malcolm Ordway (deceased); Helen Ordway (deceased).

5. Grandparents: Earl Ordway (deceased); Pearl Ordway (deceased); Fred Stevenot (deceased); Adelaide Stevenot (deceased).

6. Brothers and Spouses: Stephen Ordway, none (unmarried); Mark/Fran Ordway, none.

7. Sisters and Spouses: none.

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*Jack Dyer Crouch II, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jack Dyer Crouch II.

Post: U.S. Ambassador to Romania.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Lara and Jake, none.

4. Parents: Margo M. Munro, none.

5. Grandparents: Deceased.

6. Brothers and Spouses: Robert J. Crouch, none.

7. Sisters and Spouses: none.

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*Jendayi Elizabeth Frazer, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jendayi Elizabeth Frazer.

Post: Ambassador to South Africa.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, N/A.

3. Children and spouses: N/A.

4. Parents: Ida Frazer, none; Raymond Frazer, none.

5. Grandparents: Bernadine Williams, none.

6. Brothers and Spouses: Jame Frazer, none.

7. Sisters and Spouses: Valandra Marie, none; Ramona Durham, none.

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*Thomas Neil Hull III, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas N. Hull, III.

Post: Freetown, Sierra Leone.

Contributions, Amount, Date, and Donee:

1. Self: Thomas N. Hull, III, none.

2. Spouse: Jill P. Hull, none.
3. Children and Spouses: Kirsten E. Hull, none.
4. Parents: Thomas N. Hull, Jr. (deceased); Betty W. Hull (deceased).
5. Grandparents: Thomas N. Hull, Sr. (deceased); Laura Hull (deceased); William A. Williams (deceased); Frances M. Williams (deceased).
6. Brothers and Spouses: none.
7. Sisters and Spouses: none.

*Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Roger A. Meece.
Post: Ambassador to the Democratic Republic of the Congo.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse, N/A.
3. Children and Spouses: N/A.
4. Parents: Mary Jane Meece, deceased; George Lawrence Meece, deceased.
5. Grandparents: All have been deceased for over 10 years.
6. Brothers and Spouses: Stephen and Victoria Meece, none; Lawrence Meece and Barbara Klempnow $20.00, 2/1/99, Sen. Slade Gorton; $20.00, 8/29/99, Sen. Slade Gorton; $25.00, 9/4/00, Sen. Slade Gorton; $25.00, 11/2/00, Sen. Slade Gorton.
7. Sisters and Spouses: N/A.

*Lauren Moriarty, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum.

*Mitchell B. Reiss, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Northern Ireland.

*James Francis Moriarty, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Francis Moriarty.
Post: Kathmandu, Nepal.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse: Lauren Moriarty, none.
3. Children and Spouses: T.F. Mana Moriarty, none; Kathleen K. Moriarty, none.
4. Parents: William Moriarty (deceased); June Buckley (deceased).
5. Grandparents: Rene Provencal (deceased); Carmel Provencal, none.
6. Brothers and Spouses: Philip G. Moriarty (single), none; Mark F. Moriarty (single), none.
7. Sisters and Spouses: Margaret Staruk, none; Harry Staruk, none.

*Michele J. Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Michele J. Sison.
Post: (Ambassador) U.S. Embassy Abu Dhabi.
Contributions, Amount, Date, and Donee:
1. Self: Michele J. Sison, none.
2. Spouse: Jeffrey J. Hawkins, none.
3. Children and Spouses: (n/a—two minor daughters).
4. Parents: Pastor Bravo Sison, none; Veronica T. Sison, none.
5. Grandparents: (n/a—deceased).
6. Brothers and Spouses: (n/a—no brothers).
7. Sisters & Spouses: Victoria Sison Morimoto + Miles Morimoto, none; Cynthia Sison Morrissey + Patrick Morrissey, none.

*Thomas Charles Krajeski, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas Charles Krajeski.
Post: U.S. Ambassador to Yemen.
Contributions, Amount, Date, and Donee:
Self, none.
Spouse: Bonnie P. Krajeski, none.
Children and Spouses: Alix M. Krajeski, none; Jenna S. Krajeski, none; Aaron H. Krajeski, none.
Parents: Chester J. Krajeski, deceased; Helen J. Krajeski, deceased.
Grandparents: Jacob Krajeski, deceased; Anna Krajeski, deceased; Percy Trasher, deceased; Emma Trasher, deceased.
Brothers and Spouses: Stephen E. Krajeski, deceased; Michael C. Krajeski, none; Maria Krajeski, none; William J. Krajeski, none; Kathleen Krajeski, none; Lawrence J. Krajeski, none; Pamela Krajeski, none.
Sisters and Spouses: Margaret A. Krajeski, none; Janet M. Paquette, none; Joseph Paquette, none.

*Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

1. Christopher R. Hill, none.
2. Patricia Whitelaw-Hill, none.
3. Nathaniel (son), none; Amelia (daughter), none; Clara (daughter), none.
4. Robert B. Hill, deceased; Constance Hill, none.
5. Grandparents: All deceased.
6. Nicholas and Yuka Hill, none; Jonathan and Sue Hill, none.
7. Elizabeth and Rick McKinney, none; Prudence Hill, none.

*Michael W. Marine, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Michael W. Marine.
Post: Ambassador to Vietnam.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse: Carmella Angela Marine, none.
3. Children and Spouses: Jessica Lee Marine, none; Margaret Ross Marine, none.
4. Parents: Margaret M. Marine, none; Herman C. Marine (deceased), none.
5. Grandparents: William O'Halloran (deceased), none; Nora O'Halloran (deceased), none; Sven Marine (deceased), none; Caroline Marine (deceased), none.
6. Brothers and Spouses: Richard Marine and Francesca Marine, none; Eric Marine and Anna Marine, none.
7. Sisters and Spouses: Elizabeth Falls and Bruce Falls, none; Cynthia L. Marine, none; Susan M. Suhanovsky, none; Pamela M. Little and David Little, none; Margaret A. Ali and Rasheed Mickey Ali, none; Melissa M. Thiede and Mark Thiede, none; Honoria A. Williams and Kelly Williams, none.

*Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jeffrey David Feltman.
Contributions, Amount, Date, and Donee:
1. Self.
2. Spouse, $200, 2002, Rep. James Moran.
3. Children and Spouses: N/A.
4. Parents: N/A.
5. Grandparents: N/A.
6. Brothers and Spouses, N/A.
7. Sisters and Spouses: N/A.

*Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Patricia Marie Haslach.
Post: American Embassy Laos.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse: David Herbert, none.
3. Children and Spouses: Shereen Herbert, none; Kiran Herbert, none.
4. Parents: Francis Haslach, none; Patricia Haslach, none.
5. Grandparents: Deceased.
6. Brothers and Spouses: Timothy and Kathryn Haslach, $300, Last 3 years, Keith Parker, Randall Edwards, Senator Gordon Smith.
7. Sisters and Spouses: Mary & Matt Powers, none; Margaret Haslach, none; Maureen & Mark Rankin, none.

*Richard LeBaron, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Burdette LeBaron.

Post: Ambassador to Kuwait.

Contributions, Amount, Date, and Donee:

1. Self: Richard B. LeBaron, none.
2. Spouse: Jean F. LeBaron, none.
3. Children and Spouses: none.
4. Parents: Victoria LeBaron (stepmother), none; Henry B. LeBaron (deceased); Dorothy LeBaron (deceased).
5. Grandparents: Herbert and Anastasia Roggo (deceased); Leon & Mary LeBaron (deceased).
6. Brothers and Spouses: John & Annette LeBaron, none.
7. Sisters and Spouses: Rebecca & Donn Dunlap, none. Carmen & Michael Kusmak, none.

*Victor Henderson Ashe, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Victor Henderson Ashe II.

Post: Ambassador to Poland.

Contributions, Amount, Date, and Donee:

1. Self: Victor Henderson Ashe II:

$2,000.00, 2003, Bush for President;

$1,000.00, 2002, Lamar Alexander for U.S. Senate;

$100.00, 2002, Jim Cooper for Congress;

$250.00, 2000, Bill Frist 2000, Inc.;

$200.00, 2000, Richard Lugar for U.S. Senate;

$100.00, 2000, Paul Helmke for Congress;

$1,000.00, 1999, Bush for President;

$1,000.00, 1999, Bill Frist 2000, Inc.

2. Spouse: Joan Plumlee Ashe, $2,000.00, 2003, Bush for President; $1,000.00, 1999, Bush for President.

3. Children and Spouses: James Victor Ashe; Martha Evelyn Ashe: None.

4. Parents: Robert L. Ashe, Deceased;

Martha Henderson Ashe:

$2,000.00, 2003, Bush for President;

$1,000.00, 2002, Republican National Committee;

$500.00, 2002, Lamar Alexander for U.S. Senate;

$250.00, 2001, Elizabeth Dole for U.S. Senate;

$500.00, 1999, Bush for President;

$500.00, 1999, Bush for President;

$250.00, 1999, Friends of Mark Foley, Florida.

5. Grandparents: Gregory and Molly Ashe, both deceased. James Victor Henderson and Maude Henderson, both deceased.

6. Brothers and Spouses: R. Lawrence Ashe, Jr.: $1,000.00, 1999, Bush for President; $1,000.00, 1999, Elizabeth Dole Exploratory Committee; $500.00, 1999, Spencer Abraham for U.S. Senate.

Kathy Ashe: $1,000.00, 2003, Emily's List.

7. Sisters and Spouses: None.

*John D. Negroponte, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Negroponte.

Post: U.S. Ambassador to Iraq.

Contributions, Amount, Date, and Donee:

1. Self, $2,000.00, 2004, Bush-Cheney Reelection Campaign.
2. Spouse: $2,000.00, 2004, Bush-Cheney Reelection Campaign.
3. Children and Spouses: N/A, minors.
4. Parents: Deceased.
5. Grandparents: Deceased.
6. Brothers and Spouses: Michel & Joni Negroponte: $20.00, 11/07/03, DCCC; $25.00, 11/25/03, Mikulski for Senate; $20.00, 03/12/04, Mikulski for Senate; $50.00, 03/09/04, Kerry for President.

George Negroponte, none; Spouse: Virva Hinnemo, none.

Nicholas & Elaine Negroponte, none.

7. Sisters and Spouses: N/A.

*David Michael Satterfield, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: David Michael Satterfield.

Post: Ambassador to Hashemite Kingdom of Jordan.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: N/A.
3. Children and Spouses: Alexander M. Satterfield, none; Victoria M. Satterfield, none.
4. Parents: Betty G. Kemp, none.
5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Nancy S. Goldstein, none; Barry L. Goldstein, none.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Bruce M. Quinn and ending Michael W. Liikala, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2004.

Foreign Service nominations beginning Christina Jeanne Agor and ending Ted K. Gong, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2004.

Foreign Service nominations beginning Paul Belmont and ending Joseph D. Stafford III, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2004.

Foreign Service nominations beginning William L. Brant II and ending William W. Westman, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2004.

Foreign Service nominations beginning Eliza Ferguson Al-Laham and ending Hugo Yue-Ho Yon, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

By Mr. HATCH for the Committee on the Judiciary.

William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit.

George P. Schiavelli, of California, to be United States District Judge for the Central District of California.

Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

Curtis V. Gomez, of Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mr. GRAHAM of Florida, and Mr. DAYTON):

S. 2360. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 2361. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. LEAHY):

S. 2362. A bill to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, and Mr. BIDEN):

S. 2363. A bill to revise and extend the Boys and Girls Clubs of America; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Ms. COLLINS, and Mr. LAUTENBERG):

S. 2364. A bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. KENNEDY):

S. 2365. A bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (by request):

S. 2366. A bill to resolve the structural indebtedness of the Black Lung Disability Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 2367. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide Federal retirement benefits for United States citizen employees of Air America, Inc., its subsidiary Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Inc; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself, Mr. Leahy, and Mr. Kennedy):

S. 2368. A bill to limit the closure of Department of Defense commissary and exchange stores and facilities and Department of Defense dependent elementary and secondary schools, and for other purposes; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself, Mr. Brownback, Mr. Breaux, and Mr. Jeffords):

S. 2369. A bill to require the Secretary of Health and Human Services to undertake activities to ensure the provision of services under the PACE program to frail elders living in rural areas, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Daschle, Mr. Akaka, Mr. Bayh, Mrs. Boxer, Mr. Byrd, Mrs. Clinton, Mr. Corzine, Mr. Dodd, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mr. Harkin, Mr. Lautenberg, Mr. Leahy, Mr. Lieberman, Ms. Mikulski, Mr. Reed, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Ms. Landrieu, Mr. Levin, Mr. Kerry, Mr. Bingaman, and Mrs. Murray):

S. 2370. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. KENNEDY (for himself, Mr. Corzine, Mr. Dodd, Mr. Bingaman, Mr. Harkin, Ms. Mikulski, Mrs. Murray, Mr. Edwards, Mrs. Clinton, Mr. Akaka, Mr. Lautenberg, Mr. Rockefeller, Mr. Feingold, and Mr. Durbin):

S. 2371. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. Baucus, Mr. Daschle, and Mr. Lautenberg):

S. 2372. A bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. Nelson of Florida, Mr. Allen, Mr. Graham of Florida, Mr. Ensign, Mr. Hollings, Mr. Santorum, Mr. Lautenberg, Mr. Graham of South Carolina, Mr. Lieberman, Mr. Grassley, Mr. Kyl, and Mr. Gregg):

S. 2373. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. NICKLES (for himself and Mr. Inhofe):

S. 2374. A bill to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL (for himself, Mrs. Feinstein, Mr. McCain, Mr. Leahy, Mr. Brownback, Mr. Daschle, Mrs. Dole, Ms. Mikulski, Mr. Burns, Mrs. Clinton, Mr. Allen, Mr. Edwards, Mr. Nickles, Mr. Corzine, Mr. Santorum, Mr. Biden, Mr. Feingold, Mr. Alexander, Mr. Allard, Mr. Bennett, Mr. Bunning, Mr. Campbell, Mr. Chambliss, Mr. Cochran, Mr. Domenici, Mr. Frist, Mrs. Hutchison, Mr. Kohl, Mr. Kyl, Mr. Lugar, Ms. Murkowski, Mr. Smith, Mr. Specter, and Mr. Voinovich):

S.J. Res. 36. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAYTON (for himself and Mr. Coleman):

S. Res. 346. A resolution commending the University of Minnesota Golden Gophers for winning the 2003–2004 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; considered and agreed to.

By Mr. FRIST (for himself and Mr. Daschle):

S. Res. 347. A resolution to commend Senate Enrolling Clerk Thomas J. Lundregan on Thirty-Six Years of Service to the United States Government; considered and agreed to.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. Kyl, the name of the Senator from Montana (Mr. Burns) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners by ending the unfair practice of taxing someone at death.

S. 374

At the request of Mr. Baucus, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 451

At the request of Ms. Snowe, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 845

At the request of Mr. Chafee, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 976

At the request of Mr. Warner, the names of the Senator from Utah (Mr. Bennett), the Senator from Hawaii (Mr. Inouye), the Senator from Iowa (Mr. Grassley), the Senator from Alaska (Mr. Stevens) and the Senator from Maryland (Ms. Mikulski) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1083

At the request of Mr. Lugar, the name of the Senator from Delaware (Mr. Carper) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1223

At the request of Mr. Bingaman, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1335

At the request of Mr. Graham of Florida, the names of the Senator from Illinois (Mr. Durbin) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. Johnson, the name of the Senator from Georgia (Mr. Chambliss) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1381

At the request of Ms. Snowe, the name of the Senator from South Carolina (Mr. Graham) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1465

At the request of Mr. Frist, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 1465, a bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world.

S. 1638

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1638, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 1808

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1808, a bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities.

S. 1900

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1902

At the request of Mr. REED, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1932

At the request of Mr. CORNYN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1932, a bill to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

S. 2035

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2035, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 2092

At the request of Mr. ALLEN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2092, a bill to address the participation of Taiwan in the World Health Organization.

S. 2107

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2107, a bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009.

S. 2130

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2130, a bill to contain the costs of the medicare prescription drug program under part D of title XVIII of the Social Security Act, and for other purposes.

S. 2165

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2165, a bill to specify the end strength for active duty personnel of the Army as of September 30, 2005.

S. 2179

At the request of Mr. BROWNBACK, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2215

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2215, a bill to amend the Higher Education Act of 1965 to provide funds for campus mental and behavioral health service centers.

S. 2264

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 2264, a bill to require a report on the conflict in Uganda, and for other purposes.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Mr. SARBANES) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2292, supra.

S. 2313

At the request of Mr. GRAHAM of Florida, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S.J. RES. 33

At the request of Mr. BROWNBACK, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S.J. RES. 34

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S.J. Res. 34, a joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBACK, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. CON. RES. 100

At the request of Mr. ALEXANDER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 100, a concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. RES. 332

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 343

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 343, a resolution calling on the Government of the Socialist Republic of Vietnam to respect all universally recognized human rights, including the right to freedom of religion and to participate in religious activities and institutions without interference or involvement of the Government; and to respect the human rights of ethnic minority groups in the Central Highlands and elsewhere in Vietnam.

S. RES. 344

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 344, a resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore.

AMENDMENT NO. 3052

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3052 proposed to S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 3052 proposed to S. 150, supra.

AMENDMENT NO. 3082

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3082 proposed to S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. GRAHAM of Florida, and Mr. DAYTON):

S. 2360. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation that will address a growing trend in higher education—the changing face of today's college student.

Over the last decade, there has been a steady increase in the number of non-traditional students entering or returning to college. Nationwide, non-traditional students on college campuses are slowly becoming the norm—the percentage of non-traditional students on college campuses has increased to 47 percent in 2001 from 34 percent in 1991.

Non-traditional students come in many different forms. Some waited to go to college until their mid to late twenties or later—or were put in the position of having to go back to college late in life because they lost their job. Others are attending college part-time while they work full-time and/or are financially independent. Others have children, and may or may not have the support of a spouse. And still others never obtained a high school diploma.

As you can imagine, these students face unique challenges that make it more difficult for them to graduate than their traditional peers. These challenges include affording their education, balancing work, school, and family responsibilities, and sometimes overcoming inadequate preparation.

Unfortunately, many of our current higher education policies make it harder, not easier, for non-traditional students to complete their degrees. That is why today I am pleased to be introducing, along with my colleague from the state of Florida, Senator GRAHAM, The Non-Traditional Students Success Act.

This legislation is a comprehensive solution to the barriers non-traditional students face as they try to earn a college degree. It is timely, and our system is long overdue for improvement.

When I travel throughout New York, I hear about the challenges faced by many of our citizens, particularly those who have found themselves unemployed after years of working in companies like Kodak, Xerox, Corning, and IBM. Many of these citizens are in need of retraining—some are returning to school, while others are attending college for the first time.

The goal of this legislation is to increase graduation rates for non-traditional students by addressing the range of barriers they face—financial, academic, and social.

First, I will begin with the financial; this legislation includes several provisions to make it more affordable for non-traditional students to complete their postsecondary education.

It increases the maximum Pell Grant to $11,600 by 2010. Pell Grants work and there is no reason why we should not continue to invest in this worthwhile solution.

This bill also increases the income protection allowance so that working students can keep more of their income. Our bill sets the level at $18,000 per year as opposed to only $5,000 per year—which is current law for single independent students.

It increases the amount of education expenses that students can claim under the Lifetime Learning credit from 20 percent to 50 percent. Under current law, students receive a credit of only $300 for education expenses towards the Lifetime Learning credit. Under this proposal, they could claim $750—money that would go a long way towards offsetting the cost of higher education today.

I am also proposing an information campaign so that students will know more about the financial aid available to them. Research shows that one of the most significant challenges to making "lifelong learning" a reality is to overcome the perception held by many non-traditional students, especially first-generation and adults with few work skills, that they are not "student material."

A direct mailing campaign combined with outreach to employers about the financial resources available to non-traditional students could significantly boost attendance and retention of non-traditional students.

Secondly, The Non-Traditional Students Success Act addresses the daily challenges of balancing work, family and school by creating a pilot program to provide financial aid to students who are attending school less than half-time while maintaining a full-time work schedule.

This provision will provide resources to schools that create class schedules that accommodate the realities of non-traditional students' lives—classes that are taught in short, compressed modules, on weekends, in the evenings, and over the Internet.

This bill also creates a pilot program that will make Pell Grants available year round so students are not forced to discontinue their studies for the three-month summer period. These students want to complete their studies as soon as possible, and the three-month delay only impedes their progress.

We are also putting forward ideas to put reliable childcare within the reach of students who have children. During my husband's administration we created CCAMPIS—a program to provide quality childcare on college campuses. This is an excellent program that deserves to be expanded. It has never received more than $25 million in funding, even though the need for reliable childcare on campuses is overwhelming.

The Non-Traditional Student Support Act will expand the CCAMPIS program and provide a supplemental grant to low-income parents attending school.

This legislation also increases funding to TRIO and Gear-Up. These programs have been successful in helping many non-traditional students achieve the goal of a college degree, and we must continue to support and expand these programs.

We have also included language that requires these programs to give special attention to first-year students, as research shows completion of the first year is a key indicator of retention through graduation.

I am very pleased with this legislation; it shows that we are moving in the right direction, tweaking our higher education policies to better serve our changing student population. I look forward to working with my colleagues to incorporate these provisions into the reauthorization of the higher education act.

Mr. GRAHAM of Florida. Mr. President, the face of the American undergraduate is changing, and there is a growing need to reflect this transformation in our Federal education policy. In 2001, 47 percent of all undergraduates were considered non-traditional students. Despite this evolving landscape of higher education, many of our Nation's financial aid policies and student support services only address the financial needs and lifestyle demands of traditional students.

Fewer and fewer of today's undergraduates come straight from high school, depend on parental financial support, and enroll as full-time students. Today's colleges and universities are filled with an unprecedented amount of non-traditional students. These students have a variety of responsibilities beyond their education that demand their time, attention, and income.

Older scholars are in the unenviable position of having to balance school, work, family responsibilities, and the obligation of meeting the cost of higher education. Recent studies suggest that 39 percent of all undergraduates are 25 years or older and 27 percent have children. Further, 40 percent of undergraduates work full-time and 48 percent attend college part-time.

Unfortunately, the needs of many devoted parents and hard working employees who attend college are not adequately supported by federal policy. For this reason, it is no surprise that non-traditional students are less likely than traditional students to complete a bachelors or associates degree.

The consequences of our higher education policy failing to address the challenges faced by non-traditional students are great. In the global economy of the 21st century, a quality, accessible education remains the gatekeeper to achieving the American dream of economic self-sufficiency and meaningful employment.

Indeed, never before has a college degree been so vital to so many. Today's marketplace demands a well-educated work force. According to the Bureau of Labor Statistics, postsecondary education will be essential for 42 percent of the new jobs created in this decade. Higher education is not only the ticket to a good paying job, it is also an avenue to improved health care, childcare, housing, and nutrition.

I am pleased to join Senator CLINTON in introducing the Non-Traditional Student Success Act, legislation designed to address the barriers that non-traditional students encounter while pursuing a college education.

Escalating college costs are a central obstacle to all students, but can be especially devastating to non-traditional students who often have families to care for. Responding to the rising cost of obtaining a college degree and the declining purchasing power of federal financial assistance, this legislation will help ensure that college is affordable and accessible to non-traditional students.

With this goal in mind, our bill will increase the maximum Pell Grant to $11,600 over the next five years and pilot a program that would make this aid available year-round. This provision will ease the financial burden non-traditional students endure and help them complete their degree programs more quickly.

Our legislation also addresses a problem many non-traditional students experience, not being able to qualify for a sufficient amount of financial aid due to their less-than-full-time enrollment status. We propose establishing a pilot program to provide more financial aid to students enrolled in a degree program less-than-half-time, students with compressed or alternative schedules, and/or students in distance learning. It is imperative that our financial aid system no longer exists at odds with the needs and course loads of non-traditional students. This measure takes a critical first step towards correcting this situation.

Our bill also expands the list of education expenses for the Lifetime Learning tax credit to include not just the costs of tuition and fees but also books, supplies and equipment, childcare and living expenses. Non-traditional students often have more expenses than tuition and fees that must be considered if a college degree is going to be financially possible.

A common sense way of making higher education more accessible is to increase the public's awareness of available financial aid, including education tax credits. In 2001, only 21 percent of respondents in a national survey had heard of the education tax credits. Our bill will promote what financial aid programs are available.

It is not enough that we improve the affordability of college for non-traditional students without improving student support services that promote retention and academic success among these students. This legislation increases funding for on-campus childcare to help nontraditional students with children. Additionally, we propose an increase in funding for Student Support Service programs, GEAR UP and College Assistance Migrant Programs. These programs provide counseling, mentoring, tutoring and other services to help non-traditional students succeed.

I encourage my colleagues to support the Non-Traditional Student Success Act. This legislation contains a variety of common sense provisions that make college more affordable and success more probable for non-traditional students. By supporting the Non-Traditional Student Success Act, you help bring the American dream within reach for a large segment of our Nation's undergraduate population.

By Mr. DEWINE:

S. 2361. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise to introduce the Training and Research in Urology Act—or the TRU Act. During my career in the U.S. Senate, I have supported the successful effort to double NIH research funding and have provided a strong voice for our children. This bill complements my past and continued efforts. It helps provide urologic scientists with the tools they need to find new cures for the many debilitating urologic diseases impacting men, women, and children. This legislation is important to my home State of Ohio and would impact positively many families in Ohio and nationwide who are afflicted with urologic diseases.

Ohio is a leader in urologic research. Researchers at the Children's Hospital of Cincinnati, the Cleveland Clinic, Case Western Reserve, and Ohio State University have made great strides toward achieving treatments. The fact is that urologic conditions affect millions of children and adults. Urology is a physiological system distinct from other body systems. Urologic conditions include incontinence, infertility, and impotence—all of which are extremely common, yet serious and debilitating. As many as 10 million children—more than 30,000 in Ohio—are affected by urinary tract problems, and some forms of these problems can be deadly. At least half of all diabetics have bladder dysfunctions, which can include urinary retention, changes in bladder compliance, and incontinence. Interstitial Cystitis (IC), a painful bladder syndrome, affects 200,000 people, mostly women. There are no known causes or cures, and few minimally effective treatments. Additionally, there are 7 million urinary tract infections in the U.S. each year.

Incontenence costs the healthcare system $25 billion each year and is a leading reason people are forced to enter nursing homes, impacting Medicare and Medicaid costs. Urinary tract infection treatment costs total more than $1 billion each year. Many urologic diseases, incontinence, erectile dysfunction, and cancer, increase in aging populations. Prostate cancer is the most common cancer in American men, and African-American men are at a greater risk for the disease. Medicare beneficiaries suffer from benign prostatic hyperplasia (BPH), which results in bladder dysfunction and urinary frequency. Fifty percent of men at age 60 have BPH. Treatment and surgery cost $2 billion per year.

Research for urologic disorders has failed to keep pace. Further delay translates into increased costs—in dollars, in needless suffering, and in the loss of human dignity. Incontinence costs the healthcare system $23 billion each year, yet only 90 cents per patient is spent on research—little more than the cost of a single adult undergarment. In 2002, only $5 million of the $88 million in new initiatives from the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) was designated to urologic diseases and conditions. Of that $5 million, no new initiatives were announced for women's urologic health problems. In 2001, we spent less than five cents per child on research into pediatric urologic problems. The medications currently used are very expensive and have unknown, long-term side effects.

The TRU Act establishes a Division of Urology at the NIDDK—the home of the urology basic science program—and expands existing research mechanisms, like the successful George O'Brien Urology Research Centers. This will give NIH new opportunities for investment in efforts to combat and vanquish these diseases.

This legislation is necessary to elevate leadership in urology research at the NIDDK. When the Institute was created in its current form nearly 20 years ago, Congress specifically provided for three separate Division Directors. Regrettably, the current statute fails to provide the NIDDK with the flexibility to create additional Division Directors when necessary to better respond to current scientific opportunities. This prescriptive statutory language is unique to the NIDDK. For example, the National Cancer Institute and the National Heart, Lung, and Blood Institute do not have any statutory language regarding Division Directors.

The basic science breakthroughs of the last decade are literally passing urology by. A greater focus on urological diseases is needed at the NIDDK and will be best accomplished with senior leadership with expertise in urology as provided in the TRU Act. This legislation is supported by the Coalition for Urologic Research & Education (CURE)—a group representing tens of thousands of patients, researchers and healthcare providers. I urge my colleagues to join me as cosponsors of the TRU Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training and Research in Urology Act of 2004".

SEC. 2. RESEARCH, TRAINING, AND HEALTH INFORMATION DISSEMINATION WITH RESPECT TO UROLOGIC DISEASES.

(a) DIVISION DIRECTOR OF UROLOGY.—Section 428 of the Public Health Service Act (42 U.S.C. 285c-2) is amended—

(1) in subsection (a)(1), by striking "and a Division Director for Kidney, Urologic, and Hematologic Diseases" and inserting "a Division Director for Urologic Diseases, and a Division Director for Kidney and Hematologic Diseases"; and

(2) in subsection (b)—

(A) by striking "and the Division Director for Kidney, Urologic, and Hematologic Diseases" and inserting "the Division Director for Urologic Diseases, and the Division Director for Kidney and Hematologic Diseases"; and

(B) by striking "(1) carry out programs" and all that follows through the end and inserting the following:

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 487) in the diagnosis, prevention, and treatment of diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training (with particular attention to programs geared to the needs of urology residents and fellows), graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs;

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training;

"(3) in cooperation with the urologic scientific and patient community, develop and submit to the Congress not later than January 1, 2006, a national urologic research plan that identifies research needs in the various areas of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases; and

"(4) in cooperation with the urologic scientific and patient community, review the national urologic research plan every 3 years beginning in 2009 and submit to the Congress any revisions or additional recommendations."; and

(3) at the end of the section, by adding the following:

"(c) There are authorized to be appropriated $500,000 for each of fiscal years 2004 and 2005 to carry out paragraphs (3) and (4) of subsection (b), and such sums as may be necessary thereafter.".

(b) UROLOGIC DISEASES DATA SYSTEM AND INFORMATION CLEARINGHOUSE.—Section 427 of the Public Health Service Act (42 U.S.C. 285c-1) is amended—

(1) in subsection (c), by striking the terms "and Urologic" and "and urologic" each place either such term appears; and

(2) by adding at the end the following:

"(d) The Director of the Institute shall—

"(1) establish the National Urologic Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with urologic diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing urologic diseases; and

"(2) establish the National Urologic Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of urologic diseases on the part of health professionals, patients, and the public through the effective dissemination of information.".

(c) STRENGTHENING THE UROLOGY INTERAGENCY COORDINATING COMMITTEE.—Section 429 of the Public Health Service Act (42 U.S.C. 285c-3) is amended—

(1) in subsection (a), by striking "and a Kidney, Urologic, and Hematologic Diseases Coordinating Committee" and inserting "a Urologic Diseases Interagency Coordinating Committee, and a Kidney and Hematologic Diseases Interagency Coordinating Committee";

(2) in subsection (b), by striking "the Chief Medical Director of the Veterans' Administration," and inserting "the Under Secretary for Health of the Department of Veterans Affairs"; and

(3) by adding at the end the following:

"(d) The urology interagency coordinating committee may encourage, conduct, or support intra- or interagency activities in urology research, including joint training programs, joint research projects, planning activities, and clinical trials.

"(e) For the purpose of carrying out the activities of the Urologic Diseases Interagency Coordinating Committee, there are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008, and such sums as may be necessary thereafter.".

(d) NATIONAL UROLOGIC DISEASES ADVISORY BOARD.—Section 430 of the Public Health Service Act (42 U.S.C. 285c-4) is amended by striking "and the National Kidney and Urologic Diseases Advisory Board" and inserting "the National Urologic Diseases Advisory Board, and the National Kidney Diseases Advisory Board".

(e) EXPANSION OF O'BRIEN UROLOGIC DISEASE RESEARCH CENTERS.—

(1) IN GENERAL.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c-5(c)) is amended in the matter preceding paragraph (1) by inserting "There shall be no fewer than 15 such centers focused exclusively on research of various aspects of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases." before "Each center developed".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c-5) is amended by adding at the end the following:

"(f) There are authorized to be appropriated for the urologic disease research centers described in subsection (c) $22,500,000 for each of fiscal years 2004 through 2008, and such sums as are necessary thereafter.".

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c-5(c)) is amended at the beginning of the unnumbered paragraph—

(A) by striking "shall develop and conduct" and inserting "(2) shall develop and conduct"; and

(B) by aligning the indentation of such paragraph with the indentation of paragraphs (1), (3), and (4).

(f) SUBCOMMITTEE ON UROLOGIC DISEASES.—Section 432 of the Public Health Service Act (42 U.S.C. 285c–6) is amended by striking "and a subcommittee on kidney, urologic, and hematologic diseases" and inserting "a subcommittee on urologic diseases, and a subcommittee on kidney and hematologic diseases".

(g) LOAN REPAYMENT TO ENCOURAGE UROLOGISTS AND OTHER SCIENTISTS TO ENTER RESEARCH CAREERS.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434A the following:

"LOAN REPAYMENT PROGRAM FOR UROLOGY RESEARCH

"SEC. 434B. (a) ESTABLISHMENT.—Subject to subsection (b), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals or other qualified scientists under which such health professionals or scientists agree to conduct research in the field of urology, as employees of the National Institutes of Health or of an academic department, division, or section of urology, in consideration of the Federal Government agreeing to repay, for each year of such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals or scientists.

"(b) LIMITATION.—The Secretary may not enter into an agreement with a health professional or scientist pursuant to subsection (a) unless the professional or scientist—

"(1) has a substantial amount of educational loans relative to income; and

"(2) agrees to serve as an employee of the National Institutes of Health or of an academic department, division, or section of urology for purposes of the research requirement of subsection (a) for a period of not less than 3 years.

"(c) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section, the provisions of subpart 3 of part D of title III apply to the program established under subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established under such subpart.".

(h) AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) (as amended by subsection (g)) is further amended by inserting after section 434B the following:

"AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH

"SEC. 434C. There are authorized to be appropriated to the Director of NIH for the purpose of carrying out intra- and interagency activities in urology research (including training programs, joint research projects, and joint clinical trials) $5,000,000 for each of fiscal years 2004 through 2008, and such sums as may be necessary thereafter. Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for such purpose.".

By Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, and Mr. BIDEN):

S. 2363. A bill to revise and extend the Boys and Girls Clubs of America; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to speak about the reauthorization of the Boys and Girls Club of America, legislation that Senator LEAHY and I introduced today. Congress first granted the Boys and Girls Club of America a charter in 1991, but the Club existed for over 90 years before that. There are currently 3,500 Clubs across America and around the world on our military bases serving over 3.6 million children, ages 6–18.

Over 70 percent of those children who benefit from the Boys and Girls Club of America live in America's inner cities. Almost half of the Club members come from single parent homes. The Club offers young people a positive alternative to roaming the streets as well as a positive adult influence. These children are able to find a safe place to learn and grow in the Boys and Girls Clubs. Most importantly, the Clubs offer hope and opportunity to millions of young people who would otherwise face disadvantaged circumstances.

This reauthorization will allow the Boys and Girls Club of America to expand their clubs even more. The bill authorizes the Club to receive funds through 2010 and increases the number of clubs in existence. By 2010, there will be 5,000 Clubs nationwide serving over 5 million young people.

I urge my colleagues to support this small but important reauthorization.

Mr. LEAHY. Mr. President, I rise today as a long-time supporter of the Boys & Girls Clubs of America to join Senators HATCH, DEWINE, KOHL, and BIDEN in introducing this legislation, S. 2363, to revise and extend the Boys & Girls Clubs of America.

Senator HATCH has been one of the best friends and supporters Boys and Girls Clubs could ever have and I have been privileged to work with him on issues that matter to the Boys & Girls Clubs. Too often the public sees Republicans and Democrats disagreeing. From time to time, even Senator HATCH and I disagree on important issues. But when it comes to the Boys & Girls Clubs of America there is no doubt that we see eye-to-eye: Today we introduce this bill to show the unified support of Republicans and Democrats for Boys & Girls Clubs nationwide.

Children are the future of our country, and we have a responsibility to make sure they are safe and secure. I know firthand how well Boys & Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys & Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys & Girls Club in his district rather than helping him get a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first Club was established in Burlington 62 years ago. Now we have 22 club sites operating throughout the State: seven clubs in Brattleboro, one in Springfield, two clubs in Burlington, one in Winooski, two clubs in Montpelier, five clubs in Randolph, one club in Rutland, two clubs in Vergennes and one in Bristol. There are 10 additional project sites that will be on board and serving kids by the end of 2005: one in Bennington, two in Burlington, one in Duxbury, one in St. Johnsbury, one in Hardwick, three in Randolph and one in Ludlow. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased Federal support for Boys and Girls Clubs from $20 million to $80 million in this year. Due in large part to this increase in funding, there now exist 3,300 Boys & Girls Clubs in all 50 States serving more than 3.6 million young people. Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $20 million for fiscal year 2005. That request will leave thousands of children and their Clubs behind and we cannot allow such a thing to happen.

In the 107th Congress, Senator HATCH and I worked together to pass the 21st Century Department of Justice Appropriations Authorization Act, which included a provision to reauthorize Justice Department grants to establish new Boys and Girls Clubs nationwide. By authorizing $80 million in Justice grants for each of the fiscal years through 2005, we sought to establish 1,200 additional Boys and Girls Clubs nationwide. This was to bring the number of Boys and Girls Clubs to 4,000, serving no less than 5 million young people. The bill we introduce today will build upon this: We authorize Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009, and $100 million for fiscal year 2010 to Boys and Girls Clubs to help establish 1,500 additional Boys and Girls Clubs across the nation with the goal of having 5,000 Boys and Girls Clubs in operation by December 31, 2010.

If we have a Boys & Girls Club in every community, prosecutors in our country would have a lot less work to do because of the values that are being instilled in children from the Boys & Girls Clubs of America. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents, and law enforcement officers who tell me "Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs, and crime."

You cannot argue that these are just Democratic or Republican ideas, or Conservative or Liberal ideals—they are simply good sense ideas. We need safe havens where our youth—the future of our country—can learn and grow up free from the influence of drugs, gangs, and crime. That is why Boys & Girls Clubs are so important to our children.

I urge my colleagues to support this bill to expand Federal support for the Boys and Girls Clubs of America. We all know instinctively that our country's strength and ultimate success lies with our children. Our greatest responsibility is to help them inhabit this century the best way possible and we can help do that by supporting the Boys & Girls Clubs of America.

By Mr. CORZINE (for himself, Ms. COLLINS, and Mr. LAUTENBERG):

S. 2364. A bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am proud to be introducing a bill, along with Senator COLLINS and Senator LAUTENBERG, to grant a Federal Charter to the Irish American Cultural Institute, an organization that promotes appreciation and recognition of the important contributions Irish-Americans have played throughout the history of the United States. A long-standing goal of the Irish American Cultural Institute has been to establish a museum of Irish American history and culture in Washington, DC, and I am pleased to introduce legislation that could represent a positive step towards achieving that goal.

The Irish American Cultural Institute is a national organization founded in 1962, with local chapters in 17 States. The Institute has spent the last 40 years fighting to promote, preserve and interpret Irish and Irish-American culture. Those involved with the Institute do this, in part, by fostering strong cultural and educational ties between the United States and Ireland: sending American high school students to Ireland, and bringing Irish scholars, musicians, craftsmen, actors, and artists to the Untied States. They also fund academic research projects that provide insights into Irish-American history, and provide fellowships for American professors to spend a year as a visiting scholar at the National University of Ireland. In short, the Irish American Cultural Institute serves as an important educational, informational, and financial resource for key initiatives important to the Irish and the Irish-American community in the United States.

Irish-Americans comprise more than 17 percent of the population of the United States, and have made enormous contributions to our Nation in countless ways. A Federal charter will help the Irish American Cultural Institute continue and expand activities that recognize and celebrate the heritage of Irish-Americans. I ask my colleagues to join me in supporting this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER FOR IRISH AMERICAN CULTURAL INSTITUTE.

Part B of subtitle II of title 36, United States Code, is amended—

(1) by redesignating chapter 1001 as chapter 1003;

(2) by redesignating sections 100101 through 100110, and the items relating thereto in the table of sections, as sections 100301 through 100310, respectively; and

(3) by inserting after chapter 901 the following new chapter:

"CHAPTER 1001—IRISH AMERICAN CULTURAL INSTITUTE

"Sec.
"100101. Organization.
"100102. Purposes.
"100103. Membership.
"100104. Governing body.
"100105. Powers.
"100106. Exclusive right to name, seals, emblems, and badges.
"100107. Restrictions.
"100108. Duty to maintain tax-exempt status.
"100109. Principal office.
"100110. Records and inspection.
"100111. Service of process.
"100112. Liability for acts of officers and agents.
"100113. Annual report.

"§ 100101. Organization

"(a) FEDERAL CHARTER.—The Irish American Cultural Institute (in this chapter, the 'corporation'), incorporated in New Jersey, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

"§ 100102. Purposes

"The purposes of the corporation are as provided in the articles of incorporation and include—

"(1) establishing the Museum of Irish America in Washington, D.C., as the center of Irish American thought, dialogue, debate, and reflection;

"(2) recognizing and recording a living memorial to the contributions of Irish-born and Irish Americans to the development of the United States;

"(3) providing a focal point for all Irish Americans, who make up 17 percent of the United States population, according to the 2000 census;

"(4) exploring past, current, and future events in Ireland and the United States, as they relate to Irish Americans and society as a whole;

"(5) documenting the tremendous contributions of Irish immigrants to the United States in the areas of architecture, military, politics, religion, labor, sports, literature, and art;

"(6) providing ongoing studies to ensure that the experiences of the past will benefit the future of both Ireland and the United States; and

"(7) establishing an Irish American Studies Program for students from both Ireland and the United States.

"§ 100103. Membership

"Eligibility for membership in the corporation and the rights and privileges of membership are as provided in the bylaws.

"§ 100104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

"(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

"§ 100105. Powers

"The corporation shall have only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 100106. Exclusive right to name, seals, emblems, and badges

"The corporation has the exclusive right to use the name 'Irish American Cultural Institute' and any seals, emblems, and badges relating thereto that the corporation adopts.

"§ 100107. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or member in an amount approved by the board of directors.

"(d) LOANS.—The corporation may not make any loan to a director, officer, or employee.

"(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

"§ 100108. Duty to maintain tax-exempt status

"The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 100109. Principal office

"The principal office of the corporation shall be in Morristown, New Jersey, or another place decided by the board of directors.

"§ 100110. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete books and records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote.

"(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 100111. Service of process

"The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

"§ 100112. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 100113. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report shall not be printed as a public document.".

SEC. 2. CLERICAL AMENDMENTS.

The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended—

(1) in the item relating to chapter 1001, by striking "1001" and inserting "1003" and by striking "100101" and inserting "100301"; and

(2) by inserting after the item relating to chapter 901 the following new item:

"1001. Irish American Cultural Institute ....100101".

By Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. BAYH, Mrs. BOXER, Mr. BYRD, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. HARKIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. BINGAMAN, and Mrs. MURRAY):

S. 2370. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

Mr. KENNEDY. Mr. President, it has been seven long years since Congress last acted to raise the minimum wage. The cost of living keeps going up, and these workers keep falling farther and farther behind, because the minimum wage they're paid buys less and less.

The current minimum wage is $5.15 an hour. You can't work hard, raise a family, and pay for food and rent and clothing, on $5.15 an hour—$10,700 a year—$5,000 below the poverty line for a family of three. The minimum wage is too low.

The Fair Minimum Wage Act of 2004, which I introduce today, will raise the minimum wage by $1.85 to $7.00 an hour. The raise to $7.00 would be carried out in three moderate steps in just over two years. More than 7 million workers would directly benefit from this minimum wage increases.

Let me be clear about who we're talking about here—the janitors who clean our great buildings late into the night; the school aides who support our kids and their teachers; home healthcare workers caring for our elderly parents in their home; the children whose parents can't afford to give them more than a single slim meal a day.

There is one thing that stands in the way of a decent minimum wage—one thing—and that's the Republican Party.

If this President and the Republican Party really cared about working Americans—about minimum wage workers—why would they oppose a decent wage for a hard day's work? But for seven long years, they have blocked every effort in this Congress to raise the minimum wage.

Why would they oppose unemployment benefits for the 8 million out-of-work Americans? Why would they oppose overtime pay if you have to work more than 40 hours a week? Why would they support shipping your jobs overseas?

A fair increase in the minimum wage is long overdue. We should all be able to agree on the principle that no one who works for a living should have to live in poverty. How can Congress keep saying no, when more and more workers can't make ends meet? I plan to be back on the Senate floor offering this bill as an amendment over and over again until Congress agrees to give low-wage workers the raise they have earned.

By Mr. KENNEDY (for himself, Mr. CORZINE, Mr. DODD, Mr. BINGAMAN, Mr. HARKIN, Ms. MILKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. FEINGOLD, and Mr. DURBIN):

S. 2371. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Protecting America's Workers Act.

This week, on Workers' Memorial Day, we remember and honor those who have died or been injured on the job in the past year. We remember and honor their families. And we pledge to do more to end the unsafe and unhealthy conditions that still plague so many workplaces across America.

We have made significant progress in protecting worker safety since 1970, when we passed the Occupational Safety and Health Act. But there is still a tremendous amount to be done. Every year, over five thousand workers are killed and nearly five million others become ill or are injured on the job. That's an average of 15 deaths and 13,000 injuries or illnesses each and every day.

Too many companies are doing too little to deal with this crisis. They blatantly ignore the law, but they never go to jail—even when their actions or lack of action kill loyal employees who work for them. Criminal penalties are so low that prosecutors don't pursue these cases. Employers who violate safety laws again and again pay only minimal fines—which they treat as just another cost of doing business.

We cannot let these shameful practices continue. We cannot allow employers to put millions of workers at risk in our factories, nursing homes, construction sites, and many other workplaces every day.

We need to hold this Administration accountable—require them to act, instead of sweeping serious violations under the rug. We also need to protect workers with the courage to speak out against health and safety violations in the workplace.

That is why we are today introducing the Protecting America's Workers Act.

It will protect millions of workers not covered by current safety laws. By extending the Occupational Safety and Health Act, we will cover 8 million public employees and millions of transportation and other workers.

The bill imposes jail time—up to ten years, instead of only six months under current law—on those whose blatant violation of safety laws leads to a worker's death. We also increase civil penalties, to provide additional deterrence for employers.

We require the Occupational Safety and Health Administration to investigate more cases, and we give workers and their families more rights in the investigation process.

We provide stronger protections for workers who report health or safety violations.

I know it will be an uphill battle to get this legislation through this Republican Congress. But I'm committed to the fight. I'm committed to fighting for people like Jeff Walters, whose son Patrick was killed when a trench collapsed on him two years ago. His employer was known to be violating critical safety rules. We will fight for people like Ron Hayes, whose son Patrick suffocated in a grain elevator. Ron is now helping families throughout the United States deal with the grief of having a family member killed at work.

We intend to do everything we can to keep other working families from that grief. These deaths and injuries aren't accidents they're crimes, and it's time we started treating them like crimes.

I urge my colleagues to join in this fight for a safe workplace for all of America's workers. We can take a major step forward by the Protecting America's Workers Act.

Mr. CORZINE. Mr. President, I rise today to express my strong support for the Protecting America's Workers Act introduced by Senator KENNEDY. I am proud to join him as a cosponsor of this important legislation.

Yesterday, this country recognized Worker Memorial Day. Created in 1989 to remember workers who have been killed or injured in the workplace over the past year, Worker Memorial Day has been designated April 28 as a tribute to the anniversary of the enactment of the Occupational Safety and Health Act. In my view, there is no better tribute to the lives that have been lost than to think about how we can prevent future losses of this kind.

The facts tell a grim story: an eight-month examination of workplace deaths by The New York Times found that, over a span of two decades, from 1982 to 2002, OSHA investigated 1,242 horrific instances in which the agency itself concluded that workers had died because of their employer's "willful" safety violations. Yet in 93 percent of those cases, OSHA declined to seek prosecution.

Employees have a fundamental right to a safe work environment, and more needs to be done to ensure that businesses that deliberately put the lives of their workers at risk are held accountable for their actions. This legislation would go a long way to strengthen our workplace safety system in a variety of ways.

I am particularly pleased that this legislation includes provisions to shore up a fundamental weakness in American workplace safety law: the shockingly inadequate penalties associated with crimes under the Occupational Safety and Health Act. This legislation includes the provisions of the Workplace Wrongful Death Accountability Act, S. 1272, legislation that I introduced to increase the maximum criminal penalty for those who willfully violate workplace safety laws and cause the death of an employee.

It is unbelievable to me that, under existing law, that crime is a misdemeanor, and carries a maximum prison sentence of just 6 months. These provisions would increase the penalty for this most egregious workplace crime to 10 years, making it a felony. They also increase the penalty associated with lying to an OSHA inspector from 6 months to 1 year, and increase the penalty for illegally giving advance warning of an upcoming inspection from 6 months to 2 years.

In recent times, Congress has focused on a shocking succession of corporate scandals: Enron, Tyco, WorldCom, to name a few. These revelations of corporate abuse raised the ire and indignation of the American people. But corporate abuses can sometimes go further than squandering employee pension funds and costing shareholder value. Sometimes, corporate abuses can cost lives.

The provisions are based on the simple premise that going to work should not carry a death sentence. Annually, more than 6,000 Americans are killed on the job, and some 50,000 more die from work-related illnesses. Many of those deaths are completely preventable.

While many factors contribute to the unsafe working environment that exists at certain jobsites, one easily remedied factor is an ineffective regime of criminal penalties. The criminal statutes associated with OSHA have been on the books since the 1970s, but, over time, the deterrence value of these important workplace safety laws has eroded substantially. With the maximum jail sentence of 6 months, Federal prosecutors have only a minimal incentive to spend time and resources prosecuting renegade employers. According to a recent analysis, since the Occupational Safety and Health Act was enacted, only 11 employers who caused the death of a worker on the job were incarcerated.

The logic behind increasing criminal penalties in these cases is simple. It will increase the incentive for prosecutors to hold renegade employers accountable for endangering the lives of their workers and, thereby, help ensure that OSHA criminal penalties cannot be safely ignored. This will provide the OSHA criminal statute with sufficient teeth to deter the small percentage of bad actors who knowingly and willfully place their employees at risk.

I hope that my colleagues will join me in supporting this landmark legislation.

By Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DASCHLE, and Mr. LAUTENBERG):

S. 2372. A bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise along with several of my colleagues, the esteemed Minority Leader, Senator DASCHLE, the ranking member of the Finance Committee, Senator BAUCUS, and my colleague from New Jersey, Senator LAUTENGERG, to introduce legislation that will strengthen trade enforcement efforts, open foreign markets to U.S. exports, reduce the trade deficit, create export-based jobs, and provide a lift to America's economy.

This legislation would restore the so-called "Super 301" process, a tool that has been used by Republican and Democratic administrations to expand access for U.S. exporters to foreign markets. Super 301 requires the Office of the United States Trade Representative to negotiate with foreign countries that have established burdensome trade barriers in order to open those markets to U.S. exports. The legislation also requires the USTR to identify, and eliminate, the illegal protectionist trade barriers that most adversely effect American businesses and workers.

With more than 8 million Americans out of a job, we need to take strong action not only to get people back to work, but to get them into well-paying jobs. Unfortunately, in recent years, even when unemployed Americans have found new jobs, too often they've been forced to take a pay cut. That's one reason why so many middle class families are feeling the squeeze, and are having such a hard time making ends meet.

One of the areas hardest hit by job loss under this administration is the manufacturing industry. 2.9 million manufacturing jobs have been lost. In many ways, we are witnessing the slow decimation of the U.S. manufacturing industry. And the Bush administration has done little about it.

One way to deal with the decline in manufacturing—and the problems in our economy, more generally—is to do a better job of enforcing our trade agreements. U.S. businesses generally are the best, most competitive in the world. But, too often, they're not playing on a level playing field. Instead, they're being forced to contend with a wide variety of trade barriers that make it difficult or impossible for American businesses to compete. The end result is lost opportunities, lost jobs, and lost income for American workers.

Let's be clear. Trade is a good thing for America. And as a global leader we must be engaged in the global economy. Trade doesn't just help grow our own economy. It helps build the world economy, which, in turn, promotes democracy and greater security for everybody. I'm not arguing for building walls around the United States. To the contrary, I want to tear down protectionist walls that keep U.S. businesses out, and that destroy jobs here in our own country.

The Bush administration likes to advocate for free trade agreements. But it's not enough to sign a trade agreement and trust our trade partners to honor their end of the deal. Those deals need to be complied with. And if they're not, we need to be aggressive in ensuring compliance.

Unfortunately, when it comes to enforcing trade agreements, the Bush administration, as Senator KERRY said recently, has been "asleep at the wheel." And there's no excuse for it.

After all, we face a trade deficit of nearly $500 billion, and a deteriorating fiscal situation that has led to increasing reliance on foreign creditors. Under the circumstances, you would have thought that the administration would be doing all it could to address these problems. But it's not.

There's a stark difference between the commitment of this administration to enforce trade compared to that of the Clinton administration. Between 1995 and 2000, the Clinton administration filed an average of 11 cases a year with the World Trade Organization to battle foreign protectionism. By contrast, the Bush administration has filed only 3 per year.

The White House also has repeatedly refused to respond when the bipartisan International Trade Commission has recommended remedies for U.S. businesses facing floods of imports from China—even when the ITC rulings have been unanimous. The President's determination to overrule the ITC has had a dramatic impact on many small businesses, including some in my State of New Jersey.

The administration also continues to sit idly by while China, and other Asian countries, manipulate their currency, to the detriment of U.S. exporters.

The administration's refusal to enforce our trade agreements, and the passive approach they have taken to problems like Asian currency manipulation, helps explain why we're now facing such massive trade deficits. In fact, the Bush administration is the first since the Hoover administration to preside over a decline in real exports.

Again, what we need is a commitment to let U.S. businesses compete on a level playing field. That is why we need to reestablish the Super 301 process.

Super 301 may sound like a technical legal mechanism. But it would help open up new markets, boost our economy, strengthen our export-based manufacturing sector, help reduce our trade deficit, and create new, well-paying domestic export-based jobs here in America.

Under the legislation, the USTR would, within 30 days of the release of the National Trade Estimate, submit a Super 301 report to Congress, listing the foreign trade barriers that most adversely affect U.S. exports.

Within 21 days of submitting the report, the USTR would be required to seek consultations with each trading partner identified in the report in order to resolve the issue. If consultations do not succeed in eliminating the trade barriers within 90 days, USTR would be required to take action that could lead to sanctions either by the U.S. or, ultimately, by the WTO.

As I said earlier, Super 301 is not new. It was signed into law by President Reagan, and renewed throughout the '90s by President Clinton. It was a tool that worked. The threat alone of being on the Super 301 list has, and will, force countries who have erected barriers to U.S. exports come to the table.

Some will argue that this is protectionism. Some will argue that it's unilateralism. In fact, it's the opposite. It's intended to protect U.S. businesses and workers from protectionist foreign trade barriers—to knock down walls, not erect them. It's intended to encourage our trade representatives to engage in a constructive dialogue with those who have erected barriers to U.S. products. It equips the administration with a needed tool to fight for the rights of American workers and businesses against those countries who are unwilling to remove those barriers.

In a word, Super 301 would make trade more fair. And when trade is more fair—when U.S. companies are playing on a level playing field—Americans win. American workers win. And when America's workers win, America's economy wins.

It is my ardent hope that we can get this much needed bill passed, and I urge my colleagues to give it their support. I ask unanimous consent that the text of the Super 301 Restoration Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.

Section 310 of the Trade Act of 1974 is amended to read as follows:

"SEC. 310. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.

"(a) IDENTIFICATION.—

"(1) IDENTIFICATION AND REPORT.—Within 30 days after the submission in each of calendar year 2005 through 2009 of the report required by section 181(b), the Trade Representative shall—

"(A) review United States trade expansion priorities;

"(B) identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent; and

"(C) submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and publish in the Federal Register a report on the priority foreign country practices identified.

"(2) FACTORS.—In identifying priority foreign country practices under paragraph (1), the Trade Representative shall take into account all relevant factors, including—

"(A) the major barriers and trade distorting practices described in the National Trade Estimate Report required under section 181(b);

"(B) the trade agreements to which a foreign country is a party and its compliance with those agreements;

"(C) the medium- and long-term implications of foreign government procurement plans; and

"(D) the international competitive position and export potential of United States products and services.

"(3) CONTENTS OF REPORT.—The Trade Representative may include in the report, if appropriate—

"(A) a description of foreign country practices that may in the future warrant identification as priority foreign country practices; and

"(B) a statement about other foreign country practices that were not identified because they are already being addressed by provisions of United States trade law, by existing bilateral trade agreements, or as part of trade negotiations with other countries and progress is being made toward the elimination of such practices.

"(b) INITIATION OF CONSULTATIONS.—By no later than the date that is 21 days after the date on which a report is submitted to the appropriate congressional committees under subsection (a)(1), the Trade Representative shall seek consultations with each foreign country identified in the report as engaging in priority foreign country practices for the purpose of reaching a satisfactory resolution of such priority practices.

"(c) INITIATION OF INVESTIGATION.—If a satisfactory resolution of priority foreign country practices has not been reached under subsection (b) within 90 days after the date on which a report is submitted to the appropriate congressional committees under subsection (a)(1), the Trade Representative shall initiate under section 302(b)(1) an investigation under this chapter with respect to such priority foreign country practices.

"(d) AGREEMENTS FOR THE ELIMINATION OF BARRIERS.—In the consultations with a foreign country that the Trade Representative is required to request under section 303(a) with respect to an investigation initiated by reason of subsection (c), the Trade Representative shall seek to negotiate an agreement that provides for the elimination of the practices that are the subject of the investigation as quickly as possible or, if elimination of the practices is not feasible, an agreement that provides for compensatory trade benefits.

"(e) REPORTS.—The Trade Representative shall include in the semiannual report required by section 309 a report on the status of any investigations initiated pursuant to subsection (c) and, where appropriate, the extent to which such investigations have led to increased opportunities for the export of products and services of the United States.".

By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. ALLEN, Mr. GRAHAM of Florida, Mr. ENSIGN, Mr. HOLLINGS, Mr. SANTORUM, Mr. LAUTENBERG, Mr. GRAHAM of South Carolina, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. KYL, and Mr. GREGG):

S. 2373. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce, along with several of my colleagues from both sides of the aisle, legislation that will protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban government.

My colleagues and I believe in the fundamental principle that property rights must be respected and that it is wrong for governments to take property from individuals and companies, whether nationals or foreigners, without payment of prompt, adequate and effective compensation. We uphold the firmly established principle of our law and public policy that foreign confiscatory measures must never be given effect on property situated in the United States.

When the Castro regime took power in Cuba, it engaged in a program of wholesale confiscation of property in Cuba, including property owned by Cuban nationals as well as by U.S. and other non-Cuban nationals. The Cuban government also purported to extend the effects of the confiscation to property, such as trademarks, that the confiscation victims owned in other countries, and took other actions in an attempt to seize control of such assets.

To protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban government, Congress enacted Section 211 of H.R. 4328 (PL 105–277) in 1998. This law, referred to as Section 211, prohibits enforcement of U.S. rights to trademarks confiscated by the Cuban government, except with the consent of the legitimate owner. Section 211 simply made it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba.

Section 211 was challenged in the World Trade Organization (WTO) by the European Union (EU). In January 2002, the WTO Appellate Body finally resolved that challenge by finding in favor of the United States on all points except one. The Appellate Body made a narrow finding that, because Section 211 on its face does not apply to U.S. nationals, it is inconsistent with the national-treatment and most-favored-nation principles under the TRIPs Agreement. The Appellate Body fully supported the principle embodied in Section 211, that is, the non-recognition of uncompensated confiscations and the protection of intellectual property ownership rights. The revision required to broaden the application of Section 211 to include U.S. nationals amounts to no more than a minor, technical fix.

The legislation that we introduce today makes it clear this well-founded law applies to all parties claiming rights in confiscated Cuban trademarks, regardless of nationality. Such a technical correction will satisfy the WTO ruling and prevent the EU from applying trade sanctions against the United States at the end of this year. Moreover, this legislation does three things: it maintains protection for original owners of confiscated Cuban trademarks; it applies to all people, regardless of nationality; it clarifies that trademarks and trade names confiscated by the Cuban Government will not be recognized in the United States when the assertion is being made by someone who knew or had reason to know that the mark was confiscated.

This bill does not in any way decide which party owns a Cuban trademark in the U.S. nor does Section 211 prevent the Cuban government or its various entities from having access to our courts or from registering legitimate trademarks in the U.S. As long as the trademark was not confiscated, the Cuban government can legally register any trademark it desires. Moreover, even if the Cuban government stole a trademark in the 1960s, it can still register the trademark in the U.S as long as the original owner has consented.

Once revised, Section 211 is consistent with all of our international treaty obligations including the Inter-American Convention on Trademarks. The Inter-American Convention expressly in Article 3 allows non-recognition of a trademark when such recognition would be contrary to the public order or public policy of the state in which recognition is sought. There is no doubt whatsoever that allowing title to U.S. property to be determined by a foreign confiscation violates U.S. public policy. Section 211 simply makes it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba. Nothing in any treaty or in international law is inconsistent with that rule of U.S. law.

I believe this piece of legislation is a simple technical corrections bill which will ensure that a fairly simple, but important, U.S. law is WTO-compliant.

By Mr. McCONNELL (for himself, Mrs. FEINSTEIN, Mr. McCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. DASCHLE, Mrs. DOLE, Ms. MIKULSKI, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Mr. EDWARDS, Mr. NICKLES, Mr. CORZINE, Mr. SANTORUM, Mr. BIDEN, Mr. FEINGOLD, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DOMENICI, Mr. FRIST, Mrs. HUTCHISON, Mr. KOHL, Mr. KYL, Mr. LUGAR, Ms. MURKOWSKI, Mr. SMITH, Mr. SPECTER, and Mr. VOINOVICH):

S.J. Res. 36. A joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. McCONNELL. Mr. President, I, along with Senators FEINSTEIN, McCAIN, LEAHY, BROWNBACK, DASCHLE, DOLE, MIKULSKI, BURNS, CLINTON, ALLEN, EDWARDS, NICKLES, CORZINE, BIDEN, FEINGOLD and SANTORUM, am introducing today a joint resolution renewing import sanctions against Burma. My colleagues may recall that these sanctions—along with several other restrictions against the State Peace and Development Council (SPDC) in Rangoon—were included in the Burmese Freedom and Democracy Act, which was signed into law by President Bush on July 28, 2003.

The act received broad support in the Senate. Sixty-one members cosponsored the bill which passed in record time by a vote of 97–1. Our quick action last year sent an unequivocal message to the SPDC that its ambush and attack on the National League for Democracy (NLD) and freedom in Burma would not go unpunished.

Today, we need to send the same strong message. America must continue to lead the world's democracies in supporting the struggle for freedom in Burma.

My colleagues will be dismayed to learn that since last year's horrific SPDC-orchestrated massacre there has been no progress toward reconciliation and democracy in Burma. Thirteen-hundred prisoners of conscience continue to suffer in squalid Burmese prisons for advocating freedoms that most of us take for granted—including thought, speech and association.

Burmese democracy leader Daw Aung San Suu Kyi and other NLD leaders continue to be under house arrest and surveillance by the SPDC, and the majority of NLD party offices remain forcibly closed; United Nations and Thai efforts at engagement with the junta—through repeated visits to Rangoon and the so-called "Bangkok Process"—have predictably failed; according to the White House, Burma "failed demonstrably" in counternarcotics efforts, allowing drug gangs to freely operate inside Burma and amphetamine-type stimulants to proliferate throughout the region, posing a "major threat to national security and public health"; and, finally, the repressive and abhorrent SPDC policies of murder, rape, forced labor, forced relocation and child soldiers continue unabated.

Just yesterday, we learned from credible sources that 11 NLD supporters arrested in the wake of last year's premeditated attack were sentenced by the regime from 7 to 22 years in prison. This is in addition to the death sentences given to a Burmese sports writer who complained about soccer related corruption and to three Burmese men for having contact with the United Nations International Labor Organization.

Should my colleagues need a second opinion, let me quote Secretary of State Colin Powell in a March 10 Congressional hearing: "I see no improvement in the situation. Aung San Suu Kyi remains unable to participate in public, political life in Burma and we will not ignore that." When I asked Secretary Powell in an April 8 Foreign Operations Subcommittee hearing whether he supported the continuation of sanctions against Burma, his answer was straightforward and clear: "Yes."

The Burmese Freedom and Democracy Act denies Burma 13 percent of its export market (according to CIA figures), visas for SPDC officials and their families, and, above all, legitimacy. In addition, $13 million worth of financial transactions to Burma have been blocked by the Treasury Department. While palpable impacts, these sanctions alone will not push the SPDC in the direction of meaningful reconciliation with the NLD and ethnic minorities.

South African Archbishop Desmond Tutu—no stranger to the struggle for freedom and justice—said earlier this year: "To dismantle apartheid [in South Africa] took not only commitment, faith and hard work, but also intense international pressure and sanctions. In Burma, the regime has ravaged the country, and the people, to fund its illegal rule. Governments and international institutions must move past symbolic gestures and cut the lifelines to Burma's military regime through well-implemented sanctions."

Amerca already cut that lifeline; it is time for other democracies to do the same. For freedom's sake, our allies and the European Union must impose targeted sanction regimes on Burma. If they are unwilling to take such action in support of the courageous and determined people of Burma, they should act for the sake of the security and stability of the region. Burma's exports to its immediate neighbors include illicit narcotics, HIV/AIDS, refugees and trafficked women and children. Further, Rangoon's connections with Russia and North Korea, in particular, deserve closer scrutiny by foreign capitals and the United Nations.

If my colleagues haven't done so already, they should read Monday's Washington Post op-ed entitled "A Need to Act on Burma" by our colleague from Arizona and former-Secretary of State Madeleine Albright. I agree with their assertion that we should not be duped by SPDC window dressing in the weeks leading up to the May 17 constitutional convention charade. Even if Suu Kyi is released before that date it is not sufficient, as there are no guarantees for her security, no assurances that she will be able to freely express her views to the nation or to meet with ethnic leaders, and no sure bet that the junta will grant visas to journalists to travel to Burma.

The op-ed also raises the question of repercussions for the continued perpetuation of the status quo in Burma by China, Thailand, India, and other Asian nations. I look forward to exploring with my colleagues the most appropriate and effective ways that we can encourage those countries to support the legitimately elected leaders of Burma. If no change is in the offing, Burma's chairmanship of the Association of Southeast Asian Nations in 2006 will be a tremendous loss of face to that organization and each individual member state.

Let me close by saying that sanctions must remain in place until Burma embarks on an irreversible path toward reconciliation and democracy. I intend to work closely with my colleagues—particularly the chair and ranking member of the Finance Committee—to ensure that the Senate acts just as decisively and expeditiously as we did last year. To do anything less would be to betray Suu Kyi and all those struggling for freedom and justice in Burma.

I ask unanimous consent that the following items be printed in the RECORD: A copy of the referenced Washington Post op-ed; a copy of a Boston Globe editorial entitled "No Compromise on Burma" dated March 29, 2004; a copy of a Washington Post op-ed by the Chairman of the Senate Foreign Relations Committee entitled "Seeds of Trouble from Burma" dated September 28, 2003; a copy of a tribute to Suu Kyi authored by rock star Bono in Time Magazine's recent special edition on the world's 100 most influential people; and a letter supporting the renewal of import sanctions by the President and CEO of the American Apparel and Footwear Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 2003]

SEEDS OF TROUBLE FROM BURMA

(By Richard G. Lugar)

The military junta that rules Burma has long been known as a group committed to retaining power at cost. The price has been paid mainly by Burma's citizens, but the consequences may now spread well beyond Burma's borders.

The generals have killed thousands of democracy supporters since the student protests in 1988 and waged war on ethnic insurgents. To tighten their grip on the population, over the past 15 years they have doubled the size of the military, which now consumes 40 percent of the budget, at the expense of spending on health and education.

Consequently, hundreds of thousands of their citizens have died as a result of the broken-down health care system. The generals who run the country are notorious for their widespread use of forced labor, which the International Labor Organization calls "a contemporary form of slavery."

The junta has maintained these abhorrent policies despite sanctions, aid cutoffs and repeated denunciations by many Western countries, including the United States.

Yet it makes the headlines only when it commits an especially acute outrage, such as that of last May 30, when pro-government militia crashed a political rally near Mandalay and murdered several bodyguards and supporters of Nobel laureate Aung San Suu Kyi, the fearless democracy crusader who had been freed only last year from a lengthy house arrest.

The junta rearrested Suu Kyi, shut down offices of her political party and detained her at a secret location. She returned home Friday for a new stint of indefinite house arrest.

I am pleased that the Senate reacted quickly in June to put pressure on the junta by voting for a ban on all Burmese imports. Until now this record of bloody repression and economic ruin has primarily victimized the long-suffering Burmese people, and world attention has often drifted away from what some consider an internal problem. But it is time to take a closer look. Burma's generals are quietly moving in new directions that could make that dismal country a source of instability throughout South and Southeast Asia.

Strategically situated between regional rivals India and China, Burma is seeking to leverage the two powers' battle for influence.

China is the regime's major arms supplier and has assumed significant economic power over the country, recently extending debt relief and a $200 million loan to Burma, which has been cut off from most other external funding. China, reports indicate, has built a port and shipyard south of Rangoon to help export products from China's landlocked western provinces.

India, concerned about China's rising dominance, has stepped up its relations with Burma. Indian Prime Minister Atal Bihari Vajpayee met with the Burmese foreign minister earlier this year, the highest-level contact between the two countries in more than a decade, and India is also reportedly building a port on Burma's coast.

Improving ties with regional powers is not necessarily a bad thing, especially if they would push Burma toward more civilized behavior.

But neither Beijing nor New Delhi has shown any such inclination. Instead the two huge neighbors are using Burma as a pawn in their rivalry, making it a potential source of friction, not a buffer. Japan is increasingly concerned about China's penetration of Burma, and it was to counter China's influence that the regional grouping of smaller countries, the Association of Southeast Asian Nations (ASEAN), decided to admit Burma as a member several years ago. These countries see now that the junta was cynically using them to try to gain legitimacy.

More troubling is the news that Burma, one of the poorest countries on earth, has contracted with Russia for a nuclear reactor. Both sides insist it is for medical research purposes, but even if that's true, it would add an unnecessary proliferation risk to a world where terrorists are on the prowl for nuclear material. Some 300 Burmese have been in Russia receiving training to operate the facility, and Burma has also bought 10 MIG-29 fighter jets from Russia.

Most disturbing of all Burma is renewing ties with North Korea that were cut off after North Korean agents in 1983 set off a bomb in Rangoon that killed 21 people, including four visiting South Korean cabinet members. Besides possibly reestablishing formal diplomatic relations, the two have held high-level discussions on military cooperation.

The link-up of these two parish states can only spell trouble. North Korea's main export is dangerous weapons technology, and there have been reports that Burma is getting missiles and other arms from Pyongyang.

These developments have been largely overlooked as we concentrated on the war in Iraq, challenges in the Middle East and unpredictable developments on the Korean peninsula. But they are the seeds of a major threat to Asian security and stability. The world should take notice, and the United States needs to make Burma a priority in its relations with Russia, China, India and ASEAN so that we can forge a multilateral plan to turn the generals from their dangerous course.

[From the Boston Globe, Mar. 29, 2004]

No Compromise on Burma

The brutal criminality of the military junta ruling Burma has unified disparate elements along the American political spectrum. In hearings on Burma held by subcommittees of the House International Relations Committee last week, a rare solidarity among both Democrats and Republicans was on display.

The current regime in Rangoon is complicit in narcotics trafficking, ethnic cleansing, forced labor, gruesome abuse of ethnic minorities, and the violent suppression of free speech and political opposition.

In response to a deliberate massacre of fellow democrats traveling last May with Nobel Peace Prize laureate Aung San Suu Kyi, the Bush administration last July signed into law tough sanctions that ban imports from Burma. The House hearings were in preparation for renewal of those sanctions.

Without mincing his words, Lorne Craner, the State Department's assistant secretary for human rights, told the lawmakers that notwithstanding hints about democratization dropped by the junta's chairman, Than Shwe, and his accomplices, the outlaw regime in Rangoon has not taken steps that would justify the lifting of sanctions. "For all the hype about a 'road map for democracy,' nothing has changed for the better for democracy or human rights in Burma," Craner said.

The junta has intimated it might release Suu Kyi from house arrest in April. This would be a gesture the people of Burma would welcome, as would everyone around the world who cherishes human rights and democracy. Suu Kyi narrowly escaped being killed in the assault that the regime staged last May. Over the years she has accepted painful personal sacrifices for the sake of democracy in Burma—without ever deviating from her devotion to the principles of nonviolence.

As much as her compatriots long for the release of Suu Kyi, however, that will not by itself be enough to justify the lifting of U.S. sanctions on the junta. Her party, the National League for Democracy, won 80 percent of the seats in Parliament in a 1990 election—a popular verdict the military regime still refuses to accept. Until Than Shwe and the other uniformed thugs on the junta complete what assistant secretary Craner called "an irreversible transition to democracy," sanctions should remain in place.

Suu Kyi's fellow Nobel peace prize winner Desmond Tutu has written: "As in South Africa, the people and legitimate leaders of Burma have called for sanctions . . . To dismantle apartheid took not only commitment, faith and hard work, but also intense international pressure and sanctions."

Tutu's wisdom should be heeded not only by Washington but also by the European Union, which is currently considering targeted sanctions on timber and gems, direct sources of junta revenue.

[From the Washington Post, April 27, 2004]

A Need To Act on Burma

(By John McCain and Madeleine Albright)

"Apathy in the face of systematic human rights abuses is immoral. One either supports justice and freedom or one supports injustice and bondage." So said Archbishop Desmond Tutu, the South African Nobel laureate and anti-apartheid leader, who knows something about the struggle for human freedom in the face of tyranny.

The world's democracies have a common moral obligation to promote justice and freedom. In few places is this obligation more acute than in Burma, a country in which a band of thugs, led by Gen. Than Shwe, controls the population through violence and terror. The regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Nearly one year ago the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament. It recently sentenced three Burmese citizens to death for contacting representatives of the International Labor Organization.

The Burmese junta, with the cynical support of neighboring governments, has announced a "road map to democracy," beginning with a constitutional convention in May. The convention is expected to be stage-managed by the junta, which has offered no meaningful participation to Suu Kyi's National League for Democracy, no timetable for progress toward a political transition, no release of political prisoners and no guarantee that the military will cede control to democratically elected leaders. Instead, the junta's proposals seem designed to institutionalize military control by creating a veneer of civilian authority, while meeting only the minimum expectations of Western democracies in order to avoid further sanctions.

The Burmese regime's recent actions demonstrate that years of international engagement and patience have not made the dictatorship more humane, reasonable or open to accommodation with its political opponents. On the contrary, it is only in response to international pressure that the regime has made even the smallest moves toward a political settlement with the democratic opposition. The lesson is clear: The world's democracies and Burma's neighbors must press the junta until it is willing to negotiate an irreversible transition to democratic rule.

The legitimacy, authority and commitment of Burma's democratic leaders to govern their country is not in doubt. But the international commitment to Burma's democratic transformation remains uncertain. The Western democracies and Burma's neighbors should immediately take three steps to bolster Burma's legitimate democratic leaders.

First, Congress should promptly renew, and the president should sign into law, the ban on Burma's imports enacted into law last July. These sanctions, which are set to expire after a review period beginning Friday, are supported by Burma's National League for Democracy. The restrictions have made it more difficult for the Burmese military to tap financial assets abroad, travel or accumulate revenue through trade. The European Union, whose member democracies care deeply about protecting human rights, and whose trade and assistance programs give it critical leverage in Southeast Asia, is set to announce a new Common Position on Burma on Thursday. As part of this new policy, the EU should also initiate targeted sanctions against the regime.

Second, the EU and the United States, with support from Asian nations, should urge the junta to implement immediately the provisions of the U.N. Commission for Human Rights and the U.N. General Assembly resolutions—including democracy, the rule of law and respect for human rights. The United States and the EU should also formally place the issue on the agenda of the U.N. Security Council, and work urgently toward a resolution threatening credible sanctions against the Burmese regime unless it initiates meaningful progress toward democracy.

Third, China, Thailand, India and other Asian nations uncomfortable with a tougher response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationships with the Western democracies. Thailand in particular should consider this point when it convenes its planned international conference to discuss what it optimistically calls "Burma's progress toward democracy."

Beyond these steps, the United States, Europe and Asian countries must demand the unconditional release of Aung San Suu Kyi and her fellow political prisoners, but make clear that the releases, while necessary, are insufficient. In addition, they should continue calls for a political settlement that reflects the results of the free and fair elections held in 1990. This settlement must include a central, determinative role for the National League for Democracy.

In another era, a dissident playwright named Vaclav Havel wrote of the "power of the powerless" to overcome rule by fear and force, at a time when such a revolution in human freedom seemed impossible. The international community today has the power to help the powerless inside Burma throw off the shackles of tyranny. It is time to assume this moral responsibility. It is time to act.

Aung San Suu Kyi—Unbearable Choices

(By Bono)

It's hard not to become a monster when you are trying to defeat one. Aung San Suu Kyi is the moral leader of Myanmar, the country more correctly known as Burma. She has been, in effect, under house arrest since 1989.

Why? First, because of the military juntas who came to power in a bloody coup in 1962, and have been running the country with a truncheon ever since. Second, because of us. There has been no real roar against these human rights abusers, just the odd bark. Yet even single-party democracies check their mail. They're not just muscle; they're vain. Even juntas measure just how many boos and hisses they can get away with. Suu Kyi's peaceful bloody-mindedness is driven by courage, but her captors' bloody bloody-mindedness is driven by fear—fear of losing the business they are running for themselves.

Suu Kyi is a real hero in an age of phony phone-in celebrity, which hands out that title freely to the most spoiled and underqualified. Her quiet voice of reason makes the world look noisy, mad; it is a low mantra of grace in an age of terror, a reminder of everything we take for granted and just what it can take to get it. Thinking of her, you can't help but use anachronistic language of duty and personal sacrifice.

U2 wrote the song Walk On to honor this amazing woman who put family second to country, who for her convictions made an unbearable choice—not to see her sons grow and not to be with her husband as he lost his life to a long and painful cancer. Suu Kyi, with an idea too big for any jail and a spirit too strong for any army, changes our view—as only real heroes can—of what we believe to be possible. The jury is still out on whether we deserve the faith she has put in us.

Walk On won record of the year at the Grammys, a very proud moment. But in front of an audience of millions, I did what I've begged others not to do. I forgot to say thank you to the woman in front of the song. Thank you.

AMERICAN APPAREL &
FOOTWEAR ASSOCIATION,
April 5, 2004.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Last year, you were instrumental in an effort that led to the successful enactment of the Burmese Freedom and Democracy Act of 2003 to send a clear and unmistakable message that the United States is not interested in doing business with regimes such as the one that brutally enslaves the people of Burma. The American Apparel & Footwear Association in proud to have supported this historic measure.

This landmark legislation included a total ban on imports from Burma. As you may recall, the import ban will expire unless Congress passes, and the President signs into law, a one-year renewal by the end of July.

Since this law took effect, the ruling military junta in Burma has shown no willingness to address the many problems that made these sanctions necessary. Indeed, as the most recent State Department Human Rights report (in what appears to be an echo of more than a decade of similar reports) states, "The Government's extremely poor human rights record worsened [in 2003], and it continued to commit numerous serious abuses." Moreover, last week, State Department officials told the House International Relations Committee, "Sanctions are a key component of our policy in bringing democracy to Burma and have been a key source of support for the morale of many democracy activists."

Now is the time to reinforce our sanctions tools against this regime, and, more importantly, to actively seek similar steps from other countries. Accordingly, we urge you to introduce as soon as possible the legislation necessary to renew this import ban, as articulated in Section (9)(b)(2) of the Burmese Freedom and Democracy Act of 2003.

We look forward to working with you to see this renewal swiftly considered and enacted.

Please accept my best regards,
Sincerely,

KEVIN M. BURKE,
President & CEO.

Mr. MCCONNELL. Mr. President, I want to take a moment to provide my colleagues with insights into how serious and dedicated those who support the struggle for freedom in Burma remain.

Since the enactment of the Burmese Freedom and Democracy Act in July 2003, numerous colleagues and I have written to the administration and the United Nations in support of democracy in Burma. The following is a list of those letters that I have initiated or signed—but it is by no means an exhaustive list as it does not include any letters individual members may have sent themselves:

August 1, 2003: a letter to President Bush signed by myself and Senators FEINSTEIN, BROWNBACK, and LEAHY expressing concern with Thailand's lack of support for the struggle of freedom in Burma.

September 12, 2003: a letter to Secretary Powell signed by myself encouraging him to bring up the plight of Suu Kyi and other Burmese democracy activists with the United Nations and all Security Council members, particularly China.

September 30, 2003: a letter to President Bush signed by myself and Senators FEINSTEIN, MCCAIN, HOLLINGS, SANTORUM, GRAHAM, ALLEN, DODD, SESSIONS, MIKULSKI, CAMPBELL, CLINTON, SMITH, MURRAY, COLLINS, FEINGOLD, EDWARDS, BENNETT, LANDRIEU, BURNS, CANTWELL, CORZINE, WYDEN, BROWNBACK, LAUTENBERG, KOHL, MURKOWSKI, BUNNING, LIEBERMAN, SARBANES, HARKINS, DAYTON, VOINOVICH, LEAHY, and DURBIN urging his support for Thailand to play a more constructive role within ASEAN to promote genuine national reconciliation in Burma.

November 24, 2004: a letter to U.N. Secretary-General Kofi Annan signed by myself and Senators FEINSTEIN, MCCAIN, and BROWNBACK calling on the U.N. to assume a leadership role to enforce the will of the international community in recognizing the results of the 1990 elections.

March 1, 2004: a letter to President Bush signed by myself and Senators FEINSTEIN, MCCAIN and Representatives LANTOS, KING and PITTS urging continued sanctions against Burma and increased engagement with the EU.

March 29, 2004: a letter to Secretary Powell signed by myself urging him to use the Berlin donor conference on Afghanistan to work the Burma issue with the EU and Japan.

I would be remiss if I did not acknowledge the support and leadership of Senators FEINSTEIN and MCCAIN. Both have stood steadfastly with the people of Burma. They are champions of freedom in that country, and I am pleased and proud to once again work with them on this issue.

The partnership between Congress and senior members of the Administration on Burma has been productive and commendable. I look forward to working with President Bush, Secretary Powell and others on this important issue throughout this calendar year.

This joint resolution will renew sanctions against Burma for an additional year.

Roughly a year ago, Senator MCCAIN, Senator FEINSTEIN, and I came to the Senate floor to talk about the arrest and reincarceration of Aung San Suu Kyi, the hero of the Burma democracy.

To refresh everyone's memory, she and her party won an overwhelming landslide election back in 1990 when the military thugs who run the country—mistakenly, from there point of view—allowed an election. The NLD and Suu Kyi won virtually 80 percent of the vote and were never allowed to take over. She was then essentially put under house arrest and has been mostly under house arrest all these years. Here we are some 14 years later.

During that time, her husband passed away while living in England. She didn't get to visit him because she knew if she went to England, she would never be allowed back into the country. She is the symbol of Burmese freedom and democracy and has been under house arrest all these years.

A little over roughly this month last year, she was allowed to go out and go around the country. Her motorcade was attacked and a number of people were killed. She was injured and was sent into confinement once again—raising the issue again in the public mind, which, unfortunately, has not been in the forefront as often as it should have been over the years. Burma for many people has been sort of out of sight and out of mind. It has not enjoyed the kind of international attention that repression deserves.

What Senator MCCAIN, Senator FEINSTEIN, and I have been trying to do is lead the United States to have a more proactive interest in this. That is what the Burma sanctions bill is about. It passed last June and was signed by the President Last July. Secretary Powell was before the Foreign Operations Subcommittee a few weeks ago, and he indicated that the administration supports renewal of these sanctions for an additional year. That is what the joint resolution I just introduced on behalf of Senator FEINSTEIN, Senator MCCAIN, and others will do.

Sanctions have had some impact. We all know sanctions have mixed results in bringing down regimes. Frequently, they do not work, but there is one really classic example of a place where international sanctions made a difference, and that was changing the regime in South Africa. In that particular instance, the United States led and the rest of the world followed, and the sanctions became so widespread and the pressure so intense that it actually brought about a change in the regime in South Africa, and the majority there was allowed to take power.

We have had a difficult time getting the kind of international cooperation on sanctions on Burma we would like to see, but we have started down that path.

This bill, which was signed last year, this Burma sanctions bill, spurred other nations to toughen their stance against Burma, denied the military regime 13 percent of its export market, and blocked $13 million in financial transactions to Burma. That is not a huge amount of money but it is a start. If the other countries in that area of the world, the ASEAN countries, and the Europeans, would give the attention to this that it deserves, we could have meaningful international sanctions that really bite.

The European Union and the U.N. will, frankly, have to be much more supportive of freedom in Burma. Both need to be much more proactive than they have been if this is going to work.

Bishop Tutu, with whom we are all familiar, the South African bishop, believes if we had the kind of international pressure and cooperation on Burma sanctions that we had on South African sanctions, it could, indeed, bring about a change in the regime in Burma.

My friend Senator McCain and I have had an opportunity to discuss this issue off and on over the years. He had a unique opportunity, which I have never experienced. I have gotten notes from Aung San Suu Kyi but never actually had a chance to meet her. I know Senator McCain had that opportunity. He and I both have been inspired by the example she has set. I believe, am I not correct, Senator McCain, you dealt with her in your most recent book as an example of the kind of courage that should be widely applauded?

Mr. McCAIN. I thank the Senator. Mr. President, I ask unanimous consent that the Senator from Kentucky and I be allowed to engage in a dialog.

The PRESIDING OFFICER (Mr. Ensign). Without objection, it is so ordered.

Mr. McCAIN. Senator McConnell, I thank you and Senator Feinstein for your leadership on this issue. What you have done last year is important. It is very important again this year.

Senator McConnell, you put your finger on one of the real tough aspects of this. People all over Burma, including the members of the National League for Democracy, the party that was overwhelmingly elected to take power and run the country of Burma, are grateful to us. It is very tough for opposition within a country to support sanctions which hurt that country economically. Yet this organization, which she leads, supports sanctions because of the terrible things this group of gangsters have done to their country.

Senator McConnell, you point out very importantly, apartheid was overthrown in South Africa because of a united front which the United States led, an issue in which you were heavily involved. Now the Europeans seem to be dragging their feet.

We have quite often heard—sometimes justified, sometimes unjustified—criticism from our European friends about our lack of attention to human rights, too much attention to politics, et cetera. This is an opportunity for our European friends to join us and bring about the freedom of the Burmese people—I refuse to call it Myanmar—the Burmese people, free this great Nobel Peace Prize winner and spread democracy and freedom through the world.

I thank again Senator McConnell for his leadership. This legislation would not have been passed without the leadership of you and Senator Feinstein. I am very grateful.

Mr. McCONNELL. Thank you very much, I say to my friend from Arizona.

He was mentioning the fact that we, this country, is frequently criticized because it does not take a multilateral approach to difficult issues. What we have been advocating as aggressively as we can is a widespread multilateral, multinational approach to dealing with this Myanmar regime, which no one defends but seems to be allowed to continue to operate because they are out of sight and out of mind. Here we are advocating a multilateral approach. As the Senator from Arizona points out, where are the Europeans?

Mr. McCAIN. I think we need to make this a very high priority both in the United Nations and with the European Union and with others. I know Senator McConnell is very familiar with this brave woman and her followers. A lot of Americans, unfortunately, are not.

Three Burmese citizens were recently sentenced to death for contacting representatives of the International Labor Organization. They were sentenced to death for contacting members of the International Labor Organization. This woman has been kept under house arrest. Her followers have been beaten and killed. The cruelties, the unspeakable cruelties that have been inflicted on the Burmese people by these thugs are incredible.

Senator McConnell, recently we were talking about Iraq and freeing the people of Iraq. We celebrated the 10-year anniversary of Rwanda and we said never again. Eight hundred thousand people were killed in Rwanda and we said never again. After the Holocaust, we said never again. Are we going to look back on Burma and say never again after thousands of people have been tortured and murdered and imprisoned and mistreated?

Security forces, according to national organizations, continue to commit extrajudicial killings, rape, forcibly relocate persons, and the use of forced labor. It is going on. Are we some years from now going to say never again? Are we internationally going to exert the pressures of which we are capable—by the way, including our friends in ASEAN who took Burma into ASEAN with the announced intention of reforming this gang of thugs?

Mr. McCONNELL. And the ASEAN meeting is scheduled to be in Burma in a few years.

Mr. McCAIN. Remarkable in itself. What kind of an organization can call itself an advocate of freedom and democracy and have a meeting in the center of a repressive outrageous gang of thugs?

Mr. McCONNELL. It was a stunning decision to schedule the meeting there. And now, if they stick with the schedule, I wonder how ASEAN can explain their tolerance of this regime? Give this regime nuclear weapons and it would look very much like North Korea, would it not, I ask my friend?

Mr. McCAIN. That is an excellent point. One of the reasons, perhaps, we do not pay as much attention to them is because they do not have weapons of mass destruction. The only difference between them and Pyongyang is that they do not and the North Koreans do. That is a heck of a comment on the attention of us.

I don't want to take too much time, but I will relate a story with which Senator McConnell is familiar. Aung San Suu Kyi was married while in England to a wonderful man and has two sons. A few years ago, a very short time ago, her husband was dying in England. This gang of thugs said that she could, of course, go with her husband—he was not allowed to come to Burma—to be with her husband while he was dying but she could not come back. So these unspeakable characters would not allow her to go be with her husband as he died.

This is a remarkable statement of her courage and dedication and also remarkable commentary on the kind of people with whom we are dealing. The next time the delegate from the U.N., the special delegate—they call it Myanmar—come to see us, our European friends come to see us and talk about powers of persuasion, remind them of that story. I think it would be very difficult to argue that these people are rational or willing to listen to reason.

Again, I thank Senator McConnell for all of his hard work.

Mr. McCONNELL. If I could say to my friend from Arizona, staff reminds me, Burma takes the chairmanship of ASEAN in 2006. They actually take the chairmanship. That is a completely absurd and unacceptable result.

Mr. McCAIN. Americans are great people. We are providing a service today with your and Senator Feinstein's legislation to bring attention to the plight of the people halfway around the world and their noble and courageous leader who has been a Nobel Peace Prize winner.

Every once in a while we do something very worthwhile around here and I thank the Senator for his leadership.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Kentucky and the Senator from Arizona for their words. I had hoped to join them on the floor earlier, but I was in the Judiciary Committee. So I am very pleased to be able to be here now to say a few words in support of this effort.

I first became involved in the Burmese, or Myanmar, dilemma back in 1995–1996 with then-Senator William Cohen, and we offered some legislation at that time. So we have had the opportunity to follow this situation. I then worked with Senator MCCONNELL a year ago on this legislation. And now I am very pleased to support the renewal of the sanctions imposed on Burma by the Burmese Freedom and Democracy Act of 2003.

Last year, in response to a brutal and vicious coordinated assault by progovernment paramilitary thugs on members of the National League for Democracy (NLD), and the arrest and detention of NLD's leader, the Nobel Peace Price winner, Aung San Suu Kyi, the U.S. Congress overwhelmingly passed this act. The purpose was to impose a complete import ban on products from Burma.

Working together, the Congress and the administration demonstrated our determination to put pressure on the ruling State Peace and Development Council—that is the military junta formerly known as the SLORC—to release Suu Kyi, and also to respect the 1990 elections decisively won by the National League for Democracy party in Burma and put Burma on an irreversible path of national reconciliation and democracy. One year later, it is clear that the SPDC has failed to make substantial and measurable progress toward implementing a democratic government to have those sanctions lifted.

The junta has failed. The world has condemned the arrest of Aung San Suu Kyi. They have called for her unconditional release. She still remains under house arrest. NLD Vice-Chairman U Tin Oo also remains in custody.

Last August, the junta proposed a seven-point "roadmap" to democracy. That included a national convention to take place the following month to draft a new constitution. Yet there is no timetable for restoration of democracy, no assurance that the junta will give up power, and no meaningful participation for Suu Kyi and her party.

Numerous human rights abuses, including torture, forced labor, rape, and sex trafficking continue unabated.

The most recent State Department report indicates that:

> The Government's extremely poor human rights record worsened [in 2003] and it continued to commit numerous abuses.

Recently, the junta sentenced three Burmese citizens to death for one thing: for meeting with representatives of the ILO, the International Labor Organization. That is how repressive this regime is. If you meet with an organization not favored by the government, you could be sentenced to death.

Mr. President, 1,300 political prisoners are still in jail, many of them elected parliamentarians. According to the State Department, three political prisoners died in custody last year.

The government engages in the production and distribution of opium and methamphetamine.

The Thai-sponsored "Bangkok Process"—designed to mediate a solution to the political situation in Burma—collapsed after one meeting with the SPDC's refusal to attend further sessions with "like-minded" countries. The regime said it was "too busy" to attend this week's session.

For years, we have been working with ASEAN nations to put pressure on the military junta to make changes. But these nations were reluctant to do so. The Thailand-sponsored Bangkok Process aimed to do the same thing. However, what is clear is that the military junta has ignored those efforts.

So over the past several months, the regime has gone to great lengths to rehabilitate its standing with neighbors and the international community. Some thought this was evidence that the junta was committed to national reconciliation, that engagement works, and that the sanctions and other pressures on Rangoon should be eased to facilitate the implementation of this new roadmap.

But I think they are mistaken because I think we have learned something now about this regime's intentions. So what we need is substantive and meaningful action, not more promises and empty statements and failure to deliver on commitments.

For over 15 years, this junta has engaged in a systematic campaign to wipe out the democratic movement in Burma and the NLD's 1990 election victory.

For over 15 years, we have listened to assurances that the junta was committed to national reconciliation and a dialog with all parties on restoring democracy, and still nothing has happened.

I was actually cautiously optimistic when Suu Kyi was first released from house arrest 2 years ago. Yet sure enough, 1 year later, she was back in custody. The regime showed its true colors in orchestrating and carrying out a brutal attack. After her release, Aung San Suu Kyi had gone on the road. She was greeted with enormous popularity. The junta's forces attacked her caravan. Many of her people were killed; many were arrested; and she was shoved back into house arrest for doing nothing more than what she was elected originally to do.

So whatever the regime might say about "roadmaps" and "national conventions," their actions have clearly demonstrated they are uninterested in restoring democracy to the Burmese people and, more importantly, they are going to take any steps they can to hold on to power.

Even if, as we all hope, Aung San Suu Kyi is released and is invited to take part in a national convention, I think we should maintain the pressure on this junta and keep the sanctions in place.

Now, earlier this week, the junta allowed members of the NLD, the democratic party, to meet with Aung San Suu Kyi to discuss their participation at the convention. But this is hardly progress.

"Substantial and measurable" progress is just that, and we should not settle for lofty pronouncements when they have a record of breaking their word on virtually every statement they have made.

So I am very pleased that Secretary of State Colin Powell has testified that the administration supports reauthorizing the sanctions. He recently stated:

> I have seen no improvement in the situation. Aung San Suu Kyi remains unable to participate in public political life in Burma, and we will not ignore that. We will not shrink from the strong position we have taken.

So now is not the time to reduce our support for this brave leader. Now is the time to stand with her side by side, to buttress her, to reinforce her, to point out, over and over again that she is the elected democratic leader of that country; now is the time to show the SPDC that America is not going to stand by and see members of the parliament jailed, not going to stand by and see her people continually attacked, and not going to stand by and see every promise the junta made violated.

So I feel very strongly and am very pleased to join with the distinguished Senators from Kentucky and Arizona in supporting this extension legislation.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 36

Whereas the State Peace and Development Council (SPDC) has failed to make substantial and measurable progress toward implementing a democratic government in Burma;

Whereas the courage and determination of the people of Burma in their struggle for freedom and justice remains steadfast and strong;

Whereas import sanctions and other restrictions against the SPDC and its affiliated entities should remain in force until Burma embarks on an irreversible path of reconciliation that includes the full and unfettered participation of the National League for Democracy and ethnic minorities in the country; and

Whereas the Department of State supports the continuation of sanctions against the SPDC: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

Mr. MCCAIN. Mr. President, I would like to commend Senators MCCONNELL and FEINSTEIN for introducing legislation that will renew sanctions contained in last year's Burmese Freedom and Democracy Act. I am proud to be an original cosponsor of this resolution.

The world's democracies have a common moral obligation to promote human rights. In few places is the lack of freedom and justice more appalling than in Burma, a country in which a band of thugs, led by General Than Shwe, controls the population through violence and terror. The Burmese regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Nearly one year ago the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament. It also recently sentenced three Burmese citizens to death for contacting representatives of the International Labor Organization.

And Aung San Suu Kyi remains a captive. Because she stands for democracy, this heroic woman has endured attacks, arrest, captivity, and untold sufferings at the hands of the regime. The junta fears Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shines brightly for the millions of Burmese who hunger for freedom, and for those of us outside Burma who seek justice for its people. The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work.

In recognition of this, last year the Congress overwhelmingly passed the Burmese Freedom and Democracy Act. In doing so, we took active steps to pressure the military junta, and we sent a signal to the Burmese people that they are not forgotten—that the American people care about their freedom and will stand up for justice in their country.

The State Department released just this week a new report on U.S. trade sanctions against Burma. This report notes that the Freedom and Democracy Act encouraged ASEAN nations to take a critical stance on Burma, and that these pressures were likely a factor behind the junta's August announcement of a "roadmap" toward democratic transition. While this roadmap is sorely lacking, it does point to the tangible effect that our efforts are having inside the country.

Yet since we passed our bill last year, the ruling State Peace and Development Council has failed to make substantial progress toward implementing a democratic government in Burma. The new State Department report indicates that Burma's "extremely poor human rights record has worsened over the past year, and it continued to commit serious abuses." Pro-democracy activists remain in detention, the National League for Democracy offices remain closed, and citizens do not have the right to change their government. Security forces continue to commit extrajudicial killings and rape, forcibly relocate persons, and use forced labor. The military junta refuses to tolerate any form of political opposition. On top of this, the dismal economic polices implemented by Burma's rulers have led to widespread poverty and the flight of most foreign investors.

Sadly, the picture is clear. So long as this band of thugs rules Burma, its people will be never be free. They will remain mired in poverty and suffering, cut off from the world, with only their indomitable spirit to keep them moving forward.

For this reason I stand in support of the joint resolution that will renew the import restrictions contained in last year's legislation—sanctions that are supported by the National League for Democracy. These restrictions must remain until Burma embarks on a true path of reconciliation—a process that must include the NLD and Burmese ethnic minorities. I note, however, that while the American people have spoken with one voice in support of freedom in Burma, it is past time that the leaders of other nations do the same. No other country has yet implemented U.S.-style economic sanctions. The Europeans should reject half measures and join the United States in targeted sanctions against the military regime. China, Thailand, India and other Asian nations uncomfortable with a tougher response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationships with the Western democracies.

Mr. President, this week I co-authored with former Secretary of State Madeleine Albright an editorial on Burma for the Washington Post. This article enumerates several of the points that I have made here, and illustrates the bipartisan consensus that we must act to promote democracy and human rights in Burma. I ask unanimous consent that a copy of our editorial be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection; it is so ordered.

(See exhibit 1.)

Mr. MCCAIN. In this article, we quote Archbishop Desmond Tutu, a man who knows quite a bit about life under tyranny and oppression. The Archbishop said that "Apathy in the face of systematic human rights abuses is immoral. One either supports justice and freedom or one supports injustice and bondage." Mr. President, today we support justice and freedom.

EXHIBIT 1

[From the Washington Post, April 27, 2004]

A NEED TO ACT ON BURMA

"Apathy in the face of systematic human rights abuses is immoral. One either supports justice and freedom or one supports injustice and bondage." So said Archbishop Desmond Tutu, the South African Nobel laureate and anti-apartheid leader, who knows something about the struggle for human freedom in the face of tyranny.

The world's democracies have a common moral obligation to promote justice and freedom. In few places is this obligation more acute than in Burma, a country in which a band of thugs, led by Gen. Than Shwe, controls the population through violence and terror. The regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Nearly one year ago the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament. It recently sentenced three Burmese citizens to death for contacting representatives of the International Labor Organization.

The Burmese junta, with the cynical support of neighboring governments, has announced a "road map to democracy," beginning with a constitutional convention in May. The convention is expected to be stage-managed by the junta, which has offered no meaningful participation to Suu Kyi's National League for Democracy, no timetable for progress toward a political transition, no release of political prisoners and no guarantee that the military will cede control to democratically elected leaders. Instead, the junta's proposals seem designed to institutionalize military control by creating a veneer of civilian authority, while meeting only the minimum expectations of Western democracies in order to avoid further sanctions.

The Burmese regime's recent actions demonstrate that years of international engagement and patience have not made the dictatorship more humane, reasonable or open to accommodation with its political opponents. On the contrary, it is only in response to international pressure that the regime has made even the smallest moves toward a political settlement with the democratic opposition. The lesson is clear: The world's democracies and Burma's neighbors must press the junta until it is willing to negotiate an irreversible transition to democratic rule.

The legitimacy, authority and commitment of Burma's democratic leaders to govern their country is not in doubt. But the international commitment to Burma's democratic transformation remains uncertain. The Western democracies and Burma's neighbors should immediately take three steps to bolster Burma's legitimate democratic leaders.

First, Congress should promptly renew, and the president sign into law, the ban on Burma's imports enacted into law last July. These sanctions, which are set to expire after a review period beginning Friday, are supported by Burma's National League for Democracy. The restrictions have made it more difficult for the Burmese military to tap financial assets abroad, travel or accumulate revenue through trade. The European Union, whose member democracies care deeply about protecting human rights, and whose trade and assistance programs give it critical leverage in Southeast Asia, are set to announce a new Common Position on Burma on Thursday. As part of this new policy, the EU should also initiate target sanctions against the regime.

Second, the EU and the United States, with support from Asian nations, should urge the junta to implement immediately the provisions of the U.N. Commission for Human Rights and the U.N. General Assembly resolutions—including democracy, the rule of law and respect for human rights. The United States and the EU should also formally place the issue on the agenda of the U.N. Security Council, and work urgently toward a resolution threatening credible sanctions against the Burmese regime unless it initiates meaningful progress toward democracy.

Third, China, Thailand, India and other Asian nations uncomfortable with a tougher response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationships with the Western democracies. Thailand in particular should consider this point when it convenes its planned international conference to discuss what it optimistically calls "Burma's progress toward democracy."

Beyond these steps, the United States, Europe and Asian countries must demand the unconditional release of Aung San Suu Kyi and her fellow political prisoners, but make clear that the releases, while necessary, are insufficient. In addition, they should continue calls for a political settlement that reflects the results of the free and fair elections held in 1990. This settlement must include a central, determinative role for the National League for Democracy.

In another era, a dissident playwright named Vaclav Havel wrote of the "power of the powerless" to overcome rule by fear and force, at a time when such a revolution in human freedom seemed impossible. The international community today has the power to help the powerless inside Burma throw off the shackles of tyranny. It is time to assume this moral responsibility. It is time to act.

Mr. LEAHY. Mr. President, it saddens me to rise today to speak about the situation in Burma. Burma is a beautiful country with a rich history. Regrettably, this great nation, with so much potential, is being destroyed by the despotic junta, the State Peace and Development Council, SPDC.

Natural resources are pillaged, ethnic minorities are brutally repressed, and most notably, Nobel Laureate, Aung San Suu Kyi, is under house arrest—denying her the right to help lead her nation.

For more than a decade, the brutal and autocratic regime, the SPDC has played an outrageous "game" with Aung San Suu Kyi. It goes something like this: pretend to allow Aung San Suu Kyi freedom to move around the country; when her movements become too threatening, put her under house arrest; keep her there until international pressure becomes too intense; eventually let her out, starting it all over again. In other words, isolate Aung San Suu Kyi and stall for time, while looting the country of its resources.

Once again, we find ourselves in this situation. About a year ago, the SPDC launched a vicious, pre-meditated attack against Aung San Suu Kyi and other members of the NLDF. The SPDC then placed Aung San Suu Kyi under house arrest, using the absurd justification that it is for her own safety. Virtually nothing has changed since that time. Aung San Suu Kyi remains under house arrest and the outrageous activities of the SPDC continue unabated.

It is for this reason that I join Senators MCCONNELL and FEINSTEIN today in introducing the joint resolution to extend the sanctions provided for in the Burmese Freedom and Democracy Act. The senior Senators from Kentucky and California have already discussed the situation in Burma and made the case why this legislation is so important. I want to associate myself with their remarks and will be brief here today.

The message that we are sending to the ruling junta in Burma is clear: its behavior is outrageous. Aung San Suu Kyi is the rightful leader of the democratic opposition in Burma. She and other opposition leaders must be immediately released.

But, as important as U.S. leadership is on this issue, we all know it is not enough. Burma's neighbors—India, Thailand, and China—must also act. For too long, the silence of these key nations has been deafening. To obtain real change in Burma, these and other nations in the region must change course, speak out and disavow the failed policies of engagement.

I know that the sponsors of the legislation recognize this. I have heard Senator MCCONNELL speak frequently of the need for a "full court press" by the international community on this issue. While I am not so naïve as to believe that this legislation will instantly cause a change of heart among the SPDC, I am hopeful that constant pressure U.S. pressure and others will, one day, lead to a breakthrough.

Everyone in the Senate would like to see the SPDC tossed on the ash heap of history, but there is widespread recognition that this regime is well entrenched and will not go away overnight. The immediate goal should be to get Aung San Suu Kyi out of house arrest and give her and the NLDF an equal seat at the table. Considering that the NLDF was democratically elected to lead Burma, this is a modest goal indeed.

Aung San Suu Kyi and her supporters have been denied for too long. It is time for a change in Burma. I hope that this is the beginning of the end for the SPDC and the start of a new era in Burma, allowing that country and its people to achieve the democracy and progress they deserve.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 346—COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS FOR WINNING THE 2003-2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL COLLEGIATE WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 346

Whereas on Sunday, March 28, 2004, the University of Minnesota Golden Gophers defeated Harvard University in the National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship game by a score of 6 to 2, having defeated Dartmouth College by a score of 5 to 1 in the semifinal;

Whereas during the 2003-2004 season, the Gophers won an outstanding 30 games, while losing only 4 and tying 2;

Whereas the University of Minnesota Golden Gophers women's ice hockey team is the only women's sport at the University to win a national championship;

Whereas sophomores Krissy Wendell, Natalie Darwitz, and Allie Sanchez and juniors Jody Horak and Kelly Stephens were selected for the 2003-2004 National Collegiate Athletic Association All-Tournament team, and Krissy Wendell was named the tournament's Most Valuable Player;

Whereas sophomore Krissy Wendell was named to the Jofa Women's University Division Ice Hockey All-American first team, and sophomore Natalie Darwitz was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Kelsey Bills, La Toya Clarke, Melissa Coulombe, and Jerilyn Glenn made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program;

Whereas the University of Minnesota Golden Gophers women's ice hockey head coach Laura Halldorson, for the third time since 1998, has been named the American Hockey Coaches Association's Division I Women's Coach of the Year (2003-2004); and

Whereas all of the team's players showed tremendous dedication throughout the season toward their goal of winning the national championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota women's ice hockey team for winning the 2003-2004 National Collegiate Athletic Association Division I Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of the University of Minnesota.

SENATE RESOLUTION 347—TO COMMEND SENATE ENROLLING CLERK THOMAS J. LUNDREGAN ON THIRTY-SIX YEARS OF SERVICE TO THE UNITED STATES GOVERNMENT

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 347

Whereas in 1967, Thomas J. Lundregan became an employee of the Government Printing Office, and since then has devoted his career to the service of the United States Government;

Whereas in 1989, Thomas J. Lundregan joined the Office of the Enrolling Clerk in the Office of the Secretary of the Senate;

Whereas in 1995, Thomas J. Lundregan became the Enrolling Clerk of the Senate and has always performed the duties of that office with great dedication, perseverance, and humor;

Whereas Thomas J. Lundregan has performed a critical role in ensuring the technical accuracy and legal sufficiency of legislation passed by the Senate;

Whereas Thomas J. Lundregan has been in the forefront of the modernization of the operations of the Senate Enrolling Clerk;

Whereas Thomas J. Lundregan has faithfully discharged the difficult duties and responsibilities of Enrolling Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas Thomas J. Lundregan has earned the respect, affection, and esteem of his colleagues and the United States Senate;

Whereas Thomas J. Lundregan has for 36 years ably and faithfully upheld the high standards and traditions of service to the United States Government; and

Whereas Thomas J. Lundregan will retire from the United States Senate on April 30, 2004, with 36 years of Service to the United States Government and 15 years Service to the United States Senate; now, therefore, be it

Resolved, That the United States Senate commends Thomas J. Lundregan for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service, and extends its very best wishes upon his retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas J. Lundregan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3083. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

SA 3084. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3085. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3086. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3087. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3088. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3089. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3090. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3091. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3092. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3093. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3094. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3095. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3096. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3097. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3098. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3099. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3080 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, supra; which was ordered to lie on the table.

SA 3100. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3081 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, supra; which was ordered to lie on the table.

SA 3101. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3102. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3103. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3104. Mr. MCCAIN (for Mr. LAUTENBERG) proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3105. Mr. MCCAIN proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3106. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

TEXT OF AMENDMENTS

SA 3083. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: "The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks."; and

(2) by adding at the end the following:

"(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

"(2) The program shall include the following:

"(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

"(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

"(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

"(3) The minimum fuel economy standards for tires shall—

"(A) ensure that the fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

"(B) secure the maximum technically feasible and cost-effective fuel savings;

"(C) not adversely affect tire safety;

"(D) not adversely affect the average tire life of replacement tires;

"(E) incorporate the results from—

"(i) laboratory testing; and

"(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

"(F) not adversely affect efforts to manage scrap tires.

"(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

"(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

"(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

"(7) Nothing in this chapter shall apply to—

"(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

"(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

"(C) a tire with a normal rim diameter of 12 inches or less;

"(D) a motorcycle tire; or

"(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

"(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking "When" and inserting "Except as provided in section 30123(d) of this title, when".

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2006.

SA 3084. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. STRATEGIC PETROLEUM RESERVE DRAWDOWN AUTHORITY.

Section 161(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) severe economic conditions or volatility in the price of petroleum or petroleum products exist and pose a significant threat to economic stability.".

SA 3085. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. STRATEGIC PETROLEUM RESERVE DRAWDOWN AUTHORITY.

Section 161(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)(2)) is amended—

(1) by striking "(A) an emergency" and inserting "(A)(i) an emergency";

(2) by striking "(B) a severe" and inserting "(ii) a severe";

(3) by striking "(C) such price" and inserting "(iii) such price";

(4) by striking "economy." and inserting "economy; or"; and

(5) by adding at the end the following:

"(B) there exist severe economic conditions or volatility in the price of petroleum or petroleum products that pose a significant threat to economic stability that could be mitigated by a drawdown and sale of petroleum products from the Strategic Petroleum Reserve.".

SA 3086. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. RENEWABLE PORTFOLIO STANDARD.

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end of title VI the following:

"SEC. 609. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) DEFINITIONS.—In this section:

"(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

"(A) electricity generated by a hydroelectric facility (except incremental hydropower); and

"(B) electricity generated through the incineration of municipal solid waste.

"(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

"(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means—

"(A) electric energy generated at a facility (including a distributed generation facility) placed in service before the date of enactment of this section from solar, wind, ocean, or geothermal energy;

"(B) biomass (as defined in section 504(b)); and

"(C) landfill gas.

"(4) INCREMENTAL HYDROPOWER.—

"(A) IN GENERAL.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions that are—

"(i) made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date; and

"(ii) measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility; and

"(iii) certified by the Secretary or the Commission.

"(B) EXCLUSION.—The term 'incremental hydropower' does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

"(5) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

"(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after the date of enactment of this section from—

"(i) solar, wind, ocean, or geothermal energy;

"(ii) biomass (as defined in section 504(b));

"(iii) landfill gas; or

"(iv) incremental hydropower; and

"(B) in the case of electric energy generated at a facility (including a distributed generation facility) placed in service before the date of enactment of this section, the additional energy above the average generation during the 3 years preceding the date of enactment of this section at the facility from—

"(i) solar, wind, ocean, or geothermal energy;

"(ii) biomass (as defined in section 504(b));

"(iii) landfill gas; or

"(iv) incremental hydropower.

"(b) RENEWABLE ENERGY REQUIREMENT.—

"(1) IN GENERAL.—An electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity that the electric utility sells to electric consumers in any calendar year from new renewable energy or existing renewable energy.

"(2) PERCENTAGE.—The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year:	**Minimum annual percentage:**
2008 through 2011	2.5
2012 through 2015	5.0
2016 through 2019	7.5
2020 through 2030	10.0.

"(3) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

"(A) generating electric energy using new renewable energy or existing renewable energy;

"(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

"(C) purchasing renewable energy credits issued under subsection (c); or

"(D) a combination of the foregoing.

"(c) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

"(1) In general.—Not later than January 1, 2005, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (b)(1) to satisfy the obligations by purchasing sufficient renewable energy credits.

"(2) Program elements.—As part of the program, the Secretary shall—

"(A) issue renewable energy credits to generators of electric energy from new renewable energy;

"(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (h)); and

"(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section.

"(3) Use of credits.—A credit under paragraph (2)(A) may be used for compliance with this section until the date that is 3 years after the date on which the credit is issued.

"(d) Enforcement.—

"(1) Civil penalties.—An electric utility that fails to meet the renewable energy requirements of subsection (b) shall be subject to a civil penalty.

"(2) Amount of penalty.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b) by the greater of—

"(A) 1.5 cents (adjusted for inflation under subsection (h)); or

"(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

"(3) Mitigation or waiver.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (b) for reasons outside the reasonable control of the utility.

"(4) Procedure for assessing penalty.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act (42 U.S.C. 6303(d)).

"(e) State Renewable Energy Account Program.—

"(1) In general.—Not later than December 31, 2008, the Secretary shall establish a State renewable energy account program.

"(2) Establishment of state renewable energy account.—The State renewable energy account shall be held by the Secretary and shall not be transferred to the Secretary of the Treasury.

"(3) Deposits.—All amounts collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited in the State renewable energy account established under this subsection.

"(4) Use of proceeds.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to State agencies responsible for developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production.

"(5) Guidelines and criteria.—The Secretary may issue guidelines and criteria for grants awarded under this subsection.

"(6) Records.—A State energy office that receives a grant under this section shall maintain such records (including evidence of compliance) as the Secretary may require.

"(7) Preference.—In allocating funds under the program, the Secretary shall give preference to—

"(A) States in regions that have a disproportionately small share of economically sustainable renewable energy generation capacity; and

"(B) State programs to stimulate or enhance innovative renewable energy technologies.

"(f) Regulations.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations implementing this section.

"(g) Exemptions.—This section shall not apply in any calendar year to an electric utility that—

"(1) sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

"(2) that is located in Hawaii.

"(h) Inflation Adjustment.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (c)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

"(i) State Programs.—

"(1) In general.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) respecting renewable energy, but no such law shall relieve any person of any requirement otherwise applicable under this section.

"(2) Coordination.—The Secretary, in consultation with States having such a renewable energy program, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State program.

"(j) Sunset.—This section ceases to be effective December 31, 2030.".

SA 3087. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike the last word and insert the following:

SEC. ___. CONSUMER PASSTHROUGH.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1109. CONSUMER PASSTHROUGH OF TAX SAVINGS.

"If the taxes, fees, or other charges imposed by a State or local government remitted by a provider of Internet access service for any taxable period covered by this Act are lower than such taxes, fees, or other charges would be if this Act were not law, then the provider shall reduce the amount it charges retail users of its Internet access service during the next taxable period by an aliquot amount.".

SA 3088. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, beginning with line 7, strike through line 2 on page 3 and insert the following:

SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary (except section 1104 of that Act), no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101(a) of that Act.

SEC. . VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

"SEC. 1108. VOIP SERVICES.

"Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.".

SA 3089. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, beginning with line 17, strike through line 2 on page 3 and insert the following:

SEC. . VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

"SEC. 1108. VOIP SERVICES.

"Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.".

SA 3090. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. . RESTORATION OF EXISTING DEFINITION OF INTERNET ACCESS.

(a) In General.—

(1) Paragraph (3)(D) of section 1101(d) (as redesignated by section 2(b)(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

(2) Paragraph (5) of section 1105 (as redesignated by section 3(1) of this Act) is amended by striking the second sentence and inserting "Such term does not include telecommunications services.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 3, 2003.

SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary (except section 1104 of that Act), no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications, capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101(a) of that Act.

SEC. . VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

"SEC. 1108. VOIP SERVICES.

"Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.".

SEC. . GRANDFATHERING OF EXISTING TAXES.

(a) IN GENERAL.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"SEC. 1104. EXCEPTIONS FOR CERTAIN TAXES.

"(a) PRE-OCTOBER, 1998, TAXES.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Ban Extension and Improvement Act) that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(b) TAXES ON TELECOMMUNICATIONS SERVICES.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and either—

"(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(2) a State or political subdivision thereof generally collected such tax on charges for Internet access service.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on November 3, 2003.

SA 3091. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

The Clean Air Act (42 U.S.C. 1701 et seq.) is amended by adding at the end the following:

"TITLE VII—GREENHOUSE GAS EMISSIONS

"SEC. 701. DEFINITIONS.

"In this title:

"(1) COVERED ENTITY.—The term 'covered entity' means an entity that emits more than a threshold quantity of greenhouse gas emissions.

"(2) DIRECT EMISSIONS.—The term 'direct emissions' means greenhouse gas emissions from a source that is owned or controlled by an entity.

"(3) ENTITY.—The term 'entity' includes a firm, a corporation, an association, a partnership, and a Federal agency.

"(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(5) GREENHOUSE GAS EMISSIONS.—The term 'greenhouse gas emissions' means emissions of a greenhouse gas, including—

"(A) stationary combustion source emissions, which are emitted as a result of combustion of fuels in stationary equipment such as boilers, furnaces, burners, turbines, heaters, incinerators, engines, flares, and other similar sources;

"(B) process emissions, which consist of emissions from chemical or physical processes other than combustion;

"(C) fugitive emissions, which consist of intentional and unintentional emissions from—

"(i) equipment leaks such as joints, seals, packing, and gaskets; and

"(ii) piles, pits, cooling towers, and other similar sources; and

"(D) mobile source emissions, which are emitted as a result of combustion of fuels in transportation equipment such as automobiles, trucks, trains, airplanes, and vessels.

"(6) GREENHOUSE GAS EMISSIONS RECORD.—The term 'greenhouse gas emissions record' means all of the historical greenhouse gas emissions and project reduction data submitted by an entity under this title, including any adjustments to such data under section 704(c).

"(7) GREENHOUSE GAS REPORT.—The term 'greenhouse gas report' means an annual list of the greenhouse gas emissions of an entity and the sources of those emissions.

"(8) INDIRECT EMISSIONS.—The term 'indirect emissions' means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from sources owned or controlled by another entity.

"(9) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—The term 'national greenhouse gas emissions information system' means the information system established under section 702(a).

"(10) NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.—The term 'national greenhouse gas emissions inventory' means the national inventory of greenhouse gas emissions established under section 705.

"(11) NATIONAL GREENHOUSE GAS REGISTRY.—The term 'national greenhouse gas registry' means the national greenhouse gas registry established under section 703(a).

"(12) PROJECT REDUCTION.—The term 'project reduction' means—

"(A) a greenhouse gas emission reduction achieved by carrying out a greenhouse gas emission reduction project; and

"(B) sequestration achieved by carrying out a sequestration project.

"(13) REPORTING ENTITY.—The term 'reporting entity' means an entity that reports to the Administrator under subsection (a) or (b) of section 704.

"(14) SEQUESTRATION.—The term 'sequestration' means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

"(15) THRESHOLD QUANTITY.—The term 'threshold quantity' means a threshold quantity for mandatory greenhouse gas reporting established by the Administrator under section 704(a)(3).

"(16) VERIFICATION.—The term 'verification' means the objective and independent assessment of whether a greenhouse gas report submitted by a reporting entity accurately reflects the greenhouse gas impact of the reporting entity.

"SEC. 702. NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.

"(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas emissions information system to collect information reported under section 704(a).

"(b) SUBMISSION TO CONGRESS OF DRAFT DESIGN.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit to Congress a draft design of the national greenhouse gas emissions information system.

"(c) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas emissions information system through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

"(d) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the extent practicable, the Administrator shall ensure coordination between the national greenhouse gas emissions information system and existing and developing Federal, regional, and State greenhouse gas registries.

"(e) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the extent practicable, the Administrator shall integrate information in the national greenhouse gas emissions information system with other environmental information managed by the Administrator.

"SEC. 703. NATIONAL GREENHOUSE GAS REGISTRY.

"(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas registry to collect information reported under section 704(b).

"(b) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas registry through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

"(c) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the maximum extent feasible and practicable, the Administrator shall ensure coordination between the national greenhouse gas registry and existing and developing Federal, regional, and State greenhouse gas registries.

"(d) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the maximum extent practicable, the Administrator shall integrate all information in the national greenhouse gas registry with other environmental information collected by the Administrator.

"SEC. 704. REPORTING.

"(a) MANDATORY REPORTING TO NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—

"(1) INITIAL REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—Not later than April 30, 2005, in accordance with this paragraph and the regulations promulgated under section 706(e)(1), each covered entity shall submit to the Administrator, for inclusion in the national greenhouse gas emissions information system, the greenhouse gas report of the covered entity with respect to—

"(i) calendar year 2004; and

"(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

"(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A)—

"(i) shall include estimates of direct stationary combustion source emissions;

"(ii) shall express greenhouse gas emissions in metric tons of the carbon dioxide equivalent of each greenhouse gas emitted;

"(iii) shall specify the sources of greenhouse gas emissions that are included in the greenhouse gas report;

"(iv) shall be reported on an entity-wide basis and on a facility-wide basis; and

"(v) to the maximum extent practicable, shall be reported electronically to the Administrator in such form as the Administrator may require.

"(C) METHOD OF REPORTING OF ENTITY-WIDE EMISSIONS.—Under subparagraph (B)(iv), entity-wide emissions shall be reported on the bases of financial control and equity share in a manner consistent with the financial reporting practices of the covered entity.

"(2) FINAL REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—Not later than April 30, 2006, and each April 30 thereafter (except as provided in subparagraph (B)(vii)), in accordance with this paragraph and the regulations promulgated under section 706(e)(2), each covered entity shall submit to the Administrator the greenhouse gas report of the covered entity with respect to—

"(i) the preceding calendar year; and

"(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

"(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A) shall include—

"(i) the required elements specified in paragraph (1);

"(ii) estimates of indirect emissions from imported electricity, heat, and steam;

"(iii) estimates of process emissions described in section 701(5)(B);

"(iv) estimates of fugitive emissions described in section 701(5)(C);

"(v) estimates of mobile source emissions described in section 701(5)(D), in such form as the Administrator may require;

"(vi) in the case of a covered entity that is a forest product entity, estimates of direct stationary source emissions, including emissions resulting from combustion of biomass;

"(vii) in the case of a covered entity that owns more than 250,000 acres of timberland, estimates, by State, of the timber and carbon stocks of the covered entity, which estimates shall be updated every 5 years; and

"(viii) a description of any adjustments to the greenhouse gas emissions record of the covered entity under subsection (c).

"(3) ESTABLISHMENT OF THRESHOLD QUANTITIES.—For the purpose of reporting under this subsection, the Administrator shall establish threshold quantities of emissions for each combination of a source and a greenhouse gas that is subject to the mandatory reporting requirements under this subsection.

"(b) VOLUNTARY REPORTING TO NATIONAL GREENHOUSE GAS REGISTRY.—

"(1) IN GENERAL.—Not later than April 30, 2005, and each April 30 thereafter, in accordance with this subsection and the regulations promulgated under section 706(f), an entity may voluntarily report to the Administrator, for inclusion in the national greenhouse gas registry, with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

"(A) project reductions;

"(B) transfers of project reductions to and from any other entity;

"(C) project reductions and transfers of project reductions outside the United States;

"(D) indirect emissions that are not required to be reported under subsection (a)(2)(B)(ii) (such as product transport, waste disposal, product substitution, travel, and employee commuting); and

"(E) product use phase emissions.

"(2) TYPES OF ACTIVITIES.—Under paragraph (1), an entity may report activities that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

"(A) fuel switching;

"(B) energy efficiency improvements;

"(C) use of renewable energy;

"(D) use of combined heat and power systems;

"(E) management of cropland, grassland, and grazing land;

"(F) forestry activities that increase carbon stocks;

"(G) carbon capture and storage;

"(H) methane recovery; and

"(I) carbon offset investments.

"(c) ADJUSTMENT FACTORS.—

"(1) IN GENERAL.—Each reporting entity shall adjust the greenhouse gas emissions record of the reporting entity in accordance with this subsection.

"(2) SIGNIFICANT STRUCTURAL CHANGES.—

"(A) IN GENERAL.—A reporting entity that experiences a significant structural change in the organization of the reporting entity (such as a merger, major acquisition, or divestiture) shall adjust its greenhouse gas emissions record for preceding years so as to maintain year-to-year comparability.

"(B) MID-YEAR CHANGES.—In the case of a reporting entity that experiences a significant structural change described in subparagraph (A) during the middle of a year, the greenhouse gas emissions record of the reporting entity for preceding years shall be adjusted on a pro-rata basis.

"(3) CALCULATION CHANGES AND ERRORS.—The greenhouse gas emissions record of a reporting entity for preceding years shall be adjusted for—

"(A) changes in calculation methodologies; or

"(B) errors that significantly affect the quantity of greenhouse gases in the greenhouse gas emissions record.

"(4) ORGANIZATIONAL GROWTH OR DECLINE.—The greenhouse gas emissions record of a reporting entity for preceding years shall not be adjusted for any organizational growth or decline of the reporting entity such as—

"(A) an increase or decrease in production output;

"(B) a change in product mix;

"(C) a plant closure; and

"(D) the opening of a new plant.

"(5) EXPLANATIONS OF ADJUSTMENTS.—A reporting entity shall explain, in a statement included in the greenhouse gas report of the reporting entity for a year—

"(A) any significant adjustment in the greenhouse gas emissions record of the reporting entity; and

"(B) any significant change between the greenhouse gas emissions record for the preceding year and the greenhouse gas emissions reported for the current year.

"(d) QUANTIFICATION AND VERIFICATION PROTOCOLS AND TOOLS.—

"(1) IN GENERAL.—The Administrator and the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly work with the States, the private sector, and nongovernmental organizations to develop—

"(A) protocols for quantification and verification of greenhouse gas emissions;

"(B) electronic methods for quantification and reporting of greenhouse gas emissions; and

"(C) greenhouse gas accounting and reporting standards.

"(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practice protocols that have the greatest support of experts in the field.

"(3) INCORPORATION INTO REGULATIONS.—The Administrator shall incorporate the protocols developed under paragraph (1)(A) into the regulations promulgated under section 706.

"(4) OUTREACH PROGRAM.—The Administrator, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

"(e) VERIFICATION.—

"(1) PROVISION OF INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide information sufficient for the Administrator to verify, in accordance with greenhouse gas accounting and reporting standards developed under subsection (d)(1)(C), that the greenhouse gas report of the reporting entity—

"(A) has been accurately reported; and

"(B) in the case of each project reduction, represents actual reductions in greenhouse gas emissions or actual increases in net sequestration, as applicable.

"(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

"(A) obtain independent third-party verification; and

"(B) present the results of the third-party verification to the Administrator for consideration by the Administrator in carrying out paragraph (1).

"(f) Enforcement.—The Administrator may bring a civil action in United States district court against a covered entity that fails to comply with subsection (a), or a regulation promulgated under section 706(e), to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

"SEC. 705. NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.

"Not later than April 30, 2005, and each April 30 thereafter, the Administrator shall publish a national greenhouse gas emissions inventory that includes—

"(1) comprehensive estimates of the quantity of United States greenhouse gas emissions for the second preceding calendar year, including—

"(A) for each greenhouse gas, an estimate of the quantity of emissions contributed by each key source category;

"(B) a detailed analysis of trends in the quantity, composition, and sources of United States greenhouse gas emissions; and

"(C) a detailed explanation of the methodology used in developing the national greenhouse gas emissions inventory; and

"(2) a detailed analysis of the information reported to the national greenhouse gas emissions information system and the national greenhouse gas registry.

"SEC. 706. REGULATIONS.

"(a) In General.—The Administrator may promulgate such regulations as are necessary to carry out this title.

"(b) Best Practices.—In developing regulations under this section, the Administrator shall seek to leverage leading protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions.

"(c) National Greenhouse Gas Emissions Information System.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas emissions information system.

"(d) National Greenhouse Gas Registry.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas registry.

"(e) Mandatory Reporting Requirements.—

"(1) Initial reporting requirements.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the initial mandatory reporting requirements under section 704(a)(1).

"(2) Final reporting requirements.—Not later than January 31, 2006, the Administrator shall promulgate such regulations as are necessary to implement the final mandatory reporting requirements under section 704(a)(2).

"(f) Voluntary Reporting Provisions.—Not later than January 31, 2005, the Administrator shall promulgate such regulations and issue such guidance as are necessary to implement the voluntary reporting provisions under section 704(b).

"(g) Adjustment Factors.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the adjustment factors under section 704(c).".

SA 3092. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. Daschle (for himself, Mr. Durbin, and Mr. Johnson) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 25 and all that follows through page 5, line 11, and insert the following:

"(A) In general.—

"(i) Regulations.—

"(I) In general.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in Petroleum Administration for Defense Districts I, IV, and V), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

"(II) Election by governor.—Notwithstanding subclause (I), the Governor of a State in Petroleum Administration for Defense District I, IV, or IV may elect to be subject to the regulations promulgated under subclause (I) by notifying the Administrator in writing.

"(ii) Contents.—Regardless of the date of promulgation, the regulations—

"(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this section are met; but

"(II) shall not—

"(aa) restrict cases in which renewable fuel may be used; or

"(bb) impose any per-gallon obligation for the use of renewable fuel.

"(iii) No regulations.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

SA 3093. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. Daschle (for himself, Mr. Durbin, and Mr. Johnson) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 24 and all that follows through page 46, line 7, and insert the following:

(2) Effective date.—The amendments made by paragraph (1) take effect—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act;

(B) in the case of a State that, before the date of enactment of this Act, enacts a law prohibiting the sale of motor vehicle fuel containing methyl tertiary butyl ether that is to take effect earlier than the date specified in subparagraph (C), beginning on the date that the prohibition under State law takes effect; and

(C) in the case of any other State, beginning 270 days after the date of enactment of this Act.

SA 3094. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. Daschle (for himself, Mr. Durbin, and Mr. Johnson) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 21 and all that follows through page 3, line 9, and insert the following:

"(B) Renewable fuel.—

"(i) In general.—The term 'renewable fuel' means—

"(I) motor vehicle fuel that—

"(aa)(AA) is produced from grain, starch, oilseeds, or other biomass; or

"(BB) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(bb) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle; and

"(II) a clean alternative fuel described in section 249(c)(2) that is used in any State.

SA 3095. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. Daschle (for himself, Mr. Durbin, and Mr. Johnson) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 10, strike line 19 and all that follows through page 12, line 13.

SA 3096. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. Daschle (for himself, Mr. Durbin, and Mr. Johnson) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 46, line 3, insert "and in the State of New York" before the comma.

SA 3097. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. Daschle (for himself, Mr. Durbin, and Mr. Johnson) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 3, between lines 16 and 17, insert the following:

"(iii) Identification of renewable fuels by the Secretary of Energy and the Administrator.—

"(I) In general.—Not later than 270 days after the date of enactment of this subsection, the Secretary of Energy and the Administrator shall jointly determine which fuels meet the definition of renewable fuel under this paragraph.

"(II) REQUIREMENT.—To meet the definition of renewable fuel, the energy inputs of a fuel shall be less than the energy outputs of the fuel.

"(III) ENERGY INPUTS.—For the purposes of subclause (II), energy inputs include—

"(aa) the production of fertilizer or seed;

"(bb) the use of gasoline, diesel fuel, or electricity;

"(cc) ground transportation of harvested corn;

"(dd) inputs to the production of capital equipment, including farm machinery and ethanol equipment; and

"(ee) energy for irrigation.

SA 3098. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 24 and all that follows through page 6, line 15, and insert the following:

"(A) IN GENERAL.—

"(i) REGULATIONS.—Not later than 1 year after the enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel as specified in subparagraph (B).

"(ii) CONTENTS.—Regardless of the date of promulgation, the regulations—

"(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this section are met; and

"(II) shall provide that no refiner or blender shall purchase renewable fuel from a producer that—

"(aa) in any civil or criminal administrative or judicial proceeding, has been found to have engaged in price fixing or any other form of market manipulation in violation of the antitrust laws; and

"(bb) is identified in a list published jointly by the Administrator and the Attorney General, including publication on the Internet; but

"(III) shall not—

"(aa) restrict cases in which renewable fuel may be used; or

"(bb) impose any per-gallon obligation for the use of renewable fuel.

"(iii) NO REGULATIONS.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

SA 3099. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3080 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 1, line 7, strike "May 31," and insert "November 1,".

SA 3100. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3081 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 1, line 6, strike "June 1," and insert "November 1,".

SA 3101. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 8. VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

"SEC. 1108. VOIP SERVICES.

"Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.".

SA 3102. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. 1108. VOIP SERVICES.

"Notwithstanding any provision of this Act to the contrary, section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.".

SA 3103. Mr. DURBIN submitted an amendment intended to be proposed by him to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. ADDITIONAL EXCEPTION TO MORATORIUM.

Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 2 of this Act, is further amended by adding at the end the following:

"(f) ADDITIONAL EXCEPTION.—Subsection (a) shall also not apply with respect to an Internet access provider for any taxable period unless the provider reduces the amount it charges each retail user of its Internet access service during that taxable period by an amount that reflects, on a per-subscriber basis, the amount by which—

"(1) the taxes on Internet access the Internet access provider would have paid or incurred for that taxable period under any State or local government tax law that was in effect on October 31, 2003; exceeds

"(2) the taxes on Internet access actually paid or incurred by the Internet access provider for that taxable period.".

SA 3104. Mr. MCCAIN (for Mr. LAUTENBERG) proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

At the appropriate place, insert the following:

SEC. ——. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

SA 3105. Mr. MCCAIN proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

On page 8 strike lines 1 through 9 and insert the following:

"SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.

"Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging".

SA 3106. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers; as follows:

On page 2, strike lines 9 through 14, and insert the following:

"(ii) from the funds reserved under paragraph (4)(A), not more than $125,000 to each eligible women's business center established under subsection (l); and"

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 10 a.m., to conduct a hearing on "Counter-Terror Initiatives and Concerns in the Terror Finance Program."

Concurrent with the hearing, the Committee intends to vote on the nominations of the Hon. Romolo A. (Roy) Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development; Mr. Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; and Ms. Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 2:30 p.m., to hold a hearing on Middle East Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 29, 2004, at 10 a.m. to consider the nomination of Dawn Tisdale to be Commissioner, U.S. Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Thursday, April 29, 2004, immediately following a 10 a.m. nominations hearing, to consider the nominations of David Safavian to be Administrator for Federal Procurement Policy, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 29, 2004, at 10 am., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2301, a discussion draft bill to improve the management of Native American fish and wildlife and gathering, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 29, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Agenda

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William Duane Benton to be United States Circuit Judge for the Eighth Circuit; Robert Bryan Harwell to be United States District Judge for the District of South Carolina; George P. Schiavelli to be United States District Judge for the Central District of California; and Curtis V. Gomez to be Judge for the District Court of the Virgin Islands.

II. Legislation:

S. 1735. Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Chambliss, Cornyn, Feinstein, Graham, Grassley, Schumer].

S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009 [DeWine, Leahy].

S. 2192. Cooperative Research and Technology Enhancement (CREATE) Act of 2004 [Hatch, Feingold, Kohl, Leahy].

S. 1933. Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Cornyn, Feinstein].

S. 2237. Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004 [Leahy, Hatch].

S. 1932. Artists' Rights and Theft Prevention (ART) Act of 2003 [Cornyn, DeWine, Durbin, Feinstein, Graham, Hatch, Kennedy].

H.R. 1561. United States Patent and Trademark Fee Modernization Act of 2004.

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees [Chambliss].

S. 1609. Parental Responsibility Obligations Met through Immigration System Enforcement (PROMISE) Act [Hatch, Cornyn].

S. 1129. Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Durbin, Edwards, Feingold, Kennedy, Kohl, Leahy, Schumer, Specter].

S. Res. 334. A resolution designating May 2004 as National Electrical Safety Month.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 29, 2004, at 2:30 p.m. to hold a closed mark-up on the fiscal year 2005 Intelligence Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, FISHERIES AND COAST GUARD

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Fisheries, and Coast Guard be authorized to meet on Thursday, April 29, 2004, at 10 a.m. on NOAA Oversight, in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY BILL EXTENSION

Mr. FRIST. Mr. President, throughout the day we have had discussion regarding the short-term highway extension. My colleague, Senator BOND, has been here throughout the day, working hard and discussing the critical importance of having this body move forward on the 6-year authorization measure on transportation that has passed both Houses.

Obviously, there is a frustration that there has been an objection from the other side to our request to appoint conferees to move this bill to conference. We will do a short-term extension in a moment. However, as majority leader, in the absence of an agreement to move forward on the transportation bill, I am committed, after talking to and working with Senator BOND over the course of the day, to use our procedural options to put the Senate on record next week with regard to going to conference on the highway bill.

The distinguished minority whip is on the floor, and he has been very engaged in this issue as well.

I do thank our colleague, Senator BOND, and all the others involved, for allowing us to move on this short-term extension at this time. Again, I believe it is time for us to follow the regular order and send the 6-year authorization bill to conference.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I also extend my appreciation to Senator BOND. This is not a time to declare winners or losers. This is part of the legislative process. Senator BOND is an experienced legislator. He is a former Governor. He knows the importance of the highway bill. I am confident the resolution of this matter that we have worked out in the last several hours will be good for the country and certainly will be good for the 5,000 people who work at the Department of Transportation.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART II

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4219, a highway program extension bill, which is at the desk. I further ask consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4219) was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 644 through 653, and all nominations on the Secretary's desk.

For the information of Senators, these are military nominations and Foreign Service officers.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General James B. Armor, Jr., 7031
Brigadier General Curtis M. Bedke, 9014
Brigadier General John T. Brennan, 1908
Brigadier General Roger W. Burg, 0024
Brigadier General John J. Catton, Jr., 1877
Brigadier General Michael A. Collings, 3659
Brigadier General Daniel J. Darnell, 0600
Brigadier General Frank R. Faykes, 4797
Brigadier General Vern M. Findley, II, 2123
Brigadier General Stephen M. Goldfein, 0317
Brigadier General Gilmary M. Hostage, III, 6091
Brigadier General Thomas P. Kane, 9763
Brigadier General Perry L. Lamy, 4559
Brigadier General Roosevelt Mercer, Jr., 3054
Brigadier General Gary L. North, 9194
Brigadier General Anthony F. Przybyslawski, 7898
Brigadier General Loren M. Reno, 7129
Brigadier General Edward A. Rice, Jr., 4597
Brigadier General Marc E. Rogers, 4472
Brigadier General Arthur J. Rooney, Jr., 6482
Brigadier General Stephen T. Sargeant, 1024
Brigadier General Darryl A. Scott, 3767
Brigadier General Winfield W. Scott, III, 5508
Brigadier General Norman R. Seip, 6765
Brigadier General Loyd S. Utterback, 9704
Brigadier General Donald C. Wurster, 1815

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. William L. Shelton, 0678

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Ronnie D. Hawkins, Jr., 8875

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Danny K. Gardner, 1795

The following officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Richard R. Moss, 8154

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Dan K. McNeill, 4203

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Gary L. Border, 4796
Brigadier General William H. Brandenburg, 9945
Brigadier General Randal R. Castro, 5962
Brigadier General James A. Coggin, 0287
Brigadier General Joseph F. Fil, Jr., 0990
Brigadier General John D. Gardner, 1994
Brigadier General Brian I. Geehan, 7655
Brigadier General Gary L. Harrell, 7778
Brigadier General Janet E. A. Hicks, 4097
Brigadier General Kenneth W. Hunzeker, 4503
Brigadier General James A. Kelley, 0354
Brigadier General Ricky Lynch, 2073
Brigadier General Michael R. Mazzucchi, 4315
Brigadier General Dennis C. Moran, 4584
Brigadier General James H. Pillsbury, 8970
Brigadier General David C. Ralston, 4648
Brigadier General James E. Simmons, 7320
Brigadier General Edgar E. Stanton, III, 8742
Brigadier General Guy C. Swan, III, 1672
Brigadier General David P. Valcourt, 6455
Brigadier General W. Montague Winfield, 5342
Brigadier General John A. Yingling, 0713

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel John C. Adams, 2804
Colonel Charles B. Allen, 7338
Colonel Charles A. Anderson, 4562
Colonel Oscar R. Anderson, 5971
Colonel John R. Bartley, 7891
Colonel Kevin J. Bergner, 6581
Colonel Bruce A. Berwick, 6136
Colonel Nolen V. Bivens, 6799
Colonel Daniel P. Bolger, 5269
Colonel Doyle D. Broome, Jr., 4791
Colonel Albert Bryant, Jr., 4261
Colonel Robert L. Caslen, Jr., 3474
Colonel James E. Chambers, 2025
Colonel Bernard S. Champoux, 8048
Colonel Anthony A. Cucolo, III, 7278
Colonel Michael C. Flowers, 4709
Colonel Jeffrey W. Foley, 2406
Colonel Rebecca S. Halstead, 2319
Colonel Michael D. Jones, 8227
Colonel Purl K. Keen, 3412
Colonel David B. Lacquement, 3241
Colonel Stanley H. Lillie, 3039
Colonel Thomas C. Maffey, 5724
Colonel Frances G. Mahon, 2722
Colonel Joseph E. Martz, 5129
Colonel Raymond V. Mason, 6999
Colonel John F. Mulholland, 5953
Colonel Patrick J. OReilly, 7262
Colonel Mark V. Phelan, 9507
Colonel Joseph Schroedel, 2747
Colonel John E. Sterling, Jr., 4109
Colonel Randolph P. Strong, 2219
Colonel James L. Terry, 6451
Colonel William J. Troy, 4572
Colonel Peter M. Vangjel, 6018
Colonel Dennis L. Via, 0020
Colonel Joseph L. Votel, 9002
Colonel Francis J. Wiercinski, 6785

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Richard J. Wallace, 8478

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Harold L. Robinson, 3368

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1294 Air Force nominations (7) beginning Dwight R. Braswell, and ending Karen H. Stocks, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004

PN1487 Air Force nominations (2) beginning Richard J. Burling, Jr., and ending Robert L. Tullman, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1513 Air Force nomination of Aram M. Donigian, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1514 Air Force nomination of Vincent F. Carr, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1533 Air Force nomination of John D. Adams, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1051 Air Force nominations (17) beginning Elwood M. Barnes, and ending Rex A. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003

PN1515 Air Force nomination of Daniel J. Courtois, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1516 Air Force nomination of Charles G. Stitt, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1517 Air Force nomination of Ronald E. Rikansrud, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1518 Air Force nominations (2) beginning Jeffrey A. Bailey, and ending Terry G. Hoehne, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1519 Air Force nomination of Steven M. Hill, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1520 Air Force nomination of John J. Deresky, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1521 Air Force nominations (9) beginning Heidi C. Bertram, and ending Thomas C. Wisler, Jr., which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2004

ARMY

PN1471 Army nominations (2) beginning Thomas A. Burgess, and ending John R. Stefanovich, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2004

PN1483 Army nomination of Leo L. Bennett, which was received by the Senate and appeared in the Congressional Record of April 1, 2004

PN1488 Army nomination of Craig D. Hartranft, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1489 Army nomination of Willis C. Hunter, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1490 Army nomination of Dana R. Yetton, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1522 Army nomination of Harold B. Snyder, III, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1534 Army nomination of Jerry M. Brown, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1535 Army nomination of Frank G. Atkins, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1472 Army nominations (2) beginning Timothy J. Callahan, and ending Ronald O. Gienapp, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2004

PN1484 Army nomination of James D. Jones, which was received by the Senate and appeared in the Congressional Record of April 1, 2004

PN1523 Army nomination of Danny L. McGraw, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1524 Army nomination of Richard A. Stebbins, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1525 Army nomination of Otha Myles, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1485 Army nomination of Jorge L. Romeu, which was received by the Senate and appeared in the Congressional Record of April 1, 2004

PN1526 Army nomination of James R. Vandergrift, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

FOREIGN SERVICE

PN1316 Foreign Service nominations (127) beginning Bruce M. Quinn, and ending Michael W. Liikala, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2004

PN1376 Foreign Service nominations (186) beginning Christina Jeanne Agor, and ending Ted K. Gong, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004

PN1377 Foreign Service nominations (227) beginning Paul Belmont, and ending Joseph D. Stafford, III, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004

PN1378 Foreign Service nominations (11) beginning William L. Brant, II, and ending William W. Westman, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004

PN1510 Foreign Service nominations (69) beginning Eliza Ferguson Al-Laham, and ending Hugo Yue-Ho Yon, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2004

MARINE CORPS

PN1273 Marine Corps nominations (137) beginning Matthew T. Ashe, Jr., and ending Jason D. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004

PN1283 Marine Corps nominations (12) beginning Andrew T. Fink, and ending Nick Trujillo, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004

PN1285 Marine Corps nominations (119) beginning Curtis S. Ames, and ending Steven M. Zotti, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004

PN1254 Marine Corps nominations (263) beginning Mark A. Adams, and ending Erin L. Zellers, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004

PN1256 Marine Corps nominations (560) beginning Christopher J. Aaby, and ending Mark W. Zipsie, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004

PN1537 Marine Corps nomination of David C. Cox, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1491 Marine Corps nominations (47) beginning Travis R. Avent, and ending Mark B. Windham, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2004

NAVY

PN1493 Navy nominations (2083) beginning Victoria T. Crescenzi, and ending Joseph Zuliani, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1538 Navy nomination of Scott F. Murray, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1492 Navy nomination of Melissa A. Harvison, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

WOMEN'S SUSTAINABILITY RECOVERY ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of S. 2267 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2267) to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SNOWE. Mr. President, I rise to support S. 2267, the "Women's Sustainability Recovery Act of 2004" which I recently introduced. There is today a critical need to preserve the operations of existing the Women's Business Centers currently serving women entrepreneurs in almost every State and territory. I am pleased to be joined in this effort by Senators DOMENICI, CHAFEE, BOND and others. Buy adopting this bill today, the Senate is signaling its intention to preserve much-needed funding for the business centers currently in operation.

Todaay, more than 10.6 million women-owned small businesses are helping to fuel our economic recovery: they employ over 19 million Americans and contribute $2.46 trillion in revenues. In my home State of Maine, there are more than 63,000 women-owned firms, generating more than $9 billion in sales. Numbers like these speak for themselves, clear evidence of the success of the Women's Business Centers Program, which helps women achieve their dreams of owning a small business, and other programs like it. As chair of the Small Business Committee, I am committed to a wide range of efforts designed to assist women business owners, so that they, in turn, can continue to make a significant contribution to our economy.

The Women's Business Center program was introduced through the Women's Business Ownership Act of 1988,and it was made permanent in 1997. Congress has demonstrated its support for this program time and time again; its appropriations have grown from $2 million in 1989 to $12.5 million in 2004, and the results of this investment have been impressive. In fiscal year 2002, centers reported clients realized a return of $161 in gross receipts for every dollar invested in the program.

Even more remarkable is the fact that the SBA's Women's Business Center have helped to create or retain almost 7,000 jobs in the United States, a success attributable to the centers unique training and counseling programs. In fiscal year 2003, the Women's Business Center program increased its expected level of delivered services by 17 percent, providing counseling and assistance to more than 106,600 clients and thereby exceeding its initial goal of 88,540 clients. To a large degree, this increased productivity has been triggered by the success of sustainability grants, which extend funding to eligible women's business centers.

This year, insufficient funding for the sustainability grant program may force 53 Women's Business Centers to close their doors. While current legislation reserves 30.2 percent of the Women's Business Center appropriation for the sustainability grant program, this amount is not enough to support the 53 centers in jeopardy. By supporting this bill, S. 2267, which increases the reserve forth sustainability grant program by 48 percent, Congress will ensure that each of the 53 Women's Business Centers eligible for sustainability has the opportunity to compete for a sufficient pool of funding for fiscal year 2004, and that centers will be able to effectively provide valuable technical assistance to women entrepreneurs.

Without this legislation, many of the center may be in jeopardy of closing their doors. This would be a significant loss given that some of these centers have been part of the program for as long as 9 years and, during that time, have proven themselves powerful engines of economic development in communities and States across the Nation.

These centers have been extraordinarily successful in providing assistance to women in all walks of life. Women who once received public assistance are now operating businesses and creating jobs. Other women are transitioning from employee to small business employer, and established business owners are creating and manufacturing products for sale at home and abroad. The centers nurture women entrepreneurs through business and financial planning and assist women business owners who need help securing funding for startup and expansion. Furthermore, this legislation requires no additional appropriation, just a reallocation of current funds.

I am committed to resolving the women's sustainability funding crisis through this bill, and I will continue to work with my colleagues to ensure the continued success of women-owned businesses.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today I join my colleague, Senator SNOWE, chair of the Senate Committee on Small Business and Entrepreneurship, in passing legislation to safeguard Women's Business Centers funded through the Small Business Administration. This legislation is identical to the Women's Business Center provision I introduced as part of S. 2186, the SBA Emergency Authorization Extension Act of 2004, on March 9, 2004, and it fixes a funding gap that exists for meritorious Women's Business Centers that are graduating from the first stage of the program and entering the sustainability portion.

I would first like to thank Chair SNOWE for working very closely with me on this issue, as we have for the past year and a half. Senator SNOWE has long been an advocate of the Women's Business Centers and was a cosponsor of the original legislation that created the sustainability pilot program in 1999. Now, her support for continuing the nationwide network of Women's Business Centers has been the catalyst for success in the Senate. I commend Chair SNOWE for her strong leadership for women in business across this country. I would also like to thank all of the cosponsors of this legislation and of S. 2266, all of whom have shown resounding support for women entrepreneurs and recognize the positive impact the Women's Business Centers have on promoting and supporting women in business and on strengthening our national economy.

Second, I want to comment on the Bush administration's proposals to eliminate experienced, efficient, and effective Women's Business Centers in favor of new and untested centers. Unless this legislation can be enacted quickly, the administration will move forward with its proposal, which places in jeopardy experienced Women's Business Centers in 39 States and eliminates assistance for thousands of women in business. While, as this bill demonstrates, I support opening new centers to help women entrepreneurs who do not currently have access to this important assistance, this should only occur when the existing centers, whether in their initial or a later funding period, are fully funded. Women entrepreneurs and their businesses are critically important to our economy and to U.S. job creation, and Women's Business Centers help them succeed. Passing S. 2267 today will send a strong message to the House of Representatives that time is of the essence with respect to this important program, and I hope the House leadership will allow immediate passage of this measure when they are next in session.

I would also like to express my dismay that, despite bipartisan support from members of this committee, the Republican majority has opposed helping women entrepreneurs and blocked the provisions of this bill from being included in the two extensions of all SBA programs that have already passed the Senate. Those who favor blocking enactment of these provisions in hopes of closing the most experienced existing Women's Business Centers are potentially depriving thousands of women in business access to much needed assistance. This bill is a bipartisan compromise intended to maintain an effective Women's Business Center network throughout this fiscal year—a compromise that was agreed to by Chair SNOWE, myself, and the bipartisan leadership of the House Small Business Committee. It is supported by women's groups across the country.

This legislation contains a small adjustment to the Women's Business Center program that updates an outdated funding formula, without added cost to the Treasury. The adjustment changes the portion of funding allowed for Women's Business Centers in the sustainability part of the program to keep up with the increasing number of centers that will need funding this fiscal year. Currently there are 88 Women's Business Centers. Of these, 35 are in the initial grant program and 53 will have graduated to the sustainability part of the program in this funding cycle. These sustainability centers make up more than half of the total Women's Business Centers, but under the current funding formula are only allotted 30 percent of the funds. Without the change to 48 percent, all grants to sustainability centers could be cut in half—or worse, 23 experienced centers could lose funding completely. In short, this change directs the SBA to reserve 48 percent of the appropriated funds for the sustainability centers, instead of 30 percent, which will allow enough funding to keep open the most experienced centers, while still permitting the establishment of new centers and protecting existing ones. In the interest of compromise and prompt enactment of a workable solution, I fully support the formula change to 48 percent, although a change to 54 percent—as introduced as part of my Women's Business Center Safeguard Act, S. 2266—would be needed to fully fund all sustainability centers.

I have serious concerns regarding an amendment to our original legislation by the Republican leadership. The amendment would allow the Small Business Administration to award grants at arbitrary and disproportionate levels, instead of following precedent and awarding Women's Business Center grants equally to all qualified and successfully performing centers. I am deeply concerned that the administration may use this authority to shortchange some existing centers in order to use part of the 48 percent reserve funding to open new centers. While this is within the language of the amendment, it is clearly the opposite of the legislation's intent, which is to increase available funds for the most experienced Women's Business Centers so that they remain in operation. To that end, it is my recommendation that the administration use the full 48 percent for sustainability centers and that the Agency award grants at equal, or close to equal, amounts. The committee has been told that providing any sustainability Women's Business Center with a grant less than the minimum grant awarded to sustainability centers in fiscal year 2003 would impede its ability to operate effectively and successfully under the current requirements established by the administration. I am willing to make this compromise because it will give all Women's Business Centers the opportunity to receive funding; however, it is not intended to undercut the funding to any center that has met the SBA's performance standards.

As the author of the Women's Business Centers Sustainability Act of 1999, I can tell you that when the bill was signed into law, it was Congress's intent to protect the established and successful infrastructure of worthy, performing centers. The law was designed to allow all graduating Women's Business Centers that meet certain performance standards to receive continued funding under sustainability grants. This approach allows for new centers to be established—but not by penalizing those that have already demonstrated their worth. It was our intention to continue helping the most productive and well-equipped Women's Business Centers, knowing that demand for such services was rapidly growing.

Today, with women-owned businesses opening at one-and-a-half times the rate of all privately held firms, the demand and need for Women's Business Centers is even greater. Until Congress makes permanent the Women's Business Center Sustainability Pilot Program, as intended in the Senate-passed legislation, an extension of authority and increase in the portion of appropriated funds available to sustainability centers is vital—not only to the centers themselves, but to the women's business community and to the millions of workers employed by women-owned businesses round the country.

This bill is urgently needed now to continue the good work of the SBA's Women's Business Center network, and I urge all of my colleagues in the Senate and the House of Representatives to show their support for the growing number of women in business by supporting immediate passage of this bill.

WOMEN'S BUSINESS CENTER PROGRAM

Mr. President, as we pass our legislation, S. 2267, the Women's Sustainability Recovery Act, I ask my colleague from Maine, the chairwoman of the Senate Small Business and Entrepreneurship Committee, how the SBA is to implement these changes to the Women's Business Center program? I know she has been a leader on this issue, and it is my understanding that she encourages the SBA to fully support sustainability centers at a level that will enable them to operate successfully, before opening new centers.

Ms. SNOWE. I thank the Senator from Massachusetts for his question. As is evident in S. 1375, the bill to reauthorize the Small Business Administration, which passed the Senate last September, it is the intention of the Small Business and Entrepreneurship Committee and of the full Senate to continue funding eligible Women's Business Centers before opening new centers. This legislation supports that important objective. To that end, I expect the SBA to award Women's Business Center grants for the coming fiscal year to each Women's Business Center that is properly meeting performance standards. Congress has appropriated $12.5 million in fiscal year 2004 for the Women's Business Center program. If the amount reserved for sustainability centers under this legislation is insufficient to award the full amount of $125,000 to each sustainability center that meets those standards, I expect the SBA to adequately fund eligible centers.

Mr. KERRY. The committee has been told that many of the Women's Business Centers would be unable to meet minimum performance standards with a significant reduction in grant funding. Does the chairwoman agree that the funding for the sustainability centers last fiscal year would be an appropriate funding level for sustainability centers this year?

Ms. SNOWE. To ensure that each center that meets the SBA performance thresholds continues to serve women entrepreneurs in every state and territory, I expect the SBA to fully expend all the funds reserved under this bill for women's sustainability grants. This amount should be sufficient to provide funding to eligible women's business centers in the sustainability program at or above the minimum grants awarded in fiscal year 2003 to women's business centers.

Mr. KERRY. I commend Chairwoman SNOWE for her persistent efforts on behalf of this legislation and the more comprehensive SBA Reauthorization legislation. Without her strong support and hard work on this issue, the future success of this important assistance for women entrepreneurs would be in jeopardy.•

Mr. FRIST. Mr. President, I ask unanimous consent that the Snowe technical amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3106) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 2, strike lines 9 through 14, and insert the following:

"(ii) from the funds reserved under paragraph (4)(A), not more than $125,000 to each eligible women's business center established under subsection (l); and"

The bill (S. 2267), as amended, was read the third time and passed, as follows:

S. 2267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Sustainability Recovery Act of 2004".

SEC. 2. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(C) FUNDING PRIORITY.—Subject to available funds, and reservation of funds, the Administration shall, for fiscal year 2004, allocate—

"(i) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount;

"(ii) from the funds reserved under paragraph (4)(A), not more than $125,000 to each eligible women's business center established under subsection (l); and

"(iii) any funds remaining after allocations are made under clauses (i) and (ii) to new eligible women's business centers and eligible women's business centers that did not receive funding in the prior fiscal year under subsection (b)."; and

(2) in paragraph (4)(A), by adding at the end the following:

"(v) For fiscal year 2004, 48 percent.".

(b) SUNSET DATE.—The amendments made by subsection (a) are repealed on October 1, 2004.

UNIVERSITY OF MINNESOTA GOLDEN GOPHERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 346 which was introduced earlier today by Senators DAYTON and COLEMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 346) commending the University of Minnesota Golden Gophers for winning the 2003–2004 National Collegiate Athletic Association Division I National Collegiate Woman's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 346) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 346

Whereas on Sunday, March 28, 2004, the University of Minnesota Golden Gophers defeated Harvard University in the National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship game by a score of 6 to 2, having defeated Dartmouth College by a score of 5 to 1 in the semifinal;

Whereas during the 2003–2004 season, the Gophers won an outstanding 30 games, while losing only 4 and tying 2;

Whereas the University of Minnesota Golden Gophers women's ice hockey team is the only women's sport at the University to win a national championship;

Whereas sophomores Krissy Wendell, Natalie Darwitz, and Allie Sanchez and juniors Jody Horak and Kelly Stephens were selected for the 2003–2004 National Collegiate Athletic Association All-Tournament team, and Krissy Wendell was named the tournament's Most Valuable Player;

Whereas sophomore Krissy Wendell was named to the Jofa Women's University Division Ice Hockey All-American first team, and sophomore Natalie Darwitz was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Kelsey Bills, La Toya Clarke, Melissa Coulombe, and Jerilyn Glenn made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program;

Whereas the University of Minnesota Golden Gophers women's ice hockey head coach Laura Halldorson, for the third time since 1998, has been named the American Hockey Coaches Association's Division I Women's Coach of the Year (2003–2004); and

Whereas all of the team's players showed tremendous dedication throughout the season toward their goal of winning the national championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota women's ice hockey team for winning the 2003–2004 National Collegiate Athletic Association Division I Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of the University of Minnesota.

COMMENDING TOM LUNDREGAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 347 submitted by Senators FRIST and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 347) to commend the Senate Enrolling Clerk Thomas J. Lundregan on Thirty-Six Years of Service to the United States Government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. "Reserved, low key, self-deprecating, totally professional, and devoted to the Senate," that is how assistant enrolling clerk Joe Monahan describes his colleague Tom Lundregan, who retires tomorrow from his post as the Senate's enrolling clerk.

For 15 years in the Office of the Secretary, Tom has had the crucial task of ensuring that the written copy of the legislation we pass in this body is thoroughly accurate before it is sent on to the House and to the President. As Tom explains, "We cannot make mistakes. The final paper that is sent to the White House is being signed by the President and is going to become the law of the land." He says the responsibility can be "a little scary."

Despite the stress, Tom has maintained an impeccable record and earned the admiration of all of his colleagues. Not once on his watch has a piece of legislation been sent back from the House or from the President because of an error.

Through work weeks that have stretched up to 90 hours, sometimes even 50 hours straight, Tom has shown total focus, dedication and commitment to the integrity of this institution.

Says his colleague Joe, "There are darn few people who can do that." He is right. The Senate has been incredibly fortunate to have such a meticulous and hard working member of the team.

Tom says his most vivid memory of working in the Senate is 9/11, and realizing that a plane was heading this way. September 11 reinforced his idea of the importance of every Senate job, from clerks to staff to elected officials. "This is the finest institution in the world that represents democracy to everyone in the world. To have an opportunity to work in this building has been a tremendous honor."

Tom and his wife plan to spend their retirement years where it is warm all year round. They hope to travel throughout the States, starting this spring with Yosemite, Lake Tahoe and the Grand Canyon. Tom also anticipates after 15 years of grueling and unpredictable hours finally being able to spend quality time with his four grandsons.

I thank Tom for his extraordinary service to the Senate and to the American people. I wish him safe travels and all the best in his well-earned retirement.

Mr. DASCHLE. Mr. President, I come to the floor for a couple of minutes because I want to thank a man who is a fixture in this institution.

Tom Lundregan is the Senate's enrolling clerk and as fine a public servant as you will find anywhere. Today marks his last day in the Senate, and I know that I speak for all of us when I say we are going to miss him.

Tom began his Government service 36 years ago as a printing apprentice with the Government Printing Office.

Over the next 21 years, he was detailed a number of times to both the House and the Senate.

Fifteen years ago, the Senate was fortunate enough to convince Tom to join us full-time, as member of the Office of the Senate Enrolling Clerk. Since 1995, he has headed that office and served this institution with great distinction.

"Enrolling clerk" is one of those curious Senate titles that even devoted C–SPAN watchers might have a hard time defining.

It is the enrolling clerk's responsibility to proofread and prepare for printing every page of legislation the Senate passes, and then transmit those pages to the House of Representatives, the National Archives, the Secretary of State, the United States Claims Court, and the White House.

It is also the enrolling clerk who transmits Senate messages to the House, and arranges for the delivery of all Senate-enrolled bills and resolutions to the White House.

The job demands diligence, intelligence, enormous attention to detail and often incredibly long hours.

When legislation needs to be moved quickly to the House, or prepared for preconferencing, the enrolling clerk and his staff work until the job is done.

I know that, many times, Tom has had only enough time to go home and take a shower before coming right back to face another workday. He and his staff have also worked through weekends, recesses, and holidays, and they have done so without a word of complaint.

As enrolling clerk, Tom worked closely with the Secretary of the Senate and the Senate Legislative Counsel's Office to establish policies regarding the proper form and language of legislation.

He also worked with the Legislative Counsel's Office to develop software that will soon allow the enrolling clerks and legislative counsel offices to share data electronically. These projects—and others—will ensure that Tom's influence will continue to be felt in the Senate for years to come.

As some know, Tom was actually scheduled to retire 16 months ago but he stayed on to help train his successor and ensure a smooth transition. That's how committed he is to this Senate.

More than once in these last 16 months, Tom has reminded his successor, "We need to be 100 percent right, not just 99.9 percent." In 36 years of service to the people of the United States, Tom Lundregan has held himself to that same high standard. With Tom, there is no such thing as "good enough for government work."

We could not have a Government "of the people, by the people and for the people" without the extraordinary devotion and skill of people such as Tom. He is a public servant in the best sense of that term and an important and valued member of our Senate family.

Today, on the occasion of Tom's well-deserved retirement, I join the rest of the Senate family in thanking Tom. I also want to thank Tom's wife Yanjie Xu for sharing her husband with the Senate at least 16 months longer than she had planned.

We wish them well as they finally begin those travels they have looked forward to for so long, and we want them to know that they take with them the thanks, admiration, and best wishes of the entire Senate.

Mr. DODD. Mr. President, before the leader yields, I thank the leader. This was a very gracious thing to do. We don't do it often enough. I commend the Democratic leader for taking out a few minutes to recognize people who make such a difference here every single day. The leader does this repeatedly, and I commend him for it.

I associate myself with his remarks, and I wish to express our deep gratitude to Tom and his family for remarkable service to this country. I hope the people out there realize with all that happens within the view of a television camera, there are literally hundreds of people who make this government of ours, in spite of all of its inefficiencies, function remarkably well, and Tom certainly falls within that category. I thank the leader for taking a few minutes out to recognize him.

Mr. REID. Mr. President, I would also like to spread across the Record of the Senate our congratulations and appreciation for the work that Tom has contributed to this institution. Especially late in the session, when we are at home, he and the other enrolling clerk are working long, long hours after we have left, long after we have left, very tedious, very difficult, but a very important job to make sure the work we do here winds up in the final record—in the law books, in effect—the way it is supposed to be. It is an art that has been developed over these many years, and we are very appreciative of all that Tom Lundregan has done for not only the Senate but the country.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the Record at the appropriate place.

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 347

Whereas in 1967, Thomas J. Lundregan became an employee of the Government Printing Office, and since then has devoted his career to the service of the United States Government;

Whereas in 1989, Thomas J. Lundregan joined the Office of the Enrolling Clerk in the Office of the Secretary of the Senate;

Whereas in 1995, Thomas J. Lundregan became the Enrolling Clerk of the Senate and has always performed the duties of that office with great dedication, perseverance, and humor;

Whereas Thomas J. Lundregan has performed a critical role in ensuring the technical accuracy and legal sufficiency of legislation passed by the Senate;

Whereas Thomas J. Lundregan has been in the forefront of the modernization of the operations of the Senate Enrolling Clerk;

Whereas Thomas J. Lundregan has faithfully discharged the difficult duties and responsibilities of Enrolling Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas Thomas J. Lundregan has earned the respect, affection, and esteem of his colleagues and the United States Senate;

Whereas Thomas J. Lundregan has for 36 years ably and faithfully upheld the high standards and traditions of service to the United States Government; and

Whereas Thomas J. Lundregan will retire from the United States Senate on April 30, 2004, with 36 years of Service to the United States Government and 15 years Service to the United States Senate: Now, therefore, be it

Resolved, That the United States Senate commends Thomas J. Lundregan for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service, and extends its very best wishes upon his retirement.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas J. Lundregan.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 376.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 376) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, that the motion to reconsider be laid upon the table, and that any statement relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 376) was agreed to.

MEASURE READ THE FIRST TIME—H.R. 4181

Mr. FRIST. Mr. President, I understand that H.R. 4181 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under rule XIV, object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The measure will remain at the desk and receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 2370

Mr. FRIST. Mr. President, I understand that S. 2370 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2370) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under rule XIV, object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk for its second reading on the next legislative day.

ORDERS FOR MONDAY, MAY 3, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, May 3. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then begin a period for morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each; provided that following morning business, the Senate resume consideration of Calendar No. 381, S. 1637, the FSC/ETI JOBS bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday following morning business, the Senate will resume consideration of the FSC/ETI JOBS bill. The chairman and the ranking member of the Finance Committee have already worked through a number of amendments, and they will be here on Monday to continue processing those amendments. There will be no rollcall votes on Monday, but Senators are encouraged to come to the floor to offer and debate their amendments. Any rollcall votes ordered on Monday will be set aside to occur on Tuesday.

Mr. President, we began this week 4 days ago with the objective of taking up the Internet bill and, indeed, several hours ago passed a 4-year extension of an expired moratorium with protection of DSL and protection of broadband. In this bill, we address voice over Internet protocol. Also in the bill we reserve the right of States to collect the traditional telecom taxes.

It was a long 4 days in order to accomplish this end, but it really took a lot of work from both sides of the aisle. There were a number of our colleagues who participated. I will mention a few, recognizing that there are many that I leave out. We tried once before to bring this bill to the floor and had to come back to it, but we were successful this time under Senator MCCAIN's tremendous leadership. I will mention Senators ALLEN, WYDEN, LOTT, ALEXANDER, VOINOVICH, ENZI, FEINSTEIN, DORGAN, SUNUNU, and STEVENS, and the list goes on.

I appreciate the manner in which everyone handled this bill and allowed for the issues to come forward. I was so pleased that at the end of this week we accomplished what we set out to do.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the comments of Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

CAROL LEE GHO'S SELECTION TO THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Ms. MURKOWSKI. Mr. President, I appreciate the indulgence for a few minutes to say a few quick words about a fellow Alaskan.

It will come as no surprise to anyone in this body that I have expressed some concerns about the feasibility of implementing the No Child Left Behind legislation in the remote villages of rural Alaska. Descendants of the first peoples of Alaska, Eskimos, Indians and Aleuts, make up most of the inhabitants of these villages.

Last year, I brought Secretary Paige to rural Alaska so that he could fully comprehend the challenges of educating children in the villages. It is clear to me, and I believe it became clear to the Secretary, that our national education policy must be informed by the experiences of parents, teachers, and school administrators on the ground if it is to be effective. The Secretary must not only know what is going on in the classrooms of our largest cities but also in the farthest corners of our Nation. When it comes to educating our children, one size does not fit all, and nobody knows this better than an experienced classroom teacher.

I was pleased to learn that President Bush has selected an exemplary Alaska classroom teacher to work with Secretary Paige in the improvement of educational opportunities for American Indian and Alaska native students. I am speaking of Carol Lee Gho, of Fairbanks, AK, who will soon join the National Advisory Council on Indian Education.

Carol was raised in the rural Alaska villages of Lake Minchumina and Manley Hot Springs. Her mother was Inupiaq Eskimo from the village of Wainwright. After graduating from Brigham Young University with a major in mathematics, she began her teaching career at the junior high school level in California, Utah and Arizona.

In 1984, 11 years after leaving the classroom to raise a family, Carol resumed her teaching duties in the Fairbanks North Star Borough School District. She taught in the Fairbanks district continuously until her retirement in June 2003.

Carol loved teaching and she is fondly remembered for her work as a math teacher at Lathrop High School. However, she also takes great pride in the 3 years she taught at Howard Luke Academy, an alternative high school. During those 3 years, the performance of her students in mathematics improved dramatically.

Carol has been actively involved with the Association of Interior Native Educators. She served on their Board of Directors for over 7 years and was President from 1999 until 2002. She has also been a leader of the Fairbanks Native Association and has served as an advisor to the Alaska Department of Education.

Carol dreamed that after retirement she would have an opportunity to focus more of her attention on making classroom curriculum relevant to Native students. I am gratified that the President has made it possible for Carol to fulfill this desire. As a member of the National Advisory Council on Indian Education, Carol will have an opportunity to influence the quality of education enjoyed by American Indian and Alaska Native students for generations to come.

I wish Carol great success in her new role and look forward to working closely with her on matters of education policy in the coming years.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, MAY 3, 2004 AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Monday, May 3, at 1 p.m.

Thereupon, the Senate, at 8:24 p.m., adjourned until Monday, May 3, 2004, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate April 29, 2004:

DEPARTMENT OF STATE

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

CHARLES P. RIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

R. BARRIE WALKLEY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2007, VICE CECIL JAMES BANKS, TERM EXPIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT D. PAPAK, 0671
COL. EUGENE G. PAYNE JR., 7528

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WAYNE G. SHEAR JR., 3891

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CHRISTINE S. HUNTER, 9053

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CHRISTINE M. BRUZEK-KOHLER, 7779

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RAYMOND E. BERUBE, 0187
CAPT. JOHN J. PRENDERGAST III, 0415

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

CRAIG S. TOOMEY, 8103

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD B. GOODWIN, 5480

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

To be lieutenant colonel

JEFFREY P. BOWSER, 8635
RICHARD M. BRULL, 3443

GREGORY W. JOHNSON, 7083

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

BRADLEY D. BARTELS, 9269
GARY W. BROWN, 2653
JAMES S. CLARK, 3510
JASON DUDJAK III, 8494
TERRY E. HAYES, 2907
MARC D. RUSSICK, 9784
WILLIAM L. STALLINGS III, 1790

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CHARLES J. LAW, 4763
SUSAN F. WASHINGTON, 3081
DAVID A. WEAS, 7329

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ELIZABETH J. BARNSDALE, 0564

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RAUL GONZALEZ, 6085
JAMES F. KING, 9652

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD J. GALLANT, 8363
ERIC R. GLADMAN, 7393

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RANDALL W. COWELL, 3689

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624 AND 3064:

To be lieutenant colonel

JAMES C. JOHNSON, 9396

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

SHANNON D. BECKETT, 9947
LEONARD A. CROMER, 1180

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

SCOTT P. HANEY, 2949

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID P. FERRIS, 7078

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES K. COLTON, 9823

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KEVIN S. LERETTE, 5330
KATHLEEN M. LINDENMAYER, 9159

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

VICTOR M. BECK, 4640
MAUREEN P. CRAGIN, 1104
JOHN T. FLEMING III, 2492
CHARLES C. ISLEIB, 6521
ELIZABETH A. JONES, 3978

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

EDMUND F. CATALDO III, 0139
MARJORIE Z. NORDMAN, 2320
GARY S. PETTI, 4321

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ELIZABETH A. CARLOS, 2229
MAURICE J. MONTGOMERY JR., 4652
JOEL S. ROTHSCHILD, 5081
PHILIP C. WHEELER, 7813

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAUL L. ALBIN, 7022
STEPHEN L. CASTINETTI, 3529
STEPHEN E. PLAISANCE, 4126
JOHN L. SHAPIRO, 2610
MARK E. SVENNINGSEN, 1554

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN L. BARTLEY, 2011
LAURA E. MASON, 8260
JAMES A. MCGRATH, 9313
CHARLES A. RAINEY, 6702
JOSEPH A. SCHMIDT, 1150

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD A COLONNA, 3191
MARCUS J CROMARTIE, 6757
BRYAN P CUTCHEN, 0908
PETER R DAVENPORT, 1407
RONALD M FLEMING, 8108
RONALD L HARRELL, 0329
NELSON P HENDRICKS, 3266
KATHERINE A ISGRIG, 7920
MICHAEL E KIDD, 1396
DANNY E KOWALSKI, 5518
IAN C MCINTYRE, 6194
ANTHONY J PACHUTA, 5952
SCOTT F WALTON, 7416
TIMOTHY J WERRE, 9368

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN M BURNS, 7358
STEVEN R BUROCK, 2435
PAUL G CHISHOLM, 1652
DONALD F CLARK, 0444
PHIL C DELFIN, 3631
WILLIAM J DUTOUR, 1416
SCOTT C GIBNEY, 6020
MICHAEL A GREEN, 5600
BRUCE E HARTWELL, 8367
JEFFREY R HAYDEN, 3927
KIMBERLY HIGGINS, 5873
STEVEN G KEATING, 7126
WILLIAM G MAUS, 7524
ROBERT A SHAUGHNESSY, 0716
JAMES M SORRENTINO, 9494
ROBERT R SWANBECK JR., 7803
ROGER W TURNER JR., 4476

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAN D ASHCRAFT, 9374
JAMES M CANNON IV, 4087
JAMES L CLARK, 2286
WILLIAM G HALICKS, 9648
ROBERT A HAMMETT, 9649
ROBERT L HAYS, 0561
JAMES R HOGAN, 7900
THOMAS R KELLY, 2270
DAVID J KOWALICK, 8051
THOMAS L LIMBAUGH, 9534
SAMMY C MCCARVER, 0887
BRADLEY K NELSON, 0706
JOSEPH E PAYNE, 2106
MARJORIE A RAWHOUSER, 2850
RONALD F REIMER, 3293
ELIZABETH A UGORCAK, 8474
JOHN E VASTARDIS, 2126

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RODMAN P ABBOTT, 8941
RALPH J ABISLAIMAN, 9778
PATRICK H ALLMAN III, 6511
CRAIG P ANDERSON, 2243
GARY M ANDRES, 4116
JOHN R ANDRESEN, 3289
PETER P ASHTON III, 5898
DIONEL M AVILES, 5862
BRIAN G BARNES, 5285
JONATHAN H BARTLEY, 8709
KEVIN J BAUM, 0314
LEWIS O BEAUDROT, 9879
BARRY W BEHNFELDT, 8075
PHILIP R BELLIO, 5889
DEIDRE L BISHOP, 7624
WILLIAM J BISSENAS JR., 1475
TIMOTHY W BOHAN, 9213
BRIAN S BOURGEOIS, 0143
LYLE C BROWN, 4822
GORDON A BROZ, 3503
GARY R BUCHANAN, 2954
PAUL V BURKE, 6365
FRED G CADY, 0245
ROBERT K CALDWELL, 6827
CHRISTOPHER P CALLAHAN, 3225
JOSEPH V CAMERA, 7305
CARL F CARLSON II, 1395
ERIC J CARPER, 0670
THOMAS H CHAPIN, 6438
JOHN M CHIFFER, 2994
SCOTT J CHRISTENSEN, 3791
RONALD L CLEVELAND, 4162
WILLIAM G COOKE, 2483
PATRICK J COOLEY, 0714
PETER L COSTELLO, 3559
WILLIAM N COX, 4960
DAVID E CROW, 1230
BRUCE R DAILEY, 0001
WILLIAM B DAITCH, 5468
SYLVESTER D DELAPORTE, 2278
EDWARD F DELDOTTO JR., 5715
MARK F DELMAN, 1373
STERLING L DERAMUS, 6781
JOHN W DIETZEN JR., 7735
MITCHELL K DIMMICK, 5539
KAREN J DUBAY, 2685
GENE S DUBICKI, 9472
MICHAEL J DUMONT, 5032
KEITH T DUNCAN, 1052
KATHLEEN D EDWARDS, 0508
JAMES M ELLINGER JR., 1532
ROBERT B ELLIOTT, 8461
KIRK E ENGEL, 1584
RANDALL L FEHRENBACHER, 9481
DANIEL L FLYNN, 2344
ERICK W GERDES, 1824
TIMOTHY J GILBRIDE, 3557
JOHN W GREENE, 6406
ANDREW R GRIFFITH, 5608
GREGORY E HALES, 3939
JEFFREY D HALL, 9137
WILLIAM C HAMPTON, 6074
MICHAEL H HAPEMAN, 7823
BILLY R HARDAS, 1758
JOSEPH C HARDING, 6951
TIMOTHY W HARDY, 9969
CHARLES H HARRIS, 6560
BRUCE A HERFEL, 1768
WILLIAM J HIGGINS JR., 5208
DOUGLAS E HINTZE, 8801
MONICA B HOFF, 2239
BRIAN R HOOD, 7586
JAMES G HOWE, 5594
PAUL D HUNT, 8008
JAMES P IDLE, 0093
JAMES P JOHNSON, 9674
JIMMIE D JONES, 5773
DAVID W KALEEL, 4273
JOHN F KALL, 3766
BRIAN J KEEPERS, 9510
DAVID R KENNEDY III, 5918
EARLE L KIRKLEY, 7146
MARK A KIRTLEY, 7320
COLIN L KISER, 1941
GREGORY J KNIFF, 9236
GEORGE A KOBAN, 9602
PAUL A KRUG, 0377
RICHARD O KUZIAK, 6643
JEFFREY M LANDSMAN, 5334
BRIAN L LAROCHE, 4315
DANIEL M LEETZ, 9895
STEPHEN J LITTFIN, 7755
KAREN V LOFTUS, 6349
BENITO LOYOLA JR., 9420
MICHAEL L MAHAN, 5666
MICHAEL J MAHONEY, 8837
PAUL R MAHOSKY, 3625
NANCY M MALONE, 9713
WILLIAM A MARRIOTT, 8087
PAUL G MARSHALL, 5925
JEFFERSON H MATTOX, 9654
MICHAEL C MCCARRON, 7066
GARY D MCCARTHY, 2982
GEORGE C MCCOLE JR., 1737
LUKE M MCCOLLUM, 8214
PATRICK F J MCCORMACK, 2952
JAMES M MCCULLOUGH, 6652

PATRICK J MCDONNELL, 7192
JAMES J MCGOVERN, 2139
JEROME L MCKINNEY, 6357
GLENN MCMAKEN, 2499
ANTHONY J MESCHER, 4545
PATRICK A MICUCCI, 9079
GREGORY H MILLER, 9330
TIMOTHY T MILLER, 7299
JAMES E MONTGOMERY, 7919
OTTO C MOORE, 6793
WILLIAM E MOUNTFORD, 0065
JOHN T NANKERVIS JR., 5006
CHRISTIAN T NYGREN, 1136
PATRICK J OROURKE, 5744
WILLIAM J OVERMAN, 8125
ANTHONY R PAIGE, 4323
PHILIP S PARK, 4947
JOSEPH K PASKVAN II, 2990
TERRY D PATTERSON, 5146
BRADLEY J PETERSON, 2668
DAVID E PETTRY JR., 4661
MARK D PHILLIPS, 0680
JOSEPH S PURVIS, 2105
MARK A QUARTIERE, 2781
BRYAN D QUIGLEY, 2003
PAUL A RACICOT, 6336
RICHARD E RAYERMANN, 8925
PATRICK J REIDY JR., 5298
DAVID L ROBBINS JR., 5840
BLANCHARD P ROBERSON, 1665
DEREK G ROBERTS, 6296
STEPHEN L ROEHRS, 2020
ROBERT E ROSE JR., 0263
DAVID A SAEGER, 2160
JOSEPH T SANDERSON, 4988
CHRISTOPHER T SCOTT, 1207
BRUCE J SEITZ, 2718
CAMERON A SEN, 7421
FRANK P SHAFFER, 9123
JOSEPH R SHAPPELL, 0365
DENIS J SHEA, 2845
PHILLIP W SILVER, 2474
STEPHEN J SLOAN, 7413
MICHAEL B SMACK, 5506
ALAN B SMITH, 9970
ROBERT R SMITH, 8994
CHRISTIAN E SPRINKLE, 3149
ZBIGNIEW S STANKIEWICZ, 1561
VICKI S STEPHENS, 5520
BINGHAM P STICKNEY, 7310
ROBERT W STICKNEY, 8702
ERIC L STILWELL, 5022
RICHARD W STJOHN, 3591
RANDALL A STROUD, 6175
WILLIAM T SUMMERS II, 9573
DANIEL W SWEENEY, 1167
LEE M TABENKEN, 8136
ELIZABETH Y C TAGGART, 8231
MICHAEL O THOMAS, 2449
MICHAEL A THOMPSON, 9588
WILLIAM D THOMPSON, 8294
THOMAS R THROWER, 0055
BRIAN W TODD, 6283
BRION K TYLER, 3080
MARK VERROCHI, 2507
PAUL B VUJICA, 8374
JOSEPH A WALSH II, 2534
WEYMAN W WATSON, 4770
DARWIN L WEBSTER, 4461
DONALD C WHALEN, 2762
JEFFREY B WHITING, 3012
STEPHEN F WICKERSON, 6752
ROBERT J WILLIS, 8084
MARK E WOODALL, 2989
SAMUEL R YOUNG, 0843
STEVEN YOUNG, 2651

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES S BAILEY, 7418
MICHAEL D BARG, 6874
JONATHAN G BUFF, 7554
KEVIN J CALLAHAN, 3223
COURTNEY L CAMPBELL, 8526
CHRISTOPHER P CARLSON, 2213
NORMAN O DAVIS JR., 3677
MARK D DOWD, 8699
PAUL M FLEMMING, 0697
JAMES D GEMMER, 1395
GARY W GOLOMB, 2243
JOSEPH B GREEN, 0152
GAIL GROSS, 0139
BRADFORD A HALE, 5565
DAVID L HALL, 2212
JOANN S HOLLAND, 6179
JAMES M HORSLEY, 8884
CHRISTOPHER M HOUMAN, 5948
DOMINIQUE L HUSTON, 2048
STEVEN C JENSEN, 4631
STEVEN A KARLOW, 6272
JEFFREY B KELLEY, 5100
LAUCHLIN A KELLY II, 9924
FRANK D KENLON, 1329
WILLIAM L KILLION, 0502
MELVIN T KROON, 8211
BRETT M KURASHIGE, 8605
ADELE M LANGEVIN, 1983
MICHAEL C LESKIN, 9049
KENNETH LINDSEY JR., 9864
STEPHEN LOUGHRAN, 7289
JOAN F LUDWICK, 1799
CHRISTOPHER MACON, 0888
WILLIAM A MALONEY, 5045
LAVERN MEYER JR., 1319
STEVEN E MINNING, 2815
NANCY L NEWMAN, 2986
TIMOTHY I NOWACZYK, 6375
ROBERT D PAGE, 9501
JAMES J PARKER, 5903
GARY S POWERS, 8318
DONNA S RICHARDSON, 0189
NEIL D SCOTT, 5654
DEBRA L SEDGELEY, 4400
RICHARD S SHERER, 7526
MATTHEW J SLICHKO, 1082
ROGER M SMITH, 3812
JOAN F STARK, 8443
STEPHEN R TESTA, 9259
DAVID S TOLBERT, 1321
ROSE M TRAFTON, 6569
DENNIS L TROY, 1548
KRISTOFER P TURNBOW, 4349
RICHARD K VANDOP, 0419
PATRICK D WARFLE, 9342
EDWIN J WASZ, 2722
KENNETH R WHITE, 3790
THOMAS E WHITTLES, 5363
JEFFREY B WILSON, 1055

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C, SECTION 12203:

To be captain

RICHARD S. MORGAN, 4533
TERRY L. M. SWINNEY, 5441

CONFIRMATIONS

Executive nominations confirmed by the Senate April 29, 2004:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL JAMES B. ARMOR, JR.
BRIGADIER GENERAL CURTIS M. BEDKE
BRIGADIER GENERAL JOHN T. BRENNAN
BRIGADIER GENERAL ROGER W. BURG
BRIGADIER GENERAL JOHN J. CATTON, JR.
BRIGADIER GENERAL MICHAEL A. COLLINGS
BRIGADIER GENERAL DANIEL J. DARNELL
BRIGADIER GENERAL FRANK R. FAYKES
BRIGADIER GENERAL VERN M. FINDLEY II
BRIGADIER GENERAL STEPHEN M. GOLDFEIN
BRIGADIER GENERAL GILMARY M. HOSTAGE III
BRIGADIER GENERAL THOMAS P. KANE
BRIGADIER GENERAL PERRY L. LAMY
BRIGADIER GENERAL ROOSEVELT MERCER, JR.
BRIGADIER GENERAL GARY L. NORTH
BRIGADIER GENERAL ANTHONY F. PRZYBYSLAWSKI
BRIGADIER GENERAL LOREN M. RENO
BRIGADIER GENERAL EDWARD A. RICE, JR.
BRIGADIER GENERAL MARC E. ROGERS
BRIGADIER GENERAL ARTHUR J. ROONEY, JR.
BRIGADIER GENERAL STEPHEN T. SARGEANT
BRIGADIER GENERAL DARRYL A. SCOTT
BRIGADIER GENERAL WINFIELD W. SCOTT III
BRIGADIER GENERAL NORMAN R. SEIP
BRIGADIER GENERAL LOYD S. UTTERBACK
BRIGADIER GENERAL DONALD C. WURSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. WILLIAM L. SHELTON

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RONNIE D. HAWKINS, JR.

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANNY K. GARDNER

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD R. MOSS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAN K. MCNEILL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL GARY L. BORDER
BRIGADIER GENERAL WILLIAM H. BRANDENBURG
BRIGADIER GENERAL RANDAL R. CASTRO
BRIGADIER GENERAL JAMES A. COGGIN
BRIGADIER GENERAL JOSEPH F. FIL, JR.
BRIGADIER GENERAL JOHN D. GARDNER
BRIGADIER GENERAL BRIAN I. GEEHAN
BRIGADIER GENERAL GARY L. HARRELL
BRIGADIER GENERAL JANET E. A. HICKS
BRIGADIER GENERAL KENNETH W. HUNZEKER
BRIGADIER GENERAL JAMES A. KELLEY
BRIGADIER GENERAL RICKY LYNCH
BRIGADIER GENERAL MICHAEL R. MAZZUCCHI
BRIGADIER GENERAL DENNIS C. MORAN
BRIGADIER GENERAL JAMES H. PILLSBURY
BRIGADIER GENERAL DAVID C. RALSTON
BRIGADIER GENERAL JAMES E. SIMMONS
BRIGADIER GENERAL EDGAR E. STANTON III
BRIGADIER GENERAL GUY C. SWAN III
BRIGADIER GENERAL DAVID P. VALCOURT
BRIGADIER GENERAL W. MONTAGUE WINFIELD
BRIGADIER GENERAL JOHN A. YINGLING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN C. ADAMS
COLONEL CHARLES B. ALLEN
COLONEL CHARLES A. ANDERSON
COLONEL OSCAR R. ANDERSON
COLONEL JOHN R. BARTLEY
COLONEL KEVIN J. BERGNER
COLONEL BRUCE A. BERWICK
COLONEL NOLEN V. BIVENS
COLONEL DANIEL P. BOLGER
COLONEL DOYLE D. BROOME, JR.
COLONEL ALBERT BRYANT, JR.
COLONEL ROBERT L. CASLEN, JR.
COLONEL JAMES E. CHAMBERS
COLONEL BERNARD S. CHAMPOUX
COLONEL ANTHONY A. CUCOLO III
COLONEL MICHAEL C. FLOWERS
COLONEL JEFFREY W. FOLEY
COLONEL REBECCA S. HALSTEAD
COLONEL MICHAEL D. JONES
COLONEL PURL K. KEEN
COLONEL DAVID B. LACQUEMENT
COLONEL STANLEY H. LILLIE
COLONEL THOMAS C. MAFFEY
COLONEL FRANCIS G. MAHON
COLONEL JOSEPH E. MARTZ
COLONEL RAYMOND V. MASON
COLONEL JOHN F. MULHOLLAND
COLONEL PATRICK J. OREILLY
COLONEL MARK V. PHELAN
COLONEL JOSEPH SCHROEDEL
COLONEL JOHN E. STERLING, JR.
COLONEL RANDOLPH P. STRONG
COLONEL JAMES L. TERRY
COLONEL WILLIAM J. TROY
COLONEL PETER M. VANGJEL
COLONEL DENNIS L. VIA
COLONEL JOSEPH L. VOTEL
COLONEL FRANCIS J. WIERCINSKI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RICHARD J. WALLACE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. HAROLD L. ROBINSON

AIR FORCE NOMINATIONS BEGINNING ELWOOD M. BARNES AND ENDING REX A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2003.

AIR FORCE NOMINATIONS BEGINNING DWIGHT R. BRASWELL AND ENDING KAREN H. STOCKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATIONS BEGINNING RICHARD J. BURLING, JR. AND ENDING ROBERT L. TULLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2004.

AIR FORCE NOMINATION OF ARAM M. DONIGIAN.

AIR FORCE NOMINATION OF VINCENT F. CARR.

AIR FORCE NOMINATION OF DANIEL J. COURTOIS.

AIR FORCE NOMINATION OF CHARLES G. STITT.

AIR FORCE NOMINATION OF RONALD E. RIKANSRUD.

AIR FORCE NOMINATIONS BEGINNING JEFFREY A. BAILEY AND ENDING TERRY G. HOEHNE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2004.

AIR FORCE NOMINATION OF STEVEN M. HILL.

AIR FORCE NOMINATION OF JOHN J. DERESKY.

AIR FORCE NOMINATIONS BEGINNING HEIDI C. BERTRAM AND ENDING THOMAS C. WISLER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2004.

AIR FORCE NOMINATION OF JOHN D. ADAMS.

ARMY NOMINATIONS BEGINNING THOMAS A. BURGESS AND ENDING JOHN R. STEFANOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2004.

ARMY NOMINATIONS BEGINNING TIMOTHY J. CALLAHAN AND ENDING RONALD O. GIENAPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2004.

ARMY NOMINATION OF LEO L. BENNETT.

ARMY NOMINATION OF JAMES D. JONES.

ARMY NOMINATION OF JORGE L. ROMEU.

ARMY NOMINATION OF CRAIG D. HARTRANFT.

ARMY NOMINATION OF WILLIS C. HUNTER.

ARMY NOMINATION OF DANA R. YETTON.

ARMY NOMINATION OF HAROLD B. SNYDER III.

ARMY NOMINATION OF DANNY L. MCGRAW.

ARMY NOMINATION OF RICHARD A. STEBBINS.

ARMY NOMINATION OF OTHA MYLES.

ARMY NOMINATION OF JERRY M. BROWN.

ARMY NOMINATION OF FRANK G. ATKINS.

ARMY NOMINATION OF JAMES R. VANDERGRIFT.

FOREIGN SERVICE NOMINATIONS BEGINNING BRUCE M. QUINN AND ENDING MICHAEL W. LIIKALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING CHRISTINA JEANNE AGOR AND ENDING TED K. GONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING PAUL BELMONT AND ENDING JOSEPH D. STAFFORD III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING WILLIAM L. BRANT II AND ENDING WILLIAM W. WESTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING ELIZA FERGUSON AL-LAHAM AND ENDING HUGO YUE-HO YON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2004.

MARINE CORPS NOMINATIONS BEGINNING MARK A ADAMS AND ENDING ERIN L ZELLERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

MARINE CORPS NOMINATIONS BEGINNING CHRISTOPHER J AABY AND ENDING MARK W ZIPSIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

MARINE CORPS NOMINATIONS BEGINNING MATTHEW T ASHE, JR. AND ENDING JASON D YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2004.

MARINE CORPS NOMINATIONS BEGINNING ANDREW T FINK AND ENDING NICK TRUJILLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2004.

MARINE CORPS NOMINATIONS BEGINNING CURTIS S AMES AND ENDING STEVEN M ZOTTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2004.

MARINE CORPS NOMINATIONS BEGINNING TRAVIS R AVENT AND ENDING MARK B WINDHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2004.

MARINE CORPS NOMINATION OF DAVID C. COX.

NAVY NOMINATION OF MELISSA A. HARVISON.

NAVY NOMINATIONS BEGINNING VICTORIA T CRESCENZI AND ENDING JOSEPH ZULIANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2004.

NAVY NOMINATION OF SCOTT F. MURRAY.

EXTENSIONS OF REMARKS

CONGRATULATING JOHN R. MILLER, HOUSE LAW REVISION COUNSEL, UPON HIS RETIREMENT

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. HASTERT. Mr. Speaker, I am honored today to congratulate and thank Law Revision Counsel John R. Miller for his 28 years of service to the House of Representatives upon his retirement on May 3, 2004. During his time as Assistant Counsel, Deputy Counsel, and Law Revision Counsel, John's dedication, professionalism, and expertise have served the House well, and his important contributions will be missed. Overall John has given 33 years of service to the Federal Government, and I know he looks forward to a well-deserved retirement.

As the director of the Law Revision Counsel staff, John has been responsible for significantly improving the procedures for preparing and publishing the U.S. Code and for making the office self-reliant, a goal which goes back to 1975. Under John's leadership, the Office no longer requires outside assistance to produce the Code, and the staff continues to improve its efficiency. For almost three decades, John has played a pivotal role in meeting the mandate of the Office to accurately reflect the intent of Congress in consolidating and codifying Public Laws. While John will shortly no longer show up for work each day, we will remember his strong legacy. The House is a better and stronger institution because of the efforts of John Miller. We wish him all the best in retirement.

THANKING JOHN R. MILLER FOR HIS SERVICE TO THE HOUSE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Ms. PELOSI. Mr. Speaker, it is my privilege to join my colleagues in honoring a true public servant, John R. Miller, as he begins the retirement he so richly deserves. For the past 28 years, John has belonged to that small but essential group of dedicated, nonpartisan professionals who quietly ensure that the House of Representatives functions smoothly and serves the people of the United States.

John has served as Assistant Counsel, Deputy Counsel, and, for the past eight years, as the Law Revision Counsel. The Law Revision Counsel supervises a staff of 12 attorneys who, along with several editors, administrative aides, and technical specialists, are charged with preparing and publishing the United States Code. The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. It is indispensable to legislators, lawyers, and anyone with an interest in the rule of law. Under the superb leadership of John Miller, the office has rightfully earned a reputation for excellence.

John's lifetime of service to our country should be a source of pride to him and his family. On behalf of the House Democratic Caucus, it is my pleasure to commend and thank John for his great career in the House of Representatives and to wish him all the best in his retirement.

RECOGNIZING THE CONTRIBUTIONS AND ACCOMPLISHMENTS OF JOHN R. MILLER

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. SENSENBRENNER. Mr. Speaker, John R. Miller is retiring on May 3, 2004, after 32 years of service working for the Federal government. He began his career in the Legislative Branch working on the staff of Representative William McCulloch of Ohio. Later, John became an attorney-advisor in the Office of General Counsel at General Accounting Office and worked there for 3 years. In 1975, when the Office of the Law Revision Counsel was established as an independent office in the House of Representatives, John was one of the first assistant counsels appointed. In 1994, John was promoted to Deputy Law Revision Counsel, and in 1996, he was appointed by Speaker Newt Gingrich as the Law Revision Counsel.

Throughout his 28 years with the Office of the Law Revision Counsel, John has played an integral role in the development and evolution of the Office. During his tenure as Law Revision Counsel, he has initiated and overseen a significant modernization and upgrading of the procedures and technology used to prepare the Code, thereby improving efficiency and accuracy.

Mr. Speaker, John has set high standards for the work of the Office of the Law Revision Counsel. His unwavering commitment to excellence has been instrumental in making the Code as accurate and reliable as possible. He will be missed.

IN HONOR OF NANCY PIPER

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. MANZULLO. Mr. Speaker, we all know that this body could not function without the able assistance of our staff members. I wanted to bring to the attention of the House that the Small Business Committee will soon lose to retirement the services of the Chief Clerk, Nancy Piper. Nancy will officially retire tomorrow on April 30, 2004 after over 28 years of unselfish, dedicated public service to Congress in various capacities—both in the minority and in the majority—to five Republican leaders of the House Small Business Committee. Nancy graduated from Sweet Briar College in Virginia and has a Legal Assistant Degree from George Washington University.

Nancy began her career on Capitol Hill in the Nation's bicentennial year of 1976 working for her Congressman, Jack Wydler, from Garden City on Long Island, New York. At that time there were only 145 Republicans in the House of Representatives. Starting in 1983, she began working for the Small Business Committee for the then ranking minority Member Joseph McDade in Pennsylvania. Since then, Nancy worked for four other Republican leaders of the House Small Business Committee, including Andy Ireland of Florida, Jan Meyers of Kansas, and Jim Talent of Missouri. She has certainly seen a lot of changes over the years on how Capitol Hill operates, including the pivotal year of 1994, when her role dramatically changed to a majority staff person.

Nancy is one of the many unsung staff members of the Small Business Committee that makes sure many of the administrative functions of the committee run smoothly. Without her service and her institutional memory, the committee simply could not function. Nancy makes sure that everything associated with a committee hearing or a bill markup proceeds without a hitch.

Mr. Speaker, Members who serve on the Small Business Committee or who have once served on the committee all experienced Nancy's professionalism and pleasant demeanor. While they will miss her, I know that they will want to join me in wishing Nancy all the best as she leaves the frantic pace of Capitol Hill to enjoy her well-deserved retirement. My wife, Freda, and I express to Nancy Piper our very fondest personal wishes to her and her husband, Chris, and her two daughters, Kate and Elizabeth, as she embarks on her new journey in life.

RECOGNIZING NORTHWEST INDIANA COMMUNITY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I rise to recognize an outstanding member of the northwest Indiana community, Ms. Agnes Lynch.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This incredible woman has been a life force for countless students and for her family. Her presence in our community has touched the lives of thousands and helped many become the leaders of today

Originally from Milwaukee, Wisconsin, Ms. Agnes (Ott) Lynch earned her B.A. in English at Mount Mary College in Milwaukee. Two major events highlighted those college years. One was the once-in-a-lifetime experience of winning the national Tournament of Orators sponsored annually by the Hearst Newspaper chain. She was the only woman to ever win the national finals of that contest. The 1950 finals were held in Baltimore and Bishop Sheen was one of the judges. To that day, Agnes cherishes her kiss on the cheek from Sheen, at least as much as the cash prize that accompanied her first-place finish.

This other event, meeting her future husband, occurred while Agnes was working her way through college at the Milwaukee Public Library. John Lynch came into the library one night to check out a book. He was on his way home from the German bakery, just down the street from the library, where he was working his way through Marquette University. John and Agnes were married in Milwaukee just after graduation and moved to Gary, John's hometown.

After their third child was born, Agnes started her teaching career, first at Toleston High School and then, for 25 years, at Merrillville High School, where she was the English Department chairwoman, sponsor of the Thespian Society and director of the class plays. There are few people in northwest Indiana who didn't have Agnes for a teacher. In her spare time, she earned her M.A. from Valparaiso University. After retiring from Merrillville High School, Agnes taught for 3 years at Indiana University Northwest.

A widow since John's passing in 2000, Agnes now devotes her time to church, traveling and basking in the accomplishments of her children. Mr. Speaker, Agnes Lynch has given her time and efforts selflessly to the people of northwest Indiana throughout her long and illustrious life. She has given the gift of knowledge to thousands in our community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Ms. Lynch for her outstanding contributions to Indiana's First Congressional District. I am proud to commend Agnes for her lifetime of service and dedication.

HONORING MR. VAL ROSE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to an outstanding man, Mr. Val Rose, who on December 4, 2003 retired from the Genesee County Sheriff Department in Flint, Michigan after 20 years of dedicated service to the residents of Genesee County. On May 4, 2004, family and friends will gather to honor the career of Mr. Rose during a dinner to be held at the Ramada Inn located in my hometown of Flint, Michigan.

Val was born in Flint, Michigan on October 20, 1951 to Dr. and Mrs. Frank (Florence) Rose. He graduated from Central High School in 1970. He attended Flint Junior College (Mott College) and majored in criminal justice. During his course of study he received an internship within the Flint Police Department. His first official assignment was with a police force in the State of Wyoming. Upon returning to the Great State of Michigan, Val sought positions that would allow him to continue in his commitment to defending human dignity. He served as one of the officers on the first internal Hurley Medical Center security team. Val began his tenure with the Genesee County Sheriff Department as a Deputy Sheriff in September of 1993. During his career Val was elected Steward and later Chief Steward of AFSCME Local 2259, a position he held until his retirement. He was also the coordinator of the special events within the Sheriff Department. Val chaired the Michigan Special Olympics "Law Enforcement Torch Run" for 3 years. He assisted with communications for the Special Olympics "Crim Races" for 14 years, and he rode his bicycle twice across Michigan in memory of fallen deputies and other law enforcement agents. He was an adviser/instructor for 10 years with the Forgotten Man Mission Training Program, which was established to assist individuals with becoming an assistant chaplain. Val's invaluable service to the community has not gone unnoticed. During his career he received numerous accolades, including the Sheriff's "Community Service" award for his commitment to volunteering and promoting safety. Aside from his law enforcement career, Val is the Commander of the Flint-Flotilla U.S. Coast Guard Auxiliary, and most recently he became a member of the U.S. Air Force Auxiliary, Lt. Col. Keehn Composite Flint Squadron.

Val is not only dedicated to serving and protecting the community, he is also and foremost a devoted husband to his lovely and supportive wife of 26 years, Louise.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in honoring my good friend and constituent Val Rose, and wishing him the very best in his retirement.

HOMELESS VETERANS ASSISTANCE REAUTHORIZATION ACT OF 2004

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. SMITH of New Jersey. Mr. Speaker, the Department of Veterans Affairs (VA) estimates that there are 200,000 or more homeless veterans living on the streets on any given night. Other organizations dedicated to assisting homeless populations believe that that number is higher, closer to 300,000. Either number is far too high and a national travesty. For these veterans, access to VA benefits, specialized services and effective outreach are vital components to any hope of individual stability and improvement in their prospects.

With the passage of Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act of 2001, Congress established the goal of ending chronic homelessness in the veteran population within a decade. Today, I am introducing H.R. 4248 along with Mr. EVANS of Illinois, the Committee's ranking member, that would extend the authority of the Secretary of Veterans Affairs to continue making grants to expand or modify existing programs for homeless veterans. The current authority for this program will expire in September 2005 without this legislation. VA also requested an increase in the grant and per diem program spending limit from $75 million to $100 million, in its fiscal year 2005 medical care budget proposal. This legislation would authorize that spending increase along with extending the program authority through 2008.

The VA's Homeless Grant and Per Diem program provides competitive grants to community-based, faith-based, and public organizations to offer transitional housing or service centers for homeless veterans. Between grants and per diem-only awards, VA is contributing support for approximately 10,000 community-based supportive housing beds and services to homeless veterans in all 50 states and the District of Columbia. Current recipients of these funds are contributing in very significant ways to the fulfillment of the objective to reduce homelessness among veterans.

Mr. Speaker, on behalf of the homeless veterans who need these services and the programs that are achieving successful outcomes, I urge my colleagues to support this measure.

HONORING CALIFORNIA STATE SENATOR JOHN VASCONCELLOS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Ms. ESHOO. Mr. Speaker, on behalf of the members representing Silicon Valley, including Representatives STARK, LANTOS, LOFGREN, HONDA and FARR, I rise to honor California State Senator John Vasconcellos, one of the most highly respected legislators in California, who is retiring this year after representing Santa Clara County in the California Legislature for nearly forty years. Senator Vasconcellos will be honored on Friday, April 30, 2004 by the Santa Clara County Democratic Party for his extraordinary public service career.

John Vasconcellos is a graduate of Bellarmine College Preparatory in San Jose and the University of Santa Clara, where he was the first person in the history of the institution to graduate as Student Body President, Valedictorian and recipient of a medal given to the outstanding member of the senior class. After two years in the Army, he returned to attend Santa Clara University Law School where he again was Class President and a top student. He practiced law in San Jose and served in the Administration of Governor Edmund G. "Pat" Brown.

John Vasconcellos was first elected to the California State Assembly in 1966, where he served for 30 years before being elected to the State Senate. During his tenure in the Assembly, he served as the Chairman of the powerful Assembly Ways and Means Committee where he earned a reputation as a masterful negotiator and conciliator, and for the superior legislation he produced.

In 1996, John Vasconcellos was elected to the California State Senate, where he has served on the Budget, Public Safety, and Energy, Utilities and Communications Committees and as the Chair of the Committees on Education, Economic Development, Preparing California for the 21st Century, and the Internet Caucus. He founded the California Task Force to Promote Self Esteem and Personal and Social Responsibility. He has been called "the conscience of the Legislature" and "the Johnny Appleseed of Self Esteem." He has made a commitment to recognizing California as the leader in the development of new technologies, the global economy, and to meeting the challenge of realizing the promise of our multicultural democracy, with every person being given the opportunity to fulfill her or his full potential his mantra.

Mr. Speaker, we're proud to call John Vasconcellos our friend and our colleague in public service. This pragmatic idealist and visionary is a source of great pride to the Democratic Party, to our mutual constituents, to all Californians and to our entire nation. We ask our colleagues to join us in honoring and thanking Senator Vasconcellos for his lifetime of extraordinary service to California and our country. Because of him and his distinguished service, we are unmistakably a stronger, better and more decent nation.

HONORING MR. GEORGE BOOMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize the accomplishments of Mr. George Booms. He is a hardworking advocate for America's senior citizens. On Thursday, May 6, 2004, the Region VII Area Agency on Aging will show their appreciation to George during their annual meeting to be held at Buck's Run located in Mt. Pleasant, Michigan.

George was born October 9, 1938, in Bad Axe, Michigan. He is a longtime resident and dairy farmer of Sanilac County, Michigan. George has made it his life's work to defend and promote human dignity for all senior and disabled Americans. He joined the Region VII Area Agency on Aging Board of Directors in 1993. The Area Agency on Aging, which was created by the Older Americans Act, partners with county organizations to service the needs of the elderly. During his tenure, George served as board vice chairman in 1998 and 2000. He served as board chairman from 2001 to 2004. Under his steadfast leadership, George was able to successfully, along with the help of various committees, secure a new and more spacious facility for Region VII Area Agency on Aging. George was also instrumental in leading the search for a new executive director. He has also dedicated numerous hours to advocating the MiChoice Waiver program for the elderly and disabled. George was the lead in guiding the agency to conduct a study on wages and approve equitable wage steps for all employees of Region VII Area Agency on Aging. Prior to George's service on the board, he was the township clerk for Sanilac County for 12 years and a Sanilac County commissioner for 12 years. He was also a member of the Sanilac planning committee and public and safety committee. Aside from his work with the agency, George enjoys participating in various related church functions and woodworking.

I know that George would want me to point out that the love and support of his family have immensely contributed to his overall success. He is a devoted husband to his lovely wife, Arlene. They have three sons, two daughters, and six wonderful grandchildren.

Mr. Speaker, many people have greatly benefited from George Booms's experience and dedication. He is a man of moral character committed to improving the welfare and dignity of those in need. I ask my colleagues in the 108th Congress to please join me in congratulating George Booms on a successful term and in wishing the very best in future endeavors.

RECOGNIZING THE 60TH ANNIVERSARY OF OPERATION OVERLORD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to recognize and commemorate the 60th anniversary of the Allied landing at Normandy during World War II. I am pleased that the ranking member of the House Veterans' Affairs Committee, Mr. EVANS, has joined me as an original cosponsor of this measure. I urge all of my colleagues on both sides of the aisle to support this resolution.

The well-known phrase "freedom is not free" perhaps never meant as much as it did on June 6, 1944. Over 6,500 American troops suffered casualties on that day. Our allies also suffered great numbers of killed and wounded. Many more observed horrible images that were burned into their memories for the rest of their lives. Sadly, this was the beginning of a campaign that would cost the lives of thousands of Americans in order to end the "Thousand Year Reich" hundreds of years prematurely. There are many concentration camp prisoners—and their descendants—alive today because of the price paid by thousands of young men.

One of the reasons I feel strongly that Congress should debate and pass legislation such as this is that there are fewer and fewer original participants in the event, and our collective societal memory can become skewed and distorted. As the interval of time lengthens between our current understanding of a historical event, and when the event originally took place, its significance can sometimes become blurred or almost lost.

Many of us look back upon the Normandy Invasion at D–Day, June 6, 1944, and think of it as the beginning of Europe's liberation from the clutches of one of the most evil systems of government ever devised by mankind. In many ways, this understanding is correct. But sometimes I feel as if too many historical observers minimize the fact that the Allied victory at Normandy, and the subsequent liberation of Europe from Nazi and Fascist tyranny, was not inevitable. Many historians today are so obsessed with finding and identifying "fundamental historical trends" and isolating various factors and causes that they often overlook that much of history occurs by chance and by the sheer human will of key individuals.

On June 6, 1944, failure was possible. In fact, when you pause and consider the magnitude and scale of such an enormously complicated military operation waged by multiple nations, it sometimes seems amazing that the operation ever succeeded.

After all, roughly two years earlier, several thousand Canadian and British troops launched an amphibious raid near the town of Dieppe, and this operation proved to be a complete disaster. Some of the highest casualty rates of the entire war were suffered during the operation. As a result of this military debacle, there were over 1,000 allied soldiers killed, and 2,000 prisoners taken by the Germans. The Allied raid failed because troops were inadequately prepared and lacked experience in battle, the plan was poorly conceived, overly complex, and lacked sufficient fire support from aircraft and artillery.

As planning for Operation Overlord was underway, Winston Churchill injected much needed caution and urged careful planning. Stalin was putting heavy pressure on Roosevelt and Churchill to move quickly and launch an invasion in 1943 to relieve the enormous pressure on the Soviets along the Eastern Front. Churchill worried that a 1943 invasion would fail, and feared that the beaches of France could end up "choked with the bodies of the flower of American and British manhood."

Fortunately, the Allies learned the bitter lessons of the 1942 Dieppe landing, and put these hard-won lessons to good use during the Normandy invasion. But there was nothing historically inevitable about the success of Operation Overlord.

The famed historian Stephen Ambrose put the significance of this operation in perspective:

> You can't exaggerate it. You can't overstate it. [D-Day] was the pivot point of the 20th century. It was the day on which the decision was made as to who was going to rule in this world in the second half of the 20th century. Is it going to be Nazism, is it going to be communism, or are the democracies going to prevail? If we would have failed on Omaha Beach and on the other beaches on the 6th of June in 1944, the struggle for Europe would have been a struggle between Hitler and Stalin, and we would have been out of it.

It is also worth noting that General Dwight D. Eisenhower himself was not completely confident of victory. Prior to the launch of the great amphibious assault, he scribbled a brief note about what he would say to the press in the event that the invasion failed, and put it in his wallet. He later added it to his diary. The note read as follows:

> "Our landings in the Cherbourg-Havre area have failed to gain a satisfactory foothold

> and I have withdrawn the troops. My decision to attack at this time and place was based upon the best information available. The troops, the air and the Navy did all that Bravery and devotion to duty could do. If any blame or fault attaches to the attempt it is mine alone.

When the words of this note were first revealed to the American public, I thought how wise President Franklin Roosevelt was to pick a man of such character and humility as Dwight Eisenhower to lead the single most important military operation in American history.

Here was a man who was asked to oversee and execute the most complicated military plan ever devised, one in which so many things could have gone wrong that you could have blamed hundreds of different variables had it not succeeded.

A great invasion force stood off the Normandy coast of France as dawn broke on June 6, 1944: in all, there were 9 battleships, 23 cruisers, 104 destroyers, and 71 large landing craft of various descriptions, as well as troop transports, mine sweepers, and merchantmen. Combined, these forces constituted nearly 5,000 ships of every type, the largest armada ever assembled. Allied Air Forces flew 11,000 sorties to provide air cover, bomb beach-head fortifications, and most importantly, pin down the armored Panzer tank reserves that the Germans had available to counterattack and drive any Allied beachhead back into the sea.

Eisenhower had reasonable faith in his war plan, to be sure. He did not recklessly cast over 150,000 Allied soldiers into harm's way without taking every possible precaution to ensure success. But he was fully cognizant of just how badly things could go awry even if everything he could control went perfectly and on schedule. He was fully prepared to shoulder the entire blame himself if the outcome did not go well.

And there was much to be worried about. As the day of the invasion approached, the weather in the English Channel became stormy. The U.S. Army Center of Military History (CMH) reports that heavy winds, a five-foot swell at sea, and lowering skies caused General Eisenhower to postpone the assault from June 5 to June 6. Weather conditions remained poor, but when weather forecasters predicted the winds would abate and the cloud cover would rise enough on the scheduled day of the attack to permit aerial support, Eisenhower reluctantly gave the command.

Eisenhower also understood the awesome and heavy burden of leadership that comes with knowingly sending thousands of men to a place where many would not return home alive or uninjured. Planners had expected casualties of up to 80 percent among the airborne forces and glider troops. Eisenhower, knowing full well what was likely to face these airborne troops, traveled to an air base at Newbury, England to bid farewell to the members of the 101st Airborne Division before their tow planes and gliders carried them off to battle. The U.S. Army Center of Military History reports that a newspaper man who accompanied Eisenhower later told friends he had seen tears in the general's eyes.

Eisenhower's love and fear for his men was grounded in reality. Fewer than half of the gliders assigned to the U.S. 82nd Airborne Division ever reached their assigned landing zones on D–Day. Those that missed their targets either became stuck in hedgerows, struck German obstacles constructed specifically to counter glider troops, or were mired in swampy terrain. By midmorning of June 6, 1944, 4,000 men of the 82nd were unaccounted for, along with 60 percent of the equipment they had carried into battle.

Several of the beach landings went relatively smoothly and according to plan. But at the beach landing code-named OMAHA, many things seemed to go wrong all at once for the primarily American force. Naval and aerial bombardment of enemy mortar and artillery positions had failed to inflict substantial damage. As American infantry tried to take the beaches, they were pounded mercilessly by the German defenders. Allied rocket ships tried to bring additional indirect fire support, but they were launched at the outer limits of their effective range. When missiles fell short, they often hit Allied troops on the beach.

The high winds and strong currents blew many of the landing craft off course, making it difficult to coordinate artillery support and leaving troops miles from their objective with useless maps. And where the Allied forces had appropriate maps, they didn't have the necessary radios with which to call in for fire support, reinforcements, or to coordinate their attacks. A lot of radios had gone to the bottom with their ships and landing craft. Many of those who landed were seasick or weary from the journey through choppy waters. Nearly half of the amphibious tanks accompanying the invaders sank, swamped by the high waves their design couldn't accommodate. Wreckage at the water's edge piled up and landing craft became hopelessly entangled in barbed wire and uncleared beach obstacles placed by the German defenders. Arriving at the battlefield during a rising tide, many landing craft became stuck on sandbars that were 50 to 100 yards from the waterline. Enemy machine guns, firing from heavily fortified bunkers, mowed down rank after rank of U.S. troops who had to wade to shore with fifty, eighty, or sometimes a hundred pounds of equipment through water that was often neck deep.

According to some estimates, barely one-third of the first wave of attackers ever reached dry land. Few heavy weapons made it to shore in the first wave at OMAHA making it extremely difficult to take out the mortars, machine gun emplacements, and artillery batteries that were raining death upon Allied forces. Some were killed the moment the landing doors dropped, as was so poignantly captured during the memorable film, "Saving Private Ryan." Those who were wounded and unable to move sometimes drowned as the tide moved in. Making matters worse, the force opposing them were seasoned German veterans from the 352nd Infantry Division.

Only sheer bravery and the monumental effort of human will posed against impossible odds carried the day at OMAHA beach. About 2,500 men were killed or wounded at OMAHA alone.

By the end of the day, the total tally of dead and injured topped 9,000. The American share was about 6,500. Among the American airborne divisions, about 2,500 became casualties. Canadian forces experienced about 1,100 casualties and another 3,000 British soldiers were killed or wounded. Approximately one-third of the casualties were killed in action.

At roughly 10 p.m., June 6, 1944, Eastern Standard Time, President Franklin D. Roosevelt broadcast a radio address to the nation, and led a prayer for the many thousands of soldiers committed irrevocably to battle that day:

> Last night when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.
>
> And so, in this poignant hour, I ask you to join with me in prayer:
>
> Almighty God: our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.
>
> Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.
>
> They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.
>
> They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war. . . .
>
> Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom. . . .
>
> With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all men live in freedom, reaping the just rewards of their honest toil. Thy will be done, Almighty God. Amen.

Incredibly, the high casualties suffered were less than Allied planners had actually expected. There were many who feared that Hitler would order the use of chemical weapons to prevent the Allies from gaining a toehold on the European mainland. According to the U.S. Army Center of Military History, Eisenhower's chief surgeon, Maj. Gen. Albert W. Kenner, and the Chief Surgeon of the U.S. Army's European Theater of Operations, Maj. Gen. Paul R. Hawley (who later served with distinction as the chief medical officer of the VA), had prepared their staffs to process at least 12,000 killed and wounded in the First U.S. Army Division alone.

Despite the losses, and the unspeakable hardships endured by so many, the invasion succeeded. More than 100,000 men and 10,000 vehicles had come ashore that day, the first of millions who would hammer the final nails into Nazi Germany's coffin.

The skilled German Commander of Army Group B, Field Marshall Erwin Rommel, was quoted before the battle as saying "If we do not succeed in our mission to close the seas to the Allies, or in the first 48 hours, to throw them back, their invasion will be successful. . . . In the absence of strategic reserves and due to the total inadequacy of our navy and of our air force we will have lost the war." Rommel's assessment was ultimately to be proven right. Less than one year later, Nazi Germany would be beset on both sides by victorious Allied armies and surrendered.

Mr. Speaker, our nation must never forget or take for granted the sacrifices that were made to liberate Europe and put an end to Nazi tyranny. We must never turn our backs on the veterans who scaled the cliffs of Normandy against overwhelming odds.

As long as I have the privilege of serving as Chairman of the House Veterans' Affairs Committee, I will make it my highest priority to ensure that those who risked everything for the sake of our freedom, are honored and served appropriately by the Department of Veterans Affairs.

HONORING CALIFORNIA STATE SENATOR BYRON D. SHER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Ms. ESHOO. Mr. Speaker, on behalf of the members representing Silicon Valley, including Representatives FARR, HONDA, LANTOS, LOFGREN and STARK, I rise to honor California State Senator Byron Sher, one of the most highly respected legislators in California, who, after representing San Mateo, Santa Clara and Santa Cruz Counties in the California State Legislature for nearly a quarter century, will retire. Senator Sher will be honored on Friday, April 30, 2004 by the Santa Clara County Democratic Party for his career of extraordinary public service.

Byron Sher graduated from Washington University, St. Louis, and earned a law degree from Harvard Law School in 1952. He held academic teaching positions in law at Southern Methodist University, the University of Southern California, Harvard Law School, Stanford Law School, and was a Fulbright Research Scholar in New Zealand. His elective public service spans from serving on the Palo Alto City Council with two terms as Mayor, to service on the San Francisco Bay Conservation and Development Commission, the Committee on Environmental Quality for the National League of Cities, and the League of California Cities.

In November, 1980, Byron Sher was elected to the California State Assembly where he served with distinction as the acknowledged leader of environmental policy for over fifteen years. In 1996, he was elected to the California State Senate in a special election to represent the 11th Senate District which currently spans three counties and stretches from San Carlos in the north to the City of Santa Cruz in the South, and which borders on both San Francisco and Monterey Bays.

During his tenure in the California State Legislature, Byron Sher expanded his reputation as the foremost expert on environmental issues. He is the first Chairman of the Senate Environmental Quality Committee, as well as the author of landmark laws to protect our environment and serve as legislative models for the rest of the nation. Among the laws he has authored are the California Clean Air Act, the Integrated Waste Management Act, and the Safe Drinking Water Act. He has strengthened the State's timber regulations with his Surface Mining and Reclamation Act and he has been at the forefront of computer recycling programs to ensure that the dangerous byproducts of the information age, such as mercury, don't contaminate our landfills and water supplies. Senator Sher also authored the Nation's first law to prevent toxic contamination of water supplies from leaking underground storage tanks. Virtually all his legislation is considered the gold standard for environmental conservation and protection laws in our country.

Mr. Speaker, we're proud to call Byron Sher our friend and our colleague in public service. This quiet, humble, decent and brilliant man is a source of great pride to the Democratic Party, to our mutual constituents, to all Californians and to our entire Nation. We ask our colleagues to join us in honoring and thanking Senator Sher for his lifetime of extraordinary service to California and our country. Because of him and his distinguished service, we are unmistakably a stronger and a better Nation.

ON THE ONE-YEAR ANNIVERSARY OF THE U.S. NAVY'S DEPARTURE FROM VIEQUES, PUERTO RICO

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to commemorate the one-year anniversary, this Saturday, May 1st, 2004, of the U.S. Navy's departure from the island of Vieques, Puerto Rico.

Puerto Ricans have played a pivotal role in the national defense of the United States. The people of Vieques, Puerto Rico, in particular, bore over 60 years of bombing with everything from napalm to depleted uranium. In the 1940's, about two-thirds of their land was occupied by the U.S. Navy to make way for a bombing range on the eastern part of the island and a weapons depot on the western part of the island.

The movement to get the U.S. Navy out of Vieques was in existence for many years. But the tragic death of Viequense David Sanes Rodríguez on April 19, 1999 as a result of two stray bombs dropped on the Observation Post in Vieques, contributed to galvanize the movement beyond partisan affiliations and political ideologies. That struggle reached its fruition with the U.S. Navy's departure from Vieques on May 1, 2003. It is important to note that the Navy has recently indicated that the replacement training scenario for the Atlantic Fleet is as good if not better than the training conducted on Vieques. This realization is well received by those who called for the cessation of training on Vieques.

The victory in Vieques is a victory first and foremost of the Viequenses. Yet it is also a victory of Puerto Ricans in the Island, in the U.S., and of many non-Puerto Rican elected officials, civic, community, labor and religious leaders and activists who participated in the struggle, organized marches, rallies, and lobbying initiatives. Many were arrested for peaceful civil disobedience in support for peace in Vieques.

I am proud to say that many of my fellow Members of Congress participated in this important initiative for peace in Vieques. For instance, on March 8, 2001, 110 Members of Congress signed a letter to President Bush calling for the immediate and permanent cessation of military practices in Vieques.

Mr. Speaker, I would like to place the March 8, 2001, letter from these 110 Members of Congress to President Bush into the RECORD at this time. On behalf of the people of Puerto Rico, I thank these Members of Congress for their support for peace in Vieques, and I urge them and my other colleagues to join me in working towards finishing the inconclusive agenda for the people of Vieques. The immediate task at hand is ensuring the adequate, full and prompt clean up and decontamination of the lands and surrounding waters of Vieques.

Although the Navy has left Vieques, much remains to be done before the residents of Vieques have the peace and justice they deserve. When the Navy left Vieques and transferred the lands on the eastern part of Vieques to the U.S. Fish and Wildlife Service a year ago, the people of Vieques finally were free of the bombings that so disrupted and affected their peace, health, well-being and livelihood. That achievement is a testament to the resilience and perseverance of the Viequenses and their allies. That resilience and perseverance is now needed to make sure that the lands are fully and promptly cleaned up and decontaminated. The legacy of contamination and health crisis in Vieques must end.

The Governor of Puerto Rico, Hon. Sila Calderón, has requested that Vieques—and the island of Culebra—be included in the National Priorities List under the Superfund law. That request is currently under consideration by the Office of Management and Budget. Once the relevant areas are designated for clean up and decontamination, the necessary funds must be appropriated to make sure that the clean up and decontamination is conducted fully and promptly. Unnecessary delays in the clean up process and insufficient funding would only exacerbate the health crisis suffered by Viequenses.

Mr. Speaker, as we commemorate the one-year anniversary of the Navy's departure from the beautiful island of Vieques, we are proud of the victory achieved by the Viequenses and their allies in a peaceful struggle for peace and justice for the close to 10,000 residents of Vieques. At the same time, we are mindful that the agenda for complete peace and justice in Vieques is still inconclusive. We will continue to work towards completing this agenda. I am counting on my colleagues' support in doing so.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 8, 2001.

HON. GEORGE W. BUSH,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: For the last 60 years the U.S. Navy has been conducting military operations in two-thirds of the island of Vieques, Puerto Rico. From the beginning, such operations have caused concern because of their consequences on the people, the environment, and the economy. The tragic death on April 19, 1999 of David Sanes-Rodríguez, a Vieques resident, during a training exercise, brought to the forefront of the Puerto Rican national and international communities the health, environment, and the violation of human and civil rights of the residents of that Island.

The People of Vieques have a mortality rate 40 percent higher than that of Puerto Rico, a 27 percent higher risk of dying from cancer, and a 70 percent higher risk of dying from diabetes. At the same time, Vieques' natural resources and environment have been seriously damaged by the continuous bombing and shelling, which have left heavy toxic metals in the environment. The island's economy has also been affected because Vieques has not been able to develop to its full potential as a direct result of the U.S. Navy's presence. In sum, the situation of Vieques has become an issue of health, environmental protection, and human and civil rights. In spite of all of these concerns, the U.S. Navy is determined to continue using Vieques for bombing exercises.

This issue has transcended political party and ideological lines in Puerto Rico. Leaders from all sectors of society agree that the bombing and shelling must end. At the same time, in the United States, the Senate of the State of New Jersey, led by. the Republicans, approved a resolution, by unanimity, requesting the immediate cessation of the bombings. Governor Donald DiFrancesco (R–NJ), and Governor George Pataki (R–NY) have also stated their support for this effort.

Today, the vast majority of the Puerto Rican society favors the immediate and permanent cessation of the bombings and shellings. Past Presidents of the United States, under similar circumstances, have ordered the immediate and permanent cessation of military operations in other locations. For instance, in 1975, President Gerald Ford, by an Executive Order, terminated the use of the island of Culebra for military purposes. Likewise, President George Bush, on October 22, 1990, directed the Secretary of Defense to discontinue the use of the island of Kaho'olawe for bombing and target practice.

Your fellow Americans are seriously concerned about the ailing health, the violation of human and civil rights of the Viequenses, as well as the impact on their environment and natural resources. Under the Constitution of the United States, you have the authority to call for the immediate cessation of the bombing and the shelling that are affecting these rights. Therefore, the undersigned urge you to order an immediate and permanent end of the bombing in Vieques.

Respectfully,

Aníbal Acevedo Vilá (D–PR), Luis Gutierrez (D–IL), Jose Serrano (D–NY), Nydia Velázquez (D–NY), Ed Pastor (D–AZ), Ruben Hinojosa (D–TX), George Miller (D–CA), Charles Rangel (D–NY), Edolphus Towns (D–NY), Patsy Mink (D–HI), Neil Abercrombie (D–HI), Bobby Rush (D–IL), Bob Menendez (D–NJ), Edward Markey (D–MA), Hilda Solis (D–CA), Major Owens (D–NY), Mike Honda (D–CA), Sam Farr (D–CA), Elliot Engel (D–NY), Cynthia McKinney (D–GA), Carrie Meek (D–FL), Eva Clayton (D–NC), Louis Slaughter (D–NY), Sheila Jackson Lee (D–TX), Nita Lowey (D–NY), John Larson (D–CT), Juanita Millender-McDonald (D–CA), Brad Carson (D–OK) Mark Udall (D–CO) Tom Udall (D–NM), Grace Napolitano (D–CA), Charlie Gonzalez (D–TX), Donna Christensen (D–VI), Danny K. Davis (D–IL), Albert Wynn (D–MD), Xavier Becerra (D–CA), Joe Baca (D–CA), Robert C. Scott (D–VA), Ciro Rodriguez (D–TX), Anthony D. Weiner (D–NY), Lucille Roybal-Allard (D–CA), Sanford D. Bishop Jr. (D–GA), Gregory Meeks (D–NY), Stephanie Tubbs Jones (D–OH), Robert Underwood (D–GU), Rod Blagojevich (D–IL), Sherrod Brown (D–OH), Nancy Pelosi (D–CA), Peter DeFazio (D–OR), Karen McCarthy (D–MO), David Phelps (D–IL), Nick Rahall (D–WV), Eni Faleomavaega (D–AS), Bill Pascrell (D–NJ), David Bonior (D–MI), Howard Berman (D–CA), Bernard Sanders (I–VT), William Jefferson (D–LA), Dale Kildee (D–MI), Sen. John Corzine (D–NJ), Betty McCollum (D–MN), Jesse L. Jackson Jr. (D–IL), Bob Filner (D–CA), William Lacy Clay (D–MO), Ted Strickland (D–OH), Lane Evans (D–IL), Dennis Kucinich (D–OH), Robert Brady (D–PA), Jim McDermott (D–WA), John Olver (D–MA), Lois Capps (D–CA), Lynn Woolsey (D–CA), Barbara Lee (D–CA), Sen. Charles Schumer (D–NY), Sen. Hillary Clinton (D–NY), Alcee L. Hastings (D–FL), Melvin Watt (D–NC), Bennie Thompson (D–MS), Jerrold Nadler (D–NY), James E. Clyburn (D–SC), James McGovern (D–MA), Lloyd Doggett (D–TX), John Conyers Jr. (D–MI), Martin Meehan (D–MA), Elijah Cummings (D–MD), Barney Frank (D–MA), Jerry F. Costello (D–IL), Diana DeGette (D–CO), Carolyn McCarthy (D–NY), Michael McNutty (D–NY), Joseph Crowley (D–NY), Gene Green (D–TX), Carolyn Maloney (D–NY), Earl Hilliard (D–AL), Maxine Waters (D–CA), James Oberstar (D–MN), Janice Shakowsky (D–IL), Nick Lampson (D–TX), Bill Delahunt (D–MA), Eleanor Holmes Norton (D–DC), William Lipinski (D–IL), Tammy Baldwin (D–WI), Thomas Allen (D–ME), Carolyn Kilpatrick (D–MI), Maurice Hinchey (D–NY), John LaFace (D–NY), Lynn Rivers (D–MI), Robert A. Borski (D–PA), James A. Barcia (D–MI), Chaka Fattah (D–PA).

RECOGNIZING THE PASSING OF PHIL LELLI

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. DICKS. Mr. Speaker, I rise today to recognize the passing of Phil Lelli, a good friend of mine and a great leader of the International Longshore and Warehouse Union from Tacoma, Washington.

Philip M. Lelli was a born longshoreman; he began his career on the Tacoma, Washington waterfront in 1949 and retired in 1993. He was President of the Tacoma Longshore Union Local 23 from 1966 to 1993, and I recall quite well the advice and counsel he freely gave to me and to other political leaders throughout his tenure of Union leadership. Afterward, he remained deeply engaged in community affairs in the Puget Sound area, serving as a Port of Tacoma Commissioner and the Harry Bridges History Chair Trustee at the University of Washington.

Today in the House of Representatives, I would like to express my sincere wishes of sympathy to the Lelli Family, Mr. Speaker, and to extend my thanks and the appreciation of a grateful community for the many contributions that Phil has made. I would also like to include in the Record the notice that was printed in today's News Tribune newspaper from Tacoma, Washington.

[From the News Tribune, Apr. 28, 2004]

(By Philip Lelli)

HANGS HIS HOOK

Longshore leader Philip Martin Lelli was born December 4, 1929, in Edgewood and passed away April 25, 2004, in Puyallup. He was the son of Martin and Mary (Baller) Lelli and attended Fife schools and Pacific Lutheran University. He married Joanne Williams April 18, 1953, in Fife. Phil and Joanne were the proud parents of five sons: Jay (Judith E. Peterson), Marty, Dean (Susan), Vance (Kimberlie) and Ross, and grandparents of Janelle, Jayson A. (Jennifer), Paula, Rori, Scott, Mathew, and Marina. There are three great-grandchildren, MacKenzie, Kailee and Ryan. Also surviving is his brother Tom (Phyllis) Lelli. One son, Ross, and a sister, Jeanne Retallick, preceded him.

Phil Lelli was a dominant figure on the Tacoma waterfront from the moment he lifted his first 180-pound sack of wheat in 1949 until he retired as a gearman in 1993. He was a born longshoreman: a practical physicist who could come up with the most effective method of moving any size or weight of cargo; a leader of men in times of great technological change; and a stalwart ally who won hundreds of friends in ports all over the world.

His mentor was T. A. "Tiny" Thronson, a veteran of the Great Strike of 1934. Thronson's advice, "Do a hard day's work and you'll get rewarded with more opportunity," was Phil's guiding principle as President of Tacoma Longshore Union 23 from 1966 until 1983. He never abandoned his belief that port-union cooperation would result in a Golden Age. He teamed with Port Executive Director E. L. Roy Perry, Union Business Agent George Ginnis, and Port Commissioner Robert Earley to raise Tacoma from a backwater log port to become the fifth largest container port in North America.

During his 55 years on the waterfront, Phil served as Port of Tacoma commissioner, Propeller Club president, Tacoma Longshore pension club president, and University of Washington Harry Bridges History Chair trustee. The Propeller Club awarded Philip its highest honor, Master Mariner, in 1982. The Harry Bridges Chair designated him its Distinguished Supporter in 2003.

After Phil and Joanne's youngest son died in a waterfront accident in 1989, the Propeller Club created the Ross E. Lelli Memorial Scholarship Fund.

Phil Lelli learned the meaning of community service from his father, Martin, who taught his son to care for other people, especially the poor. In the 1980s Phil and Father William Bischel S.J. organized the Hospitality Kitchen to serve hot lunches to the Tacoma homeless. Phil rescued a stove from the old Knights of Pythias Temple. Longshore workers trucked the stove to the Kitchen, took out a wall, installed the stove, and rebuilt the wall. The longshore union continues its support of the Kitchen, which serves 450 meals a day.

Visitation will be from 8 a.m. to 9:45 a.m. Saturday, May 1 (International Workers Day), followed by the Funeral Mass at 10:00 a.m. at St. Andrews Catholic Church, 1401 Valley Ave., Sumner. Rosary services will be at 7 p.m. Friday at St. Martin of Tours Church 2303–54th Avenue East, Fife. Graveside services will be at Gethsemane Cemetery, 37600 Pacific Highway, at noon May 1.

The Longshore Union will honor brother Phil with an open house from 1 to 4 p.m. There is an online guest book at www.mountainviewtacoma.com

Arrangements are by Mountain View Funeral Home, 253-564-0252. In lieu of flowers, donations may be made in the name of Philip Lelli to the Ross E. Lelli Memorial Scholarship, PO Box 453, Tacoma, WA 98401, or the Hospitality Kitchen, 1323 S. Yakima Ave., Tacoma, WA 98405.

REMEMBERING CHERNOBYL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Ms. KAPTUR. Mr. Speaker, I rise today to remember those who lost their lives and those who are suffering the aftereffects of the world's worst nuclear accident—Chernobyl, April 26, 1986.

The suffering extends outside Ukraine's borders to Russia, Belarus and beyond. I ask my colleagues to take a moment to honor those innocent lives that will be forever changed by such a horrific event.

I applaud the efforts of the United States Department of Energy, the International Atomic Energy Association, and other donor nations in remediation and containment efforts in Ukraine. Estimates indicate that these projects may last at least 100 years. Our commitment must remain firm.

I am including for the RECORD an article highlighting some of the challenges ahead and devastation many have already faced.

[From CBS News, Apr. 26, 2004]

REMEMBERING CHERNOBYL

Across the former Soviet Union, people lit candles, laid flowers and held demonstrations Monday to mark the 18th anniversary of the Chernobyl nuclear disaster, which spread radiation over much of northern Europe.

In all, 7 million people in the former Soviet republics of Belarus, Russia and Ukraine are estimated to suffer physical or psychological effects of radiation related to the April 26, 1986, catastrophe, when reactor No. 4 exploded and caught fire.

An area half the size of Italy was contaminated, forcing hundreds of thousands of people to be resettled and ruining some of Europe's most fertile agricultural land, the United Nations said.

Hundreds of Ukrainians filled the small Chernobyl victims' chapel in the Ukrainian capital, Kiev, at 1:23 a.m. Monday (6:23 p.m. Sunday ET), the exact time of the explosion. Later, they laid flowers and lit candles at a small hill where marble plates are inscribed with the names of hundreds of victims.

Nearly 1,000 mourners gathered Monday afternoon at Kiev's memorial to Chernobyl victims, a soaring statue of five falling metallic swans. Some placed flowers and photos of deceased relatives at its base.

"Nothing can be compared with a mother's sorrow," said Praskoviya Nezhyvova, an elderly retiree clutching a black-framed photograph of her son, Viktor. She said he died of Chernobyl-related stomach cancer in 1990 at age 44.

Volodymyr Diunych, a driver who took members of the hastily recruited and inadequately equipped cleanup crews to the site, recalled watching as residents were evacuated "in an awful rush" days after the disaster. Meanwhile, the Soviet Union's traditional May Day celebrations went ahead in Kiev, 80 miles south of Chernobyl, only five days after the accident.

Soviet authorities had withheld much information on the world's worst nuclear accident, both from its own people and from the rest of the world. Only last year, Ukraine's security service declassified secret files documenting malfunctions and safety violations at the plant that caused the release of small doses of radiation from time to time long before the explosion.

Ukraine shuttered Chernobyl's last working reactor in December 2000, but many problems remain.

Ukrainian experts say that the concrete-and-steel shelter that was hastily constructed over the damaged reactor needs urgent repairs, but authorities claim that there are no serious safety threats. Meanwhile, many people injured or displaced because of the explosion complain about inadequate government support.

Sergei Shchvetsov, the head of Russia's Chernobyl Union, said that 40,000 people disabled in operations to clean up the blast live in Russia and the "volume of benefits to which (they) are eligible is narrowing every year," the ITAR-Tass news agency reported.

Greenpeace activists held a small protest outside Russia's Department for the Inspection of Radiation Security, carrying signs that read "No more Chernobyls."

Meanwhile, in the Ukrainian town of Slavutych—built to house Chernobyl workers displaced by the accident—people held a solemn memorial meeting early Monday to honor the memory of their relatives, friends and colleagues.

The accident occurred after officials put the reactor through a test in which power was reduced and some safety devices were disabled.

More than 2.32 million people have been hospitalized in Ukraine as of early 2004 with illnesses blamed on the disaster, including 452,000 children, according to Ukraine's Health Ministry. Ukraine has registered some 4,400 deaths.

The most frequently noted Chernobyl-related diseases include thyroid and blood cancer, mental disorders and cancerous growths. The United Nations said in a statement that in some areas of Belarus, thyroid cancer among children has increased more than 100-fold when compared with the period before the accident.

Two years ago, the U.N. reported that 200,000 people still live in highly contaminated areas and 4.5 million residents in three countries are receiving financial help—draining national budgets.

The explosion and fire at Chernobyl's No. 4 reactor contaminated 23 percent of Belarus, 5 percent of Ukraine and 1.5 percent of Russia, according to the report. It also spewed a radioactive cloud across Europe.

CONSIDERATION OF S. 1904, WILKIE D. FERGUSON, JR. FEDERAL COURTHOUSE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. MEEK of Florida. Mr. Speaker, I ask that the following newspaper articles from the Miami Herald and the South Florida Sun-Sentinel appear in the CONGRESSIONAL RECORD immediately following my statement:

[From the Miami Herald, April 29, 2004]

U.S. HOUSE OKS BILL NAMING NEW FEDERAL COURTHOUSE FOR LATE JUDGE WILKIE FERGUSON

(By Larry Lebowitz)

The U.S. House of Representatives on Wednesday unanimously passed a bill that would name the new federal courthouse in downtown Miami after the late U.S. District Judge Wilkie D. Ferguson Jr. and sent it to the President for his signature.

"His career is an inspiration to hundreds of young attorneys, and his honor and integrity make him a symbol of fairness on the federal bench," said Rep. Kendrick Meek, D-Miami. ". . . Naming the new federal courthouse after Judge Ferguson is an honor that will reinforce his legacy for decades to come." Only seven U.S. courthouses nationwide have been named for black jurists, none of them in Florida. The Senate version, introduced and co-sponsored by Florida Democratic Sens. Bob Graham and Bill Nelson, passed on March 12.

The $163 million courthouse, which will feature two 14-story towers connected by a mammoth atrium, is located at 400 N. Miami Ave. It is slated to open in late summer 2005.

[From the South Florida Sun-Sentinel, Apr. 29, 2004]

MIAMI FEDERAL COURT BUILDING TO BE FIRST IN STATE NAMED AFTER AFRICAN-AMERICAN

(By Ann W. O'Neill)

Congress unanimously approved legislation naming Miami's newest courthouse after the late U.S. District Judge Wilkie D. Ferguson Jr., making it the first federal court building in Florida to bear the name of an African-American.

The bill, sponsored by U.S. Rep. Kendrick B. Meek, was approved Wednesday by a 406-0 vote.

"Now, that's consensus," Meek said of the unanimous roll call vote. "People in South Florida seeking justice can see an example of a man who stood tall."

Meek, D-Miami, and other backers said naming the building after Ferguson shows how South Florida has evolved from a segregated society where, a generation ago, some courthouses housed blacks and whites in separate holding cells.

The $137 million Wilkie D. Ferguson Jr. United States Courthouse, going up at 400 N. Miami Ave., will be completed next year. Only seven federal courthouses across the country are named after African-Americans.

Ferguson, who was 65 when he died last year of leukemia, earned a reputation as an even-handed jurist who championed the underdog. His friend, Miami civil rights attorney H.T. Smith, eulogized Ferguson as "the judge for the least, the last, the lost, the looked-over and the left out."

In his most resonant federal court ruling, Ferguson was credited with improving the lives of thousands of disabled Florida residents. In 1999, he held the state in contempt of court, forcing it to increase funding for home nursing care and other services. The move allowed thousands of disabled people to live at home rather than in institutions.

Ferguson was born in May 1938 in Miami, where his father, Wilkie Sr., was founding pastor of St. Andrew's Missionary Baptist Church in Opa-locka. The elder Ferguson died last year at age 94.

His first landmark case came as a Miami-Dade Circuit Court judge, when he ruled blacks had been systematically excluded from a jury. He served on the state's Third District Court of Appeal in Miami from 1980 to 1993, when President Clinton appointed him to the federal bench.

Ferguson heard most of his cases in Fort Lauderdale.

The new courthouse bearing his name is taking shape as one of the most architecturally distinctive buildings to appear on Miami's skyline in years. It consists of two 15-story glass towers connected by an atrium. When completed and landscaped, it will resemble a ship afloat on a wavy sea of grass.

The bill was backed by 19 South Florida Congress members; U.S. Sens. Bob Graham and Bill Nelson; the Dade County Bar Association; the former Black Lawyers Association, now known as the Wilkie D. Ferguson Bar Association; the Caribbean Bar Association; the Haitian Lawyers Association; the Miami-Dade County Board of Commissioners and the city of Miami.

TRIBUTE TO DR. TOMAS A. ARCINIEGA ON THE OCCASION OF HIS RETIREMENT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. DOOLEY of California. Mr. Speaker, I rise today to congratulate Dr. Tomas A. Arciniega for his 20 years of distinguished service as the president of California State University-Bakersfield. His retirement in July 2004 concludes a remarkable career noted for his leadership in the development of CSU-Bakersfield as a major regional university. Throughout his career, Dr. Arciniega has been a tireless advocate for expanded access to higher education for low-income and minority students in California's San Joaquin Valley.

Dr. Arciniega was born and raised in El Paso, Texas and earned a bachelor's degree in teacher education from New Mexico State University and a master's degree in educational administration from the University of New Mexico. His early career included military service as an officer in the United States Army and an appointment by the United States Foreign Service as a human resources advisor in the Dominican Republic during the late 1960's.

Dr. Arciniega's teaching career began in El Paso, Texas and later he served as Dean of Education at San Diego State University and as Provost at California State University-Fresno. His appointment as the third president of CSU-Bakersfield in 1983 ushered in an era of steady expansion and achievement at the university. As a result of Dr. Arciniega's leadership, the university's multi-cultural enrollment has more than doubled and its budget has more than tripled.

CSU-Bakersfield's success has been due in large part to Dr. Arciniega's efforts to focus public attention on the needs of low-income and minority students, who form the country's fastest-growing school-age population. Many of Dr. Arciniega's peers have credited him with helping to make higher education a reality for thousands of students for whom college would have been impossible a generation ago. He is a widely published expert on higher education administration, bilingual education, and multicultural education. During his distinguished career, Dr. Arciniega also served as a technical consultant to the Ministries of Education in Honduras, Bolivia, Panama, and Guatemala.

Dr. Arciniega is a highly respected community leader in the Central Valley and continues to inspire young people around the country to pursue higher education as a means to improve their lives.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Tomas A. Arciniega for a highly successful career on the occasion of his retirement as president of CSU-Bakersfield. I wish him the best of luck and continued success.

THE LEGEND AWARD

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mrs. BLACKBURN. Mr. Speaker, this year the Franklin and Williamson County Chamber of Commerce gave three of our friends and neighbors the "Legend" award.

All three have worked to make our community a better place and they deserve thanks and recognition.

Louise Lynch has dedicated countless hours to saving the county's archives and preserving a historical record of Williamson County. Because of her many years of efforts, the Williamson County Archives is recognized not only as one of the best in the state but in the nation. Married to County Commissioner Clyde Lynch for 50 years, Mrs. Lynch is a sixth generation Williamson Countian. She previously earned the "Lady of the Year" award from Beta Sigma Phi; the Williamson Historical Society's Distinguished Service Award, and the Jane Langston Service Award for her preservation efforts.

Ronald Ligon has never wanted any credit for his work on behalf of Williamson County. While he would rather "remain in the background," we could not fail to recognize him. In 1959 he established Christus Gardens of Gatlinburg and served as vice chairman of the board at Harpeth National Bank. His extensive volunteer community service includes Boy Scouts, Franklin Rotary Club, and Williamson Medical Foundation.

Roy Barker was awarded a Purple Heart as a result of his military service in the Battle of the Bulge. Upon returning to Williamson County after World War II, he entered the insurance and real estate business and gained respect as a business and community leader. He served in the Tennessee Constitutional Convention and the Tennessee House of Representatives.

These friends and neighbors are the reason Franklin and Williamson County are such wonderful places to live and work. We honor them for their dedication to our community.

TRIBUTE TO MR. NICHOLAS R. SINCORE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would like to take this moment to honor a truly patriotic and courageous American, who through his military and public service has come to exemplify true commitment to one's nation and community.

Born in Homestead, FL, Mr. Nicholas R. Sincore graduated from Coral Shores High School in Tavernier. A proud American, Mr. Sincore served his country in various capacities, spending from 1948 to 1952 on active duty, and serving in the 11th Airborne Division, the 31st Infantry, and the 7th Division in Korea. After completing his tour of duty, Mr. Sincore enrolled at John A. Gupton College in Nashville, TN, where he excelled and earned a degree in Mortuary Science in 1959.

Following a strong desire to fulfill his civic duty, Mr. Sincore was first elected to the city of Homestead's City Council in 1971 as Vice Mayor/Councilman, and re-elected as Vice-Mayor/Councilman again in 1975. One year later, Mr. Sincore was appointed Mayor and re-elected to that position until 1981. He was elected again in 1983, and was re-elected as Councilman until November 2003. Mr. Sincore's commitment and dedication to serving the citizens of Homestead, is a testament of his great devotion and affinity towards the community.

In addition to holding elected office, Mr. Sincore has served the city of Homestead through his leadership as the city's representative at both the Florida League of Cities and as a board member of the Florida Municipal Electric Association. Furthermore, Mr. Sincore has served as past commander of the American Legion Post 43, director of the Homestead/Florida City Chamber of Commerce and director of the Senior Citizens Club of Homestead.

Mr. Nicholas Sincore's dedication and commitment to serving his community, his state, and his country deserves the highest praise and admiration. For many generations to come, the people of Homestead will continue to reap the benefits and rewards of Mr. Sincore's unparalleled devotion to his community. It is my distinct pleasure to honor Mr. Sincore before this body of Congress for his more than 30 years of service to the citizens of Florida and the city of Homestead.

10 NEW NATIONS OF EUROPE WILL ENTER THE EUROPEAN UNION

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on Saturday, May 1, we will witness yet another historic event in the evolution of the European Union. On that day 10 new nations of Europe will enter the European Union. This enlargement will represent the largest expansion ever undertaken by the EU.

It is clear that a strong and mature transatlantic relationship is critical to the long-term political, economic and security interests of the United States. It is also clear that one of the central ingredients to a successful transatlantic partnership is a stable, integrated and dynamic Europe.

I would like to extend my sincere congratulations to the 10 newest members of the European Union. I hope that the addition of these new members will help continue to strengthen our enduring friendship and critical partnership with the countries of Europe and the European Union. As the U.S. chairperson of the Transatlantic Legislators' Dialogue, I look forward to meeting and working with the Parliamentarians of these newest members who will soon take their seats in the European Parliament.

HONORING AMBASSADOR C.J. CHEN OF TAIWAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to join my colleagues in bidding a fond farewell to Ambassador C.J. Chen of Taiwan. He will be returning to Taipei next month. During the last four years, he has been the Representative of the Taipei Economic and Cultural Representative Office in Washington, DC.

A great advocate for his country, Ambassador Chen has helped us understand difficult issues such as Taiwan's peace referendum and the just concluded Taiwan presidential elections. At the same time he has helped his people better understand American values and strengthened the relations between Taiwan and the United States.

On Capitol Hill Ambassador Chen, known to many as simply "C.J.," is widely respected. Many of us admire his high intellect and industry as we have been privileged to see the personal depth within this very public man. Indeed, we have been enriched in having had this opportunity to get to know him and his lovely wife, Yolanda Ho.

As Ambassador Chen leaves Washington for Taipei, we can be sure that both our countries shall benefit from his efforts for years to come.

PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I support H.R. 4181. It will permanently get rid of the marriage penalty. I voted for this tax cut as a matter of equity and fairness. I do not believe couples should be penalized for getting married. The standard deduction for a single person should simply be doubled when a couple gets married. This measure does this and makes it permanent. Under current law, relief from the marriage penalty ends in 2010.

In our current economic climate, families across our country deserve tax relief from the time they are newlyweds to the time they are parents with children to the time they are enjoying their golden years. This move is a good first step to help all families.

But, I am disappointed that the Republican leadership brought this bill to the floor without a plan or a means to pay for it. This move will add to the deficit. I believe the U.S. House of Representatives has a responsibility to fund this cut. We can no longer cut taxes and increase the deficit. We are borrowing against our children and grandchildren's future.

I supported the Democratic Alternative that would have permanently eliminated the marriage penalty while not adding to the deficit. Here on Capitol Hill, we should provide tax relief but at the same time we must exercise fiscal restraint.

The Republican leadership intends to bring more tax cuts to the floor and I will consider each on a case by case basis. We must find the right tax cuts for the right time. Our children and grandchildren deserve it.

STATEMENT ON OVERTIME PAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. BACA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Today, the White House and Department of Labor issued the final regulations to end overtime pay for as many as 10 million Americans.

Millions of hard-working American police officers, fire fighters, first responders, nurses, and veterans will see their paychecks cut.

The regulations are the result of a White House initiative to help employers lower the costs of doing business by cutting employee pay and benefits.

On Oct. 2nd of last year, I voted to block these controversial changes. We succeeded by a vote of 221–203, but the Republican Congressional leaders quietly reversed that decision at the White House's urging.

The Bush Administration, despite Congressional opposition, is still cutting the pay of American workers.

Over 2 million workers have lost their jobs under this Administration while millions more are working at McJobs with no benefits. You can't feed a family on minimum wage and leftover happymeals.

Congressional Republicans and President Bush are letting millions lose their unemployment benefits.

Congressional Republicans and President Bush think it's a good idea to ship American jobs overseas.

And now, Congressional Republicans and President Bush show that they believe the best way for America to compete with the third world is to pay Americans third world wages.

We don't know the exact number of people affected without more time to analyze the details. But here's what we do know: in March of 2003 the Administration planned to end overtime pay for 8 million people, but claimed it only hurt 600,000 people.

Now they claim that only 107,000 people will be hurt. Please forgive me if I don't believe them.

President Bush's initiative to cut the pay of hard-working Americans that work overtime is unconscionable, and must be reversed. This will hurt many of the people that deserve the pay the most—the police that patrol our streets and nurses that care for our sick.

I wonder, what's next on the Bush agenda—canceling Christmas?

I urge my colleagues to rally in defense of overtime pay so we may overturn President Bush's misguided policy to export American jobs and import third world wages.

HONORING BILL AND MAGGIE KAPLEN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 2004

Mr. ROTHMAN. Mr. Speaker, today, I rise to pay tribute to Wilson and Margaret Kaplen, known as Bill and Maggie to their family and friends, for their dedication to community service and philanthropy. The Kaplens are life-long New Jersey residents, currently living in Tenafly. I have had the privilege of knowing the Kaplen family for many years.

In acknowledgment of Bill and Maggie's many contributions and devotion to the community, the Englewood Hospital and Medical Center will recognize Bill and Maggie Kaplen at the Medical Center's annual black tie gala on May 8, 2004 at the American Museum of Natural History in New York City. The Kaplens will be the first recipients of the Touchstone Award from the Medical Center, an award that has now been established in their honor.

In 1963, Bill established the Kaplen Foundation, and with the assistance of Maggie and their children, the Kaplens have given their time, hard work, and resources to endeavors including healthcare initiatives, civic projects, education and youth programs, social services, the arts, and Jewish organizations. The Kaplens have been given numerous awards for their charitable endeavors, including the Torch of Liberty Award from the Anti-Defamation League and the Chaver Award from the Jewish Community Center of the Palisades (JCC) in Tenafly. Bergen County residents have honored the Kaplen family name at the Kaplen Family Field of Dreams in Teaneck and the Michael F. Kaplen Red Cross Service Center, named in loving memory of their son, Michael.

Mr. Speaker, I commend Bill and Maggie Kaplen for their commitment to making our community a better place for all people. The Kaplens represent the best of the human spirit and serve as a true source of inspiration to us all. I ask all of my colleagues to join me in honoring Wilson and Margaret Kaplen for their contributions to our community, and in wishing them continued success and happiness in their future endeavors.

HOUSE OF REPRESENTATIVES—*Friday, April 30, 2004*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 30, 2004.

I hereby appoint the Honorable MAC THORNBERRY to ack as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Shepherd, our Stronghold and our Refuge, take this Nation under Your protection. Individually, let each one of us know that You do not reject any of us, as long as we are humble enough in Your presence and honest enough to keep asking You to forgive us for our blindness, our self-centeredness, and our failures.

Lord, perhaps as a Nation and as individual persons we make ourselves too important. At times we may think ourselves too great for You to embrace us anymore. Look upon us, Lord, and see our deepest needs. Answer our prayer. Do not let us distance ourselves from You. Give us the grace to know Your loving presence more intimately today, this weekend, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 4219. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H. Con. Res. 376. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 2267. An act to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2267. An act to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers; to the Committee on Small Business.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 4219. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1904. An act to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse."

S. 2043. An act to designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building."

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, May 4, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7911. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Fees for Product Review and Approval — received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7912. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Fees for Review of the Rule Enforcement Programs of Contract Markets and Registered Futures Association — received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7913. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Classical Swine Fever Status of France and Spain [Docket No. 98-090-7] (RIN: 0579-AB03) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7914. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Cattle From Australia and New Zealand; Testing Exemptions [Docket No. 99-071-3] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7915. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Golden Nematode; Regulated Area [Docket No. 03-082-2] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7916. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Certification Program for Imported Articles of Pelargonium spp. and Solanum spp. To Prevent Introduction of Potato Brown Rot [Docket No. 03-019-2] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7917. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designation; Michigan [Docket No. 02-112-3] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

7918. A letter from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule — Flexible Marketing Allotments for Sugar (RIN: 0560-AH08) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7919. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — General Requirements for Cooperative Services Grant Programs, Value-Added Producer Grants, Agriculture Innovation Centers and Rural Cooperative Development Grants (RIN: 0570-AA40) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7920. A letter from the Chairman and Chief Executive Officer, Farm Credit Admininstration, transmitting the Administration's final rule — Loan Policies and Operations; Disclosure to Shareholders; Disclosure to Investors in Systemwide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC07) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7921. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7922. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, South Coast Air Quality Management District [CA 304-0446c; FRL-7651-6] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7923. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 04-04 which informs of an intent to sign a Project Arrangement for the Distribution and Fate of Energetics between the United States and Canada, pursuant to 22 U.S.C. 2767(f); to the Committee on Armed Services.

7924. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-011-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7925. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-418, "Unemployment Compensation and Domestic Violence Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7926. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-417, "Disposal of District-Owned Surplus Real Property in Ward 8 Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7927. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-416, "Commission on Selection and Tenure of Administrative Law Judges Non-Liability Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7928. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-415, "Freedom Way Designation Act of 2004,"pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7929. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-414, "Language Access Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7930. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Cook Inlet, Sale 191, scheduled to be held in May 2004, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

7931. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No.03-9006 — In re Bankvest Capital Corp. (March 15, 2004)); to the Committee on the Judiciary.

7932. A letter from the Secretary, Department of Transportation, transmitting the Nineteenth Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year 2000, pursuant to 49 U.S.C. 47131; to the Committee on Transportation and Infrastructure.

7933. A letter from the United States Trade Representative, transmitting the report of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees duly constituted under said Acts, on the proposed free trade agreement between the United States and the Dominican Republic, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7934. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2003, pursuant to 31 U.S.C. 9106; jointly to the Committees on International Relations and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Mr. FILNER):

H.R. 4251. A bill to amend various laws relating to maritime transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 4252. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants for the repair, renovation, alteration, and construction of public elementary and secondary school facilities; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 4253. A bill to amend title 4, United States Code, to require the display at half-staff of the flag of the United States on National Workers Memorial Day; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.R. 4254. A bill to authorize the Speaker of the House of Representatives and the President Pro Tempore of the Senate to make appropriate arrangements for the presentation, on behalf of Congress, of gold medals to the Meskwaki Code Talkers in recognition of their contributions to the Nation during World War II, and for other purposes; to the Committee on Financial Services.

By Mr. INSLEE:

H.R. 4255. A bill to prevent deceptive software transmission practices in order to safeguard computer privacy, maintain computer control, and protect Internet commerce; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. WAXMAN, Mr. OWENS, Mr. LYNCH, Mr. MICHAUD, Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Mr. HOEFFEL, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mr. ABERCROMBIE, Mr. SERRANO, Mr. DELAHUNT, Ms. DELAURO, Ms. SOLIS, Mr. SHERMAN, Mr. MATSUI, Mr. TIERNEY, Mr. MENENDEZ, Mr. BACA, Ms. WATSON, Mr. LANGEVIN, Mr. CROWLEY, Mr. ACKERMAN, Ms. MCCOLLUM, Mr. BERMAN, Mr. INSLEE, Mr. VAN HOLLEN, Mr. EVANS, Mr. WYNN, Mr. KUCINICH, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. DICKS, Mr. GONZALEZ, Mr. HINCHEY, Mr. BROWN of Ohio, Ms. KILPATRICK, Mrs. JONES of Ohio, Ms. MCCARTHY of Missouri, Ms. NORTON, Ms. WATERS, Mr. KLECZKA, Mr. CUMMINGS, Mr. COSTELLO, Mr. RANGEL, Mr. WEINER, Ms. WOOLSEY, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. BISHOP of New York, Ms. CARSON of Indiana, Mr. ALLEN, Mr. RYAN of Ohio, Mr. RODRIGUEZ, Mr. UDALL of New Mexico, Mr. OLVER, Mr. OBEY, Mr. FRANK of Massachusetts, Mr. STARK, Mr. SANDERS, Mr. CAPUANO, Mr. HINOJOSA, Ms. LOFGREN, Mr. KILDEE, Mr. ANDREWS, Mr. HOLT, Mr. GEPHARDT, Mr. HONDA, Mr. SABO, Mr. MEEHAN, Ms. BALDWIN, Mr. WU, and Mr. MEEKS of New York):

H.R. 4256. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. OTTER (for himself, Mr. OBERSTAR, Mr. SIMPSON, Mr. PETERSON of Minnesota, Mr. KILDEE, Mr. MARSHALL, Mr. POMEROY, Mr. PAUL, Mr. ROSS, Mr. MCHUGH, Ms. SCHAKOWSKY, Mr. KENNEDY of Minnesota, Mr. BEREUTER, and Mr. NETHERCUTT):

H.R. 4257. A bill to amend title XVIII of the Social Security Act to clarify payment for clinical laboratory tests furnished by critical access hospitals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Ms. BORDALLO, Mr. HOUGHTON, Ms. WATSON, Mr. BOOZMAN, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILÁ, Mr. ABERCROMBIE, and Mr. CASE):

H. Con. Res. 410. Concurrent resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world; to the Committee on International Relations.

By Mr. RYUN of Kansas:

H. Con. Res. 411. Concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself, Mr. Bereuter, Mr. Price of North Carolina, and Mr. Wexler):

H. Con. Res. 412. Concurrent resolution relating to the reunification of Cyprus; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Smith of New Jersey, Ms. Lofgren, and Ms. Loretta Sanchez of California):

H. Res. 613. A resolution recognizing and honoring the tenth anniversary of Vietnam Human Rights Day; to the Committee on Government Reform.

By Mrs. MUSGRAVE:

H. Res. 614. A resolution supporting the goals of a National Motorcycle Safety and Awareness Month; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. Blunt, Mr. Lantos, Mr. Pence, Mrs. Jo Ann Davis of Virginia, Mr. McCotter, Mr. Crowley, and Mr. Ackerman):

H. Res. 615. A resolution expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. Pence, Mrs. Jo Ann Davis of Virginia, Mr. McCotter, and Mr. Blunt):

H. Res. 616. A resolution condemning the recent increase in acts of anti-Semitism in members countries of the European Union, and for other purposes; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. Pence, Mrs. Jo Ann Davis of Virginia, Mr. McCotter, Mr. Crowley, Mr. Blunt, and Mr. Lantos):

H. Res. 617. A resolution expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

317. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1834 memorializing the President and Congress of the United States to hold harmless those states which, as a result of their own educational accountability systems, meet or exceed requirements of or standards of the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

318. Also, a memorial of the Senate of the State of Vermont, relative to Senate Resolution No. 23, memorializing the Congress of the United States to amend the No Child Left Behind Act to include a mechanism for a waiver from its provisions for school accountability that shall be granted to states whose systems of standards and accountability result in high student achievement; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 203: Mr. Shays.

H.R. 432: Mr. Lipinski.

H.R. 1057: Mr. Moran of Kansas and Mr. Frost.

H.R. 2023: Mrs. McCarthy of New York.

H.R. 2173: Mr. Israel and Mr. Stenholm.

H.R. 2260: Mr. Wilson of South Carolina, Mr. Gingrey, Mr. Rodriguez, Mr. Goode, Mr. Cummings, Mr. Greenwood, and Mr. Shimkus.

H.R. 2404: Ms. Harris and Mr. LaTourette.

H.R. 2562: Mr. Ross.

H.R. 2728: Mr. Wilson of South Carolina.

H.R. 2729: Mr. Wilson of South Carolina.

H.R. 2730: Mr. Wilson of South Carolina.

H.R. 2731: Mr. Wilson of South Carolina.

H.R. 3090: Mr. Owens.

H.R. 3266: Mrs. Napolitano.

H.R. 3755: Mr. Abercrombie, Mr. Israel, Mr. Sullivan, and Mr. Stenholm.

H.R. 3802: Mr. Smith of New Jersey, Ms. Slaughter, and Mr. Ruppersberger.

H.R. 3889: Mr. Cramer.

H.R. 3978: Mr. Fossella.

H.R. 4102: Mr. Allen, Mr. Costello, Mr. Ross, Mr. Rush, Ms. Hooley of Oregon, Mr. Davis of Illinois, and Mr. Owens.

H.R. 4124: Mr. Snyder.

H.R. 4155: Mr. McDermott.

H.R. 4231: Mr. Smith of New Jersey.

H.J. Res. 93: Mr. Filner, Mr. Rothman, Mr. McGovern, Mr. Pence, Mr. Brady of Pennsylvania, and Mr. Hill.

H. Con. Res. 366: Mr. Meek of Florida.

H. Res. 479: Mr. Neal of Massachusetts and Mr. Tierney.

EXTENSIONS OF REMARKS

TRIBUTE TO GREATER UNIVERSAL BAPTIST CHURCH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Greater Universal Baptist Church on the occasion of their 50th anniversary.

The Greater Universal Baptist Church was established in the Bronx, New York, in 1954 and immediately became a cornerstone of the community. For fifty years this church has served not only as a place of worship but as a community institution where individuals could build relationships with neighbors and develop skills necessary for success in everyday life. Whether through after school programs, community festivals, clothing distributions or movie nights at the church, the Greater Universal Baptist Church has found ways to engage the people of the Bronx.

In 1998, the church founded the Community Development Corporation in an effort to develop the area surrounding the church. As a result of their efforts and those of the Atlantic Development Group, 204 units of housing and three community centers will be added to the community's landscape in the near future.

Mr. Speaker, I cannot say enough about the efforts of the Greater Union Baptist Church to uplift the people of the Bronx. Through various activities, including feeding the homeless and holding community based seminars for job development, health care and spiritual enrichment, they help the people of my district enjoy a higher standard of living.

For fifty years of service to people of the Bronx, I ask my colleagues to join me in honoring the Greater Universal Baptist Church and in wishing them another prosperous fifty years.

HONORING ISRAELI INDEPENDENCE DAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. PORTER. Mr. Speaker, I rise today to congratulate the State of Israel on the 56th anniversary of its establishment. The brave men and women who fought against all odds for the establishment of the State of Israel were determined to build a prosperous, democratic land where western ideals of freedom and tolerance could live. Now, in 2004, Israel stands out more clearly than ever as the ideal its neighbors should aspire towards.

I am proud to have visited Israel, and to have seen firsthand the bravery and steadfastness of its people. I look forward to the day when Israel's independence day is celebrated around the world as a celebration of the values all people of good will share, and a tribute to the Israel of yesterday, today, and the future.

Mr. Speaker, I also ask my colleagues to join me in commending the Jewish Federation of Las Vegas for sponsoring Las Vegas' Israel Independence Day Celebration on Sunday, May 2, 2004. It is my hope that America's citizens will mark this occasion and demonstrate their support for the U.S.-Israeli relationship with similar events across the country.

A TRIBUTE IN HONOR OF TOM MACNAUGHTON, DIRECTOR OF THE LENAWEE COUNTY DEPARTMENT ON AGING, ADRIAN, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Tom MacNaughton, director of the Lenawee County Department on Aging, and to recognize his dedication to the senior citizens of Lenawee and Monroe counties and the Foster Grandparents program. Tom has given 20 years to the Foster Grandparents program and has helped improve the lives of countless seniors and at-risk youth in Lenawee and Monroe counties.

Tom is passionate about everything he does. Whether it's running a marathon or helping the senior citizens in the community, Tom's commitment to excellence is clearly evident. His hard work has helped the senior citizens of Lenawee and Monroe counties live independently with dignity for as long as possible.

We live in a time when many children lack extended families and seniors face many challenges while living independently. The Foster Grandparents program matches these at-risk children with low-income seniors in a win-win program that fosters caring, compassion, and confidence. The foster grandparents help the children with schoolwork and act as a necessary source of positive reinforcement and attention, while earning money that helps them live independent lives.

In 1982, the State of Michigan allocated additional funding to the Lenawee Foster Grandparent program. While serving as director, Tom MacNaughton used the funding to expand the program into Monroe County. Tom's diligence in working with the local school districts and securing local funding has greatly contributed to the program's success.

For these reasons, I rise to honor Tom MacNaughton of Adrian, Michigan. May his actions be an example for all.

A TRIBUTE TO ANTHONY FORMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Anthony Forman in recognition of his important work as a community activist in East New York.

Tony, as he is known to his family and friends, grew up in the community of East New York in Brooklyn. A graduate of Thomas Jefferson High School, he went on to receive a B.A. Degree in theater and an M.S. Degree and Advanced Certificate in guidance and counseling from the School of Education at Brooklyn College. As part of his academic training in the theater, Tony appeared in several Off Broadway stage productions and worked as a professional model. While pursuing his degrees from the School of Education, he designed a community-based training program for ex-offenders who lack education or job skills. Tony is also a dedicated husband and family man with three sons.

Through his work as the office manager for my Pennsylvania Avenue district office, Tony has continued his focus on at-risk young adults. He is a Community Action Board member with the Department of Youth and Community Development. He has also established the East New York Scholarship Fund to assist at-risk youth from low income, resource-deprived communities like East New York. Moreover, because Tony is bilingual in Spanish and English, his work with constituents in need of immigration assistance has been invaluable to the community.

In addition to his community work, Tony is an accomplished entrepreneur. He is currently President and Chief Executive Officer for his company, NUBN Prince Enterprises, a partner in Trucomm Construction Company, and a consultant for KRL Group, LLC and the Crescent Consulting firm. These businesses are all based on the principle of empowering one's community through "TCI," total community involvement.

Mr. Speaker, Anthony Forman has been truly committed to improving the quality of life for his fellow residents in the East New York community. As such, he is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable community activist.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO THE BRONX COMMUNITY COLLEGE'S HALL OF FAME 10K RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to once again pay tribute to Bronx Community College, which will hold its 26th Anniversary Hall of Fame 10K Run on Saturday, May 1, 2004.

The Hall of Fame 10K Run was founded in 1978 by Bronx Community College's third president, Dr. Roscoe C. Brown, and today continues to be an event of great significance. Each year, amateur and professional runners alike from all five of New York's boroughs and the entire tri-state area come together to run in the Bronx. Participants include teams from municipal agencies along with faculty, staff and students of Bronx Community College and other nearby schools.

It is indeed one of the Bronx's most anticipated yearly events and has contributed to a strong sense of community within the Bronx. The race also places an emphasis on physical fitness and achieving athletic goals. Historically, its mission has been to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped make America great.

The 10K race tradition continues under the stewardship of Bronx Community College's current president, Dr. Carolyn G. Williams. Dr. Williams has endorsed the race since her inauguration and has not only continued the tradition started by Dr. Brown, to promote physical fitness and highlight higher education, but has added raising awareness of important community issues.

I can recall the high level of energy and community involvement each of the 20 plus years I ran in the Hall of Fame 10K race. The race has attracted well over 400 runners each year and I am sure this year will see an even larger number of participants.

Mr. Speaker, I ask that my colleagues join me in honoring the individuals and participants who make the Bronx Community College's Annual Hall of Fame 10K Run possible.

* * *

INTRODUCING THE FAIR MINIMUM WAGE ACT OF 2004

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. OWENS. Mr. Speaker, today I am joining with 75 of my colleagues to introduce the "Fair Minimum Wage Act of 2004"—legislation that will give hard-working Americans a much needed raise. These minimum wage employees—many of whom work full-time, year-round—earn no more than $5.15 an hour. The vast majority do not even receive enough pay in their pockets to lift them above the poverty line.

According to a very stark alarming report, 48 percent of all African American men in New York City are unemployed. Without a job, they do not earn any wages. This bill is not the vehicle to help give the unemployed jobs, but it underscores the importance of increasing the minimum wage. How can we allow full-time minimum wage workers to live in poverty? Last time I looked, we were not a third world nation. Those with jobs at the bottom of the pay scale deserve fair compensation for their labor.

More than a quarter of the constituents I represent in Brooklyn are minimum wage workers. They include the very same child care and nursing home workers, dish washers and laundry workers, taxi drivers, hotel clerks and mail room workers everyone relies upon. Far too many of them are single mothers or fathers, with children to support. According to a recent Russell Sage Foundation study, they are included among a staggering 29 percent of all working families in America who cannot earn enough to keep a basic living standard. That means that close to one out of every three working families in America are just not making ends meet. Some are barely hanging on.

Why do the Republicans continue to nickel and dime these hard-working Americans in low-wage jobs? The last increase in the minimum wage was in 1997. This Democratic bill would give them a pay raise in 3 easy steps: from $5.85 an hour in the two months following enactment, to $6.45 an hour a year after that. On the following year's anniversary, the minimuum wage would finally reach $7.00 an hour.

Why do Republicans reject this bill, giving workers at the bottom of the pay scale a much needed raise? Republicans tout tired old arguments, such as "only teens work for the minimum wage;" or, "it will hurt small businesses and the economy." In truth, recent history proves exactly the reverse. Once the dust settled after the 1997 increase in the minimum wage, more than 10 million new jobs were created and over half of them (6 million) were in minimum wage service jobs.

The dividing line between the political parties could not be greater on this issue. There's a saying—"No Shame in My Game"—that minimum-wage workers use sometimes. It is a kind of shorthand that signals a tough and resilient work ethic among the working poor, despite the low wages, lack of benefits and poor conditions. These workers are absolutely correct: there is no shame in their work ethic and daily efforts. The only shame is in the Congressional game, if the Republicans continue to block this bill and our efforts to give minimum wage workers a long-delayed, essential raise.

* * *

TRIBUTE TO SHERRY ANN LITTMAN: A COMMUNITY TREASURE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to celebrate the life and recognize the accomplishments of a truly great lady, Mrs. Sherry Ann Littman, who passed away on April 11.

Sherry Littman can perhaps best be described as a person of untiring energy and a great big heart, who also had a strong ethic of community service and cared deeply about the opportunities, welfare and well-being of other people. She was an activist and a respected advocate for her Eastern Shores community in the City of North Miami Beach, but her interests extended far beyond the city limits.

When Sherry Littman saw a need, particularly among people without the resources to address that need themselves; she flung herself into the task. One example is hunger and malnutrition. Almost 25 years ago, when Sherry and her husband, former North Miami Beach Councilman Jules Littman, saw gaps in the social services network in South Florida, they founded a nonprofit organization known today as Stop The Hunger. Today, Stop The Hunger serves a half-million meals a month to children and adults all over Florida.

I know I speak for our entire community in extending our heartfelt sympathies to Sherry's husband, Jules, her daughter, Phyliss Diskin, her son, Paul Levin and her four grandchildren.

No one whose life was touched by Sherry Littman could ever forget her. What is even more remarkable about her, however, is that she will be dearly missed by countless thousands of people who never met her, but whose lives were nonetheless touched by her life and work.

* * *

CONGRESSIONAL UKRAINIAN CAUCUS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Ms. KAPTUR. Mr. Speaker, I rise tonight to request that the following letter be inserted in the RECORD.

CONGRESSIONAL UKRAINIAN CAUCUS,
Washington, DC, March 26, 2004.

Hon. VIKTOR YANUKOVYCH,
Prime Minister of Ukraine.

DEAR PRIME MINISTER YANUKOVYCH: As members of the Congressional Ukrainian Caucus and long time supporters of Ukraine's independence and economic growth, we are writing to express our concern regarding an investment issue that involves U.S. taxpayer funds.

The Congress established the Western NIS Enterprise Fund (WNISEF) as a private equity fund to invest in small- and medium-sized private enterprises in Ukraine (Moldova and Belarus) in 1994. WNISEF was capitalized initially with $150 million by the U.S. Government, with the key aspect of spurring foreign investment in Ukraine. Since its foundation, the Fund has fulfilled its mission as envisioned by Congress, making cumulative investment commitments of more than $73 million in 22 companies in Ukraine, as well as $3.8 small business loans to 67 Ukrainian small businesses. The Fund has attracted additional capital to these businesses of well over the amount it has invested itself.

However, these accomplishments are now at risk of being overshadowed by an investment dispute that threatens Ukraine's foreign investment reputation and U.S.-Ukrainian economic relations.

WNISEF recently filed an arbitration case against Ukraine arising out of Ukraine's violation of the Fund's rights under the U.S.-Ukraine Bilateral Investment Treaty (BIT). It is a disturbing investment issue implicating the fundamental value of rule of law, contract and treaty obligation enforcement.

The case involves a WNISEF loan to the Ukrainian company, Sonola JSC (Kirovohrad). After Sonola defaulted on payments of the loan, WNISEF sought to collect the loan and, as in accordance with the dispute settlement language of the loan agreement, filed a claim for arbitration with the American Arbitration Association, New York, USA. The arbitrator, and subsequently the New York courts, upheld WNISEF's claim against Sonola of $3.8 million.

Unfortunately, WNISEF has been unable to enforce the international arbitration award in Ukraine's courts—twice filing a petition for recognition and enforcement of the award to the Kirovohrad Oblast Court of Appeal during 2001-2002. The Supreme Court of Ukraine has refused the Fund's appeal, casting doubts as to the fulfillment by Ukraine of its obligations under international agreements.

WNISEF has now been forced to file an action against Ukraine to the International Centre for Settlement of Investment Disputes (Washington, D.C.), alleging that the actions of the Ukrainian judiciary have violated international law, including Ukraine's obligations under two important international agreements to which Ukraine is party.

We would like to ensure that the Fund is treated fairly under the terms of the U.S.-Ukraine Bilateral Investment Treaty. If WNISEF is not provided basic protection under Ukrainian law, how can other potential foreign investors have any confidence in Ukraine's foreign investment climate?

The Fund has repeatedly expressed its willingness to resolve the dispute by way of negotiations and reaching an amicable agreement. In order to prevent the potential negative effects for Ukraine due to a hearing of this case at the International Centre for Settlement of Investment Disputes, we urge you to facilitate a prompt resolution of this dispute.

Reducing investor risk and increasing investor confidence are the keys to attracting additional foreign capital to Ukraine, which will in turn create jobs, modernize factories and bring numerous other benefits to the Ukrainian people.

It is our hope that American companies doing business in Ukraine maintain full confidence in the Ukrainian system and continue to contribute to its economic development. A prompt resolution of the WNISEF investment dispute will enhance U.S. confidence in Ukraine's commitment to foreign investment protection.

Sincerely,

Marcy Kaptur,
Co-Chair.
Curt Weldon,
Co-Chair.

RECOGNIZING CLARE ADKIN, JR.

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to congratulate Clare Adkin, Jr., for being recognized as one of five finalists in the National Council on Economic Education (NCEE)/NASDAQ National Teaching Awards.

These awards are presented to teachers in grades 6–12 for creative, original and effective efforts in applying economic content and reasoning skills to instruction on market economies, personal finance, financial markets, entrepreneurship, and the capital formation process. Since 1949, NCEE has developed and implemented programs that equip teachers to get economic and personal finance education into the classroom. The NASDAQ Stock Market Educational Foundation, whose goal is to expand understanding of capital formation and financial markets, sponsors the National Teaching Awards.

Mr. Adkin was chosen for this honor because of the innovative teaching technique he developed to illustrate and explain various complex economic concepts such as opportunity cost, diminishing marginal utility, and rational ignorance. Using five-by-eight index cards, Mr. Adkin created "Economic Concept Cards," which provide a definition or explanation of an economic concept as well as a narrative description or example and a sample question demonstrating the student's mastery of the concept. After developing the cards, students use them to prepare for tests, including the AP Economics exam, and many students keep the cards to use to study for college economics classes.

At the Cary Academy, Mr. Adkin taught Advanced Principles of Economics, Basic Economics, Great Court Cases, and The Sixties: the Tumultuous Decade. He also served as chair of the Cary Academy History Department. In 2003, Mr. Adkin retired from teaching after a 39-year career.

I am pleased to take this opportunity to congratulate Mr. Adkin for this national achievement. It is a fitting recognition for someone who devoted nearly four decades to teaching, and who developed effective and engaging techniques for teaching students about economics.

INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED U.N. CONVENTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. LANTOS. Mr. Speaker, please insert the attached statement into today's Congressional Record under Extensions of Remarks.

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, "International Disability Rights: The Proposed UN Convention." This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under international law to the same extent as other human rights through a binding UN convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schölvinck; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the Congressional Record, so that all of my colleagues may profit from their expertise, and I ask that the statement of Mr. Alan Reich be placed at this point in the Congressional Record.

Mr. ALAN A. REICH. Thank you, Mr. Chairman. I come before you today in my capacity as Chairman of the World Committee on Disability. There are 600 million men, women, and children with disabilities in the world. Disability knows no political boundaries. Eighty per cent live in developing countries and are doubly disadvantaged by poverty and hunger. The numbers are increasing dramatically. Population growth, war injuries, landmines, HIV/AIDS, malnutrition, disease, substance abuse, accidents, and environmental damage all contribute to this increase. Prejudice abounds. Many are consigned to the shadows of beggary. Anyone can join the disability community in an instant. No on is immune.

While economic and social conditions vary among countries, all of us with disabilities are united by the pursuit of a common goal: full and equal participation in the life of our respective societies. And, we all yearn to end the hurtful discrimination that exists in all our countries. Is not access to employment, education, religious worship and basic services our human right? Surely it is. Mr. Chairman, I commend you and the Human Rights Caucus of our Congress for recognizing disability as a human rights issue and for calling on our nation, which consistently and forcefully provides leadership on human rights issues, to advance the United Nations Convention on Disability Rights.

Disability is a silent crisis; it has not received the attention that this body and the United Nations itself have historically accorded other human rights issues. Indeed, we ourselves shaped the United Nations as the global forum for human rights law and policy. The time has come to end the marginalization of disability in the quest for universal human rights. As president of the National Organization on Disability, I thank you for this significant contribution.

We also are most thankful to those nations who have pressed this cause as an issue of human rights within the U.N. Paradoxically and unfortunately, the United States cannot yet be counted among those countries that have come forward to lead this effort. This is evidenced not only by the U.S. position on the Convention, but also—in a most visible way—by the composition of the U.S. delegation to the U.N., which unlike the delegations of so many other countries, does not include a single individual with a disability!

It is very important that the United States take an active leadership role in securing an effective U.N. Convention. It is not sufficient for us to be a passive participant, any more than it would be for Ecuador, whose distinguished U.N. Permanent Representative Ambassador Luis Gallegos is with us today. Ambassador Gallegos' own involvement in disability matters came about through his nation's winning the World Committee's $50,000 Franklin Delano Roosevelt International Disability Award two years ago. He then quickly assumed leadership of the United Nations Ad Hoc Committee for the U.N. Convention, and it has been a privilege to work with him as he has generated support throughout the world and has guided this endeavor within the U.N. Its successful adoption by the general assembly and the world most certainly will be attributable to Ambassador Gallegos and his dedicated hard work.

Mr. Chairman, for more than a quarter century the United Nations slowly but progressively has recognized the need to confront the disability crisis and has taken important actions. The General Assembly in 1976 proclaimed 1981 as the International Year of Disabled Persons. At the end of the year, I had the privilege of addressing the General Assembly, the first person in a wheelchair ever to do so, to urge adoption of the World Programme of Action Concerning Disabled Persons. This was followed by the Decade of Disabled Persons and the development of the U.N. Standard Rules on the Equalization of Opportunities of Disabled Persons. But these efforts, while important, have been non-binding.

A binding instrument, or, a U.N. Convention, that states can sign and ratify is the next natural step, and it would be a travesty if the United States, which has been at the forefront of the United Nations human rights and disability efforts were not at the forefront of this one. People with disabilities in our country have benefited from the United Nations leadership. Our own National Organization on Disability, of which I have served as President since its founding in 1982, is a direct outgrowth of the United Nations initiative. Literally thousands of national and local organizations throughout the world have come into being and continue to derive their stimulus from the United Nations' core concern. The U.N. stimulates and nurtures interactions among those with disabilities and has helped enormously in solidifying our cause as a global one. Certainly, progress must come about within nations, but the international communication and interaction has provided wonderful opportunities for the exchange of ideas and learning centered on shared values. This International Convention will, as other United Nations instrumentalities before it have done, encourage and stimulate these interactions and that will be very worthwhile for those with disabilities and their family members.

Intensified international communication in the important area of disability, as we witness every day, is good for Americans with disabilities and for our organizations—just as I know our participation benefits our counterparts abroad. This ongoing dialogue and sharing in this area of common interest helps create a climate conducive to active diplomacy in other more political areas of concern. It generates mutual understanding that is so much in need in our world today.

It is incomprehensible that the United States would not seize the opportunity in this non-controversial area of common interest, an area in which we are acknowledged world leader, to ensure the best possible Convention that reflects our principles and values we cherish.

Continued United Nations progress for our fifth of humanity is an economic, social, and humanitarian imperative. The eyes of the world are upon us. Like the United Nations World Programme of Action before it, the U.N. Convention on Disability Rights will be a beacon of hope for people with disabilities and for all mankind.

Mr. Chairman, I have written President Bush urging that he and his administration vigorously support this Convention at the United Nations. I have urged him to support in all possible ways H. Con. Res. 169. I request your permission to include in the record this letter in its entirety along with my remarks here today.

Thank you, Mr. Chairman.

[Letter to President George W. Bush]

MARCH 31, 2004.

Hon. GEORGE W. BUSH, *President of the United States,*
WASHINGTON, DC.

DEAR MR. PRESIDENT: Shortly after taking office, on February 1, 2001, you announced the New Freedom Initiative and expressed your strong commitment to improving the lives of America's 54 million citizens with disabilities. I recall well how proud I was to be on the platform with you that day as you announced your plans to bring to reality the hopes and dreams of our constituency.

The entire world has benefited greatly from America's leadership as our nation has set the pace for the world through our legislation such as the Americans with Disabilities Act and our leadership in the United Nations of ongoing international disability initiatives. Thanks to this commitment, we are looked to by the world, and especially by its 600 million men, women, and children with disabilities, for spirited leadership in this area of concern.

I therefore write to respectfully request that you continue our nation's world leadership in the area of disability by instructing the U.S. Departments of State and Justice to advance aggressively the work in which our nation and many others are engaged presently at the United Nations to develop a U.N. Convention on Disability Rights. Many other U.N. member nations are wondering why the United States, as a long-time leader in this area of concern (as you and your father have asserted and demonstrated), is not pursuing development of this Convention.

There are humanitarian and economic reasons why America should be out in front on this issue. Because the world's disabled are highly marginalized as a distinct minority as well as within all other minorities, they need America's and the U.N.'s help. The U.N. Convention will encourage action among governments and non-governmental organizations everywhere that will have a profound impact over time. People with disabilities around the world will benefit from America's commitment and example. We Americans with disabilities will continue to benefit greatly from the interactions and sharing of experience stimulated by the Convention.

The United Nations and most members regard disability as a human rights issue. America cannot afford to forfeit its avowed leadership as the champion of human rights in the world, and backing this initiative would be a wonderful expression of our human rights concerns.

Please, Mr. President, direct your Administration team to take a positive, aggressive leadership role in bringing about the U.N. Convention on Disability Rights. I also request that you ensure that the U.S. delegation at the U.N. include people with disabilities themselves to maximize its effectiveness. I am sure you have heard our cry, "nothing about us without us." We need to be at the table.

Finally, the House of Representatives International Relations Committee has recognized the importance and value of such a Convention by voting H. Con. Res. 169 out of committee unanimously. It is currently awaiting scheduling for the floor. We support this resolution and the U.N. Convention itself. We respectfully urge you to seize this opportunity for the good of our nation and for people with disabilities everywhere.

With all best wishes,

Respectfully yours,

ALAN A. REICH,
Chairman.

MARRIAGE PENALTY TAX BILL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. HOLT. Mr. Speaker, when a couple plans to marry, it is a time of anticipation, joy, and yes, stress. There is much to think about, to plan for, and to organize. But when a couple is finally standing at the altar, they should not be thinking about paying more in taxes. When the marriage penalty tax was in effect, there is evidence that couples were thinking just that: many couples stayed unmarried for tax purposes, and others even tried to game the system by divorcing each December and remarrying each January. Unless they went to great lengths to avoid marriage altogether, many couples were walloped with the marriage penalty at tax time.

The marriage penalty did not always exist. When the Federal Government first levied an income tax in 1913, all taxpayers filed individual tax returns, and the rate schedules did not differentiate between singles and married couples. By basing a married couple's federal income tax entirely on the separate income of each spouse, the original code taxed married couples no differently than it taxed single taxpayers.

Created in 1969, the marriage penalty caused many married couples to pay more in taxes than the sum of what they would have paid as unmarried individuals filing separately. In recent years, it punished married couples where both spouses worked with an average tax penalty of $1,100, while giving couples where only one spouse worked a marriage bonus. By making the repeal of the marriage penalty permanent, we will allow 70,000 working families in my district—and 810,000 in New Jersey—to use their savings for mortgage payments, car payments, college payments, childcare, or other needed expenses. It will be beneficial to the New Jersey economy.

This vote is the sixth in a series of votes over my time in Congress to remove the marriage penalty. I have always voted for its repeal. In fact, several years ago, I voted to override the former President's veto of it. Simply put, Americans have rejected the idea that our tax laws should make it more expensive to be married than to be single.

Unfortunately, the Republican leadership has made a botch of tax policy in this country. The Tax Code remains burdensome, unwieldy, and in places, unfair. Some Americans pay excessive and unfair taxes relative to other Americans. The unfairness is glaringly obvious. It should be fixed.

I believe, as many do, that tax cuts should first go to the middle-class. Not only do middle-class tax cuts ease the tax burden on the group that feels it most, but they also deliver more economic stimulus than tax cuts targeted to the wealthiest 1 percent. Through middle-class tax cuts, we can help families in New Jersey and around the country provide for their families' healthcare, education, housing, and other priorities.

The marriage penalty is one of the only parts of the Republican tax package that can fairly be described as a middle-class tax cut. That is why I support its repeal, even though I do not support the broader budgetary approach that has taken our country back down the road of deficits as far as the eye can see. Generally speaking, tax policy has a unique role in the American political system: it is perhaps where the government and the citizen interact most directly. Because the marriage penalty seems illogical and capricious, it makes the whole government seem illogical and capricious. The repeal was passed in 2001, and it should be sustained.

Of course, I am disappointed that this legislation is not offset with other revenue or savings. This repeal could have been done with a higher priority placed on balancing the other side of the ledger, but the Republican leadership is more interested in symbolism then fiscal responsibility. Still, although I do not support—and have voted against—the overall Bush tax cuts because they are skewed to benefit the wealthy, the marriage penalty should not be allowed to return. In accomplishing this victory for married couples and working families, I invite my colleagues to begin immediately to revise their overall budget so that it responsibly and effectively meets America's needs and priorities.

HONORING BLUES LEGEND "GATEMOUTH" MOORE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 2004

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize an African-American pioneer, 90-year-old blues singer Rev. Arnold Dwight "Gatemouth" Moore.

Nicknamed "Gatemouth" because of his loud singing and speaking voice, Arnold Dwight Moore paved the way for blues. As a boy growing up on world famous Beale Street in Memphis, TN, he was influenced by the African-American culture and heritage that made up the streets and music that was a result of the day to day existence of individuals who lived there. The pride of Beale Street and student of blues was a vocalist at the Elk's, better known as the Blues Bowl.

Moore recorded his first record in 1941 and wrote such songs as "Somebody's Got to Go," "I Ain't Mad at You," "Pretty Baby," and "Did You Ever Love a Woman?" which was later recorded by B.B. King and Rufus Thomas.

Gatemouth lead the way for blues through his firsts. Moore was the first blues singer to sing at Carnegie Hall; the first to travel with W.C. Handy to New York City; first to sing at the segregated Peabody Hotel's Roof Garden; first to sing in many halls around the country, including The Apollo in New York, The Regal in Chicago, the Chicago Civic Center, The Music Hall in Detroit, the Howard Theatre in Washington, DC, and The Royal in Baltimore, MD.

Arnold Dwight "Gatemouth" Moore, listed in the Who's Who in Blues in America, is much more than one of the many blues singers throughout history. He is a true legendary pioneer of blues.

SENATE—*Monday, May 3, 2004*

The Senate met at 1 p.m. and was called to order by the Honorable GORDON SMITH, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace, glory, and power, the battle belongs to You. Thank You that though the storms rage, we can still anchor our hopes in Your might. Lord, we hear the sounds of conflict as people imagine vain things about Your loving providence. Forgive us for our fear of the future when we forget how You have led us in the past. Forgive us also for our haste to paint a caricature of the many because of the pathology of the few. Remind us that fierce winds bring no anxiety to those who keep their eyes on You.

Lord, the challenges that we face are too complex for human reasoning alone, so imbue our leaders with Your wisdom that they may know the road to take. Sustain those who courageously bear the weight of combat and battle the fog of armed conflict. We praise You for the joy of those who are experiencing reunion with loved ones who have been rescued from danger. But we ask that You would bring comfort to those who mourn and to those who know the terror of anticipatory grief.

And, Lord, we pray also for our enemies, that they may know the clarity of Your will. Carve tunnels of hope through mountains of despair and let the peace we seek in our world be conceived first in our hearts. Hasten the day when we will lay down our swords and shields and study war no more.

We pray this in the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GORDON SMITH led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 3, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON H. SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SMITH thereupon assumed the Chair.

LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time under the standing order.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Today, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of S. 1637, the FSC/ETI JOBS bill. We have locked in a limited list of amendments to that bill, and it is the leader's intention to complete action on the bill this week. The chairman and ranking member of the Finance Committee will be here throughout the afternoon to work through these amendments. It is our hope that amendments will be offered and debated during today's session.

As announced last week, there will be no rollcall votes today. Any votes ordered with respect to amendments during today's session will be set aside to occur tomorrow.

I ask unanimous consent the morning business time be equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—H.R. 4181 AND S. 2370, EN BLOC

Mr. MCCONNELL. Mr. President, I understand that there are two bills at the desk due a second reading. I ask unanimous consent that the clerk read the titles of the bills for a second time en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.
>
> A bill (S. 2370) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes.

Mr. MCCONNELL. I object to further proceeding en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes with Senators permitted to speak for up to 10 minutes each, time being divided equally between the two sides.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the previous quorum call and any other quorum calls during this morning's business be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENEMY COMBATANTS

Mr. BINGAMAN. Mr. President, there are a couple of news events in the last 24 hours or 48 hours that I thought deserve some comment.

Let me first talk a moment about the atrocities and abuse of enemy combatants—prisoners—in Iraq which has been a major concern. Many of my colleagues have commented upon the horrific images that have come out on television and in the papers. I have not seen as yet many comments about the Pentagon's response. That is what I wanted to comment on briefly.

Officials within the Department of Defense have known at least since January that prisoners held as enemy combatants in Iraq have been subject to

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

maltreatment, and to physical and sexual abuse. We know this because in January the Department of Defense relieved the camp commander of her duties and ordered an investigation. The investigation was completed in February. The 54-page report that was issued, as I understand it, contains horrifying details about these abuses.

Yesterday, on the CBS news program "Face the Nation," Bob Schieffer, the host of that program, interviewed General Myers, Chairman of the Joint Chiefs of Staff. Bob Schieffer asked about this report. He said, "There is a 53-page report that Sy Hersh of the New Yorker has obtained which says that the situation was even worse. How could this have happened? What is going to occur?

The part that I thought was most disturbing was the response by General Myers to the question: "Why would you not have seen the report?" The investigation was carried out in December. The report was completed in February. "Why would you not have seen report?" And the response was: "It is working its way up, up the chain. I will see this report. I am sure it just hasn't come to me yet."

This is an unacceptable response. If this is a concern of our Department of Defense, if this is a concern of the Chairman of the Joint Chiefs of Staff, how can he state in May that he has not seen the report or demanded to see the report, and that it is, as he understands it, "working its way up" and will eventually come to him?

I don't think that is the level of concern we ought to be demonstrating in our Department of Defense for this kind of circumstance. It is not the level of concern the American people would expect of their military commanders for this type of conduct.

I would think if the general believed swift action was required he might have directed those in the command—in his command and, of course, that is everyone in the military—to get that report to him immediately upon completion, and to give him concrete action items they were intending to take to deal with the situation.

Leadership and responsibility flow from the top in our military. We all know that. For the Chairman of the Joint Chiefs of Staff to handle this matter in this way and indicate that, on May first, he has not seen the report but he assumes it is working its way up through the chain of command, demonstrates to all members of the military that humane treatment of prisoners is not a priority for our military in Iraq.

That is unacceptable. That is unacceptable to this Senator. It is unacceptable, I believe, to the American public. I hope we can get a different reaction from the Pentagon and a more acceptable reaction from the Pentagon to this horrific state of affairs that has come to our attention.

ENSURING AMERICA'S FUTURE COMPETITIVENESS

Mr. BINGAMAN. Mr. President, I also want to comment about another subject which is not as much on the minds of the American public, but it clearly is on the minds of some.

There is an article that I ask unanimous consent be printed in the RECORD immediately following my remarks from today's New York Times by William Broad entitled "U.S. Is Losing Its Dominance in the Sciences."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that a speech Senator DASCHLE gave 2 weeks ago to the American Association for the Advancement of Science be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BINGAMAN. Mr. President, the author of this report on the front page of the New York Times today, Mr. Broad, points to several trends that are working against the United States with regard to our world leadership position in science and technology. He points out the percentage of patents issued to Americans is declining. He points out the portion of published research attributable to Americans in top physics journals is decreasing. He points out the number of Nobel Prizes awarded in the basic sciences to Americans is decreasing. He points out the number of doctoral degrees granted in science and engineering in this country is on the decline. He points out the declining percentage of science and engineering doctoral degree candidates from foreign countries who are planning to stay in the United States after they graduate. This last phenomenon I referred to has been dubbed "the reverse brain drain." He talks extensively about that.

The simple fact is, the world has become a highly competitive place with regard to science and technology leadership and talent and investments. We have historically believed we were the leaders in the world in this arena, and we have taken for granted the fact that promising young scientists and engineers from other countries would all want to come here, to stay here, and contribute to our continued world leadership. All of that is now in danger of changing.

We ignore this challenge to our long-term economic security at our own peril. This challenge requires strong efforts by our Government and our industry to counter the strong efforts that are being made in other countries, and to match the strong efforts that are being made in other countries in this field.

So what needs to be done? Let me list briefly six areas on which I think we ought to take aggressive action. The first area relates to research frontiers. We need to start by focusing on broad support for basic science and engineering research across the board, as well as on targeted investments in critical emerging technologies that will drive future job growth and economic growth in this economy.

Unfortunately, in terms of broad-based basic research support, we have a pattern of underfunding across the physical sciences and engineering, and that is in comparison particularly to what we have been doing in biological and life sciences for several years. I do not advocate reducing our commitment to the biological and life sciences, but I strongly advocate a comparable commitment to maintaining our leadership in the physical sciences and engineering.

In terms of targeted research and development, there are many areas where there are promising developments that we should be paying attention to. Let me cite three examples. One is high-end computing. Japan today is the world leader in high-end computing with their Earth Simulator supercomputer. That is a sad statement to make on this Senate floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be permitted to continue for another 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. That is a sad statement because I can remember a decade ago when the United States was the unrivaled leader in high-end computing. We need to do much better in this field.

Senator LAMAR ALEXANDER and I have introduced the High-End Computing Revitalization Act. I hope that the leadership in the Senate will see fit to move this legislation this year, and that we will receive strong support from our colleagues.

Nanotechnology is another area. Although Congress passed a nanotechnology bill last year, and the President signed the bill with great fanfare, the truth is, we are not putting the needed funding into it. The administration has not requested sufficient funding. We are not committing the money. This is another major shortfall.

The next specific area I believe we need to target is next-generation lighting. I have spoken several times about that on the Senate floor. Semiconductor lighting has the promise to greatly increase the efficiency of lighting devices and also to create an enormous number of jobs. The estimate is this will be a $12 billion per year industry for these devices in the future. The question is, where will the leadership be in developing these devices? Will we maintain some of that leadership in this country? And where will the high-wage jobs be created by this? I hope those jobs will be created in the United States, but Congress needs to act to ensure that.

A second area deals with the training of scientists and engineers. An enormous amount needs to be done to better prepare our own students for careers in these fields. We do too little in those areas. We need to do better. We now have the added concern that the foreign students who have traditionally come here to study are, first, finding visa problems that keep them from coming here; and, second, are deciding not to stay once they complete their education but go back to their home country. This is a precursor to the shifting of more and more research and development activity out of this country and into other countries around the world, which I think is a very bad trend for our economic future.

The third area is infrastructure. The National Science Foundation estimates there are roughly $10 billion of unfilled needs for science and engineering facilities at universities. Unfortunately, the system we have in Congress today to fund these needs is through random, uncoordinated earmarks to appropriations bills. This is totally unacceptable. We need a merit-oriented solution that involves a look at the merits of the request and the need, and also the commitment that State and local governments are willing to make to creating this infrastructure.

The fourth area is finance. We need public policies and strategies to expand the pool of risk capital for entrepreneurial investment.

A fifth strategy is public-private sector interactions. We need to fully fund the Advanced Technology Program and the Manufacturing Extension Partnerships. The administration's request that we zero-fund the Advanced Technology Program is totally wrong-headed, in my view, and clearly needs to be rejected by this Congress. We should have the Federal Government take a stronger role in supporting science parks and incubators around this country as well.

The final area I would mention is regulation and trade policy. We need to recognize the strategic importance of legal or regulatory structures to high-technology industries. We need to increase the efforts to protect intellectual property, to support fair competition regimes, to enforce legitimacy and transparency in the global market system, and to assure access by U.S. companies to these markets.

We need to spend some time better monitoring and being sure we are getting fair treatment under the trade agreements we have already entered into instead of rushing forward pell-mell trying to find new agreements we can sign.

We need to focus on export promotion. There is way too little attention to export promotion.

We need to focus on assistance programs for those people who are displaced and those communities that are damaged by increased trade. The current administration and, unfortunately, the Congress in the last few years have not done what needed to be done in this area. We have no formal science and technology policy. The administration has undermanned and seemingly neglected the Office of Science and Technology Policy.

In previous remarks to the Senate, I have gone through a list of the proposed cuts by this administration to basic science and applied research in the Department of Defense, the Department of Energy, the Agriculture Department, in the transportation sector, the Department of Energy's Office of Science, the Advanced Technology Program in the Department of Commerce.

These include:

$660 million in cuts proposed for basic and applied research at the Department of Defense, the sort of research that has the greatest potential for dual use and effective spin-off to the civilian high-technology industries;

$63 million in cuts for energy conservation R&D at the Department of Energy;

$183 million in cuts for FY 2005 for agricultural research;

$24 million in cuts for transportation research; and

$68 million in cuts for the Department of Energy's Office of Science, a major supporter of basic physical sciences and engineering research—we have 40 Democratic Senators and 15 Republicans on a letter asking for increased funding rather than cuts here—and;

total elimination of the Advanced Technology Program at the Department of Commerce, a loss of $171 million for new technologies that otherwise would have been enabled and brought to commercial reality. This is a highly successful program praised by the national academies and even the President's own budget language, cut for short-sighted ideological reasons.

For the sake of our future national competitiveness, we need to face up to the challenges and technological revolutions of the 21st century and ensure that the United States has an effective plan for taking them on. It would be my hope that the coming Presidential election will serve as an opportunity to reflect on the ineffective ways in which we are currently addressing these issues, and to put forth the case that we need a comprehensive change in our policies to ensure our future competitiveness.

I yield the floor.

EXHIBIT 1

[From the New York Times, May 3, 2004]

U.S. IS LOSING ITS DOMINANCE IN THE SCIENCES

(By William J. Broad)

The United States has started to lose its worldwide dominance in critical areas of science and innovation, according to federal and private experts who point to strong evidence like prizes awarded to Americans and the number of papers in major professional journals.

Foreign advances in basic science now often rival or even exceed America's, apparently with little public awareness of the trend or its implications for jobs, industry, national security or the vigor of the nation's intellectual and cultural life.

"The rest of the world is catching up," said John E. Jankowski, a senior analyst at the National Science Foundation, the federal agency that tracks science trends. "Science excellence is no longer the domain of just the U.S."

Even analysts worried by the trend concede that an expansion of the world's brain trust, with new approaches, could invigorate the fight against disease, develop new sources of energy had wrestle with knotty environmental problems. But profits from the breakthroughs are likely to stay overseas, and this country will face competition for things like hiring scientific talent and getting space to showcase its work in top journals.

One area of international competition involves patents. Americans still win large numbers of them, but the percentage is falling as foreigners, especially Asians, have become more active and in some fields have seized the innovation lead. The United States' share of its own industrial patents has fallen steadily over the decades and now stands at 52 percent.

A more concrete decline can be seen in published research. Physical Review, a series of top physics journals, recently tracked a reversal in which American papers, in two decades, fell from the most to a minority. Last year the total was just 29 percent, down from 61 percent in 1983.

China, said Martin Blume, the journals' editor, has surged ahead by submitting more than 1,000 papers a year. "Other scientific publishers are seeing the same kind of thing," he added.

Another downturn centers on the Nobel Prizes, an icon of scientific excellence. Traditionally, the United States, powered by heavy federal investments in basic research, the kind that pursue fundamental questions of nature, dominated the awards.

But the American share, after peaking from the 1960's through the 1990's, has fallen in the 2000's to about half, 51 percent. The rest went to Britain, Japan, Russia, Germany, Sweden, Switzerland and New Zealand.

"We are in a new world, and it's increasingly going to be dominated by countries other than the United States," Denis Simon, dean of management and technology at the Rensselaer Polytechnic Institute, recently said at a scientific meeting in Washington.

Europe and Asia are ascendant, analysts say, even if their achievements go unnoticed in the United States. In March, for example, European scientists announced that one of their planetary probes had detected methane in the atmosphere of Mars—a possible sign that alien microbes live beneath the planet's surface. The finding made headlines from Paris to Melbourne. But most Americans, bombarded with images from America's own rovers successfully exploring the red planet, missed the foreign news.

More aggressively, Europe is seeking to dominate particle physics by building the world's most powerful atom smasher, set for its debut in 2007. Its circular tunnel is 17 miles around.

Science analysts say Asia's push for excellence promises to be even more challenging.

"It's unbelievable," Diana Hicks, chairwoman of the school of public policy at the Georgia Institute of Technology, said of Asia's growth in science and technical innovation. "It's amazing to see these output numbers of papers and patents going up so fast."

Analysts say comparative American declines are an inevitable result of rising standards of living around the globe.

"It's all in the ebb and flow of globalization," said Jack Fritz, a senior officer at the National Academy of Engineering, an advisory body to the federal government. He called the declines "the next big thing we will have to adjust to."

The rapidly changing American status has not gone unnoticed by politicians, with Democrats on the attack and the White House on the defensive.

"We stand at a pivotal moment," Tom Daschle, the Senate Democratic leader, recently said at a policy forum in Washington at the American Association for the Advancement of Science, the nation's top general science group. "For all our past successes, there are disturbing signs that America's dominant position in the scientific world is being shaken."

Mr. Daschle accused the Bush administration of weakening the nation's science base by failing to provide enough money for cutting-edge research.

The president's science adviser, John H. Marburger III, who attended the forum, strongly denied that charge, saying in an interview that overall research budgets during the Bush administration have soared to record highs and that the science establishment is strong.

"The sky is not falling on science," Dr. Marburger said. "Maybe there are some clouds—no, things that need attention." Any problems, he added, are within the power of the United States to deal with in a way that maintains the vitality of the research enterprise.

Analysts say Mr. Daschle and Dr. Marburger can both supply data that supports their positions.

A major question, they add, is whether big spending automatically translates into big rewards, as it did in the past. During the cold war, the government pumped more than $1 trillion into research, with a wealth of benefits including lasers, longer life expectancies, men on the Moon and the prestige of many Nobel Prizes.

Today, federal research budgets are still record highs; this year more than $126 billion has been allocated to research. Moreover, American industry makes extensive use of federal research in producing its innovations and adds its own vast sums of money, the combination dwarfing that of any other nation or bloc.

But the edifice is less formidable than it seems, in part because of the nation's costly and unique military role. This year, financing for military research hit $66 billion, higher in fixed dollars than in the cold war and far higher than in any other country.

For all the spending, the United States began to experience a number of scientific declines in the 1990's, boom years for the nation's overall economy.

For instance, scientific papers by Americans peaked in 1992 and then fell roughly 10 percent, the National Science Foundation reports. Why? Many analysts point to rising foreign competition, as does the European Commission, which also monitors global science trends. In a study last year, the commission said Europe surpassed the United States in the mid-1990's as the world's largest producer of scientific literature.

Dr. Hicks of Georgia Tech said that American scientists, when top journals reject their papers, usually have no idea that rising foreign competition may be to blame.

On another front, the numbers of new doctorates in the sciences peaked in 1998 and then fell 5 percent the next year, a loss of more than 1,300 new scientists, according to the foundation.

A minor exodus also hit one of the hidden strengths of American science: vast ranks of bright foreigners. In a significant shift of demographics, they began to leave in what experts call a reverse brain drain. After peaking in the mid-1990's, the number of doctoral students from China, India and Taiwan with plans to stay in the United States began to fall by the hundreds, according to the foundation.

These declines are important, analysts say, because new scientific knowledge is an engine of the American Economy and technical innovation, its influence evident in everything from potent drugs to fast computer chips.

Patents are a main way that companies and inventors reap commercial rewards from their ideas and stay competitive in the marketplace while improving the lives of million.

Foreigners outside the United States are playing an increasingly important role in these expressions of industrial creativity. In a recent study, CHI Research, a consulting firm in Haddon Height, N.J., found that researchers in Japan, Taiwan and South Korea now account for more than a quarter of all United States industrial patents awarded each year, generating revenue for their own countries and limiting it in the United States.

Moreover, their growth rates are rapid. Between 1980 and 2003, South Korea went from 0 to 2 percent of the total, Taiwan from 0 to 3 percent and Japan from 12 to 21 percent.

"It's not just lots of patents," Francis Narin, CHI's president, said of the Asian rise. "It's lots of good patents that have a high impact," as measured by how often subsequent patents cite them.

Recently, Dr. Narin added, both Taiwan and Singapore surged ahead of the United States in the overall number of citations. Singapore's patents include ones in chemicals, semiconductors, electronics and industrial tools.

China represents the next wave, experts agree, its scientific rise still too fresh to show up in most statistics but already apparent. Dr. Simon of Rensselaer said that about 400 foreign companies had recently set up research centers in China, with General Electric, for instance, doing important work there on medical scanners, which means fewer skilled jobs in America.

Ross Armbrecht, president of the Industrial Research Institute, a nonprofit group in Washington that represents large American companies, said businesses were going to China not just because of low costs but to take advantage of China's growing scientific excellence.

"It's frightening," Dr. Armbrecht said. "But you've got to go where the horses are." An eventual danger, he added, is the slow loss of intellectual property as local professionals start their own businesses with what they have learned from American companies.

For the United States, future trends look challenging, many analysts say.

In a report last month, the American Association for the Advancement of Science said the Bush administration, to live up to its pledge to halve the nation's budget deficit in the next five years, would cut research financing at 21 of 24 Federal agencies—all those that do or finance science except those involved in space and national and domestic security.

More troubling to some experts is the likelihood of an accelerating loss of quality scientists. Applications from foreign graduate students to research universities are down by a quarter, experts say, partly because of the Federal government's tightening of visas after the 2001 terrorist attacks.

Shirley Ann Jackson, president of the American Association for the Advancement of Science, told the recent forum audience that the drop in foreign students, the apparently declining interest of young Americans in science careers and the aging of the technical work force were, taken together, a perilous combination of developments.

"Who," she asked, "will do the science of this millennium?"

Several private groups, including the Council on Competitiveness, an organization in Washington that seeks policies to promote industrial vigor, have begun to agitate for wide debate and action.

"Many other countries have realized that science and technology are key to economic growth and prosperity," said Jennifer Bond, the council's vice president for international affairs. "They're catching up to us," she said, warning Americans not to "rest on our laurels."

EXHIBIT 2

REMARKS OF SENATE DEMOCRATIC LEADER TOM DASCHLE TO THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

Thank you, Dr. [Shirley] Jackson, for that warm introduction, and for the tremendous work you are doing. Few people alive today can claim to have done as much to advance both the cause, and the frontiers of science.

It is a great honor for me to address such a distinguished group of scientists and thinkers. Since my childhood, I've been fascinated with science, perhaps because I knew my father had hoped to become a geologist before World War II called. But any child of South Dakota grows up with an appreciation for the impact science has on our lives. Whether it's the work of agricultural geneticists improving crop yields, or simply paleontologists explaining the fossils of Rapid City's Dinosaur Park, science has a special place in South Dakota. I chose a different path than a life of science, but I've always been mindful of John Adam's letter to his wife, Abigail, in which he wrote, "I must study politics and war [so] that my sons may have liberty to study mathematics and philosophy." Sooner or later, every elected official needs to come up with a justification for the demands of public office to their husband or wife. I wish I could come up with something as good as John Adams.

Whatever Adams motivation was for the comment, I share his understanding of the relationship between politics and science. Elected officials have an obligation to maintain our nation's prosperity and peace, not merely for their own sake, but because they provide our citizens the liberty to pursue the higher callings of the mind. History best remembers not the civilizations that have done the most to expand their borders, but those civilizations that have done the most to expand the boundaries of human understanding. These are the accomplishments that resonate through the centuries, and it is the work of America's scientists that will serve as our testimony to history.

For all the grandeur of intellectual pursuits, America's interest in scientific progress has a pragmatic urgency as well. Today, your discoveries matter more to our every day life than at any other point in human history. Biotechnology and genetics, not to mention the steady progress of medical science and nanotechnology, are extending and improving our lives. The physics of computer science is sparking new industries that employ millions of Americans and enhance the productivity and well-being of countless more.. On the battlefield and in the laboratory, the war on terrorism is being waged, not just with soldiers, but with software armed with artificial intelligence algorithms. America's health, prosperity, and security are tied to your success. And as a result, our obligation to ensure you have the freedom and resources necessary to advance your work is more pressing than ever before.

This tension between science for the sake of human understanding, and science for the sake of human well-being has marked our history since its first days. Even de Tocqueville thought democracies were ill-equipped to support pure scientific research. The more democratic a society, he wrote "the more will discoveries immediately applicable to productive industry confer gain, fame, and even power on their authors."

But our Founding Fathers had different ideas. Many, most notably Jefferson and Franklin, considered themselves men of science and the government they designed their most daring and novel invention. Jefferson once wrote to a friend, "We have spent the prime of our lives procuring the precious blessing of liberty. Let [young men] spend theirs in shewing that it is the great parent of science and of virtue." So vital was this idea to the American experiment, that the very first coin minted in our country bore the motto, Liberty, Parent of Science and Industry.

When Jefferson sent Merriwether Lewis across the continent to map the land that held our nation's future, he understood the expedition would have two results. It would serve practical purposes such as easing the westward expansion of the nation and creating new trade relationships with the Indian populations. At the same time, the expedition captured Jefferson's scientific heart. In fact, his first choice to lead the expedition was a French botanist. Jefferson changed his mind, and after offering Lewis an education in botany, geology, geography, and the finer points of navigation, he gave Lewis a broad and simple directive: explore. The information Lewis and his men brought back represented immense steps forward for American sciences from anthropology to zoology and many in between.

In many ways, Jefferson's leadership and the Lewis & Clark expedition established the model for government's partnership with science. And in the 200 years since, government support for scientific research had helped invent the telegraph, split the atom, conquer space, create the Internet, map the human genome, and much more. No nation has ever made such an enduring and significant investment in science, and no nation's scientists have done as much to demystify our world and better the quality of life on earth.

In the years before World War II, America became the adopted home of a generation of scientists fleeing fascism in Europe. Never was the importance of a free society to science more clear. The physicist Emilio Sergré was among those who came to America, emigrating in 1938, and eventually working on the Manhattan Project. "America," he wrote at the time, " looks like the land of the future."

America has always been the land of the future. Throughout our history, we have maintained a remarkable devotion to the simple idea that our children's lives should be better, safer, and richer than our own. This simple idea that we call the American dream has been made real because of the myriad contributions of Americans scientists.

Today, we stand at a pivotal moment. For all our past successes, there are disturbing signs that America's dominant position in the scientific world is being shaken. According to a recent study, America's rate of scientific discovery is lagging behind that of European countries. The number of scientific papers published by American researchers declined last year, and has been flat for the past several years. In contrast, every country in Europe has increased its rate of discovery. In the last two decades of the 20th century, France, Germany, and the United Kingdom doubled their production of doctorates in science and engineering. Japan doubled its production of science and engineering doctorates in just one of those decades. If this stagnation is allowed to continue, it will have profound implications for every aspect of American society. If we are to remain the land of the future, we must reaffirm the partnership that created America's dominant position within the world of science.

Regrettably, rather than strengthening this partnership, I fear that the Bush Administration has allowed it to erode in two critical ways. First, the Administration is abdicating its responsibility to provide scientists with the funding cutting-edge research demands. As you know, the federal government has seen its R&D investments steadily decline as a share of the U.S. economy, bringing the federal investment down to levels not seen since the mid-60s. Public-sector investments in advanced research have declined sharply, relative to our economic growth rate, and barely kept pace with inflation. This year, federal funding for research is set to increase 4.7 percent. However, the entire increase would go to the Department of Defense and Homeland Security for the development of weapons systems and counterterrorism technology. Make no mistake, these are necessary investments that will make our nation safer. But the remaining federal R&D budget that supports research into health, environmental, biological, and other sciences, will all see funding reduced.

In my home state of South Dakota, for instance, the Earth Research Observation System is facing the possibility of deep cuts in staff due to cuts to their budget. Their work helps us become more responsible stewards of the environment, while increasing the yields of farmers all over the world. And yet, this work is endangered due to draconian budget cuts.

But the administration's disregard for science extends beyond budgetary choices. Just last month, the Union of Concerned Scientists released a report charging the White House with systematically working against the spirit of objective science. The report states that the Bush Administration has suppressed or distorted the scientific analyses offered federal agencies to bring these results in line with administration policy. Time and time again, the Administration is choosing politics over real science.

Consider the administration's response to global warming. Even though the scientific community is united on the fact that fossil fuel production and consumption has contributed to global warming, the White House deleted that finding from its 2001 report on Global Warming, and in its place inserted a reference to an opposing study that was financed by the American Petroleum Institute.

In addition, when the administration has had the opportunity, it has stacked the deck by staffing research boards and advisory councils· with under-qualified researchers who have shown allegiance to the White House's political goals. Just recently, the President dismissed two advisers from his Council on Bioethics because they were outspoken proponents of research on human embryos.

This is not real science. This is vending machine science. The administration thinks it can pull a lever and get the results it wants at no cost. But the costs are extraordinary. If history shows anything, it's that a bet against science is a bet you cannot win. For the sake of short-term political posturing, the White House is putting the long-term security, health, and prosperity of our nation at risk.

Just as importantly, America's reputation as a home for cutting edge science is being diminished. I am hearing from more and more friends in the science community that they are concerned about the support and reception their work will receive in the years to come. They worry that the administration's failure to provide intellectual leadership will erode the high standing American science has achieved since WWII. And I fear their apprehension is well justified.

But we should be honest with ourselves. Outside the scientific community, there is no hue and cry for more government funding of R&D. There is no widespread public outrage when the administration disregards the unequivocal judgment of the scientific community. And it's unlikely that the science gap growing between the United States and other developed nations will become a major issue in the upcoming Presidential campaign.

This represents a failure on our part. We have not done enough to show the American people the connection between the work underway in your laboratories and the problems that affect their lives. This must change. The stakes simply could not be higher. What future challenge will we fail to meet because America's scientists were not given the tools they need to discover new answers to old questions? When rumors of a Nazi bomb program reached President Roosevelt, he said simply, "Whatever the enemy may be planning, American science will be equal to the challenge." Will future presidents be able to speak with such confidence?

The challenge to the American scientific community is to rebuild the link not only between science and government, but between science and society. I believe we can do so, if we return to the model established by Thomas Jefferson. There is an implicit ongoing debate within the government regarding what kind of research is most important to support. Some suggest that we should put no limits on the kind of research we support and have faith that advances in theoretical science, regardless of the field, will inevitably translate into practical applications that improve human life.

For others, that approach is too abstract. There are real problems, and to spend taxpayer dollars on anything but the most pragmatic search for solutions seems high-minded, but naive. There is merit to each approach. Both kinds of research are critical.

But Jefferson offered a third way, and, I believe, the right way to make the best use of government's resources, and gain the full support of the American People for the efforts of science. Merriwether Lewis's expedition represented a basic attempt to enlarge the scope of America's understanding of the world around it. It was the stuff of doctoral dissertations. At the same time, because the mission was targeted at the urgent needs of an expanding nation, the voyage captured the support of Washington and the imagination of our young country.

America saw another tremendous example of this in recent years in the Human Genome Project. The effort pooled the combined wisdom of biology, chemistry, physics, engineering, mathematics, and computer science, tapped the strengths and insights of the public and private sectors, brought together 1,000 researchers from six different nations to reveal all 3 billion letters of the human genetic code. Few endeavors have brought together such diverse disciplines for a single and pure pursuit of scientific knowledge. The discoveries of the Human Genome Project have created extraordinary promise in the field of medicine, and brought to life an industry that could lead the American economy for a generation to come.

It has been nearly four years since the human Genome Project concluded its primary objective. If the science policy of this Administration has failed in any way, it has failed here: it has yet to point the way to the next great frontier of human understanding. It has yet to call scientists from every discipline to a single mission of public service.

Today, we need to rally once again around common goals, and put the broad interests of the nation ahead of the narrow boundaries of scientific disciplines. Surely there is no shortage of challenges. Should we not set our nation's physicists, chemists engineers, and geologists to the task of freeing our nation from the need to import oil? Can we create the scientific and technological foundations for affordable, carbon-free energy sources? Can we "level the playing field" for American researchers that lack the resources of our nation's wealthiest universities? Is it beyond our imagination to address the major challenges of developing countries—such as cures and vaccines for AIDS, TB and malaria? In addition to the obvious moral and ethical imperative to do so, the economic and foreign policy benefits from harnessing our scientific and technical talent to foster sustainable development would be profound.

Let me suggest one final goal that could occupy the best efforts of scientists from every discipline for a generation to come. Now that we have surveyed the map of human life, let us turn our attention to that which makes human life unique: the mind. What challenge would be beyond our reach if we truly understood how we learn, remember, think and communicate? What could we accomplish if our education policy was bolstered with a new understanding of how children learn? How much safer could our neighborhoods be, if neurophysiology solves the puzzle of addiction? What industry would not be strengthened by a more complete picture of the workings of the mind? There is perhaps no field in which major advances would have more profound effects for human progress and health than that of neuroscience. If the American scientific community could come together and communicate to the nation the kaleidoscopic possibilities that could result if we unlocked the secrets of the mind, we could not only achieve untold advances in science, we could open a new chapter in the story of America's support for science.

Investments in science and technology are the ultimate act of hope, and will create among the most important legacies we can leave. America is still, as Emilio Segré said decades ago, the land of the future. We have held that honor since this continent was discovered by a daring act of science more than 500 years ago. We have earned it anew with each passing generation because America's scientists and public officials have understood the importance of applying the power of American curiosity to most intractable American challenges.

The hallmark of American science is not that we have been able to overcome each new frontier. The hallmark of American science is that having conquered one, we impatiently seek out new, more distant and difficult frontiers. America will be able to call ourselves the land of the future so long as we dream that the future holds a better life for ourselves, and so long as those of us who, in Adam's words, study politics, continue to invest in your ability to make that dream real.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OVERTIME REGULATIONS

Mr. KYL. Mr. President, I rise to speak to the legislation we are going to be taking up when we go back to S. 1637, called the Jumpstart Our Business Strength Act, which will attempt to modify the law relative to how we treat manufacturing firms in tax policy to comply with rulings of the World Trade Organization and related legislation.

There is an amendment pending that will be offered by Senator HARKIN that relates to final regulations issued last week by the Department of Labor. I would like to speak to why we should quickly dispense with that Harkin amendment to move on with the S. 1637 and not get bogged down in the regulations that were issued by the Department of Labor.

The regulations issued a final rule to update the previous regulations that implemented the Fair Labor Standards Act. That act implements rules guaranteeing overtime pay for certain nonwhite collar workers—in other words, when somebody works longer than the period they would ordinarily be required to work, what circumstances the employer is required to then pay overtime pay for that additional work. The rules the Department of Labor has had in effect have not been modified for over a quarter of a century. The salary levels to which these regulations apply have not been changed since 1975. The duties test has actually not changed since 1949. That is the test that tries to define whether a worker is a white collar worker who would be exempt from this requirement or a blue collar worker who would be guaranteed overtime if they worked longer than they are supposed to. What this has done is to leave employers with very obsolete job classifications, things such as straw boss and leg man, other titles for work that have not been performed for years. That needed to be fixed.

The Department of Labor had been struggling to try to bring it up to date and get final rules into place, which now has been done. A lot of the concerns expressed by supporters of the Harkin amendment are based on interpretations or misreadings of the previously proposed rule. But a lot of that has now been cleared up in the final rule made effective last week. Much of the criticism should fall by the wayside.

Let me describe what the final rule does. It would guarantee overtime benefits to 1.3 million low-wage workers who before were not entitled to overtime pay. Under this rule, 6.7 million new employees must be paid overtime regardless of their duties. That is 1.3 million more than is currently the case. It would raise the minimum salary level at which workers are ensured overtime pay from $155 to $455 a week or $23,660 annually. That is the largest increase since the law was enacted in 1938. Under the previous regulations, individuals earning the minimum wage, which would be about $10,700 a year, were not guaranteed overtime. They must be classified by their employers as nonexempt in order to receive overtime. The previous regulations guaranteed only employees earning less than $8,000 a year a nonexempt status—in other words, guaranteed minimum wage. This regulation updates all of that.

The work the Department of Labor has done is going to help a lot of Americans. Over 6.7 million Americans will now be guaranteed this overtime pay and a lot more than that will probably get it, depending upon exactly what kind of work they perform. Under the new regulations, employees who earn more than $100,000 annually would be exempted, but here again, even they would only be exempted if they regularly and customarily perform executive, administrative, or professional duties. Even somebody with earnings over $100,000 a year could get overtime pay. The Department of Labor estimates only about 107,000 employees who earn $100,000 or more could be reclassified as white collar employees and potentially lose their overtime pay. Those who earn between $23,660 and $100,000 will remain eligible for overtime pay if they meet the so-called "short test," which determines whether they are exempted white collar employees or not.

Let me respond to some of the misinterpretations. There was a view that a lot of folks would not be guaranteed pay. The new rules explicitly define certain groups as being guaranteed pay. For example, first responders, police officers, firefighters, paramedics, emergency medical technicians, and similar public safety officers are entitled overtime pay.

I ask unanimous consent to print in the RECORD a statement from the Fraternal Order of Police relating to these regulations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINAL DOL REGULATIONS PROTECT AND EXPAND OVERTIME FOR AMERICA'S FIRST RESPONDERS

F.O.P. EFFORTS CRUCIAL TO PROTECTION OF OVERTIME FOR PUBLIC SAFETY

Today National President Chuck Canterbury hailed the release of the Department of Labor's (DOL) final regulations on the exemptions from overtime under the Fair Labor Standards Act (FLSA) as an "unprecedented victory" for America's first responders. The regulations, which were first proposed in March 2003, highlight the F.O.P.'s singular and significant contribution to protecting the future of overtime compensation for State and local police officers, firefighters and EMTs.

"The Fraternal Order of Police is extremely grateful for the work of Secretary of Labor Elaine L. Chao and Wage & Hour Administrator Tammy McCutchen to take into consideration and incorporate the views of the F.O.P. in developing their final regulations," Canterbury said. "Since the beginning, the F.O.P. was alone in its confidence in this Administration's commitment to our nation's first responders, and their intention to resolve this issue to the benefit of these vital public servants."

On the preamble to the final regulations, the Department of Labor acknowledged that it was responding specifically to the views of the Fraternal Order of Police "about the impact of the proposed regulations on police officers, firefighters, paramedics, emergency medical technicians (EMTs) and other first responders." DOL went on the note that the current regulations do not explicitly address the exempt status of these employees, and "this silence . . . has resulted in significant federal court litigation to determine whether such employees meet the requirements for exemption."

The final Part 541 regulations make several important changes for public safety employees. for the first time ever, the regulations clarify that neither the regulations contained in 29 CFR nor the Section 13(a)(1) exemptions apply to police officers, firefighters, EMTs and other first responders who perform public safety work. The regulations go on to clarify why these employees, regardless of their rank or pay level, cannot be classified as executive, administrative or professional employees, and thus be exempted from receiving overtime pay. In addition, the Department acknowledges that the right to overtime compensation may be extended to some public safety employees who are currently classified as exempt because of changes to the regulations.

"Where others were content to ask the Department to say in its final rule only that 'no expansion of law enforcement exemptions is included in or intended by the new rules,' the Fraternal Order of Police said 'today's public safety work is more unique than ever before, and the final regulations must account for the challenges faced by our nation's first responders in the post-9/11 environment,'" Canterbury said. "The final regulations achieve that goal."

On 31 March 2003, the Department of Labor published a Notice of Proposed Rulemaking in the Federal Register to revise and update the exemptions from overtime under the FLSA for executive, administrative, and professional employees; also known as the Part 541 or "white collar" exemptions. Immediately, the clarion call spread across the nation that the Department was trying to take away the right to overtime pay for hundreds of thousands of police officers, firefighters and EMTs.

During the public comment period, the F.O.P. worked with the International Association of Firefighters (AFL–CIO) to seek clarification of the Department's intent with respect to the overtime eligibility of public safety employees—an issue which was not explicitly addressed in the proposed rule. In late June, the F.O.P. submitted its formal written comments to the Department. It was the first organization to weigh in on behalf of America's law enforcement community regarding the proposed changes, and advised DOL about the potential impact of the proposal on public safety employees.

"We were never concerned that DOL was trying to destroy the ability of police officers and others to earn overtime compensation, despite the rhetoric employed by other groups and some legislators to vilify and demonize Secretary Chao," Canterbury said. "Rather, we believed it was important to point out that the regulations as proposed did not sufficiently recognize the increased workloads and hazards faced by public safety employees since the heinous terrorist attacks of September 11, 2001, and to use that as the basis for our efforts."

Canterbury explained that while the F.O.P. faced strident and often vitriolic opposition from other organizations who viewed this as a fight to maintain the status quo, the F.O.P. never considered this to be a viable solution because of the number of public safety officers currently classified as exempt under the existing regulations. Instead, the F.O.P. viewed the proposal as a unique opportunity to correct the application of the overtime provisions of the FLSA to public safety officers.

"These final regulations show that this Administration and this Department of Labor are responsive to the concerns of rank and file first responders," Canterbury said. "There has been too much posturing and rumor mongering on this issue by the leadership of other police organizations, who have seemed intent on sacrificing their members' paychecks on the altar of partisan politics. I hope that those who have been so employed over the course of the past year can see the folly of their ways, and that we can all recognize this for what it truly is: an unprecedented victory for police officers and their families."

Mr. KYL. The Fraternal Order of Police is one of the groups very interested in this issue. It is the largest organization of sworn law enforcement officers, and obviously they are in support of the first responders being exempt from the nonguarantee—in other words, being guaranteed overtime pay.

Another group is nurses. The licensed practical nurses and other similar health care employees will be entitled to overtime pay under the new regulations. Originally unions had asserted to the contrary, but that is not the case. With respect to registered nurses, they are already exempted professionals under current law. The new rule will not change that. Explicitly blue collar workers are identified as entitled to overtime pay.

There was a question about cooks. They are entitled to overtime pay. The only people in that group that might not be are college degree chefs who have degrees in culinary arts, who supervise others in work they do. Paralegals will be entitled to overtime pay. Public sector inspectors, people such as building inspectors, will be entitled to overtime pay. Union courts, collective bargaining agreements in States will not be affected by the rule. This is another area that has been grossly misrepresented.

The bottom line is this final rule will bring clarity. It defines specific categories of people who will be guaranteed pay and, therefore, shuts down a lot of the litigation that has been based on the fact that the law has not been explicit or very clear. The confusing and outdated current or previous regulation has been a gold mine for trial lawyers, and there are a lot of articles that have recently been published that point out some of the abuses. The number of lawsuits in this area has doubled since the 1990s. Class action lawsuits have tripled since 1997. The number of these suits has actually surpassed the EEOC class action lawsuits in number.

While the trial lawyers have made out very well off of the confusion of the previous regulations, the plaintiff's benefit is significantly smaller. For example, in a recent Oregon lawsuit, which the Presiding Officer will be interested in, fast food restaurant workers each received $1,300, while the trial lawyers received $1.5 million. In a similar California case, workers got $2,800 while the trial lawyers were awarded almost $4 million.

Let me conclude by making a point that part of the confusion is due to objections by the AFL–CIO. Even before the final rule was made public, they were criticizing it, producing TV advertisements, misrepresenting the effect of the new rule. This is especially distressing given the fact—I know this personally from the Secretary of

Labor, who had spent untold numbers of hours working on this—it was their intention to try to take in all of the criticisms and comments and blend them into a rule that made sense for workers. She did this, and then to have it attacked before it is finalized, with misrepresentations, is very unfair.

Prior to drafting a rule, the Department of Labor held over 40 stakeholder meetings with 50 different interested groups, including 16 different unions, and invited 80 groups to participate in these so-called stakeholder meetings. It was not as if this were done without the input of people clearly interested in it.

The amendment that is in order when we take up the bill is the Harkin amendment. It is unclear precisely what the wording of the amendment will be, but obviously the intent is to preclude the regulations from fully taking effect.

I urge my colleagues, after they review that language, to quickly dispose of the amendment so we can move on to the important business of passing the underlying JOBS bill. As we know, the only group of employees that is not going to be guaranteed overtime under the new regulations is those making over $100,000 or more. The theory there is they are in a position to negotiate their own salary.

Just to conclude, if this new rule is not allowed to go into effect, the biggest winners under the new rule, which are the low-income workers, will be the biggest losers. We need to put this into effect, clear up the confusion, and create the specific categories that are guaranteed overtime pay or these people are going to lose. The police, the firefighters, the lower income people, the blue collar workers are not going to be assured overtime pay. Remember, it only previously would guarantee anybody with $8,000 or less the overtime pay they should be entitled to.

The effect of the Harkin amendment will be to hurt workers, not to help them. It is my hope that, again, we can quickly dispense with the Harkin amendment, defeat that amendment, support the regulations, the new rules that have been adopted by the Department of Labor, let them go into effect, and see how they work; in the meantime, move on with S. 1637, the underlying legislation, the purpose of which is to finally get our manufacturing industry back on even par with our competitors, particularly in the European market. That is legislation we have to pass because of the tariffs that are being imposed each month until we comply with the ruling of the WTO.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent I be allowed to speak for 15 minutes, and I include in that request Senator REID of Nevada who has asked to follow me for an additional 15 minutes.

Mr. KYL. Mr. President, reserving the right to object, there is a division of time between the two sides. Could I suggest that regarding the remarks of the Senator from Florida with the Senator from Nevada, that they get together and figure out the time to speak if it will not be under leader time? Is that acceptable?

I will object to the request and try to talk to the Senator.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from Florida.

Mr. NELSON of Florida. Is the unanimous consent request that I made that I be allowed to speak for 15 minutes, is that acceptable?

The ACTING PRESIDENT pro tempore. It has been objected to.

Mr. NELSON of Florida. I ask unanimous consent that I be allowed to speak for 15 minutes, and if there is a Member on the other side of the aisle who would like to speak for 15 minutes, that they be allowed to do so, as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE POLARIZED SENATE

Mr. NELSON of Florida. Mr. President, that is an interesting segue into what I wanted to talk about, the polarized nature today of the Senate.

At times, this Senate has become so partisan, and increasingly so now, that it is in gridlock. There seems to be a playing out of "gotcha" politics that has poisoned the atmosphere in Washington, DC, so that it is hard to get the people's business done.

When I had the privilege of coming 4 years ago to the Senate, I had read the histories of the great leaders of this body and the extraordinary consensus and bipartisanship, that they would reach out and bring people together in order to form a consensus that could help the Nation govern itself. We find we have exactly the opposite happening in the Senate.

At the same time, what we find happening—under the Constitution, the separation of powers are a check and a balance against each other. That is beginning to erode. Instead, what we see is the power, instead of being equally divided and balanced between the judicial, the legislative, and the executive branches, we find in the executive branch almost an attitude that the legislative branch should become an appendage of what the executive branch wants. If that trend continues, the Constitution is not going to work as it was intended to work.

We find in the histories of this great body, when we have read about those great leaders, even within our lifetime—Everett Dirksen, Lyndon Johnson, Mike Mansfield, and Bob Dole—they reached out and built bipartisan consensus. They were partisan when they needed to be, and yet they knew the way this body operates. One cannot break a filibuster except by 60 votes now; it used to be two-thirds. We have to build consensus, and we have to build it from the political center by reaching out and bringing people together.

The sharpness of this poisoned atmosphere of excessive partisanship and excessive ideological rigidity has made it very difficult for this Government to function. As a matter of fact, we read the articles recently in major periodicals where it seems ideology is lining up in one party or another, almost as if that is the decision point, the choice, for America to make.

But America has always yearned for another way and that was using the best of our democratic principles through the cross currents of ideas, through the intercourse of discussion, through the heat of debate, for ideas and consensus to emerge upon which to govern this wonderful, broad, beautiful, powerful, and very diverse country. Until we do that, we are going to continue to have a problem of gridlock.

There is something I can do about it by the way I conduct myself individually, day in and day out—when I make mistakes, own up to those mistakes and apologize to the people who would be offended by those mistakes in the interest of comity and consensus building. That is how this Senator has tried to conduct himself, failed as I may be.

That is how I will try to continue to conduct myself and hope I am joined by other Senators in that—through the way you conduct yourself, reaching out in the spirit of comity and personal friendship, and with a sight set on what is good for the Nation. Partisanship prevents us from building consensus in order to run this wonderful country we are privileged to serve and represent.

Mr. President, that is what has been on my heart.

THE GAO MISSILE DEFENSE REPORT

Mr. NELSON of Florida. Mr. President, I came to the floor to discuss a topic we will be taking up in the Senate Armed Services Committee later this week as we start to grapple with the authorization bill for the Defense Department—the question of missile defense.

This topic is timely for a number of reasons. First of all, the administration plans to deploy a "rudimentary" missile defense system this September, despite the fact it has not been proven to work. The Armed Services Committee begins consideration of this DOD fiscal year 2005 budget request, and the Pentagon has requested $10 billion for missile defense systems in 2005, so it is timely to talk about it right now.

Also, it is timely to talk about this issue because the General Accounting Office has released a report exhaustively reviewing major missile defense programs—with interesting and useful findings, if we will listen to those findings.

Let's look at that GAO report. The report made some very telling observations. Among them was that the missile defense to be deployed in September simply will not be proven yet, because it hasn't been tested against realistic targets. The GAO recommends that realistic operational tests should be conducted on the missile defense system, which many of us have been saying. How in the world can you deploy something that has not been developed and tested?

The GAO recommends we establish clear and firm missile defense goals. I don't see how we can operate and manage a complex, expensive program like this without goals. The report also took a hard, unbiased look at what progress was being made on these missile defense programs. The GAO spent close to a year doing research going beyond the rhetoric to understand what was going on scientifically and fiscally among these complex programs.

What did the GAO find? Well, they found some major problems, problems that should concern all of us who support a true working missile defense for our homeland. I want to repeat that—problems that concern those of us who truly support a working missile defense program for our homeland.

The GAO found, for example, the prime contractors for 2 of the missile defense programs had cost overruns totaling almost $400 million during fiscal year 2003 alone.

The GAO found the first increment of missile defense to be deployed in September is going to cost a billion dollars more than the Pentagon thought it would cost a year ago. That is a billion dollars of cost growth in a single year. I want this program to be successful, and I also want it to be fiscally responsible.

The GAO also found the airborne laser program is more than a year behind schedule and projected to go over budget between a half billion dollars and a billion dollars. Let's look at that airborne laser program for a moment. It is a fascinating technology, using a laser cannon mounted on a 747 aircraft to shoot down missiles while they are rising in the boost phase of an ICBM flight.

In March 2003, only a year ago, during the Senate Armed Services Committee hearing on missile defense, I asked the Lieutenant General Kadish, the Director of the Missile Defense Agency, about the airborne laser. He told me it was going to be working within a year. Well, we know now—not from him, but from the GAO report—that at the time of the hearing last year, the airborne laser program was already significantly behind schedule and had more than $100 million in cost overruns a year ago when I asked the question in the Armed Services Committee. But they didn't tell us that.

According to the GAO, just about everything that can go wrong with this program has gone wrong. General Kadish did not tell us that a year ago. The report says:

> Numerous and continuing issues have caused the [program] to slip, including supply, quality, and technical problems.

I continue the quote:

> For example, specialized valves have been recalled twice, laser fluid management software has been delayed due to inadequate definition of requirements, and improperly cleaned plumbing and material issues have required over 3,000 hours of unplanned work. In addition, delays in hardware delivery occurred in almost every month of fiscal year 2003.

Why didn't they tell us that last year? It is, again, symptomatic of the executive branch not deferring to the proper balance of powers as envisioned by the Constitution. Instead, they are asking the legislative branch to do its bidding. This has to stop for the sake of the balance of powers of this country.

Even as these problems were occurring with the airborne laser, more money was pouring into the program. The Missile Defense Agency spent about a billion dollars on the airborne laser in 2002 and 2003, and the administration has asked for another half billion dollars in fiscal year 2005 for this same program.

The Pentagon has not been forthcoming with this sort of information. If it weren't for this GAO report, it is not likely the Congress would understand how serious the problems are with this airborne laser program. I wish it were not so, because wouldn't it be good for America if we suddenly had an airborne laser that could shoot down an ascending rocket heading for an American target?

The airborne laser program is not the only surprise in the GAO report. The report reveals computer programs needed for Navy ships to work with the administration's missile defense system won't be tested adequately prior to the planned September deployment of the system. Since these ships are needed to protect Hawaii from a missile launch, Hawaii is now unprotected. That same report reveals major delays with the administration's missile defense plans. It says:

> Flight tests leading up to the [deployment] have slipped [over] 10 months, largely as a consequence of delays in [missile defense] interceptor development and delivery. Accordingly, the test schedule leading up to the September [deployment] has been severely compressed, limiting [the] opportunity to characterize [the system's] performance prior to the initial fielding.

The report goes on:

> The production and delivery of all 20 interceptors by the end of [December 2005] is uncertain—contractors have not demonstrated that they can meet the increased production rate.

Given the reality of the technical problems, the schedule delays, and the lack of operational testing, can we justify to the American people spending hundreds of millions of dollars in 2005 to continue to buy more missile defense interceptors than we already have?

I want them to be successful. Let's make sure what we have is going to, in fact, work because the GAO report reveals many of the administration's missile defense programs are in serious trouble with major cost overruns, schedule delays, and inadequate testing. Even to the most enthusiastic supporters of missile defense among us, it should be clear that technology is not proving itself as fast as we had hoped. Given the fact a missile attack against the U.S. is probably lower on the list in terms of probability than other attacks, and given what is going on right now in the war in Iraq and Afghanistan, I think it is clear we need to look carefully and objectively at this missile defense budget and see if we should not spend some of this money on making sure we get it right through the development and testing, and some of that money for our soldiers and marines in battle right now so they can fight and win.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is remaining for morning business on our side?

The ACTING PRESIDENT pro tempore. There are 15 minutes remaining on the Republican side.

Mr. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes in morning business, and I request that the Chair let me know when there are 2 minutes remaining.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. ALEXANDER. I thank the Chair.

TRIBUTE TO MARVIN RUNYON

Mr. ALEXANDER. Mr. President, I have three topics I wish to speak about today. The first is about Marvin Runyon. Marvin Runyon is a man known to almost all Tennesseans. He died last night. He had a remarkable career.

Marvin Runyon and his Nissan team brought the automobile industry to Tennessee, creating jobs and better lives for tens of thousands of families. They built from scratch the largest and most efficient car and truck plant in North America.

For an encore, Marvin Runyon became chairman of the Tennessee Valley Authority and stabilized TVA rates. And for a double encore, he became the Postmaster General of the

United States, and in the year he left, if I am not mistaken, the Post Office made a profit. It is rare that our country has produced a better chief executive officer. I am certain Tennessee has never produced a better one. He has three wonderful stories all after 50 years of age.

Prior to that, Mr. Runyon was a senior executive at Ford Motor Company. It was in 1980, in my second year as Governor, when Nissan hired that team of Ford executives. They came to Tennessee, a State that was not building any cars or trucks, only had a few thousand, I would say, automobile supplier jobs.

Today, Tennessee is the third or fourth largest producer of cars and trucks. One-third of our manufacturing jobs are automotive. There are several reasons for that development, but it would not have happened if Marvin Runyon and his Nissan team had not chosen to come to Tennessee in 1980.

My wife and I and our family have lost a dear friend, Tennesseans have lost a friend, and I wanted to pay tribute to a man who literally changed the lives of tens of thousands of families for the better by his work in bringing the automobile industry to Tennessee and stabilizing the Tennessee Valley Authority.

FAMOUS MUSIC CORP/ HORNBUCKLE MUSIC

Mr. ALEXANDER. Mr. President, I wish to talk about songwriters. Italy has its art, and California and Oregon have fine wine, Hollywood has movies, Dalton, GA, has carpets, and Nashville has songwriters.

There are a great many beautiful songs that come from Nashville—poems—but I want to especially commend to my colleagues a new song called "Letters from Home." You may hear John Michael Montgomery sing it. It is a poem that touches the heart of Americans at this time. It is especially meaningful with the men and women of our military in Afghanistan and Iraq and all over the world fighting for freedom.

This is a story about their loved ones awaiting their coming home. The last stanza goes like this:

I hold it up and show my buddies
Like we ain't scared an' our boots ain't muddy
But no one laughs 'cause there's
Ain't nothin' funny when a'
Soldier cries.
So I just wipe my eyes
Fold it up and put it in my shirt
Pick up my gun and get back to work
And it keeps drivin' on, waitin' on letters from home.

That song was written by Tony Lane and David Lee. I saw them a couple weeks ago at Belmont University in Nashville. Belmont celebrated the introduction of a course on "Poetics in Country Music," to explore literary criticism of song lyrics as we do for other poetry. I salute Belmont University for its leadership.

When Johnny Cash died, the New York Times streamed a headline: "Poet of the Working Poor." Bob Dylan once said Hank Williams was America's greatest poet. I said on the Senate floor, if that is true, why don't we have English professors somewhere criticizing their poetry? They are all up in Northeastern schools writing good criticism of mediocre poems while we have poets of the working poor and some of the best poets in Nashville writing poems.

"Letters from Home" is yet another great poem from Nashville songwriters and one more example of why Belmont University's pioneering work to discuss "Poetics of the Working Poor" is a good idea.

There might be more in common between Shakespeare's sonnets and Hank Williams stanzas than one at first might imagine.

CALCULATION OF THE EMPLOYMENT RATE

Mr. ALEXANDER. Mr. President, I wish to discuss with my colleagues something of a mystery. I have yet to be able to find an answer to this mystery. I am hoping by addressing it on the Senate floor and by letters I am sending today to Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System, and the Bureau of Labor Statistics, their research might help me figure this out.

I asked Chairman Greenspan at our hearing on April 21 of the Joint Economic Committee about the 6 million people, more or less, who are living and working in the United States who our Government is not counting when it makes our monthly projections about who is working and who is unemployed.

Here is what I base that question on: There is a consensus there are 8 to 10 million undocumented aliens or illegal immigrants in the United States today. For example, the Urban Institute estimate says 8 million, and the Center for Immigration Studies says 10 million. The Urban Institute estimates perhaps 6 million or more of those undocumented persons have a job in the United States. I do not think there is much debate about the fact there are 6 million people living in the United States, more or less, who are illegally here who are also working.

My guess is our Government is not counting most of these 6 million undocumented aliens when we announce each month the number of Americans who have jobs. It was 138 million for March and the number who are unemployed, 5.7 percent of the workforce, or 8.4 million people in March.

The Bureau of Labor Statistics, which makes these announcements each month, gathers their estimates in two different ways. The first is the so-called payroll survey of 400,000 business establishments. Since it is a violation of Federal criminal laws for a company to employ an undocumented alien, I think it is wrong to assume most or even many of the 6 million illegal immigrants who are working here are reported by the payroll survey. Nor do I believe these 6 million illegal immigrants are likely to be included in the other principal data-gathering mechanism of the survey, which we call the household survey.

This is a survey of more than 60,000 persons living in the United States which basically asked in many different ways, do you have a job? Now, this must include a lot of people the payroll service does not, people such as farmers, people working at home, independent contractors, and I suspect a lot of people who are here illegally.

I also believe that it paints a much clearer picture of employment in the United States than the payroll survey. Common sense suggests to me that the household survey also does not include many undocumented aliens. If one is an illegal immigrant and they receive a phone call from the Government asking questions, they are not likely to give many answers, I would not think, especially if the phone call is not in their native language.

So I see no basis to assume these 6 million workers—my guess is in most cases hard workers but undocumented aliens—are being counted or that they are being equally uncounted by the two surveys, which is what Mr. Greenspan suggested might be the case. Our failure to find some way to consider the implications of having what I would judge to be so many undocumented aliens working has a great many policy implications.

Now I am not trying in these remarks to solve the great issues of immigration, whether we should have it, how much we should have, what we should do. That is another debate. I am just trying to understand who is here. If 6 million are here and working, are we counting them? It would be helpful to know the answer to that question, to know whether we are understating the number of people living in America who are employed and stating the rate of people in America who are unemployed.

This is one of the principal debates in our presidential campaign: It is the economy, stupid. It is jobs. Well, how do these 6 million uncounted workers affect the information we put out each month upon which we make all of these debates? Also, if we have 8.4 million unemployed, according to our official statistics, and if 6 million illegal immigrants are working, are these 6 million taking jobs that the 8.4 million want? Also, if these 6 million were not here, would we suddenly have virtually full employment?

Another point might be, if these 6 million were not here and the 8.4 million still remained unemployed, or many of them did, that certainly would tell us something about whether we need more or less unemployment insurance, more or fewer training programs, or more or fewer lessons in English. Or if the 6 million illegal workers are actually employed, that would tell us something about the effectiveness of our immigration laws and would help us make more accurate estimates of the contributions these workers might make to the Social Security and Medicare systems.

So if we are going to rely on these monthly estimates from the Bureau of Labor Statistics, my point is, if one is going to say to us we have 138 million people at work in the United States, what about the 6 million who are here who probably are not counted, who are illegally here? They are real people. They are working in real jobs. What about them? Or if we are talking about the 8.4 million people who are unemployed in the United States, what is the effect of having 6 million illegal people on that rate of unemployment? It is information I think we ought to know.

At the end of his answer to my question, Mr. Greenspan said that having better information about the number of undocumented aliens living and working in the United States is a subject that has "bedeviled statisticians."

I believe it is also a problem we ought to try harder to figure out the answer to. In fact, I believe it is inexcusable that we would base so much of our public debate about unemployment on surveys that likely exclude several million employed workers in the United States, many of them doing jobs that most Americans consider to be valuable jobs.

This failure to report accurate information may be leading us into a number of erroneous, ineffective, and expensive policy decisions. I have asked Mr. Greenspan and his excellent staff and I have asked the Bureau of Labor Statistics if they could examine this question in-depth and give me and perhaps other Members of the Joint Economic Committee, if Chairman Bennett finds the subject interesting, an opportunity to talk with them about their conclusion.

It seems odd that we would continue to base so much of our national debate upon information that may be flawed, and if it is not flawed, then we need someone with reasonable authority to say that each month we are counting the 5, 6 or 7 million people who have jobs in the United States and who are illegally here so that this cannot be an issue. If they cannot say that, then we need to work harder to find out the answer.

I ask unanimous consent that a copy of my letter to Chairman Alan Greenspan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,
Washington, DC, May 3, 2004.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors, Federal Reserve System, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to follow up on your answer to my question about illegal immigration and calculation of the employment rate during your testimony before the Joint Economic Committee on April 21.

My concern is that there may be up to 6 million people living and working in the United States who our government is not counting when it makes our regular projections about who is working and who is unemployed.

There is a consensus that there are 8 to 10 million undocumented aliens or illegal immigrants in the United States today. For example, estimates from the Urban Institute and the Center for Immigration Studies, based on data from the Current Population Survey, are 8 million and 10 million respectively. The Urban Institute estimates that 6 million or more undocumented persons have a job in the United States.

You indicated in your comments to my question that you believe our government's job-counting surveys take these illegal workers into account, or at least, they do a fairly equal job of NOT taking them into account.

My guess is that the government is not counting most of these 6 million illegal workers when we announce each month the number of Americans who have jobs (138,298,000 for March, seasonally adjusted) and the number who are unemployed (5.7 percent of the workforce or 8.4 million people in March, seasonally adjusted).

The Bureau of Labor Statistics gathers data for these estimates in two main ways. The principal way is through the Current Employment Statistics Program, or so-called payroll survey of payroll records from 400,000 business establishments. Since it is a violation of Federal criminal laws for a company to employ an undocumented alien, I think it is wrong to assume that most or even many of the 6 million illegal immigrants who are working for established businesses are reported by the payroll survey. These illegal immigrants may be self-employed, agricultural workers, contractors, or in some other kind of work that is not in any event covered by the payroll survey.

Nor do I believe that most of the 6 million illegal immigrants are likely to be included in the other principal data-gathering mechanism of the bureau, the Current Population Survey, commonly known as the household survey. This is a telephone survey of more than 60,000 persons living in the United States that basically asks in many different ways, "Do you have a job?" The household survey must include a great many persons that the payroll survey does not—such as farmers, people working at home, and independent contractors—which is one reason why it paints a larger picture of employment in the United States than the payroll survey. But common sense suggests to me that the household survey does not include many illegal immigrants. If you are an illegal immigrant and you receive a phone call from the government asking questions, you are not likely to give many answers—especially if the phone call is not in your native language.

So I see no basis to assume that these 6 million undocumented aliens are being counted—or that they are being equally uncounted—by the two surveys.

Our failure to find some way to consider the implications of having so many undocumented aliens working has a great many policy implications:

Knowing the answer would help us know if we are understating the number of people living in America who are employed and overstating the rate of unemployment.

If we have 8.4 million unemployed and 6 million illegal immigrants working, are those 6 million taking jobs that the other 8.4 million want?

If the 6 million all went home, would we have virtually full employment?

If the 6 million all went home and the 8.4 million still remained unemployed, that certainly would tell us something about whether we needed more or less unemployment insurance, more or fewer training programs, or more or fewer lessons in English.

If the 6 million illegal workers are actually employed, that would tell us something about the effectiveness of our immigration laws—and it would help us make more accurate estimates of contributions these workers might make to the Social Security and Medicare systems.

You said at the end of your answer to my question that having better information about the number of undocumented aliens living and working in the United States is a subject that has "bedeviled" statisticians. It is also a problem we ought to try harder to figure out.

In fact, I believe it is inexcusable that we would base so much of our public debate about employment on surveys that likely exclude several million employed workers in the United States. It may be leading us into a number of erroneous and expensive policy decisions.

I would be very grateful if you could examine this question in depth and give me an opportunity to talk with you about your conclusions. I am also making the same request of the Bureau of Labor Statistics.

Thank you very much.

Very best wishes,

LAMAR ALEXANDER,
U.S. Senator.

Mr. ALEXANDER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am glad we are back on the jobs and manufacturing act. This will be the third time we have attempted to move this bill. President Reagan had a very famous quip: Here we go again.

Here we go again, hopefully to conclusion of this very important piece of legislation.

I hope things are going to be different. This time the European Union sanctions are very firmly in place. There should not be any doubt in the mind of any Member where Europe is headed. In the process of the European tax on our exports to that continent, they are freezing out of their markets U.S. companies.

This time there is an agreement on the political message amendments that will be addressed on this bill even though those amendments have nothing to do with the measures contained in the bill. This time we will finally reveal with absolute clarity whether some on the other side of the aisle are ready to drop the political posturing and pass this bipartisan bill to remove European Union sanctions against our farmers and manufacturing workers.

In Sunday's Washington Post was an article saying that Senate partisanship was the worst in memory. It spoke about the long list of legislation stalled in the Senate, stalled in the Senate because of political posturing. The article mentioned the bill that is before us today, this jobs and manufacturing bill. The paper said:

> Foreign tariffs have been imposed on many American products while the Senate dawdled over [today's bill]—to substitute corporate tax cuts for subsidies that have been outlawed by the World Trade Organization.

Dawdled? That is no compliment, obviously. It is, unfortunately, an accurate description of what opponents to passing the JOBS bill have achieved during the last 2 or 3 months. It is an accusation that all of us will hear back home if we continue to allow the European Union to sanction our agriculture, timber, and manufacturing exports.

I will have more to say about sanctions later, but I want to remind people who might say, Why do you have to worry about the European Union? They don't have any business doing that; we ought to be able to export our products to Europe; that America has also imposed some retribution against European products coming to this country because Europe decided not to abide by the agreement on beef hormones. They don't let our meat in. We won the case before the WTO, so we put duties on their products coming here.

We lose a case before the World Trade Organization—and, by the way, we win more than we lose by a long sight. But regardless, Europe is doing what they can legally do under our international trade agreements. We all understand these international trade agreements have moved us in the right direction, the direction of lowering barriers to our products in other countries so we can export because we are an exporting nation and because exports create jobs and because those jobs pay 15 percent above the national average of jobs. It creates jobs and it creates good jobs.

You don't have to dispute the 50-year history of the advantage of international trade agreements to the United States when other countries have higher barriers to trade than we do, and we bring those barriers down. We have a process for settling our differences. That is called the World Trade Organization dispute settlement process. This bill is before the U.S. Senate because we are changing our laws to be within our international trade agreements, agreements this Senate has already adopted. We have already voted on these international trade agreements, so now we have to live up to them in the same way we expect Europe to live up to those agreements when we win a dispute with Europe. That is why we are here. Only this legislation is going to go a lot further than just to make our laws comply with European laws; we are also going to do other things to our tax laws to encourage manufacturing in America, to create more jobs in America.

This legislation has been held up, as the Washington Post said, while the Senate dawdled. That was over partisan politics. There is no excuse for allowing partisan politics to hold this bill up because this bill was reported out of the Senate Finance Committee with only two dissenting votes, and those two dissenting votes were not Democrat votes, those were Republican votes. The two Republicans who voted against it have a different philosophy on what we should do with this bill, and they are going to be offering an amendment. But I don't think they are trying to kill this bill, even if they disagree with it. They are not standing in the way of passing the JOBS bill just because they don't like exactly what it says.

That is the difference here. Senators do, in fact, have a right to their own opinions on this bill and are free to file amendments to change it. That is exactly what they ought to be doing if they are representing the people of their State. But that is a far cry from trying to delay this measure just to score points on completely unrelated political issues that come before us in the form of nongermane amendments.

This is a bipartisan bill that reflects everyone's concerns, both Republicans and Democrats. This is a bill that is going to pass 90 to 10 when we get to finality. But you don't play political games with a bipartisan bill that affects jobs of manufacturing workers all across this vast land.

I think it is worth looking at the history of this bill. The jobs in manufacturing act is a bipartisan bill from the ground up. The framework was laid by my colleague and friend, Senator BAUCUS, when he was chairman of the Senate Finance Committee in the last Congress. It began with a hearing in July 2002 to address the controversy within the World Trade Organization and our tax laws. We heard from a cross section of industry that would be damaged by the repeal of the Extraterritorial Income Act. We also heard from U.S. companies that were clamoring for international tax reform because our tax rules were hurting competitiveness in foreign trade. Their foreign competitors were running circles around them because of our arcane and probably outmoded international tax rules.

During this hearing we had, for instance, Senator BOB GRAHAM of Florida and Senator HATCH of Utah express concerns about how our own international tax laws were impairing the competitiveness of the U.S. companies. That is almost 2 years ago.

After some discussion on forming a blue ribbon commission to study this issue, we all decided that decisive action was more important than a commission. During that hearing, Chairman BAUCUS formed an international tax working group that was joined by Senators GRAHAM, HATCH, and me, and was opened to any other Finance Committee Senator who was interested in participating. The bipartisan Finance Committee working group developed a framework that forms a basis for the bill that has been before this Senate now, off and on, over the last 3 months. We directed our staff 2 years ago to engage in an exhaustive analysis of many international reform proposals that have been offered. We sought to glean the very best ideas from as many sources as possible.

Chairman BAUCUS and I formed a bipartisan bicameral working group with the chairman and ranking member of the Ways and Means Committee in an effort to find some common ground in dealing with the repeal of the Foreign Sales Corporation Extraterritorial Income Act that was ruled contrary to our international trade agreements. While that effort with Ways and Means did not go so well, it did inspire Chairman BAUCUS and me to continue our Senate bipartisan development of the repeal of this legislation and also to bring about international tax reform.

We continued our efforts in cooperation with Senator HATCH, Senator BOB GRAHAM, and others on the Finance

Committee who wanted to do what was fair and what was right in complying with the World Trade Organization ruling.

We continued our bipartisan efforts when I became chairman again after the 2002 election.

In July 2003, we held two hearings on the FSC/ETI and international reform issue. One hearing focused on the effects of our tax policy on business competition within the United States, and the other hearing focused on international business competition. These two hearings led to this bipartisan bill that has been before the Senate for the last 3 months.

Let me again emphasize that there is not one provision in this JOBS bill that was not agreed to by both Republicans and Democrats—not one. We have acted in good faith to produce a bill that protects American manufacturing jobs and also ensures our companies remain the global competitors we ought to want to be, are, and we ought to continue to be. We did this in a fully bipartisan manner, which is what the American people expect us to do on such an important issue as manufacturing jobs and our Nation's economic health.

The core part of this bill repeals the current FSC/ETI provisions that are now in our tax law. FSC/ETI reduces the income tax on goods manufactured in the United States and exported overseas by as much as 3 to 8 rate points. That is, if the corporation tax rate is 35 percent, the tax rate on export income is going to be somewhere between 27 to 32 instead of the 35 percent it is right now. It lowered the U.S. corporate rate on goods made in the United States and sold overseas.

The World Trade Organization has determined that FSC/ETI is an impermissible export subsidy and has authorized the European Union to impose a $4 billion a year tax against U.S. exports until we get rid of the FSC/ETI legislation that has been on the books for about 3 decades.

We have sanctions put on us by Europe. They began on March 1 with 5 percent right off the bat, increasing 1 percent a month. You have March, 1 percent; April, 1 more percent; and May, 1 more percent. This is a 7-percent Euro tax on American exports. It is a very serious threat for all members because sanctions are hitting commodity products, agricultural goods, timber, and paper.

Presently, about 89 percent of Foreign Sales Corporation export benefits go to the manufacturing sector. Repealing this legislation raises around $55 billion over 10 years. If that money is not sent back to the manufacturing sector, that means an additional $55 billion cost to manufacturing. It is mathematically impossible for it to be anything else.

That is why our bipartisan jobs in manufacturing bill takes all $55 billion of the FSC/ETI repeal money and sends it back to the manufacturing sector in the form of a 3-point tax rate cut on manufacturing income. This rate cut is for manufacturing in the United States, it is not for manufacturing offshore. We start phasing in those cuts this year if the Senate passes this jobs in manufacturing bill this year. The cuts apply to sole proprietors, partnerships, farmers, individuals, family businesses, multinational corporations, and foreign companies that set up manufacturing plants in this country. In total, this bill provides $75 billion of tax relief to our U.S.-based manufacturing sector to promote factory hiring here in the United States.

We also include in this legislation international tax reforms, mostly in the foreign tax credit area and most of which benefit the manufacturing sector. The international tax reforms largely fix problems which our domestic companies face because of the complexity of the foreign tax credit. These reforms are necessary if we are to level the playing field for U.S. companies that compete with our trading partners.

You will hear arguments this week that the international tax reforms provide an incentive to move jobs offshore. I am going to show you later how adamantly I disagree with that argument. We have carefully selected on a bipartisan basis the international reforms that do not provide offshore incentives.

Our bill also includes a Homeland Reinvestment Act which will temporarily reduce tax on foreign earnings that are brought into the United States for investment here at home instead of leaving that money overseas to create jobs overseas. This provision is sponsored by Senator ENSIGN, Senator BOXER, and the Presiding Officer, Senator SMITH from Oregon. It has broad support in the House and Senate.

The JOBS bill will extend the R&D tax credit through the end of 2005. This is a domestic tax benefit that generates research and development here in the United States. That translates into good, high-paying jobs for workers here in America and not jobs overseas.

The legislation before us extends for 2 years many tax provisions that expired in December of last year or, if they didn't expire then, will expire during this calendar year. These items include the work opportunity tax credit and the welfare-to-work tax credit. The JOBS bill will make the merger of those credits permanent.

We include a provision that allows Naval shipbuilders to use a method of accounting which results in more favorable income tax treatment.

There are enhanced depreciation provisions to help the airline industry.

There are new homestead provisions. These are rural development provisions to create businesses in counties that are losing population. For example, they would provide incentives for starting or expanding a rural business in a rural high-outmigration county, something that would benefit States such as mine in the Midwest where rural counties are losing population—not even maintaining but losing.

The jobs in manufacturing underlying bill also includes the new markets tax credit for high-outmigration counties. These credits help economic development in rural counties that lost over 10 percent of their population.

The bill includes brownfields revitalization provisions which help tax-exempt investors that invest in cleanup and remediation of qualified brownfield sites.

The bill includes a mortgage revenue bonds measure which repeals the current rule that doesn't allow mortgage revenue bond payments to be used for issuing new mortgages. There are 70 Senate cosponsors of this mortgage revenue bond bill. It is included because it has broad support in the U.S. Senate.

We allow deductions for private mortgage insurance.

The JOBS bill includes a tax credit to employers for wages paid to reservists if they are called to active duty.

We have extended and enhanced the Liberty Zone Bonds used in the rebuilding of Lower Manhattan. We also include $200 million in tax credits to be used for rail infrastructure projects in the New York Liberty Zone.

The bill contains renewal communities provisions. We increase small business industrial development bond levels to spur economic development in rural areas. We have bonds for rebuilding school infrastructure. We have included tribal bonds in the JOBS bill which allow the same rules that apply to tax-exempt bonds for State and local Governments to also apply to our constitutional relationship with Native American tribes so they are treated like States and other political subdivisions.

We have tribal school bonds. Under current law there is no class of bonds designated for the purpose of encouraging school construction on Indian reservations as we have for our States and local communities.

There is a new tribal markets tax credit which would add $50 million a year for economic development on reservation lands.

We have included the Civil Rights Tax Fairness Act.

The JOBS bill contains a change in section 815. The provision suspends application of the rules imposing income tax on certain distribution to shareholders from the policyholders' surplus account of a life insurance company.

We have a special dividend allocation rule that benefits farm co-ops. Other farm provisions give cattlemen tax-free treatment if they replace livestock because of drought, flood, or other weather-related conditions over which that farmer has no control.

We include a provision that allows payments under the National Health Service Corporation Loan Repayment Program to be exempt from tax to help get health care providers into rural America.

We included the passenger rail infrastructure tax credits that provide $500 million for inner-city passenger rail capital projects. We also included so-called short-line railroads.

We have many other improvements in this bill. One I bring up deals with the stalled Energy bill before the Senate. We have included in this bill, because gasoline is so high, because this country needs a national energy policy and because the Finance Committee Senator BAUCUS and I lead has so much to do with tax credits for incentives for the production of fossil fuel, conservation and for alternative sources of energy—those all need to be done now that we have gas over $2 a gallon. We need a national energy policy.

We are taking advantage of this legislation being in the Senate, working with Senator DOMENICI to include provisions in the Energy bill that have previously been approved by the Finance Committee, but which did not go to the President because of the filibuster in this body against that overall Energy bill. It is essentially the exact bill originally cosponsored at the beginning of this Congress by this Senator and Senators BAUCUS, DOMENICI, and BINGAMAN. It is the first time the chairman and ranking member of both committees of jurisdiction, Finance and Energy, have crafted a bipartisan bill that would serve as a national energy policy that represents the business of the American people and the sort of cooperation by which things get done around here. Too bad it is not done more often.

The energy provisions are balanced in all segments of our energy needs, and we have expanded all provisions for renewable electricity to include wind and biomass, to promote conservation of energy and alternative cars and fuels. It does not abandon our tried-and-true energy performers like traditional oil and gas production and the newer, cleaner coal provisions for electricity.

The best aspect of the entire package is the energy part of this jobs and manufacturing bill creates jobs all by itself.

The volumetric ethanol excise tax credit provisions, known as the VEETC, in this package would add up to $14.2 billion in revenue to the highway trust fund over the 6-year life of the transportation bill pending before the Congress. This provision alone creates as many as 674,000 new jobs across our country.

The energy tax package also includes a new incentive for the production of renewable biodiesel. This provision means jobs in the heartland. Renewable fuels have directly generated over 150,000 new jobs. In fact, in this year alone, this industry will add 22,000 new jobs.

Another provision creates a tax incentive for the production of super energy-efficient appliances which is critical to the 95,000 employees in the U.S. home appliance industry.

The bill also includes a provision to accelerate the production of natural gas from Alaska and the construction of a pipeline for natural gas from Alaska to the lower 48. According to the Department of Labor, Bureau of Economic Analysis, construction of the Alaska natural gas pipeline would create nearly 400,000 jobs in construction, trucking, manufacturing, and other service sectors.

The jobs and manufacturing bill provides all this tax relief, nearly $170 billion worth, and remains revenue neutral, meaning there is no net cost to the Federal Treasury. That cannot be, one would think—$170 billion of tax changes; and we have not affected the income coming into the Federal Treasury by one dime. That is pretty significant for people worried about the budget deficit. People ask: We have a budget deficit; how can you reduce the corporation tax and create jobs? How can you give all these tax incentives to bring about alternative energy and conservation and have a national energy policy, without costing a lot of money?

There are a lot of unfair things in the Tax Code and we take care of those unfair things. Basically, there are some corporations playing games with the Tax Code to avoid taxation. We are going to plug those loopholes.

This bill is paid in full by extending custom user fees, shutting down abusive tax shelters, and attacking the abusive tax strategies used by companies such as Enron—strategies we unearthed during our Finance Committee Enron investigation last October. The Finance Committee held hearings on the status of abusive tax shelter activity. During that hearing, we received anonymous testimony from a leasing industry executive describing how U.S. corporations are able to take tax deductions for the Paris sewer lines and the New York subway system. Did you hear me right? American corporations are taking tax deductions for Paris sewer lines and the New York subway system. They are claiming tax deductions on taxpayer-funded infrastructure located not only in the United States but overseas.

One can imagine the surprise of the members of the Senate Finance Committee upon learning the U.S. taxpayer is subsidizing the cost of electric transmission lines in the Australian Outback.

This jobs in manufacturing bill is revenue neutral because we end this abuse of the Tax Code. It was shortly after the attack on September 11, 2001 we saw the beginning exodus of U.S. companies moving their corporate headquarters to tax havens for the sole purpose of evading U.S. taxes. It was the events of September 11 and the ensuing stock market plunge that provided companies with a cost-efficient way to get out of the United States, to cheat on their taxes.

You may recall the videotape of a Big Four accounting firm partner saying U.S. companies were resistant to this scheme out of a post-9/11 sense of patriotism and national duty. But that employee said patriotism would have to take a backseat when they see their improved earnings per share.

Now here you have 3,000 Americans killed on September 11 when the terrorists attacked our country. Then you have these big accounting firms marketing these tax shelters—that maybe would raise some question about the new patriotic fervor in this country because we have been attacked—telling people: You are going to forget all about that when you see your new earnings report. Corporations like that ought to get their heart into America or get their rear end out because what this country is all about is pulling together, particularly now in time of war.

The JOBS bill includes measures to shut down corporate expatriation and to limit the tax benefits for those corporate cheats that manage to get out under the wire before Congress can enact this legislation. We will shut down that abuse in this bill. All we have to do to do these obvious things is to convince a few people who are stalling this bill with nongermane amendments that this bill needs to get passed.

There is so much good in this bill. We can rescue the manufacturing sector. We can end this European tax on our exports to Europe and continue to sell over there. Pretty soon that market is going to be shut down.

We can respond to the recent rise in gas prices because in this bill we have a national energy policy for alternative fuels and conservation and for stimulating fossil fuel development, and we are going to pay for it all by shutting down every known tax abuse.

But we cannot do any of this without the support it takes to pass this bill. And I do not mean final passage, because when this bill comes to final passage, it is going to pass overwhelmingly. What I am talking about is getting to finality. People all over this body are telling me: Well, this bill is going to pass. This bill is going to pass. But those very same people are hooking this nongermane amendment or that nongermane amendment on to this bill. Well, we have accommodated even those people with nongermane amendments.

I do not have any fault with the legitimacy of the subject matter of their amendments because it is legitimate debate, particularly in the Senate. But it seems to me we should not be gambling with manufacturing jobs in America. We should not be gambling with whether we ought to have a national energy policy.

And, for sure, if you are one of the Members who is complaining about corporations not paying their fair share—and we are shutting down these tax shelters—you ought to be in the forefront of getting this bill passed. It is unbelievable to me this bill has been held up for so long over political gamesmanship. It is time to put the adults back in charge. It is time to pass this very important bill to aid our manufacturing sector, to remove tariffs off our farmers and workers on products shipped to Europe, and to place the Senate back on its footing to do its job and move legislation—this legislation—that will benefit the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, the battle to enact this bill has certainly—thankfully—not been compared to a war. But I do believe we can now say this bill is at least what Prime Minister Winston Churchill is reputed to have said after the British victory at El Alamein, when he said: "[I]t is, perhaps, the end of the beginning."

Perhaps we may even say what Talleyrand said after the Russian victory at Borodino, when he said: "It is the beginning of the end."

In either case, I believe by obtaining an exclusive list of amendments—that is, Senators already agreeing to a finite list—we have a victory. We may now say we can work to the end of this bill. And well we should, because we still have not won the battle to create jobs here in America.

I refer you to this chart I have in the Chamber. Yes, the economy did turn in one good month of job growth in March. The American economy created a net of 308,000 new jobs. But as this chart shows, one good month does not a recovery make. On this chart, the green bars are the months of job creation, and the red bars are the months of job loss. As the chart shows, March was, indeed, a strong month for job growth with more than 300,000 new jobs. But March was the only month in the last 4 years where there was that much job growth.

In contrast, during the 8 years of the Clinton administration, the economy turned in 25 months with more than 300,000 net new jobs per month. The economy as a whole still has a long way to go before it is creating jobs at that level.

Anyone who has talked to people trying to get a good job knows the job market remains soft. In March, for example, a record 354,000 jobless workers exhausted their regular State unemployment benefits without qualifying for any additional Federal unemployment assistance. To reduce the ranks of the unemployed, the economy will need to sustain strong job creation.

Look at the next chart. This chart shows the number of private sector jobs in the American economy, incorporating the latest numbers. It shows the private sector still has 2.7 million fewer jobs than it had in December of the year 2000. As shown on this chart, here we are in December of 2000, and you can see that is where the private sector jobs peaked. The chart clearly shows the number has declined significantly to the current date, a loss of, I think, about 3 million jobs on a net basis.

This next chart shows manufacturing remains in a slump. The manufacturing sector has lost more than 3 million jobs since July of 2000. I might say, I can also see this state of affairs in my home State of Montana. In Montana, for example, wood products companies provide nearly 37 percent of our manufacturing jobs—over a third. But a decade ago, those jobs made up 47 percent of our manufacturing. That is almost one-half of all manufacturing jobs. Employment in wood products dropped almost 5 percent last year alone.

This final chart shows the number of jobs in American manufacturing remains at the lowest level in more than a half a century. A half a century ago—the level shown here on the chart—was roughly 14 million jobs, a little bit more than 14 million jobs, the same as it is today. Just to repeat that: The number of jobs in American manufacturing remains at the lowest level in more than half a century. That is a strong statement. So we continue to need to act on the legislation before us.

More importantly, I must say, I have heard from folks in my State of Montana who tell the reason why we need to act on this bill. Let me give you an example of some of their frustration.

Keni from Hamilton, MT, wrote:

> All our good jobs are being sent overseas to a cheaper labor market, and we're fed bovine manure . . . [about] all the great jobs [our American economy is] creating.

Then there is Christopher, who was laid off in February of 2003. Christopher writes:

> Many of those individuals [with jobs] have to do two or three other people's jobs in order to keep their own.

Now listen to Kay. Kay wrote that the economy "bring[s] no new business[es] to speak of in[to] Montana that pay any kind of decent wage, keeping the poor, poor. When is it going to end?"

We have to end the loss of good jobs. We need to do what we can to help create good manufacturing jobs here in America. That is what this legislation before us is about.

We have conducted a number of battles on this bill. The Senate has conducted four rollcall votes on this bill.

The Senate has adopted 11 amendments: from tax shelters, major provisions to close loopholes, to the R&D tax credit, which is very popular and needed by American industry; to government jobs offshore, discouraging jobs from going offshore, to expiring provisions; that is, the provisions in the Code which have expired or are about to expire and need to be continued; to accelerating the manufacturing tax credit, an amendment offered by Senator STABENOW which improved the manufacturing deduction of the bill; and we added in an amendment to the energy tax provisions, the tax provisions that passed the Finance Committee dealing with energy production.

At this point we have an exclusive list of additional amendments. Senators have preserved their rights and listed 83 amendments on that list. Fifty of those listed amendments preserve the rights of Senators in the majority, while 33 preserve the rights of Senators in the minority. Of the total of 83 amendments, Senators have listed 36 simply with the word "relevant" or similar language. Although we might expect Senators to offer some of these amendments, experience tells us that an overwhelming majority of those amendments, listed merely as "relevant," will probably be dropped from the list. Of the remaining 47 amendments, I believe Senators will modify many of them so the Senate may agree to them without rollcall votes.

Realistically, I expect that probably fewer than 20 of the amendments on that list will require rollcall votes. Nearly all Senators from this side of the aisle, those with amendments on the list, have indicated to this Senator that they would be willing to abide by short time agreements, none more than 1 hour equally divided, so this exercise need not take much time.

We have now been on the bill, counting today, on 9 separate days over the course of 4 separate weeks. I hope we can now stay on this bill until its completion. I believe the Senate can now complete the bill over the course of a matter of days.

What the preacher said in Ecclesiastes applies to this bill:

> Better is the end of a thing than the beginning thereof.

I look forward to working with my colleagues to the end of this bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Wyoming.

Mr. THOMAS. Madam President, I come to the floor to support the chairman and senior ranking member on this legislation. I know they have talked about it in great detail and explained it thoroughly. My point is, it is time for us to move forward.

We have been on the bill for a frustratingly long time. We have gone to the bill three times. But this isn't the only one. We seem to be having the same experience with many of the interesting bills, such as highway legislation, the budget, moving forward with jobs. It seems to me we ought to examine ourselves and see where we are in terms of doing the job we were assigned to do, and that is to move forward dealing with those issues that are pertinent to this country.

I support passage of the JOBS bill. It is interesting that at a time when we are concerned about jobs, concerned about continued economic growth, having a deficit in the trade balance, concerned about manufacturing jobs, here we are with some reasons to do things that would impact all those issues, and we continue not to do it. It is time we come to the snubbing post and talk about what we have to do to get this job done.

There are, of course, different views of what should be done, and I understand that. There are different ideas. The bottom line is, when you have a bill and it has a purpose, that is what we ought to be talking about, not about loading it up with everything that everyone intended at one point or another to include so that it becomes so controversial that the core values, the reason it is there, never happens. That is basically where we are.

This is basically a bill that was brought to the committee. The Senators have at one time talked about giving 3 percent encouragement for people to send goods overseas. The World Trade Organization ruled against that and said it was unfair and said, If you don't do something about it, we are going to continue to add penalties to this area.

We are now at 7 percent. Each week it can be added to be a higher percentage. That is what the basic bill is about. There are lots of things involving taxes and lots of things involving a million things you could do. But we ought not to forget what the purpose of it is, and we need to go back to that purpose and say: Wait a minute here; we need to get that finished.

It is really interesting. At some point, this is broader than that, but I think we have to take a look at the role of the Federal Government and what we are doing. We ought to take a little time, and I am in the process of trying to find out all of the various agencies and activities that are funded by this Congress. I think we would be amazed. Every time we see a little problem, every time we see something here, every time a constituent wants something, suddenly we have a Federal program for it. And then it is amazing we say to ourselves: Where is all this money going?

I can tell you where it is going. We are continuing to have more and more programs, and we need to take a look at putting those in some kind of a priority as to what the role really is of the Federal Government.

Unfortunately, I am sure it is true, many of the things here are strictly political. They are simply things that a Senator wants to spell out his political situation by offering an amendment. Whether or not it ever passes, you can go home and tell the folks: I sure worked on that one, you know.

Well, that is not what these things are for. That is not what they are for. Amendments should be perfecting the base, perfecting the purpose for the bill. Then if we want to do all these other things, let them stand on their own.

I happen to be a big supporter of the Energy bill. We put together a total Energy bill. Frankly, if I had my way about it, we would keep it together because we are talking about the whole. It is a policy. You are talking about what you do about alternative sources. You are talking about what you do about conservation as to how you can use less energy. You are talking about the way you substitute and do research to develop new ideas. You are talking about domestic production—all those things. But when you start taking it apart, then it becomes very difficult to deal with all the issues that ought to be there. Nevertheless, this is the way it is.

I support it because we do need to do something. But there are an awful lot of issues that aren't there that ought to be in the energy policy that are being left behind. It makes it less likely they will be passed. We have things like trade adjustment assistance to service workers. That is an issue that ought to be talked about, I suppose, but it should not be addressed in this bill. It costs $5 billion over 10 years. We have that one on there. We have overtime rules, trying to go back and change the rules that are put in by the administration. What does that have to do with doing something about WTO? Nothing. But it is one of the issues that is going to hold us up.

This JOBS bill is designed to save hundreds of thousands of manufacturing jobs, alleviate the tax burden on businesses, and allow manufacturers to freely compete with their European counterparts. That is what it is for. As a result of a 2001 WTO ruling, which I have already mentioned, the European Union initiated a phase-in of punitive tariffs. That is in the process right now. It started at 5, it is at 7, and it is going to continue. So we need to focus on that issue and do something about it.

The bill reported by the Finance Committee represents a strong, bipartisan effort to accomplish key objectives for manufacturers. It is one that enhances the ability of U.S.-based companies to compete in an international market; provides a lower tax rate on manufacturing goods; makes the tax burden of U.S. manufacturers closer to the international competition; enhances the financial strength of U.S. companies, creating incentives for them to invest in workers, facilities, and community.

Our manufacturing sector, of course, has faced many challenges over the last number of years and will continue to. We are in a changing economic situation. Interestingly enough, many manufacturers produce more goods through efficiency. They actually have less workers and are producing more goods than before. That indicates we have to broaden our kinds of manufacturing and do more in different areas.

We need to stay focused on this bill. I am becoming rather impatient with what is happening on the Senate floor, not only on this bill but on lots of bills where we continue to have endless numbers of these issues put on that do not belong there at all. We ought to come to an understanding that this is the issue that is being dealt with here. Let's do it. This one is important and we should do it. These amendments need to end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 3107

Mr. HARKIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 3107.

Mr. HARKIN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay)

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF OVERTIME PAY.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provisions of section 7 any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall remain in effect. Notwithstanding the preceding sentence, the increased salary requirements provided for in such final rule at section 541.600 of such title 29, shall remain in effect.''.

Mr. HARKIN. Madam President, I return to the Senate floor this afternoon to address an issue of utmost importance to working Americans and their families, and that is time-and-a-half overtime pay and the seemingly relentless campaign by the Bush administration to take away the overtime rights of many American workers. This effort to take away time-and-a-half overtime, to jiggle the rules, cloud it all up, is one of the most anti-worker, anti-family proposals to come along in my tenure in the Congress.

As most Senators know by now, my amendment serves the simplest of purposes. It lets stand the new threshold of $23,660 below that which all workers are automatically eligible for overtime. My amendment lets that part of the proposal stand. My amendment also guarantees that no worker who currently is eligible to receive overtime pay will lose that right to overtime pay under the new rule.

Again, my amendment does two things. It lets stand that part of the final rule that raises the threshold to $23,660. The other part of my amendment also guarantees that no worker who is currently getting overtime pay will lose that right under any new rule. It is very simple, very straightforward.

Madam President, this is a subject I feel very deeply about, and I am not alone. Wherever I travel in the United States and in Iowa, people talk to me about what overtime pay means to them and their families. Many become quite emotional about it. They know what the administration is trying to do and they are angry. They want action to be taken to stop these new overtime rules.

One of the reasons they are angry is because they know what this chart shows: The average annual working hours of the American worker in the United States is more than any worker anywhere in the industrialized world. It is more than in Canada, Japan, Australia, France, and Germany. Our average annual work hours are more than anyone, anywhere in the world. American workers know that because they are the ones doing the work.

Since passage of the Fair Labor Standards Act in 1938, overtime rights and the 40-hour work week have been sacrosanct, respected by Presidents of both parties. Last year, the Bush administration launched a frontal assault on this time-honored principle. The Department of Labor proposes changes to the overtime rules that, according to the best analysis we could muster, would have taken overtime pay eligibility away from up to 8 million American workers. That proposal really was breathtaking. The administration proposed this without consulting Congress, without holding public hearings. It actually took several weeks for many of us to realize the magnitude of what the administration was proposing. In fact, some of the most harmful provisions of the proposed rule were not discovered until months later.

Finally, we were shocked to discover that the administration was proposing to strip overtime pay from police officers, firefighters, veterans, nurses, and many others. The radicalism and audacity of this proposal is without parallel in modern day labor legislation. Of course, once the true intent and extent of the proposed rule became known, many of those affected were in open rebellion.

As this issue spilled over into this election year, frankly, this became a huge political liability for the administration. Late last year, during consideration of the Labor, Health and Human Services, and Education appropriations bill, I offered a similar amendment in the Senate—it passed by a margin of 54–45—to block the worst aspects of the administration's overtime proposal. Following that, the House of Representatives, by a margin of 221–203, voted to instruct its conferees to support the Senate's position in conference. Unfortunately, White House officials instructed the conferees to delete my amendment from the Omnibus appropriations bill, and that is why we are back here today.

It must be pointed out that since we last debated this amendment, the Department of Labor has issued its final rule on overtime. In this final rule, the Department appears to have had something of an election year conversion. Under extreme pressure from working Americans, as well as critics in Congress, the administration has backed off its attempt to strip overtime from certain high-profile groups, such as rank-and-file police officers, firefighters, and emergency medical technicians.

I salute the efforts of many individuals and groups and labor unions who have fought hard and forced the administration to abandon several of its offensive and egregious proposals. Let's be under no illusion about this final rule. We have progressed—if that is the right term—from a proposed rule that was profoundly terrible to a final rule that is just plain terrible.

The administration's model seems to be that if at first you don't succeed in limiting the overtime pay of American workers, try, try again and spin like crazy. Again, Madam President, I ask that those who look at this final rule not just compare it to the proposed rule. As I said, we went from profoundly terrible to just plain terrible. So I suppose if you compared the final rule with the proposed rule, you would say it is better. I think the proper yardstick of measurement is to measure the final rule compared to what we have today. Who loses? What happens to our right to overtime in that regard?

Make no mistake: Even with the changes from the proposed rule, this final rule is a radical rewrite of the rules governing eligibility for overtime. It would deny time-and-a-half overtime pay to millions of workers earning as little as $23,660 per year. By and large, these are low- to middle-income workers who don't have a strong organized voice, so the administration may feel it can run roughshod over their rights. That is why we in Congress must be their voice and their vote on this matter.

Of course, the administration denies this. Its public posture is all smiles and happy talk, including the audacious claim that no workers earning less than $100,000 a year will lose their right to overtime. Frankly, at this point, the administration has zero credibility on this issue.

As I said, when the proposed rule was issued a year ago, it took months of reading the fine print before one realized how destructive it was, and only belatedly do we discover that the administration was giving tips and advice to employers as to how they could avoid paying overtime to employees under the new rule.

Here we go again. Once again, the administration is all smiles and happy talk. Once again, the administration is assuring workers they will not lose their overtime rights. When the Bush administration smiles and says it is here to fix overtime, I have five words of advice for American workers: hold on to your wallets.

Why exactly is the administration so eager to ''fix'' overtime? Now I know why many corporations and employer groups want to fix overtime. They want to pay fewer workers overtime. It is very clear. But is anyone clamoring for this?

I frequently visit manufacturing plants, and never, ever has a factory worker come up to me and said: You know, Senator HARKIN, too many of us are getting overtime pay. It is broken and you need to fix it.

I frequently visit hospitals. Never has a nurse come up to me and said: Senator HARKIN, it is not right that I am receiving overtime pay when I work 50 hours a week. You need to go back to Washington and fix this overtime mess.

Back home in Iowa, I love to go to Dairy Queens. It is something my colleague and I share when we go back to Iowa, Dairy Queen, but no one ever, in a Dairy Queen making hamburgers or Blizzards, or a working supervisor, has come up to me and said: Senator HARKIN, I don't deserve time and a half overtime pay. You need to fix it immediately.

I will go one step further. Not one employer in my State of Iowa has come up to me and complained about paying overtime pay under existing rules. Not one.

Now the Department of Labor is saying to the American workers: Hi, we are from Washington, and we are here to improve your overtime rights.

Is there anybody at this point in America who believes that? Working families are not buying it. They have a simple message for the Department of Labor: Keep your hands off our right to overtime pay.

Let me repeat the administration's central claim. No workers earning less than $100,000 a year will lose their right to overtime. This claim is demonstrably false.

This chart shows in simplest terms the impact of the new rule. It is clear that employees earning less than $23,660 a year, automatically will be paid overtime regardless of what they do. The new rule will make it very easy to exempt most workers making over $100,000. It will not totally, but most will be exempt.

We just learned that some of the oil rig workers, for example, in Alaska and off the coast of Louisiana who work under hazardous conditions and are away from their families a lot—some of them may make a little over $100,000. I guess I can't blame them. These are hard-working people and they are away from their families. It is a hazardous occupation. They, too, may be stripped of their overtime rights simply because they make $100,000 a year. I don't think it is correct we should do that.

It has come to my attention in the last few hours that oil rig workers would also have their right to overtime stripped.

The real gray area is from $100,000 to $23,000. People in that area are saying people will not lose their right to overtime. A careful analysis of the new rule makes it abundantly clear that certain jobs and professional categories in this gray area will be ineligible for overtime.

To cite one glaring example, under the new rule, a worker who leads a team of other workers loses his or her right to overtime. Under the old rule, there was no provision concerning so-called "team leaders." There is no such term in present rules. But the new rule, under section 541.203(c) states:

> An employee who leads a team of other employees assigned to complete other projects for the employer meets the requirements for exemption—

Listen to the following words—

> even if the employee does not have direct supervisory responsibility over the employees on the team.

Talk about a loophole. This team leader loophole is big enough to drive an Amtrak train through. Team leaders are commonplace throughout the manufacturing and services sectors. They are especially common in factories, refineries, chemical plants, and other places. MIT professor of management Thomas Kochan estimates that this team leader loophole alone could deny overtime rights to as many as 2.3 million workers making above $23,660 a year and less than $100,000 a year—a team leader.

Again, I point out that the term "team leader" exists nowhere in the present rules. It is now put in the final rule, "team leader." But guess what. There is no definition of a team leader. There is no definition. It is up to the employer to define it. So any employer can define a team leader as they wish. And that team leader, as I pointed out in the rule, does not have to have direct supervisory responsibility over employees on the team. That team leader could be a team leader for, say, 5 minutes a week. Maybe it is a Friday afternoon get-together to discuss what went on the week before, and all of a sudden you are a team leader for that 1 hour of discussion. You are not exempt. Your employer can now exempt you from overtime simply by calling you a team leader. So in the rules there is no definitional structure of what a team leader is. It is a huge loophole.

Section 541.303(b) strips overtime rights from nursery school teachers earning more than $23,660. Under section 541.604, registered nurses who are salaried could be denied overtime. Large parts of the financial services industry are no longer eligible for overtime under the new rule.

According to an analysis by the Houston Chronicle, labor relations, public relations, human relations, and government relations employees will be ineligible for overtime under the new rule. Funeral directors and embalmers will be ineligible. Insurance claim adjustors will be ineligible. Many outside sales representatives will be ineligible.

In addition, many computer services employees will lose their right to overtime, including programmers, network, and database administrators.

I would also point out that the new rule includes loopholes and artful language that will strip overtime from several broad occupational categories. For example, the new rule will make it much easier for management to reclassify workers earning as little as $23,660 a year as professional employees. So you could be making $24,000 a year and your employer could reclassify you as professional, and you will be ineligible for overtime.

Employees will no longer need college degrees to be considered professionals exempt from overtime. Work experience will be enough. Under the present rules that have existed for many years, it pointed out to get an exemption under the professional status one had to have a 4-year degree. That was sort of the minimum. That was the minimum one needed to be exempt.

Now a person does not need that. All they have to have is work experience. For example, section 541-301(d) strips overtime rights from cooks and chefs who have "substantially the same knowledge" and perform the same work as cooks or chefs with 4-year culinary arts degrees. In addition, the new rule will make it much easier for management to reclassify workers earning as little as $23,660 as executive employees who will be ineligible for overtime pay. Under the present rule, employees that spend the majority of their time, 50 percent or more, doing administrative, management, or professional work lose their right to overtime under the executive category. Under the new rule, employees who do even a small amount of administrative, management, or professional work can lose their overtime rights.

For example, a McDonald's franchise assistant manager who spends most of her time making hamburgers or filling orders, making french fries, but spends 10 percent of her time performing supervisory duties, could be reclassified as executive and be ineligible for overtime. Think about that. In the past, the threshold was 50 percent. One had to spend at least 50 percent of one's time in an executive or an administrative capacity to be exempt from overtime pay. Now there is no threshold. It can be as little as 5 percent, 10 percent; nobody knows. It does not make any difference. It is whatever an employer says.

So guess what. A person is now working at a McDonald's franchise. They are making hamburgers and french fries and filling orders, which is pretty tough work. They move pretty fast. They are making $24,000 a year. All of a sudden the owner comes in and says: You are now an executive. Do you not feel good? I am going to put a little name up there, Susan Smith, executive. Now you are an executive. You feel great. There is a certificate. You are now an executive. You can hang that on your wall at home. By the way, you do not get anymore overtime pay.

I wonder how many American workers would feel good about that, that now they are an executive but they lose their right to overtime pay.

I can go on at great length naming others who will be denied overtime under the new rule, but I have made my point. The administration claims no workers earning between $23,660 and $100,000 a year will be denied overtime. That statement is false. All of these people, veterans, police, nurses—I talked about the team leaders—journalists, I have talked about that, cooks, financial services, computer workers, working foremen, and many others, because they can be reclassified as executive, administrative, or professional, under very ambiguous and clouded procedures or definitions, could lose their right to overtime pay.

My second chart is very revealing again as to what is going on. There are

152 pages in the new rule. As the chart goes, only 15 pages are devoted to the highly compensated employees test, which is $100,000 or more, and the minimum salary test, which is $23,660 or less. Fifteen pages are devoted to those two categories, and 137 pages are devoted to those who make between $23,660 and $100,000.

I have to tell my colleagues something. If the administration were sincere in its assertion that no worker earning between $23,660 and $100,000 a year would lose their overtime rights, believe me, it would not take 137 pages to say so. The administration could have said it in one or two sentences. Instead, the new rule spends 137 pages spinning a web of artful language, calculated ambiguity, and outright loopholes such as the team leader loophole, a complex web designed to catch workers and strip them of their overtime.

It is ironic that one of the administration's main justifications for proposing a new rule on overtime was to bring clarity and reduce litigation. They said this is one of the reasons they are doing it, to bring clarity and reduce litigation.

This final rule is shot through with artful, ambiguous language that clearly favors employers. This is guaranteed to lead to scores of lawsuits and years of litigation as workers fight to retain their overtime rights. If increasingly conservative courts rule in favor of employers, countless additional workers will lose their right to overtime.

For example, in several places, the final rule broadens what used to be a narrow test. By definition, this will mean less position, less clarity, not more. The final rule is far from clear. As I said, who can be classified as team leaders? It is not defined. The employer defines that.

What is a working foreman? It is up to the employer to decide what is a working foreman. Once they decide, a person is ineligible for overtime.

When Congress enacted the Fair Labor Standards Act of 1938, it anticipated there would be a number of less than honorable employers who would try to cheat workers out of overtime, so Congress included a penalty provision that would act as a strong deterrent. Under the present rule, if an employer is cheating employees out of overtime, the penalty can be massive. If found guilty, all employees in the enterprise, including salaried employees who are exempt from overtime, must be paid time and a half overtime for the period the improper practices were taking place. That is a tough deterrent.

In other words, if an unscrupulous employer was cheating an employee out of overtime and they were taken to court and found guilty of doing that, they did not have to pay only that employee back, they had to pay everyone in the enterprise time and a half overtime for the entire periods in question. They even had to pay time and a half to exempt employees who were exempt from overtime. As I said, a very tough deterrent.

What does the new rule do? Under the new rule, the penalty is limited to the work unit where the violation was detected. This ignores the fact that in nearly all instances, overtime violations are not limited to a renegade supervisor. They are almost always a result of some companywide practice.

So again, if an unscrupulous employer cheats an employee out of overtime and is caught and convicted, the company has to pay that employee back, and whoever is in that little work area, maybe two or three people. Before, they had to pay the entire enterprise. So we can see they have really watered this down. We have gone from kind of a nuclear deterrent under the old rule to kind of a pussycat deterrent under the new rule.

Let me summarize. Under the new rule, many workers will legally lose their right to overtime and employers who cheat their workers out of overtime illegally will receive a penalty that amounts to less than a slap on the wrist. No wonder the Wall Street Journal has called the new rule a victory for business groups.

It is time for Washington to listen to Main Street and not just Wall Street. Listen to ordinary working Americans. They are telling us loudly and clearly their number one issue is economic security. They are telling us they fear losing their jobs. They fear losing their health care. They fear losing their retirement. Now they fear losing their right to time-and-a-half compensation for overtime. They fear, with good reason, that under the Department of Labor's new rule they will be obliged to work 45, 50, 60 hours a week with zero additional compensation. For millions of working Americans, this is unacceptable, and the last straw.

For 65 years, the 40-hour week has allowed workers to spend time with their families instead of toiling past dark and on weekends. At a time when the family dinner is becoming an oxymoron, this standard is more important than ever. As I said earlier, this final rule on overtime is anti-worker and anti-family.

Given the fact that we are stuck in a jobless recovery, the timing could not be worse. It is yet another instance of the economic malpractice of this administration. Bear in mind that time-and-a-half pay accounts for some 25 percent of the total income of Americans who work overtime. With average U.S. income declining, the proposed changes would slash the paychecks of countless workers. Moreover, the proposed new rule is all but guaranteed to hurt job creation in the United States. This is just basic logic. If employers can more easily deny overtime pay, they will push their current employees to work longer hours without compensation. Workers without overtime rights are twice as likely to work more than 40 hours a week, according to the current statistics. They are three times as likely to work more than 50 hours a week. With 9 million Americans currently out of work, why in the world do we want to give employers yet another disincentive to hire new workers?

It is bad enough to deny American workers their overtime rights, but what is striking is the approach taken by the Department of Labor and the administration on this issue. As I already mentioned, no public hearings were held. There was no consultation with Congress. I have looked back and have done research. Every time I have been able to find in the past when we made changes to the Fair Labor Standards Act, Congress always had hearings, consulted with business, consulted with labor, and there was a process by which the public believed they had an input. That is not so this time.

Also, something I think that is beyond comprehension, the Department has offered employers what amounts to a cheat sheet. It has offered employers helpful tips on how to avoid paying overtime to the lowest paid workers. I mean these, the ones who make less than $23,600 a year, down here. The administration has basically put out information. They say they want to help these people. They raise it to $23,660 from about $8,000 a year—a good step. I compliment the administration for doing this. But they turn right around and tell employers how they can get by without paying them overtime.

They recommend raising a worker's salary slightly to meet the threshold. If you are an employee who is near this $23,660 level, they might want to raise your wages to $23,661. Guess what. Then you are no longer exempt.

They also suggest cutting a worker's hourly wage so any new overtime payments will not result in a net gain to the employee. Think about that. You say we are going to raise the threshold. Now, here is what you can do: cut the hourly wages so if you do have to pay them overtime it will all be the same. The employee will get the same amount of money, but the employee would be working 42, 43, 45, 48 hours a week. This is from the Department of Labor. They have actually put this out in print. It is disgraceful.

There is one group that is disproportionately harmed by the new overtime rules—women. The fact is, women tend to dominate in retail, services, and sales positions, which would be particularly affected by the new rule. Married women increased their working hours by nearly 40 percent from 1979 to 2000. As women have increased their time in the paid labor market, their contribution to the family income has also risen. These contributions are especially important to lower and middle-income families. Yet now the administration's new rule will take away overtime protections from millions of American women.

Women in the paid workforce will be forced to work longer hours for less pay. And, of course, this means more time away from families and more childcare expenses, with no additional compensation. Not surprisingly, prominent women's groups are adamantly opposed to the new overtime rules. The American Association of University Women, the National Organization of Women, the National Partnership of Women and Families, the YWCA, 9 to 5, the National Association of Working Women—among others, are all strongly supporting my amendment.

Listen to what Sheila Perez of Bremerton, WA, says. She is a single parent working hard to support her family. When she leaves work after a difficult 8-hour shift, she says:

> My second shift begins. There is dinner to cook, dishes to wash, laundry, and all the other housework that must be done, which adds another three or four hours to my workday.

Ms. Perez said something also very powerful. She said:

> My time at home with my kids and family is truly my premium time . . . it is personal time. . . . it is the most valuable time of my day. So if I am required to work longer than eight hours . . . if I have to sacrifice that premium time with my family . . . then I ought to receive premium pay, that is, overtime pay.

I agree wholeheartedly with Sheila Perez. If she is sacrificing personal time, her premium time with her family and her kids, it is only fair she be compensated on a premium basis with time-and-a-half overtime pay.

I think there is a broader context for this discussion of overtime. It is sort of a bigger picture. As I said, the No. 1 issue for Americans today is economic security, and with good reason, because it is abundantly clear that America is stuck in a largely jobless recovery. Since the administration took office, nearly 3 million private sector jobs have been lost, including one in every seven jobs in manufacturing. President Bush—George W. Bush—has presided over the greatest job loss of any President since the Great Depression. Yet he remains wedded to policies that make it worse.

His administration has praised the outsourcing of jobs as something good for our economy. He has opposed any increase in the minimum wage. He has opposed extending unemployment benefits. Now, this administration wants to destroy the overtime rights of many hard-working Americans.

There is no question, I suppose, that those policies have been good for wealthy investors. Corporate profits are rising, the stock market is up, CEO pay is up, and once again the rich are getting richer. But something is missing. Ordinary Americans are not participating in this so-called recovery. In fact, more and more Americans live in fear of losing their jobs, their health benefits, their retirement, and now their right to overtime pay.

The truth is, we cannot build a sustainable recovery by exporting jobs, driving down wages, and making Americans work longer hours without compensation. Moreover, such a recovery is not desirable. A true recovery must include all Americans. It can only be built on a foundation of good jobs with good wages in America, not overseas. It can only be built on a foundation that includes a minimum wage that is a living wage and not a poverty wage. And it can only be built on a foundation that reserves Americans' rights to time-and-a-half overtime pay over 40 hours.

So I urge my colleagues to support this amendment to protect the overtime rights of American workers. Again, I repeat, my amendment will let stand the positive provision of the rule which raises the low-income threshold to $23,660 and makes more workers automatically eligible for overtime.

Now the administration again says it does not want to take away the overtime rights of anyone earning less than $100,000. If that is the case, then the administration should have no problem embracing my amendment because this amendment has a simple purpose: to guarantee that workers who are entitled to overtime pay now, today, will not lose their right under the new rule.

I think the new rule is disingenuous. The administration is being disingenuous about it and knows full well this new rule will strip overtime eligibility for many workers earning less than $100,000. That is the reason it is being pushed aggressively. That is exactly why many corporations and groups are so keen to see this new rule adopted. But it is unfair: It is an attack on a basic right American workers have enjoyed for over 65 years, and it is bad economic policy. It will hurt job creation and reduce disposable income.

I want to point out a few statements from others in support of my amendment.

> The Effect of Final Rules Silence on Police Sergeants.

This is an April 28 press release from the International Union of Police Associations, the National Association of Police Organizations, and the International Brotherhood of Police Organizations.

> The DOL has done nothing to define the line between management and police duties for those above line-level officers. Once the final complex rules go into effect, their very ambiguity regarding the line between supervisory duties and traditional policing duties will undoubtedly shift the ball from the legislature to the courts.

That is why they support my amendment.

Here is a press release from the United American Nurses.

The Effect of Final Rules Silence on Registered Nurses.

> In the midst of a registered nursing shortage that is projected to reach 808,000 RNs by 2020, it is incomprehensible why this President wouldn't do everything in his power to make sure that RNs are fairly compensated for the life-saving work we do.

I mentioned earlier the professional loophole. This is from the code itself. This is the current regulation on learning professionals.

> As is well known, there are still a few practitioners who have gained their knowledge by home study and experience. Characteristically, the members of the profession are graduates of law schools, but some few of their fellow professionals whose status is equal to theirs, whose attainments are the same and whose word is the same did not enjoy that opportunity. Such persons are not barred from the exemption. The word "customarily" implies that in the vast majority of cases, the specific academic training is a prerequisite for transfer into the profession.

This is what we have been operating under for years.

> . . . in the vast majority of cases, the specific academic training is a prerequisite . . .

Under the proposed rule, work experience—even the experience you might have gotten in the military—would disqualify you from overtime.

I want to make a point on this. I want to make a point on the veterans. When we debated this last year, we pointed out in the proposed rules it specifically mentioned those who were not learned professionals because they had a 4-year college degree but who had learned on-the-job training, including training in the military—those were the words: "including training in the armed forces." We pointed out here on the floor this means someone going into the military and who received training in the Army and came out, because they received training in the military, they would be exempt from the right to get overtime.

Guess what the administration did. In the final rule, they took those words out—"training in the armed forces."

But what they didn't do was change the underlying language which says basically you don't have to have a 4-year college degree; you can have on-the-job training or work experience. It doesn't say they couldn't be in the military. They didn't specifically exempt the military; they took out those four words.

Under this final rule, veterans in the future will be different than veterans in the past if they receive training while in the military which they then use on the job later on. They may have their right to overtime pay taken away from them.

This is sort of an example of the learned professional exemption. Let's take a look at chefs. It basically says: Chefs, such as executive chefs who have attained a 4-year specialized degree in the culinary arts program, generally meet the duty requirement of the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical, or physical work.

In other words, an executive chef who has fewer years is automatically exempt, but also if you, for example, at some point in time supervised someone at a McDonald's, or whatever, then you would be exempt.

That is the ambiguity of these rules.

I could point out more and more. There are all kinds of different workers who are caught up in this kind of web of ambiguity. But I close by saying again the new rule is unfair. This kind of a process should have been done in Congress. It should have been done with the appropriate committees, with appropriate hearings and consultation and being very careful about how we are going to address this.

I see nothing wrong—in fact, I see everything right—in what the administration is proposing in raising the threshold to $23,660. It should have been done a long time ago. But most of the rules do not pertain to them. The 137 pages out of 152 pages pertain to those making over $23,660 a year, and it provides one loophole after another to deny the right to overtime pay for employees.

I am hopeful we can have a strong bipartisan vote in support of this amendment. We can save the administration from making a terrible mistake. We can protect American workers' right to overtime compensation and we can support an economic recovery that includes all Americans—a recovery that respects and preserves the American dream. Our workers deserve an ironclad guarantee that their overtime rights will be safe and nurtured as they have been in the past and are today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I have listened with interest to my colleague from Iowa in his presentation. I rise to disagree with the positions he has taken. I will do my best to do it in a manner that is not disagreeable either to him or to others who are in support of this amendment.

Let us understand, of course, the Fair Labor Standards Act is one of the most important protections American workers have. We all agree on that. But these provisions have not been updated, some for as long as 50 years. Some kind of clear updating is essential. In the process of updating regulations that go back as long as 50 years, some explanation was, of course, necessary which results in the number of pages my friend from Iowa has referred to.

My problem with the Senator's amendment is with a very broad brush and strong ax he cuts out a large chunk of the pages that have been made and says those things that are in place are going to stay in place. We are not going to allow any changes in these areas. His amendment is relatively short but very powerful in its impact on the overall bill.

In an effort to understand this—because I am not an expert in these areas—my staff and I have reached out to HR directors throughout the State of Utah to get their reactions to the new proposal, and at the same time ask them what their response would be to what we understood the Harkin amendment to be. The reactions have been unanimous—No. 1, that the action of the Department of the Labor Department is long overdue and very welcome.

One of the things I had not known until we got into this particular subject was the trial lawyers, whom we hear so much about in the Senate, have found a bonanza in class action lawsuits dealing with the Fair Labor Standards Act. Indeed, the bonanza has been primarily for the trial lawyers and not for the workers in whose name they bring these class action cases. This should not come as a surprise. We have seen other examples where this goes on.

To quote from the Texas lawyer: Overtime litigation is attractive to trial lawyers because of the "astonishingly" high amount of money at stake.

And Lawyers Weekly USA says: Boom in overtime suits, a danger for employers but a gold mine for plaintiffs' lawyers.

In the opinion of the HR directors we have spoken to on this issue, this boom for trial lawyers would not go away if the Harkin amendment were passed. Indeed, in their opinion, if the Harkin amendment were passed, it would mean more ambiguity, more uncertainty, and more opportunities for trial lawyers to file class action lawsuits. The reason for that is by freezing certain classifications that are in the current regulations forever forward as a result of the Harkin amendment and allowing other classifications to remain as they are in the new regulations, you could very well end up with two employees doing absolutely identical work, but because one of them was in place when the Harkin amendment was passed and the other was hired after this legislation was passed, they would have different classifications. A trial lawyer would come along and have a great deal of fun with that, perhaps win a judgment of some kind, tremendous fees for himself and not that much for the workers.

Everyone we have spoken to on this issue has said over and over again: The Harkin amendment would make things much more difficult; the Harkin amendment would create an administrative nightmare to try to work our way through; the Harkin amendment should be opposed.

They are all unanimous in saying the proposal by the Department of Labor is a good proposal. It will make their lives a whole lot easier because it will bring the regulations up to date, bring the regulations that are 50 years old into the 21st century, and allow people to begin to deal with these challenges in ways that are consonant with today's labor market.

My friend from Iowa talks about the jobless recovery. I recommend he spend a little time looking at the jobless claims that are being filed. The number of jobless claims being filed keeps going down week after week. People are no longer being laid off in the degree they were during the recession. As we saw in the month of March, 308,000 new jobs were created. We are waiting for the April figures. The expectation is it will be over 100,000 new jobs created in April. The effects of the recession and the recovery period are wearing off, the jobs are coming back, the labor market is tightening up, and the Federal Reserve is talking about raising the overnight rate because they say the economy is coming back. They have not given a date for that. Economists have been expecting that to happen in September. After Chairman Greenspan's appearance before the House Banking Committee, some thought it would happen as early as July. I do not have a crystal ball on that and do not pretend to know. As chairman of the Joint Economic Committee, I do know that virtually every economic indicator we have is up and pointing up. The economy is coming back very strongly.

I hope the rhetoric about the terrible economic conditions in which we are currently operating will begin to change in light of the current economic information that contradicts it and says the economy is coming on very strongly. In that kind of economy, in that kind of situation where we are looking to the 21st century workforce, it only makes sense to upgrade, revamp, and modernize those portions of the Fair Labor Standards Act that are, in fact, 50 years old and have been languishing for a long time. There are definitions in that act of jobs that no longer exist. There are circumstances described in that act that are clearly out of touch with today's economic reality and today's labor marketplace.

I congratulate Secretary Chao and the Department of Labor in the very careful way in which they have approached this issue. As nearly as I can tell, the only people who have any reason to fear these new regulations, the only people who have any reason to fear their incomes might go down as a result of these regulations are the trial lawyers who have taken advantage of the anachronisms in the existing regulation and filed all of these class action suits I have talked about.

I have some examples of how the class action suits have muddied the water, based on the current regulations, many of which would be frozen in place by the Harkin amendment. Courts have interpreted the confusing regulations differently. In the Virginia court, a designer of electric equipment gets overtime; but in a New York court, a designer of electric systems does not get overtime as they have tried to determine a different meaning of these phrases. This would be cleared up by the new regulations proposed by the Department of Labor. In a Louisiana court, purchasing agents are entitled to overtime; but in an Oregon court, log merchandise buyers—to me, that is a purchasing agent—are not entitled to overtime. This is because these definitions are in the old regulations, the existing regulations. These definitions are anachronistic, they are uncertain, and they are being brought up to date, brought up to standard by Secretary Chao and her associates at the Department of Labor.

But the Harkin amendment says, no, we will freeze these changes in place to make sure the past pattern does not change. Quite frankly, I want the past pattern to change. People who are involved, caught up in the difficulties of trying to handle the past pattern want them to change. They want modernization. They want these things to be updated. It is not being done in an effort to try to deny anybody overtime. If that had been the case, the administration would have left the number at 8,000 instead of raising it close to 24,000 as the threshold by which people could be reclassified.

No, this is not an attempt to deny overtime to anyone. This is simply an attempt to bring the Fair Labor Standards Act regulations into the 21st century, bring them up to date with current economic reality, make them available and understandable to the HR directors in the various firms that deal with these challenges, and remove from the lives of those HR directors the tremendous ambiguity, uncertainty, and, frankly, stupidity that comes from regulations that are half a century old.

I say to my colleagues, if there are portions of the work that the Labor Department has done that Members think you can improve upon, let us hear your arguments, let us look at your amendments. I am willing to do that. But to take a whole section of the bill and lock it in place in the way the Harkin amendment does, in my view, cuts against the whole purpose of this revision. It says we are going to keep in the law anachronistic positions that are 50 years old just because we are afraid something might happen. In a dynamic economy, something is always happening. Yes, sometimes it can be very painful.

I know what it is to be looking for a job. I know what it is to be laid off. I know what it is to go without health insurance. I know what it is to dig into one's savings and then see those disappear and slip into debt in an effort to keep things going. I have founded businesses, some of which have failed. And I do not get unemployment compensation when I am the boss and my business fails. I know how difficult this can be.

So it is not a matter of not having appropriate sympathy or appropriate experience with those who are caught in economic changes. But at the same time, I recognize the genius of the American economic system is its ability to grow under all circumstances, as we traditionally have. We have had fewer recessions and more shallow recessions than our friends around the world who have attempted, through government, to monitor the economy and keep it under some kind of governmental control.

Yes, it can be painful. But ultimately it produces more jobs, more wealth, more opportunity, and more security for more Americans if you allow the free market to work better.

The regulations that are being proposed by the Department of Labor, in my view, meet that criteria. They provide a change in the situation that will allow the economy to be more responsive to today's economic opportunities and challenges in a worldwide, borderless economy. I believe they should be adopted, as proposed, without the encumbrance of the Harkin amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I welcome the opportunity to join with my friend and colleague, the Senator from Iowa, in urging the Senate to accept this amendment he has proposed on overtime. I want to take a moment or two this afternoon to review, very quickly, where we are in terms of what our workers in this country are facing at this time in terms of our economy.

First of all, Madam President, I ask unanimous consent that the excellent editorial entitled "Timeout on Overtime Rule" in the Los Angeles Times be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. I will mention, very quickly, some of the points that were made in this editorial, "Timeout on Overtime Rule." This is what they mention:

> Unfortunately, the new Labor Department overtime rule intended to clear things up just makes them murkier. . . . Despite [Secretary] Chao's assurances that she's worked hard to "get it right," the National Assn. of Police Organizations determined that "while many police are protected, others are not."
>
> A former Department of Labor investigator last week told a House committee the ambiguous wording threatens [many] protection[s] now afforded to many workers—including nursery school teachers, nurses, chefs, team leaders, outside sales people and financial service employees—who earn from $23,660 to $100,000 a year.

It continues: "American workers have fueled recent productivity gains but failed to share in the newly created wealth because, as Alan Greenspan recently told the Senate, 'virtually all of the gains in productivity ended up in rising profit'" suggesting that the investments are not going back to those in terms of the increasing productivity but are all going back into profits.

And then it points out:

> A panic about their overtime is the last thing workers need. . . .

As we know—and the figures point out very clearly—American workers work longer and harder than any other workers in the world. They average working longer than any other nation in the world—2½ weeks longer in a year than workers in the United Kingdom; 7 weeks longer in a year than workers in France; 4, 5 weeks longer every year than most of the industrialized countries in Western Europe. American workers today are working longer, and they are working harder. But what has happened is we have seen that 8.4 million Americans are out of work. We have seen the loss of jobs over the period of the recent years. We have seen the economic record of 2.4 million more unemployed workers today than we had in 2001. So American workers are working longer, they are working harder, and we have seen a significant loss of jobs.

I heard my friend and colleague from Utah refer to those who have gone back into the labor market. But as the Senator knows very well, many of those people are working part-time because they still can't find full-time work. This is a reflection of the fact that we have seen American workers working longer and working harder. And there is also a loss of some 2 million jobs.

What has happened to the wages of those workers? Look at the difference in the wages of those workers who were working in the year 2000 versus 2002. In the year 2000, they were averaging $43,848, and now they are averaging $42,408. We have seen a significant reduction—some $1,400—in wages that have been lost during the period of the last 2 years for jobs that are already in existence. And this administration is trying to cut back even more.

What is the administration's problem with working families? They oppose an increase in the minimum wage. They oppose extending unemployment compensation. And now they are trying to cut back on the income of working families.

Well, we hear: Look, we have created, under this administration, some new jobs. The interesting point is, the new jobs that have been created are averaging 21 percent less in pay than the old jobs that were there. So we have seen a significant reduction in the pay that workers receive if they have been able to hold their job. If you have lost your job, and then you get a new job, it is paying 21 percent less than what it was paying in the year 2001, and still the administration wants to reduce those figures even more for hard-working Americans who are trying to make it.

Now, what has happened? What are these families doing? These families who were making $44,000, and maybe now they are coming back into the market and making 21 percent less? Let's look at the kind of burden those families are under. Let's look, for example, at what has happened in terms of if those families are sending one of their children to college. We find out if they are sending their children to a 4-year college, the average increase in college tuition has increased 26 percent since 2001. Virtually nothing has been done by the Bush administration to try to get a handle on that.

There are things that can be done. We have had good ideas and good suggestions of trying to work with colleges, work with States, work with the Federal Government in trying to get a handle on the increased costs. We have families working harder, working longer, and making less, and finding out—when they are trying to put their children through college—college tuition, in the last 2½ years, has gone up some 26 percent. They see they are making less money now. If they have their old job or even if they have a new job, they are finding out, if their children are going to college, what is happening at a 4-year public school.

Let's look at what has happened in terms of their health care premiums. The costs are virtually out of control. This chart shows their premium increase versus the CPI. The CPI might represent what some of these workers are getting in their increased wages in terms of their employers, but look what has happened to the costs that are out of control. Over the period of the last 4½ years, the increase in health care costs have gone up 43 percent. How are the average working families in this country able to make it? Their pay is going down. There are new jobs paying less. Tuitions are going up. Health care is going up. We have a proposal on the floor of the Senate. That is not bad enough, if they work even harder and longer, we are going to cut back on that.

You can take the same with regard to the issue of prescription drugs. I see my friend from Oregon in the Chamber, Senator RON WYDEN, who has done so much in the area of prescription drugs and trying to get a handle on the costs of prescription drugs. He is a real leader in the Senate on this issue.

If you look at what families are paying in increased costs for prescription drugs, those costs are virtually out of control.

That is why those of us on this side of the aisle have asked: What in the world does this administration have against working families? Why now, the first time in more than 60 years, are you going to undermine or assault or attack overtime pay for workers? Why? It just isn't right and it just isn't fair.

Look at what has happened in the recovery we have had, briefly, in the last several months. Let's look at how that recovery has affected workers and how it has affected the profits for companies. Here we have a chart that shows the difference between the recovery in the early 1990s and today's recovery. This chart reflects what the difference is between workers wages and corporate profit.

In the early 1990s, when you had a recovery in the 1990s, you found out that the workers participated in expansion of wages 87 percent and the corporate profits went up 13 percent. Here it is today. With today's recovery, it is 60 percent goes to corporate profits and 40 percent to wages. And company after company, industry after industry is trying to cut that back in terms of wages.

Just look at some of the industries, what they requested in terms of this administration. I will illustrate with the restaurant association, but the list goes on.

The National Restaurant Association requests that DOL include chefs under creative professional categories as well as the learned professional category.

Then from the Federal Register, April 23: The Department concludes that to the extent a chef has a primary duty of work, requiring invention, imagination, originality, or talent—imagine telling a chef that he didn't have those, how long would he work in a restaurant; of course, it means all the chefs—such chef may be considered an exempt creative professional.

There is the request of the National Restaurant Association. There is the result.

Take the insurance companies. Here is their request, the National Association of Mutual Insurance Companies' letter to the Department of Labor: The National Association of Mutual Insurance Companies supports the section of the proposed regulations that provides that claims adjusters, including those working for insurance companies, satisfy the fair labor administrative exemption. Therefore, will not qualify for overtime.

From the Federal Register just 10 days ago: Insurance claim adjusters generally meet the duty requirements for the administrative exemption.

There is the request of the special interest; there is the result. I could take the rest of the afternoon. You could go industry by industry. We are talking about modernization, to make these regulations more understandable. This is what it is all about. It is the bottom line. The bottom line of those industries, taking it out of the pockets of the men and women who are working hard, working longer, as the first chart showed, more than any other industrial nation in the world, having a hard time making ends meet, paying for the education of the kids, affording the health care, paying for the prescription drugs. That is what this is all about.

Here are the various groups that are affected: nurses, nursery school teachers. Imagine this, nursery school teachers. I looked through the regulations. Imagine denying nursery school teachers. When we understand the importance; anyone who has had the opportunity to read "From Neurons to Neighborhoods," Jack Shonkoff's brilliant book that summarized three Academy of Sciences studies that showed that the intervention in the early years make the greatest difference in terms of children.

We are concerned about education and we are going to make sure those nursery school teachers, even if they are qualified, even if they deserve it, no way, are they going to be excluded. The list goes on. The list goes on.

Finally, I want to mention this chart that shows what happens when you either have protections for overtime or you don't have protections. Protections meaning if you are required, you pay time and a half versus you don't pay time and a half, what is going to be the impact on workers.

Workers ought to listen to this. Workers ought to take a look at this chart. If you have overtime protection and you work more than 40 hours a week, only 19 percent of the workers are going to be required to work overtime. But if you don't, if the employer doesn't have to pay the overtime, it goes up to 44 percent, more than double. Workers beware. That is how you are going to end up. You are going to be required to work much more than the 40-hour workweek and you are not going to get compensated for it.

And it isn't only the 40-hour workweek. If you have a 50-hour week, you are three times as likely to work longer than if you have the coverage under overtime.

This can be summarized very easily as a continuation of this administration's war on working families. Working families are not asking for much. They want a decent job with decent pay and decent opportunities for the future. They have a sense of pride, and they want to do a good job in the job they are doing. And they want to work. We are stacking it against them. We are saying we will not increase the minimum wage, even though it is 7 years since the last time we saw an increase and even though its purchasing power is at an all-time low and that it affects 7 million Americans, fellow citizens who work hard, play by the rules, primarily janitors, teachers assistants, people who work in nursing homes. Those are the recipients of the minimum wage. And it is mostly women. This overtime issue is a women's issue. This overtime issue is a women's issue because we have seen the expansion and the growth of hours that women are putting in in the workplace.

This administration has been opposed to an increase in the minimum wage, opposed to unemployment compensation, and now opposed to overtime. It is basically wrong. It is unfair.

This Harkin amendment addresses the unfairness. Americans understand fairness and unfairness. This underlying proposal of the administration is unfair.

I ask unanimous consent to print in the RECORD an excellent summary by Eileen Appelbaum from Rutgers University that talks about reinvestment in the United States as a share of corporate profits has hit a postwar low.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

It is not a lack of profits that has kept U.S. corporations from investing. As Figure 3 shows, the after-tax capital share is at its highest level in the post-War period. Indeed, the Wall Street Journal reports that 60 percent of U.S. companies and 70 percent of foreign-owned companies in the U.S. didn't pay ANY federal taxes for the years 1996 to 2000 (Wall Street Journal, April 6, 2004, p.1). Nevertheless profit reinvested in the U.S. as a share of corporate profits has hit a post-War low.

In 2003, corporate taxes fell to just 7.4 percent of federal tax receipts—its second lowest share since 1934. Further tax cuts for corporations are not likely to spur investment or create jobs. The problem is the overhang from overinvestment in IT and telecommunications during the latter half of the 1990s and the on-going restructuring of companies. This, combined with a lack of attention to strengthening manufacturing where nearly 40 percent of investment takes place, suggests that low rates of business investment are likely to be a drag on the economy and private sector job creation for several more years.

Investment has begun to rise over the last two quarters, but the growth in corporate profitability has been even more impressive. If companies continue to grab productivity gains and a larger slice of the economic pie for themselves, and profits continue to squeeze wages, consumption growth will not be able to continue to sustain the economy. Growth in investment is unlikely to be able to overcome the drag on the economy from giving workers a smaller slice of the economic pie.

Mr. KENNEDY. Make no mistake about it. What this is about is increasing the profits. Do we think those profits are going to be reinvested in the worker? There is no indication that they will be. This is about the bottom line.

The question is, Whose side are you on? Are you on the side of working families trying to make it in America or are you on the side of the companies trying to increase the bottom line? That is what the issue is.

I applaud the Senator from Iowa and hope the Senate will support that effort.

EXHIBIT 1

[From the Los Angeles Times Editorial, May 3, 2004]

TIMEOUT ON OVERTIME RULE

Overtime pay makes ends meet for many U.S. workers. But the federal regulations that determine who merits overtime are so complex that employers and employees end up in court way too often, Unfortunately, the new Labor Department overtime rule intended to clear things up just makes them murkier. A timeout is called for, if just to figure out who the winners and losers really are.

An earlier version of the new rule drew 80,000 comments from befuddled workers and employers alike. The final rule published in April—though a clear improvement—has provoked outright argument about what some of its provisions really mean.

Labor Secretary Elaine L. Chao maintains that, when the rule takes effect in four months, it will guarantee overtime protection to workers earning less than $23,660 a year and strengthen overtime rights for 6.7 million other American workers, including 1.3 million low-wage, white-collar workers who previously didn't qualify. Workers, though, aren't taking Chao's word for it.

Despite Chao's assurances that she's worked hard to "get it right," the National Assn. of Police Organizations determined that "while many police are protected, others are not."

A former Department of Labor investigator last week told a House committee that ambiguous wording threatens protection now afforded too many workers—including nursery school teachers, nurses, chefs, team leaders, outside sales people and financial service employees—who earn from $23,660 to $100,000 a year.

American workers have fueled recent productivity gains but failed to share in the newly created wealth because, as Alan Greenspan recently told the Senate, "virtually all of the gains in productivity ended up in rising profit."

The economy isn't spinning off jobs quickly enough to get the unemployed back to work, and young workers are frustrated by a minimum wage that hasn't budged since 1997. A panic about their overtime is the last thing workers need, even though the regulations surely do need some straightening out.

Rather than take Chao's word, Congress should order the Labor Department to delay implementation of the complex overtime regulations until everyone knows what really will happen to workers' paychecks. Get a think tank on the job.

Replacing one flawed set of regulations with another won't diminish lawsuits and may allow unscrupulous employers to take advantage of more workers. As Chao has noted, key portions of the rule hadn't been changed in more than 50 years. A few more weeks isn't going to matter.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to take a few minutes to talk about the overtime rules. I believe they are a marvelous step in the right direction. After 40 to 50 years of inaction and lack of review, I believe we are in a position to make some changes today. Secretary of Labor Elaine Chao is one of the finest members of this administration. She is a determined public servant. She advertised those changes. She solicited information from various groups and individuals and got 70,000 responses. They evaluated those responses and made the proposed rule changes that are before us. I think it is clearly a step in the right direction and will add to the number of people who are covered. The final rule updating part 541 of the Fair Labor Standards Act regulation is important.

When these rules were established, we used words and terms that don't really exist today. They used terms like "gang leader." That has quite a different tone today than it did when that rule was set up. There was also "linotype operator" and overtime was guaranteed only for persons who made less than $8,060 a year. So this rule change improves the regulations in quite a significant way.

I had the personal experience of working as a lawyer and representing two individuals who had problems with overtime. I represented the first individual against a company. I had not studied the law that much, but I had been a Federal prosecutor and I knew the people. One was a friend from my high school days and he operated heavy equipment. He said: Jeff, I think I have been entitled to overtime. I worked extra hours. When the weather was good, we worked extra hours.

They saw him as a contractor and he saw himself as an employee. I began to look at the law and I thought he was right. We filed a lawsuit and the company knuckled under and paid him. I took a fee out of it, and I am sure the company paid their lawyers a fee for representing them. A pretty significant chunk of the man's overtime had to be paid on litigation fees.

I represented an administrative assistant. The group she worked for had meetings at night. She would be required to go take notes and keep records, but they didn't pay her overtime. We filed an action on that and, eventually, they agreed to pay her. Interestingly, that lady worked for a union. So the union wasn't paying one of its own employees overtime as they were required.

What we need is more clarity in this situation. We need a legal system that everybody can understand. When you know who is covered, then people can demand their overtime and they will get it. It is my experience that you will not have quite as many situations where people blatantly violate the law if they know what the law is. If the law is confusing, they will play in the gray areas and take advantage of people. If it is clear, people will tend to follow it—most employers will. I think that is what we are looking at here.

The Department of Labor did not prematurely propose this rule. It was after a great deal of work and effort and listening and evaluation and changing and updating and altering the proposal. I think they have done a terrific job. It meets the realistic needs of the modern workplace so much better than this 50-year-old rule that has not been changed since the beginning.

I have been disappointed that our friends in the labor movement leadership have sought to utilize this change as an opportunity to attempt to scare working Americans and cause them to believe they are somehow being taken advantage of in this process. That is not so. I was disappointed to learn that the AFL–CIO prepared ads attacking the rule, before it was even published. That is not the right way to do things. We all ought to be a part of the process. If you have a specific example of something that is wrong, bring it up with the Secretary of Labor, as many did, and as labor groups did, and they will evaluate it and make the changes that work.

This is an attempt—and a successful attempt—to make the rules simpler, fairer, and clearer. We have to do better than the current law. Under this final rule—and this is so significant—workers making $23,660 or less per year are absolutely guaranteed overtime. In the past, a worker making $14,000 annually could be classified as a manager and be denied overtime.

Under the new rules, that worker and 6.7 million others will be guaranteed overtime protection regardless of whether you call them a manager, a boss, or whatever you want to call them. If they make less than that, they are classified as eligible and have to be paid overtime if they work more than the 40 hours per week. This will cover the person at the print shop, the fast food place, and the laundry. Maybe they have been classified as a manager because they do the business and manage some. Under this, if they are paid less than $23,660, automatically they will be covered. That is 6.7 million workers who are going to be guaranteed overtime protection.

This is not something that is trying to harm the worker. I know my friend, Senator KENNEDY, is quite an advocate. But I have to tell you, I don't appreciate him saying that this rule change is a war on American workers. What kind of rhetoric is that? What kind of partisanship is that? What kind of collegiality and respect for the process is that? This is a good series of rules, not a war on the American worker.

He talks about college tuition, health care, prescription drugs, and all these issues he wants to talk about but not specifically what is wrong about this regulation. There is not anything wrong with it. It is a step forward. It is good for American workers and we need to do that.

I know he talked about a lot of things. One thing he did not suggest was that if we got a handle on the number of illegal workers in this country, there would be more jobs for American workers? We will get more people at that $18, $20, $25 range. That is where we want people to work at. He didn't talk about that.

There are lots of things we can do to improve the life of the working American man and women. One of them is to update the overtime rules. I believe this has been done openly and publicly by a Secretary of Labor who is a lady of integrity and great ability, who listened to the complaints and ideas and suggestions, and she has made progress.

For example, I believe Senator HARKIN mentioned law enforcement officers. The largest law enforcement group in America, a workers group, a labor group, the Fraternal Order of Police, has clearly supported this rule change. They participated in the process and they made their suggestions. They were happy when it was over. This is what the president of the Fraternal Order of Police, Chuck Canterbury, said when the Department of Labor issued the final regulation. He said it was "an unprecedented victory for police officers and their families." These are America's first responders, the police, firemen, and EMTs.

> He goes on to say that "the Fraternal Order of Police is extremely grateful for the work of the Secretary of Labor, Elaine Chao, and Wage and Hour Administrator, Tammie McCutchen, to take into consideration and incorporate the views of the FOP in developing their final regulations."

He goes on in great praise of them. It has also been repeated on the floor earlier today that somehow veterans are unhappy with this bill and it is going to hurt veterans.

But I have a letter from the Veterans of Foreign Wars. They are one of the largest veterans groups. They say in a letter to Secretary Chao on April 22:

> The Veterans of Foreign Wars of the United States appreciates your soliciting our comments and recommendations on the revision of the Fair Labor Standards Act to strengthen and clarify

That is how he referred to it, "strengthen and clarify"—

> the overtime protection provisions; particularly provision addressing veterans and the training they received while serving in the Armed Forces. Much confusion and erroneous misinformation was disseminated.

Boy, that is true. There has been so much misinformation.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SESSIONS. Yes, for a question, without losing my right to the floor.

Mr. KENNEDY. I think the Senator is correct in the fact that the earlier provisions certainly apply to the training veterans received. I think my own reading of this is that they may very well apply to this group of veterans who have specialized training. Why didn't the administration add a line saying that anyone who received training in the Armed Forces would not be covered? That would have resolved the issue. If the Senator wanted to add that as an amendment, I would encourage the Senator from Iowa to accept that.

Mr. SESSIONS. I thank the Senator from Massachusetts for his comments. As a lawyer—and I know Senator KENNEDY is a lawyer—these things get pretty complicated. Sometimes making blanket rules like that can create unfairness in the system.

Let me go on and continue with what the Veterans of Foreign Wars said on April 22 about this legislation:

> Much confusion and erroneous information was disseminated with respect to how the proposed regulations could adversely affect veterans. You and the staff of the Veterans Employment and Training Service and the Wage and Hour Division's willingness to engage the VFW and other Veterans Service Organizations in constructive dialog resulted in the removal of language pertaining to "training in the Armed Forces," thus ensuring veterans would not be denied overtime as a result of such training. Again, the VFW appreciates your recognition of those who serve our Nation in war and peace.

The Disabled American Veterans, a good, strong group that does a lot of good work here:

> Dear Secretary Chao: On behalf of the 1.2 million members of the Disabled American Veterans, I would like to express our gratitude for keeping us and other veterans' service organizations informed throughout the revision of rules governing overtime eligibility for workers under the Fair Labor Standards Act. We also commend your efforts to protect veterans by ensuring that a worker's status as a veteran cannot be used as a basis for exemption from overtime pay.

And from the American Legion—I suppose they know what is good for veterans. I certainly know they advocate for them on a daily basis. National Commander John Brieden III wrote to Secretary Chao, April 26, last week:

> I am writing in support of the recently released regulatory changes to the Fair Labor Standards Act. The American Legion has a long history of advocating in support of veterans employment and training entitlements, and we are pleased with the Department of Labor's part 541 final regulations that seek to clarify overtime pay eligibility rules.

They are happy with them.

> He goes on to write, recent assertions that the proposed regulatory changes target veterans who rely on overtime pay caused undue concern for those proud veterans who have successfully transitioned into the civilian workforce.

Who has been telling them all this misinformation? They are all saying that. How are they being told this? I am afraid the truth is, we are in a political season, and the Secretary of Labor stepped up to the plate to make some changes that needed to be made. They have not been changed in 50 years, and those who have a political agenda who want to try to embarrass President Bush, frankly, because Secretary Chao is a Cabinet Secretary in his administration are going to blame him for adversely harming workers, and it is not right. Listen to the people who were there:

> Recent assertions that the proposed regulatory changes target veterans who rely on overtime pay caused undue concern for those proud veterans who have successfully transitioned into the civilian workforce. The removal of language referencing training in the Armed Forces will ensure that no worker will be unjustly penalized for their veteran status as a result of these regulatory changes. At a time in our history when American service members are answering the Nation's call—

Indeed they certainly are—

> to arms in more than 130 countries worldwide, this country must ensure that all military and veterans entitlements are preserved rather than stripped away.
>
> The American Legion supports the Department of Labor's efforts to clarify eligibility for overtime pay, and we applaud you, Madame Secretary, for ensuring that the employment rights of America's veterans are protected.

It is time for us to deal with this situation. These rules are better. A lot of people who have been called managers, who are making $18,000, $19,000, $20,000, $21,000, $22,000 a year and are being denied overtime because their employers crafted a job description that made them a manager, will be guaranteed overtime. If you make below $23,660, you are guaranteed overtime. If you make over $100,000, you are not. But for the others this will be guaranteed.

This is a step forward for clarity. It is going to reduce litigation. It is going to reduce class action lawsuits. It is going to reduce the excessive cost that comes from those lawsuits, and it will make lives better for American workers. That is our only goal. If I thought it harmed our American workers, I would not support it.

I believe the Secretary of Labor is on the right track. I ask our colleagues to oppose the Harkin amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I wish to respond this afternoon to some of the statements that have been said, and also to rise in opposition to the Harkin amendment.

First, I wish to join in what the Senator from Alabama was saying about the outstanding leadership of our Secretary of Labor Elaine Chao. If there has ever been an American success story, she is it. She is a minority woman who has been in several very critical leadership positions, has always done a wonderful job, and she is showing real courage as Secretary of Labor. Anybody who would suggest she would be advocating positions or rules that would be antiwomen, I don't think there is any possibility that would be something she would do. I have a knowledge of her and a faith in the leadership she is providing.

She is trying to change rules that have not been touched in 50 years. Whatever they were 50 years ago, 40 years ago, 30 years ago, one would think they probably need some reconsideration and updating. That is what she is trying to do.

As far as being concerned about the low income and entry level of working Americans, I feel a real concern for that. My dad was a shipyard worker, a pipefitter, a union member. My mother taught school. She subsequently kept books because she could not make enough money teaching school. My son employs a lot of entry level, low-income, unwed mothers, and he worries about his need for insurance coverage.

I do not step aside for anybody as far as coming from a low-income, middle-income background. I want to make sure we do right by the low-income people and the entry level people.

In that connection, in talking about the economy and what is happening, I remind all Americans and my colleagues the economy is not perfect. The economy would never be as good as we would like for it to be. We would like it to be growing at 5, 6, 7, 8, 10 percent GDP and hope we can make that happen. I believe we in America can always make the pie bigger. We do not have to make the slices smaller. We can challenge every American to think about what the opportunities are that are being offered and try to take a part of the American dream. And we are moving in that direction. Productivity is up.

The point was made maybe it is going to the bottom line, the profit. I figured out if Litton Industries did not have a profit, my dad probably would not have had a job doing pipefitting in that shipyard.

Jobless claims are down, housing starts are at an all-time high, and the American dream of owning your own home is doing fantastically. I met last week with homebuilders from my home State. They are doing great. They are providing good quality, affordable housing like never before, probably because interest rates are low, historically low, and have been so. The markets are up.

When I hear, woe is me, the economy is not good—it is not perfect, but there are a lot of indicators going in the right direction.

Then when I hear our workers in America work more than people in France, are we now trying to imitate France? Pretty soon they will be down to working maybe 25 hours a week, and they have huge economic problems because they have not been able to bring themselves to address the difficulties they are getting into with all their pensions and all the stuff they are committed to they are not going to be able to pay for.

I do not want to follow France's example, for Heaven's sake. So what do we have in this particular instance? Again, we are trying to update the rules on overtime. It looks to me as though for low-income workers, they are going to be the beneficiaries. The Department estimates that few, if any, workers between $23,660 and $100,000 would lose their overtime. As a matter of fact, 1.3 million salaried workers who earn less than $23,660 would get the overtime, and they would not need to go to court or to try to deal with the difficulties of the vague language. They are going to clarify when these workers would be eligible for overtime.

Certainly, people who are making $23,000 or $24,000 ought to get overtime when they work extra hours. I think we ought to be commending the Secretary of Labor. She listened to us. She heard our complaints. Where there were weaknesses that were pointed out, they went back and tried to address those. These are not the same rules we were debating a year ago. They went back and raised the level that would be applied. The salaried level was $65,000. In the final version of rules, it is up to $100,000.

There are new provisions in the rules that specify certain classes of employees also, such as police officers and firefighters, as automatically eligible for overtime pay. Do we not want to make that clear? Do we not want to specify that firefighters and police officers would be entitled to get overtime pay?

It also declares that licensed practical nurses and certain veterans would be eligible for overtime pay. So there is a clarification with regard to the nurses. When one looks at what has happened, what they are trying to accomplish is to bring the rules up to date with the realities of employment today, and this is the first time we have done it in 50 years. As a matter of fact, low-income workers have certainty that they are going to get overtime. Specific groups such as firefighters, policemen, veterans, and licensed practical nurses will be guaranteed that they will get this overtime pay.

Now there are certain categories of people I am sure are defined in these rules who are executive or administrative in position. They may make over $100,000, $120,000, or $130,000 a year. They may have to work overtime. How many people in our offices work overtime? How many overtime hours do we work, 50, 60, 70, 80? We understand when we run for the Senate that we are not going to get overtime pay. I am not advocating that. That is my point. I do not expect it, and I work 70, 80 hours a week because of the opportunities, the way of honor and because of the understanding of what we would be paid.

I think these rules are the right thing to do. There is clarity about the fact that more people would be covered. I do not know how many people might actually have some risk of not getting overtime, but it would be in the higher brackets. The number is probably 107,000 workers earning more than this $100,000 might lose their overtime pay.

This effort has shifted the emphasis to the low-income people who have not been certain that they could get overtime. We should be commending the Secretary of Labor, not trying to pass the Harkin amendment that would block these changes.

I fear once again what we have is people wanting more. They are not satisfied that this is good enough. Good, maybe, yes, that maybe it is fine if it applies to first responders, nurses, blue collar workers, cooks, paralegals, public service inspectors, union contracts, and veterans. That is all good, but we want more. We are going to defeat the good in pursuit of the perfect.

It will not happen.

I urge my colleagues to vote against this Harkin amendment. Let us put these rules in place. It will not be the last pass at this. We are going to find that there are some weaknesses, or we should have maybe considered another group. The rules will be changed again.

I had to take a little time to talk about the facts with regard to Secretary of Labor Elaine Chao, to talk about the economy and talk about how these rules have been modified. They have moved in the right direction, and we should allow them to go into place and continue to work to make sure they are applied properly.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Maine and the Senator from Oregon would each like to offer an amendment. I would like to get them in a queue for consideration after the Harkin amendment. I have cleared this with the majority manager.

I ask unanimous consent that the pending Harkin amendment be temporarily laid aside so that Senator COLLINS may offer an amendment; that after she has been able to do so and speak to her amendment the Collins amendment be temporarily laid aside, and that Senator WYDEN be recognized to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 3108

Ms. COLLINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 3108.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a manufacturer's jobs credit, and for other purposes)

On page 139, between lines 13 and 14, insert the following:

SEC. ___. MANUFACTURER'S JOBS CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

"SEC. 45S. MANUFACTURER'S JOBS CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible taxpayer, the manufacturer's jobs credit determined under this section is an amount equal to the lesser of the following:

"(1) The excess of the W-2 wages paid by the taxpayer during the taxable year over the W-2 wages paid by the taxpayer during the preceding taxable year.

"(2) The W-2 wages paid by the taxpayer during the taxable year to any employee who is an eligible TAA recipient (as defined in section 35(c)(2)) for any month during such taxable year.

"(3) 22.4 percent of the W-2 wages paid by the taxpayer during the taxable year.

"(b) LIMITATION.—The amount of credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this subsection) as—

"(1) the excess of the W-2 wages paid by the taxpayer to employees outside the United States during the taxable year over such wages paid during the most recent taxable year ending before the date of the enactment of this section, bears to

"(2) the excess of the W-2 wages paid by the taxpayer to employees within the United States during the taxable year over such wages paid during such most recent taxable year.

"(c) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer—

"(1) which has domestic production gross receipts for the taxable year and the preceding taxable year, and

"(2) which is not treated at any time during the taxable year as an inverted domestic corporation under section 7874.

"(d) DEFINITIONS.—For purposes of this section, W-2 wages and domestic production gross receipts shall be determined in the same manner as under section 199.

"(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2005.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following:

"(31) the manufacturer's jobs credit determined under section 45S.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

"Sec. 45S. Manufacturer's jobs credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

On page 335, line 8, strike "December 31, 2004," and insert "the date of the enactment of this Act".

Ms. COLLINS. Mr. President, before I turn to the subject matter of the amendment which I have just submitted, I rise to take a moment to thank my colleagues on both sides of the aisle for their courtesy, and in particular to thank the chairman and the ranking member of the Finance Committee and their staffs for their assistance in advancing this important legislation and in helping to bring this amendment to the Senate floor.

Over the past year, the American economy has emerged from a period of recession and slow growth into a period of economic recovery. The last half of 2003 saw the strongest growth in two decades and the growth continues to be strong, 4.2 percent in the first quarter of this year, a clear sign of a healthy and sustainable economic rebound.

There are hopeful signs on the job front, too. Last month, 308,000 new jobs were added to our Nation's payrolls. This is very good news, but the recovery has not affected all sectors equally. One sector in particular, manufacturing, is struggling to cope with the long-term decline that has cost so many workers their jobs.

Job losses in the manufacturing sector did not begin with the recent recession, nor with this administration. It is not a Democratic issue or a Republican issue. In each decade since World War II, employment in the manufacturing sector has declined as a share of total employment. In absolute terms, the number of American manufacturing jobs has fallen each year since the end of 1997. In fact, if one examines the past 84 months since March of 1997, the number of manufacturing jobs has declined each and every month except 7.

No State has been harder hit by the loss of manufacturing jobs than my home State of Maine. According to a study by the National Association of Manufacturers, on a percentage basis Maine has lost more manufacturing jobs than any State in the Nation. We have lost nearly 18,000 jobs during that period, good jobs that once provided lifelong employment to Mainers living in communities such as Millinocket, Brewer, Wilton, Waterville, Fort Kent, Dexter, Westbrook, and Sanford.

Many people are asking: Why are so many manufacturing jobs in this country disappearing?

According to a recent study conducted by the National Association of Manufacturers, one answer is the disparity in manufacturing costs in our country versus other countries. In fact, compared to other countries, it costs an average of 22 percent more to manufacture goods in the United States.

While it would surprise no one that U.S. manufacturers face a higher cost of doing business compared to manufacturers in countries such as China or

Mexico, it would be a mistake to assume wage rates alone explain this difference. They do not. In fact, the productivity of the American worker is unrivaled, allowing American workers to receive more value in terms of wages for the goods they produce. As the NAM study states, if wages were the only factor, then:

> U.S. manufacturers would be much more dominant . . . in the global markets than the current trade situation suggests.

It is other structural costs such as the high corporate tax rate we impose on manufacturers that make it much more expensive to manufacture goods here in the United States relative to the costs elsewhere. Indeed, the NAM study shows it is significantly cheaper to produce goods even in high-wage industrialized nations such as Japan and France. This fact illustrates the critical impact these high structural costs have on manufacturers in our country.

In essence, these costs have the same effect as imposing a 22-percent additional tax on making goods here, rather than overseas. To compete, American manufacturers must somehow do more with less, move operations overseas, or get out of manufacturing altogether. None of those is a good solution. The result is fewer jobs, a weaker economy, and a manufacturing sector in crisis.

Earlier this session I introduced legislation known as the Growing Our Manufacturing Employment Act. This legislation provides a 9-percent deduction for manufacturing income, and contains additional provisions benefiting the forest products industry, an industry critical to manufacturers and jobs, good jobs in my home State. I am very pleased the underlying bill we are considering, the JOBS Act, has already been amended to accelerate the deduction for manufacturing income and it contains these important forestry provisions. But I believe we need to go further to address the loss of these vital manufacturing jobs. For that reason, I am offering the final provisions of the Growing Our Manufacturing Jobs Act as an amendment to this bill. My amendment is aimed at reinvigorating the manufacturing sector, boosting the level of domestic manufacturing, and preventing the further loss of these important jobs.

My amendment would help to reduce the 22-percent cost differential American manufacturers face by providing a jobs tax credit to those manufacturers that increase their payrolls by hiring displaced workers who are receiving trade adjustment assistance. That would mean we would be providing an important incentive for manufacturers to rehire workers who have been laid off because of the impact of foreign competition.

In Maine alone, nearly 60 manufacturers are currently TAA-certified, and more than 4,200 Maine workers have been deemed eligible for benefits under TAA since the start of 2002. The credit I have suggested would provide a powerful incentive to hire these workers and help them get back to work.

This credit is very carefully targeted. For that reason, it carries a modest pricetag, which, thanks to the efforts of the Finance Committee, would be fully offset by other provisions included in the amendment.

Finally, this amendment is designed to ensure only those companies that are helping to build America's manufacturing base obtain the credit. It has both a carrot-and-a-stick approach. Companies that move jobs offshore will see their benefits reduced. Most important, companies that chose to reincorporate in offshore tax havens to avoid American taxes will not be eligible for this credit.

I am hopeful that by working together on this proposal and the important provisions of the underlying bill, we can take the important steps that are needed to strengthen American manufacturers, to preserve our manufacturing capacity and, most of all, to help ensure hard-working Americans have the jobs they need and deserve.

Let me once again thank the chairman and the ranking member for their ongoing efforts to advance this significant legislation. It has been a pleasure working with them to bring this proposal before the Senate. Few subjects the Senate will address this year are as important as creating and protecting good jobs, and few bills are as important to advancing that goal as the legislation before us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3109

(Purpose: To provide trade adjustment assistance for service workers, and for other purposes)

Mr. WYDEN. Mr. President, I send an amendment to the desk on behalf of myself, Senator COLEMAN, Senator ROCKEFELLER, Senator BAUCUS, Senator DAYTON, Senator BROWNBACK, Senator DODD, and Senator SNOWE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oregon [Mr. WYDEN] for himself, Mr. COLEMAN, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. DAYTON, Mr. BROWNBACK, Mr. DODD, and Ms. SNOWE, proposes an amendment numbered 3109.

Mr. WYDEN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. WYDEN. Mr. President, I see the Senator from Montana on the floor, and the Senator from Massachusetts, both of whom have done so much for working families, as has the Senator from Maine.

I bring this bipartisan amendment to the floor tonight because I think it illustrates a point Senator LOTT expressed earlier when he talked about updating our laws to make sure they are fair and practical for the times.

The Trade Adjustment Assistance Act, which this amendment speaks to, has been a great asset to folks who have been laid off in the manufacturing sector. It was written more than three decades ago. Of course, that was the key sector in our economy and still is tremendously important today, but the fact is, the trade adjustment law today doesn't apply to about four-fifths of our workers, the folks who have been laid off in the service sector and in the high-technology sector. So what we have is millions of unemployed workers in the service sector and in the high-tech sector who are walking on an economic tightrope every single day, balancing their food costs against their fuel costs, and their fuel costs against the skyrocketing medical bills, as Senator KENNEDY has pointed out.

What this bipartisan amendment seeks to do is establish parity between folks in the service and technology sector and those in the manufacturing sector. So people who lose their jobs when their employer closes or lays them off because of import competition, people in the public and private sector who lose their jobs when their facility moves overseas, and secondary service workers who provide services to a primary firm where workers are eligible for trade adjustment and whose closure causes the layoff or closure at the secondary firm—when those people are in the high-tech and service sector of our economy, under our bipartisan amendment those people would be able to get benefits under the Trade Adjustment Assistance Act.

In effect, this bipartisan coalition wants to persuade the Senate to support it. It is a proposition that no matter where an American works, if you lose your job because of imports, because your job moves offshore, you ought to be able to get retraining, income support, and help with your health insurance.

Workers in the high-tech sector in my home State and across the country have taken a pounding in recent years. The American Electronics Association reported recently the tech sector lost 775,000 jobs in 2001 to 2003 and another 3.3 million jobs could be lost in the next decade. A Deloitte & Touche survey of telecommunication companies forecasts that well over 275,000 jobs, or 5 percent of the total workforce, will move offshore in the next 4 years and more than half of all Fortune 500 companies are outsourcing software development or expanding their own operations overseas.

The fact is when you have a software developer earning $6 an hour in Bangalore, India, and 10 times that amount in Beaverton, OR, every single day this critical sector of our economy—services and high technology—faces extraordinarily tough competition. When the starting salary of a software engineer in India is $5,000 and top level IT professionals earn $20,000 there, you can be sure the competition is intense. The question is, Who is going to stand up for these American workers in the high-technology and service sector that plays such a critical role in our economy?

Some argue increased trade is an overall plus to the United States because it lowers prices for consumers. There is no doubt about that. That is why I have consistently supported trade. But there are negative effects on some of our workers.

Exports of high-tech products from my home State jumped 18 percent from 2001 to 2002, but in the technology industry jobs fell 11 percent. The Oregon Employment Department reports in the 2001 to 2003 period, 3,300 computer systems and design jobs were lost, 5,300 professional and technical service jobs have been lost, and 1,400 architectural and engineering service jobs were lost. Many of these have been lost due to trade.

I say it is time to update—as Senator Lott has said—this critical law, the Trade Adjustment Assistance Act, so millions of workers in the high-tech and services sector are not left without a safety net. They have a safety net in the trade adjustment law if they are in the manufacturing sector, and that has been a great benefit to those families. But for four-fifths of our workers, those in the high-tech and service sector, that safety net has not been there. This bipartisan amendment will restore it.

High-tech workers, as we know, have been the envy of the American workforce. Certainly during the dot-com boom of the late 1990s, they were responsible for a tremendous amount of economic growth. The ingenuity of these programmers, engineers, and designers helped drive our economy into the 21st century. The creativity of these workers generated an exceptional wave of economic prosperity. Trade agreements on services and intellectual property helped carry the fruit of these dedicated workers around the globe.

Globalization of technology is unquestionably globalizing the technology workforce. Geography is increasingly less important in determining where a job can be done. Globalization of information technology hardware production from 1995 to 2002 cut information technology hardware costs 10 to 30 percent, translating into higher productivity growth and adding hundreds of billions of dollars to the U.S. gross domestic product. Information technology became affordable to business sectors previously bypassed by the productivity boom, small-sized and mid-sized companies, health care and construction.

But as information technology hardware prices decline, the importance of information technology services and software increased, to almost 70 percent of information technology spending in 2001. One economist found offshoring reportedly saved most information technology organizations on the order of from 15 to 25 percent in the first year. With growth in software and services outpacing hardware spending by almost two to one, the demand for cheaper information technology services has lent strength to this "offshoring tsunami" and hammered many of our information technology workers in the process.

Certainly no one could have anticipated the shocking speed or scale of globalization in information technology. The American Electronics Association 2003 Cyberstates report found unemployment among computer programmers jumped from 4.5 percent in 2001 to 6.2 percent in 2003; that high-tech employment fell by 540,000 jobs to 6 million in 2002; and that a further loss of 234,000 jobs was expected in 2003.

Hardly a day goes by without a front-page story in virtually hundreds of communities across the country about an American programmer on his or her way out having to train a foreign worker who will replace them. It is a very rich irony that some of the same workers who launched the technology revolution have in fact become its victims.

The average American may think the Federal Government is helping technology and service workers displaced by trade, but it is not. That is because a law written in 1962, when so many of our workers were in the manufacturing sector, has not been updated. Now we have tens of thousands who have lost jobs in the services sector and the technology sector who are not eligible for the Trade Adjustment Assistance Act. The bipartisan amendment I offer today will open the Trade Adjustment Assistance Act door to these and other displaced services and technology sector workers.

The act is a lifeline for millions of these workers. It provides retraining, income support, a health insurance tax credit, and other benefits to workers who lose their jobs due to trade. It can also help secondary workers who supply parts and services who may lose their jobs when the facility or service shuts down due to import competition. This is exactly the type of help trade-displaced services workers need.

A self-described "newly unemployed software engineer" from Hillsboro, OR wrote in December: "My job was moved to India where the company can pay Indians a fifth of what they pay Americans."

Another wrote: "As a 50-year-old high-tech manufacturing engineer with 26 years of experience, I was laid off in December 2002. I am sure the new factory the company is building in China will prevent my ever returning to the company. I can't even get hired into an entry-level position anywhere because I am over-qualified."

These unemployed Oregonians—and there are thousands of others who are employed in the information technology sector and the service sector who have lost their jobs—deserve to have this law, as our friend from Mississippi, Senator Lott said, updated so they can get benefits in the safety net the Trade Adjustment Assistance Act offers. I have heard the distinguished Senator from Massachusetts champion this.

It is in effect a trampoline that allows individuals in our country who have been laid off through no fault of their own to get the training and the assistance and the kind of health care to in effect bounce back in our economy.

It seems to me workers reeling from the offshoring of service sector jobs cannot afford to wait for the higher skilled jobs that economists keep promising them are just around the corner. Higher value, higher paid systems integration jobs may come along, but I am telling you in my home State—and I think in communities across the country—a lot of unemployed information technology professionals think they are more likely to see Elvis than a sudden proliferation of help-wanted ads for new, highly skilled information technology jobs.

When a worker is displaced by trade, it should be irrelevant whether the person worked in services or technology or manufacturing. Every worker displaced by trade should be eligible for this very same benefit. This bipartisan amendment ensures that will be the case.

I again thank the distinguished Senator from Montana, my friend Senator Baucus. He has been so helpful to me on this and so many other matters during my service in the Senate.

I also thank the Senator from Minnesota who will be joining us. He has worked with the distinguished Senator from Montana and me on this bipartisan amendment.

The Senator from Minnesota has joined us. But we have colleagues who come from every part of the country who have joined us. Senator Brownback has joined us, Senator Snowe has joined us, Senator Dodd has joined us, and Senator Coleman, Senator Baucus, and Senator Rockefeller. I am very hopeful that the Senate will resoundingly support this bipartisan amendment. This is about updating a law that is now more than three decades old, a law that does not cover services and high technology, to the detriment of millions of workers. We have a bipartisan proposal that allows that. I thank my good friend from Montana.

Mr. BAUCUS. Mr. President, I thank my friend from Oregon. He has worked very hard on this issue. It is, frankly, a very bright spot in this whole bill. That is, it is a major way to help people who need help. It has been worked out very aggressively and thoroughly by an awful lot of Senators.

The real leader is the Senator from Oregon, Mr. WYDEN. He has done a wonderful job talking with lots of different Senators and working out the different points of view to come together with this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

PRESCRIPTION DRUG CARD

Mr. KENNEDY. Mr. President, the Bush administration drug cards do not pass the truth in advertising test. They are no solution to sky-high drug prices, and there will not be a solution until we have a President and Congress who care about fairness for patients instead of higher profits for pharamaceutical companies. The drug companies keep gouging all Americans on exorbitant drug prices, and the Bush administration keeps cheering them on. It is no accident that the drug companies are working "hand in pocket" with the administration in hyping these cards and keeping prices high.

The Bush administration has a perfect batting average on providing information to the American public about Medicare—they are misleading every single time, and the drug cards are no exception. In the great tradition of suppressed cost estimates and false advertising comes the new revelation that the administration cannot even give the public honest figures about prices for drugs under the new cards.

The millions of taxpayer dollars that the Bush administration is spending to peddle its plan cannot disguise the fact that seniors would get a better deal taking a bus to Canada to buy drugs at fair prices there.

The drug cards will offer small discounts from already inflated prices. It is like used car dealers who raise prices just before customers come to the lot, so they can offer phony discounts and make it sound like a bargain. Studies show that the savings from the cards are not significantly better than those provided by already existing discount programs.

Unfortunately, there is no lemon law for these drug cards. If seniors sign up for a card that does not deliver the promised discounts, too bad. They are stuck with it. The card companies can change their discounts every week, but seniors are locked in for a year on the card they choose. The card companies don't even have to pass all the discounts from drug companies along to patients. They can keep their kickbacks and let seniors foot the bill.

Let's end these deceptive tricks and find honest solutions to the crisis of excessive costs for prescription drugs. Americans should be able to buy safe drugs from abroad at the same fair prices that Canadians or Europeans pay. Medicare should be able to use the purchasing power of 40 million beneficiaries to negotiate the same low prices on prescription drugs that the Veteran's Administration negotiates for veterans. But the Bush administration won't allow that. Why not? Because it is joined at the wallet with drug companies and their armies of lobbyists and tens of millions of dollars in campaign contributions.

Senior citizens want a real Medicare prescription drug benefit. Americans want fair prices for prescription drugs. The Bush administration and Republicans in Congress offer slick advertisements, a well-oiled public relations machine, and lots of promises, but no performance. It is time for a change.

I will share with the Senate exactly what these cards will do and what they will not do. This chart is entitled, "The Medicare Drug Cards: No substitute for real cost savings." This is the cost of a 1-month supply of the top 10 drugs which seniors most often use. This line represents the U.S. Federal supply schedule, $587. That is the cost under the VA system through the negotiation. It is $596 for the same 1-month supply of the top 10 drugs for Canada; $972 at Walgreens. RXSavings is $1,046, with $1,061 for the PCA, the two Medicare drug cards.

If we had in the Medicare bill the ability for the Secretary of HHS to negotiate the prices down, we would be at $587 or the $596. Instead, it is the higher figure.

This next chart shows the same thing. These prices available to Medicare beneficiaries are well below the prices available with the new Medicare discount cards. Again, the price for the market basket of the top 10 drugs, drugstore.com, $959. This is without any annual fee. The annual fees can go up to $30 in Medicare. You cannot go above $30. Under Costco.com, $990 with no fee. Total cost is $959 and $990. Under Walgreens, it is $972. The annual fee of $20 puts it at $992. Pharmacy RXSavings is $1,046 with a $30 annual fee, to put it at $1,076. At Pharmacy Care Alliance, $1,061, plus $19 for the annual fee, and that equals $1,080.

This is what could be received today. It clearly reflects no savings on this. The other chart showed the difference if we had in the Medicare bill the ability for real negotiations. We would have the savings reflected in the VA or as it is in Canada.

The administration now is pulling out all the stops in terms of what it is going to do for the seniors. This does not pass the truth in advertising test. It is not effective savings at all. Our seniors are able to receive better pricing through drugstore.com and Costco.com.

This is a continuation of the kind of challenge we are facing. Hopefully, before the end of this session we will have the opportunity to get back to doing something about real negotiations on prescription drugs.

SUDAN

Mr. President, I commend the Foreign Relations Committee for its action last week in reporting a resolution urging action by the United States and the international community to respond to the ongoing ethnic violence in Sudan. The Senate should act on this resolution as soon as possible.

It has been 10 years since the Rwanda genocide. A decade ago, 8,000 Rwandans were being killed every day, yet the international community was silent. We did not stop the deaths of 800,000 Tutsis and politically moderate Hutu, in spite of our commitment that genocide must never again darken the annals of human history.

Sadly, we may now be repeating the same mistake in Sudan.

In 1998, President Clinton made a special visit to Kigali, Rwanda's capital, "partly," he said, "in recognition of the fact that we in the United States and the world community did not do as much as we could have and should have done to try to limit what occurred" in Rwanda. His visit and strong words remind us that we must not hesitate to act, when the horror is clear and when so many lives may be lost.

Over the past few weeks, reports of severe ethnic violence have come from Darfur, a region of western Sudan. We have heard accounts of thousands or even tens of thousands of people murdered, of widespread rape, and of people's homes burned to the ground.

The Sudanese government has refused to allow full access to western Sudan. International monitors and humanitarian workers have been prevented from reaching the area. We need immediate access to gather more information on what is happening and to provide urgent humanitarian relief to the one million people the United Nations reports have been displaced internally in Sudan or across the border to Chad.

Many of us hoped that the humanitarian cease-fire and agreement earlier this month between the Sudanese Government and rebel forces in western Sudan would end the many months of violence against entire communities. It has not. The bombing of villages by the Sudanese Air Force continues, and so does the mayhem by the paramilitary forces unleashed by the Government of Sudan.

The burning of homes and crops of desperately poor villagers has left in its ashes a humanitarian disaster.

Without immediate relief, experts predict deaths in the hundreds of thousands. The cruelty of the Government of Sudan and its paramilitary allies against other ethnic groups raises the very real specter of genocide.

The United States and the international community need to act now, to stop this brutality, to save lives.

President Bush should make a strong public statement alerting the world to the violence in Darfur. He should call the international community to action, and increase pressure on the Sudanese Government. Doing so would send a strong signal that the international community will not accept these continuing atrocities. Sudan has been seeking better relations with the United States. It must be told that our Nation will have no relations with a genocidal government.

The United States should propose a resolution in the United Nations Security Council to condemn the violations of international law being committed in Darfur, particularly the indiscriminate targeting of civilians and the obstruction of humanitarian aid by the government. The U.N. should demand immediate international access to the region to assess the full scale of the need for assistance. The U.N. should also insist on adequate support for international human rights monitors and for monitors of the cease-fire agreement reached last week.

The international community must demand that Sudan stop the violence now, and give full humanitarian access to Darfur without question or qualification.

To minimize the suffering of those affected by the violence, we should immediately identify funds and food aid to meet at least the traditional U.S. share of the $110 million appeal from the U.N. Office for the Coordination of Humanitarian Affairs to support urgently needed assistance for internally displaced persons and refugees. These internally displaced persons and refugees must also be allowed by the Sudanese Government and militias to return safely to their homes, to rebuild their lives and communities, as soon as possible.

The European community, African countries and the rest of the international community should use their considerable influence to pressure Sudan to end the violence in Darfur, and end it now.

If the international community fails to act—and to act now—the consequences will be dire.

United Nations Secretary General Kofi Annan was eloquent in his statement at the commemoration of the 10th anniversary of the Rwanda genocide. He said that he would not permit Darfur to become the first genocide of the 21st century.

There will be discussion in Washington and around the world about whether the ethnic violence in Darfur is, in fact, genocide, but we cannot allow the debate over definitions obstruct our ability to act as soon as possible.

It is a matter of the highest moral responsibility for each of us individually, for Congress, for the United States, and for the global community to do all we can to stop the violence against innocents in Darfur. We must act, because thousands of people's lives will be lost if we don't.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3109

Mr. BAUCUS. Mr. President, I see Senator COLEMAN of Minnesota on the floor. I want to say how much I deeply appreciate all the effort he has undertaken on behalf of the pending amendment. He is one of the two or three who worked mightily to get this amendment in shape. I want the people in Minnesota and our Senators to know how much he has done. I am very honored to have been a part of his team in working with him as he has crafted and offered this amendment we are now debating.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, first, I thank my friend and colleague from Montana for his kind words and for giving me the opportunity to work with him in a bipartisan manner on this important amendment. Actually, earlier this year, I was able to join with my friend, Senator BAUCUS, the ranking member of the Finance Committee, in introducing legislation to extend trade adjustment assistance to American service sector workers. I call that good Minnesota commonsense legislation.

Today I rise to join Senators WYDEN and BAUCUS to offer a modified version of this important legislation as an amendment to the JOBS bill. Our amendment not only extends trade adjustment assistance to service sector workers, but also improves and strengthens the TAA program for all American workers.

I say to my colleagues, if you care about the issue of offshoring and outsourcing and are searching for a positive, constructive, forward-looking way of addressing these challenges, this is it. I say to my colleagues, if you support trade and expanding trade opportunities, but recognize that along the way there are going to be some workers who are going to be hurt as we grow and expand—and we need to grow and expand; and trade is part of that—we can address that.

I am a strong supporter of trade adjustment assistance because trade adjustment assistance is critical to achieving a balance: the expansion of trade but meeting the needs of those workers who are negatively impacted.

Earlier when Senator WYDEN, my colleague from Oregon, spoke, he talked about the bipartisan support this amendment appreciates and enjoys. Senator SMITH has supported this legislation, and Senator SNOWE, Senator BROWNBACK, and many others.

It is also important to note this legislation has received industry support—most notably support from the Information Technology Industry Association and the Business Roundtable—for extending TAA to service sector workers.

The TAA program has a history that dates back more than 40 years. The program was created in the early 1960s, and it is fascinating to go back and review the speeches President Kennedy and Members of Congress made on this same topic more than 4 decades ago.

We often assume issues such as globalization and the offshoring and outsourcing of jobs are new issues, but it is striking to note how some of the arguments we hear being made today were made 40 years ago. Of course, some of the terms used, such as "globalization," are of recent vintage. But the underlying desire to address the needs of these who are harmed by trade is almost identical to those discussed 40 years ago.

At that time, the President and Congress agreed to go forward in the pursuit of free trade, but they also agreed to provide financial support to workers who lose their jobs and to provide retraining benefits to assist them in finding new jobs.

Over the years, some of the specifics of the program have changed. Some initiatives have worked and others have not worked so well. The TAA program has evolved as we have learned more and faced new challenges.

The most comprehensive effort to update TAA was in the Trade Act of 2002. In much the same way they had 40 years ago, the President and Congress decided to pursue a policy to go forward, seeking the benefits of free trade, and decided to build a comprehensive program to deal with the needs of those harmed by trade.

I will not try to list every single amendment to TAA made in that legislation; There are simply too many to mention. But in the 2 years that have passed, we have seen things that have worked and seen things that need improvement. Addressing the shortcomings is the impetus for the amendment we are offering now.

This amendment may not address all the problems with regard to TAA. In a number of areas, such as the new program for farmers, the solution may simply be more vigorous congressional oversight to ensure the program lives up to the law. The Court of International Trade has criticized some of the administrative decisions made in implementing the program. This may be a place where Congress should step in to see that the ideas it put into legislation become a reality.

Our amendment makes at least one commonsense fix to a problem our dairy farmers are having with the program. We worked closely with the National Milk Producers Federation on a solution to this problem.

I would add that although President Kennedy advocated TAA for farmers some 40 years ago, it did not come about until a couple years ago, and probably never would have come about but for the hard work and efforts of the chairman of the Finance Committee, Senator GRASSLEY. Senator GRASSLEY said at that time:

> I am very concerned that if we lose farm support for free trade it will be very hard for us to win congressional support for new trade deals when they are concluded.

Some good food for thought for the folks who administer this program: We have to make this program work for the farm industry.

With regard to the taconite workers in my State, I believe vigorous oversight can help the Department of Labor find ways to use TAA to address their concerns. Here again, we have made one legislative modification in hopes of putting this issue to bed for good. This is good news for the Iron Range in Minnesota.

In other areas, new problems requiring legislation have become apparent. There have been numerous newspaper stories in recent months covering the tragedy of computer programmers and others who have seen their jobs move to India and elsewhere. From reading these stories, one might think these are obvious cases for TAA, but most of these computer workers have been denied TAA because they produce "services" and TAA presently only covers "goods." Since the overwhelming majority of working Americans are officially classified as service workers, this is an enormously significant distinction.

I note that in conversation with many of my colleagues, I am not sure they are even aware the current law does not cover service workers. There was a sense, when we passed TAA, that we covered the needs of those who were impacted negatively by trade. But the reality is, 80 percent of the workers are service workers. They are not currently protected. This amendment would do that.

This is an area where I understand some litigation is underway, but we do not have to wait for a court to decide. It seems obvious that workers employed as computer programmers are just as unemployed as workers in a textile factory when they lose their jobs. They should be entitled to the same benefits. Splitting hairs in defining services and goods misses the undeniable point that service workers deserve no less than workers in the "goods" sector.

Specifically this amendment would make three important changes to the TAA program to ensure service workers are treated fairly.

First, in cases in which service workers lose their jobs because of service imports, these workers are made eligible for TAA. The best known example of a situation similar to this is the case of Mexican trucking firms which are striving to carry freight within the United States. U.S. truck drivers that might lose their jobs to such competition would be eligible for TAA under this amendment.

Second, service workers who lose their jobs when the facility they work in moves out of the United States—the problem we have read about in recent months—would be eligible for TAA. Thus, under this amendment, if a call center or computer programming facility moves from Minneapolis to India, the workers would be eligible for TAA.

Finally, in those cases where the service workers provide services to a plant or facility that closes, moves, or reduces employment, these workers are eligible for TAA if the primary plant or facility is eligible for TAA. This simply parallels the so-called secondary workers provisions now in the law for workers producing goods.

For example, under present law, if a U.S. plant producing lawnmowers closes due to import competition, the workers at the plant and the workers at the facilities that supply lawnmower parts to the manufacturing plant would be eligible for TAA. But if the closed lawnmower plant contracted for janitorial services, the janitorial workers that lose their jobs would not be covered. This amendment eliminates this obvious inequity and treats the workers that provide services to the lawnmower plant just as it does those who assemble lawnmower motors.

The issue of TAA has special significance to airline workers from my State and around the country. Last night members of the Aircraft Mechanics Fraternal Association flew from Minnesota to Washington to share their stories and the stories of workers they represent from all around the country with some of my colleagues who represent their membership. These folks represent service workers who, when they lose their jobs, receive little if any help in getting back on their feet. Folks like George Sleva of Forest Lake, MN, and Kurt Kulschar from Lakeville, MN, are just some of the airline mechanics left out in the cold under the current TAA program. One of the guys described it this way:

> I worked hard. I was a great taxpayer. Everything was going well. And then the table turned and now I'm in a world of hurt.

Our amendment would take some of the sting out of this world of hurt that thousands like George and Kurt have had to go through.

The second major feature of this amendment provides TAA benefits to all workers who lose their jobs when the plant or facility that employs them closes and moves out of the United States, regardless of where the plant moves. Thus, if the lawnmower plant closed and moved out of the country, its workers and those supplies would be covered regardless of whether the plant moved to Canada or to China or to India. I was disappointed to learn recently that the 2002 law apparently requires that if a factory closes and moves to Mexico, its workers are automatically eligible for TAA, but if the same plant moves to China, they are not. This is one of those things that Lincoln talked about, a "skunks giving their own publicity" kind of thing. It doesn't make sense. It is obvious to make the change, and this amendment makes that kind of change.

But we can clear up the air, if you will, or any ambiguity by rewriting the law to clearly state that all workers who lose their jobs when their employers leave the country are eligible for TAA regardless of the country they move to. That makes sense. That is what this amendment does. I want to applaud President Bush's strong leadership in this area. I appreciate the administration's shared goal that TAA coverage should be expanded to include workers affected by shifts in production to any country, not just Mexico or Canada.

One of the most valuable portions of the 2002 act was the extension of a tax credit for health insurance to TAA workers. Without some assistance to gain health insurance for themselves and their families, it is hard to imagine that workers could really take advantage of TAA. The amendment we are offering improves this health insurance provision in several important ways. First, it makes a series of technical amendments to ensure that TAA recipients get a meaningful opportunity to really obtain health insurance. The most important provision on this topic, however, raises the percentage of health insurance costs covered by the program from 65 percent in existing law to 75 percent. This is the same level of health insurance premium assistance that workers in the private sector receive.

I understand this was the provision when TAA was passed in 2002 that the Senate advocated at 75 percent. Affordability of health insurance is a problem for everyone, but for people who have lost their jobs, it is of particular hardship. This amendment improves affordability of health insurance, which will improve access to care, a goal we all can agree upon.

One of the problems that have limited the effectiveness of the current health care system is dislocated workers have had difficulty finding the 35 percent of the health insurance bill that must come out of their pocket. I am sure that for many workers it will still be a challenge to find 25 percent as required under this amendment, but our amendment will make it a little bit easier.

I know that some will say that including health care provisions in TAA is controversial, but it is important for all Senators to understand that this concept was originally advanced by a bipartisan Trade Deficit Review Commission, a bipartisan group with some very prominent Republican members, including Ambassador Robert Zoellick, Secretary of Defense Donald Rumsfeld, and former President Bush's Trade Representative Carla Hills. I emphasize that the recommendation for transitional health insurance was supported unanimously by the Commission.

Finally, this amendment would allow wage insurance to be extended to workers who are 40 years of age or older. The current law only applies to workers over 50. In my opinion, wage insurance makes sense for workers over 50, but I think it also makes sense for workers who are 20 years old. It may be that traditional retraining will also benefit workers in their 20s just as it might workers in their 50s, but I think that is a decision best left to the individual worker and not one best made by government.

Given the fact that we are still building a record on wage insurance, this amendment only lowers the requirement to 40 years of age. This is certainly a step in the right direction and is likely to allow many workers to make choices with where they want to go in their career and how best to prepare for their new jobs.

Also I note the maximum cost of wage insurance under the law is less than the maximum cost of traditional TAA under current law. In other words, wage insurance might also be a cheap approach to retraining. We should make it available to as many TAA recipients as possible for their own good and to limit the burden on the Federal budget.

There are many other good ideas for improvement in the TAA program, but this amendment makes some important steps forward and deserves the support of the Senate.

In my opinion, TAA is an honest, responsible, productive way to directly address the needs of those harmed by trade and globalization. There are real needs out there as evidenced by the hundreds of applications from my home State of Minnesota alone, hundreds of which have been certified and probably nearly as many denied for the reasons this amendment today seeks to address.

When I was mayor of St. Paul, I used to point out that the best welfare program was a job; the best housing program was a job. Access to health care often comes with a job. Putting people back to work in a job is exactly what TAA is designed to do. Of course, there is no single solution to all the problems, but TAA is a real solution not just a snake oil suggestion.

It is a real chance to address the needs of workers, and as such it can do a great deal to help Americans adjust and prosper through the challenges of globalization and offshoring. TAA is not free. It will require an investment of resources to make it work. But if it can help all Americans grow and prosper in a competitive global economy, it is money well spent. I note in this regard that we have identified a full budget offset for our amendment, an offset recognized by Treasury and OMB as saving about $5.7 billion over the course of 10 years.

America cannot turn its back on trade. To do so would be bad policy. But America must not turn its back on our working men and women either. To do so would be wrong. Trade adjustment assistance is a way to embrace both trade and our Nation's hard-working men or women It is the right thing do.

I urge my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, first, I thank, again, my good friends from Minnesota and Oregon, Senators COLEMAN and WYDEN, for their very strong work on this amendment. I support this very strongly for a special reason. I have the privilege of representing the State of Montana. About 20 years ago, Montana lost a lot of copper miners and smelter workers. Why? Because of foreign competition. At the time it was probably employment overseas—in Chile, for example—and, in addition, it was the subsidized smelter operations north of the border in Canada. These folks worked very hard, and it affected the lives of a lot of these men, and sometimes women, who held these jobs for a few generations. We had created trade adjustment assistance for these workers.

I can tell you a lot of people who lost their jobs on account of trade were able to get some retraining, get a lifeline thrown to them because they had no place else to go. Many of them were 45, 50, 55 years old. They didn't know what to do. There were no other jobs around. Those were good-paying jobs, very good-paying jobs. We had TAA. I remember that I had to do battle with the Department of Labor to get the Montanans who were laid off; in this case, they were smelter workers. Finally, we got a little relief from the Department of Labor at the time when trade adjustment assistance was granted—not in very large measure, but it was granted to smelter workers particularly in Montana. You could see it was just enough to keep them from being totally despondent. Those were the early days of TAA. The retraining provisions really didn't work terribly well. But based upon my experience with TAA in Montana, I see the great need for training.

Now, clearly, the need for retraining workers who lose their jobs on account of trade is even greater than it was back then. It is much greater now for a few reasons. No. 1, the United States is much more engaged in a global economy. We are so interrelated worldwide. It is much more likely, therefore, that the actions taken by a headquarters in Tokyo, or in any other country around the world, has a direct affect on workers in the United States, and vice versa. American global companies, or multinational companies, have to compete vigorously in order to stay in existence. It is a very competitive world.

Other countries have very aggressive ways to help their companies. We know many of them are subsidized in ways that are not available in the United States. Other companies are helped by their host countries. In many ways, American companies are not helped by America. It is basically because we have much more of a free enterprise system. Our Founding Fathers came over from England years ago and wanted freedom and independence—"go West young man," and sending a man to the Moon. We are an entrepreneurial country. We like freedom. We like doing things more on our own. It is probably one of the main reasons the United States has become such a great country. That is why we are, in some respects, the biggest and strongest and wealthiest country in the world.

Global competition has been very good for the United States. I think that is probably because we are a little more entrepreneurial. We try a little harder and we are probably a little more creative. It is because of the nature of what it is to be an American. At the same time, clearly, the jobs in America are in greater jeopardy as a consequence than they were 20 or 30 years ago. It is because of this competition. You will also find that a category of jobs is in greater jeopardy today, and those are service industry jobs. Why? Because of the unbelievable advances in technology, particularly communications technology. Information is now digitized. We have much more broadband capability worldwide. So a lot of services, whether financial services, medical services, or many kinds of services, can be sent by wire or by speed of light anyplace in the world. People around the world are taking advantage of that. They are training people maybe at a lower wage, so the American jobs that otherwise were here can go overseas, and vice versa. All countries are finding that their employees are losing jobs on account of trade. All the major countries are finding that. Germany is finding that, as are France, Japan, and others.

We are also finding that we are all losing jobs due to outsourcing, offshoring. In effect, jobs are going overseas. But on a net effect, we are still creating many more jobs than we are losing.

Having said all that, the purpose of this amendment is to address one part of the competitiveness problem. That is, what do we do about the people who lose jobs through no fault of their own? Clearly, we should come up with something. The answer in this bill is trade adjustment assistance. It is expanding the current trade adjustment assistance program that applies only to manufacturing workers to also service industry workers who lose their jobs. We have heard some describe some additional provisions of this trade adjustment assistance amendment. It is attractive in some cases and has good health benefits. That is important, too, because the current trade adjustment assistance hasn't been working terribly well. One reason is because the health provisions don't work well. The lingo is the "uptake," or whatever it is. What it comes down to is, how many people who theoretically qualify for health insurance benefits under trade adjustment assistance actually take them? The answer is a very low percentage, 2 or 3 percent. It is because there are so many bureaucratic hurdles, procedural hurdles, and it is so difficult.

We made a lot of changes in this bill so that more people who lose their jobs on account of trade also are able to get not only retrained, but get health insurance benefits, where they pay 25 percent and the Government will pay the rest for a certain period of time. As we all know, when you lose your job, you often lose your health insurance. If you lose your health insurance, it is a double whammy. Not only have you lost your job, but you cannot pay the medical bills.

This throws in a lifeline and helps people who lose jobs on account of trade. As has been stated, it is totally bipartisan. We are working on both sides of the aisle. Why is it bipartisan? It is because it is that important, it makes that much common sense, and it is very much the right thing to do. I am very proud to be associated and working with the Senator from Oregon and the Senator from Minnesota. I thank them very much for their good effort.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I see my colleagues still in the Chamber. I thank the Senator from Montana and the Senator from Minnesota, especially as the Senator from Montana touched on the issue of health insurance costs for people who have been laid off in high-tech and the manufacturing sector. As we heard earlier, these are folks who are getting hit by a wrecking ball with respect to health care. They literally have nowhere to turn. Many of them are not old enough for Medicare, not poor enough for Medicaid. They don't fit into a lot of the categories—these boxes by which you get health care in our country.

So what we did in these bipartisan negotiations—and the Senator from Minnesota was particularly helpful, but I also commend the Senator from West Virginia, Mr. ROCKEFELLER, who is very much involved in this effort to get a bipartisan agreement with respect to a 75-percent allocation of the coverage—we were able to add critical benefits for spouses, which is something that was so important to help people where there was an interruption in coverage.

So what the Senator from Montana has outlined with respect to health care issues was exactly, in my view, how the Senate ought to move to deal with a very real problem but to do it in a bipartisan way. As we began those discussions, we had some folks who wanted to go even higher than the number we set out. Some people said you cannot go there at all because of the deficit.

But we made the judgment on a bipartisan basis that you could not afford not to cover these people because if, for example, as has been documented in the Finance Committee, these people cannot get coverage on an outpatient basis, what will happen again and again is they will face the need to have more extensive and much more expensive medical services. I was very glad the Senator from Montana brought up the bipartisan agreement as it related to the health care issue.

The Senator from Minnesota and the Senator from West Virginia, Mr. ROCKEFELLER, were especially helpful in the efforts led by the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, might I ask my friend a question? Is it also true that other Senators have contributed to portions of this legislation, such as Senator BINGAMAN who added a provision with respect to trade adjustment assistance on communities; is that not correct?

Mr. WYDEN. The Senator from Montana is absolutely right. A lot of Senators have been at this issue for many of years. Senator BINGAMAN's contribution with respect to community services in the health care area is very important. I heard my colleague from Oregon, Senator SMITH, talk about the health care needs of folks laid off in the high-tech and service areas. He has been supportive as well.

The Senator from Montana is absolutely right. There have been a lot of Senators who have been at it with respect to this issue. It is a bipartisan proposal, but right at the heart of that is dealing with the health care issue. Health care, as we all know, has been the toughest issue for the Senate to deal with for some time. This is an area where there has been a real breakthrough with respect to health care. It had to be bipartisan—the Senator from Montana is right—or a lot of Senators would not be involved.

Mr. BAUCUS. Might I also ask a question of my good friend from Minnesota? This amendment adds new dollars for retraining. Doesn't the Senator agree that the new jobs in the future are going to have to be, for want of a better expression, smarter jobs; that is, even someone who repairs automobiles today has to understand computers? You do not just have a wrench and a screwdriver these days to build and repair cars; you have to learn computer skills, maybe programming skills. Isn't it true, if we are going to compete in the world, that we have to spend a lot of time and effort on retraining because of the additional needs in the future, and that is another reason for supporting this amendment?

Mr. COLEMAN. Mr. President, my friend, the ranking member of the Finance Committee, is absolutely correct. We have the strongest economy in the world. The way we are going to keep that strong economy and keep moving forward is if we have the best training and the best skilled workers.

The reality is the jobs of yesterday may not be the jobs of today or tomorrow. So my friend from Montana is correct in what this amendment does. It provides opportunity for those who may be impacted by a job that may be a job of yesterday, to give them an opportunity to have a job of tomorrow to take care of their families.

I also note in response to the Senator from Oregon, Mr. WYDEN, in talking about the health insurance provisions, we are talking about a tax credit. This is a tax credit. I think that is important. I support tax credits. I think that is a very fiscally responsible way to provide opportunities.

I also note that under the existing TAA, I believe less than 5 percent of those eligible are using this tax credit. The Senate originally intended to do better than that. I was not here in 2002. I am still relatively new in this body, but I have to believe that my colleagues, when they enacted the tax credit, the health insurance provision, anticipated that more folks would take advantage of it. The reality is they have not. What we are doing here is providing an opportunity to make use of something that I believe was the intention of my colleagues.

As I noted earlier, I found it fascinating in talking with many of my colleagues about the idea that we should extend this to service workers that many of them actually presumed they were included. I think there was an intention in extending TAA 2002 to cover those impacted. What this amendment does is expand it.

I ask a question of my colleague from Oregon, and Oregon is a State known as one of the high-tech centers of this country, is it correct, as I understand, that both the Business Roundtable representing employers and the High-Tech Council have indicated their support of extending TAA to service workers?

Mr. WYDEN. The Senator is right. In addition to the bipartisan support in the Senate, there has been very significant bipartisan support in the business community. There are an awful lot of business leaders who have been looking for these kinds of ideas that the Senator from Minnesota has really touched on. This is a question of updating our law. I don't think anybody got up in the morning years ago and said: Let's be rotten to service workers. That was not what happened at all. I think people just did not really see what a critical role service and high technology were going to play in the economy. The business organizations that the Senator from Minnesota has mentioned do. They get it. They understand it is absolutely critical to not leave something like four-fifths of the workers behind.

I join with the Senator from Minnesota and commend him and thank him for his support.

Mr. COLEMAN. If the Senator will yield for another question, in addition to updating this law, would it be fair to say it would make it easier for folks to use? Today, for instance, current law makes it automatic that you get TAA if it is with a country that has an agreement with the United States. So Mexico and Canada fit into that law. As we read the papers, so many jobs we are talking about today that negatively impact workers are jobs that may be lost to China and India. Would it be fair to say in addition to updating, we make it easier for workers negatively impacted to take advantage of provisions under law?

Mr. WYDEN. The Senator is right. I think it is fair to say that the certification process today for the workers is almost a kind of bureaucratic water torture. It involves essentially a different process with different countries.

What we tried to do in our bipartisan discussions is to try to streamline the process, make it worker friendly. I think this is really going to expedite the processing, expedite the certification.

Obviously when these families are hurting—and we are talking about people who have been laid off after years and years of employment—they are on this economic tightrope trying to figure out how to balance and pay for essentials. The last thing they need to do is jump through hoop after bureaucratic hoop to get these benefits. The Senator from Minnesota is right, that is a significant improvement as well.

Nobody knows more about this subject than the Senator from Montana because he and his staff have worked on this issue at length. Streamlining is very helpful.

Mr. COLEMAN. Mr. President, again I thank the Senator from Oregon and the Senator from Montana for the opportunity I had to work with them on this amendment. I am pleased we are able to include Senator Snowe's TAA for communities bill and Senator Allen's Homestead Act that will protect dislocated workers' mortgages and their homes. Those are also included. I think it adds to the broad bipartisan support this amendment enjoys.

I thank the Chair.

Mr. WYDEN. Mr. President, at one time I had the floor. I yield at this point and again hope the Senate will support the bipartisan initiative that has involved many months of work and is critically needed in the economic challenges we face today.

I yield the floor.

The PRESIDING OFFICER (Mr. Fitzgerald). The Senator from Montana.

Mr. BAUCUS. Mr. President, we have made good progress today. The Senate has had good debate on the Harkin overtime amendment, finally. Senator Collins has proposed an amendment on manufacturing jobs credit. Senator Wyden and Senator Coleman have offered their amendment on trade adjustment assistance. I am hopeful the Senate will be able to vote in relation to these amendments tomorrow afternoon.

We are also looking forward to Senators Dorgan and Mikulski having an opportunity to offer their amendment on runaway plants tomorrow. Thereafter, we hope to continue to work through other amendments as they become available. We hope to continue to make good progress with amendments and completion of this bill on a fairly timely basis.

Again, I thank my colleagues very much for the work we have done today. We are off to a very good start.

I just feel that we are going to make our way through this bill this week. At least that is my hope. I thank my colleagues.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What is the status of the Senate at this time?

The PRESIDING OFFICER. The Harkin amendment is pending to S. 1637.

Mr. REID. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A POSITIVE PRESIDENTIAL CAMPAIGN

Mr. REID. Mr. President, I am very happy for all Nevadans today that Senator Kerry is now beginning a message of positive accomplishments in the State of Nevada. We have waited some time for this. The Democratic nominee was really selected the first part of March. During the 60 days since then, Senator Kerry has been obligated to get his campaign in order after the very difficult and hectic primary.

Of course, during this period of time there has been $70 million spent to try to define him in a way that was very negative. Senator Kerry's message beginning today is one of a very positive message. It, of course, talks about his being a combat veteran and having received a number of awards for heroism during the time he fought in the jungles of southeast Asia. Senator Kerry not only was decorated for his bravery, but some of those acts of bravery occurred during a time when he was injured.

One time when he was injured, he directed fire to protect somebody who had been knocked off his swift boat into the water, and Senator Kerry himself brought this man to safety even though Senator Kerry himself was injured at the time.

The message to the people of Nevada is that he cares about people, especially the middle class. He is a man of principle. I have served with Senator Kerry now in Congress for some 22 years. He has had extensive experience in State government. He has served the people of Massachusetts now for 30 years. I believe he is a man of integrity and that he will establish to the people of this country that he believes in a stronger America. I am very happy the message that is being pronounced today in the State of Nevada and other places in the country is one of a positive nature. I think we need that.

I hope this campaign for the Presidency of the United States can talk about the positive of each of the two men running for President. I can remember when I first ran for public office, no one would ever consider a negative campaign ad. You searched for what was in your record that you could give to the people, in my instance the State of Nevada, and sometimes as a young man it was very hard to find things because you had not had much experience. But these two men now are very mature and both should run on what they can give the American people and not try to downgrade and belittle the other. I repeat that I hope the campaign will be kept on that high basis. There is no reason it should not. The American people, I think, are tired of negative campaigning.

I see my friend is here. I had a longer statement, but I can work on that later. I don't know if the Senator is wishing to close this body this evening? I am waiting for him to do so.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

TRIBUTE TO PAT TILLMAN

Mr. McCONNELL. Mr. President, in November of 1864, when the "awful universe of battle" raged across America, President Abraham Lincoln paused to write a letter to one Mrs. Bixby, the mother of five sons serving in the Civil War.

> Dear Madame, I have been shown in the files of the War Department a statement of the Adjutant General of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle.
>
> I feel how weak and fruitless must be any words of mine that should attempt to beguile you from the grief of a loss so overwhelming.
>
> But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save.
>
> I pray our heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

In the face of tragic death, it is beyond my capacity to conceive of the words that could justify the cause of freedom.

Yet with President Lincoln's words of 140 years ago, I cannot conceive of any better words to consecrate the cause of freedom in the face of such tragedy.

As long as freedom last, these words are immortal.

Every President and every leader in the free world since who has had to call upon their soldiers to defend freedom knows of Abe Lincoln's letter to widow Bixby.

Upon hearing of the death in combat of any of our fine young men and women in uniform, all leaders of freedom have searched for the right words and likely returned to those used by the Great Emancipator almost a century and a half ago for inspiration.

Eleven days ago, another costly sacrifice was laid upon the altar of freedom.

Today the people of San Jose, CA will gather to remember one of their honored fallen.

Pat Tillman was no different than any other soldier who served. Those who survive Pat Tillman grieve no differently than the survivors of any other soldier killed in freedom's cause.

Yet Pat Tillman embodies to a Nation the honor and duty of all those who serve in uniform.

Not every soldier is like Pat Tillman, but in each soldier, we find a little of the likes of Pat Tillman.

In my home state of Kentucky, the sacrifice for freedom is real and painful with the loss of too many fine young men.

On April 7, Staff Sergeant George S. Rentschler, 31, of Louisville was lost in action with the 1st Armored Division in Baghdad.

Marine Corporal Nicholas Dieruf, 21, of Lexington was killed in action in Husaybah on April 8.

Sergeant Major Michael B. Stack, 48, of Fort Campbell, serving with the 5th Special Forces Group was lost on April 11 in the al Anbar Province.

And 1st Lieutenant Robert L. Henderson II, 33, of Alvaton, serving with the Kentucky National Guard was killed in Diwaniyah on April 17.

Each of these heroes volunteered knowing that one day they might be called upon for the ultimate sacrifice for freedom.

Like Sergeant Rentschler, Corporal Dieruf, Sergeant Major Stack and Lieutenant Henderson, Pat Tillman heard the call and paid the sacrifice.

With our fallen Kentucky natives, he joins that band of brothers, that noble breed of volunteer militia who so long ago picked up the musket so that freedom might find one sanctuary here on Earth.

Where his forefathers put down their hoe in a cornfield, he put down his helmet on a football field and walked onto the battlefield of freedom.

In dedicating the final resting place of those who died at Gettysburg, President Lincoln stated

> But in a large sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract.

President Lincoln concluded:

> It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave their last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.

Mr. President, the sacrifice of Pat Tillman—like all those who serve and perish in our Nation's duty, has consecrated the cause of freedom far greater than our words could ever do.

From the last full measure of devotion he gave for a new birth of freedom, it is we who must dedicate ourselves to the unfinished business of government of the people, by the people, and for the people.

THE PROPER ROLE OF THE UNITED NATIONS IN IRAQ

Mr. McCONNELL. Mr. President, for many months the President's critics have asserted the situation in Iraq would improve if only the administration would cede control over the reconstruction and democratization of Iraq to the United Nations.

While the presumptive Democratic nominee, Senator Kerry, has yet to offer a detailed plan for Iraq, he has made it abundantly clear it involves transferring a significant measure of authority to the U.N. In fact, on December 3rd of last year, he noted:

> Our best option for success is to go back to the United Nations and leave no doubt that we are prepared to put the United Nations in charge of the reconstruction and governance-building processes. I believe the prospects for success on the ground will be far greater if Ambassador Bremer and the Coalition Provisional Authority are replaced by a U.N. Special Representative for Iraq.

The U.N. is an immensely valuable organization, and America's significant contributions to the U.N. are a worthwhile investment. The U.N. is often the only entity that can bring international humanitarian relief to needy and impoverished societies across the globe, and its employees and volunteers deserve the highest praise for their selfless acts to bring comfort to the downtrodden.

When civil authorities in dysfunctional states collapse, the U.N. has sometimes averted humanitarian disaster. It can bring relief to failed states in isolated backwaters of the world where the major powers are unlikely to intervene themselves.

The U.N. in such cases plays a critical role and deserves our support for its important efforts. But the United Nations is not a blue-helmeted knight here to slay the dragons of aggression and evil. When the stakes are high and the threat of violence is real, the United States is too often helpless in the face of danger.

Before I turn my attention to the specific reason that Americans should be wary of abandoning Iraq to the United Nations, let me dispel a myth about the administration's foreign policy.

The President's critics often refer to America's efforts in Iraq as unilateralist. This politically expedient fix is an insult to the thousands of men and women from the 30-plus countries who are risking their lives to bring peace and democracy to the people of Iraq. If the President's critics still believe his policy to be a go-it-alone approach, let them repeat that assertion to the families of the Italian, Spanish, Polish, British, Danish, Ukrainian, Bulgarian, Thai, Estonian, South Korean, Japanese, and Salvadoran soldiers and aid workers who have given their lives in Iraq.

Some say United Nations oversight in Iraq would confer legitimacy to the coalition's occupation and reconstruction of that country. I find that hard to believe. Given its role in sustaining the Saddam Hussein regime via the alleged mismanagement of the Oil for Food Program and the refusal to enforce its own resolutions, the United Nations is not in a position to lend legitimacy to a free Iraq. In fact, I think it could be argued it would take away legitimacy from a free Iraq. The only thing that can confer legitimacy in Iraq is a series of national elections. However, these elections must not occur too soon as democracy cannot be turned on at the flip of a switch. But they will come in due time. If we stay the course, by December of next year the Iraqis will likely elect the most representative government in the Arab world.

I might say to put that in context it was 12 years between the Declaration of Independence and the United States Constitution being adopted.

So the Iraqis will have gone from liberation to election in under 1,000 days and even though we have 24-hour television these days, that is still a remarkably fast evolution from dictatorship, brutal dictatorship to representative government.

The Oil for Food scandal highlights another reason we should not rush to put the United Nations in charge of Iraq's reconstruction. Although we do not yet know the full story, we can draw some initial lessons.

First, an organization that apparently so mismanaged the Oil for Food Program cannot be trusted to manage a $34 billion budget for Iraqi reconstruction.

Second, the alleged corruption of some United Nations officials and member states raises a serious concern about the U.N.'s commitment to its stated mission. Instead of sanctioning Saddam Hussein's regime, a number of United Nations officials and foreign diplomats may have used the Oil for Food Program as a slush fund to enrich themselves while allowing profits and goods to be diverted away from needy Iraqis and toward the Saddam Hussein regime.

Free Iraqis have ample reason to be wary of entrusting their future to those who allegedly had no qualms about doing illicit business with their oppressor.

United Nations control will not stop the violence in Iraq. Quite frankly, the United Nations is not capable of managing the security situation in Iraq. Terrorists do not respect blue-helmeted peacekeepers because the U.N. has proven itself to lack either the firepower or the will to quell violent uprisings. In Somalia, when Aidid's thugs took to the streets, United Nations peacekeepers stayed in camp while American troops fought to restore order.

How can we expect United Nations forces that fled from Somalia's untrained gangs to confront the professional fedayeen and suicidal radicals behind this insurgency in Iraq? Few seriously believe the U.N. can be trusted to provide security for the Iraqi people. Indeed, the United Nations has demonstrated its inability to provide security even for itself. The U.N.'s own scathing report on the bombing of its headquarters in Baghdad last summer documented the culture of complacency and poor planning within the U.N.'s security forces. The United Nations has already cut and run in Iraq in the wake of the August bombings of its headquarters. How can the Iraqis trust the U.N. not to abandon them yet again to the lawless insurgents who seek to derail the democratic process?

There is a further problem subjugating American foreign policy authority to the United Nations Security Council. The veto-wielding permanent members of the security council were chosen because they were simply the world's major powers at the time the United Nations was established. It therefore does not accurately reflect the distribution of world power today, and its composition discriminates against the current major powers that share principles of democracy and of freedom.

For example, Communist China is a permanent member, but democratic Japan, the world's second largest economy, is not. Newly democratic Russia is a member, but neither Canada nor Spain, democracies with twice the size of Russia's economy, is a member; nor is Italy, with an economy four times as large as that of Russia; nor is India, the world's largest democracy.

Even France, although democratic, often has different strategic and political interests than the United States. As evidenced by the Oil for Food scandal, it is possible that France, sometimes a more zealous competitor than an ally, had a significant financial stake in the continuation of the Saddam Hussein regime.

When the security council deliberates, there are often too many cooks in the kitchen and all of them have different tastes.

If the United Nations takes a larger role in Iraq, so too will the general assembly. I am not convinced that will be a good thing. There are, to be sure, responsible nations in the general assembly but, frankly, they are few and very far between.

The irony that so many authoritarian regimes are represented in such a democratic body is often lost on American politicians who so desperately seek approval of our foreign policy from this very body. The general assembly, in fact, provides funds for despotic member states to pour sand onto the clogs of international peace and stability. These regimes are unremittingly hostile to the United States and to democracy, and they will continue to exploit their authority at the U.N. to halt freedom's progress.

Sudan, Syria, and Iran did not oppose the liberation of Iraq because they wanted to peacefully resolve the growing international crisis. They opposed the war because they didn't want to see a precedent whereby their own tyrannies could be undermined.

The ability of rogue states to thwart the U.N.'s efforts to do the right thing is exemplified by the United Nations Human Rights Commission whose members include—listen to this, the United Nations Human Rights Commission whose members include Cuba, China, Pakistan, Saudi Arabia, and Sudan, among others.

Joanna Weschler of Human Rights Watch has called the commission a rogue's gallery of human rights abusers—that is the Commission on Human Rights at the United Nations—and correctly poted "an abusive country cannot honestly pass judgment on other abusive countries."

So does Senator KERRY really want to give these nations a say in Iraq's future? Does he expect them to share America's interest in a free and stable Iraq, even though a democratic Iraq would undermine their own authoritarian rule? Why do some American politicians want the fox to guard the henhouse?

If the President's critics still believe that authority in Iraq should be transferred to the U.N., then we should have waited for the United Nations' approval before liberating Iraq. Let them explain to the American people why they have such trust in the UN.

Let them explain why China, France, or Russia deserves a veto over U.S. foreign policy.

Let them explain why the very countries that allegedly negotiated clandestine oil leases with Saddam Hussein deserve a say in the reconstruction of Iraq.

Let them explain how an organization that cannot manage its own finances deserves to manage those of the Iraqis.

Let them explain why an organization that cannot provide for its own security should be entrusted with stabilizing Iraq. There are many things the United Nations can do well, but I don't believe managing Iraq's fragile transition to democracy is one of them. I wish the United Nations could be helpful on issues that are critical to American security, but it is unsuited to that mission.

I support the United Nations. I hope it can reform itself and prevent the worst abusers of human rights from sabotaging its laudable efforts to protect the rights and dignity of mankind. I want the United Nations to play a role in Iraq's reconstruction, and I hope it will send humanitarian teams and election monitors to assist in building democracy on the ruins of tyranny.

But the United Nations is not a collective security organization, and it cannot replace America as a defender of liberty and democracy in conflicts that are important to American security because too many of its Members share neither our principles nor our interests.

Entrusting democracy in Iraq to the blue-helmeted bureaucrats at the United Nations is not a plan, it is a fantasy.

Mr. REID. If the Senator will yield the floor for me to make a couple of statements.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. First of all, Mr. President, the quote the Senator from Kentucky gave of Abraham Lincoln is one of my favorites. I have a little book called "A Book of 100 Poems." In that book, in addition to the poem, is the letter President Lincoln wrote to Mrs. Bixby. It is not a poem but is as beautiful as any poem written.

I have, over the years, taken those words, "assuage the anguish of your bereavement" and I have used that phrase in letters that I write to many people who have suffered deaths in their families.

I say to my friend from Kentucky, that is a beautiful letter that President Lincoln wrote. In my "Book of 100 Poems," the letter is copied that he wrote in hand to Mrs. Bixby.

I appreciate the Senator reading that most magnificent letter, the words of President Lincoln.

Of course, talking about Pat Tillman makes everyone understand a little better the sacrifices being made in Iraq.

In response to my friend from Kentucky, the distinguished assistant Republican leader, in the first war, I voted for it. I was the first Democrat to announce it publicly. For the first President Bush's excursion into Iraq, over 90 percent of the costs of that war were borne by other countries. The casualties were not all U.S. casualties in that first war.

In this war, more than 90 percent of the costs of the war are borne by American taxpayers. More than 95 percent of the casualties in Iraq are Americans. That number is now approaching 800. Twenty-one Americans were killed on Saturday and Sunday in Iraq.

My friend, the senior Senator from Kentucky, talks disparagingly—whether he means to or not—about the United Nations. The President cannot have it both ways. At his press conference he was asked what his plan was. He said he was waiting to hear from the envoy of the United Nations in Iraq. He and his administration continually refers to Brahimi as a person who is beginning to bring some degree of stability to the plan.

The reason the President answered the question that way is the United Nations brings some sense of legitimacy to what is going on there. More importantly than that, if the plan goes forward as some anticipate, there would be others coming to help. It would take the burden off of the U.S. taxpayer and especially the men and women of our armed services.

We are bearing a tremendous burden, not only with our Regular Army, Navy, and Air Force but with our Reserve Forces, a tremendous burden on our Reserve and Guard. Those, including the President, obviously, who refer to Mr. Brahimi are thinking about the need to cut some slack there to the United States.

The United Nations is an organization we helped create. We are the largest donor to that organization. It is an imperfect organization, I would be the first to recognize that. However, it must play a role. It is one of the only ways that I can see that we can move forward with more of the support of the American people, which is being lost.

I voted for the resolution to go to Iraq the first time—you have already heard me say that—and the second time. We cannot cut and run in Iraq. We have to do what we have to do to bring stability to that very unstable part of the world.

However, let's not run down the United Nations. We need them to help bring in others so we do not bear 95 percent of the casualties and more than 90 percent of the costs of what is going on there. There are other countries there and I appreciate them being there, but as far as numbers of troops, we have 135,000 troops; the British have 10,000. The next largest contingency of troops we have is hired security guards. We need to do better than what we are doing in Iraq. This is not in any way to take away from the valor of the men and women serving in that country.

Just last night, somebody lobbed a mortar shell into a military compound there. The soldiers are running around thinking that is all of it and in comes another one and kills five or six of them. These soldiers, these servicemen of ours serving in Iraq, every minute of every day are fearing for their lives, whether they are carrying a gun or driving a truck. We need to have this matter resolved in a way that is not happening now.

I cannot give a blueprint of what needs to be done, but I am grateful the President is recognizing Mr. Brahimi can do some good there. That may not be the only answer, but it is an answer. I hope we can move forward in this matter and bring peace and stability to an area that needs it. I recognize if we could bring peace and stability to Iraq, it would help the whole Middle East. If we could help establish a democracy in Iraq, it would add to the democracy we already have in that area, Israel. It could set a system where other countries would have to focus on how they treat their people. I am all in favor of our bringing about a better situation in Iraq than certainly existed under the regime of Saddam Hussein.

I appreciate the comments of my colleague from Kentucky. I know his heart is in the right place. Hopefully, we can join in moving forward on this most important issue.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I had not come to the floor to debate my good friend from Nevada, but let me add a couple of words before we adjourn.

I certainly agree with him, we need more forces in Iraq. Where they need to come from is from the Iraqi people. General Petraeus, the Commander of the famed 101st Airborne who took that unit into Iraq and stationed it in northern Iraq around Mosul for about a year, has now been given his next assignment. His next assignment is to go back to Iraq—and he is there now—to help the Iraqi people develop a military that can deal with the threat.

In the end, the area will be secure only if the Iraqi military and Iraqi police have both the skill and the desire to protect their country from these terrorists.

So, far from hoping we will get additional troops from around the world, even though we have 20,000 troops there from other countries now, the key to additional military in Iraq is in Iraq itself—Iraqi soldiers, well trained, fighting for their own country. And that training is well underway under the skilled leadership of General Petraeus.

With regard to the U.N., I readily concede there are a few things they can do well. They can put on elections. They can hand out humanitarian aid. But they do not have an army. And they are discredited in Iraq because of their involvement in the oil-for-food scandal which robbed Iraqis, for 10 years, of the opportunity to eat while this deal was enriching Saddam Hussein and his henchmen.

So the U.N. does not have a great reputation in Iraq, with good reason. We hope the U.N. will be able to play a useful role in moving Iraq from where it is today to a representative government, where it will be by the end of 2005.

SPACE DAY 2004

Mr. REID. Mr. President, I rise today to congratulate Mervin Iverson Elementary School's Erin Berkey, Sarah Boyer, and Carissa Buckley on their selection as one of the 18 Stellar Design Challenges teams for Space Day 2004. I also want to recognize their teacher Katheryn Grimes for her strong instruction and guidance of the student team.

Space Day is an international celebration of the accomplishments and opportunities of space exploration aimed at promoting student interest in math, science, and technology. It reaches hundreds of thousands of teachers and millions of students around the world.

Developed by the Challenger Center for Space Science Education, Design Challenges is a national competition that encourages students to create innovative solutions to the challenges of space exploration. The 18 Stellar Design Challenges teams were selected from more than 300 teams who participated in the competition.

The Iverson Elementary School team designed a tool to help explorers on Europa, one of Jupiter's moons. The tool is designed to drill into ice ridges on Europa that have already been discovered by the NASA spacecraft Galileo.

The remotely operated tool would also collect samples of ice and water, analyze their chemical compositions, measure temperatures of the surface ice and hypothesized ocean water underneath, and relay this data back to Earth. The team's project included scale drawings of the tool, and a science fiction story highlighting the tool being used by explorers on Europa.

As a Stellar Design Challenges Team, the Iverson students will attend the national Space Day 2004 ceremony and meet former Senator John Glenn and NASA Administrator Sean O'Keefe. They will also have the opportunity to share their knowledge by displaying their project to more than 1,200 sixth graders in the Washington, DC, area on Space Day.

Their efforts reflect a lot of hard work, dedication and creativity as well as Iverson Elementary School's strong commitment to academic excellence. Please join me in congratulating Iverson Elementary School and its Stellar Design Challenges team on their impressive accomplishment.

100TH ANNIVERSARY OF THE AMERICAN LUNG ASSOCIATION

Mr. REID. Mr. President, I congratulate the American Lung Association as it celebrates its centennial year.

The American Lung Association, established in 1904 as the National Association for the Study and Prevention of Tuberculosis, was the first nationwide, voluntary health organization aimed at conquering a specific disease.

While still committed to its initial cause, the Lung Association has expanded its research, education, and advocacy to combat other challenges to the respiratory health of the American people.

In the 1950s, the ALA realized that it was becoming increasingly difficult to concentrate on the eradication of tuberculosis without paying attention to other related illnesses. So it expanded its program goals to include the elimination of all forms of lung disease and their causes.

In 1960, long before the dangers of smoking were understood, the ALA established a link between cigarette smoking and lung cancer. It subsequently began an aggressive campaign to educate the public—especially young people and those with chronic respiratory disease—about the hazards of cigarette smoking.

In the 1970s, the ALA sought to reduce the harmful effects of air pollution and played a major role in the adoption of the landmark Clean Air Act.

More recently, the ALA has partnered with schools to provide education programs for children with asthma and public information campaigns to prevent smoking among America's youth.

Today, more than 35 million Americans are living with chronic lung disease, and every year, close to 344,000 Americans die of lung disease, making it the Nation's No. 3 killer.

In Nevada, which has one of the highest rates of lung cancer in the Nation, nearly 1,300 people died of the disease last year, and another 1,500 new cases were diagnosed. These numbers underscore the importance of the ALA's goal of a world free of lung disease.

I salute the thousands of volunteers and staff of the American Lung Association for their tireless work in fighting lung disease over the last century, and extend my best wishes for a successful future.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Christopher Hutcherson of Biloxi is accused of capital murder in the January stabbing death of John Brown Smith III, 39, of Fort Walton Beach, FL. A detective testified that Hutcherson told investigators that he stabbed Smith because the retired military man made sexual advances while holding a gun on him. The detective said Smith and Hutcerson were at an adult video arcade, known as a gay pick-up place, the morning of the killing. Hutcherson told investigators that he left the video store and went to Smith's nearby hotel room. The two men drank alcohol before leaving the hotel in Smith's pickup. Smith's body was later found on the rural road by a passerby.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

20TH ANNIVERSARY OF PUBLIC SERVICE RECOGNITION WEEK

• Mr. AKAKA. Mr. President, today marks the beginning of Public Service Recognition Week, which has been celebrated annually since 1985. It is a time in which we honor the hundreds of thousands of public servants who perform the essential services that Americans depend on every day.

This year marks the 20th anniversary of this event, and I thank my colleagues for their support in passing, under unanimous consent, legislation I introduced to commend public servants for their dedication and continued service to the Nation during Public Service Recognition Week. The resolution, which was cosponsored by the leadership of the Senate Governmental Affairs Committee, Senators COLLINS, LIEBERMAN, FITZGERALD, DURBIN, VOINOVICH, LEVIN, and COLEMAN, as well as Senator MURRAY, the ranking member of the Transportation, Treasury, and General Government Appropriations Subcommittee, was introduced on April 8, 2004.

Public Service Recognition Week provides us with an opportunity to acknowledge the work that public servants perform and their commitment to community and country. The work they do affects all of us. Public servants include teachers, members of the Armed Forces, civilian defense workers, postal employees, food inspectors, law enforcement officers, firemen, social workers, crossing guards, and road engineers.

These men and women are the backbone of what makes America great. They deserve our respect and gratitude; and yet for too long, public servants have not been given the recognition they deserve. We must do all we can to foster a better understanding of public service among all Americans and promote public service as an option for young people. As a former educator, I believe it is time to call on a new generation of Americans to consider public service, which is why I am pleased that some schools are now requiring a period of public service in order to graduate.

The Federal Government should be viewed as an employer of choice, not as a safe harbor in times of economic weakness. But to attract, retain, and train the best and the brightest, Federal agencies must have adequate funding for Federal employee incentive programs, such as the repayment of student loans. I call on my colleagues to ensure that Congress plays an active role in supporting the Federal workforce. Eliminating funding for these programs does not benefit Federal employees or the ultimate end user: the American taxpayer.

In closing, I wish to pay particular attention to the men and women who serve in our Armed Forces and the civilian employees who support military missions. All are key to the security and defense of our Nation. From the war against terrorism to the ongoing conflict in Iraq, our military and civilian support staff show courage in the face of adversity. As with the country's Armed Forces, Federal employees are ready, willing, and able to make the world safe.

As we begin Public Service Recognition Week, I ask my colleagues to join me in saluting our Nation's public servants and thanking them for the jobs they do.●

NATIONAL TIRE SAFETY WEEK

● Mr. DEWINE. Mr. President, today I wish to talk about tire safety. Just last week, we recognized National Tire Safety Week. Now in its third year, National Tire Safety Week is sponsored by the Rubber Manufacturers Association, and supported by numerous other organizations, to help educate consumers about the importance of tire safety.

Combined with safer roads and more responsible drivers, improved vehicle safety is essential to help reduce the tragic number of motor vehicle injuries and fatalities that occur each year. Tire pressure and tread depth are critical safety components of any automobile. Under-inflated tires and worn or damaged tread can cause tire blowouts and hydroplaning—both of which can lead to devastating accidents on our highways. The Rubber Manufacturers Association estimates that only 15 percent of drivers properly check their tire pressure, and only 30 percent of all drivers know how to tell when their tires are "bald." Tire safety week is an important means to improve these numbers.

The goal of National Tire Safety Week is to raise public awareness of tire safety and provide consumers with simple, common sense, and inexpensive ways to help increase the safety of their tires and vehicles. Consumers can greatly maximize the safety of their vehicles by properly checking tire pressure, maintaining proper alignment and rotation of their tires, and replacing worn tires. These simple procedures can greatly reduce an individual's risk of a motor vehicle accident—and in some cases, save lives.

I thank the Rubber Manufacturers Association, as well as tire and auto service dealers and innovators in the tire safety community for participating in this important week and for their sustained effort to increase automobile safety. I also encourage them to continue their significant progress on the development of safer tires and improved consumer awareness. Working together, we can all enhance tire safety and save lives.●

WE THE PEOPLE CIVIC EDUCATION PROGRAM

● Mr. DODD. Mr. President, today, and over the weekend, more than 1,200 students from across the United States came to Washington to take part in the national finals of "We the People: The Citizen and the Constitution," the most extensive educational program in the country developed to educate our youth about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education through the No Child Left behind Act, passed into law just 2 years ago.

I am proud to announce that a group of students from Trumbull, CT are in our Nation's Capital to represent my home State in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to Washington and compete at the national level.

Modeled after hearings in Congress, the "We the People National Finals Competition" gives students an opportunity to demonstrate their knowledge of the Constitution and Bill of Rights before a panel of adult judges. Students evaluate, take and defend constitutional positions on relevant historical and contemporary issues, and are subject to a barrage of questions designed to further probe their depth of understanding as it relates to our "founding documents."

Last year, Russell Berg, a student from Trumbull, testified at a Congressional hearing on civic education mentioning his participation in the "We the People" program. Russell said that civic education "is the key to comprehending, appreciating and eventually participating in our democratic process." I could not think of a greater endorsement for civic education in our schools. Clearly, an understanding of history and civics is critical to our ability as a nation to continue as a thriving, functioning democracy.

Our Constitution is a great document, but it is neither a simple nor self-implementing one. For it to work, it requires an educated populace, and a populace that understands that American citizenship brings with it both great benefits and great responsibility. If we want to ensure that our society remains faithful to democracy, and its underlying ideals, we must teach our children what those ideals are. "We the People" does just that.

I applaud the achievements of all the students who qualified for this year's competition and all of those students who participated in local and State rounds of competition. We should all be proud that these students are learning and advocating the fundamental ideals that identify us as a people and bind us together as a nation.●

HONORING THE LIFE OF JEREMIAH GUMBS

● Mr. JOHNSON. Mr. President, I rise today to publicly pay tribute to Jeremiah Gumbs. Jeremiah Gumbs was a patriot of both the United States and Anguilla, West Indies. Gumbs served in the U.S. Army in World War II and was a successful businessman in New Jersey, owning Gumbs Fuelers. He went back to his native Anguilla, opened a popular resort on beautiful Rendezvous Bay, and helped Anguilla become less dependent on Britain. Jeremiah and his wife Lydia educated their four children in the U.S.

I am pleased to submit for the RECORD, Jeremiah Gumbs obituary of his remarkable life, which appeared in the New York Times on April 10, 2004:

Jeremiah Gumbs, a hotel keeper who became a hero in Anguilla when that sliver of sand upended Britain's postcolonial design for the Caribbean islands known as the Lesser Antilles, died there on Thursday, his family announced. He was 91.

Mr. Gumbs, an institution on an island that today has a population of 12,000 people, reached a world audience in 1967 when he went before the United Nations with the islanders' objections to a British plan that lumped Anguilla's 35 square miles into a self-governing state, St. Kitts-Nevis-Anguilla, associated with Britain.

Considering the 70 miles of blue waters between Anguilla, the northernmost of the Leeward Islands, and the new authorities in St. Kitts, not to mention the many different flags that flew on the islands in between, such as St. Martin and St. Barthelemy, the Anguillans balked.

"After 300 years of neglect as a British Colony," Mr. Gumbs told the United Nations, "the people feel they are able to take care of their own affairs." Indeed, he said Anguillans wanted independence.

The people of Anguilla voted for it, 1,813 to 5, but Britain did not recognize either the referendum or Mr. Gumbs as a leader of the secessionist movement. But a special United Nations subcommittee on colonialism listened to his formal arguments for Anguilla.

It was a "natural paradise," Mr. Gumbs said of the island, but had been left undeveloped under British rule, without running water, electricity, phones, or a decent road. A new highway, built with European aid, has recently been named for Mr. Gumbs.

The British protested United Nations involvement, while other Caribbean commonwealth islands sought to mediate.

Britain asserted that the island was "completely dominated by a gangster-type element," referring to Mr. Gumbs and the chosen leader of the rebellion, James Ronald Webster. It sent a troop of London's Metropolitan Police force to keep order and stop the secession movement.

But efforts to patch the link to St. Kitts failed. In the end, Anguilla got part of what it wanted, becoming a self-governing British dependent territory with its own elected officials, an arrangement codified in 1971 and brought up to date with Anguilla's new constitution in 1982.

Jeremiah Gumbs was born in Anguilla, the youngest of nine children; his mother was a baker and his father, a fisherman. He started school in Anguilla, but economic hardship drove him as a boy to work the cane fields in the Dominican Republic. Starting at age 15, he worked for 2 years in oil refineries in Aruba and Curacao before returning to Anguilla to teach himself tailoring.

At age 25, he went to live with a sister in Brooklyn and took night classes at City College on a scholarship. He hoped to become a dentist, but was drafted into the Army in 1941 and was given American citizenship at the time.

After the war, he married Lydia Gibbs of Perth Amboy, NJ, and, using his G.I. bill money, trained as a furnace installer. He started his own company in Perth Amboy, Gumbs Fuelers, and made a success of it.

When he took Lydia to show her Anguilla, it was she who planted the idea for another venture-tourism on the island's untouched beaches. They bought 14 acres, later doubling the amount, and in 1959 started building Anguilla's first beach resort with their own hands.

They rented the first rooms in 1962, opening what has become the Rendezvous Bay Hotel and Villas, a cornerstone of the island's growing tourism industry. As a businessman with local roots and a civic leader acquainted with the ways of the world, Jeremiah Gumbs became a natural choice to serve as the island's roving ambassador during the Anguillan revolution of 1967–1969.

He managed the hotel until about 5 years ago and remained a jovial host after that. Lydia Gumbs died about 3 years ago. Jeremiah Gumbs is survived by three sons, J. Alan, the managing director and owner of the Rendezvous Bay; Clyde, of Atlanta; and Duane, of Edison, NJ; a daughter, Una, of Edison and Anguilla; and seven grandchildren.

It is my honor to share Jeremiah Gumbs impressive life with my colleagues.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on April 30, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 1904. An act to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse".

S. 2043. An act to designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building".

H.R. 4219. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Under the authority of the order of January 7, 2003, the enrolled bills were signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on April 30, 2004.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar.

H.R. 4181. To amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 2370. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 30, 2004, she had presented to the President of the United States the following enrolled bills:

S. 1904. an act to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse".

S. 2043. An act to designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7296. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Establishment of Special Purpose Shipping Regulations and Modifications of Reporting Requirements" (Doc. No. FV04–956–1) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7297. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Orders—Interim Orders" (Doc. No. AO–14–A72) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7298. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California; Order Regulating Handling" (Doc. No. AO–F&V–983–2) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7299. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in the States of Massachusetts, et al.; Order Amending Marketing Agreement and Order No. 929" (Doc. No. AO–341–46) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7300. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Doc. No. FV04–916/917–02) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7301. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Decreased Assessment Rate" (Doc. No. FV04–981–1) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7302. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2003–04 Crop Natural (sun-dried) Seedless Raisins" (Doc. No. FV04–989–1) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7303. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Establishment or Reporting Requirements" (Doc. No. FV0–925–1) received on April 29 , 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7304. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melons Grown in South Texas; Increased Assessment Rate" (Doc. No. FV04–

979-1) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7305. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense for Acquisition and Technology, received on April 29, 2004; to the Committee on Armed Services.

EC-7306. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Navy, Department of Defense, received on April 29, 2004; to the Committee on Armed Services.

EC-7307. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Evolved Launch Vehicle major defense acquisition program; to the Committee on Armed Services.

EC-7308. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-7309. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-7310. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act" (RIN3084-AA74) received on April 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7311. A communication from the Chief Counsel, St. Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135-AA19) received on April 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7312. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Confidential Business Information" (RIN2127-AJ24) received on April 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7313. A communication from the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technology Opportunities Program" received on April 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7314. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notice of Guideline Harvest Level for the Guided Sport Halibut Fishery" received on April 29, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7315. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Agreements and Candidate Conservation Agreements with Assurances; Revisions to the Regulations" (RIN1018-AI85) received on April 29, 2004; to the Committee on Energy and Natural Resources.

EC-7316. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Relief or Reduction in Royalty Rates—Deep Gas Provisions" (RIN101-AD01) received on April 29, 2004; to the Committee on Energy and Natural Resources.

EC-7317. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Procurement Guideline IV for Procurement of Products Containing Recovered Materials" (FRL#7655-2) received on April 29, 2004; to the Committee on Environment and Public Works.

EC-7318. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Educational Outreach and Baseline Assessment of Existing Exposure and Risks of Exposure to Lead Poisoning of Tribal Children; Notice of Funds Availability" (FRL#7351-5) received on April 29, 2004; to the Committee on Environment and Public Works.

EC-7319. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Health and Safety Data Reporting; Addition of Certain Chemicals" (FRL#7322-8) received on April 29, 2004; to the Committee on Environment and Public Works.

EC-7320. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Stock Basis After a Group Structure Change" (RIN1545-BC28) received on April 29, 2004; to the Committee on Finance.

EC-7321. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture and export of defense articles or defense services sold commercially under a contract in the amount of $25,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-7322. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Neurological Devices; Technical Amendment" received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7323. A communication from the Director, Regulations Policy and Management Staff, transmitting, pursuant to law, the report of a rule entitled "Biological Products; Bacterial Vaccines Toxoids; Implementation of Efficacy Review; Correction" (Doc. No. 1980N-0208) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7324. A communication from the Director, Regulations Policy and Management Staff, transmitting, pursuant to law, the report of a rule entitled "Medical Devices: Cardiovascular Devices: Reclassification of Arrhythmia Detector and Alarm; Correction" (Doc. No. 1980N-0208) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 2375. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. ALLEN, Mr. BUNNING, Mr. CORNYN, Mr. CRAPO, Mr. DURBIN, Mr. FITZGERALD, Mr. HATCH, Mr. LOTT, Mr. MILLER, Mr. ROBERTS, Mr. SPECTER, Mr. ENSIGN, Mr. COCHRAN, Mr. SESSIONS, Mr. BURNS, Mr. BYRD, Mr. ALEXANDER, Mr. DOMENICI, Mr. LEVIN, and Mr. SANTORUM):

S. Res. 348. A resolution to protect, promote, and celebrate motherhood; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Con. Res. 102. A concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUYE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 976

At the request of Mr. WARNER, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1381

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1773

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1773, a bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes.

S. 1889

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1889, a bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23 with an enhanced matching rate.

S. 1909

At the request of Mr. COCHRAN, the names of the Senator from California (Mrs. BOXER), the Senator from Kentucky (Mr. BUNNING), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2065

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2065, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 2166

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2166, a bill to amend title 10, United States Code, to exempt abortions of pregnancies in cases of rape and incest from a limitation on use of Department of Defense funds.

S. 2192

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2192, a bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2212

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2212, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 2237

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2237, a bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. COLLINS), the Senator from Alaska (Mr. STEVENS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2309

At the request of Mr. DORGAN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2309, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists.

S. 2311

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2311, a bill to provide for various energy efficiency programs and tax incentives, and for other purposes.

S. 2321

At the request of Mr. BYRD, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S.J. RES. 30

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES. 34

At the request of Mrs. DOLE, her name was added as a cosponsor of S.J. Res. 34, a joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S.J. Res. 36, supra.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Indiana (Mr. LUGAR) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. CON. RES. 100

At the request of Mr. ALEXANDER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Con. Res. 100, a concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. RES. 198

At the request of Mr. BROWNBACK, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 198, a resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

AMENDMENT NO. 2649

At the request of Mr. BAYH, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 2649 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2375. a bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation to allow penalty-free withdrawals from retirement plans during the period that a military reservist or a National Guardsman is called to active duty. Specifically, the provision would allow individuals who are called to active duty for at least 179 days between September 11, 2001, and September 15, 2005, to avoid the 10-percent penalty tax that is normally imposed on early distributions.

This bill passed the House of Representatives by unanimous consent late last month, and it is my hope that this important and appropriate legislation will receive the same resounding support by my colleagues in the Senate.

Nearly 3,000 reservists and Guard members from my home State of Utah have been called to active duty and are currently stationed in the Persian Gulf and Afghanistan. I believe it is safe to say that when many of these brave young men and women were informed by their commanding officers they would be placed on full-time active duty, they were not only concerned with the extended time period they would be called away from their families, but also with the reality that by temporarily leaving behind their full-time civilian jobs, many of them would leave behind a higher paycheck. Many reservists are suddenly faced with the prospect that their income may no longer cover all of the expenses for themselves and their families.

Some may say that allowing reservists to make withdrawals from their retirement accounts without incurring a penalty is too small a step and not worthy of our time. But to many reservists and Guard members, these retirement accounts can be a significant resource in helping to alleviate some of their financial stress. Providing our soldiers with an additional option to support their families certainly seems like a worthwhile cause to me.

The cost of this bill to the U.S. Treasury is estimated to be only $4 million over 10 years. I think we can all agree this cost is minimal considering the tremendous sacrifices that our reservists, Guard members, and their families are making each day. In addition, there is a provision in this bill that would allow our soldiers to repay any amount withdrawn, without penalty, for 2 years after leaving active duty.

There is no doubt that there are many additional much needed improvements to our policies that each of us must work together towards to ensure the financial peace of mind for our Guard and Reserve members and their families. It is imperative for each of us to give our soldiers not only all of the tools, armor, and technology to fight those who seek to destroy peace, but we must also do everything within our power to give our soldiers every appropriate resource to make it easier to care for their loved ones they have left behind.

I urge my colleagues to give serious consideration to this bill, and it is my hope that it can be passed by unanimous consent. I am confident that President Bush would have no hesitation in signing this important bill into law, if we can pass it in the Senate and send it to him.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 348—TO PROTECT, PROMOTE, AND CELEBRATE MOTHERHOOD

Mr. BROWNBACK (for himself, Mr. ALLEN, Mr. BUNNING, Mr. CORNYN, Mr. CRAPO, Mr. DURBIN, Mr. FITZGERALD, Mr. HATCH, Mr. LOTT, Mr. MILLER, Mr. ROBERTS, Mr. SPECTER, Mr. ENSIGN, Mr. COCHRAN, Mr. SESSIONS, Mr. BURNS, Mr. BYRD, Mr. ALEXANDER, Mr. DOMENICI, Mr. LEVIN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 348

Whereas the second Sunday of May is observed as Mother's Day;

Whereas motherhood and childhood are entitled to special assistance;

Whereas mothers have a unique bond with their children;

Whereas the work of mothers is of paramount importance, but often undervalued and demeaned;

Whereas mothers' concerns about their children and their education should be supported by the national agenda;

Whereas a child's healthy relationship with the mother predicts higher self-esteem and resiliency in dealing with life events;

Whereas the complementary roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas mothers have an indispensable role in building and transforming society to build a culture of life; and

Whereas mothers along with their husbands, form an emotional template for a child's future relationships: Now therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of mothers to a healthy society; and

(2) calls on the people of the United States to observe Mother's Day by considering how society can better respect and support motherhood.

SENATE CONCURRENT RESOLUTION 102—TO EXPRESS THE SENSE OF THE CONGRESS REGARDING THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN v. BOARD OF EDUCATION OF TOPEKA

Mr. BROWNBACK (for himself and Mr. Roberts) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 102

Whereas Oliver L. Brown is the namesake of the landmark United States Supreme Court decision of 1954, Brown v. Board of Education (347 U.S. 483, 1954);

Whereas Oliver L. Brown is honored as the lead plaintiff in the Topeka, Kansas case which posed a legal challenge to racial segregation in public education;

Whereas by 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People (the NAACP), an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African-Americans throughout the country;

Whereas Oliver L. Brown became part of the NAACP strategy led first by Charles Houston and later by Thurgood Marshall, to file suit against various school boards on behalf of such parents and their children;

Whereas Oliver L. Brown was a member of a distinguished group of plaintiffs in cases from Kansas (Brown v. Board of Education), Delaware (Gebhart v. Belton), South Carolina (Briggs v. Elliot), and Virginia (Davis v. County School Board of Prince Edward County) that were combined by the United States Supreme Court in Brown v. Board of Education, and in Washington, D.C. (Bolling v. Sharpe), considered separately by the Supreme Court with respect to the District of Columbia;

Whereas with respect to cases filed in the State of Kansas—

(1) there were 11 school integration cases dating from 1881 to 1949, prior to Brown v. Board of Education in 1954;

(2) in many instances, the schools for African-American children were substandard facilities with out-of-date textbooks and often no basic school supplies;

(3) in the fall of 1950, members of the Topeka, Kansas chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public education;

(4) on February 28, 1951, the NAACP filed their case as Oliver L. Brown et al. v. The Board of Education of Topeka Kansas (which represented a group of 13 parents and 20 children);

(5) the district court ruled in favor of the school board and the case was appealed to the United States Supreme Court;

(6) at the Supreme Court level, the case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, D.C. (which was later heard separately); and

(7) the combined cases became known as Oliver L. Brown et al. v. The Board of Education of Topeka, et al.;

Whereas with respect to the Virginia case of Davis et al. v. Prince Edward County Board of Supervisors—

(1) one of the few public high schools available to African-Americans in the State of Virginia was Robert Moton High School in Prince Edward County;

(2) built in 1943, it was never large enough to accommodate its student population;

(3) the gross inadequacies of these classrooms sparked a student strike in 1951;

(4) the NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court; and

(5) although the United States District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the schools for white students in their area;

Whereas with respect to the South Carolina case of Briggs v. R.W. Elliott—

(1) in Clarendon County, South Carolina, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1947 against the inferior conditions that African-American students experienced under South Carolina's racially segregated school system;

(2) by 1951, community activists convinced African-American parents to join the NAACP efforts to file a class action suit in United States District Court;

(3) the court found that the schools designated for African-Americans were grossly inadequate in terms of buildings, transportation, and teacher salaries when compared to the schools provided for white students; and

(4) an order to equalize the facilities was virtually ignored by school officials, and the schools were never made equal;

Whereas with respect to the Delaware cases of Belton v. Gebhart and Bulah v. Gebhart—

(1) first petitioned in 1951, these cases challenged the inferior conditions of 2 African-American schools;

(2) in the suburb of Claymont, Delaware, African-American children were prohibited from attending the area's local high school, and in the rural community of Hockessin, Delaware, African-American students were forced to attend a dilapidated 1-room schoolhouse, and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility;

(3) both plaintiffs were represented by local NAACP attorneys; and

(4) though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware;

Whereas with respect to the District of Columbia case of Bolling, et al. v. C. Melvin Sharpe, et al.—

(1) 11 African-American junior high school students were taken on a field trip to Washington, D.C.'s new John Philip Sousa School for white students only;

(2) the African-American students were denied admittance to the school and ordered to return to their inadequate school; and

(3) in 1951, a suit was filed on behalf of the students, and after review with the Brown case in 1954, the United States Supreme Court ruled that segregation in the Nation's capital was unconstitutional;

Whereas on May 17, 1954, at 12:52 p.m., the United States Supreme Court ruled that the discriminatory nature of racial segregation "violates the 14th Amendment to the Constitution, which guarantees all citizens equal protection of the laws";

Whereas the decision in Brown v. Board of Education set the stage for dismantling racial segregation throughout the country;

Whereas the quiet courage of Oliver L. Brown and his fellow plaintiffs asserted the right of African-American people to have equal access to social, political, and communal structures;

Whereas our country is indebted to the work of the NAACP Legal Defense and Educational Fund, Inc., Howard University Law School, the NAACP, and the individual plaintiffs in the cases considered by the Supreme Court;

Whereas Reverend Oliver L. Brown died in 1961, and because the landmark United States Supreme Court decision bears his name, he is remembered as an icon for justice, freedom, and equal rights; and

Whereas the national importance of the Brown v. Board of Education decision had a profound impact on American culture, affecting families, communities, and governments by outlawing racial segregation in public education, resulting in the abolition of legal discrimination on any basis: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress recognizes and honors the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka;

(2) the Congress encourages all people of the United States to recognize the importance of the Supreme Court decision in Brown v. Board of Education of Topeka; and

(3) by celebrating the 50th anniversary of the Brown v. Board of Education of Topeka, the Nation will be able to refresh and renew the importance of equality in society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3107. Mr. HARKIN (for himself, Mr. Kennedy, Mr. Akaka, Mr. Bingaman, Mrs. Boxer, Mr. Byrd, Ms. Cantwell, Mrs. Clinton, Mr. Corzine, Mr. Daschle, Mr. Dayton, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mr. Graham, of Florida, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mrs. Murray, Mr. Nelson of Florida, Mr. Pryor, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, and Ms. Stabenow) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

SA 3108. Ms. COLLINS proposed an amendment to the bill S. 1637, supra.

SA 3109. Mr. WYDEN (for himself, Mr. Coleman, Mr. Rockefeller, Mr. Baucus, Mr. Dayton, Mr. Brownback, Mr. Dodd, and Ms. Snowe) proposed an amendment to the bill S. 1637, supra.

TEXT OF AMENDMENTS

SA 3107. Mr. HARKIN (for himself, Mr. Kennedy, Mr. Akaka, Mr. Bingaman, Mrs. Boxer, Mr. Byrd, Ms. Cantwell, Mrs. Clinton, Mr. Corzine, Mr. Daschle, Mr. Dayton, Mr. Durbin, Mr. Edwards, Mr. Feingold, Mr. Graham of Florida, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mrs. Murray, Mr. Nelson of Florida, Mr. Pryor, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, and Ms.

STABENOW) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF OVERTIME PAY.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provisions of section 7 any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall remain in effect. Notwithstanding the preceding sentence, the increased salary requirements provided for in such final rule at section 541.600 of such title 29, shall remain in effect.".

SA 3108. Ms. COLLINS proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

On page 139, between lines 13 and 14, insert the following:

SEC. ___. MANUFACTURER'S JOBS CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

"SEC. 45S. MANUFACTURER'S JOBS CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible taxpayer, the manufacturer's jobs credit determined under this section is an amount equal to the lesser of the following:

"(1) The excess of the W–2 wages paid by the taxpayer during the taxable year over the W–2 wages paid by the taxpayer during the preceding taxable year.

"(2) The W–2 wages paid by the taxpayer during the taxable year to any employee who is an eligible TAA recipient (as defined in section 35(c)(2)) for any month during such taxable year.

"(3) 22.4 percent of the W–2 wages paid by the taxpayer during the taxable year.

"(b) LIMITATION.—The amount of credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this subsection) as—

"(1) the excess of the W–2 wages paid by the taxpayer to employees outside the United States during the taxable year over such wages paid during the most recent taxable year ending before the date of the enactment of this section, bears to

"(2) the excess of the W–2 wages paid by the taxpayer to employees within the United States during the taxable year over such wages paid during such most recent taxable year.

"(c) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer—

"(1) which has domestic production gross receipts for the taxable year and the preceding taxable year, and

"(2) which is not treated at any time during the taxable year as an inverted domestic corporation under section 7874.

"(d) DEFINITIONS.—For purposes of this section, W–2 wages and domestic production gross receipts shall be determined in the same manner as under section 199.

"(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2005.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following:

"(31) the manufacturer's jobs credit determined under section 45S.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

"Sec. 45S. Manufacturer's jobs credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

On page 335, line 8, strike "December 31, 2004," and insert "the date of the enactment of this Act".

SA 3109. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. DAYTON, Mr. BROWNBACK, Mr. DODD, and Ms. SNOWE) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE IX—TRADE ADJUSTMENT ASSISTANCE

Subtitle A—Service Workers

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance Equity For Service Workers Act of 2004".

SEC. 912. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking "firm)" and inserting "firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)".

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (1), by inserting "or public agency" after "of the firm"; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking "like or directly competitive with articles produced" and inserting "or services like or directly competitive with articles produced or services provided"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

"(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (2), by inserting "or service" after "related to the article"; and

(C) in paragraph (3)(A), by inserting "or services" after "component parts";

(3) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

"(C) Taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semifinished steel slab.".

(B) in paragraph (3)—

(i) by inserting "or services" after "value-added production processes";

(ii) by striking "or finishing" and inserting ", finishing, or testing";

(iii) by inserting "or services" after "for articles"; and

(iv) by inserting "(or subdivision)" after "such other firm"; and

(C) in paragraph (4)—

(i) by striking "for articles" and inserting ", or services, used in the production of articles or in the provision of services"; and

(ii) by inserting "(or subdivision)" after "such other firm"; and

(4) by adding at the end the following new subsection:

"(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

"(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a firm in a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

"(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.".

(c) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking "$220,000,000" and inserting "$440,000,000".

(d) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting "or public agency" after "of a firm"; and

(B) by inserting "or public agency" after "or subdivision";

(2) in paragraph (2)(B), by inserting "or public agency" after "the firm";

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

"(8) The term 'service sector firm' means an entity engaged in the business of providing services.".

(e) TECHNICAL AMENDMENT.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ", other than subchapter D".

SEC. 913. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting "or service sector firm" after "(including any agricultural firm";

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting "or service sector firm" after "any agricultural firm";

(ii) in subparagraph (B)(ii), by inserting "or service" after "of an article"; and

(iii) in subparagraph (C), by striking "articles like or directly competitive with articles which are produced" and inserting "articles or services like or directly competitive with articles or services which are produced or provided"; and

(C) by adding at the end the following:

"(e) BASIS FOR SECRETARY DETERMINATION.—

"(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers' firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "$16,000,000" and inserting "$32,000,000".

(3) DEFINITION.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking "For purposes of" and inserting "(a) FIRM.—For purposes of"; and

(B) by adding at the end the following:

"(b) SERVICE SECTOR FIRM.—For purposes of this chapter, the term 'service sector firm' means a firm engaged in the business of providing services.".

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting "or service" after "new product".

SEC. 914. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking "The Secretary" and inserting "(a) MONITORING PROGRAMS.—The Secretary";

(B) by inserting "and services" after "imports of articles";

(C) by inserting "and domestic provision of services" after "domestic production";

(D) by inserting "or providing services" after "producing articles"; and

(E) by inserting ", or provision of services," after "changes in production"; and

(2) by adding at the end the following:

"(b) COLLECTION OF DATA AND REPORTS ON SERVICES SECTOR.—

"(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Equity For Service Workers Act of 2004, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

"(2) SECRETARY OF COMMERCE.—Not later than 6 months after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.".

SEC. 915. ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE.

IN GENERAL.—Section 246(a)(3) of the Trade Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

"(3) ELIGIBILITY.—A worker in the group that the Secretary has certified as eligible for the alternative trade adjustment assistance program may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

"(A) is covered by a certification under subchapter A of this chapter;

"(B) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

"(C) is at least 40 years of age;

"(D) earns not more than $50,000 a year in wages from reemployment;

"(E) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

"(F) does not return to the employment from which the worker was separated.".

(b) CONFORMING AMENDMENTS.—(1) Subparagraphs (A) and (B) of section 246(a)(2) of the Trade Act of 1974 (19 U.S.C. 2318(a)(2) (A) and (B)) are amended by striking "paragraph (3)(B)" and inserting "paragraph (3)" each place it appears.

(2) Section 246(b)(2) of such Act is amended by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3)".

SEC. 916. CLARIFICATION OF MARKETING YEAR AND OTHER PROVISIONS.

(a) IN GENERAL.—Section 291(5) of the Trade Act of 1974 (19 U.S.C. 2401(5)) is amended by inserting before the end period the following: ", or in the case of an agricultural commodity that has no officially designated marketing year, in a 12-month period for which the petitioner provides written request".

(b) FISHERMEN.—Notwithstanding any other provision of law, for purposes of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen who harvest wild stock shall be eligible for adjustment assistance to the same extent and in the same manner as a group of workers under such chapter 2.

SEC. 917. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this subtitle shall take effect on October 1, 2004.

(b) SPECIAL RULE FOR CERTAIN SERVICE WORKERS.—A group of workers in a service sector firm, or subdivision of a service sector firm, or public agency (as defined in section 247 (7) and (8) of the Trade Act of 1974, as added by section 912(d) of this Act) who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of enactment of this Act,

shall be eligible for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm or public agency occurred on or after November 4, 2002 and before October 1, 2004.

(c) SPECIAL RULE FOR TACONITE.—A group of workers in a firm, or subdivision of a firm, engaged in the production of taconite pellets who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of enactment of this Act,

shall be eligible for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm occurred on or after November 4, 2002 and before October 1, 2004.

Subtitle B—Data Collection

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance Accountability Act".

SEC. 922. DATA COLLECTION; STUDY; INFORMATION TO WORKERS.

(a) DATA COLLECTION; EVALUATIONS.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 249, the following new section:

"SEC. 250. DATA COLLECTION; EVALUATIONS; REPORTS.

"(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

"(b) PERFORMANCE EVALUATIONS.—The Secretary shall establish an effective performance measuring system to evaluate the following:

"(1) PROGRAM PERFORMANCE.—A comparison of the trade adjustment assistance program before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002 with respect to—

"(A) the number of workers certified and the number of workers actually participating in the trade adjustment assistance program;

"(B) the time for processing petitions;

"(C) the number of training waivers granted;

"(D) the coordination of programs under this chapter with programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(E) the effectiveness of individual training providers in providing appropriate information and training;

"(F) the extent to which States have designed and implemented health care coverage options under title II of the Trade Act of 2002, including any difficulties States have encountered in carrying out the provisions of title II;

"(G) how Federal, State, and local officials are implementing the trade adjustment assistance program to ensure that all eligible individuals receive benefits, including providing outreach, rapid response, and other activities; and

"(H) any other data necessary to evaluate how individual States are implementing the requirements of this chapter.

"(2) Program participation.—The effectiveness of the program relating to—

"(A) the number of workers receiving benefits and the type of benefits being received both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

"(B) the number of workers enrolled in, and the duration of, training by major types of training both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

"(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

"(D) reemployment rates and sectors in which dislocated workers have been employed;

"(E) the cause of dislocation identified in each petition that resulted in a certification under this chapter; and

"(F) the number of petitions filed and workers certified in each congressional district of the United States.

"(c) State Participation.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

"(1) State participation.—Participation by each State in the performance measurement system established under subsection (b).

"(2) Monitoring.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

"(3) Response.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

"(d) Reports.—

"(1) Reports by the secretary.—

"(A) Initial report.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Accountability Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

"(i) describes the performance measurement system established under subsection (b);

"(ii) includes analysis of data collected through the system established under subsection (b); and

"(iii) provides recommendations for program improvements.

"(B) Annual report.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the information collected under clause (ii) of subparagraph (A).

"(2) State reports.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

"(3) Publication.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under subsection (b).".

(b) Conforming Amendments.—

(1) Coordination.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking "Departments of Labor and Commerce" and inserting "Departments of Labor, Commerce, and Agriculture".

(2) Trade monitoring system.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking "The Secretary of Commerce and the Secretary of Labor" and inserting "The Secretaries of Commerce, Labor, and Agriculture".

(3) Table of contents.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 249, the following new item:

"Sec. 250. Data collection; evaluations; reports.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2004.

Subtitle C—Trade Adjustment Assistance for Communities

SEC. 931. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance for Communities Act of 2004".

SEC. 932. PURPOSE.

The purpose of this subtitle is to assist communities negatively impacted by trade with economic adjustment through the integration of political and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

SEC. 933. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"SEC. 271. DEFINITIONS.

"In this chapter:

"(1) Affected domestic producer.—The term 'affected domestic producer' means any manufacturer, producer, service provider, farmer, rancher, fisherman or worker representative (including associations of such persons) that was affected by a finding under the Antidumping Act of 1921, or by an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

"(2) Agricultural commodity producer.—The term 'agricultural commodity producer' has the same meaning as the term 'person' as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)).

"(3) Community.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State that the Secretary certifies as being negatively impacted by trade.

"(4). Community negatively impacted by trade.—A community negatively impacted by trade means a community with respect to which a determination has been made under section 273.

"(5) Eligible community.—The term 'eligible community' means a community certified under section 273 for assistance under this chapter.

"(6) Fisherman.—

"(A) In general.—The term 'fisherman' means any person who—

"(i) is engaged in commercial fishing; or

"(ii) is a United States fish processor.

"(B) Commercial fishing, fish, fishery, fishing, fishing vessel, person, and United States fish processor.—The terms 'commercial fishing', 'fish', 'fishery', 'fishing', 'fishing vessel', 'person', and 'United States fish processor' have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

"(7) Job loss.—The term 'job loss' means the total or partial separation of an individual, as those terms are defined in section 247.

"(8) Secretary.—The term 'Secretary' means the Secretary of Commerce.

"SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE PROGRAM.

"(a) Establishment.—Within 6 months after the date of enactment of the Trade Adjustment Assistance for Communities Act of 2004, the Secretary shall establish a Trade Adjustment Assistance for Communities Program at the Department of Commerce.

"(b) Personnel.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this chapter.

"(c) Coordination of Federal Response.—The Secretary shall—

"(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

"(2) coordinate the Federal response to an eligible community—

"(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

"(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

"(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning economic adjustment for an eligible community; and

"(D) by identifying and strengthening existing agency mechanisms designed to assist eligible communities in their efforts to achieve economic adjustment and workforce reemployment;

"(3) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

"(A) identify serious economic problems in the community that are the result of negative impacts from trade;

"(B) integrate the major groups and organizations significantly affected by the economic adjustment;

"(C) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

"(D) diversify and strengthen the community economy; and

"(E) develop a community-based strategic plan to address economic development and workforce dislocation, including unemployment among agricultural commodity producers, and fishermen;

"(4) establish specific criteria for submission and evaluation of a strategic plan submitted under section 274(d);

"(5) establish specific criteria for submitting and evaluating applications for grants under section 275;

"(6) administer the grant programs established under sections 274 and 275; and

"(7) establish an interagency Trade Adjustment Assistance for Communities Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, and any other Federal, State, or regional department or agency the Secretary determines necessary or appropriate.

"SEC. 273. CERTIFICATION AND NOTIFICATION.

"(a) CERTIFICATION.—Not later than 45 days after an event described in subsection (c)(1), the Secretary of Commerce shall determine if a community described in subsection (b)(1) is negatively impacted by trade, and if a positive determination is made, shall certify the community for assistance under this chapter.

"(b) DETERMINATION THAT COMMUNITY IS ELIGIBLE.—

"(1) COMMUNITY DESCRIBED.—A community described in this paragraph means a community with respect to which on or after October 1, 2004—

"(A) the Secretary of Labor certifies a group of workers (or their authorized representative) in the community as eligible for assistance pursuant to section 223;

"(B) the Secretary of Commerce certifies a firm located in the community as eligible for adjustment assistance under section 251;

"(C) the Secretary of Agriculture certifies a group of agricultural commodity producers (or their authorized representative) in the community as eligible for adjustment assistance under section 293;

"(D) an affected domestic producer is located in the community; or

"(E) the Secretary determines that a significant number of fishermen in the community is negatively impacted by trade.

"(2) NEGATIVELY IMPACTED BY TRADE.—The Secretary shall determine that a community is negatively impacted by trade, after taking into consideration—

"(A) the number of jobs affected compared to the size of workforce in the community;

"(B) the severity of the rates of unemployment in the community and the duration of the unemployment in the community;

"(C) the income levels and the extent of underemployment in the community;

"(D) the outmigration of population from the community and the extent to which the outmigration is causing economic injury in the community; and

"(E) the unique problems and needs of the community.

"(c) DEFINITION AND SPECIAL RULES.—

"(1) EVENT DESCRIBED.—An event described in this paragraph means one of the following:

"(A) A notification described in paragraph (2).

"(B) A certification of a firm under section 251.

"(C) A finding under the Antidumping Act of 1921, or an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

"(D) A determination by the Secretary that a significant number of fishermen in a community have been negatively impacted by trade.

"(2) NOTIFICATION.—The Secretary of Labor, immediately upon making a determination that a group of workers is eligible for trade adjustment assistance under section 223, (or the Secretary of Agriculture, immediately upon making a determination that a group of agricultural commodity producers is eligible for adjustment assistance under section 293, as the case may be) shall notify the Secretary of Commerce of the determination.

"(d) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Immediately upon certification by the Secretary of Commerce that a community is eligible for assistance under subsection (b), the Secretary shall notify the community—

"(1) of the determination under subsection (b);

"(2) of the provisions of this chapter;

"(3) how to access the clearinghouse established by the Department of Commerce regarding available economic assistance;

"(4) how to obtain technical assistance provided under section 272(c)(3); and

"(5) how to obtain grants, tax credits, low income loans, and other appropriate economic assistance.

"SEC. 274. STRATEGIC PLANS.

"(a) IN GENERAL.—An eligible community may develop a strategic plan for community economic adjustment and diversification.

"(b) REQUIREMENTS FOR STRATEGIC PLAN.—A strategic plan shall contain, at a minimum, the following:

"(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used.

"(2) A description of the commitment of the community to the strategic plan over the long term and the participation and input of groups affected by economic dislocation.

"(3) A description of the projects to be undertaken by the eligible community.

"(4) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

"(5) A description of how the plan will achieve economic adjustment and diversification.

"(6) A description of how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

"(7) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

"(8) A description of how the plan will address the occupational and workforce conditions in the eligible community.

"(9) A description of the educational programs available for workforce training and future employment needs.

"(10) A description of how the plan will adapt to changing markets and business cycles.

"(11) A description and justification for the cost and timing of the total funds required by the community for economic assistance.

"(12) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

"(c) GRANTS TO DEVELOP STRATEGIC PLANS.—The Secretary, upon receipt of an application from an eligible community, may award a grant to that community to be used to develop the strategic plan.

"(d) SUBMISSION OF PLAN.—A strategic plan developed under subsection (a) shall be submitted to the Secretary for evaluation and approval.

"SEC. 275. GRANTS FOR ECONOMIC DEVELOPMENT.

"(a) IN GENERAL.—The Secretary, upon approval of a strategic plan from an eligible community, may award a grant to that community to carry out any project or program that is certified by the Secretary to be included in the strategic plan approved under section 274(d), or consistent with that plan.

"(b) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), in order to assist eligible communities to obtain funds under Federal grant programs, other than the grants provided for in section 274(c) or subsection (a), the Secretary may, on the application of an eligible community, make a supplemental grant to the community if—

"(A) the purpose of the grant program from which the grant is made is to provide technical or other assistance for planning, constructing, or equipping public works facilities or to provide assistance for public service projects; and

"(B) the grant is 1 for which the community is eligible except for the community's inability to meet the non-Federal share requirements of the grant program.

"(2) USE AS NON-FEDERAL SHARE.—A supplemental grant made under this subsection may be used to provide the non-Federal share of a project, unless the total Federal contribution to the project for which the grant is being made exceeds 80 percent and that excess is not permitted by law.

"(c) RURAL COMMUNITY PREFERENCE.—The Secretary shall develop guidelines to ensure that rural communities receive preference in the allocation of resources.

"SEC. 276. GENERAL PROVISIONS.

"(a) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter. Before implementing any regulation or guideline proposed by the Secretary with respect to this chapter, the Secretary shall submit the regulation or guideline to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives for approval.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $100,000,000 for each of fiscal years 2005 through 2008, to carry out this chapter. Amounts appropriated pursuant to this subsection shall remain available until expended.".

SEC. 934. CONFORMING AMENDMENTS.

(a) TERMINATION.—Section 285(b) of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by adding at the end the following new paragraph:

"(3) ASSISTANCE FOR COMMUNITIES.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2008.".

(b) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting after the items relating to chapter 3 the following new items:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"Sec. 271. Definitions.
"Sec. 272. Community Trade Adjustment Assistance Program.
"Sec. 273. Certification and notification.
"Sec. 274. Strategic plans.
"Sec. 275. Grants for economic development.
"Sec. 276. General provisions.".

(c) JUDICIAL REVIEW.—Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking "section 271" and inserting "section 273".

SEC. 935. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on October 1, 2004.

Subtitle D—Office of Trade Adjustment Assistance

SEC. 941. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance for Firms Reorganization Act".

SEC. 942. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following new section:

"SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Trade Adjustment Assistance for Firms Reorganization Act, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance.

"(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.

"(c) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary's responsibilities under this chapter.".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following new item:

"Sec. 255A. Office of Trade Adjustment Assistance.".

SEC. 943. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the earlier of—

(1) the date of the enactment of this Act; or

(2) October 1, 2004.

TITLE X—IMPROVEMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS

SEC. 1001. EXPEDITED REFUND OF CREDIT FOR PRORATED FIRST MONTHLY PREMIUM AND SUBSEQUENT MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following:

"(e) EXPEDITED PAYMENT OF PREMIUMS PAID PRIOR TO ISSUANCE OF CERTIFICATE.—The program established under subsection (a) shall provide for payment to a certified individual (or to any person or entity designated by the certified individual, under guidelines developed by the Secretary to achieve the purposes of this section) of an amount equal to the percentage specified in section 35(a) of the premiums paid by such individual for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate not later than 30 days after receipt by the Secretary of evidence of such payment by the certified individual.".

SEC. 1002. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following:

"(C) TAA-ELIGIBLE INDIVIDUALS.—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual potentially is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4)(C).".

(b) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following:

"(C) TAA-ELIGIBLE INDIVIDUALS.—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual potentially is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4)(C).".

(c) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following:

"(D) TAA-ELIGIBLE INDIVIDUALS.—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual potentially is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).".

SEC. 1003. CLARIFICATION OF ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.

(a) IN GENERAL.—Subsection (b) of section 35 of the Internal Revenue Code of 1986 (defining eligible coverage month) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR SPOUSE OF INDIVIDUAL ENTITLED TO MEDICARE.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer.".

(b) CONFORMING AMENDMENT.—Section 173(f)(5)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(5)(A)(i)) is amended by inserting "(including with respect to any month for which the eligible individual would have been treated as such but for the application of paragraph (7)(B)(i))" before the comma.

SEC. 1004. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking "65" and inserting "75".

(b) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking "65" and inserting "75".

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2004.

SEC. 1005. EXTENSION OF NATIONAL EMERGENCY GRANTS TO FACILITATE ESTABLISHMENT OF GROUP COVERAGE OPTION AND TO PROVIDE INTERIM HEALTH COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO QUALIFY FOR GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS; CLARIFICATION OF REQUIREMENT FOR GROUP COVERAGE OPTION.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) USE OF FUNDS.—

"(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

"(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

"(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members in enrolling in health insurance coverage and qualified health insurance.

"(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

"(I) eligibility verification activities;

"(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

"(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

"(V) the development or installation of necessary data management systems; and

"(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraph (C), (D), (E), or (F)(i) of section 35(e)(1) of the Internal Revenue Code of 1986, or, only if the coverage is under a group health plan, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of such section, as qualified health insurance under that section.

"(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including low cost options, outreach consisting of notice to eligible individuals of qualified health insurance options made available after the date of enactment of this clause, and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

"(iv) BRIDGE FUNDING.—To assist potentially eligible individuals purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

"(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g)."; and

(2) by striking paragraph (2) and inserting the following:

"(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.".

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking "AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002" and inserting "APPROPRIATIONS"; and

(2) by striking subparagraph (A) and inserting the following:

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $300,000,000 for the period of fiscal years 2004 through 2006; and".

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

"(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.".

(d) CLARIFICATION OF REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 (relating to special rules) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

"(9) REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—

"(A) IN GENERAL.—If any State has not elected to have treated as qualified health insurance under this section at least—

"(i) the coverage described in subparagraph (C), (D), (E), or (F)(i) of subsection (e)(1), or

"(ii) only if the coverage is under a group health plan and the plan satisfies the applicable requirements of section 9802, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of subsection (e)(1),

the State, not later than 2 years after the date of the enactment of this paragraph, shall develop in consultation with representatives of eligible individuals and their qualifying family members, coverage options that are to be treated as qualified health insurance under this section and that include at least one of the coverage options described in clause (i) or (ii).

"(B) OPM.—In the case of any State that fails to satisfy the requirement of subparagraph (A), the Director of the Office of Personnel Management is authorized to establish group health plan options, including low cost options, for eligible individuals and qualifying family members of such individuals in the State that shall be treated as qualified health insurance under this section.".

(e) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

SEC. 1006. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under section 602(2)(A) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

(b) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in clause (ii)—

(A) in the clause heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under paragraph (2)(B)(i) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under section 2202(2)(A) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

SEC. 1007. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

(a) EXTENSION OF SEED GRANTS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (a), in the subsection heading by inserting "EXTENSION OF" before "SEED"; and

(2) in subsection (c)(1), by striking "$20,000,000" and all that follows through "2003" and inserting "$15,000,000 for the period of fiscal years 2004 and 2005".

(b) FUNDS FOR OPERATIONS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (b)—

(A) in the subsection heading by striking "MATCHING"; and

(B) by striking paragraph (2) and inserting the following:

"(2) ALLOTMENT.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States (or the entities that operate the high risk pool under applicable State law) as follows:

"(A) An amount equal to 50 percent of the appropriated amount for the fiscal year shall be allocated in equal amounts among each eligible State that applies for assistance under this subsection.

"(B) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals in all States (as determined by the Secretary).

"(C) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools in all States (as determined by the Secretary)."; and

(2) in subsection (c)(2), by striking "$40,000,000" and all that follows through the period and inserting "$75,000,000 for each of fiscal years 2005 through 2009 to make allotments under subsection (b)(2).".

(c) DEFINITIONS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (d), by inserting after "2744(c)(2)" the following: ", except that with respect to subparagraph (A) of such section a State may elect to provide for the enrollment of eligible individuals through an acceptable alternative mechanism,"; and

(2) by adding at the end the following:

"(e) STANDARD RISK RATE.—In subsection (b)(1)(A), the term 'standard risk rate' means a rate—

"(1) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

"(2) that is established using reasonable actuarial techniques; and

"(3) that reflects anticipated claims experience and expenses for the coverage involved.".

SEC. 1008. NOTICE REQUIREMENTS.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals), as amended by section 1001, is amended by adding at the end the following:

"(f) INCLUSION OF CERTAIN INFORMATION.—The notice by the Secretary (or by any person or entity designated by the Secretary) that an individual potentially is eligible for a qualified health insurance costs credit eligibility certificate shall include—

"(1) the name, address, and telephone number of the State office or offices responsible for determining that the individual is eligible for such certificate and for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e));

"(2) a list of the coverage options, including the low cost options, that are treated as qualified health insurance (as so defined) by the State in which the individual resides; and

"(3) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the postmark date of such notice to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).".

SEC. 1009. ANNUAL REPORT ON ENHANCED TAA BENEFITS.

Not later than October 1 of each year (beginning in 2004) the Secretary of the Treasury, after consultation with the Secretary of Labor, shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) The total number of participants utilizing the health insurance tax credit under section 35 of the Internal Revenue Code of 1986, including a measurement of such participants identified—

(A) by State, and

(B) by coverage under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code) and by non-COBRA coverage (further identified by group and individual market).

(2) The range of monthly health insurance premiums offered and the average and median monthly health insurance premiums offered to TAA-eligible individuals (as defined in section 4980B(f)(5)(C)(iv)(II) of such Code) under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code), State-based continuation coverage provided under a State law that requires such coverage, and each category of coverage described in section 35(e)(1) of such Code, identified by State and by the actuarial value of such coverage and the specific benefits provided and cost-sharing imposed under such coverage.

(3) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) and the time necessary for application approval of such grants.

(4) The cost of administering the health credit program under section 35 of such Code, by function, including the cost of subcontractors.

TITLE XI—MORTGAGE PAYMENT ASSISTANCE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Homestead Preservation Act".

SEC. 1102. MORTGAGE PAYMENT ASSISTANCE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 239 of such Act (19 U.S.C. 2311);

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2005 through 2008.

TITLE XII—MISCELLANEOUS

SEC. 1201. DEFINITION OF VALID TAXPAYER IDENTIFICATION NUMBER FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(m) of the Internal Revenue Code of 1986 is amended to read as follows:

"(m) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number assigned by the Social Security Administration—

"(1) to a citizen of the United States, or

"(2) to an individual pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

PRIVILEGES OF THE FLOOR

Mr. COLEMAN. Mr. President, I ask unanimous consent that David Hickey, who is an intern in my office, be granted floor privileges during my discussion of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns be granted the privilege of the floor during consideration of the JOBS bill: Steve Beasley, Diana Birkett, Leopold Brandenburg, Simon Chabel, Jodi George, Scott Landes, Pascal Niedermann, David Schwartz, Matt Stokes, and Trace Taxton.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 108–199, Title VI, Section 637, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Dr. Marty LaVor of Virginia.

NATIONAL ELECTRICAL SAFETY MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 486, S. Res. 334.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 334) designating May 2004 as National Electrical Safety Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 334) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 334

Whereas hundreds of individuals die and thousands are injured each year in electrical accidents;

Whereas there are on average 870 civilian deaths annually related to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems;

Whereas more than 2 people are electrocuted in the home, and 4 more in the workplace, each week;

Whereas property damage due to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems amounts to nearly $1,600,000,000 annually;

Whereas following basic electrical safety precautions can help prevent injury or death to thousands of individuals each year;

Whereas citizens are encouraged to check their home and workplace for possible electrical hazards to help protect lives and property;

Whereas citizens are encouraged to test their smoke detectors and ground fault circuit interrupters monthly and after every major electrical storm; and

Whereas the efforts of the Electrical Safety Foundation International (ESFI) and the United States Consumer Product Safety Commission (CPSC) promote and educate the public about the importance of respecting electricity and practicing electrical safety in the home, school, and workplace: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2004 as "National Electrical Safety Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

WELCOMING THE PRIME MINISTER OF SINGAPORE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 491, S. Res. 344.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 344) welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and any statements relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 344) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 344

Whereas the United States and Singapore have a strong and enduring friendship;

Whereas the United States and Singapore share a common vision in ensuring the continued peace, stability, and prosperity of the Asia-Pacific region;

Whereas Singapore is a member of the coalition for the reconstruction of Iraq and is a strong supporter of the efforts of the coalition to stabilize and rebuild Iraq;

Whereas Singapore is a steadfast partner with the United States in the global campaign against terrorism and has worked closely with the United States to fight terrorism around the world;

Whereas Singapore is a core member of the Proliferation Security Initiative and is committed to preventing the proliferation of weapons of mass destruction;

Whereas Singapore has provided valuable support to the United States Armed Forces, including permitting such Forces to use the state-of-the-art Changi Naval Base;

Whereas Singapore is the 11th largest trading partner of the United States;

Whereas Singapore was the first country in Asia to enter into a free trade agreement with the United States;

Whereas Singapore, which has one of the busiest ports in the world, was the first country in Asia to join the Container Security Initiative (CSI), a key initiative of the United States Customs Service that is designed to prevent terrorist attacks through the use of cargo;

Whereas Singapore is a leader in biological research, has established a regional Emerging Diseases Intervention Center, and is leading efforts to respond to new health threats, including emerging diseases and the use of biological agents;

Whereas the relationship between the United States and Singapore is reinforced by strong ties of culture, values, commerce, and scientific cooperation; and

Whereas relationship and international cooperation between the United States and Singapore is important and valuable to both countries: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Goh Chok Tong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for its assistance in Iraq and its support in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore.

ORDERS FOR TUESDAY, MAY 4, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. tomorrow, Tuesday May 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of Calendar No. 381, S. 1637, the FSC/ETI JOBS bill, and the time until 12:30 p.m. be equally divided between the chairman and ranking member of the Finance Committee or their designees.

I further ask consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the JOBS bill. The chairman and ranking member of the Finance Committee will be here throughout the day tomorrow to work through additional amendments. Rollcall votes should be expected throughout the day tomorrow as the Senate continues the amending process on the JOBS bill. Senators will be notified when the first vote is scheduled. However, no votes are expected prior to the policy luncheon recess.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the Senator will yield for a question, tomorrow we have our usual party luncheons, as has already been announced. We also have the First Lady's dinner that we will go to on a bipartisan basis tomorrow evening, starting at about 6:30, so it is going to be a short day tomorrow.

The overtime issue has been kicking around here for a while. That amendment has been laid down with a couple of others. I am wondering if the Senator from Kentucky is going to be in a position to offer a companion to the overtime amendment that we have offered so we can vote on those sometime tomorrow.

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, it is likely there will be a side-by-side amendment offered. It is also likely we will get to vote on both of those amendments tomorrow. I would not want to call it a guarantee at this point, but I think it extremely likely we will be able to vote on both tomorrow.

Mr. REID. Mr. President, I say to my friend, if we could get rid of the overtime issue and move on to some of the other matters, I think we can move through these amendments. As the Senator will recall, we had 18 on our side originally that we had whittled down to. When the majority came back with a larger number, we added some to it. But I still think we have 18 amendments, and maybe even that is a puffy number. We also, on the 18, had time agreements on every one of them. So we are ready to move through those. The managers have indicated they could probably accept some of our 18.

Mr. MCCONNELL. Mr. President, I know I am safe in saying the majority leader wants to finish this bill this week. I do understand that part of the problem lies on this side of the aisle with the proliferation of amendments prior to the agreement we entered into limiting the amendments. We will be working hard on this side of the aisle to narrow the list and put us in a position to complete action on this bill this week.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Tuesday, May 4, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2004:

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 8036 AND 601:

To be lieutenant general

MAJ. GEN. JOHN A. BRADLEY, 1756

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. PETRAEUS, 1960

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. MICHAEL G. MULLEN, 9509

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 4, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 5

9 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

9:30 a.m.
Commerce, Science, and Transportation
To hold closed hearings to examine the use of steroids.
SR–253

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2005 for defense related programs.
SD–192

10 a.m.
Judiciary
To hold an oversight hearing to examine material support statute relating to aiding terrorists.
SD–226

Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–222

Finance
Social Security and Family Policy Subcommittee
To hold hearings to examine the benefits of a healthy marriage.
SD–215

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2005 for military activities of the Department of Defense.
SR–232A

2:30 p.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 155, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, S. 2285, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah, S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, S. 1826, to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada, S. 2085, to modify the requirements of the land conveyance to the University of Nevada at Las Vegas Research Foundation, and H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway.
SD–366

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine space shuttle and the future of space launch.
SR–253

MAY 6

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

Commerce, Science, and Transportation
To hold hearings to examine impacts of climate change and states' actions.
SR–253

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine new opportunities for agriculture, focusing on biomass use in energy production.
SD–106

Banking, Housing, and Urban Affairs
Business meeting to mark up an original bill, The Public Transportation Terrorism Prevention Act.
SD–538

Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine S. 1668, to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions.
SD–342

2 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine certain challenges facing military parents raising children.
SD–430

2:30 p.m.
Judiciary
To hold hearings to examine the nomination of Jonathan W. Dudas, of Virginia, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.
SD–226

MAY 7

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2005 for military activities for the Department of Defense.
SR–222

Joint Economic Committee
To hold a hearing to examine the employment situation for April.
1334 LHOB

MAY 11

10 a.m.
Energy and Natural Resources
To hold hearings to examine the impacts and costs of last year's fires, focusing on the problems faced last year and what problems agencies and the land they oversee may face next season, including aerial fire fighting assests and crew, and overhead availability.
SD–366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine conservation programs of the 2002 Farm bill.
SD-628

Governmental Affairs
To hold hearings to examine tax payer dollars subsidizing diploma mills.
SH-216

MAY 12

Time to be announced
Indian Affairs
To hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.
SR-485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.
SD-192

Governmental Affairs
To continue hearings to examine tax payer dollars subsidizing diploma mills.
SD-342

MAY 13

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine Commodity Futures Trading Commission regulatory issues.
SD-106

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine causes, research and prevention of premature births.
SD-430

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine prescription drug reimportation.
SD-430

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

SENATE—*Tuesday, May 4, 2004*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Master of the universe, Your kingdom cannot be shaken, for You are King of Kings and Lord of Lords. We praise You that more things are wrought by prayer than this world can imagine. Thank You for inviting us to ask and receive, to seek and find, and to knock for doors to open.

Forgive us when we have forfeited Your blessings because of our failure to ask. Forgive us also when we have lacked the humility to turn from evil and seek Your paths. Remind us that righteousness exalts a nation, but sin is an equal-opportunity destroyer. Remind us also that earnest prayer unleashes Your power.

May this prayer that opens today's session be a springboard for intercession throughout this day. Help our lawmakers to pause repeatedly during their challenging work to ask You for wisdom and guidance. Empower the members of their staffs and all who labor for liberty to harness prayer power continuously.

Do for this great Nation immeasurably more than we can ask or think, for the kingdom, the power, and the glory belong to You alone. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will begin a period of morning business for up to 1 hour. The first half of that time will be under the control of the majority leader or his designee, and the second half will be used by the other side of the aisle.

Following morning business, the Senate will resume consideration of S. 1637, the FSC/ETI JOBS bill. The debate until 12:30 will be equally divided between Senators GRASSLEY and BAUCUS or their designees.

During yesterday's session, three amendments were offered and debated. I thank Members for coming forward on Monday and allowing us to make some progress on the bill. This morning we expect a Republican alternative to the overtime amendment to be offered, and Members may have additional debate on that issue. Therefore, we anticipate that we will begin to schedule votes on FSC amendments this afternoon and, therefore, we do not expect any votes prior to the policy luncheons.

As a reminder, the Senate will recess from 12:30 to 2:15 for the weekly policy luncheons.

Finally, we hope to have cooperation on both sides as we try to finish the JOBS bill this week. With the rising level of WTO sanctions, it is long past time to complete this measure and, therefore, Members need to show restraint in offering their amendments. I thank everyone in advance for their cooperation as we try to finish this bill this week.

I reserve the remainder of the leader time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

FINISHING FSC/ETI

Mr. DASCHLE. Mr. President, I share the view just expressed by the distinguished assistant Republican leader with regard to finishing the FSC bill. It is my understanding they have probably twice as many amendments as we do. I know both sides are attempting to work down the list.

We have had some success in the last 48 hours with regard to our list, and we are hopeful our colleagues on the other side of the aisle will have an equal opportunity to demonstrate their success in reducing the number of amendments to be offered. We can finish this bill easily this week.

Our amendments have all been vetted, and it is my understanding that every author of each amendment on our side has also agreed to a time limit. So we not only have short time limits and a reduced number of amendments from what was originally entered into with the time agreements and the unanimous consent agreement having to do with the consideration of this bill, but I think if we can continue to show that degree of cooperation, certainly we can finish the bill easily this week and perhaps move on to other business.

So I join with the Senator from Kentucky in expressing the hope we will continue to work to accomplish that this week.

TORTURE IN IRAQ

Mr. DASCHLE. Mr. President, I had not intended to speak to the appalling news in the last several days about the mistreatment of prisoners in Iraq. But I must say I come to the floor with grave concerns about the news, about the events, about the message it sends, about the extraordinary impact this violation of human rights can have on our efforts to succeed in that country, and about our appalling inability to explain how this happened.

While I certainly am not in a position today to speak with any clarity or definitive character with regard to the facts, let me say that I don't know that there has ever been a time when we needed a better understanding of how this could have happened, why it happened, how widespread these practices may have been, what the administration has done about it, what they intend to do about it, why the President was not informed, why the Defense Secretary was not informed until just recently, why no one has seen the report, why the Intelligence Committees were not informed, and why, in other words, has there been this extraordinary disconnect, this unbelievable failure of communication and of oversight.

We need answers. I hope no later than the end of this week the Secretary of Defense can come to the Senate, as he does with some regularity, and explain to us what they know, what happened, and what is going to be done about it.

We must do everything we can to ensure that we understand the circumstances surrounding these appalling acts. We must also be provided with a very specific and detailed response that spells out the measures taken to discipline those responsible and outlines what steps will be taken to ensure this never happens again.

Somehow, we have to say to the international community that this is not the United States of America. I think it is imperative that the Senate itself speak to this issue in some manner. We should send a clear signal through a resolution or some other collective and forceful means that expresses how important it is to adhere to the international standards respecting the human rights of every person.

We cannot be silent. We must learn, respond, and speak out. I hope all that will be done at the earliest possible time.

FIRST DAY OF MEDICARE DRUG CARD ENROLLMENT

Mr. DASCHLE. Mr. President, I want to use the remainder of my leader time to comment on the Medicare temporary drug discount card.

For nearly a decade, Congress has been debating how to provide seniors with meaningful help when it comes to the skyrocketing cost of prescription drugs.

This temporary program represents the first tangible result of that long debate. Until the Medicare prescription drug benefit takes effect in 2006, this is the only assistance seniors will receive.

The administration has introduced this program with great fanfare. Unfortunately, the hype masks the disappointing truth. This program provides far more confusion than real savings. As a result, it represents yet another missed opportunity in our longstanding effort to bring the cost of medicine within the reach of seniors who need it.

Among the many shortcomings in the program are three critical flaws. First, the discount program forces seniors to go through a baffling number of calculations and decisions.

In order to decide whether the discount program is right for them and, if so, which card to choose, seniors need to ask themselves: First, will the card offer discounts on the drugs I need? Second, is my neighborhood among those where this card is available? Third, does my pharmacist accept the card? Fourth, which of the several cards offered will provide the best discount on the drugs I am personally taking? Are the discounts offered worth the enrollment fee? Could I get a better deal through a separate discount plan offered outside of Medicare? Will I qualify if I am in Medicaid?

The questions go on and on and on. The dizzying array of possibilities and permutations are shown in a number of the pieces of material that have been offered by CMS. I must say the charts and information provided are equally as confusing.

One reason it is so confusing today is that seniors have nowhere to turn for reliable information. The Center for Medicare and Medicaid Services has built a Web site, but it has already been found to have incorrect prices on many of the drugs Medicare recipients rely upon the most.

Unless seniors have faith in the information on which they are basing their decisions, the fact they are given options will mean absolutely nothing.

Second, the program unfairly locks seniors into their choices until the end of the year, even though the card sponsors can change the rules anytime they wish.

Assuming that a Medicare recipient is able to get the information he or she needs to make a smart choice on a plan that could help, it may not matter. At any time, card sponsors can withdraw the discount they were offering on any drug. Meanwhile, even though the rules could change at any minute, Medicare recipients are actually locked into the choice they made until the next enrollment period comes. So they make their decision based on facts provided to them, and they are locked into that decision for the coming year. But those facts can change at any time—the day after, for example—and the Medicare recipient is now committed. Those facts for that recipient could change. This is an extraordinary invitation for abuse. It puts seniors, especially those with serious health conditions, in a very vulnerable position.

Last week, the Secretary of Health and Human Services suggested that seniors wait before enrolling because more information will soon be available.

Because enrollment begins today and the administration has not included this warning in its widespread advertising, I have urged Secretary Thompson to allow Medicare recipients at least a 30-day grace period to enable them to change their decisions should it turn out that another plan could offer a better discount.

In the wake of the confusing and contradicting information seniors are receiving about these cards, the very least HHS can do is to offer them the flexibility to make the right choice once the right information becomes available.

Finally, and most importantly, the program simply doesn't provide much of a discount. A recent analysis found that prices under the new drug cards would be no lower than prices currently available to Medicare beneficiaries.

Furthermore, whatever discounts the cards may provide have already been factored into drug company pricing strategies.

The Wall Street Journal recently reported that several of the drugs seniors use the most have actually seen prices increase more than three times the rate of inflation since this program was announced.

In fact, drugmakers have already raised prices so much that the so-called discounts offered by this program will do little more than return the drugs to their original price.

To add insult to injury, the new law only requires the card sponsors to pass along to beneficiaries a share of the discount that they do negotiate.

That is not good enough, so I have introduced legislation that would require them to pass along at least 90 percent of the savings to seniors. Medicare should not be in the business of propping up profits at the expense of seniors.

After wading through the stupefying process, with its myriad questions and calculations, the fact of the matter is many seniors will not see their drug costs go down 1 penny.

Regrettably, this was entirely predictable. Instead of relying on commonsense solutions we know could bring down the cost of drugs for every senior, Congress created a mystifying maze of computations, replete with new vendors, changing rules, shifting prices, and unreliable information. There is a better way.

Not long ago, I was contacted by a couple from Trent, SD, who, until January, spent $525 every month to pay for 17 different pills the wife had to take for her diabetes and high blood pressure.

As the cost of the drugs rose higher and higher, it became more difficult to pay their monthly bills, much less enjoy the retirement they worked and saved for. So in order to make ends meet, the husband, at the age of 84—at the age of 84—started a paper route. Once a week, he spent a day delivering a weekly magazine to a number of small towns around Trent. He does not make much, certainly not enough to cover the cost of his wife's prescription drugs, but the added income relieved a little of the sting, and most of the urgent bills could be paid.

In January, the couple called a pharmacy in Canada. They had heard drugs cost less on the other side of the border, and he was curious if they could save a little money.

What they learned stunned them. The same drugs that cost $525 per month at their local pharmacy cost less than $100 in Canada. Over the course of the year, the couple will save over $5,000.

This couple's experience points the way to two commonsense steps Congress could take to guarantee lower drug prices for all Americans.

First, we must make it possible to safely and legally reimport drugs from countries with lower drug prices. Pharmaceutical companies charge American consumers the highest prices in the world. Some medicines cost American patients five times more than they cost patients in other countries.

In effect, our citizens are charged a tax simply for being American. As a result, millions of Americans are having trouble affording lifesaving medication.

Last month, Senators reached a bipartisan agreement to introduce a bill that would allow reimportation of prescription drugs. I want to thank Senators DORGAN and MCCAIN for their extraordinary leadership, and also those who joined with us—Senators SNOWE, KENNEDY, and LOTT, and others on both sides of the aisle.

This is the same medication, manufactured at the same facilities, and inspected by the same rigorous safety standards. It is absurd, even cruel, to force Americans to pay wildly inflated costs, driving hundreds of thousands of Americans into poverty, just to pad the profits of pharmaceutical companies.

Second, it is time to give the Government the same negotiating leverage it has on every other product it buys. When the Government buys computers or automobiles or equipment for our soldiers in uniform, it uses its purchasing power to get the taxpayer a better deal. We should have the same ability to negotiate for drugs on behalf of 41 million Medicare beneficiaries.

The administration has repeatedly opposed this commonsense price-reducing measure and insisted on a provision in the Medicare law that expressly prohibits the Federal Government from using leverage to bargain for lower drug prices.

Let's be clear, if we have the power to save taxpayers money and choose not to use it, we are, in effect, throwing taxpayers' money away. This is foolish and irresponsible. It helps no one but the drug companies who can count on their bloated profits. By defending the system, the administration is merely showing whose side they are truly on.

America's seniors deserve better. The question isn't how we bring down drug costs for seniors. We know how. Rather the question we face is whether we truly want to bring down costs for seniors. The administration and many of our Republican colleagues have given their answer. Over the next several months, seniors are going to see this drug card program is not up to the task of controlling the spiraling drug costs.

Instead of helping seniors afford the drugs they need, it is designed to help drug companies reap the profits to which they are accustomed. Seniors need a real Medicare prescription drug benefit that puts their needs first.

We are going to try to continue to work across the aisle, as we did with the reimportation bill, to find a way to bring down these costs, to find a way to empower the Government to work on behalf of all seniors to negotiate better prices.

There is an answer to the high cost of prescription drugs. The program being introduced today and unveiled this week is not it. We can do better than this, and I hope we will.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the second 30 minutes under the control of the Democratic leader or his designee.

The Senator from North Carolina.

OVERTIME RULES

Mrs. DOLE. Mr. President, this morning I want to praise the work of Elaine Chao and her staff on the final regulations to strengthen overtime rules for all Americans. Elaine Chao worked with me when I served as Secretary of Transportation, and I know her to be a public servant of the highest intelligence and integrity.

Secretary Chao has identified the problems with outdated regulations and has taken the action necessary to rectify them. I admire her principled stand on such a controversial issue, and I commend her for her foresight in recognizing and working to fix the problems.

The Fair Labor Standards Act regulations have not been revised since 1954, but labor forces, as well as employers, have changed dramatically over that 50-year period. These updates take into account the economic demands of technological advancements, salary growths, and shifts in the labor force that have occurred in the past half century, and they modernize these regulations for a modern workforce.

Updating the rules is crucial to the 6.7 million Americans making $23,660 or less a year because until now only workers earning less than $8,060 annually were guaranteed overtime. The final rule provides a greatly needed increase, and, in addition, 1.3 million white-collar workers will benefit from their new earnings. The benefits do not stop there. More than 5 million workers will enjoy an ironclad guarantee of overtime rights, regardless of job duties, under this final rule.

As a woman well acquainted with labor issues across this Nation, I have watched the increase of Fair Labor Standards Act class action suits over the years with growing concern. To my dismay, the number of suits has almost tripled—tripled—since 1997. Even worse, these lawsuits are estimated to cost our economy approximately $2 billion a year. The vague language in the laws has allowed an opportunity for class action attorneys to render a defense extremely expensive and difficult to counter, regardless of how well the employer complies with the law.

These suits have placed even greater pressure on our already overburdened judicial system, and they reinforce the need for these rules.

Certain groups out to prevent the Department of Labor from improving the rules and making the necessary clarifications have greatly exaggerated the effects of the rule. Fortunately, their efforts were unsuccessful.

Critics expressed concern about who is and who is not potentially affected by the new rules—why, for instance, a first responder's overtime is protected. There is no question that America has a profound sense of the significance of our first responders, especially following the events of 9/11. This new protection extends to all of our first responders, our police officers, firefighters, paramedics, nurses, and emergency medical technicians.

For those who feared team leaders could be unfairly disadvantaged under the proposed rules, let me assure you the final rules make it clear blue-collar workers who are team leaders are guaranteed overtime pay. Additionally, white-collar team leaders will enjoy greater protections than they do today.

I hope my colleagues on both sides of the aisle will give careful consideration to the clear benefits these final rules will afford our Nation before voting. I believe these final rules are the product of constructive feedback that is afforded to all proposed rules through the public comment period. In this case, I am told 75,000 to 80,000 comments were received and analyzed. With the new rules in place, workers will clearly know their rights and employers their responsibilities.

Again, I thank Secretary Chao for her extraordinary leadership and vision in making millions of low-income workers eligible for overtime, updating the antiquated and confusing rules and regulations, and taking this important step toward eliminating the billions of dollars in lawsuits related to overtime cases.

I quote from today's Washington Post:

> What's needed now is not to block these regulations but to ensure that they are vigorously enforced with an eye to protecting the vulnerable workers the law was intended to benefit.

I urge all my colleagues to support this rule and vote no on the Harkin amendment.

I yield the floor.

The PRESIDING OFFICER. The minority whip.

ORDER OF PROCEDURE

Mr. REID. I appreciate my friend from Minnesota yielding for a unanimous consent request.

Under the time controlled by the Democrats, Senator STABENOW would have the first 10 minutes, Senator DURBIN the second 10 minutes, and Senator LAUTENBERG the third 10 minutes, or if one of them is not here they would each get 10 minutes of our time. I ask unanimous consent that that be the order for the Democrats.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

MEDICARE'S NEW PRESCRIPTION DRUG PROGRAM

Mr. COLEMAN. Mr. President, I had the opportunity yesterday to be in

Eden Prairie, MN, at a senior citizens center to talk to people gathered there about the opportunity they now have to obtain a discount card to lower the cost of prescription drugs. This is done less than 6 months after the law was changed. I want to applaud Secretary Thompson and the folks from CMS for moving so quickly.

What I find so troubling is I was on the Senate floor yesterday and I heard the distinguished Senator from Massachusetts and today the distinguished minority leader talking about how terrible this is and lambasting something that is just beginning. I ask that we put aside the partisan rhetoric and see if we can work together to give seniors an opportunity to get prescription drugs at lower costs. The card in question is one, by the way, if one is a senior at the lower end of the economic ladder and as an individual they have an income of under $13,000—I think it is about $12,500 for an individual and about $16,500 for a couple—that discount card has contained within it a $600 credit. That $600 credit will cover the cost of prescription drugs from now until the end of the year and then $600 starting again in January; so, in fact, it is $1,200 for 18 months. With this card, seniors have an opportunity to get a list of the pharmacies at which they shop, get a list of the drugs they need, and then be able to price compare.

I am not very computer literate, but many of us have complained about the complexity of the Medicare law. There is certainly a lot of debate about the complexity of the statute, but there is very little debate about the simplicity of the process that is involved in seniors figuring out what their options are under this card. If seniors call 1–800–MEDICARE, they can speak with someone, tell the folks at Medicare where they live, what their income is, what drugs they need. They will be given a list with a whole range of opportunities, and then they can pick the program that is at the lowest cost to them.

If a senior is computer literate themselves or they have a kid or even a grandkid who understands how to work computers, or in our case we had folks from AARP and from the Board of Aging—they were all there to work with these seniors—it makes it very simple.

For those who talked about mystifying phases of confusion, why do we not just give it a chance to work. Can we not put aside partisan rhetoric and lambasting for a little bit of time and simply come together to say seniors deserve lower cost prescription drugs?

I would like to see an opportunity for seniors to get safe drugs from anywhere, and if we can figure out a way to do a pilot project to get drugs from Canada, I would support that. We know that is not the panacea, that is not the cure all. We have passed a bill now that for the first time gives seniors the opportunity to get prescription drug coverage. Over 187,000 in Minnesota will get that coverage, and over 119,000 will have this $600 benefit.

I was taken aback by the comments of the Democratic leader when he talked about the Federal Government as a model in regard to military procurement and getting things at low cost. Goodness gracious, we have all heard the stories of $500 wrenches and toilets. There is a better way to do it.

We have an opportunity now for seniors to be able to price shop. We have urged our seniors and I urge seniors, do not get the card right away, do not make their choice right away. Window shop for a couple of weeks, 10 days, figure out what is the lowest cost, and do the price comparison.

We have an opportunity, and I hope we take it, to put aside the political hits and being negative about things even before the program is given a chance to work.

ECONOMIC RECOVERY

Mr. COLEMAN. I do want to talk briefly about the economy and perhaps from the same perspective. I begin my remarks on the progress of the American economy with an observation of H.L. Mencken in 1921. He said:

> The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led safely) by menacing it with an endless series of hobgoblins, all of them imaginary.

Much of the economic commentary we are hearing from the other side of the aisle in the Senate and out on the campaign trail seems to fit this description very well.

Among the hobgoblins: that the President is encouraging companies to move overseas; that his tax cuts are intended to primarily help his rich friends; and that this is the worst economy in who knows how long.

There is just one problem with these and other claims: The facts. They are alarming for sure, but they are also imaginary.

The economy is strong and growing, posing annual growth rates of 8.2 percent, 4.1 percent, and 4.2 percent in the last three-quarters. Jobs are being created, 308,000 last month. The recalculation of job creation the first 2 months in this year is another 200,000. I believe the figure is 750,000 in the last 7 months. Housing sales are at an all-time high level, and so is home ownership. Inflation is low. Mortgage rates continue to be low. I wonder which of these economic indicators the Senator from Massachusetts wants to be less positive.

The truth is, we should not be comparing our economy to perfection and asking: Why not? We should be comparing our economy to reality and asking: Why?

We had the tech bubble burst, a bubble that should never have been allowed to inflate so high. We had corporate scandals. We had corporate greed. We had Enron and WorldCom. They were certainly nonpartisan, but they were encouraged by the get rich quick ethic of the 1990s. They were reprehensible and we have dealt with them.

We had the attacks on September 11. My colleagues across the aisle talk about losing jobs and what a terrible economy. Every single time we have to reflect, we remember September 11 and the devastating impact that had both on our hearts, on our souls, on our confidence, and on our economy. Now we have the daily war on terror.

If that picture had been drawn for us 5 years ago, how many would have predicted the economy would be in as good shape as it is? The reason is sound monetary policy and tax cuts that were extremely well timed and sized to stimulate the economy when it needed it the most.

Talk to small business folks. They understand the importance of bonus depreciation, increased expensing, cutting the top bracket, reinvesting in the business, and then growing jobs. That is what has happened.

As that stimulus is running its course, we in this body need to enact a jobs bill, a transportation bill, and the Energy bill. We need to enact tort reform to build upon our current progress. We have to stop the filibustering and get some work done.

Unfortunately, some in this body and on the campaign trail are obsessed with talking about and addressing the economic situation that existed 2 years ago and administering medicine to a disease we are already curing. The President deserves credit for economic policies that weathered America through to better times.

Some may have political reasons for keeping the people alarmed, but the mounting evidence of economic strength is convincing to the American people, and the American people understand that reality is preferable to all those hobgoblins.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my colleague for his presentation on the economy. I intend to continue in the same vein.

I begin with a headline that appears in this morning's Washington Post on the front page of the business section. I believe it belongs on the front page, period. The headline reads:

> Federal Deficit Likely to Narrow By $100 Billion. Tax Receipts Pare Borrowing.

It goes on to describe how the amount of tax receipts coming into the Government are so much higher than those anticipated, that the present expectation is that this year's deficit will be $100 billion less than the amount that we were told when the year began.

To me, that does not come as a surprise. Yes, I am a little surprised that the number is as high as it is. But the one thing I have said over and over again on this floor, and will continue to say because it seems nobody understands it, is that all of the numbers we have with respect to our projections around here are always wrong. I can't tell you whether they are wrong on the high side or the low side in advance, but the one thing I can always say with absolute certainty is that they are wrong.

Why? Because we are talking about an $11 trillion economy. In an $11 trillion economy, even the slightest percentage change in our estimate produces a big number, in terms of dollars. One hundred billion is not that much money when you talk about $11 trillion. It is 1 percent. And 1 percent, to use a term with which all politicians are familiar, is within the margin of error.

But the fundamental truth that comes out of this headline and the predictions that preceded it is this: Worry less about the numbers than you do about the principal position of the economy that underlies those numbers. If our policy is correct and the economy is thriving and growing, the numbers will take care of themselves. But if our policy is wrong and the economy is shrinking, then it doesn't matter what the projections say that the income of the Federal Government might be. We are going to be in trouble.

I want to put this all in historical perspective so, if you will, I will display a few charts. This first one, "Historical Perspective on Economic Growth" goes back to the 1970s. The green bars above the line represent quarters in which our economy grew. The red bars below the line represent quarters in which our economy shrank. As you can see, we had a very serious economic problem in the late 1970s and early 1980s, as the red bars went down below the line repeatedly and very deeply. This was the response to what some economists call the "great inflation." We hear talk about the Great Depression, but we sometimes forget that in the 1970s we had the great inflation during the Carter years. And we had two quarters successive of red down below. Then it burst, and then an additional problem, as the economy went through the dreaded double dip; that is, we went into recession, recovered briefly, and then fell back into it again. Those were some of the worst economic times that I can remember. But to listen to the rhetoric around the Senate floor no one else remembers it because we are now being told our present economy is the worst in 50 years.

Look at the historic perspective. You see when we came out of that double dip, Ronald Reagan was President and Paul Volcker was Chairman of the Federal Reserve and we established fiscal policy and monetary policy that caused the economy to start to grow in dramatic fashion. We had a period of nearly a decade where we had nothing but green above the line. But as always happens—we cannot repeal the business cycle—mistakes are made, decisions are taken on the assumption that the future will be different than it really is, and the economy slipped once more into recession in the middle of the Presidency of the first President Bush, and we had two successive quarters of red ink.

By comparison to what happened in the early 1980s, this was a happy time. But, of course, for those who lost their jobs and those who saw the economy shrink, it was not a happy time. It is never a happy time when we are in recession.

We came out of that recession and President Bush saw the balance of his Presidency a time of solid growth. It slipped for one quarter and then resumed again, and we had another period of green above the line. We didn't really get into a robust recovery until about 1995. That triggers all kinds of political debates. The Democrats said the reason for the recovery was because Bill Clinton was elected President in 1993. The Republicans say, no, the reason for the recovery is because Newt Gingrich was elected Speaker in 1995. Frankly, I don't think either one of those had that much to do with it. I think the economy, on its own, with its own strength, created this period of great prosperity.

But as the Senator from Minnesota has noticed, as we got toward the end of this period, we had the dot-com bubble, we had 9/11, we had the corporate scandals, we had geopolitical uncertainty, and the economy was shaken and slipped back again into the red. But, once again, if you notice, in a historic fashion the amount of red below the line in the recent recession was nowhere near as serious as the amount of red below the line in the 1990s, and not even close to the amount that occurred in the late 1970s and early 1980s. So that is the historic perspective of where we are. The economy is strong, it is resilient, and it is now poised for a significant period of growth that we hope will challenge if not exceed the periods that preceded it.

Let's go to the next chart that focuses entirely on the recent years, in the period where we are now. This shows the quarters that constituted the last recession, and then the quarters since then. You can see that since the last recession, the recovery, while initially fairly weak, has now become strong and robust and continues to grow.

In discussing that with Chairman Greenspan and the Federal Reserve, I talked to him about how weak the recovery was, and he said one of the reasons the recovery has been weak compared to previous recoveries is because the recession was so mild. You don't have a strong booming recovery unless you are coming back from a period of great and serious difficulty. Because the recession was so comparatively mild, the recovery was comparatively mild. But now it appears, starting in mid-2003, that it has truly taken hold.

The jobless claims peaked during the recession, stayed high for the first part of the recovery, and then began to get optimistic and strong. That is the case here.

Let us look at the payroll jobs and how they are playing out, again in the historic pattern I have described.

This is the beginning of January 2003. Payroll jobs are being lost, but the amount of loss keeps getting smaller and smaller as the recovery takes hold. In August of 2003, the trend turns positive and the jobs start to come back. Now you have 7 months in which jobs have been created—every month, with the strong figure, of course, occurring last month of 308,000 jobs.

Once again, this follows the standard historic pattern; job are slow to come back in a recovery—every recovery regardless of who is President. People are slow to hire until they are sure the recovery is taking hold. Now the recovery has taken hold and the jobs are coming back.

The next chart shows us why this recession was as mild as it has been. It gives us an indication of what we can look forward to. It is a little hard because the colors are not as contrasting as they should be for television, but the green bars are consumer spending.

One of the interesting characteristics about this recession—it is unique indeed of any recession we have followed—is consumer spending stayed positive throughout the entire recession and then turns more positive, of course, during the recovery. That would indicate no recession at all. But, of course, there was a recession. What caused it? Go to the dark blue bars. This is business investment. We can see the response to the dot.com bubble. The bursting of that bubble was that businesses decided they had overinvested in a number of areas during that bubble. You see that in the very strong dark bars that are up here in 2000. In the middle of 2000, business investment starts to drop.

That was the signal. This was the beginning of the recession, the middle of 2000, and they slip into strong negative territory in 2000, stayed there during 2001, and do not come back to positive territory for nine quarters.

That is why we had a recession and that is why the recovery was sluggish. Consumers were still buying but businesses were not investing partly because they had overinvested and thereby overspent during the period leading up to the recession, partly because they didn't have the incentives that were created for business investment by the tax cuts that we passed in Congress.

But, in late 2002, the trend turned. Business investment started to go up and became very strong and remained in strong territory, which is why the recovery remains strong.

But let us look at the area we have so much spoken about on the floor with respect to manufacturing. Once again, putting it in a historic perspective, going back to 1999, manufacturing spending was up and started down in 2000.

I keep emphasizing the fact that this started down in 2000, because during the election of 2000 we were told this was the strongest economy anybody could ever imagine, and if one only kept the incumbent party in power in the White House this would continue. In fact, during that period while President Clinton was in the White House and Vice President Gore was campaigning, it had already started down.

Economic activity is not that responsive to political activity; it has a life of its own.

It started down during 2000, slipped below the line that indicates whether it is growing or shrinking in the middle of 2000, it hits bottom in 2001, and then, while it comes up briefly, stays in a period and an attitude of difficulty until you get to the middle of 2003.

Again, the red arrow shows when it was going down, the green arrow shows when it is starting up, and the manufacturing activity has now come up very strong—stronger than it was before the recession started, and every indication is that it will continue.

On the floor yesterday, the senior Senator from Massachusetts talked about wages and how terrible wages are. His colleague who is running for President has said: Well, maybe the economy is coming back but we are in a wage recession and wages are terribly low.

Once again, putting this in historic perspective, we find that the present situation is not without precedent and not without indication as to what will happen in the future. Hourly earnings figures, which the two Senators from Massachusetts used to make their claim, do not include benefit costs. That is a component of compensation that every business man and woman knows you have to include.

I have run a business. I have realized, as every businessman does, that you cannot just compute the amount of money that an employee receives on his W-2 form as the cost that employee represents to you. You have to add to that the cost of his health insurance, the cost of his retirement benefits, the cost of any other benefits you give him in order to come up with the total amount he is going to cost you. If he cannot return to your company enough economic value to cover that total cost, you can't afford it.

To those who say, well, let us ignore the total cost and just talk about the wages, I say you are ignoring economic reality. If you look at the total benefits and wages combined in total cost to an enterprise, you realize we are not in a wage recession. We are in a situation that has very careful precedent very close to what has happened in the past recessions.

When Alan Greenspan appeared before the Joint Economic Committee, I asked the question: Are we in a wage recession? He said no.

I close the way I began. It is the economy that produces money—not the budget. It is the economy that determines how well we will do and not necessarily our laws.

I go back to the headline that I held up at the beginning of my presentation in today's paper, the Washington Post. On the front page of the business section, it says "Federal deficit likely to narrow by $100 billion."

Do you know what it would take for us to create a $100 billion reduction this year in spending in order to get that kind of an impact? There it is—an additional $100 billion into the Treasury by virtue of the strength of the economy rather than anything we do.

It is very important for us politicians to understand that and realize that our first responsibility is to adopt policies that will keep the economy strong and growing. I believe this administration and Congress have done that. The information that is now flowing in to us from the economic world demonstrates that our policies are the correct ones.

I yield the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

MEDICARE

Ms. STABENOW. Mr. President, I rise today to speak about the Medicare law that we passed and the newly announced Medicare discount card.

I, first, raise deep concerns about a recent report that has come forward from the Congressional Research Service which was made public yesterday. I read from an AP story and report made public on Monday by the nonpartisan Congressional Research Service that efforts to keep Richard Foster, the chief Medicare actuary, from giving lawmakers his projections of the Medicare bill's costs—$100 billion more than the President and other officials were acknowledging—probably violated Federal law.

It goes on to say:

> Foster testified in March that he was prevented by then Medicare administrator, Thomas Scully, from turning over information to lawmakers. Scully, in a letter to the House Ways and Means Committee, said he told Foster "I, as his supervisor, would decide when he would communicate with Congress."
>
> Congressional researchers chided the move. Such gag orders have been expressly prohibited by Federal law since 1912, Jack Maskell, a CRS attorney, wrote in the report.

I hope we are going to pursue this. We have a specific report indicating the administration may have violated a law that has been in place since 1912 that relates to information not given to us about the Medicare bill and about an employee, a Medicare actuary, who was told he could not share information, even though that was his job, even though he was asked to do so, another very troubling part of the whole Medicare saga as we look at this legislation.

Sadly, our seniors now must endure another major disappointment as they cope with the implementation of last year's flawed Medicare bill. Since the final agreement was hashed out in the middle of the night last year, seniors across this country have heard more and more frustrating news about the new Medicare law. The latest is the new Medicare discount card or, as some would say, nondiscount card.

Prior to the launch of the prescription drug card Web site last week, seniors discovered one outrage after another. First, they found out this bill had an undesirable benefit. For example, if you have $5,100 in prescription drug costs in a year, you still have to pay 80 percent of that—over $4,000. That is not the kind of benefit people in Michigan desire. When the benefit is explained to them in public forums where I have been participating, people are very upset. This is not the kind of benefit they have been asking for.

Second, they began to understand this legislation will undermine private health insurance and almost 3 million retirees will lose their private prescription drug coverage. About 183,000 people in Michigan, as a result of this bill, are predicted to lose the private coverage they worked for their whole lives and count on now in retirement.

Third, they realize approximately 6 million low-income seniors will have to pay more under this new plan than they did under their existing Medicaid coverage or their coverage will be more restrictive. Think of that for a minute. For the folks who are lowest income seniors, whom we all speak about having to choose between food and medicine, under this new law they will have to pay more—maybe only a little bit more, but every dollar counts when you are choosing between food, medicine, paying the electric bill, or cutting pills in half or taking them every other day. It is astounding the bill that was passed actually increased the costs for our poorest seniors.

Fourth, our seniors discovered there were no provisions to actually lower the prices of prescription drugs. That is amazing. Despite the House of Representatives overwhelmingly passing a bipartisan prescription drug reimportation bill to open the borders and bring back lower priced prescription drugs—in most cases, American-made or American-subsidized drugs—instead of that, which would lower the costs of some drugs up to 70 percent, it was summarily dropped in conference committee under pressure from the White House and the pharmaceutical lobby.

Fifth, at the last minute, the pharmaceutical companies pressured their allies in Congress to put in a provision that actually prohibits Medicare from negotiating bulk prices. Amazing. We are not even using the full leverage of Medicare to negotiate group prices. As a result, the Medicare Program cannot use its market power to get lower prices for prescription drugs, unlike the VA. We all know the Veterans' Administration negotiates deep discounts on behalf of our veterans. We actually have a situation now in the case of a husband and wife who are retired. The husband is a veteran and he is getting a major discount, possibly up to 40-percent discount in his prescription drug prices, and his wife, who is on Medicare, has to pay higher rates. That is not fair and it is not right. It needs to be fixed.

Sixth, a month after the bill was signed, all Americans discovered the administration deliberately hid certain cost estimates from Congress and the American people. These figures contain what some thought all along, that this bill would cost more than the $400 billion projected. Perhaps the lack of any provisions to help lower prices led to its higher cost. And now we hear from the Congressional Research Service that, in fact, the administration has likely broken the law in keeping that information from us.

Finally, to add insult to injury, our seniors are now seeing political television commercials promoting the new Medicare Program, paid for by American taxpayers, during the middle of an election campaign, and the ads are not accurate. The ads are not accurate and complete and they leave out some of the biggest problems with our new private card.

Let me speak now specifically to the card. First of all, this chart is not meant to be a joke. This demonstrates 50 different steps in the process of getting a Medicare prescription drug card. You do not necessarily have to take all 50 steps, but it is a very confusing process to wade through over 30 different cards to determine whether one of them is best for you. Your region may have access to other regions and may be able to apply for very complicated low-income assistance. I should say the low-income assistance is the one positive in this card. If you do manage to move through the complexity and a senior or a disabled person does qualify, it does provide $600 to help them pay for medication. This is very positive.

The Families USA study looked at this and indicated the application process for low-income drug subsidies is unusually cumbersome and is built on an untried application infrastructure. As a result, they estimate of the 7.2 million low-income seniors who would actually be eligible for the extra help—and we want each and every one of them to receive it—only 4.7 million will actually receive it because of this complexity.

The latest development is misleading. These so-called discount cards may actually mean higher prices also for seniors than they would otherwise get now without any new Medicare Program.

For example, seniors can get lower prices for prescription drugs by simply getting their prescriptions filled through a number of sources they have right now. There are a number of very good county programs in Michigan that I encourage seniors and families to take a look at that cost less than the Medicare discount card and actually provide more benefit.

We also found by a study just completed in the House of Representatives that purchasing through the Internet can be a less costly way to receive discounts. Let me give an example. Go to a Web site for the top 10 most used drugs by our seniors, for example, at drugstore.com. The yearly cost is $959. There is no annual fee. The total cost would be $959. Two other Web sites, the same thing: $990 and $993. If you go to one of two of the over 30 different private Medicare discount cards, one is called RXSavings, to get the same 10 drugs, supposedly at a discount, would cost more—$1,046, and you have to pay an annual fee of $29.95 in order to have the privilege to pay more. The end result would be $1,075.95. The same is true with Pharmacy Care Alliance. It costs you more than what is out there right now as discount cards, but you have to pay $19 to get the card, and in the end you are paying more. This is not a good deal for our seniors.

Let me give another example and actually suggest what we ought to be doing. I should mention that the average discount card is $30 for a senior. You have to have it for a year, and even though you cannot change your card for a year, the company giving you the card can change the list of the drugs that are discounted every 7 days. So you look at all the complexity, through all the cards, you pick the card that covers the drugs you use because you need that discounted amount, you pay your $30, and then 7 days later the drugs you need are not on that card anymore. This is not a good deal for our seniors.

What is a good deal for our seniors is legislation we have in front of us right now to allow us to open the border to safe FDA-approved prescription drugs coming back to our local pharmacy from Canada or other countries with similar safety precautions where we can literally drop prices in half. That is a good deal.

We have a bipartisan bill in front of us. A very large coalition of Senators has been working together. It is time to bring that bill forward to the Senate floor and to pass it.

Now, why is that better? Well, as an example, under one of the private cards, after you purchase your private card, Lipitor is listing at $71.19. It costs you $74.72 to get it under another card. But if we simply passed that bill, it would allow us to bring back those lower prices from Canada to the local pharmacy. You could pay $49.85. That is true over and over.

The real way to lower prices is to allow us to get the lowest price, whether it is in Canada or the U.S. or other countries where we can make sure that the safety is there, and bring back the prescription drugs to our local pharmacy. The other way is to give Medicare the clout to truly negotiate, as the VA does, to be able to lower prices for our seniors.

This law has so many flaws. I believe we ought to go back to the drawing board. We need to pass a meaningful prescription drug benefit. We can do so before the law takes effect in 2006. We can do better. I encourage our seniors to think very carefully and cautiously before proceeding with one of these private discount cards.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Michigan who has been tireless in her efforts to educate the Senate as well as the American people about the prescription drug issue. I don't think there is another Senator who has dedicated herself or himself to this issue as much as Senator STABENOW. I thank her. She has done a lot in terms of letting us all know what is at issue.

We all understand the basic problem: Prescription drugs cost too much money—not just for seniors, but for almost everyone. Unless you are one of the fortunate few who has some sort of prescription drug coverage that takes care of the cost, you have to reach into your pocket, pay out substantial sums of money for drugs and medicines that the doctor tells you are absolutely necessary for your health. For some who are in strong income positions, this is not a hard choice; you just write the check or hand over the credit card and don't think twice. But for a lot of people living hand to mouth, trying to count the pennies and get by from month to month, it becomes an impossible choice. To be told that it is your money or your life is the worst possible choice, and that happens over and over again.

Forty million seniors on Medicare end up paying higher drug prices than any other group of Americans. Let me repeat that. Forty million seniors under Medicare pay higher drug prices than any Americans. How can I say that? I can say that because these are people on fixed incomes, many of whom don't have insurance protection for prescription drugs. They find themselves in a position where they have to pay the full price while someone—their son or daughter who is fortunate to have a plan at work—may have a lower cost or a reduced price for prescription drugs. Someone who is disabled and on Medicaid, for example, has the benefit of the Government bargaining to bring in lower prices. Right on down the line you see that person after person has protection, but for the senior citizens, they end up paying the highest prices.

I have heard colleagues repeatedly say, that is just the price you have to pay in America. We have to have somebody pay inflated prices for drugs so the companies have enough money for research.

Keep in mind that pharmaceutical companies are the most profitable economic sector of our economy. They make a lot of money. Though they need to make a profit—that is why they exist—though they need money for research, the fact is most of these companies pay more money for advertising their product than they do for research to find new cures for diseases.

We tried to pass a prescription drug bill that would have finally given Medicare the power to bargain down prices and make them affordable for seniors. It was rejected by the overwhelming majority of the other party and even a few on our side of the aisle because the pharmaceutical companies don't want to face any customer with bargaining power. Forty million seniors under Medicare would be the strongest bargaining unit possible. Instead, we passed a bill which, frankly, is going to delay the implementation of a very poor substitute, a Medicare drug program, until long after the election. Conveniently, this disastrous bill will not go into effect until long after the election. In the meantime, though, the Bush administration is anxious to tell the seniors that we haven't forgotten you.

Yesterday they rolled out a discount card to give seniors a break on the cost of drugs. Take a look at what that discount card means when we actually compared it to the town of Evanston, IL, to what people are paying at the pharmacy.

Lipitor, the largest selling drug in the world, $10 billion in annual sales, $6.5 billion in the United States, lowest retail price is $68.99. With this great new discount card the Bush administration rolled out yesterday, $67.07—a savings of 3 percent. Celebrex, savings of 2 percent. Norvasc, it turns out the discount card price is higher than the price of the pharmacy.

The bad part about this new Medicare drug discount card is, once a senior signs up for it, they are stuck for a year. That means they pay the annual fee and can't go to another private discount card. Meanwhile, the company offering the discount can change the number of drugs covered and the price of the drug on a weekly basis. So you are stuck having paid your membership fee with a situation where the drug companies can keep raising prices way beyond what you think they are going to be.

Are they likely to raise prices? Take a look at what has happened to the increases in prices since we started debating this: Celebrex has gone up 23 percent in cost; Coumadin, very common, 22 percent; Lipitor, 19 percent; Zoloft, 19 percent; Zyprexa, 16 percent; Prevacid, 15 percent; and Zocor, 15 percent.

So when you are saving 2 or 3 percent on the card today and no guarantee that it will be there tomorrow and prices are going up in this fashion, is it any wonder that seniors are skeptical of this administration's commitment to lowering drug prices?

Secretary of Health and Human Services Tommy Thompson said last week: I want to warn seniors; on May 1 we are going to roll out this new card, but hold back. Don't commit yourself early. There is still more information coming in.

There certainly is. The information is troubling. These discount cards being offered by the Bush administration, frankly, could be a bait and switch for seniors. They could end up with a discount today that disappears tomorrow. They are stuck with it. They could end up signing for a discount card for a drug that is discontinued by that same company offering the card next week.

Take a look at what we could be doing instead of these bait-and-switch phony discount cards. Take a look at what we could be doing on Lipitor: With the Medicare discount card, $67.07. Do you know how much they pay in a veterans hospital for that same drug? Thirty-six dollars and 48 cents. Why? Because the VA bargains with Pfizer and it brings the price down dramatically. This Senate passed a bill prohibiting us under Medicare from bargaining with pharmaceutical companies to get the best price for seniors. They specifically prohibited it. Why? So the drug companies could make more money and seniors would pay more money. If you have to go to Canada for that same Lipitor, it is about $50. Look at this. America's seniors are paying the highest prices, even with the discount card, in comparison to veterans and the price of the same drug in Canada. Prevacid is $111 under the Medicare card; it is $53.90 in the VA hospitals; it is $56 in Canada. Zocor is $101 under the Medicare card; it is $69 in a VA hospital; it is $63.98 in Canada.

Seniors understand this. I met with them in Chicago yesterday. They understand what is happening here. This is an election year push to tell seniors across America they are going to get a discount. But they know better. They are wise in their years. They have seen a lot of politicians come and go. They are not going to be swayed by a discount card that offers little or no hope to bringing down the cost of these expensive drugs.

I have written a letter, along with a dozen colleagues, to Secretary Thompson, saying, For goodness sake, give seniors a grace period here. Don't tie them down with a card that could be disastrous for them and their families. With a grace period, if they find out it is not a good deal, that would be fair to seniors—something the Medicare discount card is not.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the time controlled by the Democrats, how much time does Senator LAUTENBERG have?

The PRESIDING OFFICER. There are 9½ minutes.

Mr. REID. I checked with the majority. I ask unanimous consent for an additional 5 minutes on our side for Senator SCHUMER, and we ask also that there be 5 additional minutes of morning business extended to the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

MEDICARE DISCOUNT DRUG CARDS

Mr. LAUTENBERG. Mr. President, I want to now discuss my concerns about the ads we are seeing regarding the new Medicare drug discount card. I think the ads are misleading, and I am getting a lot of inquiries from people at home about is this good for me or not. I think there is a fundamental mistrust about whether this is an idea whose time ought not yet come, because the citizens are saying it is starting in 2006, and this is obviously a lead-in to that. I think it can be described as a placeholder.

The card became available yesterday, but the administration is keeping seniors in the dark about the real benefits and weaknesses of the program. They have produced a television commercial that is hyping the card and are spending $18 billion to show it across the country.

In this ad, there is a group of seniors in line at a pharmacy and the announcer says: "Good news for those with Medicare. You can get savings on prescriptions." They do it in the right mellifluous tone, just for those on Medicare. That is really all the announcer says about the card—"good news . . . you can get savings." That's it—all hype and no substance.

The television ad is almost a cruel joke on our Nation's seniors. Instead of providing real, needed information about the drug card, the administration has launched a PR campaign to boost the image of the card.

HHS should have spent less time focusing on hype and more time providing seniors with critical information about the card program.

We have to look at what is missing on the card. I urge the administration to include something else in their mailing. This is called a magnifying glass. Everybody knows what it is. It ought to be sent so you can read what this small type says. It says, "Scene from the HHS 'shine' ad, featuring the 'strange, blue, magical glow of light.' "

It goes further—and we have enlarged the type. The magnifying glass would be a nice accompaniment for seniors who are getting this, because they should read this small type. It says: "Savings may vary. Enrollment fee, deductibles, and copay may apply."

And here they say "certain exclusions apply."

We need the magnifying glass to see that.

What we are looking at is some fairly deceptive advertising. It is shocking that the administration would once again run ads that leave out these important details, especially in light of the findings by the GAO that earlier Medicare advertisements had a political tone and contained "notable omissions and other weaknesses."

Many seniors watching this commercial could reasonably believe the discount card is free. In reality, there is an annual enrollment fee of up to $30.

Many drugs would be excluded from the program. Seniors could be stuck with a Medicare drug card that provides no discount for the prescription drugs they may need. For example, seniors using the Medicare discount card offered by the Pharmacy Care Alliance would get no discount for Celebrex. Celebrex is a common, apparently very effective drug used to treat arthritis. With the card, you can buy the drug for $121.80. But if you don't have the card, you can get the same medication for only $76.99 at drugstore.com, so there is a savings of over $40. The card is useless for this drug.

Another example: Seniors on the Rx Savings Medicare Card Plan would pay $147.01 for Prevacid, a common drug used to treat acid reflux. But there is no discount at all when you consider that you can buy the same drug for $120.99 at drugstore.com without any card. That is a savings of over $25 if you do not use the card. That is a good idea. Don't use the card.

Lipitor is used to treat high cholesterol. If you have the Pharmacy Care Alliance Medicare drug card, it costs you $71.19. But if you want to buy it at drugstore.com, that $71.19 product cost only $62.99. So there is $8 worth of savings right there at drugstore.com without any card. The savings are haphazard at best.

These Health and Human Services television ads do not provide any of these details except, once again, in the tiny type on the bottom of the screen, and you ought to get a magnifying glass if you really want to understand what is taking place.

Look at this placard. It shows actual scenes from HHS's advertisement. I point out as I did before:

> Savings may vary. Enrollment fee, deductibles, and co-pay may apply.

They are saying: Hey, hold on to your pockets because we are not really telling you what the outcome is going to be.

What little substantive information is included can only be found at the bottom of the screen in print so small that you need a magnifying glass to read it. They make sure the type is in a color that is very hard to read. If this was an automobile, people would be hollering that this is flimflam. Only in its barely visible fine print are seniors informed there is an enrollment fee for the discount card.

It also reveals that "certain exclusions apply." That exclusion could very well be the prescription drug you need.

Rather than educating seniors about the drug discount card, HHS is treating the Medicare drug card like dishwashing soap—just make the public think it is a great thing. These are not educational ads. They are propaganda. The GAO already told HHS that its previous Medicare materials were misleading, but rather than clean up its act, the administration continues to hide the fact and trick seniors.

I call on HHS and the administration to stop using taxpayers' dollars to mislead seniors and start providing real needed information to Medicare beneficiaries. One should not have to have a magnifying glass to understand what is being offered.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator SCHUMER is not here; therefore, I yield back his time.

Does the other side yield back their morning business time?

Mr. GRASSLEY. We yield back our 5 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization findings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

> Harkin amendment No. 3107, to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay.
>
> Collins amendment No. 3108, to provide for a manufacturer's jobs credit.
>
> Wyden amendment No. 3109, to provide trade adjustment assistance for service workers.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. shall be equally divided between the chairman and ranking member of the Finance Committee or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that the Senator from North Dakota may offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3110

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself, Ms. MIKULSKI, Mr. HARKIN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. EDWARDS, proposes an amendment numbered 3110.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, I shall not debate the amendment at the moment. My understanding is the bill managers want to sequence a number of amendments. Let me indicate this amendment deals with the question of trying to close a tax provision that actually rewards or incentivizes those U.S. companies that would move jobs overseas for the purpose of producing a product and shipping it back into our marketplace. I believe that is a tax loophole that ought to be closed. We ought not incentivize the loss of American jobs and the movement of American jobs overseas.

I offer this amendment on behalf of myself and Senator MIKULSKI and others. We will be happy to come this afternoon to debate it. Also, I will be happy to reach a time agreement when we come back this afternoon. It is not our intention to delay this bill. I want to see this bill finally passed, but I do want to have a good debate on our amendment. We will be ready to have a reasonable time agreement this afternoon.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding, after speaking with the two managers, that Senator HARKIN and Senator JUDD GREGG will debate the overtime amendment, but they are not here now.

I ask unanimous consent that Senator SCHUMER be allowed to speak as in morning business for 5 minutes.

Mr. GRASSLEY. If you give us 5 minutes sometime during the day.

Mr. REID. And that the Republicans have like time on their side whenever they want.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, and I will not, before he leaves the floor, I thank the Senator from North Dakota. He has been helpful and constructive in getting amendments lined up. I spoke to the cosponsor of the amendment a short time ago, and she will, this afternoon, join the Senator. I thank the Senator for his cooperation.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

NEW YORK NATIONAL GUARD

Mr. SCHUMER. Mr. President, I thank both the chairman and the ranking member of the Finance Committee for allowing me to speak for 5 minutes on this issue.

I wish to take this opportunity to recognize the important and significant role that New York's 2nd Battalion 108th Infantry Regiment recently played in the rescue of Thomas Hamill, the civilian contractor held captive for 3 weeks in Iraq.

Seeing this unit in the area surrounding the farmhouse in which he was kept gave Mr. Hamill the courage to stand against his captors and escape to freedom. That is why I wish to recognize the 2nd Battalion 108th Infantry Regiment today.

I know it must be of great comfort to Mr. Hamill's family and friends that when he first stepped in the light of freedom, he was greeted by these fine New Yorkers. This is what it is all about. A man from Mississippi escaping bravely, and there were New Yorkers. They are headquartered in Utica, NY, with companies in Whitehall, Morrisonville, Gloversville, Rome, and Glens Falls. The unit has served this country since 1898 at home and abroad, and there they were in exactly the right place at the right time to help Mr. Hamill.

The bottom line is that after the attacks on September 11, many of the men and women of the 2nd Battalion were activated and came to New York City to protect our citizens. They are aware, better than anyone else, that this war on terror is a war we must fight both at home and abroad, protecting us at home and protecting us abroad.

A full 11 of these National Guardsmen have such love for their fellow New Yorkers and for America that they are fighting in Iraq as new citizens, having been sworn in at a send-off celebration in February. The 2nd Battalion is fortunate to have guardsmen hailing from Africa, South America, the Ukraine, Japan, and across the world now serving as American citizens. What an extraordinary first act as an American to serve and protect the Iraqi people and lead Mr. Hamill to freedom.

Family, friends, and neighbors from Albany to New York City, from Westchester to Plattsburgh, Syracuse and Buffalo all gathered together at that send-off celebration to show their support and honor their bravery.

In the 2 months they have been in Iraq, these men and women have been serving under the leadership of LTC Mark Warnecke, having truly served their country in the true tradition of the National Guard. Today I recognize the efforts of the 2nd Battalion 108th Infantry Regiment. When they return home to their families, they will do so as heroes.

Mr. Hamill is now safe and recovering in Germany and looking forward to a reunion with his wife and his return to Mississippi, after his courageous ordeal. I look forward to the day when the men and women of New York's 2nd Battalion 108th Infantry Regiment can return as heroes to their own families. May God grant them safety and security as they finish out their tour. I hope their example will bring courage and pride to all those serving in Iraq, resiliently going about their task of bringing peace and freedom to the Nation.

All New Yorkers and all Americans congratulate the 108th Infantry Regiment of New York today, and we say two words to the 108th Infantry Regiment: Thank you.

I yield the floor. I ask unanimous consent that the time on the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, may I know what the parliamentary state of affairs is?

The PRESIDING OFFICER. The time is equally divided between the two managers of the bill.

Mr. HATCH. As I understand it, the Harkin amendment is being debated?

The PRESIDING OFFICER. The Harkin amendment is pending.

Mr. HATCH. Mr. President, I rise today to express my support for the Department of Labor's revisions to the Fair Labor Standards Act—FLSA—to protect and extend overtime benefits to hardworking Americans. I wish to thank Labor Secretary Elaine Chao for her leadership and vision in bringing about this important reform for American workers. Overtime provisions in Federal labor law are meant to safeguard low-income workers from employers who would take advantage of them, but the current regulations that implement the law are muddy, outdated, and have led to countless law suits, some of which are frivolous and fruitless. Truly, Secretary Chao has recognized that it is long past due to reform our nation's antiquated overtime regulations.

The new regulations replace longstanding regulations which the Department of Labor has characterized as "confusing, complex, and outdated." I agree. Consider the fact that the Federal overtime regulations were last overhauled when Harry Truman was in the White House. That's more than 50 years ago. We are relying on a half-century old law to protect overtime rights for workers with job duties that didn't exist in 1949. Yet, there are some among us who are determined to push legislation to block these rules. Some Members of Congress see a chance to score political points by acting as if something oppressive is occurring. This could not be farther from the truth.

Under the current regulations—these are the regulations Secretary Chao is trying to improve—some low-income workers haven't been protected at all, while some high-income workers and professionals have used the law to make sure they are paid the overtime rate, time and a half per hour for any work exceeding 40 hours in a week.

For example, under the current regulations: Only workers earning less than $8,060 were guaranteed overtime pay because the minimum salary level had not been updated for nearly 30 years; the descriptions of job duties required for overtime exemption had been frozen in time for nearly 50 years, resulting in confusion and uncertainty for both workers and employers; and, the previous regulations were outdated, confusing and complex, and have led to an explosion of law suits. That seems to be the history of our country. Everything is coming down to litigation.

For a year, the Labor Department has been trying to update these cumbersome regulations to benefit the American workforce. The new overtime regulations were not simply conjured up overnight. On the contrary. Nearly 80 stakeholder organizations, including 16 employee unions, were invited to participate in meetings with the Department of Labor.

Over 40 of those organizations attended stakeholder meetings and provided input on the proposed regulations. The Notice of Proposed Rulemaking was published in the Federal Register on March 31, 2003. After a 90-day comment period, the Department of Labor received 75,280 public comments.

I was supportive of the Department's overtime regulations proposed last March; however, some argued that the $22,100 annual minimum salary level for exemption was too low; the middle-income workers would be harmed because workers earning more than $65,000 per year might not be entitled to overtime pay; and, too many workers would be denied overtime protections.

In an effort to be even more inclusive and respond to the criticisms from Administration opponents, the Labor Department revised its proposal—that is after all of the comments—which is the way the system is supposed to work.

Under the final rule, workers making less than $23,660 a year are automatically eligible for overtime—this means that 1.3 million low-income workers will be eligible for overtime pay for the first time in history.

The new regulations will preserve eligibility for most white-collar workers making up to $100,000 a year. However, workers making more than $100,000 who regularly perform some administrative, executive, or professional duties will no longer automatically be eligible for overtime. This change will affect 107,000 workers. It doesn't take a particularly clever politician to see that you might win votes if you fight to make these high earners higher earners and otherwise carry on as if a Republican, business-friendly Administration cannot be trusted to do right by employees.

The final rule strengthens overtime protections for licensed practical nurses and first responders, such as police officers, fire fighters, paramedics, and emergency medical technicians, by clearly stating for the first time that these workers are entitled to overtime pay. Plain and simple, under the new overtime regulations, 6.7 million workers are guaranteed overtime status.

I am aware that a week before the Department of Labor's revised rule was finalized and made publicly available, the AFL–CIO began attacking the overtime regulations. These tactics reflect a greater interest in playing politics than in protecting America's workers. Fortunately, the union movement is not entirely opposed to the regulations. Take for example the Nation's largest police union, the Fraternal Order of Police, whose National President, Chuck Canterbury, recently hailed the Department of Labor's final regulations as an "unprecedented victory" for America's first responders. The International Association of Fire Fighters has said they support the rule going forward. You also won't be hearing voices of opposition from the Ironworkers, Carpenters, or Operating Engineers, because they know that the new rule expressly protects construction workers.

Suing employers about overtime has become very lucrative for trial lawyers. Why is this the case? Because the current overtime regulations contain so many ambiguities when applied to the modern workforce, lawsuits naturally follow. Without a doubt, the Fair Labor Standards Act is the new playground for plaintiffs lawyers—they are going after everybody: companies; school districts; local governments; you name it. Some argue that these lawsuits benefit workers, particularly since they may win some cases. But, spending an average of 2 years in court to recover wages workers should have had in their pockets on pay day is not a benefit. Not surprisingly, workers are getting a few thousand dollars from these settlements, while trial lawyers are walking away with millions. These lawsuits are a terrible drain on the economy for employers and worker groups alike to be spending hundreds of millions of dollars on such litigation. We ought to be spending these resources to create new jobs.

I am amazed that the Department of Labor's changes haven't been enough to satisfy all critics. Presumptive Democratic presidential nominee Senator John Kerry asserts that the new overtime regulations "strike a severe blow to what little economic security working families have left as a result of historic policies." That is pure bunk, and he ought to know it. Somehow, opponents have conveniently overlooked the Department's good faith efforts in creating today's overtime regulations.

Are the new rules perfect? No, but they have been welcomed by many business owners because they will, finally, provide some certainty on this issue. Contrary to the propaganda being disseminated by its proponents, under the new overtime rules: "Blue collar" workers are entitled to overtime pay; employers are not relieved from their contractual obligations under collective bargaining agreements; the "highly compensated" test applies only to employees who earn at least $100,000 per year and who "customarily and regularly" perform exempt duties; the special rules for exemption applicable to "sole charge" executives are deleted, strengthening protections for workers under the executive duties test; a requirement is added that employees who own at least a bona fide 20 percent equity interest in a business are exempt only if they are "actively engaged in its management"; and the previous requirement that exempt administrative employees must exercise discretion and independent judgment is maintained.

The department's intent not to change the educational requirements is clarified for the professional exemption, and defines "work requiring advanced knowledge" as "work which is predominately intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;" and, terms used in the previous regulations are retained, but it makes them easier to understand and apply to the 21st Century workplace by better reflecting existing Federal case law. In addition, the overall length of the regulations has been reduced from 31,000 words to just 15,000.

Just yesterday, I received a phone call from Cheryl Lake of Draper, UT. Cheryl has been a human resources professional for over 20 years. She called my office yesterday in strong support for the Department of Labor's new overtime regulations. She explained to me how helpful these new regulations will be for employees and companies alike. Cheryl expressed major concern about Senator HARKIN's amendment, and explained how complicated and confusing his amendment would make her job. The Harkin amendment is easy to describe in a brief sound bite, but impossible to defend on legal, procedural, or economic grounds. The amendment presumes facts that do not exist and assumes there are no consequences for its folly.

To anyone who looks at this issue objectively, the decision is a no-brainer. Reforming the regulations is the right thing to do, and we need to let the Department of Labor move forward. There is nothing in the latest revisions that appears either unreasonable or counter to the spirit of the law. It is possible to argue with some particulars, but extremely difficult to make the case that the new regulations are unfair to workers.

The workplace is far different from a half-century ago. Overtime rules should reflect that.

Workers will be better off. Companies will be better off. I actually believe trial lawyers will be better off because there won't be any more of these phony lawsuits where they reap the benefits in comparison to what the workers themselves get. I think trial lawyers who have legitimate cases will be able to prove them with more specificity and will be able to do a better job with their clients than is currently being done by the abuse of the process because of the ambiguities of the law. This goes a long way toward getting rid of those ambiguities and making the law extremely functional compared to the current regulations.

I want to personally compliment the distinguished Secretary of Labor for being willing to take this on. This is a type of job that will always be attacked by those who do not understand these regulations. This will always be attacked by those who want to keep going the same system of overlitigation in our society. This will always be attacked by those who basically don't understand labor law. This will always be attacked by those who do not want to get things straightened out so that the system works in the best possible way it can, in the most efficient and economically sound way, while at the same time expanding all of the benefits and expanding all of the laws to embrace even more people than have ever been embraced.

These are very important regulations. I hope our colleagues will reject the Harkin amendment, which I believe will cause further damage and harm to our system while not doing anything substantively important for the workers.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

THE FEDERAL DEFICIT

Mr. CONRAD. Mr. President, reading the Washington Post this morning, I came across this headline which I think is probably the most misleading headline I have seen in the Washington Post, or, for that matter, any other publication. The headline in the Washington Post business section today reads: "Federal Deficit Likely to Narrow by $100 Billion."

Boy, what good news, if only it were true. I think you have to ask yourself the question: Are they talking about the deficit last year? Is the deficit this year going to be $100 billion less than the deficit last year? No. That is not what this story is about. In fact, if you read this story carefully, what you find is the deficit is going to be at least $50 billion more than the deficit last year—not $100 billion less.

The Washington Post has constructed a headline that is about as misleading as anything I have ever seen a major publication put out. They have basically fallen hook, line, and sinker for the line put out by the White House.

Why do I say that? Last year, the deficit was about $370 billion. According to this story, the deficit this year is going to be $50 billion more—a new record deficit. The headline should be "Record Deficit." Instead, they are suggesting the deficit is getting smaller.

What are they talking about? They are talking about how the latest estimate is $100 billion less than the administration's previous estimate. In other words, they are comparing estimate to estimate—not what is actually happening, but projection.

When the administration put out their earlier estimate, I said at the time they were overstating the deficit to set up a story just like this one. They don't want the headlines to read across America "Record Deficits." What they did was overstate the deficit in terms of their estimates so they could come back later and say we are making a big improvement. There is no improvement, except in estimates.

The fact is, the deficit this year is going to be bigger than the deficit last year, and the deficit last year was a record.

Unfortunately, all of these estimates understate the true seriousness of the fiscal condition of our country because they don't count in addition to this $420 billion, which they now estimate the deficit to be for this year, and that doesn't include the $160 billion they are going to take out of Social Security, every penny of which has to be paid back, and they have no plan to do so. This doesn't include the $50 billion to $75 billion of extra money the Pentagon is going to want for the war in Iraq and Afghanistan that we now know they are going to have to ask for.

There are some who suggest they will wait until after the election to ask for it, but that doesn't change the fact that the money is needed, that the need is being created now.

If you add all of that together, and the money they are taking out of the Medicare trust fund, which is another approximately $20 billion, what you find is they are not going to add $420 billion to the debt this year. They are going to add close to $700 billion to the debt this year, by far the biggest in our history—nothing anywhere close to it.

For the Washington Post to fall for this kind of tired old trick—you know, you overinflate the deficit so that when it comes in somewhat less than your overestimation you can claim great credit, is a discredit to the Washington Post. It is a discredit to trying to inform people of the true fiscal condition of the country. This isn't it. Even if you accept the premise of this story, the deficit is going to be about $50 billion more than last year, which was a record. That is exactly the headline the administration seeks to avoid by having put out an overestimation of the deficit in order to now claim credit when the deficit, although a record, is not as large as their earlier forecast.

I hope the American people are not fooled by this kind of reporting. I hope the American people are not fooled as to the true fiscal condition of the country. The truth is, the debt of the United States is being increased by a record amount.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield to Senator GREGG.

Mr. GREGG. Mr. President, it is my understanding that I am now in a position to set aside the pending amendments, offer my amendment, and then they will be voted on in sequence. Are we agreed on that?

Mr. BAUCUS. That is the understanding.

Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside so the Senator from New Hampshire may offer an amendment; and after he has spoken on his amendment, the amendments will be temporarily set aside so that Senator GRAHAM may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

AMENDMENT NO. 3111

Mr. GREGG. Mr. President, I rise to speak on the Harkin amendment, which was pending. It has been set aside by unanimous consent so I may offer an amendment which can be juxtaposed to the Harkin amendment.

The issue of overtime has been discussed at great length in the last few days. The debate has been excellent. The Harkin amendment, as it comes forward, is an attempt to address what the Senator from Iowa sees as a continuing problem with the regulations as proposed by the Department of Labor.

We need to review the history of what has happened so we can understand where we actually are in this process. The rules and regulations we are dealing with are over 50 years old and have evolved through a lot of litigation, court decisions, and regulatory activity into what is a fairly Byzantine and complex set of regulations relative to who does and does not get overtime in our society.

Under today's law, if you make $8,000, you are guaranteed overtime. Once you get over $8,000, you do not know what will happen. It depends on how your job is classified. There is a lot of arcane classification which comes from the 1930s, 1940s, and 1950s. For example, still in the law we have things such as straw man and a variety of different titles which have no relationship to reality in the marketplace as it is today and the workplace as it is today.

We need to update the regulations. The Department of Labor has done a very conscientious job in trying to accomplish this and have offered a set of regulations as a proposed set of regulations. That proposed set of regulations received 80,000 comments, which is a huge amount of commentary.

In the Senate, regrettably, it received a lot of hyperbole and attack as if it were a final regulation versus a proposed regulation. There were significant misrepresentations that occurred in the process of attacking these regulations, including representations that under these regulations there would be a loss of a number of people who would have the right to receive overtime, something like 8 million people, which number was arrived at in a totally spurious and inappropriate analysis done, regrettably, by a couple of folks who either did not understand the rules or decided to pervert the rules and which led, regrettably, to a lot of misrepresentation as these rules were said to be affecting the overtime of over 8 million people.

I return to that argument because it was so bogus and so inaccurate that it is important to understand how misleading it was as it represents sort of a theme of inaccuracy relative to the initial proposed regulations.

That 8 million number, when it was actually analyzed, included 1.5 million individuals who worked part time for less than 35 hours a week and therefore were not even covered by overtime issues. It included 3.8 million people who were actually technicians or administrative workers who were already exempt as professionals from this rule. And it included 1.1 million workers who were paid on an hourly basis and therefore would continue to be nonexempt under the proposal. It included 800,000 people who did manual blue-collar work and were therefore completely exempted from this proposal. And it included 200,000 cooks with 6 or more years of experience who clearly would remain covered because cooks are not a category which would be impacted under this regulation.

So the actual number of that 8 million number, when you actually analyze it in honest terms, ends up being dramatically less. In fact, using the analysis and using accurate factual applications to the analysis as proposed, the number actually comes in below what the Department of Labor stated their original proposal might be impacted by this event.

The number was bogus, as has been a lot, regrettably, of the debate on this issue. The regrettable holding up and obstruction of various pieces of legislation which have come to the Senate on the theme that these proposed regulations were basically final regulations and that they would do massive harm, which harm could not be defended on the facts.

Now the Department of Labor has taken a look at the 80,000 comments which it has received and met with innumerable stakeholders, and listened to all the input of organized labor, from the various other interests that have a major role in this undertaking, and they put out final regulations. Interestingly enough, those final regulations are an extremely aggressive attempt to respond in a positive way to all the input, the 80,000 items of input, comments which they received.

They have done such a good job in this area. It should be noted that the Washington Post today, which had opposed these regulations when they were initially proposed, or at least suggested significant changes that should be made, has said, and I quote the Washington Post editorial, not a paper which carries the water of this administration:

> What's needed now is not to block these regulations but to ensure that they are vigorously enforced with an eye to protecting the vulnerable workers the law was intended to benefit.

The editorial points out what a good job the Department of Labor is doing in the enforcement area. That is a simple and accurate reflection of what the Department of Labor did. They looked at the comments that came in and they made the significant changes which have now made this regulation more appropriate and much more effective.

What is the goal of this regulation? The first goal of this regulation as proposed is to make sure people earning not a significant amount of money are going to get overtime So they raise the threshold from $8,000 to $23,000-plus. If you make in the $23,000 to $24,000 range, you are guaranteed overtime. It does not matter what type of job you have. If you are considered to be management or whatever, you are going to get overtime under this piece of legislation in a white-collar position. That means that 6.7 million people who do not have an absolute guarantee to overtime today under the present law are going to have an absolute guarantee to overtime under the new regulation. That is a major step in the right direction.

It also says if you make more than $100,000 and you are in a white-collar position—not a blue-color position; you are exempt in a blue-collar position; you get overtime, even if you make more than $100,000—if you are in a white-collar position and earn over $100,000, your overtime may be at issue. It depends on what you do.

Potentially there are 100,000 people, approximately, who may be impacted by that regulation. In fact, if they are making more than $100,000, they may be in a management supervisory position so their overtime may be impacted.

So 6.7 million people who do not get it today or may not get it today or may be at risk today will be guaranteed overtime. They will get it for sure. People making more than $100,000 who are in certain job categories, potentially 100,000 people, their overtime may be impacted, but it is not absolutely sure. That is what it does as a practical matter.

What it does, as a more significant point—and this is the whole purpose of the regulation besides making sure we raise that threshold from $8,000 to $23,400—what it does is try to put certainty and definition into the law.

Unfortunately, the law as it has presently evolved over the last 50 years with all this regulation, regulatory changes, and all the court decisions has really become a Byzantine morass. It is not clear. There is gray area everywhere and everything is getting litigated. It is the fastest area of lawsuit growth in the area of labor law. Class action suits are being brought left and right. The practical impact of that is employers and employees are suffering because of it. Resources which should be used to give employees better benefits and to expand businesses so more people could be hired are being used to defend lawsuits to try to figure out whether this person's job is a job that involves overtime or is not a job that involves overtime, fending off lawsuits left and right, and, as a result, we end up with the misallocation of resources, fewer jobs being created and fewer benefits being paid because the dollars are going out to attorneys who are pursuing these lawsuits because the law is not clear. I don't say the lawsuits should not be brought but they are brought because the law is not clear.

The Department of Labor has said they will clarify that and put certainty in here. That is exactly what they have done with this regulation. They have made it clear and more certain as to who has the right to overtime and how those rights evolve. They have done such a good job of eliciting 830,000 comments that even the Washington Post has decided this regulation should go forward, or thinks this regulation should go forward.

Now the Senator from Iowa comes forward with another amendment to try to stall these regulations. I am not sure what the momentum is behind that because, as I just mentioned, the practical effect of stalling these regulations will mean that 6.7 million people who are going to get their overtime issue clarified and are going to be guaranteed overtime will have that put at risk, although his amendment tries to address that. To the extent this remains uncertain through this legislative process, obviously things aren't going to happen as effectively as they should.

Secondly, his amendment essentially goes back to a situation where we are looking at the old law. We are going to go back to the old law to define how an individual's overtime is paid or whether they have a right to it. It juxtaposes the old law and the new law. So now an old law, which was already grossly Byzantine, complex, and unclear, is going to be brought back into play on top of the new regulations. The practical effect is, we will have even more litigation, and we will have to do it by individual jobs.

There is no attempt to address the overall issue in a comprehensive and systematic way. Instead it says, here is a jump ball. You, the individual, are going to have to look at the old law, the new law, and then you the individual and you the individual employer are going to have to figure out what you are doing with the old law and the new law before you can figure out what your overpayment is going to be.

The practical implication will be you are going to see a class ceiling. You are going to have a ceiling because no employer is going to be willing to move anybody into any position of any responsibility from where they are already because they aren't going to know what effect that is going to have on that individual's overtime. They are going to be buying a lawsuit.

If you are a clerk working in a business somewhere and you suddenly start to be promoted into a position of maybe taking over some responsibility and making decisions on who gets what or who doesn't get what in the area that you have your responsibility within your activity within that business, you are going to immediately be putting that business and that company into the issue of whether you have a right any longer to overtime. It is going to be an individual decision that company has to make on you, the person who is getting more responsibility. What is the practical effect of that?

That business, that company is going to say, we don't need that lawsuit. We are going to go out and hire a new person to do these new duties who we know won't be subject to any sort of issues relative to overtime. And you, the person who maybe worked your way up through the system and have gotten to a point where the people you work with have confidence in you, they are not going to give you that promotion or added responsibility because they are not going to want to risk the cost of a lawsuit that may come with it.

You are going to create a class ceiling in the whole system as a result of basically throwing into play again this whole concept of individuals and old law, which is totally gray, and the new regulations. It will be chaos in the area of who is and who is not exempt from overtime, if the Harkin amendment is passed.

So we are offering an alternative. If there is an issue as to any group as to whether they get overtime, we are going to try to clarify it once and for all. There have been about 55 groups who have come forward and said they feel they may be an issue. We don't think most of them are because we think the regulation is pretty clear for most of these groups that they basically retain their right to overtime. But just so there can be no question about it, this amendment specifically names every one of those groups and says they have the right to overtime at a minimum. They have the right to their present overtime situation. If the new law gives them better, puts them in a better position, they have a right to that. In other words, they either win or they win more.

I want to list some of these groups because this has been the issue. When the rubber hits the road is when each group of people who are going to be impacted get impacted. Some of them have come forward and said, we have concerns. Firefighters had concerns. Cooks had concerns. People who were nurses had concerns. In our opinion, the regulations never impacted those groups, but it is going to be unalterably clear when this amendment passes.

Let me list some of the 55 groups. These occupations or classifications will either get what they get now or they will get anything they might get that is better under the new regulation: Any worker paid on an hourly basis—that is a pretty broad group, a lot of people; blue collar workers—that is a lot of people; any worker provided overtime under a collective bargaining agreement—that would be true anyway, but we are making it absolutely clear; team leaders; computer programmers; registered nurses; licensed practical nurses; nurse midwives; nursery school teachers; oil and gas pipeline workers; oil- and gasfield workers; oil and gas platform workers; refinery workers; steelworkers, shipyard and ship scraping workers; teachers; technicians; journalists; chefs; cooks; police officers; firefighters; fire sergeants; police sergeants; emergency medical technicians; paramedics; waste disposal workers; daycare workers; maintenance workers; production line employees; construction employees; carpenters; mechanics; plumbers; ironworkers—these people are all covered anyway, but we are going to list them—craftsmen; operating engineers; laborers; painters; cement masons; stone and brick masons; sheet metal workers; utility workers; longshoremen; statutory engineers; welders, boilermakers; funeral directors—we may want to stick embalmers under that—athletic trainers; outside sales employees; inside sales employees; grocery store managers; financial services industry workers; route drivers; assistant retail managers.

So this amendment basically, once again, goes to the fundamental goal of this regulation, beyond expanding the people who have an absolute right to overtime, which, by raising the minimum from $8,000 to $23,400, this amendment goes to getting clarity, clarity in the law so that instead of having a lot of lawsuits and a lot of churning in the marketplace, we can use resources to pay people overtime and to create new jobs, which is the goal and the purpose of the regulations as they were proposed by the Department of Labor. I think rather than having the Department of Labor out here on a whipping post over the last few days, which it has been regrettably from some Members of the other side, they should be congratulated for doing exactly what they are supposed to do.

They put out a proposed regulation. The regulation was a concept built out of a lot of study and effort. Granted, it wasn't as well thought out as it might have been. I had reservations about the regulation. But at the time I said, let's wait until we see the final regulation before we make any final calls.

Then they listened to the commentary, 80,000 comments, hundreds of meetings with stakeholders. They had lots of input from organized labor. They significantly pared back, sifted off, sugared off their proposal and have designed a regulation which makes basic good sense, which is that people with low incomes will be guaranteed overtime up to $23,400, and people who fall above that income level will have a much more defined understanding of whether they have overtime. We will not have all this lawsuit confusion and activity which is so draining on the efficient use of capital.

But to make it absolutely clear, beyond question, that any of the categories who were in issue and who had a concern during the comment period will get the best treatment possible, either under the old law or the new law, we have added this amendment as collateral to the exercise.

I think with this amendment, people can vote with absolute confidence on the regulations and support the initiative of these regulations, which is to make the marketplace fairer for workers.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The journal clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3111.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay)

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF OVERTIME PAY.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

“(k)(1) The Secretary shall not promulgate any rule under subsection (a)(1) that exempts from the overtime pay provisions of section 7 any employee who earns less than $23,660 per year.

“(2) The Secretary shall not promulgate any rule under subsection (a)(1) concerning the right to overtime pay that is not as protective, or more protective, of the overtime pay rights of employees in the occupations or job classifications described in paragraph (3) as the protections provided for such employees under the regulations in effect under such subsection on March 31, 2003.

“(3) The occupations or job classifications described in this paragraph are as follows:

“(A) Any worker paid on an hourly basis.

“(B) Blue collar workers.

“(C) Any worker provided overtime under a collective bargaining agreement.

“(D) Team leaders.

“(E) Computer programmers.

“(F) Registered nurses.

“(G) Licensed practical nurses.

“(H) Nurse midwives.

“(I) Nursery school teachers.

“(J) Oil and gas pipeline workers.

“(K) Oil and gas field workers.

“(L) Oil and gas platform workers.

“(M) Refinery workers.

“(N) Steel workers.

“(O) Shipyard and ship scrapping workers.

“(P) Teachers.

“(Q) Technicians.

“(R) Journalists.

“(S) Chefs.

“(T) Cooks.

“(U) Police officers.

“(V) Firefighters.

“(W) Fire sergeants.

“(X) Police sergeants.

“(Y) Emergency medical technicians.

“(Z) Paramedics.

“(AA) Waste disposal workers.

“(BB) Day care workers.

“(CC) Maintenance employees.

“(DD) Production line employees.

“(EE) Construction employees.

“(FF) Carpenters.

“(GG) Mechanics.

“(HH) Plumbers.

“(II) Iron workers.

“(JJ) Craftsmen.

“(KK) Operating engineers.

“(LL) Laborers.

“(MM) Painters.

“(NN) Cement masons.

“(OO) Stone and brick masons.

“(PP) Sheet metal workers.

“(QQ) Utility workers.

“(RR) Longshoremen.

“(SS) Stationary engineers.

“(TT) Welders.

“(UU) Boilermakers.

“(VV) Funeral directors.

“(WW) Athletic trainers.

“(XX) Outside sales employees.

“(YY) Inside sales employees.

“(ZZ) Grocery store managers.

“(AAA) Financial services industry workers.

“(BBB) Route drivers.

“(CCC) Assistant retail managers.

“(4) Any portion of a rule promulgated under subsection (a)(1) after March 31, 2003, that modifies the overtime pay provisions of section 7 in a manner that is inconsistent with paragraphs (2) and (3) shall have no force or effect as it relates to the occupation or job classification involved.”.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3112

Mr. GRAHAM of Florida. Mr. President, I will soon be offering an amendment which, it is my understanding, will be debated later today. As I look at the JOBS bill before us, it seems to me that it has several purposes. At least two of those purposes are, one, to repeal the current law which has been found by the World Trade Organization to be in violation of its standards and, as a result, has caused retaliatory tariffs to be applied against certain of our American products.

A second objective of the JOBS bill is to encourage the maintenance and creation of jobs in the United States of America. The amendment will strike certain provisions of this proposed law. It will strike the manufacturers' deduction and changes in the international tax law. Then it uses the funds that are released by that action to provide for a manufacturing employers' credit on income tax, based on the payroll tax of those manufacturing employers.

In my judgment, this alternative better targets the tax incentive to jobs in the United States of America. The incentives in the underlying bill are based on corporate profits, not American employment, which I believe makes them less efficient, less effective, and significantly less likely to fulfill its title, “JOBS.”

I will have more to say about this amendment and the concerns we have about the underlying proposal later today when we debate this amendment in detail.

Mr. GRAHAM of Florida. Mr. President, I send to the desk an amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The journal clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 3112.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Massachusetts, with the understanding that I will work to get more time for him. For the time being, I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I urge my Senate colleagues to support the amendment of the Senator from New Hampshire when we come about doing this. I want to say it is not much to bargain, because one of the principal arguments the Senator from New Hampshire has made is by listing these 55 new categories, that will provide clarification. To the contrary, it will provide additional litigation because the test in the Department of Labor refers to the duties and not to the professional names that are being used.

So if you have a cook or a chef, does that apply to somebody just cooking the food or someone at the salad bar who also considers themselves to be included? Plus, there are additional people who have not been included as well.

This is a continuation of a misguided policy. We heard in March of last year from the Department of Labor, under the guise they were trying to streamline the process and procedure. They issued their regulations and said only 644,000 people would be affected. Then we find there were going to be 8 million who would lose overtime. So the administration retreated on that. Then they promulgated their recent legislation. Just this morning, Tammy McCutcheon from the Department of Labor said nobody will lose overtime between $23,660 and $100,000. That is this morning.

Then we have the Senate Republicans' alleged position to make sure 55 categories, which are basically categories above $23,660 and below $100,000, will be protected. We are not sure what this is all about. We know there is going to be a cut in overtime for hard-pressed working families in America. That is what will be the result.

Let's look at where the record is with regard to middle-income working families. We know there has been a loss of some 2 million jobs under this administration. It is not only the loss of jobs, it is the fact the existing jobs have lost income over the last 2 years. We have seen the loss of real income in those jobs that exist by about $1,300.

Let's look at this fact. The new jobs being created are paying 21 percent less. This chart shows between 2000 and 2002, we have had a real loss in wages for existing jobs. If you look at the new jobs being created, they are paying, on average, 21 percent less. In New York, it is 38 percent less. So workers are working longer, working harder, and they are making less income even today.

The cost of the things they are purchasing is going right up through the roof. If you look at the squeeze for middle-income families, this chart illustrates it. There is an increase in childcare of 100 percent. In recent years, an increase of 60 percent in health insurance. In the last 5 years, mortgage payments have increased 69 percent. Here we find middle-income, working families, with a loss of 2 million jobs. Those who are still working have a loss of income. For individuals who are able to get jobs, they are seeing new jobs paying 21 percent less.

Look what is happening to them in terms of the expenses for middle-income America. Childcare is going up through the roof, health insurance is going up through the roof, mortgages are going up through the roof, and education for their children is going right up through the roof.

During the Bush years, the middle-class family squeeze has tightened. This is a net loss of 2 percent in real purchasing terms in wages between 2000 and 2004. Home prices are up 18 percent; health and other insurance, as I mentioned, is up 50 percent; tuition, in 5 years, has gone up 35 percent; utilities have gone up 15 percent.

Everything has been going up except the income of working families. And we have an administration that is opposed to an increase in the minimum wage, which has not increased in 7 years; an administration that is opposed to extending unemployment compensation, and 85,000 American workers are losing their extended unemployment compensation every week.

Now the administration is taking away overtime at the direct request of a number of industries. We know what this is all about. We have the requests from the various industries. The National Restaurant Association requests the Department of Labor include chefs under the creative professional category as well as the learned professional category. Look what happens when DOL puts out their regulation:

> The Department concludes that to the extent a chef has a primary duty of work requiring invention, imagination, originality, or talent, he will be considered exempt from overtime.

Thank you very much, National Restaurant Association.

How dare those opposed to this proposal say this is for simplification. We know what this is all about.

For example, in the insurance industry, here is what this says:

> The National Association of Insurance Companies supports the section of the proposed regulation providing that claims adjustors, including those working for insurance companies, satisfy the administrative exemption.

That is the what the National Association for Mutual Insurance Companies wrote to the Department. Sure enough, look at what happened when the administration promulgates its regulation:

> Insurance claims adjustors generally meet the duties requirements for the administration exemption.

Thank you very much to the insurance companies.

You talk about simplification—we know what is going on. These are special interests that are trying to enhance the bottom line.

We can go on with industry after industry. Let's look at what has happened now in the period of the last 4 years. Here we find a Wall Street recovery that leaves Main Street behind. Here it is. Corporate profits. There has been a 57.5-percent increase in corporate profits, but in workers' wages, it was 1.5 percent.

Do we understand that? Here we have corporate profits of 57.5 percent and workers' wages of 1.5 percent. Now the administration says workers are getting paid too much. We have to do something about overtime.

I do not know what middle-income working families have done to the Bush administration. I really do not understand why they declare war on the working families in this country, but it is war. It is a clear priority that they are not going to be attended to.

We saw recently when we had the whole issue of providing pension relief for multiemployers, the 9.5 million workers who are working, small business, and also those in the building trades and others, 9.5 million who were looking for a similar kind of relief that we were providing for single employers, the administration said no. Those were 9.5 million workers, basically middle-income working families. They said no to them with regard to retirement; no to increasing minimum wage; no to unemployment compensation; no overtime. That is the record.

We have the list the administration talks about. They have 55 categories on that list which has been included in the Gregg amendment, but I do not see the insurance adjustors on that list, I do not see cashiers on the list, I do not see bookkeepers on the list, and the list goes on.

Yesterday, when we raised these questions, we were assured: Oh, no, you just don't understand; you don't really understand. We really provided the protection.

We have the Department of Labor speaking out of one side of its mouth in testimony this morning saying one thing, and now we have something else on the floor of the Senate. Let's get it right, Mr. President. Let's get it right. Let's adopt the Harkin amendment and make sure we are going to say to those Americans who are going to have to work overtime that they are going to be adequately compensated. That has been the law since the late 1930s: a 40-hour workweek, and if you are going to work overtime, you are going to get time and a half.

There are some industries that do not have that protection. I remind workers out there who may be watching this morning that under this administration, you are going to find out you are no longer provided with overtime protection.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I yield the remainder of my time to the Senator from Massachusetts.

Mr. KENNEDY. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. KENNEDY. Will the Chair remind me when I have 1 minute remaining, please.

This chart shows what happens when you do not have overtime protection. In industries today that do not have overtime protection, the chances of workers working more than 40 hours a week is 44 percent. In companies that have to pay time and a half, it is down to 19 percent. For 50 hours a week, we find out it is 15 percent versus 5 percent.

Once we take leave of overtime protections, workers beware. They are sending a message to you. They can say it is simplification and they can say it is modernization. We know how to do that. The Harkin amendment does that. But if you are talking about working longer, working harder, and making less, you are talking about the administration's position.

Now we are taking a third bite at the apple. First, the administration came out with a proposal, and it was defeated in the Senate and defeated in the House of Representatives. Then they went back. They took weeks and months to redefine it; then they came back and made representations, as the Department of Labor spokesman said, that it was not going to affect anyone between $26,000 and $100,000. Now we have a third introduction on the floor of the Senate just before noon today to make sure that the 55 categories, many of which have been mentioned in the course of the debate, are going to be protected.

Let's just do the job right. Let's just say: Look, American workers are working longer and harder than any other group of workers. This is a chart that shows that workers in the United States of America work longer and harder than any other industrial nation in the world. They are already working longer and harder. They are having a harder, more difficult time making ends meet, as I just pointed out, with the cost of health care, education, mortgage, utilities, the threats to their pension systems, and the outsourcing of jobs across this country. Let's not take away from them the one part of their pay which has been there since the 1930s, and that is the overtime pay. Let's not take that away from them, too.

That is what the administration is attempting to do. The Harkin amendment will resist it. I hope when we have that opportunity—I will vote for the Gregg amendment because it mentions the 55 different categories, even though I think it probably opens up greater litigation in terms of defining what is a "cook" and what is a "chef" and what is a newspaper person and how that is going to be defined. It is going to open up litigation. Nevertheless, it is an attempt at least in those 55 areas to make sure they are protected. I am going to vote for that amendment, but TOM HARKIN has the right amendment. It is the right way to go, and I hope the Senate will follow his lead.

Mr. President, I yield back the remainder of my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having almost arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:26 p.m. recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IRAQ

Mrs. BOXER. Mr. President, I thank the managers of the bill for allowing me to have this time. I have been trying to get some time on the floor and sometimes it is difficult.

I am very encouraged by the way the JOBS bill is moving. I am a strong supporter of the bill. I support it in particular because I have been working in four areas. One area is to stop runaway film production, and we have good incentives in the bill to help us with that, which is very important to California. Another area is to encourage the bringing back of capital that has been parked overseas for a 1-year experiment to see if jobs will be created. It is a very good provision, and I hope my colleagues will support it as it was written. That was done in conjunction with Senators Ensign and Smith. Third, there is a provision to give farmers a tax credit for water conservation. Fourth, there is a good provision in there to help our local governments that have been paying the salaries of National Guardsmen and reservists to help them with that financial burden. So I am pleased about that.

I am also hopeful we can get the highway bill, the transit bill, moving because the Senate bill is excellent and I think if the two parties can reach some accommodation, we should be able to get that moving. So between the JOBS bill and the highway bill, we are looking at a tremendous number of jobs. Certainly, regardless of what State one is in jobs are wanted. These are good jobs and I am very hopeful.

I came today primarily to talk about the situation in Iraq. There are many casualties of this Iraq war. Above all are the soldiers who will never return—so far, more than 753 of them. There are the wounded who will need our help to heal physically and mentally—so far 3,864 of them. Then there are the families who, along with their pride, will bear the losses and the scars forever.

There are the innocent Iraqi civilians who are the ones our President says we are fighting for, and others caught in the middle, the press, contractors, diplomats. When the President landed on the aircraft carrier 1 year ago, he told us major combat was over. That was wrong and our casualties have grown. For the sake of the troops, for the love of the troops, we must not add yet another casualty to this war. We must not let truth be a casualty of this war.

The American people need to know the truth. The American people need to see the truth. In a democracy, letting the people know the truth is the essence of what it means to be free. The President says we are fighting for freedom in Iraq, and that is the current mission. Let us not stifle those precious values in our own country that we love so much.

There are some disturbing events going on. Why would we be told by this administration that paying respect to flag-draped coffins of our fallen soldiers is somehow a violation of privacy and the American people would be violating privacy rights if they see those coffins? I think by now all of America has seen those photographs, photographs of those coffins draped with the American flag and the care that is shown to those coffins and those flags by the military. Those pictures we did see were anything but a violation of privacy. They were a moving tribute to our troops. How shocking it is that we only saw those photographs after a Freedom Of Information Act request. We could not get those photographs. How shocking is it that the woman who actually got those photographs out to the public was fired, those dignified pictures.

No one's identity is known when you look at those pictures. All we know is our brave young troops are making the ultimate sacrifice. As one grieving parent said when she saw those pictures, she was consoled at the way her son was treated, with love and respect—and the flag. It was comforting to her. It wasn't a violation of her privacy. Those troops didn't have their names put in those pictures or their faces shown.

Some will say when they view those coffins that we must stay the course. Others will say change the course. That is what I say: Internationalize this, have an exit strategy and a clear mission. Our troops are carrying 90 percent of the burden. So are our taxpayers. So I believe, yes, we need to change this course. It is not working. But we need to give the Iraqis a chance to build their own future. It should be in their hands. It must be in their hands. That is what democracy is all about. We can teach it, we can explain it, but they must want it enough to make it work for them.

The idea of internationalizing this war is not partisan. I am proud to serve on the Foreign Relations Committee where we have agreement between Senators BIDEN and LUGAR about internationalizing. We have Senator HAGEL who is on that side, Senator CHAFEE, myself, Senator DODD, Senator SARBANES, Senator KERRY, and really most of the committee—not all, but most of the committee. So we have a chance to get out of this morass in a bipartisan way.

Backing up a little bit, this administration didn't want us to see the pictures of the flag-draped coffins. Seven stations from Sinclair Broadcasting Group barred viewers from hearing the names of our fallen heroes. The Sinclair Broadcasting Group is a big supporter of this administration.

I asked them why shouldn't the faces of our fallen sons and daughters be seen? Why shouldn't their names be heard? This is America. This is the greatest democracy in the world. But we could lose it as sure as I am standing here if our people are kept from the truth. Yes, in every war people die. In my years in the Congress I voted for two resolutions to use military force. If you vote for war, you need to see the face of it, and so do the American people.

There are many faces to war. There is the face of courage, of bravery, of fellowship. There is the face of fear. Above all, there is love of country.

As we are learning, sometimes the face of war is brutal. Sherman said, "War is hell." Clearly he saw it.

The sickening images of the past few days from war prisons in Iraq do not match with the values and ethics of our country and our people and our military. Something went terribly wrong, and the people at the very top are responsible. There was no talk from the very top about getting to the bottom of this until those pictures made it into the press, those brutal pictures from the prisons. I know we will fix this. We will fix it now because some people in the military had the strength of character to blow the whistle, to tell the truth. I am asking our Commander in Chief to do more than he has done so far, to speak out more, to hold some people at the very top accountable because this scandal has unfortunately hurt our country. It has hurt our cause. It is undermining the thousands of acts of compassion and caring of our military during this rough time.

To win the cause we all believe in, the spread of true democracy all over the world, we need to win by example, not just with speeches but by example; not just with military might but by gaining the respect of the world. To win the respect of the world, truth must never be a casualty of war. Let's hear the names. Let's see the faces. Let's see the courage and the fear and the bravery and the failings. The American people are wise. They will decide from all the evidence whether the course we are on should be continued or whether we need a fresh start, a new plan—whether it is all worth it.

According to a newspaper report, the Army investigative report painted a picture of a prison in Iraq completely in disarray. To me, that is a metaphor for the aftermath of our initial military success, disarray. There is no plan. There is still no plan. And the problem is not with our brave military but from the highest civilian leadership.

We need to measure the dollar cost of this war. So far we have spent $133 billion on the Iraq war, while we struggle to find the means to do what we must at home, for our children, for our health, for our environment. I have a quick list. We have spent $133 billion on this war since March of 2003.

Look at all we spend in a year on drug enforcement, $2 billion. Look at all we spend on education for our children, $58 billion. Look at all we spent for a year on afterschool programs, $1 billion. We spent $6.8 billion on Head Start; total highway spending, $34 billion; the Transportation Security Administration, so important in a war against terror, $4.6 billion; Coast Guard, $6.8 billion; veterans' health, $28 billion; National Institutes of Health, to find the cures for cancer and heart disease, $27 billion; total environmental spending, $8.4 billion; and to clean up the most toxic Superfund sites, $1.3 billion.

This administration is telling us we don't have the money, even though highways and transit is a dedicated tax. Yet we have spent $133 billion in Iraq. It is time for a timeout, to step back from this morass, to hold people accountable, to change course.

I am going to finish up now because I, too, want to move ahead with the bills we have on the Senate floor. But I thought it was worth it to take a few minutes to reflect on where we are.

We have lost 168 Californians to date in this war. I have read their names and will continue to do that. If anyone says I have no right to do this—and no one has—but if anyone does want to shut out my words, I will tell them: This is America, and I love my country because my country is based on freedom.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that at 3:30 the Senate proceed to a vote in relation to the Gregg amendment, to be followed by a vote in relation to the Harkin amendment, with no second-degree amendments in order to either amendment prior to the votes; provided further that all time from 2:15 to 3:30 be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, let me say this prior to not objecting. This is the first significant movement we have had on this bill. We are anticipating moving forward to another couple of amendments and maybe having two other sets of votes prior to our adjourning for the night. I think this is good progress.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. REID. Mr. President, I will use whatever time I may consume.

Before the Senator from California leaves the floor, I want to commend and applaud the Senator from California. No one can ever question her right and her experience in speaking about the military. I can remember when we served together in the House of Representatives. This new Congresswoman from the State of California raised issues that became known throughout the country, such as the toilet seat which cost $600, and other things. For the first time in this era of Congress somebody looked at abuses taking place with the spending in the Defense Department. No one is more qualified to do that than the Senator from California, especially in light of the fact that almost 200 men and women from the State of California have been killed in the war. This does not take into consideration the hundreds of people who have been maimed, who have lost eyes and limbs and have been paralyzed.

Mrs. BOXER. More than 3,000.

Mr. REID. Certainly no one can question the Senator from California raising this as an issue. I commend and applaud the Senator from California for doing this.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, actually we are debating the JOBS bill right now. There is a lot of conversation that takes us in another direction. I suspect that is for a very specific purpose—actually to get into Presidential elections. What we ought to be concentrating on is making sure there are jobs in this country. Some of those jobs are at stake right now because the WTO said we violated international law and they placed a 5-percent penalty on companies from the United States, and that penalty grows at 1 percent a month.

While we delay on this bill, the price is going up for American business, and when business declines, the jobs decline. Perhaps that is a point one side would like to make. Maybe that is what they want to have happen. I don't want jobs to decline. I don't care who is President or what the race is. It is very important we get jobs.

Part of the discussion we have entered into under this JOBS bill has been one about the overtime rule the Secretary of Labor has published. We have heard a lot of comments about overtime from our colleagues on the other side of the aisle. I want people to know the rest of the story. I want people to be aware of the smokescreen that covers election year politics with misleading rhetoric about overtime pay. It is time to strip rhetoric from reality, look through the smokescreen, and see who is really helped and hurt by Senator HARKIN's attempt to block the Department of Labor from updating the rules governing overtime eligibility for white-collar workers. That is right, the word is "updating." The Department was told by GAO the rule needed to be updated. The rule was outdated. The rule referred to things people cannot possibly comply with because nobody knows what they are anymore. It is confusing as well.

The Senator from Iowa has proposed keeping the trial lawyers' dream. He wants to keep the gray area in the bill as an addition to the rule. Yes. There is a gray area. I can tell you this mostly affects small businesses. I can tell you small businesses realize it is going to cost them about $375 million a year in overtime. I don't know how we can talk about a decrease in overtime when it costs them $375 million more in overtime, but to have the gray area cleared up they are willing to do that. Why are they willing to do that? Because right now that $375 million potential is for lawyers' fees to decide gray areas. Who needs that? We would rather put the money in the workers' pockets.

This clarifies who gets overtime, but it clarifies it more broadly than anything we have ever done before. Do you know right now the only people who know for sure they will get overtime are those who make less than $8,060 a year? Yes. If you earn over $8,060 a year, you move into this gray area where you may have to hire an attorney to help you figure out whether you get overtime. The small businesses have to do that.

This rule the Department of Labor has issued is going to raise that $8,060 to $23,660—pretty much triple the amount. It is long overdue. It needs to be done, and it was willing to be done from the very beginning.

The Department also put in there that white-collar workers earning over $65,000 were not assured of overtime. They listened to 75,000 comments and said, We picked the wrong number. It should be over $100,000.

You notice I mentioned white-collar workers. Blue-collar workers are exempt and assured of the overtime. It doesn't have the $100,000 limit on it.

Another thing that disturbs me about the debate we are having is the implication that without a rule, without a law, there would be no overtime. I want you to know there are businesses—particularly small businesses—out there that are not only paying overtime for some special tasks, but they are paying double time and triple time to be sure they have the workers they need to do the job.

There needs to be a rule. The rule needs to be one that is newer than the 50-year-old one so we can understand the jobs that are being talked about.

Last March, the Department solicited public comments on a proposal to update these regulations. They received more than 75,000 comments on the proposal. I happen to believe public comment plays a critical role in the regulatory process. We want the public to comment on any new rule being written. We then want the Department to review these comments and to respond to them. That is how the process is supposed to work. This is the regulatory process Americans expect and deserve. I have seen times before when agencies did not pay attention. Then it became critical for us to do something. That is not the case in this instance. They listened to the 75,000 comments that were sent in writing. It is obvious they listened to the comments on this floor, and they made those revisions in the rule before they published the final rule. The Department of Labor carefully considered those 75,000 comments. They listened to the concerns of the American people, and then they did the final overtime rule and they made substantial changes to the proposal.

I have my own concerns with the proposed rule. In fact, I wrote a letter to Secretary Chao, along with Senator COLLINS, asking the Department to pay particular attention to protecting the overtime status of public safety officers, veterans, and nurses.

I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 16, 2004.

Hon. ELAINE L. CHAO,
Secretary of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

DEAR SECRETARY CHAO: We want to take this opportunity to applaud the Department of Labor's efforts to update and clarify the rules *Defining and Delimiting the Exemptions for Executive, Administrative, Outside Sales and Computer Employees.* The proposed rule revises the definitions of "executive," "administrative," and "professional," employees considered exempt from the Fair Labor Standards Act overtime compensation requirement.

The workplace has dramatically changed during the last half century. However, the regulations governing the overtime exemption for such employees remain substantially the same as they were fifty years ago. As our economy has evolved, new occupations have emerged that were not even contemplated when the current regulations were written. The Department of Labor has undertaken the difficult but necessary task of updating the rules to reflect the realities of the 21st Century workplace. In so doing, the Department will extend overtime protection to an estimated 1.3 million low-wage workers.

The Department of Labor has received approximately 80,000 comments to the proposed rule. We happen to believe that public comments play a critical role in the regulatory process. The Department of Labor has the responsibility, and must be given the opportunity, to review these many comments. We urge the Department to carefully consider all of the public comments in crafting the final regulations.

We ask the Department of Labor to pay particular attention to concerns that have been raised regarding the overtime status of public safety officers, veterans, and nurses. The final rules should clearly reflect that the overtime rights of public safety officers, veterans, and nurses will not be restricted. These individuals have devoted their lives to protecting the lives of Americans. They deserve our protection as well. We also ask the Department of Labor to be responsive to the needs of small businesses in finalizing and providing compliance assistance on the rule.

We look forward to the Department of Labor publishing its final rule that is responsive to the public comments received and the concerns we mentioned.

Sincerely,
MICHAEL B. ENZI,
SUSAN M. COLLINS.

Mr. ENZI. Mr. President, we asked the final rule clearly ensure the overtime rights of these workers would not be restricted. I am very pleased the Department made the changes to clearly reflect the overtime rights of public safety officers, veterans, and nurses would not be restricted.

Let me highlight some of changes that were made in the final rule to better protect the overtime rights of workers and many others.

The final rule states first responders such as police, firefighters, paramedics, and emergency medical technicians are eligible for overtime pay. No question; no gray area, it clears it up.

The reference to training in the Armed Forces has been deleted and clarifies that veteran status does not affect overtime. The veterans will get their overtime regardless of the training received in the armed services.

The final rule also states licensed practical nurses do not qualify as exempt learned professionals and are therefore eligible for overtime pay.

The final rule retains previous law regarding registered nurses which assures them of overtime.

The final rule provides blue-collar workers are eligible for overtime pay.

To be considered exempt from overtime, the salary level for highly compensated employees is the final rule which has been increased from $65,000 to $100,000.

The final rule clarifies the contractual obligation under collective bargaining agreements is not affected.

The final rule maintains the previous law requirement that exempt administrative employees must exercise discretion and independent judgment.

The final rule clarifies there is no change to current law regarding the educational requirement for the professional exemption.

Significant changes were made to address the concerns raised about the proposed rule. This is exactly how the public comment period is designed to work and exactly how it did work in this situation. The regulatory process worked, and we have a final rule that is better for both workers and employers.

Again, we are talking about the small businessmen who do not have time to go through a lot of this or have the ability to hire attorneys to figure these things out. We need to keep it simple and understandable. The rule does that.

Before the final rule was published, my colleagues on the other side of the aisle stood in the Senate and blasted the proposed rule on the very issues that the final rule corrects. The Senator from Iowa still wants to block the Department of Labor from updating the rules governing overtime pay for white collar employees. This would, in effect, tell the American people that the public's role in the regulatory process means nothing. This would say those 75,000 comments mean nothing. This would leave complex and confusing rules that have not been significantly changed in 50 years. We owe all our constituents more than that.

When I am back in Wyoming, I like to hold town meetings to find out what is on the minds of my constituents. At each town meeting there is usually someone in attendance quite concerned about government regulations. I am often told to rein in big government and keep rules simple, keep them current, keep them responsive, keep them understandable for small business, and make sure they make sense in today's ever-changing workplace.

My colleague on the other side of the aisle would take the opposite approach. Instead of keeping it simple and current, he wants to keep all of the gray areas from before and impose them on a second set of regulations. That is what we need—multiple sets of regulations; now a misunderstandable set with a new set imposed on it, protecting the old set so the trial attorneys' dream still exists. He wants to prohibit the Secretary of Labor from updating the outdated rules regarding white collar employees under the Fair Labor Standards Act overtime requirements. Simply put, it is an attempt to reject the new, turn back the clock, and look to yesterday for the answers to tomorrow's problems. The amendment keeps the confusion. It is an approach that is doomed to failure. I am opposed to it.

There is no question the workplace has dramatically changed during the last half century. The regulations governing white collar exemptions, however, remain substantially the same as they were 50 years ago. The existing rule takes us back to the time when workers held titles such as straw boss, keypunch operator, leg man, and other occupations that no longer exist today. Our economy has evolved. New occupations have emerged that were not contemplated when the regulations were written. A 1999 study by the General Accounting Office, GAO, recommended that the Department of Labor comprehensively review current regulations and restructure white collar exemptions to better accommodate today's workplace and to anticipate future workplace trends. This is precisely what the Labor Department has done.

What will Senator HARKIN's effort to block the final rule do? It will set the clock back to 1954 and try to force a square peg—the 21st century jobs—in the round hole of the workplace 50 years ago. Worse, it keeps the gray areas of the past rule instead of clarifying. This obstruction will undermine the Department of Labor efforts to extend overtime protection to an additional 1.3 million low-wage workers. Under the old rule, only those workers earning less than $8,060 a year are automatically protected for overtime pay. The Department's new rule will raise this threshold to $23,660 a year. The final rule provides lower income workers with the protection they deserve.

By undermining the Department's efforts to better protect lower income workers, who is this amendment going to protect? The Department determined that few, if any, employees earning between $23,660 and $100,000 will lose their overtime pay under the new rule. The Department estimates that 107,000 employees who are earning over $100,000 could—could but not necessarily would—lose their overtime. Could our colleagues be willing to deny overtime pay for an additional 1.3 million low-wage workers in order to protect the overtime for the 107,000 workers earning above $100,000? Is Congress going to undermine the purpose of the Fair Labor Standards Act, which is to protect low-wage workers?

The Senator from Iowa and his effort to block the final overtime rule will not protect first responders, veterans, blue collar workers, or nurses. The final rule has been improved to clearly protect the overtime rights of these workers. Therefore, the opponents of updating and clarifying the white collar overtime rule had to come up with new objections. No lawsuits necessary, it is very clear. That is what the Department intends.

On April 13, the AFL–CIO released and began soliciting contributions for a political TV ad attacking the Department of Labor final overtime rule. Here is what is interesting about that: That attack came a week before the final rule was publicly available, before they knew what was in it. Such tactics suggest a greater interest in playing election year politics than in protecting workers.

Let me respond to some misleading claims about the final rule. Some have claimed that team leaders will lose overtime pay under the final rule. In fact, the new rule will guarantee overtime protection for blue collar team leaders and is more protective of overtime pay for white collar team leaders. Furthermore, there is no change to current law regarding the overtime status of computer employees, financial services employees, journalists, insurance claims directors, funeral directors, athletic trainers, nursery schoolteachers, or chefs.

It is time to get beyond the election year rhetoric and misleading information about who is supposedly harmed by the Department's new overtime requirements; therefore, I am supporting the amendment offered by Senator GREGG of New Hampshire to require the final overtime requirements to safeguard the overtime rights of workers earning less than $23,660 and certain categories of workers that some erroneously claim would lose overtime rights. His amendment very specifically names those and assures those rights. It is in the rule as well. I am confident the final regulations published by the Department of Labor on April 23 already do that, too.

The Gregg amendment serves to make it clear that it is the intent of Congress to ensure that the overtime rights of 55 listed occupations and job classifications are not weakened. These occupations and job classifications include the team leaders, registered nurses, the licensed practical nurses, oil and gas workers, refinery workers, steelworkers, shipyard workers, journalists, firefighters, police officers, nursery schoolteachers, and financial services workers, to name a few.

The Harkin amendment effectively blocks the Department from extending overtime pay to low-wage workers and updating confusing overtime requirements. In contrast to the Harkin amendment, the Gregg amendment does not undermine the Department of Labor efforts to update and clarify the overtime requirements and extend overtime protection to 1.3 million low-wage workers and clear up these gray areas that just help the attorneys. The amendment offered by Senator GREGG will ensure that the overtime rights are guaranteed to those 1.3 million low-wage workers, strengthened for another 5.4 million workers, and clarified for all workers and employers.

The antiquated and confusing white collar exemptions have created a windfall for trial lawyers. Ambiguities and outdated terms have generated significant confusion regarding which employees are exempt from overtime requirements. The confusion has generated significant litigation and overtime pay awards for highly paid white collar employees. Wage and hour cases—this is important—now exceed discrimination suits as the leading type of employment law class action. The amendment assures those gray areas will stay, causing court action right now. The new rule clarifies and requires these areas be cleared up, but more clearly states the people who will absolutely get overtime. It states who will be entitled now. It protects the workers and puts the money in the workers' pocket, not in legal action. If these rules are clear, employers will know when they are complying with the law. This is important, particularly and especially for small business. That is for whom I always make my pleas.

Small businesses are the only ones being punished by the rules. They don't have the specialists to determine the gray areas. So they wind up in court having to solve the gray areas after the fact. It is much better to solve it before the fact. We have to worry about small businesses which should not have to rely on lawyers or accountants to tell them how to pay their employees.

The Department of Labor has estimated these new regulations are going to cost employers an additional $275 million on an annual basis. However, the new overtime rule will provide much needed clarity.

As a former small business owner, I know employers want to be able to pay their workers, not their lawyers. The Harkin blocking amendment would only add to the current state of confusion. Instead of preserving overtime rights, which the Harkin amendment purports to do, it will create even more complexity and litigation, piling rule on rule.

The blocking amendment creates a two-tiered scheme which would require two different tests to determine a worker's overtime status. The present gray area and the other one would have to be worked to be combined. So anything that would have been a gray area before will still be a gray area. It will freeze workers in jobs they have outgrown. The blocking amendment will mire the final overtime regulation in years of litigation, likely preventing them from ever taking effect.

The only clear winners for the effort to block the new rule will be the trial lawyers who will benefit from a continued state of confusion. Most people would prefer to live in a different state than that. We are spending taxpayer dollars sorting through cases that could be solved with clarity.

Under the blocking amendment, workers will still have to wait years for a court to act before they could receive the overtime pay they deserve. Why should the United States stand in between workers and their overtime pay? We need to defeat the blocking amendment that would block the final rules from taking effect. We need to ensure that American workers deserving of overtime pay will see their hard work reflected in their paychecks, not in litigation.

Today's Washington Post editorial urges lawmakers to hold off blocking the new overtime rules from taking effect. I ask unanimous consent to print the editorial in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, May 4, 2004]

Overtime Improvement

Last year the Labor Department drew widespread criticism for proposed changes to overtime rules for white-collar workers. We agreed with critics who said the new rules tilted to employers and risked depriving too many workers of pay to which they are entitled. Now Labor has revised its proposal, and the new rules, while still worrisome in some respects, are substantially improved.

Unions and their allies, with some basis for being suspicious of this administration's attitude toward workers in general and the overtime question in particular, argue that the regulations still would unfairly jeopardize the overtime rights of millions of workers. They are pressing for a Senate vote, expected today, that would block the rules from taking effect. We think lawmakers should hold off. If the regulations are inconsistent with the federal law designed to protect the right to overtime pay, they can be challenged in court. And if employers exploit the regulations to unfairly deny overtime pay to workers, they, too, are subject to being sued. In the meantime, the new rules offer some significant benefits for workers.

At issue is the meaning of the Fair Labor Standards Act, which guarantees time-and-a-half overtime pay for those who work beyond the standard 40-hour week. That 1938 law makes an exception for white-collar workers—those in executive, administrative and professional positions. Figuring out who falls into this category has become a particularly byzantine area of labor law, and the regulations outlining the exceptions haven't been updated for 50 years.

The Labor Department's changes would guarantee overtime rights for workers who earn less than $23,660 a year, even if they are ostensibly white-collar. That's up from the current, woefully outdated level of $8,060 and a slight increase over the original proposal. It would have been even better to adjust the salary level to keep pace with inflation (bringing it to about $28,000) and —given that it took three decades to make this change—to build in indexing for inflation. At the higher end of the income scale, the new rules would make workers who earn more than $100,000 largely exempt from overtime eligibility, a significant increase from the original proposal, which would have capped overtime rights at $65,000.

The more complicated issue involves changes in determining which workers fall into the category of executive, administrative or professional employees not entitled to overtime pay. The department says it expects that few, if any, workers would lose overtime protections; labor groups insist otherwise.

Opponents point to such provisions as the "concurrent duties" rule, which would permit workers to be considered executives ineligible for overtime even if they perform non-managerial jobs. For example, assistant managers could stock shelves, cook food, serve customers and still be "executives" if their "primary duty" is management. Another provision would allow workers to be considered exempt "administrative" employees if they lead a team on a "major project," including improving workplace productivity.

Depending on how they are implemented, these exemptions, and others, could be reasonable reflections of a modern workplace, or they could be abusive incursions on workers' overtime rights. What's needed now is not to block these regulations but to ensure that they are vigorously enforced with an eye to protecting the vulnerable workers the law was intended to benefit.

Mr. ENZI. The Washington Post states:

> What's needed now is not to block these regulations but to ensure that they are vigorously enforced with an eye to protect the vulnerable workers the law was intended to benefit.

I urge my colleagues to support the Gregg amendment which will allow the Department of Labor to provide clearer and fairer overtime rights for workers. I also urge my colleagues to oppose Senator Harkin's reform blocking amendment which will only line the pockets of the trial lawyers.

I yield the floor and reserve the remainder of our time.

Mr. KOHL. Mr. President, last year, the administration proposed rules that would force millions of workers to work longer hours for less pay. Firemen, nurses, policeman, factory workers faced 50, 60, even 100 hour work weeks at 40 hour-work-week rates of pay. Two years of technical college education, military training, or even a few administrative duties would have been enough to deny workers overtime—permanently.

In response to majority votes in both Houses of Congress—and public outcry throughout the Nation—the administration recently issued a modified rule governing overtime. And that's good, but not good enough.

While the new rule is an improvement, it still comes up short. Thousands, maybe millions, will be left working more for less—and that is just wrong.

The law governing overtime, the Fair Labor Standards Act, FLSA, was designed in the 1930s to encourage companies to stick to a 40-hour work week. At that time, employers routinely required workers to put in 7 days a week, 10, 12, even 15 hours a day. That left the workers with jobs no time for rest, family, or even their own health. And it left many others in those tough times without jobs at all. The choice was harsh—work yourself to death in order to feed your family, or starve your family and yourself trying to survive jobless during the Great Depression.

In passing the FSLA, Congress hoped that the required "time and a half" for overtime work would be an incentive to employers to stick to a 40-hour work week. Today, that goal is still distant as companies routinely require workers to work more that 40 hours. American workers work more hours than any other industrialized nation, except South Korea. And the overtime pay, rather than being a disincentive to employers, has become a necessary income source for many American families.

That overtime comes at a high price for most American workers. It means less time with family, fewer school events attended, and soccer games missed. Like in our past, the worker's choice is a harsh one—earn the extra income needed to meet a family's material needs, but sacrifice the family time that meets their emotional needs. If the Administration prevails, thousands, maybe millions, of hardworking families will see their sacrifices seriously devalued.

The administration argues it needs to make these changes to make it easier for business to correctly classify its workers. But this rule is unlikely to clarify anything for small business. The rule, with all the support material, is over 500 pages. We have not simplified anything. New court cases will be brought, and new guidance will be written. Employers will still struggle with the issue of who their professional employees are, and who is management. The very people that the administration is trying to help are unlikely to find this easier to understand.

The new rule also contains troubling exemptions of entire jobs and industries. It exempts from overtime "team leaders," even though these employees may have no supervisory role, or any real authority over the people they are supposed to be leading. Other groups of workers are classified as exempt by the Department of Labor, with little discussion. Certain industries have worked for years to get out of paying overtime to their workers—and the rule's list of exemptions reads like a roll call of those that succeeded. For reasons unclear, even after 500 pages of explanation, journalists, personal trainers, financial services workers, and computer industry workers—to name just a few classes—are summarily ineligible for overtime.

The current overtime rules are not perfect; they were written many years ago in a different industrial age. They should be updated; the wage thresholds should be changed. But the administration's rule—even in its more moderate incarnation—does much more than update. It changes the fundamental nature of the overtime portions of the FSLA—from rules designed to fairly compensate workers for onerous overwork to a system where certain favored industries can return to a depression-era policy of more work for less pay.

We all believe that hard work should be rewarded. Our country achieved greatness through the sacrifices and sweat of our working men and women. Today, sadly, these workers are not celebrated, but squeezed—forced to work more for less by harsh international competition from countries with few or no labor standards and faceless international conglomerates with no concept of family or community. We have a choice in this matter. We can let unfettered economic pressure lower wages in this country and around the world, or we can work to uphold standards here, and demand them around the world. Any weakening of the overtime rules is a step down on the ladder of economic progress.

Mrs. FEINSTEIN. Mr. President, last year the White House proposed redefining the job descriptions of millions of workers and thus eliminating their right to Federal overtime protection.

After several in this Chamber raised serious concerns over such a change, the administration released final rules that make significant, but insufficient, changes to those draft rules. Left alone, these rules will take affect later this year.

I support the Harkin amendment because it is sensible and protects hard-working employees. The amendment simply prevents the White House from implementing changes in existing overtime laws that reduce the number of jobs protected by those laws.

The stated objective of the administration is to increase worker protection. This being the case, I would think this amendment would be an easy accommodation for the President to make.

However, if the numbers of the Department of Labor are correct, then more the 117,000 individuals could lose overtime protection. If they are wrong, it could be millions.

These rule changes would wipe out overtime pay protections and increase work hours. In California alone, several hundred thousand workers could lose their Federal overtime protection. However, State law will continue to protect most workers from the deleterious effects of this rule change. But some public employees and many in the film industry won't be so lucky.

Although most workers in California will maintain their right to overtime through protections granted by State law, the rule change represents a movement in the wrong direction when it comes to enhancing worker protections.

As we all know, losing overtime pay protections would also result in huge pay cuts for many workers. This is an issue of fairness. Our workers are more productive then ever and yet President Bush feels that it is necessary to penalize those very individuals who have literally built this Nation.

Those hurt most will be disproportionately women and minority. They will be mostly middle and lower income. They will be struggling to make ends meet and they will be worrying about paying the mortgage.

Given the still high unemployment rate and the uncertainty still plaguing our economy, this is not the time to be making it harder for workers; rather, it is a time when we should be helping all workers achieve fairness in the workplace.

It is well known that by requiring companies to respect the 40-hour work week, we encourage businesses to hire additional workers. With more than 8 million people still out of work, we should continue to encourage companies to maximize employment while respecting the workforce they have.

I urge my colleagues to support the Harkin amendment.

Mr. BYRD. Mr. President, it is appropriate on a trade bill such as the one now pending before the Senate, that we, at long last, engage in a debate about the standard of living for American workers.

The establishment of the 40-hour work week and a worker's right to overtime pay in 1938, fulfilled President Franklin Roosevelt's promise to workers to end starvation wages and intolerable working hours.

That same year, President Roosevelt called it "the most far-reaching, far-sighted program for the benefit of workers ever adopted here or in any other country." It is unsettling to watch, 55 years later, as a successor to President Roosevelt seeks to limit the scope of that far-reaching legislation.

President Bush's overtime rule promotes a thoroughly un-American notion of fair compensation for some, but not for all.

Through its overtime rule, the Bush administration has sought to dictate who will receive overtime pay and who will not. It has sought to dictate whose extra work will be recognized and valued and whose will not.

While guaranteeing overtime pay for some workers, the Bush administration rule would take it away from registered nurses, nursery school teachers, cooks and chefs, and employees of the financial services industries. It would take overtime away from insurance claims adjusters; sales representatives; and computer network, Internet, and data base administrators. It would take overtime pay away from so-called "team leaders" in factories, refineries and chemical plants; from employees who perform administrative, management or professional work; from television, radio and newspaper journalists.

The President cannot explain why some workers should be entitled to overtime pay and others should not. The Labor Secretary cannot explain why. I doubt that anyone can explain why.

This rule threatens the overtime pay of millions of workers earning more than $24,000 per year. I hope that workers listening, even if they do not receive overtime pay, won't be fooled into believing that this issue does not apply to them. If workers are suddenly no longer eligible for overtime, what's to stop their bosses from working them 60 hours per week? Or 70? Or 80?

We are told by some that the economy is improving, and workers are strong enough to endure the loss of their overtime pay.

Whether we call it an economic recovery or the worst job market since Herbert Hoover; it makes no difference.

The fact is that millions of workers have lost their jobs or have seen their friends or members of their families lose their jobs. They have had their work days scaled back from a full work week to half-days, to half-weeks. They have had to accept cuts in their health care benefits and pension benefits to keep their employer out of bankruptcy.

These workers have little patience for election-year hyperbole that prosperity has returned, that wages are adequate.

Workers read about an alarming trade deficit and the outsourcing of jobs overseas, and they wonder if their job will be next. They see their health care premiums rising, their savings being depleted, the specter of unemployment on the horizon, and want to know why their government cannot do more about it.

Workers wonder if their President understands these fears. Time and time again, this administration has shown that it does not.

Little by little, the Bush administration is chipping away at the rights and protections due American workers. It has blocked action on the minimum wage. It has blocked an extension of unemployment benefits. It has furthered the erosion of pension and health care benefits. It has curtailed the safety and health protections won by the labor movement in the 20th Century.

This is not the record of an administration that understands the plight of American workers. To the contrary, this is an administration that has demonstrated a callous—almost smug—disregard for their plight. This is an administration that has abandoned the very American ideal of inspiring other nations to improve working conditions and to lift their working class.

We must not allow ourselves to be deceived by temporary employment gains which depend on the wasteful exploitation of resources and which cannot last. Workers should not be satisfied with present conditions.

One worker need not sacrifice his overtime pay to guarantee it to another. One worker need not forgo his retirement security or health care security to provide it to another.

In one of his renowned fireside chats to the Nation, President Roosevelt told workers: "Do not let any calamity-howling executive . . . who has been turning his employees over to the Government relief rolls . . . tell you . . . that [a minimum wage] is going to have a disastrous effect on all American industry." President Roosevelt's message to workers is unmistakable. Don't let any business lobby, any elected representative, any President, tell you that a fair wage for your labor is too much to ask.

After 52 years of public service in Washington, serving in 26 Congresses and with eleven presidents, I am still convinced that the American people retain a sincere respect for the promise that extra work should yield extra benefits. Overtime is a means for workers to secure for their children a chance at a better life, to ensure for themselves a secure retirement.

It is an essential part of our social economy. It has the overwhelming support of the American people in every walk of life, and the Senate would do workers a disservice by allowing to stand the Labor Department's thoroughly egregious misinterpretation of Franklin Roosevelt's promise to them.

Mrs. CLINTON. Mr. President, I rise today in strong support of the Harkin amendment because I believe it is the right thing to do for New York's working families.

The Harkin amendment is very simple. It says that not a single worker who is currently eligible for overtime pay should be denied that right. And I have yet to hear a compelling reason that some workers currently eligible for overtime should lose that eligibility. In fact, the Department of Labor argues emphatically that few if any workers will actually lose eligibility. Well, if few if any workers will lose overtime eligibility then I see no reason why the Department of Labor shouldn't support the Harkin amendment wholeheartedly.

Of course, the reality, as those at the Department of Labor well know, is that plenty of workers will lose eligibility for overtime. Let's look at the facts. Registered nurses will be in danger of losing their eligibility because, for the first time, it will be easier to classify those who are paid hourly as "salaried employees." It will also be easier to classify them as "team leaders." Journalists will lose their automatic overtime protection. Veterans who do not have a 4-year degree will be much more easily classified as professional employees and denied overtime eligibility. Workers in the financial services industry—and I represent many of them—will lose their overtime protection if they do not exercise independent judgment and discretion. Chefs. Funeral Directors. Embalmers. Insurance Claims Adjusters. Salespeople. Software engineers. Computer programmers. All will be vulnerable to the loss of overtime—and therefore face significant pay cuts.

The list goes on and on and on. And these are just the consequences analysts can foresee. What does the loss of overtime mean? Let's put it in human terms. It's a 25 percent pay cut. It is $161 a week on average. And—as importantly—it's time with your family. This is not trivial. At its very core, this issue is about our American values of work and family. Workers stripped of their overtime protection would end up working longer hours for less pay. That translates into less time with their children, less time with their parents, their spouses, less time to volunteer and contribute to the fabric of our community. More work hours, for less pay, and less family time—that is not the American way.

This regulation would make unpaid overtime a household word and make it easier for bad-faith employers to coerce other workers into accepting time off instead of overtime pay.

Now, I know there is strong support in this Chamber to protect the rights of workers to receive overtime because we've done it before. Back in September, we passed a very similar amendment to prevent the Department of Labor from promulgating any amendment that denied overtime from any worker currently eligible. Republicans in my State crossed party lines to block this regulation in the House—and I applaud them for doing so. They know how many New Yorkers rely on overtime pay—not as a luxury, as a necessity.

Back then, despite strong bi-partisan votes in the House and Senate, the extremist right wing leaders in the House and Senate neglected to include the language in the final appropriations bill. They made a mockery of the democratic process.

But with this vote today we prove that we will keep fighting for the rights of working people. We may be overruled—as we were before—but we will not back down.

So, I urge my colleagues to support the Harkin and to reject the Bush administration economic policy of tax cuts for wealthy; pay cuts for the workers.

Mr. FEINGOLD. Mr. President, I rise in strong support of the Harkin amendment, of which I am proud to be a cosponsor.

The Bush administration's final overtime regulation is much the same as its proposed regulation. The largely cosmetic changes that the administration grudgingly made at the eleventh hour did not change the rule's result: the loss of overtime benefits for millions of American workers, many of whom rely on overtime to help support their families. Making a bad proposal a little better does not mean a good result for American workers. As a recent editorial in the Milwaukee Journal Sentinel rightly pointed out, ". . . why hurt anybody? Gain for some workers shouldn't mean pain for others." I could not agree more. And this rule will lead to uncertainty for millions of hard-working Americans and their families who rely on overtime pay to get by.

It is true that the new rule increases the minimum salary threshold to $23,660, thereby ensuring that workers who are earning less will be guaranteed overtime pay. While this is a positive step, it is regrettable that this increase does not keep up with inflation, especially since it has been 29 years since the last adjustment.

In addition, this rule exempts so-called "highly compensated" employees who earn more than $100,000 per year and have one job duty that can be classified as administrative, executive, or professional. This is a new exemption which is not indexed for inflation, thus leaving even more workers open to a loss of overtime benefits in the future.

But those who are in the most jeopardy of losing their overtime benefits may be those workers whose salaries fall between $23,660 and $100,000. These workers are not guaranteed overtime, and the new duties tests included in the final rule could strip overtime pay from millions of these low- and middle-income Americans.

The final rule changes the process by which a worker can be declared to be exempt from the wage and hour protections of the Fair Labor Standards Act (FLSA), thus opening the door to denial of overtime benefits to millions of workers who currently are entitled to this extra pay for working more than 40 hours per week.

In essence, this rule, which we will allow to move forward if we do not pass the Harkin amendment, will create a larger force of employees who can be required to work longer hours for less pay. This could also mean fewer opportunities for paid overtime for the workers who would remain eligible for it.

Who are these workers? They are veterans, registered nurses, journalists, financial services employees, assistant managers, team leaders, chefs, insurance claims adjusters, and computer employees, just to name a few. And several industries successfully lobbied the administration to include specific exemptions for their employees—exemptions that have been pending in Congress for a number of years and that have not been adopted. And the rule contains a roadmap for employers who wish to find ways around paying overtime to those workers who are still eligible for it.

The administration's public relations campaign on this rule does not reflect the reality of this rule. It will deny overtime to millions. It will, despite the administration's claims to the contrary, have a negative effect on veterans, on blue collar workers, and on union members. I find it interesting that the Department of Labor's materials for this rule call it "Fair Pay: Overtime Security for the 21st Century Workforce." There is little that is fair about this rule for the millions of workers who are poised to lose their overtime pay if this rule takes effect as scheduled in August.

I am also deeply concerned about the process by which this rule was finalized. A small number of Members of Congress and the administration were able to run roughshod over the will of a bipartisan majority of the Senate and the House to resuscitate this proposal by deleting language that would have blocked it from the omnibus spending bill. I regret that the administration resorted to veto threats and backroom negotiations to save this proposal, which is the latest in a series of assaults on working Americans that have been perpetrated by this administration. Right out of the gate, the President made it his first legislative priority to overturn a federal ergonomics standard that was more than ten years in the making. In addition, this administration has launched a campaign to aggressively contract out Federal jobs, systematically dismantle the Federal civil service system, gut worker protections, and undermine collective bargaining rights. And this administration contends that outsourcing jobs to other countries is good for the American economy.

With so many long-term unemployed workers and others working more than one job and depending on overtime just to make ends meet, it is unfortunate that the administration dug in its heels on a proposal to deny overtime to many of those who need it most. And it is unfortunate that the final rule does so little to improve the proposed rule, which a majority of the Senate and the House are on record against.

I urge support for the Harkin amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

Mr. REID. Mr. President, I ask unanimous consent each side be allowed an extra 3 minutes. So the vote, instead of being at 3:30, would be at 3:36 or thereabouts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the time on this side be allotted 8 minutes to Senator HARKIN, 7 minutes to Senator KENNEDY, 7 minutes to Senator DODD, and 5 minutes to Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SPECTER. Mr. President, I believe I have been yielded 5 minutes by the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. BAUCUS. The Senator has 5 minutes on this side and 5 minutes on the majority side, a total of 10.

Mr. SPECTER. Parliamentary inquiry: Is it true that I have 10 minutes?

Mr. BAUCUS. Mr. President, we will find it.

The PRESIDING OFFICER. The Senator may proceed for 10 minutes.

Mr. SPECTER. Mr. President, at the outset I wish to put on the record my concerns about not being protected on time. Through my deputy, I had called the cloakroom to advise that I wanted to speak on the bill. I had intended to come to the floor and to ask some questions of the Senator from Iowa, Mr. HARKIN, and the proponent from New Hampshire, Senator GREGG. I would have objected to a time agreement had I been notified, if I have to be on the floor to protect my rights at all times. My deputy asked for 10 minutes, which was not my instruction, but that is my problem. But then I didn't even have 10 minutes.

When I came out I found there was time allotted, but to get 10 minutes I had to negotiate with Senator GRASSLEY. Senator GRASSLEY didn't want to give me time because I would end up with Senator HARKIN, although I had intended to try to find out a little more about the two pending amendments. So I think we have to be a little more considerate about Senators who notify the cloakroom that they want time so their rights are protected so that every Senator does not have to sit here all day long.

The Appropriations subcommittee which I chair, the Subcommittee on Labor, Health and Human Services, and Education, had a hearing this morning. This is a very complicated regulation. I had intended to try to have a colloquy with a number of Senators to find out a little more about what this regulation really means.

On the face of it, as we had discussed at the hearing this morning, there is very little change between current regulation on administrative employees and the proposed final regulation. For example, the current regulation defines administrative employees as "customarily and regularly exercises discretion and independent judgment." Compare that with the final regulation on administrative employees: "Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance."

So in both instances they are talking essentially about exercising judgment and exercising discretion and independent judgment.

When we questioned the Department of Labor representative at the hearing this morning, there was very little added by the additional phrase "with respect to matters of significance." That is so generalized as hardly to clarify anything to avoid litigation. In the context where the principal complaint for having a new regulation is to avoid litigation, it hardly changes or clarifies anything.

A similar situation exists with the definition of professional employees where it is stated on the current regulation, professional employee is defined "primary duty of performing work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study."

Contrast that with the new proposed final regulation defining professional employees: "Primary duty of performing work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction." It is virtually identical, hardly going to clarify matters to eliminate litigation.

Then on the proposed final regulation, defining customarily can mean the employee has attained the knowledge through "a combination of work experience and intellectual instruction."

The point is, the new proposed regulation adds virtually nothing to the regulation which is pending. It is true that it has been a long time since the regulation was amended. I subscribe to the generalized view that if we could make the regulation clearer to avoid litigation, that would be a very important objective. But in the course of an extended hearing this morning, where we heard from the representative of the Department of Labor and two witnesses who were for the final proposed regulation and two against, there is no indication that this new regulation is going to clarify anything at all.

One of the issues raised this morning was how many workers would be affected. The sum and substance of the testimony in an exchange among the witnesses was that the 1.3 million workers who were supposed to have additional overtime is an inflated figure. I don't have time in the 10 minutes allotted to go into greater detail on that particular point.

There has been added to the proposed regulation a new concept of a team leader which is not in existing law and would allow employers to deny overtime pay to workers who "lead a team of other employees assigned to complete major projects," even if there is no direct supervisory responsibility.

Now, in addition, this term "team leader," I think, is going to provide additional complexity, so that a proposed final regulation here, instead of simplifying and directing and being an effective instrumentality to eliminate litigation, appears to me to be no advance over the current regulation, and when you come down to the injection of a new concept of team leader, it creates additional complications.

To repeat—something I don't like to do—I hoped to have a discussion with the proponents of both measures to shed some light on it. This is a very important matter, regulating overtime pay, which deserves a lot more attention than it is getting on the floor of the Senate today. I wish my rights had been protected by the cloakroom, or I would have been here to object to a time agreement so I could have participated in drawing out some of these important issues to try to achieve a result based upon a fuller understanding of this proposed regulation.

On the current state of the record, I am opposed to the proposed regulation. I think the amendment offered by Senator GREGG is a step in the right direction. I intend to support the Harkin amendment.

I thank the managers of the bill for scraping together a full 10 minutes for me.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. There is no time to yield. There is a consent agreement.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first of all, I commend our colleague from Iowa for his effort on the overtime pay issue. Clearly, he has attracted the attention of the administration and others. We in Congress have, on two recent occasions rejected the administration's proposals that would modify the overtime rules crafted back, as the Senator from Wyoming pointed out, in the 1930s, with the Fair Labor Standards Act.

Over the years, we have changed the Fair Labor Standards Act when it comes to overtime. Those changes have historically expanded how overtime could be used or under what job categories it could be used. There has not been a single instance in the nearly 70 years since the act was written where there has been a constriction of the overtime provisions.

This is a historic moment. The Senate will vote in 30 minutes as to whether this Congress will, for the first time since the 1930s, limit the ability of people who work to collect overtime in more than 800 job categories. The Senator from New Hampshire said we apologize, we are going to take 55 job categories and we are going to exclude them from being adversely affected by the rules when it comes to overtime. As my colleague pointed out, in fact there were some 889 different job categories that could be affected by this rule.

Clearly, what we are talking about is restricting the ability of people who work more than a 40-hour week to be able to collect overtime pay. For people who do collect overtime pay, that money amounts to 25 percent of the income they take home. Who are we talking about? Clerical workers, nursery school teachers, cooks, and nurses to name but a few. These are the people who depend upon overtime pay in order to make ends meet.

You don't have to have a Ph.D. in economics to know what is going on with families and their incomes today and their abilities to make ends meet. It was reported a few years ago how much of the income families earn can be put aside for savings, or that they could apply to college tuition for their children in the future. Today we know the ability of the middle-income family to save, put money aside, and purchase necessary items for their families has been severely restricted. This is yet one further attempt to make it more difficult for these families who need the extra overtime pay to make ends meet.

People who are stripped of these overtime protections would end up working longer hours for less pay. Does anybody believe this administration's Department of Labor is trying to expand overtime pay? That is not why the business community is supporting this rule change, because they want to expand overtime pay. The administration clearly wants to restrict it and redefine job categories that will allow them to do so.

Also, I suggest the rule works adversely in terms of job creation. The Fair Labor Standards Act was enacted nearly 70 years ago to create a 40-hour workweek and require that workers be paid fairly for any extra hours. Especially in times like these, it is an incentive for job creation because it encourages employers to hire more workers, instead of forcing current employees to work longer hours. So it creates jobs.

Obviously, if you don't have to pay overtime, you can get that one person to work longer hours for less pay. We should be trying to create jobs in this country—instead, we have lost nearly 3 million in the last 39 months; in fact, some 8 to 10 million people are out of work in this country. Further, this is vitally important to the 40-hour workweek. If employers no longer have to pay extra for overtime, they will have incentive to demand longer hours, and workers will have less time to spend with their families. People already know how difficult it is to balance work and family. Many single parents raising children, or two income earners are holding more than one job to meet the family's financial obligations.

This is a very important issue to working families and it is important for them to know this Congress will stand up for them on something as basic as the ability for them to earn overtime pay when they put in the extra hours. I also want to add that the job classifications being proposed by my friend from New Hampshire in his amendment are too vague and will invite litigation. My friend from Wyoming pointed out we ought to be trying to discourage litigation. I agree. But the adoption of the Gregg amendment, without the Harkin amendment, seems to do nothing but open up that door to litigation.

For those reasons, I urge my colleagues to support the Harkin amendment and send a final message to the administration: Do not mess around with overtime pay. This Congress is going to stand up for workers' rights to get it.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged equally to both sides.

Mr. DODD. Mr. President, I suggest the absence of a quorum to be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand I have 8 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, first of all, in my 8 minutes let me try to clear up some points. A couple of Senators talked about my amendment. I listened to them and wondered what they were talking about, that somehow this is convoluted and problematic.

Let's be clear. The amendment pending, which I have offered, does what the Department of Labor says they want to do. First, there will be two steps in my amendment. You check the old regulations. If the employee is required to be given overtime under the old regulations, that employee will continue to get overtime under the new regulations because the Department of Labor says they do not want to take overtime away from anyone now making it. My amendment clarifies it.

Secondly, if the employee is not getting overtime under the present regulations, but the new regulations allow the employee to get overtime, the employee gets overtime. So we expand it. They want to protect and expand overtime, and that is exactly what my amendment does. It is very clear and very concise.

Senator SPECTER is right, the new rule, at least what we heard about in the hearing this morning, is not a clarification. What we heard in the hearing is more ambiguous, and it is going to lead to much more litigation.

Let me also talk about the pending Gregg amendment. First of all, I note that the pending Gregg amendment is an acknowledgment, a real acknowledgment, that there is a long list of occupations and people who are in danger of losing their overtime. Obviously, why else would he have listed those 55. So there is an acknowledgment that a lot of people will lose their overtime. I thank him for that acknowledgment. But he lists in his amendment 55 occupations.

Senator DODD said there are 889 occupations listed by the Department of Labor. Senator GREGG has picked out 55 and said they will get overtime. What about the other 800-some occupations? The Gregg amendment sets up a two-tier system: The 55 who are in and the 834 who are out. That is a big problem with the Gregg amendment.

Secondly, it is definitional. For example, the Gregg amendment puts in team leaders, but we do not know what a team leader is because it has never been defined. What is a team leader?

The Gregg amendment puts in refinery workers. Does that mean oil refinery or does that cover ethanol plants in Iowa? That is a refinery. Who is covered by that? We do not know.

Technicians, what is a technician? There is no definition of a technician. The Gregg amendment covers funeral directors, but how about embalmers? We don't know. It looks as though the Gregg amendment was hastily put together. What they did was list 55 people we have talked about on the floor, but they exclude 834 others. That is a real problem.

The other point is what is missing. I just sat down and started drawing up a list of people not in the Gregg amendment: Sheriffs deputies—how about juvenile justice officers? How about correctional officers? How about reporters, bookkeepers, retail clerks, police lieutenants, computer services employees? None of these are covered under the Gregg amendment. I guess they are just out.

That is the problem with the Gregg amendment. It is a drastic change in the Fair Labor Standards Act. We have for 50 years said whether or not you get overtime is based upon the job you do, not upon what you are called. Senator GREGG now wants to say you will get overtime or not depending upon what you are called, not upon what you do. That is a big change.

These 55 that have been listed, I don't mind listing them. That is all right. But it does not go far enough. It does not cover all of the people who are out there. It narrowly excludes from exemption of overtime 55 occupations, some of which are not even well defined and not defined at all in the Gregg amendment.

I would say it like this: If you have a building and you have 10 entrances to that building and none of them are protected, but you want to protect the 10 entrances into that building, say, from terrorist activities—let's say someone comes along and says: I can't protect all 10 of them; I can protect 4. Fine, protect four, but I still have six others I have to protect. That is how I see the Gregg amendment. He protects 55, but there are 834 out there that are not listed.

My point is, you can vote for the Gregg amendment—in fact, I will vote for the Gregg amendment. I don't see it is that big a deal. It is kind of ridiculous to list 55, but I will vote for it and move the process along. But if you vote for the Gregg amendment, you can vote for the Harkin amendment, too, because we come in and cover all 10 doors in that building. We make sure all workers are covered, not just 55, not a narrowly construed list of 55 workers. We cover them all.

I hope my colleagues will support the Harkin amendment because it does, in fact, ensure that those who get overtime now will continue to get overtime, and it ensures if you don't get overtime now but the new rules allow you to get overtime, you will get overtime. The Harkin amendment covers all workers, not just the narrow list of 55.

Mr. President, I reserve whatever time I may have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The minority has 7½ minutes.

Mr. KENNEDY. Mr. President, I believe I have 7 minutes.

The PRESIDING OFFICER. Seven and a half minutes is reserved for the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask to be notified when there is 1 minute remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. Mr. President, let's look at exactly what this issue is about. This issue is about pay for hard-working Americans. Overtime represents a quarter of the pay for those individual Americans who receive overtime. It is a quarter of their pay; $33,000 is the average annual amount for the person who receives $161 a week in overtime—$33,000. That is the average. We can have higher, we can have lower, but those are basically the kind of workers about which we are talking.

I do not know what the average worker making $33,000 a year did to the Bush administration and why he is so opposed to them making a decent wage. I know the administration is against the increase in the minimum wage. They are against the extensions of unemployment compensation. And this is their third crack attacking overtime and reducing overtime pay. I say the average families, the working families are having a more and more difficult time than they have ever had in trying to make ends meet.

If we look at what has happened to average wages for new jobs, average wages for new jobs are down 21 percent. If we look at what the pressure has been on middle-income families during the Bush administration, the average income has gone down 2 percent; home prices have gone up almost 18 percent; health and other insurance costs have gone up 50 percent; tuition, 35 percent; and utilities, 15 percent. Their income has gone down, and this proposal and the Bush administration want it to go down further. How are they going to make ends meet?

What is on the other side? What is the relationship between corporations and workers during this period of time? Corporate profits have increased 57.5 percent during the period of the last 3 years, and workers' wages have gone up 1.5 percent. Still, this administration wants to increase the corporate profits. That is not right, it is not fair, it is not just.

This is about special interests. We hear a good deal on the floor of the Senate that we want to modernize the overtime rules. Let's look at what this issue is really about.

All we have to do is look at what has happened with the Restaurant Association. The National Restaurant Association in their letter to the Department of Labor says:

> The National Restaurant Association requests that DOL include chefs under the creative professional category as well as the learned professional category.

So they will not be eligible for overtime. What comes out just 10 days ago?

> The Department concludes that to the extent a chef has a primary duty of work requiring invention, imagination, originality or talent, such chef may be considered an exempt creative professional from overtime.

There is the Restaurant Association trying to look out and feather its own nest, and there is the Bush administration complying with it.

Look at another special interest. Let's take the National Association of Mutual Insurance Companies, which supports the section of the proposed regulation that provides that claims adjustors, including those working for insurance companies, satisfy the FLSA administrative exemption. Sure enough, they make that request a little over a year ago, and 2 weeks ago out comes the Department of Labor's answer:

> Insurance claims adjustors generally meet the duties requirements for the administrative exemption whether they work for an insurance company or other type of company. . . .

The insurance companies ask for these changes in order to increase the bottom line for the companies, and sure enough the administration complies. And they say this is about technical adjustments in order to modernize it? It is about the special interests. That is what has been happening right down the line with regards to the overtime. We understand what this is about. This is a blatant and flagrant effort of the administration in order to increase the bottom line for corporate America and to shortchange working families. These are workers who are working hard. They work longer and harder than any other industrial nation in the world. They are finding they are having a difficult time trying to make ends meet. This administration has been undermining them by denying them the unemployment compensation, they are denying an increase in the minimum wage, and now they are going ahead and denying them the overtime. It is not right.

Americans understand fairness, and we are talking about fairness in the job market. For 60 years, overtime has been in place. For 60 years, we have recognized the importance of paying overtime. The message that ought to go out to workers all over this country is, if we do not pass the Harkin amendment, workers beware.

The PRESIDING OFFICER. One minute.

Mr. KENNEDY. I understand I have 1 minute remaining.

Workers beware because without the protections of overtime, those workers are going to be forced to work longer and longer without getting the kinds of increases they deserve.

This is about fairness. This is about economic justice. This is about basically middle-class families. This is about family values in order to provide for working families to provide for their children. That is what the issue is. I hope we will support the Harkin amendment.

I am going to vote for the Gregg amendment. I am not really sure how much protection it applies, but at least it is worthy of support. Let's do what is really right for American workers and support the Harkin amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much is remaining?

The PRESIDING OFFICER. Fifty-two seconds on the minority side and 12 minutes on the majority side.

Is the Senator seeking recognition?

Mr. BAUCUS. No.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe we are about ready to vote. A lot of the debate has occurred, and I think it has been healthy and to the point. I do believe we should reiterate a couple of points.

First off, the original regulations are not what are at issue. The original regulations have been fundamentally changed. When the Senator from Massachusetts says, as I take it to be a fact if he represents it here, that $33,000 is the average income of people who have incomes which are overtime related, that is fine. Under this new regulation, those people are not going to be impacted because this regulation, first, raises the minimum where one is guaranteed overtime from $8,000 to $23,400. So anybody making $23,400 is guaranteed overtime no matter what their job classification is.

People between $23,000 and $100,000 are also exempt under this language because of the way the regulation has been proposed. The only people who are at risk under this legislation are people earning more than $100,000 who are working white collar jobs. Blue collar jobs over $100,000 of income are not at risk. There are potentially 6.7 million people who benefit from this regulation, directly immediately, because they are the people who are making up to $23,000. This is not even an accurate number—it may be much less—potentially 100,000 people making more than $100,000 may be impacted as a result of holding white collar positions which are no longer overtime related.

What is important to remember about this regulation is that the practical implication of it, beyond allowing 6.7 million people to get overtime for sure, is that it will clarify the playing field. Instead of having a litigious society where small businessmen and businesswomen especially have to spend a lot of money on litigation to address whether a person is getting overtime or is not getting overtime, that individual will have those dollars which they were going to spend on legal fees to give their employees benefits or to expand their activities as an employer and create more jobs. That is what is important.

We are trying to make it a more understandable playing field. Remember, the Department of Labor put out a proposal which had some structural problems. I admitted to that when it came out, but they listened. Eighty thousand comments later, they changed it. They changed it substantively to the point where it is now receiving favorable comment and favorable support from a broad range of different interest groups, including, for example, The Washington Post as was quoted today by the Senator from Wyoming when he was making his presentation earlier.

So it is a major step in the right direction toward first enfranchising 6.7 million people with a guarantee that they are going to get overtime, who do not get it today, and in addition making sure other individuals earning up to $100,000 will be getting their overtime, and in addition making it clear to the marketplace that people do not have to litigate and participate in class action suits all the time to figure out who gets overtime, who does not get overtime but, rather, there will be a clear path to making that decision which is so critical to the marketplace and creating certainty in the marketplace, which is the goal. That is the purpose, to create some certainty in the marketplace, which reduces the litigiousness and in turn converts the exercise to getting money into people's pockets versus creating lawsuits.

The problem with the Harkin amendment is it takes us back to the time of litigation. There is the old law. There is the new law. They are layered on top of each other, rolled into each other, so all the problems of the old law roll into the new law, and we are once again back into a litigation morass, a classic example of what will probably happen under the Harkin amendment.

There will be what I call a class ceiling. Businesses and employers are going to have an employee who is moving up through their system, who is doing well, who is starting to produce. That employee is suddenly going to get to a position where if they are given more responsibility it is going to draw into question whether they have to be paid overtime. It is going to draw in all of these rules, regulations, confusions, and Byzantine structures that are put in place today.

The employer is going to say, hold it, I am not going to promote that employee because there is just too much opportunity for lawsuits to occur. I am simply going to go out and hire a new employee to do that management-related activity or that administrative-related activity that may imply exemption from overtime rather than promote the up and coming employee because I do not want to buy the lawsuits that come with a promotion. A ceiling is going to potentially be created for people who are in the process of improving their lives in the employment structure. They are going to be frozen in place as a result of going the Harkin route.

What the new regulations as proposed by the Labor Department do is just the opposite. It gives certainty so that employers know when they can move people up, when they can give them promotions, and what the impact of that is going to be on the overtime rules as they apply to that individual as they are promoted. Therefore, it is going to give a lot of employees a lot more upward mobility, which is positive. That is the way we should approach this.

So the Harkin amendment may be well intentioned. Obviously, it is well intentioned. Everything the Senator from Iowa does is well intentioned. As a practical matter, it is going to have very severe and unintended consequences, in my opinion, of limiting promotion within the marketplace.

I hope people would support my amendment, the purpose of which is to address all of the issues that have been raised over the last few months as we have debated this issue about specific areas of employment categories that have been alleged to have been negatively impacted by the originally proposed regulation. I listed them all. Every group that has been allegedly negatively impacted in the last few months by the proposed regulation has been listed, and it has been said that those folks in those categories will either get the best of the old law or the best of the new law. It is a "win" or a "win more" situation for those categories.

Why are there not more categories in here? Some people say there are only 40 or 50 categories. Well, it is because those are the categories that have been identified most often on this floor as being allegedly at risk under the old proposed regulation. This basically takes them off the playing field as being in play.

I happen to believe, and I think people who look at this with some objectivity believe, that maybe much of this language is redundant. But we want to make it absolutely clear that these people are not going to be negatively impacted. So that list of 55 are picked off, are taken out of play completely, by name. Why do we choose those? Because those were the ones who, it was alleged under the duties test, might be at risk. We didn't think they were but we wanted to make it clear they were not.

So the new proposed regulation, in our opinion, is a major step forward in giving certainty to the marketplace, in giving 6.7 million Americans who do not have the guarantee of overtime today a guarantee of overtime, and making it clear to the businesspeople of this country that they can invest in creating new jobs, they can move people up the promotion ladder, and they can spend more money on people's wages rather than having to spend more money on lawsuits.

Mr. President, at this time I am willing to go to a vote and yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I think I have about 50 seconds.

The PRESIDING OFFICER. The Senator has 37 seconds.

Mr. HARKIN. Senator GREGG has it all wrong. To respond, my amendment says "duties"—if your duties remain the same, you get overtime. But if your duties change, there is no glass ceiling. If you are a secretary today but you become CEO next year, of course you won't get overtime. That is what my friend from New Hampshire is missing. That is what is wrong with this amendment. He does it job by job. What I say is, if your duties are the same, you ought to get overtime. But there is no glass ceiling. If you go up a ladder, become manager, owner, or CEO of the company, of course you don't get overtime. That is a bogus argument.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. GRASSLEY. Mr. President, before we vote, I have an unanimous consent request.

The PRESIDING OFFICER. The Senator will please state his request.

Mr. GRASSLEY. I ask unanimous consent that the Collins amendment, No. 3108, be modified with the changes that are at the desk and that the amendment be agreed to, and the motion to reconsider be laid upon the table; further, I ask that there then be 45 minutes of debate in relationship to the Wyden amendment, No. 3109, with 15 minutes under the control of Senator WYDEN and 30 minutes under the control of the chairman or his designee; further, I ask consent that following that time, the Senate proceed to a vote in relationship to the amendment, with no second degrees in order to the amendment prior to the vote; finally, I ask consent that following that vote, Senator ALLEN be recognized to offer an amendment.

The PRESIDING OFFICER. Is there objection? The Senator from Montana.

Mr. BAUCUS. Reserving the right to object—of course I will not—I thank all Senators for going the extra mile to help work out this agreement. We are taking steps. We are proceeding. I think we will get this bill passed this year.

The PRESIDING OFFICER. Hearing no objection, the request of the Senator from Iowa is granted.

The amendment (No. 3108), as modified, was agreed to, as follows:

On page 139, between lines 13 and 14, insert the following:

SEC. . MANUFACTURER'S JOBS CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

"SEC. 45S. MANUFACTURER'S JOBS CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible taxpayer, the manufacturer's jobs credit determined under this section is an amount equal to 50 percent of the lesser of the following:

"(1) The excess of the W–2 wages paid by the taxpayer during the taxable year over the W–2 wages paid by the taxpayer during the preceding taxable year.

"(2) The W–2 wages paid by the taxpayer during the taxable year to any employee who is an eligible TAA recipient (as defined in section 35(c)(2)) for any month during such taxable year.

"(3) 22.4 percent of the W–2 wages paid by the taxpayer during the taxable year.

"(b) LIMITATION.—

"(1) IN GENERAL.—If there is an excess described in paragraph (2)(A) for any taxable year, the amount of credit determined under subsection (a) (without regard to this subsection)—

"(A) if the value of domestic production determined under section 199(g)(2) for the taxable year does not exceed such value for the preceding taxable year, shall be zero, and

"(B) if subparagraph (A) does not apply, shall be reduced (but not below zero) by the applicable percentage of such amount.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any taxable year, the percentage equal to a fraction—

"(A) the numerator of which is the excess (if any) of the modified value of worldwide production of the taxpayer for the taxable year over such modified value for the preceding taxable year, and

"(B) the denominator of which is the excess (if any) of the value of worldwide production of the taxpayer for the taxable year over such value for the preceding taxable year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) VALUE OF WORLDWIDE PRODUCTION.—The value of worldwide production for any taxable year shall be determined under section 199(g)(4).

"(B) MODIFIED VALUE.—The term 'modified value of worldwide production' means the value of worldwide production determined by not taking into account any item taken into account in determining the value of domestic production under section 199(g)(2).

"(c) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer—

"(1) which has domestic production gross receipts for the taxable year and the preceding taxable year, and

"(2) which is not treated at any time during the taxable year as an inverted domestic corporation under section 7874.

"(d) DEFINITIONS AND SPECIAL RULE.—For purposes of this section—

"(1) IN GENERAL.—Any term used in this section which is also used in section 199 shall have the meaning given such term by section 199.

"(2) SPECIAL RULE FOR W–2 WAGES.—Notwithstanding paragraph (1), the amount of W–2 wages taken into account with respect to any employee for any taxable year shall not exceed $50,000.

"(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2005.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following:

"(31) the manufacturer's jobs credit determined under section 45S.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

"Sec. 45S. Manufacturer's jobs credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

On page 335, line 8, strike "December 31, 2004," and insert "May 31, 2004".

Mr. GREGG. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 3111

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Kerry

The amendment (No. 3111) was agreed to.

AMENDMENT NO. 3107

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3107.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—47

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Kerry

The amendment (No. 3107) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that once Senator ALLEN offers his amendment with respect to home mortgages, it be set aside only for the purpose of Senator CANTWELL offering an amendment, and that after the clerk reports the amendment by number, it be immediately set aside, and the Senate resume consideration of the Allen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3109, AS MODIFIED

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Wyden amendment be modified with the text I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of the bill, add the following:

TITLE IX—TRADE ADJUSTMENT ASSISTANCE

Subtitle A—Service Workers

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance Equity For Service Workers Act of 2004".

SEC. 912. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking "firm)" and inserting "firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)".

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (1), by inserting "or public agency" after "of the firm"; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking "like or directly competitive with articles produced" and inserting "or services like or directly competitive with articles produced or services provided"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

"(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (2), by inserting "or service" after "related to the article"; and

(C) in paragraph (3)(A), by inserting "or services" after "component parts";

(3) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

"(C) Taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semifinished steel slab.".

(B) in paragraph (3)—

(i) by inserting "or services" after "value-added production processes";

(ii) by striking "or finishing" and inserting ", finishing, or testing";

(iii) by inserting "or services" after "for articles"; and

(iv) by inserting "(or subdivision)" after "such other firm"; and

(C) in paragraph (4)—

(i) by striking "for articles" and inserting ", or services, used in the production of articles or in the provision of services"; and

(ii) by inserting "(or subdivision)" after "such other firm"; and

(4) by adding at the end the following new subsection:

"(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

"(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a firm in a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

"(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.".

(c) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking "$220,000,000" and inserting "$440,000,000".

(d) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting "or public agency" after "of a firm"; and

(B) by inserting "or public agency" after "or subdivision";

(2) in paragraph (2)(B), by inserting "or public agency" after "the firm";

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

"(8) The term 'service sector firm' means an entity engaged in the business of providing services.".

(e) TECHNICAL AMENDMENT.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ", other than subchapter D".

SEC. 913. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting "or service sector firm" after "(including any agricultural firm";

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting "or service sector firm" after "any agricultural firm";

(ii) in subparagraph (B)(ii), by inserting "or service" after "of an article"; and

(iii) in subparagraph (C), by striking "articles like or directly competitive with articles which are produced" and inserting "articles or services like or directly competitive with articles or services which are produced or provided"; and

(C) by adding at the end the following:

"(e) BASIS FOR SECRETARY DETERMINATION.—

"(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers' firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "$16,000,000" and inserting "$32,000,000".

(3) DEFINITION.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking "For purposes of" and inserting "(a) FIRM.—For purposes of"; and

(B) by adding at the end the following:

"(b) SERVICE SECTOR FIRM.—For purposes of this chapter, the term 'service sector firm' means a firm engaged in the business of providing services.".

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting "or service" after "new product".

SEC. 914. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking "The Secretary" and inserting "(a) MONITORING PROGRAMS.—The Secretary";

(B) by inserting "and services" after "imports of articles";

(C) by inserting "and domestic provision of services" after "domestic production";

(D) by inserting "or providing services" after "producing articles"; and

(E) by inserting ", or provision of services," after "changes in production"; and

(2) by adding at the end the following:

"(b) COLLECTION OF DATA AND REPORTS ON SERVICES SECTOR.—

"(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Equity For Service Workers Act of 2004, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

"(2) SECRETARY OF COMMERCE.—Not later than 6 months after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.".

SEC. 915. ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE.

IN GENERAL.—Section 246(a)(3) of the Trade Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

"(3) ELIGIBILITY.—A worker in the group that the Secretary has certified as eligible for the alternative trade adjustment assistance program may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

"(A) is covered by a certification under subchapter A of this chapter;

"(B) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

"(C) is at least 40 years of age;

"(D) earns not more than $50,000 a year in wages from reemployment;

"(E) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

"(F) does not return to the employment from which the worker was separated.".

(b) CONFORMING AMENDMENTS.—(1) Subparagraphs (A) and (B) of section 246(a)(2) of the Trade Act of 1974 (19 U.S.C. 2318(a)(2) (A) and (B)) are amended by striking "paragraph (3)(B)" and inserting "paragraph (3)" each place it appears.

(2) Section 246(b)(2) of such Act is amended by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3)".

SEC. 916. CLARIFICATION OF MARKETING YEAR AND OTHER PROVISIONS.

(a) IN GENERAL.—Section 291(5) of the Trade Act of 1974 (19 U.S.C. 2401(5)) is amended by inserting before the end period the following: ", or in the case of an agricultural commodity that has no officially designated marketing year, in a 12-month period for which the petitioner provides written request".

(b) FISHERMEN.—Notwithstanding any other provision of law, for purposes of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen who harvest wild stock shall be eligible for adjustment assistance to the same extent and in the same manner as a group of workers under such chapter 2.

SEC. 917. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this subtitle shall take effect on October 1, 2004.

(b) SPECIAL RULE FOR CERTAIN SERVICE WORKERS.—A group of workers in a service sector firm, or subdivision of a service sector firm, or public agency (as defined in section 247 (7) and (8) of the Trade Act of 1974, as added by section 912(d) of this Act) who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of enactment of this Act,

shall be eligible for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm or public agency occurred on or after November 4, 2002 and before October 1, 2004.

(c) SPECIAL RULE FOR TACONITE.—A group of workers in a firm, or subdivision of a firm, engaged in the production of taconite pellets who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of enactment of this Act,

shall be eligible for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm occurred on or after November 4, 2002 and before October 1, 2004.

Subtitle B—Data Collection

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance Accountability Act".

SEC. 922. DATA COLLECTION; STUDY; INFORMATION TO WORKERS.

(a) DATA COLLECTION; EVALUATIONS.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 249, the following new section:

"SEC. 250. DATA COLLECTION; EVALUATIONS; REPORTS.

"(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

"(b) PERFORMANCE EVALUATIONS.—The Secretary shall establish an effective performance measuring system to evaluate the following:

"(1) PROGRAM PERFORMANCE.—A comparison of the trade adjustment assistance program before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002 with respect to—

"(A) the number of workers certified and the number of workers actually participating in the trade adjustment assistance program;

"(B) the time for processing petitions;

"(C) the number of training waivers granted;

"(D) the coordination of programs under this chapter with programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(E) the effectiveness of individual training providers in providing appropriate information and training;

"(F) the extent to which States have designed and implemented health care coverage options under title II of the Trade Act of 2002, including any difficulties States have encountered in carrying out the provisions of title II;

"(G) how Federal, State, and local officials are implementing the trade adjustment assistance program to ensure that all eligible individuals receive benefits, including providing outreach, rapid response, and other activities; and

"(H) any other data necessary to evaluate how individual States are implementing the requirements of this chapter.

"(2) PROGRAM PARTICIPATION .—The effectiveness of the program relating to—

"(A) the number of workers receiving benefits and the type of benefits being received both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

"(B) the number of workers enrolled in, and the duration of, training by major types of training both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

"(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

"(D) reemployment rates and sectors in which dislocated workers have been employed;

"(E) the cause of dislocation identified in each petition that resulted in a certification under this chapter; and

"(F) the number of petitions filed and workers certified in each congressional district of the United States.

"(c) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

"(1) STATE PARTICIPATION.—Participation by each State in the performance measurement system established under subsection (b).

"(2) MONITORING.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

"(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

"(d) REPORTS.—

"(1) REPORTS BY THE SECRETARY.—

"(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Accountability Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

"(i) describes the performance measurement system established under subsection (b);

"(ii) includes analysis of data collected through the system established under subsection (b); and

"(iii) provides recommendations for program improvements.

"(B) ANNUAL REPORT.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the information collected under clause (ii) of subparagraph (A).

"(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

"(3) PUBLICATION.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under subsection (b).".

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking "Departments of Labor and Commerce" and inserting "Departments of Labor, Commerce, and Agriculture".

(2) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking "The Secretary of Commerce and the Secretary of Labor" and inserting "The Secretaries of Commerce, Labor, and Agriculture".

(3) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 249, the following new item:

"Sec. 250. Data collection; evaluations; reports.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

Subtitle C—Trade Adjustment Assistance for Communities

SEC. 931. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance for Communities Act of 2004".

SEC. 932. PURPOSE.

The purpose of this subtitle is to assist communities negatively impacted by trade with economic adjustment through the integration of political and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

SEC. 933. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"SEC. 271. DEFINITIONS.

"In this chapter:

"(1) AFFECTED DOMESTIC PRODUCER.—The term 'affected domestic producer' means any manufacturer, producer, service provider, farmer, rancher, fisherman or worker representative (including associations of such persons) that was affected by a finding under the Antidumping Act of 1921, or by an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

"(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the same meaning as the term 'person' as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)).

"(3) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State that the Secretary certifies as being negatively impacted by trade.

"(4) COMMUNITY NEGATIVELY IMPACTED BY TRADE.—A community negatively impacted by trade means a community with respect to which a determination has been made under section 273.

"(5) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community certified under section 273 for assistance under this chapter.

"(6) FISHERMAN.—

"(A) IN GENERAL.—The term 'fisherman' means any person who—

"(i) is engaged in commercial fishing; or

"(ii) is a United States fish processor.

"(B) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISH PROCESSOR.—The terms 'commercial fishing', 'fish', 'fishery', 'fishing', 'fishing vessel', 'person', and 'United States fish processor' have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

"(7) JOB LOSS.—The term 'job loss' means the total or partial separation of an individual, as those terms are defined in section 247.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT.—Within 6 months after the date of enactment of the Trade Adjustment Assistance for Communities Act of 2004, the Secretary shall establish a Trade Adjustment Assistance for Communities Program at the Department of Commerce.

"(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this chapter.

"(c) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall—

"(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

"(2) coordinate the Federal response to an eligible community—

"(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

"(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

"(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning economic adjustment for an eligible community; and

"(D) by identifying and strengthening existing agency mechanisms designed to assist eligible communities in their efforts to achieve economic adjustment and workforce reemployment;

"(3) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

"(A) identify serious economic problems in the community that are the result of negative impacts from trade;

"(B) integrate the major groups and organizations significantly affected by the economic adjustment;

"(C) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

"(D) diversify and strengthen the community economy; and

"(E) develop a community-based strategic plan to address economic development and workforce dislocation, including unemployment among agricultural commodity producers, and fishermen;

"(4) establish specific criteria for submission and evaluation of a strategic plan submitted under section 274(d);

"(5) establish specific criteria for submitting and evaluating applications for grants under section 275;

"(6) administer the grant programs established under sections 274 and 275; and

"(7) establish an interagency Trade Adjustment Assistance for Communities Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, and any other Federal, State, or regional department or agency the Secretary determines necessary or appropriate.

"SEC. 273. CERTIFICATION AND NOTIFICATION.

"(a) Certification.—Not later than 45 days after an event described in subsection (c)(1), the Secretary of Commerce shall determine if a community described in subsection (b)(1) is negatively impacted by trade, and if a positive determination is made, shall certify the community for assistance under this chapter.

"(b) Determination That Community Is Eligible.—

"(1) Community described.—A community described in this paragraph means a community with respect to which on or after October 1, 2004—

"(A) the Secretary of Labor certifies a group of workers (or their authorized representative) in the community as eligible for assistance pursuant to section 223;

"(B) the Secretary of Commerce certifies a firm located in the community as eligible for adjustment assistance under section 251;

"(C) the Secretary of Agriculture certifies a group of agricultural commodity producers (or their authorized representative) in the community as eligible for adjustment assistance under section 293;

"(D) an affected domestic producer is located in the community; or

"(E) the Secretary determines that a significant number of fishermen in the community is negatively impacted by trade.

"(2) Negatively impacted by trade.—The Secretary shall determine that a community is negatively impacted by trade, after taking into consideration—

"(A) the number of jobs affected compared to the size of workforce in the community;

"(B) the severity of the rates of unemployment in the community and the duration of the unemployment in the community;

"(C) the income levels and the extent of underemployment in the community;

"(D) the outmigration of population from the community and the extent to which the outmigration is causing economic injury in the community; and

"(E) the unique problems and needs of the community.

"(c) Definition and Special Rules.—

"(1) Event described.—An event described in this paragraph means one of the following:

"(A) A notification described in paragraph (2).

"(B) A certification of a firm under section 251.

"(C) A finding under the Antidumping Act of 1921, or an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

"(D) A determination by the Secretary that a significant number of fishermen in a community have been negatively impacted by trade.

"(2) Notification.—The Secretary of Labor, immediately upon making a determination that a group of workers is eligible for trade adjustment assistance under section 223, (or the Secretary of Agriculture, immediately upon making a determination that a group of agricultural commodity producers is eligible for adjustment assistance under section 293, as the case may be) shall notify the Secretary of Commerce of the determination.

"(d) Notification to Eligible Communities.—Immediately upon certification by the Secretary of Commerce that a community is eligible for assistance under subsection (b), the Secretary shall notify the community—

"(1) of the determination under subsection (b);

"(2) of the provisions of this chapter;

"(3) how to access the clearinghouse established by the Department of Commerce regarding available economic assistance;

"(4) how to obtain technical assistance provided under section 272(c)(3); and

"(5) how to obtain grants, tax credits, low income loans, and other appropriate economic assistance.

"SEC. 274. STRATEGIC PLANS.

"(a) In General.—An eligible community may develop a strategic plan for community economic adjustment and diversification.

"(b) Requirements for Strategic Plan.—A strategic plan shall contain, at a minimum, the following:

"(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used.

"(2) A description of the commitment of the community to the strategic plan over the long term and the participation and input of groups affected by economic dislocation.

"(3) A description of the projects to be undertaken by the eligible community.

"(4) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

"(5) A description of how the plan will achieve economic adjustment and diversification.

"(6) A description of how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

"(7) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

"(8) A description of how the plan will address the occupational and workforce conditions in the eligible community.

"(9) A description of the educational programs available for workforce training and future employment needs.

"(10) A description of how the plan will adapt to changing markets and business cycles.

"(11) A description and justification for the cost and timing of the total funds required by the community for economic assistance.

"(12) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

"(c) Grants To Develop Strategic Plans.—The Secretary, upon receipt of an application from an eligible community, may award a grant to that community to be used to develop the strategic plan.

"(d) Submission of Plan.—A strategic plan developed under subsection (a) shall be submitted to the Secretary for evaluation and approval.

"SEC: 275. GRANTS FOR ECONOMIC DEVELOPMENT.

"(a) In General.—The Secretary, upon approval of a strategic plan from an eligible community, may award a grant to that community to carry out any project or program that is certified by the Secretary to be included in the strategic plan approved under section 274(d), or consistent with that plan.

"(b) Additional Grants.—

"(1) In general.—Subject to paragraph (2), in order to assist eligible communities to obtain funds under Federal grant programs, other than the grants provided for in section 274(c) or subsection (a), the Secretary may, on the application of an eligible community, make a supplemental grant to the community if—

"(A) the purpose of the grant program from which the grant is made is to provide technical or other assistance for planning, constructing, or equipping public works facilities or to provide assistance for public service projects; and

"(B) the grant is 1 for which the community is eligible except for the community's inability to meet the non-Federal share requirements of the grant program.

"(2) Use as non-federal share.—A supplemental grant made under this subsection may be used to provide the non-Federal share of a project, unless the total Federal contribution to the project for which the grant is being made exceeds 80 percent and that excess is not permitted by law.

"(c) Rural Community Preference.—The Secretary shall develop guidelines to ensure that rural communities receive preference in the allocation of resources.

"SEC. 276. GENERAL PROVISIONS.

"(a) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter. Before implementing any regulation or guideline proposed by the Secretary with respect to this chapter, the Secretary shall submit the regulation or guideline to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives for approval.

"(b) Supplement Not Supplant.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $100,000,000 for each of fiscal years 2005 through 2008, to carry out this chapter. Amounts appropriated pursuant to this subsection shall remain available until expended.".

SEC. 934. CONFORMING AMENDMENTS.

(a) Termination.—Section 285(b) of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by adding at the end the following new paragraph:

"(3) Assistance for communities.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2008.".

(b) Table of Contents.—The table of contents for title II of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting after the items relating to chapter 3 the following new items:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"Sec. 271. Definitions.
"Sec. 272. Community Trade Adjustment Assistance Program.
"Sec. 273. Certification and notification.
"Sec. 274. Strategic plans.
"Sec. 275. Grants for economic development.
"Sec. 276. General provisions.".

(c) JUDICIAL REVIEW.—Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking "section 271" and inserting "section 273".

SEC. 935. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on October 1, 2004.

Subtitle D—Office of Trade Adjustment Assistance

SEC. 941. SHORT TITLE.

This subtitle may be cited as the "Trade Adjustment Assistance for Firms Reorganization Act".

SEC. 942. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following new section:

"SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Trade Adjustment Assistance for Firms Reorganization Act, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance.

"(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.

"(c) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary's responsibilities under this chapter.".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following new item:

"Sec. 255A. Office of Trade Adjustment Assistance.".

SEC. 943. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the earlier of—

(1) the date of the enactment of this Act; or

(2) October 1, 2004.

TITLE X—IMPROVEMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS

SEC. 1001. EXPEDITED REFUND OF CREDIT FOR PRORATED FIRST MONTHLY PREMIUM AND SUBSEQUENT MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following:

"(e) EXPEDITED PAYMENT OF PREMIUMS PAID PRIOR TO ISSUANCE OF CERTIFICATE.—The program established under subsection (a) shall provide for payment to a certified individual (or to any person or entity designated by the certified individual, under guidelines developed by the Secretary to achieve the purposes of this section) of an amount equal to the percentage specified in section 35(a) of the premiums paid by such individual for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate not later than 30 days after receipt by the Secretary of evidence of such payment by the certified individual.".

SEC. 1002. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following:

"(C) TAA-ELIGIBLE INDIVIDUALS.—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4)(C).".

(b) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following:

"(C) TAA-ELIGIBLE INDIVIDUALS.—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4)(C).".

(c) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following:

"(D) TAA-ELIGIBLE INDIVIDUALS.—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).".

SEC. 1003. CLARIFICATION OF ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.

(a) IN GENERAL.—Subsection (b) of section 35 of the Internal Revenue Code of 1986 (defining eligible coverage month) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR SPOUSE OF INDIVIDUAL ENTITLED TO MEDICARE.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer.".

(b) CONFORMING AMENDMENT.—Section 173(f)(5)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(5)(A)(i)) is amended by inserting "(including with respect to any month for which the eligible individual would have been treated as such but for the application of paragraph (7)(B)(i))" before the comma.

(c) APPLICATION PERIOD.—The amendments made by this section shall only apply during the period beginning on January 1, 2005, and ending on January 1, 2007.

SEC. 1004. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking "65" and inserting "75".

(b) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking "65" and inserting "75".

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2004.

SEC. 1005. EXTENSION OF NATIONAL EMERGENCY GRANTS TO FACILITATE ESTABLISHMENT OF GROUP COVERAGE OPTION AND TO PROVIDE INTERIM HEALTH COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO QUALIFY FOR GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS; CLARIFICATION OF REQUIREMENT FOR GROUP COVERAGE OPTION.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) USE OF FUNDS.—

"(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

"(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

"(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members in enrolling in health insurance coverage and qualified health insurance.

"(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

"(I) eligibility verification activities;

"(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

"(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

"(V) the development or installation of necessary data management systems; and

"(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraph (C), (D), (E), or (F)(i) of section 35(e)(1) of the Internal Revenue Code of 1986, or, only if the coverage is under a group health plan, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of such section, as qualified health insurance under that section.

"(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including low cost options, outreach consisting of notice to eligible individuals of qualified health insurance options made available after the date of enactment of this clause, and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

"(iv) BRIDGE FUNDING.—To assist potentially eligible individuals purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

"(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g)."; and

(2) by striking paragraph (2) and inserting the following:

"(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.".

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking "AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002" and inserting "APPROPRIATIONS"; and

(2) by striking subparagraph (A) and inserting the following:

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $200,000,000 for the period of fiscal years 2004 through 2005; and".

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

"(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.".

(d) CLARIFICATION OF REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 (relating to special rules) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

"(9) REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—

"(A) IN GENERAL.—If any State has not elected to have treated as qualified health insurance under this section at least—

"(i) the coverage described in subparagraph (C), (D), (E), or (F)(i) of subsection (e)(1), or

"(ii) only if the coverage is under a group health plan and the plan satisfies the applicable requirements of section 9802, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of subsection (e)(1),

the State, not later than 2 years after the date of the enactment of this paragraph, shall develop in consultation with representatives of eligible individuals and their qualifying family members, coverage options that are to be treated as qualified health insurance under this section and that include at least one of the coverage options described in clause (i) or (ii).

"(B) OPM.—In the case of any State that fails to satisfy the requirement of subparagraph (A), the Director of the Office of Personnel Management is authorized to establish group health plan options, including low cost options, for eligible individuals and qualifying family members of such individuals in the State that shall be treated as qualified health insurance under this section.".

(e) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

SEC. 1006. TECHNICAL AMENDMENT RELATING TO OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

Effective as if included in the enactment of the amendment made by section 201(b) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 959), section 2745(d) of the Public Health Service Act (42 U.S.C. 300gg–45(d)) is amended by inserting after "2744(c)(2)" the following: ", except that with respect to subparagraph (A) of such section a State may elect to provide for the enrollment of eligible individuals through an acceptable alternative mechanism,".

SEC. 1007. NOTICE REQUIREMENTS.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals), as amended by section 1001, is amended by adding at the end the following:

"(f) INCLUSION OF CERTAIN INFORMATION.—The notice by the Secretary (or by any person or entity designated by the Secretary) that an individual is eligible for a qualified health insurance costs credit eligibility certificate shall include—

"(1) the name, address, and telephone number of the State office or offices responsible for determining that the individual is eligible for such certificate and for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e));

"(2) a list of the coverage options, including the low cost options, that are treated as qualified health insurance (as so defined) by the State in which the individual resides; and

"(3) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the postmark date of such notice to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).".

SEC. 1008. ANNUAL REPORT ON ENHANCED TAA BENEFITS.

Not later than October 1 of each year (beginning in 2004) the Secretary of the Treasury, after consultation with the Secretary of Labor, shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) The total number of participants utilizing the health insurance tax credit under section 35 of the Internal Revenue Code of 1986, including a measurement of such participants identified—

(A) by State, and

(B) by coverage under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code) and by non-COBRA coverage (further identified by group and individual market).

(2) The range of monthly health insurance premiums offered and the average and median monthly health insurance premiums offered to TAA-eligible individuals (as defined in section 4980B(f)(5)(C)(iv)(II) of such Code) under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code), State-based continuation coverage provided under a State law that requires such coverage, and each category of coverage described in section 35(e)(1) of such Code, identified by State and by the actuarial value of such coverage and the specific benefits provided and cost-sharing imposed under such coverage.

(3) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) and the time necessary for application approval of such grants.

(4) The cost of administering the health credit program under section 35 of such Code, by function, including the cost of subcontractors.

TITLE XI—MORTGAGE PAYMENT ASSISTANCE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Homestead Preservation Act".

SEC. 1102. MORTGAGE PAYMENT ASSISTANCE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 239 of such Act (19 U.S.C. 2311);

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2005 through 2008.

TITLE XII—MISCELLANEOUS

SEC. 1201. DEFINITION OF VALID TAXPAYER IDENTIFICATION NUMBER FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(m) of the Internal Revenue Code of 1986 is amended to read as follows:

"(m) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number assigned by the Social Security Administration—

"(1) to a citizen of the United States, or

"(2) to an individual pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator CANTWELL is here. If I can have the attention of the two managers of the bill, all she is going to do is offer her amendment. It is not going to change where she is. She is following ALLEN, anyway. Can she offer her amendment now? It is only going to be reported by number, and then she can leave.

Mr. BAUCUS. Mr. President, according to the agreement, I think that will be good. That is fine.

Mr. GRASSLEY. Yes.

AMENDMENT NO. 3114

Ms. CANTWELL. Mr. President, on behalf of myself and Senator VOINOVICH, I call up our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Ms. CANTWELL], for herself and Mr. VOINOVICH, proposes an amendment numbered 3114.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes)

At the end, add the following:

TITLE ___—UNEMPLOYMENT COMPENSATION

SEC. ___01. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) IN GENERAL.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30), as amended by Public Law 108–1 (117 Stat. 3) and the Unemployment Compensation Amendments of 2003 (Public Law 108–26; 117 Stat. 751), is amended—

(1) in subsection (a)(2), by striking "December 31, 2003" and inserting "November 30, 2004";

(2) in subsection (b)(1), by striking "December 31, 2003" and inserting "November 30, 2004";

(3) in subsection (b)(2)—

(A) in the heading, by striking "DECEMBER 31, 2003" and inserting "NOVEMBER 30, 2004"; and

(B) by striking "December 31, 2003" and inserting "November 30, 2004"; and

(4) in subsection (b)(3), by striking "March 31, 2004" and inserting "February 28, 2005".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. ___02. ADDITIONAL REVISION TO CURRENT TEUC–X TRIGGER.

(a) IN GENERAL.—Section 203(c)(2)(B) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

"(B) such a period would then be in effect for such State under such Act if—

"(i) section 203(d) of such Act were applied as if it had been amended by striking '5' each place it appears and inserting '4'; and

"(ii) with respect to weeks of unemployment beginning after December 27, 2003—

"(I) paragraph (1)(A) of such section 203(d) did not apply; and

"(II) clause (ii) of section 203(f)(1)(A) of such Act did not apply.".

(b) APPLICATION.—Section 203(c)(2)(B)(ii) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30), as added by subsection (a), shall apply with respect to payments for weeks of unemployment beginning on or after the date of enactment this Act.

SEC. ___03. TEMPORARY STATE AUTHORITY TO WAIVE APPLICATION OF LOOKBACKS UNDER THE FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970.

For purposes of conforming with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), a State may, during the period beginning on the date of enactment of this Act and ending on June 30, 2004, waive the application of either subsection (d)(1)(A) of section 203 of such Act or subsection (f)(1)(A)(ii) of such section, or both.

AMENDMENT NO. 3109, AS MODIFIED

The PRESIDING OFFICER. Who yields time on the pending Wyden amendment? The Senator from Oregon.

Mr. WYDEN. Mr. President, I would like to briefly outline this bipartisan amendment. This is cosponsored by my colleague from Minnesota, Senator COLEMAN. We are joined by Senator SNOWE and Senator BROWNBACK, and on our side by the distinguished ranking member, Senator BAUCUS, and Senator ROCKEFELLER. There is a strong bipartisan coalition for this amendment because the fact is under our trade adjustment laws, millions of our workers have been left behind.

This law has been of great benefit to those in the manufacturing sector for more than three decades, but for millions of our workers who work in the service sector, who work, for example, in the high-technology sector, the safety net the Trade Adjustment Act provides has not been there. So all of the benefits offered by the trade adjustment legislation in terms of help with retraining, assistance with health care, a bit of income to get by—all of the services that make it possible for one to use this critical law as a trampoline to get back into the private sector economy have not been available in the service sector and in the high-technology sector, and that is what our bipartisan amendment would change.

In the last few hours apparently there has been one letter from an insurance company that has been offered up as an argument against this. It states that in some way our legislation would damage the opportunity for private insurance companies to deliver health benefits under this legislation. Senator COLEMAN and I would never support something like that, and I wish to outline exactly why our amendment does not damage the opportunity for private insurance companies to deliver health care under our proposal.

Our amendment states that all current private sector health care delivery systems would be continued in every State in America. So let me start with that.

Under our bipartisan amendment, in every State in America the private sector options that are offered now could be continued.

We do state in our proposal that if there is discrimination, say, on the basis of genetic history or disability or other concrete examples of discrimination, then the Office of Personnel Management would be given the discretion—not required but they would be given the discretion—to step in and ensure that there is an affordable alternative.

Second, we protect the option of private health insurers participating in the system by stipulating that our amendment will not override State decisionmaking. This is very important because, again, in every State in our country, State insurance law allows for private insurers to be involved in the health care delivery system.

Third, apparently there was a concern raised that in some way this amendment would encourage adverse selection and then there would be a disproportionate number of those who are needy and ailing going to private insurers.

The fact is that the bipartisan amendment will reduce adverse selection. It will reduce adverse selection by increasing the subsidy that is available for health care in America. It will expand outreach, which will be beneficial, and make it easier for people to sign up. So the prospect that this will encourage adverse selection and damage private insurers is also incorrect.

So I want to be clear because there was one letter that was brought up recently in the last few hours opposing all of the good bipartisan work that has been done on this for months and months, and I wanted to set the record clear that for the three reasons I have outlined our bipartisan legislation will do no damage to the important private sector health delivery options that are available now in every State in America and will be continued under our legislation.

I believe I will have a bit more time later. I think Senator COLEMAN did an incredibly good job yesterday of outlining the case for why it is so important to help these workers. I know in my home State, folks do not understand why if one is hurting in Beaverton, OR, or they have lost their job as a result of trade they cannot be in a position to compete against somebody in Bangalore. That is what this issue is all about.

I see our friend, the distinguished chairman of the Finance Committee, is in the Chamber. He has done such good work over the years with respect to the training and other programs that are essential. With this legislation that has been produced by a bipartisan group, including Senators COLEMAN, BROWNBACK, SNOWE, ROCKEFELLER, and BAUCUS, we are giving a chance to that great bulk of workers in the service sector and in the high-technology sector to have a chance to use this program as a trampoline to get back into the economy. They are not going to get that chance under other programs. There is no other program that gives that same kind of opportunity to folks who are hurting in this way. We have done it in a bipartisan way. We have done it in a cost-effective way. We have done it in a fashion so as to not damage the right of private health insurers in every State in the country to deliver the benefit.

I will have a bit more to say as we get into the debate, but I also conclude this portion by thanking my colleague, the distinguished Senator from Minnesota. He has been a great champion of a bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WYDEN. I yield time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleague from Oregon for his efforts in working in a bipartisan way and simply trying to do the right thing.

I happen to be a very strong supporter of trade. I understand that if one does not trade, they do not grow and the economy does not grow. In the end, I have always believed the best thing we can do as public officials, moms and dads, is give people the opportunity to work. Trade has been an opportunity for jobs. Trade has created those opportunities.

Along the way, there have been some casualties. Along the way, due to policy choices we have made, not because of lack of productivity, not because of inefficiency but because of policy decisions regarding trade, workers have had jobs impacted.

A couple of years ago, in 2002, my colleagues did a review and relooked at this whole issue of trade adjustment assistance, something that has been around since the times of John Kennedy, and said we should strengthen this. In doing so, one of the things that was done is it focused simply on the production of goods on manufacturing. Now, when I talk to many of my colleagues and say if someone is providing a service, if they are driving a truck to a facility that is no longer to be manufacturing lawnmowers, then they are not eligible for trade adjustment assistance, they are not eligible for retooling, for retraining, for health insurance, for tax credits. If one is providing the janitorial service for the lawnmower production facility, they are not eligible for the kind of assistance that would allow them to train for a job so they can be back in the workforce and taking care of their family.

As my colleague from Oregon has indicated, in the course of the last few hours we received one letter from one insurance company raising some concerns. Again, I am not going to repeat what my colleague has said, except to reiterate we are not changing the opportunity that exists now in any State. It is still there. There is a provision which provides discretion for OPM, a Federal agency, to come in under limited circumstances. They probably do not want to come in, but again this is not the wholesale change that some have talked about.

There were two other issues that came up today that I want to make very clear what the facts are to my colleagues. No. 1, there has been discussion about retroactivity. It has been mentioned along the way that we are going to provide retroactivity for 10 years or 12 years. No. TAA was established—if we go back, I believe it was 2 years in two limited circumstances, service workers being the principal one, but it is not 12 years of retroactivity.

Then the other issue that has been raised that I want to make very clear is we are only talking about providing TAA, trade adjustment assistance, to folks who lose their jobs because of trade. This is not open-ended, that if one loses their job all of a sudden they are going to be eligible for all sorts of Federal benefits. That is not the case.

Under current law, if one loses their job and it is with countries that have a trade agreement with the United States, Canada and Mexico, then one is eligible. Under this improvement, this modification, if one loses their job because of trade with China or India, they are now eligible, as it should be. That is Minnesota common sense; that is American common sense; but it is not an open-ended expansion of a Federal program. It is specifically focused on job loss that is related to trade, and I think that is important.

If my colleagues believe in trade, they should support this because what this does is it allows those of us who believe in trade to say that workers who are harmed are going to have some opportunities for health insurance by way of a tax credit. They are going to have an opportunity for wage insurance which will get them back into the marketplace quicker, get them back to being more productive, get them back to taking care of their families. That is the right thing to do.

Regardless of one's position on trade, the bottom line is we all should agree that those who are negatively impacted should have access to the opportunity to be retrained and reschooled and get back into the workplace, to be able to take care of their family, and it should not depend on whether one is manufacturing a lawnmower or whether one is providing a service, a call center, whether one is involved in a software firm. The nature of the job should not be the difference. What is important here, common sense and I think consistency would say, if job loss is due to trade, we are going to make these opportunities available.

We have identified an area in the budget which would offset the cost. It has to do with the earned-income tax credit and the way that is applied. There is, I believe, $5.7 billion we have identified. By correcting and dealing with this issue of earned-income tax credit, who is eligible, we should more than offset the opportunity we are creating here for folks who are involved in service kinds of jobs to get the kind of coverage that would allow them to take care of their families, get back into the workplace, be productive, and help move this economy forward.

I urge my colleagues to support this amendment. I urge them not to be swayed at the last minute by some arguments that, if you look at them carefully, simply do not hold up to the light of day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much additional time, if any, do I have?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. WYDEN. I ask unanimous consent for up to 5 additional minutes. I ask that the distinguished chairman of the Finance Committee, Senator GRASSLEY, would also have that additional time if my unanimous consent request was agreed to. We have 2½ minutes remaining. I ask that I have up to 5 additional minutes and that the distinguished chairman of the Finance Committee would also have up to 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask the Chair to alert me after I have used up 15 minutes.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. GRASSLEY. First of all, I hope the proponents of this amendment know that as a conferee 2 years ago when health benefits were added to trade adjustment assistance, I was a conferee and I worked to make sure these health benefits were included. We have a program before us adopted 2 years ago but operational for about no more than 9 months. Now what we are doing is we are being asked to make a dramatic expansion of these programs with only 9 months' experience.

It seems to me to be a little bit early to be making these sorts of changes in a program that was a fundamental change in trade adjustment assistance 2 years ago. But of course it was a reasonable change to make because we are always trying to find ways to help people who previously had health insurance, who are unemployed through no fault of their own. We did that through the trade adjustment assistance expansion before.

I would like to respond to the first point made by the Senator from Oregon, and that is about the letter from BlueCross BlueShield Association that they have sent to all Members of the Senate voicing their concerns about this very dramatic expansion. I want to make it clear that it is legitimate for them to raise their concerns because it is their members, the Blues, who have stepped up to the plate to serve those eligible for the credit. They are the ones out there serving the public the way Congress intended. So if they have some concerns that they are just 9 months into a program and having a very dramatic change in the program, yes, wouldn't you expect them to voice some concerns?

In addition, though, to the BlueCross BlueShield Association, I have had expressed to me—not in letter form, but I hope my colleagues will take this into consideration in voting—I have had expressed concerns about this amendment from the America's Health Insurance Plans and the National Association of Health Underwriters as well.

I have to say I reluctantly oppose this amendment. I was hoping we would be able to work out further bipartisan agreement behind this amendment than what has come out. While I am not opposed in general to making some service workers eligible for trade adjustment assistance and to making improvements to the Trade Act health tax credit, this amendment goes too far too soon. I had hoped we could reach a more bipartisan compromise on TAA for service workers, and I am extremely disappointed that we could not do that.

This amendment started out with a few pages as a simple and straightforward idea to extend trade adjustment assistance to low-skilled service workers who might be displaced by trade. The original bill, S. 2157, reflected that idea. That idea appealed to me, I say to the Senator from Oregon, and it is certainly something that merits serious consideration today. Yet at some point that idea mutated to something much more than adding service workers to the existing trade adjustment assistance plus the health benefits expansion we adopted 2 years ago.

The original Baucus bill, S. 2157, was 10 pages long. In short, by just the number of pages, it was a limited approach but good in substance. This amendment, which purports to do the same thing as the Baucus bill, is, in fact, 57 pages long. Clearly it does not require 57 pages of legislation to extend trade adjustment assistance to service workers. So what happened? How did 10 pages grow to 57 pages? The answer is quite simple. In the guise of extending trade adjustment assistance to service workers, the amendment makes numerous and fundamental changes to the current Trade Adjustment Assistance Program. These changes go so far that I feel the very fabric of trade adjustment assistance for workers is at risk.

I will put the changes in context. Just 2 years ago Senator BAUCUS and I worked together in a bipartisan way to expand and reform trade adjustment assistance. We accomplished this through the Trade Act of 2002. In doing so, we nearly doubled the program and took the unprecedented step of extending trade adjustment assistance to a whole new class of workers called secondary workers. Secondary workers are those whose job loss might not be directly related to imports, so it was a major expansion.

We also made a number of other changes to the program, including consolidating trade adjustment assistance programs, increasing the funding cap for training, increasing the job search allowance, establishing a new unprecedented wage insurance program for older workers, and establishing a new Federal health subsidy, a health tax credit to help dislocated workers and pension recipients get health coverage.

Now, with these new programs barely up and running, some of them just 9 months, supporters of this amendment want to stretch trade adjustment assistance even further, expanding the program to a whole new loosely defined class of service workers and changing the tax credit in various ways. I am afraid that trade adjustment assistance for workers is being stretched to the breaking point.

The definitions being proposed could provide 2 years of income support, health and training benefits to service professionals, including attorneys, accountants, engineers, as well as business consultants and advertising agents.

Allowing upper-class highly skilled professionals access to trade adjustment assistance does not make sense. In fact, this could actually hurt the program by seriously slowing the provisions of assisting services and benefits for lower skilled manufacturing workers who truly need skills training under trade adjustment assistance.

Can you visualize a lawyer or an accountant with their job loss associated to trade adjustment assistance going back and learning some new skill after they have been through law school? I don't think so.

But perhaps what is even more troubling is the number of fundamental and permanent changes that are being made to trade adjustment assistance in the guise of extending the program to service workers.

I would like to give you some examples. The amendment expands the definition of downstream products to include testing as well as finishing operations. The amendment creates a special eligibility rule for producers of taconite pellets. It includes a special retroactive rule for producers of taconite pellets to November 4, 2002. It doubles the authorization for training benefits to $440 million annually. It lowers the age for workers eligible to participate in the Wage Insurance Program, basically a wage subsidy for older workers, from 50 years and older, to 40 years and older.

Let's look at that. Originally, we wanted to help people who were maybe too old to get some job retraining to move into another industry. Generally, that is 50 years and up. But are you going to offer this wage insurance to people who are 40 years old and have 25 more years to work where the benefit of job retraining is a worthwhile investment? This amendment does that.

It establishes a whole new trade adjustment assistance program for communities. It completely reorganizes the trade adjustment assistance for firms by establishing an Office of Trade Adjustment Assistance within the Department of Commerce. It adds a new class of firms—service firms—eligible for benefits under the program. It further relaxes current eligibility criteria for manufacturing workers deemed eligible for trade adjustment assistance. It requires the Secretary of Labor to establish a new performance measuring system as well as a number of other new data collection projects.

The program may be pushed to the breaking point.

That is the third time I have said it.

We have a program that was expanded 2 years ago getting underway 9 months ago. Here we are doing all these things I just mentioned, and doing it on a bill that is meant to create jobs in industry. We are holding up a bill that should have been passed 3 months ago to get jobs in manufacturing.

If this weren't enough, the amendment would change the health tax credit.

Again, because that program is young, the advanceable credit has only been running for 9 months. We do not know what issues may need to be addressed or the best ways to address them.

When is it going to reach the point around here when we pass a law in one Congress, it is in operation one day, and we start changing it? When is enough enough? Or when, at least, is enough enough for a while?

Yet here we have an amendment that claims to have some sort of definitive solutions.

Changing the rules in a piecemeal fashion, especially now in the early stages, will be unsettling for those at the Federal and State levels who, along with private insurers, are working diligently to get their tax credit off the ground.

By accepting this amendment, we would be sending them a loud and clear message: Thanks for all your hard work, but we are going to change the ground rules. By the way, do not be surprised if we come back tomorrow and tell you later that because we have better, more complete information, these changes being made and suggested today aren't somehow the right changes. So we are going to give you more.

That information will be coming in the very near term.

The General Accounting Office will issue a report in early fall on the health tax credit. I plan to hold a hearing in the Finance Committee to discuss the General Accounting Office's findings and recommendations. Treasury also has survey work underway. It will be important for us to judge the progress of this new program that was adopted just 2 years ago and which has been in effect for 9 months.

These reports—when we get them—will better inform efforts to improve the health tax credit at the right time with some information that is worthwhile so we can make a judgment that we will use the taxpayers' money wisely.

Now is not the time. This amendment will destabilize the Trade Act tax credit and undermine the availability of affordable coverage choices for people eligible for that credit—the exact opposite outcome that anyone would want.

A number of Blue Cross-Blue Shield association members cover those who receive the credit. They wrote:

> This represents a major and problematic change in a program that has been operational for less than one year.

They go on to say:

> Many Blue Plans would be forced to reconsider offering their products if this amendment passed placing at risk the coverage of many TAA eligibles.

Some would say that is a threat coming from somebody who is just looking out for Members in this body who oppose your amendment. But you ought to give some consideration, it seems to me, to people who are offering a service. When we passed this bill 2 years ago, we didn't know we would be prepared to do it, but people have stepped up to the plate.

Let us be clear about what is at stake. If we weaken the effectiveness of the Trade Adjustment Program for manufacturing workers, public support for that program will be lost and truly trade-impacted workers may be hurt.

If we expand the Trade Adjustment Program and change the health tax credit in a less than a thoughtful and deliberate manner, we could jeopardize programs for current beneficiaries.

We should make sure proposals to further expand trade adjustment assistance and to change the health tax credit are done in a fiscally prudent way and that any changes made will work in practice. In other words, approach this the same way that Senator BAUCUS and I did 2 years ago when we got into the program.

What we have in this amendment is a bunch of ideas with no coherent direction except being bigger and bigger, more and more, and higher and higher.

Such an approach surely is good politics, but it certainly can result in bad policy. I figure that good policy is the best politics. I am afraid that is what we have in this amendment—bad policy.

The price tag for all of these special rules, retroactively, and new benefits, comes to about a $5.3 billion price tag. Where I come from that is a lot of money. I think we have an obligation to make sure it is spent wisely.

While well-intentioned, this amendment goes too far. It could weaken the current program, and it could put the recently enacted health tax credit at risk.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much additional time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. WYDEN. I yield 2 minutes at this time to Senator COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, my colleague, the distinguished chairman of the Finance Committee, shares the same objective; that is, strong adjustment assistance.

I maintain that what we are trying to do in this amendment is to simply strengthen what we have seen over 2 years has not been working. That is what is going on here.

Fewer than 5 percent of eligible TAA workers are using the existing tax credit. That is not what we intended. I don't believe my colleagues intended that when it was originally passed. When this was originally passed, we focused on manufacturing jobs. We have all come to understand that about 80 percent of the jobs today in America are service jobs.

We are simply looking at something with which we had experience over 2 years, identifying those things that are not working, those things where folks are not taking advantage of the opportunities which were our intent to provide, and giving them that opportunity in a way which will work.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Oregon.

Mr. WYDEN. I have enormous respect for the distinguished chairman of the Finance Committee. I will take a minute or two to touch on the issue being raised.

The distinguished chairman of the committee has repeatedly said: The program would be stretched too far; the program is already at its limits; when would enough be enough?

I say to my distinguished friend, when we are only covering 5 percent of the people eligible for the health care benefit, we have to do better. By any calculation, that is not something that reflects well on our bipartisan desires.

The chairman of the committee knows I have been supportive of these trade agreements the Senator from Iowa and the distinguished Senator from Montana have championed. They have opened up the opportunity for U.S. companies to set up shops overseas and generate jobs and investment.

Senator COLEMAN and I want to open up the trade adjustment program so when our U.S. workers are hurt, they are not left behind. Senator COLEMAN and I have said this is a question of bringing the law in line with the times. It made sense more than three decades ago when it focused on manufacturing.

The chairman of the committee, the distinguished Senator from Iowa, has hit the key question: When is enough enough? We believe, on a bipartisan basis, it is not enough when you are covering only 5 percent of the workers for health care and you are leaving four-fifths of the economy, people in the service sector and the high-technology sector, behind.

There is a reason why business and labor have come together to support our amendment. This amendment is supported by the Business Roundtable. It is supported by the Technology Industry Association. The two key business groups, the Business Roundtable, the Technology Industry Association, and the labor sector, have come together because they have seen a bipartisan effort that has gone on for months, led by the distinguished Senator from Montana and the Senator from Minnesota, to bring the Senate together.

If Members vote against this amendment, I believe it is a vote that will continue discrimination under law against those who work in the high-technology and service sector. It will keep the door closed to millions of our workers in the technology and service sector. I know no Senator intends that, but that will be the practical effect.

We will have only one vote in this session of the Senate as to whether we will have a chance to stand up for these workers who have been hammered as a result of unfair trading practices or simply competition, when we pay $40 or $50 an hour and competitors overseas pay vastly less.

I am very hopeful the bipartisan efforts that have been made will not be in vain. The distinguished Senator from Iowa has put his hand on the key question: When is enough enough? We respectfully say, if we are only covering 5 percent of the workers and leaving four-fifths of the economy behind and the support of the Business Roundtable and the Technology Industry Association, it is not enough. We can do better.

The distinguished Senator from Iowa, the chairman of the committee, and the distinguished ranking minority member, Senator BAUCUS, know I have been very supportive of their policies in the past and expect to be in the future, particularly with respect to these trade agreements. When the trade agreements open up the opportunities for our companies, we have to open up the opportunity for the Trade Adjustment Assistance Program to help our workers when they have been left behind.

This will be the one chance to stand up for millions of workers in the high-tech and service sector. I hope our colleagues will support this bipartisan amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, 30 seconds, one to correct and one for thoughtful reaction.

The thoughtful reaction is this: When a new program has been in effect for only 9 months, is it unusual that only 5 percent of the people would take part in it? No, they are learning about it. They are going to get involved over a period of time. Only 5 percent in 9 months.

Second, as to the Business Roundtable supporting this amendment, I know the Business Roundtable has called some of the offices of various sponsors of this bill to tell them to quit saying the Business Roundtable supports this amendment.

I yield to the Senator from Oklahoma whatever time he may consume.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Iowa for his statement. I hope our colleagues paid attention to it.

I see my friend from Oregon. Before I make my statement, I have a question because I am trying to determine who is eligible. How many weeks does a worker have to work in a service industry before he would be eligible for this trade adjustment assistance?

The PRESIDING OFFICER. Is there objection to asking a question?

Mr. NICKLES. I am asking a question.

Mr. WYDEN. Same as current law.

Mr. NICKLES. That is how many weeks?

I reclaim my time. If my colleague from Oregon finds an answer to that, I appreciate hearing it. I have asked our staff the answer to that question and it came back that a person only had to work 26 weeks of the previous 52 to qualify for the benefit.

Mr. WYDEN. That is current law.

Mr. NICKLES. I wanted to make sure. We are saying if you work in service, manufacturing, we will give you trade adjustment assistance. What is the benefit? The benefit is equal to 2 years of unemployment compensation. For what? A person worked 26 weeks—one half of a year—and now under this proposal, we are expanding it.

It was too generous in the first place. We are expanding it to say a person is entitled to receive very generous benefits, benefits equal to 2 years of unemployment compensation, 26 weeks by the State, and a year and a half under the Federal program, all federally paid unemployment compensation. That is more generous. All other States have 26 weeks.

We have debated that back and forth, but now we are saying for this group of employees, you get 2 years, mostly paid for by the Federal Government. That is too generous.

Mr. WYDEN. Will the Senator yield?

Mr. NICKLES. No, I want to make a few comments. Then I will be happy to engage in a dialog.

What is the cost of this proposal? I have heard somebody say it is paid for. It is not, according to the scoring rules we use in the Senate. The cost of it—and we got a copy of this from the Congressional Budget Office. The total budget authority over 10 years is $5.3 billion; estimated outlay is $5 billion, and a revenue decrease, because of the insurance tax credit, of $669 million. So it is a total cost of 7.6 billion over 10 years.

Now let's look at a couple of other provisions in the bill. This bill says we will take the present program and expand it. We will give basically refundable tax credits for insurance. The present program says the Federal Government will pay 65 percent of it, two-thirds. This bill says we will replace that and have the Federal Government pay 75 percent. That is three-fourths, if you are not real quick in math. And there is no limit on the cost.

So a person in high tech, as I heard my colleague say, could maybe have a very generous health care plan, maybe it costs $10,000 a year and the Federal Government will pay $7,500 because there is not a limit in the cost.

Wow. This thing is just growing. And maybe some people get some support from this union or that union, and it sounds good. But you start looking at it and you say: What are we doing? It purports to make some changes in the earned-income tax program. I am happy to make changes in the earned-income tax program, but I don't think this gets it done.

Basically what I see this doing is expanding an entitlement, saying, if you happen to be unemployed, either through manufacturing or through service workers, and somebody can say it is because those jobs went overseas—and that is somewhat discretionary in the assessment of it—the Federal Government is going to pick up three-fourths of your health care cost for the next 2 years and you are entitled to 2 years of unemployment compensation.

Unemployment compensation for most States averages about $260, $280, maybe $300 a week. In some States it is up to $700 a week. Again, there is no limit. If you are looking at $700 a week, you are talking about real money. You do that for 104 weeks, that is a pretty generous benefit paid by the Federal Government.

Guess what, folks. We have a little deficit problem around here. This is going to add to it. In fact, this would add to it to the tune of about $7 or $8 billion—$7.3 billion, I believe. At the appropriate time, I am going to make a budget point of order.

Let me give a little facts on trade adjustment assistance. Again, for all of our fiscal conservatives who say we need to get a handle on Federal spending, trade adjustment assistance cost $350 million in the year 2001. The year 2004, it cost $800 million. If we do this expansion, it is going to grow dramatically.

There are lots of reasons to vote against this proposal. I urge my colleagues at the appropriate time to vote against it, and at the appropriate time I will be making a budget point of order.

Mr. BAUCUS. Mr. President, will the Senator yield for a question?

Mr. NICKLES. First, I yield to my colleague from Oregon.

Mr. WYDEN. Mr. President, I will let the Senator from Montana ask a question, and then I have a minute.

Mr. NICKLES. How much time remains?

The PRESIDING OFFICER. The majority controls 10 additional minutes. The Senator from Oregon controls 1 minute.

Mr. NICKLES. I am happy to yield to my colleague from Montana for a question.

Mr. BAUCUS. Isn't it true that under this basic law and also this amendment, benefits only accrue prospectively; that is, no benefits accrue retroactively? That is, the only retroactive application is as to whether somebody qualifies, but the actual benefits only accrue prospectively. So it is not accurate to say there is a lump sum that is paid to a worker because of past employment.

Mr. NICKLES. The Senator is correct. I believe you do provide trade adjustment assistance to workers in companies where it is 20 percent and you are looking backward to see whether they qualify.

Mr. BAUCUS. That is correct. But, again, the payments—that is, the trade adjustment assistance payments—would only be prospective.

Mr. NICKLES. That is correct.

Mr. BAUCUS. That is for persons, after today, for example, talking about service employees, who are out of a job on account of trade.

Mr. NICKLES. Mr. President, I agree.

Mr. BAUCUS. So it is true there is no lump sum payment.

Mr. NICKLES. I didn't say there was a lump sum. I said the facts are the benefits under this Trade Adjustment Assistance Program, which was an amendment that was added to the fast-track promotion bill to maybe encourage some people to vote for it, in my opinion, is fatally flawed. Because it has a tax credit where the Federal Government is going to pay two-thirds of the health care costs, 65 percent of the health care cost if somebody is in this category. You only have to work 26 weeks out of the previous year and yet you can get your health care benefits paid for under current law 65 percent by the Federal Government. This makes it three-fourths paid for by the Federal Government. That is a serious mistake. It benefits, frankly, those plans and those companies that have very high health care costs. In some cases that would be union plans that maybe overpromised, and they have very expensive plans.

It also would benefit those people who say: Wait a minute. I lost my job. I lost my job because now that job is being done in India. Maybe somebody is a programmer or maybe somebody is a computer programmer or maybe they are a telephone solicitor and now maybe that job is being done some in the States and some overseas. But the company had a tough time. Maybe it is a telecommunications company and they reduced their employment. But there happens to be some employment overseas. You could see a whole lot of people saying: My job was lost because it went to India, because it went to China. Therefore, even though I have only worked there for 26 weeks out of the last year, pay for my health care for the next 2 years, Uncle Sam. And yes, I want unemployment compensation for the next 2 years. Thank you very much. And incidentally, I want cash. Give me $5,000 cash for the next 2 years.

That is all in this system. It expands it greatly. That is the reason why the Congressional Budget Office says over the next 10 years it is going to cost $6 billion. At the appropriate time, I will be making a budget point of order that it is not paid for. I am going to make a pay-go point of order.

For the information of my colleagues who are very confused on budget points of order, I have used committee allocation points of order. I could use that on this one, or I could use pay-go. Most of the time I have used committee allocation. I may start using pay-go so people become more familiar with it.

I understand people are in favor of pay-go. I would like for them to become more familiar with that particular budget point of order. We will be making it.

This amendment also increases the wage assistance that Senator GRASSLEY mentioned, which is supposed to be for older workers who might have a hard time being retrained, down to 40 years. So all they have to do is work for 26 weeks and then we are going to give them wage assistance, wage insurance.

How socialistic do you have to get? People come to this floor and say, I believe in the free enterprise system, but if you have a change in jobs, we want the Federal Government to come in and give you your wage difference. We want to make up the difference. Oh, we are going to take care of your health care for the next 2 years. Yes, we are going to give you unemployment compensation for 2 years. Everybody else in the country has 26 weeks. But since you have determined maybe yours is because of overseas competition, we are going to give you 2 years. I don't think it is affordable. I don't think it makes sense. I think it was crafted in a way to maybe buy votes.

I look at these 57 pages and I am saying: Why don't we just call this an entitlement expansion? Let's expand all these programs. Let's tax and spend. How are we going to pay for it? It says we will do something with the earned-income tax credit. We will get those undocumented workers.

Joint Tax says that doesn't count. Joint Tax says that is a technicality, and so you don't get scoring for that. And we use Joint Tax around here.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, to respond very briefly, we pay for it as essentially outlined in the President's budget. According to OMB and the Treasury Department, we would close the loophole that would save taxpayers approximately $5.7 trillion over 10 years. That is the way we pay for the program. The people who are going to be eligible for the program are going to get the same opportunities as those in the manufacturing sector, the same number of weeks.

The Senator from Oklahoma has talked about unemployment compensation. This is about retraining people. This is about health care benefits.

If you think we are doing enough today when 5 percent of the people get access to the health care program, then I guess that is a rationale for voting against this amendment. I would hope the bipartisan work that has been done on this legislation by myself, Senator COLEMAN, Senator BROWNBACK, Senator SNOWE, and Senator BAUCUS would warrant the support of our colleagues.

Mr. BINGAMAN. Mr. President, I speak in strong support of the trade adjustment assistance amendment to the JOBS Act. I will keep my comments short and to the point.

Although there continues to be a significant debate in Congress concerning the efficacy of the administration's economic policies, I believe the majority of my colleagues agree on one thing: training for American workers in critical technologies remains the key to our economic security.

It is undeniable that the process of globalization has created dramatic shifts in the job opportunities available for American workers.

It is unwise to assume the labor market will adjust by itself. I firmly believe that Congress must look carefully at where we are going and what we should be doing to remain competitive in the future.

Two years ago the Senate passed an expanded Trade Adjustment Assistance Program as part of the Trade Act of 2002. I introduced that trade adjustment assistance legislation with Senators BAUCUS, DASCHLE, ROCKEFELLER, and a number of other colleagues as original co-sponsors.

Included in that legislation were a range of provisions that we considered to be essential to any effective TAA system—TAA for service workers, TAA for shifts in production to all countries, TAA for communities, TAA data collection, wage insurance, significant health care coverage for workers, and so on.

Unfortunately, all of these provisions were either outright deleted or seriously narrowed when the legislation went to conference.

The amendment today remedies that mistake. It recognizes that the United States does face an immediate problem related to negative impacts from trade and we need to better prepare workers for the future. Significantly, it recognizes that long-term trade policies have short-term costs for Americans and puts in place a coherent strategy to give them the skills required for job security.

I have said this before and I say it again because it matters: Contrary to the assertions of some of my colleagues, we cannot measure the success of our trade policy only by the cost of the products we buy. We also have to look at whether our workers are more economically secure.

By this I mean whether they have a high-wage job, whether they can buy a home, whether they can afford an education for their children, whether they can afford health insurance, and whether they have retirement security. Without these things, we are poor by any measure.

I have always argued that while strong trade agreements lie at the core of a coherent trade strategy, an effective TAA program is essential for our country. It is a fair and appropriate approach for those American workers who lose their jobs as a result of trade. American workers are not looking for handouts. They are looking for a step-up to something better. They are looking for a chance to provide for their families and contribute to our country's economic welfare.

This amendment offers them a chance to do just that. It is common sense, and it is the least we can do for our neighbors and friends back home.

It is time to do what has to be done to get this legislation passed. There is too much at stake for American workers and communities to wait any longer.

Ms. SNOWE. Mr. President, I rise today to join my colleagues, Senators WYDEN, COLEMAN, BAUCUS, BROWNBACK, and ROCKEFELLER to offer an amendment in recognition of the critical need to provide economic development assistance to Americans across this nation that have been negatively impacted by trade. Trade Adjustment Assistance—TAA—programs are essential in bringing short-term financial and retraining assistance to workers who have been displaced due to imports or shifts in production. I have long supported the TAA program as it has helped those in Maine and across the Nation who are unemployed because of trade to find new employment and gain the appropriate skills these new jobs require, and this amendment builds upon this crucial program.

What we have before us is an amendment which recognizes that our desire to trade should be balanced with our ability to assist those adversely affected by trade. Our amendment is a comprehensive package of TAA improvements and additions that further seeks to better the conditions for America's workers and communities who find themselves negatively impacted in the wake of rapid international trade liberalization.

Our amendment contains provisions to assist trade-impacted communities similar to those included in my bill, The Trade for America's Communities Act, which I introduced last year. My legislation gives the Department of Commerce the authority to use the revenue collected from tariffs—which currently goes to corporations—to provide technical assistance to communities that have been negatively impacted by trade. The bill—and portions of this amendment—helps communities to develop strategic plans that would focus on the creation and retention of jobs and to promote economic diversification.

Our amendment also makes critical TAA changes in relation to the service sector. We need to recognize that trade affects not just manufacturing sectors of the economy, but service industries as well. Current TAA provisions cover manufacturing workers but exclude the 80 percent of American non-farm jobs in the service sector. Our amendment makes existing TAA benefits available to service workers whose jobs move overseas and increases training funds to match anticipated enrollment. This provision is sorely needed in places like Lewiston, ME, where 84 service sector layoffs occurred at the ICT call center, or 30 workers at Prexar in Bangor, ME—all service sector workers.

When you start adding these types of layoffs to that of production in small towns across the country, the impact is sizable, making the distinction between service and production workers irrelevant. These dynamic changes that are outgrowths of trade are similar to technological advances in productivity that leave workers out of jobs, or plants out of operation.

Beyond these provisions, the amendment also provides important improvements to the refundable health care tax credit for laid-off workers and retirees that was originally created in 2002 as part of the Trade Promotion Authority Act.

Two years ago, I was proud to work closely as a member of the Finance Committee with Chairman BAUCUS and Senator GRASSLEY to create the HCTC as a means for displaced workers to continue receiving the health care benefits they lost as a consequence of trade. I worked to bring this benefit to fruition to help these displace workers get the health coverage they need when faced with the loss of employment because the assistance option at that time, namely COBRA, was too expensive to be feasible. I will continue my efforts to see that it is properly administered and adequately received by TAA-certified beneficiaries. There have been countless situations prior to introducing the HCTC where the workers were left without health care insurance, and this is a situation that we have only begun to remedy by creating the HCTC.

Unfortunately, recent studies have demonstrated that the tax credit has not been widely utilized by workers. Just last month, the U.S. Department of Labor reported that only about 10 percent of workers certified under the TAA program have applied for the health care tax credit since its enactment. In fact, according to Blue-Cross/Blue-Shield, only about 100 people in Maine are signed up for the HCTC.

In 2002, the original Senate version that I worked on called for a 75 percent HCTC benefit. Unfortunately this benefit was reduced to 65 percent in conference. That is why I am pleased that our amendment today will restore this benefit to its originally proposed level. This adjustment to the HCTC will allow more TAA-certified workers to take advantage of the tax credit by making health care more affordable as they seek new employment. As many of my colleagues would agree, TAA-certified workers may still find it difficult to cover 25 percent of the cost of premiums, but it is surely a step in the right direction to making the HCTC more accessible.

This past February, I met with union members in my state who were laid off as a result of the shutdown of the Eastern Pulp and Paper mills in Lincoln and Brewer, ME, to talk about their needs. During the meeting, I heard first hand that the 35 percent of the cost of the health insurance premiums under the HCTC program is still too high when most displaced workers are only receiving a maximum of $292.00 per week in unemployment insurance—and premiums can be as high as $559.91 per month for an individual and as high as $1,483.75 for a family. The union officials also informed me that in the case of the Brewer, ME, mill, of the 350 employees affected by the shutdown, only 6 took advantage of the HCTC. Frankly, if the credit is unworkable and unattainable, then there is no point in having it in the first place. This cost is a real stumbling block for displaced workers, and we must look at this program on a basic level of affordability for impacted individuals.

Another problem that was identified to me during this meeting is that the statute is unclear and too restrictive. This has made administration of the credit difficult. For example, while the HCTC is refundable, the IRS currently does not advance the first month's tax credit, which means the displaced worker must pay for the entire health care premium the first month—100 percent of the cost. This, in many cases, causes the worker to not take advantage of the HCTC because they simply cannot afford that first payment. In the case of the Eastern Pulp and Paper mills, a worker and his or her spouse would have to come up with $1,500 that first month. Clearly this would turn a prospective beneficiary away right at the beginning. The need to streamline the administrative process of the HCTC is paramount to making it more accessible.

We attempt to remedy this situation in this amendment by improving access to the credit as well as making it more effective. Not only does the amendment increase the credit percentage from 65 percent to 75 percent of the individuals' health care premiums, but it also instructs the IRS to provide an expedited refund of the first month's tax credit. Workers in my home state of Maine who are being laid off have told me that they just cannot afford the cost of health insurance. This amendment will make health care more accessible for this population.

Beyond expanding the size of the credit, our amendment also provides important outreach initiatives to get the word out to eligible workers about the existence of the credit. For example, the amendment allows states, to use funds from a National Emergency Grant, to provide outreach and marketing to inform individuals of the available health insurance options, including low cost options, that qualify for the health care tax credit. Maine has already done this with great success which is a testament to why we need to make this a viable option nationwide. While this may seem like a simple change, it is one of great impact, as too many eligible workers are unaware that these benefits even exist.

Overall, these reforms to this vital health care tax credit are critical to get workers and retires the information and the access they need to ensure health insurance coverage.

The cost of this amendment is estimated to be about $5 billion over the next 10 years for the expanded TAA benefits and the improvements to the health care tax credit for TAA recipients. Our amendment proposes to offset this cost by closing a loophole in the administration of the earned income tax credit—EITC—that is allowing individuals to inappropriately claim refundable tax benefits.

Current, Social Security numbers are provided for to individuals for employment and to obtain Federal and State benefits. Under current law, individuals are required to have a work related Social Security in order to claim the earned income tax credit in every situation but one: individuals who have attained a Social Security number solely in order to gain State benefits.

Currently, the IRS is unable to differentiate between an individual who has a work or non-work related Social Security number. Therefore, individuals who are not working but have a non-work related Social Security number are able to receive EITC without having been qualified to do so.

The offset provision in this amendment would require every individual claiming the EITC to have a Social Security number that is valid for employment. Thus, individuals with non-work related Social Security numbers, regardless of why they were offered, would not qualify.

This provision was included in the President's budget and is estimated to raise about $5.7 billion over 10 years, by the IRS, Treasury Department and Office of Management and Budget and fully offsets the cost of this amendment by recouping the lost revenue from this unintended loophole in the law.

I understand that there is technical discrepancy between Joint Tax and the Treasury on the scoring of this offset. While its clear that it will provide billions in savings to the Government, I intend to work with Chairman GRASSLEY and Ranking Member BAUCUS to ensure that this entire bill meets the requirements of the Budget Act and is fully offset according to the Joint Committee on Taxation and the Congressional Budget Office; the official score keepers for Congress, as well as the Department of the Treasury.

The fact is trade results in both the formation of new jobs as well as the loss of others. These assistance programs recognize this reality and help give the American worker the education, training and skills they need to find another job and continue in gainful employment—while at the same time assisting them with the financial means to sustain their families as they pursue the necessary retraining. Since 1997, over 10,000 Mainers have applied for TAA benefits. Clearly the need for these programs is as strong as ever.

In small towns where the livelihood of the local economy depends on one industry, one plant or one company that is suffering under trade liberalization, it can cause devastation when that steel mill, paper mill, or textile mill shuts down. I have personally witnessed time and time again the hardship that trade liberalization policies can cause.

In towns like East Millinocket and Millinocket, ME, where Great Northern Paper went bankrupt; in Waterville, ME, where Hathaway Shirt shut down as a result of shirt production being moved overseas; or most recently the Eastern Pulp & Paper mills in Lincoln and Brewer, ME, local economies were sent into disarray. These closures have a ripple effect throughout the region. Efforts were made in these communities to form transition teams to assist the impacted workers find the assistance resources necessary to survive financially through these difficult times. I helped lead the way to these assistance resources, but I continue to recognize that these communities need much broader assistance. That is just part of the reason I have been so adamant in my support for improvements in Trade Adjustment Assistance.

With the momentum provided by the passage and implementation of Trade Promotion Authority, the President has moved aggressively on an agenda of bilateral, regional and global agreements that promote the liberalization of trade and seek to grow the U.S. economy. As the President has argued, this policy agenda creates new opportunities for prosperity and growth. But in order for this to work, free trade has to be fair and we must be diligent in enforcing the rules to ensure we are operating on a level playing field.

At the same time, we must never forget that opportunities of market access, improved consumer choice, and availability of manufacturing inputs come with the price of transitions, dislocations, and shifts in the U.S. economy. America's workers—both manufacturing and service sector—and communities are often faced with difficult realities in the rapidly changing nature of international trade liberalization.

However, while technological advances are the initiative of private enterprise, trade liberalization and enforcement is the chosen policy of government. Change and progress can be good, but we must never ignore or forget those Americans who find themselves unfairly treated in an era of global commerce. Congress must make the difficult decisions to turn these challenges into opportunities for this Nation.

I am proud to be an original cosponsor of this amendment and join my colleagues as we continue to recognize and address the oft-ignored consequences of international trade liberalization. At the end of the day, it is the people and communities of this nation that matter most, and when policies which hurt their economic livelihoods are promulgated by government, it is incumbent upon all of us to find ways to help.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, might I ask how much time is left on both sides?

The PRESIDING OFFICER. The time of the Senator from Oregon has expired. The Senator from Iowa controls 4 minutes 45 seconds.

Mr. BAUCUS. Mr. President, I ask unanimous consent that both sides be given an additional 3 minutes on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. ALLEN). Who yields time?

Mr. BAUCUS. Mr. President, if we go into a quorum call, I ask unanimous consent that the time be divided proportionately.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I will use my time.

Mr. President, the point is this. It is quite simple. We in America are faced with immense competitive pressure worldwide. We are concerned about a lot of jobs being lost in America. Some are being lost within America; some are being lost in other countries. It is an offshore issue. It is a big question in America.

There are a lot of Senators here who are trying to address this question but who are trying not to vote for so-called protectionist amendments; that is, amendments which say a company cannot do this or that. I agree with that sentiment. But I also think—and I daresay that most Senators would agree with this next point—that we should do something for our employees who lose their jobs through no fault of their own.

We already have a very small program called trade adjustment assistance for manufacturing industry jobs that are lost on account of trade. We do not provide for service industry workers who lose their jobs on account of trade. Service jobs are lost by a larger margin than in the past simply because so much information in America is now being digitized and because of the advance of broadband telecommunications. So a lot of service industry jobs—analyzing programs, reading x rays, and other jobs—go overseas from American companies. Orders come over at the speed of light and the product goes back at the speed of light.

What we are saying is this is a constructive, positive response by the Congress to deal with and help those people who lose their jobs on account of trade. It is not a massive program as has been described. Only about 150,000 people qualify today for TAA. Only 5 percent of American workers use it. We are saying just expand it to the service industry. That is not a big expansion. A very small percentage is going to be able to use it.

It has not been pointed out by the other side that you have to be enrolled in a retraining program to use these benefits. The key is to have enough of a benefit so people don't just run off and who want to go into retraining to avoid taking a McDonald's job or some minuscule minimum wage job.

I urge my colleagues to put this in the context of what is really going on and not get sidetracked by a lot of arguments that get down in the weeds but which really don't address the larger issue, which is that this is the one opportunity—and it is very minuscule—to help American workers who lose their jobs, and not only manufacturing but service industry jobs. It is a positive, constructive response; it is not a protectionist response.

I urge my colleagues to support this one chance we have this year.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I just spoke for 30 seconds to get in the point that the Business Roundtable had called the offices of the various sponsors of this amendment saying that the Business Roundtable does not support this amendment. We were also told by the authors that the Information Technology Industry Council supported the amendment. I have had contact, through staff, with a Joe Pasetti of the Information Technology Industry Council, who made it clear they have not taken a position on the Wyden amendment. I think it would be incorrect to quote them as saying they support this amendment.

There are a couple of points I want to make about the points the proponents have made. The proponents, in opening debate, were concerned about the affordability of coverage. Yet their changes will make coverage less affordable. The amendment creates a back door exception to a requirement to have 3 months of coverage. This requirement is consistent with HIPAA standards and was agreed to when we adopted this original expansion of TAA in August 2002.

The changes to the rule will require health insurers to offer coverage to higher risk individuals. Health insurers, like the BlueCross BlueShield plans, will either have to increase premiums or not offer coverage. I have said many times that you ought to be concerned about affordability. The authors of the amendment say they are concerned about affordability, but the amendment will make coverage more unaffordable. Fewer people will be able to use the credit.

Proponents of the amendment also have made the claim that I have referred to before where they said only 5 percent of the people are making use of this new program. Well, what do you expect after just 9 months being operational—just 9 months before the massive expansion of this program? But they refer to this 5 percent. They would make it broader and say we have a low uptake rate and that this signals failure of the program we adopted 2 years ago, which is now just being undertaken for 9 months.

Let me repeat that this program is a very young program. The enrollment numbers only reflect those who have signed up for the advanceable credit. The numbers don't include dependents. The numbers don't include people who claim the credit on their yearend return. We would not even know that yet. Treasury is trying to analyze that data of the people who claimed the yearend credit. Just like I said, we don't have complete data. What would you expect after only 9 months? I hope our colleagues will take this into consideration when looking at a massive expansion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 40 seconds. The time of the Senator from Oregon has expired.

The Senator from Oklahoma.

Mr. NICKLES. Will the Senator yield me the remainder of the time?

Mr. GRASSLEY. Yes.

Mr. NICKLES. Mr. President, for the information of my colleagues, we are going to vote in a moment. I have two or three quick comments I want to make. My very good friend from Oregon—and he is my good friend—as he is trying to find another vote said, wait a minute, we should not treat service workers differently than those in manufacturing. I used to run a manufacturing company. Manufacturing, frankly, in this country has been on about a 40-year decline, almost straight, on the number of jobs. The service industry, on the other hand, has been quite volatile, but jobs are increasing—frankly, increasing in lots of different and exciting ways.

But to say we are going to have a Federal benefit if somebody works in a job for 26 weeks and somebody says, I lost my job and I think I lost it because of overseas competition, therefore, I am entitled to 2 years of unemployment compensation, I am entitled to a refundable, advanceable tax credit, and basically to have the Federal Government pay for my health care—three-fourths of it—for the next 2 years, and to get cash assistance of up to $5,000 a year for each year, I think is going over board. It costs a lot of money.

The Congressional Budget Office scored this. We just got this. You ask, why? We just got the amendment, so we just got the score from CBO. It says the outlays to this are $5.3 billion in BA, or obligation authority. The tax credit would cost $669 million over the next 10 years. The cost is about $6 billion. According to Joint Tax, it is not paid for.

I don't really think we should have the Federal Government using our resources, which are limited—and we have an enormous deficit—for paying three-fourths of the cost of a worker's health care costs for 2 years because they happened to work for 6 months. I don't think that makes good sense for a lot of reasons. I don't think it makes good sense to lower the eligibility on this wage insurance program and that we are going to pay people $5,000 a year because they might take a lower paying job. I think that sounds so socialistic. Somebody says that is better than unemployment comp. This is in addition to unemployment comp. So we are going to do unemployment comp, do your health care, give you cash in the meantime, and do your retraining.

I don't think the Federal Government can do it all. This program has grown from 300-some-million dollars in 2001 to $800 million in 2004. If this amendment passes, it would be a billion dollars plus. I urge my colleagues to vote in favor, of supporting the budget although there may be a motion to waive this pay-go point of order.

I yield back the remainder of my time.

I make a point of order that the amendment offered by my good friend, the Senator from Oregon, Senator WYDEN, increases mandatory spending and, if adopted, would cause an increase in the deficit in excess of the levels permitted in the most recently adopted budget resolution. Therefore, I raise a point of order against the amendment pursuant to section 505 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, pursuant to section 505(b) of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, I move to waive section 505 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Coleman
Collins
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Graham (SC)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Wyden

NAYS—45

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Conrad
Cornyn
Craig
Crapo
Domenici
Ensign
Enzi
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized.

The Senate will be in order.

The Senator from Virginia.

AMENDMENT NO. 3113

Mr. ALLEN. Mr. President, I call up amendment No. 3113.

The PRESIDING OFFICER. The clerk will report the amendment.

The journal clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. EDWARDS proposes an amendment numbered 3113.

Mr. ALLEN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide mortgage payment assistance for employees who are separated from employment)

At the end add the following:

TITLE IX—HOMESTEAD PRESERVATION ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Homestead Preservation Act".

SEC. 902. MORTGAGE PAYMENT ASSISTANCE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall be—

(1) an individual that is a worker adversely affected by international economic activity, as determined by the Secretary;

(2) a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) enrolled in a training or assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2005 through 2009.

Mr. ALLEN. Mr. President, I ask unanimous consent to add Senator LINDSEY GRAHAM of South Carolina as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask my good friend from Virginia, since he has such a good amendment, is the Senator prepared to go to a vote in favor of this amendment? This Senator is inclined to vote for the amendment, and I encourage all of my colleagues to vote for the amendment. Because we are going to accept this amendment, I wonder if the Senator could agree to a voice vote on his amendment so we can get to the spouses' dinner more quickly.

Mr. ALLEN. Mr. President, I certainly wouldn't want to do anything to harm the ability of Senators to be with their spouses, and I certainly consider that a pressing question. Yes, I would accept that offer and that proposal. I will only make a few comments so people know what they are voice voting on. I will take no more than a few minutes. That is a kind offer.

Mr. BAUCUS. I thank the Senator.

Mr. ALLEN. Mr. President, this amendment has to do with the Homestead Preservation Act. I filed this amendment to this underlying legislation to repeal the FSC/ETI tax regime.

I support the JOBS bill which should be focused on helping our manufacturers here in this country and also help increase jobs. The efforts made in the prior amendment were very commendable in many regards. This amendment would provide displaced workers access to short-term, low-interest loans to help meet monthly home mortgage payments while training for or seeking new employment.

This is a commonsense, compassionate amendment designed to help working families who through no fault of their own were adversely affected or lost their jobs due to international competition.

We have seen across this country—whether in the Southeast, or the Northeast, or the Midwest—uneasy times for everyone. Many regions of this country, from the Southeast, the Northeast and the Midwest and especially in places like southwest Virginia where we see a lot of job losses in the textile and apparel industry as well as furniture manufacturing, which has been especially hard hit. Any time one of these factories closes, it is a devastating blow to all the families and businesses in that community and in the region.

I was proud to actually see the response of close-knit communities in southwest Virginia where everyone came together to help those who had lost a job. When companies like Pluma, Tultex, Pillowtex and others closed their doors and thousands of jobs were lost; not one or two, but multiples of thousands.

Most recently in Galax, VA—otherwise known as the home of the "Old-Time Fiddlers Convention"—Webb Furniture Enterprises closed their doors due to international competition. This amendment will help those families—not just in Virginia but across this country. The proposal would direct the Department of Housing and Urban Development—HUD—to help through these tough times.

I understand no government loan or government assistance will substitute for a job. But there are ways we can assist in this regard. We ought to find ways to ease the stress and turmoil for people whose lives are unexpectedly thrown into transition after years of steady employment with a company that suddenly disappears.

While they are looking for jobs and getting retraining, people are worrying about their homes. Often the biggest financial investment in someone's life is their home. They have a lot of equity built into that home. Again, while they are getting training and looking for another job, those mortgage payments are still there.

When I saw this sort of economic disaster hit Martinsville a few years ago, it struck me so much like a natural disaster as far as the devastation. But in many regards it is worse than a natural disaster because after a natural disaster there is a buildup. There is hope for the future. In an economic disaster with the loss of thousands of jobs, there is no clear rebuilding process.

The point is the Federal Government, in my view, ought to make similar assistance available to homeowners in economic disasters as is available when there is a natural disaster.

That is the rationale behind my amendment—the Homestead Preservation Act. This legislation will provide temporary mortgage assistance to displaced workers by helping them make ends meet during their search for a new job. Specifically, the Homestead Preservation Act authorizes HUD to administer a low-interest loan program at 4 percent for workers displaced due to international competition. The loan is for up to an amount of 12 monthly mortgage payments—only 12, 1 year—for home mortgage payments only. The program is authorized at $10 million per year for 5 years. The loan would be paid off.

These are not grants. They are loans to be repaid over a period of 5 years. No payments, though, would be required until 6 months after the borrower has returned to work full time, or 1 year, whichever is applicable. The loan is available only for the cost of the monthly home mortgage payment, and covers only those workers displaced due to international competition. It requires individuals seeking to avail themselves of this loan program to be enrolled in job training or job assistance programs.

The Homestead Preservation Act provides temporary financial tools necessary for displaced workers to get back on their feet and to succeed. It is logical and, in my view, a responsible response.

This measure garnered strong bipartisan support the last time it was considered by the Senate. I respectfully urge my colleagues to recognize the value Americans place on owning a home, and support this caring and needed initiative.

If no one has anything further to say about it, I urge adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3113) was agreed to.

Mr. ALLEN. Thank you, Mr. President.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFORM

Mr. BAUCUS. Mr. President, there is another point that I would like to discuss with the chairman for the record, regarding a form of restitution that is often authorized for rebates in the case of regulated utility providers whose rates to consumers are regulated. Due to a change of circumstances or other factors, the rates that were charged for a particular period may be determined to be greater than should have been charged if all relevant factors had been known and properly accounted for. Due to the large number of customers and the relatively small amounts involved, the regulatory authority frequently permits the utility to adjust rates to provide compensatory rebates for all current customers. This avoids, for example, tracing former occupants of an address served by the utility or otherwise tracing former customers for relatively small amounts. It is my understanding that this type of procedure would qualify as restitution because substantially all the payments are directed to the actual parties that overpaid.

Mr. GRASSLEY. Yes, that is correct.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we have once again had a productive day. I thank all Senators. We adopted several amendments. First is the overtime amendment, an issue which has occupied the Senate for some good amount of time. The Senate also adopted the amendment of the Senator from Maine, Ms. COLLINS, her manufacturing jobs credit amendment. The Senate has also addressed the trade adjustment assistance amendment.

We have a number of major amendments pending. In the morning, we hope to have debate on Senator DORGAN's runaway plant amendment which is already pending. Senator GRAHAM of Florida has an amendment already offered, as well as Senator BREAUX's repatriation amendment. We hope to vote early in the afternoon on all those pending amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMA'S ICON STILL NEEDS HELP

Mr. McCONNELL. Mr. President, if my colleagues doubt that the pen is mightier than the sword, they need to take 5 minutes to read Rena Pederson's May 2 Dallas Morning News column entitled "Burma's Icon Still Needs World's Help."

When it comes to continued repression in Burma, and a largely muted world response, Ms. Pederson hits a bullseye.

She is right to demand the U.S. Congress to expeditiously renew sanctions against Burma, which I fully expect us to do over the next few weeks, and to take the United Nations to task for its weak and tepid response to the State Peace and Development Council's, SPDC, recalcitrance to implement U.N. General Assembly and Commission for Human Rights resolutions.

I share Ms. Pederson's disbelief that the U.N. Security Council has yet to bring the Burmese crisis up for debate and sanction. We already know that Burma poses an immediate and grave threat to its neighbors, whether through refugees fleeing persecution, the spread of HIV/AIDS or the proliferation of illicit narcotics.

Unfortunately, the U.N.'s misguided "wait and see" approach serves to further exacerbate a regional crisis that is a direct result of these undesirable Burmese exports and that neighboring countries, out of political expediency, refuse to face. Thailand, China, India and other regional neighbors can only bury their heads in the sand for so long.

As three Burmese were recently sentenced to death for merely talking to the International Labor Organization, a U.N. agency, one would think that the Secretary-General would have publicly and forcefully condemned these sentences as means to defend both the Burmese victims and the integrity of his own agency. It is not too late for such an expression.

Further, Ms. Pederson's concerns with U.N. envoy Ismail Razali's business dealings with the SPDC comes at time when the corrupt "oil for food" program in Iraq is under investigation. It is only fair to ask if principles are similarly being discarded in Burma for the sake of personal profit.

I suspect that the closer we get to the May 17 constitutional convention, the louder the din from the SPDC and its advocates in Thailand will become on "progress" being made in Burma. I have little hope that the convention will serve as a catalyst for anything but an attempt by the SPDC to bestow legitimacy upon itself and its abusive rule. The director of the Burma Fund, Zaw Oo catalogued these concerns superbly in an opinion piece entitled "Don't Help Burma's Generals" in the May 6 issue of the Far Eastern Economic Review.

My message to Daw Aung San Suu Kyi and the National League for Democracy could not be more clear: you are in a position of strength because of the principled stand you continue to make in support of the struggle for freedom in Burma. The people of Burma should know that America stands with them and will continue to do so until democracy and justice triumphs in Burma.

I ask unanimous consent that a copy of Ms. Pederson and Mr. Zaw Oo's articles be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DON'T HELP BURMA'S GENERALS

(By Zaw Oo)

As I write this, the Burmese military junta called the State Peace and Development Council, or SPDC, is expected to soon free pro-democracy leaders Aung San Suu Kyi and Tin Oo. But it will do this solely for ulterior reasons. The SPDC is seeking some measure of international credibility. Releasing Suu Kyi will get Asean off its back. Next, by also pretending to seek a road map towards some form of "disciplined" democracy, the SPDC gives Asean the cover to accept Rangoon's chairmanship of the group in 2006. But in a vicious circle, the SPDC is strong-arming the democratic opposition by using any legitimacy it gains abroad to force the opposition into accepting its road map—which will only strengthen its position as a regime. The generals don't plan to retire from politics any time soon.

The SPDC is rushing to implement its seven-point road map towards "democracy" by reconvening on May 17 a national convention to prepare a new constitution. The original convention was aborted in 1996 after the SPDC expelled the National League for Democracy for complaining that the convention was being manipulated. The new convention will just as likely be manipulated. First, holding the meeting in a remote town called Mhawbi is meant to isolate and intimidate opposition delegates. Moreover, the convention commission will be made up only of SPDC officials, who will completely control the agenda and procedures. The junta could also use its notorious military rule, "Order 5/96," to suppress those who oppose its wishes. Certainly, that was what it did the last time around.

The junta's hand-picked delegates are expected to ram through 104 constitutional principles laid down in 1996 before the last convention was scrapped. Those principles include setting aside 25% of parliamentary seats for the military, indirect election of the president through an electoral college, the requirement that presidential candidates have military experience, and total autonomy for the military. They are a comprehensive list of military prerogatives that make a mockery of any modern notion of constitutionality. Thus, through a "guided" convention, the SPDC's road map will lead to a "disciplined" political form: a constitutional military autocracy.

Clearly, the SPDC's version of "reform" will continue to be a disaster for Burmese. Its vision of democracy with dual power centres in the form of a military commander-in-chief and the president could easily become unstable because of the intermittent power struggles that emerge within the military. Its economic model won't bolster investors' faith. (Even the Chinese have become frustrated with Burma's appalling economic policies.) Dreams of Thai industrialists relocating manufacturing plants to Burma will remain just that: fantasies. And the continuing gross neglect of Burma's social capital and a likely failure to stem the lucrative drug trade will export instability from Burma to its neighbours.

A year ago, at a gathering in Bangkok of like-minded individuals from 10 countries, there was the promise of a start to building an effective regional strategy towards Burma. The gathering, called the Bangkok Process, could have sent a clear signal to the SPDC that its intentions were unacceptable Sadly, the meeting chose to build on the earlier constructive-engagement policy. Still, the damage could have been minimized if the process had crafted a larger international strategy by inviting the participation of the United States, and provided the United Nations a stronger mandate to mediate and enforce a democratic settlement in Burma.

Today, only a democratic breakthrough can stop the looming confrontations in Burma. Suu Kyi has been consistent in offering a reasonable role for military leaders in jointly transforming Burma into a democratic country. In 1990, the Burmese military organized an election and supervised it; the NLD won but the military refused to honour the results. Now is the time finally to resolve this impasse. The key is to assist negotiations in Burma for implementing this as-yet unrealized national mandate in a way that provides shared responsibility between the NLD, the military and ethnic leaders. Compromise is needed to allow for a sharing of power and responsibility in managing a democratic transition. All this is clear. But what would not be helpful is for Burma's neighbours to help efforts by the SPDC to strengthen and prolong its rule. This would not be in the interest of anyone in Asia, let alone Burma.

[From the Dallas Morning News, May 2, 2004]

BURMA'S ICON STILL NEEDS WORLD'S HELP

(By Rena Pederson)

Back in 1995, Madeleine Albright went to Burma to visit Aung San Suu Kyi, who was being held under arrest. Though jailed in her own home, the Nobel Peace Prize winner showed her respect for visiting secretary of state in a touching way. She scrubbed the walls and floor of her house by hand and washed and ironed the curtains by herself.

It is a good bet that few Nobel laureates have had to do the same.

But, then, there is no one quite like Ms. Suu Kyi, the brilliant Oxford graduate who continues to risk her life to bring democracy to Burma.

Last week, Ms. Albright returned the favor. She joined Republican Sen. John McCain of Arizona in calling for a renewal of American sanctions on the Burmese junta because the murderous generals are keeping Ms. Suu Kyi under heavy guard in her house yet again.

Fourteen Nobel literature laureates—including Gunter Grass and Toni Morrison—recently joined Vaclav Havel, former president of the Czech Republic, in calling for the release of Ms. Suu Kyi and other imprisoned writers in Burma.

Like Ms. Albright, Mr. Havel has been inspired by Ms. Suu Kyi's astounding courage and has been pressing for her release for more than a decade. What is little known is that he was considered the shoo-in for the Nobel Peace Prize in 1991 after the "Velvet Revolution" in Czechoslovakia, but he threw his support to Ms. Suu Kyi and forfeited his own chances. Hers, he explained, was the greater example.

What we need is similar gallantry from Congress, which should waste no time extending economic sanctions. What we need is similar courage from the United Nations, which has stood by while the Burmese generals slyly have made a fool of Secretary-General Kofi Annan by reneging time and again on promises of reform.

If Mr. Annan doesn't have enough problems with corruption in the "oil for food" scandal in Iraq (which may include payoffs to his son), his credibility is going to be damaged even more when people start investigating his see-no-evil attitude toward the Burmese regime.

Some of the tough questions that need to be asked include: Why did Mr. Annan send an envoy to handle the Burma crisis who was doing business deals with the regime? Mr. Annan's envoy, Razali Ismail, has a contract to provide microchips for Burmese passports. Amazingly, Mr. Annan has ruled that the sweetheart deal isn't a conflict of interest because Mr. Ismail was only a "part-time" envoy.

That's the diplomatic equivalent of passing the canapés. Pray tell, why doesn't Mr. Annan bring the Burmese crisis up before the Security Council? why has he merely purred that the junta may allow democracy in 2006?

While Mr. Annan blinks and purrs, the horrific crimes of the Burmese dictators continue without relief. Reports of war crimes continue to seep out of Burma: The rape and torture of women. The destruction of villages. Forced relocations. The laying of new land mines. The murder of Muslim minorities.

To make matters even more disturbing, the Far Eastern Economic Review has reported that North Korea may be selling missiles or nuclear technology to Burma. A Christian cemetery near the Rangoon Airport reportedly was bulldozed last fall to make way for the missile base.

It isn't a good time to keep passing the canapes.

As Sen. Kay Bailey Hutchison put it last week, "The brutal tactics adopted by Burma's military rulers are reprehensible. The Free World must be unequivocal in demanding the junta release Aung San Suu Kyi and change its ways."

There was a slight flutter of hope last week that the Burmese generals might be edging toward a transition because they allowed the reopening of the headquarters of the National League for Democracy, Ms. Suu Kyi's political party. They also released a few party leaders from prison.

But 1,300 remain in prison. and the top two leaders, Ms. Suu Kyi and Tin Oo, remain under house arrest.

The junta's recent charm efforts couldn't mask the fact that behind the scenes, the generals slapped life sentences on 11 league members who are in prison. That is tantamount to a death sentence in the grim Burmese gulag. The nine weren't allowed to speak in their own defense. Their only crime was witnessing an attack on Ms. Suu Kyi by government thugs last May 30.

Even if Ms. Suu Kyi is released, she may be in greater danger outside her home if the junta imposes a constitution at gunpoint that leaves it in power. Congress must keep sanctions in place until there's certifiable change. As Margaret Thatcher would say, this is no time to go wobbly.

CENTENNIAL OF WASHOE COUNTY PUBLIC LIBRARY

Mr. REID. Mr. President, we all understand that books are one of the greatest things ever created by human beings. Books bring the world within our reach, and they open the door of knowledge. Our Nation long ago recognized the importance of books and reading. That is why we developed a system of universal education, where every child would have an opportunity to learn how to read. And that is why we have public libraries. One hundred years ago this month, on May 31, 1904, the city of Reno, NV opened its first public library. The building was constructed on donated land, with a gift of $15,000 from Andrew Carnegie. Mr. Carnegie believed so strongly in public libraries that he built more than 1600 of them around the world. That original library served the city of Reno for 26 years. But as the town grew and the popularity of the library increased, more space was needed. In 1930, the Reno Public library moved into the old State building in Powning Park. It also became affiliated at that time with Washoe County. Two years later, the county also opened a library in the nearby city of Sparks.

After World War II, as Washoe County began to experience more growth, the library system expanded to keep up with the demand. Under the leadership of Portia Hawley Griswold, the first library "bookmobile" hit the road in the late 1950s, bringing books to remote areas of the county. A new main branch opened in downtown Reno in 1966, thanks to a gift from the Max C. Fleischmann Foundation.

As the library system added more new locations throughout the 1970s and 1980s, it also employed new innovations. A Senior Center library made books more accessible to retirees, with volunteers delivering books to the homebound. The Gerlach High School branch launched a partnership between the county and the local school system. The Sierra View library was the first to open in a shopping center. Today, the Washoe County library system has branches in 12 locations, plus a mobile library. Citizens can also use the library's Internet branch to look for books and conduct research for school assignments, business projects, or simply to satisfy their curiosity. Last year the people of Washoe County visited the library system 1.4 million times and checked out almost 2 million items. As it has for the last 100 years, the public library is meeting the needs of the people of Reno NV, and Washoe

County. It puts books and knowledge within the reach of every citizen.

This centennial of success calls for a celebration. So a gala birthday party for the Washoe County library system will be held on May 21.

Please join me in congratulating Library Director Nancy Cummings and the trustees of the Washoe County library system—Chairman Bud Fujii, Lucille Adin, June Burton, Paul Theiner and Paul Davis. Along with the Washoe County Commission, the Friends of the Washoe County Library, and the Washoe County Library Foundation, they have continued to advance the worthy goal that Andrew Carnegie embraced a century ago.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Two men harassed a white lesbian in Colorado as she left a 7-11 store; one of them yelled an obscenity and called her a "faggot." The victim got into her own pickup truck and drove away, but the offenders followed her and eventually drove her off the road. When she got out of her car, the two men assaulted her sexually and beat her unconscious. A detective who later interviewed the victim about the incident was verbally abusive, calling her a "liar" when she said she could not provide a detailed description of her attackers.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MALTREATMENT OF IRAQI PRISONERS

Mr. BYRD. Mr. President, the American people know about the strong and honorable character of the American soldier. Over the last 228 years, the United States Army has rightly earned the reputation of a professional fighting force that is courageous in battle and benevolent in peace.

The United States Army has had centuries to earn the respect of the American people. The White House expected our military to earn the trust of the Iraqi people in only months. Despite the outstanding service of countless thousands of our troops, the shameful and disgusting abuse of Iraqi prisoners at the hands of U.S. soldiers is a tragedy that must be corrected immediately.

The photographic evidence that Iraqi prisoners have been humiliated, abused, and mistreated is absolutely shocking. One can hardly ponder the technicalities of the Geneva Conventions when the most basic rules of human decency have been violated. The disgust expressed by many Americans has been amplified a thousand times by outraged Muslims around the world.

How long might it be before Osama bin Laden uses these incidents to whip up anti-American sentiment in other corners of the world? After the bloodiest month of the occupation of Iraq, this is news our Nation can ill afford.

It is not clear at this point who should be held to account for this stain upon the reputation of our armed forces. No one has stepped forward to take responsibility for the conditions in Iraqi prisons. Instead, fingers are being pointed in every direction. Soldiers are blaming superior officers, and generals are blaming subordinates. Others blame our intelligence services, which blame contractors, who blame others still. Some military leaders claim that this is an isolated incident, others make ominous claims about patterns of abuses. With whom does this buck stop?

The Armed Services Committee today had a closed-door briefing from three Army Generals. No civilian official of the Department of Defense appeared at the briefing, nor did any member of the Joint Chiefs of Staff. I did not attend that briefing. Secret, closed door meetings on a subject of such enormous import smack of damage control and cover-up—and that is the last impression the Senate should be conveying. We must ensure that Congress accedes to no ground rules in its investigations that could further taint this deplorable situation.

The time for public hearings on prisons run by the U.S. Armed Forces is now. We must leave no room for charges that investigations are being glossed over, pushed aside, sat on, or ignored. I have written to the chairman and ranking member of the Armed Services Committee to urge them to call public hearings with Secretary of Defense Donald Rumsfeld, Director of Central Intelligence George Tenet, and Chairman of the Joint Chiefs of Staff General Richard Myers. The Armed Services Committee should also seek testimony from outside experts on the laws of war and humanitarian affairs, such as the International Committee for the Red Cross, Human Rights Watch, and scholars of international law.

These hearings should take place as soon as possible, and examine all detention facilities run by the U.S. military, including those in Iraq, Afghanistan, and elsewhere. The abuse of Iraqi prisoners was covered for months until it was reported by the news media. Congress has no time to spare to find out what went wrong and what is still wrong, and take action to prevent further abuse of prisoners in our charge.

HONORING OUR ARMED FORCES

SPC DENNIS MORGAN

Mr. NELSON of Nebraska. Mr. President, SPC Dennis Morgan was a dedicated soldier who fought bravely for his country. He was a member of the South Dakota National Guard and worked to protect others by finding and disarming explosive devices along the roads.

Morgan was mobilized December 7, 2003 and deployed to the Middle East in February. He was in the last vehicle of a convoy, protecting an armored personnel carrier when a roadside bomb exploded. Morgan is the first casualty involving the South Dakota National Guard, which has nearly 1,200 members in the Middle East. His wife described him as a "wonderful man, a hero, very loving and always happy."

I would like to express my deepest sympathy for the Morgan family. SPC Dennis Morgan will be greatly missed and our thoughts and prayers will be with his family and friends. He leaves behind his wife and his mother. Dennis's sacrifice will forever remind this Nation of the danger that comes with the duty to protect our Nation's interests and the freedoms of others around the world. As a Nation we are grateful to Dennis Morgan and other soldiers like him who make the ultimate sacrifice so that others can live in freedom.

HISTORIC EXPANSION OF THE EUROPEAN UNION

Mr. McCAIN. Mr. President, on May 1, 2004, in a truly historic move, the European Union welcomed 10 new member states. On this momentous occasion, I offer my congratulations and best wishes to the people of the Czech Republic, Cyprus, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia, and Slovenia. These countries have made great achievements, and America benefits from our close ties to these nations.

EU expansion represents yet another victory for freedom in Central and Eastern Europe, together with the fall of the Berlin Wall in 1989, the Soviet Union's last gasp in 1991, and the two NATO expansions. Europe is divided no longer, and the United States enjoys an unprecedented relationship with the 10 new EU members.

I hope that our excellent relations with these countries will continue, and that we will continue to pursue our common goals of freedom, democracy, and prosperity throughout the world.

FAILURE TO SOLVE H–2B VISA CRISIS

Mr. LEAHY. Mr. President, I regret the need to once again call attention to the fact that the Senate continues to neglect our obligation to respond to a crisis, caused by Federal policy, that is disrupting the operations of small and large businesses throughout the United States.

Two months ago the Department of Homeland Security announced that for the first time ever the annual cap for H–2B visas had been met. These visas are used by a wide range of industries throughout the Nation to fill temporary labor needs. In my home State of Vermont, they are used primarily by the tourist industry.

Across the country, businesses in a wide range of industries had developed plans that relied on the foreign employees who had always before been available to them. For years, these employers had applied in the spring for the employees they needed for the summer, filling positions for which they were unable to find American workers. The cap had never been reached, and they had no reason to believe this year would be different. I know that the March announcement came as a shock to many employers in my State, and dozens of them contacted my office to see what could be done. This setback fell equally hard on employers in other States.

In response to these requests, I joined with a substantial bipartisan coalition in introducing S. 2252, the Save Summer Act of 2004. Senator KENNEDY is the lead sponsor of the bill, which has 18 cosponsors, including eight Republicans. Our bill would add 40,000 visas for the current fiscal year, providing relief to those summer-oriented businesses that had never even had the opportunity to apply for visas.

The following day, Senator HATCH introduced S. 2258, the Summer Operations and Services Relief and Reform Act. I do not believe that this bill, cosponsored exclusively by Republicans, is as effective a bill as S. 2252, but I would support it if it came before the Senate. Despite its sponsorship by the chairman of the Judiciary Committee, and by the chairman of the Immigration Subcommittee, S. 2258 has now been held hostage in the Republican cloakroom for 5 weeks.

Obtaining these visas takes weeks, if not months, because the Departments of Labor and Homeland Security must both sign off on them. I and others have repeatedly warned that we needed to pass legislation by May 1 if we were going to provide meaningful relief. That date has come and gone, and now it is too late to help many, if not all, of the businesses that had relied upon the availability of H–2B visas. It is beyond disappointing that at the Republican leadership in this body ignored my pleas and the pleas of so many Senators. And it is inexcusable that the Republican leadership ignored the pleas of business owners across the country asking for this emergency relief.

And so it is that a tiny minority of the Republican caucus has managed to frustrate the will of a substantial bipartisan coalition of Senators who have sought to raise the H–2B cap, thereby needlessly harming businesses throughout the Nation. Meanwhile, the Republican leadership has failed to make solving this problem a priority. Perhaps if the majority leader chose to devote floor time to issues that had substantial bipartisan support, instead of using the floor to set up symbolic votes whose results are known well in advance, we would not be in this position.

These businesses contribute much to the economies of our States. They deserve better treatment than they have received at the hands of the Republican leadership of the Senate.

WORLD ASTHMA DAY

Mr. JEFFORDS. Mr. President, May 4 is World Asthma Day. Today people from across the globe will raise awareness of asthma and its impact on the lives of those millions of people who suffer from it. It should also be the day we in government recall our duty to safeguard the health of all Americans.

Asthma is a lifetime disease. It is triggered by a variety of factors, including allergens, cigarette smoke, viral infections, foods, weather changes, and air pollution. Air passages become inflamed, making it difficult for sufferers to breathe, and sometimes resulting in critical emergency situations. It is dangerous, and it is costly. Our country spends around $3.2 billion every year just to treat asthmatic children.

That is why I am particularly concerned that asthma is on the rise, and that polluting industries and cars are making matters worse. Seventeen million Americans suffer from asthma. It is the most common chronic health problem among our Nation's children, causing missed school days, restricted activity, and costly medical bills. According to the American Lung Association, 9,000 children and 42,000 adults in Washington, DC alone have asthma.

Scientific research has increasingly linked air pollution from power plants and tailpipe exhaust to asthma. For example, researchers at the University of Southern California recently discovered that children living in high-ozone areas and participating in outdoor sports were three times more likely to develop asthma than less active kids in less polluted areas. The scientists explain that children who exercise outdoors take in more of the dirty air than other kids, leaving them more susceptible to airway damage.

A new report by the Harvard Center for Health and the Global Environment at Harvard Medical School expands upon such research by linking global warming gases to increased incidence of allergies and asthma in the inner city. The report states that rising levels of atmospheric carbon dioxide, due mainly to fossil fuel combustion, not only trap more heat, but they promote greater pollen and mold growth and associated asthma.

On World Asthma Day, the air may not be clear, but the message is: We must immediately and dramatically reduce smog- and ozone-forming pollution and global warming gases in order to protect public health. The President's Clear Skies initiative won't do the job, neither will the EPA's new administrative rules that just postpone real pollution reduction for a decade or more.

I urge the administration and the Congress to put aside partisan differences and polluters' special interests to protect the precious lives of those we represent. To live is to breathe. Until all Americans can breathe freely, our work is not yet done.

MOTORSPORTS FACILITIES FAIRNESS ACT

Mr. GRAHAM of South Carolina. Mr. President, I rise today to urge my colleagues to join me in supporting S. 1524, the Motorsports Facilities Fairness Act.

S. 1524 would clarify the tax treatment of motorsports facilities, codifying the 7-year depreciation classification that track owners have used, in good faith, for many years. This classification went without question in numerous audits and reviews until very recently. Now the IRS wants to implement a new interpretation of the law that would result in a retroactive tax increase for motorsports facility owners.

This new interpretation would penalize the owners of motorsports entertainment facilities who have invested hundreds of millions of dollars in these properties in order to meet the demands of sanctioning bodies and racing fans. Technological changes and enhanced safety requirements can render even recent track repair and reconstruction obsolete. Tracks must also compete to host premier racing events, in part by drawing as many fans as possible. This is why facilities must constantly renovate, rebuild, upgrade and expand.

Darlington Raceway in South Carolina typifies this reinvestment ethic. The track that is "too tough to tame," is undergoing substantial upgrades. Earlier this year, Darlington installed "SAFER" (Steel And Foam Energy Reduction) barriers. The track is currently installing lighting for night racing, which will be completed before the next running of the NASCAR Southern 500 in November.

S. 1524 would not only cover large facilities such as Darlington. The legislation would also clarify the tax law for hundreds of tracks around the country, including approximately 30 other facilities in South Carolina alone.

The government should not punish these track owners for making capital investments in their facilities. These investments provide substantial economic benefits for the communities where these facilities are located.

Congress should promptly enact S. 1524 to provide certainty and clarity to the Tax Code and to encourage motorsports facility owners to continue to make economically beneficial investments.

CELEBRATING GOVERNMENT WORKERS NATIONWIDE

Mr. SARBANES. Mr. President, I rise today to honor the hundreds of thousands of civilian and military employees who have chosen to dedicate their lives to public service. This week, from May 3 through May 9, we celebrate Public Service Recognition Week. Organized by the Public Employees Roundtable since 1985, this week allows us to honor those who have chosen to serve their country and to educate the public about the broad variety of services government provides.

President Kennedy once said: "Let the public service be a proud and lively career. And let every man and woman who works in any area of our Nation's government, in any branch, at any level, be able to say with pride and honor in future years: 'I served the United States Government in that hour of our Nation's need.'" Our Nation is most certainly in a time of need. Great uncertainty exists about the state of world relations, the direction our Nation is headed, and the economic welfare of our society. Unfortunately, the pride and honor associated with public service has been diminished by a lack of respect. Rather than commending the important work Federal civilian employees do side-by-side with our military employees, society too often seeks to belittle their contributions; choosing instead to characterize the civil service as a large, inflexible bureaucracy.

At the Federal level, we are experiencing a disturbing trend. The ranks of bright, active, and well-trained Federal employees are slowly diminishing. Of our 1.8 million Federal civil servants, 50 percent will be eligible to retire over the next five years. At the same time, a national poll by the Partnership for Public Service found that only one in four college-educated Americans expressed significant interest in working for the Federal Government. A recent survey by the Council for Excellence in Government said that young people, while eager to find a job that will allow them to help people, are less likely to choose government jobs than work in the non-profit sector.

In my view, however, if our young people understood the expertise, the sacrifice, and the dedication required to serve the public, they would be less inclined to belittle this calling and more inclined to answer it. Young people should know, for instance, that civilian employees from agencies such as the Environmental Protection Agency, Centers for Disease Control and Prevention, the U.S. Capitol Police and the FBI worked side by side with the Coast Guard and the Marine Corps Chemical Biological Incident Response Force from Indian Head, MD to respond to the discovery of ricin in the Dirksen Senate Office Building.

Without the civilian Federal researchers at the Human Genome Project, we would know much less about the make-up of the human body and, more importantly, be much further away from providing cures to genetic disorders such as cystic fibrosis and sickle cell anemia. Their work—a complete description of the draft of the DNA sequence of the human genome—was completed faster than originally planned.

Without the hard work done by the civilian employees at the National Security Agency, we would likely be without a few things that today we consider basic necessities, such as computers and cassette tapes. Further, the development of more advanced theories and technologies such as quantum mathematics, nanotechnology, biometrics, and semiconductors—which are quickly changing our world's technological landscape—would have been hindered or never started but for the efforts of NSA's dedicated and innovative employees.

The employees at the National Institute of Standards and Technology's Building and Fire Research Laboratory are about as inconspicuous a group of researchers as exist. But without them there would be no standard coupling for fire hoses or hydrants. If you do not know why that's important, consider the devastating fire that destroyed 2,500 buildings in an 80-block area in the heart of Baltimore in 1904. Responders came from fire departments in D.C., New York, and Philadelphia to help put out the blaze. But each department's hoses had different threads, so they could not be linked to Baltimore's hydrants, making them almost useless. After the fire, the Building and Fire Research Laboratory's predecessor, the National Bureau of Standards, worked with the National Fire Prevention Association to develop national standards and codes for fire equipment, which departments still use today.

Finally, thanks to scientists at the National Cancer Institute, NCI, and the Food and Drug Administration, FDA, women's chances of detecting ovarian cancer earlier and possibly recovering have increased. Working together, NCI and FDA discovered that patterns of proteins found in patients' serum may reflect the presence of ovarian cancer, even at early stages. Currently, more than 80 percent of ovarian cancer patients are diagnosed at a late clinical stage and have a 20 percent or less chance of survival. This research may increase those chances.

During this Public Service Recognition Week, I urge my colleagues to take a moment to appreciate advances such as these that our Nation and society have made as a result of the hard work of Federal civil servants. When President Kennedy initially released his Peace Corps proposal, the reactions he received convinced him that "we have, in this country, an immense reservoir of such men and women—anxious to sacrifice their energies and time and toil to the cause of world peace and human progress." Things have not changed. The American populace is still full of men and women who want to serve. The challenge for us, as a Congress and a Federal Government, is to convince more of those men and women that civil service is a laudable way to serve their country.

RESCUE COST ANALYSIS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the executive summary and recommendations of the following August 2001 Report to Congress titled: "Analysis of Cost Recovery for High-altitude Rescues on Mt. McKinley, Denali National Park and Preserve, Alaska" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY—ANALYSIS OF COST RECOVERY FOR HIGH-ALTITUDE RESCUES ON MT. MCKINLEY, DENALI NATIONAL PARK AND PRESERVE, ALASKA, AUGUST, 2001

INTRODUCTION

The following report addresses the requirements of Public Law 106–486 enacted November 9, 2000, directing the National Park Service to complete a mountain climber rescue cost recovery study by August 9, 2001. This report describes the role of the National Park Service and Denali National Park and Preserve (DNP&P) in search and rescue activities and analyzes the suitability and feasibility of recovering the costs of high-altitude rescues on Mt. McKinley. It addresses the three items required in the legislation.

(1) Recovering the costs of rescues on Mt. McKinley.

(2) Requiring climbers to provide proof of medical insurance before the issuance of a climbing permit.

(3) Charging for a climbing permit and changing the fee structure. This report was prepared with existing funds.

A variety of organizations and individuals were involved in the development of this report. They included: the National Park Service, Alaska Regional Office and Washington

Office; American Alpine Club; 210th Alaska Air National Guard; U.S. Army at Fort Wainwright; Mountain Guide Concessionaires; Access Fund; Alaska Mountain Rescue Association; Alaska State SAR Coordinator; Providence, Valley, and Alaska Regional Hospitals; Mountain Rescue Association; and the Alaska Mountaineering Club.

RECOMMENDATIONS

After a thorough analysis of the suitability and feasibility of cost recovery, this report recommends the following:

Part One: The Suitability and Feasibility of Rescue Cost Recovery

1. Based on the relationship of DNP&P to the national program for National Park Service search and rescue, the relationship to the practices of other agencies, the practices of the military, and the practices of the State of Alaska, the Park Service recommends that the current policy of not charging for search and rescue be continued. If the other federal agencies and the military develop a policy for the collection of search and rescue costs from participants in high risk activities, the National Park Service should also participate. This would best be done through the passage of legislation that applies to all federal agencies and branches of the military that currently rescue members of the public in need.

2. To reduce National Park Service costs related to evacuation of injured climbers, the park will work with Providence Hospital in Anchorage regarding additional operation by the hospital of its Lifeguard helicopter to transport injured climbers from the 7,200-foot base camp on Mt. McKinley. Like most ambulance services, the hospital bills the patient directly for the service. This would reduce the use of military and NPS helicopters for a service that can be provided by a private entity.

Part Two: Suitability and Feasibility of Requiring Proof of Medical Insurance

1. The review of incidents shows no information indicating a problem of any magnitude. DNP&P, therefore, recommends not requiring proof of medical insurance at this time. DNP&P will continue to monitor with the hospitals and work with insurance companies to determine if a need exists in the future to require proof of insurance. If proof of medical insurance were to be made a new requirement, it would be best to set the precedent consistent across agencies and different types of high-risk activities.

2. DNP&P will encourage climbers to carry medical insurance and will provide information with registration packets and pre-climb briefings about access to providers specializing in climbing insurance.

Part Three: Climber Registration Fee Review

1. In order to help recover costs for the human waste management studies, an additional $50.00 fee should be added to the current $150.00 climber registration fee. The total fee for climbing Mt. McKinley or Mt. Foraker would then be $200.00.

2. Currently, only climbers of Mt. McKinley and Mt. Foraker are required to register. Initiate required registration for all other climbers in DNP&P. This would help ensure all climbers receive safety and waste management information.

U.N. SECURITY COUNCIL WMD RESOLUTION

Mr. KYL. Mr. President, speaking before the UN General Assembly in September, President Bush asked the Security Council to take a firm stand against the proliferation of weapons of mass destruction, WMD. President Bush asked for a Security Council resolution that would call on all nations to criminalize proliferation, enact strict export controls and secure these terrible weapons within their own borders.

Seven months later, on April 28, the UN Security Council unanimously passed Resolution 1540 fulfilling the President's goals. Those who have argued that this administration has turned its back on the international community need only look at the diverse group of nations—from Algeria to Angola, Chile to China, Pakistan to the Philippines—that stood with the United States in this important battle in the war on terror to dispel such notions.

It is now up to the members of the United Nations to follow the Security Council lead and enact the provisions that will help stem the flow of dangerous weapons and technology.

This resolution is the culmination of the administration's hard work, led by Under Secretary of State John Bolton, to halt the proliferation of chemical, biological and nuclear weapons. The President's proliferation security initiative, launched last March, embodies these efforts. It has brought together nations from North America, Europe, Africa, and Asia to interdict shipments of WMD around the world. This resolution endorses such important collective action and I urge all nations to join in the effort.

I applaud the administration and the Security Council for helping take an important step to building a safer, more secure world.

HOMEFRONT HEROES

Mr. ALLARD. Mr. President, I will take a few moments to recognize an organization that embodies the selflessness we hold dear in the United States. In Grand Junction, CO, Homefront Heroes was organized to answer the needs of spouses and family members left behind by deployed soldiers from across the Western Slope of Colorado. On March 29, 2004 the following resolution was passed by the Grand Junction City Council, commemorating the first rally for the troops organized by Homefront Heroes during the Spring of 2003.

I ask unanimous consent that the city of Grand Junction's resolution be printed in the RECORD following this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLARD. I also thank the volunteers of Homefront Heroes for helping the military community in its time of need.

EXHIBIT 1

Whereas our Active Duty Military National Guard and Colorado Reserves men and women have answered the call to protect America from harm. These Service men and women have been deployed around the world, protecting the freedoms we often take for granted at home.

Whereas these men and women now fight a war on terrorism, they fight this war with the same pride for Country, Honor and Courage as our forefathers.

Whereas our military families have also sacrificed during this same time of war while their loved ones have been deployed.

Whereas our military has always protected our Great Nation and we have always honored our service men and women after they have returned, allowing our service men and women to know that we in Colorado support them during their time of active duty and we appreciate what they have endured and sacrificed.

Whereas Colorado honors the past, supports the present, and encourages the future of our military men and women.

Whereas The yellow ribbon has come to be recognized as signifying Honor, Courage, and Hope for military families and loved ones.

Whereas on March 29th, 2003, 2,500 citizens in Grand Junction, Colorado, showed support of our Colorado heroes by having a Lets Support Our Troops yellow Ribbon Rally where everyone wore yellow in support of our heroes; be it

Resolved That March 29 shall be Grand Junctions' Salute Our Troops—Remembrance Day. That one day, Coloradans shall show support of our service men and women by either wearing yellow or displaying a yellow ribbon, signifying the Honor, Courage, and Hope our Colorado heroes display.

ADDITIONAL STATEMENTS

NATIONAL DAY TO PREVENT TEEN PREGNANCY 2004

• Mrs. BOXER. Mr. President, I am proud to recognize today as the National Day to Prevent Teen Pregnancy and want to thank the National Campaign to Prevent Teen Pregnancy for sponsoring it. The campaign is a nonprofit, non-partisan organization whose mission is to improve the well-being of children and families by reducing teen pregnancy.

Nearly 900,000 American teenagers become pregnant each year, and over 10 percent of all births in the United States are to teenage mothers. While teen pregnancy, abortion, and birth rates are all going down, the U.S. still has the highest rate of teen pregnancy in the industrialized world. Almost 35 percent of girls become pregnant at least once before age 20.

Many activities are happening across the country in recognition of the National Day to Prevent Teen Pregnancy. In my home State of California, Pinch Me Films of Berkeley is organizing events to promote open dialogue between young people, parents and educators. In addition, the California Health Collaborative, Merced Rural Teen Pregnancy Prevention is hosting a health fair for youth, and the Children's Hospital of Los Angeles—with over 6,000 employees—will have an article about National Teen Pregnancy

Prevention Month in its employee newsletter, highlighting tips for parents to discuss pregnancy prevention.

On November 25, 2003, I introduced S. 1956, The HOPE Youth Pregnancy Prevention Act to address this problem. Specifically my bill would provide additional resources to States, localities, and nongovernmental organizations for teenage pregnancy prevention activities targeted to ethnic minorities and at-risk youth. Fifty-one percent of Latina girls become pregnant at least once by age 20. Fifty-seven percent of black girls become pregnant at least once by age 20. I urge my colleagues to co-sponsor this legislation.

I urge my colleagues to support activities that are taking place nationally and in their own States to reduce teenage pregnancy.•

JAMES AND SOPHIA TARABICOS' 50TH WEDDING ANNIVERSARY

• Mr. CARPER. Mr. President, I rise today to congratulate Jim and Sophia Tarabicos, who celebrated their 50th wedding anniversary on February 28, 2004.

As Jim and Sophia celebrate this milestone in their lives, they will surely reflect on the many changes, successes and accomplishments they have experienced together over the last fifty years. Theirs is a journey of which they can be proud.

Jim is the son of the late Harilaos and Alexandra Tarabicos. Jim attended high school in his hometown of Nafpaktos, Greece. He came to Wilmington, DE at the young age of 19 to work at his uncle's restaurant, Presto, located at 817 Market Street in downtown Wilmington. His wife, Sophia, is the daughter of the late Louis and Georgia Liarakos. She is a native Delawarean who graduated from P.S. DuPont High School and studied at the University of Delaware.

Jim and Sophia met at a church event when they were 19 and 17 respectively. They married two years later on February 28, 1954 at Holy Trinity Greek Orthodox Church in Wilmington in front of their friends and family.

For over 40 years, Jim and Sophia dedicated their lives to one another and to their businesses. They opened their first store, a luncheonette named Jim's Place at 8th and Orange Streets in Wilmington in the mid 1950s. Several years later, they bought Presto Restaurant from their uncle. They later changed the name to Tarabicos. Jim and Sophia were committed to the success of their restaurant. Owning their own business allowed them to spend valuable time with each other, while at the same time being devoted parents, and major contributors to their neighbors, community, and church. They retired a decade ago, and continue to remain active members of their community.

Jim and Sophia consider their church to be like a second family. Jim was the president of the parish council for Holy Trinity Greek Orthodox Church from 1971 to 1973. While Jim was president, plans were made to move forward with approving the construction of the community center and the design, financing and use thereof. Sophia is a member of the Philoptochos Greek Ladies Society and served as president from 1981 to 1983.

In addition to the restaurants and church activities, Jim and Sophia were also quite involved with political activities, committees, and fundraisers in the City of Wilmington and were active with the city's merchants association. In their spare time, they enjoy taking walks together at Bellevue State Park, and traveling, especially taking cruises.

They are blessed with three children, Larry, Alexandra, and Georgiean, and six grandchildren, Kristin, Sophia Alyssa, Maria, Sophia Elaina, Michael and Dimitri. They are devoted to each other and to their families. Jim and Sophia are active in their children's and grandchildren's lives, often traveling to visit family members and spending meaningful time with their grandchildren and passing on to them valuable life lessons. They enjoy attending all of their various school functions

Today, I rise to congratulate Jim and Sophia on their 50th wedding anniversary. Both have shown great service and commitment to their family and to their community. They serve as true role models. I know that their years together hold many beautiful memories. It is my hope that those ahead will be filled with continued joy. I wish them both the very best in all that lies ahead.•

CITY OF PADUCAH

• Mr. BUNNING. Mr. President, I would like to take a moment today to pay tribute to the city of Paducah and their innovative and successful Artist Relocation Program.

The program is a past recipient of a Kentucky Governor's Award for contribution to arts in the State. The city has even been recognized by First Lady Laura Bush as part of the Preserve America Initiative. Most recently, the city was honored by the American Planning Association at their April 2004 national convention in Washington, DC. The Special Community Initiative award is given annually to a city displaying an innovative approach to improvement. This year there were over 200 cities competing for this honor.

The City of Paducah Artist Relocation Program recruits artists—both locally and nationally—to move to Paducah's downtown and historic Lower Tower area. The city has a long history providing many buildings and facilities that, while they are in disrepair, offer significant opportunity for renovation and improvement. Artists who relocate to Paducah are given a network of resources to restore facilities.

The program is part of a long-term project to rejuvenate the City of Paducah's historic districts. Through the combined efforts of leaders in the city government, the Paducah Bank, Visitors' Bureau, PATS, local museums and businesses this program has seen tremendous success.

The city and Commonwealth are already enjoying the benefits as an estimated $12 to $15 million has been infused into the local economy, thanks to this program. Any visitor can see the construction and revitalization underway in this Kentucky jewel.

I wish to congratulate the leadership and vision of the City of Paducah on these tremendous honors, especially Program Founder Mark Barone, City of Paducah Planning Director Tom Barnett, City of Paducah Mayor Bill Paxton and McCracken County Judge Executive Danny Orazine. I look forward to the continued success of this great program.•

ACADEMIC DECATHLON WIN

• Mrs. BOXER. Mr. President, I am delighted to rise to acknowledge El Camino Real High School's championship win in this year's national Academic Decathlon. El Camino Real High School is located in Woodland Hills, CA. This is El Camino's third win and marks the most national titles any California student group has ever received. It is a wonderful record of which to be proud, and I extend my heartiest congratulations to everyone who made this accomplishment possible.

The Academic Decathlon is highly competitive, testing the students in 10 different subjects. The El Camino team headed to Boise, Idaho to compete against more than 300 students from 39 other American high schools and one Canadian high school to clinch the national title.

Under the leadership and tutelage of three main coaches, Melinda Owen, Mark Johnson and Rebecca Gessert, the team of eight students collectively spent more than 1,200 hours this year to prepare for the competition, including intense cramming sessions as the big event drew closer. These students sacrificed much of their free time to represent their school, and it is clear that their work paid off.

I could not be happier for or prouder of the El Camino team, including Cassidy Ellis, Gary Fox, Jonathan Lin, Patrick Liu, Eric Rasyidi, Adam Singer, Chris Taylor, and Adrian Wittenberg. They have made their school, their district, and our entire

State proud, and they have every reason to celebrate their accomplishment.

The students could not have won their title without the help of their dedicated coaches. I also salute and congratulate all the teachers, faculty, and students at El Camino who worked with this team and gave them the support they needed to achieve their goals.

Congratulations again to El Camino Real High School on this wonderful win.●

HONORING CAMILLE SCHMIDT

● Mr. CRAPO. Mr. President, I rise today to honor and congratulate an Idaho student who has achieved national recognition for exemplary volunteer service in her community. Camille Schmidt of Pocatello has been named one of the Nation's top youth volunteers by the 2004 Prudential Spirit of Community Awards program. This honor is conferred on only one high school student and one mid-level student in each State. I applaud Camille's efforts to improve her community.

Camille has spent the past 2 years working to restore windows in her school's library that were removed in the early 1980s. When Camille began attending Pocatello High School, she noticed 8-foot-tall indents in the school walls and realized they were once windows. She found yearbooks that contained pictures of the school before the windows were taken out, and was inspired to restore them. She received approval to begin working on the restoration from the superintendent, and met with an architect to discuss the project. So far, Camille has raised more than $10,000 of the needed $15,000 for the project. To raise the necessary funds, she has distributed brochures, spoken at class reunions and student assemblies, contacted the news media, and even obtained a grant. To date, four of the eight windows have been replaced. Next year, the student government and the National Honor Society will take over the project until all of the school's windows are restored.

Camille has demonstrated an extraordinary level of commitment and accomplishment and deserves our admiration and respect. She has played an important role in her community and serves as an example to her peers. I join with her family and friends in honoring her commitment to the state of Idaho.●

HONORING JACQUELINE SANDMEYER

● Mr. CRAPO. Mr. President, I rise today to honor and congratulate an Idaho student who has achieved national recognition for exemplary volunteer service in her community. Jacqueline Sandmeyer of Boise has been named one of the Nation's top youth volunteers by the 2004 Prudential Spirit of Community Awards program. This honor is conferred on only one high school student and one mid-level student in each State. I applaud Jacqueline's efforts to improve her community.

Jacqueline, an eighth-grader at St. Joseph's School, has collected more than 1,000 pounds of food and 200 coats, mittens, and hats for the homeless over the past 4 years. When she was nine, Jacqueline noticed a group of children shivering in the cold outside of a rescue mission. Moved by the experience, Jacqueline packed up her winter clothes for donation, along with her saved-up allowance of $275 to take to the shelter. With the help of her parents, she then placed collection boxes in her school and government buildings. She also solicited donations from her neighbors and appealed to her entire community for help through the news media. Jacqueline summed up my feelings well, when she said, "I know that no matter what age you are, you can make a difference."

Jacqueline has demonstrated an extraordinary level of commitment and accomplishment and deserves our admiration and respect. She has played an important role in her community and serves as an example to her peers. I join with her family and friends in honoring her commitment to the State of Idaho.●

HONORING THE LIFE OF WILLIAM R. STEWART

● Mr. BAYH. Mr. President, today I pay tribute to the life of a distinguished civil servant, Bill Stewart, who passed away on Monday, February 16, 2004. His long life was filled with acts of conscientious service on behalf of his friends, his family members and the American work force. The contributions he made through his work for the National Labor Relations Board, combined with the many lives he touched along the way, leave behind a positive legacy that will not soon be forgotten.

Bill was born in Terre Haute, IN, and earned his undergraduate degree in government from Indiana University. As an ROTC student during his time at Indiana University, Bill was commissioned as a second lieutenant in the Army shortly after his graduation. Proving at a young age that service and leadership were an inherent part of his life and personality, Bill deferred his full scholarship to the Indiana University School of Law to serve in Germany in an armored division where he was later selected to be the courts and boards officer and assistant adjutant of a combat command of more than 5,000 men. Bill excelled in everything he set his mind to, including his work as an attorney for the Atomic Energy Commission and his efforts climbing up the ladder from legislative assistant to president of the Professional Association for the National Labor Relations Board in only 4 years.

His talent and intellect earned him the respect and attention of many. Bill was the first and only National Relations Board employee to receive the President's Award for Distinguished Federal Civilian Service, which is the highest honor attainable through civil service. President Clinton recognized Bill's "unparalleled" professional contributions, emphasizing that Bill was "instrumental in winning national labor law cases that have had a major impact on American workers."

In addition to his professional accomplishments, I am told that Bill was also a family man at heart. According to his friends and colleagues, Bill cherished the company of his loved ones and always made his parents and siblings a top priority. Undoubtedly, Bill will be remembered by all who knew him for his love of life and laughter.

Bill is survived by his two brothers, Stanley Stewart and Richard Stewart.

Bill was a man who walked with kings but never lost the common touch. The citizens of the State of Indiana and the United States of America were well served by the life led by Bill Stewart. He touched many lives over the course of his career and will be remembered as a loving friend and an incredible leader and colleague.

It is my sad duty to enter the name of William R. Stewart in the official RECORD of the United States Senate. May God be with all who mourn his passing, as I know He is with Bill.●

REMEMBERING FRANK D. STIMLEY

● Mr. COCHRAN. Mr. President, on April 14, 2004, a distinguished attorney and outstanding individual from my State died suddenly in New Orleans, LA. At the age of 56, Frank D. Stimley leaves behind a legacy of accomplishments and contributions to the State and people of Mississippi.

Frank was a native of Jackson, MS. Early in life, he turned down an opportunity to play major league baseball for the St. Louis Cardinals to attend Columbia University, where he received a bachelors degree in electrical engineering. He later joined his sister and older brother at Harvard Law School, where the Stimleys became the first family to ever have three siblings attend that law school at the same time. In addition to his law degree, Frank concurrently obtained a masters in business administration from Harvard Business School.

After graduation, Frank Stimley became the first African-American lawyer to be hired by a large majority white firm in Mississippi. He also became the first African-American lawyer at Wise Carter Child Stein and Caraway to make partner.

Frank was also a member of the 100 Black Men of Jackson, Deacon at the

Progressive Morningstar Baptist Church, and involved in providing legal assistance to Stewpot Community Services, Catholic Charities, the Farish Street Redevelopment Project, and the Friends and Children of United Way. Additionally, Frank Stimley helped secure financing for many churches, Head Start programs, medical clinics, the Jackson Redevelopment Authority, and various Mississippi development projects.

Frank Stimley was a successful lawyer and community leader whose contributions were considerable. We extend to his wife Cynthia and the entire Stimley family our sincerest condolences.●

A DELAWARE, NATIONAL, AND INTERNATIONAL JUDICIAL LEADER

● Mr. BIDEN. Mr. President, it gives me great pride and pleasure today to rise and honor a Delaware jurist who is a recognized leader not only in his native State of Delaware, but throughout this country and around the world. His name is Randy Holland.

Justice Holland has served on the Delaware Supreme Court since 1986, with the distinction of being the youngest person ever to serve on my State's highest court. And for the past four years, he has served as the National President of the American Inns of Court. His second term ends next week, and I rise today to commend his leadership to this prestigious legal society.

Justice Holland's stewardship of the American Inns of Court, with its roots dating back to England in the 1400s, has earned him an extraordinary, rare and high honor.

He is only the third American judge to recently receive this prestigious award. The other two are United States Supreme Court Justices.

Lincoln's Inn of London, England, announced that Justice Holland has been elected an Honorary Master of the Bench. The Honorary "Benchers" are persons of distinction selected from common law countries around the world. The only American judges to receive this high recognition and distinction are Justices Ruth Bader Ginsberg and John Paul Stevens of the United States Supreme Court and now Justice Holland.

In commenting upon Justice Holland's election, William Blair, a distinguished Barrister, President of the Commercial Bar Association in England, and brother of Prime Minister Tony Blair, stated "We feel that this is an important mark of friendship between the Inns of Court of England and the American Inns of Court. What is most gratifying for us is that the common aims of the organization are ethics, civility, professionalism and legal excellence—which are surely more necessary now than ever. My fellow Benchers were greatly impressed by Justice Holland's distinguished judicial record."

To put this honor in context, Lincoln's Inn is the oldest of the four Inns of Court in London. Its formal records date back continuously to 1422. For six centuries, the Inns of Court in London have educated English trial lawyers, who are known as Barristers.

St. Thomas More, Lord Chancellor of England, joined Lincoln's Inn in 1496. The chapel bell at Lincoln's Inn came from Spain in 1596 as part of the spoils of Cadiz. When Dr. John Donne was Preacher to Lincoln's Inn in 1624, he wrote his famous poem "for whom the bell tolls."

Along with this international honor, Justice Holland has been recognized by his fellow jurists and attorneys in this country. His numerous awards include: the 1992 Judge of the Year Award from the National Child Support Enforcement Association, the 2002 Alumni Award of Merit from the University of Pennsylvania School of Law, the 2003 American Judicature Society's Herbert Harley Award, and the 2004 Widener Law School Adjunct Professor Distinguished Service Award.

Ethics and mentoring are the hallmarks of Justice Holland's service on the bench and his call to his fellow attorneys in the bar. He chaired the national Advisory Committee to the American Judicature Society's Center for Judicial Ethics and currently he chairs the American Bar Association national Joint Committee on Lawyer Regulation. Justice Holland is also a member of the American Law Institute and is an adjunct professor at several law schools.

In addition to these many accomplishments, Justice Holland has published three books on the history of the Delaware Constitution and the Delaware Supreme Court.

Of course, Justice Holland will tell you that he derives his greatest pride from his family—his wife and friend since grade school, Ilona, and his son, Ethan.

Justice Holland deserves a tremendous thank you for his leadership on the bench and bar—from Delaware, attorneys throughout this country, and indeed from jurists and barristers worldwide. Congratulations.●

2003 PRESIDENTIAL RANK AWARDS

● Mr. AKAKA. Mr. President, last week, 70 members of the Federal Government's Senior Executive Service and Senior Level and Scientific and Professional employees received the Nation's highest civil service award for their leadership accomplishments and long-term contributions to their country.

I believe it is fitting to honor these men and women during Public Service Recognition Week, which began yesterday, May 3, 2004. As noted by the Office of Personnel Management, "Winners of this prestigious award are strong leaders, professionals, and scientists who achieve results and consistently demonstrate strength, integrity, industry, and a relentless commitment to excellence in public service." To me, these awards serve as a reminder that the federal civil service is made up of individuals who have chosen to work for the federal government and their betterment of their fellow citizens.

This year marks the first time that Senior Level and Scientific and Professional executives joined those in the Senior Executive Service in receiving awards. The winners, who were honored at a dinner sponsored by the Senior Executives Association Professional Development League last week, have saved the Federal Government over $187 billion according to SEA President Carol A. Bonosaro. At last week's dinner, Ms. Bonosaro detailed notable achievements of the award recipients: including leading a deployment to Kosovo to gather evidence of war crimes in support of the International Criminal Tribunal for the former Yugoslavia; managing 15 nutrition assistance programs—with $40 billion in apropriations—which reach 50 million Americans annually; serving as a Space Shuttle astronaut pilot and commander; directing the prosecution of international cartels with fines totaling more than $42 billion and the convictions of corporate executives from the U.S. and twelve foreign countries; and serving as the scientific leader of a $2 billion telescope mission, to be launched in 2010, with the objective of seeing the first light in the universe released after the Big Bang.

There are two categories of rank awards; distinguished and meritorious awards. For both awards, winners are chosen through a rigorous selection process which includes nomination by their agency heads, evaluation by boards of private citizens, and approval by the President. Distinguished rank award recipients receive a lump-sum payment of 35 percent of their base pay. Meritorious rank award recipients receive 20 percent of base pay.

At a time when many young people are questioning the value of public service, I urge them to explore the exciting and challenging employment opportunities with the federal government, as well as the benefits of serving their nation. As the Presidential Rank Awards demonstrated, the government values those who seek public service.

Mr. President, I ask that the names and agencies of the 2003 Presidential Rank Award winners be printed in the RECORD.

The information follows.

2003 PRESIDENTIAL RANK AWARDS FOR DISTINGUISHED SENIOR PROFESSIONALS

DEPARTMENT OF COMMERCE

Susan Solomon

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

John A. Casciotti

Department of the Air Force

Robert Q. Fugate

Department of the Army

Walter Bryzik

Department of the Navy

Frances S. Ligler

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

John Mather

2003 PRESIDENTIAL RANK AWARDS FOR DISTINGUISHED EXECUTIVES

DEPARTMENT OF AGRICULTURE

Antoinette A. Betschart
George A. Braley

DEPARTMENT OF COMMERCE

Scott B. Gudes
Timothy Hauser
Rolland A. Schmitten

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Jeanne B. Fites
Michael L. Ioffredo
Pravin C. Jain
Jeffrey A. Jones
Cheryl Joan Roby
Diana G. Tabler

Department of the Air Force

Vincent J. Russo
J. Daniel Stewart

Department of the Army

James L. Flinn, III
Joel B. Hudson
Anthony A. LaPlaca
Michael A. Parker

Department of the Navy

William M. Balderson
Bobby R. Junker

DEPARTMENT OF EDUCATION

Thomas P. Skelly
Steven Y. Winnick

DEPARTMENT OF ENERGY

James F. Decker
Patricia M. Dehmer

DEPARTMENT OF HEALTH AND HUMAN SERVICES

William Beldon
Joseph R. Carter
Dennis J. Duquette
Evelyn White

DEPARTMENT OF HOMELAND SECURITY

Donald K. Shruhan

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Floyd O. May

DEPARTMENT OF THE INTERIOR

Willie R. Taylor

DEPARTMENT OF JUSTICE

James M. Griffin
Bruce C. Swartz

DEPARTMENT OF LABOR

Shelby S. Hallmark

DEPARTMENT OF STATE

Jonathan B. Schwartz

DEPARTMENT OF TREASURY

John M. Dalrymple
Donald V. Hammond
Sarah H. Ingram
Kenneth R. Papaj
Robert E. Wenzel

DEPARTMENT OF VETERANS AFFAIRS

James F. Farsetta
Thomas Lastowka
Laura J. Miller

ENVIRONMENTAL PROTECTION AGENCY

William G. Laxton

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Frederick D. Gregory
Tom Luedtke
Vicki A. Novak
John J. Talone

NUCLEAR REGULATORY COMMISSION

Samuel J. Collins
Hubert J. Miller

OFFICE OF MANAGEMENT AND BUDGET

Richard P. Emery

OFFICE OF PERSONNEL MANAGEMENT

Doris L. Hausser
Nancy H. Kichak
Ronald P. Sanders

SOCIAL SECURITY ADMINISTRATION

William E. Gray
Linda S. McMahon•

PETITIONS AND MEMORIALS

POM–397. A joint memorial adopted by the Legislature of the State of Washington relative to the State's military bases; to the Committee on Armed Services.

SENATE JOINT MEMORIAL 8039

Whereas, the Department of Defense's military installations in Washington State play a vital role in the defense of the United States of America and its citizens and residents, both providing a power projection platform ideally situated geographically and by providing leadership within the military through innovation in transformational efforts; and

Whereas, the military installations in Washington State are striving to perform their current missions as efficiently and effectively as possible and to improve their ability to contribute to the defense of the nation for the long term; and

Whereas, the majority of major conflicts of the 20th century have been in or around the Pacific Ocean, including World War II, the Korean War, the Vietnam War, Operation Desert Storm, and Operation Iraqi Freedom, and the emerging threats of the 21st century are in that same area; and

Whereas, each of the military installations in Washington performs vital strategic functions, including the only homeport for Trident Ballistic Missile Submarines on the Pacific Coast, the only torpedo manufacturing facility in the nation, the only deep draft military shipyard on the Pacific Coast, a major base for C–17 aircraft, the sole Air Force Survival School in the nation, the only major Army installation west of the Rocky mountains capable of large scale troop deployment, and the base with the highest number of VFR flying days of any Naval Air Station in the United States; and

Whereas, Washington State has an excellent working relationship at both the state and local level with each of the military installations, demonstrated in part by the numerous partnerships among the military and local governments and private and nonprofit sectors in providing services to both military and civilian personnel, by involvement of military installations in state and local land use, transportation and other planning, and by the ongoing community support to the military personnel and their families; and

Whereas, the military's presence, in all forms, contributes greatly to the economy, security, and social fabric of Washington State as one of the largest employers in the state, a significant purchaser of goods, services, and construction from the private sector, and a source of leadership in state, local, and community organizations; and

Whereas, Washington State consistently provides a high quality of life to military personnel stationed in our state, evidenced by the large number of terminal postings to bases in Washington State, additionally, our state benefits from the large number of skilled and talented military personnel and their families who remain in or return to Washington after leaving active duty; and

Whereas, the Washington State Legislature recognizes the importance of the Department of Defense's military installations within Washington State, both to the defense of the United States and the vitality of Washington as an economy and a people;

Now, Therefore, Your Memorialists respectfully pray that the President, Congress, and the Department of Defense will recognize the strategic importance of these bases to our Nation's security and not make them victims of this round of the Base Realignment and Closure process.

Your Memorialists further pray that the military facilities in Washington state will continue to serve in the defense of our nation for many years to come; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United State, the Secretary of the Department of Defense, the President of the Untied States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–398. A joint memorial adopted by the Legislature of the State of Washington relative to The 211 Act, HR 3111, and SB 1630; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT MEMORIAL 4040

Whereas, tens of thousands of Washington State residents have a need to access a variety of human and social service needs each day, ranging from appropriate child care to affordable housing, support for a homebound parent to food or crisis counseling for teen parents; and

Whereas, thousands of different local, regional, and statewide organizations in Washington State, both public and private, provide services that respond to these needs; and

Whereas, it is often extremely difficult and time consuming for residents to identify and access available services; and

Whereas, the process of connecting those living and working in Washington State with needed services can be simplified by the establishment of a 211 telephone dialing option; and

Whereas, the local, regional, and statewide providers of human and social services would benefit from the more accurate and timely information about needs and resources around the state that is connected by 211 services; and

Whereas, seventy million Americans (23% of the United States population) have access to 211 service in 83 communities nationwide; and

Whereas, Washington Information Network 211 seeks to create a statewide 211 system using existing information and referral providers; and

Whereas, in 2003 the Washington State Legislature overwhelmingly supported and passed an act supporting 211 development and implementation for the residents of our state; and

Whereas, 211 service will soon be available in Clark County and King County, providing 211 access to over 2,000,000 people in Washington State; and

Whereas, 4,000,000 residents in rural and economically depressed areas of Washington State will not have access to 211 service until such time that sustainable public funding is secured; and

Whereas, philanthropic contributions already support the majority of costs associated with 211 development for Washington State; and

Whereas, Congress recognizes the value and broad public benefits of 211 through the inclusion of 211 service in the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; and

Whereas, Senator Patty Murray, Senator Maria Cantwell, Representative Jay Inslee, Representative Jim McDermott, and Representative Rick Larsen from our fair state of Washington are cosponsors of Senate Bill 1630 and House Resolution 3111;

Now, therefore, your memorialists respectfully pray that Congress immediately pass the Calling for 211 Act, HR 3111 and SB 1630: be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–399. A joint resolution adopted by the Legislature of the State of Maine relative to the exemption of the Passamaquoddy Tribe from certain provisions of the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, most respectfully present and petition the Congress of the United States as follows:

Whereas, the federal Marine Mammal Protection Act of 1972 establishes federal responsibility to conserve marine mammals and established a moratorium on the taking and importation of marine mammals and marine mammal products; and

Whereas, the act gave certain exemptions to take marine mammals to Indian, Aleut and Eskimo people who live in Alaska and dwell on the coast of the North Pacific Ocean or the Arctic Ocean, if the taking is done in a nonwasteful manner and is for subsistence purposes or for creating and selling authentic native handicrafts and clothing; and

Whereas, the Passamaquoddy Tribe, a federally recognized Indian tribe in the State of Maine, the first to see the rising sun each day, has the largest reservation in the State, situated on the west branch of the St. Croix River, which leads into the sea; and

Whereas, the Passamaquoddy Tribe has used marine mammals, such as porpoises and seals, for cultural, subsistence, ceremonial, medicinal and commercial uses in its long history in the area, and still do to a certain extent today; and

Whereas, at the time the federal Marine Mammal Protection Act of 1972 was written, the Passamaquoddy Tribe had not been federally recognized and could not seek exemption from the act. In the late 1970s, federal recognition came, followed by the Maine Indian Land Claims Case, which defined a special relationship between the State of Maine and the Passamaquoddy Tribe and Penobscot Nation; and

Whereas, it was agreed that these tribes would have authority over their own internal matters on the reservations. At the same time, it was agreed that they would continue the trust relationship with the Federal Government that had been recognized during the 1970s; now, therefore, be it

Resolved, That we, your Memorialists, on behalf of the people of the State, in view of the trust that the Passamaquoddy Tribe has in the Federal Government, respectfully urge and request that the Congress of the United States give serious consideration to giving the Passamaquoddy Tribe of Maine a cultural exemption from the federal Marine Mammal Protection Act of 1972, as was done for the Alaskan Indian, Aleut and Eskimo peoples; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate and to the Speaker of the United States House of Representatives and to each member of the Marine Congressional Delegation.

POM–400. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the use of 75-foot crib carrier log hauling equipment; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 168

Whereas, in the logging industry, an important industry for the state of Michigan, the crib carrier for log hauling offers an advancement that can increase the stability of loads with a new design for how the logs are arranged. In a highly competitive industry like lumbering, the new equipment represents significant progress; and

Whereas, current federal law places a 70-foot limit on the length of trucks, although a waiver has permitted the use of 75-foot equipment over the past couple of years. Until federal laws and regulations permit the use of a 75-foot truck length, sanctions will prevent the use of safer truck-trailer combinations; and

Whereas, the 75-foot equipment offers distinct safety measures not available through the 70-foot limit currently in place. Most importantly, the crib arrangement makes the load more secure, with added protection against a shifting cargo. This enhances safety along Michigan's roads; now, therefore, bit it

Resolved by the house of representatives, That we memorialize the Congress of the United States and the United States Department of Transportation to permit the use of 75-foot crib carrier log hauling equipment; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Transportation.

POM–401. A resolution adopted by the House of Representatives of the State of Michigan relative to a minimum rate of return of Michigan's Federal Transportation Funding; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 198

Whereas, from 1956 to 2001 Michigan residents paid $1.71 billion dollars more in gas tax money to the federal government than they received in return. Only three states have a worse return rate than Michigan for that period; and

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This task is made much more formidable by the continuing inequity of the percentage of funds returned to the state; and

Whereas, the federal road funding act, the Transportation Equity Act of the 21st Century (TEA–21), expired on February 29, 2004; and

Whereas, the House Surface Transportation Extension Act of 2004, signed by President Bush on February 29, 2004, extends highway, safety, transit, and other programs until April 30, 2004; and

Whereas, the United States House of Representatives and the United States Senate each have bills pending to authorize a new funding system for the states; and

Whereas, in 2003, Senate Concurrent Resolution No. 1, House Concurrent Resolution No. 5, and House Resolution No. 9 all memorialized the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs. As the federal government works on the next budget, it is imperative that this issue be kept before policymakers at every level to achieve this long overdue measure of equity, now, therefore, be it

Resolved by the house of representatives, That we hereby memorialize the Congress of the United States to establish a minimum return rate of 95 percent of Michigan's federal transportation funding for highway and transit programs to bring greater fairness to the federal funding of transportation needs in Michigan; and be it further

Resolved, That we further memorialize Congress to act before the beginning of the 2004 road construction season; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–402. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to the Lewis and Clark National Historical Trail; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, in 1803, President Thomas Jefferson gained approval to form an expeditionary group to explore the Western territory of the United States; and

Whereas, the "Corps of Discovery," led by Meriwether Lewis and William Clark, embarked upon its epic adventure in April, 1805, which at its conclusion returned invaluable information relative to the peoples, wildlife, flora, and geography of the Western territory; and

Whereas, 2003 marked the bicentennial celebration of the embarkation of the Lewis and Clark Expedition; and

Whereas, Congress has seen fit to create the Lewis and Clark National Historic Trail; and

Whereas, H.R. 2327 introduced by United States Representative Goode and S. 2018 introduced by United States Senator Bunning, now pending in the 108th Congress of the United States, seek to extend the boundaries of the Lewis and Clark National Historic Trail; and

Whereas, the extension of the Lewis and Clark National Historic Trail would make the trail the largest in the national parks system; and

Whereas, an extended Lewis and Clark National Historic Trail would serve to continue the celebration of the Lewis and Clark bicentennial celebration; and

Whereas, the extension of the Lewis and Clark National Historic Trail would provide enhanced educational possibilities for all; and

Whereas, the extension of the Lewis and Clark National Historic Trail would generate an increase in tourism and tourism revenue in the states where the trail runs; and

Whereas, the proposed extension of the Lewis and Clark National Historic Trail would include specific sites in the Commonwealth of Kentucky: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives does hereby acknowledge the historic importance of the Lewis and Clark National Historic Trail and encourages each and every member of the respective chambers of the Congress of the United States to cosponsor H.R. 2327 and S. 2018 of the 108th Congress of the United States to extend the length of the trail.

Section 2. The House of Representatives encourages the subsequent passage of H.R. 2327 and S. 2018 of the 108th Congress of the United States.

Section 3. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution of Jeff Trandahl, Clerk of the House of Representatives, United States Capitol, Room H154, Washington, D.C. 20515–6601 and to Emily Reynolds, Secretary of the Senate, United States Senate, Washington, D.C. 20510, for distribution to the members of the United States House of Representatives and the United States Senate, respectively.

POM–403. A concurrent resolution adopted by the House of Representatives of the General Assembly of the States of Ohio relative to the Abandoned Mine Land Fund; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 31

Whereas, since 1800, substantial mining has occurred in Ohio, providing fuel for the United States' industrial revolution and support for two world war efforts. The mining industry also has been a major employer of the state's citizens for many of the years since 1800. However, the cumulative effects of past mining have caused significant environmental problems; and

Whereas, the Surface Mining Control and Reclamation Act of 1977 created the Abandoned Mine Land Reclamation Program to help protect public health and safety and to restore lands and waters adversely affected by mining practices employed prior to August 3, 1977. The Program is funded by fees on coal production, which are deposited by the United States Secretary of the Interior into the Abandoned Mine Land Fund. As of March 31, 2003, more than $6.7 billion in fees have been deposited into the Fund, of which more than $1.4 billion remains to be appropriated to the states. The $1.4 billion includes more than $938 million in state and Indian tribal share funds. Ohio's state share is more than $22 million; and

Whereas, the expenditure of abandoned mine land funds on various reclamation projects by the twenty-three states and three Indian tribes that have federally approved abandoned mine reclamation programs has significantly improved public health and safety and the environment. In addition, that expenditure has provided an estimated 6,000 jobs and $130 million in economic benefits to the Appalachian region of Ohio alone; and

Whereas, authority to collect the fee for abandoned mine reclamation is scheduled to expire on September 30, 2004, eliminating additional revenue for the Abandoned Mine Land Reclamation Program. However, $6.6 billion worth of identified health and safety problems remain nationally, including 203 million in inventoried problems in Ohio such as abandoned strip mines, mine openings, landslides, and flooding. In addition to these nationally identified health and safety problems, 1,300 miles of Ohio streams polluted by acid mine drainage and potential subsidence from 6,000 abandoned underground mines exist; and

Whereas, the people living in the country's mining regions, including Ohio's mining region, have the right to a safe environment, including clean drinking water and healthy streams in viable communities; now therefore be it

Resolved, that we, the members of the 125th General Assembly of the State of Ohio, urge Congress to reauthorize abandoned mine land fee collection authority for a minimum of twelve years, commencing October 1, 2004, to disperse state and tribal shares of annual fee collections each year without appropriation, and, in keeping faith with the goals of the Surface Mining Control and Reclamation Act of 1977, to provide eligible states and Indian tribes their lawful shares of the unappropriated balance in the Abandoned Mine Land Fund, after due consideration for the United Mine Workers of America Combined Benefit Fund, so that they may further protect public health and safety and enhance the environment of their states and tribal lands; and to consider reevaluating the administration of the Abandoned Mine Land Reclamation Program and the Abandoned Mine Land Fund; and be it further

Resolved, that the Clerk of the House of Representatives transmit copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM–404. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Kentucky relative to the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, Kentucky lies in the heart of our nation and at the crossroads of the industrial North, the Eastern Seaboard, and the burgeoning Sunbelt; and

Whereas, transportation of goods and persons by ground has become increasingly important to the economy of our great nation; and

Whereas, the U.S. Interstate Highway System is one of the greatest engineering accomplishments in the history of mankind and has made our nation's system of highways the best in the world; and

Whereas, with its location on both the Ohio and Mississippi Rivers, the Purchase Area of Western Kentucky is situated at a crucial point in America's intermodal transportation system; and

Whereas, plans are underway for the development of Interstate 66, with a projected route through Southern Kentucky; and

Whereas, current changes in these plans have resulted in Interstate 66 ending at Interstate 24 before it enters the Purchase Area; and

Whereas, the extension of this route through the Purchase Area and into Missouri is crucial to fully realizing the benefits of an intermodal transportation system utilizing interstate highways, rail lines, and the many Kentucky riverports in the area; and

Whereas, it is vital that our national leaders understand the importance and urgency of this situation: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The members of this body, both individually and collectively, urge the United States Congress to plan for and fund the design and construction of Interstate 66 through the Purchase Area of Kentucky and into Missouri.

Section 2. The Clerk of the Senate is directed to transmit a copy of this Resolution to the Clerk of the United States Senate, the Clerk of the United States House of Representatives, and to each member of Kentucky's Congressional delegation.

POM–405. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, Kentucky lies in the heart of our nation and at the crossroads of the industrial North, the Eastern Seaboard, and the burgeoning Sunbelt; and

Whereas, transportation of goods and persons by ground has become increasingly important to the economy of our great nation; and

Whereas, the U.S. Interstate Highway System is one of the greatest engineering accomplishments in the history of mankind and has made our nation's system of highways the best in the world; and

Whereas, with its location on both the Ohio and Mississippi Rivers, the Purchase Area of Western Kentucky is situated at a crucial point in America's intermodal transportation system; and

Whereas, plans are underway for the development of Interstate 66, with a projected route through Southern Kentucky; and

Whereas, current changes in these plans have resulted in Interstate 66 ending at Interstate 24 before it enters the Purchase Area; and

Whereas, the extension of this route through the Purchase Area Counties of McCracken and Ballard and into Missouri is crucial to fully realizing the benefits of an intermodal transportation system utilizing interstate highways, rail lines, and the many Kentucky riverports in the area; and

Whereas, it is vital that our national leaders understand the importance and urgency of this situation: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The members of this body, both individually and collectively, urge the United States Congress to plan for and fund the design and construction of Interstate 66 from Interstate 24 through McCracken and Ballard counties in Kentucky and into Missouri, with a bridge over the Mississippi River near Wickliffe.

Section 2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to the Clerk of the United States Senate, the Clerk of the United States House of Representatives, each member of Kentucky's Congressional delegation, and to Kentucky Transportation Cabinet Secretary Maxwell C. Bailey.

POM–406. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Great Lakes Controlled Data Collection and Monitoring Act; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 128

Whereas, the Great Lakes constitute a critically important resource for our nation. The long-term health of this vast and complicated freshwater network is fundamental to the quality of life through its impact on public health, commerce, transportation, and recreation; and

Whereas, the ongoing challenge of protecting the Great Lakes is complicated by the many threats the lakes face, the number of units of government within its basin, and inconsistencies in how data on the water is gathered, assessed, and acted upon; and

Whereas, in spite of the efforts of many public entities committed to protecting the Great Lakes, there is insufficient and inconsistent data on the impact that restoration efforts are having on water quality. The lack of data was confirmed by the General Accounting Office in a May 2003 report. Without reliable information, it is impossible to determine to what extent the Great Lakes Water Quality Agreement between our nation and Canada is progressing or whether federal and state water quality standards and programs are effective; and

Whereas, legislation is pending in Congress that would directly address the issue of how data on the Great Lakes is collected and assessed. The Great Lakes Controlled Data Collection and Monitoring Act, H.R. 2668, would direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on indicators of water quality and related environmental factors in the Great Lakes. The legislation also authorizes appropriations to carry out this much-needed work; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Great Lakes Controlled Data Collection and Monitoring Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–407. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the gap between services offered to children in kinship care arrangements and services offered to children in foster care situations; to the Committee on Finance.

HOUSE RESOLUTION NO. 27

Whereas, the 2000 Census confirmed the trend that increasing numbers of children are being raised by grandparents. In many of these situations, a grandparent or other relative is raising one or more children as an alternative to foster placement. While such situations offer many advantages to children and save the state a considerable amount of money, public policies recognizing these realities are inadequate; and

Whereas, there is a serious gap between the level of services offered to children in kinship care situations and those in foster care arrangements. While some children in kinship care can be eligible for support through the TANF program, the level of assistance through child-only grants is notably lower; and

Whereas, the gap between assistance offered to poor children being raised by a family member rather than a foster family is especially evident in eligibility for food programs, specifically school lunch programs. Indeed, the potential for harm to children living in situations where access to good nutrition is not assured represents a serious threat in our society. Addressing this problem by increasing access to school lunch programs for children living in kinship care arrangements is most appropriate; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to address the gap between services offered to children in kinship care arrangements and services offered to children in foster care situations, specifically by extending access to free school lunch programs for more children living in kinship care; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–408. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to urging Congress to consider withdrawing the United States from the United Nations; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION 3

Whereas, the United States is known for its compassionate people who are generous and kind in caring for the needs of those in other countries and whose resources are used worldwide to alleviate hunger and poverty;

Whereas, United States military forces are called upon to bear the brunt of any conflicts that may arise, which costs the lives of many American armed forces members, while other nations stay on the sidelines;

Whereas, the United States provides the largest share of the financial burden for the United Nations, amounting to hundreds of millions or even billions of dollars each year which could be used to address many of the nation's own needs;

Whereas, many of the countries who are members of the United Nations are not only unfriendly to the United States, but also support ideas and interests that are detrimental to the United States;

Whereas, member nations that are among the worst human rights violators are members of, and even chair, the committee to investigate human rights violations while the United States is denied membership;

Whereas, the secretary-general of the United Nations, as well as most other leaders and committee chairs, are chosen from nations who do not share the values of the United States, but this nation is expected to follow their decisions and programs;

Whereas, the United States was founded, and the constitution was created, for the purpose of protecting freedoms and God-given rights and for protecting the nation's values and way of life;

Whereas, the United States was created to be independent from, not subject to, the laws and rules of other nations;

Whereas, the United Nations has further imperiled the sovereignty of the United States' military serving abroad by adopting an International Criminal Court, which violates both the Uniform Code of Military Justice and the United States Constitution;

Whereas, the International Criminal Court has no legitimate authority and lacks any body of laws by which to adjudicate cases since the authority to enact laws rests with sovereign nations;

Whereas, the International Criminal Court merges the functions of prosecutor and adjudicator into one office, which is contrary to the United States Constitution;

Whereas, the International Criminal Court fails to provide any appeal from adjudication at the trial level and fails to provide for a trial by jury;

Whereas, the International Criminal Court fails to provide that the accused be confronted by his or her accusers, providing instead for the use of hearsay evidence;

Whereas, the International Criminal Court fails to provide for the accused the right to compel the production of witnesses;

Whereas, the International Criminal Court allows evidence obtained from the accused by compulsion;

Whereas, the International Criminal Court denies other fundamental rights recognized in the constitutional jurisprudence of the United States;

Whereas, even though the United States has not signed the agreement to abide by the decisions of the International Criminal Court, when two-thirds of the member nations sign, it will be binding on all members,

Whereas, the United States Constitution, which provides America with the greatest form of government known to humankind, and which was made possible and protected by much sacrifice and bloodshed throughout the nation's history, is not recognized as a governing document by the United Nations;

Whereas, the continual use of the nation's resources and armed forces to enforce its resolutions and to police the world as a result of failed United Nations peace overtures may eventually weaken the United States to the point where it can no longer defend its freedoms;

Whereas, the absolute failure of the United Nations to support the United States in the war against terrorism in Iraq is but the latest affront to the citizens of the United States; and

Whereas, the United States has more to lose than it can gain by continuing as a member of the United Nations: Now, therefore, be it

Resolved, That because the United Nations exercises power and authority to override the sovereignty and self determination of the people of our Nation the Legislature of the state of Utah respectfully but firmly requests that the United States Congress consider dissolving the membership of the United States in the United Nations, thereby freeing the nation from a large financial burden and retaining the nation's sovereignty to decide what is best for the nation and determine what steps it considers appropriate as the leader of the free world in full control of its armed forces and destiny: be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, and to the members of Utah's congressional delegation.

POM–409. A joint resolution adopted by the Legislature of the State of Tennessee relative to United States government uniforms and equipment; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION NO. 64

Whereas, it is with great pride and honor that the hardworking employees of American factories craft the uniforms and equipment that clothe and protect the members of the United States government; and

Whereas, to take that privilege away from those Americans who ceaselessly toil to fulfill their patriotic duty to the men and women who serve our fine country is a grievous insult to the American people; and

Whereas, on October 28, 2002, Fechheimer Brothers Manufacturing Company in Martin learned that one of its largest accounts, the United States Postal Service, had certified a new supplier of postal uniforms, San Francisco Knitting Mills—one that cuts costs by manufacturing the product outside the United States; and

Whereas, according to a memo from Fechheimer President and CEO, Brad Kinstler, San Francisco Knitting Mills is "the first manufacturer to venture outside of the U.S. to make products for the postal market," an action which may result in setting a dangerous precedent; and

Whereas, the Fechheimer-Martin plant, formerly Martin Manufacturing Company, is one of four plants owned by the Fechheimer Corporation of Cincinnati; and

Whereas, three of the plants: Martin, Tennessee; Jefferson, Pennsylvania; and Grantsville, Maryland; manufacture uniform shirts. The corporation's plant in Hodgenville, Kentucky manufactures uniform trousers; and

Whereas, twenty percent of the Fechheimer Brothers Manufacturing Company's annual production consists of the postal service's purchases; the loss of the contract with the postal service could result in massive layoffs at the plant, possibly up to twenty percent of the company's 200 workers, which would then put a crimp in the local economy; and

Whereas, plant manager Marc Lemacks describes Fechheimer Brothers Manufacturing Company as the "Cadillac of the industry," a corporation that consistently provides its clients and customers with quality products and service; and

Whereas, Mr. Lemacks is aware of no complaints from the United States Postal Service in regards to the uniforms produced by his company; instead, he fears the postal service's decision to change suppliers is based on an attempt to secure a lower price with an offshore company; and

Whereas, not only will transferring production of postal service uniforms to another country rob the American people of their jobs and livelihoods, but it will result in a decrease in revenue to the American government through the loss of taxes paid by American workers; and

Whereas, it is crucial that the production of uniforms and equipment for United States government workers remain in American factories, for the producing and wearing of American-made products strengthens the morale of both government and civil service workers, boosts the country's economy, and manifests the pride of the American government toward its citizens: Now, therefore, be it

Resolved by the Senate of the One Hundred Third General Assembly of the State of Tennessee, the House of Representatives concurring, That we respectfully urge the Congress of the United States to resolve this important issue and require that government uniforms and equipment be manufactured in the United States, thus saving the jobs of myriad Americans and strengthening the national economy: be it further

Resolved, That appropriate copies of this resolution be transmitted forthwith to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and to each member of the Tennessee Congressional Delegation.

POM–410. A joint resolution adopted by the Legislature of the State of Maine relative to the protection of civil liberties and the security of the United States; to the Committee on Governmental Affairs.

JOINT RESOLUTION

Whereas, the State of Maine recognizes that the Constitution of the United States is our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly and privacy; and

Whereas, each of Maine's duly elected public servants has sworn to defend and uphold the Constitution of the United States and the Constitution of Maine; and

Whereas, the State of Maine denounces and condemns all acts of terrorism, wherever occurring; and

Whereas, attacks against Americans such as those that occurred on September 11, 2001 have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

Whereas, any new security measures of federal, state and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of any citizen of the State of Maine and the nation; and

Whereas, matters relating to immigration are primarily federal in nature; and

Whereas, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," commonly referred to as the USA PATRIOT Act, allow the Federal Government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions; now, therefore, be it

Resolved, That We, the Members of the Maine State Legislature reaffirm our sworn oaths to defend the Constitution of the United States and the Constitution of Maine and our solemn commitment to continue to protect and champion the rights and liberties of Maine citizens that are guaranteed under the state and federal constitutions, including freedom of expression; the right to free access to public information; freedom of association, including the ability to attend meetings without being monitored or belong to an organization without fear of reprisal; freedom from unreasonable searches and seizures, including wiretapping and monitoring of medical records and library records; due process protections, including protection against detention without charges or targeting based on race, religion, ethnicity or national origin; and the right to property, including protection against seizure or freezing of assets; and be it further

Resolved, That the Maine State Legislature urges the Federal Government to continue to exercise its jurisdiction over immigration matters and encourages the Federal Government to work cooperatively with the states to provide assistance and training necessary to protect our country; and be it further

Resolved, That laws passed by the United States Congress to specifically combat the threat of international terrorism should not be used in conducting domestic law enforcement; and be it further

Resolved, That the Maine State Legislature implores the United States Congress to review provisions in the USA PATRIOT Act and other measures that may infringe on civil liberties and ensure any pending and future federal measures do not infringe on Americans' civil rights and liberties; and be it further

Resolved, That the Legislature calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and, if necessary, repeal those sections of the USA PATRIOT Act and related federal measures that may infringe upon fundamental rights and liberties as recognized in the United States Constitution and its amendments; and be it further

Resolved, That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor of the State of Maine; Richard Cheney, President of the United States Senate; Dennis Hastert, Speaker of the United States House of Representatives and each member of the Maine Congressional Delegation.

POM–411. A joint memorial adopted by the Legislature of the State of Washington relative to a postage stamp commemorating American coal miners; to the Committee on Governmental Affairs.

HOUSE JOINT MEMORIAL 4007

Whereas, since the birth of this country, our nation owes our coal miners a debt we could never begin to repay for the difficult and dangerous job they perform so we could have the fuel we need to operate our industries and heat our homes; and

Whereas, the energy needs of communities throughout the nation have been met due to the hard work and dedication of American coal miners; and

Whereas, millions of workers toiled in the nation's coal mines over the last century, risking both life and limb to fuel the nation's economic expansion, and through their manual labor made possible the technological conveniences of modern American life, though those contributions to the nation's welfare are generally unknown to the public; and

Whereas, during the last century, over 100,000 coal miners have been killed in mining accidents in the nation's coal mines, and 3,500,000 coal miners have suffered nonfatal injuries; and

Whereas, 100,000 coal miners have contracted Black Lung Disease as a direct result of their toil in the nation's coal mines; and

Whereas, coal provides 50 percent of the nation's electricity and is an essential fuel for industries such as steel, cement, chemical, food, and paper; and

Whereas, coal miners keep the nation supplied with an energy resource that produces electricity for the lowest cost, when compared to fuels other than nuclear, and which makes possible the country's unmatched productivity and prosperity; and

Whereas, coal miners provide a vital pool of labor with the expertise to produce energy supplies from vast national coal reserves, which serves to buffer the country from a dangerous dependence on foreign energy fuels; and

Whereas, the United States has a demonstrated coal reserve of more than 500,000,000,000 tons, with an estimated 275,000,000,000 tons of recoverable reserves which, at current production rates, represents about 275 years of recoverable coal reserves; and

Whereas, these coal reserves represent about 95 percent of all fossil fuel reserves in the United States, about one-fourth of the world's known coal reserves; and

Whereas, approximately two-thirds of all coal mined in the United States is transported by rail, making coal the largest single source of freight revenue for United States' railroads; and

Whereas, transportation by railroad provided jobs for thousands of workers who built the infrastructure, maintained it, and loaded and unloaded coal; and

Whereas, it would be proper and fitting for our nation to recognize our coal miners, both past and present, for their contributions to this nation; and

Whereas, coal mining continues to be the economic engine for many communities, providing jobs to areas with little economic diversity; and

Whereas, coal mining provides an economic benefit far beyond its direct revenue, including billions of dollars in economic output and household earnings and hundreds of thousands of jobs in other industries; now, therefore, your Memorialists respectfully pray that the United States Postal service issue a postage stamp commemorating American coal miners, which would hold the promise of illustrating a colorful and historically rich segment of society for the benefit of school children, stamp collectors, educators, and the public; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the United States Postmaster General, the Citizens' Stamp Advisory Committee of the United States Postal Service, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–412. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisianas relative to funding for the National Recovery Training Institute in Louisiana; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 18

Whereas, there is a need for national support in the addiction recovery community to improve the health, safety, and quality of life for individuals in addiction recovery; and

Whereas, HopeNetworks is requesting federal funding to establish a National Recovery Training Institute in Louisiana; and

Whereas, the institute would provide technology resources to aid in the development of tools to be used by recovering communities for enpowerment, long-term sobriety, and recovery; provide education to recovering communities across the nation; provide education and awareness to stakeholders such as policymakers, business leaders, and the faith community; and provide technology and job training scholarships for person in early recovery to learn job skills and life skills while at the institute; and

Whereas, the socioeconomic impact of addiction is more than four hundred forty billion dollars every year to the United States; and

Whereas, the National Recovery Training Institute in Louisiana will serve as a public health, education, and training center for millions of people across the United States: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to allocate funding for the creation of the National Recovery Institute; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 882. A bill to amend the Internal Revenue Code of 1986 to provide improvements in tax administration and taxpayer safe-guards, and for other purposes (Rept. No. 108–257).

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Con. Res. 99. A concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Treaty Doc. 108–22 Additional Protocol Concerning Business and Economic Relations with Poland (Exec. Rpt. N. 108–13)

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Republic of Poland to the Treaty Between the United States of America and the Republic of Poland Concerning Business and Economic Relations of March 21, 1990, signed at Brussels on January 12, 2004 (T. Doc. 108–22).

Treaty Doc. 108–21 Additional Investment Protocol with Lithuania (Exec. Rept. No. 108–13)

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of the Republic of Lithuania to the Treaty for the Encouragement and Reciprocal Protection of Investment of January 14, 1998, signed at Brussels on September 22, 2003 (T. Doc. 108–21).

Treaty Doc. 108–20 Additional Investment Protocol with the Latvia (Exec. Rept. No. 108–13)

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of the Republic of Latvia to the Treaty for the Encouragement and Reciprocal Protection of Investment of January 13, 1995, signed at Brussels on September 22, 2003 (T. Doc. 108–20).

Treaty Doc. 108–19 Additional Investment Protocol with the Slovak Republic (Exec. Rept. No. 108–13)

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Slovak Republic to the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment of October 22, 1991, signed at Brussels on September 22, 2003 (T. Doc. 108–19).

Treaty Doc. 108–18 Additional Investment Protocol with the Czech Republic (Exec. Rept. No. 108–13)

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Czech Republic to the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment of October 22, 1991, signed at Brussels on December 10, 2003 (T. Doc. 108–18).

Treaty Doc. 108–17 Investment Protocol with Estonia (Exec. Rept. No. 108–13)

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Estonia to the Treaty for the Encouragement and Reciprocal Protection of Investment of April 19, 1994, signed at Brussels on October 24, 2003 (T. Doc. 108–17).

Treaty Doc. 108–15 Additional Protocol Amending Investment Treaty with Bulgaria

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the United States of America and the Republic of Bulgaria Amending the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment of September 23, 1992, signed at Brussels on September 22, 2003 (T. Doc. 108–15).

Treaty Doc. 108–13 Additional Protocol to Investment Treaty with Romania

The text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Additional Protocol Between the Government of the United States of America and the Government of Romania Concerning the Reciprocal Encouragement and Protection of Investment of May 28, 1992, signed at Brussels on September 22, 2003 (T. Doc. 108–13).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BUNNING (for himself and Mr. MILLER):

S. 2376. A bill to amend the Internal Revenue Code of 1986 to repeal the scheduled restrictions in the child tax credit, marriage penalty relief, and 10 percent rate bracket, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. SARBANES):

S. 2377. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided with a safe, lead free supply of drinking water; to the Committee on Environment and Public Works.

By Mr. REID (for himself and Mr. ENSIGN):

S. 2378. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 2379. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself, Mr. STEVENS, Mr. WARNER, and Mr. GREGG):

S. 2380. A bill to authorize the President to issue posthumously to the late William "Billy" Mitchell a commission as major general, United States Army; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. FEINGOLD, and Mrs. CLINTON):

S. 2381. A bill to provide for earned adjustment to reward work, reunify families, establish a temporary worker program that protects United States and foreign workers and strengthen national security under the immigration laws of the United States; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2382. A bill to establish grant programs for the development of telecommunications capacities in Indian country; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN , Mr. FEINGOLD, Mr. CARPER, and Mr. BIDEN):

S. Res. 349. A resolution recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 350. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

By Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. CARPER, Mrs. DOLE, Mr. SUNUNU, Mr. ALEXANDER, Mr. DOMENICI, Mr. CRAIG, Mr. COLEMAN, Ms. LANDRIEU, Mr. DURBIN, Mr. DEWINE, and Mr. BROWNBACK):

S. Res. 351. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Ms. COLLINS, Mrs. DOLE, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. LANDRIEU, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, and Ms. STABENOW):

S. Con. Res. 103. A concurrent resolution honoring the contribution of the women, symbolized by "Rosie the Riveter", who served on the homefront during World War II, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 952

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 952, a bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves.

S. 976

At the request of Mr. WARNER, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. ROBERTS), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mr. BOND), the Senator from Nebraska (Mr. HAGEL) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1223

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1393

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1393, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

S. 1512

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1755

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1792

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1798

At the request of Mr. HOLLINGS, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1798, a bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles.

S. 1804

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1804, a bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes.

S. 1934

At the request of Mr. NICKLES, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1934, a bill to establish and Office of Intercountry Adoptions within the Department of State, and to reform United States laws governing intercountry adoptions.

S. 2065

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2065, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 2091

At the request of Mr. FRIST, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2091, a bill to improve the health of health disparity population.

S. 2132

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2132, a bill to prohibit racial profiling.

S. 2165

At the request of Mr. REED, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2165, a bill to specify the end strength for active duty personnel of the Army as of September 30, 2005.

S. 2261

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2261, a bill to expand certain preferential trade treatment for Haiti.

S. 2264

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Kansas (Mr. BROWNBACK), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2264, a bill to require a report on the conflict in Uganda, and for other purposes.

S. 2265

At the request of Mr. ROBERTS, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2265, a bill to require group and individual health plans to provide coverage for colorectal cancer screenings.

S. 2283

At the request of Mr. GREGG, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. DURBIN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2298

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2298, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2339

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2339, a bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes.

S. 2352

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2373

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2373, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S.J. RES. 28

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S.J. RES. 33

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 78

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 78, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. CON. RES. 83

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Con. Res. 83, a concurrent resolution promoting the establishment of a democracy caucus within the United Nations.

S. CON. RES. 100

At the request of Mr. ALEXANDER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Michigan (Mr. LEVIN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Con. Res. 100, a concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 269

At the request of Mr. LEVIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 269, supra.

S. RES. 331

At the request of Mrs. DOLE, her name was added as a cosponsor of S. Res. 331, a resolution designating June 2004 as "National Safety Month".

AMENDMENT NO. 2941

At the request of Mr. THOMAS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of amendment No. 2941 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3109

At the request of Mr. WYDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. DURBIN), the Senator from

New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of amendment No. 3109 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 3109 proposed to S. 1637, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself and Mr. MILLER):

S. 2376. A bill to amend the Internal Revenue Code of 1986 to repeal the scheduled restrictions in the child tax credit, marriage penalty relief, and 10 percent rate bracket, and for other purposes; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce The Working Family Tax Relief Act of 2004. I would like to thank my colleague, Senator MILLER, for his support of this important legislation. His leadership has laid the foundation of bipartisan support that this critical tax bill and working American families deserve.

Tax relief has contributed to economic growth throughout our economy. We have successfully encouraged companies to create more jobs and Americans to save and spend more. The President's tax cuts and our votes here in the Senate helped to revive an economy that was sagging in 2000 and shocked by the tragedies of September 11, 2001.

We put a plan in place in 2001 to help the American family to keep more of the money they work so hard to earn. In 2003, Congress saw fit to accelerate the effective date of some of this family tax relief in order to give these families this help as quickly as possible. As a result, every American family who paid any income taxes during 2003 saw a reduction in their taxes and they will enjoy those lower taxes for this year as well. However, if we do not act this year, America's working families will face a tax increase next year. We cannot allow this to happen.

The lowest-income Americans have benefited dramatically from the new 10 percent tax bracket. Today, thanks to this new bracket, working Americans are keeping more of their hard-earned paychecks. But if we do nothing, taxpayers with as little as $7,000 in taxable income could face a tax increase next year. My legislation proposes to keep the current 10 percent tax rate bracket in place rather than allowing it to shrink and increase taxes on the working families of America. This extension could bring relief to as many as 1.2 million people in Kentucky and millions of others throughout the country.

And, if we do nothing, the child tax credit will be cut by 30 percent in 2005. We need to keep the $1,000 tax credit and not let it revert to the old $700 credit. There are over 350,000 taxpayers in Kentucky who need this tax relief and will benefit from this legislation. We can't ask millions of Americans to pay an extra $300 per child next year. Will you ask the families of this country, who have worked so hard to raise our entire economy up, to pay more in taxes simply because they have children? I know I won't, and I hope my colleagues won't either.

The accelerated marriage penalty relief will also lapse after this year unless the Senate acts. I propose keeping the current tax deduction in place, which we increased to twice that of an individual taxpayer in 2003. Without this extension, married couples will see a cut in their standardized deduction—actually penalizing couples for being married. Over 465,000 Kentuckians benefits from this legislation. We need to keep this important tax relief intact.

And finally we need to address an unintended consequence of the Alternative Minimum Tax. When the Senate passed the AMT, it was designed to ensure wealthier Americans paid at least some percentage of their income in taxes. Now that same AMT is hurting working families and middle-income America. In 2003, the Senate passed limited AMT relief that is now set to expire. This legislation will keep the current exemption levels of $40,250 for single and $58,000 for married taxpayers in place for 2005. If we fail to act, an additional $7,000 to $13,000 of middle-income taxpayers' income will be subject to this tax. We all know that the AMT is a serious issue and one that we must address—the limited relief contained in this bill is not a final solution to this large problem, but it will keep the problem from getting even worse.

There are other important tax cuts that should be extended and there are other problems with the tax code that I would like to correct. But the four provisions addressed in this bill have to be addressed today not just to provide tax relief, but to prevent an immediate tax increase. We owe it to the working families and low-income Americans who rely on these tax cuts to act quickly and extend these four provisions—the 10 percent tax bracket, child tax credit, marriage penalty relief and AMT relief. Working American families and lower to middle-income America were hit hard with the economic downturn—that is why we passed these tax cuts in the first place. And now, just as these industrious Americans have started to find new jobs and spend a little more money to grow the economy, we cannot hold them back with a tax increase.

And I can't stress this point enough. Many Americans—especially low and middle income families—will have their tax rates increased and face cuts in their deductions and credits unless we act. My bill is about extending the important tax breaks that we all agreed to in 2001 and accelerated in 2003. We made a commitment to the American family in the midst of an economic downturn—offering them tax relief to help stimulate the economy. And now that these tax cuts are starting to work, we can't afford to take them back. We must stay the course and support our Nation's families as we move the American economy forward toward renewed prosperity.

I know how tight government finances are likely to be this year. And as my colleagues know, I have always taken a hard look at spending proposals. But we built about $80 billion into the Senate-passed FY 2005 Budget proposal for these tax provisions. And there are similar provisions in the House-approved budget. I am confident that we can secure the amount we will need for this proposal over the next few years.

We find ourselves in a unique position—we must be proactive to protect the American family from an unjust tax increase. We need to take a stand for low and middle income America. This Bunning-Miller tax relief legislation will protect working Americans from what would be a devastating tax increase in 2005. I urge my colleagues to get behind this bipartisan legislation and support the Working Family Tax Relief Act of 2004.

By Mr. JEFFORDS (for himself and Mr. SARBANES):

S. 2377. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided with a safe, lead-free supply of drinking water; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Lead-Free Drinking Water Act of 2004 with my colleague Senator SARBANES. We are joined by our colleagues, Congresswoman NORTON, Congressman WAXMAN, and others, who will be introducing the House companion bill today.

I was horrified, as I imagine we all were, when it was first reported that lead levels in DC public water system was significantly higher than Federal guidelines, and had been so for at least two years. I asked myself the same thing thousands of DC residents were asking themselves—why weren't we told about this sooner. How much water did I drink? How much water did my children drink? What are the effects of lead in our blood stream? What are the long-term effects? What are we going to do about it?

This is a pretty sad situation no matter where you live, but it is especially upsetting when you live in the Capital of the free world. Clearly, mistakes were made and changes are needed—because if it can happen in Washington, DC or Boston, it can happen anywhere.

The Senate Environment and Public Works Committee, of which I am the ranking member, held a hearing on this issue last month, and we heard some pretty compelling testimony from DC residents, health experts, risk management professionals and government officials.

But we are going to do more than just hold hearings; today we are introducing the Lead-Free Drinking Waste Act of 2004.

Our bill will overhaul the Safe Drinking Water Act to strengthen the Federal rules governing lead testing and regulations in our public water systems to ensure that our most vulnerable citizens—infants, children, pregnant women, and new moms—are not harmed by lead in the drinking water.

Specifically, the bill requires the EPA to re-evaluate the current regulatory structure to figure out if it really provides the level of public health protection required.

The bill calls on the EPA to establish a maximum contaminant level for lead at the tap, and if that is not practical given the presence of lead inside home plumbing systems, the bill requires EPA to re-evaluate the current action level for lead to ensure that vulnerable populations such as infants, children, pregnant women, and nursing mothers receive adequate protection.

I look forward to working with EPA on this evaluation to determine which approach is most feasible and which provides the greatest level of public health protection.

EPA has three choices—keep current standard, an "action level" at 15 parts per billion; lower the current action level below 15 parts per billion; or establish a "maximum contaminant load."

For example, it is clear that a maximum contaminant level, which is measured at the water treatment plant, would do little to protect people from lead-contaminated drinking water at their faucets. Our bill requires that standards be measured at the top.

It is also clear that a low lead action level measured at the tap could provide more protection than a high MCL measured anywhere in the system if there were extremely strong and effective public notification procedures in place.

Public notice is the key to success of any lead regulation–parents say to me, "If only I had known, I could have protected my family." It is our job to be sure the public notice system we have in place gets people the information they need when they need it.

The bill will require that information such as the number of homes tested, the lead levels found, the areas of the community in which they were located, and the disproportionate adverse health effects of lead on infants, be made public immediately upon detection of lead.

In addition, the bill requires that, as part of routine testing conducted, any residents whose homes test high for lead receive notification within 14 days, and appropriate medical referrals.

Finally, we don't want the day of an exceedance to be the first time people have heard about lead in drinking water. The bill establishes a basic public education program to ensure that people have a basic understanding that lead may be present in drinking water and what the corrective actions might be even before their water system detects a problem.

Right now, EPA can't say if we have a national problem or not. We need one-time nationwide testing for lead in drinking water at all water systems to determine if DC is an isolated case or if there are other "sleeping giants" out there.

The bill requires increased water testing and lead remediation in schools and day-care centers nationwide. This provision exists in law today, but it was affected by previous litigation. This bill corrects the problem by requiring the Administrator to execute this program if States choose not to. It is wholly unacceptable to do anything less than provide a learning environment for our next generation that does not degrade their intellectual capacity. Our bill provides $150 million over five years for this program. And we strengthen existing requirements to ensure that ALL lead service lines will be replaced by a public water system at a rate of 10 percent per year until they are gone. It provides more Federal funding to upgrade water distribution systems to replace lead service lines.

This is common sense—let's get rid of the lead in our distribution systems and get rid of the lead in our water.

Our bill makes the water systems responsible for replacing lead service lines, including the privately-owned sections, once a system exceeds lead standards. Homeowners have the final say in whether their line is replaced. We provide $1 billion over five years for lead service line replacement.

The EPA estimates that our Nation needs 265 billion dollars to maintain and improve its drinking water infrastructure over the next twenty years. If we don't address this, we will be facing more and more health and environmental issues as our Nation's water infrastructure degrades.

Lead service lines are only one part of the picture. Leaded solder was banned in 1987. However, "lead-free" plumbing fixtures are currently allowed to have eight percent lead. Our bill bans leaded plumbing fixtures and components.

It is time to get the lead out of our pipes, out of our water, out of our families and out of our lives. Safe drinking water is not a privilege; it is a right—whether you live in Washington, DC, or Washington State or Washington County, VT.

We hope to move this bill this year. My Committee is scheduled to consider water infrastructure legislation later this month, and I think the "Lead-Free Drinking Water Act of 2004" would be an important addition to that bill.

I just want to say it has been an honor to work with Senator SARBANES, Congresswoman NORTON, and Congressman WAXMAN on this vitally important issue.

By Mr. REID (for himself and Mr. ENSIGN):

S. 2378. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President. I arise today to introduce legislation to establish a public heliport facility in Clark County, NV.

The purpose of my bill is simple: It would convey about a third of a square mile of public land managed by the Bureau of Land Management to Clark County for dedicated use as a heliport. The land is located just south of the Henderson city limits and east of Interstate 15.

The establishment of this heliport will help eliminate the ongoing conflict between air tour operators whose overflights of the Grand Canyon represent a classic component of the Las Vegas visitor experience and residents in the west-central and southwestern parts of the Las Vegas Valley whose every day lives are adversely affected by helicopter noise.

For many months now, local officials have sought to establish a heliport on County or private land within the Las Vegas Valley. Their chosen site is currently a go-kart track near Interstate 15 near Henderson. If this site is developed as a heliport facility, helicopter tour operators will soon be flying over the Sloan Canyon National Conservation Area. In fact, if Congress does not enact my bill, air tours will soon be flying over Sloan Canyon itself—one of the richest petroglyph sites in the Mohave Desert. That outcome would be entirely legal, entirely predictable and entirely regrettable.

In 2002,. I worked closely with Senator ENSIGN, Congresswoman BERKLEY, Congressman GIBBONS and local advocates to ensure protection of the Sloan Canyon area and its unique cultural resources. Through our combined efforts we created the Sloan Canyon National Conservation Area and the McCullough Mountains Wilderness. I am proud of these efforts and today I offer this legislation as a further effort to protect the precious resources that we worked to safeguard in 2002.

The bill I am introducing in the Senate today would not prohibit helicopter overflights of the Sloan Canyon National Conservation Area but it would ensure that such flights steer clear of the most sensitive and special cultural resources and minimize the impact on the majestic bighorn sheep and other wildlife that live in the McCullough Mountains.

My legislation stipulates that any helicopter flight originating from and/or landing at this heliport would be required by law to fly no further than 5 miles north of the southernmost boundary of the Sloan Canyon National Conservation Area and at least 500 to 1000 feet above ground level while in the NCA. Further, it requires that every such light contribute 3 dollars per passenger to a special fund dedicated to the protection of the cultural, wilderness, and wildlife resources in Nevada.

These provisions justify conveying the land to Clark County at no cost because they provide a stable, long-term source of funding in excess of the market value of the land and because the conveyance and use are in the public interest.

I look forward to working with the Chairman and Ranking member of the Senate Energy and Natural Resources Committee and my other Senate colleagues to ensure swift passage of this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.

(a) Findings.—Congress finds that—

(1) the Las Vegas Valley in the State of Nevada is the fastest growing community in the United States;

(2) helicopter tour operations are conflicting with the needs of long-established residential communities in the Valley; and

(3) the designation of a public heliport in the Valley that would reduce conflicts between helicopter tour operators and residential communities is in the public interest.

(b) Purpose.—The purpose of this Act is to provide a suitable location for the establishment of a commercial service heliport facility to serve the Las Vegas Valley in the State of Nevada while minimizing and mitigating the impact of air tours on the Sloan Canyon National Conservation Area and North McCullough Mountains Wilderness.

(c) Definitions.—In this Act:

(1) Conservation area.—The term "Conservation Area" means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) County.—The term "County" means Clark County, Nevada.

(3) Helicopter tour.—

(A) In general.—The term "helicopter tour" means a commercial helicopter tour operated for profit.

(B) Exclusion.—The term "helicopter tour" does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) Wilderness.—The term "Wilderness" means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(d) Conveyance.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (e).

(e) Description of Land.—The parcel of land to be conveyed under subsection (d) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled "Clark County Public Heliport Facility" and dated May 3, 2004.

(f) Use of Land.—

(1) In general.—The parcel of land conveyed under subsection (d)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2) and (3); and

(B) shall not be disposed of by the County.

(2) Imposition of fees.—

(A) In general.—Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (e) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B) Disposition of funds.—Any amounts collected under subparagraph (A) shall be deposited in a special account in the Treasury of the United States, which shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada.

(3) Flight path.—Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (e) that flies over the Conservation Area shall not fly—

(A) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(B) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(C) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(4) Reversion.—If the County ceases to use any of the land described in subsection (d) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraphs (2) and (3)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(g) Administrative Costs.—The Secretary shall require, as a condition of the conveyance under subsection (d), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

By Mr. SUNUNU (for himself, Mr. STEVENS, Mr. WARNER, and Mr. GREGG):

S. 2380. A bill to authorize the President to issue posthumously to the late William "Billy" Mitchell a commission as major general, United States Army; to the Committee on Armed Services.

Mr. SUNUNU. Mr. President, today I am introducing a bill to honor one of the Nation's great military visionaries, the late William "Billy" Mitchell. My legislation would correct an injustice that has existed for almost eight decades by calling on the President to posthumously award Billy Mitchell a commission as major general in the United States Army.

I would like to first recognize the support this measure has received from the Senator from Alaska, Mr. STEVENS, the Chairman of the Appropriations Committee and the Subcommittee on Defense Appropriations, the Senator from Virginia, Mr. WARNER, the Chairman of the Armed Services Committee, and the Senator from New Hampshire, Mr. GREGG, who is a member of the Defense Appropriations Subcommittee. And I would also like to commend my colleague in the House, Mr. BASS, who, with the support of House Armed Services Chairman DUNCAN HUNTER, steered identical legislation to unanimous passage in that chamber in the fall of last year. I am pleased to join my colleagues as we recognize the accomplishments of this important figure in our country's military history.

Billy Mitchell joined the Army at age 18 in 1898. As he quickly rose in rank, he began to realize the incredible potential for air power in establishing military superiority. After World War I, Billy Mitchell became a brigadier general and deputy commander of the Air Service, and in this position he began pressing senior military officials and the White House for increased funding for the development of a formidable air force. In fact, he conducted a test for senior Army and Navy officials in the Chesapeake Bay in 1921 that bolstered his contention that air power represented the future of combat, while embarrassing many naysayers.

Although Billy Mitchell was long on vision and foresight, he was short on tact. After the 1921 test, his relationship with his superiors deteriorated as his very public battle for Air Service funding had taken an increasingly bitter tone, and after an accident that took the lives of Navy sailors, Mitchell accused senior military leaders of "almost treasonable administration of the national defense." He was court-martialed for insubordination, found guilty, sentenced to 5 years loss of pay, and demoted to the rank of colonel. Yet to the surprise of no one, Billy Mitchell continued to be a strong and effective voice in support of air power after resigning his commission in 1926 until his untimely death 10 years later.

Billy Mitchell sacrificed his career to help change the way our country defends itself and projects military force across the globe to protect and preserve freedom. We have seen over time—most recently during the war on terror in Afghanistan and Iraq—how important air power is in achieving our military objectives. Mitchell's prognostications many years ago about the future of air power has been proven correct many times over, and it is now time for our nation to recognize the enormous contribution Billy Mitchell has made to the citizens and soldiers of the United States of America. I urge my colleagues to support this bill to finally give the late Billy Mitchell the rank of major general, United States Army.

By Mr. KENNEDY (for himself, Mr. FEINGOLD, and Mrs. CLINTON):

S. 2381. A bill to provide for earned adjustment to reward work, reunify families, establish a temporary worker program that protects United States and foreign workers and strengthen national security under the immigration laws of the United States; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Safe Orderly Legal Visas and Enforcement (SOLVE) Act of 2004.

Much of the Nation's economy today depends on the hard work and the many contributions of immigrants. Many industries depend heavily on immigrant labor. These workers enrich our Nation and improve the quality of our lives. Yet millions of today's immigrant workers are undocumented. These workers and their families live in constant fear of deportation, and are easy targets of abuse and exploitation by unscrupulous employers and by criminals. Many risk great danger, and even death, to cross our borders.

For important reasons—to strengthen national security, to guarantee sound economic and labor practices, and to ensure fundamental fairness—it is essential to reform our immigration system. We need immigration policies that provide a safe, orderly system where legality is the prevailing norm. We need immigration policies that reflect current economic realities, that respect the core values of family unity and fundamental fairness and that uphold our proud tradition as a Nation of immigrants.

These are complex issues, deserving careful consideration and debate. But they are also issues that demand immediate attention. Our bill creates a genuine earned legalization program for undocumented workers and a revised temporary worker program with protections for both U.S. and foreign workers. It also creates a realistic path to citizenship for all deserving immigrants, and takes clear steps to reunite immigrant families.

The legislation will benefit both workers and businesses. It improves wages and working conditions, and provides an effective way for foreign-born workers to become permanent residents if they wish to do so. It benefits immigrant families by reducing the unacceptable backlogs and obstacles that have separated families for too many years.

Family unity has always been a fundamental cornerstone of America's immigration policy. Despite this fact, over three million individuals are awaiting immigrant visas in order to reunite with their families. This bill will allow immigrant families to be reunited more quickly and humanely. It also removes other obstacles in our current immigration laws that are separating families, such as the stringent affidavit-of-support requirements and the bars to admissibility.

No immigration proposal is complete without an earned adjustment program. Hard-working immigrants living in the United States contribute to the economic growth and prosperity of our Nation. Immigrant workers are, and will continue to be, essential to the success of many American businesses. Our legislation will allow these long-term, tax-paying immigrants to apply for earned adjustment of status, providing employers with a more stable workforce and improving the wages and working conditions of all workers.

A revised temporary worker program is a necessary component of any immigration reform, but it cannot stand alone. It must be enacted in conjunction with earned legalization and family unity priorities, and it must avoid the troubling legacy of exploitation that has marred past guest worker programs.

This legislation strikes a fair balance. It will ensure that individuals participating in the program receive the same labor protections as those given to U.S. workers, including the right to organize, the right to change jobs between employers and economic sectors, and the protection of wages, hours, and working conditions. Anything else would subject migrants to abuse, and undermine the jobs, wages and working conditions of U.S. workers. The bill also provides participants with an opportunity to become permanent residents, and eventually citizens, if they wish to do so. Without such an opportunity, we will be creating second class status for temporary workers.

Since the terrorist attacks of September 11th, we can no longer tolerate policies that fail to protect and control our borders. For the last decade, Congress has invested millions of dollars to vastly increase the number of immigration border patrol agents, improve surveillance technology, and install other controls to strengthen border enforcement, especially at our southwest border. Yet, almost everyone will agree that these policies have failed to stop illegal immigration. The proof is in the numbers—several hundred thousand people continue to enter the U.S. illegally each year.

Our border enforcement strategy has, in effect, diverted migration flows to the most inhospitable desert and mountain terrains, causing dramatic increases in deaths due to exposure to the elements. According to statistics from the U.S. Border Patrol, since 1998 nearly 2,000 people have died making the treacherous journey across our southern border. Desperate migrants are being drawn into criminal smuggling syndicates, increasing the danger of violence to border patrol agents, border communities, and the migrant themselves. As Stephen Flynn, an expert on terrorism, noted at a recent Congressional hearing, these "draconian measures" have produced chaos at our borders, which "makes it ideal for exploitation by criminals and terrorists."

Our borders must be safe and secure. Although no terrorists have been apprehended crossing the southern border, the conditions there are ripe for abuse. Our present enforcement policies are not effective. Our bill will replace the chaotic, deadly illegal crossings along our southwest border with orderly and safe legal avenues for immigrant workers and immigrant families. Substantially legalizing the flow of people at our borders will strengthen our security and substantially reduce criminal activities, enabling immigration enforcement agents to focus their resources on terrorists and criminals attempting to enter the country. The bill will strengthen national security by encouraging undocumented persons to come forward to become legal.

We have a unique opportunity to reform the current immigration system, and apply sensible policies that reaffirm our commitment to family unity, fundamental fairness, economic opportunity, and humane treatment.

The bill we are introducing today will achieve the full reforms we need. A good first step would be to enact two bills that are already pending—the AgJOBS bill to reform the immigration laws for migrant workers, and the DREAM Act, to enable undocumented high school students to qualify for legal status so they can attend college. The Administration's wholehearted endorsements of these two bills would guarantee their immediate passage. Let's at least get these bills done now. We cannot afford any more delays.

I look forward to working with my colleagues to reform our immigration laws. It's time to make these long-overdue reforms happen.

By Mr. INOUYE:

S. 2382. A bill to establish grant programs for the development of telecommunications capacities in Indian country; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a bill that is long overdue and much needed in Indian country.

On May 22nd of last year, the Committee on Indian Affairs held a hearing on the status of telecommunications across Native America. Testimony received at that hearing and reports of Federal agencies that were made part of the hearing record indicate that there is most definitely a vast difference in access to the most basic telecommunications services.

For instance, telephone service to Indian homes is from 30 to 60 percent less than the national average, and only 10 percent of Indian homes have Internet service.

The bill that I introduce today is modeled after the community development block grant program and provides authorization for the establishment of two block grant programs in the Department of Commerce. The first block grant would enable tribal governments to develop the necessary infrastructure to support expanded telecommunications capabilities, to develop comprehensive plans for enhancing telecommunications services in Indian communities, and to provide support for telemedicine.

The second block grant program would support the provision of training and technical assistance in the very complex field of telecommunications.

The objectives of this bill can be rather simply stated. For too long, when it comes to access to even the most basic telecommunications services—telephone and Internet access—we have relegated Indian country to third world status. We must bridge this gap—it is that fundamental.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Connectivity Act".

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) disparities exist in the areas of education, health care, workforce training, commerce, and economic activity of Indians due to the rural nature of most Indian reservations; and

(B) access to basic and advanced telecommunications infrastructure is critical in eliminating those disparities;

(2) currently, only 67.9 percent of Indian homes have telephone service, compared with the national average of 95.1 percent;

(3) the telephone service penetration rate on some reservations is as low as 39 percent;

(4) even on reservations and trust land, non-Indian homes are more likely to have telephone service than Indian homes;

(5) only 10 percent of Indian households on tribal land have Internet access;

(6) only 17 percent of Indian tribes have developed comprehensive technology plans;

(7) training and technical assistance have been identified as the most significant needs for the development and effective use of telecommunications and information technology in Indian country;

(8) funding for telecommunications and information technology projects in Indian country remains inadequate to address the needs of Indian communities;

(9) many Indian tribes are located on or adjacent to Indian land in which unemployment rates exceed 50 percent;

(10) the lack of telecommunications infrastructure and low telephone and Internet penetration rates adversely affects the ability of Indian tribes to pursue economic development opportunities; and

(11) health care, disease prevention education, and cultural preservation are greatly enhanced with access to and use of telecommunications technology and electronic information.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote affordable and universal access among Indian tribal governments, tribal entities, and Indian households to telecommunications and information technology in Indian country;

(2) to encourage and promote tribal economic development, self-sufficiency, and strong tribal governments;

(3) to enhance the health of Indian tribal members through the availability and use of telemedicine and telehealth; and

(4) to assist in the retention and preservation of native languages and cultural traditions.

SEC. 4. DEFINITIONS.

In this Act:

(1) BLOCK GRANT.—The term "block grant" means a grant provided under section 5.

(2) ELIGIBLE ACTIVITY.—The term "eligible activity" means an activity carried out—

(A) to acquire or lease real property (including licensed spectrum, water rights, dark fiber, exchanges, and other related interests) to provide telecommunications services, facilities, and improvements;

(B) to acquire, construct, reconstruct, or install telecommunications facilities, sites, or improvements (including design features), or utilities;

(C) to retain any real property acquired under this Act for tribal communications purposes;

(D) to pay the non-Federal share required by a Federal grant program undertaken as part of activities funded under this Act;

(E) to carry out activities necessary—

(i) to develop a comprehensive telecommunications development plan; and

(ii) to develop a policy, planning, and management capacity so that an eligible entity may more rationally and effectively—

(I) determine the needs of the entity;

(II) set long term and short term goals;

(III) devise programs and activities to meet the goals of the entity, including, if appropriate, telehealth;

(IV) evaluate the progress of the programs and activities in meeting the goals; and

(V) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(F) to pay reasonable administrative costs and carrying charges relating to the planning and execution of telecommunications development activities, including the provision of information and resources about the planning and execution of the activities to residents of areas in which telecommunications development activities are to be concentrated;

(G) to increase the capacity of an eligible entity to carry out telecommunications activities;

(H) to provide assistance to institutions of higher education that have a demonstrated capacity to carry out eligible activities;

(I) to enable an eligible entity to facilitate telecommunications development by—

(i) providing technical assistance, advice, and business support services (including services for developing business plans, securing funding, and conducting marketing); and

(ii) providing general support (including peer support programs and mentoring programs) to Indian tribes in developing telecommunications projects;

(J) to evaluate eligible activities to ascertain and promote effective telecommunications and information technology deployment practices and usages among Indian tribes; or

(K) to provide research, analysis, data collection, data organization, and dissemination of information relevant to telecommunications and information technology in Indian country for the purpose of promoting effective telecommunications and information technology deployment practices and usages among tribes.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an Indian tribe;

(B) an Indian organization;

(C) a tribal college or university;

(D) an intertribal organization; or

(E) a private or public institution of higher education acting jointly with an Indian tribe.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(6) TECHNICAL ASSISTANCE.—The term "technical assistance" means the facilitation of skills and knowledge in planning, developing, assessing, and administering eligible activities.

(7) TRAINING AND TECHNICAL ASSISTANCE GRANT.—The term "training and technical assistance grant" means a grant provided under section 6.

(8) TRIBAL COLLEGE OR UNIVERSITY.—The term "tribal college or university" has the meaning given the term "tribally controlled college or university" in section 2 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801), except that the term also includes an institution listed in the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

(9) TELEHEALTH.—The term "telehealth" means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

SEC. 5. BLOCK GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established within the National Telecommunications and Information Administration a Native American telecommunications block grant program to provide grants on a competitive basis to eligible entities to carry out eligible activities under subsection (c).

(b) BLOCK GRANTS.—The Secretary may provide a block grant to an eligible entity that submits a block grant application to the Secretary for approval.

(c) ELIGIBLE ACTIVITIES.—A grant under this section may only be used for an eligible activity.

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations establishing specific criteria for the competition conducted to select eligible entities to receive grants under this section for each fiscal year.

SEC. 6. TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) NOTIFICATION AND CRITERIA.—The Secretary—

(1) shall provide notice of the availability of training and technical assistance grants; and

(2) publish criteria for selecting recipients.

(b) GRANTS.—The Secretary may provide training and technical assistance grants to eligible entities with a demonstrated capacity to carry out eligible activities.

(c) USE OF FUNDS.—A training and technical assistance grant shall be used—

(1) to develop a training program for telecommunications employees; or

(2) to provide assistance to students who—

(A) participate in telecommunications or information technology work study programs; and

(B) are enrolled in a full-time graduate or undergraduate program in telecommunications-related education, development, planning, or management.

(d) SETASIDE.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall set aside $2,000,000 of the amount made available under section 12 for training and technical assistance grants, to remain available until expended.

(2) TREATMENT.—A training and technical assistance grant to an entity shall be in addition to any block grant provided to the entity.

(e) PROVISION OF TECHNICAL ASSISTANCE BY THE SECRETARY.—The Secretary may provide technical assistance, directly or through contracts, to—

(1) tribal governments; and

(2) persons or entities that assist tribal governments.

SEC. 7. COMPLIANCE.

(a) AUDIT BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General of the United States may audit any financial transaction involving grant funds that is carried out by a block grant recipient or training and technical assistance grant recipient.

(2) SCOPE OF AUTHORITY.—In conducting an audit under paragraph (1), the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the grant recipient that relate to the financial transaction and are necessary to facilitate the audit.

(3) REGULATIONS.—The Comptroller General shall promulgate regulations to carry out this subsection.

(b) ENVIRONMENTAL PROTECTION.—

(1) IN GENERAL.—After consultation with Indian tribes, the Secretary may promulgate regulations to carry out this subsection that—

(A) ensure that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other laws that further the purposes of that Act (as specified by the regulations), are most effectively implemented in connection with the expenditure of funds under this Act; and

(B) assure the public of undiminished protection of the environment.

(2) SUBSTITUTE MEASURES.—Subject to paragraph (3), the Secretary may provide for the release of funds under this Act for eligible activities to grant recipients that assume all of the responsibilities for environmental review, decisionmaking, and related action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other laws that further the purposes of that Act (as specified by the regulations promulgated under paragraph (1)), that would apply to the Secretary if the Secretary carried out the eligible activities as Federal projects.

(3) RELEASE.—

(A) IN GENERAL.—The Secretary shall approve the release of funds under paragraph (2) only if, at least 15 days prior to approval, the grant recipient submits to the Secretary a request for release accompanied by a certification that meets the requirements of paragraph (4).

(B) APPROVAL.—The approval by the Secretary of a certification shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the laws specified by the regulations promulgated under paragraph (1), to the extent that those responsibilities relate to the release of funds for projects described in the certification.

(4) CERTIFICATION.—A certification shall—

(A) be in a form acceptable to the Secretary;

(B) be executed by the tribal government;

(C) specify that the grant recipient has fully assumed the responsibilities described in paragraph (2); and

(D) specify that the tribal officer—

(i) assumes the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each law specified by the regulations promulgated under paragraph (1), to the extent that the provisions of that Act or law apply; and

(ii) is authorized to consent, and consents, on behalf of the grant recipient and on behalf of the tribal officer to accept the jurisdiction of the Federal courts for enforcement of the responsibilities of the tribal officer as a responsible Federal official.

SEC. 8. REMEDIES FOR NONCOMPLIANCE.

(a) FAILURE TO COMPLY.—If the Secretary finds, on the record after opportunity for an agency hearing, that a block grant recipient or training and technical assistance grant recipient has failed to comply substantially with any provision of this Act, the Secretary, until satisfied that there is no longer a failure to comply, shall—

(1) terminate payments to the grant recipient;

(2) reduce payments to the grant recipient by an amount equal to the amount of payments that were not expended in accordance with this Act;

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by the failure to comply; or

(4) refer the matter to the Attorney General with a recommendation that the Attorney General bring an appropriate civil action.

(b) ACTION BY THE ATTORNEY GENERAL.—After a referral by the Secretary under subsection (a)(4), the Attorney General may bring a civil action in United States district court for appropriate relief (including mandatory relief, injunctive relief, and recovery of the amount of the assistance provided under this Act that was not expended in accordance with this Act).

SEC. 9. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the end of each fiscal year in which assistance under this Act is provided, the Secretary shall submit to Congress a report that includes—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of funds under this Act during the preceding fiscal year; and

(3) an evaluation of the status of telephone, Internet, and personal computer penetration rates, by type of technology, among Indian households throughout Indian country on a tribe-by-tribe basis.

(b) REPORTS TO SECRETARY.—The Secretary may require grant recipients under this Act to submit reports and other information necessary for the Secretary to prepare the report under subsection (a).

SEC. 10. CONSULTATION.

In carrying out this Act, the Secretary shall consult with other Federal agencies administering Federal grant programs.

SEC. 11. HISTORIC PRESERVATION REQUIREMENTS.

A telecommunications project funded under this Act shall comply with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $20,000,000 for fiscal year 2005; and

(2) such sums as are necessary for each subsequent fiscal year.

(b) AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—RECOGNIZING AND HONORING MAY 17, 2004, AS THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN v. BOARD OF EDUCATION OF TOPEKA

Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, Mr. CARPER, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 349

Whereas May 17, 2004, marks the 50th anniversary of the Supreme Court decision in the case of Brown v. Board of Education of Topeka, 347 U.S. 483 (1954);

Whereas in the 1896 case of Plessy v. Ferguson, 163 U.S. 537 (1896), the Supreme Court upheld the doctrine of "separate but equal", which allowed the continued segregation of common carriers, and, by extension, of public schools, in the United States based on race;

Whereas racial segregation and the doctrine of "separate but equal" resulted in separate schools, housing, and public accommodations that were inferior and unequal for African-Americans and many other minorities, severely limited the educational opportunities of generations of racial minorities, negatively impacted the lives of the people of the United States, and inflicted severe harm on American society;

Whereas in 1945, Mexican-American students in California successfully challenged the constitutionality of their segregation on the basis of national origin in Westminster School District of Orange County v. Mendez (161 F.2d 774 (9th Cir. 1947));

Whereas in 1951, Oliver Brown, on behalf of his daughter Linda Brown, an African-American third grader, filed suit against the Board of Education of Topeka after Linda was denied admission to an all-white public school in Topeka, Kansas;

Whereas in 1952, the Supreme Court combined Oliver Brown's case (Brown v. Board of Education of Topeka, 98 F. Supp. 797 (D. Kan. 1951)) with similar cases from Delaware (Gebhart v. Belton, 91 A.2d 137 (Del. 1952)), South Carolina (Briggs v. Elliott, 98 F. Supp. 529 (E.D.S.C. 1951)), and Virginia (Davis v. County School Board of Prince Edward County, 103 F. Supp. 337 (E.D. Va. 1952)) challenging racial segregation in education and determined that the constitutionality of segregation in public schools in the District of Columbia would be considered separately in Bolling v. Sharpe, 347 U.S. 497 (1954);

Whereas the students in these cases argued that the inequality caused by the segregation of public schools was a violation of their right to equal protection under the law;

Whereas on May 17, 1954, in Brown v. Board of Education of Topeka, the Supreme Court overturned the decision of Plessy v. Ferguson, concluding that "in the field of public education, the doctrine of 'separate but equal' has no place" and, on that same date, in Bolling v. Sharpe, held that the doctrine of "separate but equal" also violated the fifth amendment to the Constitution; and

Whereas the decision in Brown v. Board of Education of Topeka is of national importance and profoundly affected all people of the United States by outlawing racial segregation in education and providing a foundation on which to build greater equality: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors May 17, 2004, as the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka;

(2) encourages all people of the United States to recognize the importance of the Supreme Court decision in Brown v. Board of Education of Topeka; and

(3) acknowledges the need for the Nation to recommit to the goals and purposes of this landmark decision to finally realize the dream of equal educational opportunity for all children of the United States.

SENATE RESOLUTION 350—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 350

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into the credit counseling industry;

Whereas, the Subcommittee has received a number of requests from law enforcement and regulatory officials and agencies for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement and regulatory entities and officials records of the Subcommittee's investigation into the credit counseling industry.

SENATE RESOLUTION 351—CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION, AND FOR OTHER PURPOSES

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. CARPER, Mrs. DOLE, Mr. SUNUNU, Mr. ALEXANDER, Mr. DOMENICI, Mr. CRAIG, Mr. COLEMAN, Ms. LANDRIEU, Mr. DURBIN, Mr. DEWINE, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students;

Whereas over the last 10 years, Congress has provided more than $1,000,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the fifth annual National Charter Schools Week, to be held May 3 to 7, 2004, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impact, achievements, and innovations of charter schools: Now, therefore, be it—

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the fifth annual National Charter Schools Week; and

(3) it is the sense of the Senate that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

SENATE CONCURRENT RESOLUTION 103—HONORING THE CONTRIBUTION OF THE WOMEN, SYMBOLIZED BY "ROSIE THE RIVETER", WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II, AND FOR OTHER PURPOSES

Ms. MURKOWSKI (for herself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Ms. COLLINS, Mrs. DOLE, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. LANDRIEU, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 103

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the "Rosie the Riveter" era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as "Rosies" during World War II.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3110. Mr. DORGAN (for himself, Ms. Mikulski, Mr. Harkin, Mr. Feingold, Mr. Kennedy, and Mr. Edwards) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

SA 3111. Mr. GREGG proposed an amendment to the bill S. 1637, supra.

SA 3112. Mr. GRAHAM, of Florida (for himself and Mr. Dayton) proposed an amendment to the bill S. 1637, supra.

SA 3113. Mr. ALLEN (for himself, Mrs. Dole, Mr. Edwards, and Mr. Graham, of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 1637, supra.

SA 3114. Ms. CANTWELL (for herself and Mr. Voinovich) proposed an amendment to the bill S. 1637, supra.

SA 3115. Mr. LAUTENBERG (for himself, Mrs. Feinstein, Mr. Feingold, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 3116. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3110. Mr. DORGAN (for himself, Ms. Mikulski, Mr. Harkin, Mr. Feingold, Mr. Kennedy, and Mr. Edwards) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the end of subtitle E of title IV, add the following:

SEC. ___. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) General Rule.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5))."

(b) Definition of Imported Property Income.—Section 954 is amended by adding at the end the following new subsection:

"(j) Imported Property Income.—

"(1) In general.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property,

"(B) the sale, exchange, or other disposition of imported property, or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) Imported property.—For purposes of this subsection—

"(A) In general.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) Imported property includes certain property imported by unrelated persons.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States, or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) Exception for property subsequently exported.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States, or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(3) Definitions and special rules.—

"(A) Import.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

"(B) United states.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(C) Unrelated person.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(D) Coordination with foreign base company sales income.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income."

(c) Separate Application of Limitations on Foreign Tax Credit for Imported Property Income.—

(1) In general.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) imported property income, and".

(2) Imported property income defined.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) Imported property income.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j))."

(3) Look-thru rules to apply.—Subparagraph (F) of section 904(d)(3) is amended by striking "or (E)" and inserting "(E), or (I)".

(d) Technical Amendments.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (III), (IV), (V), and (VI) as subclauses (IV), (V), (VI), and (VII), and

(B) by inserting after subclause (II) the following new subclause:

"(III) imported property income,".

(2) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) Subsection (c).—The amendments made by subsection (c) shall apply to taxable years beginning after such date of enactment.

(f) Sense of the Senate.—It is the sense of the Senate that any increase in revenues in the Treasury resulting from the amendments made by this section should be applied to reduce the phasein of the deduction relating to income attributable to domestic production activities under section 199 of the Internal Revenue Code of 1986 (as added by section 102 of this Act).

SEC. ___. AMENDMENTS TO THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) DEFINITION.—Section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) is amended—

(1) in paragraph (3)(B), by striking "for—" and all that follows through "500 employees" in clause (ii), and inserting "for at least 50 employees";

(2) in paragraph (7), by striking "and" at the end;

(3) in paragraph (8), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(9) the term 'offshoring of jobs' means any action taken by an employer the effect of which is to create, shift, or transfer employment positions or facilities outside the United States and which results in an employment loss during any 30 day period for 15 or more employees.".

(b) NOTICE.—Section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "60-day" and inserting "90-day"; and

(B) in paragraph (1), by striking "and" at the end;

(C) in paragraph (2), by striking the period and inserting "; and"; and

(D) by inserting after paragraph (2), the following:

"(3) to the Secretary of Labor.";

(2) in subsection (b), by striking "60-day" each place that such appears and inserting "90-day"; and

(3) by adding at the end the following:

"(e) NOTICE FOR OFFSHORING OF JOBS.—In the case of a notice under subsection (a) regarding the offshoring of jobs, the notice shall include, in addition to the information otherwise required by the Secretary with respect to other notices under such subsection, information concerning—

"(1) the number of jobs affected;

"(2) the location that the jobs are being shifted or transferred to; and

"(3) the reasons that such shifting or transferring of jobs is occurring.".

(c) TECHNICAL AMENDMENTS.—The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) is amended—

(1) by striking "plant closing or mass layoff" each place that such appears and inserting "plant closing, mass layoff, or offshoring of jobs";

(2) by striking "closing or layoff" each place that such appears and inserting "closing, layoff, or offshoring";

(3) in section 3—

(A) in the section heading by striking "**PLANT CLOSINGS AND MASS LAYOFFS**" and inserting "**PLANT CLOSINGS, MASS LAYOFFS, AND OFFSHORING OF JOBS**";

(B) in subsection (b)(2)(A), by striking "closing or mass layoff" and inserting "closing, layoff, or offshoring"; and

(C) in subsection (d), by striking "section 2(a)(2) or (3)" and inserting "paragraph (2), (3), or (9) of section 2(a)"; and

(4) in section 5(a)(1), in the matter following subparagraph (B), by striking "60 days" and inserting "90 days".

(d) POSTING OF EMPLOYEE RIGHTS.—The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 11. POSTING OF NOTICE OF RIGHTS.

"(a) DEVELOPMENT.—Not later than 60 days after the date of enactment of this section, the Secretary of Labor shall develop a notice of employee rights under this Act for posting by employers.

"(b) POSTING.—Each employer shall post in a conspicuous place in places of employment the notice of the rights of employees as developed by the Secretary under subsection (a).".

(e) ANNUAL REPORT.—The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), as amended by subsection (d), is further amended by adding at the end the following:

"SEC. 12. CONTENTS OF ANNUAL REPORTS BY THE SECRETARY OF LABOR.

"(a) IN GENERAL.—The Secretary of Labor shall collect and compile statistics based on the information submitted to the Secretary under subsections (a)(3) and (e) of section 3.

"(b) REPORT.—Not later than 120 days after the date on which each regular session of Congress commences, the Secretary of Labor shall prepare and submit to the President and the appropriate committees of Congress a report on the offshoring of jobs (as defined in section 2(a)(9)). Each such report shall include information concerning—

"(1) the number of jobs affected by offshoring;

"(2) the locations to which jobs are being shifted or transferred;

"(3) the reasons why such shifts and transfers are occurring; and

"(4) any other relevant data compiled under subsection (a).".

SA 3111. Mr. GREGG proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF OVERTIME PAY.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k)(1) The Secretary shall not promulgate any rule under subsection (a)(1) that exempts from the overtime pay provisions of section 7 any employee who earns less than $23,660 per year.

"(2) The Secretary shall not promulgate any rule under subsection (a)(1) concerning the right to overtime pay that is not as protective, or more protective, of the overtime pay rights of employees in the occupations or job classifications described in paragraph (3) as the protections provided for such employees under the regulations in effect under such subsection on March 31, 2003.

"(3) The occupations or job classifications described in this paragraph are as follows:

"(A) Any worker paid on an hourly basis.
"(B) Blue collar workers.
"(C) Any worker provided overtime under a collective bargaining agreement.
"(D) Team leaders.
"(E) Computer programmers.
"(F) Registered nurses.
"(G) Licensed practical nurses.
"(H) Nurse midwives.
"(I) Nursery school teachers.
"(J) Oil and gas pipeline workers.
"(K) Oil and gas field workers.
"(L) Oil and gas platform workers.
"(M) Refinery workers.
"(N) Steel workers.
"(O) Shipyard and ship scrapping workers.
"(P) Teachers.
"(Q) Technicians.
"(R) Journalists.
"(S) Chefs.
"(T) Cooks.
"(U) Police officers.
"(V) Firefighters.
"(W) Fire sergeants.
"(X) Police sergeants.
"(Y) Emergency medical technicians.
"(Z) Paramedics.
"(AA) Waste disposal workers.
"(BB) Day care workers.
"(CC) Maintenance employees.
"(DD) Production line employees.
"(EE) Construction employees.
"(FF) Carpenters.
"(GG) Mechanics.
"(HH) Plumbers.
"(II) Iron workers.
"(JJ) Craftsmen.
"(KK) Operating engineers.
"(LL) Laborers.
"(MM) Painters.
"(NN) Cement masons.
"(OO) Stone and brick masons.
"(PP) Sheet metal workers.
"(QQ) Utility workers.
"(RR) Longshoremen.
"(SS) Stationary engineers.
"(TT) Welders.
"(UU) Boilermakers.
"(VV) Funeral directors.
"(WW) Athletic trainers.
"(XX) Outside sales employees.
"(YY) Inside sales employees.
"(ZZ) Grocery store managers.
"(AAA) Financial services industry workers.
"(BBB) Route drivers.
"(CCC) Assistant retail managers.

"(4) Any portion of a rule promulgated under subsection (a)(1) after March 31, 2003, that modifies the overtime pay provisions of section 7 in a manner that is inconsistent with paragraphs (2) and (3) shall have no force or effect as it relates to the occupation or job classification involved.".

SA 3112. Mr. GRAHAM of Florida (for himself and Mr. DAYTON) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

Strike section 102 and title II and insert the following:

SEC. 102. MANUFACTURING JOBS CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

"SEC. 45S. MANUFACTURING JOBS CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible taxpayer, the manufacturing jobs credit determined under this section is an amount equal to 1.66

percent of the W–2 wages paid by the taxpayer during the taxable year attributable to the taxpayer's domestic production gross receipts for such taxable year.

"(b) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer which has domestic production gross receipts for the taxable year and the preceding taxable year.

"(c) W–2 Wages.—For purposes of this section—

"(1) W–2 wages.—The term 'W–2 wages' means the sum of the aggregate amounts the taxpayer is required to include on statements under paragraphs (3) and (8) of section 6051(a) with respect to employment of employees of the taxpayer during the taxpayer's taxable year.

"(2) Limitation.—The aggregate amount of W–2 wages taken into account with respect to any employee for any taxable year shall not exceed $35,000.

"(3) Special rules.—

"(A) Pass-thru entities.—In the case of an S corporation, partnership, estate or trust, or other pass-thru entity, the determination of W–2 wages shall be made at the entity level.

"(B) Acquisitions and dispositions.—The Secretary shall provide for the determination of W–2 wages in cases where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the taxable year.

"(C) Coordination with targeted jobs credit, etc.—Such term shall not include wages attributable to service taken into account in determining the credit under section 45A, 51, or 1396.

"(d) Domestic Production Gross Receipts.—For purposes of this section, the term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

"(1) any sale, exchange, or other disposition of, or

"(2) any lease, rental, or license of,

that portion of qualifying production property which was manufactured, produced, grown, or extracted by the taxpayer within the United States.

"(e) Qualifying Production Property.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

"(A) any tangible personal property,

"(B) any computer software, and

"(C) any property described in section 168(f) (3) or (4), including any underlying copyright or trademark.

"(2) Exclusions from qualifying production property.—The term 'qualifying production property' shall not include—

"(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

"(B) oil or gas,

"(C) electricity,

"(D) water supplied by pipeline to the consumer,

"(E) utility services, or

"(F) any film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

"(f) United States.—For purposes of subsection (e), the term 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States.

"(g) Certain Rules Made Applicable.—For purposes of this section, rules similar to the rules of section 52 shall apply.".

(b) Credit To Be Part of General Business Credit.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following:

"(31) the manufacturing jobs credit determined under section 45S.".

(c) Denial of Deduction for Portion of Wages Equal to Manufacturing Jobs Credit.—

(1) Subsection (a) of section 280C (relating to rule for targeted jobs credit) is amended by inserting "45S(a)," after "45A(a),".

(2) Subsection (c) of section 196 (relating to deduction for certain unused business credits), as amended by this Act, is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", and", and by adding at the end the following new paragraph:

"(14) the manufacturing jobs credit determined under section 45S(a).".

(d) Denial of Carrybacks to Preenactment Years.—Subsection (d) of section 39, as amended by this Act, is amended by adding at the end thereof the following new paragraph:

"(16) No carryback of section 45S credit before enactment.—No portion of the unused business credit for any taxable year which is attributable to the manufacturing jobs credit determined under section 45S may be carried to a taxable year ending on or before the date of the enactment of section 45S.".

(e) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

"Sec. 45S. Manufacturing jobs credit.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

TITLE II—INTERNATIONAL TAX PROVISIONS

SEC. 201. DETERMINATION OF FOREIGN PERSONAL HOLDING COMPANY INCOME WITH RESPECT TO TRANSACTIONS IN COMMODITIES.

(a) In General.—Clauses (i) and (ii) of section 954(c)(1)(C) (relating to commodity transactions) are amended to read as follows:

"(i) arise out of commodity hedging transactions (as defined in paragraph (4)(A)),

"(ii) are active business gains or losses from the sale of commodities, but only if substantially all of the controlled foreign corporation's commodities are property described in paragraph (1), (2), or (8) of section 1221(a), or".

(b) Definition and Special Rules.—Subsection (c) of section 954 is amended by adding after paragraph (3) the following new paragraph:

"(4) Definition and special rules relating to commodity transactions.—

"(A) Commodity hedging transactions.—For purposes of paragraph (1)(C)(i), the term 'commodity hedging transaction' means any transaction with respect to a commodity if such transaction—

"(i) is a hedging transaction as defined in section 1221(b)(2), determined—

"(I) without regard to subparagraph (A)(ii) thereof,

"(II) by applying subparagraph (A)(i) thereof by substituting 'ordinary property or property described in section 1231(b)' for 'ordinary property', and

"(III) by substituting 'controlled foreign corporation' for 'taxpayer' each place it appears, and

"(ii) is clearly identified as such in accordance with section 1221(a)(7).

"(B) Treatment of dealer activities under paragraph (1)(C).—Commodities with respect to which gains and losses are not taken into account under paragraph (2)(C) in computing a controlled foreign corporation's foreign personal holding company income shall not be taken into account in applying the substantially all test under paragraph (1)(C)(ii) to such corporation.

"(C) Regulations.—The Secretary shall prescribe such regulations as are appropriate to carry out the purposes of paragraph (1)(C) in the case of transactions involving related parties.".

(c) Modification of Exception for Dealers.—Clause (i) of section 954(c)(2)(C) is amended by inserting "and transactions involving physical settlement" after "(including hedging transactions".

(d) Effective Date.—The amendments made by this section shall apply to transactions entered into after December 31, 2004.

SA 3113. Mr. ALLEN (for himself, Mrs. Dole, Mr. Edwards, and Mr. Graham of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the end add the following:

TITLE IX—HOMESTEAD PRESERVATION ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Homestead Preservation Act".

SEC. 902. MORTGAGE PAYMENT ASSISTANCE.

(a) Establishment of Program.—The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) Eligibility.—To be eligible to receive a loan under the program established under subsection (a), an individual shall be—

(1) an individual that is a worker adversely affected by international economic activity, as determined by the Secretary;

(2) a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) enrolled in a training or assistance program.

(c) Loan Requirements.—

(1) In general.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2005 through 2009.

SA 3114. Ms. CANTWELL (for herself and Mr. VOINOVICH) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the end, add the following:

TITLE —UNEMPLOYMENT COMPENSATION

SEC. 01. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) IN GENERAL.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30), as amended by Public Law 108–1 (117 Stat. 3) and the Unemployment Compensation Amendments of 2003 (Public Law 108–26; 117 Stat. 751), is amended—

(1) in subsection (a)(2), by striking "December 31, 2003" and inserting "November 30, 2004";

(2) in subsection (b)(1), by striking "December 31, 2003" and inserting "November 30, 2004";

(3) in subsection (b)(2)—

(A) in the heading, by striking "DECEMBER 31, 2003" and inserting "NOVEMBER 30, 2004"; and

(B) by striking "December 31, 2003" and inserting "November 30, 2004"; and

(4) in subsection (b)(3), by striking "March 31, 2004" and inserting "February 28, 2005".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 02. ADDITIONAL REVISION TO CURRENT TEUC-X TRIGGER.

(a) IN GENERAL.—Section 203(c)(2)(B) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

"(B) such a period would then be in effect for such State under such Act if—

"(i) section 203(d) of such Act were applied as if it had been amended by striking '5' each place it appears and inserting '4'; and

"(ii) with respect to weeks of unemployment beginning after December 27, 2003—

"(I) paragraph (1)(A) of such section 203(d) did not apply; and

"(II) clause (ii) of section 203(f)(1)(A) of such Act did not apply.".

(b) APPLICATION.—Section 203(c)(2)(B)(ii) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30), as added by subsection (a), shall apply with respect to payments for weeks of unemployment beginning on or after the date of enactment this Act.

SEC. 03. TEMPORARY STATE AUTHORITY TO WAIVE APPLICATION OF LOOKBACKS UNDER THE FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970.

For purposes of conforming with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), a State may, during the period beginning on the date of enactment of this Act and ending on June 30, 2004, waive the application of either subsection (d)(1)(A) of section 203 of such Act or subsection (f)(1)(A)(ii) of such section, or both.

SA 3115. Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. FEINGOLD, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—NON-REVENUE PROVISIONS

SEC. 901. CLARIFICATION OF CERTAIN SANCTIONS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) DEFINITIONS.—In this section:

(A) PERSON.—The term "person" means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) UNITED STATES PERSON.—The term "United States person" means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) CONTROLLED.—The term "is controlled" means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 902. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

"The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.".

SA 3116. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION OF EXEMPTION FROM SELF-EMPLOYMENT TAX FOR CERTAIN TERMINATION PAYMENTS RECEIVED BY FORMER INSURANCE SALESMEN.

(a) INTERNAL REVENUE CODE.—Paragraph (4) of section 1402(k) of the Internal Revenue Code of 1986 (relating to codification of treatment of certain termination payments received by former insurance salesmen) is amended to read as follows:

"(4) the amount of such payment depends primarily on policies sold by or credited to the account of such individual or the extent to which such policies remain in force for some period after such termination, or both.".

(b) SOCIAL SECURITY ACT.—Paragraph (4) of section 211(j) of the Social Security Act is amended to read as follows:

"(4) the amount of such payment depends primarily on policies sold by or credited to the account of such individual or the extent to which such policies remain in force for some period after such termination, or both.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on May 4, 2004, at 10 a.m., in closed session to receive a classified briefing regarding allegations of mistreatment of Iraqi Prisoners.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 4, 2004, at 9:30 a.m., on Reauthorization of the Satellite Home Viewers Improvement Act of 1999 (SHVIA).

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 4, 2004, at 2:30 p.m., to hold a closed mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 4, 2004, at 2:30 p.m., in closed session to mark up the Airland programs and provisions contained in the Department of Defense Authorization Act for Fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructure be authorized to meet on Tuesday, May 4, 2004, at 2:30 p.m. on Lessons Learned From Security at Past Olympic Games.

COMMITTEE ON SEAPOWER

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 4, 2004, at 3:30 p.m., in closed session to mark up the Seapower programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THREATS AND CAPABILITIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 4, 2004, at 5 p.m., in closed session to mark up the Emerging Threats and Capabilities programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Sara Hagigh of Senator LIEBERMAN's office be granted the privilege of the floor during consideration of the JOBS bill.

The PRESIDING OFFICER. Without objection, the request of the Senator from Montana is granted.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging: The Senator from Iowa, Mr. GRASSLEY and the Senator from Idaho, Mr. CRAIG.

AUTHORIZING PRODUCTION OF RECORDS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 350.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 350) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has received requests from various law enforcement and regulatory officials and agencies for assistance in connection with pending investigations into the credit counseling industry, which has been the subject of recent investigation by the subcommittee.

The resolution would authorize the chairman and ranking member of the Permanent Subcommittee on Investigations, acting jointly, to provide investigative records obtained by the subcommittee in the course of its investigation in response to these requests.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 350) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 350

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into the credit counseling industry;

Whereas, the Subcommittee has received a number of requests from law enforcement and regulatory officials and agencies for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Government Affairs, acting jointly, are authorized to provide to law enforcement and regulatory entities and officials records of the Subcommittee's investigation into the credit counseling industry.

CONGRATULATING CHARTER SCHOOLS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 351, which was submitted earlier today by Senator GREGG.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 351) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, today my colleagues, Senators LIEBERMAN, FRIST, CARPER, DOLE, SUNUNU, ALEXANDER, DOMENICI, CRAIG, COLEMAN, LANDRIEU, DURBIN, DEWINE, and BROWNBACK joined me in submitting S. Res. 351, a resolution to designate the week of May 3 through May 7, 2004 as National Charter Schools Week. This year marks the 12th anniversary of the opening of the Nation's first charter school in Minnesota. We have come a long way since that auspicious moment when one teacher, collaborating with parents, started a public school specifically designed to meet the needs of the students in the community.

Today, we have almost 3,000 charter schools serving nearly 750,000 students in 37 States, the District of Columbia, and Puerto Rico. Charter schools are immensely popular. Forty percent report having waiting lists, and there are enough students on these waiting lists to fill another 1,000 average-sized charter schools. Survey after survey shows parents are overwhelmingly satisfied with their children's charter schools.

Charter schools are popular for a variety of reasons. They are generally free from the burdensome regulations and policies that govern traditional public schools. They are founded and run by principals, teachers, and parents who share a common vision of education, a vision which guides each and every decision made at the schools, from hiring personnel to selecting curricula. Furthermore, charter schools are held accountable for student performance in a very unique way—if they fail to educate their students well and meet the goals of their charters, they are shut down.

Since each charter school represents the unique vision of its founders, these schools vary greatly, but all strive for excellence.

For example, Summit Middle School in Boulder, CO is a charter school serving grades 6 through 8 in mixed-age classes grouped by interest, motivation, ability, developmental level, and mastery of previous material. Summit provides a choice at the middle school level for students interested in a more rigorous and individualized academic program, and its students—admitted without regard to past academic accomplishment or prior testing—have risen to the challenge. In 2003, Summit was one of 214 public and private elementary and secondary schools nationwide, and the only public middle school in Colorado, to be named a No Child Left Behind-Blue Ribbon School in recognition of its students' outstanding performance on State tests.

Here in the District of Columbia, the Capital City Public Charter School serves 227 students and has more than 400 students on its waiting list after only four years of operation. The award-winning school uses an innovative approach to learning based on two research-based, nationally recognized education models that promote rigorous academic and character standards—and the results speak for themselves. Students at Capital City are making significant, measurable academic progress with solid gains in both reading and math. In 2003, Capital City achieved all six goals outlined for District charter schools on academic progress and excellence on the SAT–9 tests. Two new charter schools modeled after Capital City are expected to open in the District this fall, further increasing options for students and parents.

These are but a few of the success stories in the charter school movement, which includes a wide range of schools serving a variety of different learning needs and styles, often at a lower cost than traditional public schools.

I expect that we will see the popularity of charter schools continue to expand. Two years ago, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer their children to another public school. No Child Left Behind also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And as parents exercise their right to school choice and "vote with their feet", the demand for charter schools will increase.

I commend the ever-growing number of people involved in the charter school movement, from parents and teachers to community leaders and members of the business community. Together, they have led the charge in education reform and have started a revolution with the potential to transform our system of public education. Districts with a large number of charter schools have reported that they are becoming more customer service-oriented, increasing interaction with parents, and creating new education programs, many of which are similar to those offered by charter schools. These improvements benefit all our students, not just those who choose charter schools.

I encourage my colleagues to visit a charter school this week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the community in which they reside.

Mr. LIEBERMAN. Mr. President, I rise today as an original cosponsor of this resolution to support the designation of May 3 through May 7, 2004 as National Charter Schools Week. I urge my colleagues to support this resolution to recognize and honor the success of charters schools across the nation. I strongly believe that charter schools enrich our nation and enhance our public education system by providing diverse and innovative educational options for parents and their children.

Currently, nearly 3,000 charter schools are operating in 37 States and the District of Columbia and are serving about 750,000 students. We must continue to sponsor and encourage the development of charter schools. The fact is that nearly 40 percent of charter schools report having a waiting list. Indeed, with these students, we could fill over 1,000 new charter schools.

One of the many positive aspects of the charter movement is that it has managed to bring together educators, parents, community activities, business leaders, and politicians from across the political spectrum to support a common goal of better educating our children by offering more choice and more accountability within our public schools. In many cases, charter schools are built from the ground up by educational leaders and thinkers, working with teachers, parents and local leaders, to reinvent the public school with fresh ideas and expanded options. To their credit, studies have shown that student achievement gains in public schools are substantial and that charter schools are serving a higher percentage of low-income and minority students than the traditional school system.

Now, more than ever, we must continue to support and encourage the charter movement to give parents and children meaningful public school choices, particularly to children in low-performing schools. I am, therefore, most pleased to join my distinguished colleague from New Hampshire, Mr. GREGG, along with Senators CARPER, DURBIN, DEWINE, COLEMAN, LANDRIEU, DOLE, SUNUNU, DOMENICI, CRAIG, ALEXANDER and FRIST, in recognizing the success of charter schools and the value they add to public education. I also commend the Charter

School Leadership Council and express my full support for the activities planned this week to celebrate charter schools, teachers and developers, and the parents and children they serve.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 351) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 351

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students;

Whereas over the last 10 years, Congress has provided more than $1,000,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the fifth annual National Charter Schools Week, to be held May 3 to 7, 2004, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impact, achievements, and innovations of charter schools: Now, therefore, be it—

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the fifth annual National Charter Schools Week; and

(3) it is the sense of the Senate that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

ORDERS FOR WEDNESDAY, MAY 5, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 5. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders the Senate then begin a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate then resume consideration of Calendar No. 381, S. 1637, the FSC/ETI JOBS bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I further ask consent that when the Senate resumes consideration of S. 1637, the pending amendments be set aside and Senator BREAUX be recognized in order to offer an amendment, which is at the desk, on repatriation; further, there be 60 minutes equally divided in the usual form and that following that time the amendment be set aside and the Senate proceed to a vote in relation to the amendment at a time determined by the majority leader, after consultation with the Democratic leader, with no amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. So tomorrow morning, following morning business, the Senate will resume consideration of the JOBS bill. We made good progress on the bill today, disposing of five amendments. The chairman and ranking member of the Finance Committee will be here tomorrow morning to continue working through the remaining amendments. Senators should expect rollcall votes on amendments throughout the afternoon. However, I would announce there will be no votes prior to 2 p.m.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, if I could, and I appreciate the Senator yielding, after we finish with the Breaux amendment, there is an agreement that if there is a Republican amendment to be offered we would deal with that. If not, the next amendment we would go to would be to complete the amendment that has already been offered by Senator DORGAN. Following that, if the Republicans want to offer an amendment, that would be fine. If they do not, we would then go to an amendment that has been filed by Senator GRAHAM. We would complete those and perhaps have at least those three votes at or near 2 tomorrow afternoon. That is not a unanimous consent. That is just indicating what we have worked on with the managers of the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Therefore, Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, May 5, 2004, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 4, 2004*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BURNS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 4, 2004.

I hereby appoint the Honorable MAX BURNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

PRESCRIPTION DRUG DISCOUNT CARDS

Mr. PALLONE. Mr. Speaker, this week seniors nationwide will begin to see how ineffective and confusing the Republican prescription drug legislation is. This week, seniors have the opportunity to sign up for a new prescription drug card that will provide supposed savings on prescription drug costs.

The program begins on June 1; and while the new Medicare law will not take effect until 2006, it is clear that these drug cards are being used as a ploy to enroll beneficiaries into products sponsored by the private drug and insurance industry.

Mr. Speaker, while some seniors will be able to save on their medications when they use these cards, many will not. In fact, I believe these drugs cards are nothing more than window dressing, a weak attempt by the Bush administration to couch the true intent of this Medicare law.

As seniors will see in the upcoming weeks, there is no guaranteed discount from drug card sponsors. Medicare discount cards are being marketed as providing a 10 to 25 percent discount, but there is no requirement in the new law that card sponsors must offer any specific discount. The idea of any savings is merely an illusion. Prescription costs rose 17 percent alone last year and drug prices are reported to have increased dramatically between the beginning of the year and now, so any savings have been lost to drug cost inflation.

Mr. Speaker, I would point out secondly, there is no guarantee that a particular drug card will offer discounts on all of the medicines taken by seniors. Card sponsors are allowed to pick and choose which drugs will be discounted. In addition, card sponsors may change the discounted prices on medicines weekly.

The discounts on a seniors' medicine when advertised when he or she enrolled may change, but that senior will not be allowed to switch to a different card for one whole year. So imagine that, Mr. Speaker, a card sponsor can change prices any time they want, but seniors have to stick with the same drug card for an entire year.

There is also no guarantee access to any particular pharmacy. Each discount card sponsor will determine which pharmacies will offer the discount advertised with the card. A seniors' usual pharmacy may not participate in the card that he or she selects.

Finally, the final price paid for prescriptions will vary by pharmacy. Because pharmacies can change the prices they charge, seniors must check with each of their local participating pharmacies to find out which one offers the lowest price on the drugs covered under their card.

Mr. Speaker, I would ask, how are seniors supposed to decipher all of this information that I mentioned. You would hope they would be able to get it from the Department of Health and Human Services; but that agency is too busy these days producing commercials trying to sell the new prescription drug law, rather than providing reliable information that seniors can use. Consider that drug cards sponsors are now saying that information on the Health and Human Services Web site designed to help seniors shop for the right card contains false information.

Mr. Speaker, if Health and Human Services cannot get the information right, how can we expect seniors to decide which plans works best for them?

Mr. Speaker, seniors should carefully consider their options. Unfortunately, they must remember that the Bush administration and Congressional Republicans were more concerned about how this legislation would affect the pharmaceutical companies than they were about how it would affect America's seniors. Seniors should remember that Democrats continue our fight to lower prescription drug costs by giving the government the purchasing power of millions of seniors to negotiate drug costs and to allow safe reimportation of drugs from Canada and elsewhere.

Mr. Speaker, I have said many times that this Medicare prescription drug law should simply be repealed and we should go back to the drawing board. This idea of having these discount cards is too confusing and it will not result in lower drug prices for seniors. Imagine that they have to wait another 2 years after that before the Medicare law with the prescription drug benefit supposedly even comes into effect.

We should repeal the law, go back to the drawing board and come up with a prescription drug benefit that really helps senior citizens under Medicare, not this false and illusory drug card, the process which begins this week.

UNDOING HIDDEN TAXES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, the only thing confusing seniors are Democrats trying to confuse seniors about their ability to prescription drugs through a discount card. I think it is unfortunate that the Democrats have chosen confusion and misleading the seniors and getting lower prescription drugs as available to them through the new strengthening and improvement of the Medicare system.

Our Members have been home talking to seniors. To answer the question how will seniors be able to choose, our Members are home helping seniors go through the system and choosing the kind of discount card and the kind of program that best benefits them, rather than trying to confuse them.

But, Mr. Speaker, I came here to talk about something a little bit different.

Mr. Speaker, every year for 1,000 different reasons, and all of them our fault, American families are squeezed by the invisible grip of hidden taxes. These are laws and regulations, all of which are well intentioned, that cost our economy billions of dollars, billions of man hours and millions of new jobs.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In addition to income taxes, customers and consumers are stuck with regulatory compliance costs, litigation costs, interest payments on the national debt, and governmental waste, fraud and abuse. And all of these are eventually passed on to unsuspecting consumers in the form of higher prices.

This week the House will take up two bills specifically targeting some of those hidden taxes. The first of these will be the Middle Class Alternative Minimum Tax Relief Act from the gentleman from Connecticut (Mr. SIMMONS).

This legislation will protect 11 million working families and individuals from the unintended consequences of the Democrat-designed AMT, a tax provision preventing the wealthy from dodging their tax liability through creative accounting. Unfortunately, many middle income families have so benefited from Republican tax relief in 2001 and 2003, that the AMT now considers them rich.

Now, while deep down many Democrats may indeed consider a family earning $45,000 per year to be rich, the majority of the people in this country, and thankfully in this body, have a more realistic view of 21st century economics.

The Simmons bill is the first step towards making sure that the AMT only applies to those people it was designed to cover, not working families just trying to enjoy the fruits of their labor.

Also this week, Mr. Speaker, in the House we plan to take up the conference report on one of the strongest, most disciplined budgets Congress has passed in two decades. It meets our present and reemerging needs while holding a firm line on discretionary spending. By setting a course of fiscal responsibility even in a time of war, we are giving the American people an opportunity to grow our economy back into balance, thereby protecting them from any more hidden taxes in the future.

Mr. Speaker, for generations Americans have been saddled with taxes that are too high and a government that is not responsive enough. This week we will take two small steps toward solving both of those problems.

LEAVE NO CHILD BEHIND

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. MENENDEZ) is recognized during morning hour debates for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, we teach our children that promises matter. And they do. So what kind of message does it send to our children when the President promises to leave no child behind but then breaks that promise by failing to provide our children the resources they need to get a world class education.

The fact is the President's budget cuts education funding by $9.4 billion. That is $9.4 billion less than the President himself said we needed to leave no child behind. So the only standard we are holding the President to is the standards he himself agreed to in his own education bill.

If that is not a broken promise, I do not know what is. Of course, $9.4 billion is just a dollar figure. But to the children who do not and will not get the resources they need, it is much more than that; 2.4 million children will not get the help with math and reading they need; 1.3 million children will not have access to after-school activities, but will instead be sitting at home or out in the street without supervision.

Other children will be denied enrollment in Head Start because the President froze its funding. And tens of thousands of students will lose the grant work studies or loans they need to pay for college. These are the human costs of President Bush's broken promises on education.

He promised to leave no child behind, but then turns around and leaves millions of children behind. What kind of priorities are these?

We Democrats want to do what we all agreed, Democrats and Republicans alike, is the right thing for our children: Investing the resources to raise student achievements in core subjects like reading and math; demanding results and accountability from our schools; making sure our students have up-to-date textbooks and technology; providing after-school programs for every child that needs them; ensuring access to Head Start; increasing financial aid to college students and simplifying the application process and forms; increasing the maximum Pell grant; doubling the HOPE Scholarship and making the HOPE tax credit refundable; expanding assistance to minority-serving institutions.

I know these things are really important because I began my career in public service as a high school student. I did not care for the education I received in my public school. I might have been young, but I knew that was not right. So I fought to change that. I won a seat on the school board and won the funding so that every student who would attend that school would have a quality education.

What we do here makes a difference in the lives of students. I know. The promises we make here matter in the lives of children. I know. And the level of our commitment to education will, in many ways, determine our success as a Nation in the years ahead.

I believe in opportunity, in personal responsibility. But without providing a quality education to our students, we will not have those things. And if America is going to compete in the global marketplace of the jobs and commerce and technology of the future, we need a workforce that receives the best education available, not one taught on a shoestring budget.

Today there are students learning in trailers, in outdated buildings, literally falling apart, with leaky roofs and without adequate heat, using outdated textbooks and crowded schools where teachers have to pay for supplies out of their own salaries. We can do much better than that.

America cannot and should not settle for second or third best when it comes to educating our children. To do so, we need to make the investment now. Unfortunately, President Bush and the Republicans made promises but we are failing to keep them. We Democrats want to make sure all the children in our Nation get the world class education they deserve. If you give us that chance, we will deliver that promise.

VALUABLE MILITARY CHAPLAINS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, there are rumors that were coming out of the Pentagon, rumors that I believe are extremely troubling. Outsourcing our military chaplains is a very bad idea.

This is not a new organization, Mr. Speaker. The Navy Chaplain Corps traces its inception to the Second Article of Navy Regulations adopted on November 28 of 1775 by the Continental Congress. This event occurred prior to the signing of the Declaration of Independence on July 4, 1776, or the Constitution of September 17, 1787.

From the outset of the Continental Navy, due consideration was given to divine services and the placement of chaplains aboard ships. This Act provided a place for religion and chaplains in the Navy.

Additionally, the United States Army Chaplaincy was officially created by an act of the Continental Congress in July of 1775 upon the urgent request of General George Washington.

Mr. Speaker, the reason I wanted to come to the floor is because these rumors at the Pentagon I hope are nothing more than rumors because I cannot think of anything more important to a man or woman in uniform, whether they be young or old, than to have a chaplain that they feel very close to. And our chaplains wear the uniform. Our chaplains wear the helmet when they are in combat situations.

I would share with you, Mr. Speaker, just two paragraphs of a letter I wrote to Secretary Rumsfeld on April 28, 2004.

"Dear Mr. Secretary, I write to you today to urge you in the strongest of terms to reconsideration your decision to consider outsourcing our military chaplains.

☐ 1245

"The service that they provide, not just to soldiers, airmen, sailors and Marines, but also their families here at home and overseas, are irreplaceable."

I also would like to share with you the last paragraph that I wrote to the Secretary: "One of their most valuable qualities is that they are trained by the individual service that they represent. These men and women are more than just priests, reverends, or rabbis. They are also soldiers, sailors, airmen and Marines. How can you possibly justify selecting a civilian with absolutely no military experience to advise our troops in the field? Replacing the uniformed chaplain would be a crucial mistake. I hope you will consider these facts before you reach your final decision."

Mr. Speaker, I am pleased to tell my colleagues that those of us on the Committee on Armed Services, both Republican and Democrat, we are very concerned about this. We have talked to the leadership of the Committee on Armed Services, our subcommittee chairmen, as well as our ranking member, the gentleman from Missouri (Mr. SKELTON); and also the chairman, the gentleman from California (Mr. HUNTER), and I believe that we will come together as Republicans and Democrats in the Committee on Armed Services, as well as here on the House floor, to discourage and to deny the decisions, should one be forthcoming from the Department of Defense, to outsource our chaplains. It is just absolutely unacceptable.

With that, Mr. Speaker, I will insert the entirety of this letter to Secretary Rumsfeld for the RECORD at this point.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2004.

Hon. DONALD RUMSFELD,
Secretary of Defense, the Pentagon,
Washington, DC.

DEAR MR. SECRETARY: I write to you today to urge you in the strongest terms to reconsider your decision to consider outsourcing our military chaplains. The service they provide not just the Soldiers, Airmen, Sailors and Marines but also their families here at home and overseas is irreplaceable.

The work of the military chaplain is multifaceted in that they serve the troops in the field but equally as important, their wives and families supporting them on the home front. The military chaplain, regardless of service shares a common bond with their fellow soldier in the field, regardless of their religion, they are brothers-in-arms.

This work is not new either. For example, The Navy Chaplain Corps traces its inception to the Second Article of Navy Regulations adopted on November 28, 1775 by the Continental Congress. This event occurred prior to the signing of the Declaration of Independence on July 4, 1776, or the Constitution on September 17, 1787. From the outset of the Continental Navy, due consideration was given to divine services and the placement of chaplains aboard ships. This act provided a place for religion and chaplains in the Navy. Additionally, the United States Army Chaplaincy was officially created by an act of the Continental Congress in July of 1775 upon the urgent request of General George Washington.

I would like to share with you part of a personal account that I recently received from a chaplain serving in Iraq: "Twice a day I go to the 'Cave' . . . the combat operations center, which is housed in a former palace, poorly lit and the hub of fighting the battle. I stand in the corner and pray for each person/position and those they represent. I don't know many of them, but God does. I pray for wisdom, strength, mercy, endurance and God's presence for each warrior, all those they serve or represent. I cover the Cave and the battlefield as I look at live imagery projected on the wall. I don't know how the Marines do it . . . but the COC is loaded with strake-looking Marines. The senior NCO's all look like NFL lineman. The junior officers look like marathon runners and the mid-grade officers look like NFL halfbacks . . . the senior officers are lean, tanned and serious . . . deadly serious. The place exudes the warrior spirit. If you are a civilian I can't explain it and won't apologize for it. If you are a veteran you don't need to have it explained . . . the warrior spirit."

Mr. Secretary, you must understand, these chaplains provide so much more than spiritual guidance. They are counselors and confidantes to those who have witnessed first-hand the horrors of war. This service does not stop at the warfront; their fellow chaplains are providing the exact same service to those who mourn the recent loss of a loved one in this conflict. You need to understand the severity of this decision, their presence in the field, on ships and on base are necessities.

One of their most valuable qualities is that they are trained by the individual service that they represent. These men and women are more than just Priests, Reverends or Rabbis, they are also Soldiers, Sailors, Airmen and Marines, how can you possibly justify selecting a civilian with absolutely no military experience to advise our troops in the field? Replacing the uniformed chaplain would be a crucial mistake, I hope you will consider these facts before you reach your final decision.

Thank you for your consideration, I look forward to hearing your decision on this matter.

Sincerely,

WALTER B. JONES,
Member of Congress.

Mr. Speaker, I close this way because all of us in the House know that we have men and women overseas serving this great Nation in Afghanistan, Iraq, and other parts of the world who have given their lives for this country.

I close by asking God to please bless our men and women in uniform and their families. I ask God in His loving arms to hold the families who have given precious children dying for freedom. I ask God to please bless the House and Senate. I ask the good Lord three times, please God, please God, please God, continue to bless and save America.

DISCOUNT DRUG CARD

The SPEAKER pro tempore (Mr. BURNS). Pursuant to the order of the House of January 20, 2004, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, President Bush is in my home State of Ohio, campaigning for maybe the 25th time. He knows he has to spend a lot of time in Ohio because of what has happened to the Ohio economy since George Bush has been President.

Ohio's lost one-sixth, one out of every six manufacturing jobs has left the State, some 170,000 manufacturing jobs every single month in the Bush administration; but as he travels throughout Ohio, he is going to stop in Dayton and do a little program, Ask President Bush, and the members of the Ohio delegation put a list of questions we would like to ask the President about the new Medicare prescription drug discount card that the gentleman from New Jersey asked about earlier. I would like to go through some of these questions, hoping, as we pose these to the President and wrote him a letter, that we can get answers to them.

We asked the President, is it true that the Medicare law allows drug and insurance companies offering discount cards to change covered drugs and discounts weekly? Does this not mean that seniors may choose a card one week and pay for it and be stuck with it for a year that will be worth little or nothing to them the next week? We ask, if seniors are guaranteed discounts that last as little as 1 week, why must they sign up for a discount card for the entire year and only that discount card?

The $600 annual benefit will mean a lot to very low-income seniors, but this benefit lasts only 2 years. Many of the same seniors may be unable to pass the assets test required for the low-income benefit that will take effect in 2006.

We ask the President, why give low-income seniors help now and then pull the rug out from under them in 2 years, give them the help before the election, and after the election, the help's not there? If the Federal Government acknowledges those seniors need assistance, why are we excluding them after the Presidential election?

Ohioans can save, we found, almost 50 percent by importing prescription drugs from Canada, same drugs, same dosage, same manufacturer, from what the price is in the United States. With the cost of popular drugs rising at triple the rate of inflation, we are asking the President how he can deny seniors and all Americans access to these safe, more affordable drugs from Canada and France and Germany, when all over the world people are paying so much less.

The law creating the discount card program expressly prohibits the government from negotiating prices for prescription drugs, but the VA's price negotiation system has proven effective. We asked the President, why are

America's seniors being denied the benefit of the government's buying power to leverage for lower prices?

We pretty much know the answers to these questions because this drug discount card simply will not work. The more we know about it, drug prices go up 25 percent in a year. The discount card will give maybe 10 or 15 percent. That is not price savings. That is really an insult. When we look at this, it is pretty easy to understand why.

This prescription drug bill, the Medicare bill, was written by the insurance companies and written by the drug companies for the insurance companies and for the drug companies. President Bush brought the drug and insurance companies into the Lincoln Bedroom or into the Oval Office or somewhere in the White House and let them write this legislation. It is now the law of the land that now hurts our seniors, and there is not a real surprise there when the drug industry's already given President Bush tens of millions of dollars for his reelection. The word on the street in Washington is the drug industry will donate $100 million to the President's reelection campaign. The insurance industry is not quite as wealthy, not quite as generous, but will donate and has already donated millions of dollars to the President's reelection campaign. So it should come as no surprise that this is the kind of drug bill we get.

Then to add insult to injury, the gentleman who wrote the language in the bill dealing with the discount drug card is, number one, a friend of the President's; and, number two, he has a discount drug card company. So we have got the drug industry writing the drug bill. We have got the insurance industry helping the drug industry write the drug bill, and now we have the discount card company writing the language for the discount cards.

That is why America's seniors feel betrayed, because this Medicare bill is not for America's seniors. It is for President Bush's reelection campaign, for his fund-raising, and for those companies that are so powerful in this city.

ABUSE OF IRAQI PRISONERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, as the chairman of the House delegation to the NATO Parliamentary Assembly and currently the president of the assembly, I have frequently had to reassure parliamentarians that the outrageous and false allegations they had heard about the way detainees were being treated by the U.S. at our Guantanamo detention facility were not true. Since I had been part of a small number of Permanent Select Committee on Intelligence members to visit Guantanamo, actually the first congressional delegation to visit, since the HPSCI members and staff have made several such trips and have given oversight to this interrogation and detention facility, and since I am a former military intelligence officer, I knew I could conscientiously give such an assurance.

Now, however, from Abu Ghraib prison, and perhaps from elsewhere, we have reports, with photographs, graphically telling and showing outrageous abuses of Iraqi detainees by U.S. military personnel and possibly by military contractors. The international damage to the credibility and reputation of our country and our military absolutely cannot be overstated, especially in the Arab and Islamic communities. The alleged actions by at least a few members of our military, already confirmed by very recent disciplinarian action, makes the job being done by our dedicated and courageous military personnel in Iraq and Afghanistan just that much harder and much more dangerous. The extraordinary gravity of this matter, the insensitivity and the degrading abuse which has apparently been visited upon Iraqi detainees call for swift and just accountability.

What has allegedly happened is so foreign to our country's principles and traditions and those of our Armed Forces that these people conducting or condoning such abuse do not deserve to be called Americans. If the use of such tactics of physical abuse and sexual humiliation is not dishonorable conduct, I do not know what is. If supervisors of such military personnel were inappropriately unaware or unconcerned about such conduct, then this is a clear case of dereliction of duty; and this accountability should apply several levels up the chain of command. If military contractors were involved, at a minimum the contract with the firm which employed them should be immediately terminated.

Mr. Speaker, it is hard to imagine a more politically damaging set of actions, hopefully by just a few individuals, for American and for coalition efforts to replace the brutal regime of Saddam Hussein and to win the hearts and minds of the Iraqi people. We must have swift accountability, just accountability, and a demonstration that the American people repudiate such conduct and will not let it continue or happen again.

Mr. Speaker, I include an editorial at this point from this morning's Omaha World Herald.

Ugly Americans

When U.S. soldiers at Baghdad's Abu Ghraib prison (and, some documents suggest, elsewhere) abused and humiliated prisoners of war, they committed two serious wrongs.

First, in sheer human terms, there is a code to be followed for prisoners' treatment. It exists for good reasons, starting with simple decency and progressing to the hope that rules observed by one side will be observed by the other. These soldiers trashed such considerations.

Second, they did immeasurable harm to the goals of America and its allies to bring about a peaceable and effective transfer of limited self rule to Iraqis. They rendered considerably more dubious the prospect of inculcating a stable, beneficial democracy in the Middle East. (If this is what democracy brings, who would want it?)

The six men who engaged in the actual acts (pyramids of naked detainees, false electrocution threats and more) face criminal charges. They should. In addition, six supervisors will receive a reprimand that can end their careers by rendering promotions impossible. A seventh will draw a lesser penalty.

An internal Army report in February pointed to flaws in the command structure at Abu Ghraib and elsewhere. For one thing, an intelligence officer whose duty was eliciting information from the prisoners was effectively put in charge of their day-to-day jailers—a dangerous practice, as events have shown. Additionally, the military policy responsible for the prisoners appear to have had little or no training in proper handling of detainees.

Such flaws cry out to be remedied, and apparently that will now happen. But that still leaves the question, what happened to common sense? America, for all its good intentions, is already regarded with suspicion by many in the Middle East and in Iraq in particular. Who could suppose that when knowledge of these abominable acts leaked, as was bound to happen, it would do anything less than throw gasoline on an already smoldering fire?

The United States needs to find some way to make clear in Iraq that this is not the norm, and that Americans, too, are repelled by what they saw. This isn't supposed to happen. We're the good guys. But try telling that today to the average Iraqi

THE CREDIBILITY GAP AND LEADERSHIP PROBLEMS OF PRESIDENT GEORGE W. BUSH

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, there is a new section in libraries and in bookstores all across America. It is called the "credibility gap and the leadership problems of President George W. Bush." There are so many books being published now that maybe the Dewey decimal system will have to be revised for America's libraries.

I recommend this new section to my colleagues and to the general public.

Last week, the latest edition to this collection was published, raising again serious questions about the President. I predict that rather than directly confront the substance of Ambassador Joe Wilson's criticism in his book, "The Politics of Truth," the White House will instead, as they have in the past, attack his motives, his character, as they have done with the critics before him.

Recent history is littered with the Bush White House smear campaigns against good and brave people, all of whom share one simple characteristic, loyalty to the truth.

Let us start with John DiLulio, the White House's director of faith-based programs in 2001. He said that the Bush administration was more focused on politics than on good policy, and he is gone.

If that sounds familiar, it is because it is the same thing the former Treasury Secretary, Paul O'Neill, said in his book, "The Price of Loyalty." O'Neill rightly warned that the massive Bush tax cut would wreak havoc with our fiscal system, and remember what the White House did after Paul O'Neill's book came out. They launched an investigation and tried to smear his credibility and his reputation. Of course, that investigation went nowhere and the book stands for what it says.

How about Richard Clarke, a trusted, lifelong bipartisan public servant who was devoted to protecting Americans against terrorism? He wrote this book, "Against All Enemies," which says the war in Iraq has diverted needed resources from the war on terror. He felt this Nation had a right to know.

Do my colleagues know how the White House responded? With a shock and awe media campaign to try and discredit Clarke. They said Clarke was just angry because he wanted a more prominent position, that he was essentially a Democrat or that he was out of the loop. Out of the loop? He was the administration's top anti-terrorist official on September 11.

If we cannot trust Richard Clarke, why not General Anthony Zinni? Zinni served in Vietnam, commanded the troops in Somalia, directed strikes against Iraq and al Qaeda, and served as the Bush administration's Mideast peace envoy. He had the audacity to agree with Clarke that the war in Iraq undermined the war on terror. He has not been asked to serve on any more diplomatic missions.

Then there was Larry Lindsey, former economic advisor to the President, who was fired when he correctly said that the war in Iraq would cost as much as 100 or $200 billion, but the President did not want to hear it. The administration did not want to hear it, and they certainly did not want Congress to hear it. Today, we are fast approaching $200 billion, all of it borrowed, all of it borrowed, for the war in Iraq. Too bad for his career, because the facts were important to him. Larry Lindsey is gone.

General Eric Shinseki apparently had the same problem. He said that we might need several hundred thousand troops in Iraq to secure the peace, to secure the peace and provide for the force protection of our soldiers. The White House did not like that. Soon enough, Shinseki had stepped aside, but now we have 150,000 troops and asking for more to try and secure a peace that has been so badly compromised because of the lack of preparation by this White House. Too bad that General Shinseki decided that he had to tell the truth and was compelled to let the American people know.

But there is more. The White House threatened to fire the Health and Human Services actuary, Richard Foster, if he revealed his higher estimates of what the Medicare prescription drug bill would really cost. Instead of having an honest debate in the Congress on the real cost of the prescription drug benefit, they said, no, keep the figures from Congress. Of course, Congress voted for the bill, and now we find out it is going to cost $140 billion more than we had anticipated. It is too bad. It is the law of the land, but it was done because of the intimidation by somebody in the administration who wanted to tell the truth.

□ 1300

Are you starting to see a pattern here, Mr. Speaker? Others have weighed in, too. Historian and political analyst Kevin Phillips says that Bush's self-interest trumps the national interest in his book "American Dynasty." Kevin Phillips is not a liberal, or a Democrat, he simply wanted to explain what was going on inside of the administration in terms of the self-dealing special interests, which brings us back to Joe Wilson.

As Members will recall, in the President's State of the Union address in 2003, President Bush said that Saddam Hussein had tried to obtain nuclear material from Africa, even though he was told it was not true; but he came to the halls of Congress to tell the American people that is what happened. Wilson heard the speech and blew the whistle. Unfortunately for Wilson, his allegiance to the truth did not just result in the character assassination of Joe Wilson. In a particularly insidious and dangerous move, someone in the White house publicly revealed that Wilson's wife was a CIA agent, putting her life at risk, ending her career, and the people she worked with. That is what happens when you try to tell the truth in the Bush administration.

THE REAL MISERY INDEX

The SPEAKER pro tempore (Mr. BURNS). Pursuant to the order of the House of January 20, 2004, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I think it is appropriate today to talk about the economy. Today, Chairman Greenspan is meeting with members of the Federal Reserve to determine whether to increase interest rates. Part of my talk will include excerpts from the Wall Street Journal of April 11, 2004, their editorial.

Mr. Speaker, we have seen a lot of good economic news of late. In March, the economy added 308,000 new jobs. U.S. factories have expanded for the 11th consecutive month. For the first quarter of 2004, the gross domestic product increased by 4.2 percent. It is continuing the strongest growth in 20 years.

And we have seen that Federal tax cuts of the last few years have put the United States near the top, or at the top of the advanced large economies in their growth. We have offered incentives to work, to save, and invest, according to the Joint Economic Committee.

But instead, the media have done a terrific job of convincing everybody these are the worst of times. A poll, conducted by the American Research Group in mid-March, found that 44 percent of Americans believe that the country was still in a recession. That is strange when you consider that the last recession ended way back in the year 2001. And for the last two quarters of 2003, the U.S. economy grew at an annualized rate of 6.1 percent, the fastest growth in 20 years. Even more remarkable, the percentage of gloomsters was higher in March, when we created 308,000 new jobs.

By nearly every objective measure, the U.S. economy is stronger and is getting stronger. Let us look at the Misery Index, the measure created by the late economist, Arthur Okun. He added the rates of unemployment and inflation. This may not be the most sophisticated metric to use, but it does capture the two greatest threats to household wealth and security, that is inflation and unemployment. Comparisons to the 1990s' bubble years excepted, the U.S. economy is doing very, very well.

Today's unemployment is 5.7 percent, close to the level President Bill Clinton boasted about as he sought reelection in 1996. Meanwhile, inflation has fallen by a full percentage point over the past 8 years. I have a table which indicates that the economy compares favorably by reelection standards and President Bush's policies should be enjoying at least a modicum of respect.

In 1976 under President Ford, the Misery Index was 14.5 percent. In 1980 under President Carter, it was 20.6 percent. In 1984 under President Reagan, 11.8 percent. Under Bush I in 1992, it was 10.5 percent. In 1996 under Clinton, 8.4 percent. This year under Bush II, it is 7.7 percent. It is the lowest of all those Presidents at the time they were seeking Presidential reelection.

In conclusion, in 2003, the United States economy grew at a faster pace than the eight other largest advanced economies: Australia, Canada, France, Germany, Italy, Japan, Spain, and the United Kingdom. We are seeing steady increase in manufacturing and overall productivity. Retail sales increased strongly in March, rising 1.8 percent, the largest monthly gain in a year.

In conclusion, we are seeing the economic policies of the Bush administration and the resulting action by this Congress are enabling the economy to expand, offer new jobs, new opportunities, and increase the quality of life for all Americans. That is the good news for all of us.

STOP GENOCIDE IN SUDAN

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, everyone should read Mark Lacey's piece in today's New York Times titled, "In Sudan, Militiamen on Horses Uproot a Million." The article says, "The men on horses killed my parents," referring to the militia who have been armed by the Government of Sudan. "Then the planes came," referring to aerial bombardment by the Government of Sudan. Marc Lacey writes, "Human rights groups and international officials charge that the militia has been used as a tool of the government to pursue a radical policy resembling ethnic cleansing."

The militia knows no rules of war. "They ride camels and horses and use automatic weapons against those they come across. They ride into the villages en masse and shoot anyone in sight. As the militiamen torch and loot, the villagers grab what they can and run."

One young woman did not have time to get away. She was in bed when the Janjaweed moved in. Two men entered her hut, and raped her in front of her family. Raping, then branding the survivors is common practice in this forgotten land. Refugee after refugee tells the same story. Men on horseback, air raids, soldiers sweep into villages. As this crisis rages on, 1 million people are now internally displaced, and 100,000 refugees were forced into Chad. Unknown numbers have been murdered, and the world does little.

With the rainy season just weeks away, the window for getting humanitarian assistance is closing. The international community has 6 weeks left. USAID has warned that by fall, the mortality rate will be 5 times the threshold for a major catastrophic event.

Why is the aid not getting there? The Government of Sudan continues to stall in the issuing visas for aid workers and is preventing full humanitarian access to the region. The international community has just 6 weeks to act on their behalf.

Where are the voices of outrage? Remember Rwanda 10 years ago? Remember all of the celebrations with regard to remember Rwanda and never let it happen again. Where are the voices? Is the international community going to fail the people of Darfur, Sudan? What will the world tell those who survive? Why is the United Nations and the international community not doing more?

Mr. Speaker, I want to commend the Bush administration and the United States for taking the lead on this issue. Ambassador Richard Williamson gave a moving presentation in Geneva at the 60th session of the United Nations Commission on Human Rights 2 weeks ago. He laid out the facts that show that ethnic cleansing is occurring in Sudan, and what did the United Nations Commission on Human Rights do, the lone body responsible? Zero, zip. Other than the United States, very few people would even speak out on this issue.

The world must do more. We must speak out. I call on this Congress to speak out. Members who care about human rights should do all they can to help the people of Darfur in Sudan. This week the House Committee on International Relations will mark up H. Con. Res. 403, condemning the Government of Sudan for their complicity for what is happening in Darfur, and calling the international community to do the same, and urging immediate humanitarian access to the region.

In closing, Mr. Speaker, The New York Times writes about rape, pillaging, and murder on its front page. We cannot say we did not know it is happening. If we fail to act, in another 10 years Darfur will be today's Rwanda and some Member of Congress will be standing here on the floor asking those in the body at that time to remember the genocide that took place in Darfur. Is that what this world wants?

IN SUDAN, MILITIAMEN ON HORSES UPROOT A MILLION

(By Marc Lacey)

NYALA, SUDAN, May 2.—Hawa Muhammad, 15, lost just about everything when the men on horseback came. They took her family's horses, donkeys and small herd of goats and sheep. They took her cooking pots and her clothing. They took her mother and her father, too.

"The men on horses killed my parents," she said, referring to the Janjaweed, loose bands of Arab fighters. "Then the planes came."

Now it is she to whom her six younger sisters turn when their bellies rumble. She recounted her tale as if in a trance.

Hawa left her village on the run and settled with thousands of others at the camp in Kalma, outside Nyala, part of a tide of a million people that the United Nations and others say has been displaced in this vast region of western Sudan. The government in Khartoum has closed the region to outsiders for much of the last year.

Hawa's account of how the attack unfolded is the same as those heard in camp after camp across Darfur, as well as the settlements across the border in the desert of eastern Chad, where the United Nations estimates another 100,000 villagers have streamed.

Many were driven away by the Janjaweed, a few thousand uniformed militia men who have worked with government soldiers and aerial bombardments to purge villages of their darker-skinned black African inhabitants.

The government denies any relationship to the Janjaweed, but ousted villagers say the links are strong, and their accounts are backed by numerous aid workers and outside experts.

Human rights groups and international officials charge that the Janjaweed have been used as a tool of the government to pursue a radical policy resembling ethnic cleansing.

The conflict has pitted Arab nomads and herders against settled black African farmers. The tensions have been worsened by droughts in the north and the slow creep of the desert southward.

For 20 years rebels in southern Sudan have sought to topple the Arab-dominated government in the north. Two million people died in that larger conflict, and a peace agreement is considered near.

But since early 2003 two rebel groups in Darfur, the Sudan Liberation Army and the Justice and Equality Movement, initiated a separate rebellion, complaining that the region's people, especially the black Africans, were being marginalized.

Sudan's decades-old civil war was much about religion—the north is mostly Muslim, the south animist and Christian. Darfur's conflict is over ethnicity and resources; it pits Muslim against Muslim.

The rebels here scored some early victories, and the government responded with a fury, angering countries that thought it was finally taking the country toward peace after decades of civil war.

The army has used helicopter gunships and old Russian-made Antonov plane, loaded with bombs. But the Arab-African rivalry has long festered here, and the most ruthless weapon has been the mounted Janjaweed fighters, who know no rules of war.

The Janjaweed ride camels and horses and use automatic weapons against those they come across. They ride into villages en masse and shoot anyone in sight. As the militiamen torch and loot, the villagers grab what they can and run.

An empty village is an eerie place. There are no babies crying, no goats bleating, no women pounding grain into mush. The only sound comes from the wind as it whips over the huts that used to house families but now lie toppled and torched.

Today there are many such villages in the vast Darfur region. Eleven ghost villages line the main road just northwest of here. Each stands frozen, just as it was when it was overrun.

Some were cleared months ago. Others were attacked as recently as last week. In each it is clear that life came to a sudden halt. Beds are overturned, and pots lie on their sides. In front of one hut is a child's sandal, but no child anywhere.

Fatima Ishag Sulieman, 25, did not have time to get away. She was in bed when the Janjaweed moved in. Two men entered her hut. They hit her, then they raped her in front of her family.

"I screamed, and they ran away," she said in Arabic.

Ms. Sulieman and others uprooted from their homes end up in camps, some of them organized settlements and others squalid outposts. She now lives under a tree at a secondary school in Kas, in southern Darfur. All around the schoolyard are other villagers, most of them women and children. Many of them, she says, experienced what she did.

Others suffer in different ways.

Adam Hassan, a weathered man in an equally weathered robe, described a dual attack. First it was Arab men on horseback, he said, who swooped down on his village, outside Kaliek. Then, he said, soldiers moved in.

In Mr. Hassan's case it was his two sons, ages 7 and 10, who were killed.

Mr. Hassan now stays with his wife and two surviving daughters at the Kas schoolyard. He wants desperately to return to his land and pick up again where he left off.

Like so many of the uprooted villagers, Mr. Hassan is a farmer. He relies on the heavy rains that come in June and add some life to the dusty earth. His sorghum and ground nuts keep his family alive.

But he and hundreds of thousands of other farmers in Darfur will miss this year's planning season. It is too unsafe for them to farm. That reality has aid agencies gearing up for what will be more and more hunger in the days ahead.

"I may have to stay here forever," he said at his campsite, looking glum. "There are too many Janjaweed."

The United Nations, which conducted its own tour of Darfur last week, said the crisis in western Sudan would last another 18 months—if the government managed to disarm the men on horseback soon.

But it remains to be seen whether the lawlessness will be tamed. On one recent day, men on camelback still lurked on the outskirts of an empty village outside Kas. They took off when visitors arrived.

Farther down a dirt track, a man on the back of a donkey approached another destroyed village, an assault weapon balanced on his lap.

His name was Ismael Abbakar, and he said he knew how the village had been emptied—he took, part, in fact—although he claimed to be protecting the villagers, not driving them away.

Last year, when the chaos in Drafur began spinning out of control, he was raising cattle for a living. Now, though, he is a government soldier who patrols alone with his government-issued weapon. He pulled out an identification to prove his affiliation.

In Darfur the distinction between soldier and outlaw has grown murky.

Ahmed Angabo Ahmed, the commissioner of the Kas region, acknowledged enlisting some armed robbers in the police and army to hunt down the rebels. He said his new recruits were on the side of the law now and were not Janjaweed.

"The Janjaweed are outlaws," he said.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 10 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Enlightenment for the world, guide this Nation by Your wisdom. Lift up the prize of this Nation, our children, and our young people. Create for them a great future by providing them with good teachers.

As Members of Congress call to mind the many teachers You have given them through the years, make us all grateful for the women and men who have shaped our ways of thinking and opened for us avenues of learning and discovery.

The Scriptures tell us, "The learned will shine like the brilliance of the firmament and those who train others in the ways of justice will sparkle like the stars for all eternity."

Bless the teachers of these United States, and reward them for their noble work, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. MOORE) come forward and lead the House in the Pledge of Allegiance.

Mr. MOORE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PEER-TO-PEER SOFTWARE ENDANGERS OUR CHILDREN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, peer-to-peer file-sharing software poses a danger to our children. At any given time, 22 million children are online sharing files on peer-to-peer networks. They usually trade music and photos. But another group of peer-to-peer users has a different agenda. Most parents do not know about it. Most kids do not have a clue.

Pornographers and child predators use these networks to expose young children to the crudest forms of pornography imaginable, much of it child porn, always disguised using innocent-sounding terms. Often, these predators attempt to arrange meetings with young people through this software. These contacts pose a significant risk to the safety of our children when they use the computer.

This week, the Committee on Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection will take up this issue. Among the solutions to be discussed is my bill, H.R. 2885, the Protecting Children From Peer-to-Peer Pornography Act. The bill addresses the cyberdangers of file-sharing programs, like KaZaA.

Congress must act to protect children from this threat. If left unchecked, peer-to-peer networks will become the worst base of operations which child molesters, pornographers, and predators use to attack our kids in our homes online.

SAUDI ARABIAN CROWN PRINCE BLAMING ZIONISM FOR TERRORIST ATTACKS BY SAUDIS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, Saudi Arabia's Crown Prince Abdullah is blaming Zionism for recent terrorist attacks by Saudi groups in their own country. Zionism, the Crown Prince says, plays on the minds of terrorists and corrupts Saudi youth.

What an outrage. What blatant hypocrisy.

Mr. Speaker, 2½ years after the September 11 attacks, Saudi Arabia still cannot look in the mirror and face the truth. Its own extremist ideology is corroding Saudi society and exporting the damage to countless others. How ironic that Abdullah accuses Zionism, whatever he intends that word to mean, while the Saudi kingdom inculcates its young with hatred of Christians, Jews, and Western Civilization.

Mr. Speaker, I urge Prince Abdullah to retract his sickening and absurd statements, and I call on him to apologize. His real enemy is homegrown bigotry, which can only be battled by dragging Saudi Arabia into the 21st century.

CONGRESS SHOULD PASS PERMANENT AMT TAX RELIEF

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this week we will vote on H.R. 4227, the Middle-Class Alternative Minimum Tax Relief Act of 2004. We need to pass this important bill, sponsored by the gentleman from Connecticut (Mr. SIMMONS), to avoid 11 million taxpayers being hit with an average tax increase of $1,520.

The AMT Tax Relief Act will ensure that this bipartisan tax relief will continue through 2005. As our economy continues its strong recovery, we must make sure that middle-income families keep more of their own money.

Without the AMT Tax Relief Act, millions of middle-income families will face a tax increase next year by being forced into paying the alternative minimum tax. Married couples will see their AMT exemption drop from $58,000 to $45,000. Single individuals will see their AMT exemption drop from $40,250 to $33,750.

I urge my colleagues to join me in supporting continued tax relief for American families. Vote "yes" on H.R. 4227.

In conclusion, may God bless our troops. We will never forget September 11.

PRESCRIPTION DRUG DISCOUNT CARDS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, yesterday the Congressional Research Service concluded that the Bush administration broke the law when it refused to allow a career civil servant to be honest with Members of this House as to the true cost of the Republican prescription drug bill.

Since the very beginning of the prescription drug debate, President Bush and this Republican Congress have had a win-at-all-cost attitude about their prescription drug legislation. The sad fact is that the true losers in this scandal are the senior citizens, the very people Republicans claim they are trying to help.

This week, seniors nationwide will begin to see how ineffective and confusing the Republican prescription drug legislation is. This week, seniors have the opportunity to sign up for new prescription drug cards that will provide supposed savings on prescription drug costs.

But, Mr. Speaker, while some seniors will be able to save on their medications when they use these cards, many will not. In fact, I believe that these drug cards are nothing more than window dressing, a weak attempt by the Bush administration to couch the ineffectiveness of this Medicare law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded voted or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING VALUABLE CONTRIBUTIONS OF MILITARY IMPACTED SCHOOLS, TEACHERS, ADMINISTRATION, AND STAFF FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION OF MILITARY CHILDREN

Mr. HAYES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 598) recognizing the valuable contributions of military impacted schools, teachers, administration, and staff for their ongoing contributions to the education of military children.

The Clerk read as follows:

H. RES. 598

Whereas there are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States;

Whereas there are approximately 650,000 of these military children served in public schools across the United States;

Whereas there are approximately 100,500 military children served in Department of Defense Education Activity schools in the United States and overseas;

Whereas schools serving military installations stress the importance of being aware of what is happening in the world and the impact of world events on the lives of military families;

Whereas schools serving military installations can provide students a sense of safety and reassurance;

Whereas schools serving military installations understand the importance of providing a normal environment and regular routine for children of parents in the military before learning can ever take place;

Whereas such schools can offer increased counseling for military children due to the deployment of family members;

Whereas such schools can offer additional counseling for staff, many of whom are spouses, parents, brothers, and sisters of deployed members of the Armed Forces;

Whereas schools serving military installations often have additional security measures in place and are continually looking at further security measures for their schools;

Whereas schools serving military installations serve students whose parents can be deployed for long periods of time and often with short notice;-

Whereas teachers and counselors working in schools serving military installations are trained to work with military children and their classmates when there is a service-related incident or death;

Whereas school districts surrounding military installations can assist other school districts impacted by National Guard and Reserve deployments with support for students; and

Whereas the Impact Aid program provides support for military impacted schools in their efforts to serve students: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contributions of the teachers, administration, and staff of Military Impacted Schools and the Department of Defense Education Activity schools worldwide; and

(2) commends the teachers in military impacted communities who work on the front lines at home to educate students during times of peace and times of conflict.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 598.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by saying that on National Teachers Day, we, all of us, at every time rise to honor our teachers for their incredible contributions. Today we especially wanted to honor those teachers, staff, administrators, and all the support personnel at military impacted schools.

Mr. Speaker, I must add that you have been one of the champions of the fight for military impacted schools and increasing that amount of aid.

Mr. Speaker, the National Education Association agrees with our resolution. May I quote them: "In addition to providing the highest quality of academic support, schools serving active duty military dependents help provide students a sense of safety and reassurance by creating a normal environment and regular routine. The schools also offer increased counseling services to students and their families to help them cope with the deployment of parents, other relatives and friends. We thank you," myself and our cosponsors, "for your efforts to recognize the invaluable contributions of the thousands of teachers, administrators and staff in military impacted schools."

Mr. Speaker, I am immensely proud of the overwhelming bipartisan support for our military impacted schools. Eighty-seven Members on both sides of the aisle have cosponsored this resolution, and I have a letter of support from the NEA, clearly demonstrating this body's commitment to our military children and those that serve them. I certainly urge our colleagues to pass this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCHROCK), a captain who serves eight bases and over 400 commands in Hampton Roads, Virginia, a great military veteran and a tremendous champion of education and our military children.

Mr. SCHROCK. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to support H. Res. 598. Life for military families is very complex, especially at times like these when one or sometimes two of the parents are off serving in the global war on terror. The burdens on caregivers, schools, and the community to counsel these children and make them feel safe and secure are great.

Though the Department of Defense, with the help of Congress, is able to compensate communities for these burdens, the sensitivity of teachers, administrators, and other educators at military impacted schools is not something we can simply write a check for and expect the issues to be addressed. I cannot overstate the importance of supporting these affected communities financially.

However, today I am here to recognize the valuable contributions the schools have in the education, comfort, and care of our military children. Children of military communities are subject to different kinds of stress than other children. Their fear that mom and dad may not return from war cannot be comprehended by others in the community.

Educators in these areas have extra duties placed on them as they work the front lines to educate these children during times of both peace and conflict. Schools serving military installations must be aware of world events and how that can impact the lives of the children they teach.

The daily school routine helps provide military children with the feeling of safety and security. The need for normalcy is great in these communities; and educators, through their love and support of the children, help to provide that normalcy.

Approximately 650,000 public school children around the United States have parents serving in the military. The importance of supporting military impact aid for schools that serve these children is essential. Services such as increased counseling, security at the schools near military installations, and all around support can make all the difference in the lives of military children.

Today, I rise to support H. Res. 598 and to recognize the important and valuable contributions of military impacted schools, teachers, and administrations as they continue to care for our children; and I encourage all of my colleagues to do the same.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H. Res. 598. Today's resolution honors the role that military impacted schools, teachers, administrators, counselors, and other staff play in educating children of military families. These individuals deserve our thanks, and they deserve our support. Hardworking teachers, principals, and superintendents across the country are doing all they can to help the 650,000 military children served in public schools. They are making a difference in the lives of the children, helping them learn, helping them succeed in school and in life.

In Congress today we commend them, the parents, the teachers, the superintendents, the principals, for working on the front lines at home to educate students during times of peace and times of conflict. We should be doing all we can to support them in this important work.

Yet President Bush and the Republican Congress are not providing these children and the families with the support they deserve. Why? Because they are failing to provide adequate funding for schools serving military children. These shortcomings are even more pronounced while these children's parents, our soldiers, are defending us in Iraq, Afghanistan and around the world.

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We need to be doing more, not less, for these children and their families.

President Bush has shortchanged children and military families in several ways. First, passing tax cuts that leave hundreds of thousands of military children behind. While millionaires receive checks averaging $93,500 from the government, the hard-working parents of 12 million children receive nothing because Congress refused to close the loophole in the massive tax cut to the richest Americans. Even 260,000 children of active military parents were excluded from the child tax credit that the President signed.

Second, flat-funding the Impact Aid program. The Impact Aid program provides funds for schools which serve heavy concentrations of children from military families. Unfortunately, the Bush administration has failed to invest adequate resources in this program. First, by proposing to cut the program last year, and then flat-funding it in the fiscal year 2005 budget submitted only 3 months ago. Also by freezing school construction funding.

Under the Impact Aid program, school construction funding is reserved for the military school districts with the most pressing facility needs. In his fiscal year 2005 budget, President Bush proposed to freeze construction funding. Worse yet, the level of funding for school construction has declined considerably and is less than one-third of the level President Bush proposed when he entered office in 2001.

This President has also broken the promise to fund No Child Left Behind. President Bush has underfunded No Child Left Behind by nearly $27 billion since it was enacted. Schools serving military children generally have high numbers of disadvantaged children. No Child Left Behind's funding is targeted to school districts with high concentrations of disadvantaged children.

This lack of commitment to funding hits military-impacted districts especially hard. If this budget becomes law, military children across the country will be shortchanged.

For instance, in my home State of Ohio, children in my district, the 17th congressional district, are being shortchanged. Children in Title I schools in are eligible for $574,200 in Title I funding, but the President's budget provides only $399,000, for a shortfall of over 30 percent, nearly $175,000. Southeast school district children are eligible for $351,000 in Title I funding, but would get only $241,000 under the President's budget, for a shortfall of over 31 percent.

Mr. Speaker, it is these programs and many more that are being cut by this President's budget or frozen by this President's budget.

We are going to support this resolution. We are going to support our teachers, the faculty, and the parents of these children.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

I must express my disappointment in the loss of focus here today. The purpose of H. Res. 598 is to honor teachers, staff, and administrators. We are not here to criticize the administration, particularly when the facts do not add up, and I will speak to that later. It is rather ironic that the former administration cut Impact Aid 8 years in a row, but we will speak about that in a minute.

Mr. Speaker, at this point, it is with great pleasure that I yield 3 minutes to the gentleman from North Carolina (Mr. JONES), my good friend who represents Camp Lejeune and Seymour Johnson Air Force Base.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES), my colleague, for yielding me this time, and I want to thank him for introducing this resolution 598. Again, I appreciate the fact that we will come together and vote on this resolution today as both Republicans and Democrats, because these schools, these DOD schools are exceptional in many ways.

I want to just touch on my personal experience down at Camp Lejeune. Mr. Speaker, I have the privilege, as the gentleman from North Carolina (Mr. HAYES) said, to have Camp Lejeune, Cherry Point, Seymour Johnson Air Force Base in my district. In Camp Lejeune, for the 10 years I have been in office, I have had many occasions to go visit the schools at Camp Lejeune, both elementary schools and senior high schools.

As fate would have it, shortly after the decision to go into Iraq, I had the opportunity to speak to the seniors in the auditorium, and I could tell that some of those young people, their faces, you could tell that they had parents who had already been deployed overseas, and I spoke to them and tried to encourage them to tell them how much we in Congress on both sides of the aisle appreciate the commitment their parents have made to this great Nation.

I mention that for this reason: I found when I was there that day that there is a special bonding among the teachers and the administration and the students at these DOD schools, this one in particular at Camp Lejeune, that there is an environment there that is cohesive to the situation that these young people are finding themselves in because their parents have been deployed. One parent, in some cases, it was 2 parents, quite frankly, who had been overseas defending freedom in Iraq and also for the American people.

There is one thing that I always wonder, is why, when something is working so well, why the Federal agency, in this case, the Department of Defense, wants, to study and see what the future of the schools needs to be? That is why I was so pleased that the gentleman from North Carolina (Mr. HAYES) introduced this resolution, and again, both sides are supporting the resolution.

These schools are exceptional. These young people, time after time, when they take national tests, the students at the DOD schools are really doing as well, if not better, in most cases, than even the public schools. I am not here to compare one school to another school, but the record speaks for itself. These young kids at the DOD schools excel when it comes to these national tests.

Also, I was touched that I had the privilege to visit the children at Camp Lejeune with special needs. I never will forget a little girl that met me in the hall when I was speaking to the teachers, and she held my hand as we walked to her class. I had a chance to observe and to talk to the teacher and to the assistant teacher as to the fine work they are doing with children with special needs at our DOD schools, again, this is Camp Lejeune.

So my friend, the gentleman from North Carolina (Mr. HAYES) and the others, both Democrat and Republican who are on the floor today, to say thank you to our teachers, to our principals, and to our administrators at these DOD schools, we very much appreciate the great job they are doing.

I do say, Mr. Speaker, God bless our men and women in uniform and their families and God bless America.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would also like to say to the gentleman from North Carolina, our comments today in no way take away from our ability to thank these teachers for all of their hard work. We just think that there are opportunities here that this Congress and this President could move to make this a better program, to help our children more. This is not a criticism of the teachers or principals or the teachers who are active in this program.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of House Resolution 598 honoring teachers in military-impacted schools.

Mr. Speaker, this is Teachers' Week, honoring all teachers, but we especially thank those who work in our communities that have large numbers of military families.

San Diego is the proud home of the largest number of Marine and Naval personnel and their families in the country. And we are all very well aware of the sacrifices of these families, including members of the Reserves and the National Guard are making as their loved ones have deployed to Iraq. Many have had their tours extended or have just returned to Iraq for a second tour. To give these members of our armed services peace of mind, it is important that they can count on their children having a stable and caring school environment.

Every one of us can surely recall how difficult it is to concentrate on our work when our lives are disrupted. For children, the anxiety of a parent leaving for the battlefield for an indeterminate amount of time is especially traumatic. Having a loving teacher who understands that a child may be tense or anxious or unable to concentrate because he has just said good-bye to a parent is important, not only to that child, but also to the parents.

Nearly 40 percent of the students in Coronado, one of the communities in my district, are related to the military, with many living in housing on base. So we know that every day, teachers and administrators in the district are seriously impacted by the fact that we have many, many people serving overseas today, and they are there with loving hugs and caring for the children. Sometimes, as it has been stated here today, we undermine their efforts. Mr. Speaker, I think it is important for us not to do that, because we need to salute their efforts so that teachers, the administration, and staff in this district and every other district in the country that receives Federal Impact Aid, we say a special thank you today.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise today to proudly support our Nation's teachers, administrators, and staff of military-impacted schools. Just like many of students' parents, teachers at military-impacted schools across the country report for duty each day ready to serve, but with an added mission: to keep each school day as normal as possible for students who often have much more on their minds than learning. Every day, approximately 750,000 school-age children of members of the active duty Armed Forces are at school, tasked with concentrating on their studies and faced with the reality that their mom or dad may be serving in a danger zone.

Mr. Speaker, 650,000 of these students are served by talented and caring teachers in our Nation's public schools near our military bases, while an additional 100,500 military children are served in Department of Defense education activity schools stateside and overseas.

In the 8th District of North Carolina, the school systems surrounding Fort Bragg meet together regularly to discuss the common issues affecting military children. Officials from the Department of Defense schools at Fort Bragg work alongside public schools to facilitate smooth transitions and to ensure that teachers and staff are trained and sensitive to the military needs and culture. Dr. Bill Harrison, superintendent of the Cumberland County schools, and also superintendent Joel Hansen of the DOD school on post, are working together constantly to meet the needs of these children.

Mr. Speaker, the teachers in my district do an outstanding job of serving these students and their families. They not only provide a quality education for all students, but they take the extra time and energy needed to serve our military children.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are several other issues here that I wanted to touch upon. One is the zeroing out of the counseling program; it was $32 million, it has been zeroed out. Children of military families struggle to deal with a lot of the issues that are brought forth during times of war, during times of conflict. President Bush has zeroed out the elementary and secondary school counseling program. The program represents one of the few counseling efforts that the Federal Government supports, and especially as children struggle with the uncertainties facing their families in deployment during a time of war.

Also, another issue that must be touched upon here. I do not think we can have a debate about the military schools or the military impact program or any education program without looking at the whole picture. We cannot ignore IDEA. We cannot ignore No Child Left Behind. We cannot ignore construction for these facilities. We cannot ignore the counseling programs. Education is an integrated process, and by ignoring any of these, I do not think we fully touch upon the issues that we want to talk about here today.

Military-impacted districts have, on average, dealing with IDEA, more children with disabilities than non-military-impacted districts. So they are clearly going to be affected in a deeper manner than an average school, and by failing to fully fund IDEA, President Bush is exacerbating the challenges that military-impacted districts face. These districts and these taxpayers get hit twice. The government comes in, they buy the land up, they are not getting the proper amount of reimbursement from this program and, at the same time, because you have less land, you are getting an increase in your own property tax.

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So this hits these families in these communities that more often than not need a lot of help. And I know Windham and Southeast and Maplewood in my congressional district, they need this assistance. Ohio is a State that has lost over 200,000 jobs. We need to begin to educate our kids.

No Child Left Behind has been reported by the Ohio Department of Education, a Republican-controlled general assembly, every Statewide officeholder in Ohio is a Republican, and they have said that the No Child Left Behind program is underfunded in the State of Ohio by $1.4 billion. We cannot talk about any kind of education programs without looking at the whole pack.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, we have lost focus. This is about honoring our teachers our administrators and our staff. I again would remind my colleague that that is what this is about.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN) who is an outstanding Member and hard worker for our military and for their children and dependents.

Mrs. BLACKBURN. Mr. Speaker, as part of National Teachers Week, it is so fitting that we commend our teachers for the work that they do. And I think it is particularly appropriate that America take time to thank the teachers and the school administrators at our military-impacted schools.

The 101 Airborne Division of the U.S. Army is stationed at Ft. Campbell in my district, in Montgomery County, Tennessee. There are 5,400 children who have at least one parent in the military and 1,700 children of civilian military employees attending the local Clarksville-Montgomery County Schools.

These schools play a central role in the lives of children whose needs are unique. As they adjust to their parents being deployed around the world defending America, the sacrifice that these children and their families make is enormous. And how fitting that we recognize that and that we recognize the teachers and the administrators who work with them teach and every day.

I know these children often have many things on their minds, many important and pressing issues on their minds, and the teachers at our military-impacted schools are important in providing a warm, friendly environment for these students.

Mr. Speaker, I thank the teachers and the staff at our military-impacted schools for their commitment to the children to their families and to our service members.

Mr. RYAN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. HAYES. Mr. Speaker, does my colleague have additional speakers and do I have the right to close?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from North Carolina (Mr. HAYES) has the right to close.

Mr. HAYES. Mr. Speaker, I am prepared to close. I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just one final closing point, and we do not need to beat a dead horse here, but I do believe that we cannot have an honest debate about this education program or any other education programs without looking at the money, and we need to fund these education programs.

Again, we commend the teachers. We commend the principles and the people who were involved in this program. And there is no doubt about the outstanding work that they provide, the outstanding leadership that they provide for our young students who are there. We will support this resolution. But, in the current fiscal year 2004 appropriations, $61.6 million, it would take $1.1 billion to fully fund this program.

When you look at that in the light of all the tax cuts that we have given to the top one, 2 percent of the people in this country, the wealthiest 1 and 2 percent of the people in this country, we just believe on this side of the aisle that it is time for us to take this responsibility seriously.

We are losing jobs left and right, and we want every single child to have an opportunity to get a quality education with the new facility with the proper education in these time of great need for these children.

We are supportive of this resolution. I thank the gentleman for bringing it up. It is a great idea to take time out of our busy schedules here in Congress to commend these teachers and these people who are leading the future youth of this country.

Mr. Speaker, I yield back the balance of my time.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me point out again our appreciation for the gentleman from Nebraska (Mr. TERRY) who has a military-impacted school association in your district and you have been a tremendous help.

I thank my colleague, the gentleman from Ohio (Mr. RYAN) for his kind remarks in support of the resolution. I take a moment to simply digress to say that under No Child Left Behind, there has been a 42.5 percent increase in funding for education over the past 4 years.

We had the entire State Board of Education from North Carolina here to talk about No Child Left Behind. And ironically, Democrats and Republicans, as they should, came together to pass No Child Left Behind. What came out of this meeting was that it is very clear that people who are concerned with the outcome are working together to make sure that that destination is arrived at by all children and all teachers. And if there are issues to be dealt with, we are willing, able and eager to do that.

I also might point out as a result of No Child Left Behind, the Federal Government is currently spending more money on K to 12 than at any other time in history. Discretionary appropriations for the Department of Education rose from $23 billion in 1996 to $55.7 billion, 142 percent increase.

Mr. Speaker, we are not here to talk about the administration, past or present. We are here again to thank and honor those teachers and administrators and staff. These are the teachers that plan and attend Military Appreciation Days. They allow students the flexibility to attend send off and welcome home ceremonies. They coordinate letter writing campaigns for our troops and integrate academic studies with the real world current events that impact their students. These teachers celebrate with families when a parent returns from deployment, and they weep with them when a loved one is lost. They recognize that sometimes their students deserve an extra dose of patience, sympathy and encouragement. They identify and meet those special needs.

Teachers in military impacted schools challenge students a demanding curriculum and the toughest academic standards, yet they faithfully provide the additional support that they need.

Studies show that military children move three times more than non-military. They face unique challenges, including managing school records, making new friends and adjusting to different school system policies and calendars.

Most publicly-impacted school districts also rely on impact aid for funding. Impact aid is not only the first education program, but also one of the most efficient programs the Department of Education administers. In public school, districts where the Federal Government is a primary employer-land owner, a vital tax base is lost. Impact aid payments step in to fill the gap.

I look forward to working with my colleagues to increase funding. Over the years since we have been here, every year Democrats and Republicans have worked to restore funding. Some folks do not have military installations. They do not understand this need. But we are working and we have improved it every year and that is what bipartisanship is all about.

Because of compassionate post assignments such as Ft. Bragg and Camp Lejeune, some military installations are home to substantially high number of special needs children. Schools must adjust to meet these needs and provide an appropriate education for every child.

Additionally, schools across the country that may not be near a military installation, but are home to children of National Guard and Reservists are caring for families as troops are deployed, join the remaining parent or caretaker in supporting the academic and emotional needs of students.

Military-impacted schools often employ teachers who themselves served in the Armed Forces. Reservists often live near military installations and when called to active duty, school districts must fill these temporary vacancies with another qualified interim teacher.

Mr. Speaker, the teachers, administrators and staff of military-impacted schools are some of the finest Americans I know. They serve the ones who serve. They exemplify the same fine American values that our armed services demonstrate each day, commitment, dedication and patriotism.

Mr. Speaker, please allow me a moment to recognize several organizations that play vital roles in supporting our military families, specifically, the Military Impacted School Association, National Association of Federally Impacted Schools, National Military Family Association, and the Military Child Education Coalition. They work every day to build partnerships that strengthen the educational opportunities for children. I am proud of these organizations and am dedicated to working with them to achieve our common goal.

Mr. Speaker, today, May 4, 2004, is National Teacher Day. This week has been designated National Teacher Appreciation Week by the Parent Teacher Association National Branch. Today we all tell our teachers that we appreciate their service to America's children. But specifically today, I urge my colleagues to join me in honoring the fine men and women in our military-impacted schools for their dedication to our country's children, our Armed Forces and their families.

Again, working together we have been able to raise the level of funding, and we will continue in a bipartisan fashion to do that.

I thank my colleagues for their support, their co-sponsorship, and their words of encouragement to their fine teachers and their staff. I urge my colleagues to support the resolution.

Mr. HOLT. Mr. Speaker, I rise in support of H.Res. 598 legislation recognizing the valuable contributions of military impacted schools, teachers, administration, and staff for their ongoing contributions to the education of military children. I want to reiterate the importance of supporting our military families through the Impact Aid program, and I commend the teachers and school administrators for the outstanding work they do. This program is vital to the education of millions of children across the nation.

Impact Aid was created in 1950 when Congress recognized the obligation of the Federal Government to assist school districts and communities that experience a loss in their local property tax base due to the presence of the Federal Government. Between 1950 and 1969, the Impact Aid Program was fully funded by Congress. Since that time the funding level has not kept pace with the amount required to cover the Federal Government's tax obligation. Impact Aid funds are sent directly to the school district. The funds go directly into the school district's general fund for operations such as the purchase of textbooks, computers, utilities, and payment of staff salaries. Over 90 percent of funding for education comes from local funds such as property taxes. But what happens if that property is owned by the Federal Government and is off the tax rolls? Kids report to class with no property tax dollars needed for their school. In my district more than 1,000 students at Monmouth Regional High School, more than 1,300 students in Eatontown, and more than 1,700 in Tinton Falls are affected by impact aid. The teachers there work very hard to provide a quality education to all their students. Teachers who teach students of military families have the added burden of teaching students whose parents are or may be going overseas.

The quickest way to take a soldier or sailor's mind off their mission is to have them worrying about their children's education. Children from military families come from some of the hardest working, most patriotic families, but the schools they attend sometimes face bankruptcy. This is because of the way we fund our nation's schools. Impact Aid honors our commitment to military families. It guarantees that those families who serve to protect our freedom are in turn protected by the Federal Government. The hard working teachers of these districts ensure that these children of military members will succeed. The administrators, teachers, aids, guidance counselors, librarians, bus drivers, janitors all need to be commended for their work.

Our constitution commands that the first job of the Federal Government is to "provide for the common defense." As we improve the pay and benefits of men and women in uniform, we must also support their kids, the local schools they attend, and the teachers who teach them. The time is now to support schools that educate the children whose parents wear our nation's uniform.

Mr. RUPPERSBERGER. Mr. Speaker, I rise today in support of House Resolution 598.

Tens of thousands of men and women in uniform are serving our country around the world. I believe we owe it to them to make sure that their children here at home have access to a quality education. Teachers, staff, and administrators at schools serving our military communities are a critical part of achieving this goal. These professionals work hard to educate our youth as well as support families who are dealing with a loved one serving overseas—very often in a dangerous, combat area. That is why I am taking time today to honor these great educators for the work they do every day. The commitment of the staff at these schools is unwavering and I am proud to stand here today in support of these great Americans.

In my district, the Maryland 2nd Congressional District, schools around Fort Meade in Anne Arundel County, especially elementary schools, are feeling the pinch. The military is funding the development of 3200 new housing units on the base in the next few years. This is welcome news for military families but this initiative coupled with the fact that more military personnel are being called to duty is expected to bring 700 new students to the Anne Arundel County School System. These military families typically don't pay taxes in Anne Arundel County because their home of record is in another state. This situation is expected to overburden the school system and disrupt the system's construction and modernization plan due to this influx of new students.

As the former Baltimore County Executive, I understand the financial constraint situations like this put on local governments. I am doing everything I can here on Capitol Hill to make sure that this situation does not unfairly burden Anne Arundel County. I believe we need to fully fund Impact Aid to counties serving military children like Anne Arundel County. Impact Aid is federal assistance that helps offset the costs of educating military children when their families don't pay taxes in the area. Right now Impact Aid is only funded 60%. I believe we should completely fund the program.

The teachers, staff, and administrators at these schools do their part to educate and support these military families in this very difficult time. We in Congress must do our part and give them the resources they deserve.

Mr. ISSA. Mr. Speaker, I rise today to join my colleagues in recognizing the contributions of military impacted schools. My district includes Camp Pendleton, the home of the First Marine Expeditionary Force, which has deployed to Iraq and has recently conducted major operations in cities throughout the Sunni Triangle, including Fallujah. The 1 MEF has participated in Operation Enduring Freedom, Operation Iraqi Freedom and is now serving in Iraq as part of Operation Iraqi Freedom II.

The schools that care for and educate the children of Camp Pendleton Marines provide vital educational and counseling services that have helped ease the stresses associated with this latest deployment. They provide military children with a normal daily routine—a critical need in this age when news from the front lines is brought home almost immediately.

They also have provided these children with an excellent education. Mary Faye Pendleton and San Onofre Elementary Schools, both of which are located on-base are the highest-performing schools in the entire Fallbrook Elementary School district. In addition, Oceanside Unified's three on-base schools were all recognized as California Distinguished Schools this past year.

I am proud of the teachers, administrators, staff, and volunteers of all the military impacted schools in my district. Oceanside Unified, Vista Unified, Fallbrook Elementary, Fallbrook High School, Bonsall Unified, Julian Unified, Valley Center Unified, and Warner Unified School District have all provided a great service to our men and women in uniform.

I am particularly proud of the way these schools have continued to provide quality education to these military children despite major shortfalls in federal funding for Impact Aid, which funds military impacted schools. Every year we have a budget battle over Impact Aid.

We need to remind ourselves that military impacted schools are a critical element in the support of our military families. If we are going to recognize the importance of these schools to our military men and women serving overseas, we must support them with the resources they need to do their jobs well. I urge my colleagues to support this resolution.

Mr. TERRY. Mr. Speaker, I take this opportunity to join the other co-sponsors of H. Res. 598 as we pay tribute to America's military impacted schools. It is important that we take time to honor the teachers, administrators, counselors, and other staff members of our military schools. These are the quiet professionals who report for duty each day, but carry the burden of an added mission: to provide the best possible education to students who often have much more on their minds than school work.

I extend my appreciation to Congressman HAYES for sponsoring this resolution. Too often, our military schools and the educators who fill them are taken for granted. This should never be the case. After all, the education of a military child is directly connected to the military's overall quality of life, as well as its retention and readiness.

Today, approximately 650,000 military children are served by talented and caring teachers in public schools near military bases. Another 100,500 military children attend Department of Defense Education Activity schools here in the states and overseas. Many of these students are facing the reality that their father or mother—or both—are serving in a danger zone.

Fortunately, one thing that American troops do not have to worry about is whether their children are receiving a quality education. The educators in our military impacted schools make certain that the children of our Soldiers, Sailors, Marines and Airmen have a first-class educational experience—each and every school day.

This is our opportunity to thank the exceptional teachers, administrators, and staff of America's military impacted schools. We recognize the extra efforts they are making in these challenging times, and we are grateful. Job well done.

Mr. CASTLE. Mr. Speaker, I rise today in support of House Resolution 598 offered by my colleague, the gentleman from North Carolina, Mr. HAYES. House Resolution 598 recognizes the valuable contributions of the administrators, teachers and staff who educate children of military families.

There are approximately 650,000 school-aged children of members of the Armed Forces enrolled in public schools across the United States. Another 100,500 military children are served in Department of Defense Education Activity schools in the U.S. and overseas.

While all children deserve a quality education in a stable learning environment, children of military families often face unique and stressful situations, especially in times of conflict when their parents can be deployed for long periods of time and often with short notice.

Schools serving military installations understand the importance of providing a normal learning environment and regular routine for children whose parents serve in the military. They can provide students with a sense of safety and reassurance and, a place for them to thrive academically.

Military impacted schools can also offer increased counseling for military children due to the deployment of family members, and teachers and counselors working in such schools are trained to work with military children and their classmates when there is a service-related incident or death.

I'd like to particularly recognize the Caesar Rodney School District in my home State of Delaware, which serves the families of Dover Air Force Base. The Caesar Rodney School District serves nearly 7,000 students and has a long history of academic excellence and service to its community. I would like to thank them for their commitment to serving the needs of our military children.

Mr. Speaker, House Resolution 598 is simple. It recognizes and commends the valuable contributions of the teachers, administrators, and staff of military impacted schools and the Department of Defense Education Activity Schools.

This resolution is also timely as this is National Teacher Appreciation Week. We not only would like to recognize the hard work and accomplishments of our military impacted schools personnel, but all elementary and secondary teachers across the country.

Mr. BOEHNER. Mr. Speaker, I rise today in support of House Resolution 598 offered by the gentleman from North Carolina, Mr. HAYES. House Resolution 598 recognizes the valuable contributions of the teachers, administrators, and staff who work hard everyday to educate the children of military families.

It's fitting that we are considering this resolution today, as this week marks National Teacher Appreciation Week. This resolution reflects our strong belief that every child in America, regardless of their military connection, deserves the opportunity to receive a quality education, and that every child should be taught by a highly qualified teacher.

The success of education reform efforts is increasingly seen as directly dependent on the quality of classroom instruction, and ensuring the quality of America's 3.2 million teachers is an essential part of providing an excellent education to all our children. A growing number of studies provide conclusive evidence that teacher quality is the primary school-related factor affecting student achievement. Students who are taught by effective and competent teachers excel quickly, while those who are assigned to the least effective teachers lag behind and often never catch up.

House Resolution 598 focuses on schools that serve our military children. These schools understand the importance of providing a normal learning environment and regular routine for children whose parents serve in the military so that they are able to learn in stressful situations, especially in times of conflict. They can also provide students with a sense of safety and reassurance while their parents are defending our freedom.

Schools serving military installations can offer increased counseling for military children when family members are deployed, and teachers and counselors working in such schools are trained to work with military children and their classmates when there is a service-related incident or death. These schools can also offer additional counseling for staff, many of whom are spouses, parents, brothers, and sisters of deployed members of the Armed Forces.

I would particularly like to thank the schools serving the children of Wright-Patterson Air Force Base in my district. The Wright-Patterson Air Force Base is the only active military base in Ohio and focuses on aviation research and development. I would like to thank them for their commitment to serving the needs of our military families.

Mr. Speaker, the teachers, administrators and staff of all our schools are the true heroes of our communities. Every child deserves an excellent education in order to gain the skills needed to continue on to higher learning, compete in the marketplace, contribute to society, and lead a fulfilling life.

This resolution rightly recognizes the contributions of the teachers, administrators, and staff of military impacted schools, and Department of Defense Education Activity schools world-wide and we praise the teachers in military impacted communities who work on the front lines at home to educate students during times of peace and times of conflict.

I would like to thank Mr. HAYES for his leadership in bringing this bipartisan resolution forward and urge my colleagues to vote in support of this resolution.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to pay tribute to the basketball capital of the nation, Storrs CT home of the University of Connecticut Huskies. For the first time in NCAA history, one school has brought home both the Men's and Women's Division I Basketball titles in the same year.

I would like to offer special congratulations to Head Coaches Jim Calhoun and Geno Auriemma. This is Coach Calhoun's second National Championship. For Coach Auriemma, this is his third consecutive championship and fifth overall. Both men are outstanding coaches who exemplify leadership and commitment to our young people.

Mr. Speaker, this is an extraordinary group of young men and women. We could spend hours telling you about each one of these marvelous student athletes. Since we don't have that much time, I want to take a moment to tell you a little about All Americans Emeka Okafor and Diana Taurasi.

Emeka Okafor the Co-National Player of the Year, is not only a stellar shot blocker, he is graduating from UCONN as a Junior with his degree in Finance and carries a 3.8 GPA. Earlier this year he was named Kodak Academic Player of the Year. Emeka is a genuine role model for our children.

Diana Taurasi was recently named the national women's Player of the Year and the Final Four Most Outstanding Player. As a senior at UCONN, she led the Huskies to three consecutive national titles—and finished her college career with a team-high 17 points in the championship game.

Coach Auriemma told his team before the game that in the early 90's the team played in its first championship game before a crowd of roughly 1,500 people. On April 6th the Huskies defeated the University of Tennessee Volunteers in front of a crowd of over 15,000. Mr. Speaker I think its safe to say that Title IX is alive and doing well in Storrs Connecticut.

Mr. Speaker, I ask you and all of our colleagues to join me in honoring these two tremendous teams.

Mr. HAYES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and agree to the resolution, H. Res. 598.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING CHARTER SCHOOLS FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 600) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contribution to education, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 600

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of our families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and promote the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students;

Whereas over the last 10 years, Congress has provided more than $1,000,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001, and contained in the Elementary and Secondary Education Act of 1965, in the same manner as traditional public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the fifth annual National Charter Schools Week, to be held May 3 to 7, 2004, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it—

Resolved, That—

(1) the House of Representatives acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the House of Representatives supports the fifth annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 600.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of H. Res. 600, a resolution congratulating charter schools across the United States and their students, parents, teachers and administrators of such schools for their ongoing contributions to education.

Charter schools represent a grand experiment which relies upon innovation and creativity found within American society. Since charter schools are often small and independent, they are able to focus on new approaches for teaching and preparing students for their place in our rapidly changing world. Charter schools often deliver high-quality education and challenge students to reach their potential. Charter schools can be vehicles for improving student achievement and for stimulating change in all educational settings including public schools.

Almost 2,700 charter schools serve students across the Nation, and these schools are found in 41 States, Puerto Rico and the District of Columbia. In Michigan, there are over 210 operational charter schools and even more approved to open during the 2004–2005 school year.

I would especially like to commend one innovative and entrepreneurial charter school pioneer in my district, Mr. J.C. Huizenga. He founded National Heritage Academies in 1995 with a vision to create a network of K–8 schools that offer a common-sense approach to education. The cornerstones of this approach include rigorous academics, a strong virtue-based character development program, active parental involvement, and a high degree of accountability.

Mr. Huizenga and his National Heritage Academies operate 39 schools in 5 States and serve nearly 21,000 students.

I urge my colleagues to join me in supporting and congratulating charter schools.

Mr. Speaker, I would also like to take a few moments to respond to the gentleman from Ohio (Mr. RYAN) regarding the extraneous comments he inserted in the debate on the previous measure. He commented that the legislature in Ohio and others there agree that No Child Left Behind is underfunded.

Mr. Speaker, I served in the Michigan legislature for 11 years. During all that time, I never met any legislator who ever felt that the Federal Government was properly funding or overfunding anything.

□ 1445

It is the character of State legislators and State legislatures to believe that the Federal Government should be sending them more money. That simple statement about the Ohio legislature is no indication whatsoever of the truth of the situation.

The truth is that Federal funding for education has more than doubled over the past 8 years. The truth is that if we look at the charts of the funding under No Child Left Behind of this Congress and compare it with the funding under the previous program, we are doing extremely well. It is almost an exponential increase compared to the relatively flat funding prior to that.

Similarly for IDEA funding; if we look at the history of that, IDEA funding was struggling along at a few billion dollars per year for a number of years. Since the Republicans took over, we have quadrupled the amount of funding for IDEA to $10 billion in fiscal year 2004.

The facts are, the Republicans have been very generous with the funding of No Child Left Behind and IDEA, and attempts to say otherwise are simply falsifying the facts and I think are for political purposes and should not have been inserted in the discussion of the military schools debate.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself as much time as I may consume.

The gentleman from Michigan makes a valid point. We are spending more on education, but there are more mandates that have been placed on these local schools, and the money that we have given has not equaled the amount that is needed to fulfill the obligations that the Federal Government wants to impose on the local school districts and the States.

I was in the State legislature, too. I know State legislators want more Federal money; there is no doubt about that, and I apologize to the gentleman from Nevada. We are getting a little off the point here, but my point was that here we have a Republican-controlled legislature, we have a Republican State for the most part controlled by Republican-elected officials, soon to become a Democratic State in the fall, but a Republican State controlled, and my point is that the Department of Education in Ohio is not going to throw it back in the Republican Congress' face and criticize them unnecessarily so. So if anything, it was a proper analysis of the funding that was needed.

Back to H. Res. 600. I do rise, Mr. Speaker, in support of H. Res. 600, a resolution congratulating public charter schools for their ongoing contribution to our educational system.

The first charter school opened its doors in 1992 in Minnesota; and since that time, the number of charter schools has grown. While they only educate a small portion of all children that attend public schools, these schools have added to the importance and purpose of our public school systems. The truly great aspect of our country's educational system is its public schools. Whether it is charter schools or traditional public schools, all of our public schools exist to educate our Nation's children.

America cannot succeed without a robust and successful public school system. Charter schools are one important part of this system.

I do want to say that this is not a resolution of us agreeing to abandon the traditional public schools, abandon funding for the traditional public schools at both a local, State level, and at Federal level. This is not that resolution.

We do want to commend all the hardworking teachers and principals and leaders in the schools and the kids who go to these schools as students who attend. They are great kids. I have had an opportunity to meet with them and speak with them. They are great kids who deserve all the respect and admiration that this body can give them.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 600. This resolution honors and congratulates our Nation's charter schools and the students, parents, teacher administrators, and other individuals involved for their hard work and dedication to providing a quality public education. This week, May 3 through May 7, has been designated National Charter School Week. It is during this week that charter school organizations and others around the United States honor these schools for their continued contributions to education.

The Nation's charter schools deliver high-quality education and challenge students to reach their potential. Forty-one States, the District of Columbia, and Puerto Rico have passed laws authorizing charter schools. Since the first charter school law was passed in 1991, almost 3,000 charter schools now serve nearly 750,000 students in 37 States and the District of Columbia and Puerto Rico.

Specifically, I am honored to mention the 14 charter schools in Nevada that serve nearly 3,000 students. Nevada first passed charter school legislation in 1997, with our first charter school opening in the 1998–1999 school year. The State charter school legislation was revised again in 1999, lending teachers more room for creativity in allowing charter schools the ability to offer an extended school day, as well as an extended school year.

I commend the charter schools in the State of Nevada and across the Nation for recognizing the immense need for improved education and for their commitment to improving student achievement for students who attend these schools. At charter schools nationwide, almost half the students are considered at-risk or are former dropouts. Charter schools serve significant numbers of minority students, students with disabilities, and students that are from lower-income families. These schools give opportunity and freedom to students and parents who otherwise might not have had the chance to receive a quality education.

Nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill another 1,000 average-size charter schools across the country. By allowing parents and students to choose their public school, charter schools can stimulate change and improvement in all public schools and benefit all public school students.

In exchange for flexibility and autonomy, public charter schools are held accountable by their sponsors for improving student achievement and for their administration. Charter schools respond to the needs of America's communities, families, and students while promoting the principles of quality, choice, and innovation. Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public.

Charter schools have enjoyed broad bipartisan support from the administration, the Congress, State Governors and legislatures, educators and parents across the Nation. The fifth annual National Charter Schools Week held this week, May 3 through May 7, recognizes the significant impacts, achievements, and innovations of our Nation's charter schools. Through this resolution, Congress today acknowledges and commends the charter school movement and charter schools, students, teachers and parents and administrators across the United States for their ongoing contributions to education and improving and strengthening our Nation's public school system.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time and for his work in bringing this bill forward and the gentleman on the other side as well.

I strongly support this resolution. The first Federal bill for charter schools was a bill for the District of Columbia only. I worked with Newt Gingrich on this bill when he was Speaker and when he knew that the District of Columbia opposed vouchers.

Instead, he worked with me on a charter school bill, and charter schools took off in the District of Columbia as they have in no other jurisdiction today.

The District of Columbia has the largest number of charter schools. I could not be more proud of these schools. They are an alternative public school system. They are accountable to us in the same way that the District of Columbia public schools are.

This morning in the other body in the Senate, a hearing was held on charter schools in our city as a part of the D.C. appropriation. The interesting thing about the voucher fight that took place just a few months ago is that my own constituents who came in to see me, who wanted vouchers, many of them said to me that the reason that they were supporting a voucher bill is that there was such a long line of backlog in the charter schools that they did not believe their children could get into the charter schools.

I then begged the Congress to give any extra money it had to our charter schools since our council had passed a bill in favor of charter schools, our council was giving money to charter schools; and, instead, the Congress decided to make the District of Columbia the only jurisdiction in the United States to have vouchers imposed on it while the Congress itself has refused to impose private school vouchers on the country.

I invite the Congress to visit the charter schools of the District of Columbia and come see what a public school system can do in addressing the need for alternatives to public schools, as I believe there are. There are people who oppose charter schools. I think that is an unacceptable position. If, in fact, the public school the child attends is not satisfactory to that parent, there should be a public school alternative for that parent. That is exactly what the District of Columbia has. A series of public school alternatives, side by side, are our public schools.

I am proud of Arts and Technology, SEED, Friendship Edison, Cesar Chavez, Carlos Rosario, Tree of Life, Capital City, Howard Road, and KIPP to name just a few of the charter schools in the District of Columbia. We have almost 1,400 youngsters attending D.C. charter schools. The next time my colleagues want a voucher, if they come and see the charter schools in the District, they will get cured of that disease.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank my colleague from Nevada for the wonderful work that he has done on this resolution and for his support of charter schools. I am pleased to join him in cosponsoring this legislation and serving as an honorary cochairman of the National Charter School Week. The growth of charter schools across our country in recent years has allowed us to see firsthand the difference that these schools can make in children's lives.

In 2002, while I was a member of the Tennessee State Senate, we passed legislation allowing for the creation of public charter schools. That was signed into law in Tennessee that year. The legislation allowed for the creation of the first four public charter schools, which opened their doors in our State in 2003. These schools have had a great start, and I am looking forward to seeing the establishment of more charter schools in Tennessee.

Unfortunately, some traditional schools fail to serve some students, and charter schools have proven to be a great alternative for many of these students. Fifteen different studies show that students frequently enter charter schools significantly below grade level and then progress at or above the gains being made in surrounding districts and demographically comparable schools or with their State averages.

National Charter School Week is a great opportunity for us to talk about the success of charter schools and the success that they are having in meeting the needs of our children and their families and the success that they are having in encouraging children to become lifelong learners.

Mr. RYAN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to add my voice in supporting the tremendous work the charter schools are doing all across this land, and I want to commend the gentleman from Nevada (Mr. PORTER) for the work he is doing to help foster the charter school movement.

In Wisconsin, I am proud to say that movement is growing by leaps and bounds. My State was among the very first to enact the charter school law in the early 1990s; and in line with our proud tradition of local leadership and public education, our charter schools are flourishing.

In fact, we have gone from one charter school in 1994 to 134 this year. Over 20,000 Wisconsin students are now enrolled in these charter schools. The Appleton School District, in my own congressional district, alone has nine such charter schools. That is how much we care about creating educational opportunities for all families.

One of the most exciting charter schools in Wisconsin is called Wisconsin Connections Academy. It is quite literally a public school without walls. The State's virtual K–8 elementary school is enrolling students from all across Wisconsin.

□ 1500

The Academy's mission is to help each student maximize his or her potential and to meet the highest performance standards. This Academy is on the cutting edge of education reform, offering a uniquely individualized learning program that combines the best in virtual education with very real connections among students, families, teachers and the community. They have taken public education into their own hands, and good things are happening. They have grown from 200 students to 400, and they have received 800 applications for this year.

Mr. Speaker, here in Washington, we must stand ready to help. We must work to remove unnecessary barriers that hold back our charter school innovators, and we should work to unleash the great progressive potential that charter schools represent. Congratulations not only to the Wisconsin Connections Academy, but to all charter schools across the country that are making a very real difference in our children's future.

Mr. RYAN of Ohio. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Nevada (Mr. PORTER) has the right to close.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

We support this resolution. We appreciate the gentleman's efforts on this. I want to make perfectly clear that we want to show our support and congratulate the public charter schools for their contributions to the system, and say what great students and kids they have, and how we want to support them and their families. This is not a resolution to abandon our traditional public schools, but to show our support for charter schools.

Mr. KIND. Mr. Speaker, as a member of the House Education and Workforce Committee, as well as co-chair of National Charter School Week, I strongly support the H. Res. 600, legislation honoring the fifth annual National Charter Schools Week.

Public schools are America's commitment to providing a high quality education for every child. I am dedicated to ensuring that all children have the opportunity to receive a quality education regardless of what public school they attend. This includes charter schools, which are models of successful education reform and one of the fastest growing education innovations working to improve our public education.

As a National Co-Chair of Charter Schools Week, I would like to take a minute to celebrate the first decade of Charter Schools in the United States. Traditionally, charter schools are independent public schools, designed and operated by educators, parents, community members and others. Since the first charter school began operation in 1992 in St. Paul, Minnesota, the number of charter schools has grown to nearly 3,000 serving 750,000 students around the country in 37 states, the District of Columbia, and the Commonwealth of Puerto Rico.

Charter schools have consistently been at the forefront of my priority list, and I am pleased that Wisconsin has 137 exceptional charter schools. In my congressional district alone, we have over 24 charter schools presently and that number grows each year. I have consistently advocated for increased funding for charter schools and supported the Charter School Facilities Financing Demonstration Program during consideration of the No Child Left Behind Act (NCLB) of 2001.

Mr. Speaker, I recognize that charter schools give parents options when determining the best public school in which to enroll their children. Thus, we must ensure that all our students reach their highest academic potential, which may require attending a charter school that provides a model better suited towards an individual student's needs.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be here today to speak about the benefits of charter schools and their ability to deliver high-quality education and challenge our students to reach their potential. Charter schools provide thousands of our families with diverse and innovative educational options for their children.

I recently had the pleasure to visit a charter school in my district, KIPP 3D Academy. KIPP stands for Knowledge is Power Program, and this in an innovative approach to education which has been making a significant impact all over the country. Charter Schools are a unique opportunity for students to access other methods of education, and after visiting with the 3D Academy students, I can see how excited they are for learning.

Charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and promote the principles of quality, choice, and innovation.

In exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations. During my visit to KIPP 3D Academy, I was able to see their substantial progress with their students, and how their strict curriculum embodied their slogan that Knowledge is Power.

Nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students.

Charter schools improve their students' achievement and stimulate improvement in traditional public schools. They also give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities.

Charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system. These schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States.

The fifth annual National Charter Schools Week is May 3 to 7, 2004. This event is sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools. I am pleased to join my colleagues in the House of Representatives to acknowledge and commend charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system.

Mr. BOEHNER. Mr. Speaker, today I rise in support of H. Res. 600, congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education. This week is the fifth annual National Charter School Week and provides a great opportunity for Congress to recognize and honor charter schools and those involved for the role they play in reforming and improving our nation's public education system.

Charter schools are public schools that agree to improved academic achievement and accountability in financial and other operations, in exchange for increased flexibility and independence. The greater autonomy allows charter schools to focus on increasing academic achievement in each student, rather than bureaucratic paperwork. Charter schools must meet all the same No Child Left Behind achievement goals as other public schools.

Charter schools are adept at meeting the specific needs of the local community in which they are located, especially in low-income communities. Nationwide, almost half of charter schools serve students considered at-risk or who have previously dropped out of school. Charter school students share similar demographic characteristics with students in all public schools, and serve significant numbers of students from low income families, minority students, and students with disabilities.

This being the case, charter schools allow many parents and students freedom of choice that otherwise would not be available, enabling them to improve their lives with a quality education. In addition, increased flexibility allows charter schools to use varied educational methods and techniques while still remaining accountable for results.

Charter schools have benefited from a strong degree of bipartisan support from the local, state, and national levels. This is evidenced by the efforts of both Republicans and Democrats in Congress when they expanded access to charter schools through the No Child Left Behind legislation. In the two years since the enactment of that legislation, Congress and the President have provided at least $200 million dollars annually to assist in the financing of new charter schools and to provide additional aid to existing schools.

It is important for Congress to recognize, through this resolution honoring National Charter Schools Week, the benefits charter schools and those involved have brought to our education system and to our nation at large. I thank my colleague from Nevada, Mr. PORTER, for introducing this resolution, and I urge my colleagues to support this resolution.

Mr. CASTLE. Mr. Speaker, today I rise in support of H. Res. 600. This resolution recognizes National Charter Schools Week and honors charter schools and those involved for providing a quality education to children from thousands of families across the United States. The fifth annual National Charter Schools Week is May 3 through May 7, and it is during this week that we make it a point to acknowledge and celebrate charter schools.

With the enactment of the No Child Left Behind Act, Congress built on the existing opportunities for families and students that charter schools allowed and increased both access and funding for these institutions. Charter schools are public schools that give families additional freedom. These public schools have flexibility and independence from certain regulations, but submit to the same or higher accountability requirements regarding student achievement.

Beginning in 1991 with one school, charter schools have grown in prevalence in nearly every State in our nation. Currently, there are almost 2,700 schools serving nearly 3,000 students. In my home State of Delaware, we first passed a charter school law in 1995. We now have 13 charter schools, serving over 5,000 students. Delaware charter schools serve students at both the elementary and secondary levels, and stimulate change and improvement in public schools at all levels.

In communities of all types throughout Delaware and our nation, charter schools teach students using a variety of methods and techniques, often succeeding in situations that might appear to some to be less than ideal. For example, the East Side Charter School, located in the East Lake village of Wilmington, Delaware enrolls a student population in which 88 percent of the students qualify for free or reduced price lunch, yet produces academic results that exceed those of the other public schools in Delaware.

Charter schools have enjoyed a considerable amount of bipartisan support from every level, including the Administration, Congress, State governors and legislatures, local communities, parents, and teachers. During National Charter School Week, it is important to demonstrate this support by honoring and commending charter schools, and their students, parents, teachers, and administrators through this resolution and other programs, ceremonies, and activities.

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the National Charter Schools Institute's 2004 Colloquium taking place in Brighton, Michigan on May 7, 2004. The NCSI 2004 Colloquium is a celebration of the families, teachers, local leaders and others who chose charter public schools because of their proven ability to help our nation's school children attain academic and personal success.

The National Charter Schools Institute has joined together with sponsors and supporters including the Michigan Department of Education, the Michigan Council of Charter School Authorizers, the Michigan Association of Public School Academies, the Black Alliance for Educational Options and the Programs for Educational Opportunities to bring this Colloquium to Brighton to benefit charter school representatives throughout the state of Michigan.

Mr. Speaker, America's charter schools are our partners in our quest to provide a quality education to all of our children. I would like to ask my colleagues to join me in recognizing the benefits of the National Charter Schools Institute 2004 colloquium to the school children of Michigan, and to ask them to join me in celebrating National Charter Schools Week.

Mr. RYAN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 600, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 380) recognizing the benefits and importance of school-based music education, as amended.

The Clerk read as follows:

Whereas school music programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school;

Whereas the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;

Whereas local budget cuts are predicted to lead to significant curtailment of school music programs, thereby depriving millions of students of an education that includes music;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school; and

(2) the Congress recognizes NAMM, the International Music Products Association for its efforts to designate a Music in Our Schools Month in order to highlight the important role that school music programs play in the academic and social development of children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 380 which highlights the benefits and importance of school-based music education. I would like to thank the gentleman from Tennessee (Mr. COOPER) and the gentleman from California (Mr. CUNNINGHAM) for their leadership on this issue, and for introducing the resolution we are considering today.

Research has shown that students' involvement in their school music program is critical to a complete education. Musical study develops critical thinking and self-discipline skills, and improves a child's early cognitive development, basic math and reading abilities, self-esteem, SAT scores, ability to work in teams, spatial reasoning skills, and school attendance.

In an analysis of United States Department of Education data on more than 25,000 secondary school students, researchers found that students who report consistent high levels of involvement in instrumental music over the middle and high school years show "significantly higher levels of mathematics proficiency by grade 12," regardless of a student's socioeconomic status.

A 1999 report by the Texas Commission on Drug and Alcohol Abuse found that individuals who participated in band or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs. So it is not surprising that children involved with music education are more likely to graduate from high school and attend college and are less likely to be involved with gangs and substance abuse.

In fact, many colleges and universities view participation in the arts and music as a valuable experience that broadens students' understanding and appreciation of the world around them.

For these reasons, I support H. Con. Res. 380, which recognizes the benefits and importance of school recognizing the benefits and importance of school-based music education. The resolution before the House today is simple and straightforward. It states that it is the sense of the Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school.

It also recognizes the International Music Products Association for their efforts to designate a Music in Our Schools Month in order to highlight the important role that school music programs play in the academic and social development of children.

Music in Our Schools Month began as a single statewide celebration in 1973, and has run over the decades to encompass a day a week; and in 1985, March was designated as a month-long celebration of music in our schools.

I would like to thank two organizations that have played an important role in promoting the benefits of music education, the International Music Products Association, commonly called NAMM, in reference to the organization's popular NAMM trade shows. It is a not-for-profit association that unifies, leads, and strengthens the $16 billion global musical instruments and products industry. NAMM's activities and programs are designed to promote music making to people of all ages.

The National Association For Music Education, the world's largest arts education organization, addresses all aspects of music education. Nearly 90,000 members represent all levels of teaching from preschool to graduate school. Since 1907, the Association has worked to ensure that every student has access to a well-balanced, comprehensive, and high-quality program of music instruction taught by qualified teachers.

Music education is important to our children. It can broaden and strengthen their education and improve their lives. I commend music educators and music organizations across the country for the key roles they play in helping our children succeed in school and throughout life.

As former President Gerald Ford said, "Music education opens the doors that help children pass from school in the world around them, a world of work, culture, intellectual activity, and human involvement. The future of our Nation depends on providing our children with a complete education that includes music."

I urge my colleagues to support music education in our schools and H. Con. Res. 380, which highlights the benefits and importance of school-based music education.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I support this resolution which honors the importance of school-based music education. Specifically, this resolution recognizes that music education, grounded in rigorous instruction, is an important component of a well-rounded academic curriculum, and should be available to all students. It also recognizes that school music programs play an important role in the academic and social development of children. Any music educator will tell you that the school music program enriches the academic environment of our schools, and also enhances the intellectual development of our children. Music education is very important. I am pleased to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. COOPER), and more specifically, from Music City, U.S.A.

Mr. COOPER. Mr. Speaker, I do have the privilege of representing Nashville, Tennessee, and outlying communities in the United States Congress, and we commonly go by the name Music City, U.S.A. We are very proud of that because we may have more creative individuals in our area than perhaps any other community of the world. Some say that everyone who lives there is either a musician or a songwriter, and some just haven't cut their demos yet.

We are very proud of that musical tradition and heritage, and we believe music should be included in the curriculum in our public schools. Music education is vitally important, not only for the reasons that my two colleagues have given, and I would also like to thank the original cosponsor of this legislation, the gentleman from California (Mr. CUNNINGHAM) for his strong support.

Music education I think is even more important than the reasons that have been given so far. When our Founders started talking about the values of life, liberty, and the pursuit of happiness, surely in the pursuit of happiness, they were talking about music. Music is literally the joy of life, the soundtrack of our lives. It accompanies our most important and most intimate moments. Whether it is a tune or a lyric that you carry in your heart forever, that is an important part of being fully human. It is also an important part of our educational system. A shocking number of our young people, some 30 million or more, are being deprived of this music education. They are being deprived of a well-rounded education.

Many Americans have seen the movie called "Mr. Holland's Opus" in which Richard Dreyfuss played a high school music teacher who did a superb job over decades teaching young people how to play an instrument in a band, how to appreciate music, and develop their minds and hearts to the fullest extent. Of course in that movie, Mr. Holland's job was terminated because the local school board did not think music was important. They considered it a luxury rather than a necessity.

But I think all thinking Americans realize music is important, it is not a luxury, it is a necessity, and it is very important for our young people to learn those skills. The music historian Jules Combarieu said, "Music is the art of thinking with sounds." I hope that all of our young people will be able to learn to think with sounds and learns how to play a musical instrument.

The International Music Products Association deserves a lot of credit for helping focus our attention during this month on the needs of our students who need the ability to learn a musical instrument.

Mr. Speaker, I would like to thank the many Members of this House who strongly support this resolution. I would like to thank the members of this committee who brought forward this measure with unusual speed using an unconventional mechanism, and we appreciate the recognition of music as a key part of our public education.

However, it is very important that we do not just pay lip service to this goal because there is no funding in this bill. This is a concurrent resolution. This just encourages, this just asks the many school districts around the country to include music as a priority. Let us make it real. Let us make sure that our public schools do have music education in the curriculum and that all of our children around this great Nation have the chance to learn the sound of music.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I want to reiterate our support and thank the gentleman from Tennessee (Mr. COOPER) for his leadership on this particular piece of legislation and also all of his work as far as encouraging music in our schools. We have stories abound about famous musicians who have stumbled onto music class somehow or other. One story I am familiar with is Boyd Timsley, the famous violinist from the Dave Matthews Band. He started off in a middle school strings class, and the rest is history. The next thing we know, we have one of the premier violinists in the history of the world. We want to encourage this, but I also agree with the gentleman from Tennessee (Mr. COOPER). We want to take this to the next level.

□ 1515

We cannot rely on organizations like Save Our Music to try to help encourage this. This is our government. We understand the importance of the arts. We understand the importance of the stamp of approval that the Federal Government has. I think we also want to start putting our money where our mouth is on this issue. I thank the gentleman from Nevada and the gentleman from Tennessee and all who were involved in this. We are going to support this resolution.

Mr. HOLT. Mr. Speaker, I rise in support of H. Con. Res. 380, legislation recognizing the benefits and importance of school-based music education. I am proud to join my colleagues in passing this bipartisan proposal today in the House of Representatives.

As a teacher, I can testify to the value that music and art can have in a well-rounded academic program. There is a growing body of scientific research demonstrating that children who receive music instruction perform better on spatial-temporal reasoning tests and proportional math problems.

Opportunities in music and the arts have also enabled children with disabilities to participate more fully in school and community activities.

There is something special about music an the arts that speak to what is special and unique in the human spirit. Music and the arts can motivate at-risk students to stay in school and become active participants in the education process. They teach all students about beauty and abstract thinking.

According to the College Board, college-bound high school seniors in 1998 who received music instruction scored 53 points higher on the verbal portion of the Scholastic Aptitude Test and 39 points higher on the math portion of the test than college-bound high school seniors with no music or arts instruction.

Other data show that individuals who participate in band or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs. Comprehensive, sequential music instruction assists brain development and improves cognitive and communicative skills, self-discipline, and creativity.

Mr. Speaker, music education enhances intellectual development and enriches the academic environment for children of all ages. I am proud to join with my colleagues in passing this bipartisan resolution in recognition of these facts.

Mr. RYAN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 380, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING UNIVERSITY OF CONNECTICUT HUSKIES FOR WINNING 2004 NCAA DIVISION I MEN AND WOMEN'S BASKETBALL CHAMPIONSHIPS

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 599) congratulating the University of Connecticut Huskies for winning the 2004 National Collegiate Athletic Association Division I men and women's basketball championships.

The Clerk read as follows:

H. RES. 599

Whereas the University of Connecticut is the first school to win both the men and women's Division I basketball National Championship titles in the same year;

Whereas the University of Connecticut Huskies men's basketball team won its second National Collegiate Athletic Association championship by defeating Georgia Tech by the score of 82–73;

Whereas the University of Connecticut Huskies women's basketball team won its fifth National Collegiate Athletic Association championship by defeating the University of Tennessee by the score of 70–61;

Whereas Emeka Okafor was named Co-National Player of the Year, National Defensive Player of the Year, and the Final Four Most Outstanding Player;

Whereas Diana Taurasi was named the national women's Player of the Year, the Final Four Most Outstanding Player and received the Nancy Lieberman Award;

Whereas University of Connecticut Huskies men's head coach Jim Calhoun has led his team to two National Championships in six years, making him one of just seven coaches to ever win two titles during his coaching career;

Whereas University of Connecticut Huskies women's head coach Geno Auriemma has led his team to three consecutive National Championship titles, only the second coach to accomplish this feat, and five titles overall.

Whereas the high caliber of the University of Connecticut Huskies in both athletics and academics has significantly advanced the sport of college basketball and provided inspiration for future generations of young men and women alike; and

Whereas the University of Connecticut Huskies' championship season has rallied Connecticut residents of all ages behind a common purpose and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the House of Representatives commends the University of Connecticut Huskies men's and women's basketball teams for winning the 2004 National Collegiate Athletic Championships.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 599.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today with all of my Connecticut colleagues to honor the 2004 NCAA Division I men and women's championship basketball teams from the University of Connecticut, our University of Connecticut Huskies. This resolution recognizes these teams for their outstanding performances in this year's men's and women's tournaments and the University of Connecticut for being the first school ever to win both championship titles in the same year.

Mr. Speaker, every day the people of Connecticut face tough choices when they get up in the morning. Are they going to wear their men's championship T-shirt, or, alternatively, are they going to wear their women's championship T-shirt? Gosh. It is hard to make that decision because we love them both. But you cannot wear two T-shirts at once. So my constituents in Connecticut have come up with a third T-shirt, a T-shirt that celebrates the men's and the women's national championship titles. And such is the solution for the day. I will wear this one which commemorates both of my favorite teams in one T-shirt.

We have the same difficulty when it comes to Sports Illustrated. Shall we read about the women Huskies and their championship, or shall we read about the men Huskies and their championship? Thank goodness for Sports Illustrated. They have given us both wonderful stories in one volume. It is just a question of picking where you begin.

Needless to say, all of us from Connecticut are excited about our teams. This year the men's basketball team captured the NCAA championship by defeating Georgia Tech by the score of 82–73. The team was led by Coach Jim Calhoun, who is just one of seven coaches in NCAA history to win two Division I titles in his career. Also this year, the UConn women's basketball team won the NCAA championship by defeating the University of Tennessee by a score of 70–61. Under the direction of head coach Geno Auriemma, this victory marks the third consecutive national championship and the fifth overall for the Lady Huskies. Coach Auriemma is only the second coach in NCAA history to achieve three consecutive titles.

There are many outstanding players and coaches who achieved this amazing double victory, but I will mention no names. The reason for that is because I remember a story told by Coach Geno Auriemma about the women's uniforms, the Connecticut Huskies women's uniforms. If you look carefully at the photographs, you will see that on the back of the uniforms, there are no names. Individual stars are not recognized with names on the uniforms. The reason for that is because Coach Auriemma believed that the success of the squad cannot be attributed to one individual but, rather, to the collective effort of the whole team.

I believe the victories of these two teams cannot be attributed to one person but to every player, every coach, and indeed every fan who participated in the 2004 season. These wins are not only important to the people involved but also to the University of Connecticut itself which happens to be located in my district, and I happen to have been honored to be a teaching assistant at the university for 4 years.

The university was founded in 1881 as an agricultural college in the small town of Storrs nestled in rural northeastern Connecticut. It was established through the philanthropy of two brothers, Charles and Augustus Storrs, who donated 170 acres of land with farm buildings, an orphanage and a cash donation to pay for equipment. From these humble beginnings, the University of Connecticut has blossomed into a premier research university, one of the top 25 in the country. The university has a rich history of providing educational opportunities for undergraduates of diverse interests, ability, and backgrounds. And as well, they have very substantial graduate programs.

I know that the entire State of Connecticut is proud of all the players, the coaches, the students, and the faculty at the University of Connecticut. And now I would like to join my fellow fans in the famous Huskies cheer:

U-C-O-N-N. UConn-UConn-UConn.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I also would like to congratulate the gentleman and the University of Connecticut. I will not be participating in the cheer, however. They were very exciting games and a very exciting year for the University of Connecticut. I rise in support of this resolution. I notice that the gentleman does have a few extra T-shirts over there that I will be more than pleased to take off his hands if he needs to get rid of any of those extra ones.

I extend a hearty congratulations, too, to both of the head coaches, both Coach Calhoun and Coach Auriemma. It is just fantastic. One, the excitement of the Final Four and the college basketball tournament. There is nothing in professional or collegiate athletics like the Final Four and the road to the Final Four. Again, we congratulate you. We will let you boast throughout the day today without being bitter at all.

I want to just say, the great sportsmanship, the excellent play, the great strategy and tactics of both coaches, it was very, very enjoyable to watch. It was a great year. I look forward to the Ohio State Buckeyes maybe participating in a little better fashion next year.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time. I would like to associate myself with his remarks and those of my colleague from the Second Congressional District in Connecticut. We are indeed so proud in Connecticut; in fact, you could say that we are in a state of euphoria with the outstanding achievement by the men's and women's basketball teams. Randy Smith, the great sports journalist for the Journal Inquirer in Connecticut and perhaps one of the greatest sportswriters in this country, remarked, "The poets contend that April is the cruelest of months, but the poets never met Diana Taurasi or Emeka Okafor or the UConn Huskies."

What an extraordinary time this was. What exemplary teams, the kids that participated and played on those teams, their coaches and, of course, the great fans of Connecticut. Connecticut was able to overcome in so many respects what is commonly referred to as a curse at the start of a season when they were both named preseason to be the number one teams in men's and women's basketball respectively. So to have that burden placed on you and that expectation at the outset of a season is quite a challenge. You immediately become the target of what in collegiate sports has become the most competitive of our sports, basketball. As was noted by the gentleman from Ohio, when you look at March Madness and see how it reverberates in this Chamber and throughout the country, you get to understand and appreciate the enormous task that these kids faced and their coaches in their fulfillment of a dream that was extraordinary.

I further would like to acknowledge the teams that they played against as well. The majesty that we have come to know as collegiate athletics is such that the victories that you achieved are enhanced by the competition that you play along the way.

In the Final Four, both Minnesota and Tennessee distinguished themselves as outstanding teams in that tournament on their way to the women's Final Four, two teams that Connecticut was able to defeat. By defeating them, because of the competition and because of the great play and the heart of both of those teams makes the Connecticut victory even greater. The same is true in the men's game, with victories over both Duke, an extraordinary program in history and college basketball, and Georgia Tech. Both teams played extraordinarily throughout the tournament. Again, Connecticut's victory is only that much greater by the competition that it faced and the wins they were able to achieve during those games.

I would like to also point out that the great poet, Arthur O'Shaughnessy, used to say, "For each age there are dreams that are fading and dreams that are coming to birth." The dream is now fading as we had a huge parade in Connecticut with more than 350,000 people pouring out to see our victorious champions, but it is also one that is coming to birth as child after child, as I observed the parade, could hear them cry out and point out to their mothers and fathers, there's Diana Taurasi, there's Emeka Okafor, there's Ben Gordon, there's Coach Auriemma, there's Coach Calhoun. They become full of the same kind of dreams that these coaches and athletes were able to execute on the courts.

□ 1530

And we think, quite frankly, without putting undue pressure on them that they will be able to continue to perform at the highest of levels.

I especially want to acknowledge two people who know more about the ups and downs of this team, the ins and outs of Connecticut basketball, who, in fact, live it daily, and I guess one could say nightly as well. They often do not get the credit that they deserve and perhaps are not mentioned as frequently as they should be as well, but we can see them nightly in the stands watching and observing; and with each steal, with each turnover, with each made basket and blocked shot, their aspirations and those for the team that they root for go up and down with the great fans of Connecticut.

But they are also notable for what they do beyond the basketball court and their countless contributions to charitable organizations, and I am referring, of course, to the spouses, Pat Calhoun and Kathy Auriemma, and I want to especially salute them.

Mr. SIMMONS. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I thank the gentleman from Connecticut (Mr. SIMMONS) for introducing this resolution. It is truly an honor for us to be here today, and it is an honor for us to be talking about the Connecticut Huskies, about men and women and their unbelievable demonstration of prowess and camaraderie on the basketball court. These are the teams that made the champion season. With the first sweep of the NCAA basketball championships in the same year, both the men and women were successful. The same college, they have made history, and in the process, they have inspired legions of young people to aspire to their excellence and to their remarkable example of teamwork.

The people of Connecticut are tremendously proud of their Huskies. Our women's team has now won three straight national titles, four in 5 years and a remarkable 18 straight NCAA tournament games. Through it all, they have been led by Diana Taurasi, a three-time All-American, twice named the Most Outstanding Player of the Final Four, once the National Player of the Year, and now the first overall pick by the Phoenix Mercury in this year's WNBA draft.

A fellow daughter of Italian immigrants, Diana Taurasi will be remembered as one of the best players in the history of women's basketball. But their 70-to-61 victory over the Tennessee Lady Vols was without question a team effort. And the Tennessee Lady Vols are an outstanding women's basketball team. Diana scored 17 points, Jessica Moore and Ann Strother scored 14 points, Barbara Turner another 12 points, in addition to nine rebounds, four assists, two steals, and two blocks.

And Derby, Connecticut's own Maria Conlon had seven points, knocking down four straight foul shots in the final minutes to seal the victory. It is no wonder she was called by "Sports Illustrated" not only a "terrific shooter," but someone who "gives hope to every woman everywhere." To the Huskies, Maria brought her own brand of quiet but steady leadership.

In every respect this was a team championship, making our Huskies an inspiration to young girls everywhere. And I may add that the Huskies have once again illustrated for us the results of Congress's commitment, through Title IX, that when given the resources, women are just as talented and as exciting to watch as any men's team out there, and if the Members do not believe, believe ESPN.Com's Pages 2 column, which called the UConn women's basketball team the very best sports team in the world right now.

We have come to expect this sort of success from the women's Huskies team, but the performances by the men's team in their one point win over Duke in the Final Four and their 82–73 victory over Georgia Tech for their second NCAA championship were equally as dominating. In fact, since the tournament bracket expanded to 64 teams in 1985, UConn became just the third school to win multiple championships.

It was another inspiring story, this one led by the son of Nigerian immigrants. Emeka Okafor was the obvious selection for the tournament's Most Outstanding Player award, scoring 24 points and hauling in 15 rebounds in the title game.

And by graduating a year early to enter the NBA draft, but doing so with a degree in finance, Okafor's efforts remind us how excellence in academics and athletics often go hand in hand. No wonder he is now first college basketball star ever awarded a personal locker in the Basketball Hall of Fame at the end of his collegiate career.

Two remarkable stories, two historic teams, but one indomitable spirit. I want to congratulate the Huskies and their coaches on their championship wins, their incredible seasons, and their inspirational teamwork and commitment. They have earned our recognition and our respect. Way to go, Huskies.

Mr. SIMMONS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut (Mr. SHAYS) from Connecticut's District 4.

Mr. SHAYS. Mr. Speaker, I would like to join my Connecticut colleagues. This is really an extraordinary opportunity for us. I join the entire State of Connecticut in congratulating the University of Connecticut Women and Men Huskies for becoming the first school, ever to have both their college basketball programs win the NCAA National Championships in same year. It is extraordinary. Mr. Speaker, it is absolutely extraordinary.

The Male Huskies overcame early adversity in winning their second national championship since 1999. Despite several injuries, the UConn Huskies simply would not be denied their second national championship in 5 years. Led by Academic and Athletic All-American Emeka Okafor, junior sensation Ben Gordon at shooting guard, senior leader Taliek Brown at point guard, sharp shooter Rashad Anderson at forward, and freshman force Josh Boone, the Huskies were a force to be reckoned with.

I would also like to commend the hard work, the extraordinary work, of Jim Calhoun. He has given us years of tremendously exciting basketball. I commend him for so many things but also to say he overcame prostate cancer to become one of only three active coaches to win multiple national championships. The Huskies demonstrated quickness, great outside shooting, and stifling defense; but in the Final Four in San Antonio, they demonstrated their greatest trait, resilience. They made us a little nervous, but they demonstrated their extraordinary resilience.

Despite trailing 41 to 34 at half-time in the semifinal game against Duke, our nemesis, I think of that last-second shot and feel like they have gotten their just desserts since then. The Huskies battled back, led by Okafor's rebounding and his 18 points to win the game 79–78. I just love it. It was an amazing afternoon.

In the national championship game, the Huskies played nearly flawless basketball to beat the Georgia Tech Yellow Jackets 82 to 73.

The perennial champion UConn Lady Huskies won their third straight national championship and fourth in 5 years. That is a dynasty. It is an extraordinary dynasty. The Lady Huskies, led by one of the greatest women players ever to play the game. In fact, my staff said one of the greatest. I want to say the greatest. No one close. Diana Taurasi and her fellow starters, Ann Strother, Jessica Moore, Barbara Turner, and Maria Conlon, would not be denied a three-peat. Unlike the previous 2 years, the Lady Huskies had to battle back from early season setbacks to finish the season as the number one team again.

I would also like to commend Geno Auriemma, who has put together a streak of unbelievable seasons. He is only the second coach ever to win three straight national championships, and he has five championships total. In the national championship game, the Huskies jumped out to a 17 point lead and managed to hold off perennial opponent, the University of Tennessee, eventually winning the game 70 to 61.

Mr. Speaker, I would like to congratulate these young men and women not only for their tremendous basketball ability but also for being such extraordinary role models for Americans of all ages. I am so proud of each and every one of them. I truly am just in awe of what good kids these young men and women are. They have made us proud. They have given us extraordinary exciting times, and there is always the anticipation that there is more good to come in the future. Right, I ask the gentleman from Connecticut (Mr. SIMMONS)?

Mr. RYAN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I again want to join with my colleagues in what is a euphoric day for us to be on this floor. I see the gentleman from Georgia (Mr. ISAKSON) is here, and I just wanted to again commend the team from Georgia Tech that did beat us at the very start of this year, and we learned from that experience, and I do think that what we have witnessed here in this country, there is such a great love for collegiate sports throughout the country, and rightfully so, at all levels and in all sports. But I think we have established a new standard here, and it is something that I think is historic, and that is why these victories themselves present one for the ages.

Just like we had Ruth's 60 home runs, the DiMaggio hitting streak, the UCLA 10 basketball championships, the men's American hockey team victory over Russia, this standard that has been set where both the division one men and women's team win successively on back-to-back nights, national championships will become the new standard for all collegiate sports to aspire to, especially, as is in the case of basketball, where both men and women's teams play.

So this is an exceptional accomplishment. For the women, as has been pointed out by both the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Connecticut (Mr. SHAYS), the outstanding job that they have done to do this three times in a row and to have the fifth championship that the Geno Auriemma has been able to bring home to the State, extraordinary, and Jim Calhoun's second championship as well. This truly was one for the ages. It is one that we will truly enjoy and appreciate long throughout our lives and only can aspire to try to achieve that goal again, but what a goal and what a standard to strive for.

And the academic success of our athletes should be pointed out as well. The gentlewoman from Connecticut (Ms. DELAURO) mentioned that Emeka Okafor was named the Most Outstanding Player of the tournament, and indeed he was and demonstrated that time and time again, but he also is an example for all students all across this country about academic excellence. Graduating in 3 years with a 3.7 grade average speaks highly of the quality of the individuals that come to the University of Connecticut, participate in their athletics program, and succeed in the manner that Emeka Okafor has as well. So it is a wonderful tribute to a great university, to a tremendous State, and I am just honored to be on the floor here this afternoon with our colleagues to talk about that.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

Earlier in my comments, I mentioned the fact that I would not be naming individual members of the team because I wanted to make the point that for Coach Auriemma and for the Lady Huskies, individual performance is less important than team performance.

□ 1545

But my distinguished colleague, the gentleman from the First District of Connecticut (Mr. LARSON), and my colleague, the gentleman from Connecticut (Mr. SHAYS), and my colleague, the gentlewoman from Connecticut (Ms. DELAURO), have also pointed out the historic nature of the accomplishment, the historic nature of the accomplishment, that, until this year, the men's and women's championships have not been won by any single college or university in history, in history.

On that basis, I think it is appropriate that I include for the RECORD the full roster of the men's team and the full roster of the women's team.

2003–04 WINTER WOMEN'S BASKETBALL ROSTER

Number, Name, Year, Position, Height, Hometown High School:

2, Ashley Valley, Jr., G, 5–9, Colchester, VT/Rice Memorial.

3, Diana Taurasi, Sr., G/F, 6–0, Chino, CA/Don Lugo.

4, Kiana Robinson, Fr., G, 5–8, Brandon, FL/Laurinburg Institute (NC).

5, Maria Conlon, Sr. G, 5–9, Derby, CT/Seymour.

12, Stacey Marron, Jr., G, 5–9, Albuquerque, NM/La Cueva.

20, Morgan Valley, Sr., G, 6–0, Colchester, VT/Rice Memorial.

21, Nicole Wolff, So., G, 6–0, Walpole, MA/Walpole.

22, Ashley Battle, Jr., F, 6–0, Pittsburgh, PA/The Linsly School.

23, Willnett Crockett, So., F/C, 6–2, Harbor City, CA/Narbonne.

31, Jessica Moore, Jr., C, 6–3, Palmer, AK/Colony.

33, Barbara Turner, So., F/G, 6–0, Cleveland, OH/East Technical.

34, Liz Sherwood, Fr., C, 6–4, Castle Rock, CO/Highlands Ranch.

43, Ann Strother, So., G, 6–2, Castle Rock, CO/Highlands Ranch.

2003–04 WOMEN'S BASKETBALL COACHING STAFF

Head Coach: Geno Auriemma 19th Season at Connecticut (West Chester '81).

Associate Head Coach: Chris Dailey 19th Season at Connecticut (Rutgers '82).

Assistant Coach: Tonya Cardoza 10th Season at Connecticut (Virginia '91).

Assistant Coach: Jamelle Elliott 7th Season at Connecticut (Connecticut '96).

Director of Basketball Operations: Jack Eisenmann Third Season at Connecticut.

2003–04 WINTER MEN'S BASKETBALL ROSTER

Number, Name, Year, Position, Height, Weight, Hometown High School:

31, Rashad Anderson, So., G/F, 6–5, 190, Lakeland, FL/Kathleen.

11, Hilton Armstrong, So., F/C, 6–10, 210, Peekskill, NY/Peekskill.

24, Jason Baisch, Jr., F, 6–6, 250, Southbury, CT/Pomperaug.

21, Josh Boone, Fr., F/C, 6–10, 230, Mt. Airy, MD/West Nottingham Academy.

33, Denham Brown, So., F, 6–5, 205, Toronto, Canada/West Hill Collegiate.

12, Taliek Brown, Sr., G, 6–1, 200, Queens, NY/St. John's Prep.

40, Justin Evanovich, Sr., G, 6–3, 195, Ann Arbor, MI/E.O. Smith (CT).

4, Ben Gordon, Jr., G, 6–2, 195, Mount Vernon, NY/Mount Vernon.

32, Ed Nelson, Jr., F, 6–8, 265, Fort Lauderdale, FL/Georgia Tech.

50, Emeka Okafor, Jr., F/C, 6–9, 252, Houston, TX/Bellaire.

2, Ryan Swaller, Sr., F, 6–5, 208, Milford, CT/Foran.

13, Ryan Thompson, Jr., F, 6–6, 215, Gold Coast, Australia/W. Nebraska C.C.

30, Shamon Tooles, Sr., G/F, 6–5, 225, Coatesville, PA/Coatesville.

3, Charlie Villanueva, Fr., F, 6–11, 230, Brooklyn, NY/Blair Academy (NJ).

23, Marcus White, So., F, 6–8, 215, Chicago, IL/Whitney Young.

5, Marcus Williams, Fr., G, 6–3, 200, Los Angeles, CA/Oak Hill (VA) Academy.

2003–04 MEN'S BASKETBALL COACHING STAFF

Head Coach: Jim Calhoun 18th Season at Connecticut (American International, 1968).

Assistant Coach: Tom Moore 10th Season at Connecticut (Boston University, 1987).

Assistant Coach: George Blaney 3rd Season at Connecticut (Holy Cross, 1961).

Assistant Coach: Clyde Vaughan 2nd Season at Connecticut (Pittsburgh, 1984).

Director of Basketball Operations: Andre LaFleur 3rd Season at Connecticut (Northeastern, 1988).

The SPEAKER pro tempore (Mr. TERRY). Does the gentleman wish to submit the T-shirts and hats?

Mr. SIMMONS. The T-shirts and hats will not be submitted for the RECORD, because, as I indicated earlier in my statement, I wear them around when I am at home. The hats I know I am not allowed to wear in the Chamber, but I will display them; and Members of the body can come and admire them later today, if they so desire.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume just to say I have been proud to be part of the Connecticut delegation here today.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to congratulate the University of Connecticut Men's and Women's basketball teams for this historic double championship wins in the 2004 NCAA Tournament. Today, thanks to men and women of the Huskies, Connecticut is a state of champions.

Earlier this month, the nation learned what the people of Connecticut knew long ago: the skill and sportmanship of the UConn Huskies is the stuff of legends. After the ups and downs of the regular season, UConn went on to dominate the NCAA tournament and emerged as the first school to win both the men's and women's tournaments in the same season. On April 6, 2004, the Husky men brought home their second national title with an 83–72 win over the Georgia Tech Yellow Jackets. The next night, the Lady Huskies went on to beat the Lady Vols of the University of Tennessee, 70–61, fulfilling yet another historic achievement by being the second team to capture three consecutive national titles.

This has been an unprecedented year for the Huskies, and Jim Calhoun, Geno Auriemma, Chris Dailey, Tom Moore, George Blaney, Clyde Vaughan, Andre LaFleur, Tonya Cardoza, Jamelle Elliot, Jack Eisenmann, and the entire UConn basketball program should be commended for their unmatched leadership and pursuit of excellence on and off the basketball court.

Once again this year, the men and women of the Huskies have proven themselves to be the best players in the country. Players like Emeka Okafor and Diana Taurasi personify the skill, hard work and dedication it takes to succeed. I know that I join many UConn fans when I say that I look forward to watching Diana play for the Phoenix Mercury, and wish Emeka and Ben Gordon luck in the NBA draft this summer.

The men and women of the UConn Huskies have long been a source of pride for the State of Connecticut. Their success is a reflection of the very best qualities of our student athletes, and will no doubt inspire young boys and girls in our state and across the country to achieve their goals.

Not only do the huskies have the best players in the country, they have the best and most dedicated fans. For proof of this, one needs to look no further than the crowd of 300,000 excited UConn fans that lined the streets of Hartford for the Husky victory parade this past Sunday. The size of the crowd, roughly three times the city's own population, clearly demonstrates that the Huskies have a special place in the hearts and minds of the people of Connecticut.

I ask my colleagues to join me in paying tribute to the UConn men's and women's basketball teams and celebrating their success. They are truly a credit to their families, to their University, to the great state of Connecticut, and to the nation as a whole.

Mr. RYAN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and agree to the resolution, H. Res. 599.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SIMMONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING UNIVERSITY OF DENVER MEN'S HOCKEY TEAM FOR WINNING 2004 NCAA MEN'S HOCKEY NATIONAL CHAMPIONSHIP

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 408) congratulating the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship, and for other purposes.

The Clerk read as follows:

H. CON. RES. 408

Whereas on Saturday, April 10, 2004, the University of Denver men's hockey team won its 6th national hockey championship, their first such win since 1969;

Whereas the team was led by goaltender Adam Berkhoel, who finished the game with a shutout, only the 3rd shutout in hockey national championship game history; the first occurring in 1968 when the University of Denver beat North Dakota by a score of 4–0;

Whereas Adam Berkhoel made 24 saves in the 2004 championship game and was named Most Outstanding Player of the Frozen Four;

Whereas Gabe Gauthier scored the 2004 championship game's only goal in the first period, assisted by Connor James;

Whereas the Pioneers kept the Black Bears scoreless despite a 3-man advantage for Maine with 2 minutes to go in the 3rd period;

Whereas the roster of the Pioneers' 2004 team also included Max Bull, Ryan Caldwell, Matt Carle, J.D. Corbin, Lukas Dora, Jeff Drummond, Glenn Fisher, Jon Foster, Luke Fulghum, Jussi Halme, Michael Handza, Ryan Helgason, Jon James, Greg Keith, Danny King, Matt Laatsch, Nick Larson, Scott McConnell, Brock McMorris, Ted O'Leary, Jeff Rogers, Brett Skinner, Kevin Ulanski, and Adrian Veideman;

Whereas Head Coach George Gwozdecky and his coaching staff, including Assistant Coach Steve Miller, Assistant Coach Seth Appert, Director of Hockey Operations David Tenzer, and Volunteer Assistant Coach Chris LaPerle, deserve much credit for the outstanding determination and accomplishments of their team; and

Whereas the students, alumni, faculty, and supporters of the University of Denver Pioneers are to be congratulated for their commitment and pride in their 2004 national champion men's hockey team: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Denver men's hockey team and invite the team members to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Clerk of the House of Representatives to make available to the University of Denver enrolled copies of this resolution for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2004 NCAA men's hockey national championship team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of H. Con. Res. 408, which congratulates the University of Denver's men's hockey team for winning the 2004 NCAA men's hockey national championship.

On Saturday, April 10, 2004, the University of Denver men's hockey team won its sixth national hockey championship by defeating the University of Maine 1 to nothing. The University of Denver had previously won five national titles in a 12-year span between 1950 and 1962, but this year's championship was their first since that time.

It was an exciting game, with the Denver Pioneers keeping the Maine Black Bears scoreless, despite a three-man advantage for Maine with 2 minutes to go in the third period of the match.

The game was just the third shutout in NCAA hockey championship history, and the announced crowd of 18,597 was the largest to watch a hockey game in the Fleet Center, which is the home of the NHL's Boston Bruins.

Adam Berkhoel, Denver's goalie, made 24 saves in the 2004 championship game and was named the Most Outstanding Player in the Frozen Four, which is the finals for the NCAA hockey matches.

The resolution before the House today congratulates the University of Denver men's hockey team, its players and coaches, for winning the 2004 NCAA men's hockey national championships, and recognizes the achievement of all the team's players, coaches, and staff.

Indeed, Denver University, the citizens of Denver and Colorado and all the students of the university are to be congratulated for their commitment and the great pride they take in this great accomplishment by winning the NCAA hockey championships.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 408, a resolution congratulating the University of Denver for winning the NCAA hockey national championship. Just last month, the Pioneers captured the national championship after a hard fought Frozen Four. This championship culminated in an impressive season. College fans, student athletes, and the general public were treated to an exciting final game.

I want to extend my hearty congratulations to Head Coach George Gwozdecky. Also to be congratulated are a number of players, Adam Berkhoel, who made 24 saves. I also want to extend my congratulations to North Dakota, who, despite their loss, showed the quality of their school and their athletic talent through great sportsmanship.

Winning this championship has brought national acclaim to the University of Denver. I hope the Pioneers' fans and the university community treasure this moment for many years to come.

Mr. Speaker, I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 408.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING KENNESAW STATE UNIVERSITY OWLS FOR WINNING 2004 NCAA DIVISION II MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 594) congratulating the Kennesaw State University Owls for winning the 2004 NCAA Division II Men's Basketball National Championship, and for other purposes.

The Clerk read as follows:

H. RES. 594

Whereas on March 27, 2004, the Kennesaw State University Owls defeated the University of Southern Indiana Screaming Eagles in Bakersfield, California, to win the 2004 NCAA Division II Men's Basketball National Championship;

Whereas 2004 marks the Kennesaw State University Owls' first NCAA Division II Men's Basketball National Championship;

Whereas the Kennesaw State University Owls won their final 26 consecutive games and achieved a 35–4 season record in the 2003–2004 season;

Whereas the Kennesaw State University Owls were undefeated in the Peach Belt Conference in the 2003–2004 season, and they became the first team from the Peach Belt Conference to win the Division II National Championship;

Whereas the Kennesaw State University Owls were led to victory by Head Coach Tony Ingle, Assistant Coaches Jeff Jones and Stace Tedford, Graduate Assistant Greg Matta, Bench Coach Ron Smith, Student Assistant Tony Ingle, Jr., and Head Athletic Trainer Karen Pfeifer;

Whereas the Kennesaw State University Owls' team of outstanding players, including Will Davis, Darrell Fisher, Terrence Hill, Israel Ingle, Georgy Joseph, Kenan Knight, Rey Luque, Kevin McDonald, Reggie McKoy, Taylor Patternson, Tobias Seldon, Cardale Talley, Justin Thompson, and Tommy Thompson contributed extraordinary performances both throughout the regular season and during the postseason in the Peach Belt Conference Tournament and the NCAA Division II Men's Basketball Tournament;

Whereas the Kennesaw State University Owls' senior guard Terrence Hill, who CBS named the game's Most Valuable Player, was critical to the team's championship, scoring a game-high 26 points and making 8 of 16 field goal attempts, including 4 of 7 attempts at 3-point shots;

Whereas Kennesaw State University, located in Kennesaw, Georgia, is headed by President Betty L. Siegel and has an enrollment of 15,600 students; and

Whereas the Kennesaw State University Owls men's basketball team has brought great pride to Kennesaw State University, the city of Kennesaw, and the State of Georgia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Kennesaw State University Owls for winning the 2004 NCAA Division II Men's Basketball National Championship;

(2) recognizes the contributions of the Kennesaw State University Owls' players, coaches, staff, faculty, families, and supporters in winning the 2004 NCAA Division II Men's Basketball National Championship;

(3) commends the city of Kennesaw, Georgia, for its enthusiastic support of the Kennesaw State University Owls; and

(4) hopes that the high academic and athletic standards set by the Kennesaw State University Owls will continue to inspire fans and young players around the world by producing student athletes of a high caliber.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to thank the gentleman from Connecticut (Mr. LARSON), who about two debates ago acknowledged the Georgia Tech Yellow Jackets who unfortunately lost in the NCAA finals to the great University of Connecticut basketball team. Today, we are on the floor acknowledging the champions, but, really, all of those in higher education who compete in the NCAA.

I am pleased to author and ask this House to consider its bipartisan support for H. Res. 594, which commends the Kennesaw State University Owls men's basketball team for winning the NCAA Division II national championship.

Kennesaw State won the last 26 games of its season, finished with a record of 34 and 5, and defeated the University of Southern Indiana Screaming Eagles in Bakersfield, California, by a margin of 84 to 59 in the national championship game.

This great university and its great athletic program won the Peachbelt Conference Championship for the 2003–2004 season. Head Coach Tony Ingle, who was named the Naismith Co-Coach of the Year in Georgia, along with Paul Hewitt of Georgia Tech, led Kennesaw State University to a truly outstanding year.

All-American Terrance Hill, who was selected All-American, one of the top 15 NCAA basketball players in the United States of America, was also chosen the most valuable player in the final game against Southern Indiana.

The Kennesaw State University Owls have a great athletic program, and this victory is a great tribute to their effort; but I think it is important when we talk about athletics that we talk about it in the context of student athletics as well, and this resolution affords me an opportunity to talk a little bit about this great university, which is celebrating its 40th year.

Forty years ago, two representatives from the State of Georgia, Representative Joe Mack Wilson and Representative Al Burruss, both of whom are not with us now but did a great job for so many years in the legislature, spawned the idea that with Atlanta's growth it was important to have an urban commuter college to support the universities that were in the area; and thus Kennesaw State College, at that time, became one of the 34 units of the university system of Georgia.

Their first president, Dr. Horace Sturgis, started that college on a shoestring on property donated by the Fry family, leading citizens of the community of Kennesaw.

From its humble beginning, Kennesaw State has grown to university status, and now has almost 19,000 full-time residential and commuter students studying medicine, studying nursing, studying business, and studying education. The academic achievements of its graduates is renowned in Georgia, and its graduate executive MBA program has been recognized in national publications as one of the finest in the country.

Dr. Horace Sturgis, its first president, was succeeded by Dr. Betty Siegel, its second president, who continues as president of this university now for more than 20 years. It is under her leadership that participation in athletics and NCAA status have helped to raise the visibility of that university, while at the same time it has remained committed to outstanding academic achievement and providing outstanding academic studies for those residents of the greater metropolitan area, and now, truly, the entire Southeast.

Mr. Speaker, it is a privilege and pleasure for me to present H. Res. 594, commending Kennesaw State University's NCAA men's basketball champions, and also to commend all the universities and colleges in the NCAA who produce student athletes who go on into life to act as leaders in their communities and continue the great tradition of the NCAA.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution and want to thank the gentleman from Georgia, congratulating Kennesaw State University for winning the NCAA Division II men's basketball national championship.

Two months ago, the Owls captured this title, culminating in a very impressive season. Kennesaw State won their last 26 games. Unbelievable. College fans and student athletes and the citizens of the State of Georgia were treated to a very exciting basketball season.

I just want to extend my congratulations from the great State of Ohio. It is obvious that the gentleman from Georgia has great passion about the influence that student athletes can have on the future of our society and on the future of the State of Georgia, and I want to rise in support.

Ms. MAJETTE. Mr. Speaker, today I would like to offer my congratulations to the Kennesaw State University Men's Basketball team on winning the 2004 NCAA Division II National Championship. This is a tremendous accomplishment and the players and coaching staff of the Kennesaw State University Men's Basketball team are to be commended.

I would like to congratulate Head Coach Tony Ingle. Under his leadership, the Owls of Kennesaw State have achieved new levels of success. Coach Ingle has been named the Division II Bulletin/Moulten Coach of the Year, the National Association of Basketball Coaches Coach of the Year, and the Naismith Awards Georgia Co-Coach of the Year. These accolades are a testament to his knowledge and experience in the sport of basketball as well as his strength as a leader. Coach Ingle has been able to take a promising young program under his wing and guide it to new heights.

I would also like to recognize the individual Owl players for their hard work and tremendous dedication. It takes incredible endurance and grueling physical and mental trials to attain a national championship. The players of Kennesaw State have not only endured, but excelled and thereby achieved one of the highest honors in college athletics. Their dedication serves as an example of devotion, and their commitment and perseverance is to be commended here today.

As we recognize this achievement, we must not forget that while working toward these goals, these athletes are college students, equally committed to completing their studies and gaining an invaluable education at one of our great institutions of higher learning. I would also like to offer my congratulations to Kennesaw State University. A strong support network is required for athletes to achieve the level of success that these students have attained. Kennesaw State University has provided this network, which includes faculty, members of the administration and the student body, in support of the men's basketball team as they worked toward this national title.

Finally, I would like to ensure that the parents of these student athletes receive their very just accolades. The importance of a parent's role in the success of a child cannot be underestimated. Whether waking up early to shuttle children to and from practice or driving great distances to cheer their kids on from the stands, parents sacrifice much so that their kids can achieve more. Through ups, downs, success and defeat, a parent's support is often the bedrock on which a student athlete stands.

Again, I would like to congratulate the Kennesaw State University Men's Basketball Team on winning the 2004 Division II National Championship and wish them well in all of their future endeavors.

Mr. RYAN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, having no further speakers, I encourage all Members to vote in favor of H. Res. 594, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the resolution, H. Res. 594.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 59 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4227, MIDDLE-CLASS ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2004

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–477) on the resolution (H. Res. 619) providing for consideration of the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

House Resolution 600, by the yeas and nays;

House Concurrent Resolution 380, by the yeas and nays; and

House Resolution 599, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

CONGRATULATING CHARTER SCHOOLS FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 600, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 600, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 0, answered "present" 3, not voting 34, as follows:

[Roll No. 139]

YEAS—396

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Ackerman
Strickland
Tierney

NOT VOTING—34

Bell
Bono
Boyd
Brown, Corrine
Burr
Burton (IN)
Buyer
Carson (IN)
Chabot
Culberson
Delahunt
DeMint
Doggett
Edwards
English
Gephardt
Hulshof
Kanjorski
Knollenberg
Kucinich
McInnis
Murtha
Musgrave
Nethercutt
Platts
Portman
Reynolds
Rohrabacher
Slaughter
Solis
Tauzin
Toomey
Turner (OH)
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1855

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 139 on H. Res. 600 congratulating charter schools, I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 380, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 380, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 140]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)
Solis
Sullivan
Tauzin
Turner (OH)
Visclosky
Young (AK)

NOT VOTING—31

Bono
Boyd
Brown, Corrine
Burr
Burton (IN)
Buyer
Cannon
Carson (IN)
Chabot
Culberson
Delahunt
DeMint
Doggett
English
Gephardt
Hulshof
Kanjorski
Kucinich
McInnis
Murtha
Nethercutt
Portman
Reynolds
Rohrabacher
Smith (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

☐ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 140 on H. Res. 380, recognizing the importance of music education, I was unavoidably detained. Had I been present, I would have voted "yea."

CONGRATULATING UNIVERSITY OF CONNECTICUT HUSKIES FOR WINNING 2004 NCAA DIVISION I MEN AND WOMEN'S BASKETBALL CHAMPIONSHIPS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 599.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and agree to the resolution, H. Res. 599, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 0, answered "present" 2, not voting 30, as follows:

[Roll No. 141]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)

Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED “PRESENT”—2

Gingrey
Hayes

NOT VOTING—30

Berman
Bishop (UT)
Bono
Boyd
Brown, Corrine
Burr
Burton (IN)
Buyer
Carson (IN)
Chabot
Culberson
Delahunt
DeMint
Doggett
English
Gephardt
Hulshof
Kanjorski
Kucinich
McInnis
Murtha
Nethercutt
Portman
Rangel
Reynolds
Rohrabacher
Solis
Tauzin
Turner (OH)
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1920

Mr. KING of Iowa changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 141 on H. Res. 599, congratulating the University of Connecticut Huskies, I was unavoidably detained. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Madam Speaker, as today is primary election day in Indiana, I was delayed in my return to Washington, DC, and therefore unable to be on the House floor for rollcall votes 139, 140, and 141. Had I been here I would have voted “yea” for rollcall vote 139, “yea” for rollcall vote 140, and “yea” for rollcall vote 141.

PERSONAL EXPLANATION

Mr. DeMINT. Madam Speaker, I was absent during rollcall votes 139, 140, and 141. Had I been present, I would have voted “yea” on each of the votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mrs. MYRICK. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 898, the Lumbee Recognition Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. MOORE. Madam Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on S. Con. Res. 95, Concurrent Resolution on the Budget for Fiscal Year 2005.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

BIDDING FAREWELL TO “MORNING EDITION’S” BOB EDWARDS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, Friday marked the farewell to “Morning Edition’s” Bob Edwards. PBS’s “Morning Edition” has become the signature program for public radio across America, giving expression to things about which Americans care the most: war and peace, arts and culture, athletics, the dramas large and small that shape our everyday lives, and the global events that profoundly affect the way Americans look at themselves and others.

For 24½ years, Bob Edwards has been the voice of “Morning Edition.” Two generations have grown up with him, four have been profoundly influenced. His has been a voice of civility, reason, thoughtful exchange, and good humor, exactly why most of us are not just devoted fans of public broadcasting, but heavily dependent upon it.

Thank you, Bob Edwards, for almost a quarter century of enriching our lives. The last show was poignant and insightful, everything we have come to expect from you. With profound sadness and regret at your departure, we have great expectations about what you will do next.

Best wishes, Bob Edwards.

PRESIDENT EXPLAINING AWAY TERRIBLE ECONOMIC RECORD IN OHIO

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, President Bush came to Ohio today on about his 20th trip to campaign for reelection in our State, and the reason he comes back so often in Ohio is to try to explain away his terrible economic record.

Since George Bush became President, Ohio has lost one-sixth of its manufacturing jobs; 177,000 manufacturing jobs alone have left the State. Every single month of the Bush administration, we have lost manufacturing jobs.

The President's answer? More tax cuts for the most privileged people. If you make $1 million, you get a $123,000 tax cut, hoping that will trickle down and create jobs. It is not working. His other solution is more NAFTA-like trade agreements that hemorrhage jobs, that send jobs overseas.

We need to change the direction of this economy, to change the direction of this country. Workers should get their unemployment compensation extended. We should be giving breaks to those companies that manufacture in the United States, not ship jobs overseas.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MAKING THE BAN ON ASSAULT WEAPONS PERMANENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, this Sunday is Mother's Day; and while many of our colleagues will be spending time with their families and their wives, thousands of women will be coming down here to Washington again to have their voices heard. We are going to have an Assault on Washington to make sure the assault weapons ban stays in place. We only have until September 13 to make sure a vote comes up on this floor.

As you can see by the poster, when our children go back to school, when your kids go back to school, will assault weapons be going back too?

Mr. Speaker, on Sunday of last week, I went to a memorial service for our police officers that have died in the line of duty, and they were put on the Wall. Many of those police officers came up to me and they said, What is going on in Washington? Why in heaven's name would anyone down there want to have assault weapons back on the streets?

Well, the million moms, the grandmothers, their husbands, grandfathers will be here on Sunday. Our voices will be heard once again. But this is only going to be the kickoff; because from Sunday on, throughout the United States we are going to be touring the country and raising our voices and awareness. The American people have to realize, come September 13, assault weapons, Uzis, AK–47s, Bushmasters will be back on the street.

Do we want to go back there? Do we want to go back to the time when these guns were gunning down children in our communities, gunning down our police officers? Does anybody remember why we banned the assault weapons in the first place? Because too many people were dying.

The American people do not want assault weapons back on their streets. They can do something about that. Call the Speaker of the House. Call the President, who has promised to sign the bill if it gets on his desk. That is an empty promise. If we cannot have a vote here in the House to make sure the assault weapons ban is renewed and made permanent, they will be back on our streets. Even gun owners across this Nation agree that assault weapons should not be on the streets.

Mr. Speaker, we have to do an awful lot of work between here and the end of this session, but I am saying to my colleagues that we must all come together to make sure the assault weapons ban stays in place. We have to do this. It is common sense. It is not taking away the right of anyone to own a gun.

I know there are people out there that feel they should have an assault weapon. Well, unfortunately, when we see gangs in our communities growing every day, when we see drug lords coming into our communities every day, when they talk about having terrorists in our communities waiting who can go to a gun show or go into your local gun store now and buy assault weapons, is that what we wanted?

When I first got involved in this issue, it was for personal reasons. Many of the people that will be here on Sunday are victims. Many have lost their children, many have lost their husbands, many have lost their wives. This is something the American people can do, but we must hear from you.

Again, the American people on a grassroots level can make a difference. There are so many nurses out there, teachers out there, doctors out there that are behind us on making sure it gets through. But you cannot just say you want this. You have to call.

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You have to call your Representative. You have to call your Senators. You have to make sure that they hear from you.

With this election season coming up, this should be an issue. We can save lives. We can save an awful lot of lives. Why should we go forward and let these assault weapons back on our streets, and then, all of a sudden, a tragedy happens in our school yard or on a train, or anywhere in this country? And again, the panic that comes here. We have to do something; we have to do something.

This is a bill that has worked. This is a bill that does work. I happen to think we should make it stronger by making it permanent. I happen to think the gun manufacturers should be held accountable for making copycats. But the main issue should be assault weapons of any kind should not come back onto our streets. This is something that we can do. I need your help. I need the American people's help. Come out on Sunday. Come out and support the assault on assault weapons bans. Protect our children.

ALCOHOL AWARENESS MONTH AND H. RES. 575

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, this evening we honored the Connecticut men's and women's basketball teams for winning national championships, a truly remarkable accomplishment to have two teams from one school do this. Not long ago, the National Academy of Science released a report on preventing underage drinking. This seems like disparate events, but they are actually connected.

The National Academy of Science report recommended that colleges and universities ban alcohol advertising and promotion on campus in order to discourage alcohol use among underage students.

Research points out the problem of alcohol consumption on college campuses. First of all, 1,400 college students are killed annually in alcohol-related accidents, and we have all anguished over the fatalities in Iraq, over 700. Well, more than double that number will be killed on college campuses this year because of alcohol abuse.

The proportion of college students who say they drink to get drunk is rising. In 1993, roughly 40 percent of college students reported binge drinking. By 2001, that figure had risen to 48 percent. Mr. Speaker, 70,000 students are victims of alcohol-related sexual assaults each year. Most of these are date rapes. More than 500,000 students suffer alcohol-related injuries annually.

Despite these statistics, a total of $53 million in 2001 and $58 million in 2002 was spent to place ads in college sports programs by the alcohol industry.

The 2002 NCAA basketball tournament had more alcohol ads then the Super Bowl, the World Series, college bowl games, and Monday Night Football combined. Alcohol advertising made up more than twice the percentage of ad spending on college sports of all other television programs in 2001 and 2002. Recent riots at the University of Connecticut and Iowa State, as well as some of the recruiting scandals we have heard about on college campuses, have been fueled largely by alcohol.

A spokesperson from the NCAA recently said, "Alcohol advertising is not inconsistent with our mission." I beg to differ. The NCAA handbook states that NCAA policy should exclude "advertisements that do not seem to be in the best interests of higher education."

As a result of the mixed messages our colleges and universities are sending, I have introduced House Resolution 575 calling upon NCAA member schools to voluntarily ban advertising on college sports broadcasts. This is simply a resolution. It is something I hope that Members of Congress will get behind because we think we need to call attention to the inconsistency of policies that our colleges and universities are promoting.

Dean Smith, the former North Carolina basketball coach who set all kinds of coaching records said this. He said, "If aspirin were the leading cause of death on college campuses, do you think chancellors, presidents, and trustees would allow aspirin commercials on basketball commercials on telecasts. They wouldn't, not for a minute."

I recently speak to Coach John Wooden, who won 10 NCAA basketball championships in 12 years; and he wholeheartedly endorses taking alcohol advertising out of college sports. So I would agree with Dean Smith and Don Wooden, because over 36 years on college campuses, I saw case after case where alcohol was the biggest problem that we encountered.

Apparently others agree: 84 percent of Americans think advertising beer on college games is not in the best interests of higher education; 71 percent of Americans support a ban of alcohol ads on college games; 77 percent of parents say it is wrong for colleges to profit from alcohol advertising while trying to combat alcohol abuse on their campuses.

The problem outlined by the National Academy of Science study goes beyond the college campus. I think this is certainly worthy of note, Mr. Speaker. Underage drinking is a serious issue in our middle schools, in our high schools and, in some cases, in our elementary schools. We have over 3 million teenage alcoholics in our country today. By the end of the eighth grade, 47 percent of students have engaged in heavy drinking. Most eighth graders are 13 years old. Children who drink before age 15 are four times more likely to become alcohol-dependent than those who wait until after 15. Underage drinking kills 6.5 times more youth than all other illegal drugs combined; and yet this problem flies largely under the radar screen. Underage drinking costs the American taxpayers each year more than $50 billion. Despite these numbers, the Federal Government spends 25 times more on combating drugs such as cocaine, marijuana, and heroin than on preventing underage alcohol use.

I urge my colleagues to pay attention to this serious problem, as we are going to shortly introduce some legislation to combat this particular issue.

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take my Special Order out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

IMPORTATION, DISCOUNT CARDS, AND MEDICARE MISINFORMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, I would like to review this week as it relates to the Medicare prescription drug bill.

It started with the Secretary of Health and Human Services announcing on Monday, given the confusion over the Web site that they had put up, that they were going to think about taking it down because there was such confusion out among seniors about the pricing and among the pharmaceutical companies about actually what, in fact, they were offering and whether there was a discount. The Web site was intended, as Tommy Thompson said, to drive prices down.

There was such confusion in the marketplace that on the first day, Health and Human Services Secretary Tommy Thompson said we are thinking of taking the Web site down. Then they launched the big discount card that is supposed to provide somewhere between a 10 to 20 percent discount on prices.

Every year for the last 6 years, prices of prescription drugs have gone up, on average, 17 percent, somewhere around five times the rate of inflation; and this year it is projected to go up 18 percent, and next year it is projected to go up 20 percent. The card was so confusing that at the Speaker's own town hall meeting, he got into an argument with a senior citizen who said, why do we not just do what Canada does and offer and, in fact, allow us to buy drugs in Canada where they are 30 to 80 percent cheaper? In fact, if you compare the discount that the drug card would offer like on Lipitor versus what the price is in Canada or Europe, even with the discount card, the prices for Lipitor in Europe are 129 percent cheaper than they are even with the discount card. Celebrex, another common drug, even with the discount price from the card, in Europe and in Canada, the price is 85 percent cheaper. Seniors know that.

Third, just this week, the Congressional Research Service found that, in fact, the cost of the bill for prescription drugs was never $400 billion, but $534 billion, and that the administrator, Mr. Foster, who intended to tell Congress, was told he was not allowed to and withheld the information from Congress; that in fact the Members who told him that have broken the law; broken the law.

I will tell my colleagues today, if that bill was on the floor, it would go down in resounding defeat, because people in Congress who thought they were getting all of the protection from the pharmaceutical industry have realized finally, having talked to their constituents, what is wrong with this bill. It does nothing to affect price. So we can have all the discount cards we want, we can have a Web site that is a failure, and now we have information out there that, in fact, people broke the law trying to pass this bill, and we now know what seniors have always told us. Since the bill did nothing to affect price, nothing to affect affordability, nothing to give them world-class drugs at world-class prices, which is the cheapest prices we could get, that in fact Congress was deceived and not given the information that was required to deal with that legislation.

Just today, at 5:30 in the evening, Secretary Tommy Thompson, having fought tooth and nail to oppose the notion of allowing people to buy drugs in Canada and in Europe and to bring competition to the market and bring choice to the market, at 5:30 this evening Tommy Thompson announced that he believes in the reimportation of prescription drugs, that we should pass legislation, and he would recommend that the President sign that legislation. So in the last 48 hours, I just want my colleagues to review this with me.

The Congressional Research Service has found out that members of the administration broke the law by withholding information from Congress. The Web site that they put up to help bring competition to the market, they are going to bring the Web site down because it is confusing and they have the wrong prices up there. The discount card is so confusing that on a report on NPR this morning, if you listened to the official trying to listen to the senior citizen, the official said, "A mail order's around a 90-day. That's a 3-month supply." Senior: "Oh, okay." Official: "So to compare the prices, multiply." The senior: Multiply the 3?" The official: "The 30-day by 3 to get your 90 days, yup. And not all of them have mail orders, so." Senior: "Mm-humm." The official: "And then this will tell how many pharmacies are in your area. How far would you like to go from our ZIP code to look for a pharmacy? You want to keep it within a mile?" The senior starts laughing. The official: "We do have other choices, there's a range here."

This, to a senior citizen who is looking for a lifesaving drug on arthritis, heart, blood pressure, bone strengthening. They are supposed to sit there and try to figure this out. Rather than giving them a benefit and rather than trying to organize and bring prices down in the market, we drive them crazy.

So to top it off, Tommy Thompson now has come around to the view that in fact what we need and to deal with this is what all of us know who dared talk to any of our constituents, that we have got to deal with price. That is the only way to affect and help our senior citizens and our taxpayers, who now are going to be asked not to pay $400 billion, but $535 billion for a bill that if it was brought forward today would go down in resounding defeat.

I welcome Tommy Thompson's open mind and bipartisanship to come to realize what all of us knew in this Congress, that we need reimportation to bring down the prices of prescription drugs.

NO APOLOGY REQUIRED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, last week, several Members of this body issued statements criticizing Presidential adviser Karen Hughes, demanding an apology for comments she made on April 25, 2004. Unfortunately, my colleagues have distorted her remarks into a misrepresentation of her actual sentiment, which I fully support.

In a live interview on CNN on April 25, Ms. Hughes is quoted as saying, "I think after September 11 the American people are valuing life more and realizing that we need policies to value the dignity and worth of every life.

"And President Bush has worked to say, let's be reasonable, let's work to value life, let's try to reduce the number of abortions, let's increase adoptions."

She goes on to say, "Unfortunately our enemies in the terror network, as we're seeing repeatedly in the headlines these days, don't value any life, not even the innocent and not even their own." That was on CNN "Late Edition," April 25, 2004.

In response to her words, some of my colleagues have accused Hughes of equating those who support abortion with terrorists. They have requested an apology for this alleged use of "cheap and distasteful politics." I find this gross misrepresentation of Ms. Hughes' comments disgusting and firmly stand behind her words.

Mr. Speaker, this demand for an apology is simply a political ploy designed to damage the pro-life movement and to promote the abortion industry and their pursuit of increased abortions. Abortion is a money-making business, and the pro-abortion movement will take any chance they can to derail those who promote life.

Planned Parenthood's budget for fiscal year ending June of 2002 showed total revenue of $692.5 million, and they had a profit of $12.2 million for that 1-year period alone.

Personally, I would like to thank Karen Hughes for her words because she was right; and, no, I will not apologize.

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Although Mrs. Hughes did not insinuate that these groups were terrorists, I find it amazing that these pro-abortion groups, like Planned Parenthood, have the gall to claim that they are "offended" at this accusation.

Offended? Let me read to you some of the signs that were displayed at the pro-abortion rally in DC a few weeks ago. These were signs that did not make it to the mainstream newspaper. From World Magazine, May 8 edition, their signs read, "Abort Bush. We are pro-choice and we riot. Keep Bush's hands out of my pants."

Offended? I am personally offended as every American should be. And these groups claim to speak for all women. It is these very same groups that have repeatedly called pro-life groups like Concerned Women for American "terrorists." Yes, Planned Parenthood likes to use the word "terrorist" any time they deem it politically useful.

Recently, I saw on Planned Parenthood Federation's Web site a page entitled "Eye on Extremism," and under the heading titled "Terrorists and Extremist Organizations" was a detailed listing of 14 leading pro-life organizations.

I am familiar with the majority over these groups and it is clear that Planned Parenthood is simply working on a smear campaign.

So I have a question for Planned Parenthood: How can such a claim be made against Hughes, an unsubstantiated claim I might add, when groups advocating family and pro-life policies are branded as extremists and terrorists? Planned Parenthood, are you going to apologize for these groups for, as you put it, "cheap and distasteful politics."

A national Right to Life poll has indicated growing opposition to abortion; 56 percent of women, 62 percent of African Americans, 79 percent of Hispanics, 61 percent of 18 to 29 year olds reject abortion in most circumstances. Americans recognize the value of life.

As Mrs. Hughes stated, in the post-9-11 world, we as Americans have placed a greater emphasis on the value of life. We grieve for the loss of every soldier in Iraq and Afghanistan, cling tighter to our close friends and family, and are more conscientious of our personal and national security. Additionally, we celebrate the birth of every baby and adoption of every child into a loving family because we value each life.

Mrs. Hughes' comments in the April 25th interview were right on target.

The demand for an apology is absurd, and I would like to know if Planned Parenthood is going to apologize to the groups that they list as terrorists on their Web site. I doubt it, because each child saved from an abortion is money that the abortion industry will not get. And that, unfortunately, is what this is all about.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PRESIDENTIAL MISTAKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last month, not too long ago, the President was asked in a news conference, only his third news conference in prime time since he took office, What would your biggest mistake be after 9-11 and what lessons have you learned from it?

President Bush said, "I'm sure something will pop in to my mind here in the midst of this press conference, with all pressure of trying to come up with an answer but it hasn't yet."

Then on May 1, earlier this week, the President, joking about it, said, "I was going to start off tonight telling some self-deprecating jokes." And the Republican crowd laughed. And then he said, "But then I couldn't think of any mistakes that I had made to be self-deprecating about."

Now, it is hard to believe that anyone in my State of Ohio who has lost his or her job, 177,000 manufacturing workers in Ohio have lost their jobs since President Bush took office, it is hard to think that any one of them thought that was very funny, that the President could not think of any mistakes that he made; mistakes that he could learn from, that he could correct and do something about.

It is hard to think that any veterans who have seen their benefits cut under this President think this was very funny. It is hard to think that those soldiers who do not have body armor in

Iraq because the President and the Pentagon did not plan for it, that they think that is very funny, to say that he could not think of any mistakes. I do not think that too many Americans of the 43 million without health care think that is very funny that the President mentioned he could not think of any mistakes that he had made.

Now, there are a group of us coming to the floor tonight. The gentleman from Washington (Mr. MCDERMOTT), the gentleman from New York (Mr. NADLER), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from New Jersey (Mr. PASCRELL), the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from California (Ms. LEE), that are going to talk about some of the mistakes, not to embarrass the President, in some sense not even to criticize the President, but just we hope to point some mistakes out tonight that the President has made so that he can correct them. Because we are all taught as children to learn from our mistakes.

If the President is unwilling to admit a mistake, if the President is unwilling to acknowledge that he even made any, and then if the President is willing to sit around and joke that he has not made any mistakes when we have lost this number of jobs in my State of Ohio and across the country, when our soldiers in Iraq are in harm's way because we have not provided body armor, because we are not providing the armor underneath the Humvees and on the doors of the Humvees to protect American troops, it is not really not much of a laughing matter.

Today the President was in Ohio and, again, the President continued the let us just kind of joke about this.

AP reports, "With humor and sarcasm, President Bush is trying to make JOHN KERRY eat his own words. At every stop of his Midwest bus tour, the President is mocking KERRY to the delight of partisan audiences."

I understand this is a Presidential race. I understand that politicians need to attack each other and make fun of each other and all of this, but in light of the fact that the President is unwilling to admit any of these mistakes he made, we, tonight, the five or six of us, would like to help him talk about, whether it is a mistakes he made with weapons of mass destruction or Medicare or veterans' benefits or the tax cuts, a millionaire gets $123,000 in tax cuts; whether it is job loss, whether it is totally forsaking both small business and the manufacturing base in this country.

The entire six Democratic-member delegation of Ohio wrote the President a list of questions as he arrived in Dayton, Ohio today in his Ask the President Forum that he is beginning to hold around the country. He did the first one in Dayton today.

We had some questions for the President about the new Medicare bill because we recognize that the Medicare bill was a mistake. First of all, the President allowed the drug companies and the insurance companies to write the bill. He also allowed the drug companies, that are going to make $150 billion additional profits from that bill. The insurance companies will get a $46 billion direct subsidy from this bill. But no surprise there, the President has already received tens of millions of dollars from the drug and the insurance industry for his election.

In fact, the word in the street in Washington, my colleagues and I have all heard, is that the President will receive a total of $100 million from the drug industry for his reelection. Of course, he is going to support the drug industry. But, frankly, we consider that a mistake, when you write a Medicare bill that helps the drug industry, it helps the insurance industry, and then maybe you get around to dropping a few dollars for seniors.

When they release this prescription drug discount card today, we asked the President a couple of questions. Is it true the Medicare law allows drug and insurance companies offering discount cards to change covered drugs and discounts weekly? Does this not mean that seniors may choose a card one week that will be worth little or nothing to them the next?

In other words, seniors sign up for one of these discount drug cards. If you sign up for one of the 50 or 60 or 70 cards, you are stuck with it the entire year, even though the drug discount card company can turn around and take your drug off the list, can raise the price, can cut your discount.

Mr. Speaker, the President also mentioned in this bill, this Medicare bill, there is also a prohibition on drug companies, on the government negotiating cheaper prices. We know we can get cheaper drugs in Canada, yet the President will not allow it. Something is wrong. I wish the President would acknowledge his mistake. Go back to the drawing board and write a drug bill for the seniors, not for the drug companies.

MISTAKES OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, let me first thank the gentleman from Ohio (Mr. BROWN) for organizing tonight's series of statements about the consequences of the Bush administration's tragic and terrible decisions.

Now, last month, the President stated that he could not really think of a single particular mistake that he had made in office, though he conceded that he must have made some. Even worse, the President was either unable or unwilling to say what lessons he had learned from the process.

Now, tonight some of us are here to talk about the administration's decisions because, quite frankly, "mistake" is far too soft a word. It almost makes it sound like an accident. We are also here to talk about the consequences and the lessons that the entire world is learning from this administration.

Now, in the newspapers and on television in the past week we have all seen the horrifying pictures of American soldiers torturing, tormenting and humiliating Iraqi prisoners. We all know that this does not characterize the tens of thousands of brave men and women serving in Iraq, but we do note that it endangers their lives.

These pictures are horrifying, both because of the callous disregard for human rights that they show by individual American soldiers but also for the far more fundamental failures at the highest levels of leadership, failures that began with an administration that led the Nation to war under false pretenses.

The pictures are also horrifying for their consequences. What will happen to the next American soldiers or civilian captured? If we, the world's most powerful military country and greatest democracy, will not abide by the Geneva Convention and international law, then who will?

What will happen to our already devastated international reputation?

The Washington Post today reports that the State Department's Intelligence and Research Department is deeply concerned about a cascade of international criticism that could seriously affect our broader foreign goals.

Leaked portions of a 53-page report by Major General Antonio Taguba completed in February conclude that there were numerous, numerous instances of "sadistic, blatant and wanton criminal abuses at Abu Ghraib" prison.

I hope that this is not just the tip of the iceberg.

Individuals involved have stated that they were encouraged by military intelligence to engage in this abuse. Now, as one who has a background in psychology and mental health, I worry for our young men and women in uniform who are being dehumanized, dehumanized by a war that allows them to cross this threshold.

Now, many of the men and women and teenagers held in this prison, actually, the infamous prison which was known as a torture center for Saddam Hussein, they were picked up in random sweeps and at highway checkpoints.

People were held for months on little or no evidence, with no charges, no change at appeal, and now, it seems, in addition to that potentially widespread injustice, they may have been abused or even tortured.

The Department of Defense is investigating these charges, but he oversight quite frankly must be broader and the questions that are asked must be more sweeping. Congress absolutely has to exercise its oversight authority though a full scale investigation, a Congressional investigation.

Part of this examination also has to look at private contractors, some of whom will are running these prisons and some of whom are allegedly involved in these terrible acts. Human Rights Watch and other organizations have widely asked about the role of private contractors who seem to be operating entirely outside the boundaries of authority in a complete legal vacuum. They are exempt from prosecution by Iraqi courts. They are beyond the military chain of command and its court-martial authority, and they are outside the range of the United States courts.

This is one more consequence of turning over so much power and so much money to private contractors. This is one more example of a foreign policy and a military policy gone wrong. The United States has turned this prison especially, Abu Ghraib into a house of horrors. That failure is a metaphor for a foreign policy that has gone absolutely and tragically wrong. Our Nation is perceived in many circles as waging war on Islam. The pictures in the world's newspapers will only compound and confirm that perception. Those photographs build on an image of a Nation that ignores the United Nations, when it chooses to, of course, and turns to it when it gets in trouble.

They add to a portrait of a country that preaches about human rights but fails to uphold them. The pictures are just one more piece of evidence that this administration led our Nation to war without really a plan for its aftermath. And that utter failure, as I said, "mistake" is far too soft a word.

This policy has contributed to more than 500 American deaths since, mind you, since President Bush landed on that aircraft carrier and stood underneath that banner proclaiming "Mission accomplished."

Exactly what mission have we accomplished? We have not found any weapons of mass destruction, but we have seriously damaged our international credibility. We have not established any semblance of stability or safety in Iraq, although the deadline for the supposed Iraqi takeover of authority is just a month away.

We have not promoted the cause of democracy in the Middle East or anywhere else, but we have undermined the rule of international law.

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We have not built a strong network of friends and allies to advance our joint goals, but we have squandered the enormous goodwill that the world stretched out to us in 2001. Ultimately, we have not made the world or ourselves safer. The policies of the Bush administration have made the world a far more dangerous place.

Tomorrow, the State Department issues its annual report on U.S. efforts to support human rights and democracy across the globe. Just what is this report going to say about the Bush administration's failures in Iraq and its efforts to overthrow democracy in Haiti? Just what is this report going to say about the abuse of individuals and organizations?

ADEQUATE PROTECTION FOR OUR TROOPS

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I appreciate being recognized.

Mr. Speaker, as my friend, the gentleman from Ohio (Mr. BROWN), said earlier, in a press conference recently on the 13th, the President was asked if he could identify any mistakes he may have made, and he was unable to do so.

I can tell him a mistake that he and his administration has made. They sent our young soldiers into harm's way when the war in Iraq began without adequate body armor. That is the truth. They cannot escape that fact. There were soldiers who were placed in harm's way without having the protection of this basic equipment.

The war began in March. I have written Secretary Rumsfeld over the last year two letters asking him to explain to me and to the American people why our soldiers were placed in harm's way without this protection.

This body armor that I am talking about became available, I think, for the first time in 1998. It is called the "interceptive vest." It is made of Kevlar with ceramic plates in both the front and the back. It is so effective that it can stop an AK-47 bullet, and it has been credited with saving the lives of many of our soldiers who had them and could use them.

When we went into Iraq, after literally months during which we could have prepared to have had adequate equipment for our troops, we sent our soldiers into battle without this protection; and Mr. Speaker, it took Mr. Rumsfeld and the Pentagon, and, yeah, the buck stops in the Oval Office, the President, one full year from March when the war began until March of this year before they were able to send me a letter informing me that, at last, all of our troops were equipped with this body armor.

I asked how many young men or middle-age Reservists and Guardsmen may have lost their lives needlessly simply because this administration did not provide them with this basic protection. It is a question that I think needs to be analyzed and answered.

There is a continuing problem in the war zone. As I stand here in the Chamber of the people's House tonight, there are American soldiers in Iraq, in various cities in Iraq, who are using vehicles without proper armor. There is one company that the Pentagon has a contract with to provide up-armored Humvees for our military personnel. It is located in Fairfield, Ohio. It is called O'Gara-Hess and Eisenhardt. It is the company that has the ability and the contract with the Pentagon to produce these vehicles which provide a high degree of protection when our soldiers may drive over a roadside bomb, for example; and yet the Pentagon is only contracting for 300 of these up-armored Humvees per month, although thousands are needed in Iraq.

The company tells me that they are capable by November, if not sooner, of producing some 500 of these Humvees per month. What that means is if the President and the Secretary of Defense and those who make decisions regarding this matter at the Pentagon were willing to do so, they could have these up-armored vehicles in Iraq so that our troops would be protected much more quickly than they are willing to do.

I do not understand this. I simply do not understand why the President does not call Secretary Rumsfeld up and say, listen, there are reports that our troops need up-armored Humvees; I want this problem solved as quickly as possible. Do everything necessary; move heaven and Earth but get this problem solved.

A young West Point graduate from my district called me a few weeks ago. He had returned after spending 14 months in Iraq; and he said, Congressman, the Explorer you drive around is more armored and offers better protection than did the Humvee that I drove around the streets of Baghdad.

It troubles me that those of us who serve here in this Chamber and the President, who is the Commander in Chief, would allow this situation to continue when they can do something about it.

So if the President cannot think of any mistake he has made, I would offer this mistake: I would say to the President, you should not have sent our soldiers into battle without body armor, and you should not have our soldiers over there tonight without up-armored Humvees to provide them adequate protection.

THE IRAQ WAR JUST KEEPS GETTING WORSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, America has suffered the worst defeat in memory, and not by any insurgents.

The world is rightly shocked and appalled by the pictures from Iraq. Rogue U.S. soldiers have committed atrocities that sicken us. They have harmed Iraqi citizens. They have endangered every decent U.S. soldier, and they have turned more people against us. The world must know that America stands for justice, and that justice should be carried out quickly against those responsible for these despicable acts.

The Iraq war just keeps getting worse for America, Mr. President. For those who mistrusted us before, the pictures will inflame their rhetoric. For those who hate us, the pictures will impassion them to find new recruits.

Every decent American can only feel enraged that the sordid conduct of a few people will be portrayed worldwide as representative of our Nation.

Iraqis were insulted and humiliated, but seven officers have received only a reprimand, a slap on the wrist. They were not even demoted or discharged. The world will ask, is that what America calls justice? No, it is not; and this administration had better take this seriously.

The U.S. would have gone to war if our citizens had been treated like this in another country. Remember our outrage when they hung some of our people from a bridge. The administration's response is just one more mistake. It is completely inadequate.

Iraq has been a mistake from the beginning. The administration refused to get help and support from the international community, and the administration continues to spout rhetoric that no one in the whole world either believes or accepts. Every day, literally, the administration switches from one policy to another.

First, the Baathists were bad, aligned with Saddam and no friend to the U.S. Then the U.S. hired a Baathist general to try and get us out of the mess in Fallujah. Then the U.S. replaces the guy after Iraqis protest the general's role in Hussein's regime. Now a new guy is in; but the insurgents, heavily armed and fortified, have already rejected the new general.

Fighting has broken out in several cities, and U.S. artillery is shelling positions near the Baghdad airport. There have been more U.S. casualties, and U.S. soldiers remain in grave danger all over Iraq while the administration test-fires a few possible solutions.

Note, Mr. President, this is not a test. Iraq is not a laboratory. They are shooting real bullets, and we keep pretending we have a policy. Some say Iraq is not like Vietnam. Iraq looks more and more like Vietnam every day.

In southeast Asia, there was always more reassuring rhetoric from a Democratic President, by the way, than there was truth or policy to back it up. In Iraq, there is all this talk of growing a democracy; but in reality, we are seeding a civil war, with our soldiers' blood right in the middle of the violence.

What is the American administration going to say, We are working on it? The Pentagon said a few hours ago that 135,000 U.S. soldiers will remain in Iraq at least through 2005. In other words, the only thing being handed over on June 30 is a bill of goods, meant more for the American people and the election than the Iraqis.

It is time this administration faced the American people and the truth of their mistakes. Either get an international solution now, before more U.S. lives are lost, or get out and admit you should have never gone into Iraq in the first place. All the rhetoric in the administration's arsenal can start a debate, but it cannot stop a bullet.

EXCHANGE OF SPECIAL ORDER TIME

Ms. PELOSI. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. BLUMENAUER).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise to commend the tremendous leadership of two of our colleagues, the gentleman from Florida (Mr. MEEK) and the gentleman from Ohio (Mr. RYAN), and the 30-Something Working Group for taking the lead on this vital effort to talk to the next generation of Americans about issues that they care about.

Tonight, during the Special Order, our 30-Something Working Group has 1 hour to speak to the young people of America. It consists of 14 Members of Congress in their 30s, as it said. The gentleman from Ohio (Mr. RYAN) is in his 20s, just turned 30. All regions of the United States are represented in the group and all aspects and the beautiful diversity of our country: the gentleman from Oklahoma (Mr. CARSON); the gentleman from Alabama (Mr. DAVIS); the gentleman from Tennessee (Mr. FORD); the gentleman from Illinois (Mr. JACKSON); the gentleman from Rhode Island (Mr. KENNEDY); the gentleman from Wisconsin (Mr. KIND); the gentleman from Rhode Island (Mr. LANGEVIN); the gentleman from Washington (Mr. LARSEN); the gentleman from Utah (Mr. MATHESON); the gentleman from Florida (Mr. MEEK); the gentleman from Ohio (Mr. RYAN); the gentlewoman from California (Ms. LINDA T. SÁNCHEZ); the gentleman from Washington (Mr. SMITH); and the gentleman from New York (Mr. WEINER). How proud we are of them.

Democrats are committed to listening to and working with young people on issues they care about and that impact their lives, jobs, the economy, health care, higher education, globalization, and protecting the beautiful environment that is God's creation.

Over the past 8 months, our 30-Something Members have been on the road across America beginning a new dialogue with the next generation. Thirty-Something Members have traveled to Louisiana, Alabama, Massachusetts, Kentucky, Michigan, Florida, through the States that I have mentioned, their home States, talking to young people to hear their views on critical issues.

Two weeks ago, the 30-Something Working Group cohosted the Next Generation Democratic Summit. More than 250 18- to 30-year-olds came to Capitol Hill to discuss their concerns with Members of Congress and to share their insights about how to inspire other young people to be more engaged in government.

Today, we are launching another part of our effort to reach out to the next generation. This regular 30-Something hour is an exciting opportunity for House Democrats to have a national discussion with young Americans across the country. We certainly invite response from the young Americans.

Mr. Speaker, as my colleagues well know, all of us here in Congress have a responsibility to the next generation. We have received a precious gift, a privilege, of representing our districts in Congress and the wonderful responsibility to make the future better for the next generation. Not only do we have that responsibility as a Congress, but each of us has a responsibility to do that. Every decision that we make has an important bearing on the future. No one is impacted more by that than our young people.

So I am so very proud of our 30-Something Working Group and the leadership that they have assumed under the exceptional leadership of the gentleman from Florida (Mr. MEEK) and the gentleman from Ohio (Mr. RYAN).

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AMERICA NEEDS SMART SECURITY

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 1 year ago on May 1, President Bush made a huge mistake when he stood in front of a banner that read "Mission Accomplished" and told the Nation that major combat operations in Iraq were over; huge error. The truth is that major combat operations are very far from being over. Of the 734 American soldiers who have died in Iraq, nearly 600 have died since the President claimed an end to major combat operations.

April of the year 2004 was just as devastating to our troop levels as April of the year 2003. To add insult to injury, the Bush administration continues to maintain its tight grip on the media, engaging in a brand of censorship that is at stark contrast with fundamental American values of freedom of speech and freedom of press, a mistake in every way in this country of ours.

First the Coalition Provisional Authority, which runs Iraq and which was created by the Bush administration, decided to create its own television operation to broadcast live to the United States 24 hours a day from Iraq. The point of C–SPAN Baghdad, as it was dubbed, was to put a positive spin on events and circumvent the major networks by transmitting directly to local and regional media outlets in the United States. This is not the first time Bush has attempted to control the media in Iraq.

Fearing that support for the Iraq war would fade if Americans caught sight of U.S. soldiers returning home in flag-draped caskets, the Bush administration banned all coverage and photography of dead soldiers' homecoming on military bases. Another gross mistake, our President has not attended any homecoming or burials to date.

There has to be a better way and there is, one that emphasizes brain instead of brawn, one that is consistent with American values, one that trusts Americans will do the right thing when they know the truth. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished Nations with an emphasis on women's health and women's education in Third World countries.

SMART legislation promotes more effective conflict assessment and early warning systems, multilateral rapid response mechanisms, human rights monitoring, civilian policing and investment in civil programs and fair judicial systems. SMART security is about promoting a foreign policy that is open and honest, not one that is cloaked in secrecy and hidden agendas.

If we cannot trust our government to pursue policies that are best for America, then I ask, who can we trust? The Bush doctrine has been tried; and it has failed. It is time for a new national security strategy. SMART Security defends America by relying on the very best of America: Our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. SMART Security is tough, it is pragmatic and it is patriotic. SMART Security is smart, and it will keep America safe.

A QUESTION OF CREDIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, page 23 of the Times today, the headline says, "Agency Sees Withholding of Medicare Data From Congress As Illegal." That is pretty serious business.

So we have finally secret documents. We have backroom deals. We have intimidation and misinformation. We have threats. We have exclusion, possible bribery, propaganda, lying. I am not referring to the KGB, I am not referring to the Chinese authorities, I am not referring to Napoleon's France, a medieval court, or Imperial Rome. No, there are elements of government scandal right here in the Medicare issue.

All of these things describe a significant role in the narrow passage of the Medicare prescription drug bill. Members may wonder here who, in the United States of America, the freest country in the world, would employ such tactics to pass a controversial Medicare law; the Bush administration, that is who. The White House position of win at any cost eventually did lead to the new law, but what was the cost? The cost has been the credibility and reputation not only of the administration but that of the Congress, the integrity of this institution and the entire law-making process.

The American people must ask themselves, is this how my government actually works? Everyone knew a Medicare prescription drug benefit was going to be expensive. To the end, the Bush administration assured Congress their plan would cost $400 billion. However, it has since been discovered that the White House knew 6 months before the vote that their bill had a price tag of $140 billion more, a slight error of $140 billion.

Further, it has been reported that the Center for Medicare and Medicaid Services, their administrator, remember this name, Tom Scully, he since has gone and found himself a lobbying job. Well, old Tom threatened to fire the chief actuary who was responsible for calculating the cost of the bill. The actuary's name was Richard Foster. If he had made this information available to congressional Democrats, he was going to be fired. At the time, Mr. Scully was negotiating with health care interests that had large financial stakes in the Medicare bill. Not only about the bill though, Mr. Scully.

That is not to say Mr. Scully was in this alone. Last month, Mr. Scully told members of the Committee on Ways and Means that he had shared the information with Doug Badger, President Bush's health policy adviser, who is right in the White House, and James Capretta, associate director of the Office of Management and Budget, his analysis that the Medicare legislation would exceed its target goal.

Not only was this underhanded, not only was it deceitful, but according to the Congressional Research Service, this gag order was against the law, and they made this public just yesterday. There has been a violation of the law, and this House has done nothing, nor has the other House, nor have the folks down the street. When you break the law; something should happen.

According to the report, Congress' "right to receive truthful information from Federal agencies to assist in its legislative functions is clear and unassailable." That is what it says.

The issuance by an officer or employee in a department or agency of the Federal Government of a gag order on subordinate employees to expressly prevent and prohibit those employees from communicating directly with Members of Congress or the committees of Congress would appear to violate a specific and express prohibition of Federal law.

McGrain v. Dougherty, a 1927 Supreme Court decision, states very clearly, as it does in other Supreme Court decisions, legislative bodies cannot legislate wisely or effectively, in the absence of information regarding conditions which the legislation is intended to effect or change. That decision by the Supreme Court goes back to 1927. Thus, "Political gamesmanship must yield to the clear public interest of providing the people's elected representatives in the Congress with accurate and truthful information."

Mr. Speaker, they have broken the law. I come to this floor always with bipartisan hands open. My legislation will show that. The gloves are off.

Mr. Speaker, you have been lied to; we have been lied to. The question is, what will we do about it? The question is, do not the American people deserve more, and should the people demand more from us, regardless of which side we are on? We did not know all of the facts, and that bill would not have passed if we did know all of the facts.

EXCHANGE OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

MISSION ACCOMPLISHED, I THINK NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I watched the weekends events somewhat in horror, but also somewhat in recognition that our troops on the ground, our enlisted officers, Reservists and National Guard, operate under the most heinous conditions, and certainly the actions that we have seen in the abuse of Iraqi prisoners is not to be excused, but I lay the burden more on the policymakers and those who have extended the stays of those civilian troops, 6 months, 12 months and 18 months, those who made the statement a year ago May 1, "mission accomplished." The burdens of disarray of the military in Iraq lay at our feet.

Mr. Speaker, I believe that we cannot, as a Congress, do nothing. I would hope that we will hear more potently from the President, the Secretary of Defense, and the Joint Chief of Staff on the solutions in the aftermath and the crisis of a so-called mission accomplished.

Although those acts were to be not tolerated, we must find the trail of hierarchy that created such havoc that our soldiers who were there to liberate, have turned into those who would perpetrate such acts. That is what I want to speak about this evening: Mission accomplished, I think not. Until we pass what I am now calling, and we are now reviewing and hoping to write as legislation for this House, the Welcome Home Act of 2004. Mission accomplished, I think not. Until we write legislation for those combat veterans who have come home from Iraq and Afghanistan, really, the Vietnam War of the 21st century.

And what do I believe is appropriate for those wounded and those individuals coming home from this war? First of all, an apology and explanation by this administration for the war and the present status of the conditions in Iraq and, yes, Afghanistan. Provisions for long-term mental health needs for those veterans, both wounded and those not wounded and their families; immediate treatment for trauma, mental trauma if you will, that will be ongoing and that we have already discovered in some of our military hospitals today; continuous educational opportunities for these young men and women, and maybe even the Reservists and the National Guard who now come home with a whole different attitude about life and their future; family counseling, so that the terrible murder of a military spouse of a returning veteran cannot happen again; enhanced opportunities for homeownership so our military families are not in cramped conditions after the military person leaves the particular branch and so they are not Nicole Goodwin, an Iraqi combat veteran who is now homeless, walking the streets of New York; health care for 10 years so that those ailments generated by the combat situation and the Veterans Hospital will not maintain and keep, we will have care; long-term health care and rehabilitation when the veteran's benefits run out; military whistleblower protections so that those individuals who have seen things in Iraq that should not happen, such as what happened in the prison and the abuse of prisoners or what is happening in terms of those individuals who are outside of their job description of which they were brought into the military, where carpenters are being police officers and truck drivers are being gunners, we need to find out what is wrong with this system and this war.

□ 2030

Provisions for those who are severely injured with long-term understanding of those severely injured and the families who lost loved ones. Who is attending to those families after the burial? Who is comforting them, and what are the resources being provided for those families? And so I would suggest that a lump-sum payment under the Welcome Home Act of 2004 be made to those families of the severely injured and those who lost loved ones out of the profits of the Iraqi oil fields.

Mr. Speaker, mission accomplished, I think not, until the Welcome Home Act of 2004 is both legislatively presented to this Congress, until we acknowledge the wrongness of this war by giving some dignity to those who are coming home, who are coming home to lonely places, to homelessness, to bad health care, to the inability to provide for their family. We must provide for these severely injured veterans as well as those families who have lost loved ones because, as we know, the toll of those dying continues to rise; and 736, Mr. Speaker, is not the last count that we will have. How can we claim a mission accomplished unless we present the Welcome Home Act of 2004 alongside a final resolution to the conflict in Iraq?

NATIONAL SECURITY

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, the President, as you can see from the poster, said at his press conference last week that he was not aware of any mistakes that he had made. Let me tell my colleagues and him a few mistakes he has made, three major mistakes:

First, in the immediate aftermath of 9/11, the Bush administration chose deliberately to mislead the people of New York about the safety of the air and the environment in the aftermath of that disaster. We now know from the Inspector General of EPA's report that the White House instructed the EPA to mislead the people of New York. The former administrator of EPA, Mrs. Whitman, said 2 days after the disaster the air is safe to breathe, when they had no test data to show that.

Because of that misleading, Federal, State, and city government followed policies that have resulted in catastrophe. We now know from recent medical reports that an absolute majority, most of the first responders, the heroes, the fire officers, the police officers, the construction workers who descended on Lower Manhattan to help with the rescue operations, most of them now, 2½ years later, have serious respiratory disorders which will probably plague them for the rest of their lives. We know that women who live within a mile, 1.6 kilometers, of the World Trade Center, today are giving birth to low birth weight babies at twice the natural rate because the White House chose to mislead the American people.

Second, the White House chose to get us into a useless, stupid war in Iraq to divert our attention from the war against us by the Islamic terrorists. We know that there were no weapons of mass destruction, contrary to what they told us in Iraq, no great stockpiles of weapons of mass destruction. We know the Iraqi people did not, as the White House told us they would, greet our troops as liberators. We know that when the President stood there before the sign and said mission accomplished and said that major combat was over, he was wrong. We know this administration did not plan adequately for an occupation. We know they sent too few troops there to properly secure the country. We know they fired General Shinseki because he had the impudence to say the truth in advance. We know that they disbanded the Iraqi army without having enough troop strength to replace it and they are now trying to reassemble it.

We know, in short, they got us into a quagmire and so thoroughly alienated the rest of the world by the arrogant attitude of this administration that we cannot get any significant help, we cannot internationalize the conflict, we cannot share the burdens or at least we cannot do these things as long as George Bush is President because no one trusts him abroad anymore.

But perhaps the greatest mistake that this administration has made is that this administration has not and does not take seriously enough the terrorist war being waged against us by the Islamic terrorists. From before 9/11, when this administration ignored many warnings, to this very day, they refuse to spend the money necessary to protect the American people. Two months after 9/11, leaders in Congress proposed to spend $10 billion to protect our chemical and nuclear facilities and our transportation terminals against attacks that could kill or wound hundreds of thousands of people. President Bush said he would veto such an appropriation. It was not done. This administration refuses to spend the money to buy the weapons grade plutonium and uranium now in the former Soviet Union that can easily be smuggled to al Qaeda to make atomic bombs because they care more about tax cuts for the wealthy than about protecting the American people. It is a mistake not to prevent al Qaeda from going nuclear by buying that plutonium and uranium quickly.

This administration inspects only 2 percent of the 6 million shipping containers that come into this country every year, any one of which could hide a chemical or biological or nuclear weapon. It is a mistake not to insist that no container is placed on a ship bound for the United States until that container is inspected and certified and sealed by an American inspection team in the foreign port.

This administration will not spend the funds to protect our commercial aviation. It is a mistake not to place a missile deflection system on every commercial airliner as the Israelis are doing by this summer so that we do not have to worry about our airlines being shot out of the sky by shoulder-fired missiles. In short, it is a mistake not to place the priority where it belongs, on protecting the American people from terrorism instead of protecting tax cuts for the wealthy.

Mr. Speaker, if the President wants to know about some mistakes, here are some mistakes. Here are some mistakes that he can correct if he is willing to protect the American people at the cost of the tax cuts for the wealthy. His major mistake is his priority. Tax cuts for the wealthy, yes. Protect the American people from terrorism, no. That is some mistake.

REPORT OF 30-SOMETHING CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House and the American people on this afternoon. I must say that this is not only a great opportunity but a historic opportunity to address the House. I was very honored to see and hear the Democratic leader, NANCY PELOSI, share her appreciation for the 30-Something Caucus that she created here in this House to address the American people on a weekly basis. And so this is our first evening coming together. We will have some Members that are 30-plus, maybe in their lower 40s, but all of the ladies that will come forth tonight, they are all in their 20s, so they do not quite want to admit that they are in the 30-Something Caucus, but we do have Members that have been in this body and as a part of this body on the Democratic side who came in at a very young age.

I think, Mr. Speaker, Members of the House and also the American people, it is very important that we have Members here so we have a diversity of not only representation but a voice as it relates to the future and especially for those individuals, I am 37 years old and I am going to be in a situation very soon, I have young children that are going to have to attend college. So what is happening right now in this House and what is happening in this country is so very, very important to me, not only as a Member of Congress but also to individuals that work hard every day.

I just wanted to rehash what the leader shared with us a little earlier today when she took the floor this evening, about maybe 30 minutes ago. She created a 30-Something Caucus, Leader PELOSI did, amongst House Democrats. There are 14. We work day in and day out to make sure that we talk about the issues and point out issues that are happening here in this House and making sure that we have results or recommendations for results. There is only so much that we can do in the minority; but if we continue to work hard toward those issues, then we can bring about the kind of change that is needed for the country, that means for individuals that are Democrats, Republicans and Independents. Also, this is going to provide an opportunity for us to be interactive with the American people through e-mail and also through other means of communications to make sure that we provide the best kind of representation that is possible, especially for individuals that are approaching college, parents that are thinking about sending their children to college, making sure that it is affordable and that it is there for them.

I would like to call on the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), who has been such an outstanding Member of this body and also a good voice not only for her district in California which she represents, the 39th District, but being my freshman sister here in this 108th Congress.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am here this evening to talk about an issue that is very near and dear to my heart and that is the need for access to higher education. A long time ago, a college education was reserved for the well-to-do, not something that an ordinary citizen could readily achieve. But over time, that changed and now a college education is no longer a privilege of just a few but a necessity to achieve any kind of job security in our very fluid economy.

But, sadly, just as a college education has become an absolutely crucial component of obtaining a good job, the Bush administration is making it harder and harder to access and afford a college education. As a 30-something Member of Congress, and I will admit to the gentleman from Florida I am in my 30s, I am here to speak on behalf of young people who are struggling to achieve the American dream of a decent college education. Rather than burdening today's young people with overwhelming debt, there are several things that we can do to help. We need to slow down the tuition hikes and encourage States to maintain their commitment to higher education. And we should double the Pell grant award and make it available year round.

Finally, we should implement Senator JOHN KERRY's idea for $50 billion in tax credits to help Americans afford all 4 years of college. The typical loan debt has nearly doubled over the past 10 years for the average student, with 64 percent of students needing to borrow money to finance their college education. I too struggled to make college and law school a reality. As it turned out, all seven children in my family were fortunate enough to obtain a college degree. But we all did it with the assistance of Federal grants and Federal loans, loans, I might add, that I will be paying off until I am in my 60s.

Despite the fact that we came from immigrant parents who did not speak much of the language when they first got here and were of limited economic means, all seven of my brothers and sisters and I graduated from a college institution. Most amazingly, however, my mother returned to school after the youngest of her seven children started kindergarten and she went to night school to earn her 2-year degree and later transferred to a 4-year institution and graduated from college in her late 40s to become a bilingual education teacher. That is how strongly she believed in a quality education and in showing and demonstrating to us that education was truly the key to the American dream in this country.

I find that the current atmosphere that works against students who are trying to finance their way through school is really something that undermines many of the American values that we hold dear. Overwhelming debt can force students to take on jobs to try to work their way through school to the detriment of their education, or in some instances students forgo college all together assuming that the expensive and exorbitant tuition hikes are far out of their reach. In the past year alone, tuition has increased an average of 14 percent at 2- and 4-year public institutions, and it has increased 6 percent at 4-year private schools. That is just in 1 year. That is not even counting the fact that the cost of living keeps rising and things like rent and food and books go up as well.

In response, President Bush has ignored the tuition problem, cut or frozen student aid, and levied higher taxes onto students. If we do not have an education President, then we definitely need to have an education Congress. I urge my colleagues on the other side of the aisle to break with their President and fight for education support for our young people. Let us send the President legislation making education more affordable and more accessible to all, and let us dare him to sign it. The bottom line is that the leadership in Congress needs to stop talking about education and actually do something about it.

I again thank the gentleman from Florida for allowing me to speak this evening.

Mr. MEEK of Florida. I thank the gentlewoman from California so very much. I want to say on just a few of her points, talking about the real cost of tuition, we talk about students, we talk about the cost of young people having to foot the bill, we talk about students leaving the college experience, the higher educational experience if they get through, if they can afford it, carrying on a great deal of debt that starts them off in the working world already in the hole. They went to school to be able to help America be stronger and also help themselves to be able to get the kind of job they need to be able to provide for their families and be able to buy a home.

□ 2045

And what she is saying is very real. She took part in the 30-Something or the Young Leaders conference that the gentlewoman from California (Ms. PELOSI) had, and we all participated in it. And I just would appreciate it if she could share a few of the stories that some of the students shared with her about their experiences about trying to afford college because many of them work here in this House, many of them attend school right now, and they are running into you know what trying to pay for college.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I have heard from a number of young people all across the United States about the burden of taking on that debt and trying to even work their way through college at the same time that they are assuming debt. It is very common now that a degree that used to take 4 years in order to complete now takes 5 or 6. I have heard of people who have actually, once they have graduated, have been so saddled with the huge debt of trying to repay their student loans. They have had to move in with their parents because the job economy and the job prospects are not bright for them.

In many instances it can take several years for them to be self-sufficient, actually land a job to where they can be self-sufficient. Meanwhile, their student loan payments come due because they can only defer them for so long, and what we are finding is many young people, after they have worked to try to either get a 4-year degree or an advanced degree, meet somebody, fall in love, and marry, they are having to wait an average of 4 years longer to purchase their first home because of the staggering student loan payments that they have to make monthly, and it is a very sad thing because I was brought up with my parents telling me that education is the key to success in this country. If one gets a college degree and a good education, the world is their oyster, and that is simply not the case for many young people today.

Mr. MEEK of Florida. Mr. Speaker, we have two different educational experiences beyond high school now. We have our 2-year institutions that are community colleges that many working people have to use to be able to receive a higher education, not because they could not get into a 4-year institution. Many times they have to stay home, Mr. Speaker, to help pay bills. They cannot afford, because of a lack of income or a sick family member, to move away.

So they do their first 2 years at community colleges. Then we have another group of individuals that graduate from high school, moving on to a 4-year institution, and they also have to foot their own way through college, or a parent has to pick up an additional job or ask other family members to participate in helping to pay for one's educational experience.

And while the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is here, I want to make sure that we share with the American people what is going on in this Congress now. Many times people ask, Okay, Democrats, what do you stand for? I mean, it is one thing to describe the problem. It is another thing to make sure that we can talk about and act upon solutions. And I will tell my colleagues that as it relates to doubling the maximum Pell grant award to $11,600 by 2010, I must say that this is a commitment that should be fulfilled because right now we have the typical student that nearly doubled themselves in debt.

Sixty-four percent of them are $17,000 in debt when they walk across the stage, thinking that they are going to a job, that is, if they have a job, that may be able to help pay down that debt, and we have more students in America, young people, whose loans are falling in default, and one of the things that I picked up at the conference, so it is so very important that we listen, the banks are now marching to the Hill with the majority. Republicans are saying, well, we have a plan for student loans. And I get kind of concerned when banks start coming with a plan for students.

And I do not know, I am not speaking from experience, but I know people who have gone through this. Right now we have banks, Mr. Speaker, that if one overdraws, it is a $29 fee. These are the same individuals that are coming to the Hill that are getting the attention of congressional leaders that they have a plan for young people. They are trying to do away with making sure that students can have a fixed rate to be able to make sure that they can pay their loans down, and when we do not have this fixed rate, the Congressional Research Service that we call CRS said "by eliminating the current consolidation low-fixed rate benefit would force a typical student who has borrowed within $17,000 in debt to pay an additional . . ."

This is a tax, Mr. Speaker. I am going to put it this way. When we have a $7.1 trillion deficit, the highest deficit in the history of the republic, and at the same time we are providing tax cuts to millionaires who are not even asking for it because we can, this is what happens. We continue to fleece our future and fleece the dreams of these Americans. And I just want to mention, before I yield to the gentlewoman, that under the fixed rate as it relates to interest, $3,948. Under a variable rate, that is the banks' plan, the big banks' plan that I must say is getting wind behind the sails here in this Congress, which is the reason why I am glad the gentlewoman from California (Ms. PELOSI) has brought us together because she needs the opportunity to be the Speaker of this House so that we can get some legislation and make sure we insulate the protections that students have now, under a variable rate, $9,432.

So when we look at it, $3,948 under a fixed; under a variable where banks make more money, students pay longer, and more students go into default, $9,432, this is counterproductive. These are the things that we have to talk about, and these are the things that we have to legislate against.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, if I could add a couple of things on to that, not only are the banking institutions trying to change the law to move away from a fixed rate to a variable rate, they are also trying to pass along the costs of generating these loans, more of the costs, on to students. Right now when students trying to take out students loans, they are responsible for their loan generation fees which end up being about $500 on average. So that is a further burden that is added to the students. Now they are trying to pass more of those costs on to the students.

And, sadly, if we think about this in the long term, banks get these loans guaranteed by the Federal Government. That is our tax dollars. And every time somebody defaults on a student loan, it is the taxpayers who are coming to the rescue to pick it up. The banks have very little risk for these loans, and yet they want to make the interest rates fluid so that they can generate more profit, all the while fully knowing that if the loan becomes unbearable for a student to pay back and they default, they do not have to worry about it because the taxpayers step in and pay the bill.

I just think that is wrong fundamentally to put that burden back on the taxpayers when we should be trying to move in the other direction to make these loans affordable for students so that they do not default so that the payback rate increases, which, again, is more sound for the economy and again saves taxpayers money in the long run.

So with that, I will yield back to the gentleman and allow him to continue on the discussion on higher education this evening.

Mr. MEEK of Florida. Mr. Speaker, we just had another colleague join us. But I want to share with the American people, like I said, we are interactive here. We want to make sure that we hear from the American people. We want to make sure that we take them up on their suggestions. And the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is welcome to stay as long as she can. I know we all have schedules. But we are here to listen, and we are here to act.

For the Democratic leader, and I must add, female leader of any major party, to come here tonight to put emphasis on a weekly commitment of being here in this Chamber to make sure that we do not continue to see young people and families in debt because we feel that we are giving them one thing, okay, we will give them a $200 or $300 tax cut, but at the same time, we are pulling the carpet out from under them to allow their family to educate themselves better, to be able to provide for their families.

I want to commend the gentlewoman from California (Ms. PELOSI) for pulling us together, letting us know that our purpose here in this Congress is very important.

I want to give an e-mail address out. I want to make sure that the American people know that they can communicate with us on the topics that we should talk about in the future or topics that we are talking about now and also personal stories that not only working families are going through, trying to make sure they put money aside for students to be able to receive affordable tuition or that they can be able to provide for their children, 30somethingdems@mail.house.gov. They can send us e-mails. They can send us battles that they are fighting. They can also send us recommendations so that we can legislate better on behalf of them.

We also have someone who is joining us who is also one of our anchors here tonight, and I am so glad. I know the American people, nine times out of ten, think there is probably not a lot going on here, but there is a lot going on and we are so glad the gentleman from Ohio (Mr. RYAN) can join us. He is from Ohio, Congressional District 17, one of the youngest members, if not the youngest member, of the 30-Something group that the gentlewoman from California (Ms. PELOSI) put together, and is a dear friend and colleague. Mr. Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman from Florida and the gentlewoman from California for bringing up these issues. I just recently moved up into the 30-Something. I was in the 29 something caucus all by myself before we started here.

A couple of issues. I missed the beginning of the special order here, but I have three universities in my district. I have a local campus, branch campus of one of those universities, and I think the one issue that I faced being in the State Senate in Ohio with tuition increases going up by 10, 15 percent across the board, is that the one issue that young kids and young students could sniff out more than anything else is when someone is trying to pull the wool over their eyes, when someone is trying to tell them one thing and do something else. And the last presidential election, the students, the college students, the technical students, of this country were promised by the President of the United States that he was going to raise the Pell grant award to $5,100 for all freshmen students. Now today the maximum Pell grants is still $4,050.

So we try to engage young students, we try to engage young people into the process, and we try to tell them that we care about their needs. But here once again in 2000 they were told one thing by a typical politician, as they would see it and they would call it, who would promise one thing and then something else happened. They did not deliver on the promise. And, again, I heard the gentleman from Florida reiterate, as has been reiterated many times here in this Chamber, that again we have the priorities for the top 1 percent. They are the people that we care about. We garner all the energy of this Chamber to help the top 1 percent. But we cannot make one move to help college students. And as he said, I am sure in Florida it is the same way as it is in Ohio: 10 percent this year, 10 percent next year, 13 percent the next year, 15 percent the next year for college education.

And these are the States that are getting hardest hit by the job loss. So they lose their job or they are underemployed; so they go from a job making 15 or 20 bucks an hour with health insurance down to 9 bucks an hour. Now they are at Sam's Club, now they are at Super-K, now they are at Kohl's or Bed, Bath & Beyond, trying to make ends meet for their family, and they have a 15 percent tuition increase to try to make ends meet for their kids.

So I am glad that the leader has also organized this. This is a great opportunity, I think, for us to try to address some of the issues here in the United States Congress and let people know out there, let young students know out there on a Tuesday night at nine o'clock, as they are flipping through watching Comedy Central or MTV or VH1, that they could maybe tune in here once a week, and they do not have to do it every night, but once a week find out there are Members of the United States Congress that are trying to address some of their needs.

I know we have some other speakers. I would be happy to stick around and talk a little bit.

□ 2100

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, I want to thank the gentleman for identifying this, and really this is about a discussion. We want everyone to share opening statements, but I think it is important that we talk about these issues.

Once again, I want to make sure this is not the report of the gentleman from Ohio (Mr. RYAN) or the report of the gentleman from Florida (Mr. MEEK) or the report of the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) or the report of the gentleman from New York (Mr. MEEKS).

These are reports produced by the Congress. These are reports produced by reputable institutions in the United States of America that are looking out for costs to the American people and looking out for our future as it relates to a workforce.

Mr. RYAN of Ohio. Mr. Speaker, that is right. If the gentleman would yield further, I would say to the young students who may be watching this or may hear about this through their college newspapers, that they can check the statistics. We are not going to stand on the floor of the House of Representatives and try to lie to you. We are going to present to you statistics we have had verified, information we have had verified from members of our staffs and different organizations.

Check it out. It is not us saying it. It is not a Democrat or Republican issue. Unfortunately, the Congress has been controlled by the Republicans for a good many years, the White House has been in the hands of the Republicans for now 3½ years, and the Senate has been in Republican hands for a few years now. If they wanted to address the needs of college students in the United States of America, they had the opportunity.

Time and time again, we took the opportunity to engage the top 1 or 2 percent, to make sure they got hundreds of thousands of dollars back in some instances. So this is a priority issue for this Congress; and if you do not believe us, go right ahead and check our facts, just the facts.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, let me share one other thing with the gentleman. I want to make sure the American people understand we are listening, and we will continue to listen. Not only young people, but parents that are facing this problem and grandparents that are now having to reach into their honey pot, however big it may be, of money they put aside, hard-earned money they put aside to help educate their children. Because the future of the bloodline is to make sure we have an affordable education system.

Democrats, the gentlewoman from California (Ms. PELOSI) and all of us in this Chamber, stand united in ending the $500 unfair student loan tax, which is the origination fee that the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) spoke about. That is the fee that banks celebrate. That is the cream on the top. That is the "we are already going to make a load of money off of interest rates, but we are going to add another fee on." These are the things that individuals do not realize that are taxes that they are paying that they should not have to pay.

Also providing the Public Service Scholarships for up to $17,500, and loan forgiveness for high-qualified graduates to teach in our schools, in nursing, child welfare and other high-priority public service careers that are there, and at the same time doubling the maximum Pell grant award to $11,600 by the year 2011.

Mr. Speaker, I want to bring on the gentleman from New York (Mr. MEEKS). We spoke of the $7.1 trillion deficit. That is a lot of money. As we go to make tax cuts permanent, this means that the education opportunity for young people and for parents who want to educate their children, I know this time of night I am usually either eating or we are putting children to bed, and I am going to tell you what is on my mind. On my mind is, can I afford it? And let me tell you, this is not about me, because, guess what? Many of us in this Chamber, we are going to be okay. The gentleman from Ohio (Mr. RYAN), the gentleman from New York (Mr. MEEKS), the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), we are going to be okay, because we are Members of Congress and we are respected members of our community and we have some level of influence. Individuals may want to help our children.

But what happens to that individual who is not a Member of Congress? What happens to that individual that works every day, that is punching in and punching out, trying to live honestly? How do they educate their children? That is where the rubber meets the road. That is why we need the opportunity.

My good friend and colleague, the gentleman from New York (Mr. MEEKS), no relation, he said that he is "meek" when he is in Miami and I am "meeks" when I am in New York. I thank the gentleman for joining us.

Mr. MEEKS of New York. I felt compelled to join. I wish I was part of the 30-Something Club. I just joined the 50-Something Club. But just sitting here listening, I want to compliment those who are members of the 30-Something Club because America really is dependent upon you. Therefore, it becomes important for those of us in Congress to make sure that life is better for our children than it was for us.

Now, I sit here as a Member of Congress, as the gentleman indicated. I have three daughters, two of whom are in college. As the gentleman said, they are going to be all right. But their father can relate to what you are talking about, because I come from a very poor home. I grew up in public housing, and my parents understood that in order for my family to be better that education was the key. But they could not afford it, so when it was time for me to go to college, the only solution for me was to take out school loans.

Guess what? Even that was not enough. So my parents, my father, took a second job, my mother went back to work, and they had to borrow personal money themselves.

Now, the point I am trying to make is that then when I graduated, I went on and was one of those guys that was ambitious. It was not only 4 years of undergraduate school, but, as some people know today, you do not stop simply with a BA necessarily. But if you want to go on to do other things, if you want to go to graduate school, in my case it was law school, there was an additional 3 years of student loans that I had to take and sacrifice that my parents had to make.

So when I was able to leave school and took a prominent job as an assistant district attorney, when you look at the salary that I was making, equal to my companion, one would think, but I had these tremendous school loans that I had to pay back. So while they could go on and live in a decent apartment, I had to go back to live with my parents, for two reasons: number one, I had to pay my loans; number two, I had to help them pay for their loans that they took out for my education.

So for the first almost 7 years of my adult life working as a prosecutor I was still living at home, simply because of economics, simply because I had to help myself and at the same time help my parents who made the kind of sacrifices they made.

We should do better than that in Congress. We should not want to continue that burden or give an extra burden to our young people. We are, in fact, the richest country on the planet; and then we give tax cuts just to the richest 1 or 2 percent of Americans and say to our young people, we are not going to think about you. Or we know, as the gentleman said, that we are $7.1 trillion in debt, and guess what? Those of us who are 50-something, we are not really going to have to pay it. We are going to leave those burdens to you guys who are 30-something and 20-something. So you are going to inherit the debt. But on top of the debt, you are going to inherit from this country, we are going to pile on school loans, so you can never get out of it.

Or are we trying to set up a system where you have an elitist class, where only the top 1 or 2 percent can afford to send their kids to college? Why? They will not have to take out any school loans, because their parents are able to afford it and pay for it all.

So this work becomes important, what you are doing. I take my hat off to our leader, the gentlewoman from California (Ms. PELOSI), for what she is doing; and I take my hat off to the gentleman from Ohio (Mr. RYAN), the gentleman from Florida (Mr. MEEK), and to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), who was here, because they are leading America, and America only changes when young people move.

That is why I hope people get into these Members' e-mail and start e-mailing and commenting and giving some comments, because to me the future of America lies only with the young people; and we need these people and their involvement and their ideas.

I will tell you as an older individual who just entered the 50-Something Club that you will have an ally in me and many others in this Democratic conference, particularly, that will push to make sure that your America is a better America for all than it is today.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, I want to thank the gentleman, because the 30-somethings are always looking for some support from the 50-somethings, without a doubt. But I think the gentleman raised a couple of very good points.

The one point is, let us think about a young student today who may be just finishing up high school, or a sophomore or junior in high school, getting ready to go, or maybe a kid 10 or 12 years old. What kind of student loan burden are they going to have? If the colleges, public universities go 10 percent, 10 percent, 10 percent, 10 percent over the next 4 or 5 years, Pell grants are not adjusted for inflation, the same problems with the student loans, we tack on more user fees and everything else, and then the debt from the tax cuts. So by the time they get through law school, if they are 15 now, by the time they are 27, 28, 30 years old, they have all of that educational burden. Then they have the burden that we are putting on them from the past 2 or 3 years here.

Where is the economic machine going to move at that point when you have so much debt? We are really putting chains not only on our kids, but on the economy. That is one point I would like to make.

The other point I thought of is that not only are we strapping ourselves with our debt, but we have less kids that are going to be on the border that we need to create the new economy. We do not know what the new economy is going to be. We know it is not industry. We know industry has been on the decline for the last 30 years, trade agreements we have signed and a variety of other issues, whatever they may be, technology. So what is the new economy going to be? The best thing we can do is just educate these young kids and say, you go out and create it. We do not know what it is going to be yet.

So I appreciate the gentleman stopping down, and hopefully he can make it down in the next weeks and months to come.

Mr. MEEKS of New York. Mr. Speaker, if the gentleman will yield further, I will add to that, if I may, initially, you can go back to my time and before, we were competing with individuals within our State or individuals within our tri-state region or even just individuals within our Nation. But the gentleman is so right. Right now our students have to compete with other students all across this globe because of the global economy and how it is now all intersected and interconnected.

What we are really talking about here is the national defense of America, and the national defense of America depends upon the education of our young people. If we close that opportunity down by making it unaffordable to them, then we are really putting our country in a great, great danger of not being able to continue the greatness that we have thus far.

Mr. RYAN of Ohio. The great investment of the GI Bill, which sprang our economy into the world domination we now have. I look at my grandparents' generation, who many accessed the GI Bill, doctors, lawyers and engineers.

The space program, it was not just about going to the Moon; it was about getting mathematicians and scientists and engineers and physicists. They were not all going to work for NASA, but they went out into the private sector and drove this economy forward throughout the '50s, '60s, and '70s when we had a lot of success. We need to make those investments again.

Mr. MEEK of Florida. What I am glad to hear and see, especially the gentleman from New York (Mr. MEEKS), many times I think people know the glory, but they do not know the story. The story is real. The story is, as one comedian said, you had to move back in with your parents, write your name on the orange juice container, and sleep in the den. But you had to do it.

The real issue is, especially for a majority of this Congress on the Republican side, standing firm to make sure that millionaires receive a permanent tax break, so that we would have in the very near future a $7.1 trillion deficit.

I am looking for the deficit hawks every day. I am saying, where are they? The folks that used to take the floor on the other side, the Republican side used to jump up and talk about the deficit every 2 minutes, when it was this Congress, the Democratically controlled Congress that balanced the budget. President Clinton balanced the budget that put forth the opportunities for young people.

And when we are talking about young people, I say to the gentleman from New York (Mr. MEEKS), we are talking about you. We are talking about what you have to pay, what your constituents have to pay, my constituents, towards educating their children in the real world.

In the real world, many of these individuals that we are talking about here tonight, they cannot walk into a conventional bank and say, I want to get a loan for my children's education. They have to go and mortgage their homes. They get a second mortgage. They even go into the sub-prime mortgages, which is the high interest rate, because it is their children. As a parent, you will do anything to make sure that your children have a better opportunity than what you have had.

Just for a minute, the gentleman from New York (Mr. MEEKS) shared with us where he came from and how he got here and what he had to do as a young prosecutor in New York.

I know the story of the gentleman from Ohio (Mr. RYAN). I remember when we first got here, the gentleman said, the last time I was here I was passing out papers in the hall and I worked for a Member of Congress.

I thought that it was not only quite amusing, but I want to make sure that people know we did not just drop out of the sky and end up here in Congress.

We also are Americans. We have gone through some things. We want to make sure that people like us do not have to continue to go through things, especially when we can provide and do better.

Mr. RYAN of Ohio. That is right. I think a lot of people out there listening now who are young students who may not be tuning in tonight but, may be in the future, I do not think if you cross-reference the stories of those of us who are standing here, probably many of the Members here, the stories would be much different.

□ 2115

You work hard, you go to college, you get a summer job, you work in a steel mill in the summer, you cut grass in the summer, you do what you can to help move things along, and you hope that you are blessed with families who help you, parents who support you, grandparents who want to step in and support you to make sure that you can have what you have. That is becoming less and less available.

I think part of the reason I am here is because I was blessed to have a family who was able to help me out. I was blessed to have a summer job. Kids today are not even going to be able to get a summer job, because the market is so terrible that people who have been unemployed for the last 7 or 8 months are taking the summer jobs FROM the college kids, so that job I got cutting grass at Trumbull County and I would drive the thing on the side of the highway and drop the arm down to cut grass to make 6 bucks an hour so you would have money in the summer so you were not a further burden, those jobs are not available. The summer employment working the steel mill on the midnight shift, those jobs are not available because no one is hiring.

So there is a connection to all of this. It is not just about the student loans, it is about the economy, it is about the tax decisions that we are making here, it is about the money we are spending, it is about the deficits, it is about the irresponsible fiscal policies that we have here that are all, that are all affecting this for all students and people who are going to get a 2-year degree, or do not even go to school at all. They are still affected by the job market.

Mr. MEEK of Florida. Mr. Speaker, just to the point, I have some information here. I am so glad the gentleman from Ohio segued into summer jobs. I worked in the summer and I worked every summer. I had to because my mom was like, you are going to go out and you are going to work. So right now, we have the Center For Labor and Market Studies at Northeastern University in Boston saying, right now we are experiencing the lowest job opportunity; summer jobs for teens this summer are expected to be at the worst since World War II, since the end of World War II. And I think it is so very, very important for us to see that and understand that.

Kids that are going to be released from school soon that are going to have all day and idle minds to sit at home or even to get in trouble. They are usually productive because we provide an opportunity for those individuals to go out and get a job to hopefully help mom, dad or grandpa, whatever the case may be, are not going to have that opportunity.

Not only the fact that we have a bad job growth experience right now in the United States, but the fact that companies that would usually carry out that goodwill gesture of saying, I am hiring some kids this summer, I am putting them to work, I am going to do the right thing, they cannot afford it. They cannot afford to do so, because they do not even have the job to give to a full-time person, their unemployment has expired and they do not have health care.

I just wanted to give that point out.

Mr. MEEKS of New York. Mr. Speaker, that has a lot of residual effect, actually, just on that, particularly for somebody who may come from a very poor neighborhood. Because what happens with a lot of those summer jobs, I am again being one of them and I could talk about some of my constituents, et cetera, they get exposed to different things they may never be exposed to by that summer job, and that summer job gives them the motivation to continue to go to school to do something.

But one of the other things I wanted to say that the gentleman from Ohio indicated which is very important, which I think that a lot of those of us who are, especially the 60-somethings and the 70-somethings now, should have institutional memory, because the gentleman from Ohio touched upon the fact that when they went to school on the GI Bill, et cetera, that they were able to become doctors and lawyers and accountants, et cetera.

Well, let us take New York State, for example. Many of them back then had nothing to pay for school. Because if you went to the City University of New York or the State University in New York, tuition was free. That is what made us progress so quickly from the 1940s to the 1960s, because we began and understood the importance in investing in education of our young people and we made higher education in public institutions free.

And now, the gentleman gave the statistics or the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) gave the statistics earlier on, how every year the percentage on tuition rates are going up in our public institutions, and we will not have any money to help subsidize our public institutions. Why? Because we are $7.1 trillion in debt. So, therefore, we cannot help anybody who cannot do anything, because there is not going to be any money.

Mr. MEEK of Florida. Mr. Speaker, I find comfort in the fact that we will be back next week to have a similar discussion, and each week we are going to try to move to another subject on the issues that have arisen that week. But I just want to pause 1 minute and make sure that folks know, because we want to continue to listen to the American people and what they have to say about this. Thirty-Somethingdems at mail dot house dot gov, that is 30somethingdems, all one word, D-E-M-S, at mail.house.gov. I want to make sure that we understand how this thing works.

I used to be a member of the State legislature in Florida for about 8 years prior to my arrival here. I want to make sure the American people understand, because Members of Congress definitely understand, but the majority, the Republicans are looking the other way. That is the reason why we need an opportunity, Democrats need an opportunity to stand for all Americans. We are not here talking about the Democratic young person or working family experience. We are talking about the American family experience. We are talking about where the rubber meets the road. We are not talking about a cable news show where you have 30 minutes on there and the dialogue is already slanted towards a particular position. We are talking about what is happening every day in America.

I have constituents, and these student loan individuals call every day, harassing them, terrorizing them. And then, better yet, we have the banks that are fueling these individuals to say, we do not want a fixed rate, we want a variable rate, and they will say, well, it is low at the beginning and then eventually it has ballooned to the point where the interest rate is a tax on individuals. So I just want to mention how these things work.

The gentleman from New York mentioned a $7 trillion deficit. So when we cut the Federal commitment to the States, the State governments, they look for the prey. Where can they cut? They are not like us. I mean we can go and, well, let us see, what credit card are we going to use today? We will use this one. We are just going to continue to charge. We are going to continue to knock on the door of the Bank of China saying, we need more money to pay down on the interest, not the debt, but just on the interest of the debt. They cannot do that.

So what they do, they go and they pull in the chancellor of the university system and say, hey, listen, it all rolls downhill and students end up footing the bill of additional tuition increases. So what does that mean, an increase? One may say, well, it is not bad. They are just students. No. It hits home. Because guess what? Parents have to help. I mean the gentleman from New York (Mr. MEEKS) talked about it. You have to come up again out of your wallet and guess what? You cannot afford to pull out your credit card every time. You have to go in this part of your wallet, which mine is empty at this particular time, you have to go into this part of your wallet and pull cash out or go to a family member or go to the credit union, or go to the title loan company, or go to a prime interest rate to make sure that your kid can stay in school.

I just want to make sure the American people understand how this thing rolls downhill. When a Federal commitment is cut, the State has to cut their commitment, tuition rates go up and, I must say, just on case in point, for individuals that have a fixed rate that we have now, that I must say, senior members of the Republican Party are joining in with the banks to come up with this variable rate scheme that is put on by the banks, I must add, that borrowers default 8 percent of the time when they are able to consolidate their loans and 24 percent of the time with when they fail to consolidate their loans.

So when you look at it, the 24 percent, guess who wins? Well, the American people lose because they back the loans. But the banks win because, guess what? They are able to do that $500 fee all over again.

Mr. Speaker, if the gentleman can, before we run out of time, which I think we have about 10 minutes left, the gentleman from Ohio has to talk about this scheme that books are higher here in the United States than they are overseas. But before that, I am sorry, the gentleman from New York (Mr. MEEKS) was in the middle of something.

Mr. MEEKS of New York. Mr. Speaker, I would love to hear about the books, because I could tell my colleagues, I happen to be able to help my daughter, but I know what the cost of the books are, because I have to pay for them and I have to go into that billfold that the gentleman from Florida went into. Sometimes mine is empty, but it is empty because I have to pay for those books. I want to hear about the cost of books.

Mr. RYAN of Ohio. Mr. Speaker, I would like to see the gentleman from Florida (Mr. MEEK) pull his wallet out again.

Mr. MEEK of Florida. Mr. Speaker, my son's birthday was yesterday and I pulled the wallet out. I have been married 12½ years and someone asked me for a 20 and I said, I have not seen one in 12 years. So I ended up opening my wallet and somehow gifts and things, and I am here and I am waiting for the end of the month.

Mr. RYAN of Ohio. Mr. Speaker, one issue before we get into the books, I want to talk about the GI Bill. I do not know how many stories, if this is anecdotal or what, but I have heard a lot over my lifetime about people who are in the greatest generation and they are telling the story of their life and they say, well, and then I went to medical school, or well, and then I went to become a lawyer. And I would always ask, well, why? And they said, well, I did not know what I was going to do and the GI Bill was going to pay for it, so I went.

Now, how many kids are out there right now who, if we gave them that opportunity, they would say, I do not know what to do, I have a bachelor's degree in political science, I know I cannot make a very good living off that. What are you going to do? I am going to go to law school, I am going to go to medical school, I am going to go do something that is important.

But I think one issue that we do want to touch on before we leave here is to talk a little bit about textbooks. And nothing, nothing in my educational career got me more hot under the collar than when I had to return a textbook that I paid, or my mother or my grandparents paid $120 for, and you bring it back at the end of the semester, and they will give you 5 bucks, 10 bucks back for it.

So we have a piece of legislation here, just to shout out to all of the college students, we did not forget you. We know this is a major issue, we know this is a major problem.

There are textbooks that are sold in the United States that are sold for half the price in England. So the gentleman from Oregon (Mr. WU), a Member of Congress here, has a bill that we are kind of jumping on that is going to ask the General Accounting Office to investigate these high prices of college textbooks and the disparity of prices between textbooks sold in the United States and overseas. There is no way a textbook sold in the United States, written in the United States, published in the United States, copyrighted in the United States should be $100, and they are sold at a bookstore in England or in London for $50. There is no reason why that should happen. So we want to do an investigation. We want to see why that is.

We are also on the brink, and I think we dropped it last week, of having a piece of legislation that would give parents or students a $1,000 tax credit for the price of college books. That should cover a good portion of the books that people spend in a year.

Mr. MEEKS of New York. Mr. Speaker, it is interesting that the gentleman should say tax credit, very interesting, because this country, as we talked about earlier, about helping the rich, but showing the direction that we could move in.

I want my colleagues to listen to this. JOHN KERRY has what he calls a "college opportunity tax credit." What this simply says, it will make 4 years of college affordable for all Americans. We are talking about all Americans here. He will provide a credit for each and every year of college on the first $4,000 paid in tuition, and that is the typical tuition cost and fees at our public institutions and universities. Senator KERRY's tax credit will be refundable to our most economically-vulnerable students and for those who receive other credits. That is the direction that we should be moving in.

That is why the gentlewoman from California (Leader PELOSI) was here leading the 30-Something hour. That is why I think that we have the gentleman from Ohio here and the gentleman from Florida here and the gentlewoman from California who was here and others that are involved, that is the direction of continuing the greatness of America by investing in our young to make sure that their tomorrow is brighter than our today.

Mr. MEEK of Florida. Well, I can tell my colleagues right now, this whole issue of taxes, who pays them and who does not pay taxes is the defining issue here. I think it is very important that the American people understand that I am so glad that we are here tonight talking about solutions. We have a bigger job, identifying and describing the problem, that is good, because we are the Congress, we are an investigative body, we are hopefully a body of action and correction. But I will tell my colleagues this: if we stand idly by and allow individuals to come in, rob future blood lines of families, Democrats, Republicans, Independents, you name it, like David Letterman said, if you live in Sioux City, Iowa, you should be able to receive a higher education, your grandchildren and your children.

I will say once again, there is no greater prayer or hope that your children do better than what you have done, and the grandparents' philosophy is that their grandchildren have a better opportunity than what they had. And right now the way we are going, that is not happening.

Now, we talk about how we are going to do certain things, we talk about promises, and I am so glad that the gentleman from New York mentioned what Mr. KERRY is talking about.

□ 2130

Mr. Bush, I can go forever talking about things that President Bush has said he was going to do that he has not; but tonight is not that night.

It is what he said that he would do for students, what he would do for working families, and he said that he would make good on his promise in the 2000 election, that he would raise the maximum Pell grant award to $5,100 for college freshmen. That is just for college freshmen.

The gentleman mentioned Senator KERRY wants to give a $4,000 tax credit every year. That is just not, we want to get you in school, but we are not necessarily concerned about you finishing school. Because, guess what, you got to take out that loan to make sure our friends at the banks are happy. That is what keeps this thing rolling.

Instead of producing young minds, making them bright, making our country strong, we have a number of visas where we are shipping in people constantly to do the work that Americans could do if they were trained and if they had an opportunity to get that education.

I am glad the gentleman from Ohio (Mr. RYAN) mentioned his lawn cutting. I used to be a State Trooper in Florida. The gentleman was in Ohio so I did not pass him out on the highway while he was cutting grass. So I am glad the American people know that we are not from Mars. We are from the ranks of working people.

I want to mention one other thing that is very, very important, that Americans that are able to receive good jobs, they are able to support our economy, also provide health care for their families, if they do not receive a college experience, fewer and fewer students are going to school today, are being denied education, more and more students are being denied education because of what? Cost and also the availability of classes and community college systems and the 4-year institutions because they are having to cut.

Some of the chancellors, God bless them, they say we cannot go up on tuition any more, but what do they do then? They cancel classes or courses.

Mr. RYAN of Ohio. Maybe one of these weeks we could talk about No Child Left Behind. And I do not want to get into a K through 12 debate now, but it is the same issue. In Ohio, for example, the State legislature did a study, No Child Left Behind underfunded by $1.4 billion. So now that means that the State, in order to fulfill their obligations to the Federal mandate, must come up with more money. Does that mean they will take more from the college subsidies for higher education that the State puts on? Does that mean more of an increase to the property tax of someone who is paying property tax in the State of Ohio? Where will we get this money?

I guess the thing I want to communicate is that this is doable. The beautiful thing about this democracy is that it belongs to us. And if young people want to participate in this system and in an election from Republican to Democrat, then they can do it. There are enough students out there to make this happen.

If you want the millionaires' tax cuts to go away or not necessarily even go away, just a portion of it going away to pay for this, that is doable. If you get active and you get involved, let us know, 30somethingdems@mail.house.gov.

Let us know what your ideas are. We need young people to participate in this process and replenish this system because it has become very stagnant down here. It has become a very small group of people who raise money, dump it into this institution, get the legislation they want. That legislation helps them make more money and they take their profits and it is a cycle that goes on and on. And the only thing that combats that is democracy and young people getting involved in the process.

Mr. MEEKS of New York. Just what we are talking about, showing that you have a plan and moving away, Senator KERRY talked about his College Opportunity Tax Credit, but he also understands the deficits that the universities are having. So he also has a plan. It is called the State Tax Relief and Education Fund where Senator KERRY will help States struggling to bridge deficits resulting from the Bush economic policies with $25 billion to stop educational cuts and tuition increases across the country.

So it seems to me we are moving in the right direction. He also is talking about service for college so that if, in fact, he will initiate an offer to Americans to earn the chance of the equivalent of the State's 4-year public college tuition in exchange for 2 years of service. Senator KERRY will set a goal within the next decade of enlisting 500,000 young people a year in service for college. Steps in the right direction. Educating our young people, making it affordable for them and strengthening our country. This is what America is all about.

Mr. RYAN of Ohio. If you are a young student sitting at home right now, watching this or hearing about these policies, what would you rather have? That is that democracy. It is that simple. What would you rather have, tax cuts? A millionaire getting $130,000 back or a program like this where you will get a credit for your textbooks; you will get "I Have a Dream Scholarships" for your community service; help the States to make sure that they do not cut back; tax credits; increase in the Pell grants. What do you want?

If you are a student and you want certain things, then you have to get out and participate in the system.

Mr. MEEK of Florida. As we close here tonight, I want to thank the gentleman from Ohio (Mr. RYAN) and the gentleman from New York (Mr. MEEKS) and also the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) for their assistance and help here today.

We ask American people to continue to tune in and communicate with us. I want to commend the gentlewoman from California (Ms. PELOSI) for putting this together. We thank the Speaker for the opportunity to address the House and the American people tonight.

CHANGING MEDICARE

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I thank the body for allowing me to come and address them tonight.

America is absolutely a magnificent place. I was one of six children growing up on a small five acre farm just south of Hobbs, New Mexico. My father worked in the oil industry as a roustabout. We were not poor but we definitely did not have as much as many families have. And to have the six children graduate from high school and go on to college, and for each one of us to become successful in our own ways, to be blessed with the opportunity to serve in this House of Representatives, is truly one of the great blessings that this country offers.

My wife and I were able, about 14 years ago, to make a down payment on a business. And in this country we were able to pay that business off and able to build that business from four employees to 15 employees because of the tremendous opportunities that this country has.

One of the things that became obvious to many people in the last several years is that with all of the opportunities and with all of the hope that is there were still things that needed to be done.

Last year, as many as 75 percent of Americans said that we needed to pass a prescription drug bill. Mr. Speaker, when I got here to Congress, I began to look at the Medicare program. And one of the things that struck me was that both Democrat and Republican analysts, the economists, both forecast tremendous difficulties in the financial part of Medicare within the next 4 to 10 years, depending on which economists you talked with.

So it became obvious to me that we had two significant problems. We had a need for a prescription drug plan because America's seniors were having to choose between food and medicine, and we had a Medicare program that faced insolvency, some say earlier than the 2017 projected by the trustees of the Medicare program. At any rate, whichever figure that you use, the tremendous financial difficulties faced by the budget created by the Medicare problems needed facing.

As a business owner, I was not about to sit by idly and let that train wreck come toward me. We began to address the problem. So these were the two things that we put into a bill. The prescription drug bill and we began to reform Medicare in order to have Medicare available to the next generations and to the generations beyond that.

Now, we wanted to craft a bill that was entirely voluntary. That was very important. Many of our seniors wanted a choice. They said we want a choice but do not mandate the choice. Make the choice voluntary. So that was one of the elements that we put into this bill, that it was entirely voluntary. Seniors can choose to participate or they can choose to stay exactly as they have been.

Now, in my own marriage we are a couple that would probably split our choices because I do not like change. I am like the seniors that do not want change, but my wife every day reads all she can about medical literature. She reads all she can about the different medicines that are available. Myself, I just want to know what ones I am supposed to take and I will keep taking it. So I think that in our marriage that my wife and I represent the two different choices that seniors told us that they would like to have in, and this bill allows both camps to have it the way they would like to.

Now the reform process that we have put into place was significant. For the first time under Medicare, we are able to give physicals, people entering into the Medicare program will have physicals. And if there are problems that are noted, then Medicare can pay for those problems to begin curing because another reform that we have put in is that for the first time we are allowing disease management instead of waiting until the problem becomes catastrophic, which was the old method under Medicare. We are now proactive in dealing with the illnesses out front in allowing the physicals, but then also allowing disease management.

.Now, under this program, another reform that we put into place is that we now allow screenings for cancer. We allow screenings for diabetes. We all know that if you screen and detect early, that the cost of cure and the cost of remedy is less than if you wait until the catastrophic point. Not only is the cost less, Mr. Speaker, also the survivability is much greater. So there are many reasons that we felt reform was desperately needed in this plan and we have addressed those one by one and put deep reforms into this plan so that Medicare could begin to lower its costs currently while offering better care, greater survivability, and offering financial stability into the next generation and the generations beyond.

Now, I mentioned that we wanted competition in this bill and we got competition. Seniors are going to be allowed to choose private parties if they would like that, but they are allowed to stay in Medicare as they know it if that is what they want.

Now, there has been much hubbub, Mr. Speaker, many of our friends on the other side of the aisle declare that this bill is full of corporate welfare. Now, what they are trying to cover up is that we have made some very good decisions. Many of the seniors in this country have retiree benefits. My father is an example. He retired from Exxon and has medical benefits through that retirement plan. Almost always when seniors tell me that they want us to not mess with their retirement benefits, they are hoping that their company will continue retirement benefits into the future.

What we did in this bill, Mr. Speaker, that is described as corporate welfare, is we gave an incentive to those companies who have retiree benefits. We are willing to pay almost a quarter or maybe a little bit more if the companies will keep those plans in place.

Now, we will tell you, Mr. Speaker, that before we put in plan into place in the bill, 40 percent of the Nation's companies that offer retiree benefits were scheduled to drop them or delete them. After we passed the bill, that 40 percent dropped to 16 percent.

Now, keep in mind that if the retirement benefit has dropped, is dropped by companies, that the Federal Government will pick up 100 percent of the costs as those people transition from retiree benefits over into Medicare.

To the Republicans in the House, it made sense that we would do what we could to encourage companies to hold those retirement benefits because our seniors liked them, but also they are cheaper for the Federal Government. So it can be described as corporate welfare if you would like, but the greater and deeper understanding is that we wanted to create an incentive which would allow companies just the possibility of extending retirement benefits.

One of the most dramatic things we did under the bill, Mr. Speaker, is we put a health savings account in. Health savings accounts are a fairly simple process. It is a medical IRA. You can put money in tax fee at any age. You build up interest on it tax free. You can take the money out tax free at any age if you use it for medical purposes. And then you can pass it on to the next generation if you do not use it, and the next generation has a head start on the cost of their medical care.

Mr. Speaker, the health savings account can, by itself, revolutionize the way we buy and spend our health dollars in this country today. The health savings account can be used for medical purposes which are described very broadly in this bill. It can be used to pay for premiums. You can buy your insurance through your health savings account.

□ 2145

You use it to pay for deductibles. You can use it to pay for office visits, emergency room or prescription drug costs.

Mr. Speaker, I would tell you that my company that my wife and I had built, if we still had that company, I will tell you that we would give the bonuses that each year we gave to our employees, instead of writing the check to the employee, we would have put it into their health savings accounts. Typically, we would have put $2,500 or $3,000 into our employees' accounts each year. Then it probably also would have lowered their take-home pay, and we would put that money over into the health savings account so that we reach the maximum of $5,000 per year per account.

After we had put 5 to 10 or $15,000 into the account, we would then start shopping for insurance which instead of having a $500 deductible, it would have had a $2,500 deductible or $3,000 deductible. It is at that point that the insurance costs begin to collapse, usually to about one-quarter of what they are. So that $3,000 deductible, maybe the insurance rates might fall from $500 per month down to $100 or $150 a month.

As we compress the cost of health insurance, Mr. Speaker, more of our young couples will opt back into buying health insurance; and the young people in the system, those who use it the least, make our health insurance system more stable.

Again, another thing that, of course, we did in this plan is we built the prescription drug benefit into it. Basically, we wanted to make sure that the people of low incomes were treated as well as we could, and then people of higher incomes would receive a different treatment. We simply split that up in order to allow the government to pay for it. If we had given the same prescription drug benefit to all people, as our friends on the other side of the aisle have suggested, the cost would have been driven from about $400 billion to $1 trillion. We felt like that for the future generation's sake that we must watch the cost on this bill as much as possible.

So for our seniors, at 150 percent the rate of poverty and less, that is about $18,000 for a married couple, we have no gap in coverage. They are covered at 75/25. That is, government pays 75 percent; the participant pays 25 percent. And that is up to about $5,200, at which point we said we think that is catastrophic coverage and we will begin to cover it at 95 percent of everything above that upper threshold, the cap of the program.

The cap is available to all income levels because we did not think anyone should risk losing their house and home. If you have more than $18,000, if you are more than 150 percent the rate of poverty, then we have a different program. Up to $2,200, you again have the 75/25 split, the government picking up 75 percent, the participant 25 percent; but then there is the gap in coverage that has been so demonized by our friends on the other side of the aisle. We put the gap in simply to allow the bill to be paid on this, the Medicare bill to be paid by the government.

My mom is an example of someone who falls into the gap. So I called her before we voted the first time on this, Mr. Speaker, because I, like other Members, still go home for Thanksgiving dinner and need to talk to my mom when I get there. I felt it best to address the issue up front. So we called her and asked. Her response to me was, Son, we have been blessed more than most people. We are not rich, we are not wealthy, but we have a pension that comes in from Exxon. We think that if we can pay more we should pay more.

It helped me to make up my mind on this bill, to vote for that famous gap that people are talking about, which simply is an effort to make this bill affordable to this generation and the next generation, but the prescription drug benefit again is voluntary. You have the ability to opt in or the ability to opt out of it, but it is available for all.

Now then, that program starts in 2006, Mr. Speaker; and so we wanted to do something for our seniors that are currently facing the desperate need to pay for their prescription drugs. We have this year and next year a $600 card for those people at 150 percent the rate of poverty or less. Those people get the $600 card, which is just like a credit card and can be used to pay for their prescriptions. We felt that the people on the lowest end of the income spectrum needed attention immediately, and we did give that.

Also, one of the reforms that we built into this Medicare bill was income as it relates to Medicare. It is a very high income relating but still not only in the prescription drug bill; but in the Medicare portion of it, we felt like it was needed to begin to control costs so that Medicare is available to the next generation and the generation beyond.

There were some leveling mechanisms that we also put into this bill. Mr. Speaker, I campaigned, talking about the need to reimburse all States equally. Before this bill, an urban State received higher reimbursement than a rural State for the same procedure. If a person went into a hospital in New Mexico and had a procedure done, Medicare would reimburse at a lesser rate than if they went into the hospital in New York City. I campaigned saying that we needed to level those two amounts, the reimbursement amounts, and we did that 100 percent for the hospitals. The hospitals in rural areas now receive the same reimbursement for procedures that hospitals in urban areas previously did.

I will tell you, Mr. Speaker, that another important thing in this bill for New Mexico was the fact that we addressed the border question. By immigration law, when a person comes to the border, immigration law says that the nearest hospital will take that person and cure any medical deficiencies that they have. If the Federal Government is going to mandate that, and my district is on the border, then the Federal Government needs to help pay the bill, because I have hospitals in my district that have been greatly penalized by this requirement that should face all of us if it is a Federal law but instead was being faced just by the border hospitals. There is $1 billion in this bill, Mr. Speaker, that helps to defray the cost during the next 4 years that border hospitals have faced dealing with this immigration question.

Mr. Speaker, we also recognize that disproportionate share hospitals, the DSH hospitals, should receive greater reimbursement in this because they deal with a greater percentage of Medicare patients. If that is the case, then DSH hospitals, the disproportionate share hospitals, are receiving also a little more help under this bill.

Mr. Speaker, we have done dramatic work in this bill. I will tell you that the enrollment process for the prescription drug card began just yesterday. First of all, let me share, Mr. Speaker, with the House the enrollment process. You can get enrollment information from your local pharmacy or on the Web site, www.medicare.gov. That is www.medicare.gov, or you can call a toll free number of 1–800–MEDICARE, and you should receive packets in the mail from your local drug card sponsors. You can log on to the www.medicare.gov or call the 1–800–MEDICARE number to find out if you qualify for a prescription drug card and which card will benefit you the most.

To enroll in a Medicare-approved discount card program, beneficiaries must first select the discount drug card that best meets their needs. They then will submit basic information about the drug coverage status to select a drug discount card program. You will turn in your ZIP code, the drugs that you are currently taking, and how far you are willing to drive to your pharmacy, and then you are told how much that it is going to cost you.

Mr. Speaker, I received information just yesterday about the first person who was able to sign up for one of these cards. This person was 85 years old. She lives in New Mexico. She gets a $400-a-month Social Security check. Her prescription cost is $409 per month. Mr. Speaker, she is the target that we had in mind when we built this bill: people of low incomes, modest means, who are paying almost everything out for medicines that they take in.

She called the 1–800–MEDICARE to find out if she would benefit from a prescription drug card. She told them which medications she used, how much she paid for them, which pharmacy she wanted to go to, how much her Social Security check was, and what current benefits she had. They used all of her information to determine which prescription drug card would benefit her.

Mr. Speaker, I myself felt like we had passed a good bill; but when I got the information from this lady in our State in New Mexico, I knew that we had done a good job.

Mr. Speaker, we have not yet gotten into the heart of the competition; yet this woman in New Mexico, a retiree, 85 years old, $409 a month in medications, with her card, her cost is going to be $13.61. Mr. Speaker, this is the value of competition. It is this competition that the Republicans in this House wanted to unleash and to get active in people's lives, allowing competition, not the government, to drive down the prices that we find our seniors paying.

Mr. Speaker, I will tell you that there was great debate. People wanted the Federal Government to negotiate for prices. Much was made of the fact that we did not have the government negotiating prices. Three of the letters that are most hated in the alphabet by our seniors are HMOs. When I go to town hall meetings, I hear the anger at HMOs because the HMOs have someone sitting in a room somewhere that is not a physician, who is telling them what medical procedures they can have and what prescriptions they can have.

Mr. Speaker, I will tell you that in the debate of whether or not the Federal Government should be buying medications and redistributing them, I felt like the competitive model was going to be the most powerful, and when I see that the competitive model that we have unleashed in this bill drives the cost from $409 a month to $13.61 per month, I know that we have chosen correctly. I do not think that the government could buy and distribute medicines that well. If we think the government can do it, then we think that the postal service is going to work efficiently tomorrow. I myself do not feel that way.

Mr. Speaker, I am joined tonight by good friends and colleagues of mine. We have got the gentleman from Georgia (Mr. GINGREY) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE). I would welcome them to the discussion and would ask that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) take the floor, make any comments that she would have, and then allow her to turn the floor to the gentleman from Georgia (Mr. GINGREY), who is a physician; and I would like to continue this discussion of the Medicare bill and the things that they are finding in their districts.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman from New Mexico for yielding.

Coming from Florida, we obviously have a large number of seniors; and particularly in my district, we do not have wealthy seniors. The interim prescription drug card that is available, that began to become available yesterday, is a great benefit for so many of my constituents.

A lot of times there is a great fear of the unknown, and I think it is exactly what happened. I think that some of our colleagues on the other side of the aisle in the Democrat Party had so frightened seniors that these cards were not going to be sufficient and that sufficient savings were not going to take place.

I have heard very positive comments from seniors in my district that the Web site is easy to navigate on. I actually, like you, also called Medicare because I wanted to make sure that there was not a big backlog or a long waiting period before you got a real person on the line, and that absolutely is not the fact. It is a very efficient system. There are operators standing by, and that number again is 1–800–MEDICARE, and you simply tell them your ZIP code and the number of prescriptions that you are taking now, and they will help you to navigate through which card is best for you.

I think it is important that Americans realize that, first of all, this is a voluntary prescription drug plan. It is not mandatory.

□ 2200

When one looks at the prescription drug cards, certainly it is not a one-size-fits-all scenario, nor should it be. Many people in my district have Tricare for life and/or they have retirement benefits from when they were employed, and they are happy with those. We want them to keep them. That is very important. I know that I worked with the two gentlemen here this evening, one from Georgia and the other from New Mexico, to make sure that we encouraged employers to continue to offer those benefits. How do we encourage them, with a tax-free subsidy.

I believe that the number of employers who will stop health care coverage to retirees, that the number of those that will stop will severely dwindle. I recently had a constituent come to me, and I am originally from New York. He had worked for a major power company there. He was so afraid that they were going to drop their coverage. Well, I called the power company for him as I told him I would do, and asked them exactly what their plans were, and explained the 28-cent subsidy tax free that they will receive. They have looked at the tax-free subsidy, they have no intention of dropping their coverage, and the constituent is very happy to know that the company that he had spent well over 35 years working for is going to continue the retiree coverage. As we worked on this bill, I know to many of us that was a very important factor.

I also visited the Web site, and here are a few examples of what I found on the Web site. For example, Lipitor, a common drug used to curb high cholesterol, according to the Medicare Web site, 17 Medicare discount cards are available to constituents living in, for example, Brooksville in my district, who take Lipitor. Most of the cards are accepted at over 8 different pharmacies within a 10-mile radius. Today, for example, seniors living in Dade City, Florida, are paying up to $87 for a 30-day supply of Lipitor. However, beginning in June, some of the cards will offer a 30-day supply for as low as $67. Many of the cards have no enrollment fee. That is a savings of $20 a month.

Another very common drug is Zyrtec, which is taken for allergies. Seniors in Crystal River are paying $86. According to the Medicare.gov line, one prescription discount card will only charge $58 a month for Zyrtec with no enrollment fee, and that means a $28 a month savings. There are many other examples of some of the other prescription drugs that also have savings, and I added some of them up. For example, Zyrtec, Lipitor, and Prevacid, which is used for acid reflux disease, the Prevacid, they actually will save $50 a month on by using the prescription drug cards. When we add all of this up, that is a savings of $350 a year, and that is if they are not low income. It is $350 this year, and $700 in 2005, and that is just for one prescription. If a senior took all three of these, they would save almost $600 this year. When you combine 2004 with 2005, it would be $1,100.

That is why I absolutely cannot understand why our colleagues on the other side of the aisle who are supposed to be so concerned about the poor in our Nation have absolutely no concept of the benefits that this prescription drug bill will bring to every constituent.

As I went around in my district when we were off during April, I had many town hall meetings, and there were some things I said to people who said I do not need the plan, I have a great plan or I am on Tricare, I am covered for life, I am fine, no thank you. I said to them, well, for your friends and neighbors or maybe later in life you decide this is a good plan for you, but there are some great benefits in there for those on Medicare. For example, they will have a Welcome to Medicare physical exam that never before has been available.

There was scheduled by a previous Congress, not one that any of the three of us belonged to, but there was scheduled to be a Medicare home health copay. That copay for home health care, which is so necessary when someone comes out of a hospital setting, and they are coming out of hospitals a whole lot sooner now, and they go to the home, and having home health care is such a blessing because it helps them to be in their home where they will recuperate better and also have medical supervision. There was a copay scheduled to be to go into effect. The copay scheduled has been scrapped by the Medicare Modernization Act.

Additionally, there was a $1,500 physical therapy, occupational therapy and speech therapy cap, a total of $1,500 a year for all the therapies. If you broke your wrist, $1,500 worth of therapy might be okay; but Lord, if you have a stroke, you need all three of those therapies. You need physical, occupational and speech therapy, and $1,500 was just the tip of the iceberg for the needs of those who had had a stroke. We eliminated that very arbitrary and cruel $1,500 therapy cap which another session of Congress had imposed.

Additionally, doctor reimbursement. Physician reimbursement was scheduled to be cut by 4.5 percent. I was hearing, as were many of my colleagues in Congress, hearing that doctors were going to withdraw from Medicare because they had an unusual phenomenon of their Medicare reimbursement was going down and their expenses were going up, certainly including malpractice insurance. Those two storms, if you will, of rising costs and lower reimbursement were a problem on the horizon that this bill took care of. We did not cut physician reimbursement, we actually increased it by 1.5 percent so physicians are staying in the Medicare program.

With so many seniors in Florida, it is so important that we have adequate physicians, and it is funny the gentleman should mention the HMOs. In my area, so many of my constituents love HMOs. I actually was at an event last night in Lake County, and she said to me, What are you going to do to get some HMOs here? They had lived in another county that had a lot of HMOs, and she really appreciated HMOs and wanted to know when we were going to have an HMO in Lake County. I explained that is not something that the government mandates, but here is an example of somebody who is very happy with an HMO, and I have heard that from many of my constituents.

But for those who live in counties where HMOs are, this bill also increased the reimbursement to HMOs and mandated that they either increase the benefits to those subscribers who are in HMOs or that they cut the costs. In my area, in the Tampa Bay area, we have a variety. Some added services, and others cut the monthly subscription fee. So many people are very glad that the HMOs are being adequately reimbursed in this bill for those who love the HMO concept.

Mr. PEARCE. Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I appreciate the gentleman from New Mexico (Mr. PEARCE) bringing this timely discussion before Congress. As the gentleman has so carefully pointed out, it was yesterday, the very first day that seniors would have an opportunity to go, as the gentleman mentioned, on the Web site or pick up the telephone and just dial 1–800–Medicare, and find out which prescription drug discount cards are offered in their area. You just put in the ZIP Code. For me it is 30064 in Cobb County, Georgia. You find out which cards are offered in your area, and where is the closest drugstore which accepts one of these prescription discount drug cards. We had a great turnout. We probably had 60 seniors at the senior center in my district, the 11th Congressional District of Georgia. I think they were very pleased. There were some great questions.

And certainly this bill, if you look at the whole of it, and my colleagues have explained it very well tonight, yes, it can be a little bit confusing and that certainly is true. A lot of people, as mentioned, do not like change, and it is going to take a little while to get used to this, but help is there. The Secretary of HHS has hired an additional 1,400 people on the Medicare system just to man these call centers. Yes, those jobs are new jobs created in this country, they are not outsourced jobs. These people are sitting in front of a computer, and seniors who are not so comfortable sitting in front of a computer, all they have to do is respond to the questions, and they will get a list of the cards and they will put in the medications they are on, maybe it is 3 or 5, and the dose, and how many times a day they take those medications, and they will be able to compare.

If there are three cards available in their area, they will know how much discount they get on each one of those prescriptions. Obviously, they will want to choose the card that gives them the best deal.

I want to commend the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) because when we first were discussing this bill, how about these pharmaceutical companies that offer discount cards, and usually they give these discounts and incentive programs to those people that the gentleman from New Mexico (Mr. PEARCE) was talking about, those that are on a fixed income, living at or near the Federal poverty level, so the pharmaceutical companies have helped in that regard. Typically, though, they only offer discounts on the drugs that they sell.

What I tell my seniors, as they look for the Medicare discount card, and maybe it covers 2 out of the 3 medications that they are on that gives a good discount, but on the third, if it does not, it may be that they have a discount card from that pharmaceutical company that makes that drug, and so they can use their cards in combination. Much credit for that goes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) because she made sure that these companies submitted letters. As we were debating passage of the Medicare bill with the prescription drug benefit part D, she ensured that these companies pledge not to drop these programs, and I certainly commend her for that.

Mr. Speaker, one thing more I want to say about this bill. You have heard the expression that a group can accomplish great things, a team can accomplish an unlimited number of things if nobody cares who gets the credit. Now that is true, but I am, unfortunately, learning more and more in politics all too often it is really about who gets the credit. Politicians care too much, especially in a Presidential election year. Some of the opposition we are getting from the other side of the aisle as we debated that bill, and even now, it reminds me of the 2000 Presidential election.

I would say to them, do not go back to that sore-loser mentality. Get over it. Republicans and this President passed a bill that you guys were never able to pass. You made a promise, but you did not deliver on it, and now you are mad because this President did deliver on his promise, and this Republican-led Congress have finally given the seniors something that they have desperately needed.

☐ 2215

But I would say to my colleagues on the other side of the aisle, join with us, take some of the credit. Indeed, a number of my colleagues on the other side of the aisle voted to support the bill. But to continue to scare seniors, to talk about this new Medicare Modernization and Prescription Drug Act that my two colleagues have so carefully outlined the benefits of, to say that that is a fraud on the seniors and it is just an election-year ploy or a sellout to the pharmaceutical industry, this is unconscionable, to scare these seniors. And when we talk to them in our districts, of course, we have to spend maybe the first 15 minutes of the hour trying to overcome some of that negative, inaccurate Mediscare rhetoric.

I would say to my colleagues, it is time. Embrace this bill. It is a wonderful thing. It is not perfect. Few bills are. I do not think I have ever seen any that did not need at some point some tweaking. But it is a great step in the right direction; and as the gentleman from New Mexico has so clearly stated, it gives the best benefit for the seniors who need it the most. In fact, it is an absolute godsend for seniors who have to choose between medication and food and utilities and a roof over their head. That is the safety net.

Yes, we wish we could do more; but as has already been stated, instead of costing, whether you estimated this at $400 billion or $520 billion, what the Democrats wanted to do on the other side of the aisle would have cost $1.75 trillion. Of course, we would like to be able to afford to do these things, but at a time when we are trying to win the war in Iraq and equip and protect our troops and shore up our Department of Homeland Security, there is just not enough money to do that.

I would say to my colleagues, get on board, join with us, take some of the credit and you will deserve it.

Mr. PEARCE. I thank the gentleman for his comments and the gentlewoman for her comments. They both pointed out many things that we really should be discussing. I have seen the Mediscare tactics that are used in my State. In fact, State officials are going around and trying to convince senior groups that in fact this is not a good plan, but they are sledding against heavy opposition because the seniors themselves have been reading the bill. The seniors have looked at the endorsements of this bill. I think the endorsements were a very key part of not only passing the bill but feeling comfortable with passing it.

We are endorsed, of course, by the AARP. Almost all of the hospital associations endorsed this. The physician associations endorsed this. The prescription manufacturers endorsed it. One group after another and maybe either the gentlewoman from Florida or the gentleman from Georgia can tell me exactly, but I think there were over 130 endorsements of groups that cater to seniors and watch out for seniors, saying at the end of the day, this bill is a good bill. So it was with some comfort that I voted for it.

There are questions that come up about this bill when we are talking, people get concerned about the reimportation and why we cannot reimport drugs from other countries and why we did not put the reimportation of drugs into this bill. Mr. Speaker, I would remind this body that about 2 weeks ago we saw on the evening news, in China, a firm that was distributing counterfeit formula for infants, and we began to see hundreds of infants dying and hundreds of infants sick because there was a counterfeit drug used. I will tell you, Mr. Speaker, the last question that you have to ask is if we allow the wholesale reimportation of drugs, are we going to have those same counterfeit problems on our shelves here as China saw? At the crux of the problem is the security that we face when we purchase anything from our drug stores on the shelves of our stores. Mr. Speaker, that is one of the most important concepts that seniors ask about and there was a very good answer and a very sad answer given on that evening news report.

The one piece of legislation that as we look at our medical facilities, as we look at our medical costs, as we look at the ability of physicians and hospitals to provide care, the one thing that we need to have passed, Mr. Speaker, and I am sure the gentleman from Georgia will concur, is we need medical liability reform. The personal injury lawyers are driving up the costs of medicine, but they are driving providers out of business. We have been told, Mr. Speaker, in my district in one town we may not have an OB-GYN left in the town and it is a town of about 75,000, that there will not be an OB-GYN left in that town by the end of the year because of the threat of lawsuit. Mr. Speaker, one of the desperate problems that we must cure is the lawsuit abuse that is occurring in this country. No one person would watch while there was no remedy in our courts. What is going on right now is not a remedy. It is considered a lottery. The trial lawyer's feel like they have a lottery, and they have access to everyone who provides medical coverage in this country, and it is literally driving the costs up too high to continue to practice.

I yield to the gentleman if he would like to discuss this.

Mr. GINGREY. I appreciate the gentleman yielding. Of course, that is a peripheral issue; but certainly it is an issue of great concern. I thank my colleagues, Mr. Speaker, on both sides of the aisle in the House when over a year ago, in fact, H.R. 5, the HEALTH Act of 2003, was passed in this Chamber. What I will always stress, Mr. Speaker, is that the medical liability reform issue, tort reform, if you will, is really all about balancing the playing field, leveling the playing field. I think that is our responsibility as Members of this Congress, to always try to have a balanced playing field and not to give one side a tremendous, unfair advantage to the detriment of the majority. I think that is what is happening now in our legal justice system, particularly in regard to the practice of medicine.

Again, I do not, Mr. Speaker, try to paint with a broad brush every good attorney in this country and some of whom, yes, practice personal injury law and represent their clients well, but there are so many frivolous lawsuits; and as the gentleman from New Mexico says, it is causing us huge problems of access. The bottom line is not so much the physician's bottom line, but it is the patient's bottom line. Of course, when a doctor stops his practice, Mr. Speaker, as the gentleman mentioned so many are doing in his district in New Mexico, it is not just a loss of a physician. It is also maybe a loss of 15 or 25 jobs in his or her office. It is a huge issue.

I appreciate the fact that the gentleman mentioned it in the context of talking about health care, talking about the Medicare Modernization and Prescription Drug Act. It is all interrelated. This President and this Congress can understand that, this Republican leadership, Mr. Speaker. That is why we wanted to get these things accomplished. We are unfortunately continuing to wait on the other body. But we did get this Medicare bill passed, in fact, by a large majority of the other body.

As I was saying earlier, it is time for our colleagues to get on board. Take some of the credit for some good that you have done even though we had to drag you kicking and screaming. I do appreciate the gentleman bringing it up.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, it has been said that the cost of litigation drives up health care costs by 25 to 30 percent. It not only drives up physicians' costs and hospital costs but also pharmaceutical company costs because so many times there are extremely expensive lawsuits that are out there. Whether the lawsuit goes completely to court or whether it is settled out of court, all of this drives up the cost of health care. A lot of times, constituents will say to me, well, that medicine was actually patented 5 years ago. Why are they continuing to increase the price? It is a lot of times because of litigation that is ongoing that drags on for absolutely years.

When I was a State senator in Florida, I accomplished some tort reform in the area of nursing homes because we had nursing homes leaving the State. Accomplishing tort reform is a very difficult job. There is a very delicate balance there. You want to make sure that those who are harmed by an egregious act, that there is a method for compensation for them. But the number of frivolous lawsuits has gotten so out of hand. My constituents will come to me and say, isn't there some sort of law against filing frivolous lawsuits? In Florida we actually have a law. Does the gentleman know how many times judges have imposed fines on attorneys for filing frivolous lawsuits? There was one judge. It was an amount of money that he fined the lawyer that he could take it out of his wallet and hand it to the judge that day. Obviously, there is not enough of a financial disincentive there to thwart the number of lawsuits that are filed. Again, this drives up the cost of prescription drugs.

But getting back to the prescription drug bill, passage of this bill is one way that we can help so many low-income seniors. My mother-in-law was only on Social Security. The pharmacist came to us, gave me a call and said, you know, she's not refilling her prescriptions often enough. My husband and I took over and assisted with helping her with her prescription drug costs. But there are so many families out there who cannot or will not for some reason help their elderly parents or grandparents. The passage of this bill gives seniors dignity because they do not have to turn to their children. I think that is an important concept that we may have not promoted enough and that certainly the other side is missing. For somebody who only has Social Security, you cannot afford car payments and insurance payments and your rent and food and buy those prescription drugs. Believe me, my mother-in-law is not atypical. There are so many seniors who are in exactly that situation, older teachers who outlived their pension, just a lot of seniors who only have Social Security or very, very small pension amounts. They will fall into this category of a single person with $12,568 or a couple of $16,861. There are so many people who will benefit from this.

I say shame on the Democrats in this House for not promoting this bill in their districts, for again engaging in the Mediscare tactics of the past.

Mr. GINGREY. Just on that thought, the other side of the aisle always takes a lot of credit for being the party of women's rights. Yet they are certainly overlooking a tremendous women's right in regard to this particular bill, and I think the gentlewoman from Florida was just alluding to that. Women live 4 or 5 years longer, maybe 85 years compared to us male counterparts, about 81 years. Many of them who work get into the workforce a little bit late in life, maybe they are choosing to raise a family, to be a mom, to be a grandmom; and they never quite catch up in their income level, even though in some instances they are doing the same work. And so more of them, a disproportionate share of women are the ones who are living and many times single at or near that Federal poverty level. They have got, Mr. Speaker, a great deal of health care needs, of course, and a lot of prescriptions, whether it is something for osteoporosis or high blood pressure, cholesterol or maybe even chemotherapy to control cancer. They are in desperate need.

So I say to my colleagues across the aisle, if you want to truly be the party of women's rights, then you certainly ought to support this bill.

Mr. PEARCE. I thank the gentleman for his comments and the gentlewoman for her comments. Women are the great beneficiaries, and a tremendous number of the people who will participate in this prescription drug program under Medicare will be women because many of them fall in the lower income strata and many will qualify for the 100 percent coverage throughout the spectrum, but they have been made afraid that they are going to be the ones falling into the gap.

□ 2230

The only people who fall under the gap are those who can afford it. Those with the most desperate needs get coverage all the way up and down the spectrum, Mr. Speaker. So that is an important distinction to make.

One of the things that we have not yet talked about that the prescription drug bill did, it did three things to kind of give the prescription drug makers a wake-up call. None of us would choke the prescription drug manufacturers down to nothing because they are making magnificent miracle-like drugs that are extending life and extending the quality of life. But we did three things in this bill to really get the attention of the prescription drug manufacturers just a little wake-up call, if the Members would.

First of all, we cause generics to come to the market sooner in this bill. Secondly, we give incentives for people who will use the generics to convert useage over from the more expensive prescriptions into the generic field. But the third thing that we did was to stop an abusive pattern of constantly extending patents which kept competitive prescription drugs from coming to market. A prescription drug maker gets a patent when they reinvest in a new drug. When they do the research and development and create a new pharmaceutical, they have a patent period, and what they are doing is just indefinitely extending the patent. They would go to a second patent period, a third, a fourth, a fifth, and a sixth by minor changes in their patent application. It was legal, but it was not right.

So what we begin in this bill is saying that they get one patent period, they get one extension, and no more. The effect of that is it is going to bring those competing products to the market sooner. So we did three things in this bill, Mr. Speaker, to really address the seniors' frustration with their prescription drug makers to let them know that we appreciate what they do, they do good work, they are good companies, they are good corporate citizens, but to please look at their practices just a little bit.

Access and affordability are the two parameters of care. It does not matter if one has affordability if they do not have access. This bill attempted to cure access as well as affordability. And, Mr. Speaker, I think that we have done well in our job.

I thank the gentleman from Georgia and the gentlewoman from Florida for coming out tonight. This is a very important topic, and since yesterday was the initiation point of the ability to sign up for the drug cards, those discount cards, we felt like it was important to remind the people of this House exactly what that means and what the bill means. We wanted to have a review of the process which was directed at again the two basic overarching problems. One is the need for a prescription drug benefit in this country because our seniors were having to choose between food and medicine.

The second need we were addressing is the financial difficulty that Medicare faces in a very near-term future, extending on into the very distant future. This Medicare bill and this prescription drug bill began the process of reforming the Medicare program to where its financial viability is greater to where the next generation and the generation beyond that has access to the Medicare bill. But we also put in a prescription drug benefit that has the potential to dramatically lower the prescription drug cost that our seniors will face.

Mr. Speaker, I for one am proud of the work that we have done. And as I have visited with seniors around my district, and we have had 10 or 12 town hall meetings in my district about the prescription drug bill, I find that seniors are energized and excited about what we have done here in our legislation. They are excited about what it does currently for seniors, but they are also excited about the reforms that we have made to where their children and grandchildren will hopefully have access to the Medicare plan which they have grown to love and to trust.

Mr. Speaker, I share with the gentleman from Georgia (Mr. GINGREY) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) the pride in what this body has done.

IRAQI DETAINEES AT ABU GHRAIB PRISON

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. Mr. Speaker, it is hard to decide where to start in expressing one's outrage about the revelations, including the graphic photographs, that our military personnel literally tortured Iraqi detainees at a prison near Baghdad. It is even harder to know where the responsibility ends for conduct that obviously violates the Geneva Convention on care for prisoners of war and Geneva Convention on the obligations of an occupation authority.

For any decent-minded American, whether he or she supports the war or opposes the war, to remain silent about this conduct is to be complicit with this conduct. To refuse to condemn it in the strongest terms possible, to be reluctant to hold accountable not only those who did this but also those who permitted it, those who ordered it, those who created an atmosphere that encouraged it, and those who sent the signals that everything and anything goes, no matter how far up the chain of command, it jeopardizes our relationship with the entire Arab and Muslim world. We should all fear for every American soldier and civilian in Iraq whose life has been placed in jeopardy by this irresponsible behavior and, frankly, the irresponsible conduct of this war.

Before these revelations, it was manifestly clear that our Iraq policy was in deep, deep trouble. It was already clear that we faced a widening and deepening resistance. It was already clear that the administration's characterizations of the resistance as "dead-enders," "remnants of Saddam's regime," and "terrorists from the outside" did not coincide with reality. These allegations, revealed first last week by 60 Minutes II, then detailed by investigator reporter Seymour Hersh of the New Yorker Magazine, and substantiated in a courageous report by Major General Antonio M. Taguba, may have made our situation irrevocably untenable.

Think of the predicament now facing U.S. occupation this way: What would anyone anywhere in the world want to do to someone who had done such despicable acts to a family member?

The President and other senior administration and Pentagon officials have been quick to say that only a few participated in these deeds. My question is who are the few? Over the weekend, the mistreatment was said to involve only six or seven military police. Now at mid week, we are told that 17 U.S. soldiers are under investigation for their role in the abuses, including seven supervising officers who will receive an official reprimand or admonishment, six enlisted personnel who are charged with criminal offenses in March, and another four who are under criminal investigation.

Against this backdrop, General Richard Myers, the chairman of the Joint Chiefs of Staff, said this past Sunday that he had not read the Taguba report. It has taken until today for Secretary of Defense Donald Rumsfeld to make a statement, and according to a Pentagon spokesman, as late as today, Mr. Rumsfeld had not read the report either.

National Security Adviser Condoleezza Rice is the coordinator of our overall efforts in Iraq. She has been silent as well. Secretary of State Colin Powell says that the entire military should not be condemned for the actions of only a few.

No one is condemning the entire military, but once again I ask who are the few? Does it include those, whoever they are, who told the military police to "soften up" the detainees for interrogation? I cannot accept, especially when we hear that military intelligence and private contractors ordered the actions, that these military police officers just happened to choose acts that are offensive in any culture, but are especially humiliating to males in the Arab and Islamic cultures.

And logic leads me to believe the psychological implications were well understood, and the acts imposed on the detainees were deliberately selected.

It is fair to ask what else may be going on? Has there been such a heavy reliance on private military contractors precisely to evade criminal liability? Have not Iraqis been given new reason to view the United States war on terrorism as a war on terrorism against them, their religion, and their culture?

Congress needs to conduct a probe of the incidents and their wider ramifications. Congress and the American people must answer to questions that we can be sure that the people of Iraq and all Muslim lands are asking. While the full weight of punishment should be brought on all of those implicated, the American people, as a whole, need to appreciate how much higher the mountain now is that the President must climb to win the hearts and minds of the Iraqi people and to persuade the Middle East to follow the model of American democracy. Under his leadership things continue to go from bad to worse to terrible.

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for half the time remaining before midnight, approximately 40 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I come before the House this evening in this special order representing those of us who have participated in what we have termed "Iraq Watch."

For some period of time now, several of us have come before this House to try to analyze in a hopefully dispassionate way but in an informative way what is taking place in Iraq and what the implications are for us here in the House of Representatives, and by extension for the Nation in terms of the political ramifications.

I come here tonight by myself because the other members of Iraq Watch, the gentleman from Pennsylvania (Mr. HOEFFEL), the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Washington (Mr. INSLEE), and others who have joined us periodically are otherwise occupied this evening. But I come here representing those who have participated because of the seriousness of the issues that are now confronting us with respect to Iraq.

I have before me, Mr. Speaker, a copy of the May 3, 2004, issue of the New Yorker Magazine entitled "Torture at Abu Ghraib." I cite this, Mr. Speaker, because I am afraid we are going to hear this phrase on more than one occasion in the days to come. It is written by Seymour Hersh, subtitled "American Soldiers Brutalized Iraqis, How Far Up Does the Responsibility Go?" I am citing this to the Members this evening, Mr. Speaker, because this is the only comprehensive report that I, as a member of the Committee on Armed Services, and as a Member of the House, have been able to get. I was intrigued by it because it mentions two reports. The speaker before me, the gentleman from New York, mentioned a report written by Major General Antonio Taguba, who happens to be by coincidence from Hawaii, but he did not mention nor have many other venues that I have observed, television, radio, newspapers, articles, et cetera, another report. The report from General Taguba being completed in February of this year, but that followed on a report that was written and submitted in November of last year, November of 2003, by the Provost Marshal of the Army, the chief law enforcement of the Army, General Provost Marshal Donald Ryder.

□ 2245

I think that I can begin to account for the tone, at least the summary of the tone as far as it has been delivered to us, which is one of outrage. I withdraw that. That is my characterization.

But let me put it this way: I believe it is fair to say if Mr. Hersh's summary is correct, that General Taguba's report was, at a minimum very, very intense, and that Mr. Hersh stated as follows: Its conclusions about institutional failures in the Army prison system were devastating. I think that is a fair summary.

The reason I am citing this to you, Mr. Speaker, is that at a meeting this afternoon, at a briefing this afternoon, convened under the direction of the gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services, under his auspices, officers appeared. Given the nature of the hearing, the secret nature of the hearing, again, for good and sufficient reason, I cannot cite to you and will not cite to you the exact dialogue that took place, nor those who were involved in it.

But, suffice to say, it was confirmed to me in that hearing, I should say in that briefing, that there was indeed a report given to General Sanchez, the Supreme Commander in Iraq, in November of last year, and that General Ryder, according to Mr. Hersh, indicated in November, and this is important. The reason we are going through this now and the reason I am going through this recitation is these incidents did not just happen. They did not just appear out of nowhere.

This is not something that the Army was aware of only in February of this year, that there was some kind of shock recognition by the Army that this was taking place in February. Because General Ryder clearly warned, quoting now from the Hersh article, "that there were potential human rights training and manpower issues system-wide that needed immediate attention."

It also discussed serious concerns about the tension between the missions of the military police assigned to guard the prisoners and intelligence teams who wanted to interrogate them.

Again, I will go on, another quotation: "Army regulations limit intelligence activities by MPs to passive collection."

I think this is an important point, because I see some of these National Guard people who have been identified and who have had their pictures on television and are being pointed out and being looked to for responsibility. I think it is important for those who may not be familiar with the situation in prisons, Army prisons, military prisons, that Army regulations limit intelligence activities of MPs to passive collection.

Something obviously went awry here. There was evidence, according to the Ryder report, evidence going back as far as the war in Afghanistan. Now we are going back even previous to 2003. We are talking about post-9/11 and the attack on the Taliban forces in Afghanistan.

According to the Ryder report, as reported by Mr. Hersh, the MPs had worked with intelligence operatives to "set favorable conditions for subsequent interviews," a euphemism, according to Mr. Hersh, for breaking the will of prisoners.

Now, Mr. Hersh indicates that the Ryder report called for the establishment of procedures to "define the role of military police soldiers, clearly separating the actions of the guards from those of the military intelligence personnel."

I am citing this detail to you, Mr. Speaker, because I think it is very important to establish a context here.

General Ryder is the Provost Marshal of the Army. He is the chief law enforcement officer of the Army, and he in his report indicated serious questions with regard to the management and operation of the prison system, and indicated serious reservations about the kinds of expectations of the MPs with regard to military intelligence activity.

Major General Taguba in his report, and, again, I am relying on the Hersh document because, to the best of my knowledge, these reports were not made available even to the intelligence committees, let alone to the Committee on Armed Services, either in the other body or in the House of Representatives.

General Taguba was reported as saying, "Unfortunately, many of the systemic problems that surfaced during Major General Ryder's assessment are the very same issues that are the subject of this investigation."

It amounts to an indictment, Mr. Speaker. I do not know any other way to put it. That is why I say I feel so badly coming down here today. Believe me, this brings no sense of satisfaction to me, to have to report this to you.

If the Army was aware at the highest levels of the difficulties and challenges that existed, let alone the possibility of abuses or even undermining of good order within the Army in terms of what is expected of its personnel in the prison system, and was aware of that in the fall of 2003, it can hardly have come as a surprise then if General Taguba was exercised by what he found taking place in February of 2004.

If indeed General Taguba's report is as detailed and as explicit and its recommendations as clear as it appears to be in the summary given to us in Mr. Hersh's article, how is it possible for the Secretary of Defense, who, after all, is in charge of the uniform military, and the Speaker is well aware of our constitutional circumstances here. The civilian authority is in charge with regard to what the policies of the United States military are going to be. How is it possible for the requisite authority in the Department of Defense not to be aware of what these issues were?

It is very difficult for me to believe that General Sanchez kept this to himself, or that General Sanchez failed to act on the clear warning that General Ryder, his chief law enforcement officer, expressed to him in writing in November of last year. It is difficult for me to believe that there was not some awareness in the Department of Defense that there were possibilities here for disaster, political and military disaster.

Mr. Speaker, it is fair, I suppose, for someone to ask, well, yes, of course we can see why you might be upset as a Member of Congress that you were not informed. And I am, I can assure you of that. In fact, I will cite to you, Mr. Speaker, in a few moments a letter received by the ranking member of the committee, the gentleman from Missouri (Mr. SKELTON), from the Secretary of Defense, that at best misleads, deliberately misleads the ranking member in questions that he had about private contractors, and at worst is a deliberate subterfuge and challenge to this Congress. Not to Democrats or Republicans. I am talking about a challenge to Congressional authority.

I tell you, Mr. Speaker, we are walking on the edge of fascism in this country if the executive or executive departments think that they are able to make decisions absent the direction and will of the Congress of the United States. For good or for ill, Mr. Speaker, you and I are elected by the people of this country. Secretary Rumsfeld is not elected by anybody. He is an appointment and serves only because he has been approved by the Congress of the United States, in this instance the will of the other body as embodied in their charge in the Constitution.

For good or for ill, the people of this country have put their faith and trust in us to make those decisions. We have clear jurisdictional lines in the Committee on Armed Services. We have clear admonition under the Constitution as to what our duty is and our obligation is under that Constitution with respect to funding and managing the United States military.

For any executive, or anyone in the executive branch, to assume that he or she can take legislative authority unto themselves, particularly when it comes to oversight, is something that is anathema to the constitutional order.

Executive authority, ruling by executive authority, has a fascist tinge to it that I find very, very troubling. I do not think it can be excused by the idea that we would be better off without knowing.

I do not know if this is true, Mr. Speaker. I have only the media representations to me, seen in fleeting images and heard in passing tonight. But if I understood correctly and if the information is correct, the President of the United States found out about this from the media. The President of the United States was not informed that these issues were already underway and about to break in the public press.

We are told, at least I am informed, again by media presentation, because we have not had any briefing or explanation of this in the Committee on Armed Services to my knowledge or to the Congress as a whole, that General Myers, the Chairman of the Joint Chiefs of Staff, in fact asked a broadcast network, I believe the CBS network, not to publish or broadcast news of these events that it had before it and was prepared to bring forward.

This is a startling development in our country, that this kind of censorship can take place, because we are not talking here about putting members of the United States military in harm's way because of the revelation of immediate plans of attack or the assumption of military planning that would otherwise bring aid and comfort or information to forces that might attack us or do us harm. This was not an instance of that.

On the contrary, if what has been presented so far is true and is an accurate reflection of what took place, these are clear violations of regulations in the good order in the United States military and a severe blow to the activities of the United States with respect to the reconstruction of the physical facilities in Iraq and the establishment of civil government in the wake of the collapse of the Hussein regime.

It strikes me that when the ranking member makes a request, as he did on April 2, and the ranking Member, as you know, is the senior minority member, in this instance the gentleman from Missouri (Mr. SKELTON). He serves as the senior Democratic member on the Committee on Armed Services under the leadership of the gentleman from California (Mr. HUNTER).

On April 2 Mr. SKELTON wrote a letter to Mr. Rumsfeld, the Secretary of Defense. I would like to quote it to you in some length.

"Dear Mr. Secretary. I would like to first extend my sympathy and display over the recent brutal killings in Fallujah. All of the killings in Iraq, both of our troops and of contractors and civilians, have been unacceptable and tragic, but the murder and desecration of the four Americans working for Blackwater USA was particularly barbaric. I would hope that plans are being prepared for a measured but powerful response. One of the issues raised by this tragedy is the role played by private military firms such as Blackwater.

□ 2300

"Media reports indicate at the time of the ambush the personnel in question were providing security for a food delivery convoy. I understand that Blackwater provides personal security for Ambassador Paul Bremer. I would like to request that you provide my office with a breakdown of information regarding private military and security personnel in Iraq."

That bears repeating, Mr. Speaker: "I would like to request you provide my office with a breakdown of information regarding private military and security personnel in Iraq. Specifically, I would like to know which firms are operating in Iraq, how many personnel each firm has there, what specific functions they are performing, how much they are being paid, and from which appropriations account. Additionally, I would like to understand what the chain of command is for these personnel, what rules of engagement govern them, and how disciplinary or criminal accusations are handled, if any such claims are levied against them."

This is in April, early April. These questions, these measured, sober, serious questions regarding the privatization of this war are being asked by the senior minority member of this House of the Committee on Armed Services.

"Firms like Blackwater are clearly serving important functions in Iraq and putting themselves at risk. It is important that the Congress have a clear sense of the roles they are playing so that we can conduct effective oversight. I appreciate your assistance in this matter. Sincerely, IKE SKELTON, Ranking Democrat."

I think by any measure, Mr. Speaker, this would be seen as a letter that, as I have already indicated, is sober and serious and measured in its content and specifically and particularly on the mark with respect to the role and responsibility of private contractors.

Why am I bringing that up? Because it appears, Mr. Speaker, that there are serious instances of perhaps a blurring of institutional and responsibility lines, with private contracting, military intelligence, and the conduct of the prison guards and those in charge of the Army prisons.

Why I am particularly exercised even more than I was this afternoon? Because I thought this afternoon, well, we have to try and determine where we are going to go, and I put out a release to that effect in order to answer to my constituents as to what the thoughts were on this issue at this time. I thought, well, we better be careful about making grand pronouncements about what we need to do and where we are going to go until we find out all of the facts and see where they lead. But I will tell my colleagues, Mr. Speaker, I have come to the conclusion that the Secretary of Defense has to think very seriously about resigning. I have come to that conclusion only since this afternoon, late this afternoon, early this evening, rather, when I became aware of the answer to the gentleman from Missouri (Mr. SKELTON) dated May 4, the date that I received this, May 4 is printed on here; whether it was written May 4 or whether it was received in the office of the gentleman from Missouri (Mr. SKELTON) on May 4 is difficult for me to determine. It may be that that is a stamp to indicate to my office that it was received in my office on May 4.

But here is the answer given by Donald Rumsfeld, the Secretary of Defense: "Thank you for your letter of April 2 regarding private security personnel. A discussion paper provided by the Coalition Provisional Authority responding to the points that you raised is attached," and it is.

Now, here is the answer given by the Secretary of Defense with regard to private companies, knowing, knowing now, this is April, knowing about the report of November 5, knowing about the 30-plus or 35 investigations under way, according to reports that we have received in the press, which I think reflect accurately some of the conversation that was held this afternoon. Multiple, let me put it this way, multiple investigations under way. Knowing that, knowing that he had the report of General Taguba before him, knowing that this material had been deliberately asked to be censored and withheld from publication in the network news.

Here is what he says: "Some private security companies called PSC, private security companies, under contract in Iraq provide, one, personal security services for senior civilian officials, as well as some visiting delegations. Two, they also provide physical security for nonmilitary facilities inside the green zone and convoy protection for nonmilitary goods. Three, they provide protection for government support teams consisting of Coalition Provisional Authority personnel and government contractors who team with local Iraqi officials to develop local government structures and functions."

Not a word, Mr. Speaker, about the role of private contractors and military intelligence or in the prison system. How is it possible for the Secretary of Defense not to mention this, given the context in which this answer was given to the gentleman from Missouri (Mr. SKELTON)? That is why I am so exercised about the contempt that the Secretary is showing for the Congress and yes, indeed, for the President of the United States. How is it possible for the Secretary of Defense to face Mr. Bush, let alone this Congress, and say that he deliberately, I cannot think of any way else to characterize it, deliberately kept us from understanding what it was that these private contractors were doing in this prison context.

He goes on to say: "It is my understanding that most of these private security companies doing business in Iraq do not work directly for the U.S. Government." Well, who are they working for then? They work under subcontracts to prime contractors to provide protection for their employees, as if there is some benign presence. We are in the middle of a war on terror, we are told. We are in the middle of a war in Iraq. The Speaker is well aware that I characterized this more than a year ago in May when we returned, when we were among the first group to go with the gentleman from California (Mr. HUNTER), some of us went with him, among the first group to enter Baghdad after the initial attack on Baghdad and some of us said, yes, there was an attack on Baghdad and now the war is starting.

Unfortunately, that has proven to be only too true, for the Secretary of Defense to pretend in the middle of a war situation in which our troops are put at risk, that somehow, there is this semi-benign presence in Iraq, of private contractors to go about their business without the supervision or the oversight of the Department of Defense and the United States military. I mean, it is an insult.

"A draft CPA order, Coalition Provisional Authority order, on regulating the private security companies which will require certain data from each firm has been prepared with input from the Iraqi Ministry of the Interior."

I mean, the contempt of this letter is incredible.

"The Iraqi Ministry of the Interior and Ministry of Trade will be largely responsible for the administration of this and any revisions that may be promulgated by the Iraqi interim government after June 30. Finally, the Department of Defense is drafting uniform guidance regarding private security companies employed in Iraq under contract using U.S. appropriations."

It is as if it does not even exist at this point.

"I hope this is useful. We can provide additional information or briefing if you would like."

Then we have a summary here in the attachment which includes a list, Mr. Speaker, of the private security companies operating in Iraq.

Now, I believe that there was a company called CACI. I do not precisely have that because I do not have the report here; I am looking for it in this list of private security companies operating in Iraq. Perhaps it is listed here, but I cannot find it among the 60, the 60 companies that are listed here. It may be that I am not sufficiently conversant with the actual names and acronyms of the security companies that were working intelligence privately in Iraq. I would be more familiar with it had we been briefed on it, had we been given the information, as is not only our right, but our obligation to have in the Committee on Armed Services.

□ 2310

I cannot find it. It is very, very difficult for me to believe that we are in a situation, post-Watergate in which it is necessary to know the answer ahead of time in order to ask the right question. It seems to me the questions posed by the gentleman from Missouri (Mr. SKELTON) are clear enough. It seems to me that the answer here, while probably technically correct, leaves out valuable information. This is clearly not an exhaustive list of the private companies that were involved.

I concentrate on this, Mr. Speaker, because I think we face a serious crisis here in the Congress. If we are going to allow the executive to conduct this war in our name, the name of the people of the United States, and we constitutionally have not only the authority, but the responsibilities of legislating the policies associated with arming and supporting our military, our United States military as well as establishing the policies of this Nation to be carried out by the executive. The executive does not tell us what to do. We again, for better or for ill, are given and required by the Constitution to exercise that legislative authority.

The legislation we have put together, the policies that we have assume by virtue of a majority activity in both Houses of this Congress, are what constitutes the policies of this country that will be carried out by the executive. The executive can inform of his or her desires in this regard, but we are the ones that have to decide this. We are the ones that have to exercise the oversight.

So I say to you, Mr. Speaker, that these are very, very serious allegations. No question about that. I do not come here this evening speaking with any kind of relish or enjoyment of what is required of us here. But I can tell you I was a probation officer in my life. I have been an officer of the court. I have had professional responsibilities in county jails, in San Quentin Prison. I know what it is like to have to conduct drug tests. I know what it is like to appear at a booking desk every morning year in and year out. I know what is involved in investigations in arrests and prosecutions.

I know what is involved in making reports on what needs to be done and how it should be done and what the conducts of officers of the courts are with respect to the management and maintenance of jails and prison systems.

I have legislative responsibilities with regard to how prison systems are run and under what circumstances and what is required of the personnel as a legislator. I have been the chairman of a committee with responsibility for the police departments in Honolulu, the Honolulu Police Department, under the jurisdiction of the committee that I was privileged to serve on and chair in the city and counties of Honolulu. I understand what is at stake in prison system, and I know this from my own personal experience, what is required in a prison system is, first of all, certainty, certainty.

You must know from the top to the bottom exactly what the rules are. Certainty and activity. Those are the two fundamentals. Once you have those established in a prison system, then you know where you stand. Nobody can talk to me about failure to train some National Guard operatives on the jail cell level and tell me that they were operating on their own. That does not happen, Mr. Speaker. It does not happen in the county jail. It does not happen in a state prison. And it does not happen in a Federal prison system. Certainty from top to bottom is required. If it does not exist that is failure of leadership that has to be accounted for and responsibility has to be taken.

So far as I can see right now, there is some reprimands being handed out. There are some court-martials being held at the lowest possible level. And yet we have two reports, the Ryder report and the Taguba report, that I do not believe for a moment did not see the light of day at the general officer level and at the highest levels of the Department of Defense.

If it is true that the President of the United States was not informed by his Secretary of Defense as to what the situation was and what was likely to happen, that is dereliction of duty on the part of the Secretary vis-a-vis the President of the United States. It is far worse in my estimation that you let down the person who has entrusted you, entrusted you with the responsibility for carrying out the executive policies of this Nation.

It is bad enough that the Congress of the United States was not informed. But they have the President of the United States left in the dark on something that was sure to have incredible negative ramifications with respect to Iraq and the position of the United States is unforgivable. It is intolerable. But I know as sure as my own experience indicates, that it is not possible for the leadership at the levels that I have discussed not to have been aware that at minimum the possibilities of this disaster was there and needed to be addressed. At a minimum. And worse, that they knew it was going on and tolerated it.

We need to have a full exposure of exactly who knows what. Not because, Mr. Speaker, I wanted to have some kind of a media field day or some kind of a tabloid extravaganza, but because the very responsibility of this Congress is at stake. Either we are informed, Mr. Speaker, about what the situation is and where we are going so that we can make a decision with regard to oversight or we are not.

So, Mr. Speaker, in conclusions, I want to ask you in your role as Speaker, to acknowledge the facts that this is a requirement of the Congress of the United States, that we exercise oversight on behalf of the people of this Nation and the values of this Nation. If we do not do it, Mr. Speaker, who is going to do it?

It is apparent that no one wants to take responsibility in the Department of Defense. No one wants to take responsibility in the military at the present time. No one is exploring right now exactly what the boundaries were or were not. No one is examining the role of private security corporations in the intelligence gathering on behalf of the United States military and on behalf of the security interests of this Nation. No one asked me about it, I can assure you on the Committee on Armed Services as to whether I thought that was a good idea. I cannot speak about the Permanent Select Committee on Intelligence, but I am hard pressed to think that the Permanent Select Committee on Intelligence, Republican or Democrat, this has nothing to do with the partisan nature of any kind of political discussion we might be having, but it is difficult for me to believe that anybody on the Permanent Select Committee on Intelligence sanctioned such a thing or that there was knowledge of it in the Permanent Select Committee on Intelligence or that it would not have been shared with the Office of the Speaker at a minimum with the leadership of both sides of the aisle.

We have to have an understanding of whether our role as overseers of the United States strategic interests is going to be honored. If we do, then perhaps we can reestablish some credibility. If we do not, then I fear that the role that Secretary Rumsfeld has assumed for himself, namely, chief operating officer of the United States, without any responsibility to the chief executive of this Nation, the President of the United States, or any responsibility to the Congress of the United States. He gets to decide what we will do and what we will not do. He gets to decide whether or not this country is going to be put into a series of circumstances and situations that are totally untenable in terms of the values of this Nation or what the goals and aspirations we have with regards to our security interests and the peace of the world.

I think that we need to have a clear understanding that unless the Secretary can answer these questions he has to consider resigning. He has to consider whether or not we are going to have a cleansing of the way in which this war is being conducted, in the manner in which it was being reported to us in the Congress and by extension to the people of the United States.

□ 2320

I appreciate the fact, Mr. Speaker, that these are difficult questions, that I have only been able to present a summary of what is at stake here; and I appreciate your patience and forebearance as I have enunciated it.

I do think very, very clearly, Mr. Speaker, that there this is something that has to be addressed, and I would hope that the leadership of the House, both majority and minority, will settle on the proper venue, which I personally believe to be the Committee on Armed Services, but perhaps a joint committee situation, in which these issues are explored; and I hope that the Secretary of Defense will be able to answer adequately what his responsibility and obligation is.

HORSE SLAUGHTERING FOR HUMAN CONSUMPTION

The SPEAKER pro tempore (Mr. COLE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kentucky (Mr. WHITFIELD) is recognized until midnight, approximately 40 minutes.

Mr. WHITFIELD. Mr. Speaker, the first Saturday in May is a special day in the heart of anyone who considers themselves to be a Kentuckian. It is also a special day in the heart of anyone, whether they live outside of Kentucky or not, whether they are a citizen of some other country of the world, but if that person has a special affinity for a breed of horse called the thoroughbred, the first Saturday in May is a special day because it is on that day that the Kentucky Derby is raced each year.

This past Saturday, the 130th running of the Kentucky Derby was held in Louisville, Kentucky, and a chestnut colt by the name of Smarty Jones won the race this year. His jockey was Stewart Elliott. His trainer was John Servis. His owners are Pat and Roy Chapman; and as you would expect, winning a race of such importance, they were quite ecstatic. They were happy; they were enthusiastic; they had a large celebration.

I have in my hand a picture of another chestnut colt who won the Kentucky Derby in 1986. This horse was the son of a famous sire called Naginski II. The name of this horse is Ferdinand. The jockey on this horse in 1986 was Willie Shoemaker, and the House of Representatives 6 weeks ago did a resolution in honor of Willie Shoemaker. The trainer of Ferdinand in 1986 was a gentleman named Charlie Wittingham of California. The owners of Ferdinand were Mr. and Mrs. Howard Keck of California; and on that first Saturday in May in 1986, the Keck family and their friends and the trainer and the jockey celebrated with great enthusiasm, in the same way that Smarty Jones and the Chapmans celebrated Smarty Jones winning that race.

When Ferdinand won that race in 1986, the next year, 1987, he went on to win the Breeders' Cup by defeating the 1987 winner of the Kentucky Derby, a horse named Ali Sheba; and in 1987, Ferdinand also was selected Horse of the Year.

When Ferdinand retired from racing, he was the fifth leading money winner in the history of racing, winning over $3.7 million; and like most horses of his caliber, he was retired for breeding purposes because he had a champion pedigree and he had a champion heart.

On the death of Howard Keck, Ferdinand was syndicated and sold to a Japanese company called J.S. Company, owner of a breeding farm in Japan called Arrow Stud Farm which is located on the northern island of Hokkaido, Japan; and Ferdinand went there in 1994, and he was there for about six breeding seasons.

Initially, he was very popular; but over time, he lost popularity in Japan, and Arrow Stud, either working with or in conjunction with a horse trainer named Watanabe, gained possession of this horse, Ferdinand; and to make a long story short, Ferdinand was slaughtered in a Japanese slaughterhouse. So this was the fifth leading money winner of all time, won the 1986 Kentucky Derby, was 1987 Horse of the Year, won the Breeders' Cup and was slaughtered in Japan.

Interestingly enough, the Keck family of California, before they realized that Ferdinand had been slaughtered in 2002, did everything possible to locate Ferdinand; and they wanted to bring him back to their farm in California for retirement, and finally they found out, it was acknowledged that Ferdinand was slaughtered in Japan.

Other than the Keck family and those who followed the horse industry, this was just another story with a tragic ending. However, it was a story that ended up in the newspapers and periodicals around the world, and from those stories, we suddenly came to realize that in the United States horses are being slaughtered in two locations for human consumption; and the horse meat is being exported to Japan, Italy, France, and Belgium.

There are only two places that this is occurring today. One plant is owned by a French family operating in Kaufman, Texas. The other plant is owned by a Belgian family operated in and around Fort Worth, Texas; and each year they are slaughtering about 45,000 horses in those two plants.

What makes this quite interesting is that the former Attorney General of Texas, who now is in the United States Senate, Mr. JOHN CORNYN, was asked in 2002 for a legal opinion on whether or not the slaughter of horses for human consumption in Texas violated Texas State law. In his opinion, which he rendered in August, Mr. CORNYN, as Attorney General of Texas, issued a ruling that, yes, it is a violation of Texas State law to slaughter a horse, possess a horse, transport a horse for human consumption. He also went on to say it is a criminal offense; and yet, despite this opinion, the two plants in Texas, one owned by a French family, one owned by a Belgian family, filed a lawsuit, and they continued to slaughter horses for human consumption in Texas.

Unlike cattle and pigs and other types of animals, horses in the history of the United States have never been a part of the food chain; and for that reason, Members of the United States Congress, under the leadership, and he has provided tremendous leadership, of the gentleman from New York (Mr. SWEENEY), a Republican, and the gentleman from South Carolina (Mr. SPRATT), a Democrat, both of them introduced legislation to prohibit the slaughter or transport with intent of slaughtering horses for human consumption.

This legislation, as one would expect, has the support of a lot of so-called animal rights groups; but as a Representative of a rural district in Kentucky where we have a lot of livestock, I have never been particularly involved with so-called animal rights groups.

□ 2330

But in addition to animal rights groups, we have a large list of businesses who are supporting this legislation because horses have never been a part of the food chain in America. I want to just read a few of them: Blue Horse Charities; Churchhill Downs; Eaton Sales; Fasig-Tipton Company, one of the largest thoroughbred auctioneers in the country; John Gaines, the founder of the Breeders' Cup World Thoroughbred Championship; the Hambletonian Society; the National Thoroughbred Racing Association; the National Steeplechase Association; the New York Racing Association; the Texas Thoroughbred Association opposes slaughter. And I could go on and on and on.

So we have all of these groups that are supporting this legislation to stop the slaughter of horses for human consumption by a French family and a Belgian family to be exported to Europe. And there are only two organizations willing to publicly state that they oppose the legislation to stop the slaughter. One of them is the American Quarter Horse Association headquartered in Amarillo, Texas, although I can tell you we have hundreds of letters from quarter horse owners from around the country who support this legislation; and then the other group, the American Equine Practitioners political arm, has said they oppose this legislation, although we have hundreds of letters from veterinarians from around the country who provide care for horses, say they support this legislation.

Now, one of the sad things about this whole episode of slaughtering horses is that the United States Department of Agriculture has regulations that supposedly regulate the method by which these horses are transported to slaughter. They allow them to be transported in double-decker trailers even though the regulations state that we recognize that many horses will be injured in this process, and they allow stallions to be placed with other stallions which any horseman knows should never be done. Stallions placed with mares, stallions placed with foals, crowded in double-decker trailers.

The Department of Agriculture regulations state we recognize that many of these horses do not have enough head room and so they are bent over. They arrive at the slaughterhouse injured, some dead. They are allowed to be transported up to 28 hours without food, water, or drink; and yet any commercial transporter of horses will tell you that a horse should never be transported for over 7 hours without food, water or exercise, and yet the Federal Department of Agriculture regulations allow 28, up to 30 hours; and even then it frequently is not enforced.

So moving the horses to slaughter is a very inhumane action. And then at the slaughterhouse, the execution is carried out with a captive bolt administered by unprofessionals or nonprofessionals. The horses' heads are not held, and frequently they have to do three or four jolts before the horse is stunned enough to have his throat slit. It is not a very welcoming site.

And yet because of the method by which this is carried out, the only two entities performing slaughter of horses today are a Belgian company and a French company. In the United States Congress right now without much effort we already have 214 cosponsors of this legislation to stop this practice, primarily because of the efforts of the gentleman from New York (Mr. SWEENEY) and the gentleman from South Carolina (Mr. SPRATT), and I might also say that we do have a very strong coalition working together; and Bo Derek, who is an owner of horses, has become involved in this issue and has made a big difference as well.

I went with the President of the American Equine Practitioners, who is a veterinarian who opposes this legislation, to the United States Senate; and we had a meeting with JOHN ENSIGN, the Senator from Nevada, who is a veterinarian, and he listened to the debate on the issue. When the debate was over, JOHN ENSIGN made a decision that he was going to introduce this legislation on the Senate side, and has done so with a cosponsor, MARY LANDRIEU, the Democrat from Louisiana. They have a number of cosponsors over there.

So this is legislation that is picking up some real support. I want to take this opportunity to inform Members that it is our intention to continue to push this legislation even though we face many obstacles still within certain points within the House of Representatives. But when this is over, we are going to have in the neighborhood of 230, 240, 250, at a minimum, cosponsors of this legislation.

Now, there is a writer named Matthew Scully, who is a former literary agent of the National Review and an occasional speech writer for President Bush; and he recently wrote a book entitled "Dominion." And in his book, Mr. Scully affirms man's dominion over animals, which is certainly true; we have dominion over animals. But he also reminds us of our responsibility to animals. To quote Mr. Scully: "The care of animals brings with it often complicated problems of economics, ecology, and science. But above all, it confronts us with questions of conscience. Many of us seem to have lost all sense of restraint towards animals and understanding of natural boundaries, a respect for them as creatures with needs and wants and a place and a purpose of their own. Too often, to casually, we assume that our interests always come first, and if it is profitable or expedient, that is all we need to know. Sometimes we are called to treat animals with kindness, not because they have rights, not because they have power, not because they have any claim to equality, but in a sense because they do not, because they all stand unequal and powerless before us.

"It is true that the welfare of animals is not high on most people's priority list and kindness to animals is among the humbler duties of human charity, though for just that reason among the more easily neglected, and it is true there will always be enough injustice and human suffering in the world to make the wrong done to animals seem small and even insignificant."

Matthew Scully goes on and says perhaps that is part of the animal's role among us, to awaken humility and compassion.

□ 2340

We have the power, we have the rights, we have the dominion over animals; and that is precisely why I believe that the gentleman from New York's bill and the gentleman from

South Carolina's bill is so important, because it will be the first time that I know of that we have had a debate in the United States Congress on this important issue facing our old friend. At the horse park in Lexington, Kentucky, there is an inscription that says, "Civilization was built on the back of a horse." So we are going to have a debate in this Congress on whether or not a French company and a Belgian company should violate Texas State law to slaughter our horses to export to Belgium, Italy, France, and Japan horse meat for human consumption, particularly when you consider that horses have never been a part of the food chain in our country.

As we approach the midnight hour and these Special Orders come to a close, I want to once again reiterate that a lot of what has happened on this legislation was the result of what happened to the horse Ferdinand in Japan at Arrow Stud Farm. Under the continued leadership of the gentleman from New York (Mr. SWEENEY) and the gentleman from South Carolina (Mr. SPRATT) and the 214 cosponsors as of today of this legislation and Senators JOHN ENSIGN and MARY LANDRIEU and the other Senators who have introduced this legislation on the Senate side, it is our intent to pursue our goal of making it illegal to slaughter horses in the U.S. for human consumption.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today on account of official business.

Ms. SOLIS (at the request of Ms. PELOSI) for today and the balance of the week on account of official business in the district.

Mrs. BONO (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. ROHRABACHER (at the request of Mr. DELAY) for today on account of caring for his newborn children.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PASCRELL) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and May 5 and 6.

Mr. HENSARLING, for 5 minutes, May 5.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, May 5.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 30, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 4219. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 5, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7935. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Eligibility of Suspended Health Care Providers to Receive Payment of Federal Employees Health Benefits Program Funds; Financial Sanctions of Health Care Providers Participating in the Federal Health Benefits Program (RIN: 3206-AJ42) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7936. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the North Dakota and Duluth, MN, Appropriated Fund Wage Areas (RIN: 3206-AJ78) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7937. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Safe Harbor Agreements and Candidate Conservation Agreements with Assurances; Revisions to the Regulations (RIN: 1018-AI85) received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7938. A letter from the Assistanat Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas an Sulphur Operations in the Outer Continental — Relief or Reduction in Royalty Rates — Deep Gas Provisions (RIN: 1010-AD01) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7939. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — New Mexico Regulatory Program [NM-043-FOR] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7940. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Determination of Threatened Status for the Beluga Sturgeon (Huso huso) (RIN: 1018-AI11) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7941. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 031804A] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7942. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 040804B] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7943. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 040504B] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7944. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16-2 [Docket No. 031125288-4102-02; I.D. 110303A] (RIN: 0648-AR35) received April 22, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Resources.

7945. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update on Future of the EP Determination Letter Program [Announcement 2004-32] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7946. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Revenue Procedure for Pre-Approved Plans [Announcement 2004-33] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7947. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Split-Interest Trust Distributions to Private Foundations: Distributable Amount [Notice 2004-36] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7948. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Distributions to Private Foundations from Trusts or Estates; Net Investment Income [Notice 2004-35] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7949. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Partner's Distributive Share: Foreign Tax Expenditures [TD 9121] (RIN: 1545-BD11) received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7950. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-44) received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7951. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Stock Basis after a Group Structure Change [TD 9122] (RIN: 1545-BC28) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7952. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Title II Cost of Living Increases in Primary Insurance Accounts (RIN: 0960-AF14) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 619. Resolution providing for consideration of the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation (Rept. 108–477). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. H.R. 4011. A bill to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes; with an amendment (Rept. 108–478, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4011. Referral to the Committee on the Judiciary extended for a period ending not later than July 6, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TURNER of Texas (for himself, Mr. ANDREWS, Mrs. CHRISTENSEN, Mr. DICKS, Ms. HARMAN, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Ms. LOFGREN, Mr. LUCAS of Kentucky, Mr. MEEK of Florida, Ms. NORTON, Mrs. LOWEY, Ms. MILLENDER-MCDONALD, Mr. PALLONE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4258. A bill to promote technological advancements that will dramatically reduce the timeframe for the development of new medical countermeasures to treat or prevent disease caused by infectious disease agents or toxins that, through natural processes or intentional introduction, may pose a significant risk to public health now or in the future; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mr. TOWNS, Mrs. BLACKBURN, Mr. COX, and Mr. TURNER of Texas):

H.R. 4259. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. BURTON of Indiana, and Ms. LEE):

H.R. 4260. A bill to provide for the reduction of mercury in the environment; to the Committee on Energy and Commerce.

By Mr. CUMMINGS (for himself, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. RUPPERSBERGER, Mr. WYNN, Mrs. JONES of Ohio, Ms. LEE, Mr. VAN HOLLEN, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. RUSH, Mr. HASTINGS of Florida, and Mr. BALLANCE):

H.R. 4261. A bill to authorize the Secretary of Education to make grants to States to establish statewide screening programs for children who are 5 to 7 years of age to prevent reading failure; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself, Mr. MENENDEZ, Ms. PELOSI, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. GRIJALVA, Mr. FARR, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. FILNER, Ms. SOLIS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. HINOJOSA, Mr. ACEVEDO-VILÁ, Mr. GONZALEZ, Mr. RANGEL, Mrs. NAPOLITANO, Mr. BECERRA, Mr. PASTOR, Mr. CROWLEY, Ms. LOFGREN, Mr. SERRANO, and Ms. VELÁZQUEZ):

H.R. 4262. A bill to provide for earned adjustment to reward work, reunify families, establish a temporary worker program that protects United States and foreign workers and strengthen national security under the immigration laws of the United States; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Ms. PELOSI, Mr. CAPUANO, Mr. COOPER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. ISRAEL, Mrs. LOWEY, Mr. LYNCH, Mr. MCGOVERN, Mrs. MALONEY, Mr. MARKEY, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. SABO, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Mr. SHERMAN, Mr. TIERNEY, and Mr. WAXMAN):

H.R. 4263. A bill to clarify the calculation of per-unit costs payable under expiring annual contributions contracts for tenant-based rental assistance that are renewed in fiscal year 2004; to the Committee on Financial Services.

By Mr. GREEN of Wisconsin (for himself, Mr. GALLEGLY, Mr. COBLE, Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. MEEHAN, and Mr. WEXLER):

H.R. 4264. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 4265. A bill to provide that when a company makes a charitable donation of equipment, the company is generally not liable for harm later caused by that equipment, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 4266. A bill to reduce until December 31, 2006, the duty on potassium sorbate; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4267. A bill to reduce until December 31, 2006, the duty on sorbic acid; to the Committee on Ways and Means.

By Ms. NORTON (for herself, Mr. WAXMAN, Mr. HOYER, Ms. SOLIS, Mr. MARKEY, Mr. MORAN of Virginia, Mr. WYNN, Mr. FATTAH, and Mr. VAN HOLLEN):

H.R. 4268. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead free supply of drinking water; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. HOYER, Mr. MORAN of Virginia, Mr. WYNN, Mr. CUMMINGS, and Mr. VAN HOLLEN):

H.R. 4269. A bill to establish an annual Federal infrastructure support contribution for the District of Columbia, and for other purposes; to the Committee on Government Reform.

By Mr. OWENS:

H.R. 4270. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. Oberstar, Mr. Hyde, Mr. King of New York, and Mr. Payne):

H.R. 4271. A bill to require the Secretary of State, in consultation with the heads of other appropriate departments and agencies, to conduct an economic impact study on the dual gateway policy of the Government of Ireland before the United States takes any action that could lead to the discontinuation of the policy; to the Committee on International Relations.

By Mr. SMITH of Washington:

H.R. 4272. A bill to amend the Military Construction Authorization Act for Fiscal Year 2002 to modify the terms and scope of a land exchange involving Fort Lewis, Washington, authorized between the Secretary of the Army and the Nisqually Tribe and affecting the interests of the Bonneville Power Administration; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.R. 4273. A bill to establish formally the United States Military Cancer Institute, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Ms. LOFGREN:

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve due to death, resignation, or incapacity; to the Committee on the Judiciary.

By Mrs. CAPITO (for herself, Mr. George Miller of California, Ms. Slaughter, Mrs. Miller of Michigan, Ms. Ginny Brown-Waite of Florida, Mrs. Blackburn, Mrs. Biggert, Ms. Pryce of Ohio, Mrs. Bono, Mrs. Northup, Mrs. Wilson of New Mexico, Ms. Ros-Lehtinen, Mrs. Myrick, Mrs. Johnson of Connecticut, Mrs. Kelly, Ms. Solis, Ms. Millender-McDonald, Ms. Kaptur, Ms. Corrine Brown of Florida, Mrs. Jones of Ohio, Mrs. McCarthy of New York, Ms. Jackson-Lee of Texas, Ms. Roybal-Allard, Ms. DeLauro, Mrs. Maloney, Ms. Eddie Bernice Johnson of Texas, Ms. Harman, Ms. Waters, Ms. McCarthy of Missouri, Ms. Baldwin, Ms. Norton, Ms. Berkley, Ms. Pelosi, and Mrs. Lowey):

H. Con. Res. 413. Concurrent resolution honoring the contributions of the women, symbolized by "Rosie the Riveter", who served on the homefront during World War II, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. Sensenbrenner, Mr. Payne, Ms. Loretta Sanchez of California, Mr. Hastert, Ms. Pelosi, Mr. Blunt, Mr. Hyde, Mr. Coble, Mr. Berman, Mr. Smith of Texas, Mr. Goodlatte, Mr. Nadler, Mr. Gallegly, Mr. Scott of Virginia, Mr. Chabot, Mr. Watt, Mr. Jenkins, Ms. Lofgren, Mr. Bachus, Mr. Hostettler, Ms. Jackson-Lee of Texas, Mr. Keller, Ms. Waters, Ms. Hart, Mr. Delahunt, Mr. Pence, Mr. Wexler, Mr. Forbes, Ms. Baldwin, Mr. Feeney, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sánchez of California, Mr. Shimkus, Mrs. Jones of Ohio, Mr. Farr, Mr. McDermott, Mr. Tierney, Ms. Watson, Mr. Meeks of New York, Mr. Israel, Mr. Moran of Virginia, Mr. Wolf, Mr. Castle, Mr. Goode, Mr. Wilson of South Carolina, Ms. Ros-Lehtinen, Mr. Moran of Kansas, Mr. Lincoln Diaz-Balart of Florida, Mr. Menendez, Ms. Kaptur, Mr. Rothman, Mr. Sanders, Ms. Lee, Mrs. Maloney, Mr. Hoeffel, Mr. Stark, Ms. Majette, Mr. Becerra, Mr. Schrock, Mr. Doggett, Mr. DeMint, and Mr. Moore):

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H. Res. 618. A resolution recognizing the importance of The Call of the Wild on the occasion of the 101st anniversary of the publication of the novel by Jack London; to the Committee on Government Reform.

By Mr. COX:

H. Res. 620. A resolution commemorating the 50th anniversary of the landmark United States Supreme Court decision in the case of Brown v. Board of Education; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Mr. Holden, Mr. Strickland, and Mr. Sweeney):

H. Res. 621. A resolution supporting the goals and ideals of National Correctional Officers and Employees Week; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself, Mr. Tom Davis of Virginia, Mr. Waxman, and Mr. Stupak):

H. Res. 622. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Government Reform.

By Mr. LARSON of Connecticut:

H. Res. 623. A resolution regarding the potential incapacity of Members of the House of Representatives; to the Committee on House Administration.

By Mrs. MYRICK:

H. Res. 624. A resolution supporting the goals and ideals of National Transparency Day, which promotes the financial transparency of charitable organizations; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII,

319. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1458 Joint Resolution memorializing the President and Congress of the United States to not cut the budget for emergency responders; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CARTER introduced a bill (H.R. 4274) for the relief of Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, and Noah Ramon; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Stearns.

H.R. 58: Mr. Ballance.

H.R. 97: Mr. John, Mr. Burns, and Mr. Lantos.

H.R. 111: Mr. Chandler.

H.R. 206: Mr. Filner.

H.R. 290: Mrs. Capito, Mr. Towns, Mr. LaTourette, and Mr. Cooper.

H.R. 296: Ms. Baldwin.

H.R. 300: Mr. Rehberg.

H.R. 303: Mr. Weldon of Pennsylvania.

H.R. 572: Mr. Frost.

H.R. 579: Mr. DeMint.

H.R. 677: Mr. Larsen of Washington, Mr. Meek of Florida, and Mrs. Tauscher.

H.R. 685: Ms. Lee.

H.R. 713: Mrs. Jo Ann Davis of Virginia.

H.R. 745: Mr. Meek of Florida, Mr. Ortiz, and Mr. Moran of Virginia.

H.R. 775: Mr. Manzullo.

H.R. 857: Mr. Brown of South Carolina, Mr. Kingston, Mr. Simpson, Mr. Rogers of Kentucky, Mr. Keller, Mr. Young of Florida, Mr. Bradley of New Hampshire, Mr. Ballenger, Mr. Ehlers, and Ms. Harris.

H.R. 887: Mr. Lipinski.

H.R. 1057: Mr. Sandlin, Mr. Greenwood, Mr. Weiner, Mr. Brown of South Carolina, and Mr. Cole.

H.R. 1105: Mr. Davis of Alabama.

H.R. 1117: Mr. Calvert, Mr. Gillmor, Mr. Neugebauer, and Mr. Royce.

H.R. 1155: Mr. Simmons.

H.R. 1160: Mr. Thornberry.

H.R. 1205: Mr. Wynn, Mr. Fattah, Mr. Davis of Alabama, and Mr. Becerra.

H.R. 1281: Mr. Osborne.

H.R. 1322: Ms. Linda T. Sánchez of California.

H.R. 1345: Mr. Jefferson and Mr. Chandler.

H.R. 1422: Mr. Scott of Virginia and Mr. Boucher.

H.R. 1472: Mr. Evans.

H.R. 1700: Mr. Filner and Mrs. McCarthy of New York.

H.R. 1731: Mr. Gallegly.

H.R. 1735: Mr. Thompson of Mississippi, Mr. Simmons, Mr. McDermott, and Mr. Markey.

H.R. 1793: Mr. Sullivan and Mrs. Musgrave.

H.R. 1795: Mr. Goode.

H.R. 1873: Mr. Filner and Mr. Baird.

H.R. 1919: Ms. Bordallo, Mr. Doyle, Mr. Gonzalez, and Mr. Bradleyof New Hampshire.

H.R. 2037: Mr. Serrano.

H.R. 2068: Mr. Kildee, Ms. Norton, Mrs. Capps, Mr. Brady of Pennsylvania, Mr. Boucher, Mrs. Davis of California, Mr. Hastings of Florida, and Mr. Matsui.

H.R. 2069: Mrs. Capps and Mr. Brady of Pennsylvania.

H.R. 2107: Mr. Chandler and Mr. Larsen of Washington.

H.R. 2118: Ms. Norton.

H.R. 2157: Mr. Rodriguez and Mr. Israel.

H.R. 2193: Mr. Cardoza.

H.R. 2206: Ms. Waters and Mr. Cunningham.

H.R. 2239: Mr. Becerra, Mr. Neal of Massachusetts, Mr. Ballance, Ms. Solis, Mr. Bishop of Georgia, and Mr. Lampson.

H.R. 2293: Mrs. Musgrave.

H.R. 2404: Mr. Brown of Ohio, Mr. Nadler, Mr. LaHood, and Mr. Ackerman.

H.R. 2426: Mr. Becerra.

H.R. 2442: Mr. Hill, Mr. Hastings of Florida, Mr. Davis of Illinois, Ms. Eshoo, Mr. Rush, Ms. Baldwin, Mr. Baird, Mr. Capuano, Mr. Stupak, Mr. Olver and Mr. Brady of Pennsylvania.

H.R. 2509: Mr. McHugh.

H.R. 2524: Mr. McGovern.

H.R. 2525: Mr. Gonzalez.

H.R. 2527: Mr. McGovern.

H.R. 2536: Mr. Price of North Carolina.

H.R. 2718: Mr. Thompson of Mississippi.

H.R. 2727: Ms. Harman.

H.R. 2728: Mr. McKeon and Mr. Paul.

H.R. 2729: Mr. McKeon.

H.R. 2730: Mr. McKeon and Mr. Paul.

H.R. 2731: Mr. McKeon and Mr. Paul.

H.R. 2797: Mr. Rangel.

H.R. 2890: Mr. Calvert.

H.R. 2929: Mr. Shadegg and Mr. Bass.

H.R. 3066: Mr. Sherwood.

H.R. 3069: Mr. Renzi and Mr. Herger.

H.R. 3090: Mr. Olver and Mr. Clyburn.

H.R. 3109: Mr. Blunt and Mr. McCotter.

H.R. 3203: Mr. Fossella.

H.R. 3204: Mrs. Christensen and Ms. Pelosi.

H.R. 3281: Mr. Smith of Washington, Mr. Pascrell, Mr. Wexler, Mr. Ehlers, and Mr. Price of North Carolina.

H.R. 3283: Mr. Portman.

H.R. 3309: Ms. Ros-Lehtinen and Ms. DeLauro.

H.R. 3324: Mr. Olver.

H.R. 3337: Mrs. Capps.

H.R. 3360: Mr. Lampson, Mr. Andrews, and Mr. Van Hollen.

H.R. 3361: Ms. Solis, Mr. Davis of Illinois, and Mr. Matsui.

H.R. 3386: Mr. Oberstar.

H.R. 3422: Mr. Davis of Illinois.

H.R. 3424: Mr. Kennedy of Rhode Island.

H.R. 3474: Mr. Jenkins, Mr. Bishop of Utah, and Mr. Ramstad.

H.R. 3476: Mr. Ryun of Kansas, Mr. Bradley of New Hampshire, Mr. Andrews, and Mr. Manzullo.

H.R. 3513: Mr. Moore.

H.R. 3604: Mr. McCrery and Mr. Bishop of Georgia.

H.R. 3615: Mr. Davis of Illinois, Mr. Cummings, Mr. McGovern, Mr. Blumenauer, Mr. Hoeffel, Mr. Holt, Mr. Faleomavaega, Mr. Kanjorski, Mr. Turner of Texas, Mr. Green of Texas, Mr. Moore, and Ms. Majette.

H.R. 3684: Mrs. Tauscher, Mr. Nethercutt, Mr. Schiff, and Mr. Wynn.

H.R. 3729: Mr. Davis of Florida, Ms. Lofgren, Mr. Michaud, Mr. Allen, Mr. Payne, Ms. Hart, Mr. Nadler, Mr. Moran of Kansas, Mr. Terry, Mr. Davis of Illinois, Mr. Menendez, Mr. Hinojosa, and Mr. McCotter.

H.R. 3755: Mr. Nethercutt, Mr. Filner, Mr. Neugebauer, Mr. Gordon, Mr. Alexander, and Mr. Fossella.

H.R. 3780: Ms. Majette.

H.R. 3801: Mr. Isakson, Mr. Duncan, Mr. Burton of Indiana, Mr. DeMint, Mr. Neugebauer, and Mr. Cannon.

H.R. 3815: Ms. McCarthy of Missouri, Mr. Lampson, and Mr. Cunningham.

H.R. 3834: Mr. Hayworth.

H.R. 3865: Mrs. Christensen.

H.R. 3880: Mr. Frost and Mr. Pomeroy.

H.R. 3908: Mr. LaTourette.

H.R. 3916: Mr. Costello, Mr. Houghton, and Ms. Pelosi.

H.R. 3933: Mr. Pitts.

H.R. 3936: Mr. Schiff.

H.R. 3951: Mr. Ryan of Ohio.

H.R. 3960: Mr. Cummings and Mr. Conyers.

H.R. 3965: Ms. Lee.

H.R. 3980: Mr. Lincoln Diaz-Balart of Florida, Ms. Lofgren, Mr. Udall of Colorado, Mr. Meek of Florida, Mr. Deutsch, Ms. Corrine Brown of Florida, Mr. Hastings of Florida, and Mr. Davis of Tennessee.

H.R. 3988: Mr. Andrews, Ms. Bordallo, Mr. Clay, Mr. Davis of Illinois, Mr. Ford, Mr. Frank of Massachusetts, Ms. McCarthy of Missouri, Ms. Millender-McDonald, Mr. Pallone, Mr. Rangel, and Mr. Thompson of Mississippi.

H.R. 3991: Ms. Roybal-Allard.

H.R. 3996: Mr. Farr and Mr. Wexler.

H.R. 4008: Mr. Calvert.

H.R. 4011: Mr. Cole, Mr. Rohrabacher, Mr. Shimkus, and Ms. Bordallo.

H.R. 4023: Mr. Larson of Connecticut.

H.R. 4026: Mrs. Blackburn and Mr. LaHood.

H.R. 4048: Mr. Bradley of New Hampshire, Mr. DeMint, and Mr. Burton of Indiana.

H.R. 4051: Mr. Bradley of New Hampshire.

H.R. 4061: Mr. Weller, Mr. Shimkus, Ms. Schakowsky, Mr. Stark, Mr. Ramstad, Mr. Wolf, Mr. Bell, Mr. Lincoln Diaz-Balart of Florida, Mr. Ehlers, Mr. Pence, Ms. Kaptur, Mr. Wynn, Mr. Rangel, Mr. Smith of New Jersey, Mr. Whitfield, Mrs. Bono, Mr. Waxman, Mr. King of New York, Mr. Sullivan, Ms. Norton, Mr. Grijalva, Mr. Wamp, Ms. Ros-Lehtinen, Mrs. Biggert, and Mr. Ackerman.

H.R. 4072: Mr. Rothman and Ms. Bordallo.

H.R. 4076: Ms. Schakowsky.

H.R. 4095: Mr. Ruppersberger.

H.R. 4103: Mr. Blumenauer and Ms. Jackson-Lee of Texas.

H.R. 4104: Mr. Case, Mr. McCarthy of Missouri, and Mr. Ford.

H.R. 4147: Mr. Davis of Illinois, Mr. Meeks of New York, Ms. Millender-McDonald, and Ms. Watson.

H.R. 4169: Mr. Renzi, Mr. Wexler, and Mr. Weller.

H.R. 4178: Mr. Nadler, Mr. McDermott, Mr. Brady of Pennsylvania, Mr. Rangel, Mr. Capuano, Mrs. Jones of Ohio, Mr. Israel, Mr. John, Ms. McCarthy of Missouri, Mr. Jefferson, Mr. Ford, Mr. Honda, Mr. Lampson, Ms. Lofgren, Mr. Kennedy of Rhode Island, Mr. Conyers, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Brown of Ohio, Mr. Stark, Mr. Cardin, Mr. Holden, Mr. Filner, Ms. Carson of Indiana, Mr. Rodriguez, Mrs. Christensen, Mr. Frost, Mr. Moran of Virginia, Mr. Ruppersberger, Mr. Bishop of Georgia, Mr. Rothman, Mr. Moore, Mr. Meeks of New York, Mr. Waxman, Mr. Ross, Mr. Cummings, Mr. Dicks, Mr. Hastings of Florida, Mr. Farr, Ms. Norton, Mr. Reyes, Ms. Majette, Ms. Millender-McDonald, Mr. Owens, Ms. Corrine Brown of Florida, Mr. Wynn, Mr. Towns, Mr. Thompson of California, Mr. Dingell, Ms. Waters, and Mr. Rush.

H.R. 4180: Mr. Stenholm.

H.R. 4182: Ms. Linda T. Sánchez of California and Mr. Dicks.

H.R. 4185: Mr. Bereuter.

H.R. 4205: Mr. Wamp and Mr. Calvert.

H.R. 4207: Mr. Nadler, Mr. Stark, Ms. McCollum, Mr. Hastings of Florida, Mrs. Maloney, Mrs. Christensen, Mr. George Miller of California, Mr. Lampson, Ms. Kilpatrick, Mr. Bishop of Georgia, Mr. Lantos, Mr. Faleomavaega, Mr. Thompson of Mississippi, Mr. Clay, and Mr. Green of Texas.

H.R. 4212: Mr. Turner of Texas.

H.R. 4217: Mr. Renzi, Mr. Spratt, Mr. Pastor, Mr. Mollohan, Mr. Grijalva, and Mr. Acevedo-Vilá.

H.R. 4227: Mr. Wicker, Mr. Foley, Mr. McCotter, Mr. Rogers of Alabama, Mrs. Kelly, Mr. Wilson of South Carolina, Mr. Barrett of South Carolina, Mr. Rogers of Michigan, Mr. Simpson, Mr. DeMint, Mr. Shimkus, Mr. Hensarling, Mr. Crane, Mr. Brady of Texas, Mr. Doolittle, Mr. Otter, Mr. Gilchrest, Mr. English, Mr. Cantor, Ms. Pryce of Ohio, Mr. Boehner, Mr. Houghton, Mr. Chocola, Mrs. Miller of Michigan, Mr. Fossella, Mr. Blunt, Mr. Hastings of Washington, Mr. LaTourette, Mr. Frelinghuysen, Mrs. Biggert, Mr. Isakson, Mr. Upton, Mr. Porter, Mr. Ramstad, Mr. King of Iowa, Mr. Bachus, Mr. Bradley of New Hampshire, Mr. Collins, Ms. Hart, Mr. Johnson of Illinois, Mr. Wamp, Mrs. Blackburn, Mr. Shuster, Mr. Schrock, Mr. Gibbons, Mrs. Myrick, Mr. Miller of Florida, Mr. Kingston, Mrs. Musgrave, Mr. Murphy, Mr. Stearns, Mr. Weldon of Florida, Mr. Wolf, Mr. Terry, Mr. Weller, Mr. Baker, Mr. Walden of Oregon, Mr. Norwood, Mr. Sam Johnson of Texas, Mr. Sessions, Mr. Burr, Mr. Beauprez, Mr. King of New York, Mr. Cannon, Mr. Pence, Mr. Ose, Mr. Sensenbrenner, Mr. Knollenberg, Mr. Flake, Mr. Gillmor, Mr. Kline, Mr. Jones of North Carolina, Mr. Ryun of Kansas, Mr. Cole, Ms. Harris, Mr. Boehlert, and Mr. Herger.

H.R. 4233: Mr. Langevin and Mr. Brown of Ohio.

H.R. 4235: Mr. Schiff, Mrs. Lowey, Mr. Markey, Mr. Rodriguez, Mr. Israel, Mr. Cardoza, and Mr. Weiner.

H.R. 4239: Mr. Akin.

H.R. 4246: Mr. Pearce and Mr. Holt.

H.J. Res. 94: Mr. Calvert.

H. Con. Res. 98: Mr. Beauprez.

H. Con. Res. 247: Mr. Delahunt.

H. Con. Res. 252: Mr. Kennedy of Rhode Island.

H. Con. Res. 276: Mr. Davis of Illinois.

H. Con. Res. 285: Mr. Gingrey.

H. Con. Res. 298: Mr. Istook and Mr. Crane.

H. Con. Res. 366: Mr. Wu, Mr. Miller of North Carolina, Mr. Bell, Mr. Price of North Carolina, Mr. Larson of Connecticut, Mr. Reyes, Mr. Lipinski, Mr. Thompson of California, and Mr. Hinojosa.

H. Con. Res. 371: Mr. Platts.

H. Con. Res. 380: Mr. Porter, Mr. Etheridge, Mr. Foley, and Mr. Ryan of Ohio.

H. Con. Res. 384: Ms. Waters, Ms. Corrine Brown of Florida, Mr. DeFazio, Mr. Serrano, Ms. Slaughter, Mr. Sandlin, Mr. Stark, Mr. Kucinich, Mr. Thompson of Mississippi, Mr. Cummings, Mr. Gonzalez, and Mr. Markey.

H. Con. Res. 392: Mr. Tierney and Mr. Oberstar.

H. Con. Res. 396: Mr. Waxman and Mr. Price of North Carolina.

H. Con. Res. 398: Mr. Carter, Ms. Harman, Mr. Carson of Oklahoma, Mr. King of New York, Mr. Pitts, Mr. McCotter, Mr. Smith of New Jersey, Ms. Berkley, Mr. Pence, Mr. Engel, Mr. Burton of Indiana, Mr. Bereuter, Mr. Weller, Mr. Schiff, Mr. Hoeffel, Mr. Lampson, Mrs. Biggert, Ms. Hooley of Oregon, Mr. Etheridge, Mr. Cramer, Mr. Souder, Mr. Feeney, Mr. Sullivan, Ms. Harris, Mr. Nunes, Mr. Markey, Mr. Boozman, Mr. Porter, Mr. Weiner, Mr. Wexler, Mr. Frank of Massachusetts, Mr. Ramstad, Mr. Chandler, Mr. Terry, Mrs. Tauscher, Mrs. Kelly, Mr. Price of North

Carolina, Mr. STRICKLAND, and Mrs. BLACKBURN.

H. Con. Res. 403: Mr. BROWN of Ohio, Mr. GOODE, Ms. CARSON of Indiana, Ms. MILLENDER-MCDONALD, Mr. STARK, Mr. CAPUANO, Ms. ESHOO, Mr. DAVIS of Illinois, Mr. BERMAN, Mr. BURTON of Indiana, Mr. WEXLER, Ms. MAJETTE, Mr. WELLER, Mr. WAXMAN, Mr. ETHERIDGE, Mr. DELAHUNT, Mr. SHAYS, and Mr. GEORGE MILLER of California.

H. Con. Res. 410: Mr. BURTON of Indiana.

H. Con. Res. 412: Ms. GRANGER.

H. Res. 38: Mr. RANGEL.

H. Res. 402: Mr. MCCOTTER and Ms. MCCARTHY of Missouri.

H. Res. 466: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 560: Mr. SCHIFF, Mr. LYNCH, Mr. SIMMONS, Mr. SCOTT of Georgia, Mr. SKELTON, Mr. ENGLISH, Mr. VAN HOLLEN, Mr. DAVIS of Tennessee, Mr. CUMMINGS, Ms. LEE, Mr. MATSUI, Mr. LANTOS, Mr. PAYNE, Mr. RODRIGUEZ, Mr. MORAN of Virginia, Mr. FROST, Mr. MCNULTY, Mr. HINCHEY, Mr. ACEVEDO-VILÁ, Mr. KILDEE, Mr. MILLER of Florida, Mr. GONZALEZ, Mr. CLAY, Mr. COSTELLO, Mr. JACKSON of Illinois, Mr. PASTOR, Mr. ROSS, Mr. BISHOP of New York, Mr. VITTER, and Mr. ROTHMAN.

H. Res. 568: Mr. TERRY and Mr. BURGESS.

H. Res. 570: Mr. ACEVEDO-VILÁ, Mr. CONYERS, and Mr. CAPUANO.

H. Res. 579: Mr. PRICE of North Carolina.

H. Res. 596: Mr. BERMAN.

H. Res. 598: Ms. HARRIS, Mr. LAMPSON, Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. COBLE, Mr. SHIMKUS, Mr. FILNER, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. UPTON, Mr. COLE, Mr. PORTER, Mr. BURNS, Mr. MCCOTTER, and Mr. PICKERING.

H. Res. 600: Mr. WILSON of South Carolina, Mr. CASTLE, Mr. ROGERS of Michigan, Mr. CHOCOLA, and Mr. HOEKSTRA.

H. Res. 601: Mr. LIPINSKI.

H. Res. 604: Mr. LAMPSON, Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. CONYERS, and Mr. DAVIS of Florida.

H. Res. 605: Mr. FROST, Mr. MATSUI, Mr. PORTER, Mr. MILLER of Florida, Mr. PUTNAM, and Mr. MCCOTTER.

H. Res. 608: Mr. BLUNT, Mr. PORTMAN, Mr. DREIER, Mr. SIMMONS, Mr. WILSON of South Carolina, Mr. PICKERING, Mr. BURR, Mr. CRANE, Mr. CARTER, Mr. OTTER, Mr. GREENWOOD, Mr. NORWOOD, Mr. BACHUS, Mr. TERRY, Mrs. MALONEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. GALLEGLY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mrs. MYRICK.

EXTENSIONS OF REMARKS

IN RECOGNITION OF WILLIAM DILLS McKEE

HON. E. CLAY SHAW JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SHAW. Mr. Speaker, this past week, Cashiers, North Carolina, lost an institution. With a memory that stretched across decades and generations, William McKee who served as Cashiers' resident historian and gatekeeper, slipped away from earth, just days short of his 90th birthday.

I first met Bill as a guest of his family's famous hotel; the High Hampton, Inn. As was his way, Bill turned guests quickly into friends. My wife Emilie and I were no exception and soon after our meeting, developed a personal friendship with Bill. When I mentioned to Bill that I might be interested in buying a lot in Cashiers for a family summer home, Bill quickly did a thorough background check to determine my merit as a potential resident. By the time I returned. Bill knew more about me than many members of my family. It seems I was acceptable.

It appeared no one was exempt from his scrutiny. In one of my favorite stories about Bill, years later when my brother-in-law wanted to purchase property in the area, Bill rang me up and asked, "Clay, you want him in here?".

Beyond watching over the area like a shepherd to his flock, Bill entrenched himself in the enrichment of his community. He was a trustee of the Cherokee Historical Society, and instrumental in the establishment and flourishing success of the Cherokee Historical Museum. He also served as a trustee and officer of the Highlands Biological Association, as well as Chairman of the Jackson County Morehead Scholarship Foundation. He was also a member of the Biltmore Forest Country Club, a former member of the Pen and Plate Club, and the Zeb Vance Debating Society.

If the measure of a man is his ability to affect the lives of others, few among us measure up to William McKee. The life he led touched so many others. Indeed, we will feel the ripples of his influence throughout this community well into the future.

As we remember Bill, let us remember the warmth he radiated and his gift for hospitality that made each of us feel right at home in his beloved home of Cashiers, North Carolina.

HONORING 2004 RN OF THE YEAR AWARD RECIPIENT ALLEN GILES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Allen Giles on the occasion of receiving the Central Valley Coalition of Nursing Organizations' 2004 RN of the Year Award for Clinical Practice. A banquet honoring him and three other award winners will be held Friday, May 7th at the Radisson Hotel in Fresno, California.

Allen Giles consistently provides the highest quality care to all of his patients. He started his career with Community Medical Center in 1978 as a Registered Nurse and later became a clinical instructor. Allen is currently employed by Community Home Health as an RN. Allen demonstrates proficiency in assessing, planning, implementing and evaluating the delivery of patient care. He has a proven track record for accurate assessment and appropriate treatment plans, which has earned him the respect of the physicians and colleagues.

Allen is an expert in IV management. He is a Certified Registered Nurse in Infusion and provides IV infusion training to other health care professionals on his own time. Allen reviews IV cases to determine if additional staff are needed. He assists in introducing new technology to the Home Care field by reviewing new product literature, field testing of the product and practical application in the Home Care setting. He collaborates with members of the health care team to formulate, implement and develop techniques for nursing care. Mr. Giles is a genuine humanitarian. He attends case conferences even on his days off so that he can communicate an accurate summary of care to his team members. Allen truly cares for every patient and does so with courage and poise that only a leader in the field of nursing could possess.

Mr. Speaker, I rise today to recognize Allen Giles for his excellence in the field of Clinical Practice. I invite my colleagues to join me in wishing Allen many years of continued success.

COMMENTING ON THE UPCOMING ELECTIONS IN THE DOMINICAN REPUBLIC

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. BURTON of Indiana. Mr. Speaker, just 200 miles off the coast of Florida lies the island of Hispaniola, an island that contains two politically diverse countries, Haiti and the Dominican Republic. While Haiti is slowly emerging from civil unrest and developing democratic institutions, their Dominican neighbors will once again exercise their right to elect their nation's next President on May 16th. Since 1966, a little less than 4 decades, the Dominican Republic has elected its President in free and fair elections, and 2004 will likely be no different.

Particularly in light of recent events in neighboring Haiti, it is important for us to recognize this notable moment of democracy in the Dominican Republic. I believe it is essential that we applaud these worthy developments in the Dominican Republic as a noble example for other Caribbean and Latin American nations of the power and strength of democracy.

Relations between Washington and Santo Domingo are strong, and the Dominican Republic is an important ally in the global war on terror. Indeed, they have been a partner in the war against Saddam Hussein's despotic and terrorist regime and the Dominican Republic has also been a committed ally in the war against illegal drugs. Dominican officials have provided invaluable assistance to our immigration officials and have worked closely with our law enforcement agents to cut off the flow of illegal narcotics to our shores.

The Dominican Republic's democratic elections will impact the future of the island of Hispaniola, the greater Caribbean, Americans of Dominican descent, and the foreign policy of the United States. I sincerely hope that the Dominican Republic, its current government and the respective presidential candidates will continue to demonstrate their commitment to democratic stability, and the transparency of the electoral process.

Once again, Mr. Speaker, I salute the Dominican people for their willingness and passion to support and promote a free and fair democratic process in their country, and for sharing our common ideals of liberty and the rule of law.

TRIBUTE TO KATHY FRANCIS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SANDERS. Mr. Speaker, I rise today to honor a resident of Vermont, Kathy Francis. I am not the first to recognize her merits. She has already been honored by the Vermont Foster and Adoptive Family Association as the Vermont Social Worker of the Year. In a week she will be recognized by the National Foster and Adoptive Families Association as National Social Worker of the Year.

We all know that our nation's future lies with its children. The young of today will be the adults of tomorrow. But being young is not always an easy or comfortable position: many children in America are at risk, and need adults—parents, relatives; teachers, social workers, families—to support and guide them.

Perhaps most at risk are those without birth parents. And it is toward these children that Kathy Francis has made a major, ongoing commitment. A child protective social worker for Vermont's Social and Rehabilitative Services Department for the past ten years, Kathy has worked overtime, and with great dedication, to make sure that the children she

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

serves, and the families they are placed with, have support of every kind. That these children will move forward to live rich and productive lives, and that the families they live with will surround them with support and love (and will receive love in return), has much to do with Kathy's ardor, perseverance and devotion to these Vermont children.

She is profoundly deserving of being honored Social Worker of the Year, and Vermont is greatly proud of her.

A TRIBUTE TO WAYNE PHILLIPS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. LANTOS. Mr. Speaker, I rise today to honor the career of Wayne R. Phillips, an extraordinarily gifted teacher of Geography, World History, Government, Economics, and International Relations at the San Mateo and Mills High Schools located in my Congressional district. During the past 32 years, Wayne Phillips has demonstrated a caring, supportive concern for each of his students and has profoundly influenced the lives of over 5,000 individuals with his extensive knowledge and wisdom, and his innovative teaching methods.

Even from the early days of his career, Wayne Phillips had a talent for creating and implementing innovative classes. For example, while at San Mateo High School, he helped to create and teach the Social Science freshman curriculum. In addition he created and taught a course titled, Government In Action, which required students to intern in different types of governmental agencies in order to acquire a first hand knowledge of the realities of public service. When he taught economics, his students participated in a San Francisco Bay Area stock market simulation. His instructions proved so successful that many students went on to win the competition. Currently, at Mills High School he created and is teaching a stimulating elective for Junior and Senior students in International Relations. In addition to his teaching duties, Wayne Phillips has served as the Social Science Department Chairman for the past 12 years, where he has helped to bring positive changes to the curriculum, teaching methods, and organization of Mills High School. For his diligent efforts, Wayne Phillips was recently selected as the San Mateo Union High School District's Teacher of the Year.

Mr. Speaker, beyond devoting countless hours in the classroom, Wayne Phillips has also selflessly dedicated himself to extracurricular activities that have enriched the school environment, in particular working tirelessly to create an understanding of, and tolerance for the many ethnic and cultural groups on the campus. Along with other school and community leaders he helped to create a unique all day program to understand, appreciate, and celebrate cultural diversity. He was also the driving force behind the production of assemblies to honor Dr. Martin Luther King, the Chinese New Year, and the Japanese Cherry Blossom festival. Connected to the production of the Chinese New Year celebrations, students created a one hundred-foot dragon that has appeared in the San Francisco Chinese New Year's Parade for the past six years. Mr. Speaker, I had the privilege of participating in a very special event Wayne coordinated to commemorate the 50th anniversary of the United Nations' Declaration of Human Rights, and needless to say I was very impressed with what I saw. For the last 24 years he served as the Freshman Class Advisor and assisted students with planning get-acquainted evenings, welcome dances, homecoming parades, class competition activities, holiday decorations, class elections, fund raisers and much more.

For Mr. Phillips, the classroom extends beyond the campus and he has consistently encouraged young people to participate in many types of educational opportunities. I am always delighted to see his students in Washington, DC, as part of Project Close-Up, which brings young people to Washington to see their government in action. His students also traveled to the Southern part of this country to learn first hand about the Civil Rights movement with the "Sojourn to the Past" program. As a long-time member of the World Affairs Council of Northern California, Mr. Phillips reads scholarship applications for the Council, leads "Great Decisions" student discussion groups on foreign policy issues, and chaperones students to Council meetings, special events, and the annual conference on world affairs at the Asilomar in Pacific Grove, California. Mr. Speaker, Wayne Phillips' influence spreads even to the United States House of Representatives, where we have benefited from an outstanding Congressional Page whom only became involved in the page program due to Mr. Phillips' encouragement and recommendation.

Throughout Mr. Phillips' entire career, he has been an example of the best in the teaching profession, earning the respect and admiration of students, parents, faculty, staff, administrators, and members of the community. It is not hyperbole to suggest that the teaching profession is losing one of its giants with his retirement. Every student learns from him and knows that he values them and is there for them whenever and however they need help. He truly loves his kids, and his crowded classroom during non-class time is but one expression of his students' respect and love for him. Wayne Phillips may be retiring from his formal classroom responsibilities, but to paraphrase the famous Dr. Seuss book, Oh, the Places You'll Go, he will continue to learn and share knowledge, and continue his commitment to education.

Mr. Speaker, as a former educator, I am proud to honor Wayne Phillips on his extraordinary career, to thank him for his contributions and dedication to public service, and to wish him the best of luck in all of his future endeavors.

HONORING 2004 RN OF THE YEAR AWARD RECIPIENT NANCY SCHREIBER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Nancy Schreiber on the occasion of receiving the Central Valley Coalition of Nursing Organizations' 2004 RN of the Year Award for Advanced Practice. A banquet honoring her and three other award winners will be held Friday, May 7th at the Radisson Hotel in Fresno, California.

Nancy Schreiber is a skilled, experienced nurse practitioner who provides exemplary care. She is currently a Perioperative Advanced Practice nurse at Community Medical Centers in Fresno and is an adjunct faculty member at Fresno City College. Nancy was a clinical nurse educator and neurosurgical coordinator. She holds a Master of Science degree in Nursing.

Ms. Schreiber has been a significant part of Community Medical Center's surgical services for over 17 years. She is a genuinely thoughtful person who is not only doing her job to help others, but also, trying to make an impact on their lives. She is a founding member of the Fresno/Clovis/Madera OR Educators Group. Nancy is fluent in Spanish and provides classes in Spanish for Perioperative Services Providers and has developed an English-Spanish phrase manual for use in the Perioperative areas. She is also a "hands-on" educator and has been involved in the design and implementation of the Operating Room Scrub Class.

Nancy has been involved in the process of writing two nursing standardized procedure manuals, The Nurses Pre-operative Screening of Patients by Criteria, and Assisting Endoscopic PEG Insertion. She has also contributed to nursing research in numerous projects and provided legal consultation.

Mr. Speaker, I rise today to recognize Nancy Schreiber for her excellence in the field of Advanced Practice. I invite my colleagues to join me in wishing Nancy many years of continued success.

HONORING OUTSTANDING EXAMPLES OF PUERTO RICO YOUTH: MÓNICA CRISTINA MAYOL SABATIER AND RIDGE OLIVIERI

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to recognize the extraordinary achievements of two young constituents that have excelled with particular success in community service. Mónica Mayol and Ridge Olivieri, both of San Juan, Puerto Rico, have been selected as Honorees of the prestigious Prudential Spirit of Community Awards representing the Commonwealth of Puerto Rico. This is an honor bestowed to only two students per jurisdiction, and as such is a very treasured award in our Island and in the Nation.

Mr. Speaker, Mónica Mayol is a 17-year old senior from Academia María Reina High School in San Juan. She serves as the activities coordinator at Centros Sor Isolina Ferré, one of the most renowned charity institutions in Puerto Rico. She tutors disadvantaged children and teenagers in several subjects, organizes drives to obtain food contributions, and even coordinated an awards ceremony and a Christmas party to bring happiness to those in need.

Mr. Speaker, the other student recognized by the Prudential Awards is 11-year old Ridge Olivieri, a sixth-grader at Saint John's School. Ridge is a very motivated sixth-grader who established a project to collect gently used clothing for disadvantaged children in Haiti. He felt that it was important to foster a sense of citizenship in his fellow peers, and his program got off to a very successful start with the help of students, faculty, and sponsors such as American Airlines, who delivered the clothing to Haiti free of charge. He has followed the footsteps of a very close role model, his brother Chase, who is an eighth-grader at Saint John's, began a book recollection program and recently won the Do Something Brick Awards, a program that recognizes community service involvement in young men and women.

Mr. Speaker, I can attest to the fact that both are extraordinary students and remarkable young people. I feel very proud of representing first-rate students like Mónica and Ridge in Congress. They are members of a whole new generation of Puerto Ricans greatly concerned with their people and their country and willing to take action to improve their community. During the course of their projects, they have demonstrated superb intellectual ability and undertaken a very commendable task: service to their neighbor.

PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. CAMP. Mr. Speaker, I rise today in support of legislation that provides permanent relief from the marriage penalty for millions of married Americans.

Congress has debated this issue for years, but this is the first time we have really come close to getting rid of this onerous, unfair tax. Frankly, we should have done away with this tax a long time ago. It has not been for lack of trying by Republicans. In 2000, the Republican Congress sent President Clinton a bill that provided marriage penalty relief. President Clinton vetoed the bill before leaving Washington that day for a round of golf in Martha's Vineyard. Couples were left with another year of paying higher taxes simply because they were married.

In 2001 the Republican Congress sent President Bush a bill that gradually phased-in tax benefits for married couples. The 2001 Economic Growth and Tax Relief Reconciliation Act increased the standard deduction for married couples that filed joint returns and increased the width of the 15 percent bracket for joint filers. These provisions would be phased-in beginning in 2005. Shortly after Congress passed this legislation, President Bush signed it into law. After years of frustration, progress was finally being made on lowering the tax burden on married Americans.

Again in 2003 the Republican Congress signaled support for legislation that accelerated the tax benefits given to married couples. Instead of waiting around until 2005, under the Jobs and Growth Tax Relief Reconciliation Act, married couples would be able to receive tax benefits in 2003 and 2004. Beginning in 2005, however, the full strength of the marriage tax will again penalize taxpayers. We must not retreat from the progress we have made on eliminating the marriage tax.

Opponents of making permanent marriage penalty relief argue that the country cannot afford lowering taxes for married couples. Certainly, it is without dispute that the country is facing a federal deficit. Federal deficits are a concern and we must work immediately to erase the red ink. In my view, cutting wasteful government spending should be a top priority.

The legislation today leads us to accomplishing three main Republican priorities: permanent elimination of an unfair tax on marriage; continued economic growth through tax cuts; and deficit reduction because of a growing economy and job creation. For these important reasons, I support permanent repeal of the marriage penalty and urge my colleagues to support this legislation.

IN RECOGNITION OF YOM HA'SHOAH—THE HOLOCAUST REMEMBRANCE DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SHAW. Mr. Speaker, I rise today in recognition of Holocaust Remembrance Day. As in years past, today we honor those who were lost to the world forever in the horrors of the Holocaust.

More than fifty years have elapsed since that dark period in human history. Since that time, Grandparents have taught their children and those children have taught their own, to remember the events that changed our world forever so as never to repeat the mistakes of our past. Year-round, we fight ignorance and disbelief through educating and informing others about the causes, realities, and legacies of the Holocaust. Today however, we set aside the day of Yom Ha'Shoah, to memorialize the tragedy and pay tribute to all who suffered.

We remember those who endured, those who fought, and those who died during World War II. We recognize not only the loss of more than six million Jewish lives, but also the loss of human potential. Entire families were lost to the world forever. We think of the descendants of victims of the Holocaust who never had the opportunity to make their contributions to mankind. And we recall the heroes who risked and surrendered their lives in the greatest fight for freedom and democracy the modern world has ever known.

Our greatest tribute to the millions who suffered at the hands of the Nazis will be to ensure that their suffering was not in vain. It is through our reflections on Holocaust Remembrance Day that we acknowledge their loss, and it is through our actions that we build a better world for us all.

With contemporary examples of hatred and terrorism all around us, we think back and marvel at the strength and character of the Jewish people. Their steadfast determination to rebuild their lives following the Holocaust has given the world a remarkable model of resolve. Through their example, we can glimpse the extraordinary human spirit that rises above the fruitlessness of anger and resentment. With this special day and with our deeds we honor that spirit.

Mr. Speaker, today we observe Holocaust Remembrance Day and call to action all peoples of the world to build a more tolerant and loving society. I am proud to recognize Yom Ha'Shoah and urge all Americans to do the same.

HONORING 2004 RN OF THE YEAR AWARD RECIPIENT CYNTHIA DOLATA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Cynthia Dolata on the occasion of receiving the Central Valley Coalition of Nursing Organizations' 2004 RN of the Year Award for Outstanding Education. A banquet honoring her and three other award winners will be held on Friday, May 7th at the Radisson Hotel in Fresno, California.

Cynthia Dolata shows a strong dedication to the nursing profession. She has taught in a variety of healthcare, academic, and community settings. Cindy began her career as a staff nurse in Gynecology at Saint Agnes Medical Center in 1999. While maintaining her position in the Gynecology department she was also a clinical nursing instructor at California State University, Fresno and Fresno City College. In 2003 Cindy became a Breast Health Educator, a position she continues to serve in today.

As a Breast Health educator, Ms. Dolata meets with patients and their families prior to breast surgery and listens to their fears and anxieties while providing support. She also received grant money to purchase books for patient's family members. Her latest project was creating a video tape for women with breast cancer called, "A Patient's Journey." The video takes a patient with breast cancer on a journey from diagnosis through postsurgical follow up. She has also developed "comfort kits," a bag that includes educational materials and other items for her patients. Her lifelong achievements are reflective in her love for the profession and for the welfare of all people.

Mr. Speaker, I rise today to recognize Cynthia Dolata for her excellence in the field of

Outstanding Education. I invite my colleagues to join me in wishing Cynthia many years of continued success.

CONGRATULATING LISA C. HERMAN ELLISON ON BEING NAMED ONE OF THE FINALISTS FOR THE NCEE/NASDAQ NATIONAL TEACHING AWARDS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate Ms. Lisa Herman Ellison for being nominated as one of only five national finalists in the National Council on Economic Education (NCEE) and NASDAQ National Teaching Awards. Lisa was selected from among applicants around the United States for her originality, creativity, and effectiveness in the teaching of economics.

One of the greatest educational challenges we face today is ensuring that students enter the world financially literate. A sound grounding in economics is necessary for individuals to participate in an increasingly complex global economy. The need for innovative and effective methods for teaching about the global economy has never been greater, and Lisa effectively prepares Kokomo High School students for that environment. Lisa teaches senior-level Advanced Placement Macro- and Microeconomics, Economics, U.S. Government and Advanced Placement Government and Politics at Kokomo High School in my district.

Lisa's creative approach to the topic of economics tasks her students with running a mock corporation. The students develop written and graphic analyses of the effects of international political events, trade policies, and finance issues on their simulated corporations. The students then complete a mock stock market analysis based on their corporation's involvement in international trade and the effects of government policies. Finally, students participate in "International Day," which involves researching and preparing papers and presentations on a country and how government policies, cultural influences, and geography affect that Nation's economy.

Mr. Speaker and my esteemed colleagues, please join me in honoring and recognizing the service and commitment that Ms. Lisa Herman Ellison gives to her students on a daily basis. She is a fine example of the best the teaching profession has to offer.

TRIBUTE TO DONNA COVAIS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SANDERS. Mr. Speaker, we live in a nation in which the mass media are so obsessed with the antics of celebrities like Michael Jackson and Donald Trump that we often forget that courage and heroism are all around us, that for many of our friends and neighbors each day is a difficult but victorious struggle against tough conditions.

I want to talk today about Donna Covais, a Vermont woman who represents what is best in American daily life. Seven years ago, Donna began to lose her sight as a result of diabetic retinopathy. A year later, she was blind. Of course, she was afflicted by despair: who wouldn't be, in those conditions?

But she did not succumb to that despair. Formerly a florist, she began taking courses at the Community College of Vermont, and through the intercession of a local business, Gardener's Supply Company, she was encouraged to begin, even though blind, a garden. What a success her foray into gardening has been! Blindness has not impeded her from making the world bloom—or from playing a vital role in our social community.

Donna Covais has won a local prize for the best use of gardening space in Burlington. She has drawn upon her experience and made a gardening video for the Vermont Association for the Blind. She has traveled to Virginia to speak before the American Horticultural Therapy Association. Donna has recently completed her degree program in horticultural therapy at Johnson State College; she's even done a practicum in the world beyond the safe harbors of college classrooms, at Essex High School in Vermont. A wife, a mother, a gardener, Donna has not let physical disability stand in the way of living a rich and fulfilling life, and giving much to the community in which she lives.

I began by saying that many of our friends and neighbors struggle with adversity and triumph over it. Let me conclude by pointing out that not only Donna, but her husband Joe, has been the master of his fate. For Joe too has suffered first deteriorating vision and then blindness, as was the case with Donna. Joe too has had to remake his life, which he has done by earning first a B.A. in psychology and the then an M.A.: he is now teaching Psychology at the Community College of Vermont, and is interested in counseling disturbed adolescents. He will be particularly qualified to bring them proof that facing life with courage, determination, and an openness toward the future can really work. Donna and Joe Covais are examples, I believe, of what is best in America and the American spirit, and I commend them for the example they have provided to all of us.

COMMEMORATING THE CREATION OF THE MARLA BENNETT PEACE TILE GARDEN PROJECT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. LANTOS. Mr. Speaker, nearly two years ago, Marla Bennett, age 24, was one of the nine innocent victims of a terrorist attack at the Frank Sinatra cafeteria of the Hebrew University Mt. Scopus campus in Jerusalem. Ms. Bennett was a recent graduate of the University of California at Berkeley who was studying to get her Masters at Hebrew University. Marla's tragic and needless death brought the horror of the Israeli conflict home to the Berkeley community and on May 9, 2004, the Berkeley Hillel will unveil its permanent tribute to her with the dedication of the Marla Bennett Peace Tile Garden Project. This is a fitting tribute to a young lady whose life was ripped from those who loved her by a senseless act of terrorism.

During her academic career at UC Berkeley, Marla's face was a familiar one among the Jewish student population as well as the Jewish community of the Bay Area. She was an active student organizer, a Hebrew school teacher, and resident of the Bayit, the Jewish student cooperative of UC Berkeley. Marla's personality, her enthusiasm, and her zest for Judaism and the Jewish way of life made her well-known within her community and she was the first recipient of the Berkeley Hillel award, Hineni, given to the student who best exemplifies selfless devotion to the Jewish Community by answering "here I am" whenever a task needs to be completed.

Marla's tragic death had a profound effect on the Jewish Community at Berkeley and led to many inspiring endeavors in honor of Marla. The Rosh Chodesh Women's Group at the Berkeley Hillel was revived to honor her memory and scholarship funds in Marla's name for students seeking to study Jewish education in Israel were established. As wonderful as these tributes were, Dana Blecher, the Cultural Arts and Educational Programs Coordinator, for Berkeley's Hillel wanted to create a permanent memorial to this extraordinary individual who blessed our world for too short a time. Ms. Blecher envisioned the unused backyard of the Berkeley Hillel as an ideal space to construct a lasting tribute to the memory of Marla Bennett.

During the past year, Ms. Blecher has been instrumental in the creation of the Marla Bennett Peace Tile Garden Project and I want to publicly commend her for incorporating so many aspects of the Berkley and Bay Area community into the project. For example, she collaborated with Bay Area artist Jodi Gladstone, and invited the students of Berkeley Hillel to contribute sketches, poetry, and memories of Marla to be the foundation of the inspirational material for the creation and design of a tile project. Keeping with our Bay Area sensibilities, Dana contacted Jonathan Pilch, a student instructor in the subject of organic farming, and a UC Berkeley student, to prepare, recommend, and supervise the formation of the garden.

Mr. Speaker, friends of Marla's, as well as students who never had the opportunity to meet her, have come from across the country to help build the Marla Bennett Peace Tile Garden Project. They all came to Berkeley to create a lasting tribute to a person whose life touched so many and was tragically cut short. This new space at the Berkeley Hillel, while dedicated to Marla, also will be presented in the name of peace and hope that there will be a time in the future of Israel when violence does not play such a tragic and terrifying role in the history of the Jewish state.

The Marla Bennett Tile Garden will serve as a place for recollection and reflection, an appropriate memorial to a person who took investigating her Judaism very seriously. As the expression says, "to live in the hearts of those who love you is to never die," and this wonderful memorial will allow the memory of Marla to continue to live on so that in the words of the Executive Director of Berkeley Hillel, Adam Weisberg, "Her name will be for a blessing."

HONORING 2004 RN OF THE YEAR AWARD RECIPIENT MARY FARRELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mary Farrell on the occasion of receiving the Central Valley Coalition of Nursing Organizations' 2004 RN of the Year Award for Outstanding Administration. A banquet honoring her and three other award winners will be held Friday, May 7th at the Radisson Hotel in Fresno, California.

Mary Farrell has been a strong leader in the health care community. She is currently the Vice President of Patient Care Services at Madera Community Hospital. She holds a Bachelor of Science degree in Management and is also a Registered Nurse. In her present position, all nursing and allied health care departments report directly to her. Mary always focuses on safe and professional health care delivery. Patients and families appreciate her open and playful way of taking chaos and replacing it with calmness and logical problem solving.

Ms. Farrell uses innovative strategies for workforce development and promotion of nursing. Faced with an increasing demand and a limited supply of nurses, she established partnerships with the local high school and higher education to train new nurses. In 2002, Mary initiated the MCH Nursing Scholarship Program, funded by MCH employees, which has provided over $9,000 for local nursing students. She has been honored by various organizations for her leadership, and has formed partnerships with many organizations to keep the best and brightest nurses in their communities. Her dedication to nursing is an inspiration to nursing leaders.

Mr. Speaker, I rise today to recognize Mary Farrell for her excellence in the field of Outstanding Administration. I invite my colleagues in wishing Mary many years of continued success.

ON THE CELEBRATION OF THE NATIONAL TEACHER DAY

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, as Resident Commissioner of Puerto Rico, I am proud to recognize the significance of "National Teacher Day". Teachers are a valuable source of morals, veracity and integrity for millions of students in Puerto Rico and the United States. The Congress of the United States and various teachers' organizations have recognized their devotion and commitment through "National Teachers Day," since the 1940's.

The work that teachers perform every single day is worthy of such recognition. Unfortunately, violence in schools has become a common denominator affecting teachers and students alike. Earlier this year in Puerto Rico, we have seen students and teachers attacked or killed by students in their classrooms, turning schools into a battle field where teachers and students are losing their lives. Episodes of this nature demean and undermine this remarkable profession, and erode the spirit of education.

Teachers are a testament of perseverance in every student. As Members of Congress, we must focus on the contributions that every single teacher makes to the development of a healthy, well-educated and cultured youth in our society. The issues affecting our teachers challenge all of us to contemplate what we genuinely value in our society.

Looking into the future of our communities in Puerto Rico, the role of a teacher in our children's lives becomes a necessity more than a luxury. The progress of a population is determined by the skills and the preparation that an individual acquires and develops during the early learning phases, phases that are often initiated by teachers.

Teachers are more than authority figures inside a classroom full of students—they are heroes in our society. Their love for their work should be awarded and respected everyday, "National Teacher Day" is a symbolic indication of the importance and magnitude of their profession in creating the future leaders of our society. As a proud Puerto Rican, I salute and thank the teachers in Puerto Rico and in the United States for their remarkable job, and I ask my colleagues to join me in celebrating the "National Teacher Day."

TRIBUTE TO NEIL DE KOKER, IN HONOR OF EXECUTIVE LEADERSHIP AWARD

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Neil De Koker, a giant in the automotive supply industry and the recipient of the 2004 Executive Leadership Award from the Marketing & Sales Executives of Detroit.

Known as a man who can turn a concept into reality, Neil founded the Original Equipment Suppliers Association, a strategic forum for automotive suppliers. With 353 members and global sales exceeding $300 billion worth of components, modules, systems, materials, and equipment used by the original equipment automotive industry, the OESA has provided information for over 4800 customers since its founding in August of 1998.

A veteran auto industry executive, Neil's extraordinary skills as a manager creating consensus and delivering results, has led him to being recognized around the world as a key spokesman for the automotive supplier industry in North America.

Neil's career, from furthering the growth and welfare of OESA members, to his 39 years in the automotive field, including playing a key part in establishing the Saturn Corporation, has vastly improved the automotive industry, the outlook of this key economic sector and the people who work within it.

I am honored today to recognize Neil De Koker for his outstanding achievements and the undeniably positive impact he has had upon our State and Nation. He is truly an invaluable citizen.

TRIBUTE TO U.S. COAST GUARD PETTY OFFICER THIRD CLASS NATHAN B. BRUCKENTHAL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to honor the memory of U.S. Coast Guard Petty Officer Third Class Nathan B. Bruckenthal, who was killed on April 24th in a suicide attack in the northern Arabian Gulf. He is a true hero—a man who served his country and did the nation's work in the most dangerous part of the world. Our entire community grieves his loss.

Petty Officer Bruckenthal, 24, along U.S. Navy Petty Officer First Class Michael J. Pernaselli, 27, and U.S. Navy Petty Officer Second Class Christopher E. Watts, 28, boarded a small boat that approached the Khawr Al Amaya Oil Terminal in the northern Arabian Gulf in order to inspect it. As it turns out, the boat was carrying bombs and exploded, killing all three young men.

Petty Officer Bruckenthal was stationed at Air Station Miami at the Opa Locka Airport in my Congressional district prior to his deployment in Iraq. He and his wife had their home together in nearby Ft. Lauderdale.

Our brave men and women in the U.S. Coast Guard have long fought alongside our other members of the U.S. Armed Forces, but Petty Officer Bruckenthal's death is the first combat death of a member of the Coast Guard since the Vietnam War. He will be buried on May 7th at Arlington National Cemetery.

My heartfelt condolences go out to the family and friends of Petty Officer Bruckenthal and those of the other young men who were mortally wounded in this terrorist assault. They gave the ultimate sacrifice to their country, and we will never forget them.

PERSONAL EXPLANATION

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. WELDON of Florida. Mr. Speaker, my vote on H.R. 4181 was not recorded. I would ask that the RECORD reflect that as a cosponsor of H.R. 4181 the record should reflect that I should have been recorded as voting "aye" on final passage.

CONGRATULATING RALPH AND CATHERINE BROSI ON THEIR 50TH WEDDING ANNIVERSARY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Ralph and Catherine Brosi as they celebrate their 50th wedding anniversary. A party is being held in their honor on May 2, 2004 at the Dante Club in Fresno, California.

Ralph and Catherine Brosi were married on May 2, 1954 at Our Lady of Victory Church in Fresno, California. They are both natives of Fresno, California and currently make their home in Clovis, California. Ralph graduated from Clovis High School in 1946 and went on to serve in the United States Army from 1952–1954. Catherine graduated from Edison High School in 1945, and was later employed as a medical secretary. Ralph and Catherine started a successful farming and ranching business, Brosi's Poultry Farm.

Ralph and Catherine have always set a strong example of family values for their children. Their son, Robert, was born in 1955 and is currently a dentist practicing in Oakhurst, California. In 1956 their daughter, Karen, was born. Karen currently works as a Financial Planner in Mountain View, California. They enjoy spending time with their three grandchildren, Deena, Jenna, and Cayla.

The Brosi's are currently retired, but have been involved with various volunteer organizations in their community throughout the years. Ralph is a member of the California Water Fowlers Association, the Sons of Italy, Ducks Unlimited and has served as the President of the Clovis 20/30 Club. Catherine is an active member of Our Lady of Perpetual Help Catholic Church.

Mr. Speaker, I would like to congratulate Ralph and Catherine Brosi on their Golden Wedding Anniversary. I urge my colleagues to join me in wishing them many more years of happiness.

INTRODUCTION OF H. RES. 618

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. YOUNG of Alaska. Mr. Speaker. I rise today to introduce H. Res. 618, a resolution commemorating the 101st anniversary of Jack London's inspirational novel, The Call of the Wild. Originally published in installments from June 20th to July 18th 1903, The Call of the Wild is considered a uniquely American narrative, recounting the trials and tribulations surrounding the Klondike Gold Rush of the Yukon Territory in Canada, which impacted the District of Alaska and Washington State during the 1890s. This classic of world literature contributed to the spirit of exploration and discovery that swept the United States in the early part of the last century and led many others to explore what is now the great State of Alaska. One of the most widely translated and published works by an American author; The Call of the Wild has not been out-of-print in the past century.

Born John Griffith London in 1876 in San Francisco, California, the author began working during his adolescent years at various labor-intensive jobs, which included pirating for oysters on the San Francisco Bay, and serving on a fish patrol to capture poachers. It was his strong desire to escape the prospect of adult life as a factory worker that motivated him to begin his career as a writer. A restless spirit and strong sense of adventure led Jack to leave his native California in 1897, with his brother-in-law, James Shepard, to join the Klondike Gold Rush. His experiences that winter spent in a cabin by the Klondike river provided much of the rich material for his most well renowned novels, The Call of the Wild and White Fang, both of which became inspirations for full-length feature films. He went on to produce over fifty volumes of work in his lifetime, which included novels, short stories, and political essays. His literary portrayals of adventure and frontier life, unparalleled in their time, helped mark him as a truly great American author and seminal figure in turn-of-the century social history.

The Call of the Wild, which remains London's most celebrated work, tells a story through the eyes of Buck the dog, half St. Bernard, half Scotch Shepard. Captured from his comfortable life on an estate in California's Santa Clara Valley, he is sold to dog traders who ship him north to the Klondike to serve as a sled puller. Surrounded by inexperienced and cruel masters, Buck must learn to survive the realities of the harsh winter. The Call of the Wild is a tale of travel, transformation, and adaptation, filled with Darwinian undertones of survival and written in a naturalistic style that London is so often praised for.

As a young child, my father read this moving novel to me on many occasions. Filled with recollections of adventure and exploration, I too, as a young man left my home in California to explore a world full of budding possibilities. These notions led me to a land less discovered, the Last Frontier, the State of Alaska. What I found when I arrived there was an untold potential for greatness for the land and its people, an inspiring setting for leadership and representation. Had it not been for the spirit of Jack London's experiences that he eloquently shared with the world—and me—in The Call of the Wild, I might never have journeyed to this great state that I have called home for more than 47 years and have had the great honor to represent, here in Washington, for the past 31 years.

HONORING GENERAL LARRY R. ELLIS, COMMANDING GENERAL, U.S. ARMY FORCES COMMAND, FORT McPHERSON, GA

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SCOTT of Georgia. Mr. Speaker, I rise to honor General Larry R. Ellis, Commanding General of U.S. Army Forces Command, on the occasion of his retirement from military service on May 7, 2004. His distinguished military career spans more than 35 years and as a four-star general and Commander of United States Army Forces Command he is the highest ranking African American officer within any branch of the United States military.

General Ellis assumed his current post as Commander, U.S. Army Forces Command (FORSCOM), at Fort McPherson, Georgia on November 21, 2001. FORSCOM, the Army's largest major command, consists of more than 750,000 Active Army, U.S. Army Reserve and Army National Guard soldiers. FORSCOM trains, mobilizes, deploys and sustains combat ready forces capable of responding rapidly to crises world-wide. The FORSCOM commander functions as commander of the Army forces of this unified command and plans for and, on order, provides military support to civil authorities, including response to natural disasters and civil emergencies.

As the Army service component commander for U.S. Joint Forces Command, General Ellis has been responsible for the training and readiness of Army forces stationed in the continental U.S. and with the mission of performing as the Department of Defense's premier force provider, meeting the needs of Combatant Commanders worldwide. Therefore, General Ellis has overseen the preparation and deployment of every active duty division in the United States. In addition, he has commanded the mobilization, training, and deployment of more than 225,000 reserve component soldiers in more than 550 units across the nation.

Previously, General Ellis commanded the 1st Armored Division in Bad Kreuznach, Germany from May, 1997 to July, 1999. Following this division command, General Ellis served as Deputy Chief of Staff, Operations, and Plans from August, 1999 to November, 2001. When terrorists attacked the United States on September 11, 2001, General Ellis was responsible for Army operations, planned and executed the Army's role in the National Military Strategy, and developed and implemented the Army's Transformation Campaign Plan. The Army's Transformation Campaign Plan serves as the Army's roadmap into the 21st century which General Ellis devised as a comprehensive modernization of the Army's doctrine, training, leadership and education, organizations, soldiers, personnel, and facilities through the year 2010. As part of this project, he oversaw the research, development, and fielding of the Stryker family of vehicles and designed "Task Force Soldier" which codified the Army's warrior ethos and fostered the redesign of basic combat training.

General Ellis devised the Army's initial response to the September 11th attacks which involved the deployment of force protection and security units to Washington, D.C. and the Capitol region, chemical and munitions storage facilities, airports and other transportation terminals, military installations across the world, and the nation's borders. He also led the deployment of Army forces to combat the war on terror in Afghanistan.

General Ellis has served in the United States, Vietnam, Germany, the Republic of

Korea, and Bosnia and Herzegovina. His command assignments include lst Armored Division, Germany; Multinational Division (North), Bosnia and Herzegovina; Assistant Division Commander, 2d Infantry Division, Korea; Brigade Commander, 3d Infantry Division, Germany Battalion Commander, 5th Infantry Division, Fort Polk, La.; Company Commander, 101st Airborne Division, Vietnam; and 82d Airborne Division, Fort Bragg, N.C.

General Ellis' awards include the Defense Distinguished Service Medal, the Army Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit with two Oak Leaf Clusters, the Bronze Star Medal, the Meritorious Service Medal with two Oak Leaf Clusters, the Air Medal, the Army Commendation Medal with Oak Leaf Cluster, the National Defense Service Medal with three stars, the Armed Forces Expeditionary Medal, the Vietnam Service Medal with three stars, the Armed Forces Service Medal, the Vietnam Cross of Gallantry/Palm, the Korean Cheonsu Medal, the German Armed Forces Honor Cross (Gold), the NATO Medal, the Combat Infantryman Badge, the Senior Parachutist Badge, the Office of Secretary of Defense Staff Identification Badge, the Joint Chiefs of Staff Identification Badge, and the Army General Staff Identification Badge.

General Ellis received a Bachelor of Science degree from Morgan State University and a Master of Science degree from Indiana University. He is married to Jean and has two daughters, Renee and Debra. Ebony Magazine recently recognized General Ellis as one of the "100 plus most influential people in America." General Ellis enjoys physical fitness activities, traveling, and playing golf. Responding to an inquiry about his future plans, General Ellis says he is "sprinting to the finish line, moving 101 miles per hour, and has not slowed to consider what he will do following retirement."

Due to his honorable military career, I am pleased to honor him and his service to this great country. God bless General Larry Ellis and his family.

DAILY DOUBLE-WIDE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. DUNCAN. Mr. Speaker, Aaron Tallent, a member of my staff, has written a very interesting and entertaining article for the current issue of the Washington City Paper.

He makes the very important point that just possibly some sophisticated city dwellers should not look down their noses at those millions around the country who live in mobile homes.

There are many good and intelligent people who live in these homes, and I would like to call this outstanding article to the attention of my colleagues and other readers of the RECORD.

[From the Washington City Paper, Apr. 30, 2004]

DAILY DOUBLE-WIDE

(By Aaron Tallent)

One night at the Capitol Lounge, after I'd been in Washington for a few months, I found myself talking to an aide for a Northern congressman. He was sharing a fact he'd picked up in a meeting with a housing-coalition representative that day: "Trailers are not considered real housing, because they depreciate in value the minute they are dropped off the truck."

Then he added, "Have you ever been in a trailer? They're downright trashy."

I let it slide. He didn't know that I come from Tellico Plains, Tenn.—population 900, according to the last census. Many of my closest friends still live in Tellico Plains. And many of them live in trailers.

My friend Chris, for instance, spent more than three years living in a single-wide after college. He's a high-school English teacher now, and his wife is a schoolteacher as well. He's also an ordained preacher. With the money they saved living up on blocks, he and his wife are now homeowners at 26.

No one in my group at the Capitol Lounge, freely cracking trailer jokes, was even close to owning a home. They weren't even able to take care of themselves. The Yankee socioeconomics expert ended the night puking on the floor. A self-proclaimed Southern belle kept talking about how frustrated she was because the guy she'd been hooking up with for two months still hadn't taken her out to dinner. I went out to get cigarettes with a lobbyist for a fiscally conservative nonprofit; he put Marlboro Lights on his Visa.

You want to talk about trailer trash? Put down your Stella, turn-off your Blackberry, and listen: You are trailer trash.

Just because your neighborhood is geographically broken down by blocks does not mean that you metaphorically don't live up on them. Urban America is full of trailer parks. You just have fancier names for them.

Let's stop by your studio apartment, shall we? You're proud of the location, naturally. In Dupont Circle, on Capitol Hill, in Georgetown—so sophisticated! So many urbane attractions: Now let's go inside.

Whoa! Almost tripped over your futon. Didn't expect it to be so close to the doorway! It seems your futon is the center of your place. Sitting on it, you can reach over to the bed and fluff your pillows with one hand, while you pop a DVD into your entertainment center with the other. How convenient!

Of course, I caught you at a bad time. Normally when you're expecting company, you put the room divider up to hide the bed from the "living room." That's about as concealing as hair in a can. In the kitchenette, you have a two-burner stove and a counter with just enough room to make a peanut-butter sandwich. Is there a dishwasher? I think not. We could go into your bathroom, but with the clothes hamper, there's no room to move.

Your mini-estate, like a trailer, is simply the compromise you make to live on a lower income. And yours isn't necessarily the nicer compromise. Climb up on the porch and I'll take you inside a Tennessee trailer.

How about that! There's a living room with enough space for a couch, love seat, and recliner. Stick your head in the kitchen—the separate kitchen—and you've got a four-grill stove and a counter big enough for preparing dinner parties. Still convinced your prison cell is nicer? Walk down the hall and see, not one, not two, but three bedrooms! Then to top it off, we have a bathroom that can hold a hamper, a magazine rack, and two people. If you want to upgrade, there's room for a Jacuzzi.

On the inside, a well-kept trailer could hang with any nice apartment in the D.C. metro area. Step out the back door and . . . oh, look, it's a yard.

Most efficiency apartments don't even have a back door. But that's not your real home, you say. You're not planning on living there forever. You've just come to Washington to work for a politician or a nonprofit that stands for everything you believe in. The efficiency is just a stepping-stone, a place to lay your head until you figure out where you want to go with your life and career. Or until you buy a condo in Arlington.

Welcome to Tellico Plains. My college-graduate friends, starting out in nursing, physical therapy, or factory work, were able to buy or inherit pieces of land. They just couldn't build houses right away. So they bought trailers. Yes, their purchases depreciated fast. But not as fast as the $12,000 you threw away in rent last year.

Now, some of the folks I went to school with may spend the rest of their lives in trailers. They've got low-income jobs and no means to find better ones. They can build a house now, or they can guarantee that their children will always have clothes on their back and three meals a day. It is no different from an urban family living in a cramped apartment.

I have received an e-mail no less than 10 times titled "Tennessee's Latest Lottery Winner." It contains a picture of a trailer with a limousine parked out front. Like most jokes based on stereotypes, it has some truth behind it. Growing up, I saw my fair share of broken-down trailers with new Corvettes in the driveway or satellite dishes in the yard.

But for every trailer owner who blows a third of his modest paycheck on lotto tickets, there is a D.C. studio-dweller running up a $300 tab at McFadden's or Café Citron, then putting milk and bread on his credit card the next day. For every trailer with a brand-new, souped-up Ford F–150 in the driveway, there is a Washington efficiency with Brooks Brothers suits and a Burberry coat in the closet. And for every one of you who thinks a mobile home is the end of existence, trust me, there's someone who'd take one look at your one-room wonder, shudder, and thank the stars for his comfortable double-wide.

COMMEMORATING THE BIRTHDAY OF PRESIDENT JAMES MONROE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. WOLF. Mr. Speaker, I rise today to commemorate the birthday of a great American president, and a son and servant of Virginia, James Monroe.

James Monroe was born in Westmoreland County, Virginia, on April 28, 1758, attended the College of William and Mary in Virginia, and served in the Revolutionary War, in which he was wounded at the pivotal battle of Trenton. After the Revolutionary War, Monroe was a member of the Continental Congress, the United States Senate, minister to France, governor of Virginia, was again sent to France to assist in negotiating the Louisiana Purchase, served again as governor of Virginia, as secretary of state for President James Madison, and briefly as secretary of war.

This extraordinary record of service to the Nation and the Commonwealth was further enhanced when James Monroe was elected president of the United States in 1816, and was reelected in 1820. It was in President Monroe's second term that he annunciated what would become a vital foundation of our Nation's foreign policy: the Monroe Doctrine. The doctrine announced American opposition to European colonization and interference in the Western Hemisphere, and served as a touchstone of American foreign policy for generations of presidents, helping to keep the Americas free of intervention by European powers.

After completing his second term as president, James Monroe retired to Oak Hill, his home in Loudoun County. I am proud to represent Loudoun County in the Congress, and proud of my district's association with President Monroe.

Mr. Speaker, I call the attention of the House to the life, legacy, and accomplishments of James Monroe.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. HASTINGS of Florida. Mr. Speaker, while attending meetings of the Organization for Security and Cooperation in Europe's Parliamentary Assembly and fulfilling my official duties as a Vice President of the Parliamentary Assembly, I missed votes on April 20 through April 22. Additionally, while representing the U.S. Helsinki Commission at the OSCE Conference on Anti-Semitism; I missed votes on April 27 and 28. Had I been present, I would have voted the following way:

Rollcall 118: "aye"; rollcall 119: "aye"; rollcall 120: "aye"; rollcall 121: "aye"; rollcall 122: "aye"; rollcall 123: "aye"; rollcall 124: "aye"; rollcall 125: "aye"; rollcall 126: "no"; rollcall 127: "no"; rollcall 128: "aye"; rollcall 129: "aye"; rollcall 130: "no"; rollcall 131: "aye"; rollcall 132: "aye"; rollcall 133: "aye"; rollcall 134: "aye"; rollcall 135: "aye"; rollcall 136: "aye"; rollcall 137: "aye"; rollcall 138: "no."

HONORING OFFICER RODNEY CHAMBERS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to pay honor to a true American hero, Officer Rodney Chambers, who without thought for his own safety, risked his life to save others from harm. Officer Chambers has been chosen to receive the prestigious Officer of the Year Award from the Amtrak Police Department because of his selfless heroism and courage, and I am proud to join them in saluting his bravery.

On June 9, 2003, Officer Chambers was on patrol in Washington's Union Station when he was dispatched to respond to a call for service from Union Station. Security reporting that a male put a grenade in a trash receptacle. Officer Chambers responded to First Street where a Union Station security officer identified the suspect. Capitol Police Officer Michael DeCarlo joined Officer Chambers in pursuit of the suspect. Officer Chambers came upon the suspect and instructed him to put his hands on the wall. The suspect removed a piece of clothing that he was holding and revealed a grenade. He then pulled the pin and attempted to drop the grenade.

Officer Chambers reacted immediately by pinning the suspect against the wall while wrestling the grenade away from him, holding the spoon and fuse from priming. At this time, Officer DeCarlo arrived on the scene and assisted in controlling the suspect.

As the suspect was being taken into custody by police officers, Officer Chambers along with his Sergeant removed himself to a safe distance from the area of onlookers while continuing to hold down the spoon on the grenade. Officer Chambers maintained his position for approximately 15 minutes while waiting for the arrival of the EOD team. During this period of time, a search revealed a second grenade.

The Capitol Police EOD responded and placed both grenades in an isolation chamber. Ultimately, both grenades were found to be inactive and filled with a gel-like substance. However, during the period of time Officer Chambers spent with the grenade he had no way of knowing this.

Officer Chambers was awarded the Medal of Honor from the Amtrak Police Department on November 10, 2003; a Resolution from Amtrak's Board of Directors on June 12, 2003; the Officer of the Month Award from the National Law Enforcement Memorial Fund; and the Department of Transportation Award for heroism from the U.S. Secretary of Transportation, Norman Y. Mineta and Federal Railroad Administrator Allan Rutter on October 21, 2003.

COMMENDING TEACHERS FROM NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend seven dedicated teachers from Northwest Indiana who have been voted outstanding educators by their peers for the 2003–2004 school year. These individuals, Yvonne Stoll, Laura Cullen, Jeremy Walker, Sandra Sidock, David Markley, Linda Scheffer, and Valerie Giacomin will be presented with the Crystal Apple Award at a reception sponsored by the Indiana State Teachers Association. This prestigious event will take place at the Andorra Restaurant and Banquets in Schererville, Indiana, on Tuesday, May 4, 2004.

Yvonne Stoll, from the North Newton School Corporation, has been a role model, an inspiration to her students, and an outstanding professional for more than 30 years. Yvonne, a dedicated kindergarten school teacher, knows the importance of developing creative thinking skills in her students. In addition to Yvonne's teaching abilities, she has made tireless efforts to further the education of kindergarten students through her active participation in organizations such as: the Indiana Association for the Education of Young Children, the Reading Council, and NNEA/ISTA/NEA.

Laura Cullen has been teaching kindergarten in the Hanover Community School Corporation for nearly 20 years. She is a loyal and enthusiastic person who has a passion to teach her kindergarten students. Laura's students graduate from her class with strong reading and writing skills which provide a solid foundation for a lifetime of learning. She is actively involved in the Jane Ball Literacy for Life Team, Grade Level Chairperson at Jane Ball Elementary, Teacher Assistance Team, Climate Committee, and the Public Law 221 Committee.

Jeremy Walker is known for his ability to connect with students in a way few other teachers are able to duplicate. Jeremy teaches Latin in the Crown Point Community School Corporation and is an integral person in his school's Latin program. A testament to Jeremy's teaching abilities, his students recently won the Indiana State Sweepstakes, establishing his Latin club as the best in Indiana. Jeremy truly has an outstanding teaching ability, while his dedication to his profession and to his students is equally outstanding.

Sandra Sidock has 30 years of experience in teaching and tutoring students in mathematics. At the Lake Central School Corporation, Sandra instilled in her students the skills needed to be successful at the next level. Although many students benefited from Sandra's knowledge, the students who needed extra assistance could always rely on her. Sandra incorporates the Legos, Cuisenaire Rods, and other techniques into her teaching curriculum to benefit the students who need extra guidance.

David Markley has taught music for seven years at Highland High School. The love and passion David has for music, both personally and professionally, is demonstrated through the creativity and enthusiasm that he projects. He not only inspires his students, but also the teachers at Highland High School, the parishioners of Gloria Dei Lutheran Church, and many others in Northwest Indiana.

Linda Scheffer has been nurturing young minds at Munster High School for the past 32 years. Her enthusiasm for the subject matter, as well as her teaching style, has withstood the test of time. Linda makes learning an enjoyable experience, for she blends her creative spirit and her willingness to experiment with new ideas and techniques to better foment home economic concepts in the minds of her students. Linda's compassion for others is exhibited by her thoughtfulness towards both students and teachers.

Valerie Giacomin has been a great asset to the Tri-Creek School Corporation throughout her years of teaching. She is conscientious about having her students meet the standards expected of them. Valerie's strong work ethic as a teacher allows her to make an extraordinary effort to provide the best possible education for her students. Valerie is a continuous source of strength and enthusiasm for her students, parents, and colleagues.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on their receipt of the 2003–2004 Crystal Apple Award. The years of hard work they have put forth in shaping the minds and futures of Northwest Indiana's young people is a true inspiration to us all.

RECOGNIZING THE TIRELESS WORK OF THE DURAND PATRIOTS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the work of some great Americans in Michigan's Eighth District, the Durand Patriots. The Durand Patriots are a non-profit organization working hard to support our fighting troops abroad by providing them with some of the comforts of home.

Since October, 2001, the Durand Patriots have shipped over 500 packages to active military personnel. Last year alone, the Durand Patriots raised $25,000 for the purchase of convenience items and holiday gifts to be sent to our troops. In their latest undertaking, the Durand Patriots came to the rescue of a local soldier, CW3 Mike Mogg, when he lost all of his possessions in a fire in his Baghdad living quarters. The Durand Patriots sent over fifty boxes of supplies to Chief Warrant Officer Mogg and his unit to replace their lost possessions.

Mr. Speaker, I would like to ask my colleagues to join me in recognizing the support of the Durand Patriots to our armed forces. Their commitment to helping boost military morale by ensuring that our fighting men and women have the comforts of home while they protect America, showcases the best of the American spirit.

DO NOT DISMANTLE TITLE IX

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Ms. WATSON. Mr. Speaker, the Bush Administration's record on education has been nothing but disastrous, and as a former member of the Los Angeles Unified School District board, I am especially dismayed by the Administration's relentless attack on Title IX, one of the most effective laws designed to expand educational opportunities for countless women.

Last year, President Bush attempted to roll back Title IX by dramatically reducing the participation and scholarships opportunities for women athletes. Just recently, the Department of Education announced its intention to throw out basic protections against sex discrimination in public schools.

Last week 58 members of Congress joined me in registering our opposition to the proposed changes in Title IX regulations. All Americans need to be aware of this Administration's abysmal education record. This President has adopted a "bait and switch" attitude regarding his support for education programs. He is at it again with a plan to dismantle Title IX. It is time for real educational funding and commitments, not just another hypocritical proposal.

RECOGNIZING MR. STEPHEN G. SHEETZ

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the extraordinary vision of entrepreneur Stephen G. Sheetz, owner and chairman of Sheetz, Inc. for his "2004 Lifetime Achievement Award for Business Advocacy".

This prestigious award, presented by the Chamber of Commerce of Blair County, Pennsylvania, has been designed to honor an individual who has set the standard of excellence in achievement, both personal and professional.

Steve Sheetz is recognized as a true leader of both his family's business, Sheetz, Inc., as well as, the business community of central Pennsylvania.

He has served as a longtime mentor and visionary for generations of fellow business associates, family members, and employees, as well as, a devoted following of consumers.

He constantly sets an example of selflessness by helping to promote the overall business climate without focusing efforts on his own business or personal gains.

I am pleased to commemorate the excellence in achievement of Stephen G. Sheetz, of Sheetz, Inc.

This honor is appropriately "Made To Order".

TRIBUTE TO CYNTHIA MASON-CORLETT

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. TANCREDO. Mr. Speaker, it is my extreme pleasure and privilege to take this opportunity to pay tribute to Cynthia Mason-Corlett for being awarded the 2003 Milken National Education Award.

Ms. Corlett began her teaching career in 1988, teaching science and math to middle school students. Currently, she teaches eighth grade at Sierra Middle School in Parker, Colorado. She has excelled at energizing students by using hands-on teaching methods. Students investigate everything from air pressure to space travel, and share their knowledge by conducting science demonstrations for second graders from neighborhood elementary schools.

The Milken National Educator Award is today one of the largest teacher recognition programs in the United States; one hundred new educators from across the country will receive their awards for excellence in their profession. Ms. Corlett will join 72 previous winners from the state of Colorado to work on strengthening teacher quality, and serving as expert resources for policy makers.

Mr. Speaker, it is quite clear that Cynthia Mason-Corlett is a person who possesses dedication and commitment to her life long pursuit of educating young people. It is not only her devotion, but also her passion for contributing to the betterment of the Colorado community that I wish to recognize before this body. It is my distinct pleasure to honor Cynthia here today, and wish her all the best in her future endeavors.

WORLD MAGAZINE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. PENCE. Mr. Speaker, on Wednesday, April 21, I inadvertently failed to give proper attribution to World Magazine during my Case for Life Special Order. I read the following quote and would like to credit World Magazine as its source:

"A native of India, he just does not meet the stereotype, not just the head wrap, the neat beard, the Rollie Fingers-style mustache, but he views abortion as an unalienable right for women in America."

TREE CITY USA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Tree City USA cities located in the 26th District of Texas: Arlington, Carrollton, Colleyville, Coppell, Denton, Euless, Flower Mound, Fort Worth, Frisco, Grapevine, Keller, Lewisville, McKinney, Plano, Southlake, Trophy Club and Westlake.

The National Arbor Day Foundation is the primary sponsor of the Tree City USA program and works in cooperation with the USDA Forest Service Urban and Community Forestry program and state foresters. The Tree City USA program creates a technology-transfer network that involves nearly 3,000 Tree City USAs in all 50 states, Mayors, City Foresters, and concerned citizens throughout the nation.

The Tree City USA designation is awarded to cities that meet four distinct qualifications. To become a Tree City USA, a city must designate responsibility for public tree care to a volunteer board or city department; have a tree-care ordinance in effect; spend at least $2 per capita annually on community forestry; and proclaim and observe Arbor Day. Cities that fulfill these requirements display a clear dedication to the environment and trees in their community.

I believe that trees and forests are very important national resources. Community forests help to improve the quality of our air and water, reduce runoff and erosion and contribute to important national energy-conservation goals.

So I would like to congratulate the seventeen cities in the 26th District, as well as all of the other cities nationwide, that received the Tree City USA designation. It is my hope that other communities will take note of the model activities in these cities and strive to earn the Tree City USA distinction for their city in the future.

TRIBUTE TO HAZARD VARSITY CHEERLEADERS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the members and coaches of the 2004 Hazard High School varsity cheerleading squad. This year alone, the squad has cheered their way to four first place victories, an admirable accomplishment for a small-town team competing against much larger schools.

The Hazard cheerleaders began their winning streak in January, when they secured the top spot in the annual WYMT–TV Mountain Classic Cheerleading Competition. In February, the team traveled to Richmond, KY, where they competed with more than 50 cheerleading squads in the Kentucky All "A" State Cheerleading Competition. Their enthusiastic and skillful performance landed the squad with a first place showing. The team also received the coveted Team Spirit Award.

After their impressive showing in Richmond, the cheerleaders finished first at the KAPOS 54th District and KAPOS 14th Regional competitions, and earned the right to compete in the state competition. The squad earned an admirable fourth place finish in the statewide competition, marking the first time a Hazard squad has placed in the top five since they won the state championship in 1970.

It should be noted that the Hazard Cheerleaders accomplish as much during their regular season as they do in competitions. The squad cheers at all football games and basketball games, stirring up school spirit through their energetic routines and skillful stunts. They also have a commitment to community involvement, often volunteering at charitable organizations and local homeless shelters. I am proud of their contributions to Eastern Kentucky, both in cheerleading and their community.

Mr. Speaker, I want to congratulate the Hazard High School cheerleaders for their tremendous success this year. I ask each of my colleagues to join me in honoring Hazard High School, coaches Cathy Hammonds, Vivian Carter, Lisa Combs, Wayne Noble and Shane Noble, and each and every talented member of the squad: Casey Smith, Lindsey Fields, Sydney Napier, Sarah Johnson, Jennifer Bryant, Jennifer Brock, Ashlei Mullins, Amber Hammonds, Paige Whitaker, Roxanne Whitaker, Marry Simms Carter, Kelly Hoskins, Becky Jo Brotherton, Sarah Hall, Whitney Francis, Brandi Hayes, Katie Hanson, Kayla Sandlin, Chelsea Combs, Gabriella Woods, Reagan Kilgore and Lauren Delpont.

PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

SPEECH OF

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 2004

Mr. MILLER of Florida. Mr. Speaker, today we will be voting on important legislation; legislation that will help roughly 21 million young Americans financially. I am speaking about marriage penalty relief. Thanks to the peculiarities of the tax code, when married couples earn roughly the same salaries, they tend to pay more in taxes than they would if both were single filers. Our previous action to extend this tax relief benefit has encouraged marriage and saved the average married couple $1,400 a year, allowing them to spend on items that support their families.

This discrepancy financially penalizes couples for doing nothing more than choosing to get married, which creates a strong disincentive for people to build families. With a breakdown of the family and high divorce rates, we need to strengthen marriage not weaken it. As every study shows, children fare best and have the most promising life prospects when they are raised in intact families. Promoting marriage has the potential to significantly decrease poverty and dependence, increase child well-being and adult happiness, and to provide the safest environment for women and children.

Mr. Speaker, letting the tax penalty relief expire would cost families 1,400 a year. The federal government should not be picking pockets of people just because they are married. If we do not extend the marriage penalty tax today, Uncle Sam will not only once again be taking a gift at the wedding reception instead of giving one, but will also be contributing to the breakdown of our basic social institution: marriage.

IN RECOGNITION OF PUBLIC SAFETY APPRECIATION DAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. FARR. Mr. Speaker, I rise today to support Monterey County's recognition of April 29, 2004 as Public Safety Appreciation Day. The County Supervisors have adopted a resolution on behalf of Monterey County and its residents recognizing the men and women who undertake the difficult and important work demanded of emergency services personnel. I would like to join the residents of Monterey County in thanking these personnel for their professional, heroic response to emergencies.

These men and women do their work to provide a timely, effective first response to unpredictable, often dangerous circumstances with admirable bravery and commitment. Emergency services personnel include 9–1–1 dispatchers, fire fighters, peace officers and emergency medical personnel, but in fulfilling their responsibility for maintaining public safety their actions often transcend their job descriptions.

I would like to include in this recognition the efforts of the personnel of the Monterey County Emergency Communications Department and Office of Emergency Services, and all those who work to ensure that first responders have the support they need to continue providing effective emergency services to our community.

Mr. Speaker, I am proud to join the Board of Supervisors and the residents of Monterey County in showing my appreciation to the men and women who maintain public safety and work quickly to restore it following an emergency. These same personnel are often mentors and role models even outside their job, and I am pleased to recognize their contribution.

RECOGNIZING WILLIAM BOYAN'S SERVICE AS CHAIRMAN OF THE BOARD OF TRUSTEES AT CHILDREN'S HOSPITAL BOSTON

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. CAPUANO. Mr. Speaker, I rise today to recognize William Boyan's leadership as Chairman of the Children's Hospital Boston Board of Trustees.

Mr. Boyan has had a long and distinguished business career in my state, culminating as President and Chief Executive Officer of John Hancock Financial Services. No less impressive, however, is his work on behalf of the children of Massachusetts.

Mr. Boyan recently completed a five-year term as Chairman of the Children's Hospital Board. He will remain as a Board member, where he has served with distinction for the past twenty-five years. Under his leadership, Children's Hospital Boston has continued its preeminent work in clinical medicine, research, and training, on behalf of our nation's youngest patients.

As a true public servant, Mr. Boyan has lent his wisdom and expertise to many initiatives throughout Massachusetts. He also currently serves on the Boston School Committee, and his commitment to the city's children and their education is well-known. His passion for excellence and his philanthropic efforts on behalf of the schools have made a real difference in the lives of children in every neighborhood of the city.

Children's Hospital has been a leading voice on behalf of children's health care needs. The hospital's many community service projects touch the lives of children and families throughout the state. Mr. Boyan's dedication has been an essential part of the hospital's success.

Mr. Speaker, it is with pleasure that I recognize and honor William Boyan's efforts and achievements.

THANK YOU, BILLIE BRIGGS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to extend my gratitude and appreciation for Billie Briggs who has been named a recipient of the Milken Family Foundation's National Educator Award.

Ms. Briggs teaches math at Cobb Sixth Grade School in Houston, TX and is regarded as the best though she has only been teaching for eight years. I commend Ms. Briggs for her accomplishment and dedication to her students and to education itself.

Ms. Briggs displays her dedication to all students at Cobb Sixth Grade School and throughout HISD by Serving as Sponsor of the Math and Science Club, National Junior Honor Society Advisor, Math Department Chair and by representing secondary-level math on the District Planning and Advisory Committee. In addition, her innovative methods of presenting students with fun projects through which they learn essential skills are praised throughout the education community.

I would like to congratulate Billie Briggs on being named one of our nation's top teachers and extend my thanks for her dedication to students in Houston.

CONGRATULATING FELLOW ALUMNI ON THEIR INDUCTION INTO COLLINGWOOD'S HALL OF FAME

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mrs. JONES of Ohio. Mr. Speaker, as a proud Collinwood High School alumna, I would like to congratulate some of my fellow alumni on their induction into Collinwood's Hall of Fame.

The mission of Collinwood High School, in partnership with parents and community, is to provide a challenging academic and technologically based atmosphere with a commitment to literacy that encourages academic excellence and prepares all students to become productive members of a diverse society. The alumni that I am honoring today certainly reflect the success of this mission.

Ten people will be inducted into the Collinwood High School Alumni Hall of Fame on May 5. They are Francine Bruening, class of 1960, former Lake County domestic relations judge; Joseph Cannavino Jr., 1953, former Ohio State football star and basketball coach; Michael Cannavino, 1945, retired teacher and coach; Primo Del Calzo, 1952, retired speech, hearing and language teacher; Dan DiLiberto, 1966, Eastlake mayor; Dr. Albert Iosue, 1958, doctor and former chief radiologist in a Florida hospital; Milton Schalois, 1949, an insurance executive; Elinor Scricca, 1949, retired teacher, Principal and schools superintendent; Rocco Scotti, 1939, singer, noted for his rendition of the national anthem; and Mildred Teuscher, 1951, former Lake County commissioner. A pre-induction dinner will be at 4 p.m. at Redeemer on the Avenue Hall, 15901 St. Clair Ave., with the induction at 6 p.m. in the high school auditorium.

It is my pleasure to join with the Collinwood High School community and the citizens of the 11th Congressional District of Ohio in honoring this group of Hall of Fame inductees for their remarkable achievements. I encourage them to continue to demonstrate outstanding professionalism and leadership and thank them for the contributions they have made to their communities.

PRECIOUS LITTLE TIME REMAINING TO ENSURE A SUCCESSFUL IRAQ

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. DINGELL. Mr. Speaker, it was a year ago that President Bush landed on the USS *Abraham Lincoln* and pronounced that major combat operations in Iraq had ended. The banner strung across the command tower of the carrier read "Mission Accomplished", and the President's words that evening gave the American people, and the families of those in Iraq, that our men and women would soon be coming home.

If this was a perfect world, our President's made-for-TV excursion would have made the perfect Hollywood ending to mercifully short war. Sadly, this is not a perfect world. War is never perfect, it is messy. It is grotesque, and it does not end on any schedule but its own.

The month that marked the year anniversary of announcing the end to major combat operations has been the bloodiest of the war. Since May 1, 2003 over five hundred men and women have been killed, including Private Holly McGeogh of Taylor, Michigan, killed when her vehicle hit a roadside bomb. Almost three thousand more have been injured. Many of our returning young men and women will have an even tougher fight ahead of them as they adjust to life in a wheelchair or with a prosthetic limb.

I say this, not to heap criticism on a situation where young men and women are risking their lives. I say this because one year after the tyrant was toppled we still have a long way to meet our goals. The men and women stationed outside Fallujah and Najaf can tell you that major combat is still a fact of life.

Today we have little more than eight weeks before we turn some measure of sovereignty to the Iraqi people. And much like a college student trying to cram before finals, our Iraq policy is now at a fever pitch trying to right the wrongs of a poorly planned reconstruction effort. General Eisenhower once said, "In preparing for battle I have found that plans are useless, but planning is indispensable." Sadly, today we are watching the results of cavalier planning.

The arrogant manner in which pre-war criticism was dismissed is tragic in hindsight. General Shinseki's belief that it would take 200,000 more troops to provide post-war security led to his unceremonious dismissal. Presidential economic adviser Larry Lindsey estimated the war would cost at least $150 billion, rather than pay for itself as Vice President CHENEY asserted, led to his forced resignation. The wholesale dismissal of the Iraqi army created hundreds of thousands Iraqis unemployed with bitterness towards the US as their only severance. Ironically, it's has been the dismissed generals who have tried to foster the tenuous truce in Fallujah.

Mr. Speaker, I voted against giving the President the authority to go to war in Iraq. Yet once engaged in battle, I believe we must do all we can to bring the troops home safely, provide them with the equipment needed to keep them safe, and to have a plan to bring them home. We have had none of these?

For all the vaunted leadership of this White House, with all accusations thrown around by their allies in Congress that impugn the patriotism of those that might question the President, our military is bearing the brunt of their poor planning. The hollow rhetoric from the President and his allies has not put more troops on the ground, has not brought more countries into the coalition, has not unburdened America of the costs of the reconstruction, and has not brought our brave men and women home to their families. Challenging terrorists and insurgents to, "Bring it on" is not a policy; it is a substitute for bravery that threatens our soldiers in the field.

This April has been the deadliest month of combat we have had since the Vietnam War. We all hope and pray that the months ahead will not be so brutal. I am not asking that President present the Congress and the American people with a detailed plan of how long we will be there; how much it will cost; who will take charge; and a myriad of other questions. I know that in war a plan can easily be overtaken by events. What I ask, one year after his now infamous speech, is that he just be honest with us. Respond to our questions, put our soldiers before other concerns, and level with us. We are a great nation, the Congress is a great institution and the voice of the people. We have precious little time remaining to ensure a successful Iraq.

It is my hope, that a year from today, that we can mark the end of this bloody month as the true turning point for the future of a free, prosperous, and democratic Iraq.

BI-PARTISAN REGIONAL SUPPORT FOR THE DISTRICT OF COLUMBIA FAIR FEDERAL COMPENSATION ACT OF 2004

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Ms. NORTON. Mr. Speaker, today, for the first time, I am not alone in introducing a bill for a federal contribution to address the District's structural imbalance. I am grateful to my Republican and Democratic colleagues who, in generously joining me today, have made this the first structural imbalance bill to have critical bipartisan regional support. Their sponsorship is particularly valuable because these are the members of Congress who know the

District best because they are from the region—Government Reform Chair TOM DAVIS, Appropriations Subcommittee Chair FRANK WOLF, Congressional Black Caucus Chair ELIJAH CUMMINGS and Representatives JIM MORAN, CHRIS VAN HOLLEN, and ALBERT WYNN. Montgomery County Council Executive Doug Duncan has authorized me to say that he supports the bill as well. These Members recognize the importance of federal support to compensate the District for federally imposed requirements in order to forestall another fiscal crisis in the nation's capital, while the District itself continues on the path of improvement of its finances and services that the Congress has acknowledged.

This bill ranks as one of the most important I have introduced during my seven terms in Congress. Because of its significance, I have delayed introducing other bills this year until I achieved bipartisan support in order to make the Fair Federal Compensation Act my first bill of 2004. Without this bill, the long-term viability of the District of Columbia is at risk. This risk arises from a structural imbalance caused by expenditures rising faster than revenues. Notwithstanding this dangerous situation, the District is able to balance its budget every year and avoid operating deficits by maintaining tax rates and debt that are among the highest in the nation. District of Columbia Chief Financial Officer Natwar M. Gandhi has issued forecasts that show that in the out years, the structural deficit will overtake the city's diminished and inadequate tax base, not because of overspending by the D.C. government but because of the cost of federal requirements and statutes imposed on the District.

Today's bill is different from structural imbalance bills I have introduced in the past. This bill has as its predicate a May 2003 Government Accounting Office (GAO) report, which made three major findings—the first concerning the size of the imbalance, the second concerning its federal origin, and the third regarding the unavailability of options internal to the D.C. government.

First, the GAO confirmed that the District has a structural imbalance that it found is between $470,000,000 and $1,100,000,000 annually, the first determination that is based on a precise methodology for valuing, documenting and calculating the imbalance. This congressional report confines two prior privately commissioned reports that arrived at similar conclusions, a 2002 McKenzie study commissioned by the Federal City Council (an organization of regional and local business leaders) and a Brookings Institution study under the leadership of former Congressional Budget Office Director, Alice Rivlin, who also served as a chair of the former D.C. Control Board (Financial Management and Assistance Authority).

The GAO's second finding was that D.C.'s structural imbalance is caused by federal mandates and is therefore beyond the reach of D.C. government officials and taxpayers. The federal government retains 42 percent of real property, the most valuable in the city, for its own use; requires the city alone to provide costly state services, such as special education, although the District is not a state and lacks a broad state tax base; requires the District to provide services to more than 200,000 federal employees, who earn 66 percent of the income produced here; and prohibits taxation of federal workers to help pay for these services. These costs to the city trace directly to the federal government and only the federal government.

The GAO's third finding is that the only two options available to the District government are raising taxes and cutting services, each of which the GAO said it could not recommend. Rather, the options are to "change Federal procedures and expand the District's tax base or provide additional financial support and a greater role by the Federal government to help the District maintain fiscal balance," according to the GAO.

The bill I introduce today is based on these three GAO findings. The bill offsets part, though not all, of the annual structural imbalance, by providing for an annual federal contribution of $800 million. These funds are to be deposited into a D.C. infrastructure support fund that cannot be used for operating expenses but only for the specifically stated infrastructure purposes.

The bill removes some of the harm to the District's investment bond rating and the resulting high interest payments by requiring that federal contribution funds go only to the District Infrastructure Fund to be used exclusively for infrastructure and for debt service, most of which is debt from infrastructure costs. The focus on infrastructure is deliberate because the District's infrastructure is used by the entire region, where 80% of the vehicles originate and includes Metro, used overwhelmingly by regional residents. Regional complaints about the District's roads, bridges and tunnels are justified, but there is no reasonable hope of repair and maintenance if the District's taxpayer-raised budget is the only source. The focus on debt service is calculated to reduce the District's debt, the highest per capita in the country. With some relief from the structural imbalance through a federal contribution, the District will gradually be able not only to reduce its debt but also to lower the high tax rates that the imbalance forces on D.C. residents and businesses. This bill also takes into account past federal contribution failures. This bill does not allow the contribution to wither away by a failure to increase gradually with inflation but provides for annual increases tied to the Consumer Price Index.

In 1995 Congress came to grips with the reality that a city whose structure assumes it is a state although it lacks a broad tax base can no longer be responsible for the full set of costs shouldered by states. However, Congress relieved the District of the cost of some but not all state functions and left the unique federal structural impediments described in the GAO report. The District has made remarkable progress by maintaining balanced budgets and surpluses every year despite adverse national economic conditions and by improving city services. It would be tragic for Congress to allow this progress to be retracted because of uncompensated federal burdens. This bill allows the District to avoid great risks and to continue to build fiscal strength.

RECOGNIZING RANDALL G. HOBBS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Randall G. Hobbs, Senior Auditor for the United States Department of Agriculture, the Great Plains Region, in Kansas City, Missouri.

Mr. Hobbs has been responsible to the Inspector General for development of policies and for providing leadership, supervision, and coordination of audit activities relating to the Department's programs and operations. The Regional Inspector General for Audit plans, directs, and supervises the performance of all auditing activities. Senior Auditor Hobbs has played a major role in all of these activities.

Mr. Hobbs began Federal service with the Internal Revenue Service in January 1979. He then accepted a position as a regulatory auditor with the Commodity Futures Trading Commission in March 1979 and worked there until September 1983. In April 1984, Randall Hobbs began his career with OIG as an auditor in the Great Plains Region in Kansas City, Missouri.

During his career, he was recognized for using advanced audit techniques, pioneering efforts in controls over automated systems, and in leading audits in various USDA agencies. Mr. Hobbs, who became a Certified Public Accountant in the State of Missouri in 1984, was invaluable as OIG began to become heavily involved in financial statement audits in the early 1990s. Mr. Hobbs worked on financial statements audits of the Farmer's Home Administration (now part of Rural Development).

Mr. Speaker, please join me in commending Mr. Hobbs for his outstanding career and wishing him well in retirement.

HONORING THE WORK OF THE PLEASANT VIEW RELIEF SOCIETY AND THEIR GROUP VOLUNTEER LEADERSHIP AWARD

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. CANNON. Mr. Speaker, I rise today to honor the work of a group of women from Utah's Third Congressional District for their dedication to helping children that have been victims of abuse. On Wednesday, May 5, 2004, the Pleasant View Relief Society will be honored at the National Children's Alliance annual luncheon with the Volunteer Group Leadership Award of 2004.

Working with the Utah County Children's Justice Center, this group, now affectionately known as the "Teddy Bear Ladies," has created over 10,000 handmade teddy bears for distribution to children receiving social services as a result of severe abuse. What started as a simple service project has now turned into a labor of love for these giving women. Not only do the Teddy Bear Ladies donate their time and money to this worthy project, but they also help give these children a fresh start after years of abuse.

What is remarkable about these ladies is not just their work, but also the ladies themselves. These dedicated volunteers range in age from the early 20s to mid 90s. Some of the younger volunteers thread needles for the older members of the group. Not even illness can stop the Teddy Bear Ladies from their work. One woman continued to sew teddy bears while suffering from severe headaches as a result from a brain tumor.

The Teddy Bear Ladies from Utah County represent what all Americans should strive to be: caring, dedicated, giving and compassionate. Through volunteering their time and talents, they are making a real difference in one Utah community.

HONORING MR. JUAN ARCELLANA

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Mr. Juan J. Arcellana (Jay) in recognition of his many years of dedicated service to the State of California. He has served the people of the state for over twenty-five years, and has been with the California Unemployment Insurance Appeals Board for the last sixteen of those years. I would like to take this time to highlight his many achievements and to extend public recognition and commendations to him for his professional and civic leadership over these many years.

Jay has been the Chief Administrative Law Judge for the California Unemployment Insurance Appeals Board for eight years, and is currently serving as both its Chief Administrative Law Judge and Executive Director. Jay has served with the utmost distinction as President of the National Association of Unemployment Insurance Appeals Boards.

Jay has spent an entire career dedicated to serving the unemployed and disabled citizens of California. He is particularly proud of his efforts to enhance the accessibility of the California Unemployment Insurance Appeals Board administrative hearing process, and ensure prompt consideration and action on their appeals.

Jay has received numerous commendations for his professionalism, expertise, hard work, extraordinary effort, and spirit of cooperation over the years, and it is certainly well deserved. Jay has personally touched the lives of many people throughout his career, giving many an employment opportunity allowing them to demonstrate and develop their individual talents.

Jay is married to Betsy Arcellana, and this marriage has been blessed with three sons, Jason, James and Jonathan. Today I call on my colleagues in Congress to join me in thanking Jay Arcellana for his longstanding and continued commitment to the Californians that need his help the most.

TEACHER APPRECIATION WEEK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. DINGELL. Mr. Speaker, I rise today to praise one of the most under appreciated professions in our society: teachers. In doing so, I would like to offer my sincere gratitude for their often thankless, but noble efforts.

To quote Cicero, "What nobler a profession, or more valuable to the state, than that of a man who instructs the rising generation." Teachers, next to parents, are the most influential people in the lives of our children. Like parents, they prepare students for the future. Teachers serve as role models, mentors and friends. They strive to work with parents and guardians so that the full potential of each child may be realized.

Mr. Speaker, teaching has never been an easy job, and it hasn't gotten easier in recent years. Currently, the people to whom we entrust our children must teach in classes so large many of us would find it impossible to maintain order, let alone create an atmosphere conducive to learning. Many teachers must work in dilapidated buildings where heating, plumbing and cooling systems are insufficient. At a time when many of us would find it impossible to function without a computer, teachers are confronted with the task of preparing kids to work in an increasingly technological society without the use of this most basic piece of equipment. Not only do teachers deserve our thanks, they also deserve access to the best tools possible. Our nation's future is, after all, in their hands.

The Bush Administration introduced the No Child Left Behind Act with the promise of reforming and improving education in our country. My colleagues have claimed that "education reform costs money, and this Administration is willing to spend it." However, this has proven to be yet another empty promise. This Administration has been unwilling to fund their own education bill, providing $9.4 billion less for education reform next year than was promised in the No Child Left Behind Act. Rather than fund their education program, the Republican budget has found room for over a trillion dollars in tax cuts for their fat cat friends.

Furthermore, the proposed Republican budget provides only $2.9 billion for teacher quality programs, $234 million less than what the No Child Left Behind Act authorized. This means 56,000 teachers will not receive the extra training they need. Cutting extra training for our teachers not only hurts the quality of our education, but also hurts our ability to recruit and retain these teachers.

Mr. Speaker, under-funding education not only affects our children, it affects working families. To compensate for the loss in funding, local communities have been forced to raise taxes to pay for textbooks and teacher's salaries. Budget cuts have also resulted in more than two million children failing to receive tutoring in reading and math and more than one million children being denied access to after-school programs.

My colleagues on the other side of the aisle, Mr. Speaker, not only under-fund education, they attack our public school teachers. In fact, Department of Education Secretary Rod Paige called the National Education Association a "terrorist organization", arguing that the NEA was against school standards and accountability. Instead of fostering resentment, this Administration needs to promote unity; education needs to be a cooperative, nonpartisan effort and we need to honor teachers, not demonize them.

Lastly, Mr. Speaker, I am concerned that many of my colleagues and our nation's governors, acting either in haste, desperation or philosophical zeal, have continually tried to undermine real education reform by grasping at "revolutionary schemes" such as vouchers, which have proved to be destructive to public schools as well as ineffective in raising student performance. They have attempted to privatize public schools, where 90 percent of America's children are educated. In an attempt to highlight the problems faced by public schools, they have used teachers and schools alike as punching bags to further their own risky, underhanded schemes that only divert education money away from where it's most needed. I stand before you today to say we should not tolerate this rascality any longer. Our teachers, our kids and our nation's future deserve better.

Mr. Speaker, I am hopeful that we can work together, write quality legislation, help our schools and thank our teachers for their efforts by showing them we know how important educating our children—and their role in this mission—is to America's future.

CELEBRATING THE GRAND OPENING OF THE TIBURCIO VASQUEZ HEALTH CENTER CLINIC IN HAYWARD, CA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the grand opening of the new Tiburcio Vasquez Health Center, TVHC, Hayward Clinic. TVHC has been providing health care services to Hayward, California, residents since 1990. With a patient volume of more than 14,000 encounters annually, TVHC outgrew its previous clinic. To meet the growing demand for its community based health care services, TVHC embarked on a Hayward Clinic Relocation and Expansion Project, culminating in the grand opening of its new and expanded Hayward Clinic.

As one of the leaders in delivering multicultural and linguistically appropriate health care services in southern Alameda County, Tiburcio Vasquez Health Center, Inc., is part of a centralized, effective system of licensed medical providers, community health education, social work and nutrition services. TVHC has been providing comprehensive primary care and supportive services to the medically indigent, low-income, primarily Latino population in southern Alameda County since 1971.

TVHC has repeatedly been recognized for its achievements in outreach and education that incorporates members of the clinic and surrounding community to govern, direct and participate in all aspects of the clinic operation to insure the quality and success of its service delivery and myriad of programs. They include a nationally recognized Women, Infants and Children, WIC, program out of three sites serving over 5,000 southern Alameda County clients and a comprehensive Family Support Service program through partnerships with the Every Child County/First Five Commission, the California Maternal and Child Health Branch Adolescent Family Life Program and the Alameda County Cal-Learn Program.

TVHC clinic sites are certified California Comprehensive Perinatal Services Program Providers. Comprehensive sick and well childcare, adolescent care, adult care, and care of chronic and acute illness associated with aging are also provided as well as HIV/AIDS education and prevention and case management services.

TVHC's award-winning community health programs, include the Nuestro Salud Nuestro Futuro chronic disease education program and Vide con Esperanza, a breast cancer support group for Spanish speaking Latinas and their families.

A comprehensive staff of over 135 health professionals is expert at providing culturally competent services to people of all ages, races, lifestyles and backgrounds. As a federally qualified health center, TVHC, Inc., as the parent nonprofit corporate entity, operates three primary medical clinic sites, Tiburcio Vasquez Health Center in Union City, the Miranda Health Center in Hayward, and the Logan Health Center, located at the James Logan High School in Union City.

The new Hayward Clinic will have a capacity to provide health care services for 28,000 patient encounters and will attract 3,000 new primary care users. Tiburcio Vasquez Health Center is a model for community-based health care. Its mission reflects its commitment: Tiburcio Vasquez Health Center is dedicated to promoting the health and well being of its community by providing accessible, high quality care. Our organizational and individual commitment is to ensure this human right through quality service, advocacy and community empowerment.

I applaud Tiburcio Vasquez Health Center, Inc.'s commitment to excellence. I offer my heartfelt congratulations on the opening of its newest clinic in Hayward, California to be dedicated on May 20, 2004.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. BONNER. Mr. Speaker, on April 27 and 28, 2004, I was unavoidably detained in my district and was not able to vote on rollcall votes numbered 131, 132, 133, 134, 135, 136, 137, and 138. Had I been present, I would have voted "aye" on rollcalls 131, 132, 133, 134, 135, and 138. I would have voted "nay" on rollcalls 136 and 137.

HONORING THE RHODE ISLAND SMALL BUSINESS PERSONS OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Ian Hardman, David Fowlkes, and Henry Seemore, who were all recently honored as the 2004 Rhode Island Small Business Persons of the Year by the United States Small Business Administration. Mr. Hardman, Mr. Fowlkes, and Mr. Seemore are the founders of Davin Wheels, an automobile wheel company based in Providence, RI.

It was David Fowlkes' design that made Davin Wheels so popular. While attending the Minneapolis College of Art and Design, Fowlkes created a stylish wheel composed of the base wheel and a spinner. After the car stops moving, the spinner continues to rotate, giving the appearance that the car's wheels are still in motion. Today, with 12 years of experience in the engineering and manufacturing industries, Fowlkes still puts his creative touch on all the products of Davin Wheels, where he currently serves as the President and Chief Operating Officer.

Ian Hardman, the Chief Executive Officer of Davin, met Fowlkes while they were both working at Reebok. Ian worked in marketing while David was a senior designer. Ian used his 15 years of experience in finance, operations, and marketing to help launch and run Davin Wheels. His knowledge and expertise have driven the development, expansion, and success of Davin Wheels since the beginning.

Hank Seemore, Davin's Chief Financial Officer, met Fowlkes while he was Vice President of Fleet Bank's Private Client Group. After 17 years in the banking industry, Seemore was responsible for a $200 million portfolio. Upon observing Fowlkes' prototype, Seemore and Hardman teamed up with Fowlkes to launch the company in 1998.

Davin Wheels' first product, the Revolution 1.0, made its official debut in January 2001. Since then, sales have been driven by word of mouth and celebrity plugs, including features on MTV, ESPN, and in various music videos. Davin Wheels is seen as the final touch to many celebrities' and athletes' flashy cars. The first three lines of the Revolution wheels have completely sold out, a sign that this Rhode Island company is sure to succeed for years to come on this simple, stylish product.

Fowlkes, Seemore, and Hardman join a distinguished group of Rhode Islanders who have been named Small Business Person of the Year. Small businesses are key to the economic growth in my home state, and I wish these gentlemen, and the 33,000 other small business owners in Rhode Island, great success in the future.

INTRODUCTION OF THE READING FAILURE PREVENTION ACT OF 2004

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. CUMMINGS. Mr. Speaker, I rise to introduce the Reading Failure Prevention Act of 2004. This bill would authorize the Secretary of Education to make grants to States to establish statewide screening programs for children who are 5 to 7 years of age, in an effort to prevent reading failure.

Reading failure is epidemic. Declining test scores in reading have been noted in many states. Nationally, 38 percent of 4th graders score below the basic reading level and 28 percent of 8th graders score below the basic reading level in our public schools.

The Reading Failure Prevention Act of 2004 proposes that the grants be used to screen incoming students for traits that indicate dyslexia or other reading failure risks. It would also provide adequate professional development for personnel who administer the screening programs. Dyslexia, often referred to as a language based learning disability, is the most common form of learning disability. Approximately 15–20 percent of the population has a learning disability and, according to the National Institutes of Health, 60 percent to 80 percent of those with learning disabilities have problems with reading and language skills. Predictions for the coming decades indicate that the number of children with learning disabilities will increase for associated social, economic, and educational reasons.

In spite of the fact that reading success in early grades is an essential basis for success in later grades, current methods of identifying children as learning disabled rely on a "wait and fail" model, where children must demonstrate severe academic problems before remediation is rendered. The Reading Failure Prevention Act of 2004 allows for the early screening of children so that remediation can begin immediately.

Because reading disorders, such as dyslexia, often affect oral language functioning, individuals with these disorders are at a disadvantage as they enter their adolescent years when language becomes more central to peer relationships. Being at odds with the mainstream environment causes these children to experience great stress, creating social and emotional adjustment problems. Usually, they become vulnerable to feelings of low self-esteem and suffer from frustration and anxiety. If these students are not met with proper intervention, they can begin to experience academic failure. However, when learning disorders, such as dyslexia, are caught early by trained professionals, learning strategies and proper treatment can help them to succeed academically and to develop a positive self-image.

I believe that this legislation will be a very important step in ensuring that our nation's children are adequately prepared for lifelong reading success. I urge my colleagues to join me in this effort by co-sponsoring the Reading Failure Prevention Act of 2004.

ARKANSAS CHAPTER OF THE LUPUS FOUNDATION OF AMERICA

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. ROSS. Mr. Speaker, Monday, May 10, marks the first observance of World Lupus Day. Coordinated by the Lupus Foundation of America, this event will focus on accurate lupus diagnosis, improved patient healthcare services, and increased research into the treatment and cure of lupus. I am pleased the Arkansas chapter of the Lupus Foundation of America will host World Lupus Day activities. The chapter has scheduled a public open house on May 10 in its main office located in Hot Springs that will feature a live radio broadcast on KLAZ–105.3, videos of lupus patients sharing their experiences, and dissemination of educational materials.

Started in October 1993, in the guestroom of the founder's home, the Arkansas chapter of the Lupus Foundation of America has grown to 200 members and serves the entire State of Arkansas. Mrs. Jamesetta Smith saw the importance of starting the chapter when she and her husband moved to Arkansas in 1992. As a lupus patient herself, Jamesetta knows about the importance of education and support for those directly and indirectly impacted by the devastating disease. Lupus patients need someone to talk to who understands and knows firsthand about the physical and emotional challenges that lie ahead. To help these individuals, the chapter's Hot Springs and Ft. Smith offices host monthly support groups, free of charge. To support the Arkansas chapter's many efforts and awareness activities, patients, family members, and supporters come together regularly to raise funding.

It is estimated that nationally 1 out of every 185 persons has lupus. According to the Lupus Foundation, about 1.5 million Americans have a form of the chronic, incurable disease that can result in severe joint pain and swelling, fevers, fatigue, and other health effects, including organ failure and death. Needless to say, lupus is a widespread disease that touches the lives of millions of Americans. I am glad Mrs. Jamesetta Smith, Founder of the Arkansas Chapter of the Lupus Foundation of America, took on the challenge of developing and implementing a chapter and based it in my Congressional District. She and the chapter's volunteers are to be commended for their hard work in informing Arkansans about the symptoms and health effects of lupus and providing important facts to help the public better understand the impact of the disease.

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NEGOTIATIONS ON SHANNON AIRPORT SHOULD NOT PROCEED UNTIL ECONOMIC IMPACT STUDY IS COMPLETED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I rise today with my colleagues, Chairman HYDE, Ranking Member OBERSTAR, and Rep. PETER KING and DONALD PAYNE, to introduce legislation on a critical and timely issue of interest to both U.S. and Irish companies operating in western Ireland and the impact on jobs in that region. The concern arises out of negotiations between the United States and Ireland that will determine the status of Shannon Airport, an important gateway for commerce and tourism between our two countries.

Under the "dual gateway" policy international carriers currently operating flights between to and from the United States through Dublin are required to undertake an equal number of flights to Shannon Airport and Dublin Airport over each calendar year.

The Dual Gateway Policy Review Act we are introducing today provides for an economic impact study proposed changes to the "dual gateway" policy might have on U.S. businesses operating in western Ireland, Irish businesses operating in and around Shannon Airport, and U.S. air carriers serving Ireland.

This matter came to my attention recently through the persistent efforts of Dana Rosemary Scallon, a Member of the European Parliament representing much of western Ireland, the region that would be most adversely affected by changes actively under negotiation between Washington and Dublin. In fact, it is my understanding that talks are underway this week in Washington between American and Irish negotiators.

At Ms. Scallon urging, I arranged for us to meet with the chief U.S. aviation negotiators in February, here in Washington. I was shocked and dismayed to learn that no consideration whatsoever had been given to the potential loss of jobs and negative economic impact that such a policy change would have on western Ireland.

A key element missing from these talks—a glaring omission in my view—is an expert assessment of the economic impact of changing the status of Shannon Airport, an economic hub critical to development in western Ireland and the estimated 140 U.S. corporations operating in the region. My legislation would correct this shortcoming.

Mr. Speaker, in a series of meetings arranged last week by Ms. Scallon, I met with representatives of scores of U.S. corporations deeply concerned over the potential impact of modifications or discontinuance of the "dual gateway" policy on their operations. Approximately half of U.S. investment in Ireland is made in the western part of the country. Many of these corporations have made sizable investments in western Ireland and are keen to maintain their presence in the region, but would be forced to reevaluate their positions should Shannon Airport's status be downgraded.

These business executives estimate that 40,000 jobs on the western corridor from north of Galway to south of Limerick are directly affected by Shannon Airport. An additional 80,000 jobs are indirectly affected by Shannon operations according to these business representatives. I also met with local leaders along the west coast who were united in their concern over the likely economic and social consequences of a downgrading of Shannon Airport's status. Business leaders from County Donegal warned of the ripple effect their region would feel from such a change.

The potential threat posed by possible changes to the "dual gateway" policy have galvanized U.S. business executives representing many different sizes and types of enterprises along the west coast to speak out with a single voice on this matter. They highlight the fact that Shannon Airport is a major access point to and from the U.S. and European cities necessary to sustain and promote development and growth in the region.

Mr. Speaker, for nearly six decades Shannon Airport has served as a vital gateway for the United States to Ireland and beyond. Indeed, many Americans, including me, trace their family roots back generations to counties along the rugged western coast of Ireland. Hundreds of thousands of American tourists pass trough this gateway each year. An estimated 140 U.S. corporations have come to rely upon Shannon Airport as a vital gateway to doing business in western Ireland.

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RECOGNITION OF UPCOMING ELECTIONS IN BELARUS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to again bring attention to the upcoming elections in Belarus.

The current leader, Aleksandr Lukashenko told the National Assembly on April 14th, "The new parliament that is to be elected this fall should include representatives of all groups aside from "businessmen, merchants and capitalists."

At a time when Belarus desperately needs business and entreuprenuers, it is appalling that the Belaursian leader would declare that candidates with business backgrounds or professions would not be allowed to run or to serve in the Belarus Assembly.

In response to this repressive political environment, we need to focus our efforts on helping to promote the institutional survival of the country's democratic political organizations and helping their leaders and activists prepare for political and public policy.

The important thing for the current regime in Belarus to understand is that Washington and the world are watching.

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HONORING FLAG CITY USA

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. OXLEY. Mr. Speaker, it is my honor to commemorate the 30th anniversary of the official designation of my hometown of Findlay, Ohio, as Flag City USA.

Findlay's spirited celebration of Flag Day dates back to 1968, when an area businessman shared his passion for Old Glory with the community. John B. Cooke, a member of the Sons of the American Revolution, determined that every household in Findlay should display the flag on June 14. Speaking to industry and community groups throughout Findlay in support of this idea, he spearheaded a successful effort to purchase 14,000 flags. Area Boy Scouts, Girl Scouts, and Camp Fire Girls distributed these flags to area households and businesses.

My predecessor in Congress and former boss, Jackson Betts, recognized this achievement in a speech to the House on June 12, 1968. "The strong patriotism of residents of my district," he said, "has rarely been better exhibited than the present project which will make Findlay, Ohio, Flag City USA on June 14, 1968." Congressman Betts also contributed a flag flown over the U.S. Capitol to Findlay's Flag Day display.

The event was heralded in the House by my immediate predecessor in Congress, Tennyson Guyer. On May 7, 1974, Congressman Guyer introduced a joint resolution to designate Findlay as Flag City USA, citing the 1968 Flag Day event and the dedication of a plaque in Findlay to our armed forces on that day. This Friday, May 7, I will join my constituents at an event in Findlay hosted by the Hancock/Flag City Heritage Commission to commemorate the 30th anniversary of this resolution.

Mr. Speaker, the people of Flag City know that Old Glory is far more than a piece of cloth. This point was most clearly illustrated in 1989, after the Supreme Court upheld flag burning as a protected act. More than 2,000 area residents gathered in Findlay's Dorney Plaza to celebrate our flag end express their strong opposition to this ruling. I was proud to join them at this event, where they presented me with a petition containing more than 5,000 signatures objecting to the Court's act.

Our flag has never gone out of fashion in Findlay, but the post-September 11 era has brought even more poignancy to the banners readily seen throughout our city. They remind us of the debt we owe to the brave men and women who fight in defense of our freedom—both those protecting our homeland domestically and those engaged on our behalf across the globe.

As I go to work each day and see Old Glory flying over the Capitol dome, I reflect on our enduring freedoms celebrated each day in Findlay and in towns and villages throughout the nation. Our flag remains the most visible symbol of our nation and of the liberties we have too often taken for granted. It is a unifying sign in times of peace and war, renewing pride in America and continued hope for our future.

It has been three decades since we were officially named Flag City USA, but Findlay's spirit of patriotism has shined brightly throughout its history. I salute the hard work of the Hancock/Flag City Heritage Commission for coordinating this commemoration, and thank all of the fine citizens of our community who maintain the pride of Flag City USA. They remind us that ours is the greatest nation on earth, and that our city is brimming with the American spirit.

NATIONAL TEACHER DAY

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. STENHOLM. Mr. Speaker, I want to take time to recognize an important group of individuals who are being honored today, Tuesday, May 4, National Teacher Day.

Growing up in Stamford, my own teachers played an important role in my upbringing. It is one reason why I chose to become a teacher myself.

Since starting out as a vocational agriculture teacher, education has been a passion of mine. That is why I now spend so much time in our schools. And I certainly realize the important role that teachers play in our children's lives. Our teachers go above and beyond the call of duty time after time to help their students learn and be successful.

I'm happy we take this day to honor those who have chosen to enter this profession. It sometimes can be a thankless job. But it is rewarding to see the kids grow and mature before your very eyes—even after they have left your classroom.

I am pleased to cosponsor several pieces of legislation that support America's teachers, including:

The LEARN Act (H.R. 1643), legislation that would provide a $2,000 tax credit to teachers and principals who work in low-income schools.

Student loan forgiveness legislation (H.R. 1751, H.R. 934 and H.R. 2811), designed to result in the recruitment of new and talented teachers to educate the next generation of students. These bills would provide student loan forgiveness up to $17,500 to a teacher who teaches for five years in a low-income school, rural school or in high-demand subjects such as mathematics, science, special education, foreign languages and bilingual education.

The Social Security Fairness Act (H.R. 594), which would end unfair discrimination against Texas teachers and other public employees who currently are denied the Social Security survivors benefit. I strongly support this legislation, and have signed a discharge petition that would bring H.R. 594 to the House floor for a vote.

As a former educator and grandfather of three, I will continue to be concerned about providing the best educational opportunities to all American children. Yet, the successful education of this nation's children is inextricably tied to the quality of the teachers educating them. We must provide the proper financial and workforce incentives to retain the dedicated core of education professionals who daily shape the hearts and minds of the children of West Texas.

Today we recognize this important and influential group of people. My hat is off to our Texas teachers. And I encourage all Americans to take time on Tuesday to thank our teachers for the great job.

RECOGNIZING CARNEGIE MEDAL FOR NEIL JAY ROSENBERG

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. LANGEVIN. Mr. Speaker, I rise today in honor of the late Mr. Neil Jay Rosenberg, formerly of Westerly, Rhode Island, who will be awarded the Carnegie Medal for his heroism on the morning of July 17, 2002. This year, 19 individuals from throughout the United States and Canada will receive the Carnegie Medal for risking their lives to an extraordinary degree while saving or attempting to save the lives of others. The medal and $3,500 grant will be presented posthumously to Mr. Rosenberg's father of Brooklyn, New York.

Alerted to a fire in the livingroom of his family's two-story house on July 17, 2002, Mr. Rosenberg quickly evacuated his step father, Robert L. Ingram, who required the use of a wheelchair. He then turned back into the house where his girlfriend, Tara Verrier, and two half sisters, Crystal L. and Carol Ingram, remained on the second floor. Tragically, neither Mr. Rosenberg nor the others survived the fire.

Mr. Speaker, I hope our colleagues will join me in honoring a true hero, Mr. Neil Jay Rosenberg, for sacrificing his life in the hopes of saving others.

HONORING MR. HOTS MICHELS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. HYDE. Mr. Speaker, I rise today to call your attention to Hots Michels, one of Chicago's best liked and most enduring entertainers. During his 50-year musical career, Hots has played for three different Presidents and many famous people Including Zsa Zsa Gabor, Abbott and Costello and Bob Hope.

In case you didn't know it, the "piano bar" began in Chicago, where people would gather around a piano and sing away their troubles to a wonderful guy like Hots.

Hots started in the old Sherman House Hotel at Clark and Randolph in Chicago. It was the original piano bar across the street from City Hall where politicians, union leaders and the media gathered. More recently he has been playing at the Chicago Chop House for the last 18 years, entertaining the throngs of individuals visiting the "Windy City."

On May 2, the Chicago Sun-Times featured Hots Michels in an article entitled, "'Piano Player to the Stars': Hots Michels." Today, I am pleased to share this article with my colleagues in recognition of Hots, a guy who still knows how to pack them in.

"PIANO PLAYER TO THE STARS": HOTS MICHELS

Strangers in the night are the only people who tip piano player Hots Michels. He's got too many pals.

"I was never a tip guy, mainly because people knew me too well," Hots says. "I'd be in business with them, how could I take a tip? And I wouldn't want to; it would have to be from a stranger."

Hots has a fishbowl on his piano in the Chop House, just in case any strangers drop by.

Hots Michels is the original Chicago piano bar guy. The gang at the bar in the Chicago Chop House busts his chops and calls him "the pianist to the stars!" He has tickled the ivories for the likes of Zsa Zsa Gabor, Abbott and Costello, Bob Hope, Don Rickles, Sidney Poitier, Nat King Cole and Wayne Newton. One night while plunking the 88s at the Sherman House, he saw a face peek through the curtains from the dining room. The face belonged to another piano player who had just retired and was on a book tour. Hots says, "The maitre d' came over to me and said, 'President Truman would like you to join him.'"

He's had pops with three different presidents (Truman, Reagan, Bush I) and said prayers with the Pope. He's been playing piano in saloons for more than 50 years. How old is he? "That's an unpublished number."

He's no teenager but he sure looks good for his age.

Hots started out in Little Flower Parish near 79th and Ashland. How did he get the name "Hots"?

"I have no idea," he says, "It has nothing to do with music."

Did your parents name you Hots? "Hots Michels, yeah." Gotcha.

His dad, Walt, was a musician and songwriter, and Hots must have it in his genes. "I play by ear, I can't read music. I don't know what it was, but anything that had to do with a formal education, I just went south. I have no idea how I really got to play the piano, but hey, thank God."

Chicago Chop House owner John Pontarelli says, "He can probably play 2,000 songs."

The piano bar was born in the old Sherman House Hotel at Clark and Randolph. Hots says, "They had the College Inn, the Porterhouse Room and the Well of the Sea. We had strolling violins at the Porterhouse Room, and in between was a little lounge where people would sit and wait to be called to a table. Someone got the idea, just put a piano in there and entertain 'em while they're in there. Then someone said, well let's build a bar around it. All by accident, it wasn't planned. They did, and it's hard to believe but people would wait in line to sit at the piano bar because it was so new." It's karaoke with class.

The Sherman House was across the street from City Hall. Pols would wander over for a couple of carnables along with union leaders and media folk, and most of them became friends with Hots over the years. Along the way he was involved in a multitude of schemes.

"Piano was never enough for me. I was involved in other things all my life. I had a small loan business, used cars, Christmas trees, launched a new lipstick, bubble bath, radio stations in Alaska, Mill Run Playhouse, video games. I had a detective agency. We were in the slot machine business, drilled oil three times in my life, had a burial vault company in Melrose Park, and on and on and on."

Hots and his friend Hal White raised championship hogs in their backyard in Beverly and entered them in an international livestock show. "We took grand champion of the show."

On the wall next to his piano is a picture of the two city slickers crossing the Rock Island Line tracks with their two prize pigs, Lightgreen and Coolbreeze.

Hots used to wear a turban at the piano when he was doing his act, "The Musical Wizard of Mental Telepathy." Folks would conceal the name of a song on a piece of paper and Hots would tear it up and play it for them on the piano. The gang at the Chop House says, "Carnac stole his act!"

He's been playing from 5 to 8 p.m. every weekday at the Chop House for the last 18 years. The joint is drenched in Chicago history with thousands of photos of the toddling town's sinners and saints, including Sally Rand sitting nude on a horse, a gallery of gangsters and every mayor in the history of the city. Grab a stool at the piano bar and request a tune from Hots. If you feel like singing, he'll be your accompanist. I ask him what's the most requested song and he says, "'As Time Goes By,' requested by the young and the old." It's still the same old story.

If you're lucky, Joe Sullivan might stop by to do some crooning at the bar. Hots says, "He owns Clark & Barlow Hardware, but Joe could have easily made it in show business. He brings down the house." I've watched Pete Nolan warble here with hand moves and phrasing that rival Sinatra's.

It's not just the music that draws you to Hots' piano. There's a camaraderie among those half-dozen stools as we listen to him play his favorites. One night Charlie Carey and I were chillin' with Hots, and Charlie mentioned that he was on his way to Washington, D.C. Hots picked up the phone next to his piano, called his best friend, U.S. Rep. Henry Hyde, and handed Charlie the phone. Lobbyists charge heavily for that kind of clout, but Hots was just putting two pals together.

After a half century of playing piano in saloons and more than a few cockeyed business schemes, Hots tells me, "I have no beefs."

He's been around long enough to know that only suckers beef.

CONGRATULATIONS TO GIRL SCOUTS ON THEIR 92ND BIRTHDAY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor an American icon and an organization that we all know well, Girl Scouts of the USA. This year, Girl Scouts is celebrating 92 years of service to our communities and our nation. For 92 years, Girl Scouting has made a remarkable difference in the lives of girls in so many ways.

The Girl Scouts is an organization that has always been ahead of its time, and the experiences that girls have in Girl Scouting today are profound. For example, they travel the world, learn about science, math and engineering by working with some of the most innovative thinkers in these fields, and perform community service projects that are literally changing many of our communities for the better.

In March, I had the opportunity to meet with Girl Scout representatives from my district who came to Washington, D.C. with nearly 600 other Girl Scout executives, professional staff and volunteers from across the nation. The Girl Scouts/San Diego-Imperial Council is the council that serves girls in my district, and I am proud of their work and leading expertise on the challenging issues affecting girls in today's world. This council serves over 30,000 girls in San Diego and Imperial Counties.

During their time in Washington, the representatives of Girl Scouts were discussing a very important issue: safety for girls. I am impressed by their dedication to helping all girls feel emotionally and physically safe, secure and strong. In our contemporary society where child abductions, rampant abuse and other violence against children occurs too frequently, their task is extremely important. I commend the Girl Scouts for their national and local leadership on this issue.

Through a nationwide call to action, Girl Scouts of the USA is leading an effort to create communities in which all girls feel safe and empowered. I ask that schools, churches, youth-serving organizations, Congress, and other government entities join with Girl Scouts to bring attention to this very important issue. All of our nation's children deserve to feel safe, secure and strong.

Mr. Speaker, in conclusion I congratulate Girl Scouts for a job well done and look forward to working with them on ensuring the safety of our nation's youth.

H. RES. 598 RECOGNIZES THE VALUABLE CONTRIBUTIONS OF MILITARY IMPACTED SCHOOLS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. REYES. Mr. Speaker, I rise in support of H. Res 598, sponsored by my colleague Mr. HAYES of North Carolina. The resolution recognizes the valuable contributions of military impacted schools, teachers, administration, and staff for their ongoing contributions to the education of military children.

The federal Impact Aid program has been assisting school districts since its inception in 1950. The Impact Aid program provides financial assistance to school districts that are limited in their ability to raise local revenue by the presence of tax-exempt federal property, and must educate larger numbers of children because of the presence of federal employees. The program provides formula grants to cover a portion of per pupil education costs, as well as grants to support construction and maintenance needs.

This program has been a life-line for many school districts like the El Paso Independent School District (EPISD), which I represent, whose annual budget includes a significant amount of federal Impact Aid funds.

Fort Bliss, Texas, also located within my district, is home to the U.S. Army Air Defense Artillery Center as well as the Army's Sergeant Major's Academy. Fort Bliss is also a major employer in my district. The children of troops and civil servants at Fort Bliss attend EPISD schools.

I ask my colleagues to support our troops, their families and this resolution. I would also urge my colleagues to support H.R. 932, a bill sponsored by my colleagues Mr. KIRK and Mr. LARSON. This bill would make Impact Aid an entitlement for our local education agencies.

This is a fair, just and more efficient way to fund our federally impacted schools.

COMMEMORATING 20TH ANNIVERSARY OF CENTRO ROMERO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to commemorate the 20th anniversary of Centro Romero, a community-based organization that has been serving Salvadoran immigrants in the Chicago communities of Rogers Park, Edgewater, Ravenswood, and Uptown. Since its founding in 1984, Centro Romero has served Latino immigrant and refugee populations by providing services to adults and children to help them overcome barriers of integrating into U.S. society. last year, Centro Romero served over 5,600 clients through its adult education, women's empowerment, youth learning and leadership and legal assistance programs.

Centro Romero was founded by a group of Salvadoran refugees living in Chicago who wanted to assist other incoming Central American refugees arriving in the United States to seek safe haven from the political and civil repression and human rights abuses that were plaguing the region during the 1970s and 1980s. Centro Romero is named in honor of Archbishop Oscar Romero, a Salvadoran Roman Catholic cleric, on behalf of his service of the poor and oppressed people. Archbishop Romero was assassinated in 1980 for his outspoken denunciations of the ruling elite and his defense of human and civil rights during El Salvador's civil war.

Centro Romero began its work in Chicago communities by providing basic services such as food, job placement, housing orientation and immigration procedures. Today, Centro Romero provides these services and has added a women's program and youth program to address additional needs in the growing Latino community.

Today, in the House of Representatives, I would like to extend my congratulations and appreciation from the grateful communities of Chicago to the dedicated staff and volunteers of Centro Romero for their many contributions providing vital information and essential services for the Latino communities. All of us who live in the Chicago area are fortunate to have Centro Romero in our midst and we all benefit from its unparalleled commitment to improving our community.

JOIN ME IN IMPROVING INSURANCE FOR DISABLED VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. FILNER. Mr. Speaker and colleagues, I rise today to urge support for improvements for veterans who have become disabled in their service to our country. I have introduced H.R. 4229, the "Fair Insurance for Disabled Veterans Act" to address this need.

First, when the Service-Disabled Veterans Insurance, SDVI, began in 1951, it was intended to provide service-disabled veterans with the ability to purchase life insurance coverage at "standard" rates.

Unfortunately, these life insurance premiums are based upon mortality rates for 1940, while current standard life insurance policies have premiums based upon the 2001 mortality table. This means that service-disabled veterans are being charged premiums based on a table that is 60 years out of date. The Independent Budget, prepared and endorsed by many veterans service organizations, has recommended that the mortality table be updated so that service-disabled veterans pay lower premiums for insurance. My bill would provide insurance comparable to standard policies, based on 2001 tables.

Second, the VA provides mortgage life insurance, VMLI, up to $90,000 to severely service-disabled veterans who qualify for specially adapted housing grants. Currently, this amount covers only about 72 percent of the outstanding mortgage balances because the maximum amount has not been increased since 1992. We know how the cost of houses has skyrocketed since then in many areas of our country! In May, 2001, an evaluation by the Department of Veterans Affairs recommended that the coverage be increased to between $150,000 and $200,000. The Independent Budget has also recommended that the coverage be increased. H.R. 4229 implements those recommendations by increasing the maximum to $200,000 to cover 98 percent of mortgage benefits outstanding.

I invite my colleagues to support H.R. 4229 to improve insurance policies for our Nation's service-connected disabled veterans.

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